

Can a Farm Animal be an object of legal protection in Japan?
—The current situation and problems in Japanese Animal Law—

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1. Introduction

Nowadays, the issues of animal protection, animal rights and animal welfare¹ have been a vital concern in most developed countries. However, the contents or level of achievement vary in each country. Animal care became an issue in Japan at the end of 20th century, and the first comprehensive animal related law was passed in 1973, 150 years later compared to Western Europe.² Since then, animal abuse is banned as it is defined in the Act on Welfare and Management of Animals (Animal Welfare Act), the Japanese comprehensive law on animal care.³ In Japan, slow progress has started in changing the current situation, which is

¹ OIE, World Organization for Animal Health, regulates variety of multilateral standards about animal hygiene and animal welfare practice and its definition of the word "Animal Welfare" is widely used.

OIE Terrestrial Animal Health Code (2011 7.1.2) Guiding principles for animal welfare 2: That the internationally recognised 'five freedoms' (freedom from hunger, thirst and malnutrition; freedom from fear and distress; freedom from physical and thermal discomfort; freedom from pain, injury and disease; and freedom to express normal patterns of behavior) provide valuable guidance in animal welfare.

² BBC, Welfare law in the UK, (last viewed on April 28, 2014) "The United Kingdom was the first country in the world to implement laws protecting animals. In 1822 an Act to Prevent the Cruel and Improper Treatment of Cattle was passed by Parliament." http://www.bbc.co.uk/ethics/animals/defending/legislation_1.shtml

³ Act on Protection and Management of Animals (Act No. 105 of October 1, 1973) was renamed as Act on Welfare and Management of Animals in 1999 when the act was revised.

the euthanasia of over 160 thousand dogs and cats each year.⁴ Despite the recent progress made in the Animal Welfare Act, Japanese animal advocates still identify Japan as a non-developed country regarding animal welfare issues. Why is that? The answer can be presented in a wide range of matters such as its unenforced regulations regarding companion animal protection and its limited subjects. In Japan, there are only vague principles dealing with treatment of animals for farming and testing, whereas the issue of farm animals and experimental animals are the center of the argument in Europe and the U.S. However, the current absence of laws does not mean that Japan does not need protection for farm and experiment animals.

Since prehistoric times, Japanese people have taken part in agriculture and fishing to sustain themselves, and so the main food they consumed was vegetable and some seafood. However, our present diet has been greatly influenced by westernization and it is tough to find food products that do not contain any meat or dairy products nowadays.⁵ According to the research by the Ministry of Agriculture, Forestry and Fisheries (MAFF), current Japanese meat consumption has increased threefold compared to the amount forty years ago.⁶

Seeing this considerable change, one has to wonder: what enables this rapid increase in meat consumption? Efficiency and the factory system of a meat production clearly characterize the present mass meat market. For example, at a pig farm I visited in Japan in 2011, only four people were taking care of 3,500 pigs and hogs.

These farm industries put priority on the greater rate of supply and efficient producing system, which can be managed by introducing mechanized farming, technology of farm

Article 2 (Fundamental Principle)

"In light of the fact that animals are living beings, no person shall kill, injure, or inflict cruelty on animals without due cause, and every person shall treat animals properly by taking into account their natural habits and giving consideration to the symbiosis between humans and animals."

⁴ Ministry of Environment (MOE), Statistics of dogs and cats in public animal shelters, (2012), http://www.env.go.jp/nature/dobutsu/aigo/2_data/statistics/dog-cat.html

"In 2012, 161,867 dogs and cats were euthanized in public animal shelters in Japan. The number has dramatically decreased from 394,799 in 2004. These recent changes illustrate increasing awareness regarding protection of companion animals."

⁵ Here, meat refers mainly to beef, pork and chicken as those are the main consumption in Japan.

⁶ According to the research of Ministry of Agriculture, Forestry and Fisheries, it was yearly 9.2 kg in 1986, but it increased to 28.5 kg in 2008.

science to accelerate the speed of animals' growth, and large and overcrowded factory run-on. The tendency for small farms to turn into larger scaled intensive farm factories seems not to stop in Japan as the MAFF announced a fundamental principal plan to modernize the production of dairy and beef that recommends enlarging the scale of farm industry to achieve lower costs in order to improve Japanese food self-sufficiency rate in 2010.⁷

However, looking at the tendency in Europe and other countries like Australia,⁸ the trend of placing high priority on efficiency and high productivity in Japan would be a minority country within developed countries. In other words, most developed countries have started to shift to animal welfare consideration rather than concentrating on efficiency or productivity.⁹ As a step towards advanced Japanese animal law, this report evaluates the present treatment of farm animals in Japan and argues that developing animal welfare for farm animals is also possible and crucial in Japan, and proposes some progress that can make the world a better place to live in for both human and animals.

[Photos from the pig farm I visited in 2011 in Shizuoka prefecture, Japan.]

Left: Pigs a few days before slaughter.

Right: A mother pig, placed into a small crate on her side



⁷ MAFF revise and re-announce the principle plan every 5 years approximately and this is the most recent announcement that was published on 27th July 2010.

http://www.maff.go.jp/j/chikusan/kikaku/lin/1_hosin/index.html

⁸ News ABC, New laws ban battery cages for hens, sow stalls for pigs in ACT, (February 25, 2014,) "The legislation, which was introduced by the Greens MLA Shane Rattenbury, will prohibit the use of battery cages for hens, along with sow stalls and farrowing crates for pigs in the Territory...Fines of up to \$35,000 can be imposed for breaching the laws."

⁹ Shusuke Sato, agricultural professor at Tohoku University suggests that there is a high possibility the World Trade Organisation (WTO) to include animal welfare issue soon in future. "Animal Welfare: Science and Ethics of Happiness in Animals" University of Tokyo Press, 2005, introduction page ii.

(The system is banned in the European Union since 2013, and illegal in several states in the United States.¹⁰)

2. A Pitfall of Japanese Animal Law and Protection Movements

As in many countries, because the relationship between humans and animals has a deep and broad range in Japan, there is a plethora of examples of laws dealing with human-animal relationships, such as Rabies Prevention Act¹¹, Invasive Alien Species Act¹², and Act on Improvement and Increased Production of Livestock.¹³

However, the Animal Welfare Act, the only law whose aim is purely for animal welfare in Japan, mainly focuses on companion animals. This parallels the fact that most animal welfare non-profit organizations and volunteers do not pay attention to commercial farm animal issues, and this can be an issue for Japanese animal care problem.

In contrast to the apparent ignorance of farm animal welfare, a notable number of animals that are suffering under the meat production illustrate the need for reforms towards farm animal treatment as a matter of urgency. According to a survey taken by Japanese Pet Food Association, there were over 22 million pets owned by families, including about 12 million dogs and 10 million cats,¹⁴ accounting to a greater number of children under 15 years old in Japan in year 2009.¹⁵

On the other hand, the number of farm animals does not only exceed the number of children, but also overall population in Japan. MAFF shows that over 823 million farm

¹⁰ mspca angell, Factory Farming, (last viewed on April 27, 2014),

<http://www.mspca.org/programs/animal-protection-legislation/animal-welfare/farm-animal-welfare/factory-farming/pigs/gestation-crates.html>

¹¹ Rabies Prevention Act (1950) 28 articles in all

¹² Invasive Alien Species Act (2004) 36 articles in all

¹³ Act on Improvement and Increased Production of Livestock (1950) 41 articles in all

¹⁴ The annual survey indicates that numbers of people who want to have pets are doubled number of present pet owners. <http://www.petfood.or.jp/topics/1003.shtml> (last visit on 10/11/2011)

¹⁵ Statistics of Ministry of Internal Affairs and Communications evidence the declining number of children and it reduced to 16.9 million in 2011.

<http://www.stat.go.jp/data/jinsui/topics/topi391.htm> (last visit on 10/11/2011)

animals were slaughtered in 2010,¹⁶ whereas overall population was about 128 million in the same year.¹⁷ Considering the enormous number of farm animals suffering every year, a simple question can be raised: "Is it right if we do not care about such a vast number of animals that have same sense and ability to be suffered from stress or pain as companion animals?" It is doubtful that animal law can be called under the name of establishing animal care and better human-animal relations if farm animals are ignored under the law.

In European countries, the outlawing of battery cages for laying hens has recently started to be common. However, in Japan, most factory farms use battery cages, and cram egg-laying hens into overcrowded cages so that the hens cannot spread their wings, and the hens can even die from suffocation because of the enormous congestion.¹⁸

At the pig farm I visited, breeding pigs were kept individually in gestation crates,¹⁹ barely larger than their bodies, and pigs' tails and teeth were removed without any anesthesia, in order to avoid tail biting due to the stress from the mundane circumstances. The pigs at the factories were given just enough space to minimize the occurrence and spread of diseases and parasites. Among the 3,500 pigs, only 300 mother pigs were allowed to breathe the fresh air outside in their entire life. (Mother pigs are bred outside before the first mating, but they are kept inside the factory as they experience continuous mating 18 to 21 times and breeding pigs live for 3 years before slaughtering.)

However, the piggery I visited was not a special case as those customs are currently carried out in most farms. If this same treatment were given by pet owners to their animals, the treatment would be stated as an "animal abuse," but people rarely criticize this in the case of farm animals because not many people know about those treatments.

¹⁶ ALIVE (All Live In Viable Environment), Animal Factory, (April 27, 2014) (823,720,00 farm animals includes approximately 1,470,000 dairy cattle, 2,760,000 beef cattle, 9,770,000 pigs, 175,920,000 laying hens, 633,800,000 broiler chickens.)

<http://alive-net.net/animalfactory/apel/WORLD-doukou.htm>

¹⁷ Ministry of Internal Affairs and Communications, Statistics Japan, (October 1, 2011)

<http://www.stat.go.jp/data/jinsui/2011np/>

¹⁸ Shusuke Sato, 2005, p.11

¹⁹ The Humane Society of the United States (HSUS), Crammed into Gestation Crates (February 19, 2014) (The website page explains the scientific view on gestation crates of pigs and has the video of undercover at Smithfield Foods in the United States.)
http://www.humanesociety.org/issues/confinement_farm/facts/gestation_crates.html

3. Reasons why farm animal is protected worldwide

The legal protection of farm animal emerged due to many reasons including the three reasons discussed below, and this reasoning applies to Japan too; namely, the compassion towards animals, the development of scientific research in biology and ethology, and the recent outrage of the negative influence on humans caused by the poor treatment of farm animals.

(1) Compassion towards animals

In the first place, the concern of animal welfare improvements started to expand as reflections of soul-searching about the brutally use of animals in daily life such as in the means of husbandry or ride in Western countries, and Japanese animal advocates gradually started to deal with various animal cruelty issues, including poor treatments of farm animals.²⁰ The animal liberation movement had shaken the base of ethics and morale of human beings around 60s to 80s,²¹ and the disclosure of seeking animal rights can be seen enthusiastically mainly in the U.S. nowadays. Its basic question is: Is it right to treat animals which are also sentient-beings different from humans? This fundamental doubt is gradually increasing in Japan too. The Mayor of Kyoto, Mr. Kadokawa, stated that he has witnessed and been surprised by citizens' great interest in animal issues, especially companion animals, by an unusually large number of citizens who participate in public regarding animal issues. Also, several animal welfare organizations such as ALIVE, All Life in Viable Environment, promotes sound treatment of animals including farm animals.

(2) Development of biological and ethological research

²⁰Shusuke Sato 2005 "Animal welfare: Science and Ethics of Happiness in Animals" University of Tokyo Press p.116

²¹ Peter Singer 2011 'Animal Liberation' Japanese translation by Kiyoshi Toda, Jinbun Shoin printed in Japan, p.30: In Animal Liberation, Peter Singer argues that animals are entitled to equal moral consideration because sentient animals have interests and anything that has interests is entitled to moral consideration.

Furthermore, the recognition of animal ability and the similarities between human and animals can be one of the reasons for the animal protection movement. As biological and ethological research has developed, we now know much more about variety of animals' feature such as their sense of compassion and complex social networks. Genetic research progress also proved the astonishing similarity of human and non-human animals.²² These recognitions cast doubt whether boundless exploitation of animals is acceptable or not. "Our understanding of who animals are has a powerful impact upon our sense of ideal justice. This sense of justice plays a powerful, and possibly determinative role, in how the law ultimately comes to treat animals," according to Steven Wise.²³

(3) Influence on human health both in physical and mental

It is not only animals who benefit from better welfare for farm animals, and this fact also applies to Japanese society. Unless the problem affects an individual personally, most people rarely care about social problems. The animal welfare movement is a typical case because they tend to think it is only a matter of animals themselves or animal lovers. However, animal use is deeply related to human interests both in direct and indirect ways. Better treatment of farm animals relates to human health in various ways, physically and mentally.

Carl Becker particularly cautions Japanese consumers by pointing out that its farming system of high efficiency and productivity is managed by raising animals with heavy doses of chemicals. The Japanese government allows meat producers to use 177 types of additives that have three kinds of purposes, keeping the meat quality, nutritious, and as antibiotics.²⁴ According to Carl Becker, "To save space and cleaning time, animal farmers use many

²² H W Gonyou, Why the study of animal behavior is associated with the animal welfare issue. *Journal of Animal Science* 1994, 72:2171-2177, (1994) <http://www.animal-science.org/content/72/8/2171.full.pdf>

²³ Steven Wise, 1985-1986. "Of Farm Animals and Justice" *law journal* p.201

²⁴ MAFF designation (07/24/1976 MAFF Ordinance No.750) based on Law Concerning Safety Assurance and Quality Improvement of Feeds, Article 2, 3 Law No. 35 issued April 11, 1953, Feed additives in this Law refer to those used in feeds by methods such as addition, mixture and infiltration to prevent deterioration of quality of feeds and to attain other uses specified designation.

antibiotics [...] Antibiotics prevent their animals from getting sick, even though the animals cannot move or live in a healthy and natural environment. But antibiotics tend to breed even stronger forms of bacteria that later emerge to affect both animals and people."²⁵

Another human risk of accepting daily animal cruelty under the meat production is moral corruption among human society. Due to the link between animals and humans, the indifference toward hardship of non-human animals leads to indifference toward human hardship. Pamela Frasch, Katherine Hessler, Sarah Kutil and Sonia Waisman document the acknowledgement of the link between increased penalty provisions and the ability to include animals in protective orders.²⁶ Clifton P. Flynn states, "Animal abuse is doubtless often linked to other forms of interpersonal violence. This finding is now firmly established in the literature on both the family violence and criminology."²⁷ One of the studies provided by Fitzgerald, Kalof and Dietz illustrates the fact that the expected arrest and report values in countries with 7,500 slaughterhouse employees are more than double the values where there are no slaughterhouse employees.²⁸ Considering these studies, animal welfare improvement in any exploitive categories including farm animals helps people to improve human mental health.

4. Japanese Special Situation Supports Better Treatment of Farm Animals

Not only does the reasoning above likely apply to Japan, but economic and specific culture also supports promotion of animal welfare in Japan.

(1) Acceptability Analysis from an Economical Aspect

Examining the economic effects caused by introducing animal welfare in Japan illustrates that animal welfare could potentially meet people's interests. Although an additional cost for animal welfare often stands out negatively, cheaper production is not the only answer to win the worldwide competition in the stock-raising industry. Japan cannot

²⁵ Carl Becker "Danger In Daily Life" Eihosha 2000, p.18

²⁶ "Animal Law in a Nutshell" A Thomson Reuters business 2011, p.93

²⁷ Clifton P. Flynn, "Examining the links between animal abuse and human violence" May 2011, Springer Science + Business Media B.V. p.454

²⁸ Fitzgerald, Kalof and Dietz p.168

compete with the U.S. or Australia in the scale of production due to the close location with residential areas. At the moment, in order to increase the self-sustainability of meat, Japanese government encourages the integration of livestock industry with less cost and manpower, which means limited care for animals. However, I believe that one of the effective ways for Japanese farmers to survive the competitive stock-raising business that meets consumers' demand is the development of environmental friendly meat production with higher quality.

The organic food market is growing globally and Japan is no exception. The preference for healthy food production seems to continue as a greater number of scientific evidence witnesses the close relationships between human health and food consumption and lifestyle.²⁹ The popularity of organic food is due to variety of issues such as the awareness of physical risks that comes from gaining too much fat, taking additives, the outbreak of BSE, and the reconsideration of animal cruelty.³⁰

Japanese consumers' tendency to fret over food safety care suggests there is a huge potential of organic meat product markets in Japan. Developing the authorized standard and the labeling system of an organic food could potentially ease customers' skepticism towards food safety. Miki Nagamatsu explains, "organic foods are strictly separated from conventional agricultural foods at all stages of production [...] thus traceability is ensured. In this sense, organic foods can be regarded as the pioneering sector in satisfying the food safety system, and its development is being looked forward."³¹

It is likely that greater number of people would show a preference for animal welfare labeled meat with premium prices over ordinary meat with similar or slightly more expensive prices compared to imported meat. This preference surely could entice the possibility of launching animal welfare in production.

(2) Acceptability Analysis from Religious and Culture Aspect -The special feature of Japan — does it obstruct the introduction of the notion of animal welfare?

²⁹ Miki Nagamatsu, "Organic agri-food system in EU" p.31 (Japanese Economic analysis company, 2004)

³⁰ Yoko Niyama, Yasuyukii Shikata, Yosiaki Masuda & Goro Hitomi "Changing EU beef production" p.9 (Japanese Economic analysis company, 1999)

³¹ Miki Nagamatsu, 2004, p.202

Despite the great difference in religious and cultural features between Japan and western countries, the difference would not necessarily be a burden from the legal development of farm animal welfare in Japan. The law does not work effectively unless it fits to a particular culture and a national character of each place. Thus, Western animal law does not always fit perfectly into Japanese society as there is a fundamental difference of culture and religion between Western countries and Japan that cannot be overlooked.

For instance, according to Shu Ishida, compared to Western control and responsibility towards animals, under Christian belief, the fundamental religions of Buddhism and Shintoism³² belief made Japanese people stands in awe of nature including living creatures. As Japanese people fear the process of slaughtering living animal as an impure practice, people traditionally correspond the feeling of sorrow due to the killing of sentient beings by apologizing or covering, not taking responsibility to face the reality and to consider in its own right.³³

On the other hand, despite the particularities of Japanese history and tradition, Japan is obviously a modernized society as we have developed similar customs and system regarding meat consumption as mentioned above. Although Japan had restricted the destruction of life for almost 1200 years until Meiji era³⁴ and there were special regulations of a hamlet where people kept the hunting tradition in rural areas,³⁵ these traditional rules have disappeared now in reality. Thus, a new rule of sustainable animal exploitation is needed and it must fit to the Japanese traditional ideas of compassion towards animals and the modern lifestyle. This new rule can be the law and legislation using the idea of "animal welfare" that is hugely based on the worldwide common study of scientific research such as animal behavior study and compassion towards animals that Japanese people originally have.

Another apparent Japanese problem within meat consumption is the lack of attention paid to meat production. For instance, because of the strong demand of a resident, a slaughterhouse in Yokohama was forced to displace nine times until now.³⁶ There is a

³² japan-guide.com, Shinto, (last viewed on April 26, 2014), <http://www.japan-guide.com/e/e2056.html>

³³ In Japan, most of the slaughterhouses and farm factories have "Ireihi," a cenotaph and people who work there held a ceremony at least once a year to apologize to the animals put to death.

³⁴ Kei Kamata "A document slaughterhouse" Iwanami 1998 p. 9

³⁵ Shu Ishida "Modern Japanese people's view towards animals" 2008 BNP p. 78, p.120

³⁶ Slaughterhouse in Yokohama now place at an industrial area.

coexistence of the discrimination towards the practice of slaughter that is deeply rooted in Japanese history and the present westernized lifestyle rapidly accepted in 140 years.³⁷ The effect of a huge disparity between the farm animal production and consumption in Japan appears as nineteen million tons of food waste in Japan³⁸ illustrates the serious Japanese attitude of making light of life in recent years. If people do not have the chance to know the hard situation the animals are facing and the problems today's farm factories hold for them, no one presses farmers or the government to change. Discrimination of slaughterhouse and butchers should be forbidden by making consumers realize that it is themselves who choose to take away farm animals' lives. In order to achieve this, the largely taboo subject of slaughtering huge number of animals should be disclosed. Also, people get to choose what kind of food they take by the disclosure of the meat production process. The exposure of the current livestock treatment potentially urges consumers to take an active action such as preference of meat that come from well-treated animals or consuming less meat, which would eventually promote animal welfare in Japan.

5. No existing law to protect farm animals

In spite of the need of animal welfare improvement, no other farm animal protection movements among developed countries are quieter than those in Japan. In spite of the expanding set of detailed restrictions on various animal husbandry processes such as breeding, transporting and slaughtering, in other countries,³⁹ one cannot find such enforceable

Kei Kamata "A document slaughterhouse" Iwanami 1998 p.95

³⁷ The history of promulgation prohibiting animal slaughter ended dramatically with the news of emperor's sampling a beef in 1972. "Slaughtering Culture: the undiscovered world" edited by Atsushi Sakurai and Mamoru Kishi. 2001 p.24

³⁸ MAFF, A Present Situation of Food Loss, August 8, 2008, (The data is from 2005.)
http://www.maff.go.jp/j/study/syoku_loss/01/pdf/data2.pdf

³⁹ Eurogroup for Animals, List of EU Laws on Animal Welfare, (April 28, 2014),
<http://eurogroupforanimals.org/what-we-do/category/eu-animal-welfare/list-of-eu-laws-on-animal-welfare>

legislation in Japan. As animal care turned into the matter of innate morale,⁴⁰ not an objective rule, there are only formal principles or standards based fully on self-imposed controls that rarely work as actual animal protection in reality. The following is the estimation how unforeseeable the principles and standards are.

The existing principle or standard basis of government related to the welfare of livestock in meat production system has clear characteristics: lack of concreteness, a trifle of text, and loose code of ethics. As an example, there is a clear difference of the code of slaughter legislation between in the U.S. and Japan. The American Humane Slaughter Act that was enacted in 1958 requires a butcher to use the specific ways of slaughtering by stating clear code.⁴¹ This makes the law feasible to protect a cow, pig, and sheep, although this law is criticized for excluding hens, which constitute 95% of meat consumption in the U.S.⁴²

§1902. Humane methods
[...]According to the law, animals should be stunned into unconsciousness prior to their slaughter to ensure a quick, relatively painless death. The most common methods are electrocution and CO2 stunning for swine and captive bolt stunning for cattle, sheep, and goats. Frequent on-site monitoring is necessary, as is the employment of skilled and well-trained personnel. An animal is considered properly stunned when there is no "righting reflex"; that is, the animal must not try to stand up and right itself. Only then can it be considered fully unconscious.)

In contrast, the Japanese slaughter law only states how to maintain the hygiene and sanitation of workers at the slaughterhouse, and does not mention how they can reduce the suffering of animals.⁴³ Then, if we look at "the principle of the slaughter disposition," the difference from the law in the U.S. is clear.⁴⁴

⁴⁰ Shusuke Sato, 2005. p.90 Act on Animal Protection and Management in Japanese have the nuance that require people to 'love' animals, not just to protect in physical way.

⁴¹ §1902. Humane methods 1958

⁴² Pamela D. Frasc, 2009.

⁴³ Slaughterhouse Act 1953 Act No. 114 of 1953

⁴⁴ The Principle of the Slaughter Disposition 1995 Notification No. 40 of the Ministry of the Prime Minister's Office

Article 3: The way of slaughter disposition should be as follows; slaughtered animals' function of the heart or lungs should be stopped after stunning into unconsciousness using the chemical or physical methods or the way that is widely accepted by society.

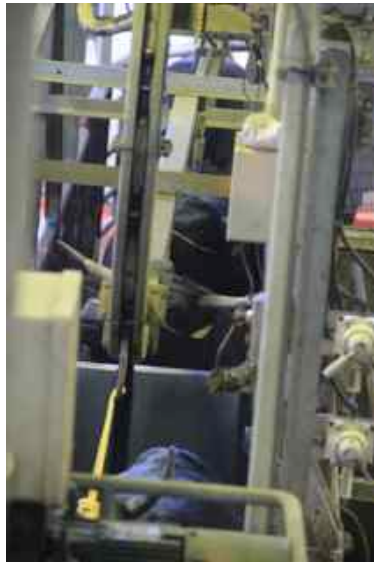
The vagueness of the Japanese principle compared to the one in the U.S. is apparent. The principle contains only seven codes and it is no longer than a page. The phrase "or the way that is widely accepted by society" suggests how the principle is supportive of the existing system that is sometimes cruel to animals and there are no signs of change to the current situations. In addition, as long as these are principles, not laws, disobeying these encouragements draws no punishment.

To see how slaughtered animals are actually treated in Japan, I made a visit to one of the slaughterhouse that produces meat from roughly sixty cows every day. At the slaughter factory, cows were stunned by a shock of the back of the head, and it reduces the potential danger for workers. It eases the fear of cows before losing conscience and so workers can shoot smoothly without

making cows in panic nor miss shot. On the other hand, according to the director of the slaughterhouse, no other attempt to achieve better animal welfare has been made, apart from the stunning process. It is clear that the main reason for the only attempt was achieved to deal with the workers' claim for improvement of their labor conditions. Therefore, without any restrictions or detailed standards, the harmful treatment in other processes continues if the process does not affect human health and security, because animals never will be able to

Photos from the slaughterhouse I visited in Hyogo Prefecture

(left) Stunning process: cows are lining one after other
 (right up) the notification next to the holding pens "Please lead cows into pens after cleaning their body for food safety"
 I could not find any caution to encourage animal welfare.
 (right down) Cows waiting to be slaughtered



"make a claim." The vague code also draws vital variations in practice as the law is not enforceable.

The evidence of workers' limited action concerning towards animal welfare cast a doubt on the effects of existing principles, standards and laws. The sparse compelling force, short provisions and the generality are evident in other principles such as the stipulation about maximum stocking densities in farm factories and injurious unnatural bedding. Housing millions of livestock in cramped conditions causes unfavorable interactions between the animals and the concrete floor without any straw for example, causes troublesome diseases to livestock.⁴⁵ The great amount of feed additives and antibiotics in order to reduce the potential injuries and illness can eventually affect consumer's health.⁴⁶ The connection between farm animal cruelty and human risk is explained in the next chapter and analysis upon the provision is carried out in chapter five as the step of seeking potential animal welfare reforms in Japan.

6. Future reforms — Seeking adequate legislation on the farm animal care

Taking all the arguments why and how important it is to seek for improved animal law, especially for farm animals in Japan, this report suggests the need of disclosing farm animal treatment and appropriate legislation that enables farm animal protection.

(1) Raising a social awareness

In order to achieve the concrete animal welfare establishment, the parallel attempt of raising a social awareness is necessary as well as the need of reforming the law itself. The interview with the pig farm owner made me recognize how hard it is to introduce the animal welfare thoughts into Japanese farming factories.

Responding to my question, "What if Japan asks farm factories to improve the animal welfare standards with subsidized grants to cover the cost of improvements?" the factory owner told me that he would rather quit his pig breeding job. The reasons he mentioned were environment problems caused by grazing and low profitability. This claim shows the need for consumers to show a supportive attitude towards organic animal production. Animal welfare cannot be established solely by changes on the production side. Thus, comprehensive and parallel reformation of awareness towards consumer is significant. In this complex and modern

⁴⁵ Shusuke Sato, 2005,

⁴⁶ Carl Becker, "Danger in Daily Life [Environmental Ethics]" (Tokyo: Eihosha, 2000)

society, there are some people who are not willing to purchase the cheap meat that was produced under harsh conditions and wish to pay premium prices for animal products with humane labeling. Giving information and the opportunity to choose their diet through education at school and establishment of labeling system matches the notion of the "Basic Act on Food Education." In the Basic Act, the above statement stipulates, "Teaching children about a healthy diet is to provide them knowledge about a food and help them to have abilities to choose a food to be healthy food consumers."

(2) Re-forming farm animal legislation

The next consideration is going to be carried out in the legal world. In order to establish better human-animal relationships with enhanced farm animal welfare, any urgent legal reforms have to be practical with the concrete and numerical standards of animal treatment over the various stages of meat production including mating, breeding, transporting and slaughtering. Clear definitions and a basis in scientific research data such as ethological study are crucial to avoid creating any potential loophole. For instance, the maximum flock size, the maximum number of times of forcing mother pigs to mate, or even the fundamental definitions such as the meaning of poor treatment and abuse in order not to leave any room for exceptions. A practical system can be fostered if a watchdog commission is introduced to make sure that the law is followed.

I now try to assess the existing Japanese legislation and principles that relate to farm animal treatment and try to seek for ideal legislation.

The Act on Domestic Animal Infectious Diseases Control⁴⁷ has been reconsidered over and over again with increasing speed as the serious infectious diseases have continuously threatened Japanese society. This law, containing 66 articles, including:

Article 12-3-2(Standards of Rearing Hygiene Management):

Owners of domestic animals for which Standards of Rearing Hygiene Management are prescribed must practice hygiene management pertaining to the rearing of said domestic animals in the manner prescribed by said Standards of Rearing Hygiene Management.

Based on the statements, the current Standards of Rearing Hygiene Management (revised in 2011) requires farmers to keep the shelters clean to avoid the entrance and extermination of harmful insects. What we need to watch closely is that the renewal standard stipulates, "Not to breed farm animals in an overcrowded condition which causes bad effects on their health," as a step forward. However, as the avoidance of animal infectious disease is

⁴⁷ Act on Domestic Animal Infectious Diseases Control (Act No.166 of May 31st, 1951)

the only purpose and the reason for these standards, we cannot find any further requirements allowing farm animals to engage in natural behavior of keeping animals free of lesions and agony. Therefore, the effect of this stipulation is still doubtful in the means of the better animal welfare establishment that enable people to have healthy food consumption.

Despite its limited current usefulness, following the standard, the farm factory owners who do not seem to meet the requirements are fined 300,000 yen (\$ 3,860 in 2011 dollars) if they do not listen to the advice and guidance given by government employees. This suggests the potential practical side of this standard if further numerical standards of maximum stocking density, for example, are established while introducing notions of animal welfare that result in reducing animals' stress and agony.

7. Conclusion

As discussed above, introducing and developing animal welfare standards for farm animals is viable in Japan, and in order to maintain the close human-animal relationships, a reformation of farm factory, which contributes both to human and animals, is the crucial task.

Japan is still focusing on the treatment of companion animals and the nationwide discussion of cruelty in meat production still has not started yet. However, Japan shares various reasons why people need to take animal welfare into account with other developed countries. As some Japanese ethologists started to suggest, it is important to look squarely at reality, how we raise and slaughter animals, and not hide this from consumers.⁴⁸

⁴⁸ Shunsuke Sato, 2005, p.179