

To inspect, to motivate — or to do both? A dilemma for on-farm inspection of animal welfare

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Abstract

The ultimate aim of this paper is to study and discuss a central dilemma within inspection of animal welfare. On the one hand, it may be argued that controllers should check only whether farmers comply or not with animal welfare regulation. Here, the key value is the rule of law, and that all offenders should be treated equally. On the other hand, it may be argued that an important component of inspections is to enter into dialogue with farmers. This may be based on a more forward-looking view aimed at motivating farmers to look after the welfare of the animals in their care. In European countries, authorities try to enforce animal welfare legislation through inspections followed up by penalties in instances where a lack of compliance is found. However, the fairness and efficiency, and ultimately the public acceptance of the system, critically depend on the performance of the individual inspector. This paper presents the results of an interview-study into how Danish animal welfare inspectors view their own role and tasks. In the main results, a theme of disagreement presented itself and revealed different attitudes in terms of the possibility of engaging in a dialogue with the farmers. The first theme focused on the preventive aspect. The second had its focus on compliance and on the avoidance of engaging in dialogue with the farmer regarding the reasons for the regulations. Moreover, a theme of agreement showed interpretation as unavoidable. We discuss how the points of view or strategies of the inspectors may affect the outcome of animal welfare inspections, both on a short- and long-term basis. We argue that this study can initiate a necessary and more open discussion of the aforementioned dilemma.

Keywords: animal welfare, control, dilemma, ethic, inspectors' experiences, legislation

Introduction

"No, I didn't see any point in discussing the farmer's choice. I sometimes do discuss why a certain regulation [of animal welfare] exists, but very often I just state: "This is the way it is". No point in discussing why, if they can't see it by themselves..." (Inspector I).

"During inspection you don't look exclusively for whether any harm has already been done, [...] You do that too, but many of the regulations really exist to prevent animal welfare problems. I find it important to explain what is behind the regulations, because if you expect them to do things right the next time, they need to understand what the meaning behind it is" (Inspector D).

These two quotations, from animal welfare inspectors in Denmark, vividly illustrate a dilemma linked to the enforcement of farm animal welfare legislation. On the one hand, it may be argued that controllers should only check whether farmers do or do not comply with animal welfare regulation. Here, the key value is the rule of law, and that all offenders should be treated equally. On the other hand, it may be argued that entering into dialogue with farmers is an

important element of inspections. This may be based on a more forward-looking view aimed at motivating farmers to look after the welfare of the animals in their care.

This dilemma may lead to different individual strategies among animal welfare inspectors. Thus, the way in which animal welfare inspections are carried out in practice at farm level will be influenced by individual strategies pursued by the inspectors, no matter which guidelines are formulated at the highest administrative level. This phenomenon has been studied by Michael Lipsky in his book about street-level bureaucracy (Lipsky 2010 [1980]). He describes how street-level bureaucrats, on the one hand, have to achieve policy objectives originating from the political process and — on the other — have to deal with situations which require improvisation and responsiveness to the individual case. According to Lipsky, the dilemma behind this is how to treat all citizens equally in their claims on governance, and at the same time respond appropriately to the individual case. In Lipsky's thinking, it is fundamental that street-level bureaucrats are policy-makers on two levels. They exercise wide discretion on decisions about citizens with whom they interact. In this way, their individual actions 'add up' to

agency behaviour. Lipsky's 'bureaucracy' implies a set of rules and structures of authority, and 'street-level' implies a distance from the centre, where authority presumably resides (Lipsky 2010; p xii).

Lipsky belongs to an anthropological tradition that studies policy (Shore & Wright 1997). In this tradition, it is argued that one strategy is to look at the consequences of these policies on a local level. It can be argued that Lipsky limits his views to the street-level workers, not having focus upon how the people they meet also take action and have influence. However, we find that Lipsky's approach can be useful when studying how animal welfare inspectors handle their job. These inspectors can very well be regarded as 'street-level bureaucrats', who are responsible for the front-line operation of securing compliance with the animal welfare legislation. Both the farm animals and the farmers can be seen as clients whose situation is being affected by the way in which the inspector practises her or his job.

Lipsky (2010; p 13) claims that the exercise of discretion is a critical dimension when interactions between bureaucrats and citizens take place. Furthermore, the bureaucrats cannot perform according to the highest standards of decision-making, because street-level workers lack the time, information or other resources necessary to respond properly to each individual case. Instead, street-level bureaucrats manage their difficult jobs by creating routines to make tasks manageable (2010; p 83).

Authorities enforce animal welfare legislation through animal welfare inspections followed up by penalties in cases of lack of compliance in Denmark, as in other European countries. However, the fairness and efficiency, and ultimately the public acceptance of the system, critically depend on the performance of the individual inspector. The aim of this paper is to study and discuss how the points of view or strategies of the inspectors may affect the outcome of animal welfare inspections, both on a short- and long-term basis.

We use an ethnographic approach, based on data collected at unannounced welfare inspections on Danish farms, and focus on the dilemma which was illustrated in the quotations above, between the "pure focus on compliance to legislation" versus the "forward-directed focus on prevention".

Based on the theories of Lipsky (2010), we argue that the work of street-level bureaucrats is mostly hidden from public view, so that even attentive citizens do not necessarily know what is going on in various agencies. We hope that this study can initiate a necessary and more open discussion of the mentioned dilemmas. The issue of how best to implement animal welfare legislation becomes even more pressing due both to an increased amount of relevant legislation, and greater focus on compliance.

Materials and methods

The context of animal welfare inspection in Denmark

The EU regulation on animal welfare (Anonymous 2011a), implemented in Danish legislation (Anonymous 2011b), contains an important framework for unannounced on-farm inspections. In 2004, the number of inspections in Denmark was raised from 2 to 5%, and the method of inspection was changed so that they were to be made unannounced and include both national and EU legislation (Danish Centre for Animal Welfare 2011). The Danish Veterinary and Food Administration (DVFA) select farms for inspection, if possible by means of risk parameters. The inspections are carried out by inspectors of the Danish AgriFish Agency; the inspectors must request assistance of a veterinary officer from Regional Veterinary and Food Administration (RVFA) if a veterinary assessment is required. In serious and acute cases, the inspector waits at the farm until the veterinary officer arrives which must be within 4 h. In less-acute cases, the veterinary officer must call the farmer within 24 h. The inspection focuses on farmers' compliance with the law and cannot be refused by the farmer. In cases where the farm owner or his representative is not present, an inspection will not be carried out.

According to DVFA, the reason for making inspections unannounced is to "obtain the most realistic picture of livestock condition" (Danish Centre for Animal Welfare 2011). DVFA also gives guidelines as to how the inspector should act upon arrival at the farm: the inspector should introduce him or herself and explain the purpose and scope of the inspection. Furthermore, the farm owner will receive information regarding the legislation behind the inspection. After this, the inspector will inspect the entire herd or flock to assess whether the farm owner complies with the animal welfare regulations. At the end of the inspection, the farm owner will receive a verification document as evidence that the inspection has been carried out.

The inspection can reveal that everything is in order according to the legislation. Otherwise, the authorities have a range of options, depending on the nature of the infringement. The inspectors can issue warnings or enforcement notices. They can report the farmer to the police in cases where they find severe violation of the animal welfare legislation (Danish Centre for Animal Welfare 2011). Moreover, since 2003, all farmers receiving direct payments from the EU have been subject to compulsory cross-compliance. According to the European Commission (Anonymous 2012b), cross-compliance can "penalise farmers who infringe EU law on environmental, public and animal health, animal welfare or land management — by reducing the EU support they receive". The size of the reduction depends on the severity of the infringement.

Data collection

Data were collected during unannounced inspections and at subsequent interviews of the participating inspector at each visit. Inspectors were selected by ‘gate keepers’ (Hammersley & Atkinson 2007). The gate-keepers were the people whom the first author contacted to facilitate further contact with inspectors by sending requests asking which inspectors would allow the presence of a researcher during inspections. The gate-keepers were the leaders of the regional offices at the Danish Veterinary and Food Administration (DVFA) and the Danish AgriFish Agency. Eleven inspectors at five different regional offices were willing to do this, and therefore included in the study. This paper is based on 12 inspections and interviews with inspectors in charge of these inspections (11) conducted between December 2009 and January 2011.

The Danish system of unannounced animal welfare inspections was changed during this period. Previously, inspection was carried out by veterinary officers of the Regional Veterinary and Food Administration (RVFA). As a consequence of the 2008 Parliamentary Veterinary Agreement, this task (‘screening inspections’) was assigned to the Danish AgriFish Agency in 2010. The inspectors in this Agency are referred to as ‘technicians’, so they have a different educational background. According to the new inspection model, the AgriFish Agency is responsible for inspecting the selected herds or flocks (Danish Centre for Animal Welfare 2011). As a consequence of this, seven of the participating inspectors are veterinarians from ‘the old system’, and four are technicians from ‘the new system’.

The inspectors had a list of farms to visit. The researcher simply followed the inspector during the day where a whole day of inspection was observed, often two sometimes three farms were visited. An inspection would normally last between 1.5 and 3 h, depending on the size of the farm. The farmer was asked if he would allow the researcher to observe the inspection. Nobody rejected this. Afterwards, a number of the inspections were selected for this study: larger farms with pigs and dairy cattle were chosen in order to refer to the same regulations; a few weeks later, the researcher came to conduct an interview of the inspector in his/her office and interviewed the farmer at the farm. In cases of non-compliance, the interview did not take place before the farmer had received a letter with a settlement from the authorities.

Anonymity was guaranteed to all participants to promote openness and confidentiality. The interviews with the inspectors followed a semi-structured interview guide, using general opening questions: “How did you experience the unannounced inspection of animal welfare at farm XX?” All subsequent questions sought the inspector’s experience of carrying out animal welfare inspections in various ways. Ten interviews were conducted in the inspectors’ own offices, and one by telephone.

The intention behind the method has been to elicit information, analysing for themes or patterns *within* rather than *across* cases, and as such we have not looked for a represen-

tative sample of informants. This method would not be possible if we had the intention to document perspectives or discursive practices where a representative sample of informants would be more relevant. The first author (IA) also, during the study, took part in meetings with both farmers and professionals and presented results during the process of analysis which has been helpful as validation.

Data analysis

During all inspections, notes were taken by the researcher. No tape recorder was used as this was deemed too much of a disturbance in such a potentially tense situation. All interviews were recorded, transcribed in full and coded using the software programme, NVivo®.

Statements or parts of the interview with a coherent meaning were condensed into short, descriptive headings in a process called ‘meaning condensation’ (Kvale 1996). Headings were categorised when a main theme was identified. As a result of the analysis, the results are constructed as two main themes, and a series of sub-themes exploring those main themes.

In this paper, we focus on the role of the authorities and therefore kept our attention on the inspectors although, in one case, we refer to a farmer’s response. See Anneberg *et al* (2012) for research into farmers’ perception of animal welfare inspection.

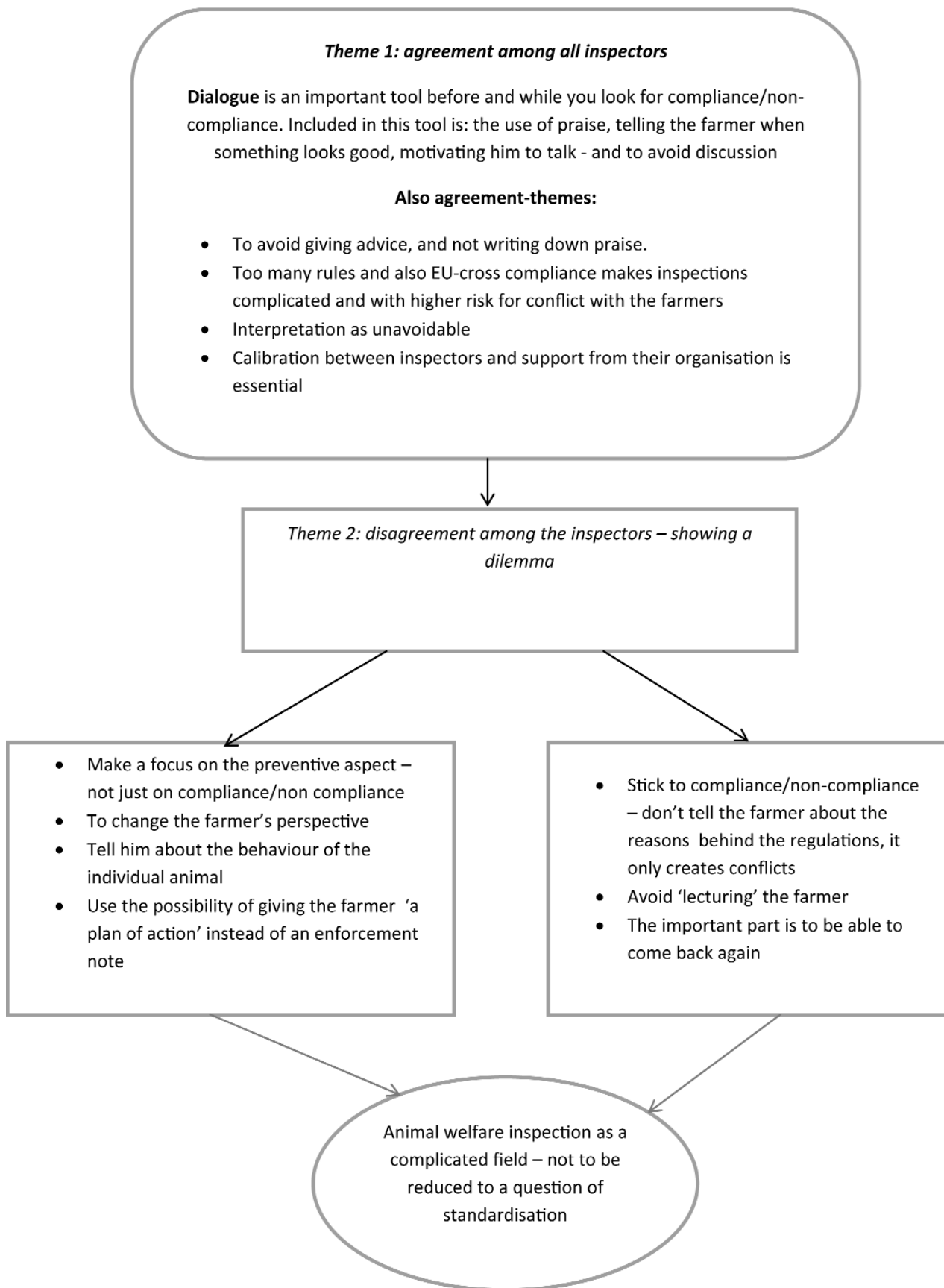
Results

The main result of the analysis is shown in Figure 1, where two major themes are outlined. In the following, these themes will be explained and elaborated, and discussed below. The first theme covers a range of so-called ‘Themes of agreement among the inspectors’. The second explores a range of disagreements which go together to describe an underlying dilemma among the inspectors as well as the situations of inspection.

The entrance to the farm

At first sight, all inspectors used the same standardised procedure. When they found the person responsible for the farm management, they introduced themselves. They would always explain the aim of the inspection and talk to the farmer about their legal rights, including handing over a document. These rights comprised, for example, the right to call somebody else to take part in the inspection. The inspector would then ask the farmer to show him or her the farm. However, this procedure was handled in many different ways. In one of the 12 cases, the farmer refused to take part in the inspection, but his wife intervened and offered to show the farm to the inspector. Later, the farmer joined in. In a second case, the farmer protested about the timing of the inspection (he was occupied with a team of hoof trimmers working at his farm) and asked the inspector to come back on another day, which was impossible. In a similar case, the farmer was busy making maize silage, and in this case, the inspector agreed to postpone the inspection. In a fourth case the farmer invited the inspector to have coffee before initiating the inspection, which was accepted, and in a fifth case the farmer asked the inspector to wait outside while the farmer finished his coffee together with his staff.

Figure 1



Themes of agreement and disagreement among the inspectors.

Themes of agreement

Focused on dialogue

All inspectors used the word ‘dialogue’ when they referred to the aspect of communication with the farmer in the interviews. ‘Dialogue’ was seen as the most important tool: *“My way of entering is by using dialogue; this is how we get around it the best way. I smile, shake hands, try to use his first name. It has never happened that anyone has refused to let me do that. It’s a way of ‘disarming’ and I always begin with inviting him to talk about his herd, let him do the talking, ask him how he works”* (Inspector H).

Another expressed it like this: *“In each case I try to start some sort of dialogue. I know when we arrive it is always inconvenient and they often get nervous. They have heard a lot beforehand about us — that we are terrible people”* (Inspector I).

Even in a case where a dialogue developed in a certain way, where it was obvious (to the first author) that the farmer felt uncomfortable, an inspector stressed that he still found it to be successful: *“In this case, I think we had a sensible dialogue with the man, and he was open about what we could expect to find. He did not necessarily agree with what I said, but he didn’t try to hide anything. I know he found the time for the inspection inconvenient, but he did show us the farm [...] and I think we had a dialogue and I think that is important”* (Inspector D).

The dialogue served to smooth out the inspection, sometimes hiding the aspects of power and accentuating another aspect of the communication: farmers and inspectors as representing different types of knowledge: *“I know we have different roles, I am doing the inspection and he is the one being inspected, but it does not make me worth more as a human. I have a profession, but so has he, and we have to recognise also what the farmer can do, but then I also expect the farmers to recognise my profession — that I have knowledge about regulations. But sometimes his experience and my knowledge stand against each other”* (Inspector E).

Dialogue in one case was referred to by both the inspector and the farmer as ‘pleasant’, but only until the inspector gave him an enforcement note which led to a reduction in his EU subsidies. In the interview following the inspection, the farmer stressed that the ‘pleasant dialogue’ had taken the focus away from this conflict in opinion. The inspector mentioned in the interview that a dialogue can make the situation unclear: *“Looking back, I should have been more clear in informing him about how serious this non-compliance could be, also referring to cross-compliance regulations. I did mention at my arrival that this inspection also included cross-compliance [referring to EU regulations] so I presumed he knew what this meant [...] I did not take photos either; maybe because I thought it would seem rather aggressive toward the farmer”* (Inspector C).

Reaching agreement

The dialogue played a major part of ‘agreement’ as seen in Figure 1, but also showed that inspectors and farmers spoke from two different worlds, even when appearing to agree.

Another aspect of agreement, which was referred to by the inspectors, was the importance of using praise as a way of communicating: telling the farmer when they did notice something good, but only orally and often in a limited way. At the same time, all inspectors stressed that giving specific advice was prohibited during an inspection, according to the legislation. Giving advice could be used against the inspector in a later court case. Using praise was expressed by an inspector like this: *“I guess I have my own way of doing these inspections, and if I see the farmer has found some interesting way of solving a problem, a good solution on something, then I comment on it, saying: ‘Oh, this is very nice’, or: ‘This is interesting [...]’. It’s not my favorite discipline to sanction hard-working farmers... but if I see non-compliance and this guy really has no plans of changing anything then there is no more ‘small talk’. Then it becomes documentation, but not arguing or telling him off. That makes no sense”* (Inspector B).

All inspectors emphasised that inspections had become complicated because of an increased number of regulations in combination with lack of time. In addition to this, the cross-compliance with EU regulations and the risk of the withholding of the farmers’ EU subsidies have created a tense atmosphere at some of the inspections, which could make inspectors play down this aspect. One reason for this was that it was impossible for the inspectors to discuss the final (economic) outcome of the inspection, because decisions on this are made elsewhere. The inspector only handed in his papers when (s)he returned to the office, and then all the decisions were taken by somebody else.

An inspector stressed that in his team there was a general agreement that the issue of cross-compliance and the farmer losing his EU subsidies should not be the inspector’s problem: *“We have decided that it’s not our problem. You have to be able to explain to the farmer that being given a fine or losing EU subsidies are two very different issues [...] and we have found a way of expressing this. Cross-compliance is not a fine he pays. It is money he will not get, or money that he only gets if he has qualified for the subsidies. I think this is a good argument if you are getting involved in this discussion”* (Inspector A).

Though the inspectors agreed that cross-compliance made inspections more difficult, it was part of this theme of trying to avoid confrontation with the farmer. An inspector said: *“If you know that you have a case of non-compliance in which there is also an issue of cross-compliance [...], then he will not be told this before the end of the inspection unless he himself asks directly about it [...] otherwise the*

whole visit is spoiled if we start to talk about how this can cost him part of his EU support” (Inspector K).

Further: “There is much more at stake for the farmers with the cross-compliance, and we have to document what we find a lot better than we used to, [...] for instance by using photos. Then it’s really an advantage for there to be two inspectors, because the inspection has become much more difficult now. The farmers are eager to discuss these matters and this can lead to conflicts. Besides, some farmers have started to think along the lines of starting new companies so they separate their animals from their land” (Inspector F).

To standardise, to interpret

A theme that was emphasised was that the inspectors found it difficult to imagine that inspections could be standardised and always carried out in the same way at farms. A case of non-compliance can be regarded as minor or ignored by one inspector, but taken note of by another. This was observed, for example, in a case where the inspector saw and commented on four calves in boxes where they could not see and touch each other as they should be able to according to the legislation. In this case he chose not report this: “A regulation says ‘all calves have to be able to see and touch each other’, but then at the same time it’s not really possible for us to explain what this means. Does it actually mean all? How can we make this a standard? Do we have a percentage for it — like four out of hundred — or do we talk about all calves? I really do not believe that everybody should have exactly the same sanction. I know some inspectors and farmers prefer that we follow the instruction as closely as possible, but I prefer sometimes to talk more about the purpose of this regulation. This is what we really exist for: to look at animal welfare” (Inspector B).

This aspect of individual interpretation or estimating things differently became a central theme. An inspector explained how in one specific case she did not think of it as her ‘interpretation’ of the regulation but more as an ‘estimate’ of how the individual animal looked and what it needed:

“Take sick pens for pigs, for instance. The regulation is clear: they should be established with soft floors and heat [...] but we have learned, when being educated as inspectors, that we also should look at the animals in the pen, and this is where inspectors might differ in their opinions.[...] I will not call this an interpretation but an estimation of the animal. This is my estimation of how bad I think this is” (Inspector L).

Another inspector expressed the difficulties in making decisions identical between inspectors in the following way: “We once met in a group with colleagues to discuss this and I said: To me it can be difficult even to keep to my own standards, so how can we as a group expect that we will all have the same standards? It’s really difficult to find a level where you always feel satisfied 100% after an inspection, when you can’t even keep to your own standards” (Inspector G).

This inspector also mentioned that the meeting with the individual farmer in itself had great influence on decisions. Sometimes the communication made one doubt afterwards

whether the right decision had been made: “Indeed, you are under the influence of many different aspects during an inspection. One is always in the meeting with the farmer. Is he attentive to what you are saying? Does he want to cooperate and is he interested in getting things into compliance, or does he talk about regulations as ridiculous — and you get the feeling that this guy won’t understand anything before he gets a letter. All this influences you, and when you leave the farm, it sometimes makes you wonder what you actually did and whether you could have done it differently” (Inspector G).

A theme among inspectors was connected to the need for support from their own organisation, for instance by giving priority to staff meetings with colleagues to calibrate their results. Inspectors often felt that the system did not support them in organising these sorts of meetings. Two inspectors talked about the necessity of being open about how they estimated differently and disagreed on certain results: “This is really important [...] we are not afraid of talking about this to our colleagues, we have a tradition for it, also on how we interpret things. And this [talk about interpretations] has to be done on a national level, not just within regions. Besides, we all have to be able to get responses to our interpretations and estimations from a few central persons” (Inspector K and Inspector L).

Themes of disagreement

Disagreement on the inspector’s role

A focus on compliance/non-compliance was central during the inspections. However, when the inspectors were interviewed about their perception of their own role with regard to, for instance, providing the farmer with information or explaining the background for the legislation as a part of their inspection, a dilemma became visible. This was, for example, expressed as follows: “This is what we really exist for: to look at animal welfare” (Inspector B), indicating that this inspector also aimed at prevention and creating understanding. Clearly, this disagreement became more visible in cases of non-compliance. The disagreement is analysed as a dilemma created both by each inspector, and between inspectors. It can also be seen as three different ways of communicating about welfare legislation: to stick to compliance, to pass on extra information, or to pass on what could be called an understanding of the values behind the legislation.

To pass on information

The inspectors often discussed how much they should inform the farmers about the background for legislations, etc, and in this research there seemed to be a different policy between regions. Some put more value on this aspect than others, and there was no common policy on the level of information which should be provided during an inspection of animal welfare. An inspector explained it like this: “In our office we want to inform more. We think in general that the inspections are improved by passing on as much information as possible to the farmer” (Inspector L).

Another inspector said: “I don’t really know if the question of giving out information is only a local initiative, but I do

use it to a certain extent if it makes sense, eg by showing the farmer that what I say here about a certain regulation or a new way of treating a certain disease is not something that has just come out of thin air. I find it important sometimes to supply the farmer with written material to underline what I have seen” (Inspector K).

To stimulate understanding

Inspector D talked about how he did not expect that ‘all farmers would agree on the regulation’ but he always expected them to understand the background behind it. He emphasised this, but at the same time, he found it difficult to spend the time needed on this issue:

“It can be necessary to talk about the background of a certain regulation — to try to get people to look outside the framework of their own herd, and to look at the wider picture, eg in cases of danger of infection. This is not just your own private problem, but a situation that can affect the whole sector [...]. Unfortunately, there often are many different aspects of regulations that we have to take care of in the same inspection, so it might all seem rather overwhelming [...], and I find it much better if we instead take one step at a time. Today, we often have to mix animal welfare, hygiene, medicine [...] and it’s difficult for all of us to grasp, both for the ones receiving the inspection and for the ones who carry it out”.

A way of focusing on the farmer’s understanding during an inspection was done by using an opportunity to charge the farmer with a ‘plan of action’. One inspector applied this in a case of a sick animal not treated appropriately and in accordance with the latest instructions. In this case, the farmer was told to make a plan of action together with his veterinarian for the ongoing treatment of the animal and send this plan to the inspector for approval: *“Instead of saying that this is irresponsible treatment of an animal, and this animal has to be killed, we in a way gave him another chance. We started a dialogue [...]. You can claim that you look at whether there is a willingness to solve this problem [...]. In this case it was possible that the new practice on how to treat this specific disease had not yet reached this farmer, and then it seemed foolish to report him to the police, because he actually is just doing what he has always done”* (Inspector H).

One inspector explained how she tried to make the farmer understand the reasoning behind a judgment about a seriously ill pig left alone in an empty room by using the expression that the animal was *“suffering both mentally and physically”*. This inspector (E) explained her focus: *“I talked to him about how the pig was suffering using these terms, because I hoped he would catch the meaning better like that, instead of me just giving some personal opinion. I tried to tell him that this is important according to the legislation but also in relation to the pig’s well-being. Sometimes my knowledge stands against the farmer’s experience, but this was not the case with this pig, I think. This was really for me to make him think about the suffering of an individual animal. Some farmers tend to see their animals as a ‘system of production’, and that is when I think he should*

focus on the individual animal too, not just seeing it as some broken part of a machine. I think that by explaining it like this, I can move something on and not just say: ‘this is according to the legislation’” (Inspector E).

During this inspection, the farmer remained silent when the inspector gave this viewpoint, but said in the follow-up interview that he had felt that she had “given him a lesson” and that he disliked being told about the ‘mental suffering’ of a pig.

Two inspectors used the Danish expression ‘cleaning the farmers’ spectacles’, meaning ‘making the farmer see things from a different perspective’ to explain what happened when they sanctioned a farmer for mistreatment of two sick pigs, though the farmer pointed out that he had several hundred pigs with no problems according to the legislation: *“In this case he pointed out that he was among the top farmers when it came to production results. He thought that this should to some extent be seen as counterbalancing what we found [two sick pigs placed in the corridor, not yet killed]. But then we had to focus and talk about the case of the individual animal. Sometimes they forget this. We had to appeal to him to remember that they are animals. We had to make him see things from a different perspective, when we found that this was more than just a slip-up”* (Inspector F and G in agreement).

Avoiding explanations

For some inspectors it was important *not* to go into an explanation about what values underlined the legislation. *“I don’t start a talk about the background for the legislation unless they themselves ask for it. Because otherwise you can talk for days [...]. Sometimes, like in a specific case, where the regulation [not being allowed to tie up calves] has existed since 1993, I really felt that this guy had been inattentive, but I didn’t say that directly to him. I just reported it to the police, so he was fined. I really did not feel sorry about that, because he had all the opportunities to do it right”* (Inspector J).

The same inspector described it as ‘a knife-edge balance’ not to advise but only give guidance on how the rules should be followed: *“A lot of farmers ask: how do they do this on other farms? I don’t mind talking about this. But then, to find some solution on how they can do it — and to go into a discussion about it, this is the wrong direction [...]. To me, the most important part of my strategy in these visits is that I have to be sure I can return again. The worst scenario I can imagine is that the farmer does not want me to come back, but this I have never experienced [...]. Our role is not easy at all, you have to keep in the back of your mind that you are an authority and have regulations to follow, but [...] I guess I could sometimes be more harsh. The good part of me often seems to win. I do feel I get on with the inspections in the best way when I use my positive ego”.*

During an inspection where the farmer was in non-compliance with regard to the way in which some of his calves were housed, the inspector was met by what he described as ‘the farmer appealing to his understanding’, explaining that the non-compliance was due to overload of work and a period with just too many calves: *“Well, I said I found it was*

a pity for him, but professionally I cannot say: 'You look like a nice guy, so I will just ignore this'. No, I was busy getting an oversight on the dimensions of this non-compliance, and the farmers will always be able to find some sort of excuse [...]. There is no logic in listening to this, because then we might as well stay at home, and then they should only be visited by a consultant of some sort" (Inspector I).

The same inspector underlined the importance of neither beginning a discussion with the farmers nor explaining to them the background for the legislation: "No point in discussing it; this is just the way it is [...]. You can very easily get into a situation where they do not see the point of the regulation [...] and then we as inspectors cannot stand there and be like an encyclopaedia, giving ten different explanations on each section of the regulations. Later, when the farmer gets a letter with the decision, then he also gets all the paragraphs and will be informed on how exactly he was in non-compliance. I don't think it is wise to lecture them — and it is not at all wise with a 'know-all' attitude".

Discussion

We began this paper by pointing out a possible dilemma for the inspection of animal welfare legislation. On the one hand it may be argued that inspectors should only check whether farmers do or do not comply with animal welfare regulation. Here, the key value is the rule of law, and that all offenders should be treated equally. On the other hand, it may be argued that it is an important element of inspections to enter into dialogue with farmers. This may be based on a more forward-looking view aimed at motivating them to look after the welfare of the animals in their care.

The results presented in this paper show that this dilemma becomes a reality at the most practical level when inspectors have to handle their job: a theme of disagreement presented itself and showed different attitudes to the possibility of engaging in a dialogue with the farmers. The first theme focused on the preventive aspects, and described it as an important element of the job to inform the farmer about the intentions behind the legislation, using different ways of doing this. The second theme had its focus on compliance and on avoiding engaging in dialogue with the farmer about the reasons for the regulations, as this was described as a potential risk of conflicts.

For Lipsky (2010) this dilemma cannot be solved solely by looking at the behaviour of the individual workers (2010; p 212). He stresses that they carry out their work in the context of broad policy structures of which their decisions are part, and he argues that to understand the behaviour of workers, we need to pay much more attention to the overall structure of the policies. Lipsky also points to the tendency that street-level workers are always part of a general resistance against public institutions. In addition, a tendency of the media is to report on government failure but ignore government success, so all government comes to public attention in a negative light. This can be seen reflected in the Danish farming media, where stories of inspectors making unfair decisions are often reported (Maskinbladet 2012),

while stories of inspectors making decisions in favour of the farmers (or the animals) are rarely seen. It can also be heard in the voices of the inspectors when one says: "I know when we arrive it is always inconvenient and they often get nervous. They have heard a lot beforehand about us — that we are terrible people".

According to Lipsky, street-level workers are policy-makers, and it is important to *invest* in street-level workers, for instance by looking at whether they have the necessary skills, experience and training with which to exercise discretion. In Denmark, a way of managing the work of the street-level bureaucracy in animal welfare can also be seen in the introduction of 'self-audit schemes for animal welfare' (Pig Research Centre 2011) where farmers, together with their veterinarians, must update themselves on the animal welfare legislation and check if they are in compliance. In this way, a farmer and his veterinarian also can be seen as a 'street-level worker'. Another way to change the system of inspection was seen in Denmark in 2011, when technicians took over a part of the inspections from veterinarians. A third example of working with the system is the introduction of so called 'thematic inspections' of farm animal welfare, a supplementary way of carrying out inspections, where the central theme of the inspection is made public during a period of time, so the farmers might have a chance to gain knowledge about it before the unannounced inspection takes place.

Lipsky points at two other ways of investing in street-level workers. First, studies of street-level bureaucracies and everyday experience remind us that we want and expect public officials to be *flexible and helpful*. A second circumstance in which public-service bureaucracies must emphasise responsiveness is when public services require individual initiative, the cultivation of experience and a degree of empathy that cannot be reduced to administrative guidelines. This seems very relevant in the case of animal welfare legislation, where both the farmers' daily experience and a great deal of empathy towards animals and humans are needed during inspection.

Thus, we find that different ways of showing responsiveness are an essential part of the dilemma in the inspection of animal welfare.

In agricultural research, there is a growing interest in techniques used to assess animal welfare, and in this connection other researchers have discussed aspects of how, for instance, legislation can be compatible with a responsive attitude to the individual case. Whay (2007) argues that in the case of animal welfare, interventions have to *motivate* the animal owner or staff to make changes to their own behaviour on behalf of a third party: the animal. Forsberg (2011) has looked into the revisiting of the animal welfare legislation in Norway, where the novelty of the new act is shown by its explicit intention to promote respect for animals and its recognition of animals. She argues that if the authorities really do want to promote respect for animals, they must at the same time *initiate activities* to achieve this.

Both these researchers show interest in tools that combine the intentions behind the legislation with some sort of activities. The question then could revolve around how the farmers experience inspection. As shown in previous research by Anneberg *et al* (2012) on farmers' experiences of animal welfare inspection, the inspection itself and the outcome of it (fines, withholding of EU subsidies) do not create a positive engagement in the welfare of the animals, but rather seem to create frustrations among the farmers and a growing interest in how to evade the consequences of the legislation. At the same time, the farmers also agree that some sort of inspection is needed, because they fear that other farmers will defraud the authorities in some way.

Looking at these results, it seems clear that the legislation — and not at least the inspection — risk withdrawing the farmers' focus from the values behind the legislation and into discussions on fairness and punishment. Undoubtedly, the growing numbers of regulations, but especially the different sorts of punishment in this area, have made inspection of animal welfare legislation much more complicated today. Both farmers and inspectors agree that the EU cross-compliance model and its lack of transparency have created a much more tense atmosphere when the inspections are carried out. This makes the legislation of animal welfare a platform for conflicts and fights. The same tendency is described by Singleton (2010) in a study on the quality of care in practice, both among humans and also among farmers and animals. In an example from a Dutch farm, a farmer concludes that the system of control puts even the relation between inspectors and farmers under pressure and 'the care is going out of it' (Singleton 2010).

No doubt farmers would prefer that fewer inspections were a possibility in the future, but at the moment it is difficult to imagine a situation with less control and less inspection of animal welfare on farms. The idea of 'animal welfare' attracts a huge political interest within the EU, where a particular objective for the Commission is the precise determination of responsibility for the application of animal welfare, as this is seen as essential for European citizens (Horgan & Gavinelli 2006). In the latest European Union Strategy for the Protection and Welfare of Animals 2012–2015 (Anonymous 2012a) there is a focus on how the member states should take action to improve compliance. The issue of compliance is addressed as a matter of priority and seen as only possible to achieve through actions of enforcement performed by or under the responsibility of the member state.

With this in mind, we find it important to discuss whether it is possible to combine animal welfare inspections — which we regard as an area which *cannot* be reduced to administrative guidelines — with, for instance, a greater degree of responsiveness in the meeting between the farmers and the representatives from the authorities. One way of discussing this is to look at research from other sectors, which have tried to meet this dilemma in an active way. A way of working with a more responsive attitude is seen in the Danish Tax system, SKAT. Boll (2011) has, as a part of her study on tax, looked into enforcement strategies and how the newest one — *responsive regulation* — is working, when the

Danish tax administration is to detect and regulate the tax compliance of small businesses. In the strategy of responsive regulation, the tax administration's enforcement strategy suits the taxpayers' so-called 'motivational postures'. Boll looks into how responsive regulation has been adopted as the leading enforcement strategy in the Danish Tax and Customs administration. In specific cases of responsive regulation (unannounced raids on restaurants and bars), she analyses the actions and discusses, among other things, the room for manoeuvre for the inspectors in being responsive to the taxpayers and how responsive regulation takes place in practice. One of many observations in Boll's study shows that the idea of looking not only for compliance, but also at finding out what lies behind cases of non-compliance and following this with 'responsive regulation', is not always possible to fulfill. She argues that even though the inspectors are seen as responsive, this is not primarily towards the behaviour of the taxpayers, but towards the general public. According to Boll, the inspectors and the business owners use different logics as they generalise about the state-of-affairs, and because of the incompatibility of the way of thinking of the parties concerned, onsite accounts cannot be incorporated into the inspectors' logic.

If a similar system of responsive regulation was to be carried out during animal welfare inspection, it would certainly demand inspectors who, when screening the welfare of the animals, would have both the time and the skills not only to look at the situation of the animals, but also to listen to the farmer. To make a proper evaluation — on the spot — of whether or not the farmer is in non-compliance because of 'bad will' or because of a 'lack of knowledge' is not an easy task at all. Also, like the tax inspectors, animal welfare inspectors are in a field where government initiatives and public attention to the area are very much part of their daily working lives. This might complicate the possibility of making a responsive raid that can also include the farmer's daily life and experience.

Another attempt to discuss how strategies of enforcement can develop has been described in a case study from Finland on inspection practices in organic agriculture, where the question of 'giving advice' during inspection was forbidden back in 1998. Despite this rule, as the study showed, there was still a desire for advice in Finnish organic inspection, interpreted as a wish to 'maintain and promote the creative and open character of organic farming'. In the conclusion of the study, advice as part of organic inspection was seen as both possible and sometimes indispensable (Seppanen & Helenius 2004).

As the findings presented in this paper document, the mixture of enforcement and motivation already *is* a theme during inspection, but this exists 'in spite of' and not 'because of' any deliberate intention from the authorities to try to deal with the motivation of the farmer during the inspection. What is certain is that giving advice during inspection is not officially permitted, and at the same time the aspect of motivation or giving information is 'hidden' in the way that the work of street-level workers, in general, is hidden from the public view, according to Lipsky (2010).

We find it important that the governmental authorities — and other players in the private market that carry out animal welfare inspection — give more attention to the experiences of the animal welfare inspectors and become more aware of the central dilemma among them. If the inspectors, as claimed by Lipsky, essentially act as policy-makers during the fulfillment of their work, it is necessary that the authorities behind these inspections become aware of the dilemma, and take an active part in making it more transparent.

One way of doing this could be to develop the thematic inspections where the theme of the inspection is made public over a period of time. This would give the farmer a chance to change things and ensure compliance before an unannounced inspection takes place. An objection against this is that it may be more difficult to provide information about more complex problems in such a model. Issues like the proper way to kill a pig can easily be communicated in a thematic inspection, but the more complex issues, such as why a welfare problem for one pig might count for non-compliance, though the farmer has 4,500 pigs which are fine, is not communicated as easily.

Clearly, the way legislation is set up may affect the dilemma. Some elements of recent ‘outcome-based’ animal welfare legislation in Denmark, such as rules about acceptable levels of foot-pad dermatitis in broilers, lend themselves easily to the idea of animal welfare inspections being linked to flexible responses, whereas other forms of animal welfare legislation lend themselves more easily to a view where everything can be boiled down to whether the farmer is compliant or not.

We find it important to increase awareness of the dilemma regarding the role of inspection and to bring forward a more open discussion about it. We see the need for a discussion about whether a sort of ‘responsive regulation’ as seen in the Danish Tax system, for example, would make sense within animal welfare inspection.

Animal welfare implications

The dilemma within the inspection of welfare legislation has important implications. If the dilemma is not recognised and discussed in the open, there might be a focus on the arbitrary aspect alone, like whether one inspector makes a different decision from another. The risk in such a discussion is that the welfare of the farm animals, which should be in focus because the legislation exists to give them a minimum protection in intensive farming systems, ends up being of less importance in a conflict about legal rights, enforcement, punishment, uniformity or fairness.

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