

The inherent legitimacy of animal husbandry, a ground for the evolution of animal legislation

Michel Rieu

Académie d'Agriculture de France, 18 rue de Bellechasse, 75007 Paris

On behalf of the working group on “the legal status of farm animals” (*)

Corresponding author: michel-rieu@orange.fr

Public session of the French Academy of Agriculture – 16 November 2022

Key words: husbandry, animals, legitimacy, legal status, French law

Since February 2020, a working group from the French Academy of Agriculture has been analysing the ongoing discussions on the legal status of farm animals under French law. New changes are to be expected under the influence of NGOs reflecting public opinion and the positions of lawyers and magistrates. The societal perception of animal sentience reinforced by new scientific knowledge is growing. The working group has considered how to conciliate respect for sensitive farm animals with the possibility of maintaining essential and legitimate farming activities.

Hearings of lawyers representing new options for animal legislation were held.

What does legitimacy mean?

Legitimate and legal have different meanings. What is considered fair and equitable by most people is legitimate. What is lawful is legal. Depending on the evolution of public opinion and the law, what is legitimate may not be legal and vice versa.

What makes animal farming legitimate?

- Livestock is essential for human nutrition and other human needs

Products from terrestrial or aquatic animals (meat, dairies, eggs, etc.) provide vital nutrients (amino acids, essential fatty-acids, minerals, etc.). Nevertheless, the intake must be adapted to age or activity, without excess in accordance with dietary standards. A lot of other goods and services are supplied by animals (leather, wool, energy, labor, etc.).

- Animal farming strengthens the maintenance of certain harsh natural areas

Pastures and rangeland are the unique way to enhance certain territories (mountains, wet or dry land, etc.). Animal farming shapes landscapes with high heritage value and social ties, which generate income for local populations. Grazing by domestic herbivores helps to ensure both plant and animal biodiversity.

- Diversified livestock is necessary to diversify farming systems

The hyper-specialisation and a strong densification of agricultural territories are damaging soil, water, biodiversity and human and animal health. The diversification of agricultural systems allowing to complete the cycles (N and C) is difficult without animals in the loop.

- Animals must be raised in animal-friendly husbandry systems in accordance with the principles of agroecology

The legitimacy of animal husbandry is undermined when conflicting with higher principles or interests, by inhumane treatment of animals, disproportionate impact on the environment or excessive use of natural resources. The criteria of legitimacy evolve according to knowledge

and importance of stakes. Periodic evaluations are necessary, focusing more on socio-environmental impacts than on means.

From legitimacy to law

Animal farming renders essential services to the human population. It must not be prevented either by prohibitions or by unbearable or excessively costly constraints. The choice must be given to the opinion, by specifying or assessing the consequences of changing the law, to find a balance between contradictory principles.

(*) Working group members: Marie-Françoise Chevallier-Le Guyader (co-chair), Alain Boissy (co-chair), Hubert Bosse-Platière, Bernard Denis, Jean-Pierre Digard, Barbara Dufour, Carole Hernandez-Zakine, Raphaël Larrère, Gérard Maise, Michel Rieu