



*a proposal for a new approach to animal politics*

## How animals can become part of our democracy: A new approach to an interspecies community

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**20 years of animal protection as a state goal - a reason to celebrate? - Preface** This year marks an anniversary: Animal protection has been enshrined as a state goal in the German constitution for 20 years and has enjoyed constitutional status ever since. Article 20a of the Basic Law for the Federal Republic of Germany states:

"The State shall also, in responsibility for future generations, protect the natural environment and animals within the framework of the constitutional order by legislation and, in accordance with law and justice, by executive power and the administration of justice."

The German state is thus obliged to prioritize the protection of animals. But have the living conditions of animals really improved since then?

Although the demand for greater animal protection is in line with popular opinion<sup>1</sup>, animal protection policy today mainly takes the form of minimum standards which are intended to alleviate, but not prevent, animal suffering. The demand for adequate representation of animal interests in law and in politics, and the idea of an interspecies community are practically absent in national legislation on animal protection. **There are no government regulations on how the interests and concerns of animals should be represented and considered in policy decisions.** In the livestock

<sup>1</sup>A survey conducted by the Sinus Institute one month before the 2021 federal election found that 59% of respondents do not consider the perspective of animals to be adequately represented in politics and 75% agree with the need for a major change in animal protection policy (Animal Society e.V.: Tier(schutz)politik im Spiegel der Gesellschaft. Survey and analysis. Berlin, 2022).

industry especially, animals are routinely subjected to brutal practices, permitted under the law. Profit maximization through intensive breeding and other harmful practices is an aim the industry places way above animal welfare. The ethical minimum - a life free of pain and suffering with some degree of autonomy - is far from current reality. Castration of piglets without anesthesia, tail docking, tie stalls for dairy cows, densely-packed animal transports lasting for long hours, unnecessary animal experiments, amputations, intensive breeding, and many more egregious practices comprise modern, state-sanctioned animal-source food production. And the aforementioned do not encompass the numerous scandals and abuses outside the woefully inadequate rules which govern factory farming. While the state professes to promote "animal welfare," what it maintains in practice is a system characterized by animal suffering, upheld by the help of government subsidies.

**There is also legal inequality: While every person who keeps animals for economic purposes can sue for their own rights, such as the right of professional freedom; animals cannot be represented in court by lawyers. The consequences are institutionalized injustice against farm animals and a predominant exclusion of the interests and perspectives of animals.** At the federal level, the German Ministry of Food and Agriculture is responsible for animal welfare issues. However, due to its inherent structure and mission, the Ministry has not been able to solve the problems of animal husbandry. This is because the formulation, interpretation, and enforcement of "animal welfare as agricultural policy" is imbued with

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a profit motive stemming from the agricultural sector. Thus, in practice, animals are not protected from pain, suffering, and harm. The mass exploitation and killing of animals has been normalized, and the fundamental question of whether, or to what extent, it is justified to exploit animals for food today is not even being posed.

Last year, Animal Society e.V. launched a campaign for the political representation of animals in parliament (TierelnsParlament campaign). More than 54,000 people signed the petition calling for an Animal Welfare commissioner at the federal level<sup>2</sup>. Many more took a clear position in the representative survey we commissioned. All the participants of this campaign have sent a signal that Germany, and Europe, need a fresh start: animals should be better represented in political decisions that affect them. The state goal of animal protection is in danger of being lost in the political play of forces if the representation of interests is only granted to humans and not extended to some degree also to animals.

In this manifesto, we aim to show what challenges and possible solutions exist for meaningful improvements in animal policy.

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## 1 Animal (Protection) Politics - a remark on terminology

“Animal protection” is a state goal in Germany. Accordingly, animal protection politics includes the drafting and adoption of laws, treaties, or other regulations undertaken to achieve this end. However, animal protection also means the enforcement of laws and regulations. To this common understanding, we would like to add that animal protection efforts should also include the demand for institutions that define animal protection from a zoocentric perspective. Therefore, a sincere animal protection policy cannot truly succeed without a political representation of animals, their needs and concerns.

The **mainstream political understanding of animal protection** presumes the use and killing of animals without question. Suffering should be avoided, but the question of whether animals would consent to the conditions of their confinement and use is one that industrial actors and government officials do not consider. Ethically and from the perspective of animals most of their keeping conditions and their use would seem intolerable. Which shows that “animal protection” is often a misused human strategy designed to suppress the fact that animals are

not adequately protected ethically or legally. This is why it is so important for policymakers to embrace a new, society-wide concept in which animals are seen as part of the political community. After all, animals are not objects, but sentient beings greatly affected by policy decisions. An **ethically-based animal policy** would, in our understanding, take these propositions into account and would therefore require adequate representation of animals within the political domain.

In marketing and agricultural policy, the term “animal welfare” refers to an undefined level of health or well-being of animals, so that “low animal welfare” can also simply mean “suffering.” Thus vaguely defined, this term has become a catch-all buzzword to signal the prospect of improvements in animal farming. The fact that this progress can also only mean a little reduction of suffering, without the animal actually being well, makes the term susceptible to euphemisms and relativizations. In the political field, we instead advocate speaking of interests, well-being, concerns, or claims of animals, rather than “animal welfare.”

The **interests of an animal** include all the conscious experiences it strives for that create positive motivation, along with its well-being. In general, interests contribute to a good life. We are aware that “animal” is a large category, possibly too general to be represented as one group in politics. We therefore focus on animal species whose behavior we can interpret and whose consciously experienced suffering we can detect.

Animal Society calls for a change in current animal protection policies in Germany and the European Union as well as for the establishment of mechanisms to effectively represent animal interests. **We consider political representation and representation of animals to be synonymous.** We do not use a specific definition of “political representation,” although we have drawn much from debates in political theory and philosophy and would like to stress that these discussions inform our advocacy (see Part 2 below).

## 2 In brief: The issue at stake and our demands

Industrial farm animal agriculture is facing major challenges in the 21st century: What would the future of the agricultural sector look like if ethical and social dimensions were meaningfully taken into account? How much animal farming, including the necessary stables, would be tolerable and still ensure climate neutrality and sustainable biodiversity? Answers to the current, complex

<sup>2</sup><https://animalsociety.de/tierpolitik/>

ecological and ethical crises in industrial farm animal agriculture must come - above all - from politics. From the animals' perspective, these crises transcend taste and habit; they are matters of life or death, contentment or extreme suffering.

**Who enforces claims from the animals' perspective within politics, and with which legitimacy?** According to a recent survey commissioned by Animal Society, only 10% of respondents attribute the task of animal representation to politicians. Just under half believe that politicians "to some extent" represent the needs of animals. Again, the other half thinks that politicians are not an option as representatives of animals. Two-thirds of respondents (59%) felt that the perspective of animals is not adequately represented in politics. Although surveys are always snapshots, and more could be learned about attitudes in the future, the numbers indicate a widespread lack of clarity about how our democracy works. **And this is also confirmed by experts: There is a lack of government regulations concerning the representation of animal interests in political decisions and how animal concerns should be taken into account for.**

Many animal protection and animal rights organizations are trying to close this representational gap in state law, attempting to positively influence decisions in the interests of animals - as their guardians, so to speak. Yet the existing conditions for animal representation at the national level are anything but good.

**Animal protection and animal rights organizations, as non-profit organizations governed by private law, have no legal right to advocate for animals, but must constantly create opportunities to do so.** In order to become members of state-appointed bodies, such as the public Commission on the Future of Agriculture in Germany, animal advocates often have to win the favor of governments or houses. Whether this also involves concessions in terms of content remains to be seen. In the past, the Federal Ministry of Food and Agriculture (BMEL), which is responsible for animal protection, has often excluded those animal welfare groups whose demands it has considered as unfeasible or "too radical." And even if such groups are "heard," it is far from guaranteed whether their demand will be taken up or addressed. The consequences are an institutionalized injustice towards farmed animals and a predominant exclusion of the animal perspective.

The fact that the role of NGOs as advocates for animals is not even officially recognized or supported

appropriately contradicts the perception of the public; after all, according to the aforementioned-mentioned survey, 70% of respondents assumed that today it is primarily animal protection and animal rights associations that represent the interests of animals in democratic decision-making<sup>3</sup>. A fundamental institutional change in animal (protection) policy is urgently needed to reduce the misery of so-called farm animals.

**While the notion of an interspecies just society may seem like a distant, utopian vision, some steps toward more "animal interests in politics" are attainable and realistic, and easy to implement.**

**These first steps include (for the case of Germany):**

- The establishment of a Federal Commissioner for Animal Protection
- The practical and symbolic anchoring of animal representation in relevant ministries
- The appointment of a committee of inquiry to explore further opportunities for making the necessary change in animal politics and to implement these changes

### 3 Our demands: A closer look

#### 3.1 The establishment of a Commissioner for Animal Protection at the federal level.

"We are creating the Office of a Federal Commissioner for Animal Protection," says the coalition agreement of the ruling parties in Germany.

In designing this department, care must be taken to ensure that the appointee is given sufficient authority and resources to advocate effectively on behalf of animals. The Federal Commissioner for Animal Protection should be elected democratically and placed under the supervision of a ministry in which conflicts of interest that would be in opposition to animal protection can be excluded as far as possible. In their work, the Commissioner for Animal Protection should be independent and subject only to the law. The overriding task of the office would be to pursue the interests of animals in all political and legal areas. This would include the advancement of animal welfare and the institutions, laws, and regulations necessary for it, as well as the task of monitoring existing laws and related regulations for compliance. The office should be provided with the right to be involved in the drafting of relevant laws and regulations; it should also

<sup>3</sup>Animal Society e.V.: Tier(schutz)politik im Spiegel der Gesellschaft (2022, S.11f.). [https://animalsociety.de/uploads/Animal\\_Society-Tierschutzpolitik\\_im\\_Spiegel\\_der\\_Gesellschaft-Berlin\\_2021.pdf](https://animalsociety.de/uploads/Animal_Society-Tierschutzpolitik_im_Spiegel_der_Gesellschaft-Berlin_2021.pdf)

be provided with a right of complaint in the event of violations by public bodies of provisions of the Animal Welfare Act or European legislation on animal welfare. If the public body does not respond to this complaint within a time limit, the commissioner should be able, under certain circumstances, to bring an action against the offending public body <sup>4</sup>.

In terms of content, the work of the office would be concerned with agricultural animal husbandry (including the scope sought from an animal welfare point of view), animal experiments, companion animals, and wild or free-living animals. For all these areas, the commissioner, in cooperation with the respective ministries, should ensure that transparency is created about the current conditions of animals and that a contact point is created for various civil society initiatives. The expertise required for the analysis work includes biology, veterinary medicine, ethics, behavioral research, political science, agricultural science, and law. The position should be equipped with sufficient employees with expertise in law, animal science, and ethics. If there is a need for clarification, it should be possible to commission expert opinions and reports. The commissioner should be informed about the call for tenders for research projects in the portfolio of the Federal Ministry of Food and Agriculture (BMEL) that concern animal welfare, including the Federal Agency for Agriculture and Food (BLE), and public scientific bodies in the field of food and agriculture. The commissioner should further have access to his or her own animal welfare research budget. For questions on the scientific and ethical basis of the concerns and interests of animals, the commissioner should be assisted by an expert panel for animal protection and animal ethics, which is also located in the division of the ministry responsible for animal protection (see below).

In view of these substantive and administrative tasks, we argue that a small government agency with at least 20-30 employees should be created for the office of the commissioner. There are models for this in Germany in other areas, such as data protection, where the federal Commissioner ("Bundesbeauftragter") heads an agency with four departments and a total of 21 units. The office of the federal chairperson should be such that the leadership can work free of instructions and independent of the political line of the federal government, with the

<sup>4</sup>Siehe zu juristischen Hintergründen auch Bülte, J., Felde, B. und Maisack, C. (Hg.) (2022): Reform des Tierschutzrechts. Die Verwirklichung des Staatsziels Tierschutz de lege lata. Nomos, S. 377-381. in: Prof.Dr. Caspar, J. (Hg.), Prof. Dr. Harrer, F.(Hg.): Das Recht der Tiere und der Landwirtschaft, Bd. 12, Nomos Verlag, Baden-Baden.

interests of the animals as focal point. This requires the exclusion of conflicts of interest that may arise due to institutional embedding and professional connections, e.g. within animal farming.

Such an institution is likely to be met with popular approval: According to the German representative survey commissioned by Animal Society, 75% of the respondents think that a federal Commissioner should stand up for animal protection and animal interests.

### **3.2 Anchoring and strengthening animal protection within the federal ministries: symbolically and practically**

Although the state goal of protecting animals is important to Germans, animal protection has not been specifically mentioned in the title of a single ministry since the founding of the Federal Republic. This shows the disdain that animal protection still receives in the executive branch to this day. Today, an "Animal Welfare" unit - the smallest administrative unit in the ministry - in the Federal Ministry of Food and Agriculture (BMEL) is responsible for complex and far-reaching executive tasks for all animal species and forms of animal use. In practical terms, the ministry can now define the minimum requirements for the protection of farm animals - based on the principles of the Animal Welfare Act that are very much open to interpretation - without any effective input from state or civil animal welfare organizations. The Federal Ministry of Food and Agriculture (BMEL) is also responsible for the very relevant information of the public about animal welfare violations, the regulation of legal enforcement, and it can also introduce draft legislation on animal welfare. Since the Federal Ministry of Food and Agriculture (BMEL) is technically and structurally entrusted with the economic strengthening of the agricultural and livestock sector (colloquially it is called "Ministry of Agriculture")<sup>5</sup>, the conflicts of interest ministers may have with animal welfare have so far been mostly decided in favor of the economic use of animals. What is particularly dramatic about this "institutional conflict of interest", also criticized by the German Ethics Council, is that state animal protection currently in practice only aims at minimum requirements anyway, in the sense of rudimentary needs and health. Animal protection designed this way must not be further undermined by economic conflicts of interest.<sup>6</sup> **Therefore, it is necessary to transfer state animal protection from the Federal Ministry of**

<sup>5</sup>Deutscher Ethikrat (2020): Tierwohllachtung- Zum verantwortlichen Umgang mit Nutztieren, S. 63.

<sup>6</sup>Bruhn, D. und Wollenteit, U. (2018): Konventionelle Schweinehaltung und Tierschutzgesetz. In: Natur und Recht (40), 160-169.

**Food and Agriculture to another authority, such as the Ministry of the Environment, if possible, or the government should make a massive effort to strengthen animal protection within the Federal Ministry of Food and Agriculture. For symbolic reasons, it is important that “animal protection,” or better yet “animals,” be included in the name of the authority.**

The Animal Protection Commission at the Federal Ministry of Food and Agriculture (BMEL) is currently made up of representatives from the animal industry, agricultural sciences, and animal welfare, meaning that the composition of the members already signals that compromises should be reached. Compromising at this level is not effective since at this point the focus should be on the demands of animals from an animal point of view. It would be better if this commission would carve out the current demands from an animal perspective drawing on the knowledge and experience of a multitude of non-profit animal rights and animal welfare organizations. To this end such a commission should be staffed with representatives of recognized organizations that are committed to animal welfare per statute. The process of selection of these organizations must be transparent and the organizations recognized as representatives of animal interests. In addition, an Expert Council for Animal Protection and Ethics should be created at the Federal Ministry of Food and Agriculture (BMEL), with experts in biology, ethology, animal psychology, veterinary medicine, ethics, as well as political and social sciences (human-animal-studies). Both the Federal Commissioner for Animal Protection and the Animal Protection Commission should agree to the appointment of the experts. If the responsible federal ministry intends to commission expert opinions on animal husbandry or issues relevant to animal welfare, the experts should be selected in consultation with the Expert Council for Animal Protection and Ethics (Sachverständigenrat).<sup>7</sup>

ORGANIGRAM HINZUFÜGEN

In order to develop the scientific and technical foundations for decisions in the interest of animal welfare, a specialized animal welfare authority should be created that is subordinate to the ministry and can act without instructions from the federal government. Role models for this constellation are the federal research institutes in the agricultural sector, such as the Thünen Institute, which is allowed to deviate from the government's

<sup>7</sup>siehe ähnlich der Vorschlag Bülte, J., Felde, B. und Maisack, C. (Hg.) (2022): Reform des Tierschutzrechts, S. 374

“political line” in its work<sup>8</sup> In order to ensure a successful implementation of animal protection law in the executive branch, the normative principles in the respective paragraphs of the law should be concretized as far as possible by the German Bundestag<sup>9</sup> (e.g. what are “reasonable reasons for animal suffering,” and what is “behaviorally appropriate animal husbandry”)<sup>10</sup>. For this purpose, the federal commissioner should bundle the knowledge and recommendations of the Animal Protection Commission and the Expert Council for Animal Protection and Ethics and forward them to the German Bundestag. Even under the conditions outlined here of an executive with more power to implement animal protection measures, there would still be political compromises between animal protection and economic interests. Though in the scenario outlined above, these compromises would be transparent and not something decided behind closed doors of a department of the Federal Ministry of Food and Agriculture and thus be pre-programmed in advance. The majority of the German population seems to have a critical view of current handling of animal welfare in the Federal Ministry of Food and Agriculture (BMEL). According to our survey, the largest share of respondents (43%) does not consider the Federal Ministry of Food and Agriculture (BMEL) to be a suitable institution to address animal welfare issues.<sup>11</sup>

### 3.3 The appointment of a committee of inquiry

The appointment of a committee of inquiry serves the purpose to inform the general public and in consequence to initiate the necessary change in animal protection policy. The election of an animal protection commissioner at the federal level and the strengthening of animal protection within the executive branch of government would only be a first step to close the “animal representation gap” in the political system, especially in the parliaments. There, the vision of adequate animal representation still seems a long way off. Indeed, how should a representative of animal interests be elected and how many representatives would there have to be?

<sup>8</sup>Thünen Institut (Hg.) (2020): Das Thünen-Institut - Bundesforschungsinstitut für Ländliche Räume, Wald und Fischerei. Braunschweig.

<sup>9</sup>The German Bundestag is the national parliament of the Federal Republic of Germany.

<sup>10</sup>Siehe ähnlich auch das Ergebnis der juristischen Untersuchung in Felde, B. (2019): Verhaltensgerecht. Tierschutzrelevantes Wissen in Gesetzgebung, Verwaltungsverfahren und Verwaltungsprozess. In: Das Recht der Tiere und der Landwirtschaft, Bd. 10, Nomos.

<sup>11</sup>Animal Society e.V.: Tier(schutz)politik im Spiegel der Gesellschaft (2022, S.10).

Despite the difficulties these questions pose, ways and means to ensure the visibility and representation of animals in the legislature are already being discussed in academia. Yet this is a very new topic which is not broadly being discussed within civil society at this moment. And even without such innovations, the current regulation is complicated enough: For instance, it is unclear whether politicians are obliged by the constitution (the state goal of animal protection being anchored in Article 20a of the Basic Law for the Federal Republic of Germany) to consider animal needs. If they are obliged, the question is in which way they ought to represent animal interests. **First of all, it seems necessary to us that decision-makers raise awareness about the problems of traditional anthropocentric politics neglecting animal needs, and the possibilities of a political representation of animals. In order to do so, we demand the convening of a committee of inquiry.** These commissions are attached to the German Bundestag (the national parliament of the Federal Republic of Germany) and are supposed to identify serious social problems and design solutions that can be supported by the majority of the population. We demand that members of parliament, experts, scientists, and representatives of the animal movement work together in such a commission in order to **(i) clarify the status quo of political representation of animals, e.g. whether animals are represented politically and, if so, in what way; ii) reveal the risks and opportunities of expanding existing institutions to incorporate the political representation of animals; iii) draft possible models for an appropriate representation of animals in politics.**

In particular, the commission would counteract widespread uncertainty and unawareness among the population regarding animal husbandry issues. According to the results of our survey, only 20% of respondents agree with the statement that political actors sufficiently educate about the various consequences of animal husbandry, while 69% disagree<sup>12</sup>. Furthermore, 75% of respondents agree with the statement that there should be a strong change in animal husbandry policy<sup>13</sup>.

### Leverage for more animal protection

These three demands can be seen as important initial steps toward the necessary democratic inclusion of animals in the political community. We assume that this will create a leverage effect that will subsequently

also make the currently pending improvements in animal protection easier to implement and more effective. There are a number of concrete ways in which we can legally improve the situation of animals on an ad hoc basis. For example, there could be bans on long animal transports and a revision of the Animal Welfare Livestock Husbandry Ordinance. Of course, we consider these to be extremely urgent and the acute reductions in animal suffering should be pursued in parallel. But experience has shown that without effective representation, the necessary pace of implementation will not be achieved.

## 4 Political representation of animals in practice and in theory

### 4.1 An explanatory gap in the political system

*"The state protects [...] animals,"* says Article 20a of the German Basic Law. Yet in Article 20, it says: *"All state power emanates from the people."* By the "people," we mean humans. So is politics made by humans for humans, or by humans for humans and animals? Is German society conceived in purely human terms, or does the state goal of "animal protection" already assume cross-species interests that the state must pursue?

Today, in national animal welfare policies, animals are being protected for their own sake. This comes very close to politically representing animal concerns. Yet regarding the political and highly traditional concept of representation certain requirements are made, first and foremost that of legitimacy. Whoever speaks for animals in the context of animal protection must therefore disclose the basis for doing so, and this applies first and foremost to state organizations and parliaments. We are a long way from such disclosure today. State organizations and parliaments neither clarify whether they represent animal interests, nor do they explain how "animal protection" and political representation are connected.

### 4.2 Civil representation of animals

Many people in Germany engage in animal protection on a voluntary basis, often unpaid and employing personal funds to influence the "state authority" on behalf of animal welfare. These advocates, voluntarily and without government mandate, take responsibility for securing the needs of animals, and give a voice to those who cannot speak. This relationship between humans and animals can be described as **self-declared political guardianship**. It is certainly not the majority, but it has for decades been an established, growing circle from the

<sup>12</sup>Animal Society e.V.: Tier(schutz)politik im Spiegel der Gesellschaft (2022, S.17).

<sup>13</sup>Ibid., S.19.

heart of society which has recognized that, in addition to direct charitable efforts (to animal shelters for example), civic political commitment to animals can have enormous consequences for the lives of animals. In some cases, the dedicated individuals face hostility and, as in the case of investigative research in stables, have to take into account the threat of punishment. But on the whole, the work is appreciated by society; and animal welfare is considered a criterion for non-profit status in association law. What once began as individual commitment has today developed into a form of political representation of animals. However, beyond mere expressions of appreciation by individual politicians (for example, in the animal protection reports of the German government), the work of organizations and associations often lack good framework conditions (such as stable funding and official recognition in decision making processes) to work effectively. Society expects animal welfare groups, as political representatives of animals, to be involved in relevant legislative or administrative decisions. In Germany, governmental bodies overseeing animal farming or agriculture often legitimate their decisions with the notion that the demands of animal welfare groups have been taken into account. As important and necessary as animal protection organizations, non-profit associations and volunteers are, their work is essentially at the mercy of arbitrary state routines. Whether an association or a person from the civil sector is heard and has a say is decided by the decision-makers in politics.

**Despite the lack of regulation and poor framework conditions, civil society actors are now assuming the task of animal representation in politics, which should be the domain of lawmakers themselves.**

#### 4.3 State representation? The role of politics

This view is reflected in our survey where only 10% of our respondents believe that politicians represent animal concerns in democratic decisions. 44% say that politicians represent animals “party” or in a limited way. 46% think that politicians do not represent animals. **What is remarkable about these responses is that the majority of respondents already assumes that animals are also represented in politics.** <sup>14</sup>

Apparently, many people also already count animals as part of the political community. And that is not at all surprising, because how should animal (protection) policy get its content without such representation? A party that openly advocated that the needs of animals should not be represented or taken into account in politics

<sup>14</sup><https://animalsociety.de/studie-2022/>

would almost certainly be greeted with astonishment and indignation. At the same time, our survey<sup>15</sup> for Germany shows that, in the eyes of our respondents, the task of representing animals in political decision making is primarily attributed to non-governmental associations. If **non-governmental organizations today take on tasks that are commonly believed to be the responsibility of the state, a first step would be government support for the animal welfare movement and to officially acknowledge their important representational function.**

#### 4.4 Political representation of animals in practice

**What does political representation of animals mean, and to what extent is this even possible?**

A practical example of political representation of animals can be found in the work of the Commission on the Future of Agriculture, a commission established by the German federal government to include “all groups relevant to agricultural policy,”<sup>16</sup> namely, experts representing “agriculture, business and consumers, the environment and animal welfare, as well as science.”<sup>17</sup> When animal welfare is being referred to as a “relevant group”, it does not become clear whether animals are being considered as a relevant social group, and which groups of animals these are. The wording could also refer to the human group that expresses a specific concern for animals. Nevertheless, whether certain humans, (certain groups of) animals or both certain humans and certain animals are considered as the “relevant group of animal welfare”, makes a huge difference. And this ambiguity is systematic. Rarely are animals themselves mentioned as a group to be considered. The law in Germany is more precise. Under German law, animals are not protected for the sake of a certain human group, but for their own sake or because of their intrinsic value. <sup>18</sup>

**An example of involving animal advocates in decision making: The Future Commission on Agriculture**

<sup>15</sup><https://animalsociety.de/studie-2022/>

<sup>16</sup>Bundesministerium für Ernährung und Landwirtschaft: Zukunftsmission Landwirtschaft: <https://www.bmel.de/DE/themen/landwirtschaft/zukunftskommission-landwirtschaft.html> (Stand 10. Februar 2022)

<sup>17</sup>Ibid.

<sup>18</sup>Caspar, J. (1999): Tierschutz im Recht der modernen Industriegesellschaft - eine rechtliche Neukonstruktion auf philosophischer und historischer Grundlage. Nomos Verlag, Baden-Baden.; Deutscher Ethikrat (2020): Tierwohlachtung: Zum verantwortlichen Umgang mit Nutztieren.

The Future Commission on Agriculture's assignment was to work out solutions as to what socially acceptable farm animal husbandry should look like and what political measures would be necessary to achieve this aim. The "(animal)-ethical responsibility of agriculture"<sup>19</sup> was a topic of the meetings of representatives of the groups, measures to "increase the positive effects of agricultural production on [...] animal welfare" were discussed and recommended<sup>20</sup>. In January 2022, a final paper with recommendations to policy makers was published, which is presented as a compromise or common denominator of the groups<sup>21</sup>. Representing animal welfare or animals, the acting president of the German Animal Welfare Federation, Thomas Schröder, served on the commission. In the presentation on the website of the Federal Ministry of Food and Agriculture (BMEL), "environment and animal welfare" is listed as a single representative group. While environmental organizations do advocate for measures that improve the lives of animals, the **need to differentiate between environmental and animal protection is nevertheless important because it makes a central difference whether species and ecological balances are preserved or the ethical intrinsic value of an animal should be considered**. The positions that the animal welfare representatives brought to the commission and the extent to which they are reflected in the final report with its recommendations to policy-makers are not apparent to outsiders, as the meetings excluded the public.

#### 4.5 Political representation of animals - the theory

*"[...]representation, taken generally, means the making present in some sense of something which is nevertheless not present literally or in fact."<sup>22</sup>*

Hannah F. Pitkin

*"Representation is a process through which the attitudes, preferences, viewpoints and desires of the entire citizenry or a part of them are [...] shaped into governmental action."<sup>23</sup>*

<sup>19</sup>Zukunftskommission Landwirtschaft (Hg.) (2021) : Zukunft Landwirtschaft. Eine gesamtgesellschaftliche Aufgabe.

<sup>20</sup>Ibid.

<sup>21</sup><https://www.bmel.de/DE/themen/landwirtschaft/zukunftskommission-landwirtschaft.html>

<sup>22</sup>Pitkin, H. F. (1967): The concept of representation. University of California Press, p. 8.

<sup>23</sup>Friedrich, C. J. (1968): Representation. In: Encyclopedia Britannica, Ausgabe 1968, S. 152-156.

*Carl Joachim Friedrich in Encyclopedia Britannica*

On the website of the German Bundestag, representative democracy is described as a form of government "in which the people 'rule' through elected representatives of the people."<sup>24</sup> Since the development of representative democracy, there have been constant debates about what political representation means and what legitimizes it. Two goals are in conflict with each other: Representatives are committed to the will of the "demos" or "people" ("All state power emanates from the people", Article 20 of the German Basic Law). In this sense, representatives implement what the demos demands. Nevertheless, it is also expected of the representatives that they decide independently in favor of the common good, even if they cause immediate displeasure among parts of the population. Members of the German Bundestag are "not bound by orders or instructions and are subject only to their conscience," according to Article 38 of the German Basic Law. Crucial to the definition of what representation means has always been the question of who or what belongs to the "citizenry," the political community<sup>25</sup>. In today's political theory, this question is increasingly discussed with regard to animals.<sup>26</sup>

**The reference to the conscience of Members of Parliament when making a decision, shows that according to common understanding not only persons or groups can be represented, but also values, interests, ideas or the common good.** These things, however, are not always easy to define and must therefore often be interpreted. Not only the interests of the voters are represented. Even if, for example, children or people in comas do not vote, they are also part of the political community and their needs are naturally represented<sup>27</sup>. Elected politicians are not only the voice of the electorate, but act more like authorized representatives having to identify the interests of the electorate out of a given context<sup>28</sup>. This open and modern understanding of representation now also allows for animal representation. According to this understanding, political representation means first of all to recognize what the relevant interests

<sup>24</sup>[www.bundestag.de/glossar](http://www.bundestag.de/glossar), Abruf Februar 2022.

<sup>25</sup>Friedrich, C. J. (1968): Representation. In: Encyclopedia Britannica, Ausgabe 1968, S. 152-156.

<sup>26</sup>Kymilka, W. (2011): Zoopolis: A Political Theory of Animals Rights. Oxford University Press.

<sup>27</sup>Nevertheless, there are initiatives to extend the right to vote to children and young people as well; in the case of the right to vote from birth, parents should vote for their children, see also Deutscher Familienverband e.V.: [https://wahlrecht.jetzt\(Stand10.02.2022\)](https://wahlrecht.jetzt(Stand10.02.2022))

<sup>28</sup>Peters, A. (2021): Animals in International Law. The Hague Academy of International Law

of those represented could be and furthermore how those matters of concern can be brought into accordance with other interests involved. Representation “presents” the perspectives of all individuals affected by decisions. **Representing animals also means to decidedly “speak for animals,” i.e. to take their side. It is not always necessary to proactively give thought to compromises with other concerns, but it is initially important to put the interests of the animals on the negotiating table.**

#### 4.6 Representing Animals politically

In this basic understanding of political representation, animals and their needs, concerns or interests can likewise be represented or taken into account in the decision-making process.<sup>29</sup> Now it can still be doubted whether animals have commissioned to be represented. However as the political scientist Professor Bernd Ladwig argues, it would certainly be too much to ask animals to “argue themselves out” of the oppression they have involuntarily fallen into. Whether those affected by oppression can speak or sign is of no significance, as we see in the case of children - to the notion of speaking for them. Animals may not know anything about the processes of advocacy, but they want to see their needs being met, they want to avoid conditions that feel bad, and expand conditions that feel good; that already being the guiding principle of legitimate content of representation. It is not always clear what animals endure, what they would rather do, and when they are truly suffering. Representation cannot rest on such uncertainty, but must, when in doubt, to the best of its knowledge and belief, assume likely interests, pain and harm. From the point of view of the animals, the precautionary principle must apply in case of doubt to avoid possible harm, likewise pleasure should also be made possible, even if one hundred percent certainty about the animals’ feelings is lacking.

Since the 1990s, non-governmental organizations have progressively become more professional on an institutional level and increasingly participate in political processes. In order to better take into account this new development, the concept of representation in political science is no longer narrowly defined by political theorists as state or parliamentary representation. Some theorists extend the term to include forms of non-elected and non-state-legitimized representation of interests.<sup>30</sup> Political theorists have long been investigating under which circum-

stances one can speak of an adequate representation of animals, but also of other groups without voting rights - such as future generations<sup>31</sup>. **Therefore, the practical question in politics is no longer whether animals can be represented, but how this can be done as efficiently and as justly as possible.**

#### 4.7 Interim conclusion: not “if” but “how”

In political theory, a new form of political representation in the sense of claim-making is emerging.<sup>32</sup> Already today, NGOs make claims from the perspective of animals - they therefore represent animals politically. However the German state can recognize representation in the case of animals as advocacy in the sense of “speaking for” via proxies and further strengthen representation by creating institutions.<sup>33</sup> Those animals whose living conditions we control, that are in need of our care or that provide goods to society would be represented in parliament.

The necessity for political representation of animals directly affected by political decisions and subject to the laws of a government on a certain territory seems to be a consensual starting point of various theoretical approaches to the human-animal-relationship.<sup>34</sup>

As mentioned above, we are already in the midst of this today: Practical approaches to political representation have long existed, even if they have not always been labeled and recognized as such. In the following, we would like to place six theses alongside these already existing practical approaches in order to support the day-to-day work of NGOs and individual advocates and to stimulate the debate about new public institutions.

<sup>29</sup>Ahlhaus, S. (2014): Tiere im Parlament? Für ein neues Verständnis von Repräsentation. Mittelweg 36, in: <https://www.eurozine.com/tiere-im-parlament/?pdf>

<sup>30</sup>Saward, M. (2010): Authorisation and Authenticity. Representation of the Unelected. In: Journal of Political Philosophy (17)1, S. 1-22.

<sup>31</sup>Eckersley, R. (2011): Representing nature. In: Alonso, S., Keane, J. und Merkel, W. (2012): The Future of Representative. Cambridge University Press, S. 236 - 257; Saward, M. (2010): Authorisation and Authenticity. Representation of the Unelected. In: Journal of Political Philosophy (17)1, S. 1-22.

<sup>32</sup>Saward, M. (2006). The representative claim. In: Contemporary Political Theory 5: 297–318.

<sup>33</sup>Peters, A. (2021): Animals in International Law. The Hague Academy of International Law, S. 580-585; McKay, R.R. (2018): Representation. In: Gruen, L. (Hg): Critical Terms for Animal Studies. University of Chicago Press, Chicago, S. 307-319.

<sup>34</sup>Ladwig, B. (2021): Nichtideale Theorie der Gerechtigkeit für Tiere. Zeitschrift für Praktische Philosophie Band 8, Heft 2, 2021, S. 143–174. In: <https://www.praktische-philosophie.org/zfpp/article/view/303>

## 5 Six thesis on the future of political representation of animals

### 5.1 Being subject to political rule warrants representation

*"Whoever is subject to political rule, must have his interests represented politically." - Who would disagree with this generalization?"*

Prof. Peter Niesen, University of Hamburg <sup>35</sup>

Political representation is generally a complex undertaking, not only in the case of animals. There are various answers to what exactly is represented (who are the people?), and who should represent societal concerns (only elected politicians?). It is part of the evolution of democracy that political representation remains an open concept that adapts to changing demands. Central to representation, however, has always been the concept of being affected: those who are affected by a decision should also have their concerns, needs, and interests taken into account. Animal consciousness studies have taught us that animals (depending on the species) can feel, perceive, and some even think and decide. That animals are affected by many policy decisions, not just by their ability to suffer as sentient beings, is scientifically undisputed, and a majority of the respondents of the Animal Society survey recognize this as well.<sup>36</sup> Animals being subjected to human law on a defined territory, determining their well-being and suffering leads philosophers such as Kimerley Smith to derive a claim to representation<sup>37</sup>. Legally, the claim to representation is also grounded in ethical animal welfare, which protects animals for their own sake.<sup>38</sup> Being protected for their own sake necessitates firstly having their will and needs articulated. The German Civil Code also states that animals are "not things." This "heightening of awareness" in the German Civil Code "forces or intensifies" a "reflection on the legal status of animals."<sup>39</sup>

<sup>35</sup>Niesen, P. (2020): Mehr Demokratie wagen! Über Bernd Ladwigs, Politische Philosophie der Tierrechte'. Soziopolis, 16. Dezember, 2020. In: <https://www.soziopo-lis.de/lesen/buecher/artikel/mehr-demokratie-wagen/html>

<sup>36</sup>According to the Sinus survey, 63% of respondents state that animals and their needs are regularly affected by politics, 22% agree and 15% answer "don't know" s. Animal Society e.V.: Tier(schutz)politik im Spiegel der Gesellschaft. (2022, S.17).

<sup>37</sup>Smith, K. (2012): Governing Animals. Animal Welfare and the Liberal State. Oxford University Press.

<sup>38</sup>§ 1 of the Animal Protection Act: the declared "responsibility of man for the animal as a fellow creature" is understood as an expression of ethical animal protection. Cf. Lorz / Metzger (2019): Kommentar Tierschutzgesetz. CH Beck.

<sup>39</sup>von Harbou, F. (2012): Sache, Mitgeschöpf, Rechtssubjekt? The animal in German law - history, present and perspectives. In: Hänni, J., Michel, M. and Kühne, D.. (2012): Animal Law - Tier und Recht. Developments and perspectives in the 21st century. DIKE, Zurich.pp. 672-592. citations on p. 581.

It would only be logical to take the next step, and at least include conscious animal species in the political community. Just as ethnicity or gender should not determine who is politically represented, the same should not apply to species membership. Instead, the maxim should apply: Wherever individuals are subjectively affected by politics, they hold a claim to be represented, regardless of who takes on the task of representation.

### 5.2 Representation should require more than animal protection expertise

"To sum up, representation involves: the making of a claim by a (self-appointed or otherwise) representative, who contends to speak in the name of another because s/he knows their situation and cares about them. This can be accepted or rejected by a human audience, and will exist alongside other claims."

Dr. Mineah Tanasescu, University of Brussels <sup>40</sup>

When "animal welfare" is considered in politics, it is often unclear to outsiders and lay people what interests are actually at stake and who formulates them. Perhaps some think that members of animal welfare societies make up the interest group. In addition, it is often suggested that science and / or veterinary medicine can determine the "appropriate level of animal welfare". Finally, animal protection or "animal welfare" is sometimes referred to as a public good that is to be further determined with the help of experts. Representation of animals, however, is neither expert knowledge nor is it necessarily about general welfare, and certainly not (only) about the interests of members of associations: Today, there is no scientific textbook from which the political claims from the point of view of animals can be fully deduced. Also non-existent is an "objective ethics" that says how to proceed in the case of trade-offs and conflict of interests. Even if there are scientific treatises, for example, on "animal welfare" or "animal-friendly slaughtering," political representation is not necessarily bound by these statements. Therefore it has to be expected that representation will err: that content matters for example don't go far enough or central needs are misunderstood. Since the affected animals cannot verify the contents of the representation themselves, a systematic, transparent and analytical approach to the determination of animal interests is central. If there is scientific research on key issues, reference should of course be made to it. The art of successful political representation, however, consists not only in copying statements, but in articulating claims in

<sup>40</sup>Tanasescu, M. (2014,S. ) Rethinking representation: The challenge of non-humans, Australian Journal of Political Science, 49 (1), S. 40-53.

the sense of the represented, i.e. there must be a will on the part of the representatives to achieve something for the represented. This distinguishes representation from science. Scientifically, representatives do not have to create anything entirely new, but rather apply and further develop what is known in the sense of the represented.

In order to distinguish the representation of animals in a legally precise way from the implementation of the Animal Protection Act, it would help to establish a separate legal category for animals, *the animal person*.

<sup>41</sup> Corresponding proposals on how this could be legally implemented are available.<sup>42</sup>

### 5.3 Non-elected representation must be transparent and self-critical.

*“...Practices of representation cannot fully achieve legitimacy in the ideal sense, but they can be improved.”*

Rousiley C. M. Maia, University of Minas Gerais <sup>43</sup>

The issue of legitimacy, especially in the case of non-elected representation, is one of the greatest challenges of animal representation. In theory, legitimacy is sometimes linked to the group of those represented agreeing to both the manner and content of representation. In the case of animals, as with babies and young children, we can never be entirely sure that those affected consent. But this does not imply a general impossibility of political representation. Indeed, it is possible to justify the claim that those represented would agree to the results if they could. Lacking the ability to consent hence necessitates that transparency and openness about the right content, forms of communication, institutions, etc., be given special attention. Transparency includes clarity about the methodology of attribution of suffering and interests of animals when these become relevant for political decisions. There must also be comprehensible rules about what to do in case of doubt - that is, in cases of uncertainty about the exact consequences of a measure taken for animals. One decision making rule in the case of uncertainty is the precautionary principle, which is also applied in environmental policy: Not waiting for measurable harm before acting, but taking precautions to avoid harm. The application of such or other rules must

<sup>41</sup>Von Gall, P. Raspé, C. (2021): Animals need representatives in law and politics. In W. Neussel (Ed.), *Responsible agriculture instead of torture breeding and torture husbandry* (pp. 279- 286). Munich: oekom.

<sup>42</sup>Raspé, C. (2013): *The animal person*. Duncker und Humblot, *Schriften zur Rechtstheorie*, Heft 263.

<sup>43</sup>Maia, R. C. M. (2012): Non-Electoral Political Representation: Expanding Discursive Domains. In: *Representation* (48:4), S. 429-443.

be visible to outsiders for each actor of representation.

Different actors of representation, for example from the animal protection as well as the animal rights movement, pursue different strategic approaches to achieve their political aims. **The “right” approach will usually not be easy to determine. This, however, should not lead to relativism. At the same time it holds true that there are more or less successful forms of representation from the point of view of animals.** There are reasonable deliberations on the case that well-intentioned animal protection can also cement problematic structures. NGOs and other actors claiming to represent animals must be self-critical in confronting this problem. In assessing different approaches to representation, several perspectives need to be distinguished: a) the perspective of the affected group, in our case animals, or those groups that profess to speak politically for animals; b) the perspective of those who do not assign themselves to that group, including groups with opposing interests; c) a cross-system perspective of democratic institutions and practices.<sup>44</sup> The latter makes connections to other forms of political representation, and is therefore particularly apt to allow for corrections. Legitimacy of non-elected representation should thereby be understood as an ongoing process that takes all these perspectives into account.<sup>45</sup>

### 5.4 Animal demands are independent of human interests

“... [A]nimals could be represented in human legal and political processes too. It is submitted that the animals’ non-verbal expression of their interests can often be discerned by humans. Where this is not possible, humans may still strive to define what is presumably in the animals’ best interests.”

Prof. Anne Peters, Director at the Max Planck Institute for Comparative Public Law and International Law Heidelberg (Germany), and professor at the universities of Heidelberg, Freie Universität Berlin, Basel (Switzerland).<sup>46</sup>

....such acts [of representation] portray those constituencies (animals for example) and their interests in various incomplete ways, and even can be said potentially to shape and constitute

<sup>44</sup>Maia, R. C. M. (2012): Non-Electoral Political Representation: Expanding Discursive Domains. In: *Repräsentation* (48:4), S. 429-443.

<sup>45</sup>Ibid

<sup>46</sup>Peters, A. (2021, S. 582): *Animals in International Law*. Pocktbooks of the Hague Academy of International Law.

those interests in the very act of claiming to speak for them.”

Prof. Robert McKay, Universität Sheffield<sup>47</sup>

Politics will always involve trade-offs and compromises. Representatives of animals must, if necessary, also seek trade-offs and balances with interests of animal use. **But prior to this, the best interests of animals must be determined and noted independently of such compromises.** Why is this so important? Isn't it natural that interests are determined within the interest group prior to negotiations? This is where the special nature of animal politics lies. Unlike other social groups, animals themselves are only involved in the articulation of their interests by expressing a behavior that needs to be interpreted. **The linguistic articulation and classification, however, must be assumed by human representatives.** This also means that there is a particularly high risk that widespread human interests, such as the use of animals for food or research, will influence the process of interest articulation. An example of this can be seen in the normative goal of “species appropriate husbandry” which in fact delineates a compromise between animal protection on the one hand and animal use on the other. This is further aggravated by the fact that animal protection has so far been understood independently of the question of the political representation of animals, primarily as the implementation of German respectively European animal welfare legislation. It thus remains unclear in which sense an animal protection result comes from a compromise of a balancing of interests. A sensitivity for the practice of representation must differentiate between two things: **the articulation of the interests of animals independent of the goals of animal protection and human interests on the one hand and a preferably fair and ethically adept negotiation of interests in the case of conflicting goals on the other hand.** The fact that this differentiation is made far too seldom today is reflected in the political language. Mostly, official documents simply speak of a consideration of animal welfare concerns. This abstraction and depersonalization risks losing the perspective of those actually affected. The perspective of the animals is much more complex than the hearing of or consultation of an association with its demands. Lost furthermore is also the insight that in a lot of cases the interests are not yet present but must still be determined and articulated through representation.

<sup>47</sup>McKay, R. (2017): Representation. In: Gruen, L. (Hg.): *Critical Terms in Animal Studies*. The University of Chicago Press, p. 307-319.

## 6 Animal advocacy needs a new self-consciousness

“We need to move away from the idea that [political] representation is first and foremost a given, factual product of elections, rather than a precarious and curious sort of claim about a dynamic relationship.”

Prof. Michael Saward, University of Warwick<sup>48</sup>

To ensure independence, a new self-confidence must develop among all those political and social actors who claim to represent animals. The public has to understand which civil (non-governmental) and public institutions commit to the task of speaking and acting on behalf of animals in politics. **This is not to be equated to animal protection.** For some animal protection associations, for instance, care work in animal shelters is at the center of their work, and they may not want to speak politically for animals at all. **The self-confidence of animal representatives should therefore not be aligned to the concepts of national animal welfare or animal rights but much more be adjusted to the demands of good and successful political representation.** Exactly as is the case for humans in democracies too. The pressing task to articulate animal interests and demands precisely and comprehensively is the foundation of this new self-confidence. While animal protection and animal representation are not to be equated, national animal welfare institutions can in future take on important tasks of representation if these tasks are defined accordingly. In this sense, the prospective Office of the Federal Commissioner for Animal Protection should take into account animal interests in the decision making process free of instructions and independent of animal husbandry interests.

### 6.1 Representation needs more effectiveness through new institutions.

“... [A]nimals could be represented in human legal and political processes too. It is submitted that the animals' non-verbal expression of their interests can often be discerned by humans. Where this is not possible, humans may still strive to define what is presumably in the animals' best interests.”

Prof. Anne Peters, Max Planck Institute for Comparative Public Law and International Law <sup>49</sup>

<sup>48</sup>Saward, M. (2006). The representative claim. In: *Contemporary Political Theory* 5: 297–318.

<sup>49</sup>Peters, A. (2021, S. 582): *Animals in International Law*. Pocktbooks of the Hague Academy of International Law.

The need to articulate animal claims independently and transparently goes hand in hand with the need for new political institutions.

Firstly as mentioned in point 5, those organizations among NGOs that claim for themselves to politically represent animals or groups of animals need to be found and declare their interest publically. Next to animal welfare and animal rights organizations it would also be theoretically possible that environmental organizations could represent animal interests. Further collaboration among these groups is necessary, to make it clear who covers which tasks, and which animal species or area of animal-use. These areas of responsibility should be visible not only for these organizations but also for the public so that gaps can be identified and, if possible, closed by civil society. Moreover, the civil sector needs an institution that anticipates conflict and can between the different NGOs, foundations and private individuals.

The public sector too is lacking executive institutions representing animal needs, both in the legislative and executive branch. Animal welfare is “taken into account” by state institutions in many contexts. This is required by the Treaty on the Functioning of the European Union Part One, Title II, Article 13:

“In formulating and implementing the Union’s agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.”<sup>50</sup>

The EU requires that politicians must also take animal protection into account in their political decisions. Analogous to gender mainstreaming, the term “animal mainstreaming” has established itself as an ethical requirement to consider the concerns of animals in all areas of public life and politics, for example in sports,

space travel, or financial policy.<sup>51</sup>

**“Animal mainstreaming” refers to the ethical demand for “consistent consideration of the interests of animals in all aspects of public life and political decision-making”**

(Markus Wild, 2019, p. 323).

The requirement of animal mainstreaming is central to the political representation of animals. But there is still little agreement today on what it means to adequately consider animals and their interests in conflicts of interest. Without a separate institution of animal representation - in the sense of a political voice of animals - a mere “consideration of animal welfare” risks leading to a confusion of different interests and perspectives that is no longer identifiable. Animal mainstreaming can therefore only take full effect when the view of animals is introduced into the decision-making process by a new state organization - and in close exchange with civil society. In Germany, the planned Federal Commissioner for Animal Protection can perform this task if the tasks are formulated accordingly, but more innovative ideas are generally needed. At the EU level, a promising start would be to designate a Commissioner for Animal Welfare, which is currently being called for as part of the popular EUforAnimals campaign.

## **7 Summary: Representation as a lever for animal protection and animal rights**

Are animals politically represented today? The answer depends on what is understood to be a genuine and effective form of representation. One thing is certain: Representation of non-human concerns is not explicitly provided for in the most important political institutions, first and foremost the parliament. However, it is also clear that politics follows the central ideas of political representation when it invites representatives of animal welfare organizations to advisory bodies or appoints state animal welfare commissioners to advocate for the needs of animals. The demand for political representation of at least sentient animals is thus not as revolutionary as it seems. The approaches that exist today and are taken for granted would simply have to be properly thought through. The urgent first step is to establish clarity, because the public does not seem to know who

<sup>50</sup>EUR-Lex: Document 12016E013 “Consolidated version of the Treaty on the Functioning of the European Union PART ONE - PRINCIPLES, TITLE II - PROVISIONS HAVING GENERAL APPLICATION, Article 13”. URL: [http://data.europa.eu/eli/treaty/tfeu\\_2016/art\\_13/oj\(06.05.2022\)](http://data.europa.eu/eli/treaty/tfeu_2016/art_13/oj(06.05.2022)).

<sup>51</sup>See Wild, M. (2019): Animal Mainstreaming - Motivation and significance of a new concept in animal ethics. In: Diehl, Elke, Tuider, Jens (Eds.); Do animals have rights? - Aspects and dimensions of the human-animal relationship (= bpb Schriftenreihe Band 10450), pp. 323-335.; Ladwig, Bernd (2020): Political philosophy of animal rights. Suhrkamp.

represents certain concerns of animals to what extent and on what occasion. A basic problem here is that the vague statement of "taking animal protection into account" is all too often used in an inflationary manner, without the public being able to comprehend which interests have been offset here and how. A starting point for the structure of a political agency from the animal perspective should therefore be a nationally-recognized and financed organization, which compiles all interests, concerns, and needs from the view of the animals and derives political demands from them. Such a representation should proceed as far as possible scientifically and ethically based on the interests of the animals. If there is no scientific basis, the representation should at least seek to limit the harm done to animals.

The institution of an Office of a Federal Commissioner for Animal Protection and a ministry with "animals" in its name could be important initial building blocks toward political representation. Particularly important is independence in developing legitimate demands from an animal perspective, access to research budgets, and a right of initiative for legislative change. In order to shed light on the current state of consideration of animals in politics and the possibilities for change in animal policy and to define a guiding principle for politics, we recommend that the national parliament of the Federal Republic of Germany, the Bundestag, convene a corresponding committee of inquiry.

**Isn't there anything more important?** Animal transports, EU regulations, caging, new barn construction: Many pressing issues occupy people who are professionally or voluntarily involved in animal welfare. They are fighting against a lot of ignorance and are happy about every success, no matter how small. Aiming for a political quantum leap seems far removed from the reality of this everyday struggle for getting heard, for animal interests being given some consideration. Working on the multitude of everyday problems deserves respect and it is important that different strategies on animal protection are not being played off against one another. And yet it is important to us that of the resources that animal welfare as a whole has today, energy is also repeatedly expended to achieve leverage in animal welfare work: effective political representation of animals is, in our opinion, the central, too often unnoticed lever for effective animal welfare in different areas, be it medical care for companion animals, the fight against intensive breeding practices, or the preservation of habitats for free-living animals. A political voice for animals that is recognized and institutionalized by the state and operates

on an equal footing with other social interests would raise the work of many small yet vital private initiatives to a new level. In our view, institutionalized political representation for animals is a part of the democratic conception of the 21st century.