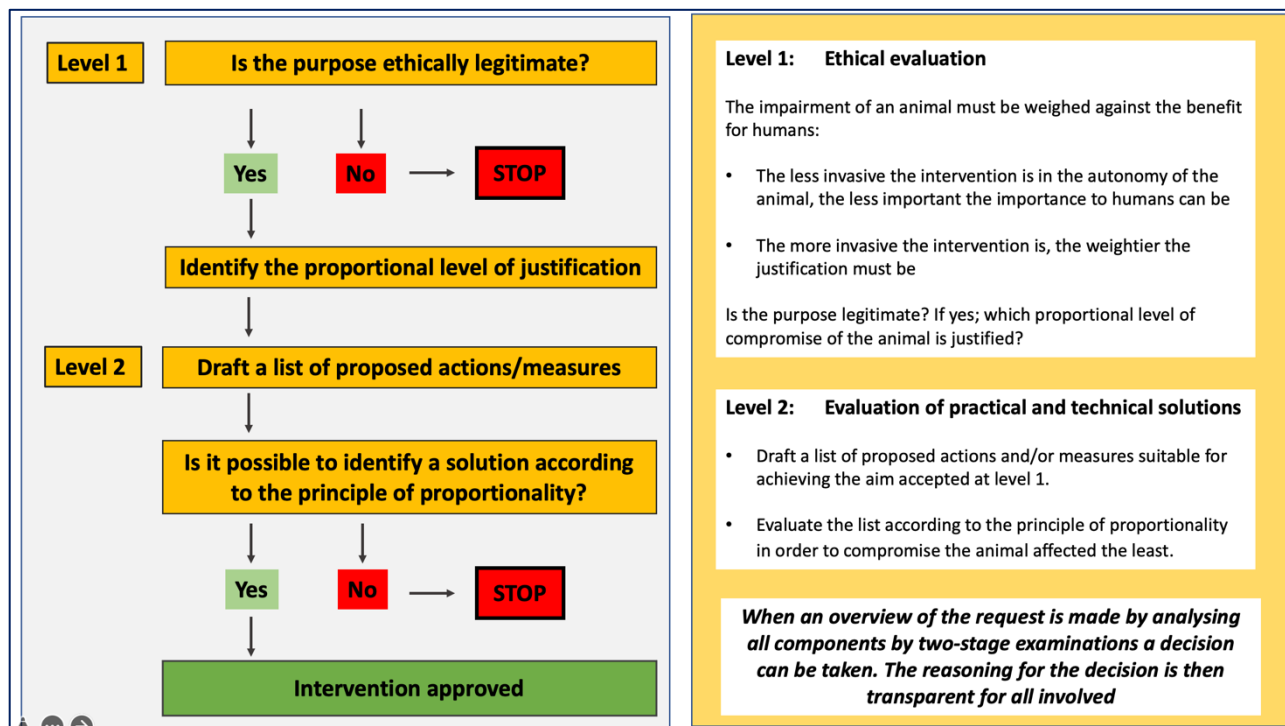


Figure 3. Two stage examination of a justifying reason, including evaluation of components of the overall decision: methodology for examining the legal justification as part of a decision-taking.



The first level is a pure ethical evaluation; is the purpose legitimate? Also, the impairment of the animal must be weighed against the benefit for humans. The less invasive the intervention is according to the autonomy of the animal, the less important the importance to humans can be, the more invasive the intervention, the weightier the justification must be.

Level two, on the other hand, concerns evaluation of proposed practical and technical solutions in an ethical context. The aim being to identify the measure or action most suitable to achieve the accepted ethical frame set at level one. For this a full list of optional actions and/or measures should be drafted followed by evaluation according to the principle of proportionality in order to compromise the animals affected the least.

An example may illustrate this:

In a local area, farmers have problems with wild boars roaming and damaging agricultural land. They propose to solve their problem by reducing the population of wild boars. Here the purpose is to save agricultural land from damages caused by wild boars [21-23].

The first level ethical evaluation should be based on facts like:

- How much damage has been done?
- What are the costs?
- What is the individual/societal need for the farmland?
- Which short/long term impact will it have on the animals involved?
- Which short/long term impact will it have on other animals?
- Which short/long term impact will it have on the environment?
- Which short/long term impact will it have on people apart from farmers?

Evaluation of all perspectives of the matter at level one should lead to an answer of the question: Is intervention proportional at all? If yes, an outline of the proportional level of justified compromise of the animals should be identified.

If reduction of the boar population is acceptable according to the level one ethical proportionality test, and a proportional level of compromise acceptable for the animal has been identified, a separate level two examination of proposed actions and/or measures is needed. For this a comprehensive list of optional actions/measures should be drafted.

As a theoretical example, we'll look at available/proposed methods for reduction of the wild boars, and evaluate each action/measure in an ethical "in practice" context:

- **Poison:** poisoning might be suitable in means of killing the boars. However, it does also inflict pain and unnecessary suffering etc. Therefore, it might be deemed unsuitable for the purpose. Additionally, poison is not to be seen as a proportional method, due to the overall environmental effect, the adverse risk of unintended killing of other animals, the rejection of venison for human consumption, and also the affective impact on people in the area finding dead carcasses*.
- **Relocation of animals:** This would include no killing of the animals, but the whole area had to be fenced to avoid invasion of boars of the reproductive surplus from the neighbourhood. Also, a suitable area of land with no endemic boar populations would be needed. In reality this is not possible. The stress of handling the animals while relocating should be included in the evaluation as well.
- **Regulation of reproduction:** Is it possible to regulate the number of animals by castrating male boars? In reality not, because if the area is not fenced intact males will invade immediately and the stress to catch all of the males for all of the boars, even for the females and youngsters would be enormous.
- **Traditional rifle hunting:** It might be accepted as a killing method, provided that the hunters are experienced and skilled at a standardised level. For traditional rifle hunting the meat can be utilised.

*: For proposed killing methods there might be additional requirements for particular species according to their phylogenetic and sentience level.

By performing the level two evaluation of methods for regulation of the wild boars, according to the ethical frame set at level one, a conclusion for the overall proportionality test of the farmers request to regulate the population of boars can be reached.

In the example above the purpose and all components of actions needed is scrutinised by the two-stage examination, to secure that only well considered decisions can be taken in a transparent manner, where only proper professional arguments are accepted, ideally all based on facts.

The outcome might be that the classification of level of welfare and well-being which the animal is entitled to is compromised to some extent, but the compromise is based on transparent justifying reasoning, where the overall human needs and societal structures are taken into account.

The consequence of using a systematic approach to reach decisions is:

- To take the best care possible for the animals at the given circumstances
- To act according to modern and current evidence of the animal's needs.

The outcome should be provision of proper, decent and justifying reasons for when we use animals in a way that potentially or factually compromises the animal's health, welfare, life quality, duration of life etc.

DISCUSSION AND CONCLUSION

Whenever a proposal for legislation is being evaluated the imperative starting point should be the animals' intrinsic value. From there arguments can be made for societal, cultural or other needs and/or interests, which allows for additional intervention, sometimes including compromising of animal welfare and protection, provided that this is deemed to be necessary measures to add to secure "common good" in society. Decisions should be taken in accordance with an ethical framework like the one stated above, and all elements of the decision should always be disclosed openly.

To secure a rational strategy towards handling and implementing animal welfare in society, which is justifiable from an ethical perspective, it is imperative to avoid classification based on culture, religious belief, anthropomorphic assumptions etc. Categorization and strategies for interventions should be based on solid facts, preferably evidence-based arguments, and always taking sentience and ethology into consideration.

If human interventions towards animals are needed, they should be examined in a reproducible ethical framework, including the two-stage examination method (see Figure 3) where purpose and proportionality of an intervention is transparently analyzed. An individual animal should always be regarded as being entitled to welfare and well-being as according to its biological concern and importance.

This secures that only appropriate interventions towards animals, including compromising of their welfare, can be justified. It does mean that humans can decide to keep, to train, to teach, and even to kill or inflict pain on animals, but only if the proportion of the intervention can be justified in an open and transparent manner, where the compromise for the animal is qualitatively and quantitatively assessed.

By using the above principles, the handling of animals in various societal roles will become justified at a defined level, transparent and reproducible among societies.

DECLARATION OF INTEREST

No conflict of interests to declare.

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None

ANIMAL WELFARE IMPLICATIONS

In this article a methodology for transparent and ethical decision-taking is described for all processes in society involving human-animal interference and potential affection of animal welfare. The model is based on animals' intrinsic value as a starting point for all considerations.

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