



Ministry of Economic Affairs,
Agriculture and Innovation

A close-up photograph of a young girl with brown hair, wearing a red shirt, holding a grey rabbit. The girl is looking at the camera with a slight smile. The rabbit has long, upright ears and is looking towards the left. The background is a plain, light-colored wall.

Ethics in policy:

weighing values with
sense and sensibility

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Foreword

In Central Government we have to deal with ethical issues on a daily basis. They are indicative of problems felt in society and as such determine the Government's agenda.

The Government has a duty to recognise the concerns felt by society in its policy development. The challenge for the Ministry of Economic Affairs, Agriculture and Innovation (EL&I) is to deal responsibly with the ethical dimension in policy by explicitly identifying and addressing it.

Ethical questions evoke both emotional and intellectual responses. It is often our emotional response that makes us aware of a problematic situation. Our intellect helps us to examine it further and understand it, and then seek a suitable solution.

This guide is intended for policy officials facing ethical issues. It explains what ethics is, and how to recognise an ethical issue. It presents a method for reflection which can be easily incorporated into the process of policy development. This aids structured thinking and consultation on ethical issues.

The method is based on the Utrecht Plan developed by the Ethics Institute of the University of Utrecht. Over 100 policy officials involved in animal and food policy are already familiar with the method from the course on Ethics in Policy held in 2009 and 2010.

I hope many more of our staff will become familiar with the method presented here, and I wish you many rewarding moments of ethical reflection.

Best wishes,

Alida Oppers

Director

Food, Animal and Consumer Department.

The Ministry of Economic Affairs, Agriculture and Innovation (EL&I)

Ethics: an enduring challenge

The Ministry of Economic Affairs, Agriculture and Innovation (EL&I) is continually confronted with ethical issues concerning animals, food, nature and innovations. Examples include the debate on killing day-old cockerel chicks, sustainable food production, the management of large herbivores in the Oostvaardersplassen nature reserve, and the permissibility of new techniques. The challenge for the Ministry is to deal with the ethical dimension more effectively by explicitly acknowledging and addressing it, and by communicating about it.

1.1 Greater attention to the ethical dimensions of policy issues

The ethical dimension of policy issues is not always immediately recognised, but it does require a specific approach. In practice the emphasis has often been placed on a technical and factual (scientific) approach to policy problems. This is more likely to make us consider *how* to solve a problem, rather than *why* it constitutes a problem. The question of *why* sheds more light on the background to the problem, since the response points us to the moral values and human principles involved. Our emotional response to various issues often arises from these values and principles. These values and principles are often not discussed, which means that some groups in society feel they are not being heard or understood. They feel that important public values are being ignored, often without any apparent explanation. Consequently there is a risk that policy measures lack public support, so policy may not be adequately implemented, and may fail to have the desired effect.

1.2 The task and its added value

Dealing properly with the ethical dimension of policy is a matter of appropriate and careful governance. As a Ministry we work for and with society. We have to be aware of the diversity of ethical views in society and make a point of involving them in policy development. It is not enough just to look at the scientific facts. By explicitly acknowledging, addressing and communicating about the ethical dimension of policy, we are fulfilling the government's duty to listen to the concerns of the people. It also gives us a better understanding of the policy issue. After all, if we ignore the ethical dimension we will not have all the necessary information.

1.3 The role of government

Why should the government be concerned with ethical questions? In essence government is there to help society to maintain or achieve public values. Public values are those values that are broadly supported and that at least a majority of the population feels should be protected by the government, or which are hard, if not impossible, to achieve without government - values such as national security, public health, education for all, animal welfare, nature, clean air and food safety. Under the current political system individuals and companies are primarily responsible for maintaining or achieving such values, but where that does not happen people generally expect the government to take action. If the issue belongs in the public domain, the government will seek a solution with the parties concerned. That is not always easy, particularly if there is conflict between different public values.

The continual changes in the world around us gradually alter people's perceptions about the significance and weight of public values. Public values do not disappear, but their perceived importance and order of priority change over time. For example, food security was given high priority after the Second World War, but by the nineteen seventies it was less of an issue. By then concerns were being raised about the environment, followed later by animal welfare, and now focus is returning to food security. These changing patterns in the perception of public values and our shared responsibility for them, mean that the government must regularly re-examine whether previously established policy objectives and practices are still in line with developments and ethical views in society, at home and in the wider world.

1.4 Ethical reflection

What is the best way to deal with the ethical dimension of policy? What should we expect of policy officials and their managers? Specifically, we should expect them to recognise the ethical dimension, analyse and map out the ethical problems and examine and weigh up the moral arguments. We can summarise this under the heading '*ethical reflection*'. Ethical reflection should be a fixed component of policy development by the Ministry.

The outcomes of ethical reflection are taken into account in preparations for political decision-making. Ultimately it is the Minister or State Secretary who decides how an ethical issue is treated. The process of ethical reflection provides the Minister or State Secretary with the necessary information to explain and justify the decision to parliament and society.

Previously, in the Memorandum of Reply to the Report on the Animals Act (Parliamentary papers, 31389, no. 9, 25 May 2009) the Minister of Agriculture announced that in future, decision-making on the treatment of animals would be as transparent as possible, indicating the considerations leading to the decision and the overriding interest or interests involved. The same policy document sketched out a framework for ethical consideration that could assist in this process (see paragraph 3.1). The framework for consideration is not only suitable for decisions concerning the treatment of animals, but also for other situations and operations.

The framework for consideration forms the basis for this document. Here the framework is elaborated in the form of a guide that it can be applied in everyday policy work. The next chapter looks at the issue of recognising an ethical issue and explains some of the theory behind the subject of ethics. Chapter 3 presents a step-by-step plan for ethical reflection. Finally, Chapter 4 describes how to use the plan.

This guide can be seen as a supplement to the government training manual on strategy development published in June 2009. After all, ethics is part of strategy development, as it helps to determine 'the right direction'.



SUMMARY

It is important to recognise and address the ethical dimension in policy issues. As a government we have to be aware of the diversity of ethical views in society and respond to them in a professional way when developing policy. Ethical reflection should be a permanent component of policy development by the Ministry.

How do I recognize an ethical issue?

Many policy issues have a moral dimension, but this is not always immediately recognised. A little background theory can help us recognise an ethical issue more rapidly.

2.1 Intuitions and emotions

Intuitions and emotions are often the main antennae for recognising and flagging up ethical issues. Some situations quickly provoke an intuitive judgment and make us feel uneasy. They can often elicit an emotional response. Think, for example, of a situation in which animals are mistreated. Most people immediately condemn it and many respond with anger or indignation.

It is important to examine these intuitions and feelings and try to interpret them more clearly, since they may point to important values and standards. In the above example of mistreatment of animals, the values at stake are 'respect for animals' and 'animal welfare'.

2.2 Ethical issues

Ethical issues are often raised by stakeholder organisations, either directly or via the media or through political lobbying. As a policy official you will have often come across ethical issues. How do you know whether you are dealing with an ethical issue? Suppose you are confronted with the subject of 'cows and pasturing'. There are various ways to approach the subject:

Approach

Legal	What does the Animal Health and Welfare Act say about keeping cows? Does it say that cows must be pastured or does the farmer have the choice?
Economic	What would it cost if all cows were put out to pasture? And what is the benefit to the farmer?
Biological	What is the natural behaviour of cows? Do they need access to pasture? Does it contribute to their health and welfare?
Technical	Can we develop a mobile milking machine for cows in the pasture?
Moral	Ought we, as a society, demand that farmers let cows out to pasture?

If this last question comes up, then you are dealing with an ethical issue.

2.3 Morality

Human morality plays a role in ethical issues. *Morality* is the sum of moral standards and values which guide the behaviour of an individual or group, institution or society. *Values* are important and inspirational qualities or situations. They are the ideals of the good life that we strive to attain. They inspire us and indicate the right direction, examples are our quest for health, safety, animal welfare, knowledge, a clean environment, profit, biodiversity and honesty.

Standards are specific rules of behaviour or codes of conduct that indicate what we should or should not do in a particular situation. We use standards to try to achieve important values. For example the standard of not telling lies is a rule to achieve the value of honesty.

Principles are very fundamental standards of behaving. They are formulated more generally than standards. Examples include not causing harm, doing good, respect for justice and respect for autonomy.

2.4 Moral questions

An ethical issue always involves a *moral question*. A moral question is prescriptive. It is a question about what we ought to do. A moral question is

usually characterised by the idea of permissibility (whether something is right), as in ‘should (that is, is it right for) food crops be processed into fuel?’ or ‘is it right for cat owners to have their cats neutered?’. A moral question is thus different from an empirical or factual question such as ‘What are the needs of the cow?’

Answers to moral questions often express a judgment or assessment of human behaviour in terms of right or wrong. The judgment is arrived at with the aid of moral values and standards.

If the answer to the question is not immediately clear on the basis of your own or general morality, then there is a *moral problem* requiring ethical reflection. You may disagree about whether a situation is a moral problem. It depends on your values and standards. In the past killing animals for no reason was rarely seen as a moral problem, but now perceptions have changed.

Moral problems can have various causes:

- If there is a shift in values: for example, if a certain value is now considered more important in relation to other values
- If values clash or conflict
- If new situations arise, for example, new technologies offering new options
- If it is not clear what follows from a certain standard. For example, how do you reconcile the commandment ‘thou shalt not kill’ with euthanasia, or an outbreak of animal disease?

Ethical dilemma

In some cases it is very difficult, if not impossible, to solve a moral problem. Then we refer to it as an *ethical dilemma*. The characteristic feature of an ethical dilemma is that there is a conflict between values. This often arises where there are varying opinions about the answer to a moral question, which are based on different moral values or principles that people consider important.

Moral questions in the police cycle

Moral questions arise throughout the policy cycle, so there are various moments for ethical reflection over time. In the *agenda forming* phase moral questions are often brought up by external parties, because they signal problems that are at odds with their values. In the *vision forming* phase using ethical reflection to address moral questions helps to give policy direction (what we ought to do). Consider a decision in favour of sustainable livestock farming, or the “no...unless” approach applied to biotechnology. Further

moral questions can also arise in the subsequent phases of *determining strategy* and *implementation*. Who should do what? Who has moral responsibility for achieving the formulated goal, and why? For example, should the government intervene, or should the private sector take the initiative? And then the question: how ought we to do it? How do we achieve our goal in a morally acceptable manner? For example: in the short term, do we impose a ban or should we be offering farmers compensation? Finally, ethical reflection is useful in the evaluation phase to see whether the desired values have been achieved or whether policy needs to be adjusted in the light of those values.

2.5 Ethics

Ethics is an area of philosophy concerned with moral standards and values (that is, morality). As a systematic reflection on our actions and the moral choices we make on the way, ethics seeks to assist responsible decision-making on moral questions and problems. Ethics addresses the question of how we *ought* to behave, in ourselves, and towards others and the world around us. Ethics centres on the question of the right thing to do in a particular situation and what we should be striving for. People have differing moral views on such questions. In ethics these views are systematically analysed by mapping out and examining the underlying standards and values that influence our thinking.

Ethical theories

There are a number of distinct theories in ethics. Ethical theories answer the question of what makes an action right; what is the right thing to do according to the theory and why. They provide various related arguments to justify a decision or action and give guidance as to what choice we should make or what action we should take. Furthermore they take a position on the relationship between values and standards. When discussing ethical issues, these theories can help you to interpret the arguments raised and recognise where they come from.

Three common ethical theories are:

1 The ethics of consequences (or ‘consequentialism’)

In consequentialist theories only the value of the *consequences* determines what action has the best ethical justification. Ethical action is characterised by our actions having a good result. If the consequences of

our actions are better than the consequences of alternative actions, then we are obliged to act accordingly. If the consequences are worse, then our actions are wrong. If the consequences are at least as good as those of alternative actions, then our actions are morally correct.

The moral correctness of actions must of course be assessed for the value of its consequences. The scale of the consequences is also important here. But which individuals must you take into account? *Utilitarianism* is a well-known theory of value, which is used to assess the consequences of an action. Utilitarianism considers utility: an action is morally correct if it delivers the greatest possible balance of good over bad consequences when all affected parties are considered. Utilitarianism is the most common form of consequentialism.

2 Duty or principle-based ethics (or 'deontology')

Deontological theories are concerned with the *nature* of the act. Whether an action is morally correct is determined by an evaluation of the action. Is the action right in itself? If a course of action is deemed to be morally correct, you have an obligation to follow that course. The consequences of an action are not irrelevant, but these theories say that the morality of an action cannot depend solely on the (coincidental) consequences. The rightness or otherwise is determined on the basis of fixed and always valid criteria. In classic deontology what is right is determined by two criteria: (a) could the action be a universal moral law: in other words, do you want everyone else to behave in the same way? and (b) does the action show respect for the other as an autonomous being? Therefore 'Being honest' is then morally correct and 'lying' is morally wrong, because you cannot without contradiction will everyone to lie, and honesty shows respect for the other party. This negative assessment of lying applies in all cases and is independent of the consequences. The action is not assessed for its possible consequences. Thus from the point of view of duty ethics, a 'little white lie' will be morally wrong.

3 Virtue ethics

Virtue ethics is primarily concerned with the question of 'what sort of person should I be?' and only thereafter with setting rules and principles and with the question of which action or choice is morally correct. A virtue is not an action but a character trait. Having the right character ensures that you opt for the right act. Honesty, integrity and compassion are examples of virtues. All these virtues lead to a particular behaviour towards others. In practice virtue ethics can be complementary to duty ethics. What is virtuous may vary according to the context. A virtue can be

regarded as the middle path between extremes. That is not necessarily a compromise between opposite poles, but an optimum between two extremes. For example courage is the virtue between the extremes of cowardice and recklessness.

2.6 Applied ethics

When general ethical concepts and theories are applied to particular sectors or subjects in society, we use the term '*applied ethics*'. Examples are animal ethics, ethics of nature, food ethics, environmental ethics, business ethics,

An example to illustrate the differences between the ethical theories:

The moral question 'Is it right to genetically modify crops for food production?' could elicit the following answers:

- **Consequentialism:** yes or no, depending on whether the overall consequences of genetic modification of food crops are positive that not genetically modifying them
- **Duty ethics:** no, because genetic modification is morally wrong. Criteria often used to argue that genetic modification is wrong is 'we shouldn't interfere with nature' (we shouldn't damage the integrity of nature) or 'we shouldn't play God' (we shouldn't interfere with creation)
- **Virtue ethics:** if you regard respect for life on earth as a virtue, you may not find genetic modification acceptable.



technology ethics and medical ethics. In animal ethics for example we consider how we should act towards animals, medical ethics is concerned with the best medical practice and business ethics concerns the ethical quality of decisions and behaviour in businesses and non-profit making organisations in the widest sense. These different types of ethics often coincide in policy issues. For example the subject of more sustainable food production concerns food ethics, environmental ethics, nature ethics and business ethics. When policy officials work on ethical issues, it is a case of applied ethics.



SUMMARY

You can recognise an ethical issue from the moral values and standards that come into play in discussion of the issue. In ethics moral views on a problem are systematically analysed by mapping out the underlying values and standards that guide our thinking and our actions. Ethics can assist responsible decision-making about moral problems. Ethics is concerned with how we ought to act, in ourselves and towards others and the world about us. Ethics is concerned with the right thing to do in a certain situation and what we should aspire to.

Step-by-step plan for ethical reflection

If you are faced with an ethical issue,
the first question is how to deal with it.

3.1 The ethical framework under consideration

On ethical issues relating to behaviour towards animals, the Dutch Animals Act states that the relevant decision-making process should be as transparent as possible. The considerations behind the decisions and the overriding interests underlying choices must be indicated. Considering alternatives is a necessary part of the process. To this end the bill provides an ethical framework for consideration (see the Memorandum of Reply to the report on the Animals Act). The framework indicates which elements must be taken into account.

The starting point is the recognition of the intrinsic value of the animal in section 1.3 of the Animals Act. The intrinsic value is the animal's own value, as a sentient being, irrespective of any significance the animal has for man. This recognition leads to consideration of the interests of the animal. It provides that any violation of the integrity or welfare of animals, beyond what is strictly necessary, must be prevented and that animals must be provided with the care that they reasonably require. The interests of the animal are weighed against other interests that commonly arise in relation to the treatment of animals, such as public health, production and economics, the environment, fair trade, companionship, sport, play, enjoyment and biodiversity. Data on shared social perceptions about the weight of the interests concerned and scientific data on the matter in hand are relevant to the

balancing of interests. And the balance is achieved partly in the light of the available alternatives.

The outcome of the deliberations can be seen as the most balanced decision in the view of the competent government body, which can also be justified in relation to animals.

The framework for consideration is not only suitable for decisions concerning the treatment of animals, but also for other ethical issues.

3.2 Ethics as a process of reflection

To tailor the ethical framework for consideration as presented in the Animals Act to the process of policy development, we looked at various methods of ethical reflection, such as the Utrecht stepped plan¹, the Nijmegen method, the dilemma method² and the ethical matrix³. These methods assist structured consideration and discussion of moral problems.

The Utrecht step-by-step plan

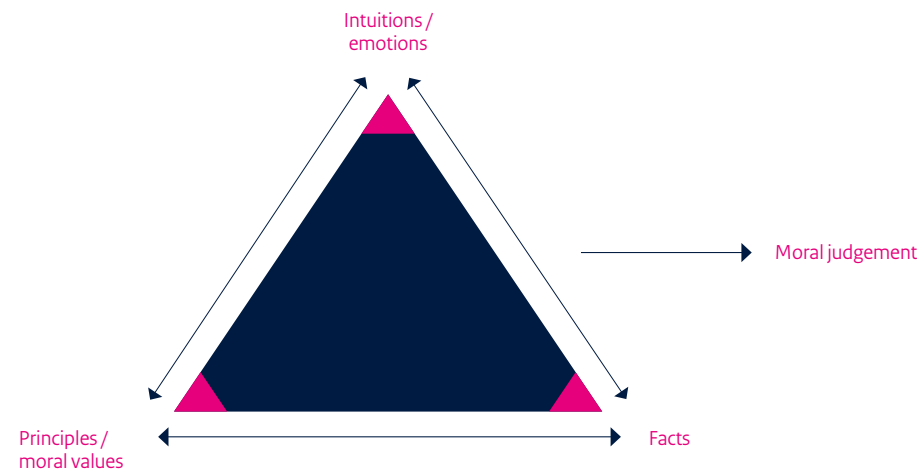
The Utrecht plan developed by the Ethics Institute of the University of Utrecht is a method for specific ethical issues where there are options for action. The plan is used to proceed step by step through a process of deliberation: the moral problem is laid out and analysed, arguments for different options are examined and weighed up, until finally a responsible decision can be made. In terms of method this step-by-step plan is in line with the ethical framework for consideration in the Animals Act and it is easy to put into practice in everyday policy work.

¹ See Bolt, L.L.E., Verweij, van Delden, *Ethiek in Praktijk* (Ethics in Practice), 2007

² See Manschot, H. & van Dartel, *In gesprek over goede zorg, overlegmethoden voor ethiek in de praktijk* (In conversation on good care, consultations methods for ethics in practice), 2009

³ See www.ethicalmatrix.net

The Utrecht plan is based on the idea that ethics must be regarded as a process of reflection, in which three elements are discussed before a moral judgment is reached:



A particular situation evokes an *intuitive* reaction in people. This intuitive judgment can be expressed in a negative *emotional* response. The intuitive judgment is an indication that something is wrong. It is a sign that there is an issue or a problem. The indication that something is wrong is an invitation to examine the basis for this intuitive judgment or first impression. 'Why doesn't this situation feel right to me?' or 'Why does this situation affect me like this?' You then look to see if there are *principles or moral values* that can explain and justify the intuitive response. This is the start of the process of reflection. Next you look at the facts. What actually is the situation? Is the intuitive response based on the right facts? And how do the facts relate to the principles and moral values that people consider important? Do the facts agree with the principles and moral values that people consider important?

An example

Concrete situation: Following an outbreak of an animal disease that can also be transferred to humans, the discussion concerns whether a cull should include healthy animals to prevent further spread of the disease. People will react differently to this situation, for example:

Intuition of person A: It doesn't seem right to cull healthy animals ► Why not?

Principle of person A: Healthy animals have the right to life; life itself is valuable. ► Are there facts to justify this intuition and which touch on this principle? ► Yes, animals are killed and therefore have no life any more. ► The *moral judgment* of person A is that healthy animals should not be culled.

Person B could respond that it is permissible to kill healthy animals (= *moral judgment*). ► As a *fact* to justify this moral judgment person B points out that people could fall ill and that it is therefore justified or necessary to kill the animals. The *principle* that carries weight for person B is that public health must be protected. Culling the animals contributes to that protection. ► Person B could also have an initial *intuition* that it is wrong to kill healthy animals, but the principle of public health weighs more heavily for person B than for person A.

The reflection model requires a critical interaction between intuitive judgments, principles/values and facts, in an attempt to bring these elements into balance. This will lead to a *balanced moral judgment*.

The model is sometimes called the '*Reflective Equilibrium*'. The Utrecht plan is used to look at all three elements of the *Reflective Equilibrium* and discuss them from the perspectives of the various actors involved. The added value of this process is that the underlying moral values of the parties involved in the issue are brought into focus and discussed, but also that intuitions and emotions are used to trace the moral values.

The process starts with the first (intuitive) judgments of all the parties involved in the question. The question is explored and extended by insight into each other's underlying moral values. The definitive judgment is not made until the entire process has been completed. The outcome is the most defensible and justifiable solution to an ethical question at a given point in time.

The step-by-step plan does not guarantee an outcome. It is just an instrument. The input of the participants determines the quality and course of the reflection process.

3.3 Step-by-step plan for ethical reflection at the Ministry of EL&I

The Utrecht plan is taken as the basis for a step-by-step plan for ethical reflection at the Ministry of Economic Affairs. It has been slightly modified for the process of policy development.

The step-by-step plan for the Ministry comprises four phases:

Phase I: Exploration/clarification of the policy problem

Phase II: Analysis of the moral dimension of the policy problem

Phase III: Weighing up the arguments/values

Phase IV: Approach to the policy problem

PHASE I EXPLORATION/CLARIFICATION OF THE POLICY PROBLEM

To begin with it is necessary to have a clear picture of the policy problem, its context and the feelings it evokes.

Step 1 The policy official gives a short description of the policy problem and the context

The following questions can be helpful here:

- What is the problem?
- What social concerns are there?
- Who is the owner of the problem?
- Who experiences the problem and who is involved in it?
- What gave rise to the problem?
- What is the cause of the problem?
- What is the scale of the problem?
- What are the facts in relation to people, planet and profit, and is there relevant research available? (Appendix 2 includes a checklist of supplementary questions.)

Step 2 What initial response does this case evoke in those present?

This step is important to make you aware of the intuitive judgment or the emotions that a case provokes in people. First impressions, feelings or intuitions are important antennae for detecting and recognising an ethical issue.

Step 3 What else is known? What facts are missing?

It is important to be well informed about the actual situation of the case. In Step 1 the dossier holder sketched out the problem and its context. In this

Intuitions /
emotions



Facts



Principles /
moral values

step the participants can ask the dossier holder for further information on the case. If a lack of information will hamper the search for an answer, the necessary information will first have to be found. Where this is not possible, you will have to accept that any decision will be based on incomplete information.

The value of this Step is that you work out systematically what extra information you need. The advantage here is that, having identified the information required for your deliberations, you can organise more targeted research.

PHASE II ANALYSIS OF THE MORAL DIMENSION OF THE POLICY PROBLEM

This phase is concerned with identifying and analysing the moral dimension of the policy problem, and outlining the moral values and principles of the parties involved in the question.

Step 4 What is the moral question?

Is there an ethical issue/moral problem? If you know or expect that people will have different moral perceptions of the solution to the policy problem, then you are dealing with an ethical issue. The outcome of Step 2 will have provided some pointers.

The next step is to formulate the associated moral question. A moral question is prescriptive. It aims to discover the right course of action in relation to a particular situation. The formulation of the question must be neutral, specific and clear. It must also be clear whom the moral question addresses. A moral question is usually characterised by the verbs 'can' (in the sense of 'is it right?'), 'should' or 'ought'. For example: can we breed animals for physical characteristics? or Should farmers let cows out to pasture?

Step 5 Who is involved in the moral question, and what are their supportive arguments to the moral question?

In this step the relevant principles and moral values of all those involved are brought into focus. It is important to look at all the morally relevant actors⁴, because they all have specific interests, expectations and needs, and so also have their own perspective on the problem. These perspectives must all be

⁴ Animals also belong to the morally relevant actors.

taken into account if we are to respond to the diversity of moral perceptions surrounding the moral question. For this reason the players involved and all their different perceptions must first be identified.

The participants are then asked to formulate arguments to support four possible answers to the moral question:

- Yes, because
- Yes, provided ...
- No, because ...
- No, unless ...

Subsequently the underlying principles and moral values can be derived from the various arguments. For example, if someone raises the argument that a cow has more space in the pasture than in the barn, that person clearly attaches a value to the idea of animal welfare. Alternatively, if someone says it is nice for people to see cows in the landscape, they are attaching a value to the idea of enjoying the landscape.

This step provides insight into *why* some people find a problem morally problematic or not. It has to do with the moral values that they consider important. Sometimes arguments and values are rather abstractly formulated: for example, the argument that something is 'unnatural'. In that case it is useful to determine what exactly they mean by 'unnatural'. Someone who considers genetic modification *unnatural*, and therefore not good, may, for example, be concerned about interfering with nature or creation. However, it is also possible that the argument was advanced on health grounds: this person feels that genetically modified food is unnatural, and may therefore be less healthy.

As an extra step, once you have assembled the arguments or moral values/principles, you can arrange them under the headings of people, planet and profit.

The benefit of this step is that it also brings to light alternatives to the current situation.

Step 6 Specify the ethical dilemma: what conflicting values are there?

Having listed the moral values in Step 5 you can now determine which values are conflicting and indicate the ethical disagreement. If this disagreement is unsolvable there is an ethical dilemma. Specifying the ethical disagreement or dilemma clarifies the moral problem and gets to the heart of the matter. It provides insight into where exactly the conflict lies between different points of view. There may be several ethical dilemmas in a case.

PHASE III WEIGHING UP THE ARGUMENTS/VALUES

Step 7 What weight is given to the arguments raised in Step 5?

The aim of this step is to weigh the different arguments (and the underlying values and principles) against each other, and so arrive at a reasonable view that is shared by many, or ideally by all. A weight is attached to each argument. Some arguments will weigh more heavily than others.

Before you begin, the arguments need to be evaluated for relevance and tenability.

Relevance

Not all arguments are relevant to answering the moral question. So when evaluating the arguments you must examine their relevance. Do these arguments apply to this moral question? If not, they are not relevant.

Validity

You can determine whether and to what extent an argument is tenable, by asking whether the argument is 'true' in the sense of 'correct' or 'valid'. If an argument is not tenable it is scrapped. For example, you consider whether it is likely that the argument will arise. You also check for sophistry or 'tricky' reasoning.

Step 8 What is the preferred course of action in the light of these deliberations?

The next question is which option (no/yes/no, unless/yes, provided) best reflects the arguments raised (and their underlying values and principles), or rather: which option least conflicts with them? This is a difficult step, because with moral problems it is often a matter of choosing between two evils. It is important to conduct this discussion carefully.

It can be helpful to make an extra analysis of the various options by looking at the actual consequences of these options for the various values. What moral value might not be respected if a certain option is chosen? What is the extent of the negative impacts? Which parties are negatively impacted? How serious is the negative impact? How long does the negative impact last? Where the impacts are negative for certain moral values, you can look at how those values could still be satisfied, for example by means of amending the policy or some form of compensation. In that way it may be possible to reconcile conflicting values.

In the ideal scenario everyone agrees about the most reasonable course of action. This is referred to as consensus. But other outcomes are possible:

compromise, procedural solution (for example a ballot) or dissent/deadlock. In the event of dissent/deadlock you can decide to introduce other arguments (apart from moral ones) into the balance to arrive at a decision. However in this case it is important to make it clear what moral deliberations were held prior to the policy decision.

PHASE IV APPROACH TO THE POLICY PROBLEM

Step 9 What concrete steps follow from the process?

The issue here is to decide what needs to happen to implement the chosen course of action. Does current policy need to be adjusted? Do we need to develop new policy? Who will do what, and when? To round off the ethical reflection you will need to make further agreements about these issues.

The step-by-step plan is not a rigid procedure, but it is rather intended to promote structured ethical reflection. Practice will demonstrate that it is sometimes necessary to go back and forth between the steps.

Appendix 3 includes a sample case in which the entire step-by-step plan is illustrated in the light of the issue of killing animals.

3.4 What next?

The outcome of an ethical reflection is taken into account in preparations for political decision-making. Ultimately it is the Minister or State Secretary who will decide how to respond to an ethical question. Based on the ethical reflection, the Minister or State Secretary will have the necessary information to clarify and present a good case for the decision to Parliament and to the public.

The first thing the Minister or State Secretary needs to know is whether a policy problem also has a moral dimension. If so, it is important to specify it and reduce the moral problem to its essence: where do the moral values of the parties involved conflict with each other? To enable the Minister to make the final decision, it helps to include a summary of the ethical reflection in the report to the Minister.

In making the decision, the Minister or State Secretary will also take account of the coalition agreement, since this encompasses the political principles and main objectives of the government and reflects the values and

principles that are considered important by the present government. Parliament and the public expect policy decisions to be well-founded. Letters to Parliament, press reports, policy documents and interministerial committees will therefore need to give sufficient attention to the nature, process and basis of policy decisions (the form they take, how they were made, and the reasons behind them).

3.5 How this differs from current methods

The main difference from the current method of policy-making is that the moral dimension is examined more thoroughly. As well as exploring the problem it clarifies the moral dimension.

Analysis of stakeholders or forces at play

There are areas of similarities between ethical reflection and the analytical instruments of stakeholder analysis and power relations analysis. These explore who plays what role, what interests they have, what powers they can wield and what threats they present to the process. The difference is that with ethical reflection the stakeholders' moral perceptions are also analysed by looking at the *moral values* and *principles* underlying the interests they are protecting.

Weighing the interests

In principle there is also nothing new in weighing up arguments. In policy this is described as 'weighing the interests'. So what is the difference? It goes back to the difference between an interest and a value. Interests are tied to an individual, a group, or to society as a whole. People have an interest in something because it provides a benefit to them. Values are more general. They are important and inspirational qualities or situations. They inspire us and indicate a desired direction. Their order or priority and how much importance people attach to them changes over time. You can't negotiate on a value as you can on an interest. An interest can be sacrificed, a value cannot. Values often underlie interests. As a government we try to transcend the level of interests. In essence the Government wants to assist society in maintaining or achieving public values.

In ethical reflection the aim of weighing up arguments is to determine the right thing to do. Reasoning in the discussion is detached from anyone's

own narrowly interpreted self-interest. Reflection is on values. It is a matter of trying to understand each other, and then to trying to arrive at a common moral judgment. Ethical reflection is a dialogue in which the balancing process is based on all the relevant values and facts.

Weighing of interests on the other hand is more in the nature of a debate or negotiation in which the participants are focused on winning, and try to obtain the greatest possible advantage for themselves or their supporters. A weighing of interests usually revolves around the question of which solution best meets the various interests at play. Ethical reflection is disinterested, which cannot be said of weighing of interests.

In simple terms, ethics/ethical reflection is also sometimes regarded as a weighing up of potentially conflicting interests in which insight is obtained into the underlying values.

SUMMARY

The Memorandum of Reply to the Report on the Animals Act (25 May 2009) includes an ethical framework for consideration to enable us to understand the basis on which decisions are made. To make this framework for consideration more suitable for practical use, a step-by-step plan for ethical reflection has been developed based on the plan designed by the Ethics Institute at Utrecht University. This plan helps to identify and discuss an ethical issue in a structured way. In so doing it is important to pay attention to intuition and emotions, facts, and principles and moral values, because moral perceptions are based on these three elements.

Step-by-step plan for ethical reflection:

PHASE I EXPLORATION/CLARIFICATION OF THE POLICY PROBLEM

- Step 1: The dossier holder gives a short description of the policy problem and the context
- Step 2: What initial response does this case evoke in those present?
- Step 3: What else is known? What facts are missing?

PHASE II ANALYSIS OF THE MORAL DIMENSION OF THE POLICY PROBLEM

- Step 4: What is the moral question?
- Step 5: Who is involved in the moral question, and what are the arguments supporting their answer to the moral question?
- Step 6: Specify the ethical dilemma: what conflicting values are there?

PHASE III WEIGHING UP THE ARGUMENTS/VALUES

- Step 7: What weight is given to the arguments raised in Step 5?
- Step 8: Which course of action is preferred on the basis of these deliberations?

PHASE IV APPROACH TO THE POLICY PROBLEM

- Step 9: What concrete steps follow from the process?

How to use the step-by-step plan

In principle the plan is suitable for all moral questions involving different options for action. The process can be adapted according to the situation. The plan is suitable for individual or group use. It is also important to examine your own intuitions and moral values and principles in the process. After all, you too have an opinion on what is right in a particular situation.

4.1 Different objectives

Het stappenplan kan voor twee doeleinden worden gebruikt:

1 *Setting out the moral dimension*

If your aim is to determine whether a policy issue has a moral dimension or if you only want to bring out the moral dimension of a policy issue, it is enough to complete phases I and II of the step-by-step plan (steps 1 to 6 inclusive). These steps are used to obtain a picture of the main moral values and principles. In this case the plan is a useful analytical instrument.

2 *Looking for possible solutions*

If your aim is to explore potential solutions to a given ethical issue, you will have to complete the full plan. If the outcome deviates from the current policy line, you may have to formulate new policy options.

The demarcation of the policy problem and the context play a role when you are formulating policy options. A determining factor for the discussion is whether the solutions can be sought within the existing policy context and frameworks or whether you must think beyond them, and also whether it concerns an immediate decision or a setting a direction for the future, for example in the form of scenarios.

To illustrate, if you approach the moral question 'is it permissible to kill male day-old chicks' from within the current agricultural policy context, the available solutions are more limited than if you were approaching it from outside. Working from within the current contexts you take the current structure of livestock farming in the

Netherlands as the starting point and look for solutions that meet the values in play within the current structure. If you approach the same moral question without reference to the current context, you will have a broader range of policy options. There is then scope to consider other values or principles and seek solutions outside the current structure of livestock farming.

With some ethical issues the main moral values are well known, because previous ethical reflection has been carried out on similar moral issues. If similar issues arise, you may consider skipping the step of listing arguments (Step 5) and proceed to specifying the moral values instead. It is of course important to share the values with everyone and to check whether they are recognised. If people are unfamiliar with ethical reflection, or can't identify with the values, you will have to complete Step 5.

4.2 Individually or with colleagues

As a policy official you can choose whether to complete the step-by-step plan on your own or with others (in the Ministry or otherwise). Your choice will depend on your own expertise, the time available and/or the level of public support required.

Because ethical questions always involve a number of parties with different points of view, it is advisable to complete the step-by-step plan with a group. After all you want to build up a picture of the moral values and principles of all the parties involved. By carrying out an ethical reflection with Ministry colleagues, you have a better chance of properly examining the moral question from all the different perspectives.

An ethical reflection with people from outside the Ministry is also an option. If you choose this option the time must be ripe for it. An ethical reflection requires participants to have an open and unbiased attitude, and must be held in a safe climate. There must be scope to reason independently of one's own interests. Not all parties will want to do that, or be able to. The timing of an ethical reflection is thus also relevant.

As the 'case holder', if you conduct an ethical reflection with other people, you can carry out a lot of preliminary work for Step 1 of Phase I 'Exploration/clarification of the policy problem'. It is advisable to have researched the problem well and to present a summary of your findings to the others.

4.3 Your own opinion

At work, you are not just a policy official, you are also a person. And as a person, you have individual intuitions, emotions and moral values that are important to you. These will always play a role in your work, although the extent varies from one person to another. It is good to be aware of this. As a person, too, you will often have an opinion about what the answer to a moral question should be, and what the government should do. How do you deal with this? Since ethics is concerned with the values of all the parties, there is every chance that your own opinion has already been voiced, because you will identify yourself with a particular group or stakeholder. If not, you can bring it up yourself. After all, the main feature of ethical reflection is that all the relevant standards and values of *all* the people involved in the ethical reflection are taken into account and weighed against each other.

4.4 Requirements for ethical reflection with other people

For ethical reflection to work well in a group, it is important to meet a number of conditions. The main conditions are described below.

Explanation of reflection

Not every participant knows what ethical reflection involves. It is important to make sure the parties are properly informed before you start, for example by providing background information when you invite them to participate.

Size of group

Guideline: at least 4, and no more than 8.

Duration

3-4 hours, depending on the size of the group and the complexity of the subject

Facilitator

Ensure that there is an independent facilitator who can guide the group through the step-by-step plan and ensure a carefully conducted dialogue. This requires the facilitator to press for further information on people's

arguments in order to clarify the underlying moral values and principles guiding their thinking and behaviour, and get to the heart of the matter. The facilitator must also be alert to any specious arguments. It can be useful if the facilitator is also an ethicist, but it is not essential.

Participants

Ideally ethical reflection should be conducted by the parties involved in the subject matter, because then they can present their own arguments. If people within the Ministry have a reasonably good idea of how people outside the Ministry regard the subject matter, the ethical reflection can be conducted using only people from within the Ministry. The presence of an ethicist or someone with knowledge of ethics is an advantage.

Rules for the discussions

It is important that all participants have an open and unbiased attitude when taking part in ethical reflection, and that there is a safe climate in which each person, irrespective of their position or background, contributes to the discussion. It is also important:

- to listen
- to show interest in the discourse of others
- to allow people to finish talking
- not to judge
- to ask for clarification if generalisations are tabled (ask for more specifics)
- to treat each other with sympathy and respect
- to reason through argument (not dogma/assertion)

Reporting

Write notes on a flip chart as you go through the step-by-step plan (with a new page for each step) and ensure a report is drawn up of the session. Also have people comment on the report.

Location

Make sure you have a spacious and quiet venue.

Further information?

Ethics Team

(Food, Animal and Consumer Department)

If you have any further questions, or need advice, contact the Ethics Team of the Food, Animal and Consumer Department.

- Nancy Lentjes (policy official):
+ 31 70 3786983
- Henny van Rij (policy coordinator):
+ 31 70 3784693

The following literature was used in the compilation of this memorandum.

- Bolt, L.L.E., Verweij, van Delden, Ethiek in praktijk (Ethics in practice), 2007
- Ethiek Instituut, Lesmateriaal training Ethiek in beleid (Reading material for ethics in policy courses), 2009
- Koelega, D. & V. Minten, Koerswijzer: Handreiking voor strategieontwikkeling bij de overheid (Guide to strategy development in central government), LNV, 2009
- Manschot, H. & . van Dartel, In gesprek over goede zorg, overlegmethoden voor ethiek in de praktijk (Conversation on good care, consultation methods for ethics in practice), 2003
- Ministry of Agriculture, Nature and Food Quality (LNV), Nota naar aanleiding van het verslag betreffende de Wet dieren (Memorandum of Reply to the Report on the Animals Act), 25 May 2009

Further reading

Below is a list of relevant books, literature and reports on or related to ethics.

Popular science books

- Bekoff, The Animal Manifesto: Six Reasons for Expanding Our Compassion Footprint, 2010
- Bos, ten R., Het geniale dier: Een andere antropologie (The genius of the animal: a different anthropology), 2008
- Eskens, E., Democratie voor dieren: Een theorie van rechtvaardigheid (Democracy for animals: A theory of justice), 2009
- Fresco, L.O. Nieuwe spijswetten (New food laws), 2006
- Herzog, H., Some we love, some we hate, some we eat: Why it's so hard to think straight about animals, 2010
- Janssens, M., Dieren en wij – hun welzijn, onze ethiek (Animals and us – their welfare, our ethics), 2010
- Korthals, M., Voor het eten: filosofie en ethiek van voeding (What's cooking? Philosophy and ethics of food), 2002
- Pollan, M., The Omnivore's Dilemma, 2006
- Masson, J., The pig who sang to the moon: The emotional world of farm animals, 2003
- Safran Foer, J., Dieren eten (Eating animals), 2009
- Thieme, M., De eeuw van het dier (The century of the animal), 2004
- Vandenbosch, M., Recht voor de beesten (Justice for the animals), 1996
- Vandenbosch, M., De dieren crisis (The animal crisis), 2005
- Waal, de F., Een tijd voor empathie

(A time for empathy), 2009

Business ethics

- Jeunissen, R., Bedrijfsethiek een goede zaak (Business ethics: a good thing), 2009

Management ethics

- Becker, M., Bestuurlijke ethiek, een inleiding (Management ethics, an introduction), 2007

Animal ethics

- Beekman, V., E. de Bakker en R. de Graaff, Ethical aspecten dierziektebestrijdingsbeleid: Een oefening in participatieve multi-criteria analyse (Ethical aspects of animal disease control: An exercise in participative multi-criteria analysis), 2007
- Brom, F.W.A., Onherstelbaar verbeterd: Biotechnologie bij dieren als een moreel probleem (Irreparably improved: Biotechnology in animals as a moral problem), 1997
- Brom, F.W.A., Het ene dier is het ander niet: Verschillen in (morele) grondslagen in veterinaire beleid voor landbouwhuisdieren en dieren die in natuurgebieden leven (One animal is not another: Differences in the (moral) bases in veterinary policy for farm animal and animals in nature reserves), 2003
- Cock Buning, de T., Denken over de eigen waarde van dieren in Nederland (Thinking about the intrinsic value of animals in the Netherlands), 2004
- De Tavernier, J., D. Lips, S. Aerts (Red.), Dier en welzijn (Animal and welfare), 2010
- Hearne, V., Animal Happiness, 1994
- Keulartz, J. and J.A.A. Swartz, De intrinsieke waarde van dieren in performancepraktijken (The intrinsic value of animals in performance



- practices), 2009
- Keulartz, J. and J.A.A. Swartz, Dieren om te plezieren (Animals for pleasure), 2009
- Nussbaum, M., Een waardig bestaan: over dierenrechten (Beyond compassion and humanity), 2006
- Rathenau Instituut, Doet het productie-doel bij dieren er toe? (Does the purpose of production of animals matter?), 2000
- Rathenau Instituut, Burgeroordelen over dierenwelzijn in de veehouderij (Public opinion on animal welfare in farming), 2003
- Rollin, B., An introduction to veterinary medical ethics, 2006
- Sandoe, P. & Stine B. Christiansen, Ethics and animal use, 2008
- Singer, P. Animal Liberation: A New Ethics for our Treatment of Animals, 1975
- Tramper, R., M. Jonker and J. Swart (red.), De weging gewogen: beschouwingen over ethiek en dierproeven (The weighting weighed, observations on ethics and animal testing) 2009
- WUR-ASG, Het doden van eendagshaantjes, kan dat niet anders? (Killing male day-old chicks, are there not alternatives?), 2008

Ethics in general

- Becker, M., Lexicon van de ethiek (Dictionary of Ethics), 2007
- Dalen, van W., Basisboek ethiek: morele competenties voor jonge professionals, (An ethics primer: moral competences for young professionals), 2007
- Darwall, S., Philosophical Ethics, 1998
- Dupuis, H.M., Over moraal (On morality), 1998
- Musschenga, B. J. Kole (ed.), Ethiek in Nederland van 1900 tot 1970 en daarna, (Ethics in the Netherlands from 1900 to

- 1970, and thereafter), 2010
- Philipse, H., Ethiek en evolutie: Een hoorcollege over de geschiedenis, biologie, filosofie en antropologie van de moraal, (Ethics and evolution: Lectures on the history, biology, philosophy and anthropology of morality), 2008
- Rozemond, K., J. Nijkamp en C. Woudstra, Filosofie voor de zwijnen: Over het geluk van dier en mens (Philosophy before swine: on the happiness of man and animal), 2006

Environmental ethics

- Achterberg, W. en W. Zweers, Milieu filosofie: tussen theorie en praktijk (Environmental philosophy: between theory and practice), 1986
- Drenthen, M., Een kleine geschiedenis van de milieu-ethiek in Nederland (A short history of environmental ethics in the Netherlands), in: B. Musschenga et al: Ethiek in Nederland van 1900 tot 1970 en daarna, 2010

Ethics of nature

- Keulartz, F.W.J. e.a., Goede tijden slechte tijden: ethiek rondom grote grazers (Good times, bad times: ethics relating to large herbivores), 1998

Ethics of food

- Food Ethics Council, Food distribution, An ethical agenda, 2008
- Rathenau Instituut, Een strategische agenda voor het ethiekbeleid van LNV (A strategic agenda for the ethics policy of the Ministry of Agriculture, Nature and Food Quality), 2010

- Mepham, B, Food ethics, 1996
- Websites**
- <http://ae.imcode.com> (on dilemmas in animal ethics)
- www.bedrijfsethiek.nl
- www.ethicalmatrix.net

Appendixes



Appendix 1

Moral values and principles

Values

Values are important and inspirational qualities or situations. They are the ideals of the good life that we strive to attain. They inspire us and indicate the right direction. Some examples:

Situations

- Biodiversity
- Animal welfare
- Animal health
- Economy
- Fortune
- Environment
- Public health

Qualities

- Reliability
- Integrity
- Loyalty
- Courage
- Justice
- Solidarity
- Responsibility

Values can also be categorised as concerned with people, planet and profit. Some examples⁵:

People	Planet	Profit
Attentiveness Autonomy Competence/expertise Cultural identity Fair trade Equality Fortune Freedom of choice Privacy Justice Recreation Respect Social cohesion Appreciation of nature Security Access to food Food safety Food security Public health Security Self-development Care	Attractive landscapes Biodiversity (nature) Animal welfare Animal health Integrity of the animal Intrinsic value of the animal Environment: clean air, water and soil, energy, phosphates, metals, seed, timber, etc. Vital ecosystems	Competitive strength Economic development Level playing field Scope for enterprise Business climate Progress Prosperity Profit

Principles

Principles are fundamental standards of behaving. They direct our moral behaviour. They provide general directions for our behaviour or attitude and are formulated at a more general level than standards.

Some examples of principles:

- Not causing harm: you should not cause harm to others or prejudice them
- Doing good
- Justice: peers should be treated fairly
- Respect for autonomy: people have the right to make their own choices

⁵ We used the overview of values drawn up by Dick Koelega & Vera Minten (of the Ministry of Agriculture, Nature and Food Quality (LNV)) in 2009. These are values that the Ministry (now EL&I)

Appendix 2

Case study

The use of the plan is illustrated in this appendix using the example of 'killing animals'. A number of policy officials have applied the plan to this case as part of the Ethics in policy course and the establishment of the draft decree on keepers of animals (implementation rules for the Dutch Animals Act).



PHASE I EXPLORATION/CLARIFICATION OF THE POLICY PROBLEM

Step 1 The dossier holder gives a short description of the policy problem and the context

Animals are killed in the Netherlands for various reasons. Most are killed for their meat, others because they are a nuisance (pests), and we sometimes have pets 'put to sleep', (if they have an incurable illness, for example). For quite some time in the Netherlands we have operated on the "no, unless" approach in relation to killing animals (see the Animal Health and Welfare Act). What is the moral justification for this?

Step 2 What initial response does this case evoke in those present?

Possible responses:

- 'We should only kill animals if there is a good reason to do so'
- 'Shameful: the senseless killing of that millions of animals in the Netherlands'
- 'That is not the way to treat animals'
- 'It doesn't feel right, I feel uneasy with the idea of people killing so many animals'
- 'If we want to eat meat, this is part of it and we shouldn't complain'

Step 3 What else is known? What facts are missing?

The following questions were raised:

- What does current legislation say about killing animals?
- How are animals killed in the Netherlands?
- Who is allowed to kill animals?
- Which animals are we talking about? Does it include wild animals?
- In what situations are animals killed?
- How many are killed, and by whom?
- At what age are animals killed?
- What is the natural life expectancy of animals?
- What do we define as suffering?
- Do current slaughtering methods cause animal suffering?

NB. Answers to these questions are not included here for reasons of brevity.

PHASE II ANALYSIS OF THE MORAL DIMENSION OF THE POLICY PROBLEM

Step 4 What is the moral question?

Should people in the Netherlands be allowed to kill domesticated vertebrate animals?

NB. The moral question is restricted to domesticated vertebrates, because the Animals Act does not apply to animals in the wild. They come under the Flora and Fauna Act.

Step 5 Who is involved in the moral question, and what are the arguments supporting their responses to the question?**A** Morally relevant actors and their perspectives

- Animals: desire to live and not suffer
- Individuals/society
 - Disinterested: completely unconcerned
 - Interested: various perspectives
 - Religious: killing is subject to particular rules
- Meat-eating consumers: desire to eat meat
- Non-commercial keepers of animals: desire to keep animals for company, as a hobby
- Commercial keepers (livestock farmers, breeders, etc.): want to keep animals for profit
- Government /policy makers: safeguard public interests
- Sectoral organisations: represent the interests of a sector
- Animal protection and other animal societies: represent the interests of the animal
- Abattoirs: profit from the slaughter of animals
- Commercial customers (supermarkets, hotel and catering, food products): profit from the sale of animal products or animals
- Pet shops: profit from the sale of animals and feed
- Political parties: various perspectives
- Vets: do not want to kill animals unnecessarily, but also have some responsibility for public health
- Transporters: transport live animals for slaughter

B Arguments and underlying values & principles

YES

YOU CAN KILL ANIMALS	VALUE CONCEALED BEHIND THE ARGUMENT
Because people want to eat meat because it is healthy	Health
Because people want to eat meat because it tastes good	Enjoyment
Because the production of meat and animal by-products is a major source of income for many	Economics
In the animal's own interest (for example in case of disease/accident, no unnecessary suffering) / Man then has a duty to intervene	Animal welfare Respect for the animal
If an animal presents a (serious) risk to humans and there are no alternatives (aggression, zoonoses)	Human safety Human health
If an animal presents a (serious) threat to another animal and there are no alternatives (aggression, infectious disease)	Animal health Animal safety
If they are surplus to requirements /have no (further) economic value (surplus animals such as cockerels or male goats in intensive livestock farming, dairy cows that are poor vielders, animals with no stud value)	Economics
If they do no contribute to continuing a particular breed	Maintaining/perpetuating a specific breed
If they do not have the desired physical attributes (breeding)	Economics
If an animal does not meet the expectations of the keeper (for example badly behaved: barks too much, not house trained, smells)	Human pleasure/amenity
For religious reasons (for example offering a sacrifice)	Freedom of religion
Because people must be free to decide for themselves whether or not they can kill an animal	Autonomy
Because people are superior to animals, as manifest in: <ul style="list-style-type: none">• the food pyramid• humans more highly developed than animals (greater powers of reasoning)• current situation: people have control over animals• religion: humans have an immortal soul, animals don't	Naturalness Religion
If the owner of the animal can no longer meet the high costs of veterinary care	Duty to look after yourself /financial capacity

NO

NO, YOU CAN'T/MUSTN'T KILL ANIMALS	VALUE CONCEALED BEHIND THE ARGUMENT
Because killing involves stress/pain for farm animals	Animal welfare
Because an animal has intrinsic value (value independent of humans)	Intrinsic value
Because animals are living beings and life itself is valuable; (Albert Schweitzer "I am life that wants to live, in the midst of life that wants to live." you must respect and love life)	Respect for life
Because killing animals is morally wrong: it shows no respect for the animal	Respect for the life of an animal
Because a decent person wouldn't do it, out of respect for another life	Respect
Because of the natural course of life/let nature take its course (no euthanasia):	Naturalness
Because a young animal still has a life to lead (complete the natural lifecycle)	Naturalness / Respect for life
Because animals trust us, we have a relationship with them, it is a betrayal, we have a duty of care	Relationship/care
Because meat is not good for human health	Health
Because meat production is inefficient and harms the environment (CO2, manure, deforestation)	Environment
Ecosystem/nature	Religion
Because there is no need to eat meat, there are alternatives	Health
Because there are other ways to earn a living without exploiting animals	Economics

Step 6 Specify the ethical dilemma: what conflicting values are there?

The main conflicting values are:

- Respect for the life of an animal versus economics
- Animal welfare versus economics

PHASE III WEIGHING UP THE ARGUMENTS/VALUES**Step 7 What weight is given to the arguments raised in Step 5?**

First the arguments were assessed for relevance (R) and tenability (T). Then it was concluded that welfare, respect and economics are considered the most important values in this case.

Step 8 What is the preferred course of action in the light of these deliberations?

The option of 'yes, we can kill animals' is ruled out, as animals cannot be killed in all cases according to those present. If the answer were simply yes, that would be a violation of the intrinsic value of the animal and does not do justice to the values of respect for the animal and animal welfare. The option 'no we can't kill animals' is also discarded, because the majority of the Dutch population desires to continue to eat meat and it is a huge source of revenue for the Netherlands (values: pleasure, health and economics).

That leaves 'no, unless' or 'yes, provided'. Given the intrinsic value of the animal, the recognition that an animal has a right to exist that is independent of humans, those present opted for 'no, unless'.

The 'no, unless' clause is completed by taking a good look at the counterarguments offered and at the values these bring into play, specifically the values of 'respect for the animal' and 'animal welfare'.

PHASE IV APPROACH TO THE POLICY PROBLEM**Step 9 What concrete steps follow from the process?**

The next step is to further specify the 'no, unless' condition. For this purpose certain questions must be answered, including the following: Who is allowed to kill animals? How can they be killed? How can the rules be enforced?

NB. In current law these questions have already been answered under the Animal Health and Welfare Act. There is no need to follow this up within the framework of this ethical reflection.

The ethical reflection described above served as the basis for a draft decree for keepers of animals, which now includes the following text:

3.5 Rules governing the killing of animals

As indicated above, the intrinsic value of the animal is a value specific to the animal as a living, sentient being, which is independent of the value the animal has for humans. The killing of an animal violates this value. Section 2.10(1) of the Act provides that the killing of animals is in principle prohibited. That does not mean that there are no circumstances under which the killing of an animal is justified by another interest.

3.5.1 Cases in which animals may be killed

Section 2.10(1) stipulates that the killing of animals for the benefit of the commercial production of animal products is permitted. The Memorandum of Reply to the Report on the Animals Act indicates the considerations that led to this permission. For example, it indicates among other things that in practice the killing of these animals is more the exception than the rule. Most animals are killed for the sake of animal products. Because there is social consensus about the acceptability of this, a provision to that effect is included in the act.

The act also offers scope to designate other cases in which the ban on killing animals does not apply. Article 1.11 of this decree makes use of this facility. It generally concerns cases in which the violation through killing of the intrinsic value of the animal is considered acceptable, because there is a justification for it. Killing an animal is considered acceptable in cases of intolerable suffering. In such cases killing is permitted. It is also permitted in other cases in which it is better for the animal for it to be killed. Unlike the case of unbearable suffering, in these cases it is up to the vet to judge whether killing is permissible. Examples include cases in which the animal would have to undergo an expensive procedure, and it is not clear how well it would function following the procedure. It is also stipulated that killing is permitted if it is permissible on the grounds of another European or national legal obligation. In these cases the admissibility was weighed up in the process of establishing the provision concerned. One such example is a cull to combat the spread of an infectious animal disease. Killing is also permitted in cases in which an animal presents an immediate threat to humans or other animals, or shows incorrigible aggressive tendencies, (for example, an animal that has previously presented a danger or caused injury and is consequently seized by the authorities).

Appendix 3

Glossary of terms

Virtue ethics

In virtue ethics the first question is ‘what sort of person should I be’ and only then does it consider rules and principles and the question of which action or choice is morally correct. A virtue is not an action but a character trait. It ensures that you make the right choice. Virtues are such things as honesty, integrity and compassion. All these virtues lead to a particular behaviour towards others. In practice virtue ethics can complement duty ethics. What is virtuous can vary according to context. A virtue is seen as the middle way between extremes. That is not necessarily a compromise between opposing poles, but an optimum between, say, cowardice and recklessness in the context of bravery.

Ethics

Ethics is the branch of philosophy concerned with morality.

Ethical dilemma

Ethical dilemmas arise when a moral problem can only be solved with great difficulty, if at all.

Ethical discussion

An ethical discussion is one in which moral considerations play a central role.

Ethical reflection

Ethical reflection involves an analysis and structuring of the moral problem, after which moral arguments are critically examined and weighed against each other.

Ethical theory

Ethical theories provide answers to the question of what makes an action right [morally correct]; the right thing to do according to the theory and the reasons for this. They give various arguments to justify a choice and give pointers to the choice we should make or action we should take. Three common ethical theories are: consequentialism, duty ethics and virtue ethics.

Consequentialism

In consequentialist theories only the value of the *consequences* determines which course is most ethically defensible. Ethically correct action is characterised by a good result. If the results of our actions are better than those of other actions we could have taken, then we are obliged to follow that course of action. If the results are worse, our action is wrong. If the consequences are at least as good as those of other actions, then our behaviour is morally correct.

Intrinsic value of the animal

The intrinsic value is the animal's own value as a sentient being, irrespective of the animal's value to humans.

Morality

Morality is the sum of moral standards and values regarded by individuals, groups, institutions or societies as a major frame of reference for their own behaviour.

Moral problem

A moral problem arises where the answer to a moral question is not clear beforehand on the basis of one's own morality. It requires ethical reflection.

Moral question

A moral question is prescriptive. It is about what we ought to do. A moral question is usually characterised by the verbs ‘may’ or ‘ought’ (in the sense of ‘is it all right ..’). For example: ought food crops to be processed into fuel? Or: should cat owners be allowed to have their cats neutered?

Standards

Standards are specific behavioural rules or codes of conduct that indicate what we should or should not do something in a particular situation. We use standards to strive for important values.

Duty ethics (deontological ethics)

Deontological theories are concerned with the nature of the act. Whether an act is morally correct is determined by evaluating the act. It is concerned with the question of how the moral act came about. Acts can be morally correct or incorrect, irrespective of their consequences. The consequences of an action are not irrelevant, but these theories say that the right act is not always dependent on the (coincidental) results. The rightness or wrongness of the act is determined according to fixed criteria. This makes it possible to make statements in principle on what is right or wrong. In classical deontology the right act is determined by the question of whether (a) the action could be a general moral law and (b) whether, in your act, you do not treat those affected (yourself, the other party and the wider world) solely as a means, but also as an end in itself. Therefore, ‘being honest’ is morally correct, and ‘lying’ is morally incorrect, because you cannot without contradiction want everyone to lie, and

honesty respects the other party. This evaluation of lying applies in all cases, irrespective of the consequences. The act is not judged according to its possible consequences.

Principles

Principles are fundamental standards of behaving. They are at a more general level than standards. Examples include doing no harm, doing good, respect for justice and respect for autonomy.

Applied ethics

In applied ethics general ethical concepts and theories are applied to particular sectors or topics in society. Examples of applied ethics are: animal ethics, medical ethics, food ethics and environmental ethics.

Values

Values are important and inspirational qualities or situations. They are the ideals of the good life that we strive to attain. They inspire us and indicate the right direction.



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