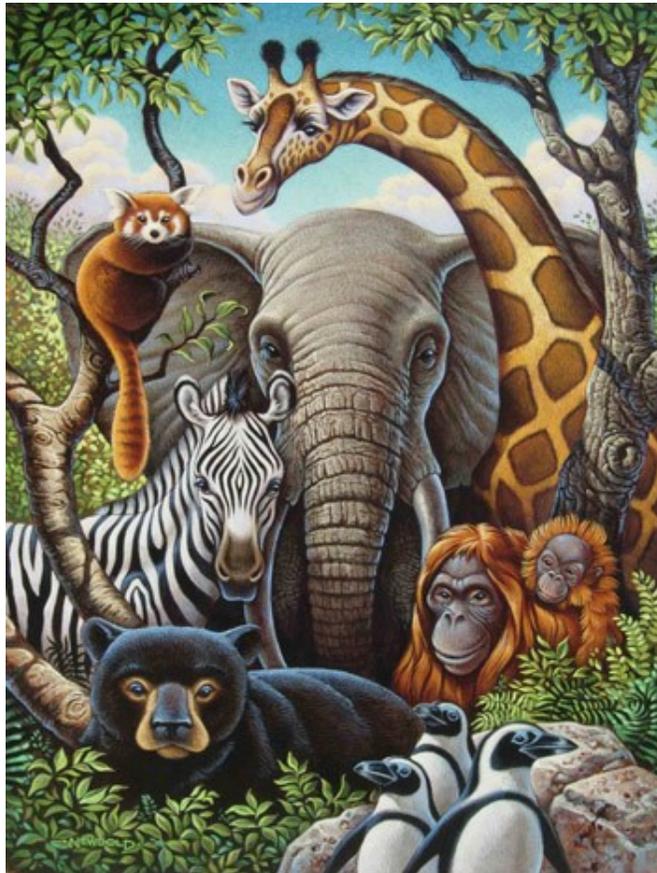


# Zootopia



## Animal Welfare, Species Preservation and the Ethics of Captivity

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## ***Introduction***

While a great many animal facilities could be called *zoos*, we shall necessarily limit our discussion of the ethical implications of zoos to those institutions which voluntarily subject themselves to and meet at least minimum professional standards of care and well-being for their animal inhabitants, these standards being defined in the United States by the American Association of Zoos and Aquariums (AZA) and therefore, in the common vernacular of both animal welfare advocates and conservation practitioners, are defined as the *zoo community*.

## ***A History of Zoos***

The first evidence of the public exhibition of wild animals dates to 2,500 B.C.E. in Ancient Egypt (Encyclopedia of Bioethics). Throughout ancient times, zoos were established by kings and conquerors as demonstrations of their wealth, power and prowess in battle. The Romans maintained animal menageries for bloody public spectacles, sending elephants, bears, lions and other wildlife to do battle in arenas throughout the empire (Encyclopedia of Bioethics). Captured during military campaigns or collected during seafaring voyages abroad as specimens heretofore unknown to science, these unfortunate captives were destined for display in the public squares and royal courts of Europe and beyond as a testament to the power and prestige of their rulers. Collections of ancient animals could also be effective instruments of statecraft, with the exchange of particularly rare or valued specimens helping to forge alliances or ameliorate past offenses between feuding kingdoms. For the vast majority of human history, zoos were little more than exotic animal menageries dedicated to satisfying the curiosity of commoners and the conceit of kings.

However, in the 19<sup>th</sup> century, zoos underwent a seismic paradigm shift. This change reflected a nascent trend away from man's domination of nature and towards a more enlightened concern for and scientific interest in wild animals, at least insofar as humans believed they could derive a benefit from what might be learned about the natural world through the careful study of its animal inhabitants. This so-called *humane movement* condemned the acts of barbarism towards animals in the past and laid the groundwork for the genesis of the modern zoological institution of today. In 1828, the first zoo dedicated to the scientific understanding of captive wildlife opened in London. In 1889, the U.S. Congress established the National Zoo for the purpose of breeding native wildlife. The hegemony of man's relationship with nature that had persisted for thousands of years was being slowly and incrementally replaced by a more thoughtful, philosophical and *empirical* approach; the dawning of an Age of Curiosity that sought to understand the natural world at least as much as previous ages sought to subjugate it, and a desire to unlock the multitudinous mysteries of nature of which wildlife played so conspicuous a part.

The 20<sup>th</sup> century further encouraged the evolution of zoos in this direction, as they progressively adopted a mission that included research, conservation, education, and recreation/entertainment. As the mission of zoos broadened, so too did a heightened awareness of the "animal condition" and a concern for the humane treatment and prevention of animal suffering among the average citizen. These expanding spheres of concern inexorably collided in the late 20<sup>th</sup> and early 21<sup>st</sup> centuries, giving rise to a contentious debate between advocates of *animal well-being* (and any individual animal "rights" derivative thereof), and *the preservation of endangered species* that argued vociferously the ethical justification, or lack thereof, of the keeping of endangered exotic animals in captivity. The modern debate appears to be concerned

*principally* with the question of whether animals possess “individual rights” in a qualitatively similar sense as do human beings. This question has arisen in response to an ever increasing, positivist understanding of previously unknown complexities of animal behavior, cognition, and the capacity to experience pain and suffering much as humans do; and whether the benefits that may be conferred to a species (and to human society as a whole), either as a direct or indirect result of the captivity of a fraction of its members, outweigh the costs to freedom suffered by a relative few.

## ***Animal Welfare***

In his essay *Zoo Conservation and Ethical Paradoxes*, William Conway (1995) declares “it is a paradox that so many human beings agonize over the well-being of an individual animal yet ignore the millions daily brutalized by the destruction of their environments.” This statement captures the essence of the tension that exists between two contemporary bio-centric movements that appear to have much philosophical territory in common: (1) advocates of *animal welfare*, and (2) advocates of species preservation. Of course, as Western society’s environmental consciousness has grown, particularly in the last century, the numbers of human beings who “ignore the millions (of animals) daily brutalized by the destruction of their environments” is assuredly less. Nonetheless, the paradox remains essentially true. It is the conflict in worldviews between these two ideological camps alluded to by Conway; animal welfare advocates on the one hand, and species preservation advocates on the other, that requires further analysis and reconciliation, if the question of whether “the keeping of endangered exotic animals in zoos is *the most ethical way* to conserve, preserve, and educate the public about these animals” is to be equitably and thoughtfully addressed.

*Animal welfare* can generally be defined as a concern for the physical and psychological well-being of the individual animal. A more precise definition is “the avoidance of abuse and exploitation of animals by humans by maintaining appropriate standards of accommodation, feeding and general care, the prevention and treatment of disease and the assurance of freedom from harassment, and unnecessary discomfort and pain” (Saunders Comprehensive Veterinary Dictionary). Some animal rights advocates, notably ethicist Tom Regan (1983) further argue that animal welfare subsumes a moral component that includes respect for an animal’s individual liberty (and dignity); the freedom to live naturally, to behave naturally, to reproduce naturally, and basic to all of these, a freedom from captivity (except, according to some *rights* advocates, under rare and narrowly defined exceptions). The provision of rights traditionally reserved for human beings to animals is justified on the ethical claim that individuals - regardless of their species - are equal members of the community of life, aware of and concerned for their own existence, and thus deserving of equal treatment (Regan, 1983). It is the complete rejection of ethical worldviews such as *anthropocentrism* that regard human beings; their beliefs, motives, judgments, and moral sentiments to be the sole moral standard by which all actions are judged, and, to a lesser degree, of *utilitarianism*; a highly influential moral philosophy which enlarges the universe of concerned stakeholders to include the considerations of other species’ well-being in the process of deciding whether a particular human action is or is not morally defensible. According to *rights view* advocates such as Regan and the moral philosopher Peter Singer (1976), *classical utilitarianism* fails to provide an adequate defense of zoos because it is an *inadequate* moral theory. Furthermore, it requires the accumulation of copious amounts of information, from all possible affected parties, taking into consideration various contingent scenarios (e.g. should zoos be eradicated, should they remain the same, should they be changed

in one way or another), before a decision can be reached. Thus, according to critics of utilitarianism, it raises serious epistemological concerns about the limits of what knowledge humans beings are in fact capable of acquiring (and synthesizing) in rendering such moral verdicts.

### ***The Ethics of Captivity***

Many zoo opponents, representing a variety of ethical traditions, maintain that keeping animals in permanent captivity for human benefit is an ethical violation of their rights as sentient beings. Tom Regan (1983), in his essay *Are Zoos Morally Defensible?* argues that recent progress in ethical theory, despite giving rise to disparate views of moral obligation, have coalesced into a strong critique of the human practice of keeping animals in captivity. Three of the more prominent ethical theories that directly impact this question are *utilitarianism*, *environmental holism*, and *the rights view*. A brief treatment of each should suffice in explaining how a satisfactory ethical theory has yet to be put forth that sufficiently convinces animal rights advocates that zoos are morally defensible institutions.

Utilitarian theory fails as an ethical justification for zoos, according to Regan, mainly on two fronts; (1) it places the unreasonable burden that “we consider the interests of everyone affected by what we do, and that we weigh equal interests equally” and (2) it is vulnerable to some *serious* moral objections when these interests are weighed equally that calls into question the moral adequacy of the theory in general, regardless of its ultimate stance on the question of whether animal captivity is ethical. Regan’s first objection to utilitarianism is epistemic; he and other critics do not believe that humans are capable of knowing all there is to know about the preferences of every “interested party” in the zoo ethics debate, and how those preferences might

change given the various alternative solutions that could be proposed. His second objection concerns the morally repugnant consequences that can arise when everyone's interests are taken into consideration and given equal status. He concludes, therefore, that utilitarianism is "irredeemably flawed" as a moral theory and should have no bearing on the question of the ethical status of zoos (Norton, 1995).

*Environmental holism*, as a theory of moral obligation, has much in common with the classical utilitarian approach to the question of the ethics of captivity. Perhaps the most influential thinker to advance these ideas into the realm of ecology was Aldo Leopold. In *A Sand County Almanac*, Leopold (1949) extends the moral obligations of man to the land upon which he lives and makes his living from. Leopold argues that "a thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise." Leopold denies the "rugged individualism" that lies at the heart of moral anthropocentrism and demotes humanity's concerns from their exalted ontological status, making man no longer master of the land, but "plain member and citizen of it" (Leopold, 1949). Nonetheless, Regan argues that holism fails to provide a sufficient moral defense of zoos for reasons that are analogous to those of utilitarianism, only more so. He explains,

Holists face daunting challenges when it comes to determining what is right and wrong...this problem arises for them despite the fact that they restrict their calculations to sentient life. *How much more difficult it must be, then, to calculate the consequences for the entire biosphere!* (Norton, 1995)

The second reason holism fails, akin to utilitarianism, is the morally problematic and undesirable consequences it would appear to have - if applied as holists argue it should be - whenever an action either by a human or nonhuman animal tends to upset the "integrity, diversity and sustainability" of the ecosystem. Regan provides the example of deer whose

numbers have grown *unsustainably* and subsequently have outgrown the carrying capacity of their ecosystem, leading to the degradation of the very land upon which their survival depends. In the absence of predators such as wolves, which humans have effectively exterminated, holists would advocate a limited hunting seasons to cull the herd, thereby restoring ecological balance. But an ethical dilemma arises. If deer, whose actions disrupt the integrity, stability and harmony of the ecosystem by virtue of rampant overgrazing, can be lethally culled to restore balance, why should not the holist advocate the same policies when confronted with human degradation of the biotic community, whose cumulative actions unquestionably do more harm to the biosphere than any other species on Earth. According to the tenets of holistic theory, humans are of no greater or lesser significance to the life community than any other species. Holists are therefore unjustified in claiming that human moral “exceptionalism” - the idea that humans possess a special and qualitatively unique moral nature - renders us immune to similarly draconian measures (Regan 1983), since this view is incompatible with basic holistic theory.

The final view to be considered, and the one animal rights advocates like Regan, Singer and others believe to be the correct theory of moral obligation towards animals, is not surprisingly called the *rights view*. The rights view essentially argues that the same ethics that govern our interactions with each other must also be applied to our dealings with animals, and that both must rest upon the same fundamental moral principles (Regan, 1983). It recognizes and affirms the moral value of the individual animal, a value independent of any benefit that may be obtained by humans through our utilization of them to advance important scientific research, provide opportunities for human recreation and education, preserve wild populations through captive breeding and species reintroduction programs, positively impact local human economies located near zoos, or any other reason that advances the interests of either human or nonhuman

individuals through the keeping of wild animals in captivity. Some *rights view* advocates accept the premise that in some narrow cases, the keeping of wild animals in captivity is justified if it can be shown that captivity is in the *animal's own best interests*. This argument appears to be the intellectual fulcrum upon which the ethical dilemma of animal captivity in zoos ultimately must be balanced. According to animal rights advocates' stated convictions on the matter, if negligible benefits arise from zoos, then the keeping of animals in captivity cannot be justified. However, if significant benefits can be shown, then captivity for at least some animals might be defensible (Encyclopedia of Bioethics). Similarly, Regan (1983) concedes: "In principle, therefore, confining wild animals in zoos can be justified, according to the rights view, but only if it can be shown that it is in their best interests to do so."

If the crucial task now before us is deciding what is in the best interest of an animal, then how should we proceed? How do we weigh the interests of the individual animal in captivity against the existential interests of an entire species? Can such interests ever be weighed equally, and, if not, how can the inevitable conflicts which arise be resolved? In returning to our ethical criterion for the existence of zoos, "*if significant benefits can be shown, then captivity for at least some animals might be defensible,*" it would appear that the burden of proof rests most heavily on zoos to demonstrate that the benefits of captivity to the continued preservation of the species outweigh the costs incurred to the freedom of the individual, and furthermore, a resolution of the question whether it is ethical to keep animals in captivity appears to lack any incontrovertible moral certitude, but is, in practice, best decided on a case-by-case basis.

## ***Captivity: A Necessary Evil?***

As William Conway states, the modern context in which zoos operate is one of extinction (Conway, 1995). He gives statistics on current estimated rates of species extinction primarily as a result of human disturbance and contrasts this with the so-called natural background rate of extinction that existed before the appearance of human beings. He mentions examples of zoo paradoxes that are, according to his own substantial research, in fact mythical. These are that (1) animal collecting for zoos is regularly listed among the major threats to wild animals, and (2) zoos are often pictured as “cavernous sinkholes of wildlife”. To dispute these claims, he provides sobering statistics on wildlife harvesting from a variety of cultures throughout the world and constructs a persuasive argument that the legal hunting, illegal poaching, trapping, trading, consuming and myriad other forms of wildlife harvesting should be of astronomically greater concern to both conservation practitioners *and* animal rights advocates than the comparative paucity of wild animals in zoo collections worldwide.

On the role of zoos, Conway asserts that “except for zoos and zoo-like institutions, no other conservation or animal welfare organizations actually provide ongoing animal-by-animal care for wild creatures, sustaining them generation after generation”. Modern zoos are increasingly defined by this commitment. He believes that zoos are destined to become ever more important centers for conservation research, conservation action, and education. Conway further discusses how the conservation action of zoos re-directs recreational dollars towards explicit conservation purposes. Money otherwise used to go to leisure activities such as sporting events is converted to endangered-species propagation and conservation education programs. The most comprehensive of these propagation programs, the AZA’s Species Survival Plans (SSPs) seek to maintain at least a fraction of the world’s most endangered species through

coordinated captive breeding programs and the exchange of genetically valuable animals with other partner institutions, thus buying time for conservation and restoration efforts in nature for creatures that otherwise would be lost (Conway, 1995, pg. 7).

Conway considers what may be the most serious threat to the well-being of many wild creatures: that they be ignored, marginalized by the growing masses of humanity, and condemned to “the same closets of irrelevance and curiosity as silent movies and trilobites” (Conway, 1995, pg. 7). He argues that this is much less likely to happen if zoos remain as they are (without neglecting the very real need for improvements) and where they are – in the major cities where the vast majority of humanity now resides – reminding us that their kind exists, acting as ambassadors for their wild kin. He believes this generation’s task is to “establish a workable, *morally* and scientifically *acceptable* way of dealing with *the substance* and *the perception* of paradox in our relations with wild creatures”. The ethical dilemmas in zoos and conservation most urgently in need of resolution are those which threaten biological diversity and the continued renewal of life (pg. 7). Thus, a final paradox, Conway concludes, is that “ecosystems and wildlife in the twenty-first century will be a nature that we re-create or care for” as opposed to the ontological role of nature as humanity’s home.

The argument can be made that the benefits of zoos are manifold and their role in the particular areas of species conservation, preservation, and public education has never been more important in light of the challenges facing Earth’s biodiversity in the 21<sup>st</sup> century. While zoological institutions undoubtedly have a sordid past, guilty of the same exploitation and suffering towards animals that humanity has perpetuated on members of its own species, this does not entail that modern zoological institutions should be forever condemned for the actions of their forbears. Modern zoos have made tremendous advances in their commitment to animal

care and welfare, while acknowledging that more can and should be done to ensure the welfare of the individual animals in their charge. For all these reasons, and more, perhaps zoos are a necessary evil. They may also be the last, best, yet perhaps, *least desirable*, hope of sustaining life on Earth.

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