

Carleton University

Traveling Third Class: Regulating the Transport of Farm Animals in Canada

**A Thesis submitted to
the Faculty of Graduate Studies and Research
in partial fulfillment of the requirements
for the degree of
Master of Arts**

Institute of Political Economy

**by
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**Ottawa, Ontario
Canada**

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Ottawa ON K1A 0N4
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Your file Votre référence
ISBN: 978-0-494-43484-0
Our file Notre référence
ISBN: 978-0-494-43484-0

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Abstract

This thesis explores the ways that stakeholder's in the animal industries attempt to guide animal welfare policy outcomes, based on the case study of the debate currently taking place in Canada around proposed amendments to the Health of Animals Regulations, which governs humane transport. Involved in this debate are industry groups, animal advocacy groups, and multiple levels of government, each of which frames the issues in ways that support particular regulatory responses. The research draws on the policy theory of Deborah Stone in order to examine the power dynamics in these negotiations. Through an examination of the discourse of 'sound science', economics-as-science, and the 'public interest' this thesis argues that the amendment process of humane transport is strategically framed by government and industry stakeholders in order to download decision-making authority onto the livestock industry itself, thereby limiting the potential for the effective regulation of the transport of agricultural animals.

Acknowledgements

I would like to thank both of my supervisors, Professor Peter Andree and Professor Lisa Mills. Lisa, for her encouragement to follow my heart in deciding on my research focus, and Peter for his enthusiastic guidance and advise along the way. To Donna Coghill, who has now attained sainthood in my books, my endless thanks for the countless ways in which she made this achievement possible for me, and for always being a grounding point which helped me to keep an eye on the finish line. To Professor Rianne Mahon and Professor Iain Wallace who, along with Donna, Peter, and Lisa offered support and sympathy during a difficult time towards the end of this project.

My greatest appreciation is extended to all those who participated in this thesis. I would especially like to acknowledge those who recognized the politically difficult issues to be addressed in this research and still offered their time, thoughts, and perspectives.

This thesis and all that it may lead to would never have been realized without the lifetime of education, encouragement, and inspiration that my family has given me. It has been my great fortune to have such compassionate, conscientious, and creative role models in my life, something for which I am eternally grateful.

To the Girls, Nikki, Mel, and Una who have put up with my hectic schedule, and frantic behaviour, always proud of me and ready to help whenever needed, To Una, whose author's eye poured through these pages in the final drafting stage, I look forward to repaying the favour and reading the first novel.

To Magi, Delilah, Mit, Mamma, and Townes who make the world make sense.

Finally, to Paul, who makes the finest cup of tea this side of Jackson, whose gastronomic repertoire fed my research saturated brain, who engages in my rants, who brings me back to earth, who is such a creative inspiration, and who is my greatest companion and accomplice, I express my endless love and appreciation.

This thesis is dedicated to the Peanut who I hope will learn the truth of compassion in this world.

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Introduction

Over the last forty years the practices and principles of industrial animal agriculture have been met with increasing contestation and dissent. While concerns regarding the treatment of animals used for agricultural purposes was mobilized much earlier with the creation of the Royal Society for the Prevention of Cruelty to Animals in 1824, the increasing industrialization and mechanization of agriculture in the late twentieth century has re-invigorated these concerns. Seeking ways to address the protection of farmed animals, individuals and groups have attempted intervention through various courses of action. Such efforts include contributing to the rapidly expanding body of research in the animal welfare sciences, joining civil society groups who support particular agricultural principles, purchasing products that have certain ethical attributes, and participating in civil disobedience activities. Government has responded to these concerns by featuring animal welfare in the development of agriculture programs. Similarly, industry groups have responded with the development of national committees and provincial councils mandated to educate industry members and the public about animal welfare. Industry-led quality assurance programs include animal welfare assessment tools to help guide producers to avoid or address welfare problems if they arise.

However, this circuitous debate is not being resolved as a result of these demands and responses. In fact, the controversy is deepening, as dramatically evidenced in the United States by the naming of groups such as the Animal Liberation Front as a primary terrorist threat by the Department of Homeland Security in 2005 (Rood – Congressional Quarterly). Needless to say, the Canadian approach to the issue of animal use has been less confrontational - focusing more on consultation, education, and research. Nonetheless, this has still not led to resolution on many of the public concerns regarding

the use of animals in agriculture. When industry groups claim to be addressing the public's concerns, these actions are often perceived by animal advocacy groups as token gestures aimed at diverting attention from the real issues. In this view, the debate appears to be dichotomized between animal activists and agricultural industries.

Aware of this dichotomy, I began this research project wondering: What is the role of government on the issues of animal welfare? What is the government doing to facilitate resolution about these ethical concerns? Where is/are the disjuncture(s) in the process of making policy-decisions which seems to prevent the substantial concerns of the public from reaching the table? Essentially, how is animal welfare framed in Canadian policy debates and to what extent does this help or hinder advancements on farm animal welfare? Questions such as these were the springboard for this project.

Broadly, this thesis is an examination of the competing claims regarding the welfare of animals in Canadian agricultural systems. As a case study for how these claims intersect on a particular issue, the focus is on the current consultation and amendment process of the Health of Animals Regulations, Section XII which governs humane transport. Exploring the positions and claims of participants in this process has revealed that a substantial 'disconnect' exists between rule-making at the level of policy and those who work directly with the rules, such as inspectors and transporters. Indeed, examining the 'subjugated knowledges' of operational workers who are at the 'front lines' of humane transport as truckers and inspectors has helped to reveal some of the ways that power is operationalized in this debate. Furthermore, this study illustrates how the substantive ethical concerns of farm animal welfare forwarded by the public are reinterpreted by decision-makers through the lens of reductive science, and economics-as-science. Based on this examination my thesis is that the debate of humane transport is

strategically framed by industry and government stakeholders in order to download decision-making authority on the goals and designs of regulation to the livestock industry itself, severely limiting the potential for the effective regulation of the transport of agricultural animals.

This thesis is divided into six chapters. The first chapter frames the theoretical approach adopted in this thesis, with reference to the works of critical feminist theorists such as Donna Haraway, Joan Tronto and Janel Curry. The relational epistemology forwarded by these theorists is reflected in the ontological toolbox offered through the policy theory of Deborah Stone. Some of the key elements of Stone's theory employed in my study are highlighted. This chapter ends with a look at the methodology employed in conducting this study.

Chapter two positions this research within the broad political economy of animal agriculture. It begins by outlining the trend towards industrialized agriculture that has marked the latter half of the twentieth century and locates Canadian policy within these shifts. These larger processes are scaled down to their reflection in particular practices and ultimately their impact on the animals within this system. With these changes in mind, the discussion then looks at the role and mandate of the Canadian Food Inspection Agency as the central regulatory body in this debate, and finally I introduce the Health of Animals Regulations Section XII and the amendment process underway.

Chapter three provides a broad overview of two of the key discourses involved in this debate: science and ethics. The discourse of science plays a central role in policy-level animal welfare debates. Thus, the discussion here focuses on the demarcations of science which strategically define 'sound science' in order to forward a particular definition of welfare. A critical analysis is offered regarding the authoritative role of

reductionist science in this debate. While a large part of the argument advanced here is that the separation of science and ethics is fabricated by the reductions of positivist science, this separation is maintained in chapter three for hermeneutic purposes, in order to facilitate an examination of this claim. In the next section, the historical and philosophical foundations of contemporary animal rights and animal welfare theories and debates are outlined. Here, I offer what I perceive to be a substantial definition of animal welfare drawing on the work of Bernard Rollin.

The fourth chapter introduces the decision-making process around amendments to the Health of Animals Regulations. The purpose here is to illustrate how the different groups involved in this debate frame the issues and forward their arguments. In conducting this analysis I have separated interview participants into four categories: industry, animal welfarists, policy brokers, and operational workers. This distinction draws boundaries between people whose real ideas and goals are much more complicated and dynamic than their 'category' suggests. However, there were overarching themes which linked the perspectives within each group. These themes are explored here.

In chapter five I draw on the positions developed in the previous chapter in order to examine how power is operationalized in the humane transport debate which assigns industry command over negotiations. I explore how the ideological power of neoliberalism influences this debate through guiding the actions and agendas of the animal industry, from governing agencies to the work of transporters and producers. In turn, the reflection of this ideology in the structures and institutions of the livestock industry is considered. Further, I look at how these broader forces are sifted down through the strategic interpretation of policy goals and issue specific policies, and through the use and dissemination of information to incur public support and legitimize the authority of

industry. Power is also revealed in the strategies of exclusion which demarcate participation in this debate. I end with an examination of the subversive potential and powerful implications of agency in this debate as a disruptive force in the dominant discourses shaping negotiations around humane transport.

Chapter six offers some concluding thoughts on the market-oriented direction of animal welfare politics and the discourse of 'sound science' in this debate. I examine the information gained through the 'subjugated knowledges' of this study, addressing the importance of agency as a function of power, and reconstituting the public as an important player in this debate. I advance the notion that an alternative possible future exists for the regulation of humane transport as evidenced by the knowledge revealed in this research and by the voices of resistance woven throughout this debate. In offering this research as my Master's thesis I hope to contribute valuable information and ideas to an ongoing conversation about how we should address the ethical questions regarding animal use in agriculture.

Chapter 1: Theorizing Public Policy around Animal Welfare

The contentious boundary between morality and politics is critical to the construction of animal welfare as a public policy concern. Caring about animals does not easily fit in the purportedly rational and neutral world of policy and regulation. Nevertheless, avoidance of the subjective and value-laden nature of animal welfare will likely have the effect of limiting constructive dialogue and advancement on this issue. In terms of my research, these observations imply several important considerations in regards to my theoretical approach and framework. These include: articulating my own conception of the nature of knowledge formation that will inform my approach to this subject; reflecting on my own subjective views throughout the process; developing an analytic framework that allows expression of the ideas implicit in policy discourse and formation; articulating the interpretation of animal welfare, derived from my research, which I suggest should be the goal of advocacy on this issue; and utilizing a research methodology that allows me to access and examine the values implicated in this debate.

In this chapter I cover the epistemological and ontological framework of this project. In the first section, *A Theory of Knowledge* I explain my approach to this research as informed by the epistemology articulated by critical feminist theorists such as Donna Haraway, Joan Tronto, and Janel Curry. This relational conception of knowledge production speaks to my own perception that ideas are defined within and through the human relations in which they are contextualized and embedded. Complementing this relational conception of knowledge production, I then explicate the conceptual *Toolbox* offered by Deborah Stone. Stone engages in a social constructionist view of policy theory and politics. This ontology provides a comfortable framework of analysis when coupled with the particular view of knowledge production forwarded by critical feminist theorists.

As a backdrop to my research this theoretical body of work helps to unpack the strategic framing of knowledge and reveals the importance of alternative knowledges in the face of dominant ideologies and structures of power. Through the lens of this theoretical framework my thesis that humane transport regulations are being largely directed by the industry agenda is grounded in the perspectives and claims of participants in this project.

A Theory of Knowledge

To advance the cause of animal welfare requires a positioning of oneself in terms of this moral debate. The human-animal relationship is rooted in a long history of cultural, social, and political norms and beliefs which subtly and overtly inform contemporary conceptions of this relationship. Some of this historical influence will be considered in chapter three; for now I want to emphasize that examining this relationship entails questioning the epistemological assumptions through which we approach it. Much of our current understanding and positioning of the non-human animal is informed by the discourses of science and rationalism that provide ‘answers’ to things that we can not logically explain, experience, or understand. While religion has also greatly influenced the hierarchical conception of the animal kingdom, examining this is beyond the goals of this paper. Therefore, as will be discussed anon, animals have dominantly been perceived as the object of human study, however not as the subjects of life in and of themselves. Questioning the epistemological assumptions of scientific and rationalist world-views opens the door to reconstructing the human-animal relationship through our own subjectivity rather than through the complacent acceptance of ideological norms. In doing

so we may begin to understand animals through the former conception of their status, revealing the moral implications of animal use and suffering. Indeed in this view, it appears that we are ethically bound, if we desire to attain a good and just society, to seriously consider and address the ethics of animal use. In positioning myself and this research in terms of this moral debate I begin by exploring the conception of knowledge production which informs my position.

While the separation of morality from politics is arguably a fabrication aimed at simplifying social interactions and negotiations, in policy development ethical debates are often framed as ‘objective’ or ‘neutral’ determinations. The hidden subject of decision-making is facilitated by reliance on “false universalisms” (Curry 2002, 122), or those knowledge claims which assert freedom from interpretation or representation. Both the discourse of science and the “rational ideal” (Stone 2002) are universalisms or reductionisms which play an important discursive role in this debate. Although universal moral principles may be helpful in determining common denominators in some ethical debates, decisions based on universally applicable theories do not recognize the complexity, particularity, and context-bound nature of political/social dynamics. Moreover, the boundaries drawn through ‘neutral’ application of ‘universal’ knowledges in policy-making can be revealed as strategic in their purpose and agenda.

Scientific rationality can be understood as a belief system in that it establishes a lens through which the world is interpreted. This view is rooted in Enlightenment principles such as individualism, reason, empirical knowledge, and detached objectivity (Haraway 1988 and 1991; Curry 2002). In this historically specific view of human relations and knowledge formation, humans are autonomous, self-interested, and isolable

individuals, and the scientific method of inquiry is the gateway to knowledge and information. Knowledge in this view is disengaged from human subjects and intersubjectivities, and as Joan Tronto asserts, “this conception of personhood creates the boundary between morality and politics” (Tronto 1993, 8). In this framework, morality refers to what an individual thinks is important to do and how to conduct interpersonal relationships. Politics becomes limited to the realm in which resources are allocated, public order is maintained, and disputes about these activities are resolved (Tronto 1993, 6). Conceptualizing the objectivity and neutrality of politics as isolable from the subjectivity and values of morality falsely constructs politics as immune from the influence of subjective interests, goals, and agendas.

As a framework for explaining social dynamics, the ideology of scientific rationality maintains a position of hegemony¹ in contemporary political debates. In order to begin unpacking these ideas, I begin from the basic premise that knowledge is situated (Haraway 1991) within particular groups and is shaped by the social and political relations of each group. Therefore, in examining how ideas and meanings are socially constructed in the debates of animal welfare regulation, I begin with a consideration of the particular ‘knowledges’ that inform the discourse of humane transport. This is not to claim that groups are stable or that knowledge is static or uniform within a group. Rather, in attempting to gain an understanding of the social and political dynamics of this debate, my goal is to present new knowledge revealed through my research, represented in the “view from below” (Haraway 1991, 191). Moreover, I aim to examine what this knowledge reveals about the constructed nature of the dominant discourses in this debate.

¹ This refers to Antonio Gramsci’s theory that ideologies are most effective when invisible, when their basic premises are considered ‘common sense’ and indeed inevitable, natural processes (Gramsci 1971).

Situated knowledge, as articulated by Donna Haraway, claims that all knowledge is produced within the collective experiences of power and oppression of a particular group. To Haraway, objectivity emerges through the “partial perspective” wherein disembodied objectivity and the distance of science are supplanted by a self-aware and embodied objectivity that recognizes the relational and multifarious nature of all knowledge (Haraway 1991). On the theory of situated knowledge, Sayer points to the problem that viewing knowledge as contextually particular is dangerously close to a relativist stance wherein the validity of knowledge outside of its originating framework comes into question (Sayer 2000, 52). This critique is important to address or risk creating research which is impotent outside of its particularized context. Here, I again draw on the work of Haraway who distinguishes between the “self-induced multiple personality disorder” of social constructionist relativism and, what she terms “feminist critical empiricism” (Haraway 1988, 579). In the view of the latter, real objectivity or “embodied objectivity” can only be found in ‘situated knowledges’ (Haraway 1988, 1991). Essentially what this position contends is that the purportedly objective and neutral epistemological claims of the scientific method of inquiry (which extends beyond the natural sciences and is applied to economics, ethics, and other fields of study) are false. Rather, they are attempting to perform a “god trick” by presenting knowledge as truth based on the authority assigned to the methodological principles of reductive science. Sandra Harding refers to such claims to objective truth as ‘weak objectivity’ (Harding 1995). In other words the epistemic derivations of western liberal thought are subjective, and relativist, although their normative character often makes this circumstance invisible. Conversely, embodied objectivity starts from the premise that all knowledge is situated

within particular dynamics of power and subordination. However, while knowledge can only be situated, as Haraway asserts, we can advance “epistemic advantage” to ‘subjugated knowledges’, or those positionings which may be less vulnerable to the authoritative influences of dominant claims (Haraway 1991, 191). In this view, knowledge created outside of those positionings dominated by reductive logic, may offer fuller accounts of truths. Whereas relativism avoids accountability by claiming that all knowledge claims are equal, feminist empiricism asserts that subjugated knowledges can offer a more adequate account of the world because they are not constructed through the lens of dominant epistemologies. Further, by grounding knowledge within a particular position we can sustain a critical dialogue and locate accountability for knowledge claims.

Applying this theory to research involves recognizing the predicament of the ‘outsider’ observing and listening to knowledge from these different positions. As these theorists claim, researchers can not simply relocate themselves within alternate positions in order to unearth knowledge; they can only ‘see’ the subjects of their research through the “partial perspective” (Haraway 1988, 585) embodied within their own contradictory and multidimensional self. Recognizing this ‘imperfect’ self can enable linkages between different ways of seeing and knowing without searching for a complete and perfect subject, or claiming to be a complete and perfect observer.

Annette Kuhn refers to the ‘passionate detachment’ involved in striving for the partial perspective (Kuhn 1982, 3-18). This approach to research seeks to examine subjugated points of view while recognizing the situation of the self within the research process. Mauthner and Doucet articulate the danger of subjectivity in research projects,

they write, “(t)he trouble is that researchers often fail to see much of what is there because they come to analytic sessions wearing blinders, composed of assumptions, experience, and immersion in the literature” (Mauthner and Doucet 2003, 418). My own involvement and interest in the cause of animal welfare, and my desire to contribute to the critical theory² developing around the intersection of policy and ethics in contemporary social issues, will demand persistent awareness of the perspective through which I engage in this subject throughout the research process.

Furthermore, my goal in this project is to “produce a better account of the world” (Haraway 1991) by exploring the barriers and potentialities that appear in the decision-making processes of animal welfare transportation regulation. In doing so, I hope to contribute to an on-going conversation about animal welfare as a public concern in Canada. Indeed, I hope that my research provides useful information and tools for advancement on this issue. In this way, my goal is that the knowledge revealed through this project will be relevant beyond the contexts within which it is derived. Indeed, in accordance with Sayer, the premise that knowledge is situated within a particular group does not necessitate that it applies to only this point of origin (Sayer 2000, 55).

Drawing on the work these feminist theorists, my epistemological approach to this research is oriented by a fundamentally relational conception of human dynamics and ultimately knowledge production. In order to unearth new knowledge that may help inform how progress on animal welfare might be attained, I follow the theory articulated by feminist critical empiricists who argue that such knowledge must be located outside of

² The term Critical Theory originates in the work of Max Horkheimer of the Frankfurt School. In his 1937 essay *Traditional and Critical Theory*, Horkheimer articulated Critical Theory as social theory aimed at critiquing and changing society, as opposed to Traditional Theory oriented only to understanding or explaining it.

dominant discourses in the subjugated knowledges that remain externalized to conventional framings. This school of theory supports my goal of not simply understanding the framing of animal welfare but offering a critical analysis of the current policy approach.

Toolbox

The relational epistemology articulated by critical feminist theorists is reflected in Deborah Stone's theory of policy politics as presented in *Policy Paradox: the Art of Political Decision Making* (2002). In Stone's view people and communities are mutually defining through collective ideas, the formation of alliances, and the structures of power in which they are embedded (Stone 2002, 34). Indeed, Stone's theory provides an effective bridge between my understanding of knowledge formation and social dynamics, and my research into animal welfare regulation.

First, Stone's analysis helps to 'get at' some of the underlying assumptions and concepts that shape political debates. A key concept employed in her theory is the distinction between the Market Model of society and the Polis Model. This duality represents an important deconstructive tool throughout this research as it distinguishes between differing conceptions of society which are used to forward policy goals, such as addressing the public interest. The Market Model rests on the assumption that society is comprised of individuals in competition with one another in pursuit of their own self-interest. Exchanges take place in this model in order to maximize efficiencies of trade/acquisition at the least possible cost, and conversion of materials into the highest possible price. The competitive drive is essential to increasing overall well-being in this model,

and thereby people are encouraged to be creative and productive in advancing the betterment of the whole (Stone 2002, 17-18).

The Polis Model of society, developed throughout her book *Policy Paradox: the Art of Political Decision Making* offers a much more complex, contradictory, and 'irrational' version of society based on the relational and intersubjective nature of human dynamics and identities. The Polis, as articulated by Stone, is characterized by a dynamic political life affected by social forces such as influence, cooperation, community, and passion, to name a few. Power, in this framework is realized through the strategic and complex interplay of all of these forces, and is often rooted in battles over ideas rather than simply resources. In this research the forces of *influence* and *cooperation* have been highlighted in the policy debate around animal welfare and transport. Briefly, in Stone's theory, influences such as persuasion, education, social norms and socialization, play a fundamental role in shaping peoples' desires and ideas (Stone 2002, 23). The needs and wants of society and individuals do not arise out of spontaneous logic but are generated from within a blend of multifarious influences. Cooperation, Stone argues is equally as important as competition and is a central component to politics and power. Cooperation is manifested as threads throughout a system which lubricate smooth functioning, such as in the case of rule enforcers and targets of rules. At the political level for example, establishing allies and 'enemies' is fundamental in forwarding a particular agenda.

Stone's theory is effectively a rejection of the logic and rationality of the Market Model, and a reconstruction of policy theory to incorporate these forces into the goals, narratives, and processes of contemporary policy work. While elements of the Market Model may persist in the Polis, such as seeking self gratification, they can not be

understood outside of the socially embedded characteristics of the Polis. These components of the Polis Model provide the discursive opportunity to go beyond the conventions of the Market Model and engage in a fuller and more substantive examination of the policy issue at hand.

A second important aspect of Stone's analytical framework is that it provides the means to name and thus cohesively address ideological tools. For example, 'boundary tensions' are central to her theory of power dynamics. Boundaries, she argues, work to include or exclude groups, assign or revoke privileges, and to establish classifications with strategic purpose (Stone 2002, 383). Reflected by other authors (i.e. Gieryn 1983; Levidow and Carr 1997), this conceptual tool highlights the ways that decision-makers may strategically frame issues in order to identify and delegitimize the perceived opposition, and to stake claims of authority to knowledge.

Another tool provided in her analysis is the use of 'symbols' to define political problems, she writes that "definitions of policy problems usually have narrative structure; that is, they are stories, with a beginning, a middle, and an end, involving some change or transformation" (Stone 2002, 138). Addressing discursive/normative devices as narratives makes them more visible, and facilitates an analysis of underlying assumptions and goals. Narratives and linguistic devices such as metaphors and ambiguity help to develop the causal stories used in problem definition. Legitimation of these problem narratives is often sought through the use of numbers and 'facts'. Stone's work emphasizes the importance of recognizing the narrative structures and causal stories developed by political actors as these can be understood as constructed strategically in order to forward a particular agenda (Stone 1989, 282).

Finally, Stone's theory works to re-envisage policy making as a political act, as opposed to a practice of 'rational decision-making'. On this idea she writes:

Ideas about politics shape political alliances, and strategic considerations of building and maintaining alliances in turn shape the ideas people espouse and seek to implement. In my model of the polis, I emphasize ideas and portrayals as key forms of power in policy making. This book is not so much about how people collect and deploy the 'traditional' resources of power – money, votes, and offices – but how they use ideas to gather political support and diminish the support of opponents, all in order to control policy (Stone 2002, 34).

This understanding of policy-making as politics is elemental in my examination of animal welfare, as much of this debate is a political struggle over how to treat the questions regarding the subjective nature of animal welfare as a policy issue. Stone's theory rejects the assumption that policy is rationally based on the cost-benefit analysis of policy decisions, and questions the exclusion or inclusion of policy alternatives. It critiques the overarching goals that drive policy but that are not always clearly articulated by policy-makers. Furthermore, decision making in this framework reconstitutes agency in the policy process, disabling reliance on what Stone terms 'the Rational Model' of decision making which claims that policy decisions are simply the result of a logical determining equation.

In summary, my theoretical approach to this research can be understood as informed by the relational conception of feminist critical empiricism articulated by Haraway, in conjunction with the complimentary ontological toolbox offered by Deborah Stone. As a reflection of the world as constructed through relationships between individuals and groups I feel comfortable situating myself as a researcher within this framework. Furthermore, this theory effectively facilitates my goal of 'getting at' the fundamental barriers, potentialities, strategies, and commonalities of the humane transport

debate in an effort to provide new information to the research developing around this issue.

Methodology

Starting from the theoretical position stated above, my empirical research method has held to similar basic principles. As one of my key objectives was to hear how different people would categorize things, and what ideas, concepts, or goals would be presented by different people and groups, semi-structured interviews based on qualitative research design offered the best choice for my project (Holloway and Todres 2003, 348). However, before elaborating on the interview process I first discuss some of the research decisions prior to interviews.

After becoming familiar with the science and ethics literature related to animal welfare, I began by making contact with several people involved in the field of animal welfare research. This first step was important as I found myself relatively alone at Carleton University as a researcher on animal welfare and needed some critical feedback regarding the direction of my research and preliminary thoughts. Moreover, this proved to be an important launching point for later establishing contact with people who I might either interview, or who could point me in the right direction for interviewees.

I began by developing a list of possible participants, and following my approval from the Ethics Committee I started making contact via my letter of information³ and follow-up phone calls. My list of participants was constantly fluctuating and developing

³ My Letter of Information and Informed Consent Form are annexed at the end of this thesis.

as it often took a long time and repeated attempts on my part to receive any response. Here I would like to mention some research challenges that arose during this stage.

During the course of this project the divisive and polarized nature of this debate became increasingly clear. As a researcher I contacted potential interviewees in government, industry, and other organizations and provided a description of my project, indicating why I wanted to speak with them. In the majority of cases, I received no response to multiple emails and phone calls. On one occasion I was finally turned down on the basis that the person did not want to empower the animal activist movement with more information about the regulatory process. In another circumstance, after receiving my email and project information, the potential industry participant researched my name and background. Upon finding someone at Carleton University with my same last name and an activist background, this person proceeded to inform me about the irrationality of the animal activist movement, and so on. Furthermore, many participants asked during the introductory phase whether I was an animal rights activist, or in some cases a vegetarian. It should also be noted that during the course of contacting inspectors regarding interviews they were on two occasions restricted by their office superiors from doing interviews with me based on their lack of "media training." These anecdotes from my research are, I believe, reflective of what my interviews finally revealed about the politicized framing of this debate.

Needless to say, the completion of my interviews required more time than I had originally assumed. I completed a total of fifteen interviews, averaging about one and a half hours in length. I was only able to conduct three of my interviews in person, the rest

were conducted over the phone, largely due to the fact that participants were scattered across the country. Interviews were held throughout November and December of 2007.

Participants were chosen as 'key informants' on the basis of their specialized knowledge and involvement in humane transport (Kane and O'Reilly-deBrun 2001, 209). For example, almost all interviewees had a continuing involvement in the consultation process. My questions were open-ended, tailored towards a set of predetermined themes that I wanted to hear about. These thematically based questions provided an opening to a broader discussion of particular themes. Depending on participant responses I would 'probe' on different aspects of what they had expressed (Holloway and Todres 2003, 348-352)

All except for two of my interviews were recorded and transcribed. Still, it was helpful to continue taking notes throughout interviews and afterwards, to remind myself of key messages and reiterated themes. Following the completion of interviews, I began reading and re-reading transcriptions and notes. I began to draw out themes in the interviews, codify them, and organize the data into categories of information using emergent themes in conjunction with my theoretical framework. During this process I found myself at times getting caught up in some of the stories revealed by participants. At these points I made an effort to distance myself from the work, to 'step back' for a bit and return later.

Throughout this process I continued to expand my research library, conducting extensive on-line research. I also attended a two-day conference in September 2007, organized by the National Farm Animal Care Council. This conference proved to be very interesting as a platform to see many of the ideas and strategies that I was studying

operationalized in a public setting. It was also a good venue for networking and establishing contacts with organizations of interest to my research.

Part of this research project has involved the paradoxical task of reconciling the ideas offered by participants, who in many cases expressed a real desire to communicate and cooperate to address animal suffering, with a critical analysis of the broader ideologies and institutional structures that their discourse reflected, and which are widely represented by their sector. It is difficult to criticize institutional design without this also reflecting on those who are working within that framework. However, I have found that this disjuncture between institutions and the agents who work for them is in itself an important element of consideration; it indicates that the possibility of finding a common ground between these disparate groups of stakeholders exists. As discussed in detail in chapter five, the critical factor is the agency inherent in the people who are involved in the process. Indeed, as a researcher, one impression that I am left with is that a monolithic conception of governing 'institutions' seeks to remove agency from the multifarious people who activate them. Conceptualizing agency as part of the process is essential in order to forward an effective dialogue. Moreover, understanding the persistence of agency allows us to speak of change, and potential for the future.

The findings of this research are unavoidably subjective. However in making this claim, I reflect on the work of feminist theorists and many others referenced throughout this study, who argue that objectivity in research is an unattainable goal as all information must be processed through the cognitive lens and contextual bias of the researcher. Therefore, the term 'subjectivity' here refers to my own effort to 'embody objectivity'. I undertake this effort in order to produce a more 'real' account of this research project by

recognizing myself within the process, rather than assuming myself as a neutral lens through which information is siphoned. I have attempted to allow the research to 'speak for itself', and was indeed surprised at times by what I heard. The qualitative method facilitated my capacity to listen to people, while at the same time allowing me to interpret the results through an exploration of the themes aided by my theoretical design. In these ways I have found an easy transition between ontology, epistemology, and methodology in this study.

Chapter 2: Political Economy of Animal Welfare

This chapter situates animal agriculture within the larger shifts in the political economy both globally and nationally. In the new era of post-Keynsian state retrenchment, the Canadian government is gradually limiting its role as a regulatory institution. Downsizing responsibility onto the private-sector through deregulation, private-public partnerships, and limiting the public functions of government are elements of the broader structural adjustments of the Canadian state. These trends are reflected throughout the production chain of Canadian agriculture. This examination of the broader political economic forum aims to contextualize the debates around animal use in agriculture, and humane transport in particular. In doing so I aim to illustrate that the current direction of humane transport regulations which points towards an industry-oriented outcome, is mirroring the broader shifts in the agricultural economy. Furthermore, this discussion helps to provide the backdrop for my analysis of the *Intersections of Power in the Humane Transport Debate* in chapter five.

The discussion begins with a brief overview of the recent shift towards a market-oriented neoliberal state. These changes have involved a diminishment in the role of government as a public institution and the increasing deregulation and privatization of the public sphere. I highlight how, within this paradigm, the functions of the state are contested and raise serious questions about conflict of interest in developing policy and regulation.

In the next section, *The Industrial Production of Animals*, I examine how these changes in governance are reflected in the current production systems of animal agriculture. Here I argue that industrial approaches to agriculture characterized by the

current system have had enormous negative effects on animal welfare. Moreover, these effects can be seen as a result of the current market-orientation of governance which externalizes non-market values such as animal suffering from the goals of agriculture.

The mandate and design of the Canadian Food Inspection Agency (CFIA), the governing body designated with regulating food systems, is addressed in the following section. Here I consider the origins of the CFIA as a separate agency from Agriculture and Agri-Food Canada. I argue that there exists a contradiction between the original intent of the CFIA to avoid conflict of interest by partnerships with industry, and its actual activities and structures. Specifically under the mandate of Smart Regulation, the CFIA policy direction is aimed at meeting the needs of the market through regulatory reform. Several of the mechanisms for addressing the appearance of conflict of interest in the public perception are examined.

In the final section of this chapter I introduce Section XXII of the Health of Animals Regulations which govern humane transport. Administered by the CFIA, the amendments currently proposed to this section are important to discuss as they are directly pertinent to my case study. However, I also point out here that the current regulations are comparatively minimal to other regional legislative frameworks and in dire need of changes to reflect improved animal welfare standards. Given the broader discussion of this chapter, which illustrates the industry-oriented direction of governance, the potential of effective amendments may be compromised.

Industrial Agriculture and the ‘Market’ State

Farmed animals are an essential element of the global diet. In the pre-war era this consumer need was met by domestic agricultural systems based on the family farm and

traditional farming practices (Heffernan 2000, 63). Functioning on a seasonal basis, farmers would raise and maintain their animals from 'farrow to finish' on their farms, selling the adults on a competitive market of producers and buyers (Heffernan 2000, 63; Halverson 2000, I, D). Through the processes of industrialization and urbanization, the human population became increasingly distanced from agricultural production (Benton and Redfearn 1996, 45; Heffernan 2000, 62). The last sixty years have seen ever-increasing changes in agricultural practices. In the postwar era this process followed the Fordist regime of production characterized by national systems of mass production, regulated by governments, and matched with mass consumption. (Constance et al. 2003, 77; Friedmann, 1993, 30) These changes accelerated in the 1970's with the dismantling of the Bretton Woods financial system, and the rise of neoliberalism as the new alternative to Keynesian economics – ultimately leading to the end of the post-war food regime (Friedmann 1993, 2; Constance et al. 2003, 78-80, Heffernan 2000), and the rise of multinational agribusiness. The constructed nature of this plan is apparent in the federal government's 1970 Report on the Task Force on Agriculture. The Report outlined a policy directive for the Canadian agriculture sector highlighting key recommendations which "all pointed to a new era in agriculture and agricultural policy in which there would be fewer producers and in which governments would play a diminishing role while market forces played a greater role" (Knuttila 2003, 69). Huff discussed the nature of these shifts in 1997:

The agricultural sector in Canada has undergone a sharp increase in its market orientation combined with substantial decreases in support. The benefits to Canada have been a considerable expansion in value-added production, sector diversification, and expanded exports. These changes have opened a number of market opportunities and encouraged a variety of private-sector initiatives. It is essential that market regulatory reform continues and that changes be introduced

to encourage rather than impede market innovation and competitiveness. New forms of protectionism must be resisted (Huff 1997, 1409).

This descriptive and prescriptive comment is an accurate reflection of the current 'vision' articulated in *Growing Forward*, on the future of Canadian agricultural policy as, "(a) profitable, innovative, competitive, market-oriented agriculture, agri-foods and agri-based products industry" (AAFC - Growing Forward).⁴

Integral to this change is what Prince and Rice term the "marketization" of the state (Prince and Rice 2000, 23). This refers to the shift in power from the state to the private sector which effectively transforms citizens into 'clients' of the state. The social responsibilities that were originally the domain of government become translated into 'services' provided by public/private partnerships (Carroll and Little 2001; Prince 2000; Brodie 2002). In her study of the shifting priorities of health regulation in Canada and the associated challenges to the regulatory process, Wiktorowicz raises concerns about these dynamics. She argues that in the context of such partnerships, consultations with public interest groups are often dominated by the interests of the industry. Furthermore, she points out that the relative costs of mobilizing on a particular issue are higher for public interest groups who lack access to resources relevant to regulatory decision-making such as information and technical expertise (2000, 6-7). In this dynamic the public capacity to influence governing structures is compromised by the role of industry in decision-making, and also by the unequal distribution of power in the form of resources and finances.

⁴ The Canadian Council of Science and Technology advisors describes the primary role of The mission of Agriculture and Agri-Food Canada (AAFC) as: "to work with industry and other partners to: improve and secure market access and enable the agriculture and agri-food sector to capture opportunities for trade in domestic and export markets, with a focus on higher value-added agri-food products; support the sector's efforts to develop and produce competitive products and processes in an environmentally sustainable manner; enhance the sector's economic viability while strengthening opportunities for rural economic development." (CSTA-AAFC Profile). See also Agriculture and Agri-Food Canada Report on Plans and Priorities, 2005-2006 (AAFC Report on Plans, 2005).

The marketization of the state seriously compromises contemporary states. This situation has become a central point of political protest around the world over the last decade. In addressing corporate influence in the promotion and expansion of industrial hog farms Ervin et al. argue that: “(g)overnments have utterly compromised their legitimate role as servants of the citizens by entering into clear conflicts of interests – becoming the promoters, investors, owners, inspectors, regulators, and legislators in charge of the industry” (Ervin et al. 2003, 5). The rise of marketization and the associated ‘crisis of the state’ highlights the imperative of accounting for the role of industry interests in agricultural policy development and regulation. As negotiations and consultations are underway on the regulations regarding animal transport, it is essential to consider who is allowed to speak and what relative weight their recommendations hold.

The Industrial Production of Animals

The neoliberal era has entailed radical changes in the mechanisms by which animal products reach the marketplace. For the food animal industries, this has been reflected in several key aspects of this industry: the concentration of mass-production; specialization of production processes; increasing reliance on technologies such as genetic engineering and growth promoters; decentralization of production; and mechanization of production coupled with declining labour investment. Moreover, with the increasing horizontal and vertical integration of agriculture, those with a vested interest in the continuation of intensive production now include the input industries (i.e. the feed industry, pharmaceutical and chemical companies, and the suppliers of farm machinery), the value-added chain, those involved with the transportation of both live animals and finished products, slaughtering plants, the rendering industry, the food

processing and manufacturing industries, retailers, advertisers, and finally, financial institutions with a stake in any one or more of these processes.⁵ This extensive commodification of agricultural products has led to what Kneen calls “the vaporization of food” (Kneen 1989, 25) -- occurring as food is transformed into a speculative commodity, and the food-animals along with it.

Fraser discusses the trade-offs between economic productivity and animal welfare. Whereas industry claims that “it is in the best interests of the producer to treat his animals as well as possible to get the greatest economic return”, Fraser points out that maximizing profits can often lead to serious welfare concerns (Fraser 2001, 639). Profitability can translate into: genetic selection for high milk yield; the use of pharmaceuticals such as growth hormones; and intensive management practices such as zero grazing (Fraser 2001, 639; Fraser et al 2001). Achieving maximized production means that animals get ‘used up’ quickly -- their lifespan is relative to their productive capacity. Once production and health begin to decline, as in the case of dairy cows and sows, they will be culled and sold as meat. Productivity is central to the ‘purpose’ of agricultural animals as illustrated here:

Before a discussion on longevity can begin, the trait needs to be defined. In fact, one could argue that longevity is not the appropriate term to use in the pork industry. As it relates to humans, longevity implies living to one’s natural lifespan. In the pork industry very few animals remain in the herd until through their natural life span, estimated to be between 12 and 15 years. Sows are culled when their productivity declines below some point or the sow has some reproductive problem

⁵ As an example of these global changes in Canadian production, the average industrial hog operation (IHO) in Canada houses over 1000 pigs, a number that has increased tenfold since 1971 (Overview CAAF 2006, 72). The average number of cows on dairy farms has tripled in this same time. Vertically and horizontally integrated corporations such as Maple Leaf own a majority of the supply chain which in hog production entails; feed manufacturing, hog production from birth to slaughter, pork packing, further pork processing, and rendering (Overview CAAF 2006, 3). Average farm sizes have been steadily increasing since the 1940’s while numbers of farms have been steadily declining (Overview CAAF 2006, 72). Centralization and specialization of production facilities means that animals will travel more, and farther distances throughout their lives. Indeed, the shipment of animals between stages; as live animals across borders; and finally as processed pork and pork products shipped internationally represents a massive transport industry. For example Canadian live hog exports to the United States reached a record 8.2 million head during 2006, 7% greater than a year earlier (Ross 2006; Live Exports to the US)

or failure. Hence, a more appropriate term might be sow productive lifetime or something similar (Stalder, Karriker, and Johnson 2007, 1).

The goal of efficient productivity resonates throughout the ends-means reductionist logic of the agribusiness sector. When decisions are narrowly focused on the profit margin, the 'cost' of animal suffering contains no intrinsic use-value.⁶ Indeed, many of these on-farm management practices are implicated in humane transport issues. For example, many production-maximizing management practices have been identified as a leading cause of welfare problems during transport. Research into the causes of stress, injury and death during transport has indicated that these management practices [i.e. selective breeding, artificial growth promoters (Grandin and Gallo 2007) pushing production capacity, early weaning (Stookey and Watts 2007), intensive housing systems, etc.] can result in animals that are "unfit for transport".

In the case of dairy cattle some of the main problems are associated with breeding and engineering animals based on the end-goal of productive capacity. Often, this leads to animals that have poor conformation. Problems associated with the legs and feet develop throughout their lives, leading to lame or debilitated animals who must then endure journeys that can last days (Grandin 2000, Grandin and Gallo 2007, Broom 2007). While their natural life-span can be twenty years, maximizing production in dairy cows means that their functional capacity will decline and they will be culled at around the age of five or six. Poor management such as aggressive handling during transport or not 'drying-off' lactating dairy cows also leads to humane transport problems (Grandin 2000; Also repeated during interviews [OW14])⁷.

⁶ Use-value refers to the benefits realized by the user, either by direct or indirect use.

⁷ Interview citations are categorized by group and number. Groups acronyms are as follows: operational workers, OW; policy brokers, PB; industry, I; animal welfare advocacy groups, AW. Interviewees in each group were assigned numbers, for example this citation refers to operational worker, number 14.

In the case of pigs selective breeding⁸ has led to the prevalence of Porcine Stress Syndrome (PSS) (Lambooy 2007, Grandin 2000). Pigs affected by PSS are known to be highly excitable and difficult to manage. Transporting these pigs can result in two key problems: they can become injured or compromised during the journey due to a prolonged stress condition; and animal handlers can resort to aggressive methods to maintain control (ibid). Grandin has also noted that sows that have been kept for producing litters are often in poor shape when culled (Grandin 2000).

One common thread within most transport research is regarding low-value animals. Indeed this problem was discussed during interviews conducted for this thesis. Culled animals, as well as other low-value animals such as dairy calves have been identified as at risk during transport because of their low economic value, which leaves “little economic incentive to treat them properly” (Grandin 2000, 5).⁹

Current production systems reduce animal suffering to an externality -- an effect of market exchanges that takes place outside of the exchange itself. It is notable that the growth and expansion of industrial animal agriculture has relied on externalizing this ‘cost’. Had concern about animal suffering been incorporated into the value system that has guided the design and structure of contemporary livestock processing, many contemporary production systems would be far too costly to consider. However, given the current paradigm we can attempt to incorporate this cost by fitting animal welfare into

⁸ Canada is home to some of the world leaders in swine genetics, engineering “high quality pork that is profitable for the entire pork chain” (PIC Canada). To name a few: Genesis Swine Genetics, Elite Swine Inc., Alberta Swine Genetics Corporation, Bodmin Swine Genetics, and Geneticpork International Inc. Improving consistency, leanness, growth rate, health, and rate of gain are some of the goals of genetic selection in swine production.

⁹ Temple Grandin argues that new markets should be sought to increase the value of compromised or susceptible animals. She suggests one way of improving humane transport problems is to: “develop markets to increase the value of bobby calves and cull breeding animals. Producers will be more motivated to take care of animals that have more value” (Grandin 2000, 9).

the discourse of economics using tools such as 'non-market values'¹⁰; or we can limit the reign of the market through policy and regulation.

The Canadian Food Inspection Agency

Mitigating the effects of industrial agriculture on the welfare of animals used in this system is assumed by the animal welfare community to be the responsibility of government. In Canada, regulation of the animal industries is divided between provincial and federal authority. The Canadian Food Inspection Agency (CFIA) is the federal body in charge of regulating the transport of animals inter-provincially or internationally, and the slaughter of animals at federally inspected establishments (slaughter falls under the Meat Inspection Act and regulations). As such, the CFIA is coordinating current negotiations on amendments to section XII of the Health of Animals regulations which governs humane transport.

The CFIA was created in 1997 as the federal organization devoted to the regulation of animal, food and plant health, quarantine services, as well as consumer safety in regards to labeling and packaging of food products. Its mandate combined the work of services previously provided by Agriculture and Agri-Food Canada, Industry Canada, Health Canada, and Fisheries and Oceans Canada. It was created in response to the 1994 Government of Canada Program Review and Report of the Auditor General of Canada which recommended a more efficient delivery of federal food inspection services. Following this report the 1995 federal budget, under the strain of a mounting federal

¹⁰ Non-market values refers to goods, services, or amenities which are not bought and sold directly and do not have an assigned monetary value. Their value exists rather in the ideas, experiences, feelings, and passions to which they are attached. For example non-market values are often referenced in arguments around environmental preservation; we might want to preserve an ecosystem because of the value we assign to experiencing wildlife and knowing that our children may do the same. Similarly, we may value animal welfare because it is important for us to believe that animals do not suffer in production processes.

deficit¹¹ highlighted the need to resolve this issue and established the Office of Food Inspection Systems to review the options in conjunction with government, industry, and other stakeholders in Canada (Prince 2000; Evans et al 2003). Through this process the design of the CFIA as a 'hybrid' (Prince 2000) between a traditional government department and a Crown Corporation was decided. This decision rested on several important factors. A primary goal was to make the new agency more cost-efficient and entrepreneurial in design capacity. 'Entrepreneurialism' in the public service means organizations that are "catalytic, community-based, competitive, mission-driven, results-oriented, customer-driven, enterprising, anticipatory, decentralized, and market-oriented" (Prince 2000, 216). Coupled with this approach was the need to ensure that Canada's food system was protected by a science-based organization that was ultimately accountable to Parliament. The key reasons for this were twofold. Canada's trading partners would require equivalency in terms of inspection, and would want to know that this would be answerable to a ministerial system. The role of the government in promoting and legitimating Canadian food products to international trade partners was emphasized as an important consideration. The importance of maintaining this relationship was evidenced by the President of the Canadian Meat Council's presentation to the Standing Committee on the CFIA legislation in which he commented: "The food production and inspection branch is involved in those aspects of international trade completely and totally. They support the industry and it's necessary to ensure that this continues in the future. We would not have been able to amass exports of \$2.25 billion (in 1995) without the help of

¹¹ Prince and Rice discuss the ideological project of "deficit politics" wherein the reduction of program spending and downsizing of the state are presented as a "common sense response to financial problems." They continue: "A budgeting system is about making choices; it is never a neutral allocation of resources and values. The fiscalization of budgets and social policy discourse tends to promote certain ideas and objectives rather than others, favour some interests in government and in the economy over others, and some program designs and institutional arrangement over others" (Prince and Rice 2003, 143-144).

Agriculture Canada” (Prince 2000, 220). In addition to these reasons it was also noted that:

If the primary activities of the Agency were to conduct research and provide training, a Crown Corporation model could have been used. However, the CFIA has major regulatory powers of the most intrusive kind, since non-compliance can lead to large fines and imprisonment. The CFIA makes life-and-death decisions, applying science and risk analysis, often the circumstances characterized by urgency and crisis. The House of Commons once determined that no minister can escape accountability for the death by food poisoning of several children by referring parents to the President and Board of a remote corporation (Evans et al 2003, 412).

Therefore as an agency assigned with core responsibilities of the federal government, and with the important role of legitimizing Canadian food products for the international market, a hybrid approach was adopted. As such the CFIA approach reflects entrepreneurialism through, for example, shifting decision-making authority outward to industry, streamlining administrative support, having inspectors inspect a wider range of commodities using a broader skill-set, encouraging process monitoring by industry itself, and maintaining the possibility to contract out services (Prince 2000, 228). At the same time, the Agency reports to Parliament through the Minister of Agriculture and Agri-Food, and is responsible to provide annual reports and a Corporate Business Plan every five years to the Minister. A Ministerial Advisory Board is appointed to the CFIA as a means of institutionalizing the participation of clientele and other organizations in the public policy sector (Evans et al 2003, 412; Prince 2000, 225).

The creation of the CFIA represented an attempt to avoid clear conflicts of interest by separating the regulatory functions of government from its promotional role for industry. However this research indicates that there remains a clear tension between the role of the CFIA as a public agency representing the interests of citizens and the role of the CFIA as a service provider for the public and its corporate clients (Kneen 1999, 133;

Prince and Rice 2000, 237; Carroll and Little 2001, 49). Recognition of this tension is apparent in the description by the, now defunct, Council of Science and Technology Advisors (CSTA), on the role of science in policy-making at the CFIA: “(The) CFIA takes considerable care not to be seen to be allied with a large industrial firm to ensure credibility of its operations (in contrast with AAFC which considers the agri-food industry as a prime client). Data considered in science and risk assessments may come from the firm, but joint projects would bring the perception of conflict of interest” (CSTA – CFIA Profile). Indeed, the troubling relationship between this regulating body and private industry was recognized soon after its inception in the 2000 Report of the Auditor General which states:

Key advisory mechanisms draw heavily from industry. Among the members of the Ministerial Advisory Board, there are eight industry representatives, three academics, and one consumer representative. The Agency’s ‘Group of Thirty’ key stakeholders includes 30 industry groups, seven academic and professional groups and one consumer group (OAG 2000, 39).

Thus, while the neutrality of the CFIA is compromised by its dependence on industry partnerships, government is also aware that the appearance of this conflict of interest in the eye of the public must be minimized. Without the perception that there is an overseeing body policing the actions of industry, there would be no way of proving to the public that the actions of industry are justifiable.

Science plays an important legitimizing role in the regulatory functions of the CFIA. When regulation and policy is validated by the authority of ‘sound science’ the appearance of private interests is diminished. The manipulability of science will be discussed at length in the next chapter; indeed the science of animal welfare provides a good example of how science can be strategically demarcated and framed by particular

interests. For now it is notable that the discourse of science plays a role in validating the CFIA's approach to regulation and policy-making.

Another legitimizing tool of private-public partnerships in Canadian regulatory systems is perceptible in the long term project of redefining citizenship in favour of a new entrepreneurial model of society (Brodie 2002, Clarke 2000). Clarke explains this project as employing legitimizing tactics which aim to "desocialize the social." This includes: reconstructing the idea of 'society'; reinforcing economic determinism as the causation of social ills; and forwarding an interpretation of public services which legitimizes public-private partnerships (Clarke 2000, 87). This reconstructive task allows for new conceptions of how to meet the public needs or define the 'public interest'. De-regulation is an important part of retrenching the role of government, opening up social-space for private sector interests, and reinforcing a new conception of the public.¹² Thus, if the public 'needs' are aligned with the goals and priorities of entrepreneurial governance then de-regulation and downsizing regulatory responsibilities onto the private sector fits well with these interests.

This project is reflected in the new paradigm of 'Smart Regulation' which is shaping Canadian regulatory structures, including those governed by the CFIA.¹³ In the Government of Canada Report on Actions and Plans regarding Smart Regulation "today's realities" such as global markets, advances in science, and transnational health risks

¹² Reflected in the discourse of Smart Regulation the External Advisory Committee on Smart Regulation (EACSR) Report defines the public interest in the following manner:

"Canadians now see social, environmental and economic goals as intertwined. They believe that there is an excessive compliance burden on business. They also accept that markets, trade and competition serve both public and private interests. This represents an important change. Canadians believe that the government is ultimately responsible for the health and safety of Canadians and protection of the environment, but they are prepared to be flexible in how these objectives are attained, as long as both industry and government are accountable and achieve results" (EACSR, 12).

¹³ CFIA promotes smart regulation as a way of contributing to economic growth, one of its five strategic goals (CFIA – Business Plan 2003-08).

indicate the need for a new regulatory system which will ensure public health and safety and “create the conditions for an innovative and competitive economy” (Smart Regulations Report 2005, 2). The imperative of regulations to ‘meet the challenges of the market’ reflects the broader shifts in governance. In this vision the ‘needs’ of the market, seen as a disembodied force outside of politics, will ensure that Canada’s social and economic goals will also be met. In this projected idea of the citizen, the state, and industry, partnership is the only way to achieve results. While the role of industry in policy and regulation may be essential in many ways, the problem occurs when vested interests influence the critical public functions of the CFIA; functions that were articulated in the original design of the CFIA as specifically associated with protecting the interests of the public.

The Health of Animals Regulations, Section XII

Within this context of regulatory reform, the Health of Animals Regulations fall under CFIA jurisdiction and are enabled by the Health of Animals Act. Section XXII of the regulations addresses the humane transport of agricultural animals including aspects such as: species segregation; feed/water/rest stops; maximum times in transit based on species, age, etc.; transport of unfit animals; loading densities; and various other elements considered to impact the welfare of animals during transport. First established in 1975 by Agriculture Canada to ensure the humane handling of all animals traveling into and out of Canada, the regulations have remained primarily unchanged except for a clarifying definition of ‘non-ambulatory animal’ added in 2005. Though changes have been minimal, since their creation there has been a substantial amount of discussion regarding the enforcement of regulations (CFIA – History of Regulations). In 1992, a Humane

Transportation Review was commissioned and national and provincial multi-stakeholder consultations were conducted across Canada between 1993 and 1995. One of the tangible outcomes of these consultations combined the efforts of twenty industry and two government groups in the creation of the Recommended Codes of Practice for the Care and Handling of Farm Animals: Transportation (ibid.)

The jurisdiction of the Health of Animals regulations is from the point of loading to unloading. If infractions occur inspectors can lay charges under the Agriculture and Agri-Food Administrative Monetary Penalties Regulations (AMP). CFIA inspectors travel to auction marts and slaughter facilities to monitor animals as they arrive. This is important to note as the vast majority of cattle in Canada travel through auction marts where they are bought and sold, a process which can take place several times throughout the life of an animal. While being held at auction animals fall under the jurisdiction of provincial legislation. Most provinces (with the exception of Quebec, the Northwest Territories, and Nunavut) have a provincial animal protection act that is enforced by the Society for the Prevention of Cruelty to Animals (SPCA) sometimes in conjunction with the RCMP (Wepruk 2004).¹⁴ Due to this jurisdictional gap throughout the process of transport, CFIA inspectors may work with area SPCA in monitoring animals at auction marts (Wepruk 2004, OW14, OW15).

The impetus for the proposed regulatory amendments is generally attributed to several factors: changes to the production chain that have resulted in the centralization of facilities in Canada; the growth in the north-south export markets for live animals which means greater distances between production sites; the development of research into the

¹⁴ Some provinces have appointed SPCA officers under the Police Services Act (PSA), which enables them to lay charges under the animal cruelty sections of the Criminal Code of Canada. If not appointed under the PSA the RCMP must work in conjunction with the SPCA in order to lay charges.

effects of transport on animal welfare; the change from rail transport to transport by road; the creation of international standards for the transport of animals through organizations such as the Air Animal Transport Association (AATA) and the World Organization for Animal Health (OIE)¹⁵; and the growing social awareness and expectation regarding the treatment of agricultural animals (Consultation Workshop 2002, 5; Fraser 2001; Hobbs et al 2002; CFIA – History of Regulations).

In April of 2006, notification of the proposed changes was posted on the CFIA website. At this time proposals addressed: clarifying definitions such as ‘overcrowding’ or ‘inadequate construction’; feed, water, and rest intervals for animals during transport; segregation of species; loading density standards; mandatory training of drivers and handlers; increasing enforcement capacity by removing ambivalent wording from the legislation and requiring improved record-keeping from transporters. Since 2006 one of the more contentious issues to enter the debate has been the proposed use of outcomes-based rather than prescriptive regulations (Benard 2007). It is widely agreed by members of the animal welfare community that a combination of both approaches to regulation would be useful. However where to draw the line between prescription and outcomes is more contentious. For example, should loading densities, water provision, or times in transit be prescribed or based on outcomes of transport? In general, industry groups would like to see an overall outcomes-based approach which would allow enforcement action to be taken in the case of a poor outcome but would not unfairly target workers who arrive with healthy animals (Doonan and Appelt 2008, 3). This goal is expressed by an industry representative following an information session about proposed changes who

¹⁵ In 2002, the (then) 162 member nations of the World Organization for Animal Health (OIE) agreed to begin developing internationally harmonized animal welfare standards, which would also help to resolve trade disputes related to animal welfare (Fraser 2004; Hobbs et al. 2002).

said: “I came away from this with a great deal more comfort with the procedure ... There was a clear understanding to base decisions on ‘outcome based results’ and that was certainly encouraging” (Livestock Welfare Insights 2007).

Since amendments were first proposed in 2006 the CFIA has been in consultations with stakeholders groups across the country. Currently we are awaiting the publication of the first draft of proposals in Gazette One. Following this there will be a six month period for further recommendations after which Gazette Two will be published and the new regulations will ascend through Justice Canada and become official legislation.

A brief comparison of Canadian transport regulations (Table 1.) indicates that Canada is far behind the European Union in terms of animal protection during transit, a circumstance reflected throughout all Canadian regulation pertaining to farm animal welfare.

Table 1.

EU regulatory provisions ¹⁶	Canadian regulatory provisions ¹⁷
Maximum transport times of 26 – 30 hours depending on species	Maximum transport of times 36 - 52 hours dependent on species ¹⁸
“Keepers” at auction markets/destination points must ensure animals arrive and depart in good condition - verified through appropriate administrative tools	Regulations do not apply.

¹⁶ (Council Regulation - transport 2004); (Europa Press Release 2004); (Europa Summaries)

¹⁷ (Health of Animals)

¹⁸ It is notable that cattle in transit may not be offered water for up to 57 hours - five hours before loading plus 52 hours in transit. It is also possible for them not to be fed for up to 81 hours - five hours before loading, 52 hours on the truck and 24 hours after arrival at destination points. These limits are within regulatory allowances (CFIA - Advanced Notice).

<p>Transport vehicles used for transport over eight hours require: inspection by a designated body; satellite monitoring devices; permanent watering systems; temperature monitoring systems</p>	<p>Transport Vehicles should not permit <i>undue</i> exposure to weather, and should provide <i>adequate</i> ventilation.</p>
<p>Loading densities prescribed for each species.</p>	<p>Loading densities not prescribed.</p>
<p>Horse maximum transport time 26 (water every 8 hours), if longer than 8 hours must be in individual stalls (except mares/foals). Transport over 8 hours prohibited for unbroken horses. Must not be transported on double-deck vehicles. Ceiling must be 75 cm higher than wither of tallest horse.</p>	<p>Horse maximum transport time 36 hours. Vehicles should allow horses to stand in their <i>natural position</i> without contacting ceiling.</p>

Table 1 provides a cursory comparison between aspects of Canadian and European regulations.¹⁹ The European Union has adopted a far more prescriptive regulatory approach than Canada. However, the inter-jurisdictional nature of the EU has lead to difficulties in enforcement²⁰ which the European Community is attempting to address through continual research, reporting and amendments to existing legislation (Report EC Experience Transport 2000). Comparatively, Canadian regulation offers minimal standards in regards to animal protection during transport. While federal

¹⁹ Several words are italicized in Table 1 to highlight the use of ambiguous language – a point of substantial controversy in Canadian humane transport debates (See for example: Canada (Attorney General) v. Porcherie des Cèdres Inc.). The clarification of language such as this is included in the current proposed amendments.

²⁰ This difficulty is discussed at length in an EU report, see: (Report EC Experience Transport 2000). A recent example was the European Commission's decision to refer Greece to the European Court of Justice for failure to properly implement and enforce EU legislation on animal welfare in transport (Europa Press Release 2007).

regulations on transportation exist they are relatively 'toothless' as they do not provide clear rules, nor do they adequately reflect the needs or welfare of animals in transit. This has been recognized by Canadian government regulators who have highlighted some of these issue areas in the advanced notice for changes to the regulations (CFIA - Advanced Notice). However, this research indicates that if regulatory reform is guided by industry stakeholders the efficacy of changes will be seriously compromised. Given the current direction of negotiations it appears that industry holds substantial decision-making power on this issue, however the truth of this claim remains to be seen in the results of amendments.

However, if current regulatory trends are reflected in the amendment process regarding humane transport, substantial decision-making authority could be assigned to the livestock industry, compromising the efficacy of changes and the democratic process through which these are decided. The potential of this outcome however remains to be seen in the results of amendments.

Conclusion

There is an urgent need to amend humane transport regulations. However, there is reason to be concerned that these amendments are vulnerable to the current market-oriented approach of government which downloads responsibility for regulation onto industry groups. This chapter has attempted to illustrate how the political economy of agriculture in Canada is greatly influenced by the neoliberal agenda characterized by the increasing implementation of structural adjustment policies. The influence of this agenda is reflected throughout the production-chain of the animal industries.

Within the context of the current political economy of agriculture, animals and their welfare are vulnerable to the effects of externalization from market exchanges. In the process of commodification animals are viewed only for their productive capacity. While this systematic reconstruction of agricultural animals as commodities is reinforced through the current market paradigm, it has had immeasurable effects on the welfare of animals used in this system. I have argued here that it may be difficult to realize effective welfare standards within this current conception of animal agriculture.

Though the CFIA has been assigned the task of regulating food systems, within the current climate of regulatory reform and government downsizing this project is compromised. The market-oriented direction of Smart Regulation as reflected in CFIA policy goals highlights the increasing institutionalization of these reforms. The inadequacy of existing humane transport regulations means that substantial amendments are needed; however the potential of this is limited by the role of industry in directing agricultural policy and regulation.

While this chapter has attempted to outline the political economy of humane transport through a contextualization of Canadian agricultural complexes and institutions and the relevant regulatory framework, in chapter three the discussion narrows to focus on some of the critical discourses that shape the animal welfare and humane transport debate within the Canadian context. This analysis will centre on the discourse of science and the implications of separating values and ethics from science-based decisions.

Chapter 3 - The Science and Ethics of Animal Welfare

Scientific assessment, ideology, and discourse lie at the heart of many of the debates surrounding animal welfare. The ideology of science is a belief system in that it establishes a way of looking at the world including the rules by which we understand truth. Science provides both an ideological framework in which to address animal welfare, as well as a source of data from which to draw evidence regarding animal welfare standards and practices. How this data is interpreted by policy makers depends on how it is normatively and discursively framed. As a legitimizing force, science maintains a position of authority in all policy decisions regarding animal welfare. However, the definitions and demarcations of 'sound science' are, despite the claims of objectivity and neutrality of positivist science, vulnerable to interpretation and vested interests. In turn, the separation of science from ethics allows policy-makers and regulators to avoid accountability on sensitive ethical issues through reliance on the 'neutral' determinations of science, and economics-as-science.

This chapter offers a critical examination of the discourses of science and ethics as they inform and frame the animal welfare debate. This analysis is critical to my thesis; the discursive and normative framing of science and ethics are strategically managed by stakeholders in the humane transport debate in order to forward particular interpretations of animal welfare which align with their goals. Therefore, examining how these discourses are framed is critical for a deeper understanding of how industry stakeholders are able to gain authority over decisions regarding regulation.

I begin by looking at the epistemological principles of reductionist science which continue to be a point of contestation in the animal welfare sciences. Here, I focus on the

positivist claim that the methodology of reductive scientific research is inherently value-free and objective. In the next section, *Animal Welfare Sciences and the Positivist Critique*, I consider some of the major controversies that have arisen over the last three decades in the animal welfare science community regarding the reductive approach to research. My intention here is to explicate and advance the critique of positivism articulated by animal welfare scientists. This critique centres on several claims of reductive science including that: if science is informed by values it is illegitimate; only observable phenomena are applicable to the scientific method; and that only the 'neutrality' and 'objectivity' of reductive science is appropriate for use in public decision-making.

Analysis of these concerns stretches into the next section, *Examining the Science Debate*. In this section I consider how reliance on the reductive approach to animal welfare science has inhibited the development of policy and regulation by demarcating 'sound science' and by falsely separating ethics and values from science. The discussion also looks at how the 'rational' approach to decision-making requires the objective determination of neutral 'facts'. I argue that limiting the science of animal welfare to measurable facts works to further demarcate the boundaries of 'sound science', reconstituting animal welfare as biological functionality or 'health' in policy-making. Moreover, I argue that the separation of ethics from science in conjunction with the demarcations of 'sound science' is strategically used by stakeholders in the animal industries in an effort to favourably frame the issues.

I then turn to an examination of the ethics of animal welfare. I begin by discussing some of the key controversies about animal ethics and conventional approaches to policy. I briefly consider the dominant mechanism used by policy-makers to address ethical

issues. In the next section, *The Animal Welfare Movement*, I discuss some of the factors that have established animal ethics in agriculture as a concern of the public. Here I provide a historical and social contextualization of the politics of animal ethics. Definitions of the ‘public interest’ are a pivotal point of dispute in animal welfare debates in general, and the humane transport debate in particular. Therefore, a consideration of the origins of public opposition to industrial animal production is helpful in situating my examinations of ‘the public’ later in this paper. In the last section, *Welfare and Rights*, I turn to the philosophical roots of the current debate, outlining the philosophy that informs my own perception of animal welfare rooted in the work of Bernard Rollin. Understanding the distinction between the various animal advocacy positions, widely perceived as animal welfare and animal rights is an important part of this exploration. Alienating animal activists from the ‘rational’ discourse while aligning with ‘animal welfarists’ who are perceived as representative of the general public interest is a critical strategy used by industry stakeholders in current debates. Therefore addressing these philosophical positions, how the arguments are developed, and the philosophical position that I forward in this thesis are important considerations.

Reductionist Approaches to Science

Conventional approaches to understanding animal welfare can be traced back to the Enlightenment era of the 18th and 19th centuries. Responding to the perceived superstition and irrationality of the preceding centuries, or the ‘Dark Ages’, the philosophers of the ‘Age of Reason’ developed a theory of knowledge founded in the principles of scientific rationality and a reductive approach to reasoning. This separation of science from metaphysical studies was developed in Auguste Comte’s theory of

Positivism in the mid-19th century, and reinforced in the early 20th century movement of Logical Positivism. This ‘scientific’ epistemology holds that knowledge and progress can only be achieved through the methods of reductive science. In this view, scientific enquiry is applicable only to those processes that can be directly observed (Duncan and Fraser 1997, 23; Fraser 1999, 184), and universal in its claim that science is a determining methodology of study in all processes, across all cultures, and applicable to all social actions. In the positivist criteria, ‘objects’ of study are reduced to their perceived fundamental elements, whether chemical, physiological, or otherwise isolable.

As a way of understanding the world, reductive logic is reflected in the Kantian philosophy²¹ of the autonomy of reason, which placed the rational individual at the centre of the cognitive and moral worlds in developing universally applicable theories. The rationalism of this ideology was reflected across disciplines – in the work of political economists such as Adam Smith, and political philosophers such as John Locke. In contemporary debates of the political economy, the “economics-as-science” (Tabb 1999)²² approach draws on reductive logic, interpreting the economy as asocial, as a separate sphere of human activity calculable and predictable via the equations and projections of economics.

The epistemological principles of reductive science typically remove questions of value or context from observation, and adhere to the ‘objective’ experience of the ‘ideal’

²¹ Immanuel Kant formulated this rationalist and rights based ethic in his work *Fundamental Principles of the Metaphysics of Morals* (1785) wherein he rejects feelings and inclinations as morally worthy motives for ethical action (Kant 2005). This influence of western individualism on the later development of animal rights theory will be addressed in the discussion of ethics.

²² In his critique of the dominance of the ‘science’ of economics in contemporary disciplines William Tabb writes: “Viewing economic processes as part of the larger societal functioning is discouraged by the broader specialization among academic disciplines, and the focus on understanding economics-as-science leads to a technical framing of issues that diminishes the role of social choice and enforces an economic determinism” (1999, 47).

observer, or one whose values and subjectivity are actively subverted to scientific rationalism (Curry 2002, 123; Alroe 2002, 10). In rejecting experience as emotional, subjective, and particular, the rational observer is distanced, neutral, and objective (Curry 2002,123). This separation of the 'objectively observable' from the 'subjectively non-observable' is an important demarcation of science which continues to be contentious in animal welfare debates.

Reductive logic has been a potent force in the animal welfare sciences. As objects of study the subjective experience of pain, anxiety, fear, or stress in animals is unobservable, and requires that these experiences are *deduced* through the observed existence of other factors (i.e. chemical, physiological, epidemiological). This position on animal science is articulated in the work of Nobel Prize winning ethologist Nikolaas Tinbergen who wrote: "Because subjective phenomena cannot be observed objectively in animals, it is idle either to claim or to deny their existence" (1951, 4).

Further, the epistemology of science argues that conclusions are made regarding processes and phenomena from a position of logical neutrality. Scientists in this view simply determine the elements to be studied, observe their actions, and draw conclusions from this data. It is argued that values are not appropriate in the decisions and methodology of reductive science. This postulation is examined further in the discussion to follow, however in the animal welfare sciences it implies that values such as 'animal suffering matters', should not be incorporated into the goals or designs of research. In effect this position draws a distinction between empirical research and ethical considerations (Fraser 1999, 182).

Animal Welfare Sciences and the Critique of Positivism

The debates surrounding the animal welfare sciences are dominated by concerns about whether the positivist tradition of scientific enquiry represents a barrier to advancing the causes of animal welfare. These issues have become increasingly salient over the last few decades which have witnessed an immense growth in the animal welfare sciences in conjunction with massive expansion of the animal industries. These sciences include: ethology (the study of animal behavior); applied animal behavior science (the study of animal behavior relevant to their management by humans); comparative psychology (the comparative study of behavior in human and nonhuman animals); veterinary epidemiology (the study of factors affecting the health of animal populations); neurobiology (the study of the cells of the nervous system and how these function to affect behavior and process information); consciousness studies addressing animal sentience; and many other branches of the animal sciences. The emergence and expansion of these fields of animal welfare research represent a shift away from traditional schools of research which relied on empirical, measurable properties in determining welfare, to incorporate normative values in research, and which assign legitimacy to the subjective experience of suffering as a valid topic of scientific enquiry (Fraser 1999, 182-183; Rollin 1995). Three fundamental concerns are echoed by contemporary animal welfare scientists regarding the positivist influence in research: the rejection of certain fields of animal welfare science as illegitimate if they are seen as value-laden; the rejection of the methodology employed in the study of animal welfare when it relies on phenomena which are not considered objectively observable; and the reliance on objectively determinable 'facts' derived by 'good science' in policy and regulatory decisions.

Responding to this ongoing debate, David Fraser argues that developments in the animal welfare sciences have expanded the notion of animal welfare beyond a purely empirical concept to one which incorporates values and can be understood as evaluative in nature. Fraser provides an effective analogy of the problem. Here, he devises three statements which refer to white bread. The first is a descriptive statement, 'this bread contains less than one percent fibre'; the second is evaluative, 'this bread is appalling'; and the third is prescriptive, 'people should not buy this bread' (Fraser 1999, 182). Provided these distinctions, animal welfare can be considered an evaluative statement in that it organizes empirical information within a framework of values, without making preference claims about what ought to be done. Decisions regarding animal welfare thus require a preliminary determination of the goals of research. Ultimately, this requires a value-based claim about the moral importance of the emotional and mental well-being of animals. Therefore, while the animal welfare sciences can only provide data based on normative assessments about what is considered better or worse for the life of an animal,²³ *all* assessments of animal welfare must be understood as rooted in value-based assumptions about the relevance of the subjective experience of the animal to the research (for example, denying the relevance of this experience is itself a value-based claim). Furthermore, without determining the values that guide studies into animal welfare,

²³ Fraser (2001, 638) details how some researchers will attempt to avoid ethical considerations when conducting animal welfare research. He refers to an example provided by North and Bell (1990) in their account of the effects of induced moulting in egg production. Here, North and Bell note that while four days without food is often enough to end the laying cycle so that a new cycle can begin, "longer fasts of up to 14 days will usually give superior results." They caution, that in such cases "extreme care must be taken to monitor body weight losses and mortality" (ibid, 434)... The authors also note that water can be held for one to two days, though this involves 'certain risks' in hot weather – specifically ... that "panting will be excessive, and there may be dehydration and high mortality." Fraser notes that withholding food and/or water from birds for long enough to create such effects has serious ethical implications. However the authors here avoid discussion of the ethics involved, simply claiming that forced moulting "results in a rejuvenated flock that will live a longer productive life" (ibid. 878) and that criticisms are based on "unfounded claims."

science alone cannot answer ethical questions regarding animal use (Fraser 1999, Fraser 2001, Rushen 2003, Dawkins 2003, Duncan and Fraser 1997, Millman et al, 2004). Recognition of such implicit values in scientific research runs counter to traditional scientific ideology of positivism which claims the objectivity and neutrality of the scientific method of decision-making. Denying the existence of values in research removes accountability from the implications of research through the inference of the neutral authority of 'sound science'.

In the positivist tradition the observation of illness, disease, and other clear indicators of poor health are the only reliable assessment of welfare; there is no "litmus test" (Dawkins 2003, 383) by which the emotional and psychological experience of an animal can be determined. However as M.S. Dawkins argues, for many people "good welfare implies a great deal more than just not actually dying of injury or disease" (Dawkins 2003, 384). Therefore, although the biological health of animals is an important factor in assessing welfare, it does not provide adequate information about the subjective experience of an animal as a sentient being. It is the drive to find ways of assessing the experience of the animal such as stress (i.e. from an inability to cope with imposed conditions), psychological suffering (i.e. from a lack of sociality), environmental deprivation (such as access to a environment in which to express natural behaviors), fear (i.e. from an inability to participate in self-preserving behaviours such as seeking cover), and pain (i.e. associated with practices such as castration, dehorning of cattle, beak-clipping of chicks, and tail-docking of pigs), that has marked the shift in the animal welfare sciences away from reliance on biological determinations. Duncan refers to the discord created between these two approaches to animal welfare as the development of the "biological functioning school" and the "feelings school" (Duncan 2004, 163). While a

combination of the many branches of the animal sciences are essential components to developing an effective approach to welfare assessment, the study of animal behaviour provides a good example of methodological controversy in this field of research.

For example, behavioural research has been used by animal welfare scientists in assessing the effects of confinement housing on sows (Hansen and Curtis 1980; Baxter 1982; Weary et al 1999). Sows, female pigs kept for breeding, are housed in gestation crates²⁴ for the majority of their life. This system does not allow for any of the basic behavioral activities of sows such as freedom of movement, investigating their environment, rooting in the soil, social activity, nesting during farrowing, or moving to a different location to urinate and defecate (Gonyou 2001, 30). Strange behavioral patterns are commonly exhibited by crated sows, such as cage biting (biting and rubbing the nose on the bars of a cage until rubbed raw), referred to as 'stereotypic behavior'²⁵, and are associated with stress and poor welfare (Gonyou 2001, 30; Duncan 2004, 167; Webster 1995; Weaver and Morris 2003). Behavioral research on the welfare implications of confinement systems however continues to be controversial. As Florian Possberg, the CEO of Big Sky Farms, housing forty thousand sows in 2005 comments: "Public perception is that movement restriction is harmful to sows. However, what are the welfare realities for the animals? Discussion on the positive and negative aspects of these practices lead to the conclusion that further research is required" (2006, 150). The 'need for further research' articulated here reflects the persistent problem of defining animal

²⁴ Gestation crates are enclosures or cages which limit the movement of the sow to standing, or lying against the bars of the crate. They can not turn or move forward or backward. They are housed in confinement throughout gestation, and transferred into 'farrowing crates' for birth and nursing. Farrowing crates are the same dimension however have an 'escape route' away from the sow for the piglets so that they are not crushed by her. This is the conventional housing system of sows in all industrial hog production (with a few exceptions in alternative housing).

²⁵ 'Stereotypic behaviour' refers to repetitive, invariant behaviour patterns with no obvious goal or function. It may be oral or involve bizarre postures or prolonged motion (Broom et al 1995).

welfare. Thus, while some researchers argue that the experience of suffering is the real issue at stake (Rushen 2003, 201), others argue that the problem of definition exists due to an “unnecessary concern with measuring suffering and an anthropomorphic perspective on the importance of individual well-being” (Barnard and Hurst 1996, 406).

Assessing animal welfare using behavioural research requires that we first recognize animals as conscious beings (Dawkins 2006, 77), and that we assign validity and priority to recognizing behaviour as an indicator of the subjective experience of the sentient animal. While the subjective state of an animal is not directly observable, there are ‘measurable’ correlates or consequences. They can be assessed either by giving animals some control over their environments and observing the choices and decisions they make, or by looking for signs of deprivation, frustration or distress (vocalizations for example) when the animal is confined in an environment or subjected to a treatment without any means of control (Duncan 2004). However, as Duncan points out “(s)ince states of suffering are subjective states, they are not directly accessible to scientific investigation” (ibid, 164). Therefore states of suffering can only be assumed based on correlated research about the normal behaviours, physiological functions, and environmental needs of an animal. Research that draws on subjective states in formulating claims about animal welfare can face discrimination on methodological grounds around questions of bias or anthropomorphism. While such criticisms may originate in part from within the ‘biological functioning school’ of research, in the context of the high-stakes livestock industry, discrediting this field of research as ‘un-scientific’ must also be understood within the political and economic dynamics of the industry, a claim which will be examined later in this paper.

Behavioral needs of animals stretch beyond basic needs such as avoidance of pain and hunger, to those experiences previously mentioned (i.e. sociality, maternal instincts, self-preservation, interest in the environment). While arguably many people would agree that livestock animals can experience pain similar to other vertebrates such as dogs and humans, there are many pain-inducing practices in conventional animal production which take place without anesthesia such as castration, de-horning, beak-trimming, tail-docking, and many others. In a circumstance where the fundamental interest of pain-avoidance is not addressed by industry or industry regulators, behavioural interests face similar resistance. Indeed, simply recognizing that animals may have behavioural needs opens the door to moral debates about whether many contemporary livestock practices are ethically justifiable. For this reason, expanding the definition of animal welfare beyond biological functionality can be understood as a slippery slope upon which stakeholders in the science community and livestock industry may hesitate to tread. Addressing animal welfare requires recognition of the values in which science and policy are embedded. While decision-makers may separate science from values and ethics in an effort to appear neutral in decision-making, in many ways this presents a serious obstacle to substantial action on animal welfare concerns.

In recent years, the work of animal welfare researchers has included an effort to “bridge the cultures” (Fraser 1999) of animal ethics and animal welfare sciences (Rushen 2003, Dawkins 2003, Webster 2001, Moynagh 2000, Millman et al 2004, etc.) . This work has focused on developing conceptual and discursive links between the traditionally divided work of animal ethicists and researchers. Furthermore, it has attempted to draw out commonalities in order to coalesce approaches and ideas in forwarding the imperative of animal welfare considerations. Fraser explains the importance of this project. He

writes: “The increasing convergence of the scientific and philosophical approaches may lead to a more integrated field of study and to a greater awareness that neither empirical information nor ethical reflection can, by itself, answer questions about our proper relationship to animals of other species” (Fraser 1999, 172). This work emphasizes that *all* decisions regarding animal welfare are based on research which is rooted in a particular set of values and assumptions. Indeed, without recognizing this ethical dimension of research, its relevance is questionable. If research into the welfare of animals is needed, the question ‘why?’ must be comprehensively answered. Only through combining philosophical, ethical, and scientific dimensions of knowledge can we really answer this question.

Science in Practice

Science alone can not address the moral concerns of animal use in agriculture. However, as Rushen points out, when scientists and policy-makers are called upon to make complex decisions they will focus on those aspects of the issue most amenable to ‘scientific enquiry’, or the information categorized as objective ‘fact’ in order to avoid messy political decisions. Rushen argues that this will often lead to redefinition of the issue in such a way that avoids the real concerns.²⁶ In the case of animal welfare, the real concern of the public is suffering and therefore decisions that define animal welfare as biological functionality do not address this central concern (Levidow and Carr 1997, 32; Millman et al. 2004, 305; Fraser 1999, 184; Fraser 2001, 640; Brom 2000, 131).

²⁶ In the same vein, Rollin warns “...that no amount of cortisol measuring will convince the average citizen that an animal living in a totally restricted environment is happy or that an animal exhibiting chronic stereotypical behavior is coping adequately” (Rollin 1993, 10).

Recognizing values in scientific enquiry continues to be an awkward fit in contemporary discourses of science and policy. However, throughout the literature on this issue there appears to be a growing acceptance of the value-laden and political nature of all scientific research (Fraser 1999, Fraser 2004, Duncan and Fraser 1997, Rushen 2003, Alroe and Kristensen 2002). On this idea Alroe and Kristensen write, “(s)ocial studies of science have revealed that science is in many ways similar to other social systems where power and interests play an influential role” (Alroe and Kristensen 2002, 4). Therefore, articulating the values which guide animal welfare research is imperative in order to ensure that research is directed by values which reflect the public interest, and to guard against the influence of vested interests.

Nonetheless, decision-makers often rely on acceptance of the scientific paradigm in their demands for objective ‘facts’ to support policy. Reflected in contemporary agricultural discourses, the scientific rationale is embodied in the “quest for an apolitical science of government” (Stone 2002, 7). This “rationality project”, as it is termed by Stone, represents a fundamental and ongoing point of contention in much of the contemporary work of animal welfare scientists. This model defines policy problems as a choice facing a political actor. The factors involved are isolated and clearly defined in order to conform to this model (Stone 2002, 233). On this she writes, “(e)ach step in the rational model can be seen as part of a strategy to control a decision rather than merely to get through the agony of deciding” (Stone 2002, 243). To use an analogy employed by Rollin, attempting to recognize value-based assessments in policy decisions is like trying to fit square pegs into round holes. The ambiguity of politics and the subjectivity of values do not conform to the decision making model described by Stone. Thus the normative values inherent in the animal welfare sciences represent a road block to their

acceptance into the broader discourses of science based policy. To be sure, my argument is not that empirical science has no role in developing policy and regulation regarding animal welfare. Rather, that addressing animal welfare requires ethics-bound decisions in policy making and regulation. Decisions based on biological determinations of functional health do not address the ethics of animal use in the practices and processes of industrial agriculture. Moreover, if the values that guide research are not defined, this ambiguity leaves space for the influence of vested interests.

In this process of demarcating what classifies as legitimate scientific methods and designs, decision-makers and scientists draw a distinction between science and non-science. “Boundary tensions” as Stone refers to them, “evoke intense passions because the classifications confer advantages and disadvantages, rewards and penalties, permissions and restrictions, power and powerlessness” (Stone 2002, 382). Boundaries are employed practically by scientists and decision-makers as a means of justifying claims to authority or resources.

Thomas Gieryn²⁷ argues that the demarcations of ‘sound science’ depend on the social and political context of the research itself. When the goal is ‘expansion’ of authority or expertise into domains claimed by other professions or occupations, boundaries can heighten the contrast between the two fields in ways that benefit one side. For example, Gieryn refers to the expansion of science into the domain of religion, through the symbols of ‘empiricism’ and ‘facts’. The goal may also be ‘monopolization’ of professional authority and resources. Here boundaries work to exclude rivals from within by defining them as outsiders with labels such as ‘pseudo,’ or ‘amateur’ (Gieryn,

²⁷ Gieryn employs the term ‘boundary work’ in discussing how “(d)escriptions of science as distinctively truthful, useful, objective or rational may best be analyzed as ideologies: incomplete and ambiguous images of science nevertheless useful for scientists’ pursuit of authority and material resources” (Gieryn 1983,794).

1983). The demarcation of animal welfare sciences as non-science, based on the two principles discussed above, namely that animal experiences can not be objectively observed, and that animal welfare science is intrinsically value-laden, has inhibited the development of welfare related policy and regulation.

Values and subjectivity are thus implicit in science from the level of ideology to practicability. Further, scientific inquiry requires cognitive choices which are influenced by individual experience, and political goals (Alroe and Kristensen 2002, 12; Levidow and Carr 1997, 30; Curry 2002, 123). On the extent to which all science involves normative choices about what to study and how to direct research Levidow and Carr write that scientific facts turn out to be “nothing but answers to questions that could have been asked differently” (Levidow and Carr 1997, 30). The implication here is not that scientific research has no value to this debate; rather that science must be understood as embedded in a social, historical, and political context. Once this context is considered, the underlying assumptions and goals of research may also be revealed.

In my research project, empirical science is essential to the arguments for improved regulation of transportation. Research on animal welfare issues in transport is extensive and has led to substantial regulatory changes in other regional frameworks, such as the EU. If this science is available and communicated to policy-makers, then we are confronted with the paradox of why change has been so slow in the animal industries. Further, it appears from this research that the ethical dimensions of the debate are being subsumed by the discourse of ‘sound science’ in conjunction with other strategic arguments forwarded by industry and policy-brokers examined later in this thesis. Therefore the question remains; will final amendments to transportation regulation reflect both the scientific and ethical dimensions of animal welfare, as articulated in the

literature? Fraser argues that this polarized debate has “failed to create a climate of dialogue and consensus building” (Fraser 2001, 640). In the humane transport debate these same patterns are clear; boundaries have been constructed between ethics/values and science, and the fundamental values guiding the assessment of research relevancy are ambiguous and vulnerable to the manipulation of vested interests.

The Ethics of Animal Welfare

At the heart of my research project lies the question: why care about animals? Further, if we do, what moral implications does this have on our relationships with them? While a complete examination of these questions is beyond the scope of my research, the social, political, and historical context of animal ethics is important to address both to situate the current debate within the broader discourses of this issue, and to explain my own ideological construction of animal welfare which informs my argument in this paper.

Public interest and mobilization on the issue of animal welfare can be linked to a variety of related issue areas and stakeholders. The first efforts to oppose the industrial exploitation of animals in agriculture on ethical grounds are generally linked to the publication in Britain of Ruth Harrison’s book in 1965, *Animal Machines*. The book focused principally on animals kept in intensive production systems, such as sow stalls, battery cages for hens, and single crates for veal calves. Following enormous public outcry, by 1965 the United Kingdom formed a technical committee led by zoologist Dr. F.W. Roger Brambell (the Brambell Committee) to examine the welfare of animals kept in intensive husbandry systems. The Committee defined welfare in its final report as follows: “Welfare is a wide term that embraces both the physical and mental well-being of the animal. Any attempt to evaluate welfare therefore must take into account the

feelings of animals that can be derived from their structures and function and also from their behavior” (cited in Harris 2005, 647). The Brambell Report resulted in the formation of the Farm Animal Welfare Council which was assigned the tasks of studying welfare issues, advising ministers, and making recommendations for policy, legislation and research. Moreover, these events were the springboard for advocacy for animal welfare and related issues, as well as the expansion and growth of the animal welfare sciences.

In contemporary debates, public concern about the increasing gap between humans and their natural environment is often highlighted as central to the politicization of animal welfare. Opposition to the industrial production of animals has become linked to mobilization on a number of food production related concerns (Fraser 2001, 79). On the link between the politics of the animal rights/welfare movement and concurrent movements Benton and Redfearn argue that:

what is often experienced is not so much a spiritually generous compassion for the needless suffering of a sentient being, but often a directly felt panic about our destruction of our own ‘life support’ systems in nature. But no matter how different their sources and forms of cultural and political expression, the new ‘green’ sensibilities do converge with the politics of animal welfare in their shared rejection of the hitherto hegemonic conception of humans as set apart from and above the rest of nature (Benton and Redfearn 1996, 48).

The distancing that exists between production and consumption is reflected today in debates around sustainable agriculture, environmental health, rural survival, social justice in labour practices, and animal welfare, to name a few. Thus, in addition to groups whose primary cause is animal advocacy, public interest in industrial animal production has also stemmed from multifarious elements in society. Further, the issue of animal welfare is difficult to identify with any particular political sphere. For instance, Rollin argues that many animal welfare concerns are in fact conservative demands for traditional

animal husbandry practices (Rollin 1993, 7). Therefore, despite claims that animal welfare concerns are only important to a minority of fringe groups, these concerns can be linked to both animal advocacy groups, as well as a widespread population of people with associated concerns.

Welfare and Rights

The conception of the human-animal relationship which has led to current dilemmas of animal welfare was articulated two and a half centuries ago by Immanuel Kant when he wrote, “animals ... are there merely as a means to an end. That end is man” (Kant 1963, 239). Moreover, the scientific rationalization of the world that developed during the 17th and 18th centuries, contributes to what feminist theorists term a “universe of political discourse” (Jenson 1986, 25) which renders alternative concepts of morality and the human condition as insufficient and in many cases irrational.

Related to these same philosophical roots is the idea of individual equality, based on the notion of the inherent claims or ‘rights’ of all humans, by virtue of their capacity to reason. Within this framework the individual becomes an isolable entity that can assert interests, claim rights, and enter into contractual relations with other individuals (Held 1993, 203). Animals (non-human), witnessed through the indifferent lens of this ideology are likened to machines, which are incapable of reason and thus, are not due the same considerations, or subject to the same inherent rights as the human species (Donovan 1990, 44).

One of the earliest attempts to incorporate animals into rights theory was made by Jeremy Bentham in 1789. Privileging rationalism and individualism, Bentham claimed that by illustrating that animals are conceivably more rational and interactive than a

human baby, it can not be reasonably argued that natural rights only apply to humanity. Moreover, Bentham argued that sentience, or the capacity to experience pain, should be the logical foundation for rights, a proposition echoed by Rousseau in his *Discourse on the Origin of Equality* (Rousseau 1754, preface). Indeed, Bentham's work remains a landmark for contemporary animal rights advocates, who cite his infamous line: "The question is not, Can they reason? Nor, can they talk? But, can they suffer?" (Bentham 1789).

Today, the debate about animal rights and animal welfare still echoes these philosophical questions regarding the relationship between humans and animals. Indeed, scientism, economics, and the doctrine of rights continue to serve as justifications for the institutional mistreatment of animals. Peter Singer, widely known as the father of the animal rights movement, follows the utilitarian line of reasoning in his book *Animal Liberation*. Singer's central premise derives from Bentham's passage on sentience, which was referred to above. Singer rejects the idea that humans or non-humans have natural or moral rights, and proposes instead the equal consideration of interests. Therefore, if a being has the capacity to suffer there can be no moral argument for not taking that into consideration. Singer proposes that animals have interests in remaining unharmed, and that sentient creatures have a right to have their interests considered equally (Singer 1990, 14).

Tom Regan argues for a different theoretical approach to animal rights based on the principle of natural rights, as articulated by John Locke. Regan's position established in his book, *The Case for Animal Rights* (1985), is primarily a refutation of Kant's conceptualization of 'man' as a rational being, which exists as an end unto himself, and possessing 'absolute worth' (Luke 1995, 301). Regan disputes the premise that rationality

constitutes the reason for moral worth. Furthermore, he argues that human 'moral patients' (i.e. those who are mentally retarded, infants, or otherwise incapable of reasoning) should also be treated as 'ends'. Therefore, Regan argues that if we are to treat both 'moral agents' and 'moral patients' as entitled to natural rights, then this logic must also be extended to non-human moral patients. To not do so takes the irrational stance of speciesism in that it privileges one group over another (Donovan 1990, 40).

However, feminist theorists have pointed out that these arguments for animal rights remain rooted in the Enlightenment principles of individualism and scientifism (Donovan 1994, 147; Luke 1995, 292). Indeed, according to feminist theorists in this field, by maintaining the epistemological status quo neither theory offers a true account of the relational experience of the human/ non-human condition. In a feminist critique of animal rights theory, Donovan proposed that the "morality of responsibility" of feminist thinking, with its emphasis on relations and connectedness, provides an alternative to the morality of rights (Donovan 1996; Fraser 1999, 179). Understanding the human-animal relationship as well as the human-human relationship as rooted in the actual experience of these relationships and the sense of duty or responsibility that derives from them is seen as a clearer expression of moral sensibilities than the abstracted concept of rights. In the case of animals these feminists argue that focusing on this relational concept of morality will help to avoid many of the divisive 'entitlement of rights' debates about animals and lead to more advancement on ethical decisions regarding the use of animals by humans.

Given the subtleties of the various philosophical positions on animal use, the distinction between animal welfare and animal rights is commonly understood in the following manner: advocates of animal rights argue that humans do not have the right to exploit animals of other species, therefore they oppose the use of animals for any

purpose; advocates of animal welfare argue that humans do have the right to use animals for certain necessary purposes, but only if it is possible to do so humanely. While this division is not nearly as clear as articulated here (many people locate themselves in the blurry fringes of these philosophies) this provides a rough outline of the positions adopted by animal advocates.

This distinction proves to be important in public disputes around animal use, a claim that will be extrapolated later in this paper. For now, it is notable that animal advocacy, like all social issues, is multidimensional and involves many perspectives on the limits and compromises of animal use. For example, animal rights groups may philosophically oppose the industrial production of animals yet may advance a limited agenda on animal protection in order to be able to influence small progress, rather than being eliminated from the debate by asking for radical changes. Animal welfare groups may distance themselves from animal rights groups in order to remain a 'rational' participant in decision-making processes. Additionally, as certain elements of the animal advocacy world are considered representative of the public interest, industry and government stakeholders may attempt to align themselves with these perspectives. Insinuated in these demarcations is the notion that animal advocacy groups are constantly negotiating the scale of 'radical extremism' in order to be accepted participants of public consultations on animal ethics. Indeed, as I discuss in later chapters, the use of this 'scale' is an important aspect of the strategic framing of the public interest in animal welfare in the humane transport debate.

In order to understand the positions of advocates of animal rights/ welfare their theoretical arguments must be taken into account. Indeed, this philosophical context has been elemental in assessing my own moral position on the human/ animal relationship.

The work of contemporary theorist Bernard Rollin is helpful in clarifying the definition and justification of animal welfare which informs my answer to the questions: ‘why care about animals? And if I do, what does this mean about how they should be treated?’

Rollin argues that both philosophy and science must play a role in determining animal welfare. Within the political economic context of the industrial expansion of animal agriculture there has been a growing ‘social consensus’ around our moral obligations to animals (Rollin 2006, 35, 99, 171; Rollin 1993, 8). This concept of obligation echoes the ideas expressed by feminists such as Donovan, however Rollin’s theory broadens this philosophical approach to addressing the human-animal relationship by linking it with scientific interpretations of animal welfare or well-being. As Fraser argues, Rollin’s theory may offer a “bridge between animal ethics and animal welfare sciences” (Fraser 1999); an important step in developing an approach to addressing animal use which is reflective of both contemporary science and ethics.

In attempting to expand notions of animal welfare beyond satisfying those needs which are relevant to health and productivity (i.e. food, water, protection from diseases), western societies have looked to the ethical infrastructures that are familiar. Philosophically, Rollin claims that society has developed the ethical machinery to deal with our treatment of people in the concept of ‘rights’. Rights offer a discursive and legal framework for protecting individual interests, defining duties, as well as balancing individual and collective interests. Here he writes, “(t)he 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” (Rollin 1993, 9).

When applied to animals this language often acts as a divisive force as the term refers to ‘equal’ treatment thereby insinuating that animals must receive the same legal

entitlements as humans. However, Rollin argues that claims for animal rights are in fact claims that the nature or *telos*²⁸ of animals be protected. Science can provide information regarding “the distinctive set of needs and interests, physical and behavioral, genetically encoded and environmentally expressed that determine the sort of lives that they are suited to live” (Rollin 1990, 3459). Therefore, he says that the distinction between animal welfare and rights serves as a heuristic device for animal advocates who want to see that animals are guaranteed more than simply biological health, but also that “animals’ basic natures will not be submerged in the course of their being used by humans” (Rollin 1993, 10). In this way Rollin offers an important intervention into the semantic debates of rights and welfare. He bridges the discursive and normative gap between welfare and rights by highlighting their similar goals using the concept of *telos*. This expanded notion of animal welfare based on the human conception of rights, duties, and balancing individual with group interests provides the theoretical framework for my ethical approach to animal welfare. Furthermore, Rollin’s assertion that both empirical science and philosophy are essential to this discourse helps to qualify similar claims in the science and public policy literature.

Conclusion

This chapter has examined the different positions on the science and ethics of animal use. In turn, this discussion has explored the separation of ethics and values from the definition of ‘sound science’ employed in policy-making. I began with an examination of

²⁸ On his use of the term ‘telos’ Rollin writes: “As ordinary people know well, animals too have their natures, genetically based, physically and psychologically expressed which determine how they live in their environments. Following Aristotle, I call this the telos of an animal, the pigness of a pig the dogness of a dog... social animals need to be with others of their kind; animals built to run need to run, these interests are species specific... others are ubiquitous to all species with brains and nervous systems – the interests in avoiding pain, in food and water and so forth” (Rollin 2000, 32).

the epistemological claims of reductive science, highlighting their relevance in current controversies taking place in the animal welfare sciences. In my examination of these disputes I forwarded the argument that the reductive approach to the animal sciences is insufficient for addressing the ethical concerns of animal welfare in agriculture. Further, I examined how the epistemology of science is reflected in current approaches to policy development both through the 'rational' approach to decision-making which remove values from the equation, and in the requirement of measurable 'facts' to determine responses. I criticized the claim that reductive science is neutral, arguing that all scientific research is informed by the political, social, and ideological context in which it is embedded. Indeed, such claims are recognizable as tactics aimed at deferring accountability for politically sensitive decisions and for assigning authority to 'science' in high-stakes decision-making around ethical and moral issues. My argument here was that the authority of science and the scientific method of inquiry maintain a dominant position in current disputes around animal ethics which limits alternatives, and allows for particularized interpretations to dominate the process. In the debates of animal welfare and humane transport the discursive framing of science is essential to consider as policy decisions rely on 'scientifically sound' research in developing responses to animal welfare concerns.

In my examination of the ethics of animal welfare I looked at some of the key disputes about policy approaches to animal ethics, and ethics in general. The use of mechanisms such as cost-benefit analysis in policy-decisions reflects the rationalist approach discussed earlier, and reinforces limited demarcations of the 'costs' in animal welfare. From here I turned to a discussion of the social and historical context of current disputes in animal ethics. Examining the origins of public opposition to industrial animal

use is helpful in order to contextualize my discussions of the ‘public interest’ later in this paper.

In the final section I considered the philosophical roots of current disputes around animal ethics. Additionally, I have highlighted some of the distinctive arguments of the animal rights and animal welfare perspectives which continue to influence public debates. This discussion is an important backdrop to later examinations of how animal advocacy positions are manipulated in order to strategically define the public, and demarcate participation in policy processes. Finally I highlighted the work of Bernard Rollin; in particular the importance of his work as an intervention in the divisive disputes around animal ethics and science. While debates continue around the recognition of values in the animal welfare sciences, Rollin offers a normative bridge through his concept of social consensus ethics which recognize the fundamental interests of an animal or what he calls ‘telos’. Rollin’s theory provides important theoretical groundwork for the concept of animal welfare which informs this research, and which helps to guide my critique of other positions.

The analyses offered in this chapter helps to illustrate how ‘sound science’ is demarcated in animal welfare disputes, and some of the implications of these boundaries in developing science-based policy. Advancing ‘sound science’ to determine animal welfare regulations effectively limits the definition of science to biological interpretations of animal welfare, and invests control in the economics-as-science approach to addressing the ethics of animal use. Moreover, the separation of values from science removes responsibility for ethical decisions from the realm of politics to the ‘neutral’ territory of rationality and logic.

Chapter four will introduce the empirical research conducted in this study. The ideas and themes that frame the position of groups involved in humane transport consultations are examined. Many of the themes discussed in this last chapter involving the discourse of science and the application of ethics are reflected in the conversations that took place with interview participants. Further, the discourses surrounding animal welfare developed in the first three chapters of this thesis situates the positions outlined in chapter four within the broader context of Canadian policy regimes. It helps to locate them within debates taking place within the science communities, contextualized by the socio-historical meanings of animal welfare today.

Chapter 4: Framing the Humane Transport Debate

In earlier chapters I discussed the “universes of political discourse” (Jenson 1986) that inform the debate prevalent in the literature around animal use in agriculture. In this chapter I illustrate how these perspectives and fields of knowledge are expressed by different groups, in the framing of the debate around proposed amendments to the Health of Animals Regulations that govern humane transport. In the political struggle to control or influence the outcome of transport regulations, groups strategically define the factors involved in order to gain authority over decisions and limit alternatives. Examining how these stakeholders frame the contentious issues of humane transport helps to develop a substantial understanding of the strategies employed and the arguments advanced in directing amendments towards an industry-favourable outcome.

Chapter four therefore explores how the groups involved in the consultation process approach and address the issue of animal welfare in transport. I aim to unpack the ideologies and perspectives expressed during interviews, using the policy theory offered by Deborah Stone as my principle analytical tool in conjunction with other relevant approaches. As discussed in my methodology chapter, my empirical research involved interviewing people whose experience in humane transport defined them as key informants to this process. While most participants were involved in the consultation process as employees of stakeholder organizations, some, such as livestock transporters, were not directly involved in the process. In the case of these participants, the information and ideas drawn from their experience was considered relevant and essential to developing a substantial analysis of the debate. Indeed as discussed in earlier chapters,

Haraway highlights the possibility of uncovering new knowledge represented in the “view from below” - or those people who through their experience can offer ‘subjugated knowledge’, which may be less vulnerable to the totalizing claims made by scientific or economic interpretations (Haraway 1991, 191).

In building a framework for analysis I have separated participants into four group classifications on the basis of discursive themes identified from interviews. The groups are: industry groups, which include lobby groups and companies; animal welfarists, which refers to groups associated with animal advocacy; policy-brokers, which refers to provincial and federal agencies involved in animal welfare; and operational workers, which includes humane transport inspectors and transporters. Though classified under one of these categories, participants were not necessarily in complete accordance with the mandate of their organization. In fact, some clearly indicated that they felt discordant with the goals or ideas of their employer. For these reasons, it proved difficult to compartmentalize people under a particular banner. For example, all policy-brokers were not necessarily supportive of the policy positions forwarded by their department. Further, most people involved in this debate would classify themselves as animal welfarists, besides just those included under this title. However, categories here are used for hermeneutic purposes. As Stone writes, “(c)ategories are human mental constructs in a world that has only continua. They are intellectual boundaries we put on the world in order to help us apprehend it and live in an orderly way” (Stone 2002, 378). The goal of this chapter is to draw out broad commonalities in order to set the stage for an analysis of the discursive politics of humane transport.

I introduce each group with a key message that I have derived from their discourse. This may be a principle tenet upon which their argumentative position relies,

or it may be an approach to understanding animal welfare which informs their whole discourse. In turn, the main aspects that I relate for each group are: how they define animal welfare; how science and research informs these ideas; the causes of humane transport problems; the barriers to humane transport; the efficacy and functions of rules; and the strategies employed in arguing these claims. While this is my general format, these points are not addressed in sequence; rather I relate them as they were prioritized in the discourse during interviews. Also, it should be noted that science and research were not part of the dominant discourse of operational workers therefore this element is not addressed in their section.

My interpretation of the particularities of each group's framing of the debate is drawn from information collected during interviews. In some cases, in order to flesh out an idea I have also drawn on secondary materials such as papers published, or conference presentations by similar stakeholder representatives. Each group reveals an approach to the issues based on an established ideological framework for understanding animal welfare, as well as the real experience of participation in this field. These frameworks may draw on a scientific epistemology, or may reject a rationalist approach to policy development which separates ethics from science. They may prioritize the practical nature of the barriers to enforcing humane transport, or may attempt to find neutral solutions to transport issues which meet the needs of most stakeholders. While it would be impossible to provide a meaningful interpretation of all of the ideas expressed by participants, the aim was to highlight the key framings of animal welfare represented by each group, in order to provide a stage to view the dialectical conversation taking place in the current debate.

Chapter five carries this framework over into an analysis of the dynamics of power, influence, interests and passion which drive and steer the debate. By drawing on the framings outlined here I analyze how the different actors in the debate influence and inform the politics of animal welfare. In doing so I illustrate how power is operationalized in this debate in order to prioritize the position of industry and direct the debate towards an industry favourable outcome.

Industry

The people that I have categorized under the banner of industry were working at the level of policy either for industry lobby groups, or heading companies involved in the livestock production chain. Some participants were also involved in livestock production themselves. In attempting to highlight the ideas and meanings which frame the industry approach to animal welfare, I begin with a look at some of the basic tenets expressed by these participants, followed by an examination of how science and research informs these ideas. The causal stories asserted by participants are addressed. These include: the prioritization of productive capacity; the bad apples causal story; and pressure from animal rights groups. Potential solutions expressed by participants are then addressed. Finally I look at the strategic use of rules and public relations.

Central to the industry approach to animal welfare is the basic inference that animals are treated well by agriculturalists because the livestock business could not thrive on unhealthy, unfit animals. The often heard remark ‘good welfare equals good commerce’ encapsulates the industry approach to animal care. In this view, livestock producers have nothing to gain by neglect or poor handling because the animal is the very source of profitability. As one industry participant put it:

... the vast majority of cases, if you're doing things to improve the animal welfare you're actually going to be improving your business as well, simply because no one in their right mind is going to haul animals in such a way that they either get sick or they get extremely stressed, or they get injured or bruised. Simply because those animals, if they're going to a feedlot are not going to perform as well, they're going to get sick, there are going to be higher treatment costs. And if they get injured, if they have a broken leg on the truck, then they can't be unloaded, they have to be destroyed. So there's money right out of your pocket. And packers will discount animals for bruising. So in a lot of cases the counter intuitive thing that 'good welfare equals good commerce' really does hold true, a good portion of the time. (I6).

In conjunction with this tenet is the principle that 'good health leads to good welfare', which asserts that if animals are healthy and productive this is a good indicator that they are content and unstressed. In this view the productive health of an animal is the principle indicator of welfare. During a discussion on the biological/behavioural controversy around defining 'welfare', one participant said,

...one of our challenges is how you are hearing other people and how they are hearing you. We are seeing it differently, and you have to understand that. So all I am doing is trying to let them (producers) know where I think we are, and we are at the biological side of it. Maybe moving into the functional side of things, the feeling side rather (I10).

Similar to the position of other groups, what constitutes animal welfare is central to the construction of this debate. Therefore, defining animal welfare as primarily determined by biological functioning is an important aspect of the industry perspective. Interviewees indicated that productive efficiency requires research and time in order to meet the quantities of scale that the market demands. In discussing current production standards in dairy cows one participant commented:

Some of our cows are producing 12,000... on average are producing 10 to 12,000 kilos, it is a lot but they learn to manage that average, they feed them, obviously they have to stay alive, they have the right udder to support itself... It doesn't come by chance overnight, that you have a cow producing 10,000 kilos, it is over the years of selection and management. We don't think that it is an animal welfare issue, it may appear that way. Usually you see the cows that have a

problem udder. Mastitis is a big issue, it is a big issue for many reasons, cows get sick, and you lose income, and you have to use antibiotics which leaves residues, so you have to discard the milk for a long time, like three or four days, until there are no residues left. We do invest a lot in research for mastitis. (I7)

In this view, the goal of large scale production is not associated with poor welfare. It is possible for efficient production and good animal welfare to coexist. However given the current scale of production, existing production systems and practices are not easily replaced or changed. Moreover, a problem must be identified before steps to address the causes can be put in place. Systematic changes to production must be grounded in research which indicates a clear animal welfare benefit, and which remains cost effective. Indeed, for industry workers, who are already pressed to meet the demands of a fragile market, any changes to regulations in the case of the transport system requirements must guarantee effective results. As one participant said, “we want to make sure that any regulatory changes that come through are based on sound science that shows that the animals are actually going to be better off as a result of the regulatory change” (I6).

The authority of ‘sound science’ was frequently reiterated by industry interviewees. In regards to available research addressing the effects of transport on animals, participants expressed the importance of conducting research relevant to Canadian producers. One participant discussed the importance of supporting Canadian based research through funding initiatives:

I just mention that as another thing that we’re doing on animal welfare, it is more than just to give ourselves a good conscience, we want to be able to have the tools to advise farmers on how to improve the welfare of the animals. For many reasons. One is economical, but the main one is to keep the animal comfortable and producing - you don’t tend to produce very much if you’re not being taken care of properly. (I7).

While research exists on animal transport, participants indicated that very little had been conducted within the Canadian context. The following quote explains some of the problems associated with this lack of relevant research:

...at one point we suggested that we want science-based regulations, and we wanted them based on research done in Canada ideally, or North America at the very least. And the initial response was that there has been tons of research done around the world on livestock transportation and here are all the references, and there were 80 some references. And it was interesting that some of the references that they were referring to are actually older than the current regulations, so we weren't completely convinced that that was the most relevant stuff to be using. But if you look at the research that has been done, most of it has been done in Europe and that is a little problematic to adapt to the Canadian situation because there are a lot of differences. Even the types of transportation vehicles that they're using can differ considerably. There are political considerations, in that they are crossing borders every couple of hours. And there are geographical considerations as well in terms of the borders again, and mountain ranges. And the climate is considerably different... And so we griped about that and the obvious answer was, if you think research is so important, why aren't you doing any of it? And we actually are doing a transportation project right now that xxx is funding, and xxx are doing a similar one out there, to look at what industry standards are in terms of loading densities, distances, and times, and how often they stop for feed, water, and rest breaks. And I think that that information will do two things: I think it will identify where the risk factors are, and it will also provide the CFIA with some of the benchmarks they will need when they get into the actual drafting of the regulations if they're willing to wait that long.(I6).

Among these participants, the discourse around science focused on practical use. In other words, scientific research was generally viewed by participants as an important tool to address existing, or perceived, problems.

The goal of improving animal welfare was clearly supported by all participants and moreover, identified as important to act on by some. While this may be the case, participants also acknowledged that not only is there conflict around whether to address biological or behavioural attributes in identifying welfare concerns, there is also a disjuncture within the livestock industries around the value or legitimacy of the goal of

animal welfare. This gets at a pervasive ideology that was illuminated by discussants, namely that the culture of production in the livestock industries can act as a barrier to addressing welfare concerns. It is clearly difficult to speak of an industry wide 'culture of production' (my term) as the practices and systems vary greatly amongst the different livestock industries. Similarly, those working in the livestock industries will have a multitude of differing approaches and perspectives. For example, while cow/calf operations are still largely based on a system of individual farmers maintaining small to large herds, pork farming is an integrated production chain which requires extensive investment, and necessitates large scale production facilities. Therefore, while sweeping generalizations should be avoided, recognition of this dimension of the discourse is important in order to address elements of the causal framework articulated by this group. Indeed, to assume that perspectives in the Polis are anything but multidimensional would misrepresent reality.

The phrase 'culture of production' points to the problem of prioritizing productive efficiency, often by extracting as much profit as possible out of an animal at the expense of animal welfare. Some of the underlying factors that may drive this approach were discussed by interviewees. For example, the influence of an "ingrained ethic" of waste may guide some people to push the limits of animal welfare. This refers to the idea that animals are viewed by some producers solely as a food and income resource and therefore it would be wasteful to not use them in this way. However, this could lead to animals that are injured or compromised undergoing the pain and stress of transport in being sent to market or slaughter rather than euthanized on-farm. As one participant said:

Well a lot of people have traditionally had the mentality that, if the animal has a broken leg, or it has hip dysplasia, or whatever it gets that causes it to go down - it still has value ... That old mentality of waste. That is the only thing I can come up

with. People, not considering and understanding that those animals are in pain. I know, it is hard to understand, very hard to understand, but it exists. Not so much now.. (I10).

Perhaps the most commonly raised contributing factor to poor welfare was the issue of low-value animals. Low-value animals, such as culled animals, are often perceived to be at greater risk of welfare harms, because there is little financial incentive to ensure proper care. One participant commented on this:

The old cows, that don't have much salvage value, they're definitely the high risk in terms of their... Well what I was saying the other day is that good commerce equals good welfare. For the most part that does apply. It is those high risk animals, like the low value animals, cull cows in particular where that does not directly apply. So those are the higher risk animals, and that is where the regulatory... or enforcement should probably be focused a little more (I6).

While Industry participants readily discussed how this perspective on production can impact animal welfare, in general, they agreed that the majority of people working in livestock production are doing a good job in terms of caring for their animals. Indeed, there was also agreement that a regulatory approach to transport issues was not needed. This points to an important causal story found in the industry perspective. Effectively, it is argued that there are 'bad apples' in every field of work, and that the most efficient way to weed them out is through allowing the marketplace to function effectively rather than over-regulating, since the latter approach may negatively impact those who are doing a good job.

In Stone's discourse on causes, she writes: "Just as different causal stories place the burden of reform on some people rather than others, they also empower people who have the tools, skills, or resources to solve the problem in the particular causal framework. People choose causal stories not only to shift the blame but to enable them to appear to be

able to remedy the problem” (Stone 2002, 207). Reflected in the industry view, this causal framework asserts that the bad apples of the industry paint everyone in a poor light. However, the majority of people working in livestock should not be punished by stiffer regulations. They should be allowed to continue working with the standards which they already meet. One participant speaking on this idea made the following comment: “As truckers we all get grouped together, so if you’re trying to do it right, and there is a guy with two trucks and he does everything wrong, you hope that you have regulations that this guy is going to get weeded out so to speak, that animals are going to get treated humanely, and that it is going to get done right. That is why we get involved.”(I9). The market (i.e. producers, trucking companies, auction markets, meat packers) will naturally eliminate people doing a poor job. If regulations must be changed at all, they should be aimed at weeding out those who take advantage of the current system. In order to eliminate the bad apples while allowing the good work to persist and expand, rules must be flexible enough to allow for judgment. In this case ‘judgment’ means outcomes-based, rather than prescriptive regulations. One participant observed:

The upside of the outcome based thing is that it does recognize that transporters, the people who are shipping the cows, the people who are driving, are the people who are the most familiar with the animals - and probably the most concerned with the animal welfare, they have the most experience. And with outcome based regulation, if the outcome required is that cattle arrived at their destination and they’re healthy and in good shape then the driver has more flexibility to use his judgment to adjust to varying conditions (I6).

Who makes the rules, and based on what information, is therefore an important aspect of this debate. In the industry view, government should not apply rules which will impact industry without consulting them on existing standards, practices, and working together to identify potential problem areas. Moreover, pressure to institute changes should arise from real, as opposed to perceived, concerns. Such ‘perceived’ concerns are generally

believed to arise from pressures exerted by interest groups such as animal welfare or animal rights groups. One participant commented:

I think that it is activist groups that pushed them into it now. I don't think that they would admit that, but I think so...Because the regulations that are out there are working. There are no issues with them. And the questions that I have asked the CFIA about why are we changing them - I am not understanding the reason for it. The answers that I am hearing would lead me to believe that they're being pushed (I9).

Therefore, in conjunction with the 'bad apples' causal frame, is the assertion that the drive to address animal welfare in agriculture stems from pressure exerted by animal activists. The tenuous relationship between industry perspectives and the perceived opposition was articulated with an interesting analogy:

... if Animal's Angels²⁹ has footage of animals being abused there are two things that need to happen. First we need to find out, not if it's a real because if they have footage it is presumably real, but is that something that has happened here and recently or is it some stock footage that is getting pulled out. If the situations that they are documenting actually are occurring we need to get that taken care of, not that we need to get Animal Angels taken out of the picture, but if this stuff is going on, whoever is the offender in terms of abusing the animals needs to get cracked down on. And so actually I think that those animal rights people do play a very valid role in keeping the public... Maybe not public awareness there, but those who might be inclined to bend the rules, there is some body that is watching them. That is I think a very valid role. *It is sort of like an ecosystem, the wolves and the deer need each other.* .. So it is sort of that balance. So I think where the animal rights groups are a threat is when they take an extreme and isolated incident and portray it as, this is what is going on everywhere, every day in all situations. And that is where the problem lies (I6). (My emphasis added).

This quote highlights the extent to which the industry and animal rights perspectives become dichotomized in this debate. However, it is also illustrative of a sentiment which was echoed by many participants, which is that both the industry and animal advocates

²⁹ The term 'angels' here refers to the 'Animals Angels', a European based animal protection group which has satellite offices in North America. A large part of their work involves detailed documentation of animal transport, including departure points, auction yards, and other destination sites. Their reports are shared with government and industry in whichever country they are conducting investigations.

see the need for cracking down on the “horrible crap that happens” (PB5). Indeed, several participants indicated, as in the above quote, that there is a role for activist groups as watch-dogs for poor practices. However, where industry draws the line is when the public is provided information that industry actors perceive as inaccurate.

While there is a common ground that can be located here, it is notable that the ideas employed in defining boundaries between these two groups, and strategically representing claims to bolster one side while disempowering the other, are fundamental to the construction of animal welfare in policy processes. Just as there is, somewhere, a common ground, this research project has clearly indicated the level to which industry groups remain defensively poised to react to criticism from the perceived ‘opposition’.

During an interview with a policy broker informant, we discussed the creation of a provincial animal care council.³⁰ The participant commented that the council was put in place because the livestock industries could not deal with the pressures arising from activist groups. The participant went on to say:

It (role of the provincial organization) is to stave off the activists. That is part of its role. Not only to keep them in line, to keep the animal production industry in line. I mean that is absolutely part of their role. So to consult, and be involved, and make their producers aware of current stuff, but also to stave off criticism. Make no mistake, that is part of their role; to keep the Angels in check (OW11).

It appears that industry groups are becoming more familiar with the distinction between activism for animal rights and welfare. As one person put it, “animal rights is a different fight I think, than the fight for animal welfare” (I8). However, this is in conjunction with a strong movement within industry sectors to counter activism by being

³⁰ Saskatchewan, Alberta, and Ontario have provincial animal care councils. These councils are established by livestock industries within the province. Each provincial council establishes its own mandate based on the goals of members. For example, the Alberta Farm Animal Care (AFAC) has created a mandate to promote animal care to the industries, engage in discussion with the public, monitor and participate in issues and legislation, and encourage animal care research (AFAC).

prepared for potential issues or sites of activism, and effectively undermining it with opposing arguments and public relations strategies.

A welfarist interviewee discussed how this strategy appears from their perspective, lending insight on the extent to which the issue is constructed as oppositional. The comment begins with discussing the participant's involvement in the organization of an industry led national conference on animal welfare:

... I was involved in the organization of that conference, and they would be so concerned about who was going to show up at the conference, and how are they going to control the mike to ask questions, and what if they come and demonstrate, and what if they put their materials out on a table ... and I would just say 'they're not whackos ... you know if PETA wants to show up, they'll show up and if they want to demonstrate they'll demonstrate, and if they cause a ruckus then we'll get rid of them - but you know I just don't think we really have organizations like that in Canada. And of course it went fine. I think that they thought that xxx and xxx were going to make a big hullabulloo or throw a pie in someone's face or something (AW2).

As industry groups anticipate oppositional activities and prepare in advance, they are also developing a "public education" approach to activism, which counters the information that the public may receive from activist groups. In this view the public, which has limited understanding of animal agriculture, will receive information from various sources including activist groups. It is therefore incumbent on industry groups to counter claims which criticize their practices. On this idea one participant commented:

Welfare is increasing in profile, it has always been a priority, it's just a little bit more in the public consciousness now I suppose. And a lot of that goes back to the fact that only about 2% of the population are actually rural now, and that depends on how you define rural. I think the definition is a town less than 5000 people. And so the upshot of that is that there are a lot of people in society right now that have no... That certainly don't live on farms, and probably didn't grow up on farms, and a lot of them now don't even have grandparents on farms. So they don't have the connection to what actually goes on, on a farm. So it is a little more important that industry educate people about how things actually work on the farm, or what the realities are (I6).

Here, 'the reality of the farm' can be seen as a leverage point for industry. Those working on the farm are best positioned to inform the public about what takes place there. Drawing on the ideal of the traditional family farm, that one might grow up on, can elicit a level of trust from the public. This can position certain groups associated with farming as authorities on good farm practices. What is notable here is that aligning industry values with 'tradition' and rural 'realities' works to position the industry view as complimentary to values deemed to be supported by the general public.

Part of this strategy is the representation of activist groups as irrational in their claims about animal welfare. During a discussion about regulatory changes to the transportation of downers³¹ which occurred in 2005, a participant commented that it was animal rights groups that instigated the change, going on to say: "Just because a human can't walk, doesn't mean that you do away with him or her. And that is what they are suggesting with livestock. If you have a sick animal and tried to take it to the veterinarian clinic... Animal rights groups would suggest that you shouldn't move that animal." (I9). What this claim appears to assert is that opposition to transporting downers is irrational because it does not allow for any animal suffering even if the outcome (i.e. veterinary care) will benefit the animal.³² The irrational framing of these groups makes it harder for them to achieve support from the public, especially when juxtaposed with the traditional idea of the family farm. Here, the 'neotraditional portrayal'³³ of the farmer as the subject of

³¹ The term 'downers' is a colloquialism referring to animals that 'go down' or become immobile for some reason. The official term is 'non-ambulatory' animals.

³² It should be noted here that transporting downers was widely opposed by many groups, including industry groups, on the basis that it is inherently cruel to induce suffering based on a profit motive. Moving an animal to a veterinarian clinic is not guided by the same direct motive.

³³ David Fraser talks about 'neotraditional portrayals' of animal agriculture forwarded by industry in response to rising criticisms of the public. He writes, "agricultural organizations have created promotional materials ... portraying animal agriculture as conforming to traditional positive images and to long-

intergenerational experience and knowledge is countered with the radical, uninformed activist in negotiating authority in the realm of public interest.

The views expressed by industry participants, although divergent, reflected a strategic approach to representing the various perspectives on this debate. This strategy has the characteristics of what Stone calls 'the story of decline'. On the use of narratives in defining problems she writes, "(t)hey have heroes and villains and innocent victims, and they pit the forces of evil against the forces of good" (Stone 2002, 138). The dramatic tension of the story of decline arises from the extent to which we can 'read ourselves into the story', where things were once fine, but these changes may soon have deleterious effects (Stone 2002, 161).

In summary, industry participants argue that animal welfare is an essential component of the industry. Without ensuring the health of animals the industry could not survive. In this view, the demarcations of science and research rely on a positivist approach to science which validates a biological health interpretation of animal welfare. It excludes what are perceived as value-laden animal sciences from the debate. The causal stories of animal welfare problems asserted by participants include: the prioritization of productive capacity; the bad apples of the industry and pressure from animal rights groups. Solutions point to the efficacy of the market at eliminating problems rather than regulations, which may unfairly target those who are doing a good job. Finally, the causal stories asserted by animal advocacy groups are addressed by situating the debate within a neutral dialogical territory, and by excluding these 'irrational' perspectives on the grounds that they are emotionally, as opposed to reasonably driven. Further, the

established values of animal care and environmental stewardship, while also taking advantage of modern knowledge and technology" (Fraser 2001, 636).

contradistinction between the portrayal of animal agriculture as a traditional, 'salt of the earth' industry, against the radical, uninformed animal rights movement is an important narrative used in public relations.

Animal Welfarists

What demarcated individuals under this heading was the primacy accorded to the experience of animals in defining their goals and mandate, as illustrated through their explication of the problems, causes, goals, and definition of animal welfare. The defining characteristics of animal welfare forwarded by this group, in conjunction with the related demarcations of science, and the reflection of these demarcations in the strategic use of language, provides an effective starting point for this discussion. Following this I consider the challenge of ethics and the public interest discussed by participants. The strategic alignment of the welfarist position with social norms that distinguish them from animal rights perspectives is then addressed. Finally, this section ends with a discussion of participant's views on the rules governing transport.

In the welfarists view the definition of animal welfare includes and exceeds the standard of biological functionality and health, extending into behavioural and environmental needs. This group argues that animal behaviour research indicates that certain management practices and methods of handling can cause stress and anguish in animals. While these experiences may not be *observable* to some people, the regulatory process should take into account this field of research when developing new rules. What distinguishes this goal from those of other groups is the primacy and legitimacy accorded to the experience of the animal, and further, the obligation to respond to this experience.

The primacy of the animal's experience in the transport process was clearly articulated by welfarists during interviews. Discussing the potential for new regulations to rely on outcomes-based measures, one participant agreed that such measures can be useful. Indeed, many organizations and agencies within the animal welfare world are moving towards outcomes based measures. However, this person went on to say that while "they have a role to play, they don't tell you everything" (AW1). Referring to the example of testing for dehydration of animals in transit the participant said:

...if that is the only thing that is taken into account in defining welfare, then essentially welfare is being defined as 'not being dehydrated', then you're not seeing the whole picture. There are all kinds of other aspects of that journey, of that experience of the animal, that influence its welfare. Dehydration is one part of that, but lack of comfort, of being crowded in with other animals is another part of it, fatigue from having to stand for long periods is another part of it, the experience of extremes in hot and cold temperatures in another part of it, the dehydration outcomes based concept doesn't get at all those (AW1).

An important distinction here is that these groups want to see regulations that monitor and decrease the experience of suffering for animals in transit. In their view, if regulations only address the extreme cases, such as death or severe disablement, then they are not recognizing that animals may suffer greatly and still be functional and ambulatory. In the case of welfarists then, what *counts* as a welfare concern is a key distinction, which discerns their position in relation to others. This distinction is an important dimension of their debate. Stone discusses 'counting', and the use of numbers as a policy tool, she writes: "(t)he power to measure is the power to control. Measurers have a lot of discretion in their choice of what and how to measure" (Stone 2002, 186). Thus, an important aspect of the welfarists argument is directed at advancing an interpretation of animal welfare that goes beyond biological health, and which, if counted, may stimulate a more substantive

regulatory response. In the discourse of animal welfare, such claims must be justified via the authoritative discourse of science.

Demarcating science is critical, yet precarious work for welfarists in this debate. The imperative of 'science' to back any potential regulatory changes was reiterated throughout all of the interviews; any changes to regulations must be based on 'sound science'. Welfarists point to the behavioural, epidemiological, and other studies that have been done which support their position. Yet they are also sensitive to the dominance of a positivist approach in the animal sciences, which works to dismiss findings in these other fields of research, in favour of observable, or 'objective' scientific research. One participant characterized this predicament:

For a very long time you had academics, and whether these people have more of a behavioural training or a veterinarian training, and we're talking 40 years here, they have been doing research that demonstrates that looking at an animal's behaviour, looking at hormones or other kinds of chemicals in the body, that will indicate that there's stress. These kinds of measures of animal welfare are incredibly important for assessing whether or not an animal has a good quality of life. And those are not things that the industry is willing to take into account. And because the government needs to show that it is considering academics important has started to come around to that new definition that incorporates the basic biological functioning of the animal, but also incorporates these other parameters that we can use, which include their behaviour and emotions, those kinds of things now might be taken into account by the government (AW1).

Thus the question of measurement, of what counts as welfare, or constitutes a welfare concern is central to the challenge of welfarists. Based on a particular conception of welfare, we first identify a problem, we are able to assess the numbers, and locate potential causes, and where they are most prevalent. In Stone's view, to name is to take a stand. She writes, "(m)oral ideas and social conventions about behaviour and language give us some standards for judging names as more or less close to the truth. But every

name is a symbol, not the thing itself, and in the choice of names lies judgment, comparison, evaluation, and above all the potential for disagreement” (Stone 2002, 310).

It is because many of the battles fought over improving animal welfare must forward an argument which highlights the extent of the problem and its probable causes that the very definition remains a highly contested and political trigger. Indeed, the word ‘welfare’ in itself is used carefully by actors and groups in this debate. As a researcher, using the term ‘welfare’ as opposed to the preferred term by industry, ‘care’, can situate you on one side of the debate. One interviewee described the difference as follows:

Animal care is just whether or not you care for that animal. That to me would be meeting the basic needs of that animal physiologically, that is what I think of as care. So do I give food and water, and the basic needs are being met. To me welfare is much broader, it includes the health of the animal but also behavioural needs, to me that is what welfare means. And there is a great reluctance to use the word ‘welfare’. That is why it is called the farm animal ‘care’ council and when they do animal welfare assessment programs they call them animal care programs, they don’t like to use the word welfare (AW2).

In this debate, addressing the welfare of an animal differs from caring for an animal in that the former infers that the animal has some interest in a positive or negative experience of its life, while the latter prescribes the human behaviour towards the animal.

A policy broker informant discussed the ways in which we commonly use language to invoke a particular frame of reference:

Lameness under-represents the experience of the animal - because lameness is neutral. We never say that about people, we never say ‘jeez grandpa is lame today.’ So I think that that is the archetypal linguistic error. It is a philosophical error in the way that we talk about animals. When we talk about ‘without food and water’... Are we talking about hunger or not? Are we talking about the discomfort and anxiety associated with being thirsty? Or 56 hours without food and water? I think that is one of the risks of outcome-based thought, that any amount of suffering is justified as long as they don’t die (PB4).

As the language of welfare/care are imbued with underlying assumptions which characterize the human/animal relationship, the selective use of these terms is notable. Language plays a powerful role, as a legislative tool, but also by normalizing particular constructions of this debate. Thus, if welfarist's demands for improved standards of welfare are met with 'animal care programs', this is only a partial response facilitated by the shift in discursive framing.

There is, however, a more fundamental assertion to the welfarists position. This is that humanity has an ethical responsibility to be compassionate towards animals, particularly those that we produce and consume. Given this, our policy decisions around their use should prioritize their welfare ahead of, or at least equal to, economic imperatives. This is not to contend that in this view profits and margins are a secondary consideration. Indeed, participants clearly sympathized with the plight of agricultural workers, who are often squeezed between low food prices, increasingly higher input costs, and the demands of the market. One participant said:

...I recognize that farmers, most of them are not making millions of dollars, you know, I recognize that it's a tough industry and they want to get the most out of their animals, and so when they're faced with an injured animal I can understand that that's a difficult predicament to be in... I can see how the farmer goes 'hmm maybe he can survive the trip and then I can be able to get some money from the slaughter house' you know that's what they raised them for...(AW2)

Yet, here we get at the heart of the most tenuous and controversial aspect of the welfarist's position, and what many of the most highly contested political debates are rooted in: ethics.

It is useful to draw on Stone's discussion of 'needs' in order to examine this less tangible dimension of the Welfarist's position. The challenge of defining 'needs' she asserts, arises when material things have symbolic meaning. Therefore assessing the

needs of the public can not rely only on material and biological requirements, but also on the ideas, norms, and values associated with particular needs. Based on this understanding of need, Welfarists are faced with the task of representing animal welfare not simply as a desire for a politicized segment of the population, such as ‘animal rights activists’, but as a social ethic worthy of protection. Prioritizing animal welfare as a policy goal means that we identify the humane treatment of animals as integral to our identity as citizens, consumers, and members of society. As one participant mentioned during a discussion on allowable time in transit: “I think the vast majority of the public absolutely does not support that, and I think the public would be shocked if they knew that” (AW2).

In arguing the requisite nature of animal welfare, it is argued that the public want to see animals treated humanely, but they lack the information to make an educated decision. Given this circumstance, the government should act in the best interest of the public and make an educated decision for them. Stone provides a useful analogy for different concepts of the public interest. In the Market model of society, a well functioning market will *naturally* fill the ‘empty box’ of public interest with the best possible result for society. In the Polis however, people fill the box *intentionally* with forethought, planning, and conscious effort (Stone 2002, 22). Drawing on this image, welfarists ask that the government, given its resources and access to research and information, make a decision on behalf of the public interest in regard to the treatment of animals, in developing policy and regulations. This aspect of the Welfarist position sits in stark contrast to industry groups who feel that government regulators should not be telling them ‘how to do their job.’

On this idea, an interviewee talked about how the public might respond to animal welfare concerns in the context of the debate around use of the term ‘suffering’:

...we have a very clear idea of what constitutes suffering, and we think that dying in transport for any kind of reason, what that animal experiences, must constitute suffering. And I think that if you were to talk to anybody on the street, and explain to them that this chicken was put on a truck for twelve hours, and it died on the way there, “do you think that animal suffered?” - chances are that, without the person ever having seen the animal or having any knowledge of poultry welfare, it is pretty much common sense that an animal that dies when they are not supposed to likely suffered. While I don't see that as being particularly controversial, I see it as being commonsensical, and based on quite a lot of evidence about the conditions in which those animals are being transported, but people in the livestock industry were upset by that and didn't feel like it was a fair characterization (AW1).

This position maintains that if the public were provided information on animal production practices they would feel it is in their own interest to ensure that animals do not suffer. Concerns of animal welfare can not be isolated as ‘consumer concerns’, to which the market can respond through differentiation and labeling. Rather, these concerns are viewed as problematic because they are not compatible with a ‘good society’ (Brom 2000, 131). Further on this idea that the government should act based on the public interest in animal welfare another interviewee made the following comment:

But I definitely really strongly feel that the government needs to get involved, it's not good enough to tell industry to take care of itself, which is not really the case in transport regulation, in other areas they like to do that, but they are showing some leadership on the transport regulations - and I guess I can't comment because its not over yet. But I have a sneaking suspicion that industry is going to win the day because they are so powerful. And I think that the industries carry an awful lot of weight with the public. That's an unfortunate part of the Canadian public not being more engaged, and probably because they don't know about it, and I wish we had the resources in this organization to do more to educate the public, but we don't have the resources to have a large public awareness campaign. If the public doesn't know about it they can't speak up about it. .. So I think that the government needs to take a strong position with these regulations and they need to enforce them (AW2).

This quote highlights another important aspect of this debate which shapes the welfarists position: the idea that they are at a political and resource disadvantage in policy debates around animal welfare. This disadvantage is perceived as political in that the

agricultural industries have more opportunities and clout in shaping policies that affect their work; and that agribusiness has more resources, both in terms of marketing and public relations infrastructures, than do animal welfare organizations. Negotiating this disadvantage is an important part of the strategy used by animal welfarists, and one which reveals itself through the ways in which boundaries are demarcated which align welfarist's goals or mandates with those of the general public, and distinguishes them from those of animal rights groups.

On one hand demarcations attempt to highlight commonalities between their own goals and those of industry groups - who also claim authority in the realm of social ethics.

One participant expressed the following:

We don't just stand here and say this is awful we have to do better for the animals, we really try to look at the producer side and understand what the limitations are and how things work for them. Because it's just not that simple to say 'you need to give more space to these sows'... or 'you need to not transport them so long' .. well I get that.. its just not that simple anymore... these are huge changes that are going to impact industry, but change has to start somewhere, and if we just keep barreling down the road of higher production, kind of at any cost... we need to look at the ethics and not just the science, I think that they're interrelated (AW2).

As this comment illustrates, the claims asserted by welfarists are drawn together with those of industry, by highlighting a common struggle, namely that standards of animal welfare are limited by the scale and significance of the industries. While this is recognized, welfarists dispute the separation of science and ethics asserted by other groups. In doing so they attempt to link normative arguments around the 'reality of the industry' with a 'reasonable' account of social ethics.

Welfarists also work to counter the strategy used by industry, which lumps animal welfarists alongside animal rightists under the disenfranchising umbrella of 'irrational' or 'emotional'. In discussing this distinction, one interviewee said:

Actually its amazing the paranoia that is now growing in industry organizations, they are so afraid of animal rights groups. And they have reason to be in some ways, there have been some crazy animal rights groups in the UK and a little bit in the US as well that go to research laboratories and let all the animals loose – I mean that’s ridiculous. And not necessarily doing something for the benefit of those animals – its just whacko. And there are groups in the UK that are blowing up peoples cars and its just unbelievable terrorist stuff. So at a couple of industry conferences, one that was put on by Farm Animal Care Saskatchewan about two years ago and half the conference agenda was about animal rights crazies, they had some guy from the FBI talking about fear of animal rights groups ... its just a shame that they’re so paranoid, and that is what gets us so incensed that they would lump us into that group (AW2).

In delineating their position on animals, welfarists attempt to link their position on animal use to a common social ethic, one that does not stray far from the industry perspective. At the same time they work to counter industry attempts to disengage them from the debate with claims that the welfarist stance is emotionally driven and lacks scientific foundations.

The welfarist position is also defined by the causal stories that underpin their argument. At the root of their position, welfarists argue that viewing animals simply as commodities enables a disengagement with the animal as a living, sentient being, which opens the door to poor treatment. Recognition of the problematic nature of living animals being viewed as profitable commodities was expressed in varying degrees across all the groups interviewed. However, where these views distinguish themselves is on the extent to which they assign authority to the mechanics of the market. From perspectives gathered during interviews this line is quite malleable. Everyone in the debate wants to be ‘realistic’ in their proposals, which means prioritizing the economics of livestock production. Welfarists are thus careful to make their proposals applicable to existing livestock industries, while also holding to the idea that the market should not necessarily

be left to 'weed out' the bad apples. One interviewee commented on the effects of commodification:

I think a huge barrier is that when animals are being used for any economic purpose there's more of an incentive to commodify the animals, to be only concerned with your production efficiency, and your financial bottom line, than actually worrying about the experience of the animals. I think the main constraint is just that financial considerations are more important than animal welfare considerations. And you could apply that to the whole industry (AW1).

Regarding animals as units of productivity is viewed as an 'attitude' of the culture of the livestock industries which has been exacerbated by the increasing mechanization and industrialization of farming; echoing the notion of a 'culture of production' referred to by other groups. Indeed, the decision for some groups to become involved with transport consultations was in part due to the sheer magnitude of the industrial production and transport of livestock. Moreover, welfarists argue that the interests of this 'culture' has the ability to influence practices throughout the industry. One interviewee made the following comment:

...if you were to include just outcomes based measure and take transport times out of the regulations entirely, then you're missing an opportunity to change the culture of the industry. So if right now the regulations say that the maximum transport time for cattle is fifty-two hours it is generally accepted that you can do that, that you can transport cattle for up to fifty-two hours. Until somebody comes around to say that it should be lower, it doesn't matter if it is government or industry... That is one way that the culture can change.... Even if the CFIA itself doesn't have the ability to enforce how long those animals have been transported. So let's say the CFIA feels that it is really not easy to track how long those animals have been transport for because it is common for truckers to falsify their documents or for some other reason. By raising the standard and lowering the maximum transport time you're sending a message to industry members that says this is no longer adequate.... So there could be people out there right now who just don't have the opportunity, or don't have the courage to speak out and say 'I don't think it's right to be transporting these animals this long'. If a law comes in regardless of how easy it is to enforce it gives those people an opportunity to make requirements of their employees, or of the people they contract with. So you then end up with internal enforcement rather than relying on the government to, and that changes the culture of what is acceptable (AW1).

Creating rules in this view has a dual purpose: to articulate acceptable practices that are enforceable; and to reflect and communicate to targets, the interests and expectations of society. Rules that represent social expectations will encourage 'internal enforcement' by providing legitimacy to those working in livestock who want to see better standards but are limited by the structures of industry.³⁴

Finally, an aspect of the welfarist position which was emphasized in discussions is the issue of enforcement. Indeed, all groups discussed enforcement in varying ways. For example, transporters are clear that if regulations are in place they must be enforced equally in order to ensure that rules do not unfairly target people. The welfarist position on enforcement can be seen both as a causal story as well as a comment on solutions. In the Canadian livestock transport industry, it is argued that enforcement of existing rules is insufficient. Moreover, creating adequate rules without effective enforcement can in fact have a negative impact on animal welfare:

Having a good law on paper if not enforced is probably even worse than having a bad law on paper because, with what looks like a good law in the books, there is no incentive before the regulators to improve the law. And so it also gives the regulators an opportunity to deflect criticism by pointing out the law. So if there are changes that are made, even if they are great changes to these regulations, but adequate enforcement isn't put into place then we're certainly no better off and in fact we might be worse off (AW1).

In this way, as current enforcement standards are viewed as a serious contributor to existing problems, improving the efficacy of enforcement is seen as imperative to addressing humane transport. Therefore welfarists argue that amendments must include

³⁴ The 'limitations of the industry' referenced here is discussed at more length under the operational workers section of this paper. In order to clarify, such limitations could be that truckers, who may not want to load unfit animals, may have to because they would otherwise be disrupting a market relationship between the producer and the transport company. Stronger legislative backing may allow truckers to take a stand against such shipments.

strengthening enforcement capacity, without improving the efficacy of enforcement regulatory changes will be seriously compromised.

In summary, the welfarist's position is premised on an idea of animal welfare which gives primacy to the experience of the animal, and which demarcates science beyond the observable, including the broader animal welfare sciences. Based on this definition participants argue that the ethics of animal use must be recognized by policy makers, and taken into account when determining the interest of the public in these debates. Welfarists respond to the perceived attempt by industry to alienate them from the 'rational' debate by aligning themselves with social norms that distinguish them from animal rights perspectives. Finally, in this view rules are useful, both to indicate acceptable practices, and as tools which reflect social expectations that may, if clearly articulated, facilitate internal enforcement.

Policy Brokers

In the case of classifying participants under the rubric of policy brokers, it should be noted that a distinction was made between government employees working at the level of policy and decision-making, and those working at the operational level in regional offices (i.e. area inspectors and veterinarians). This decision was made on the basis that the views expressed by these two levels of government were quite inconsistent in terms of their formulation of causal stories, solutions, rules, and related aspects of animal welfare.

My effort to illustrate the policy broker's framing of animal welfare will begin with a consideration of a commonly identified priority, that of the public interest. Responsibility to the public provided a framework for much of the broker's position, therefore demarcations of the public interest will also be considered here. Following this I

look at how science informs and frames this group's position, and finally how these two key principles (science, and the public interest) comprise a framework for rule-making. Indeed, this distinction serves as a good starting point from which to examine the boundaries and ideas that inform the policy broker position that was articulated on animal welfare.

This group generally positioned themselves in regards to this debate as 'in the middle'. In fact, interviewees in all the groups sympathized with the difficult task that government agencies have been charged with: to collaborate and facilitate amongst a collection of diverse groups, interests, and goals in the generation of effective regulations. As public servants, interviewees expressed that they feel responsible to the Canadian public in making decisions regard the welfare of animals used in the agricultural industries, which includes a broad spectrum of views and ideologies, from industry to animal activism. The importance of prioritizing 'the public interest' was indicated by both operational and policy level staff.

Defining and addressing public interest is worth some analysis in this section as it is a point of departure from which policy broker responses to animal welfare spring. One participant discussed the diversity of opinions that inform decisions on animal welfare:

I think it is tremendous because it leads to the best possible result. If you have only one viewpoint you're going to get a pretty lopsided outcome. I am sure that there are some people who would disagree with me on that. But from my perspective, especially working with the government and being responsible to everybody, therefore you become very sensitive to all those different views, I think having them all together results in a product such as a code of practice or a regulation or a training program or whatever, that is balanced and much more meaningful and practical. It may not meet everybody's needs but it comes closest to doing that. And certainly is the best for the animals (PB3).

Given the relative weight accorded by participants to the public interest, we might begin with a consideration of what, in this view, constitutes this 'public' interest in animal welfare.

Characterizations of these interests expressed by interviewees are illustrative of how the public is demarcated. Several themes arose in regards to defining these interests. For example, discussing the resistance of pork producers to regulations such as unloading for rest stops, one participant commented:

... it's the opposite of calves where they bring every single calf from its mother to an auction market and mix it with 5000 other calves and stress it. The pig guys are the opposite they don't want to mix their animals with other animals. So there is a big argument and a real challenge to requiring pig guys to unload their pigs. So they resisted that one. But an outcome based I think everyone would support. Except probably the animal rights people because the outcome that we measure is dead pigs or dead cattle, and that's not a very sensitive measure of animal welfare. So the only object of an outcome that everyone can agree on is dead and alive. Dead and alive is not a particularly sensitive outcome. And that particular outcome piece is problematic, there's no way to win (PB4).

This quote is indicative of a social demarcation that pervaded much of the industry and policy broker commentary, namely that the humane treatment of animals is a legitimate and real public concern. However, once this interest is mobilized, it becomes the purview of special interest groups. To explain this further, while animal welfare concerns are not necessarily only of concern to a politically active segment of the population, once expressed through collective action at some level, they become de-normalized – associated with 'special interest groups'. This is not to claim that participants viewed the position of animal welfare, or animal activist groups in general, as inconsequential. Rather, there appeared to be a distinction drawn between the interests of activist groups and the interests of the public. Moreover, this boundary leaves the public interest open to interpretation. On the creation of 'special interests', Stone writes, "...to label something as

a special interest is merely a way of denigrating it by subtly opposing it to an unspecified, hypothetical general interest”(Stone 2002, 228). Delineating serious concern about animal use to a segment of the population disenfranchises these concerns and removes them from the weighty position of the public interest.

Here, we might consider several aspects of this discourse which reflects how the broader public interest is constructed in this view. All participants of this group pointed to the need for science to justify any changes. One participant commented: “(s)o they [industry] don’t want to be pushed by the public, who is unfamiliar with the animals and their needs, to do things that will have an impact on their livelihood without helping the animals” (PB3). It was generally agreed, as this comment indicates, that the public is not aware of what the ‘needs’ of the animals are, and therefore science, not public opinion should be the driving force in these changes. At the same time, there is also the growing recognition, as discussed in earlier chapters, that science can not give us answers to many of these questions. In response to this discrepancy, judgment must enter the equation. Consider the following dialogue for instance. Here we were discussing one of the problems associated with outcomes based regulations, namely that outcomes may only allow us to account for the more extreme welfare problems.

The research cannot show you what is an acceptable level of a particular outcome. For example, what does dehydrated mean? Research could measure how dehydrated an animal is, or science can measure that, but it can’t tell you what is acceptable: society tells us that. And so, what we have done since realizing that; if the best approach to go with is an outcomes based approach, is to consult with recognized experts in the field. And that’s what we have been doing since then, and I think we are pretty close to developing the final stage of a proposal. And that would be defining negative outcomes that would be unacceptable. And the science cannot help you there. That is where you have to think in other terms.

At this point the participant was asked “What are those terms?”

Well, we have been talking to veterinarians... When a veterinarian decides that an animal is suffering, yes they refer to the research, but they also use their own judgment. So we're now looking at what kinds of thinking goes into personal judgment to decide whether an animal is suffering, and if the suffering is undue. One of the factors would be - well is it observable? And that leads into a whole additional field which we haven't gotten into yet, but it doesn't mean that one day we won't, but I don't think that we're ready for that yet... Because that leads into for example, psychological suffering, and how do you measure that? I guess you can to a certain extent through behaviour. So that is actually one of the things that we're looking at, is behaviour (PB3).

As this commentary illustrates, society is designated as the litmus test for the 'ought we?' questions about animal use - in theory it would provide the boundaries around acceptable levels of suffering. At the same time, there is a great hesitancy to allow such a directive to expand beyond that which is 'observable', or that which accounts for the broader experience of the animal. This limitation on public input is based on the perceived unfamiliarity with the animals and their needs. In this way, the policy broker view indicates a desire to include and address the public interest around animal welfare in decision making, but at the same time draws barriers around who the public is, and what interests or concerns are included.

Interviews with these participants also contained a common perspective around the difficulties inherent in making rules to address animal welfare; the most prevalent is that animal welfare must address such a multifarious array of influencing factors and variables that it is almost impossible to write rules which account for all of these circumstances. Participants pointed out, for example, that prescriptive regulations for loading densities would need to factor in species, age, weather conditions, types of trucks used to transport, etc. In conjunction with this was the goal to allow regulations to target a minority of problem areas, while leaving the well functioning aspects of the system alone. Due to these factors participants argued that precise or inflexible rules would not be

suitable to address animal welfare in agriculture. Stone's analysis of rules is helpful here. Vague rules allow for creative responses to situations. Moreover, "they can offer the opportunity for efficiency by specifying general goals but letting individuals with knowledge of particular facts and local conditions decide on the means for achieving the goals" (Stone 2002, 290). The benefits of applying flexible rules was reflected by one participant in the following comment:

Most people are going to do the right thing as long as they know what the right thing is. There's always going to be some people who don't. The problem is that if a few people who are in the minority cut corners they put economic competitive pressure on everybody else. So the regulations are important to give authority to stop bad things from happening. To stop the minority from transporting animals in an improper way. Or if you go beyond transport regulations, just the concept of animal welfare regulations in general, or even regulation for anything in general, the idea is to have authority to stop a few people from doing bad things that affects everybody else. Because it does put competitive pressure on everybody else. So that's the first thing. But you can only require minimal acceptable standards in regulation, you can't require the high ground. And the voluntary standards that the industry can develop actually go higher than what the regulations require. And these are the things that they take on themselves, and they take to heart... (PB3).

Prescriptive regulations in this view, can be 'too hardline'(PB5); whereas outcomes based are "more based on the discretion of the inspector at the time" (PB5), and allow for industry to establish more detailed acceptable practices, which they are most familiar with, and best situated to know.

Outcome based measures still however require some articulation of limits, and acceptable practices and standards. Research conducted on effects of dehydration can indicate generally what effects increase dehydration, and the dangers of exceeding certain levels, and so on. But scientific studies can not tell us if it is acceptable, by the standards of social ethics, to exceed certain levels. In addressing how rules reflect such issues one interviewee said:

We are kind of in the middle... Somebody said the easiest way to fail is to try to please everybody... And that is our job. But that is where science comes in because you see what everybody wants but then you justify what to do with the science. And as I said before, science can't give you the final answer, but it can sure guide you in the right direction. Where you make your final action cut off, that requires some judgment (PB3).

As was discussed earlier, 'judgment' in this case infers that there is a socially acceptable limit to animal suffering, which can not be addressed by science necessarily. However, the government has not been able to define or describe these limits or demarcations in terms of social ethics. In this view therefore, the need for judgment is met by the application of vague rules, or outcomes based regulations, which allow for flexible enforcement and the use of discretion by operational workers.

It is notable here that there were several opinions expressed in this group on the effects of discretionary power. Permitting judgment at the operational level can facilitate a more effective and efficient application of rules by allowing inspectors and truckers to make decisions based on practical knowledge. Conversely, it can also be viewed as facilitating the unfair application of rules. As one participant commented: "...but I think the biggest downfall is the discretion of the inspector. Maybe he doesn't like the guy... There is just a whole myriad of things that could affect that decision" (PB5). While the benefits of discretion versus precision in rule making are still debated in the policy broker view, all agreed that in this case outcomes-based would lead to the best possible result.

Among the various groups interviewed, standards of animal welfare are identified and defined differently. A good portion of this difference can be linked to what these different groups define as 'acceptable' in terms of practices, and impacts on the animals. Applying vague rules therefore allows the policy broker to avoid making decisions around the contentious and political debate on the ethics of animal welfare. However it

should also be understood as a response to the perceived causes of welfare problems or concerns. Policy broker participants identified three key causal stories, some of which were common to other groups. As illustrated in several of the quotes above, the ‘bad apples’ story of the problems associated with animal transport is echoed in the policy broker perspective. In this story transportation in the livestock industry is generally unproblematic, however, the bad practices of a few people put everyone at risk. As a result, regulations should target these bad apples.

Similar to other groups, participants here also discussed the problems associated with low-value animals, namely that because there is no financial incentive to provide proper care for these animals they represent a consistent welfare concern. As one participant commented: “It is the culls. Animals whose productive life is finished. They are not in the best condition and they have low value. Those are where we tend to see problems... and I suppose the company doesn’t see that it is worthwhile to put the money into them.” (PB3). In response to this problem, it was explained, inspections have been focused on times and places where animals of low value are being transported.

Linked to these causal stories, policy broker participants highlighted “attitude” as a barrier to ensuring good welfare.³⁵ As one interviewee said, “...the most important factor in animal welfare and how animals are treated is attitude.” (PB3). Interviewees also noted that such attitudes towards animals, though unfortunate, are an inevitable aspect of the industry. Several participants clearly empathized with producers who must make a living on animals and may be faced with compromising the interests of the animal with

³⁵ Before my argument here is discounted on the basis of generalizing participants’ views under a single ‘culture’, I should add that this is not to claim that there is a homogenous or static view that permeates all people influenced by such a culture. Rather, there are fundamental differences between these various views of animals; these views are illuminated through language, problem definition, and perception of goals.

the need to earn a profit. One participant talked about the ideal circumstance, “if we could do this the best way without damaging the industry.” The participant went on to say:

The fact that you’re dealing with humans that have these animals as a business, and many care for them a great deal, but then there are those that are still caught up in the money... If you gave a producer the chance to say, without anybody knowing or judging you, what would you do in a situation where you could get paid \$200 to ship this unfit animal or not, what would you do? The money kind of muddies the water (PB5).

In this view, in order to understand the issues raised by the agricultural production of animals, we must also consider how humans factor into the equation. Further to this, a participant commented: “you have to add into this the human factor, these animals are sometimes being loaded early in the morning and late at night... So you are tired, you’re short staffed, it is bitterly cold outside, you need to get it done quickly,... it is not to say that these people are being negligent it is just the normal factors of life” (PB5). In a sense, while these ‘industry realities’ are viewed as partially responsible for the problems of animal welfare they are also at some level considered indivisible from the industry.

The discourse of ‘industry realities’ is important to note as an underlying causal story included in this position. It is indicative that negotiations take place within a framework that requires a ‘realistic’ approach to animal agriculture. To clarify, the reality of the industry identified here appears to be that the demands of the market, the scale of production, and heavy workloads required by competition, means that people may be *forced* to make decisions which contribute to poor welfare. Discussing the pork industry one participant commented on the scale of the industry: “These guys that are pig brokers, they say my barn is empty today I want to fill my barn with 5000 pigs over the next three days. They hire all the local boys to come and sort pigs into pens, you get your feeders running and in three days you have gone from 0 to 5000 pigs. That is kind of the scale

that these guys are working at..." (PB4). This immutable picture leaves little room for discussion around animal welfare. Furthermore, this puts into question the 'bad apples' causal story which claims that humane transport problems are not associated with common practices.

In this way, discussion around industry realities reinforces an interpretation of what Stone might call the 'commons problem' of animal welfare, which subverts the animal's needs beneath the needs of the market. On this she writes, "The language of policy is full of such metaphors recognizing the broad social consequences of individual actions. The major dilemma of policy in the polis is how to get people to give primacy to these broader consequences in their private calculus of choices, especially in an era when the dominant culture celebrates private consumption and personal gain" (Stone 2002, 23). Thus, while policy brokers grapple with the dilemma of animal use, and the realities of the market in Canada, in some ways they also work to reinforce a market oriented framing of the problem of animal welfare, wherein the animal gets lost in the process of commodification.

At the same time, interviewees articulated that they understand the need to address the problems associated with culturally embedded attitudes towards animals. Education is argued as the best means of addressing this issue. Yet the efficacy of this approach was also disputed by interviewees. The frustrating task of 'legislating common sense' is illustrated in the following comment.

But the fundamental goal is to change the way people perceive livestock or the way we think about it. I mean, if you were transporting watermelons from California, and the refrigerator unit on your truck stopped working every single trucker in the world would stop and get his refrigerator fixed. Because he knows that if the refrigerator breaks the produce goes bad and he loses \$300,000 worth of stuff. But for some reason, it can be 35° out with 100% humidity, and truckers stop and park their truck and go in and have lunch for 1 ½ hours. If that was

watermelons on there, he would be driving straight to the nearest mechanic to get his refrigerator fixed. But he leaves his pigs sitting outside the restaurant in 35° heat for and 1½ hour. How can that be? When you think about it rationally, how do we let this happen? Some of it is the attitude change... And I think that is what the CFIA is wrestling with... Because I would like to make it an offence to have that behaviour I just described. But how do I make that an offence that I can prosecute in court? How can I articulate that human behaviour as a quasi-criminal offence? It's easy if I beat the animal with a stick, or if I applied an electric prod to its testicles; that's easy. I saw that happen. I can describe the offence, I can prohibit it, I can make it a fine to violate the prohibition. I can draw the whole legal line that you need, to make that an offence. What was the guy thinking who prodded the bull with an electric prod on the testicles? What was going on in his brain? I want to get inside the guys brain... To really improve the welfare of livestock we have to prevent that disassociation from happening. And I don't know how to do it either, as far as the CFIA goes, I think that they're doing their best (PB4).

This view illustrates that influencing the attitudes of industry workers is a difficult task which involves “education in the sense of cultural renewal” (PB4). Given this challenge, education is viewed as a means of responding to the need to address poor approaches to animal husbandry and handling. Including an educational component to proposed amendments is based on the goal of informing people of best practices and relying on the internal workings of the system to allow this influence to spread. While content or curriculum would not be within the jurisdiction of the regulation, all livestock transporters would need to complete a course in livestock transportation. Though education relies on receivers to absorb and enact information imparted, a common sentiment was that it can at least tell people what they should do, and why they should do it, and doing so may begin to influence the acceptable practices of the industry. As one participant said,

Now whether that actually changes their behaviour, at least it communicates with drivers that the way they handle pigs is important to their boss. So at least it communicates that this is an important issue to deal with. Whether it makes them a better livestock handler or not I think is questionable. But at least it moves the issue onto their ethical radar... (PB4).

In summary, the discourse of policy brokers was informed by the premise of remaining 'in the middle' on the politics of animal welfare. Responsibility to the public is central to this position, therefore demarcations of the public interest were examined. Additionally, this group drew boundaries around the animal welfare concerns of the general public and those of special interest groups. Effectively, these boundaries disenfranchise the advancement of animal welfare concerns by positioning them outside of the public interest. The discourse of 'industry realities' can be understood as part of the causal framework advanced by this group. In this case, regulation must conform to the realities of the industry, which are guided by the forces of the market and rooted in the progress of the agricultural economy. The discursive framing of animal welfare through reductive science, limits the definition of the issue, and demarcates what counts as 'sound science'. Together these factors demarcate the problems of humane transport in a way which supports the implementation of vague, outcomes-based rules. While the culturally embedded 'attitudes' of the livestock industry are acknowledged, education is still seen as the best route towards influencing these attitudes.

Operational workers

Operational workers in this research project refers to inspection staff, as well as truckers. The interviews conducted with this group of participants provides insight into the importance of accounting for the reality of the Polis in the creation of policy and regulation. Perhaps the most important aspect of the position of this group was that what 'counts' as a welfare concern is governed by the laws of practicality, rather than personal ethics. Expanding on this, while these participants illustrated a high degree of ethical

commitment to their work, they all felt that the barriers inherent to the system in which they work effectively limit the recognition of welfare concerns in practice. There were a number of key themes expressed by this group which focused on practical barriers, namely: the lack of enforcement capability both in terms of personnel resources and inefficacy of the regulations; excessive paperwork and excessive bureaucratic approval required to implement a fine; the need to maintain working relationships within industry; the reactive rather than proactive stance of the agency in general. In addition to these structural problems, participants discussed a pervasive mentality of productive efficiency as a key contributor to welfare concerns. The subtle effect of influence and cooperation (terms discussed earlier regarding Stone's theory of the Polis) as both contributing to transport problems, and as essential to recognize in developing solutions, was also addressed. This section begins with a consideration of the causal stories expressed and how these reflect on the efficacy of rules. It finishes with a look at some of the discussion around solutions.

Beginning with the systemic barriers to enforcement, interviewees discussed problems associated with the existing regulations. Many of the problems highlighted here were also noted by other groups, and revolved around the use of ambiguous language in the legislation. Language and the wording of the legislation was contested by all participants. For example:

...words like "undue suffering", what is undue suffering? To a lot of people that implies that some suffering is acceptable. Words like "likely to cause" or "unlikely", those are words that lawyers, and people that like to work with language can make a heyday out of, different ideas - different definitions. It makes it very difficult to get industry to accept a common definition and apply that to their own operations on a daily basis (OW12).

In addition to the problem of poorly worded regulations, there are not enough staff to enforce them. Several of the participants noted that the problem of limited staff is exacerbated by the lack of commitment to humane transport throughout the agency. Where this disparity was identified was in the upper level bureaucratic decision making authorities, and at the regional offices. This lack of “political will” (OW12) to assign resources to humane transport was articulated by participants who pointed out that problems associated with humane transport have been on the backburner for over 20 years, while, as one person commented, “(a) portion of the Health of Animals regulations got changed overnight to accommodate SRM’s.³⁶ Because this was the flavour of the day, and the Minister was on the hot seat, and he made it happen.... So when you talk about policymakers - politics being involved in the making of legislation, make no mistake, it is happening here” (OW11). This disparity in commitment to humane transport was also reflected at the regional level, as illustrated in the following statement:

So there’s not enough of me to go around, and I can’t ask my fellow coworkers to help me because they will not touch humane transportation. This is out of my office. There are (xxx) inspectors in my office, and I am the only one doing humane transportation. They just won’t touch it, a lot of them are producers themselves and they simply don’t want the headache of getting involved...It’s not that we haven’t attempted it, we have attempted to try to get these inspectors involved. But... people just don’t want to touch it. I don’t entirely know why, if I knew why I would tell you. Is it because you are in a confrontational situation? Is it because people don’t like you...? People don’t like me, but I am OK with that because I am doing my job. I don’t have to be liked by these people. I don’t know if it is that cowboy mentality, where a lot of these guys are producers themselves. And Ottawa is well aware of this, Ottawa understands ... because we do monthly stats on humane transportation and we send all the documentation into headquarters. There is a disconnect between what is happening in the field and what is happening in Ottawa.... The disconnect is that they do understand. I have

³⁶ SRM’s refers to Specified Risk Materials, associated with Bovine Spongiform Encephalopathy (BSE). Under Canada’s Enhanced Feed Ban, SRM’s must be removed from the food chain either by removal at slaughter, or on farm for at risk animals. In June, 2006 the Enhanced Feed Ban was first announced as a mechanism to ensure the safety of Canadian produced animal products. By July of 2007 the ban had been negotiated with industry, implemented, funded, and was in place (Situation Report, 2006).

sent emails, and other inspectors have sent e-mails and said that if you don't put this through I am never showing my face at this auction again because... You can only use information letters so many times, and only prepare an AMP [administrative monetary penalty] so many times and have them kibosh it, before you have no value at the auction any longer, you have lost total credibility as an inspector (OW13).

While the extensive work and barriers involved in laying an AMP are viewed as problematic, participants still felt that AMP's are the most effective enforcement tool that they have at their disposal. Indeed, participants agreed that without the "ability to reach into somebody's pocket" (OW11) the regulations would be useless. Furthermore, because of the barriers in place which limit the number of AMPs applied, all participants agreed that they use discretion widely in their application of these penalties. The 'educational approach', which entails sending a letter of information to an offending party, is the most frequently employed tactic in dealing with transport problems. Only in circumstances where a party has repeatedly disobeyed regulatory standards, and where there is a clear case of negligence or cruel behavior coupled with lack of due diligence, will inspectors apply AMPs.

The preceding quote illustrates that the problem is perceived not only as a lack of resources in regards to number of staff, but moreover as a deficiency in the commitment by staff in regional and head offices to prioritize humane regulations. This resistance is generally attributed to either not wanting the additional workload, or a disassociation with the ethical/social implications of enforcing humane transport. For example, inspectors who identify with the productionist approach to the livestock industry because they are producers themselves may want to minimize conflict with targets and therefore not effectively enforce regulations. Similarly, this position asserts that at the policy level, decision-makers also tend to deprioritize humane transport concerns. At both levels, the

result is that those who undertake to enforce these regulations are left with a heavier workload, and limited backing in their role as inspectors. As articulated in the last quote these barriers to effective enforcement of regulations are exacerbated by the fact that all administrative monetary penalties (AMP's) must receive signatures from a number of offices in the CFIA hierarchy before being passed. Given the amount of information and research required for each AMP briefing³⁷, inspectors can become disillusioned when their work is frequently rejected or 'kiboshed' in the bureaucratic ladder.

Another significant condition of enforcement discussed by participants was the importance of maintaining hospitable working relationships with industry workers.

One interviewee related a story which captures this issue. For the sake of brevity, I have paraphrased parts of the story. While conducting work at an auction, this inspector found a live cow, covered in snow, in a deadpile at the back of an auction mart. Upon addressing the receiver at the auction:

He told me that this fellow had rolled in the night before with this downed cow, and that they had pulled her off. I said, 'you're not supposed to move live animals'. Just for your future reference, if you don't think she's going to get up shoot her, and then take her off the truck. He said, 'well, we thought she had just fallen down and she might of needed a little bit of time to get back on her feet, so that is why we took her off that way. So I said 'fine, but you don't leave her by the dead pile, without checking on her'.

After some investigation, the inspector found that the truck driver had been driving recklessly, and ran into a snow bank, at which point the cow was injured and went down. Rather than address the situation, he dragged her to the front of the load and continued with his run. When confronted, the driver lied about what had happened. The inspector

³⁷ Some of the tasks involved in writing an AMP include: a full report of the event; reports submitted by other people involved; extensive photos of any relevant sites, machinery, and animals; interviews with all those involved; and important historical information such as previous incidents.

went on to explain why, given that the receiver was implicated in the event by having the cow dragged to the dead pile, he was not penalized:

But you kind of have to put it in perspective... if I fine this guy, am I ever going to get his help again? Am I ever going to get him telling me that I should go check pen such and such because there is a problem there? Or call me when there is a problem? So it is kind of a catch-22 I guess. He was in the wrong as well... But you don't want to jeopardize your informant I guess. But when I talked to the driver of the vehicle, and questioned him about the occurrence, he flat out lied to me (OW14).

People working at the front lines both as inspectors and as truckers will find their work facilitated if they are able to cooperate and compromise to some extent. Stone refers to the example of prison guards bargaining with prisoners in order to gain their cooperation in keeping order within a prison. She writes, "cooperation is often a more effective form of subordination than coercion. Authority that depends solely on coercion cannot extend very far" (Stone 2002, 25). The relationship between the targets of regulation and the enforcers of regulation is potentially tense and conflictual. In order to achieve some level of cooperation from those working within the industry, inspectors must also offer the same. Indeed, cooperation may help to alleviate the work of inspectors by facilitating internal monitoring. On this idea one participant said, "If you can get the manager of the trucking company to think about humane transportation then his employees will. If you cannot convince the manager that this is the way it should be done, you have continual problems with incidents in operations" (OW12).

Discretion and judgment, or as one participant said, 'using your pumpkin'(OW11), are essential tools, used daily in humane transport inspections. On the use of 'rules of thumb' Stone writes that officials charged with enforcement rarely mete out penalties in accordance with formal rules. Rather, "they develop informal, perhaps only intuitive, guidelines about the seriousness and blameworthiness of violations, and seek to fit the

punishment to the crime in a way that matches their own sense of justice” (Stone 2002, 301). This ‘sense’ can be derived from social norms, customs, and moral beliefs. The discourse of this group indicates that rules of thumb can be used either as a way to effectively enforce regulations or as a way to avoid enforcing regulations. Those inspectors that distance themselves from humane transport may do so on the basis of their own beliefs or social customs regarding the acceptable use of animals.

Expanding on the use of intuitive knowledge in enforcement, inspectors discussed the importance of staying aware of the welfare of animals being held in auction marts.³⁸ While inspectors have no jurisdiction over animals at these locations (humane transport regulations govern animals from loading to unloading), participants felt that keeping an eye on animals, and working with the SPCA, and RCMP if necessary, was a proactive effort to follow animals through their transit at auction. In a discussion around the regulations governing feed and water one participant said:

...we should have some documentation that these animals have been put in feed and water pens. And actually sometimes, that is one of the things that I do, when I go to the sales, is to find out where the animals are going and to ensure that they are in the feed and water pen. That is something that I do, but not all inspectors do that. Because I know that those animals are bound to go to xxx, so they have quite the haul ahead of them. But there is no documentation that is given to the drivers at the auction marts saying that these animals have been on feed and water. So the burden of proof is on CFIA, so if something goes wrong... part of the problem has been that animals did not receive feed and water for days so that is a very important one (OW13).

³⁸ Auction marts are places where most livestock animals are bought or resold throughout their lives. For example calves and cattle will be brought by a cow/calf producer (who is in the business of producing beef calves) to an auction mart for resale to a buyer in the next stage in the production chain. These animals may be sold to a slaughter facility, or in the case of calves to a feedlot for further fattening (‘backgrounding’) or finishing (the final stage of fattening in a cows life). Between each of the stages in the production chain for each species, animals are bought and sold through auction marts. In the case of pigs which are produced in confinement and have easily compromised immune systems, they are generally shipped directly between facilities rather than through auction marts. This is possible because of the vertical integration of the pork production system.

Proactive efforts to monitor animals within the system were illustrated by several interviewees. In this way, operational workers have identified the 'rules of thumb' from which to address gaps in the administration of regulations, and which also help to guide their activities.

The discussion so far has highlighted some of the causal stories articulated by this group, as well as how informal rules are applied in an effort to help address deficiencies in the system. Most of the causes discussed originate in the perceived structural dysfunctions of the existing regulatory system governing humane transport. In addition to these, participants also maintained, as did other groups, that the principal goal of 'efficiency' was detrimental to the welfare of animals in the system. Here, efficiency may refer to maximizing the productive life of an animal, or it might refer to production efficiency such as efficiently conducting an animal through the course of growing, transporting and slaughtering. All participants pointed to the mentality of productive efficiency as an important causal agent in animal welfare concerns. A clear example of the conflict between productive efficiency and animal welfare that was reiterated and emphasized by all participants were the problems associated with culled dairy cows. A transporter made the following statement:

...they are treated like slaves. They are pushed to their limit, and they are old before their time. Dairy cattle are really bad for that because they are... With the beef cow, they wean the calf off, and the cow will be dry for maybe three or four months... she will have her 10 or 11 months, where she has no suckling. With milk cow, they milk her for the year, and then when she starts to dry up, or she is not producing what she's supposed to, she is put in with a pen of bulls, not being pregnant, and the sooner that you can get her back in the production line, the better it is for them, as far as the production and the money goes. And that is the thing that I see about the dairy cows, they don't get a rest. There is no reprieve for any amount of time. They are either milking or they're pregnant. There is nothing in between. And I think that is where they come into being run down, or they're not kept in the healthiest shape...(OW15).

In a similar vein an inspector said:

And of course, culled dairy cows, culled animals in general... I mean they are worthless animals, they go for hamburger. And nobody gives them a second thought. They are cast off from an industry, and not perceived to be worth much. And so why am I going to lavish any care and attention on them? Sort of, what do I get out of it, is the prevailing attitude to these animals, which is kind of sad (OW14).

All participants commented on the problematic nature of trying to 'squeeze as much as possible' (OW11) out of each animal. In addition to the drive for productive efficiency on an individual animal basis, expediting animals through the farm to slaughter system efficiently was also regarded as problematic at times. Participants expressed how the goal of efficient livestock transport becomes manifested in problems associated with, for example: overcrowding, lack of bedding, insufficient protection from inclement weather for hauling, and non-segregation of incompatible species or sexes, to name a few frequently mentioned issues. In this view, the costs associated with transport are minimized by some haulers and companies at the expense of the animals being hauled - though there are clearly some who take a conscientious approach to ensuring animal welfare during transport. At the same time, participants pointed out that truckers should not foot the blame entirely as pre-haul management greatly impacts the capacity of animals to withstand the rigors of a journey. In a discussion around whether there is a need to improve humane standards one participant made the following comment:

There is a definite need for that in animals of low individual value such as cull cows, culled bulls, culled sows, culled boars, spent hens... We're getting away from the transportation of the worn out chickens because there is no market for them so that has relieved that problem. But we see differences in the handling and treatment of animals based on what their future value is going to be. With a load of feeder calves, each individual animal will be worth \$1000 at some point in time. Now, when you get the Holstein cow that has been milking for the last 2 ½ years and she is absolutely worn out, and you're getting 20¢ a pound for her, she is never going to be worth any more than that, 'don't worry about her' is the attitude.

We see the same companies treating those different various classes of animals differently.

So I would say yes, on certain segments of the industry there is a need for more enforcement. On some of them the industry does their job very well. Taking baby pigs commonly called 'isowean' pigs, newly weaned, taking them from xxx, and it may be unique to xxx, and shipping them down to the U.S. There might be six or seven hundred of them on a truckload, they have a very low mortality or morbidity rate because we take care of them. People realize that they are fragile and they will be worth a lot of money in the future.

But at the same time, we get a load of culled sows, and they load them in the truck, and take off, and if some of them are dead when they arrive, well that is the cost of doing business. And certainly that applies with cattle as well, we have had incidences in xxx, and not restricted to xxx, where culled dairy cows are loaded onto trucks at xxx, at the stockyards there, and shipped to xxx or xxx for slaughter... And I hesitate to use the word frequently, but occasionally we have to pull a dead animal off the truck here in xxx. And this is done in the middle of the winter. And coincidentally, most of these animals, of the animals that we pull off, are at the back end of the trailer. Without proper winter insulation the back end is the coldest spot on the trailer, but it is also, I believe an indicator that the people loading the trailer knew that that animal was at risk and they put her on the back end so that it would be easier to get her off (OW12).³⁹

The concerns raised in the above quote were echoed by all of the participants, indicating the contradictory nature of the goals of productive efficiency and substantive animal welfare. Moreover, the importance of recognizing pre-haul management as a major contributor to humane transport problems was emphasized. A caveat should be noted here that members of this group emphasized that there is a good percentage of industry workers, either producers or transporters who 'do care about their animals' and should be supported in their work. One participant discussed the 'time is money' attitude, but also related this anecdote:

Maybe it's because the people who take the care and attention with animals, are hauling for people who care about their animals. The people that don't care, also think that time is money, and maybe these guys that are always in a hurry, are undercutting their competitors, who charge a little more for everything to get to the market safely. I don't know, I have never studied the cost. There is another guy that hauls out of xxx all the time... his name is xxx, what a sweetheart. He runs a

³⁹ This commentary is useful to remember in the discussion regarding 'calculated risk' appearing in chapter five under *Calculating the Causes of Transport Problems*.

liner. He beds it with straw. Now he doesn't have to. But he just believes that that is the way that it should be done. All of his calves get their clean, dry, safely. He even beds it like that for cows. That's just the way he does things. And I wish everybody was like him (OW14).

These last quotes introduce another important dimension of this group's perspective, namely that influence and cooperation are pervasive forces within the livestock industries. The handling and transport practices of people shipping animals between points will influence the practices and methods of others. For some this may be because they see what they 'can get away with' and want to be competitive. In other cases the influence may be more about what practices are acceptable or encouraged within the livestock community. Similarly, transporters must cooperate with industry producers and other livestock workers (i.e. other truckers and auction mart workers) in order to facilitate a good working relationship. These forces may be subtle, as in the influence of a 'culture of production' throughout the industry, or more obvious such as cooperation between regulators and targets in order to maintain alliances. Stone discusses how influence works in the Polis. She writes:

Actions, no less than ideas, are influenced by others – by the choices other people have made and the ones we expect them to make, by what they want us to do, and by what we think they expect us to do. A worker will go out on strike only if she thinks enough of her fellow workers will join her. A citizen will complain about the postal service only if he believes that the post office will take some action in response (Stone 2002, 24).

Whatever their form, the role of these forces can not be downplayed in devising rules to govern the industry. This means that while some problems can be associated with the embedded nature of influence and cooperation in the industry, this may also hold potential for identifying solutions. Regarding the former, an example discussed by participants was how the practices used by animal handlers is subject to those used by others around them. As one participant explained:

So now, that is against the law, you can't do that. I can't load that cow because she is a downer, or she has a foot the size of a football. She is hobbling, she is packing that leg. So there has been a little more awareness... If it is right out that it is a no no, that you can't do that, then most of the guys won't... And then there are a lot of guys (producers) who say 'oh yeah, she just twisted it yesterday and it kind of swelled up, it will be all right.'... Well, she didn't just twist it yesterday, because I can see that in between the toes the skin is cracked, it is bleeding, it has been swollen up for a long time. So I would say, no you're not loading. Whereas the younger guy that has been in it for a year and half, or two years, some of these old farmers, they can buffalo them...I try to explain that to some of these guys, these younger guys. Some of them will ask questions, they don't know it all already. But there are some that know everything, so you don't even talk to them. But some of the younger guys will listen. Some of these old farmers, they have been buffalo-ing the neighbour, they have been buffalo-ing the government for a long time, and if they can get away with doing it to us they will. But if we say no - no I don't think we're going to ship her because that didn't happen yesterday. So then he will just try to stick her on somebody else that comes around, that is a younger person that he can sneak it by on (OW15).

This comment illustrates how people entering the industry are influenced by practices and perspectives of those that they work with. In this case, the transporter is faced not only with making a decision regarding the fitness of an animal, but also the question of whether or not to disrupt the market relationship between the producer, transporter, and buyer, by not shipping an animal(s). An inspector also commented on how influence works to encourage certain practices at auction marts:

So when you are at an auction, and you sit and you watch drivers, it depends on the roughness, so one will be calm, and he will be moving the cattle no problem, moving the horses no problem. And then you have another driver that comes in who is just hooting and hollering, well the next driver tends to do the same thing. It is almost like it depends on how everybody else is moving cattle. I watch it, and it baffles me because we have a couple of drivers, at a couple of auctions who are just awesome, they will back into the shoot, they're very calm, there's no hooting no hollering, no prodding, they're moving the animals onto the trucks no problem (OW13).

While the forces of influence and cooperation can exacerbate problems, harnessing their power can also be viewed as an important tool in instigating change. Throughout the interviews, participants indicated that if people involved in the livestock production chain

were able to 'stick together' and refuse to participate in potentially harmful practices, thereby limiting the amount of competitive undercutting, changes may occur more rapidly. Such an ideal would clearly need to be given the solid footing of regulatory backing; altruistic advances are not likely to take hold when jobs and profits are on the line. Indeed, the notion of 'internal enforcement' articulated by interviewees draws its force from the pervasiveness of influence in these industries.

The other side of influence and cooperation reflected here can be manifested in mutual protection, and self preservation. As Stone writes, "whenever there are two sides to an issue and more than two people involved, there must be alliances among the people on one side" (Stone 2002, 25). Indeed, this side of the influence/cooperation spectrum has been highlighted in this section on operational workers. Cooperation takes place between inspectors and targets as a way of encouraging positive responses and facilitating good working relationships. On the other hand, inspectors who are also producers, and align themselves with the primary goal of productive efficiency discussed earlier, may cooperate with targets of enforcement (i.e. other producers or transporters) by refusing to penalize non-compliance. Similarly, one participant discussed how industry workers ensure their own safety by protecting each other: "it's not really in the best interest of the buddy system to promote CFIA's hammering on their buddies to get them in line" (OW11). The effects of influence and cooperation in this debate are therefore multifarious and can be viewed as both beneficial and problematic in enforcement and compliance.

In summary, the discursive link across these participants was their focus on the practical barriers to regulating humane transport - barriers which effectively limit the recognition of welfare concerns in practice. While this group illustrated an ethical commitment to the goal of humane transport, they felt that they were faced with systemic

limits on their enforcement capabilities. These limits are manifested in inefficacious regulations, a lack of commitment to humane transport across the agency, and excessive work required to process a penalty. Other considerations include the importance of maintaining working relationships with industry, and the mentality of productivity prevalent throughout the livestock industries. The potential of influence and cooperation to play a role as both contributors to welfare problems as well as keys to an effective solution was also highlighted. Ultimately, the discourse of this group illustrated the importance of accounting for the reality of the Polis is designing a regulatory framework.

Conclusion

The discourses expressed by these different groups illustrates the ways that the issue of humane transport is framed differently depending on the experience of influences, and the meanings attached to the ideas and goals involved. This examination has illustrated how different groups construct the issues of humane transport in ways that advance a particular response to problems. Attempting to align their values with those associated with the public interest normalizes the perspective being advanced and demarcates opposing views outside of the 'rational' debate. The demarcation of 'sound science' referenced in the argument of each group facilitates a definition of animal welfare which conforms to the goals of the group; defining animal welfare within certain parameters allows problems and causes to be strategically identified.

However, this examination illustrates the alignment of the general industry approach to humane transport with that of the policy broker position. In many ways policy brokers expressed the same causal stories and potential solutions as industry participants. Their argument reinforces the position of industry by forwarding the

discourse of 'industry realities'; providing an 'accepted' scapegoat in the determinations of the market. It is essential to realize that in regards to policy-making government represents the safety of 'neutrality' in the general view of the public. Therefore, when partnered with industry this in itself can work to legitimize the position advanced by industry.

Analysis of the animal welfarist position provides a scale against which the claims of industry and policy brokers can be assessed. This is especially effective in terms of understanding the constructed nature of the 'public' and the 'public interest'. Animal welfarists distance themselves from animal rightists in order to avoid being labeled 'radical' and thus eliminated from the debate. As advocates they generally take a moderate stance on the issues of animal welfare, empathizing with the predicament of livestock workers, while standing firm on the importance of recognizing a broader interpretation of animal welfare. Their position on animal welfare reflects the perspectives of animal welfare scientists discussed in chapter three, who also argue that this broader definition aligns with that of the general public. It is interesting to note, that while this is the case, in the politics of humane regulations this definition continues to be subverted to the 'functional' approach forwarded by industry. Moreover, understanding this view allows me to ascertain the extent to which it is reflected in the current direction of regulatory reform.

The perspectives provided by operational workers provide a critical intervention into the arguments forwarded by industry and policy brokers. As 'part of the system' they have practical knowledge of where the problems exist, as well as the barriers to advancing effective solutions. Through the insights offered by these workers it is clear that the resistance to regulation expressed by industry is mirrored throughout the

bureaucracy of the CFIA. Furthermore, the picture that they paint of the livestock industry highlights the influence-ridden, 'time is money', rules-of-thumb oriented, and compromising nature of the industry. These insights powerfully contravene the problem definitions and causal stories forwarded by the industry and policy broker perspectives. Drawing on these insights with reference to the position of industry and policy brokers, I begin my examination in the next chapter on the basis that a clear authority is assigned to the position of industry in leading amendments on humane transport. Thus, having outlined the positions of these four groups as expressed during interviews, I now turn to a critical analysis of how power appears to be operationalized in this debate in order to substantiate this authority.

Chapter 5: Intersections of Power in the Humane Transport Debate

This chapter aims to illustrate how the many faces of power are revealed in the debates on humane transport taking place around current amendments to regulations. Drawing on the positions outlined in chapter four the focus is on how the debate is unfolding between these intersecting voices in the current process. Additionally, I situate the regulatory amendment process of humane transport within the general frameworks of analysis provided in the first three chapters of this thesis.

Power is operationalized in this process based on the goal of directing regulatory changes to provide a favourable outcome for the livestock industry. The controversial nature of this goal means that comprehensive strategies must be employed in order to ensure public acceptance of industry-directed regulation, or the appearance of acceptance, and to validate industry/market constructions of the issues at stake in the development of policy and regulation.

The term ‘power’ holds great historical and cultural significance, yet offers a discursive flexibility to address influence and control in structures such as production systems, ideologies such as neoliberalism, in discourses such as science and economics, and ultimately as a continuum, indivisible in all of its various forms. Stone discusses power as a “phenomenon of communities”:

Its purpose is always to subordinate individual self-interest to other interests – sometimes to other individual or group interests, sometimes to the public interest. It operates through influence, cooperation, and loyalty. It is based also on the strategic control of information. And finally, it is a resource that obeys the laws of passion rather than the laws of matter (Stone 2002, 32).

Drawing on Stone's social constructionist interpretation, my examination of power in the humane transport debate will explore the many ways in which the industry agenda commands control over negotiations. This power is sifted down from the level of broad national ideologies, through the structures that govern the livestock industry, to the interpretation of broad policy goals and issue specific policy, and through the use and dissemination of information to incur public support and validate industry authority on livestock issues. It functions through the collected efforts and resources of industry and government in partnership, and through the strategic representation of ambiguous policy goals in order to achieve public support. Information and research are critical components to developing and disseminating a particularized interpretation of problems. Power is however, also demonstrated through the discourse of operational workers; revealing how resistance persists against the dominance of market-oriented power, and furthermore the continuing importance of agency as a force of change.

I have structured this chapter in a way that appears to indicate that power flows from the top down. However, this structure was applied for analytic purposes and rather it aims to illustrate the manifold and intersecting ways that power is operationalized in this debate. I begin by considering how *Market Ideology* and *Market Structures* work to institutionalize and normalize a neoliberal approach to animal welfare and humane transport which invests authority in industry.

I then look at how this power appears in the broad direction of Canadian agricultural policy with reference to the goals of efficiency and security. This section examines how vague directives in national policy can be strategically interpreted by stakeholders in order to create a favourable policy environment. Determining efficiency in agricultural systems relies on a particular set of values to assign and measure costs and

benefits. The problematic nature of allowing industry-oriented values to define costs and benefits is examined. The term 'security' refers to the policy goal of ensuring that the public feels secure that their needs are being met by the structures of governance. My exploration of this goal focuses on how defining the 'public' and the 'public interest' is subject to industry interpretations which demarcates the public interest and limits alternative conceptions.

In the sections that follow, namely *Information and the Public Interest* and *The Information Dichotomy*, I draw out some of the ways that industry stakeholders use information to establish authority over what the public needs to know, how their interests are defined, and to alienate oppositional voices from the 'rational' debate around animal transport.

In *Calculating the Causes of Humane Transport* I look at how the problems of humane transport are located through the strategic use of 'facts' and "causal stories" (Stone 1989). Establishing causation of problems is essential to creating policy and regulatory solutions, therefore I consider how causal stories are employed by different actors in this debate in order to incur a specific response. In particular I look at how different groups attempt to assign blame in order to either limit or demand accountability for humane transport problems.

In the final section I revisit the debate through the lens of *Agency*. Here I illustrate some of the ways that, in contrast to the agency-depriving discourses of neoliberalism, agency appears throughout the actions and words of individuals and groups in this debate. It appears through interventions made at the operational level to disrupt market relationships and fill in regulatory gaps, in the formal disputation of the direction of

policy and regulation, and in the “quiet resistance” (Goertzen 2003)⁴⁰ expressed during discussions around the goals and principles of humane transport.

I would like to note that throughout chapter five my criticism focuses on the role of government and industry in this debate. Perhaps this is a reflection of my own beliefs as discussed earlier in this paper, and perhaps also my own power as a researcher to frame the debate. However, in assessing my interpretation of data I reflect back on my original theoretical framework outlined in the first half of this thesis. As articulated there, my goal with this project is to produce research based on ‘critical theory’ to yield a fuller account of the world, by revealing and examining political dynamics through access to ‘subjugated knowledges’. Thus, I do not presume to negate incorrect information with that which I determine to be correct, rather I hope to rely on the knowledge gained during the course of interviews and throughout my research to temper the ‘facts’, and to point to the persuasive strategies employed in the debates of humane transport. Given this goal, I must also acknowledge that throughout this project I have become increasingly aware of the unequal dispersion of power between the different groups in this debate. Additionally, the role of government in facilitating this disparity has been highlighted. As a result I feel justified in retaining a critical focus on industry and government, with reference to ideas and information revealed during interviews on the policy process.

⁴⁰ Goertzen discusses ‘quiet resistance’ in her MA Thesis conducted on the social implications of hog farming in a small Manitoba town. Here she articulates “quiet resistance” as the discourses of everyday life which attempt to regain authority about a place and economy which is subsumed by dominant discourses (Goertzen 2002, 96-120).

Market Ideology

The market-oriented ideology of neoliberalism directs the structures of the livestock industry from large scale production designs such as concentration of production, to small-scale practices such as breeding for over-production. Its primary message is that the Market is the best arbiter of progress, and a free-market is the most effective and efficient mechanism for ensuring this goal. My argument in this section offers a critical examination of the broader ideological influences of the market-perspective in the humane transport debate. I address the following key points: the selective (de)prioritization of certain issues in agriculture based on market goals; the misrepresentation of values at the level of policy; the reflection of this ideology in the argument of 'industry realities' which defers accountability for transport problems to the market; and at the ground level, the discourse of a 'culture of production' as a reflection of this ideology.

The *active* acceptance and promotion of this ideology in Canadian agricultural policy means that 'competition' and 'innovation' are promoted, and social issues which prevent the free flow of capital such as animal welfare are omitted or deprioritized. This idea was expressed by various participants who commented on the lack of priority assigned to humane transport. For example one operational worker commented:

Humane transportation is just one more thing that we regulate. But the importance of it as opposed to other ones seems to be on the back burner. As I said, with BSE it just seems like those regulations changed overnight, whereas I don't even know how many years we are into these amendments now. It just seems so unimportant. It is not to say that the Ottawa people aren't trying, obviously I would hope that they are trying... But we have seen regulations move fast and we have seen other regulations move very slow. And so to me it just doesn't seem to be important and I don't understand why (OW13).

As this comment suggests, humane transport problems, though considered critical by many inside and outside of the livestock system, have been deprioritized by policy-makers for a long time. Reflecting on why this is the case one inspector commented: “I don’t really know what has caused that. I have always put it down to a lack of political will at the time as to how much money people want to spend” (OW12). Regulating humane transport will require financial resources from both the public and private sector. However, the long-term deprioritization of this issue reflects the notion that the problems of humane transport are not perceived to be worthy of the investment required to address them.

This assessment of costs and benefits is determined via a particular set of values. The value system expressed by the dominant approach to humane transport removes the ethics of animal suffering from the equation. When these issues are introduced to the negotiating table the debate becomes translated into the unilateral values articulated by the dominant discourses of economics, legitimized through ‘sound science’. One participant summarized the logic behind this value distinction simply saying: “The producers and truckers are looking at it from their wallets, and society is looking at it from the other side of the viewpoint, the effect on the animal” (OW12). Thus, unless there is a financial incentive to strengthening humane transport regulations, it is unlikely that this will occur.

It is difficult to locate accountability for this misrepresentation of social values from the operational level, through the bureaucratic ladder, to the Ministerial level of politics. One person commented on this idea saying:

What I perceive to be happening is that the field level people, who do the consultation, try to fairly evaluate the comments and at least place them in order of competency or level of competency. But when it leaves the field level and goes up

to the lawyers in the north end of wherever, they have no interest in which is a competent remark and which is a politically valuable remark. *So they have a completely different value system at the political level than we do at the scientific and operational level. So I think it depends... How do you communicate society's desire through regulation under that sort of working scenario?* (my emphasis added) (PB4).

This circumstance is illustrative of how market ideology and market structures intersect at the institutional level. Additionally, it points to the disjuncture between the value systems of the public and their representation in governing institutions. Society may desire to see that animals do not suffer during transport, however it would also unquestionably want to see that their values are represented by representatives of government. Indeed, the notion that industry should guide rule-making on an ethical issue in which it maintains an incalculable vested interest runs counter to democratic principles of governance. If we only understand the issues of animal welfare, and in this research humane transport, through the interpretive lens of the market then perhaps industry is in the best position to define the agenda. However, if we understand the questions raised in this debate as a concern regarding social ethics and the 'ought we' questions of production practices, then industry is not in the best position to lead the process. Doonan and Appelt assert that, "a part of society does not trust self-regulation, fearing lack of oversight, displacement of animal and societal interests by the profit motive, and difficulty in identifying and correcting the actions of those who do not follow the voluntary standards" (Doonan and Appelt 2008, 97). Yet, while the values of the productionist approach to animal use are inconsistent and widely questioned in this debate, they are complimentary to the broader agricultural agenda, and therefore maintain authority at the level of policy development.

This market ideology also appears to frame the subtle causal story of 'industry realities' discussed by policy-broker interviewees and reinforced by the industry

perspective. In this construction of ‘reality’ the size and scale of the livestock industry not only gives weight to the economic imperative in decision-making, but also infers that this system is somehow preordained as opposed to a direct result of political strategizing and economic power. Within this ideological framework industry stakeholders can falsely claim that they are simply attempting to allow the market to function freely as opposed to actively promoting structural adjustment policies which include deregulation, centralization of production, externalizing non-market values, and limiting competition.⁴¹ This is not to claim that the economic imperative is invalid as a driving force for Canadian producers, clearly profits are important; rather it is to recognize that animal welfare problems in the livestock industries are not simply a consequence of economic realities, relying instead on choices about how to structure, design, and allocate values in the industry.⁴²

Reflecting this larger ideological influence at the ground level, participants referred to a ‘culture of production’ that permeates the livestock industries, amplifying problems associated with humane transport. This ‘culture’ was characterized by interviewees variously as a “cowboy culture” (OW14), guided by the principle of “time is money” (OW15). Echoing this idea, Conner refers to the “production paradigm” of current policy approaches wherein “economic productivity has become the sole evaluative criteria of

⁴¹ Manfred Steger refers to this ideological project as ‘globalism’. In his deconstruction of the myths of globalism he writes:

Globalism’s deterministic language offers another rhetorical advantage. If the natural laws of ‘The Market’ have indeed preordained a neoliberal course of history, then globalization does not reflect the arbitrary agenda of a particular social class or group. In other words, globalists merely carry out the unalterable imperatives of a transcendental force much larger than narrow partisan interests (Steger 2005, 66).

⁴² A clear example of this is the production processes of the swine industry. Hog farming was advanced by the Canadian government as a good alternative for western grain farmers who were faced with increasing costs following the demise of the crow rate. However, the costs of production in this industry have led to the increasing vertical and horizontal integration of the production chain, eliminating small producers; since 1988 sixty-six percent of hog operations have closed or been integrated into multinational agribusiness chains (CCPA 2002). Many animal welfare disputes revolve around the practices and processes involved in the concentrated and intensive industrial production of animals characteristic of the current system.

agricultural production” (Conner 2004, 31). While this idea was referenced by all four groups, it was assigned varying degrees of significance.

Both inspectors and truckers discussed the influence-ridden nature of the livestock industries as part of a ‘culture’ which prioritizes profit over the welfare of animals, and manifests in a variety of practices and occupations. While operational workers sympathized with producers who may be forced to practice poor animal care due to financial constraints, they also asserted the ethical principles of ensuring animal welfare in agriculture. Moreover, their perspective disputes the determining force of this paradigm by arguing that effective regulatory enforcement could rein in its negative effects. Conversely, policy brokers claimed that education may offer the best means of changing the deleterious effects of this ‘culture’. While operational workers saw some benefit in an educational approach, their discourse illustrated the penetrating nature and pervasiveness of productionism as an ideological force in the livestock industry. In practical terms, moderating its effects means that regulations need to be clear and well publicized, but also punitive in nature if the goal is to limit violations and designate authority to enforcement officers. As a reflection of market-ideology at the operational level, the ‘culture of production’ informs the way that animals are handled and processed through the transport system. Effectively addressing the repercussions of ideology will mean that animals are better protected, and will also mean that the ‘efficiencies’ derived from productionism will be limited. Therefore, if amendments are limited to education without the regulatory backing of enforcement this will be a further indication of the prioritization of industry-directed values and goals.

Market Structures

This section addresses some of the ways that market-ideology is reinforced through the structures that govern the livestock industry. Specifically I look at: the governmental committees and structures designated with the task of developing animal welfare policy; the institutionalization of this influence through the bureaucratic levels of government to impact work at the operational level; and in the structures of the industry itself.

Traditionally, the role of government in relationship to corporate power was, as described by Stone, “to protect weak but legitimate interests against stronger but less virtuous ones” (Stone 2002, 227). Agriculture and Agri-Food Canada once governed the lives of Canadian agriculturalists through programs and intervention (Huff 1997, 1401-1405). Today the mission of AAFC is primarily economic, with a mandate to work with provincial and industry partners in developing policy and delivering programs, and improving market access. As discussed in chapter two, the dominance of the industry position in policy and regulation is supported by the private-public partnership approach of the CFIA.

This broader policy direction is reflected in the design of government bodies, such as multi-stakeholder committees, mandated with policy specific agendas. For example, this project is outlined under the 2007 National Animal Health Strategy (NAHS), which is the government body assigned with the task of developing a ‘national animal welfare policy’. Under the NAHS animal welfare in agriculture is an issue of consumer demand and human health – both relationships which align with market values. Working within a framework of partnership, the NAHS mandate addresses the health of animals and humans and proposes: “In order to best protect Canadians from preventable animal-

related health risks, the NAHS aims to consolidate and coordinate the activities of governments, industries and animal health communities, each of which is currently responsible for various facets of animal health in Canada” (NAHS). As the national body assigned with the task of developing policy on the use of agricultural animals, the NAHS is a structural reinforcement of the market approach to animal ethics. Its mandate successfully avoids addressing the ethics of animal use, focusing its work on ‘animal health’ and protecting Canadians.

The values and principles associated with market ideology are reflected in the structures of governance that apply to animal agriculture. However, one of the more interesting and revealing aspects of this research has been learning about the extent to which this approach is sifted down through bureaucratic structures to impact work at the operational level. These workers explained the multiple cultural and systemic barriers that exist to enforcing regulations. Their argument emphasized the lack of active commitment to humane transport both in regional and head offices, which severely restricts the enforcement capacity of officers.⁴³ The information provided by both inspectors and transporters indicates that the national policy agenda which is directed at limiting government involvement in industry regulation is reflected throughout the departmental structures of the CFIA to directly influence the application of policy and regulation at the ground level. A broader examination of this circumstance will be further addressed in the section titled Agency.

⁴³ To reiterate for clarity, limitations are placed on inspectors by: requiring them to receive approval of penalties by multiple levels of bureaucracy; to undertake a significant amount of work for each penalty; to work with the ambiguous terminology of the Health of Animals Regulations in their role as enforcers; to maintain an intensive workload due to limited enforcement staff; and to work largely without the general support of the agency in enforcing humane transport.

Additionally noted by participants from various groups was that the structural design of the livestock industry has a profound effect on humane transport. Export-oriented global trade, corporate consolidation, centralization and specialization of production, focus on value-added food stuffs, and increasing reliance on technologies, all reflect the policy goals of a competitive, efficient, and productive agri-food sector. Manifested in the structures of industry this means that the production chain is compartmentalized with animals such as beef cattle being born, grown, sold, and slaughtered at different sites sometimes thirty kilometers apart, sometimes three thousand kilometers apart (ABP, Beef Production Chain). One participant discussed this as a problem of ownership and control. Where numerous small slaughter plants were once scattered across the countryside close to production sites, today this is not the case “because the packing plants have bought them up and shut them down and now there are huge facilities only at certain points” (PB5). Moreover, when a few buyers dictate the price that animals are bought and sold at, this greatly impacts how far those animals will be transported. “So that is a huge constraint – the way the industry is setup and how much control the packing plant industry has over what happens” (PB5). This system of production is implicated in many of the social dysfunctions, including animal welfare, associated with industrial agriculture. Further, while the deterministic language of ‘industry realities’ discussed earlier attempts to frame industry structures as guided by the needs of the market, the argument here is that it is rather intentionally constructed to meet the goals of the neoliberal agenda.

The ideological underpinnings of neoliberalism are apparent in the normative and discursive framing of animal welfare through the determinism of economics and ‘sound science’, and in the structural design and mandate of industry and governing agencies.

However, this broad market-oriented agenda relies on the strategic activation of national policy goals and policy specific goals in such a way that supports the dominant agenda while maintaining public support for the direction of policy. In the next section the discussion turns to an examination of how the ideological underpinnings of the current political economy in Canada is shifted into national policy goals such as efficiency and security. Furthermore, in translating these broad directives into the policy specific goals of humane transport, actors in industry and government work to construct the debate in a way that diminishes criticism and reinforces an industry oriented approach to the issue.

Framing Policy Goals

Policy goals are important as a way of providing a consistent direction for government in dealing with problems. Broad policy goals reflect national agendas, and are in turn transmitted to policy specific goals. Groups attempting to determine the outcome of humane transport amendments seek justification for the direction of policy and regulation in values identified with the ‘public interest’. In this research the goals of ‘efficiency’ and ‘security’, which are assumed to be supported by the general public interest, are predominant.⁴⁴ By aligning with the collective values identified with the public interest, groups are able to claim that “their interpretation [of specific policies] best fulfills the spirit of the larger concept to which everyone is presumed to subscribe” (Stone 2002, 38). Examining how efficiency and security (i.e. securing the public interest) are constructed as goals of animal agriculture policy sheds light on how the industry agenda is prioritized and validated in humane transport debates. Furthermore, it illustrates the

⁴⁴ This terminology is drawn from Stone’s discourse on Goals. How these terms are being used will be explained in the introduction to these sections. For example, the goal of ‘security’ as used by Stone refers to ensuring that the public feels that their interests are being met, rather than ‘national security’.

importance of determining the values that direct policy. While both of these broad objectives are apparently positive directions for Canadian policy, without a clear articulation of the values which should guide the transition from broad to specific policy their intention is exploitable by dominant actors. On this idea Stone writes: “This kind of symbolic policy is particularly powerful because you cannot be against it without seeming to be against what it purports to represent...They enable leaders to assemble broad bases of support for particular policies. They permit policy makers to retreat to smaller, less visible arenas to get things done” (Stone 2002, 161). Thus, the argument being made here is that the use of ambiguous goals to direct the negotiations around humane transport is an intentional policy design aimed at quelling resistance to animal agricultural policies by assuring broad collective interests while depriving interests in particular policies.

The discussion will look at these goals separately, and will attempt to highlight how apparently good policy goals can be manipulated by different actors in a debate in order to create a favourable policy environment. This will include an examination of the relationship between these general policy goals and the specific goal of regulating humane transport.

Defining Efficiency

Efficiency is not clearly a goal in itself, but rather it is desired because it helps us attain more of the things we value (Stone 2002, 61). Getting the most out of something, while expending the least amount of effort, is a goal easily supported by most people. In policy evaluation, determining efficiency will typically rely on a cost-benefit analysis. Evaluators must therefore, “decide on the accounting unit (whose costs and benefits are to be calculated); catalogue all the costs and all benefits over time; monetize (attach a

monetary value) to those costs and benefits; discount those costs and benefits over the period of time that the program will be operating; and determine the net social benefit” (Pal 2006, 304). As indicated by Pal, the challenge is to go beyond the bottom line, which may sometimes be impossible or inappropriate for policy makers (ibid). In the debate around humane transport, as with many ethical or moral disputes, when the goal of efficiency directs public policy decisions, costs and benefits can be assigned inappropriately. Furthermore, interpretation of these factors is vulnerable to the dominance of industry-oriented perspectives and agendas.

Fitting Animals into the Equation

The goal of efficiency dominates agricultural policy. In the animal industries this involves value-based decisions around the costs and benefits associated with animal welfare. Examining the relationship between efficiency and animal welfare in the humane transport debate indicates that the ethics of animal use are not represented in the industry-dominated values associated with this policy goal. Thus if regulatory amendments must meet the demands of ‘efficiency’ as determined by industry/government this may limit the potential of effective changes. This section considers the problem of fitting the concerns of animal welfare into the equation of economic efficiency. I address the problematic reliance on efficiency in the livestock industry to solve the problems of humane transport. Finally, I argue that if determinations of costs and benefits are made by industry stakeholders this may not be an accurate reflection of the public valuation of animal use in agriculture.

On the surface, concern regarding animal welfare can be perceived as an awkward fit in the drive for an efficient agribusiness sector. In the traditional concept of market

exchange there is no room for the interests of the *exchanged*. Animals however, fit well into this discourse as ‘commodities’. In the framework of commodities, the interests of animals can become reduced to a question of quality of product. Agriculture and Agri-Food Canada highlights this framing in their backgrounder to the codes of practice agenda: “The market place is now placing greater emphasis not only on food safety, but also on various quality attributes such as farm animal welfare” (AAFC – Backgrounder COP). As commodities, the interests of animals matter only to the extent that quality of product is maintained. Discussing this idea one participant said:

There is a difference between a bruise on a pig and a bruise on a pear. The pear didn’t suffer when it was bruised. So we have all this scientific discourse on bruising... They talk about these things at slaughter, “the cost of bruising is so much dollars at slaughter”. My challenge to them is -- that is part of the cost of bruising, but the actual animal that bruised experienced that damage as a hemorrhage under its tissue. So where does that cost count in your fiscal organization of the world? If you put the cost at zero I think you’re misrepresenting reality (PB4).

Approaching animal welfare as a ‘quality’ issue not only “misrepresents reality” but also offers no protection for the interests of animals to be free from pain, fear, and stress which may not directly affect the ‘quality’ of them as a product.

Interviewees discussed the distinction between animals as commodities and animals as living beings. One participant made the following comment:

The ‘more than property’ question? Well I do lots of speaking to farm groups, and I ask the farmers straight in the face ‘is raising chickens different than raising tomatoes?’ And every farmer agrees, yeah there is a difference, I don’t know what it is, I don’t know how to communicate that... But even in the farming community raising livestock is different from raising wheat. So, they recognize that there is a difference and many in the animal enforcement industry realize that livestock, or animals, should be the most highly protected form of private property. So if you burn your car to default the insurance company that is one kind of criminal activity, but if you hurt your children that is a whole different kind of crime, and some how animals are in between there. There’s some societal sense, or common morality related to the care of animals (PB4).

The implication here is that a debate around the status of animals does take place amongst people involved in livestock at varying levels (federal and provincial government, industry, etc.). However, in translating the informal exchanges of the public to the formal politics of policy making, this element of the debate is subsumed by the discourse of commodities.⁴⁵ Yet, if a primary function of policy and legislation is to express the values of society, we can not safely assume that agricultural animals are viewed by the public as valuable based on their economic value. Recognizing that values can exist outside of the market exchange and in fact be more important than the exchange itself may encourage policy makers to give greater priority to advancing such values in policy and regulation. Indeed, utilitarian economists have argued that some people may experience a disutility resulting from animal suffering and therefore maximum human welfare (or utility in the economics of production) will not be achieved if animals are seen to be suffering (Bennett 1997b, 243). Attempts to identify the monetary value of this cost have been made through assessing people's 'willingness to pay' (WTP)⁴⁶ for animal

⁴⁵ It is interesting to note that in the cost-benefit analysis of transporting non-ambulatory animals it is stated, "...the small potential salvage value does not justify the animal's suffering, reduced meat quality, and negative impact on the image of the Canadian livestock industry that are associated with the transportation of non-ambulatory livestock" (Canada Gazette 2004, 138(51)). It is notable that animal suffering entered the equation here, however it is widely agreed that the BSE crisis in the west (which involved a non-ambulatory dairy cow) led to the changes in regulations.

⁴⁶ Consumer 'willingness to pay' surveys on animal welfare concerns are abundant. See for example: Harper, Gemma and Henson Spencer. (2001). *Consumer Concerns about Animal Welfare and the Impact on Food Choice*. Centre for Food Economics Research, Department of Agricultural and Food Economics, University of Reading, UK.

Fredrik, Carlsson; Peter, Frykblom; Carl Johan, Lagerkvist. (2007). Consumer willingness to pay for farm animal welfare: mobile abattoirs versus transportation to slaughter. *European Review of Agricultural Economics*, 34(3), 321-344.

R. M. Bennett; J. Anderson; R. J. P. Blaney. (2002). Moral Intensity and Willingness to Pay Concerning Farm Animal Welfare Issues and the Implications for Agricultural Policy. *Journal of Agricultural and Environmental Ethics*, 15(2).

Ngapo, T.M.; Dransfield, E.; Martin, J.-F.; Magnusson, M.; Bredahl, L.; Nute, G.R. (2004). Consumer perceptions: pork and pig production. Insights from France, England, Sweden and Denmark. *Meat Science*, 66(1), 125-134.

Bennett, R.M. (1997a). Farm animal welfare and food policy. *Food Policy*, 22 (4), 281-288.

welfare friendly products, however such results are still subject to cost-benefit analyses which may lead to the same result -- the ends justifying the means.

In the interviews conducted for this research, all participants indicated that any 'reasonable' account of animal welfare issues in transport must address the economics of the industry. However, many also pointed out that this only constitutes part of the debate, and should be addressed in conjunction with a consideration of the broader ethics that surround animal use (AW1, AW2, OW13, OW14). While the public may want to see an efficient system of agriculture, the equation used to determine this may rest on an entirely different allocation of costs and benefits. Indeed, by avoiding a clear definition of the framework of *values* which support industry and government goals (i.e. animals are a form of protected property that should receive proper *care* in their use which will best ensure their market value) conflict around the direction of policy is minimized or redirected at areas that are less vulnerable to serious questioning. Redirecting criticism at the 'bad apples' of industry, discussed in the next section, is one way that the real issues of animal suffering and humane transport are avoided.

The 'Efficient' Solution

How to ensure animal welfare during the transport of animals is highly contested. Many argue that regulatory measures are needed to provide this assurance. Conversely, in the industry and policy-broker view an efficiently functioning livestock industry is the best way to ensure that the problems of humane transport are addressed. To reiterate, this

Animal Welfare and Consumer Attitudes: An analysis of the 2004 Ipsos-Reid Poll. (2005). *Livestock Welfare Insights*, 6.

Napolitano, F.; Pacelli, C.; Girolami, A.; Braghieri, A. (2008). Effect of Information About Animal Welfare on Consumer Willingness to Pay for Yogurt. *American Dairy Science Association*, 91, 910-917.

claim first suggests that the problems of humane transport are the work of a minority of people doing a bad job. Defining what officially constitutes a 'bad job' relies on particular interpretations and demarcations of science. Rather than damage the industry through over-regulating, the efficiencies of the market should be allowed to naturally eliminate the bad apples. Efficiency will be realized in this view, by the internal enforcement of those working in the industry who do not want the bad apples to tarnish the reputation of the livestock industry or disrupt production through poor practices. The smoothly functioning market implied in this solution framework is however, belied by the social complexities indicated during interviews. There are several key problems with the 'bad apples' argument for efficiency that I address: rather than being eliminated by efficiency, many humane transport problems including the work of bad apples are a *result* of efficiency in the livestock industry; that this claim depends on an asocial construction of the market where in fact history and cultural attitudes greatly influence practices in the industry and will continue to affect the value assigned to animal welfare; and enforceable regulation, not internal regulation, is the most effective way of ensuring compliance with standards.

This research has indicated that rather than eliminating the bad apples, the profit motive and the 'realities of the industry' drives people to get as much out of animals as possible.⁴⁷ For example, transporters are often unable to refuse 'bad loads' because they are stuck adhering to the market relationship between transport companies and producers. If the 'bad apples' addressed by this framework are transporters themselves, the

⁴⁷ On this idea in relation to dairy cows one participant said: "The management in a nutshell is, 'we will pull every nickel that we can out of them, and feed them as little as possible, and still maintain a healthy herd.' That is the way it is. And their ability to withstand the rigors of long journeys, clearly they are compromised. Even when they walk out of the farms"(OW11).

assumption that the market will eliminate them is faulty. Rather, 'the market' will ensure that 'there will always be a joe blow down the road who will take the bad loads' (PB5, OW14, OW15).

In the argument of efficiencies, elimination of bad apples will depend on a rejection of these 'problems' by others working in the system. In this picture, livestock workers are autonomous actors competing against each other in the activation of self interest. While there may be an element of truth to this idea, it does not reflect the predominance of social, historical and cultural influences. Assessments of values in the social market are deeply influenced by a number of forces, and therefore reliance on the independent valuation of animal welfare in the market may be fallible. One participant discussed the social influences of the livestock industries:

There might be an element of complacency that exists, because people that have grown up in certain environments just become very used to it. So I can see in some cases where they might take for granted what things that they were taught to do by their fathers and grandfathers and that sort of thing, without giving it any second thought. But it is not an intentional act, like the whackos that put cats in microwaves and stuff like that... they are there to get a job done (I8).

Echoing this comment, operational workers illustrated the extent to which the livestock industry is embedded in a complex network of social and political forces. While there are those in the industry who absolutely reject poor practices in transport, they should not be relied on to effect change.

Moreover, if we look to the industry to reject the bad apples of *transport*, we are not accounting for the substantial amount of transport problems associated with *on-farm* production practices. There is no shortage of information indicating that many humane transport problems that occur during transit originate with management practices on-

farm.⁴⁸ The CFIA itself recognizes that in regards to compromised animals, “(a)rguably, the most important step in reducing the numbers of disabled livestock is on-farm prevention through training, proper facilities, and good husbandry” (Doonan et al 2003, 670). As the jurisdiction of the Health of Animals Regulations does not extend to the farm, it is incumbent on truckers to refuse loading compromised animals. As discussed earlier, this task requires regulatory and enforcement backing so that those who wish to comply are able to do so, and those who do not wish to comply can be ‘weeded out’ through the regulatory system.

The argument for market efficiency is also problematic in its claim that over-regulating (i.e. applying prescriptive regulations) may adversely impact the industry, and instead industry could best regulate itself via outcomes-based regulations in conjunction with the Codes of Practice. There are two key issues with this perspective: first, without regulatory backing enforcement of humane standards will be toothless and will not improve in efficacy; and second, the financial costs on the industry of enforcing humane standards should only be a burden on the bad apples, and are simply reflective of the *real* costs of the livestock industry.

Regarding the first of these claims, the voluntary nature of the codes of practice has been criticized by many involved in this debate. As one inspector said:

The codes of practice are only recommendations, and are not actually regulated. However, some of the recommendations are covered by our regulations. I'm not sure where they showed up first, the code or our regs, but there are many that are not currently covered by our regulations and are still only recommendations. In this case, we can only use them to recommend actions (OW14).

⁴⁸ While there are many studies which look at the effects of pre-haul management on humane transport as discussed earlier in this paper, a good example of this is the work of Temple Grandin. See for example: Grandin, Temple.(2000). Perspectives on transportation issues: The importance of having physically fit cattle and pigs. *Journal of Animal Science*, 79.

While the codes may represent a positive step forward in recognizing the importance of animal welfare, the efficacy of the regulatory approach can be seen in the impacts of the 2004 amendments to regulations which prohibited the transport of non-ambulatory animals. In this case, ‘downers’ (animals that can not stand or walk without ‘assistance’ due to reason of infirmity, disease, or injury) became an increasingly important issue due to the public offence at the obvious nature of the suffering of these animals, and following the BSE case in the west which was found in a downed dairy cow. Until 2004 there was no industry wide consensus on what constitutes ‘fitness for transport’, which would define a downer as unfit for transport. Participants noted that when the language of the regulation was renewed to include a clearer definition of non-ambulatory, the change across the industry was widespread. One participant commented:

It’s over. Non-ambulatory livestock, it’s over. You occasionally catch whispers of guys dragging cattle off a cattle liner at one o’clock in the morning, but generally as soon as the shit hit the fan it was over. And that is what it took. They knew that as long as it wasn’t encoded in legislation, they were allowed to do it. We were making policy to accommodate them for god’s sake (OW11).

While some lobby level industry groups had been opposing the transport of downers before the regulations were implemented, the realization of change *relied on the force of regulations*. The national codes of practice which are being designed by industry are “intended to promote sound management and welfare practices and contain recommendations for housing, management, transportation, processing, and other acceptable animal husbandry practices” (NFACC – Recommended COP). Reliance on the codes for prescription will be an effort to ‘educate’ producers and transporters about acceptable minimum standards without forcing them to apply these standards. However, the precedent set to date signals the efficacy and necessity of using enforceable regulations if the goal is to affect change in industry practices.

Regarding the second point, the financial burden of regulation on the livestock industries may be an important consideration. Advancing efficiency in production systems is an appealing goal in terms of saving costs however, articulating the 'real costs' is an essential part of this equation. When the externalities of efficiency can negatively impact the public good, governing bodies are the only force to protect the public against such deleterious effects. Market failures associated with 'efficiency' in the livestock industries have had immeasurable effects on farmers, communities, and farm practices (Heffernan 2000, NFU 2003, Conner 2004 etc). The corporate integration of the pork industry has virtually eliminated small pork producers from the market. For example, in 1988 there were 33,760 hog farms in Canada; by 2002 these numbers had dropped to 11,565.⁴⁹ 'Efficiencies' in this sector mean that, while the farm-gate price of pork has remained virtually unchanged since 1975, the price of pork chops at the supermarket have risen two hundred percent (NFU 2003). In the beef industry, prices paid to producers rely on those set by agribusiness firms such as Cargill and Tyson (i.e. Lakeside Packers). Some of the more widely opposed effects include the dissolution of family farms and farm communities, and environmental destruction caused by intensive farming. Animal welfare problems, along with these disastrous effects of market failures, are externalized.⁵⁰

⁴⁹ In their 2003 review of industrial agricultural policy the National Farmers Union conducted an in-depth analysis of the concept of 'efficiency' as conventional wisdom in this sector. They write: A truly efficient agriculture and food system would be immensely beneficial for farmers, society, and our environment. Such a system would use a minimum of resources while striving to deliver optimum food and nutrition to the maximum possible number of people, causing the least possible damage to the environment, and preserving and enhancing our land and water for food production for future generations. Actually working toward efficiency, actually working to minimize the use of chemicals, fertilizer, and energy would have the additional benefit of helping unhook farmers from profit-draining input manufacturers (NFU 2003, 26).

⁵⁰ It is arguable that if animal producers were assured a better price this would impact the treatment of those animals. For example the problems associated with low-value animals indicate that without a profit motive livestock workers lack the incentive to ensure the welfare of animals. Moreover, the 'survival of the fittest' environment of current corporate controlled industrial agriculture means that many farmers and producers

Efficiency demarcates what does or does not count in its equation, which can have dramatic effects on the welfare of transported animals. As one participant noted: “Another big issue is: why do we send live cattle down into the U.S.? Why do we do it? There is a money issue... Somewhere, somehow it is more profitable to send live cattle than boxed beef because otherwise it wouldn’t be done” (PB5). Thus, if in the cost-benefit analysis used to determine efficiency the animal is evaporated by the process of commodification, then the real costs are not being accounted for.

Many of the problems associated with humane transport are a result of the goal of efficiency reflected at both the individual level, by trying to maximize production from each animal, as well as the systemic level, in trying to expedite animals through the process of production as quickly and cost-efficiently as possible. Therefore, we can not hope to find an effective solution to these problems without addressing market efficiency in animal agriculture as problematic in itself.

In identifying the values that will guide agricultural policy, publicly held values associated with the ‘public interest’ are a determining factor. The discussion will now turn to a consideration of the strategies around defining the ‘public interest’ in the humane transport debate.

Defining Security

The goal of security has different meanings to different people and groups. While security means ensuring that the needs of the public are met, these needs are diverse, and are both material and symbolic. Stone contrasts the symbolic concept of needs with the

are already struggling to survive; not a situation amenable to more costly limitations on animal production. Alternatives to the system of monopoly have been sought in farmers cooperatives, such as the Atlantic Beef Producers Cooperative which ensure fairer prices for producers.

material concept which defines the biological needs of survival: “The symbolic concept of need, by contrast, recognizes and gives weight to human differences – different cultures, histories, social groups, classes, and even tastes. If we accept the symbolic dimensions of need as important, then security means protecting people’s identities as well as their existence...That is why the definition of need is a political question rather than a biological one” (ibid, 90).

Part of the strategy for stakeholders in this debate is indicating a consensus between their own goals, the specific goals of humane transport, and the broader policy goal of serving the public.⁵¹ Meeting the needs of the public is central to public policy, and opens the door to debate about what those needs are, and whether they are objective needs or just desires (ibid, 88). In this section I argue that the ‘public’ and the ‘public interest’ are reconstructed by dominant players in the humane transport debate in order to gain authority over these realms. As the agency responsible for safeguarding Canada’s food supply the CFIA states that humane transport regulations were created “to prohibit poor practices and reduce the likelihood of injury, suffering or death of animals in transit” (CFIA – Advanced Notice). While most people would agree that this policy-specific goal articulates a justifiable need to protect the welfare of animals in transit, assurance of this goal is susceptible to interpretation and manipulation of the ‘public interest’. Indeed, securing the position of industry in directing and monitoring transport regulations requires a comprehensive strategy to addressing the interests of the public. Some of the mechanisms by which this occurs are discussed in the sections to follow. The broad

⁵¹ Leslie Pal discusses the importance of policy consistency, he writes: “This type of consistency is important in democratic politics, since it implies that there is an underlying philosophy of government that cuts across all policy fields. From a policy perspective, when people vote, they often vote less for specific policies than for the ‘whole package.’ It is a way of ensuring a degree of accountability, since every part of the government is expected to follow a broadly consistent line of policy” (Pal 2006, 12).

intention of this discussion is to illustrate, through reference to the policy goal of securing the public interest, how the dominance of industry in humane transport reform is reinforced through particular constructions of national and issue-specific policy, and through the use and dissemination of information. Moreover, the aim is to support my thesis claim that the current amendment process is being directed at the goal of minimizing government regulation of industry by allowing industry groups to direct the amendment process and ultimately to download regulatory responsibility onto the livestock industry itself.

Securing the Public Interest

Examination of this goal will address several problems associated with manipulation of the public interest including: how demarcating the ‘public’ and ‘public interest’ enables groups to decide what matters in policy-specific goals; how approaching the public as consumers facilitates a market response to problems, thereby avoiding the underlying ethical questions around agricultural practices; and how a particularized interpretation of the general public draws boundaries which may exclude other perspectives in the debate.

During interviews all participants recognized the importance of animal welfare in agriculture. However, how it can be realized and the potential barriers to realizing it are perceived differently. In addressing the perceived problems of humane transport each group attempts to link their own values with those of the larger public in forwarding their argument. This project involves defining the ‘public needs’ in such a way that ensures certain groups are assigned authority over meeting these needs.

At the root of the animal welfare/humane transport debate lies a passionate conflict around the intrinsic value of protecting animal interests. Welfarists argue that, though animals are subject to human use, there must be a line drawn which protects their interests beyond basic survival. As Rollin says: “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” (Rollin 1993, 9). In this view, the social consensus (Rollin 1993, 2006) is that the basic nature of the animal must be taken into account in decision-making, balanced with economic considerations.

Conversely, other groups argue that animals can only be viewed as a ‘protected form of property’ (PB4). Further, the principle goal of increasing productivity and ensuring a secure market in the livestock industry is inseparable from the goal of ensuring animal welfare. The social consensus in this view prioritizes the need for affordable, safe food, while ensuring the best, economically viable, standards of care for animals. Coexisting with these ideas about animal agriculture is a vague ‘general public’ perspective.

Increasingly, industry and government have begun recognizing that the public is concerned about the welfare of animals used in agriculture. The public ‘need’ to be assured that agricultural animals are treated well is recognized throughout contemporary discourse on the subject. For example a survey conducted in 2004 of Canadian consumer attitudes towards pork production indicated that while hog farmers are generally believed to provide good ‘basic care’, areas of public concern include: that animals are treated with different levels of respect between large and small farms; that profit is more important than welfare; and that modern farms are like factories with unnatural conditions (Livestock Welfare Insights 2005 (6), 7). Additionally, a key impetus for much animal

welfare research is addressing broad concerns about animal use by producing applicable research on how to improve standards and practices.

In the debate of humane transport, competing for jurisdiction in the realm of ‘public interest’ is central to arguments for or against a particular approach to transport amendments. The industry/government perspective is that the consuming public is not able to offer a discerning assessment of standards of welfare in transport because they lack knowledge and information. This idea was expressed by industry participants in the claim that the majority of the public are not familiar with agriculture or farming, and their only reference point for animals is as pets. Similarly, in the 2005 amendments to the Health of Animals Regulations regarding non-ambulatory animals, it was noted that: “when consumers purchase meat products, they are not aware of the way the animal was treated for that particular purchase since that information is not available to them. Consequently, consumers cannot choose based on the welfare of the animal” (Canada Gazette 138). At the same time this document noted that surveys indicate that over half of the responding public would pay five percent more for meat labeled ‘humanely raised’. In this view therefore, while the public needs to be secure in the knowledge that animals are treated well, they are not able to determine or define this themselves.

Deciding who should, and how to make decisions regarding what counts as animal welfare *for* the public is therefore important. In the view of industry participants, those who work in the livestock sector are in the best position to decide for the public how to address animal welfare.⁵² As one participant commented, “we know what does work and

⁵² Addressing the rising concern about farm animals the industry produced an information booklet titled *Farm Animals: Who Cares?* The booklet opens with the statement: “Less than three percent of Canadians are involved with farming today. That leaves many people with questions about the facts on farm animals. No one knows better than the people who care for their animals 365 days a year. As farmers and ranchers,

what does not work, because we have done it” (I9). In this perspective a distinction should be drawn between the general public that is concerned about animals, and animal advocacy groups. The public interest in animal welfare is therefore defined within limited parameters: ill-informed about current issues, distanced from agriculture and the production of food, and not necessarily reflected by the substantial criticisms of industrial agriculture voiced by animal advocacy groups. Reflecting this idea, in response to consumer research an agribusiness report claims “(a)s the treatment of animals is primarily of concern to activist groups, it is unlikely that a public relations effort in this area will yield substantial results” (Livestock Welfare Insights 2005 (6), 7).⁵³ In this interpretation of the public and their interests, animal welfare is not a pressing concern warranting the arbitration of government.

Further, the general concerns of the public are attributed to the role of the public as consumers. This suggests that public concerns about animal welfare are dependent on having to make choices about purchasing animal products. During a consultation workshop on codes of practice participants discussed “defining the ‘publics’ and the issues”. Here it was noted:

Participants felt that there is a need to identify and define the ‘publics’ – which may include Canadian consumers, international trading partners, retailers, producers, and processors. There are also demographic, cultural and ethical considerations, including religious beliefs associated with animal welfare. But, *everyone* is a ‘consumer.’ (original emphasis) Similarly, there is a need to identify the issues that are of concern to the various publics. Participants wondered if issues such as confinement, debeaking, tail docking and other production practices

we choose to work with animals because we enjoy it. Although farms and ranches are getting larger, they are still operated with the same care, commitment and values of the generations who came before us. Look inside to find out more about us and the latest on farm animal care in Canada” (Farm Animals: Who Cares?)

⁵³ While it is likely that animal advocacy groups may be better informed about welfare issues, many groups such as the Canadian Federation of Humane Societies, World Society for Protection of Animals, and the Canadian Coalition for Farm Animals, have a broad base of support in the Canadian public.

are really of concern to a broad spectrum of people, or only to a small minority? (Workshop 2002, 9).

Limiting the public to consumers confines the interpretation of the issue to a market relationship, and avoids the broader debate around the ethics of agricultural practices. Consumers in this sense are motivated by a market relationship with industry -- a rational concern for individuals purchasing products. If otherwise motivated to oppose industrial practices based on the idea of public needs or social ethics, this is outside of the 'rational' debate of consumers and producers.

The consumer-producer approach to animal agriculture is framed as part of the 'natural' progression in the agricultural economy which is changing to meet the needs of the market.⁵⁴ Maximizing the public interest, it is argued, will be the inevitable outcome of these changes. Based on this identification of the public, industry holds the position to respond to these market-determinable public needs.⁵⁵

Advocates for progressive standards of animal welfare argue the problematic nature of realizing the public's needs through the functions of the market. If the primary goal of animal agriculture is efficient production the current situation of humane transport

⁵⁴ Rice and Prince discuss this shift in the role of the state regarding broad social policy, they write: "The shift in power from the state to the corporation transforms the relationship between the government and the public by turning citizens into customers...while citizens have rights and duties conferred by the state -- and benefits that accrue from these rights -- customers have only choices that are defined by their purchasing power" (Prince and Rice 2000, 24).

⁵⁵ Indeed, while consumers may want to be assured about the safety of their food, addressing safety removes ethical questions around animal use from the debate. This particular aspect of the debate opens the door to an entirely new research project which is beyond this scope of this study, but is important to at least note here. Safe food may be an important concern, and can be addressed through effective regulation such as in the case of the policy/regulatory response to BSE. In this case, the regulations regarding non-ambulatory cattle changed quickly to ensure that 'at risk' cattle were removed from the system. Later, the disposal of SRM's (Specified Risk Materials) were also accommodated in the regulatory framework. However, this has not addressed the issue of why 'at risk' cattle, which are emaciated, have difficulty with mobility, and are clearly ill have been allowed to arrive at this condition. As indicated in this research, the culture of production which promotes pushing animals past their biological limits, such as in the case of dairy cows, is the largest contributor to this problem. Therefore, while there is a relationship between producing safe food, and humane agricultural practices, if these are understood as one and the same, the mechanical solutions to ensuring human health and a stable food supply may put animals at greater risk of harm and exploitation.

will remain unchanged unless effectively regulated (or perhaps deteriorate if new regulations serve to detract pressure and attention from the situation). By not recognizing that animal use is part of the general public interest, and not just a consumer issue, stakeholders are minimizing the weight of the public's interest in this issue, and reinforcing a market solution to the problems.

This consumer-producer approach to addressing animal welfare is mirrored in the often cited potentiality of labeling or certification programs. This argument advanced by industry stakeholders is that if the public are really concerned about humane standards they should push for, and purchase products certified 'humane'. One participant discussed this in the following comment:

If I feel that strongly about it I'm going to pick and choose. But I probably won't get everything I want. I think that consumers should be able to assume that their food is safe and that animals are well cared for. If they want specifics, in terms of ...I am not satisfied with it simply being safe I also want it to be raised organically, well then you're going to have to shop where you need to, or do the extra homework to make sure that you get it done (I6).

This is a useful option for addressing 'the moral question of choice' (Brom 2000a, 137) of consumers by offering people the choice of humanely raised (and assumedly transported) animal products. However, as Brom argues, if consumers feel that conventional practices of animal production are inhumane, the labeling option will only provide a limited response to these concerns (Brom 2000a, 135). For example, if the public feels that current transport practices are unacceptable in a good society, it will not assuage this feeling to know that an option for 'humanely raised' food exists. The public in this conception of society is limited to consumers who maintain the option to 'vote with their dollar' while relinquishing their capacity to demand government intervention in ethical disputes with industry.

Furthermore, without a third-party certifying body to define and assure humane production the work of 'consuming humanely' could be quite cumbersome especially given the polemic construction of the debate wherein consumers must choose between information provided by advocacy groups or government supported industry campaigns. Relying on information provided by industry, consumers will run into the same conflict of interest problem. The 2002 workshop highlights this dilemma: "The general public is unlikely to see the inner workings of a farm for health and safety and security reasons, so how can we assure them that what takes place behind closed doors meets with their social/ethical standards?" One possibility was asserted: "information can be conveyed to consumers through education programs, trade shows, websites, information on product packaging, advertisements, and through industry and producer self-monitoring programs using codes of practice" (Workshop 2002, 13). The conflict of interest arises here where industry information is presumed to be a potential source of knowledge for a critical public.

Information and the Public Interest

The strategic use of information is a pivotal component of this debate. Here I address the selective approval and directing of research, and the construction of the 'public' as ill-informed in order to authorize control over research and information. This discussion ties into the next section *The Information Dichotomy* which examines some of the ways that 'what the public needs to know' is defined.

Industry groups assert that there is a lack of research and information on humane transport in the Canadian context. While there is a broad selection of research from around the world on the effects of transport on animals, stakeholders argue that the

Canadian situation is particular for a number of reasons including: the types of vehicles used; the weather and geography; the distances between destination points; the species commonly transported; and national borders. In an attempt to find data applicable to the Canadian situation, organizations such as the Canadian Cattlemen's Association and their provincial counterparts have applied funding to benchmark studies in order to determine current practices and identify problem areas (AAFC – Study Cattle Transportation, OCA Response CFIA).

While arguably all research is value-based in that it is conceived of and interpreted through the subjective lens of the researcher, in the case of industry funded research that will shape policy approaches, the stakes are considerably higher. Ultimately, all research will be guided, interpreted, and selected based on certain influences and interests (Gieryn 1983; Levidow and Carr 1997; Rollin 2006; Alroe and Kristensen 2002; etc.). However, where this may become dangerous is when research is strategically selected in order to forward particular policy goals that allegedly represent the interests of the public. Discussing the question of transport research one participant commented:

From the point of view of the industry, from what they tell me - they want to be sure that any change that is made is justified. And that doesn't necessarily mean that because our research project says it's justified, that it is. And to some extent I agree with them, a research project can be faulty, it has to be properly designed, and taken to association bias, and confounding variables and all of that sort of thing. And it has to be representative - so Canadian producers want to make sure that research the drives change is based on Canadian conditions. And our answer to that has been OK that makes sense however, if we look to research that has been conducted around the world and has given consistent results it probably applies in Canada too. So we agree with that but we don't agree with the idea of using that as an argument not to do anything. If we believe that the research has been done and it points the way, then it is time to actually apply it; so there's a balance there (PB3).

Indicated in this quote is that the selective approach to research can be a point of conflict, and also a retardant to the process. The general industry response to determining

the direction of research is that “while it is important to identify what it is that consumers want, it is also necessary to recognize that this may not be what the animal needs” (Workshop 2002,16). In this view, the consuming public is unaware of husbandry and handling practices, therefore they should not be guiding decisions regarding these areas. While it may be logical to assume that the general public will not be knowledgeable about the particular needs of farm animals, the general public can and do provide valuable input on how animal welfare should be prioritized within the system. Indeed, this input is recognized in scores of animal welfare studies already (Millman et al. 2004, 305; Fraser 1999, 184; Brom 2000, 131).

In producing information based on an interpretation of animal welfare that informs the public about what they need to know⁵⁶, many animal welfare researchers argue that the concerns of the public relate to more than the biological health of animals, extending to expression of behavioural, social, and emotional aspects of life. Millman et al reflect this common sentiment. They assert that animal welfare scientists must understand that research that fails to “address subjective experiences such as pain, fear and frustration, is unlikely to concord with the public’s concept of animal welfare” (Millman et al 2004, 305).⁵⁷ Conversely, industry groups argue that this understanding of

⁵⁶ The Consumers Right to Know (CRTK) has entered the debate around requirements for mandatory labelling restrictions during animal welfare negotiations at the WTO. In their assessment of the EU proposal to the WTO Hobbs et al determine that the labelling option is not viable as it requires a hazard or novelty justification. Neither of which would allow process based labelling (Hobbs et al 2002).

⁵⁷ Expanding on the supposition of this claim, it could further be understood that the separation of ethical approaches to companion animals and ethical approaches to agricultural animals may be a false demarcation. Instead, if the public’s ethical approach to animals as pets informs their approach to animals as food, this is useful information. Most people believe, based on their own experience, that animals have behavioural, psychological, and in some way emotional needs. To assume that this primary perception of animals would be altered by a profit motive, subject to the species is a teleological fallacy which asserts: loveable creature + livestock market rationality = commodifiable item. This fallacy relies on a perception of society as market oriented, socially isolable individuals, rather than the passionate, influence-vulnerable, moralized societies that we are. The public *will* be influenced by their understanding of animals because

animal health stems from the public's perception of animals as pets or companions and is not relevant to animals used in agriculture. As Florian Possberg, president and CEO of Big Sky Farms puts it "(a) large majority of people want to have pets, take their children to the zoo, and enjoy a delicious meal complete with meat" (Possberg 2006, 149). Thus in the circuitous debate around which information best addresses the questions and needs of the public, industry stakeholders draw a picture of the public as ill-informed about animal welfare in order to assume authority over decisions regarding information, research, and what the public 'needs to know'.

The Information Dichotomy

Information plays an important role in educating and influencing the public about the use of agricultural animals. Groups therefore find ways of indicating that what the public needs to know is being addressed in the information provided. This relies on several strategies: limiting the debate to particular issues or questions by delegitimizing oppositional voices; and through the use of narratives in media representations and public education which rationalize a particular interpretation of problems. Examining the tactical use of information illustrates some of the ways that public support is generated for industry oriented goals in agriculture.

If the public does have a broader idea of animal welfare because they are concerned about the well-being of farm animals then, in order to avoid opposition, industry must convince them that these expectations are being met. As noted by the Canadian Pork Council (CPC) in an on-line publication:

the distinction between a dog and a pig is a constructed idea and not a 'fact' of the human/ animal relationship.

Canadian hog producers provide excellent care for the animals under their stewardship and have been doing so for a long time. (The CPC) has relied on accepted codes of practice which outline guidelines for the proper care of animals but the industry recognizes the need to more clearly demonstrate to the public that this is what's happening on hog farms (*Farmscape* 2003).

Providing information to the public that appears to reflect their values is critical; however information about animal welfare and particularly humane transport can be obtained from many possible sources. Indeed, discrediting information presented from animal advocacy groups is an important strategy for proponents of the industrial approach to animal welfare. The following comments from the 2002 Workshop on codes of practice reflect this notion:

The 'big picture' needs to include the entire process, from production through to processing and transport and distribution. It needs to incorporate both sides of the story: the viewpoints of the animal welfare groups and the viewpoints of the producer groups. There is a need for recognition and acknowledgment that both these groups may base their viewpoints from different perspectives; some participants felt that the producer groups are coming from a science-based perspective, while the animal welfare groups may base their viewpoints on "gut reactions, personal morality or religious beliefs." When promoting their viewpoints, groups must be honest about their perspective and bias (Workshop 2002, 15).

Positioning information produced by animal advocacy groups as based in unfounded responses such as "gut reactions" or "personal morality" in contrast to the science-based rationale of industry groups rests on the assertion that advocacy groups do not rely on legitimate research in formulating their opinions. Additionally, this assumption removes the industry position on animal welfare into the neutral territory of science, away from the messiness of values and morals. Importantly however, the dichotomy created between information produced by industry and animal welfare advocates situates advocate groups as emotionally driven and irrational, against which the 'logic' of industry claims can be measured.

Information in the form of images and media campaigns has been exploited by all actors in this debate in order to influence public opinion about agricultural practices and particularly transport. Stone's discourse on the use of stories and narrative symbols as a means of shaping perceptions and suspending skepticism is a useful tool of analysis here. Stories do more than simply provide information; they relate information through narrative structures which link to social norms and traditions, enlisting the sympathies of the audience. While there may be several broad narratives which commonly appear in animal welfare debates, the "story of helplessness and control" (Stone 2002, 142) can be seen as a defense against critics, as well as a means to garner support and trust.

In this narrative structure the victims of the debate are responsible and trustworthy farmers; the villains are animal rights extremists. The 'neotraditional portrayal' (Fraser 2001) of the farmer as the subject of intergenerational experience and knowledge is countered with the radical, uninformed activist in the expression of information. In a recent public education pamphlet addressing animal welfare in agriculture this distinction is drawn in the context of differentiating between animal welfare (i.e. the industry approach) and animal rights.

Activists of any kind are not usually interested in finding solutions, but prefer to focus on problems and dramatic examples to generate funds and support. As farmers, we're not interested in fighting with activists. We are interested in advancing responsible farm animal care. We're the ones that are out there 365 days a year caring for the animals. We support animal welfare research that generates real information, continue to improve our practices and hope that public education efforts help shine a light on what we really do—and do not do! (Farm Animals: Who Cares?)

This information booklet contains a wide variety of information about controversial practices such as 'gestation crates', 'veal crates', de-beaking chicks, branding, de-horning, and so on, described in the terms of scientific research, and

explicated rationales. The important piece to note in this narrative strategy is that the industry, and therefore its practices, is aligned with ‘animal welfare’, presumably reflecting the beliefs of the general public. In fact this is stated earlier: “Most people believe in animal welfare principles: humans have a right to use animals but also have a responsibility to treat them humanely. Farmers and ranchers live by these principles.” This joint perspective is then distanced from the uninformed and defensive voice of activists.⁵⁸

Interestingly, the only animal welfare organization that has been allowed to participate formally in the consultations around animal welfare is the Canadian Federation of Humane Societies, which is mentioned as supportive of the information in this pamphlet. However, following this publication the CFHS posted an advisory claiming that it had never signaled support for many of the practices discussed, and wished the public to know that it distances itself from the information provided (CFHS – Feature).

More recently in Canada, the launching of an international campaign called *Handle with Care*,⁵⁹ is indicative of how narrative tools are used strategically to represent

⁵⁸ Further to this, the strategic use of this juxtaposition is apparent in a 2006 article published in *Advances in Pork Production* which discussed the “new breed of animal lobby groups” in making the following claims:

Traditional Americana is under Attack

- The Shrine Circus is cruelty to animals.
- McDonald’s murders for Big Mac’s.
- Ladies wearing furs can be assaulted.
- KFC cuts up live chickens.
- Christianity condones animal abuse.
- PETA etc. have embarrassed and harassed the family, church, business and state.
- Slick, self serving promotion hoisted on gullible youth leave us open to attacks that were unthinkable generations past (Possberg 2006, 149).

⁵⁹ The *Handle with Care* campaign against the long-distance transport of agricultural animals was launched in February of 2008 as a combined effort of: The International League for the Protection of Horses, Dyrenes Beskyttelse, Humane Society International, Compassion in World Farming, Eurogroup for

a situation. For example in media accounts of the event campaigners are quoted saying "these pigs are being shipped like garbage on its way to a landfill. They're not being treated like sentient animals" an image which conjures not only a sense of injustice at the worthlessness of these lives, but also draws on the notion that these are lives not 'commodities' (Perkel, CNews). Moreover, the metaphorical use of "garbage" instigates a 'normative leap' which forwards the narrative from description to prescription (Stone 2002, 148); these animals are not garbage, they are sentient beings and we need to treat them as such.

Conversely, the industry and government perspective removes the discussion from the realm of emotional response, or morality, repositioning the animal as a food commodity with significant economic importance. For example an official from Agriculture and Agri-Food Canada commented, "if an animal is transported too long, you can well imagine, flavour notes are changed, which affects tenderness and sweetness" (Graveland, Calgary Sun). Spokespersons indicated that animals must arrive in good condition because of the economic loss associated with injuries. The story in this perspective asks the audience not to respond emotionally to a normal economic situation. Indeed, the news article opens by saying: "Even the mental picture of a truckload of hogs on its way to market is enough to draw frowns from empathetic animal lovers, but researchers are taking a scientific approach to relieving the stress suffered by the pigs on those journeys. Ensuring the welfare of the hog is one goal of Agriculture Canada scientists and members of the pork industry. But the bottom line is still the bottom line" (ibid).

This last quote also highlights the use of science, and economics-as-science as the authoritative voice of reason. Information framed in this rationale leaves little room for dissent, unless the audience is able to sympathize with the subversive voice assumed as the alternative. The unquestionable imperative of the ‘bottom line’ in this statement drives home this message. In this story therefore, the reader is offered the position of ‘empathetic, animal lover’ or a researcher working to ensure a ‘healthy’ animal and industry. In the framing of this message the relationship between the audience and the narrative positions information as neutral and important, or emotionally-driven and biased, and its impact will depend on the extent to which the viewer can “read themselves into the story” (Stone 2002, 156). In these ways, information relayed through narratives and symbols in the media and ‘public education’ constructs debates around animal issues as polarized between rational and irrational voices, mirroring the strategies discussed in the previous section, and reinforcing an industry-oriented approach to the issues. The next section turns to a consideration of how policy solutions may be directed through the interpellation of ‘facts’ and ultimately by causal stories about the origins of transport problems.

Calculating the Causes of Transport Problems

Policy relies on causal analysis in order to advance alternative solutions. The formulation of problems, causes, and solutions depends upon the use of ‘facts’ in logical decision-making. This section looks at how the generation of facts is problematic as existing disparities in the livestock system make it difficult to isolate facts to a particular cause or effect, and doing so may misrepresent the situation. Further, causal analyses are also important in determining solutions by indicating how problems manifest and who or

what is at fault. An examination of the use of “causal stories” (Stone 1989) by different actors in this debate in advancing a particular approach to solutions is included.

Information in the form of statistics, numbers, and scientific research can be translated into causal stories when advancing a particular response to problems. Measuring something implies an objective standard of assessment, as opposed to judgment and discretion. The use of administrative monetary penalties (AMP’s) as an indicator of the prevalence of transport problems is an example of how numbers translated into data tell a story which avoids the political and partial nature of these measurements. During interviews participants discussed the extensive barriers to implementing AMP’s, stemming from resistance at regional offices and throughout the CFIA. The excessive paperwork and difficulty in receiving approval results in the majority of violators of humane transport regulations receiving an ‘educational approach’, and/or a letter of information. These barriers to enforcement should also be understood in conjunction with the limited amount of enforcement taking place. The large jurisdiction and number of tasks assigned to each inspector limits their capacity to enforce the Health of Animal Regulations. Given these problems, data provided by surveys on enforcement measures would make it difficult to identify the extent of transport problems. Indeed, if it is possible that “the majority of trucks on the road are overcrowded” (OW13) then the extent to which such numbers misrepresent the situation is considerable. Therefore, while “close to 200 AMPs” (PB3) were processed last year, the number of humane transport violations would have been far greater. Indeed, based on the information provided by operational workers in this research, neither the number of AMP’s applied on a yearly basis, nor the level of compliance during inspections, is representative of the prevalence of humane transport problems in the livestock industry.

Data provides the evidentiary component when defining the location and frequency of problems. However defining causation is more intangible and sensitive as it requires determining liability, diligence, and ultimately blame. Indeed, according to the regulations governing humane transport simply illustrating that due diligence is taken during transport removes liability from any problems that may occur. In effect, dealing with 'blame' has been addressed in regulations through ambiguous terminology which avoids conflict around addressing accountability, and allows flexible determination of cause. An interviewee discussed the use of diligence:

It is easy to show lack of due diligence if he does nothing. Even if he phoned his dispatcher and says 'I have got a problem here, what do I do?' and the dispatcher says shut the hell up and keep going. The driver is off the hook. He has shown due diligence we cannot charge him. We will go after the dispatcher who is employed by the trucking company, or we go after the trucking company (OW11).

Despite the clarity of the example offered in this quote many operational workers discussed the problems associated with terms used in the legislation such as 'likely to cause', 'undue suffering' and 'due diligence'; all terms which are open to interpretation. Vague language and vague rules makes it difficult to hold people accountable for their actions, or the consequences of their actions. The strategies used in forwarding causal stories therefore represent an important element in this examination in the humane transport debate.

With reference to Stone's typology of causal theories, the battle over the causes of humane transport problems remains largely in the sphere of inadvertent causes (Stone 1989, 285). Inadvertent causal stories refer to the unintended consequences of willed human action (ibid). For example, when a well-intentioned policy has harmful side effects, the consequences may have been predictable but were nonetheless unforeseen. Another example of inadvertence offered by Stone would be the claim of carelessness, or

recklessness. In this case ‘management’ may argue that workers are not applying the precautionary measures that they have been taught. Conversely workers may claim that, in an effort to maximize productivity, management knows the risks but does not enforce or monitor precautionary activities. Reflected in this typology the key causal arguments of humane transport revolve around inadvertent causes.⁶⁰

In the majority of cases, it is widely agreed that humane transport problems are not the intentional cause of harm; rather they arise inadvertently as an unforeseen side-event to an action, or out of “complex systems” in which it is impossible to anticipate the multifarious cause-and-effect relationships (Stone 1989, 288).⁶¹ However, while intentionally causing harm is not widely advanced, in this framework the question of ‘calculated risk’ can shift the causation into the realm of purpose. An example of this typology is apparent in the causal arguments forwarded by various groups on the efficacy of prescriptive versus outcomes-based regulations.

All parties to this debate see the benefits of a combination of prescriptive and outcomes-based regulations. Operational workers agree that there are bad apples in the livestock industries – ‘always a joe blow down the road to take the bad loads’ (I8, I9, I10, OW15, OW14). However, they point out that there is also the influence of a ‘cowboy culture’ or what I have termed a ‘culture of production’, which pervades the industries

⁶⁰ There are some cases such as traffic accidents or inclement weather that would generally fall under the category of accidental cause. Some would argue that the use of ‘calculated risk’ shifts this from the realm of the accidental into the realm of human agency or control, for example transporters could plan trips to avoid bad weather. Further, it could be argued that the consequences on animal welfare of long distant transport are well enough known and often predictable, to challenge the inadvertency of problem causes. This discussion however, will be limited to the central causal stories of this debate.

⁶¹ It was noted by several participants that in some cases, such as loading densities prescriptive regulations would be inappropriate because there are too many factors to account for. Research can never account for all of the possible confounding variables and circumstances will always be affected by external factors such as weather, equipment, species, etc. This was not a consensus across all participants, for example one comment made reflects a common sentiment: “that is not the way that I would go if I was trying to formulate a regulation that could be enforced. Because I think those densities can be determined... it is a lot of work I will grant that, but it can be done” (OW12).

and informs the handling and husbandry practices used. Furthermore, there are a number of practical barriers for truckers, inspectors, and some producers which prompt certain responses to welfare issues. For example, producers may feel financially strapped and need to receive the extra one hundred dollars for an unfit animal. Additionally, due to the systemic barriers of applying fines, many violations of humane transport regulations may not be penalized. The rules of thumb which defines 'what you can get away with' are passed through experience in the system, and encourage poor habits as well as leniency. Together these and many other pervasive influences infer that the causes of problems are not only accidental but also the result of 'calculated risk.'⁶² Based on this causation if rules are solely structured as vague in order to accommodate industry, the 'risks' taken by industry workers may continue and in fact expand.

Conversely, in the causal analysis forwarded by industry and government the main problem is the bad apples. In this view, the inadvertent damage caused to the industry by these people can be attributed to carelessness, or ignorance. Therefore, if bad apples are to blame, they can be viewed as controllable, educable, and non-threatening in terms of continuing poor habits. Responding to this causal framework, "legislators can satisfy demands to 'do something' about a problem by passing a vague statute with ambiguous meaning, then letting administrative agencies hash out the more conflictual details behind the scenes" (Stone 2002, 159).

⁶² Interestingly, this duality of causation is recognized as problematic given the role of 'due diligence' in assessing liability: "The use of the Agriculture and Agri-Food Administrative Monetary Penalties Act for violations of this part of the Regulations as intended will also remain questionable due to the fact that violations are decided on the basis of "absolute liability." ... the inclusion of the words "likely to cause" in many of the prohibition sections implies an element of foresee-ability. The need to prove foresee-ability and the use of an absolute liability administrative process for enforcement would appear to contradict each other" (Canada Gazette 2004, 138(51)).

Another key element of the inadvertent cause story is that while the importance of addressing the systemic causes of transport problems is highlighted, the inference of intention or direct blame is avoided. Therefore animal welfarists are careful to argue that systemic problems do exist, but they are not the result of intentional cause. Direct blame in this case would be neither fruitful, as it would reinforce conflicts, divide support and likely make new enemies, nor truthful, as it would not represent the complex reality of the industries. Rather, inadvertent cause claims that the problems of humane transport are not the result of the intended affliction of harm, but are attributable to a systemic approach to the industrial treatment of animals, by both industry and government, that has developed over the past fifty years. In this way, groups can claim that while a seemingly neutral policy or rule does not explicitly promote poor standards, it originates from an entrenched bias in favour of industry by encouraging the use of calculated risk in transport. Such a historical bias is rooted in many of the changes in agricultural policy and practices. As Fraser et al write: “for several decades agricultural research and development focused on greater productivity, efficiency, and return on investment, while paying little explicit attention to their impact on the environment, worker health, rural communities, or animal welfare” (Fraser et al 2001, 94). In other words, this causal framework allows advocates to claim that substantial changes to regulations need to occur, without creating a heated debate about blame.

Both of these causal arguments in the discourse around problems and rules rely on the strategic presentation and use of information to incur a response to problems which supports particular goals. Additionally translating these arguments into authority requires the strategic use of stories and ‘facts’ to inspire support. Cause is calculated in order to accommodate a particular policy agenda. Exploring the causal stories in the humane

transport debate illustrates that actors attempt to assign blame strategically: in the case of industry, causal stories support the institution of vague and flexible rules; in the case of animal advocates, inadvertent causal stories illustrate that risk-taking involves intentional rather than accidental cause, while at the same time avoiding 'pointing the finger' at 'intentional harm' by workers in the livestock industry.

Examining the use of information, symbolism, narratives, and causal frameworks provides important clues about how power is operationalized throughout the agribusiness sector. It reveals some of the mechanisms by which the industrial approach to animal agriculture is discursively shaped and normalized in order to establish (the appearance of) public support, and limit policy and regulatory alternatives to those that favour industry-oriented responses and solutions. While this overarching direction of animal agricultural appears to be guided by the intangible power of the market this research has indicated that, contrary to this idea, advancement of these principles is vulnerable to the perceptions, experiences, and passions of people who work in industry, policy-brokerage positions, animal advocacy groups, and at the operational level of the livestock industry. Conceptualizing the continuing power of agency in the humane transport debate re-situates this issue into the realm of control, wherein politics regains authority over economics, and the potential for change still exists.

Agency

The ideological principles of neoliberalism appear as consistent threads throughout the livestock industry and the organizations assigned authority to govern this sector. This consistency is expressed through the broad ideologies that inform the Canadian agricultural agenda; the structural designs of the livestock system from large-

scale concentration of control to the application of rules at the operational level; national and issue-specific policies; and the tactical use of information and stories to influence the public perception of animal agriculture and potential solutions. Implicit in the neoliberal approach to governance and industry is that this market-oriented mandate is an inevitable and irreversible consequence of progress and development. However, contrary to this claim many have argued that governments, while under economic pressure, still maintain control over policy agendas; they maintain the choice to adopt a particular ideological approach to policy development. Extrapolating upon this claim this final section looks at how the subjugated knowledges revealed in this study indicate the subversive potential and persistent power of agency as a force of change, and as a disruptive intervention in the dominant discourses of neoliberalism.

The social-constructionist policy theory forwarded by Deborah Stone is an articulation of the continuing strength of politics over the economy. This position reinvests agency in people and governments both to highlight that economic frameworks are choices not preordained edicts, and that the people who comprise governing bodies and organizations are agents not automatons. This claim is clearly at risk of downplaying the role of profit and economics in politics; however, the point being made is that there is a distinction between the power of economics as a social force that influences politics, and politics as a means of placating the economy.

This ideological distinction is important to understand in this effort to unpack the many faces of power that appear in the dynamics of this case study. It helps to reveal that the limitations placed on agency by the frameworks of power in which they are embedded are only limitations not end points. Agential power is witnessed in this debate through the efforts of individuals or collectivities to impede the progress of dominant ideologies

through incremental acts such as: revealing and disputing the direction of policy; disrupting market relationships at the operational level; and through “quiet resistance” (Goertzen 2003) expressed during these informal discussions around the goals and principles of humane transport. The contentious intersection of agency and power is revealed in the comments of one participant:

But here is where there is a common fallacy in the way that people kind of point the finger at the government, or criticize the government, and that is that the government is not just one person. It is a vastly complex group of stakeholders within their own organization or within related organizations. So even if the people of the CFIA want to see improvements, they report to someone who reports to the farming industry. And that is just the facts. There's no question that the Minister of Agriculture feels more responsibility towards the interests of the farm industry than the general public. And that is totally indisputable. So something that is meaningful and is proposed by bureaucrats can be watered down, diminished in its importance because there is pressure put on that person either from politicians who that person is responsible to, or maybe also directly from industry interests. Or the industry sees an opportunity to turn it into something which is more meaningful and reasonable to them - rather than to the animals. So it changes from becoming something that has a benefit and was designed to have a benefit to the animals, to something that has been co-opted to have benefit to the industry. Or at least to minimize any negative impact on the industry and sort of leverage some positive PR out of it, or take the pressure off (AW1).

This comment indicates that agency is still perceived in the process of developing humane transport regulations; however the agents involved find their voices differentially prioritized depending on the agenda that they advance. For example, the direction of regulatory amendments points towards outcomes-based measures coupled with the codes of practice, and an educational component. While all participants interviewed expressed that amendments should include a combination of outcomes-based and prescriptive measures, the goals of these measures was inconsistent between the groups. Industry and policy brokers prioritized flexibility and discretion in rule making. Operational workers prioritized efficacy of regulatory framework, authority to enforce, and definitive

guidelines for those working in the industries.⁶³ In the view of these workers, relying on internal enforcement of vague regulations will be unsuccessful because of the consistent problem of low-value animals, and the likelihood that attitudinal or 'cultural' influences will persist and disable the potential for such enforcement. Thus, if the goals of regulations are to ensure flexibility and discretion (as indicated by policy-brokers) they will not be a practical response to the problems of humane transport. What is important to note here is that given the current direction of amendments, it appears that the position of industry is assigned substantially more weight than that of other groups involved in this debate - in particular here, groups who offer an important source of knowledge on this issue. Indeed, whatever the ideology behind particular perspectives it is clear that, in contrast to the 'inevitability' of the market, there are persuasive strategies used in the politics of agriculture that are decisively acted out in an effort to favourably control outcomes.

Responding to complex problems by demarcating participation and limiting alternatives appears to be part of this effort to control decisions through the framing of problems and solutions. This strategy was apparent in the differential inclusion of voices or interpretations revealed in this case study. Here I will refer to a quote included in the chapter four analysis of operational workers wherein an inspector commented:

Ottawa is well aware of this, Ottawa understands, because we do monthly stats on humane transportation and we send all the documentation into headquarters, there is a disconnect between what is happening in the field and what is happening in Ottawa... *The disconnect is that they do understand.* (OW13). (My emphasis added).

⁶³ As outlined in chapter four, operational workers base their position on the goal of addressing discrepancies in the system such as: the lack of commitment to humane transport throughout the agency; the dilemma of livestock workers who want to conduct humane transport; the need to maintain good relationships with the industries; and the inappropriate wording of existing legislation.

This “connected disconnect” indicates that knowledge is passed on to decision-makers, who are in the agential position of weighing information in the process of negotiations around rules. Reflected in the comments of another participant; “they (the CFIA head office) know what they need to do. They pretty well know how to make it succeed if they were allowed to” (OW11). While it is impossible to comment on the ultimate effects of this disconnection in addressing humane transport problems until the amendment process is completed, it is possible to perceive how it is reflected in discussions with interviewees, and in the current direction of amendments.

Operational workers discussed some of the ways that they fill in the jurisdictional and enforcement disparities of the regulations. While it is difficult to receive approval on AMP’s, the time consuming process of being investigated is in itself an enforcement tool. Requiring industry workers, who are consumed by a ‘time is money’ attitude, to stop and fill out forms and provide the information required by inspectors is in itself is a useful ‘tool’ to encourage compliance (OW14). Additionally, inspectors discussed how they attempt to fill in the lack of monitoring of animals through the auction system by keeping an eye on animals at auction and notifying SPCA or RCMP officials if problems arise (OW13, OW14). By taking on informal tasks in order to fill in regulatory gaps inspectors indicate that while this “disconnect” exists which attempts to isolate power at the upper levels of political decision-making, the individual acts of people and organizations at ground-level are a disruptive force in this effort.

Finally, a common thread of resistance to the productionist conception of animals as commodities is apparent in the discourses of operational workers and policy brokers. For example, while there exists general trends guiding the policy broker response to humane transport there is a clear struggle with reconciling the ‘reality’ of the industry

with beliefs about the values of this paradigm. As highlighted in chapter four, the effects of inhumane practices are recognized by policy brokers, but are coupled with the frustrating problem of ‘legislating common sense’. Similarly, operational workers expressed frustration with industry approaches. In their case, this frustration is activated in the form of resisting pressure to accept this paradigm; rather they stood firmly on the values that guide their work. This persistence is apparent in the following comment:

That is my driving force, I’m trying to enlighten, educate, change drivers into changing their mentality that these animals are worth it. They have treated you well, they have gotten you through, they have helped you pay for your vehicle, and your farm, and helped put your kids through college and everything else and that you owe them the respect of getting treated humanely. You simply cannot just drop them off at the auction mark, and look at them and say ‘did you forget to feed them for the last week and a half?’ What are you thinking you people? Wake up. These animals have the right to be treated humanely (OW13).

This “quiet resistance” (Goertzen 2003) to the dominant discourses of animal production represents the potential for change. People working in the animal agriculture system may be limited in their capacity to affect change by the strength of industry as a financial stakeholder and the entrenchment of cultural attitudes towards animals; however, the fundamental values which guide their actions and beliefs will persist. Furthermore, recognizing the pervasiveness of this resistance destabilizes industry claims and normalizes dissent by illustrating that resistance is not only expressed externally by the public but exists internally within the system itself.

The subversive potential and disruptive force of agency is persistent in the livestock industry. Therefore, while the debate may be dominated by powerful stakeholders in industry and government, individual acts of resistance will continue to undermine this dominance at the operational level. Furthermore, this research has indicated that while there appears to be consistency in the neoliberal approach to policy

and regulation, the multifarious perspectives expressed by policy-brokers and others with stakes in the livestock industry illustrates that this ideal is inherently inconsistent in the reality of the Polis. Indeed, it appears that while dominant ideologies maintain a powerful influence over some, they may be disrupted when processed through the Polis. This may mean only small interventions are possible however their persistence is assured.

Conclusion

In this chapter I have offered a critical analysis of the political dynamics between the various positions outlined in chapter four. I have examined the multiple ways that power is operationalized in order to legitimize and authorize the transference to industry of regulatory authority over humane transport. Through this analysis I have argued that powerful stakeholders in the livestock industry (including industry and government) preserve the market-oriented agricultural agenda through the structures of government and industry, and through the strategic interpretation of policy goals, research and information, and problem definition. Central to my argument forwarded in this chapter is that, contrary to the faceless and omnipotent 'Market' of neoliberalism, the values and principles of this ideology are politically constructed and activated. Indeed, this effort is made in order to ensure that those stakeholders, who hold power in the form of finance, resources, and political weight, continue to have a favourable business environment.

The influence of this ideology appears as threads in the blanket of discursive consistency across the Canadian policy landscape. Consistency is apparent in the direction of Canadian agricultural policy and the information and knowledge that facilitate these policies and limit alternatives. Power is operationalized here in multiple forms; sifted down from national agendas, through departmental approaches, to particular

policy strategies, and finally to the real work of people and the application of rules. Ambiguous directives in policy such as efficiency, and securing the public interest are interpolated in order to quell resistance to animal agricultural policies by assuring broad collective interests while depriving interests in particular policies. Advancing an industry-led agenda is justified through science-based cooperation with the CFIA. The production and dissemination of research and information are pillars of this broad agenda; working to align with the 'public interest' and alienate oppositional voices from the 'rational' debate. 'Facts' are interpreted by stakeholders in order to strategically demarcate problems and forward a limited causal framework. Conversely, when calculated risk is factored into this framework, accountability for transport problems becomes evident.

However, once this blanket is applied to the hotbed of influence, passion, community, loyalty and cooperation that is the Polis it is revealed as unavoidably inconsistent. Therefore while the structural designs of the industry attempt to reinforce market determinism, people working at the operational level disrupt this direction through interventions which demand the recognition of non-market values. Further, amidst the ideological imperatives voiced by neoliberalism, there exists a strong resistance in the form of advocacy groups as well as in the voices of individuals, inside and outside the livestock system, who resist the ethical implications of industrial animal agriculture. People are not divisible automatons, and see through the blanket-approach to social issues. The idealized market-society that will prioritize productive efficiency and the 'needs' of the market over questions of social ethics and morals is a fabrication; and it is strategically woven into the discursive blanket of Canadian agricultural politics.

Thus, stakeholders in the livestock industry, which refers to both government and industry, are shaping the humane transport debate, advancing a framework which appears

to lead to only one possible conclusion: industry should direct the outcome of regulatory amendments on humane transport. However, information revealed in the 'subjugated knowledges' of this research indicates that relying on the internal workings of the unstable and socially susceptible livestock industries appears to provide the least effective means of regulating the transport of animals.

Chapter six will offer some concluding thoughts on these consistencies and disparities. It will conclude this research with a look at how agency, knowledge, and a reconceptualized public are clues which suggest possible alternatives to addressing humane transport.

Chapter 6: Conclusion

In this final chapter I tie together the various threads of this debate with some concluding thoughts on two important strands which dominate the discourse of animal welfare politics in general and humane transport in particular. These are namely the market-oriented structure and approach of governing institutions and regimes, and the normative strategies of ‘sound science’. I end with a consideration of an idea drawn from the comment of an inspector which I term here: ‘re-connecting the disconnect’. Under this heading I offer a critical assessment of information and ideas gained through the ‘subjugated knowledges’ heard in this study.⁶⁴ This will address the following dimensions: recognizing agency in this process as a means of reconstituting power in the actors of this debate; reflecting on what this knowledge tells us about the current direction of regulatory amendments and possible alternative futures; and reconstituting the general public as an important player in this debate. I end with some final thoughts on the policy theory of Deborah Stone and some questions for future research. The aim here is to suggest that an alternative future for the regulation of humane transport exists. This potentiality is evidenced in the knowledge revealed by operational workers and by the threads of resistance woven throughout many of the voices of this debate.

The realization of animal welfare, as per the broader ‘telos’ based definition articulated by Rollin, is unlikely to be met within the context of the current Canadian regulatory system. While the goal of animal welfare policy and regulation, and in

⁶⁴ My reference to ‘subjugated knowledges’ here is pointing to the knowledge of operational workers revealed in this study. However, as my discussion in this section implies the knowledge of policy brokers and industry representatives who expressed an ‘emotional’ or ‘intuitive’ understanding of animal suffering as a valid concern can also be understood as subjugated to the dominant discourses which frame their work and guide their approaches to the issues at stake.

particular those that apply to humane transport should be to decrease the suffering experienced by animals processed in the Canadian agricultural system, the efficacy of this initiative is limited by the increasing partnership between government and industry. This shift can be understood as part of a broader market-oriented structural adjustment of Canadian government institutions. It is notable within this context that there are groups working for industry that are making substantial efforts to ensure that animals are provided the best care by current practices.⁶⁵ However, this must be understood within the larger framework of animal welfare politics which assigns priority status to the broader agenda of industry goals, and disenfranchises the alternatives to this regulatory regime. The 'good apples' of industry should not be assigned the weighty responsibility for regulating the livestock industries as a whole. Moreover, the downsizing of government in its role as a social institution, and the insertion of industry led market-values as a determining factor in contemporary agricultural policy is a threat to real public participation and input into issues of social concern.

As a regulating body the neutrality of the CFIA is compromised by its dependence on industry to "row or deliver services" (Prince 2000, 216) and in its participatory approach to policy development. Additionally, as the CFIA must interface with Parliament through AAFC whose primary mandate includes the promotion of industry; this can also be considered a barrier to neutrality in regards to food systems decisions. The debate around humane transport illustrates an example of the industry oriented direction of contemporary Canadian policy development. While the evidence of this program can be witnessed in the institutionalized connections between industry and

⁶⁵ Groups such as Alberta Farm Animal Care are commendable in their efforts to proactively address animal welfare concerns in coordination with industry, government, and public interest groups. Indeed the efforts made by such groups were noted by several participants of this study.

government, it should also be understood as ideological in its promotion of a particular market-oriented approach to governance, policy development, and a 'productionist' approach to the processing of animals. However this should not be seen as irreversible; while there is a drive to institute a particular policy agenda, there is also disunity among the voices of people who must apply and enforce this agenda.

The shifting of regulatory authority outward to industry, and the reliance on industry to monitor processes itself, defeats the mission originally articulated in the formation of the CFIA. That mission asserted the importance of maintaining public sector control over food systems (Prince 2000, 225; Evans et al 2003, 411). The contradictory goals of animal welfare forwarded by this partnership claim that the well-being of animals can be met within an agricultural system based on contemporary market principles of efficiency, productivity, and competitiveness. Like many socially embedded issues of agriculture, this supposition depends on strategic interpretations of these principles and further, a particular construction of the public needs regarding animal use, all of which limit the potential for serious public deliberation over the ethics of industrial animal agriculture.

It is not surprising in this circumstance that members of the public resort to acts of political activism or intervention in voicing their opposition to the industrial treatment of animals. Indeed, it has long been argued that if the state fails to address the concerns of citizens through democratic means, it is the duty of citizens to reinforce the importance of democracy through civil disobedience (Habermas 1985, 1986; Singer 1973; Clarke 2003; etc).⁶⁶ Conversely it is not surprising that the state in partnership with industry would

⁶⁶ These and other theorists have argued that while the legitimacy and binding power of individual laws may be judged by how just they are, in a constitutional regime we also judge the legitimacy of laws

attempt to undermine, and confine this voice in order to maintain control over the public perception of issues at stake.

Within this policy framework, the well-being of animals used in agriculture will likely continue to be externalized by the primary goal of market growth and profitability. The issue of animal suffering is framed by larger agricultural policy goals as a question of consumer choice around quality of product wherein the public can make informed choices, or ‘vote with their dollar.’ In this view the public interest is narrowly defined in support of entrepreneurial governance, and limited to rational consumers or radical activists.

This institutional relationship between government and industry relies to a great extent on the legitimizing authority of ‘sound science’. The particular economic and scientific construction of the humane transport debate excludes other perspectives, and limits the possible policy alternatives to those which conform to this framework. The discursive framing of reductive science as ‘rational’ works to selectively assign the term ‘sound science’ to research that points to a favourable outcome, and in turn dichotomizes the debate based on the differential postulation of values or bias.

This dichotomy positions a large school of animal welfare research as questionable because it makes evaluative determinations about ‘what makes for a better or worse life for animals’ in order to determine how animals should be treated (Fraser 1999, 182). The financial costs of restructuring industry practices based on a broader

according to whether or not they are sufficiently democratic. Even under democratic governance (i.e. majority rule in elected assemblies) there may be grounds for criticizing and disobeying laws in the name of democracy. The idea is that democracy must take place against the backdrop of informed and inclusive deliberation. In some circumstances civil disobedience might form part of that ongoing deliberation.

definition of animal needs means that the demarcations of ‘sound science’ do not allow for this potential.

Conversely, it claims that the positivist science forwarded as ‘neutral’ is objective in its determination of welfare. This normative framing empowers the latter school of science not only through claiming to be a neutral authority in decisions, but also by demarcating the terms of science and non-science.⁶⁷ Importantly, the discourse of science in this debate highlights the political power inherent in the authority of ‘sound science’ as a mechanism for distracting public attention, and gaining support on controversial issues in politics.

Within the context of this broad policy debate around how to regulate the humane transport of agricultural animals, this research has reflected the multifarious nature of the Polis as described by Stone. Therefore, it is important to resituate the institutionalized and abstracted discourses around animal welfare into the realm of sociality and agency in this final analysis. Indeed, in order to offer a critical analysis of the ‘big picture’ it must be contextualized by the small picture of individual actions and ‘situated knowledges’.

Re-connecting the ‘disconnect’

Recognizing the role of agency in decision-making has great subversive potential in the context of the totalizing claims of market ideology, scientific objectivity, and individualized rationality. Just as ‘inadvertent causes’ can deflect responsibility from personal behavior by referencing the universal laws of accidental cause, so can the ‘laws

⁶⁷ Donna Haraway articulates the power of the discourse of reductive science, she writes: “What money does in the exchange order of capitalism, reductionism does in the powerful mental orders of global sciences. There is, finally, only one equation. That is the deadly fantasy that feminists and others have identified in some versions of objectivity, those in the service of hierarchical and positivist orderings of what can count as knowledge” (Haraway 1988, 580).

of the market' remove agential power from individuals and groups existing within a social context dominated by market ideology. Where 'calculated risk' reveals that agents are influenced by greater forces than those articulated by the Rational Ideal and can be held accountable for their actions - situated knowledge reveals the illusion of the totalizing claims of economics and science by articulating that objectivity and knowledge can only ever be embodied through the 'partial perspectives' of actors in the world.

Reflecting agency in this political debate is important for two reasons: it reconstitutes power in the individual actors of the debate, indicating the potential for change; and it develops the capacity to require agents to take responsibility for their decisions and be answerable for their claims. It is this critical assessment of agency that I would like to address here with a consideration of the information revealed through the 'subjugated knowledge' of operational workers.

One of the most interesting aspects that emerged from this research was the diversity of opinions regarding alternative approaches to regulating humane transport. All of the people chosen for participation were selected due to the particular experience and knowledge that they would bring to this study. The dynamic and multidimensional nature of the issue of animal welfare in general and humane transport in particular, is entirely due to the variety of perspectives through which actors approach this issue. There are also ideologically-based themes apparent, which are rooted in the ideas explored above, namely reductionist science and market ideology. While it is essential to recognize the political power of these ideological assumptions, it is also essential to get beneath these to the 'subjugated knowledges' revealed in this study. This is the knowledge located in people whose vision of the problems is perhaps better "because in principle they are least likely to allow denial of the critical and interpretive core of all knowledge" (Haraway

1988, 584). As Haraway cautions, subjugated knowledges should not be romanticized, as they are not exempt from critical examination. However, as she goes on to say; “(a) corollary of the insistence that ethics and politics covertly or overtly provide the bases for objectivity in the sciences as a heterogeneous whole, and not just in the social sciences, is granting the status of agent/actor to the ‘objects’ of the world” (ibid. 593). My research has attempted to ‘hear’ the knowledge forwarded by operational workers in this debate whose experience positions them as highly informed participants, and importantly whose daily social, emotional, and practical involvement in dealing with humane transport appears to stretch their vision beyond the conventional reductions of the debate.

The messages and information provided from these sources represents a critical reference point from which to perceive and critically assess the dominant messages from industry and government. Moreover, the inspectors that were interviewed highlighted the disjuncture that exists between the decision-makers in government and the operational staff of government. From this knowledge certain aspects of the political and value-based direction of current regulatory negotiations becomes more transparent. Both inspectors and transporters indicated a need to address the systemic barriers to administering regulations, and the need for prescription in some areas in order to clarify requirements and enable fairer competition amongst drivers. Furthermore, even if firmer regulations were enacted, inspectors indicated that they would still rely on discretion and flexibility in order to facilitate their work. Indeed, whether recognized or not, the existence of such influences (Stone refers to some of these influences as: community, loyalty, passion, cooperation, information, etc.) will continue to rule the relationships between members of society, and in particular between the community of people who work at the front lines of the animal transport industry. The efficacy of new regulations will depend on the extent

to which this knowledge and information is incorporated into the decision making process. If the structural barriers described by operational staff are not addressed then the systemic barriers to enforcement will persist.

Moreover, it is clear from this discourse that ‘toothier’ regulations are needed; the designs of regulatory amendments must prioritize the knowledge of those working at the front lines who know “what does or does not work”(I9), and who are aware that the operational reality will always require compromise, leniency, and flexibility. Rules that are meant to better ensure humane transport must effectively combine the use of prescriptive and outcomes-based regulations with the goals of building enforcement capacity, not further disabling this capacity. If rules are directed by the goal of ‘flexibility’ the message is clear that responses to this issue are being guided by an industry-oriented perspective. As one inspector said in regards to the repercussions of weak enforcement:

With some of the regulations, we have them, but we aren't officially enforcing them. If we do try to AMP on them, we are quite often told ‘you are the only person trying to enforce this’ or ‘we’ll lose at tribunal..’ so the AMPs don’t proceed. By not even trying to AMP or enforce, we are sending the industry or non-compliant person the message that this activity is o.k. or that they can get away with it (OW14).

Still, the current direction of amendments does indicate resistance to facilitating and strengthening the enforcement capacity of inspectors, a claim supported by the discourse of ‘disconnection’ highlighted by operational workers. Indeed, if new regulations do not *effectively* address this disconnect after two decades of consultation, this is a clear indication that choices were made not to. Those working at the level of decision-making in regulation are aware of the problems of humane transport as voiced by operational level staff. If the knowledge and experience of operational workers was effectively

addressed and included, this could set the stage for a practical response to humane transport problems. One way to incorporate it may be to include a panel of inspectors during animal welfare conferences such as the recent National Farm Animal Care Conference held in Ottawa. As it stands, this knowledge does not appear to leave the confines of government offices.

Inspectors interviewed expressed that decision-makers at headquarters are aware of the problems and are doing their best to forward effective regulatory changes but were restricted by industry stakeholders who are resistant to government regulation. Indeed, the often contradictory reactions to the problems of humane transport heard from policy brokers are indicative of the difficulty in negotiating the boundaries of ethics and agriculture. For example, policy brokers expressed a deep concern with animal suffering and frustration with those who by direct or indirect actions create this circumstance. At the same time their argument persisted that rules must be flexible, education and recommended codes of practice will influence best practices throughout the industry, more science is needed to justify prescriptive changes, and transporters should be allowed to make their own decisions about animal welfare during transit. This conception of rules, according to this research, will not advance solutions to addressing the former concerns and frustrations. Indeed, while the broad discourses of the four groups interviewed reflected internal themes, the particularities of individual approaches were not uniform. For example, in contrast to the dominance of 'satisfying consumer demands' as a reason for regulating animal welfare, one industry participant said:

I always have a big argument with our research community because we are not doing this for the consumer. This is about the animal. And I am just constantly sending that message now, and you are not going to hear me say this – 'do this because of the consumer.' No. You are doing this because we have knowledge

about how to better handle animals, and we should be imparting that knowledge so that more people are using it. That is what it is all about (I10).

Contrary to the deterministic discourses of conventional political rhetoric that characterizes this debate it is evident that the capacity to make choices, and take action is still available to actors in this debate. While there are roadblocks to realizing the intended outcomes of actions, it appears that this does not limit the persistence of agency.

As a subsidiary point to this, all participants recognized the increasing public awareness around the processing of food animals. While defining the 'public' is a central element of the strategy discussed here, actors in this debate diminish the agential power of the public by applying demarcations around who counts and what their needs include. In an era marked by expansive opposition to corporate control over social goods, a marked rise in globally organized political protest, and increasing public suspicion of corporate control of food systems, it is not likely that the use of animals in agriculture is going to diminish in importance. Indeed, at the same time that corporate agriculture is centralizing and integrating production, there is a movement across Canada to 're-connect' to food systems through localized consumption, community supported agriculture projects, and farm-direct purchasing.⁶⁸ Thus, as an international campaign is launched by the largest, and most well-supported animal protection groups in the world against the long-distance transport of animals, it would be unwise to continue insisting on the ill-informed and marginalized nature of public opposition to industrial animal production. A broader interpretation of the 'public' and its 'needs' will need to be incorporated into this discourse if effective solutions are to be found. A substantial

⁶⁸ In the Ottawa region alone there are a number of regional farms where food can be bought directly from the farm including eggs and meat. Listings are available through Ottawa based food advocacy groups such as the *Peace and Environment Research Centre* or *Just Foods*.

consideration of how to substantially assess the 'public needs' regarding animal use in agriculture is beyond the scope of this study therefore it will be addressed in brief here.

It is first important to note that the public's impetus to oppose or support political decisions depends on the information provided to them. As indicated in this research, the production and dissemination of information can be vulnerable to strategic political/economic goals. Due to international trade restrictions, mandatory labeling on humane production will not likely succeed in the near future. Moreover, this only addresses the 'consumer' and not the 'public'. How can the public become more informed about the substantial debates taking place in the livestock industries? Conner asserts that this may be the role of government in regards to organic products, he writes: "Competitive markets only function with informed agents, so government must intervene to educate consumers and provide institutional support" (Conner 2004, 32). However, this option does not seem plausible given the client-service provider approach of current Canadian government agencies. In this gap, it would seem that the only source of potential information which could offer a substantial critique of current practices would be civil society groups. Notably here, there has been an emergence of coordinated efforts between groups which have different foci' yet similar goals. Groups such as the Council of Canadians in conjunction with the Beyond Factory Farming Coalition, the Canadian Coalition for Farm Animals with member groups across Canada, the Sierra Club of Canada, the National Farmers Union, and numerous other national organizations have begun coordinated efforts to target the deleterious effects of industrial agriculture from various angles. At the community level groups across the country have begun springing up in response to the interrelated issues of industrial livestock production. As concerned citizens begin linking the issues of agriculture, the discourse is broadening but the target

is staying focused. At a 2003 conference organized by the National Farmers Union, two animal welfare presentations were included. The NFU response was highlighted in a newsletter afterwards:

Conference goers found out that both of these men are very much supporters of small hog farms. Fred Tait spoke eloquently about the need to build coalitions with people outside the agriculture industry, and not to view these people as our enemies. He drove his point home with a question: "When was the last time you had a severe economic loss because of environmentalists or animal welfarists? And when was the last time that you had a severe economic loss because of a dysfunctional marketplace?" As farmers, we all know the answer to that question! (NFU in Ontario 2003).

Therefore, while it is important to continue broadening this debate, to link issues, and to develop information resources, it must be recognized that there *already exists* a widespread movement across the *Canadian public* and the globe to address industrial animal agriculture. Canadian legislation is lagging behind other developed countries in addressing this issue. Animal protection groups across Europe have successfully encouraged the EU to take a strong prescriptive approach to regulations rooted in the ethical framework articulated by the Treaty of Amsterdam protocol which defines animals as 'sentient beings'.⁶⁹ Bringing these concerns to the global stage, animal use issues have been addressed at recent international conferences such as: The Global Conference on Animal Welfare: an OIE initiative in 2004; From Darwin to Dawkins: the science and implications of animal sentience in 2005; and the Manila Conference on Animal Welfare in 2003. Currently at the WTO, members are negotiating an agreement on international trade rules pertaining to animal welfare (Hobbs et al 2002; WTO –

⁶⁹ Article III, 121 of the Treaty of Amsterdam 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, since animals are sentient beings, pay full regard to the requirements of animal welfare, while respecting the legislative or administrative provisions and customs of Member States relating in particular to religious rites, cultural traditions and regional heritage" (Treaty of Amsterdam).

Animal Welfare). In the context of these national and international movements Canadian policy-makers will need to recognize that the public is becoming increasingly educated about the food systems from which they have been distanced. Policy and regulation which does not substantially or accurately address these concerns will continue to be contentious.

The metaphor of 're-connection' in the context of this study is therefore helpful in diagnosing some of the disparities revealed in the dominant framing of humane transport. Indeed this notion can be expanded beyond the policy debate to the realm of the public, as a means of understanding the importance of developing solidarities, and reinforcing a broader interpretation of the public interest. Governing institutions and the individuals that comprise them must find new ways to detach from the reifying processes of economics in order to begin re-establishing a connection to the real issues voiced by both the public and the public service.

Throughout this project I have drawn extensively on the work of Deborah Stone as well as the relational epistemology articulated by feminist theorists. This framework has been very helpful in 'getting at' the ideas and themes examined throughout. Particularly, I have found that assigning "epistemic advantage" (Haraway 1988, 585) to those subjugated knowledges heard during interviews has revealed the continuing importance of agency in politics. During an era characterized by the 'marketization' of governing institutions, and the resultant adjustment of national economies, reconstituting agency in politics is an important task for the public. Important because it allows decision-makers to be held accountable, it allows the inhumane treatment of animals to be blamed on someone or something, and it opens the door to public/personal actions to invigorate change.

It is interesting that in Deborah Stone's book she discusses 'constitutional engineering' as a mechanism for redesigning the structures of power in a political system yet she does not specifically address the relocation of the decision-making powers of government to the private sector. While the potential of such a move threatens the stability of the 'social contract' relationship between citizens and the state, the incremental imposition of this goal is transparent in the current direction of Canadian agricultural policy. It appears in the mechanisms by which industry is assigned authority to guide policy and in the institutionalization of industry influence through the structures of both government and industry.

The goal of this study has been to engage in critical research and in doing so contribute to the ongoing examination and conversation taking place around animal agriculture. It has attempted to offer some insights into the barriers to protecting the welfare of animals inherent in the current Canadian regulatory framework and approach. Many other questions for future research have been raised such as: Is there a way to publicly discuss ethics outside of the rationality project? Do countries such as Switzerland, where plebiscites are held on issues of social concern, offer a possible alternative? (Brom 2000b). How can the public mobilize on an issue without being marginalized? Must animal welfare groups unite efforts with other groups with related political goals (environmental, rural survival, family farms) in order to be taken seriously? In a barrier-ridden system is the only real way for the general public to affect change through political intervention (social activism)? I am left with these and many other questions for future research.

Ultimately, one could question whether it is idealistic to assert the possibility that negotiations between all stakeholders on the issue of humane transport will result in

protecting the interests of all animals beyond simply their survival and address them as sentient beings? The political dynamics of the current debate indicate that the answer to this would be yes. However, this would be the result of choices made about whose voice is included, whose opinion is 'competent', which science is valid, and whose values determine the goals. This research has drawn attention to the strategies employed in determining the answers to these questions which reinforce the authority and decision-making power of the livestock industry.

This thesis has explored the barriers and potentialities that exist in current approaches to addressing the issue of humane transport. It has offered an examination of the competing claims which influence this debate. Moreover, this research has indicated how the pressing concerns of the public about the ethics of animal use in agriculture are strategically demarcated and reinterpreted in the process of decision-making in order to limit the capacity of government to regulate humane transport, and to download this responsibility onto the livestock industries themselves. The current discursive framing of this debate disables a more substantive approach to protecting the welfare of agricultural animals by demarcating what 'counts' as animal welfare, and by articulating the debate through the lens of economics - externalizing the real costs. Further, this 'rationalistic' approach disenfranchises opposition by characterizing them as either radical activists or the ill-informed public. In addition to a deeper examination of these themes, the case study of the humane transport regulatory amendment process has opened the door to a substantial examination of the gap between policy-makers and operational level staff. More importantly the discourse of 'disconnection' highlighted in this study reveals that the gap is not in communication; the gap is in the distribution of power.

As a research project that draws on multiple disciplines in its undertaking I feel that it well represents the political economy of our times. As I entered this project in the hope of examining how we can advance the protection of animals in agriculture, I hope that this interdisciplinary design offers a salient comment on current debates about the Canadian approach to animal ethics.

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Appendix A

Letter of Information

Date

Ms./Mr.:

My name is Michelle Barrett. I am Master's student at the Institute of Political Economy at Carleton University. I am undertaking research under the supervision of Professor Lisa Mills (Department of Public Affairs and Administration), and Professor Peter Andree (Department of Political Science). Contact information for myself and my Supervisors will be included at the end of this letter.

I am conducting research on the regulation of animal welfare in the transportation of agricultural animals. The purpose of my study is to examine how 'animal welfare' is framed through the Canadian regulatory process, and in what ways this affects the potential for more humane transportation of farm animals in Canada?

My goal is to conduct interviews with individuals who have been involved in the consultative process regarding the Canadian Food Inspection Agency's proposed amendments to the regulations under the Health of Animals Act, section XII – transportation, or who are with organizations that have participated in these proceedings. I would like to interview you about your experience in this process, and your ideas about animal welfare as it pertains to the regulation of agricultural transportation.

Interviews will consist of open-ended questions related to this process. With your consent I will conduct an audio recording of the interview. The interview should require approximately one hour.

Participation in this study represents little to no risk to you as all of the questions are related to issues that have been addressed openly in the ongoing debates around transport regulations. Of course, if there is any question about this you can simply decline to answer. Additionally, you may withdraw your agreement to participate at any time during the study and have data withdrawn if so desired. However, the benefit of participating in this study is your contribution to the ongoing dialogue regarding how Canadian decision-makers will address ethical, scientific and economic concerns in developing new policy and regulation.

You may rest assured that all information collected and recorded in this interview would be used solely for my research project and destroyed following completion of my thesis which will be made available to the public through the Carleton University Library. My research has received ethics clearance by the Carleton University Research Ethics Committee. If you have any questions or concerns about your involvement in this study please contact the Committee Chair Professor Antonio Gualtieri at: Tel. 613-520-2517 or email at ethics@carleton.ca.

I thank you for your time, and hope that you are able to find time to participate in my project.

Sincerely,
Michelle Barrett

Contact information.

Michelle Barrett: email/ mnbarret@connect.carleton.ca
phone/ 819-459-1512

Prof. Lisa Mills email/ lisa_mills@connect.carleton.ca
phone/ not currently in office

Prof. Peter Andree email/ pandree@connect.carleton.ca
phone/ 613-520-2600 (ext.1953)

Informed Consent Form

I agree to participate in a study being conducted by Michelle Barrett of the Institute of Political Economy at Carleton University, under the supervision of Professor Lisa Mills and Professor Peter Andree.

I understand that this research project pertains to the regulation of animal welfare in the transportation of agricultural animals and that the purpose of the study is to examine how 'animal welfare' is framed through the Canadian regulatory process, and in what ways this affects the potential for more humane transportation of farm animals in Canada.

I agree to participate in an interview, the duration of which will be approximately one hour and which will be comprised of a series of open-ended questions related to animal welfare and the regulatory process. I understand that participation in this research is voluntary and represents minimal risk, and that I maintain the right to decline answering if I choose. I also understand that I maintain the right to withdraw from my agreement to participate at any time and/or have data withdrawn if I so desire. I also understand that if I believe they are of a sensitive nature, I can ask for certain statements that I make to remain anonymous.

I agree to participate in the knowledge that the data collected will be used solely for this research project and destroyed following the completion of Michelle Barrett's thesis in spring of 2008. I also understand that this thesis will be published and included in the collection at the Carleton University library.

(Please check one of the following boxes.)

I agree to have the interview audio-recorded

I do not agree to have the interview audio-recorded

I understand that this research project has received ethics clearance by the Carleton University Research Ethics Committee and that should I have any concerns or complaints I may contact the Committee Chair Professor Antonio Gualtieri at: Tel. 613-520-2517 or email at ethics@carleton.ca.

In offering my signature here I understand that this in no way constitutes a waiver of my rights but merely indicates that I have agreed to participate in this study.

Date:
Signature of researcher

Date:
Signature of participant
