

‘RESPECT FOR ANIMALS’ - WITH WHAT EFFECTS?

Camilla Björkbom

This paper examines ‘respect for animals’ as the purpose of the Swedish Animal Welfare Act. Drawing on Nussbaum’s capability approach and critical policy analysis I examine key policies underpinning the animal welfare law. Although ‘respect for animals’ does not have legal effects, the findings draw attention to the political effects of how the concept is applied. Effects that are produced by how ‘respect for animals’ is used in the law are, firstly, that the protection of animals’ intrinsic value becomes seen as an individual moral responsibility, reflecting the old anti-cruelty laws rather than modern animal welfare laws based on state enforcement. Secondly, it produces a binary that prevents a gradual approach to state protection of animals’ intrinsic value. The potentially transformative question of what ‘respect for animals’ ought to require in terms of state protection remains unaddressed. Thirdly, there is a risk that citizens’ political agency is displaced if normative views of how animals ought to be treated are marginalised. While ‘respect for animals’ cannot be said to constitute a conceptual shift in the Swedish animal welfare law, it may represent an emerging discourse if it is invoked as a state responsibility in the public debate.

Keywords: animal welfare; Bacchi; intrinsic value; Nussbaum; public policy

1 INTRODUCTION

The concept of ‘respect for animals’ was introduced as the purpose of the Swedish Animal Welfare Act (2018:1192). Adopted in 2018, it is part of an international development where intrinsic value, also expressed as ‘respect for animals’ or ‘dignity’, are inscribed into the animal welfare laws or in constitutions (Aaltola and Wahlberg 2015, 85; Camenzind 2013, 281; Lundmark 2016, 23). These animal welfare laws are sometimes referred to as ‘the intrinsic value view’ in animal welfare legislation (Aaltola and Wahlberg 2015, 85).

The intrinsic value laws rest on the idea that animals have a value regardless of how humans value them. At the same time, however, animals’ intrinsic value is often in conflict with economic interests and the benefits that humans receive from using the animal. As a theoretical concept, intrinsic value is clearly the opposite of an instrumental view of animals. However, even in laws that incorporate animals’ intrinsic value, animal interests are frequently overrun by human interests. As a consequence, the legal material effects of these laws remain limited (Aaltola and Wahlberg 2015, 85).

Modern animal welfare laws, which started being adopted during the first half of the 20th century, differ in important aspects from the first anti-cruelty laws that were passed in Europe during the 19th century. The anti-cruelty laws punished animal cruelty, but did not set standards

that could prevent suffering. Modern animal welfare laws generally seek to prevent unnecessary suffering, not only punish animal cruelty. Nevertheless, both the anti-cruelty and the animal welfare laws are based on the idea of preventing ‘unnecessary’ suffering. Both can be labelled ‘the welfarist view’ (Aaltola and Wahlberg 2015, 84). In contrast to ‘the welfarist view’, ‘the animal rights view’ is a perspective in animal law that recognises animals’ intrinsic value as a basic legal right to not being treated as resources for humans (Aaltola and Wahlberg 2015, 92).

Several studies address the lack of legal material effects and question the utility of the ‘intrinsic value view’ (Aaltola and Wahlberg 2015; Bernet Kempers 2020; Bolliger 2016; Natrass 2004; Schindler 2013). However, the introduction of intrinsic value may still constitute a meaningful conceptual shift (Bernet Kempers 2020). The way in which the concept is used in the law can also have real political effects, even if the legal material consequences are absent. The aim of this study is to critically examine the effects produced by ‘respect for animals’ in the Swedish Animal Welfare Act (2018:1192) and to assess if it can be said to constitute a conceptual shift.

Following Bacchi (2009, 181), Bernet Kempers (2020, 173), Forsberg (2010, 352) and Nussbaum (2007, 391), focus is on how ‘respect for animals’ is used in policy, rather than its metaphysical meaning. The different ways of recognising intrinsic value are here seen as referring to the same thing. For example, EU legislation refers to animals as sentient beings with an intrinsic value that must be respected (Broom 2017, 26; Sowery 2018, 2). The federal constitutions of Switzerland and Germany refer to dignity (Bolliger 2016, 27; Natrass 2004, 297). In Norway (Forsberg 2010, 353-354) and in Sweden (prop. 2017/18:147, 54) intrinsic value is expressed as ‘respect for animals’.

2 THEORETICAL CONTEXT

This section provides the analysis with conceptual input from political theory (List and Valentini 2016, 3). It situates the study in the context of animals as subjects of justice, with special focus on Martha Nussbaum’s capability approach.

Animals as subjects of justice and Nussbaum’s capability approach

The most influential political idea that has contributed to the exclusion of animals from justice has been the animals’ perceived lack of reason and, consequently, their inability to take part in

the making of the social contract, a central feature in the contract theories by Hobbes, Locke and Rousseau (Wissenburg and Schlosberg 2014, 3). To the extent that contract theorists like Kant and Rawls take animals into consideration, they do so for instrumental reasons. The reason for treating animals well is because animal cruelty can cause cruelty towards humans. Rawls recognises a moral duty of compassion towards animals, but not a duty of justice enforced by the state. In the contract theories, only humans are seen as ends in themselves and therefore only humans are entitled to justice (Nussbaum 2007, 329-332).

In contrast to the contract theories, utilitarianism separates the capacity for reason from the entitlement to justice. The view of Bentham is that it is the capacity to suffer, i.e the sentience of a being, that merits justice (Cochrane 2010, 23-24). A contemporary proponent of this view is Peter Singer (Cochrane 2010, 23-24). Utilitarianism is based on the idea of a balancing of different interests, whereby some suffering can be permissible if outweighed by a greater good. Current animal welfare laws are based upon the utilitarian principle that suffering in some individuals can be acceptable if human interests outweigh the harm done to the animals (Lundmark 2016, 14). Francione debates from an animal rights view that animal welfare laws, which still consider animals as commodities and property, are incompatible with the recognition of animals' intrinsic value (Francione and Garner 2010, 1). From the animal rights perspective, instrumental use of animals should be abolished and intrinsic value should imply that animals are recognised as legal persons as opposed to 'property'. This would also allow for a more equal legal balancing of interests between human and animal interest when in conflict (Aaltola and Wahlberg 2015, 94).

The critique against the utilitarian balancing of interests in humans was one of the motivations for Rawls' *A Theory of Justice*. Rawls embraces the Kantian view that because humans have an inviolable dignity, humans can never be means for a greater good (Donaldson and Kymlicka 2011, 20). According to Rawls, each person has "an inviolability founded on justice that even the welfare of society as a whole cannot override" (Nussbaum 2007, 63). Nussbaum concurs with Rawls in the critique that the utilitarian balancing of interests is incompatible with the view of inviolable dignity. However, in line with other contract theories, Rawls distinguishes between the inviolability of humans and non-humans, and excludes animals from the making of justice due to their perceived lack of reason and inability to participate in the making of the social contract (Nussbaum 2007, 329-332).

Nussbaum turns this around. Instead of assuming that justice requires capacity to take part in the making of the social contract, Nussbaum starts with Rawls' principle of inviolable dignity. Starting from this principle, rather than from the possession of reason, Nussbaum argues that justice should be extended to nonhuman animals (Nussbaum 2007, 81). The basic reason for this is that all sentient beings can experience pleasure, pain, joy, fear and death. Therefore, all sentient beings share a vulnerability. The protection of the inviolable dignity of a being, including the right to not only be protected from suffering but also to experience a positive state of well-being, follows from the shared vulnerability (Bernet Kempers 2020, 176; Donaldson and Kymlicka 2011, 24-25).

While Rawls considers animals as objects of charity, but not of justice, the treatment of animals cannot, from the perspective of dignity, be only a moral, individual issue. The recognition of dignity is primarily a matter of justice that the state is ultimately responsible for protecting (Cochrane 2010, 3; Garner 2013). Taking the dignity of a life that has abilities and needs as its starting point, Nussbaum's capability approach places intrinsic value at the basis for the normative claim that it is wrong to hinder the well-being, the 'flourishing', of a sentient being (Nussbaum 2007, 346-349). Nussbaum's conceptual foundation of intrinsic value signals state protection of animals' interests as a value in itself. A law based on intrinsic value should therefore be broader than only protection from unnecessary suffering. It should be about a responsibility of the state to protect the interests of animals (Bernet Kempers 2020).

Bernet Kempers (2020) describes dignity in the legal context as a political principle that has the potential to capture a gradual movement towards greater legal recognition of animals' intrinsic value than the current utilitarian basis of animal welfare laws. Bernet Kempers argues that dignity can potentially challenge the binary between the utilitarian balancing of interests on the one hand and equal rights with humans as the only two alternatives.

Three empirical features of dignity can be used to assess how strong the presence of dignity is in a piece of law (Bernet Kempers 2020, 181-183). The first feature is to assess what the formal ascription of animals' intrinsic value to the law is, i.e how intrinsic value is expressed and used in legislation, for example through 'respect for animals'. The second feature is to assess if the substantive aim of the law protects species-specific interests and well-being (the 'flourishing') of the animal, as opposed to a single focus on unnecessary suffering. The presence of the second feature is dependent on if the law, for example, also gives animals the right to perform their natural behaviour and if it promotes their well-being. The third feature of animal dignity

in legislation concerns if the interpretation and enforcement of the law recognises animals' interests, i.e if animal dignity is recognised as a normative principle. It examines if the balancing of interests gives the criteria of 'a flourishing life' due consideration and addresses the actual legal protection of animals' intrinsic value in cases where it stands in conflict with human interests (Bernet Kempers 2020, 181-183).

3 METHOD

Carol Bacchi's "What's the problem represented to be" (WPR) is a Foucault inspired poststructural approach to policy analysis. The ontological and epistemological assumptions of poststructuralism draw attention to the substantive content of a policy. A policy should not be seen as a neutral solution to a problem. Instead, a policy produces certain effects, through which governing takes place (Bacchi 2016, 5-8). A policy is seen as built around specific problematisations, or problem representations. The problem representations are produced through certain ways of thinking that have become accepted as truths. These ways of thinking, or "deep-seated knowledges", set the limits to what is seen as possible to speak or think about. A policy therefore silences alternative ways of thinking (Bacchi 2009, 33-37). The WPR approach investigates what type of thinking that is promoted or silenced by a specific policy and what the effects are (Bacchi and Goodwin 2016, 44).

The WPR method considers that the effects produced by a policy are real and can be examined. There are three main types of effects. Discursive effects are limitations to what is possible to speak about. Subjectification effects concern how subjects are constituted within a certain policy. Lived effects are effects experienced in everyday life (Bacchi 2009, 39-44). The WPR analysis is conducted through six analytical questions:

1. What's the "problem" represented to be in a specific policy?
2. What presuppositions and assumptions underlie this representation of the "problem"?
3. How has this representation of the "problem" come about?
4. What is left unproblematic in this problem representation? Where are the silences? Can the "problem" be thought about differently?
5. What effects are produced by this representation of the "problem"?
6. How and where has this representation of the "problem" been produced, disseminated, and defended? How has it been and/or can it be questioned, disrupted, and replaced? (Bacchi and Goodwin 2016, 53-54).

The problem representation can be identified by looking at the purpose of the policy (Bacchi and Goodwin 2016, 55). Identifying the problem representation creates the starting point for the second question, which is concerned with the conceptual logics of the policy, i.e the assumptions on which it rests, and encourages the identification of binaries within the policy. The binaries provide themes for further analysis (Bacchi 2009, 81). Three broad binaries that were identified in this study were intrinsic value/instrumental value, ethics/science and state/market. The sixth analytical question focuses on disruption and change, and was in this study integrated with an assessment of ‘respect for animals’ as a possible conceptual shift. The assessment was operationalised through Bernet Kemper’s (2020, 181-183) three features of dignity.

The empirical material consists of the government proposition for the animal welfare act adopted in 1988 (prop. 1987/88:93) and *New Animal Welfare Act* (prop. 2017/18:147) adopted in 2018, as well as the Swedish Government Official Report *New Animal Welfare Act* (SOU 2011:75), which promotes the inclusion of ‘respect for animals’ in the law. Two economic policies were examined: the government proposition *A Food Strategy for Sweden - more jobs and sustainable growth in the whole country* (prop. 2016/17:104) and the Swedish Government Official Report *Attractive, innovative and sustainable. Strategy for a competitive agriculture and horticulture sector* (SOU 2015:15). All policies have been produced by, or for, what is currently the Ministry for Enterprise and the Ministry for Rural Affairs and are publicly available online. The quotes have been translated by the author from the original Swedish.

4 WHAT ARE THE POLITICAL EFFECTS OF ‘RESPECT FOR ANIMALS’?

‘Respect for animals’ and its effects are examined through the lens of poststructural policy analysis, drawing on conceptual input from political theory and in particular Nussbaum’s capability approach. The analysis follows the structure of Bacchi’s six WPR questions, addressing them one by one.

4.1 PROBLEM REPRESENTATION

This section corresponds to the first question of the WPR framework and outlines the government’s problem representation of ‘respect for animals’. The stated purpose of the new Animal Welfare Act (2018:1192) is to “secure good animal welfare and promote good animal well-being and respect for animals.” The law states that animals should be able to “perform

behaviours that they are strongly motivated for and that are important to their well-being (natural behaviour)” (prop. 2017/18:147, 1). The following passage in the preparatory works defines the government’s intended effect of ‘respect for animals’:

“[the Government] considers it desirable that the legislation contributes to raising awareness and recognition of the fact that animals are living and sentient beings with certain needs that must be taken into account and to disseminate these values to as large a proportion of the population as possible. The Government therefore considers that the legal text should state that the Animal Welfare Act has such a purpose by stating that the law aims to promote respect for animals. [- - -] Respect for animals should mean the awareness and recognition that animals are living and sentient beings with certain needs that must be taken into account. This also means that animals have an intrinsic value regardless of the benefit they have for humans” (prop. 2017/18:147, 54-55).

The need to disseminate awareness of animals as sentient beings to as large a part of the population as possible may seem counterintuitive as the Swedish people’s deep-seated concern for animal welfare and the idea of the animal-friendly nation are emphasised in both animal welfare and economic policies. In the preparatory works animal welfare is described as ”an important ethical issue that in Sweden has a broad and deep anchoring in the consciousness of the people” (prop. 1987/88:93, 14; prop. 2017/18:147, 41). The Government Official Report *New Animal Welfare Act* embraces the idea that ”good animal welfare is a part of our culture and is taken for granted in the society” (SOU 2011:75, 21). The government report *Strategy for a competitive agriculture and horticulture sector* correspondingly states that good animal welfare has a ”deep anchoring in Swedish society” (SOU 2015:15, 126).

On the one hand, the government’s problem representation is that there is a need to educate people about animals’ intrinsic value. On the other hand, concern for animals is already seen as part of Swedish culture and taken for granted in society. Examining the Government Official Report *New Animal Welfare Act* from 2011 shows that ‘respect for animals’ was not initially primarily connected with a need for public awareness-raising. The report states that the aim is that ”[t]he law must also make it clear that animals have an intrinsic value beyond the benefit they have for humans” (SOU 2011:75, 93). This was explicitly connected to a need to clarify the ethical foundations of the animal welfare law, but not necessarily directed towards the population. However, the Animal Welfare Act (2018:1192) directs the responsibility of recognising animals’ intrinsic value towards the citizen. The population is represented as being animal-friendly, but also in need of education about the intrinsic value of animals. The problem representation of intrinsic value in the law is a perceived lack of awareness among the population rather than a responsibility of the state to protect animals’ intrinsic value.

4.2 PRESUPPOSITIONS AND ASSUMPTIONS

The conceptual logics, and their underlying presuppositions and assumptions, are examined in the second question of the WPR framework. These are the taken-for-granted “truths” and “deep-seated knowledges” that underpin the problem representation (Bacchi and Goodwin 2016, 44).

The preparatory works to the previous Animal Welfare Act (1988:534), adopted in 1988, emphasise the societal debates, the citizens’ views and the role of ethics. The government considered that: “[o]ne of society’s stated goals has been to produce cheap food. In recent years, there has been a lively ethical debate about modern animal production and its production technology” (prop. 1987/88:93, 18). Following the attention given to citizen’s ethical views, the stated objective of the previous law was to strengthen the protection of animals against other interests, even if it would affect production negatively. The preparatory works conclude that: “[i]ncreased consideration must be given to the fact that living animals are included in the production. Animal welfare considerations must be given importance to a completely different extent than hitherto, even if this would mean reduced production” (prop. 1987/88:93, 19-20).

As I will show in the following, in contrast to the weight given to the societal ethical views and to the protection of animals in the balancing of interests in the law from 1988, in newer policies this has been challenged by two types of conceptual logics that underpin the new law adopted in 2018. These logics serve to justify increased meat production and to marginalise citizens’ ethical views.

Conceptual logics

The objective of the Government Official Report *Strategy for a competitive agriculture and horticulture sector* (SOU 2015:15) was to present a national strategy for competitive production, including animal production. The report was followed by the economic policy *A food strategy for Sweden* (prop. 2016/17:104), with the objective of creating a competitive food chain where overall food production is increased, while at the same time the environmental targets are reached. Swedish meat production is assumed to replace imported meat, with assumed lower animal welfare standards. With increased national production, the supply is expected to shift towards Sweden which will still have comparatively higher animal welfare standards than the rest of the world. The Government Official Report for a competitive

agricultural sector calculates that the overall level of animal welfare will benefit from increased Swedish meat production as a larger share of animals will be produced in Sweden (SOU 2015:15, 84-85).

The food strategy assesses that growing global meat demand risks leading to increased antimicrobial resistance, such as the overuse of antibiotics associated with farming systems where animal welfare standards are low. The strategy proposes increased meat production in Sweden, with comparatively higher animal welfare standards and lower use of antibiotics, to reduce the total antibiotic use when Swedish meat replaces meat from other countries (prop. 2016/17:104, 12-13). While the food strategy recognises that climate change mitigation will require a global decrease in meat consumption, it clarifies that the decrease should not be in Swedish meat production. Instead, Swedish meat production is seen as a dual opportunity to both fight climate change and do business. The food strategy considers that, when a larger share of the meat consumed globally comes from Sweden, “Swedish production can contribute to reducing global emissions if Swedish production replaces other production with higher emissions” (prop. 2016/17:104, 12). Therefore, increased meat production can enable Sweden “to continue to be a pioneer in climate work” (prop. 2016/17:104, 12)

Given the parallel idea of the animal-friendly nation, with animal welfare as a deeply embedded value in Swedish society, the logics identified above serve to mitigate the tension with the strong focus on competitiveness that could be criticised for not considering animal welfare. The economic goals of competitiveness and productivity are disguised by a utilitarian balancing of interests between animal and human interests, namely, if increased Swedish meat production can contribute to positive outcomes such as the fight against climate change and against antimicrobial resistance, increased animal exploitation may be more easily accepted as a justified means. Considering the animal-friendly nation, the logics also promise that increased Swedish meat production will benefit animal welfare on a global level, not by legal improvement but in the number of animals raised according to Swedish (assumed higher) standards.

As shown, the idea of the animal-friendly nation does not necessarily lead to policy proposals for stronger legal protection. In the Government Official Report *Strategy for a competitive agriculture and horticulture sector* (SOU 2015:15) the animal-friendly nation is used for proposals to relax animals’ legal protection. The report observes that because many consumers care about animal welfare, legislation is not necessary to guarantee good animal welfare.

Instead, it can be achieved by the private sector providing higher welfare products to the conscious consumer with a high willingness to pay (SOU 2015:15, 85). While animal welfare can be provided by the market, the report promotes that the role of the state is to secure the competitiveness of animal production (SOU 2015:15, 10). With regard to the climate impact of meat consumption, also *A food strategy for Sweden* (prop. 2016/17:104) relies on the conscious consumer. It states that:

“An effective way to reduce emissions is through changing consumption habits with more vegetables and less meat. Against this background, it is important that there is good information available so that consumers can make informed choices” (prop. 2016/17:104, 12).

Hence, the conceptual logics that underpin the problem representation is that increased animal-based *production* is seen as a state responsibility, while the responsibility for animal welfare and reduction in meat consumption can be transferred onto the individual consumer.

4.3 HOW HAS THE PROBLEM REPRESENTATION COME ABOUT?

In line with the poststructural premise that what is should not be seen as predestined, the purpose of the third WPR question is to retrace how the problem representation has come about and identify key events when things took a different turn (Bacchi 2009, 43-44).

In contrast to the old anti-cruelty law, the first Animal Welfare Act (1944:43), adopted in 1944, would not only punish cruelty but would also prevent suffering by politically set standards that also could be politically enforced. It brought a larger political responsibility for the prevention of animal suffering and constituted a shift from the focus on individual cruel acts. A significant change was the introduction of the utilitarian principle of balancing of interests and of preventing ‘unnecessary’ suffering (Svård 2015, 263-265).

A revised Animal Welfare Act (1988:534) was adopted in 1988 and the concept of animals’ natural behaviour was introduced (Lundmark Hedman 2020, 11). The governmental proposition states that ‘natural behaviour’ aimed at strengthening the protection of animals by providing a counter-weight to the agri-industry interests that had prevailed and it was a way to respond to the increased societal and ethical debate regarding how animals were treated (prop. 1987/88:93, 18-20). Following this change, it was questioned if the then competent authority, the Board of Agriculture, was really able to balance productivity interests and animal interests in a way that was fair to the animals. Consequently, a new body, the Animal Welfare Agency, was established in 2004 (Berg and Hammarström 2006, 298). However, the Animal Welfare

Agency quickly became criticised for paying too little attention to the agri-business interests and for placing too much weight on animals' natural behaviour. After only three years, in 2007, the Animal Welfare Agency was abolished and the responsibility for animal welfare was returned to the Board of Agriculture. Lundmark Hedman (2020) notes that coinciding with the abolishment of the Animal Welfare Agency there was a shift where competitiveness became the salient goal in the governmental instructions to the Board of Agriculture. The previous goal of improving animal welfare through the protection of natural behaviour became marginalised from that point on (Lundmark Hedman 2020, 12-13).

In the current Animal Welfare Act (2018:1192) adopted in 2018, the concept of natural behaviour remains. The law states that 'natural behaviour' should mean that animals must be allowed to perform behaviours for which they are strongly motivated and that are important for their well-being. The preparatory works clarify that the provision about natural behaviour "does not intend to change but to clarify the current requirement" (prop. 2017/18:147, 84). The clarification of what is meant by animals' natural behaviour is, in other words, not intended to give any additional weight to animal interests when in conflict with human interests.

The protection of natural behaviour is an important part of Nussbaum's capability approach as it addresses the species-specific capabilities that each species needs in order to live 'a flourishing life'. How well the natural behaviour of animals is protected by the law also constitutes one of the three features of dignity in legislation as identified by Bernet Kempers (2020). As shown by this brief genealogy, natural behaviour was initially introduced to give animals' interests more weight. However, when the protection of natural behaviour challenged agri-business interests, it was neutralised and overrun by the goal of competitiveness.

4.4 SILENCES

The problem representation, the conceptual logics and the genealogy that have been analysed so far constitute the basis for the following section that aims at examining what is silenced by how 'respect for animals' is applied in the law (Bacchi 2009, 60).

Aaltola and Wahlberg (2015) point out the fundamentally unequal legal positions from which the balancing of interests is done. While business interests are protected in the Constitution under freedom of enterprise, animals are only protected at a lower legal level in the animal welfare law. While both humans and businesses are legal persons, animals are considered

‘objects’ and ‘property’ in legal terms. Even when the animal welfare law recognises animals’ intrinsic value, the chances for animals to receive a fair balancing of interests based on their intrinsic value are slim because of their lack of legal personhood (Aaltola and Wahlberg 2015, 85-88). In spite of this, it is often perceived as neutral and apolitical to base the balancing of interests on science (Eisen 2018, 947).

In the preparatory works to the Animal Welfare Act (2018:1192) that was adopted in 2018 the government recognises that the legislation ”must in some cases also be determined on the basis of considerations other than science and proven experience, such as ethical values and political positions” (prop. 2017/18:147, 70). The Government Official Report *New animal welfare act* (SOU 2011:75) recognises the role of society’s ethical views asserting that ”no form of animal husbandry is self-evident but must live up to the standard that society considers acceptable” (SOU 2011:75, 402). In order to determine the scientific basis for the animal welfare regulations, the report proposed the establishment of a Scientific Council for Animal Welfare. It also suggested that animal welfare research, including the ethical aspects of animal use, should be initiated. Moreover, the report proposed that the precautionary principle should apply to animal welfare law, as it does to environmental law. The report states that the precautionary principle should mean that in cases where science is lacking or unclear, the benefit of the doubt should be in favour of the animals (SOU 2011:75, 401).

Subsequent economic policies support the establishment of a Scientific Council for Animal Welfare and suggest that the Council should be given a prominent role in the balancing of interests so that ”[o]nly after a scientific evaluation should other trade-offs be made between animal welfare interests and economy” (SOU 2015:15, 75). A strengthening of the role of scientific evidence to provide the basis for the balancing of interests runs through the economic policies. By the time that the Scientific Council for Animal Welfare is established in 2017, the political focus on scientific evidence and evaluation is salient. However, the aspects relating to societal ethical views, the need for research on ethical aspects as well as the introduction of the precautionary principle has disappeared from the policies. The Animal Welfare Act (2018:1192) relies heavily on scientific evidence in the balancing of interests:

“It is important that the positions taken by the Government and the competent authority that may issue regulations can be based on a solid scientific basis. [- - -] Together with the proposed clarification of the law with regard to, for example, natural behaviour, the Government considers that the Scientific Council [for Animal Welfare] contributes to regulations providing the best possible conditions for continued strong animal welfare” (prop. 2017/18:147, 86-87).

The government instruction to the Scientific Council for Animal Welfare tasks the Council with "identifying, compiling and evaluating scientific research on animal welfare and related issues, such as production economy and the working environment" (Sveriges Lantbruksuniversitet 2018). The instruction highlights economic and technological scientific expertise as most relevant to inform legislation on animal welfare, and marginalises other scientific fields. It is left unproblematised what *type* of science should be allowed to determine the acceptable trade-offs between animal welfare and industry interests. In determining what trade-offs can be seen as "necessary" in the balancing of interests, the focus on certain types of science, such as production economy, silences other possible knowledges, such as ethical science that can consider the fairness of outcomes and processes.

4.5 EFFECTS

The following section examines the three types of effects that are produced by the way 'respect for animals' has been applied. Discursive effects set limits to what is possible to think or speak about. Effects can also concern how people are governed into certain ways of thinking, i.e. subjectification effects. The third types of effects are the lived effects as experienced in everyday life (Bacchi and Goodwin 2016, 60).

Discursive effects

Although the recognition of intrinsic value in the Animal Welfare Act (2018:1192) signals that animals are ends in themselves regardless of their utility for humans, the utilitarian balancing of interests is taken for granted. In the preparatory works the government "considers it necessary that a balance can also be struck in the future between the interest in animal welfare and other important societal interests" (prop. 2017/18:147, 84). The government clarifies that:

"[T]he fact that animals are to be considered to have an intrinsic value does not in itself mean, as some consultative bodies mention, that it would be forbidden to kill animals or that animals would be equated with humans in ethical or legal terms" (prop. 2017/18:147, 54-55).

The paragraph points to a constructed binary between two positions that are framed as irreconcilable opposites. Either the weak legal status of animals as 'commodities' and 'property' remains, which is a problem for the legal enforcement of intrinsic value (Aaltola and Wahlberg 2015, 94; Francione and Garner 2010, 1). In this current weak legal position animals' interests are easily overridden by human interests. The only other alternative is seen as granting animals the same equal legal and moral rights as humans.

Any alternative to the binary between the utilitarian principle and the idea of full equality with humans remains unaddressed. Such an alternative could be the possible spectrum of species-specific rights in line with Nussbaum's capability approach where capabilities, grounded in an inviolable dignity and every beings' right to 'a flourishing life'. Nussbaum recognises that the idea of full equal dignity across all species might not be as readily accepted as equal human dignity, but the protection of intrinsic value can still be fulfilled above a threshold level when it stands in conflict with human interests (Nussbaum 2007, 402-403).

The binary thinking in the law makes it difficult to speak about alternatives for what the recognition of animals' intrinsic value could entail in political and legal terms. The discussion about what a more just relationship with animals based on the recognition of their intrinsic value could look like, and what the responsibility of the state to protect that intrinsic value should be, is curbed by the binary thinking. The discursive effect produced by this way of applying 'respect for animals' in the law seems to go contrary to the effect that the government states that it wants to see in the population, namely an attitude of respect for animals' intrinsic value. Instead it runs the risk of reinforcing anthropocentric behaviour since animals' intrinsic value can always be set aside for overriding human interests.

Subjectification effects

In the preparatory works to the Animal Welfare Act (2018:1192) the government refers to the animal welfare law as evidence that the state recognises animals' intrinsic value:

“The very fact that there is a law that aims to protect animals from suffering and that regulates how animals can be handled, is clear evidence that the Swedish legal system attributes animals an inherent value that goes beyond the instrumental value of constituting an asset or otherwise be of benefit or pleasure to humans” (prop. 2017/18:147, 54-55).

Using the poststructural Foucauldian concept of governmentality, a law should be seen as a way in which a population is self-governed with the aim of maintaining social order (Bacchi 2009, 27). Through the lens of governmentality, the state enacts animal welfare legislation primarily in order to prevent public outcry over how animals are treated and, by regulating animal use, it prevents citizens from questioning the treatment of animals (Svård 2015, 292). The existence of an animal welfare law cannot therefore in itself be taken as evidence of the state's recognition of animals' intrinsic value (Bernet Kempers 2020, 181).

The main change in the animal welfare law of 1944 compared to the previous anti-cruelty laws was the move away from an individualised view of animal cruelty. Instead politically set standards for animal welfare, and a more pronounced responsibility for the state to enforce those standards, were introduced (Svärd 2015; Lundmark Hedman 2016). ‘Respect for animals’ is, however, not aimed at being enforced but aimed at awareness-raising in the population. Thereby it returns focus back onto the moral responsibility of the individual citizen to show respect for animals, rather than on a responsibility of the state to protect animals’ intrinsic value (Forsberg 2011, 351). ‘Respect for animals’ therefore seems to reflect the very first anti-cruelty laws that were in force prior to 1944, with an individualised moral responsibility, rather than a modern animal welfare law based on political responsibility and enforcement.

As Forsberg (2011, 358) notes, it may be difficult for the general public to concretise the notion of ‘respect for animals’ as the government has not articulated any specific measures to what it means for them in practice to respect animals’ intrinsic value. Moreover, Swedish economic and animal welfare policy depicts the Swedish people as animal-friendly by culture and history. A subjectification effect produced by the idea of the animal-friendly nation is that it prevents questioning and critical scrutinisation of animal welfare standards. The idea of the animal-friendly nation seems to be part of a specific form of governmentality that governs people into a certain way of thinking that does not question how animals are treated, and that can make an increase in intensive animal farming possible without causing societal protests. The shift towards an individual moral responsibility to respect animals’ intrinsic value can prevent the public from demanding increased state responsibility to protect animals’ intrinsic value.

Lived effects

In the Government Official Report *Strategy for a competitive agriculture and horticulture sector* (SOU 2015:15), the state goals of competitiveness in the animal-based food sector are considered a state responsibility, while the conscious consumer is promoted as an alternative to improved animal welfare laws. The policy assumes that citizens and consumers are interchangeable. However, as Degeling and Johnson (2015) point out, citizen and consumer priorities around animal welfare should be separated. While citizens as a collective can reflect societal interests and hold normative views on how animals ought to be treated, when acting as consumers they are more driven by habits and individual interests such as price. Therefore,

reliance on market mechanisms to improve animal welfare do not represent societal interest in an accurate way as the normative views of citizens may be different from how they actually act as consumers. Furthermore, those with the highest willingness to pay for animal welfare may already have rejected animal products altogether. While all citizens have an equal say on political issues, the ability of consumers to exercise influence on animal welfare is tied to their actual economic ability to pay premium prices for higher animal welfare. An over-reliance on the ‘conscious consumer’ risks displacing the political normative agency of citizens to have a say on how animals ought to be treated (Degeling and Johnson 2015).

As shown in section 4.4 that examined the silences produced by the policy, there is a marginalisation of certain types of science, such as ethical science that can assess fairness and justice of an outcome. The focus on scientific evidence can also lead to marginalisation of citizens’ normative and ethical views. Bacchi (2009, 253-254) notes that when policies rely on being based on scientific evidence, scientists are seen as delivering objective and neutral facts on issues that are of political nature. The scientists, and the science delivered, become in themselves part of a particular way of governing. A related point is made by Lundmark Hedman (2020) who stresses that science can support political decision-making but science cannot itself set the levels of acceptable animal welfare. That must remain a political issue (Lundmark Hedman 2020, 38).

The focus on scientific evidence to provide the starting point for the balancing of interests may give the impression to citizens that scientists will provide a neutral and “right” answer to ethical issues, and that the setting of animal welfare standards is better left to experts. The lack of problematisation around science in the animal welfare law can produce a marginalisation of the political agency of the citizens. Political debates regarding the treatment of animals risk being transformed into technocratic issues with a false image of neutrality, which risk silencing citizens’ ethical views on how animals ought to be treated.

During the brief existence of the Animal Welfare Agency between 2004 and 2007, the agency’s task was to “consider scientific evidence when writing new legislation. Ethical aspects will also be taken into account, while most of the purely ethical considerations in relation to legislation will be made at the political level” (Berg and Hammarström 2006, 298). The Government Official Report *New animal welfare act* (SOU 2011:75, 402) echoes that all animal production has to live up to what the society regards to be acceptable standards of animal welfare. However, while ‘respect for animals’ in the Animal Welfare Act (2018:1192)

is directed towards the citizens it does not propose measures that strengthen citizens' political agency or any actions related to how the state plans to inspire respect for animals in the citizens (see Forsberg 2011, 364).

To find out what the society considers acceptable treatment of animals requires that the political agency of citizens is encouraged and that their normative views can be taken into account in legislation. Instead of leading to strengthened political agency of citizens, the lived effect is that 'respect for animals' places the responsibility for respecting animals' intrinsic value on the individual citizen, while at the same time limiting citizens' political agency.

4.6 A CONCEPTUAL SHIFT?

The basis for the final question of the WPR approach is that outcomes can be questioned, disrupted and replaced (Bacchi 2009, 139). The WPR approach concurs with Nussbaum's capability approach in the view that change can build on existing discourses. Instead of requiring a radical shift there can be a gradual development where an existing discourse can provide certain openings for disruption and change (Bacchi 2009, 45-46; Bernet Kempers 2020, 181). In order to assess if 'respect for animals' can be considered a conceptual shift, away from utilitarian balancing of interests and towards a principle more based on intrinsic value, Bernet Kempers' (2020, 183) three features of dignity will be applied.

From the Rawlsian view that sees animals as objects of voluntary charity but not as subjects entitled to justice, it may be argued that a moral recognition of animals' intrinsic value is enough. However, from the perspective of dignity where the central feature is the inviolable dignity of a being, the exclusion of intrinsic value from state protection becomes a serious problem. It is crucial to the concept of dignity that the state has enforceable obligations to protect animals' intrinsic value based on justice, as opposed to a merely moral responsibility placed on citizens (Bernet Kempers 2020, 181; Garner 2013, 163-166).

The three features of dignity in a law, as identified by Bernet Kempers (2020), concern what the formal ascription of animals' intrinsic value to the law is, if the substantive aim of the law protects species-specific interests and well-being, and thirdly, if the interpretation and enforcement of the law recognises animals' interests.

The first feature of a Nussbaum inspired dignity approach in legislation would mean that animals are distinguished from other entities that do not have intrinsic value. This should imply that animals' intrinsic value is not only recognised by the citizens but also protected by the state (Bernet Kempers 2020, 181). When it comes to the formal inscription of 'respect for animals' into the Animal Welfare Act (2018:1192), the recognition of intrinsic value has been framed as an awareness-raising measure directed towards the population, and not as a duty of protection on behalf of the state. 'Respect for animals', when seen as a responsibility of the citizens, has a weak position in the law. Although the government claims that the existence of an animal welfare law in itself proves that the state recognises animals' intrinsic value, it should instead be understood as a form of governmentality. The way in which 'respect for animals' is connected to an individual moral responsibility seems to reflect a return to the focus on the individual attitude which the anti-cruelty legislation was based on, rather than a responsibility of the state to protect animals' intrinsic value .

The second feature of dignity is centred around whether the law goes beyond mere protection of suffering. It looks at whether the law also grants animals the right to species-specific behaviour and well-being. A novel feature in the Animal Welfare Act (2018:1192) is that animals should be kept "in such a way that their well-being is promoted, that they can perform behaviours for which they are strongly motivated and which are important for their well-being (natural behaviour) and that behavioural disorders are prevented" (prop. 2017/18:147, 1). According to the preparatory works, the physical and psychological well-being of the animal is a precondition for all types of animal use. The preparatory works clarifies that in contrast to 'respect for animals', the paragraph that promotes animal well-being and connects it to the animals' ability to perform natural behaviour, is intended to not only be about awareness-raising but to be legally enforced by specific requirements (prop. 2017/18:147, 86).

According to Nussbaum's capability approach, the recognition of natural behaviour and well-being can be seen as challenging the utilitarian focus on "unnecessary" suffering if it moves towards a greater recognition of species-specific behaviours that also include the animal's psychological well-being, i.e 'a flourishing life'. In this aspect the animal welfare law incorporates a key element of Nussbaum's capability approach, especially as the preparatory works recognises both the physical and psychological well-being of the animal as a precondition for all use of animals. This should signal that there is some minimum level of protection that cannot be overridden by human interests. However, while the law contains a

clear expression of the second feature of dignity, an evaluation of this feature must be considered in light of the increasing weight given to science in determining how animal welfare can be balanced against other interests. Animal welfare science and ethology obviously should play a prominent role in determining what natural behaviour and well-being is for each species. However, the types of science that are emphasised, for example production economy, as well as the types of science that are marginalised, such as ethical science, will affect how much weight that is given to natural behaviour and well-being when it is up against state goals of competitiveness. As the balancing of interests in the law should be based on science and take natural behaviour as its starting point, the assumed neutrality of science, without a deeper examination into which type of science is employed, might disguise on which grounds animals' well-being is weighted against human interests and if the outcomes can be considered to be fair to the animals. The disappearance of the precautionary principle in the legislative process is problematic as it can further marginalise animals' interests when science is unclear.

The third feature of animal dignity in legislation focuses on whether the criteria of 'a flourishing life' is given due consideration in any balancing of interests, i.e to what extent the interests of animals are protected when in conflict with human interests. Even though the concept of natural behaviour should provide the basis for the balancing of interests in the law, two individuals of the same animal species can be treated differently. There is for example a greater recognition of natural behaviour for a mink in a zoo than for a mink in a fur farm. The same natural behaviour and scientific evidence will apply to both animals, but the outcome of the balancing of interests will be different depending on the weight of human interests in using the animal.

Although 'respect for animals' does not give any absolute species-based protection of natural behaviour, Nussbaum considers that there can still be a step by step approach towards greater protection (Nussbaum 2007, 407). However, any discussion about such a gradual development of recognition of intrinsic value, based on the species' needs rather than based on how the animal is used by humans, is silenced in the current law. The upholding of the binary between the current utilitarian balancing and full legal and moral equality with humans makes it impossible to speak about how intrinsic value could be given due consideration in the balancing of interest. The first and the third features of dignity, namely the formal ascription of intrinsic value into the law and whether 'a flourishing life' is given due consideration in the balancing of interests, seem to have the weakest presence in the law.

In the poststructural view, the outcome of ‘respect for animals’ is not given and it can be subject to change. While ‘respect for animals’ currently is directed towards the individual moral attitude of citizens, the concept has a fundamentally different basis than the utilitarian balancing of interests. Looking at the second feature, namely the recognition of natural behaviour and well-being, it seems that there is an emerging challenge to the utilitarian balancing of interests that can hold potential for disruption as a competing discourse based on intrinsic value. The utilitarian balancing of interests is increasingly in need of scientific justification to provide the threshold level, which can indicate that the utilitarian principle is being challenged. Therefore, it will be of importance to examine the scientific basis on which the balancing is conducted, and which types of science that are emphasised.

Within poststructuralism there is no assumption of a linear development towards greater protection of animals. It can go either way, and indeed, there are individualising tendencies in the concept of respect for animals that reflect a return towards the early anti-cruelty laws. On the other hand, the premise of the WPR approach is that change can happen gradually and existing discourses can be built on to provide openings for new discourses. The introduction of ‘respect for animals’ may lead to a gradual legal recognition of animals’ intrinsic value based on state protection and justice, but that will depend on if there will be a political discussion about what ‘respect for animals’ should mean in terms of state responsibility.

5 CONCLUSION

This critical policy analysis of ‘respect for animals’ in the Swedish Animal Welfare Act (2018:1192) has attempted to provide a deeper understanding of the effects of the concept. Although ‘respect for animals’ as it is currently employed in the law does not have material legal effects, this study shows that ‘respect for animals’ can have real political effects. ‘Respect for animals’ seems to be part of a specific form of governmentality to avoid public outcry over how animals are treated. Governmentality is considered a subjectification effect that is produced by the idea of the animal-friendly nation, transmitted in economic and animal welfare policies, which can prevent public demands on the state to better protect animals’ intrinsic value.

Instead of state protection of animals’ intrinsic value, ‘respect for animals’ directs the responsibility towards the individual citizen. The theoretical radicalism of the recognition of animals’ intrinsic value is thereby disconnected from any calls to take animals into

consideration as a matter of justice to be protected and enforced by the state. When inscribed in this way in the law, ‘respect for animals’ reflects a return to the old anti-cruelty laws with a focus on the individual attitude of citizens rather than on politically set standards of a modern animal welfare law. The lack of state responsibility to protect animals’ intrinsic value is further exacerbated by a discursive effect of binary thinking in the animal welfare law. The binary between a utilitarian balancing from fundamentally unequal positions and full equal moral and legal rights with humans as the two only alternatives makes it impossible to speak about other alternatives for how animals’ intrinsic value could be protected by the state or if there can be a step-by-step recognition with gradually increased protection.

Based on Bernet Kempers’ (2020) three features of dignity in legislation this study concludes that the way in which ‘respect for animals’ is inscribed in the Animal Welfare Act (2018:1192) cannot be said to constitute a conceptual shift towards a view based more on Nussbaum’s capability approach and ‘dignity’. The first and the third features, i.e the formal ascription of intrinsic value to the law and if the interpretation and enforcement of the law recognises animal interests, are particularly weak.

The second feature of dignity, namely if the substantive aim of the law protects species-specific interests and well-being, has the strongest presence in the law. In the capability approach, the protection of species-specific interests is a key feature that can challenge utilitarianism and the focus on “unnecessary” suffering. It can potentially lead to an absolute level of protection of interests based on the needs of each species, including physical and mental well-being. The protection of species-specific interests, or ‘natural behaviour’, in the law is increasingly tied to scientific evidence to underpin the balancing against industrial interests of using animals. This can be interpreted as a shift where the utilitarian basis of the law is increasingly in need of justification by science. The key issue here is what type of science is employed, which is in itself a political choice. The emphasis on scientific evidence produces lived effects as it can send the message to citizens that animal welfare is best dealt with by experts and thereby it can limit the normative and ethical views of citizens.

A theoretical premise for the study has been that the existence of an animal welfare law does not in itself constitute state recognition of animals’ intrinsic value but is rather a form of governmentality. If the Swedish government considers animals’ intrinsic value to already be recognised by the state through the existence of the animal welfare law then it indeed becomes a duty for the state to concretely show how it also protects animals’ intrinsic value. As a first

step, the binary between the current utilitarian principle on the one hand and full equal legal and moral rights with humans on the other hand must be challenged. It remains to be seen if 'respect for animals' can inspire a public and political discussion about what the recognition of animals' intrinsic value ought to mean, not only as a matter of individual moral responsibility but as a matter of justice.

REFERENCES

- Aaltola, Elisa and Birgitta Wahlberg. 2015. "Nonhuman animals: legal status and moral considerability." *Retfærd. Nordisk juridisk tidsskrift*, 38 (4/151): 83-104.
- Bacchi, Carol. 2009. *Analysing policy. What's the problem represented to be?* Frenchs Forest, NSW: Pearson.
- Bacchi, Carol. 2016. "Problematizations in Health Policy: Questioning How "Problems" Are Constituted in Policies." *SAGE* (April-June): 1–16. <https://doi.org/2158244016653986>.
- Bacchi, Carol and Susan Goodwin. 2016. *Poststructural Policy Analysis. A guide to practice*. New York: Palgrave Macmillan. https://doi.org/10.1057/978-1-137-52546-8_2.
- Berg, Charlotte and Mats Hammarström. 2006. "The process of building a new governmental authority based on public demands for improved animal welfare." *Livestock Science*, 103: 297–302, <https://doi.org/10.1016/j.livsci.2006.05.017>.
- Bernet Kempers, Eva. 2020. "Animal dignity and the law. Potential, problems and possible implications." *Liverpool law review*, 41: 173-199. <https://doi.org/10.1007/s10991-020-09244-1>.
- Bolliger, Gieri. 2016. *Animal dignity protection in Swiss law. Status quo and future perspectives*. Zürich: Schulthess Juristische Medien AG.
- Broom, Donald M. 2017. *Animal welfare in the European Union*. Brussels: European Parliament Policy Department, Citizens' Rights and Constitutional Affairs, study for the PETI Committee. <https://doi.org/10.2861/79436>.
- Camenzind, Samuel. 2013. "Dignity of creature: beyond suffering and further." In *The ethics of consumption: The citizen, the market and the law*, edited by Helena Röcklinsberg and Per Sandin, 279–283. Wageningen: Wageningen Academic Publishers. https://doi.org/10.3920/978-90-8686-784-4_18.
- Cochrane, Alasdair. 2010. *An introduction to animals and political theory*. New York: Palgrave Macmillan.
- Degeling, Chris and Jane Johnson. 2015. "Citizens, consumers and animals. What role do experts assign to public values in establishing animal welfare standards?" *Journal of agricultural and environmental ethics*, 28: 961-976. <https://doi.org/10.1007/s10806-015-9571-x>.
- Donaldson, Sue and Will Kymlicka. 2011. *Zoopolis*. Oxford: Oxford University Press.
- Eisen, Jessica. 2018. *Animals in the Constitutional State*. *International Journal of Constitutional Law*, 15 (4): 909–954. <https://doi.org/10.1093/icon/mox088>.

- Forsberg, Ellen-Marie. 2011. "Inspiring respect for animals through the law? Current development in the Norwegian animal welfare legislation." *Journal of agricultural and environmental ethics*, 24: 351-366. <https://doi.org/10.1007/s10806-010-9263-5>
- Francione, Gary L. and Robert Garner. 2010. *The animal rights debate: Abolition or regulation?* New York: Columbia University Press.
- Garner, Robert. 2013. *A theory of justice for animals. Animal rights in a non ideal world.* Oxford: Oxford University Press.
- Lennkh, Sabine. 2010. "The animal: a subject of law? A reflection on aspects of the Austrian and German juridical systems." *International journal for the semiotics of law*, 24: 307-329. <https://doi.org/10.1007/s11196-010-9183-8>
- List, Christian and Laura Valentini. 2016. "The methodology of political theory." In *The Oxford handbook of philosophical methodology*, edited by Herman Cappelen, Tamar Szabó Gendler, and John Hawthorne. Oxford: Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780199668779.013.10>
- Lundmark Hedman, Frida. 2020. *En analys av regleringen av djurskyddsområdet från 1988 och fram till idag. Förändringar och konsekvenser för djurens välfärd.* Sveriges lantbruksuniversitet/Swedish Centre for Animal Welfare.
- Lundmark, Frida. 2016. *Mind the gaps! From intentions to practice in animal welfare legislation and private standards.* PhD diss., 2016:95, Acta Universitatis agriculturae Sueciae.
- Nattrass, Kate M. 2004. "...Und Die Tiere" Constitutional Protection for Germany's Animals." *Animal Law*, 10: 283-312.
- Nussbaum, Martha. 2007. *Frontiers of justice. Disability, nationality, species membership.* Cambridge: Harvard University Press.
- Prop. 1987/88:93 om djurskyddslag, m.m.
- Prop. 2016/17:104 En livsmedelsstrategi för Sverige - fler jobb och hållbar tillväxt i hela landet.
- Prop. 2017/18:147 Ny djurskyddslag.
- Schindler, Stefanie. 2013. "The animal's dignity in Swiss animal welfare legislation. Challenges and opportunities." *European journal of pharmaceuticals and biopharmaceutics*, 84: 251-254. <https://doi.org/10.1016/j.ejpb.2013.02.013>
- SFS 1988:534 Djurskyddslag. Näringsdepartementet.
- SFS 2018:1192 Djurskyddslag. Näringsdepartementet.
- SOU 2011:75 Ny djurskyddslag. Fritzes.

- SOU 2015:15 *Attraktiv, innovativ och hållbar – strategi för en konkurrenskraftig jordbruks- och trädgårdsnäring*. Fritzes.
- Sowery, Katy. 2018. Sentient beings and tradable products. The curious constitutional status of animals under Union law. *Common market law review*, 55(1): 55-99.
- Sveriges Lantbruksuniversitet. 2018. *Instruktion för SLU:s vetenskapliga råd för djurskydd*. 29 mars. <https://www.slu.se/globalassets/ew/org/centrb/scaw-nationellt-centrum-for-djurvalfard/vetenskapliga-radet/instruktion-slus-vetenskapliga-rad-for-djurskydd-inkl.-bilaga.pdf> Accessed December 28, 2020.
- Svärd, Per-Anders. 2015. *Problem animals. A critical genealogy of animal cruelty and animal welfare in Swedish politics 1844-1944*, PhD diss., Stockholm Studies in Politics 165, Stockholm University.
- Wissenburg, Marcel and David Schlosberg. 2014. "Introducing animal politics and political animals." In *Political animals and animal politics*, edited by Marcel Wissenburg and David Schlosberg, 1-14. New York: Palgrave Macmillan.