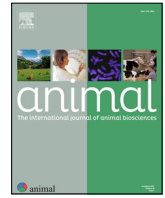




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Editorial: Animal welfare from a transdisciplinary perspective

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This special issue is dedicated to the concept of animal welfare – a concept, as will be seen, that is complex and in need of discussion. It encompasses aspects such as physical health, the ability to perform appropriate behaviours or the emotional well-being of animals. There is no doubt that the concept of animal welfare has become an essential guiding principle in animal protection, which due to its importance is being studied by various scientific disciplines. Thus, a transdisciplinary approach is recommended in order to grasp more precisely the contours of the term, the possible contents or the resulting obligations.

Undoubtedly, animal welfare has become a legal concept, not least because this term has found its way into various legal systems. For example, in the European context, one can refer to Article 13 of the TFEU (2012), which normatively defines how humans should behave in their dealings with animals. Of course, the concept of animal welfare has a natural science component, since it is only by means of natural science that the animal itself can be (better) studied and analysed in order to understand what could be appropriate behaviour of an animal – and what not. And last but not least, the term indicates an ethical dimension, since the idea of welfare implies a valuing attitude.

The aim of this special issue is to look at the term from these different scientific perspectives in order to promote a more holistic discussion – a transdisciplinary approach is thus taken. This issue includes several papers, using the legal considerations as a starting point, since they provide a neutral framework established by the legislature and thus generally applicable. This enables a more interconnected understanding of the different arguments/aspects, which in turn can promote overall comprehension. However, the legal definitions are often fuzzy and often do not allow us to see what exactly is meant by appropriate behaviour. For this reason, we must also take into account what animals can actually feel in order to understand their actual state of being. Ethical considerations in this context shall help to determine how humans should treat animals. This aspect is essential because we consider non-human sentient beings as resources to satisfy our own human needs.

To begin with, [Martinez and Nolting \(2023\)](#) show that the principle of animal welfare, as enshrined in Article 13 TFEU, has a special legal nature as an integration principle that has been upgraded to a general value of the European Union (EU). The central guiding principle is ethical in nature and requires that the animal welfare clause protect animals for their own sake and not as part of the environment, thereby distinguishing it from the environmental integration principle. Its application is explicitly limited by Art. 13 TFEU which obliges the EU institutions to act in an abstract-general way. The legal requirement serves primarily as an interpretation criterion for indeterminate legal terms and for discretionary leeway.

This general value of the EU also has an extraterritorial effect, i.e. beyond the territory of the EU. In this regard, [Pastorino \(2023\)](#) discusses the international dimension of the European legal requirements. He analyses the impact of trade relations between the EU and Mercosur and its member states, looking at legal developments in Argentina and Brazil regarding their animal welfare laws. It is shown that global trade contributes to the expansion of animal welfare standards, notwithstanding the fact that the countries concerned have their own motivations and backgrounds in other areas of animal welfare, not necessarily related to aspects of food production and marketing. The author stresses that also led to increased research and dissemination of best practices, and to extensive regulatory development.

As a prerequisite for coherent implementation, it arguably becomes at least necessary to understand when animals have a state of well-being that corresponds to them; consequently, it is necessary to identify how and what animals feel and how this state can be measured. In this context, [Reimert and Webb \(2023\)](#) generally point out in their paper that animal welfare is a concept that has been subject to change over time as beliefs, values and our understanding of animals have changed. Notably, the authors stress that it is difficult to measure animal welfare directly as there are currently few direct measures and in the past, it has been relied mostly on indirect and momentary measures of the factors that affect welfare, including health, environmental resources or transient emotions and moods.

[Weary and von Keyserling \(2023\)](#) also deals with the possibilities of measuring animal welfare. They identify and analyse scientific papers that describe a linkage between technologies used on dairy farms and the welfare of dairy cattle. The authors stress that

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welfare is a complex and multifaced concept and it is unlikely that any single technology (or perhaps even a combination of technologies) can adequately capture this complexity. Accordingly, general claims about welfare should be treated with scepticism.

Felde (2023) discusses in her contribution the efficiency-driven approach of economic actors in animal transports, which can be found in practice again and again. She criticises the fact that economic, efficiency-oriented procedures do not comply in large parts with the requirements of the European Union's animal welfare law and lead to violations of the law. The author emphasises that it is not the efficiency pursued by economic operators, but rather the efficiency principle of European law that must be mandatorily observed within the framework of the European Union's animal transport law.

The results of the ethical analyses, which are also part of this special issue, point, among other things, to difficulties in the definition of terms (and thus in the implementation of guidelines and rules). In this context, Baranzke and Ingensiep (2023) note that sentientism is, as at present the most influential position in animal ethics. It presents sentience as ethically decisive for the moral status of a being. Nevertheless, its function in animal ethics argumentation is not entirely clear. Sentient beings try to avoid suffering and discomfort. It is the task of ethics to explain why this appropriate behaviour of sentient beings should be morally relevant. In view of a deeper understanding of this ethical task, the authors offer a historical reconstruction of the philosophical implications of the transition from natural teleology to modern science. Finally, they try to demonstrate that positing sentience absolutely as a hedonistic state of the world, instead of subordinating it carefully for the sake of the well-being of given individuals, will promote its transformation into a totalitarian scientific ideology with consequences for the understanding of nature and the position of both individuals and species in the world.

All these considerations, as we find them in a similar way in law, animal science and ethics, point to a transformation process that has been emerging for some time, through which the role and thus the status of animals in our society is (and must be) redefined. Busch et al. (2023) analyses indicate that the main drivers for this are a changed human-animal relationship aimed at higher farm animal welfare standards and the urgent need to mitigate climate change. With regard to meat production, Busch et al. (2023) note that the current predominantly unsustainable meat production is not least due to the power structure in the meat value chain. But what role can the various actors in the chain play? What responsibility is borne by whom? The authors try to find an answer to this question and call for a multi-stakeholder approach, guided by legal frameworks, as the most promising strategy to promote a sustainable transformation of the livestock sector.

However, if a link to sustainability is to be pursued, according to Wawrzyniak (2023), it seems necessary to take a nuanced approach: Indeed, with regard to the specific relationship between animal welfare and sustainability in agriculture, he states that from an ethical point of view, agricultural sustainability and animal welfare must be understood as two different concepts. He emphasises that mixing the two makes it harder to clarify the motives and ethical convictions behind our concern for animals, the environment and future generations. Such clarifications are vital, since both concepts are based on certain normative values, which motivate our moral concerns and actions. They also shape how we see and assess animal welfare respectively sustainable agricultural programmes. Animal welfare must be understood as a non-anthropocentric demand in which animals are central for their own sake. Wawrzyniak (2023) advocates recognising animals as individuals who have their own subjective well-being that matters to them – regardless of environmental protection or global (generational) justice.

So, should animals therefore be conceived as individuals in their own right? Here, however, we encounter a fundamental problem of many legal systems: In order for animals to remain usable by humans, they cannot be subjectivised, but must be categorised as a thing or at least, as in the German legal system, as a non-thing – whereby essentially this makes no difference. In other words: Animals are the “object” of the all-encompassing right of property, a right that ultimately results in the interests of the “subject” (i.e. humans) taking precedence over those of the “object” (i.e. the animal). Even though all these analyses cited in this issue suggest that this primacy is increasingly weakened, it is ultimately not abolished. This will also be due to the fact that the vague legal concept is not easy to apply with today's scientific knowledge. Moreover, in practice, there are likely to be loopholes to circumvent the already difficult-to-interpret provisions.

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Transparency Declaration

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