



Animal Ethics, the Horse-Human Connection, and *Unbranded*

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Some Animal Ethics Tools for Thinking about the Human-Horse Connection

- Animal ethics is the philosophical attempt to develop a systematic theory of our moral obligations to (nonhuman) animals and apply it to particular situations.
- Theories of moral status
- Conceptions of animal welfare
- The moral significance of animal death



Moral Status

- Three sources of moral obligations
 - Some arise from voluntary commitments we have made.
 - Some arise from relationships we have to individuals.
 - Some arise from the kind of respect owed to individuals in virtue of their “moral status”



Moral Status

- Moral status is the moral importance an individual has in their own right, independently of their relationship to the interests or concerns of others.
- Independent of utility for others
- Independent of environmental importance
- Independent of aesthetic considerations



“... managing the resource.”





Moral Status

- The capacity to feel pleasure or pain
- The capacity for preferences

- What kinds of animals have those capacities?



Moral Status

- Kinds of Scientific Evidence
 - Behavioral
 - Physiological
 - Evolutionary



Some Behavioral Evidence





Capacity to Feel Pain

TABLE 5.2. The "Standard" Argument by Analogy, Initial Update (see also table 5.3)

	Invertebrates			Vertebrates			
	Earthworms	Insects	Cephalopods	Fish	Herps	Birds	Mammals
1) Nociceptors present	?	-	?	+	+	+	+
2) Brain present	-	-	+	+	+	+	+
3) Nociceptors connected to brain	-	-	+	+	?/+	?/+	+
4) Endogenous opioids present	+	+	?	+	+	+	+
5) Responses modified by known analgesics	?	?	?	+	?	+	+
6) Response to damaging stimuli analogous to that of humans	-	-	+	+	+	+	+

Source: Modified from Varner 1998, p. 53, table 2.3, for the reasons given in the text.

"[T]he standard argument by analogy for consciousness of pain suggests that, with the exceptions of cephalopods, all and only (normal) vertebrates are capable of feeling pain."(132)



Animal Welfare vs. Animal Rights Views

- **Animal Welfare Views:** The interests of animals matter in their own right, and so we are obligated to take those interests into account when our actions affect animals. But, those interests can always be justifiably sacrificed whenever doing so is necessary for promoting the greater good.
- **Animal Rights Views:** In addition to a general obligation to consider the animal's interests, we also have obligations to animals that make it wrong to treat them, or not treat them, in certain ways even if doing so would be necessary for promoting the greater good.



Animal Welfare vs. Animal Rights Views

- An Animal Welfare View

“Where our actions are likely to make animals suffer, that suffering must count in our deliberations, and it should count equally with a like amount of suffering by human beings, insofar as rough comparisons can be made.” (Peter Singer, “Not for Humans Only,” p. 59)



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- Singer is a strict egalitarian, but other animal welfare views say that, while the interests of animals must be given consideration, some of the interests of humans matter more than the comparable interests of animals.



Animal Welfare vs. Animal Rights Views

- An Animal Rights View

Tom Regan: Animals have rights not to be injured, not to be killed, and not to be put at risk of serious harm.

“Any time an animals’ rights are violated in pursuit of benefit for others, what is done is wrong. (Tom Regan, “Empty Cages: Animal Rights and Vivisection,” p. 121)



Animal Welfare vs. Animal Rights Views

- An Animal Rights View

Tom Regan: Animals have rights not to be injured, not to be killed, and not to be put at risk of serious harm.

- But rights theorists can hold other views about the rights that animals have.



Animal Welfare vs. Animal Rights Views

- An Animal Rights View

“*Any time* an animals’ rights are violated in pursuit of benefit for others, what is done is wrong. (Regan, “Empty Cages: Animal Rights and Vivisection,” p. 121)

- In this passage, Regan endorses something very close to an “absolutist” view about rights: that it is never permissible to violate someone’s rights for the benefit of others.
- Most rights-theorists, however, think that rights can sometimes be permissibly violated for the benefit of others, although they disagree about what those circumstances are.



What Kind of Moral Status Do Horses Have?

- Consider the issue of organized horse-fighting.
- From an animal welfare perspective, horse-fighting has a downside—the pain, fear, and injuries caused to the horses—but if enough people find it more enjoyable than the alternatives, then the sacrifice of the horses' interests is morally justified.



What Kind of Moral Status Do Horses Have?

- From a typical rights perspective, the rights of the horses are being violated in these situations, and while such a violation may be permissible in some cases (self-defense, euthanasia, national emergency), the interest that people have in being entertained is not enough.



“Do these horses have a right to be here?”



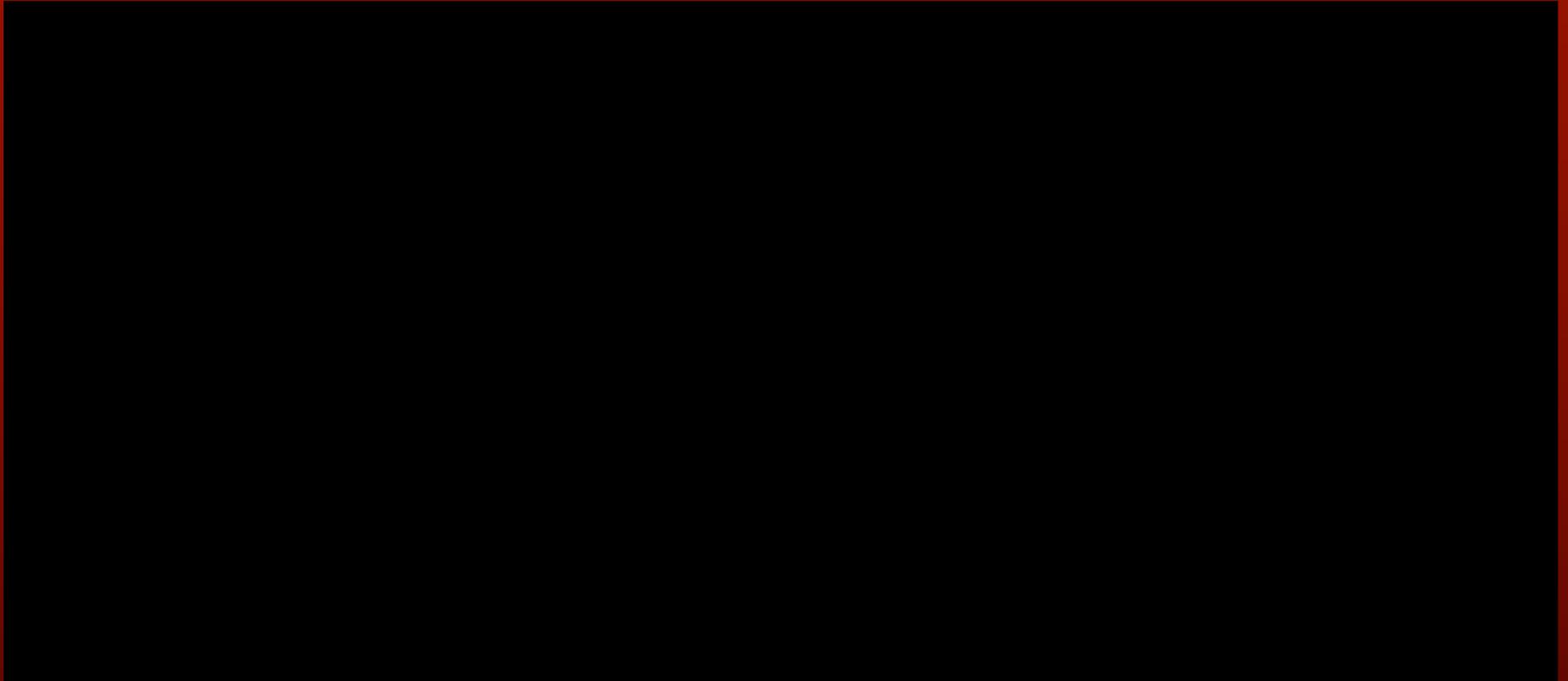


Theories of Animal Welfare

- A theory of animal interests, or a “theory of animal welfare”, is useful for several reasons.
- 2. Many rights theorists argue that the function of rights is to protect interests that are important in certain ways.



“... captivity for the rest of their lives.”





James Rachels on Confinement

1. People have a right to liberty.
2. That right is grounded in the fact that liberty is something good in itself for any individual who is capable of choosing how to act and because a loss of liberty typically negatively affects many other interests that people have.
3. Animals are also capable of choosing how to act and a loss of liberty typically negatively effects many other interests that animals have.
4. Hence, animals also have a right to liberty.
5. Confinement is a restriction on liberty.
6. Hence, confinement violates animals' right to liberty.

(Rachels, "Do Animals Have a Right to Liberty?")



Conceptions of Animal Welfare

- A theory of animal interests, or a “conception of animal welfare”, and an understanding of how our actions affect the interests of animals are important on both animal welfare and animal rights views.
- Many rights theorists argue that it is easier to justify violating an animal’s rights when done for the benefit of that very animal.
- Some also argue that it is easier to justify violating an animals’ rights for the benefit of animals, as compared to doing it for the benefit of humans.



“No Undue Hardship”





“It’s bad. It’s real bad.”





“I have seen the horses starve to death...”





“Irresponsible to let them suffer..”

In 1971, the Wild Free-Roaming Horse and Burro Act became law, protecting horses and burros on public land.



Conceptions of Animal Welfare

- **Narrow Mentalistic Views:** Welfare consists of the absence of negative mental states, such as distress, fear, pain, and suffering.
- **Broad Mentalistic Views:** Welfare consists of the absence of negative mental states and the presence of positive mental states such as pleasure, happiness, and joy.
- **Desire-Satisfaction Views:** Welfare consists in the satisfaction of desires (wants, preferences).



Theories of Animal Welfare

- “Natural functioning views”: Welfare consists, at least in part, of the opportunity of an animal to engage in behavior that is typical or natural for its species.
 - The freedom to express normal behavior (one of the five freedoms articulated by the UK Farm Animal Welfare Council in 1992)



“I couldn’t stop thinking...”



AFTER THAT RIDE,



“It was fitting...”





The Moral Significance of Animal Death

- Many people seem to believe that while there is something very wrong with farming methods that cause animals intense pain and suffering, humane farms that give their animals an adequate level of welfare and that slaughter the animals humanely are not morally problematic.
- That is, animal suffering and welfare are morally very significant, but a painless animal death is not.



“Cricket’s dead.”





The Moral Significance of Animal Death

1. Even a painless death is typically a very morally significant harm to people.
2. That is so, at least in part, because people typically have many valuable opportunities afforded by continued life which death forecloses.
3. But animals, too, often have many valuable opportunities that would be afforded by continued life.
4. Hence, even a painless death is a morally significant harm to animals when it forecloses many valuable opportunities that would have been afforded by continued life.



BLM Seems Okay with Slaughter

- Journalists documented numerous occasions on which BLM appeared to knowingly allow horses to be sold to slaughter despite it being prohibited by the Wild Free-Roaming Horse and Burros Act of 1971
- 2004: The “Burn’s amendment” or “Burn’s rider” removed some of those protections. It directed that wild horses over the age of 10 or that had been offered unsuccessfully for adoption 3 times “shall be made available for sale without limitation...”
- When asked about the rider, a BLM spokesperson said “The BLM has not taken a stand on the Burns rider. We see it as another management tool.” (Brungardt 2006)



Or, maybe not

- 2008: BLM was found to be out of compliance with the Burn's rider because they were refusing to sell wild horses or burros for slaughter.
- 2016: An advisory board recommended as an option the slaughter of 44,000 healthy wild horses, but BLM rejected the recommendation.



Federal Gov't on Slaughter

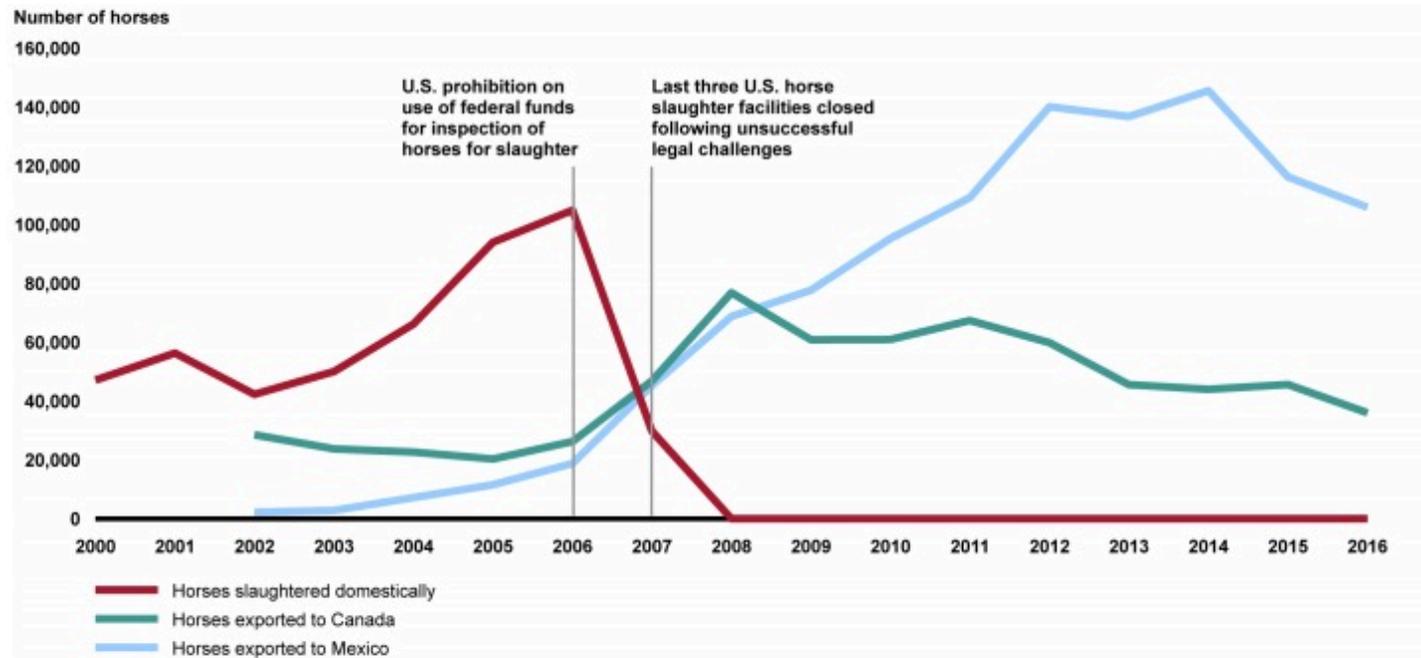
- 2014: The federal budget included language prohibiting the use of federal funds for inspecting horse meat, meaning that horse meat cannot be sold in the U.S. for human consumption. Allows horses to be shipped to Canada and Mexico for slaughter.
- Trump has proposed to allow “unrestricted sale of certain excess animals” in the 2018 budget. (Brulliard and Eileprin 2017)



The Bureau of Land Management

Ending a Horse's Life (Slaughter)

Figure 2: Number of Horses Slaughtered in the United States or Exported to Canada and Mexico, 2000-2016



Sources: GAO analysis of data from the Census Bureau and the National Agricultural Statistics Service. | GAO-17-680R

Note: GAO uses the term 'horses' to refer to all equines, including burros, mules, and asses. Most horses exported to Mexico from 2008 to 2016 were for slaughter, according to data from a USDA Agricultural Marketing Service official. Federal agencies do not collect data on exports to Canada for slaughter, but we previously found based on unofficial estimates that most exports to Canada and Mexico from 2006 to 2010 were for slaughter.



Review

- Theories of moral status
 - Which animals have moral status?
 - Animal welfare views
 - Animal rights views

- Conceptions of animal welfare

- The moral significance of animal death



Closing

- I haven't proposed a resolution for the very difficult dilemma of how to best respond to the growing population of mustangs
 - Improving responsible adoption rates
 - Reducing the impact of cattle grazing
 - Solving the logistical and technical issues in developing an effective, long-term, single-procedure contraception / sterilization method

- I would think that reasonable animal welfare and animal rights views would converge on the conclusion that those are good resolutions.



Environmental Ethics

- The film also raises numerous environmental ethics issues:
 - Domesticated vs. wild animals
 - Native vs. introduced species
 - Is nature or wilderness intrinsically valuable?
 - What ethical duties do we have to conserve nature and where do those duties come from?
 - When do environmental benefits outweigh the interests of individual animals?
 - What role does animal agriculture (in particular, cattle grazing) play in the habitats in question? What role should it play?



Wyoming Cattle - Domesticated





Bighorn Sheep - Native





Grazing

- GAO 1990: “BLM could not provide GAO with any information demonstrating that federal rangeland conditions have significantly improved because of wild horse removals. This lack of impact has occurred largely because BLM has not reduced authorized grazing by domestic livestock, which because of their vastly larger numbers consume 20 times more forage than wild horses, or improved the management of livestock to give the native vegetation more opportunity to grow. In some cases, GAO found that BLM increased authorized livestock grazing levels after it had removed wild horses, thereby negating any reduction in total forage consumption and potential for range improvement.” (p. 3)



Grazing

- GAO 1990: “Wild horses and burro populations consume forage on the public land and consequently contribute to the overgrazing problem. However, as we have noted in previous testimony, the primary cause of degradation is poorly managed domestic livestock (primarily cattle and sheep).” (p. 18)
- GAO 1990: “... BLM has been more concerned with the immediate needs of livestock interests or budget reductions than with ensuring the long-term health of the range.” (p.18)
- GAO 2017: “According to USGS officials and documentation, research that evaluates and separates cattle and wildlife impacts from wild horse impacts has not been conducted, and studies on horse grazing effects are needed. (p. 32)



Wyoming Cattle





Time for Discussion

