Animal Welfare

Competing Conceptions and Their Ethical Implications
Richard P. Haynes

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Preface

My interest in animal welfare as an academic topic developed during the decade that I was a member of the University of Florida Institutional Care and Use Committee (IACUC). As the usually lone dissenter to most protocols that came before the committee, I felt that I needed to develop a philosophy of animal care and use that I could appeal to in justifying my dissent. This led me to the idea of *constructed consent*, a notion often appealed to when adults have to make decisions for those incapable of making them. It occurred to me that if I thought the proposed use of an animal turned out to be a good deal for the animal, in my judgment, then I was willing to approve of it. I develop this notion further in Chapter 5 of this book.

When the Committee was charged with developing a plan to *promote the psychological well-being* of the non-human primates that the University housed, I became fascinated with the difficulties that many academics faced in conceptualizing this notion and I began to think that their conceptualization was influenced by the disciplinary matrix within which they worked. This idea of a disciplinary *ideology* I learned from Bernard Rollin’s book *The Unheeded Cry*, and I am deeply indebted to him for it. This interest prompted me to apply for a grant from the Ethics and Value Studies branch of the National Science Foundation in 1993 to study this phenomenon. The grant enabled me to visit many primate centers and conduct interviews with primatologists. After a number of delays, due largely to APHIS’s putting the responsibility on a select committee, who did not publish their findings until 1998, my publication of the results of my study was delayed.

Meanwhile, I began to expand my concern about disagreements and difficulties in conceptualizing psychological well-being to the broader topic of animal welfare, thinking that if “welfare” meant the same thing as “happiness,” then there should be no real disagreement between so-called welfarists and so-called liberationists, unless one really believed that using animals in research and for food was consistent with these animals being happy, which seemed unlikely to me. And it turned out to be the central thesis of this book that “welfare” in the traditional use of this term, as opposed to its use within a system of helping the poor (“welfare payments”) really does mean happiness and if so-called “welfarists” believe that their proposed use of animals for research and food is consistent with their happiness, then they have conceptualized welfare in an odd way, to say the least. After much reading, I realized that welfarists, for the most part, have attempted to appropriate the concept...
of animal welfare, claiming that their scientific approach to understanding the nature of their animals gave them a privileged comprehension that “sentimental” liberationists/abolitionists lacked. The issue, then, is how to correctly conceptualize “animal welfare,” and the disagreements between user advocates and abolitionists was really a competition between correct conceptualizations, hence “competing conceptions of animal welfare.” The first part of this book focuses on how those justifying the use of animals in biomedical research were able to do this. I have tried to reconstruct the history of this “welfarist” movement, beginning with its origin in London with UFAW and with the development of a separate movement in the US with the Animal Care Panel and its initial negative reactions to importing the UFAW influence into the US via the Animal Welfare Institute.

The second part of the book shifts from lab animal users to the use of animals for food and focuses on food animal welfare scientists and their philosophical supporters. Here I am grateful for the thoughtful writings of Bernard Rollin, Ian Duncan, David Fraser, Peter Sandoe, Michael Appleby, and L. Nordenfelt, all of whom I criticize for their conception of welfare or their defense of food animal use as ethical, assuming that the treatment of these animals is properly reformed. While I am not opposed to their efforts to reform the food animal industry, I am critical of their apparent support of a reformed industry.

My own position about using animals or controlling their environments is that users or controllers have an ethical obligation to provide a rich environment that will enable the animals to flourish, to use a term that Martha Nussbaum uses, or, that they find justifiably satisfactory (Sumner’s notion of autonomy). This would preclude most uses of animals in biomedical research and certainly precludes using them for food (unless they are already dead, or unless killing them painlessly when their lives have reached a point where they are sufferings – Gary Comstock’s position). In effect, therefore, I am an abolitionist. I do not agree with Singer’s utilitarianism and I find Tom Regan’s rights theory overly narrow. I agree with him that animals are “subjects of a life” but I think their rights are broader than the negative “leave them alone” rights that Regan gives them. Also his position does not seem to leave any room for a philosophy of wildlife management, especially in cases where humans have influenced the environment in ways that are harmful to some species. My position is practically identical to the one that S. F. Sapontzis develops in his 1987 book.

I am indebted to a number of people and institutions for the role they have played in enabling me to write this book. First of all, I am indebted to Farol Tomson, University of Florida University Veterinarian who initially invited me to join the University of Florida IACUC and who supported me in putting forth dissenting views. It was this initial experience that aroused my interest in this topic. I am also indebted to the UF for making it possible for me to attend IACUC workshops in Settle and San Antonio. Of course, I am especially indebted to Rachelle Hollander and to EVS/NSF for funding my proposal to do an analysis of the influence of disciplinary matrices in conceptualizing psychological well-being.\(^1\) This grant enabled

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\(^1\) NSF grant No. 93020113. 1993. *Competing conceptions of Welfare in Laboratory Animal Welfare Issues and their Implications for Professional Autonomy in Defining the Concept of Well-being.*
me to visit primate centers in Seattle, Phoenix, Atlanta, and Tufts and I am grateful for those at this center who graciously put up with my interviews. The grant also enabled me to spend a week in Washington, DC and Beltsville, where I was able to make use of the National Ag Library, and to interview various people, including Tom Wofle of ILAR, Lee Krulisch of SCAW, Leo Whitehair and Louise Ramm of NIH-NCRR, Neal Wilcox of FDA, Nelson Garnett, Kathryn Baine, and Louis Sibal of NIH, Mary Beth Sweetwater of PETA, Marty Stevens of HSUS, Mike Kreger at AWIC, Senator John Melcher, and Andrew Rowan at Tufts. APHIS allowed me to go through hundreds of comments on the proposed regulations regarding psychological well-being and to make copies. I am especially grateful to Barbara Orlans and Gaza Telecki, who graciously allowed me to interview them in their homes and who presented me with alternative views about SCAW and about the initial committee report on the psychological well-being regulation, a report that was ultimately rejected. I am also deeply indebted to Nelson Garnett and J. Derrel Clarke, who sent me copies of two works that I could not obtain elsewhere. These books were invaluable in reconstructing the history of lab animal welfarism in the US. I am also indebted to Christine Stevens, who provided me with a complete set of the back issues of the Animal Welfare Institute Information Report.

I am especially grateful to Bernard Rollin, Ray Anthony, and Jason Evans, who read earlier versions of this book and provided helpful comments.

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Introduction

The Plan of the Book

The thesis of this book is that members of what I shall call the “animal welfare science community,” which includes both scientists and philosophers, have illegitimately appropriated the concept of animal welfare by claiming to have given a scientific account of it that is more objectively valid than the more “sentimental” account given by animal liberationists. Since its beginnings in the mid-1920s, this strategy has played a major role in arguing for merely limited reform in the use of animals, and is frequently employed or assumed by those in what Jasper and Nelkin (1992) call the animal welfare movement, as distinguished from the animal rights or animal liberationist movement. This strategy was initially employed as a way of “sympathetically” responding to the abolitionist claims of anti-vivisectionists, who objected to the use of animals in research. It was subsequently used by farm animal welfare scientists.

In linking what I am calling the animal welfare science community to the Animal Welfare Movement, I am claiming that the primarily reformist (as opposed to abolitionist) goals of this community seem to implicitly assume that there are conditions under which animals may be raised and slaughtered for food or used as models in scientific research that are ethically acceptable. While reformists do not need to make this assumption, the tendency of the animal welfare science community is to accept this assumption as their framework of inquiry, and thus to discount certain practices as harmful to the interests of the animals that they affect. For example, animal welfare is conceptualized in such a way that death does not count as harmful to the interests

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3 I shall later distinguish between scientists involved in trying to improve the housing conditions of animal models used in scientific research, which goes back to the mid-1920s in Great Britain, and the 1950s in the US, and animal scientists responding to the Brambell Commission report, who self-consciously adopt the nomenclature “animal welfare science.”

4 I criticize this fiction in a later chapter.

5 Rollin (1995, Preface), Sandoe et al. (2003, pp. 475–476), and others, for example, argue that what they call a “middle position” is a more effective strategy in improving the lives of animals, implying that while suitably reformed practices fall short of the ideal, it is better to work for improvement of an exploitative practice when it is more likely to be successful than working for total abolition of the practice.
of animal, nor prolonged life a benefit. In addition to this prudential value assumption (the assumption that life itself has no value for an animal), some members of this community have developed strategies for defending suitably reformed farming practices as ethical even granting that death and some other forms of constraints are harms. One such strategy is the fiction of a domestic contract.

To support my thesis that members of the “animal welfare science community” have illegitimately appropriated the concept of animal welfare, I shall adopt the following strategy in this introduction. First I will give a brief overview of the ways in which various members of the animal welfare science community [see note 1 above on “animal welfare scientists”] have addressed the problem of conceptualizing welfare and also the strategies that some have used to justify as ethical what would otherwise be thought of as exploitative practices.6 Then I will sketch out an account of what I consider to be a philosophically accurate conceptualization of animal welfare and suggest what implications this account has for which uses of animals should be regarded as ethically acceptable and which uses unacceptable.

I have divided the book into several parts. In Part I (The Science of Laboratory Animal Care and Welfare), I examine the ways in which laboratory animal scientists responded to critics of their use of animals by claiming to have a more authoritative, scientifically grounded understanding of animal care and welfare than the critics have. I start with an account of the beginning of the “animal welfare movement” in the founding of the Universities Federation of Animal Welfare under the leadership of Major C. W. Hume and then describe the early responses of scientists in the US to critics and to the immigration of the British welfare movement to the US and its interactions with what I will call the animal care movement in the US.

In Part II (The Emergence of the Science of Food Animal Welfare Mandated by the Brambell Commission Report), I focus on the emergence of the science of food animal welfare mandated by the Brambell Commission Report, the various conceptions of animal welfare developed or assumed by animal welfare scientists and their co-philosophers and the accounts they give of their “value assumptions” and the ethical concerns to which they are related and how these accounts function to justify what I call the on-going appropriation of the concept of animal welfare. Since the body of animal welfare science literature is extensive, I will select several reflective representatives of this movement for this examination of value assumptions.

In Part III (Giving Animals What We Owe Them), I describe the ethical implications that have been drawn from these competing conceptions within the animal welfare community and criticize them, focusing on certain versions of the “fair deal” argument and on the idea of a contract that farm animals made to be used for food. The contract model, I argue, is misused to draw justifications for the continued exploitative use of animals for food and research. Finally, I explore the ethical

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6 By exploitative, I mean practices that unethically sacrifice the interests of the exploited to the benefit of the exploiters.
implications of what I consider to be the correct conceptualization of the notion of animal welfare and consider what role a suitably reformed animal welfare science might play in informing us about how we should treat animals under our care.

Animal Welfare vs. Animal Liberation

Jasper and Nelkin (1992) distinguish among animal protectionist groups, welfarists, pragmatists, and fundamentalists. “In the humane tradition of the ASPCA, animals welfarists accept most current uses of animals, but seek to minimize their suffering and pain. They view animals as distinct from humans, but as objects entitled to compassion” (p. 8). On the other hand, the more fundamentalist groups want “animal rights” or liberation from oppressive or exploitative uses. I refer here to this distinction because I want to introduce my own distinction between two ways of opposing current practices. People (perhaps those Jasper and Nelkin call “pragmatists”) who want to liberate animals from uses that compromise their welfare, but believe that the most effective way of doing this, at least currently, is to join hands with “welfarists” who want to change current practices so that they are more humane, I will call reformists (or pragmatic reformists). The members of this group share a certain conception of animal welfare and a certain ideal of which practices are ethically acceptable, but are content, at least for the moment, in working to improve conditions even if the improvements fall far short of this ideal. The second group I will call reformists (or humanist reformists). This group may share the same conception of welfare, and some of the ideals of the first group about changing current practices, but find that suitably reformed practices, though they compromise the welfare of the animals involved in them, are nevertheless ethically acceptable. I will use the term reformism to describe the commitment of this second group, even though this term has been used in several different ways, especially to denote in a negative way those who devote their efforts to working for reforms in a piecemeal fashion. In my use of the term here and elsewhere in this book, reformism does not refer to those who think that it is pragmatically more effective to work for reforms rather than simply to advocate the total abolition of oppressive practices. While I applaud reformists, I object to reformists throughout the book because either they embrace an ethical position that warrants oppressive uses of animals or they conceptualize animal welfare in a way that legitimizes what I consider to be oppressive uses.

7See, for example, http://www.marxists.org/glossary/terms/r/e.htm and http://www.worldsocialism.org/spgb/mer02/reform.html
8Midgley (1986) uses the term reformism in the more positive pragmatic sense in her Hume Memorial address to UFAW. Here she makes a plea for liberationists and reformists to work together
9For a critique of reformists, see Francione (1996).
As Varner (1994) points out, the distinction between welfarists and liberationists is not always a hard and fast one. For example, while Singer appears to be a liberationist, he does not object to using animals in research or for food if they are used in ways that do not compromise their welfare, or, if their use really does improve the general welfare of the sentient population. And since Singer does not seem to count death as a harm for animals that lack a self-concept (1979), for those who argue that it is a harm because it forecloses the possibility of future pleasures, Singer could be called a reformist, and guilty of reformism. Even my own position allows for the ethical use of animals employed for their services as long as they are suitably rewarded for these services and their welfare is not compromised. In fact, I would argue that if animal welfare is correctly conceptualized, one could properly call oneself an animal welfarist and also an animal rightist. The point of this book concerns the proper conceptualization of animal welfare.10

The Animal Welfare Movement: A Brief Overview

The animal welfare movement’s origins can be traced to the founding of the University of London Animal Welfare Society, shortly thereafter renamed the Universities Federation of Animal Welfare (UFAW) in 1926 by Major C. W. Hume based on his belief that “animal problems must be tackled on a scientific basis, with a maximum of sympathy but a minimum of sentimentality” (UFAW www.ufaw.org.uk/History). While the early work of UFAW seems to have focused on the protection of wild animals and more humane ways of trapping animal “pests,” in 1946 it published “[t]he first ever laboratory animal handbook to improve the management and welfare of experimental animals …” (UFAW web site history page) and in 1966 published its first handbook on the welfare of farm animals, and followed with subsequent editions of the lab animal handbook in 1957, 1967, 1972, 1976, 1987, and 1999. It also published a special edition of the highly influential book by W. M. S. Russell and R. L. Burch (1959). The Principles of Humane Experimental Technique in 1992. UFAW began publishing a journal devoted to the science of animal welfare in 1992 (Animal Welfare).

In 1964, Ruth Harrison published her book Animal Machines, which produced such a stir in the UK that the Brambell Committee was formed to report on the state of animal welfare in the use of animals in the UK. The Brambell Committee’s report (1965) said, “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 scientific evidence available concerning the feelings of animals that can be derived from their structure and functions and also their behavior” (Duncan, 1981). The report was taken as a mandate for animal scientists to undertake a study of animal welfare, and self-styled animal welfare scientists tend to trace their origins to this mandate.

10 I want to make it perfectly clear from the outset that, following Sapontzis (1987), I would call myself an abolitionist in regard to using animals in biomedical research and for food, even though I can imagine situations where their use is research is not harmful to their interests.
Partly in response to the Brambell Report, the RSPCA in 1972 created scientific advisory committees on farm, laboratory, and wild animal welfare [see p. 54 of Richard Ryder’s brief description of these efforts in Chapter 3 of his *The Political Animal. The Conquest of Speciesism* (1998)]. The creation of these committees was the second major source for the development of the science of animal welfare. The efforts of these committees and the research funding that they gave to scientists “helped to trigger a new field of scientific study” (Ryder, 1998, p. 55). In the 1980s, the RSPCA “established its own in-house scientific departments” (Ryder, 1998, p. 55), and began publishing its own *Science Review* in 1991.

In the US, the works of the Animal Care Panel, and subsequent efforts by the American Association of Laboratory Animal Science (AALAS), the American Laboratory Animals Accreditation Committee (ALAAC), the Institute for Laboratory Animal Resources (ILAR), the American College of Laboratory Animal Medicine (ACLAM), and the National Institutes of Health (NIH) were the major sources of the idea of a scientific approach to lab animal care and the emergence of “lab animal science.” Here the major theme was also that good science requires well cared for animals. The US based Animal Welfare Institute, under the leadership of Christine Stevens, tried to introduce the language of “animal welfare” and the work of UFAW to lab animal scientists and users in the US in the 1950s, but met with little success until the passage of the various Animal Welfare Acts starting in 1960, which forced the lab animal scientific community to take the notion of animal welfare more seriously and to make some efforts at defining and investigating it. In 1978, Barbara Orlans founded the Science Center for Animal Welfare, which could be seen as the more progressive wing of lab animal science (sort of the US version of UFAW), until Orlans was replaced as its director and a more “scientist oriented conservative approach” took over (Orlans, 1993, personal communication). The debates over the standards regulations mandated by the US 1985 Animal Welfare Act led to a distinction between “engineering” and “performance” standards and to a discussion of the concept of non-human primate “psychological well-being” that the act required users to promote.

There are several common themes in both the animal care and animal welfare versions of this general movement. One theme is that good science requires humane

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11 See Ryder, p. 55 for other outcomes in the establishment of chairs and modules.
12 The expression “animal welfare” appears to have first been used by Henry Salt (Salt, 1894 [1980], p. 34) (“the welfare of animals”). Hume seems to have revived this expression, perhaps under the influence of Pigou and the notion of the welfare state.
13 See Chapter 4 below for an account of the various US welfare acts.
14 One important difference is that animal carists place restriction on the care given animals only when they are not being used but rejects restrictions on how they are actually used in a study. As Rollin points out (2006), prior to the 1985 Animal Welfare Act, it was common for US scientists in the care tradition to deny that animals felt pain, but those in the UFAW inspired welfare tradition did not make this assumption. The 1985 mandated the use of Animal Care and Use Committees to approve proposed research and required the use of analgesics or anesthesia in painful experiments, unless their use interfered with the legitimate goals of the study.
treatment, so that there is both an ethical and a scientific reason for improving the treatment of laboratory animals. But, contrary to the criticisms of the use of laboratory animals by the “antivivisectionists,” it is the (reformed?) scientist who is the best judge of what counts as humane care, and reforms should be based on good science rather than “sentiment.” This point is repeatedly made by appealing to the opinion of “experts” and the judgment of “professionals.” A related theme is the deference to self-regulation as opposed to government-imposed regulation, and a concern to protect the “freedom of the scientist” to make their own decisions about the design of studies using animals. Another theme is the conceptualization of “care,” “well-being,” and, later, “welfare” in terms of the goals of the scientists using animals and the agencies and institutions supporting research. And when there is a perceived need to take seriously “reformers’” criticisms and adopt some of the goals of the reformers, it is the professional care-givers that operationalize and objectify the norms imposed by the reformers, e.g., “comfort,” “health,” “exercise.”

While the efforts of the science of laboratory animal care and use were progressive in helping to significantly improve the conditions under which laboratory animals were housed by improving nutrition, sanitation, disease control, and providing veterinary care for sick or injured animals, they proved conservative of the status quo in their efforts to resist reforms that might put serious restrictions on the use of animals in scientific studies that a richer conception of animal welfare might require. One common feature of the conception of welfare assumed by lab animal scientists and food animal scientists working for reform was that a humane death was not a harm for animals that lacked a concept of their own death, so prolonged life was not to be considered a benefit.15

To help clarify the ways in which the more restricted conceptions of animal welfare used to justify continued exploitative use of animal are theoretically unsound, I have constructed my own view of animal welfare (well-being, happiness), using Sumner’s (1996) theory of human welfare as a basis for my account of animal welfare and the ethical implications of this account for the human use of animals. I also use Nussbaum’s (2004) account of animal flourishing to improve Sumner’s theory when it is applied to animals.

Sumner’s Theory of Welfare

I have found L. W. Sumner’s 1996 book *Welfare, Happiness and Ethics* a good starting place to develop a theory of animal welfare. Sumner’s primary focus is on a theory of human welfare and he seems skeptical that we can talk about animal welfare in the same way that we can talk about adult human welfare, but I shall amend it so that it is more applicable than perhaps Sumner thought. Sumner argues for a theory of welfare that is subjectivist, but that avoids some objectivists’ criticisms, especially the criticism that a purely subjective account of welfare would seem to justify the claim that, for

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15 As noted above, even Singer (1979) holds this view.
example, women who are socialized to accept serious restrictions on the types of life that they can live have as good a quality of life as anyone else if they are, in fact, satisfied with their life because they believe that it is the only one they are capable of living (see Nussbaum and Sen, 1993, esp. pp. v–vi and 4–5). Sumner’s view is that welfare consists in authentic happiness, the happiness of an informed and autonomous subject. The authenticity requirement obviates the particular objectivist concern mentioned above at the same time that it avoids at least one variety of paternalism.16 According to Sumner, our life has gone well to the extent that we are justifiably satisfied with it, and we are justifiably satisfied with it to the extent that our standards for a good life have been chosen with as much autonomy as we are capable of achieving. Sumner has no objections to what Parfit (1984, 1986) calls an “objectivist list” theory as long as it is understood to be a list of things that are standardly taken to contribute to or are sources of human well-being, and not a theory of well-being.

A possible objection to Sumner’s theory, in so far as it contains the cognitive element of assessing one’s life, is its generality. We do, in fact, talk about the welfare of non-human animals when we make claims about what is in their interests and what harms or benefits them, so if Sumner’s account of welfare does not apply to nonhuman animals, it fails on the criterion of descriptive adequacy, a criterion that Sumner takes seriously. If non-human animals are not capable of performing the cognitive task of assessing their lives, are we entitled to evaluate their lives for them?

Sumner says that one criterion for judging whether someone is well off is to ask them what they think of their quality of life or how their life is going (a technique that social scientists often employ). Of course, we can only rely on their answers to the extent that we think they are authentic (which includes the degree to which the subject has autonomously chosen their aims and goals). But in the case of young children and animals, we have nothing but behavioral or non-verbal information to rely on, like when we make second-person assessments of a person’s life without asking them for their own assessment.

Sumner says at least two things about non-human animals (and young children) that require some modification, however. These are 1) his claim that nonhuman animals (and young children) are only capable of experiencing painful and pleasurable sensations and not the wider sense of pleasure as enjoying what they do

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16 Sumner rejects hedonistic subjectivists theories on the grounds that we can be mistaken about what we take pleasure in, e.g., the fact that we are admired or loved or that we are involved in an intimate relationship. He rejects preference satisfaction theories on the grounds that the satisfaction of some of our desires may not affect our lives if we are not cognizant of the fact that they are satisfied. A number of objections to the theories that Sumner criticizes are given by Parfit in Appendix I of *Reasons and Persons*. According to Sumner, persons are autonomous when their beliefs, or values, or aims, or decisions, or actions, are, in some important sense, their own. What takes away from autonomy is the manner in which the values are formed. But how can we distinguish between manipulative and normal processes? Roughly speaking, an autonomy preserving socialization process will be one that does not erode the individual’s capacity for critical assessment of their values, including the very value promoted by the process itself. The real question is how much emancipation from our socialization and social conditions must a subject exhibit in order for their self-assessment to be taken at face-value. The strategy that Sumner defends here is to take these assessments as defeasible.
Sumner distinguishes four senses of “being happy.” 1) being happy with or about something (being satisfied with it); 2) feeling happy (this may include a judgment that our lives are going well; 3) having a happy disposition (this is the sense in which infants or animals can be happy, despite being unable to size up their lives as a whole); 4) being happy or having a happy life – your life measures up to your expectations of it. This prudential stocktaking is possible only for creatures capable of assessing their lives as wholes. The cognitive component of happiness is beyond the range of children and non-human animals. However, the affective side of happiness in this sense is having a sense of well-being or finding your life enriching or rewarding and this less cognitive demanding sense is what we have in mind in saying that a young child or an animal is happy. But even here it is not enough that life is given a bare positive evaluation. One must also experience one’s life as satisfying or fulfilling. His reasons for 1) is his claim that I cannot like or enjoy something without being aware of this fact. But this seems wrong on two counts. While there is some plausibility in saying that I must be aware that I am doing x to enjoy doing x, still I don’t have to be aware that I am enjoying it. But there is a sense that I may not even be aware that I am doing x. e.g., I may enjoy showing off without being aware that I am showing off or putting someone down. So if the objection to saying that my dog likes or enjoys chasing after a toy that I throw out and bringing it back to me, or engaging in other forms of play, is that my dog is not able to subscribe to my descriptions of his behavior, then this seems too rigid a requirement for claims about what my dog likes or enjoys, one that we do not apply to humans. Surely we say of someone that they must really like doing x (or enjoy doing x) when we find them doing x with gusto and whenever they get a chance. For example, “You must really like talking to students.” Really, what makes you think so?” “Whenever I see you talking to a student, your face seems to light up and you look like you are really enjoying yourself.” “Perhaps you are right. I never really thought about it.”

For the view of animal welfare that I develop here, however, the important question to ask is whether there are grounds for assessing the authenticity of this behavioral and non-verbal information. If there are not any grounds, then we seem to be left with a rather limited way in which we can speak of animal welfare, and it leaves open the possibility of the position that as animal custodians, we are entitled to manipulate our wards in any way that is convenient to us so long as we reduce suffering as far as we can and ensure a life that is reasonably pleasurable. Sumner raises this issue in a footnote (p. 178, n. 47).

If a creature is incapable of acting inauthentically, then the authenticity requirement is trivially satisfied. Can non-human animals respond inauthentically to the conditions of their lives? Can this be true, for instance, in the case of domesticated animals whose affective responses have been deliberately engineered, for our convenience, so as to lead them to be

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17It may appear strange to the reader that I appeal to the custodian-ward relationship here, but it is my position that any animal “user” who thus limits the freedom of their animals assumes the ethical relationship that a custodian has to a ward, and the ethical obligations that follow from this relationship are similar to the responsibilities that a parent has toward their children.