

**Animal Flourishing in an Era of Global Change**  
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*Animals on the move*

Today, nature conservation and ecological restoration are faced with two challenges. On the one hand, global change (climate change, depletion of the ozone layer, deforestation, land and freshwater degradation et cetera) has a severe impact on plant and animal life. Entire populations are being confronted with the alternative to abandon their original habitat or to go extinct. On the other hand, as trade, travel, transport and tourism boom, the world is becoming more and more borderless and, by the same token, it is becoming increasingly vulnerable to invasive species. Since globalization took off, more plants and animals have become globetrotters than ever before. Hence the growing importance of two complementary tasks for nature conservation and ecological restoration: the (re)introduction of indigenous species that are being pushed out of their native environment, and the control of invasive species that threaten to degrade or destroy ecosystems.

In short, animals are constantly on the move from one context to another worldwide - processes of de-domestication alternate with processes of re-domestication. This can be illustrated by the wild horse protection policies in the United States and the Netherlands (Reed 2008). In both countries policies are aimed at restoring self-sustaining ecosystems, but whereas Dutch conservation policy favors releasing domestic breeds into Dutch nature reserves as ecological surrogates for extinct wild horses, wild horse protection policies in the U.S. favor removing them from public rangelands, because they are not considered an indigenous species. In Dutch nature reserves animals are in transition from domesticity to wildness ('de-domestication'), while wild horses in the U.S. have to make a transition from wildness to domesticity – they are being removed from public rangelands and kept in holding facilities awaiting adoption ('re-domestication').

*Ethics in transition*

Wild horses, but many other species as well, are becoming increasingly dependent on transitional environments that are neither wild nor domestic. Mixed category environments are becoming more and more prevalent. However, in situations of transition from wildness to domesticity and vice versa both animal ethics and environmental ethics must also undergo transition.

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<sup>1</sup> This paper was written on occasion of the fierce discussions on the condition of wild animals in circuses that are taking place in the Netherlands in recent years. Together with laboratories for animal experiments, circuses are the main target for extreme animal activist groups that do not recoil from the use of violence. An increasing number of municipalities refuse to grant permits to circuses with wild animals. Last year the discussion jumped over to Dutch parliament, where a majority considered a ban on wild animals in circuses. Such a ban already exists in Austria, Belgium, Denmark, Sweden and Finland. Pressured by parliament, the minister of Agriculture, Nature and Food Quality commissioned a large scale investigation of the welfare of wild circus animals. The minister also met the wish of parliament to include the issue of the intrinsic value of wild circus animals. My colleague Jacque Swart and I were asked to prepare a report on this issue. In this paper I will sketch the broad conceptual framework that we have developed in that report (Keulartz & Swart 2009).

In animal ethics, we need to develop an alternative to the utilitarian (animal welfare) approach of Peter Singer and the deontological (animal rights) approach of Tom Regan. Within these traditional approaches, animals are usually considered as discrete entities, apart from their environment or habitat and their relationships with other animals, including human animals.<sup>2</sup> In so far as their environment is taken into account at all, it is the ‘wild’ environment that is seen as the only truly authentic environment from which the welfare, integrity and intrinsic value of animals should be measured. This individualistic and zoo-centric perspective is too narrow to do justice to situations of transition that are becoming ever more prevalent.

Whereas traditional animal ethics is typically blind to the environment or habitat of animals, environmental ethics suffers from an opposite deficiency. Here the focus is not on individual animals but on their habitat, biotope or ecosystem. Both the (individualistic) animal ethics and the (holistic) environmental ethics lose sight of the interaction between animals and their environment. Because species protection policies in mixed category environments should reflect caring for animal welfare *and* animal habitats, the dichotomy between zoo-centrism (protecting the welfare of individual animals) and eco-centrism (preserving nature as self-sustaining ecosystems) should be overcome.

In this paper, I will put forward virtue ethics as a promising alternative to the traditional animal welfare and animal rights approaches, an alternative that can also help to overcome the dichotomy between animal ethics’ zoo-centrism and environmental ethics’ eco-centrism. I will deal with three theories within virtue ethics that are important for an ethics in transition: the theory of Alasdair MacIntyre on the relationship between virtues and practices, the ethics of care of Carol Gilligan, Joan Tronto and many others, and the capability approach of Martha Nussbaum.

### *Virtues and practices*

Virtue ethics differs from deontology and utilitarianism in that it puts primary emphasis not on moral *acts*, but on moral *agents*. Virtue ethics is about character, not about utility or rights. The focus is not so much on the ‘What should I do?’ or ‘What ought I to do’ (what is the right course of action in the given situation?) but on such questions like ‘How to live?’, ‘What is the good life?’ or ‘Who should I be?’

Virtue ethics was the dominant form of ethics from classical antiquity to modernity. It is about the development and cultivation of those virtues that will enable people to live a good life. According to Aristotle (384-322 BCE), a life can be considered a good life to the extent that people reach their ‘*telos*’ (final end). The proper *telos* of human life is ‘*eudaimonia*’ or ‘human flourishing’. In order to achieve *eudaimonia*, one must practice the virtues, and without them one cannot reach that *telos*.

To act virtuously, according to Aristotle, one must look for the ‘Golden Mean’ – the felicitous middle – between the extremes of excess and deficiency. For instance, the virtue of courage lies between the two opposite vices of cowardice (too much fear and too little confidence) and recklessness (too much confidence and too little fear). Other moral virtues include temperance, justice, and prudence, each of them likewise ‘means’ between extremes. Thomas Aquinas (1224-1274), who was deeply influenced by Aristotle, added the ‘theological’ virtues of faith, hope, and love (charity) to these older Greek ‘cardinal’ or ‘natural’ virtues.

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<sup>2</sup> For an early attempt to move away from utilitarian and deontological approaches to animal ethics and to focus instead on contexts and relationships, see Palmer 1995.

Around 1980, a revival of ancient virtue ethics set in that can be seen as a response to the growing disillusionment in the West with the moral and political legacy of the Enlightenment. Enlightenment thinkers like Kant and Bentham were charged of having replaced the old and rich tradition of the virtues with a new and severely impoverished moral vocabulary.

A case in point is Alasdair MacIntyre. In his 1981 book *After Virtue*, MacIntyre argued that an authentic moral life cannot be based on the seemingly exact calculation of costs and benefits (against utilitarianism), nor on the proper application of principles and rules to dilemmatic situations (against deontology). Moral life is not a matter of calculation or rule-following, he insists, but of the exercise of the virtues.

MacIntyre attempts to clarify the core concept of virtues by linking them to ‘practices’ or well-marked domains of cooperative activity. When classical authors like Homer and Aristotle talk about virtues, they often refer to the qualities that are required to participate and excel in such ‘practices’ as warfare, gymnastic games, flute-playing, poetry or geometry. MacIntyre presents a somewhat convoluted definition:

‘By a “practice” I am going to mean any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended’ (MacIntyre 1981, 187)

As other examples of practices MacIntyre mentions football, chess, architecture, farming, scientific research, historiography, politics, the management of households, and portrait painting. He also gives a first, tentative definition of a virtue:

‘A virtue is an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such goods’ (ibid., 191)

MacIntyre distinguishes the ‘internal goods’ of a practice from its ‘external goods’ (prestige, wealth and power), which are only contingently connected to it. In other words: football is ideally about achieving excellence in the game of football (which has to be shown in the competition between football clubs), not about realizing high salaries for the players or boosting the quotation of the club’s stock at the stock exchange. While most virtues are defined for specific practices, MacIntyre also holds that there are a few virtues that are vital for achieving the ‘internal goods’ of almost *any* practice. He mentions in particular courage, honesty and justice.

### *A typology of animal-human practices*

MacIntyre’s theory enables us to solve the problem, typical for both the utilitarian and the deontological approach within animal ethics, that animals are considered as discrete entities, apart from their environment and their relationships with other animals, including human animals. Inspired by MacIntyre’s theory, Michiel Korthals (2002) has drawn up a typology of various human-animal practices, each with their own internal goods and associated virtues. Korthals made use of Colin Spedding’s book *Animal Welfare* from 2000, in which seven categories of animals whose welfare should be our concern are delineated.

- *Farm livestock* such as cattle, goats, sheep, pigs and poultry
- *Companion animals (including pets)* such as dogs, cats, hamsters and rabbits.
- *Captive animals* from zoos and menageries such as large cats, elephants, monkeys and bears.
- *Working animals*. With respect to this category there are significant differences between developing and developed countries. In developing countries, very large numbers of animals are still used for transport and traction, cultivation and clearing of land, herding and guarding etc. In developed countries, most of these animals are displaced by machines. Here animals are increasingly used in therapeutic settings. An example is equitherapy, therapeutic horseback riding for individuals with various diagnoses such as autism, multiple sclerosis and cerebral palsy.
- *Animals used for sport, recreation and entertainment*. This is a very diverse category and includes practices ranging from racing, jumping, riding and showing to hunting, shooting, fishing and fighting. Performing animals from circuses and dolphinariums also fall within this category.
- *Wild animals affected by man*. Apart from the killing of wild animals for sport or pest control, Spedding also mentions the need for population control (by culling, relocation etc.) in the interests of conservation of animals or habitats. He further mentions schemes to rescue toads and frogs and to prevent them from being crushed on busy roads.
- *Animals used in experiments* like rats, mice, monkeys, dogs and cats.

To develop a typology of human-animal practices, I will use Spedding's categorization with some amendments (see Korthals 2002, 134).<sup>3</sup> I will subsume working animals under farm livestock, even though this means that some animals such as guide dogs for the blind will be excluded. Furthermore, I will confine the diverse category of 'Animals used for sport, recreation and entertainment' to performing animals, especially animals kept in circuses, a restriction which has to do with the occasion for this paper (see footnote 1).

<b>Practice</b>	Wildlife park	Zoo	Circus	Household	Farm	Laboratory
<b>Internal Goods</b>	Conservation Restoration	Education Recreation Science Conservation	Entertainment Training Art	Entertainment Company	Food Fiber	Drugs Therapies Science

*Fig. 1 Human-animal practices - from wildness to domesticity (Keulartz & Swart 2009)*

In this diagram I have ordered the various human-animal practices on a continuum of increasing human dominance over animals - with wildlife parks in which human influence is reduced as much as possible at one extreme and laboratories for animal experiments where human control is at its maximum at the other.

### *Virtues and care*

In his book *Dependent Rational Animals* from 1999, Alasdair MacIntyre made a fundamental change in his position. In this book he criticizes the mainstream of Western ethics, including

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<sup>3</sup> In this typology, at least two categories are absent, scavenging and feral animals (see Palmer 1995). Scavenging animals live alongside humans and do not participate in animal-human practices. The case of feral animals seems to be more complex (see also Palmer 2003). These animals are sometimes taken care of in animal shelters or holding facilities awaiting adoption.

his own previous view, for overstating the powers of reasons and the pursuit of autonomy and for disregarding the dependent and animal sides of human nature. Whereas previously MacIntyre tried to ground the virtues without any reference to what he called Aristoteles's 'metaphysical biology', he now claims that ethics without biology is impossible (see Laitinen 1999). This fundamental change goes hand in hand with the introduction of the themes of dependence and vulnerability. With respect to these themes Thomas Aquinas is more relevant to MacIntyre than Aristotle who puts too much stress on self-sufficiency and 'manly' virtues. Besides virtues that enable us to achieve excellence in performing practices, we also need virtues to sustain those relationships which are necessary for us because of our dependence and vulnerability such as generosity, empathy, and beneficence.

Such virtues are the main subject of an 'ethic of care' that sees moral actors as members of a network of relationships on whose continuation they all depend. According to Carol Gilligan, this ethic is rooted in a specific view of the world as one 'of relationships (...) where an awareness of the connection between people gives rise to a recognition of a responsibility for one another, a perception of the need for response' (Gilligan 1982, 30).

Referring to MacIntyre's *After Virtue*, Joan Tronto has suggested that care is perhaps best thought of as a practice. 'To call care a practice implies that it involves both thought and action, that thought and action are interrelated, and that they are directed toward some end' (Tronto 1993, 108). The internal good, to use MacIntyre's term, of practices of care is sustaining relationships. Tronto offers a broad definition of care 'as a species activity that includes everything that we do to maintain, continue and repair our "world" so that we can live in it as well as possible. That world includes our bodies, our selves and our environment all of which we seek to interweave in a complex life-sustaining web' (ibid., 103). Such a broad vision on care opens a promising perspective on an alternative approach to animal ethics, one in which the main moral responsibilities concern sustaining the constitutive relationships of animals not only with other animals (including human animals) but also with their environment.

Usually, considerations of care are thought to apply more to domestic than to wild animals, because domestic animals are dependent on human beings for their welfare and subsistence, whereas truly wild animals are independent and do not need humans for food, shelter, veterinary assistance and so on. However, the lack of direct or indirect relationships between humans and animals does not imply the absence of ethical obligations towards wild animals, because the act of caring should include caring 'for the environment, as well as for others' (ibid.). Caring for wild animals means that we should make efforts to sustain their constitutive relationships with the environment on which they depend for their survival. Jacques Swart (2005) has called this type of care 'non-specific care' because it is not directed at the individual wild animal and its specific individual needs, as is the case in caring for domestic animals. For the latter Swart has suggested the term 'specific care'. Specific care has an affective connotation, especially in the case of domestic animals, whereas non-specific care implies a more distant attitude. Non-specific care is usually directed at the level of populations or ecosystems and consists of measures that make it possible for wild animals to live their own lives. The development of ecological networks in densely populated areas in order to give wild animals the opportunity to migrate naturally is an example of non-specific care. This type of care does not prevent suffering caused by natural conditions, since such conditions are a fact of life in the wild.

As I have argued in the introduction, animals are increasingly dependent on transitional environments that are neither wild nor domestic. Because mixed category environments are becoming more and more prevalent, specific and non-specific care must not be seen as mutual

exclusive concepts. Animals in processes of de-domestication or re-domestication do not simply cross a distinct dividing line between specific and non-specific care; they do not walk from a moral domain of individual care to one of concern for the ecological whole (Klaver et al. 2002). Instead of a clear-cut borderline between specific and non-specific care there is a broad continuum, an intermediate zone in which it is not a question of “either-or” but of “less or more”. Our obligations of care should vary depending on the direction of the transition along this continuum from wildness to domesticity (fig. 2).

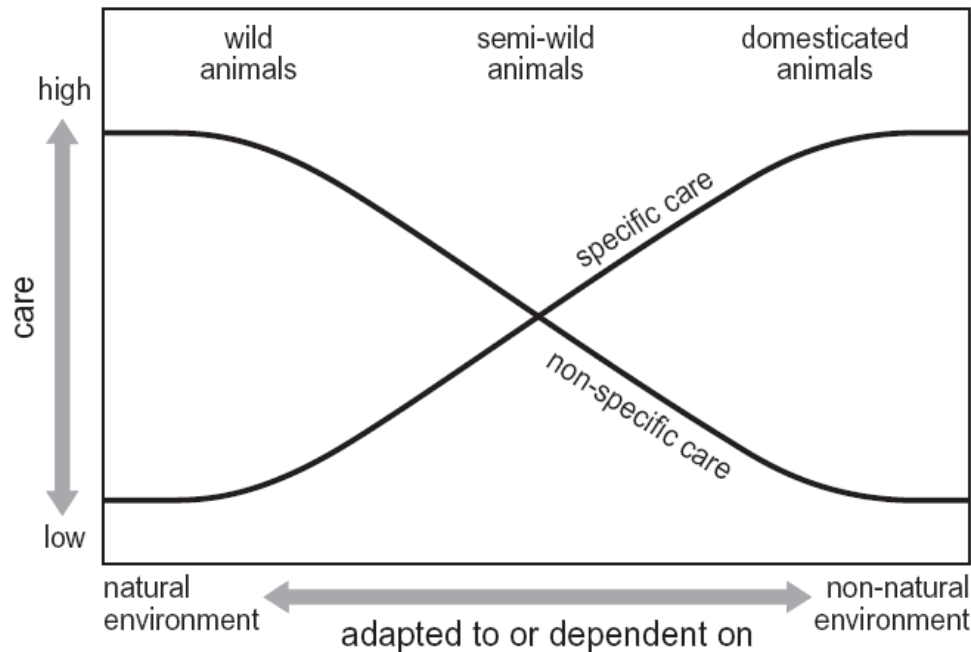


Fig. 2 Concepts of care along wildness-domesticity continuum (Swart 2005)

### *Virtues and capabilities*

The next question an alternative approach to animal ethics has to answer is how to find the optimal balance between specific and non-specific care for the various human-animal practices along the wildness-domestic continuum. To answer this question Martha Nussbaum’s ‘capability approach’ points us in the right direction. This approach has been pioneered by economist and philosopher Amartya Senn (1980) and further developed in close collaboration with Nussbaum as an alternative for the view within mainstream welfare economics which considers development purely in terms of GNP growth, and poverty as income-deprivation. The core characteristic of the capability approach is its focus on what people are effectively able to do and to be. It considers these capabilities as constitutive parts of development, and poverty as capability-deprivation.

Nussbaum has proposed a list of ten central human capabilities which she also uses to map out some basic political principles that can guide law and public policy in dealing with animals.<sup>4</sup> Each item on this list can be called a virtue or excellence, for Nussbaum explicitly draws inspiration from Aristotle’s conception of human flourishing as virtuous dispositions and activities.

<sup>4</sup> 1. Life; 2. Bodily health; 3. Bodily integrity; 4. Senses, imagination and thought; 5. Emotions; 6. Practical reason; 7. Affiliation; 8. Other species; 9. Play; 10. Control over one’s environment.

In her most recent book, *Frontiers of Justice* from 2006, Nussbaum has applied the capability approach to three urgent problems of justice neglected by most current theories (such as John Rawls's theory of justice): justice for the handicapped and disabled, global justice across national boundaries, and justice for nonhuman animals. In the part on nonhuman animals – entitled *Beyond "Compassion and Humanity"* – Nussbaum sketches the contours of an animal ethics that provides better guidance in dealing with animals than the traditional (utilitarian and deontological) approaches in which animals are usually seen as discrete entities, apart from their environment, a perspective that is too narrow to do justice to the growing number of transitional and mixed category environments.

Nussbaum's capability approach enables us to take the dynamic interaction between animals and their environment much more seriously. According to this approach, the welfare of animals should not be measured against 'the one and only true' context of wildness, but must instead be measured against the possibilities an environment offers animals to actually display their basic natural capabilities. If appropriate care is given, animals can flourish in less natural and more human environments. What matters to the welfare of animals is the presence of sufficient opportunities to employ their natural capabilities, not the naturalness of the environment (see Musschenga 2002, 179).

In *Frontiers of Justice*, Nussbaum is looking for a balance between what Swart has called 'specific' and 'non-specific' care. We should preserve the habitat of wild species such as tigers, but we should at the same time take care that they can flourish in captivity. Nussbaum also enables us to make a distinction within the category of specific care between species-specific care and care for the individual animal. According to the kind of paternalism she champions with respect to domesticated animals and wild animals in captivity, a respectful consideration of the species norm of flourishing should go hand in hand with a respectful attention to the capacities of the individual. In short, we need to look for the appropriate mix of non-specific, species-specific and individual care within the various human-animal practices. In the remainder of this paper I will try to do so for three of these practices: wildlife parks, zoos, and circuses.

### *Wildlife parks and non-specific care*

Like most animal ethicists, Nussbaum attaches moral weight to the possibility for animals to enjoy sovereignty and lead an autonomous life. 'Part of what it is to flourish, for a creature, is to settle certain very important matters on its own, without human intervention, even of a benevolent sort' (Nussbaum 2006, 373). This last qualification is important once we realize that life in the 'state of nature' is often 'solitary, poor, nasty, brutish, and short', to use Hobbes's famous words. Compared to animals in some human-animal practices, morbidity and mortality rates among animals in the wild are rather high. But this should be no reason to take the animals into preventive custody, as it were, although there are some ethicists (mostly from the utilitarian camp) who favor such a policy. Nussbaum considers the very idea of such a 'benevolent despotism' of humans over animals to be morally repugnant. Her criterion for animal flourishing is not the degree of welfare and lack of pain or inconvenience but the extent to which essential capabilities can be realized. In principle, animals can pursue their own flourishing best when left to their own devices. But this, Nussbaum adds, is only the beginning, not the end of the story.

Although animals in the 'wild' should preferably live sovereign and autonomous lives, unaffected by human interference, one ought to realize that such a state of nature is becoming

more and more of an exception. The environments on which animals depend for their survival are being increasingly disturbed or destroyed, and their opportunities for nutrition, shelter, and free movement are in constant decline. In this situation, Nussbaum advocates what we have called ‘non-specific care’ – we should not leave the animals to their fate but we should take measures to preserve or restore their habitat. ‘Even a person who wanted to deny that we had responsibilities to animals in the “wild” before this century ought to grant that our pervasive involvement with the conditions of animal flourishing gives us such responsibilities now ’ (ibid., 374). Nussbaum gives the following example:

‘It is no use saying that we should just let tigers flourish in their own way, given that human activity ubiquitously affects the possibilities for tigers to flourish, and indeed, to live at all. This being the case, the only decent alternative to complete neglect of tiger flourishing is a policy that thinks carefully about the flourishing of tigers and what habitat that requires, and then tries hard to create such habitats’ (ibid., 375).

This type of non-specific care becomes manifest in the establishment of a global network of protected areas. Currently, the World Database on Protected Areas comprises over 105,000 sites covering an area of 19,7 million km, including all nationally designated (e.g. National Parks, Nature Reserves) and internationally recognized protected areas (e.g. UNESCO World Heritage Sites, Ramsar Wetlands of International Importance).

In protected areas, care is focused on the habitat of animals, not on their individual welfare. This often leads to public consternation and political commotion. A case in point concerns the recent Dutch policy of introducing domesticated and semi-wild large herbivores in newly developed nature areas. The herbivores are subject to a process of ‘de-domestication.’ The management policies of de-domestication, which entail minimizing supplementary feeding and veterinary assistance, have been most controversial. But, the proponents of these policies argue, human intervention on behalf of the individual animal will undermine their ability to fend for themselves and to lead autonomous lives (IMCO 2005). In short, the effective management of protected areas requires what Nussbaum calls a ‘delicate balancing’ of various factors involved: ‘As in the foreign-aid case, the best form of aid is a form that preserves and enhances autonomy, rather than increasing dependency. It would be a bad result if all animals ended up in zoos, completely dependent on human arrangements’ (Nussbaum 2006, 375).

### *Zoos and species-specific care*

Zoos are destined to play an ever more important role in the management of protected areas. ‘Captivity for Conservation’ turns out to be the basic mission of many modern zoos. Here captive propagation and repatriation programs are being developed to aid the conservation of animals in the wild. A number of species, such as the Asian wild horse, the Black-footed ferret, the Arabian oryx, the Red wolf, Pere David deer, and the Californian condor, owe their survival to the cooperative efforts of modern zoos (Hutchins, Dresser & Wemmer 1995).<sup>5</sup>

The tiger also provides a telling example. According to recent research, captive tigers are indispensable for the conservation of tigers in the wild. The numbers of wild tigers has

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<sup>5</sup> A problem with trying to introduce zoo animals to the wild is that the behavior they have acquired in captivity is largely irrelevant for their survival in the natural environment. Since the adoption of the Convention on International Trade in Endangered Species (CITES) in 1974, most zoo animals, like most circus animals, are not wild-caught but captive-born and captive-bred.

decreased dramatically, from over 100,000 in the 1900s to as few as 3000. Some subspecies are extinct while others persist only in zoos. With 15,000 to 20,000 individuals, captive tigers nowadays outnumber their wild relatives five to seven times. As a consequence of the larger population size and of breeding strategies, captive tigers have retained genetic diversity unobserved in their wild counterparts (Luo et al. 2008).

Under such circumstances Nussbaum argues for a double strategy. We should not only try to preserve or restore at least some part of the original habitat of endangered species but we should also make ‘intelligent and careful’ use of zoos. ‘Many animals will do better in an imaginative and well-maintained zoo than in the wild, at least in present conditions of threat and scarcity’ (Nussbaum 2006, 376).<sup>6</sup>

In zoos, the focus shifts from (non-specific) care for the environment to specific care, especially species-specific care. Animal flourishing depends on the options and opportunities to perform species-specific activities. There are, however, limitations to the extent to which these activities can be carried out in zoos. It may be true that there is a strong tendency toward the ‘naturalization’ of zoos, but this process runs up against limits. Zoos cannot include the reproduction of natural contingencies. Some forms of predatory behavior, such as chasing and killing prey, cannot realistically be simulated in captivity. Likewise, in the absence of predators, some forms of prey behavior, such as vigilance, may not be exhibited at appropriate levels in captivity.

In short, captivity usually deprives wild animals of the necessity and opportunity to pursue the tasks of survival, such as finding food and avoiding animals. Heini Hediger, one of the founding fathers of the science of ‘environmental enrichment’ considered this lack of occupation of the captive animal as one of the most urgent problems of zoological gardens. Quite a lot of studies show that animals prefer to work for their food, rather than to be fed *ad libitum*. Especially mammals are unsuited to an existence in which no effort on their part is required to meet their basic needs (Kreger et al. 1998).

A solution to this problem is ‘substitution’. Animals, particularly mammals, are flexible enough to modify their behavior to suit a wide range of situations and to substitute one form of action for another depending on the facilities available. Trevor Poole (1998) refers to studies that show that the absence of a forest full of interesting foods may be of little concern to a chimpanzee or mandrill when that has the opportunity to play a computer game. Computer games seem to provide a good alternative for the explorative behavior chimpanzees show when they are searching for food.

In *Frontiers of Justice*, Nussbaum mentions another example of substitution. Modern zoos have to face the problem of allowing the capabilities of predatory animals like tigers to be exercised without actually harming or killing prey animals. The Bronx Zoo has found an answer to this question – instead of giving a tiger a tender gazelle to crunch on, it gives the tiger a large ball on a rope, whose resistance and weight symbolize the gazelle. ‘Wherever predatory animals are living under direct support and control,’ Nussbaum concludes, ‘these solutions seem the most ethically sound’ (Nussbaum 2006, 370).

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<sup>6</sup> In her paper ‘Animal Thinking and Animal Rights’, Nussbaum discusses an interesting example of a balancing between specific and non-specific care. Here Nussbaum argues that one should treat African and Asian elephants differently. Species protection policies with respect to African elephants should focus on preserving or restoring their habitat, while these policies are not adequate for Asian elephants because they are far more endangered than African elephants, and also because they have been working in symbiosis with humans to a greater extent than have African elephants. So, for Asian elephants Nussbaum argues for an ‘intelligent, species-sensitive paternalism’ within zoos.

A special case of substitution is what Hediger has called ‘occupational therapy’. ‘The captive animal,’ Hediger suggested, ‘must be given an adequate substitute for the chief occupation of freedom... This substitute can take the form of biologically suitable training and assumes the importance of occupational therapy’ (Cited in Laule & Desmond 1998, 305). Training offers animals a change to work for their food, to perform certain tasks or behaviors for a food reward.

Training is also relevant for the relationship between the animal and its caregiver, which is of critical importance for many species in captivity. The well-being of zoo animals is greatly enhanced if there is a trusting, amiable relationship with their keepers. Studies have shown that the quality of this relationship is reflected in reproductive success in captivity. The trust between animals and keepers can be reinforced by training animals to commands and to learn them simple routines using positive reinforcement. As Trevor Poole has noticed, zoos are reluctant to use training, because they fear to be accused of not being serious or of turning into circuses, ‘but training undoubtedly improves the welfare of the animal and also makes routine examination and veterinary treatment much easier and less stressful’ (Poole 1998, 91).

### *Circuses and individual care*

If we turn to circus animals, the balance of care will shift once more, this time from species-specific care to individual care. Nussbaum argues that both types of care are important for animals to flourish. Her perspective is individualistic in making the living creature, not the group or species, the basic subject of justice, but at the same time she rejects the view ‘that species membership in itself is of no moral relevance and that all moral relevance lies in the capacities of the individual’ (Nussbaum 2006, 358). The capabilities approach should give a species-specific account of basic capabilities without losing sight of the capacities and personality of the individual animal. In short, ‘the touchstone should be a respectful consideration of the species norm of flourishing and a respectful attention to the capacities of the individual’ (ibid., 378).

In animal ethics, the capacities and character of individual animals generally have attracted far less attention than the species-specific norm of flourishing. To gain insight in the prospects and problems of individual care for performing animals, including circus animals, it is useful to have a look at the work of two philosophers who have been theoretically and practically engaged in animal training, Donna Haraway and Vicky Hearne.

Donna Haraway, a path-breaking feminist philosopher, best known for her 1991 essay *The Cyborg Manifesto*, has recently been focusing her attention on human-animal relationships. In 2003, she published her essay *The Companion Species Manifesto*, and last year (2008) her book *When Species Meet* came out. What holds this abundant and complex book together – ‘besides the author’s over-the-top intellectual power’ (Peterson 2008, 611) – is Haraway’s relationship with her Australian shepherd Cayenne, with which she does agility work.

Haraway is less interested in Jeremy Bentham’s famous question ‘Can animals suffer?’ than in the question ‘Can animals play? Or work?’ To better understand and nurture our responsibilities for animals Haraway feels that Marx’ category of labor is more helpful than Enlightenment’s category of rights. If however, we are going to include animals within the regime of lively capital (‘biocapital’), we should reconsider Marx’s theory of value, adding another notion to Marx’s notions of use-value and exchange-value: ‘encounter-value.’

Haraway illustrates the importance of labor or work in our relationships with animals by summing up some of the tasks done by herding dogs, livestock guarding dogs, attack dogs, laboratory dogs, airport security dogs, drug and bomb sniffers et cetera. Today, dogs are increasingly involved in therapeutic work, including ‘warning of epileptic seizures, detecting cancer, guiding the blind, serving as aides for the hearing impaired and the wheelchair-bound and as psychotherapeutic aides for traumatized children and adults, visiting the aged, aiding in rescues in extreme environments, and more’ (Haraway 2008, 57).

Haraway is of course aware that many animal ethicists and animal rights activists find this kind of jobs moral repugnant, often because they consider domestication as original sin and feel that only animals in the wild can live up to their *telos*. But training, working with animals, does not imply submission and oppression, but, quite the contrary, requires two-way traffic. Training asks for teamwork; trainer and trainee have to listen to one another if an act or exercise is going to succeed. Here, Haraway refers to the work of the Belgian philosopher and psychologist Vinciane Despret, who has reframed domestication using the notion of ‘anthropo-zoo-genetic practices’, in which humans and animals co-shape their historically situated relationships. Despret points to the notion of ‘isopraxis’ used by the French ethologist Jean-Claude Barrey to describe the interaction between horse and rider. According to Barrey, talented riders behave and move like horses.

‘They have learned to act in a horse-like fashion, which may explain how horses may be so well attuned to their humans, and how mere thought from one may simultaneously induce the other to move. Human bodies have been transformed by and into a horse’s body’ (Despret 2004, 115).

According to Despret, the questions ‘Who influences and who is influenced?’ can receive no clear answer. ‘Both, human and horse, are cause and effect of each other’s movements. Both induce and are induced, affect and are affected. Both embody each other’s mind’ (ibid.)

Haraway is also influenced by the work of Vicky Hearne. In a section of *The Companion Species Manifesto* entirely devoted to this animal trainer, philosopher, and poet, who died in 2001, Haraway claims that Hearne ‘is in love with the beauty of the ontological choreography when dogs and humans converse with skill, face-to-face’ (Haraway 2004, 51).

Hearne fiercely opposed the animal rights discourse. She feared that animal rights activists, by branding training of any sort as torture, could deprive animals of the satisfaction they experience from work. Hearne disagrees with the definition of ‘happiness’ as synonym for pleasure and as antonym for suffering. To better understand ‘animal happiness’ we should trade in Bentham for Aristotle, who considered happiness as activity in accordance with the highest excellence. Happiness is about a sense of personal achievement, like the satisfaction felt by a good woodcarver or a dancer or a poet or an accomplished dressage horse. ‘This happiness, like the artist’s, must come from something within the animal, something trainers call talent, and so cannot be imposed on the animal’ (Hearne 2007, 204).

Hearne also puts much emphasis on mutuality and reciprocity in the working relationships between humans and animals, as is nicely illustrated by the following section from her 1994 book *Animal Happiness*:

‘The main topic of training is obedience. “Obedience” comes from an old French word that means “to hear” or to “heed”, “to pay attention to”. The great trainers of every kind of animal, from parakeet to dog to elephant, have said for millennia now that you cannot get an animal to heed you unless you heed the animal; obedience is a symmetrical relation. In a given case it may start with the human, who perhaps says to the dog, “Joe, Sit!” Soon, however, the dog

will take the term and turn it, use it to respond, to say something back, and it is at this moment that true training with any species either begins or fails. If the human being “drops” the animal at this point, not realizing that the task has only begun, then the dog will not listen where there is nothing to heed (ibid., 185).

From the work of Haraway and Hearn, it can be concluded that responsibility for animals in workings relations should be considered – to use Haraway’s phrase - as ‘response-ability’, the ability to listen to animals and to meet their needs. Whether a specific setting is morally acceptable or culpable, so Despret claims, depends on the animal’s possibilities of ‘resistance’ when its wishes fall on deaf ears and it is forced to compliance and docility.<sup>7</sup>

It is obvious that the possibilities for non-specific care in a circus setting are almost absent, while the possibilities for species-specific care are fairly limited. The possibilities for individual care and attention, on the other hand, seem relatively large. One should of course, on a case by case basis, try to assess whether the happiness that results from the labor of training can compensate for the lack of non-specific care and the deficit of species-specific care.

### *Conclusion*

Nussbaums’s approach enables us to measure the moral adequacy of various human-animal practices against the options and opportunities they offer animals to exhibit their natural and individual capabilities. Depending on its position along the wildness-domesticity axis, a specific human-animal practice should show a balanced mix of non-specific, species-specific and individual care. If we move from wildness to domesticity, the balance between these types of care will gradually shift: in protected nature areas the weight is on non-specific care for the habitat of animals, in zoos the weight is on species-specific care, while performing animals will predominantly depend on individual care.

How do these shifts affect the possibilities to realize basic capabilities? Which trade-offs between the different types of care are feasible and morally defensible? Under what conditions or circumstances should one intervene in the lives of (re-)introduced animals in protected areas? If, for instance, starvation numbers in harsh winters go beyond 30% of a population? To what degree can environmental enrichment compensate for the loss of habitat, and what kinds of substitutes are morally suitable for wild animals in captivity? How much individual attention is required for performing animals to balance their lack of non-specific and species-specific care? Those are some of the hard questions that the proposed alternative to traditional animal ethics will have to investigate and answer.

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<sup>7</sup> In this respect the Code of Conduct for Animals by the European Circus Association (ESA) is clear: ‘All animal training must be based on operant conditioning and the use of positive reinforcement and repetition of desired behaviours. Training should showcase individual animals’ natural behaviours and athletics’ [http://www.europeancircus.info/ECA/index.php?option=com\\_content&task=view&id=83&Itemid=63](http://www.europeancircus.info/ECA/index.php?option=com_content&task=view&id=83&Itemid=63) (accessed May 15, 2009)

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