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THE RELATIONSHIP OF ANIMAL PROTECTION INTERESTS TO ANIMAL DAMAGE MANAGEMENT: HISTORIC PATHS, CONTEMPORARY CONCERNS AND THE UNCERTAIN FUTURE

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ABSTRACT: More than a decade ago Schmidt (1989) called for consideration of animal welfare to become a "first-order" decision rule in wildlife management concerns, including animal damage control. Although there has been movement in that direction, this clearly has not yet come to pass. This paper takes a brief look at the interests we call animal damage management, animal welfare and protection, animal rights, and environmentalism in order to speculate about their shared concerns and the uncertain future before them. Since animal damage and the management of that damage cannot be abstracted from the environmental context in which they occur, this leads to speculation that some confluence of the interests of animal damage management, animal protection, and environmentalism will lead to a new disciplinary focus in the future.

KEYWORDS: animal welfare, animal rights, environmentalism, biocentrism, animal damage management

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INTRODUCTION

This paper takes a brief look at the interests we call animal damage management, animal welfare, and protection, animal rights, and environmentalism in order to speculate about their shared concerns and the uncertain future before them. More than a decade ago Schmidt (1989) called for consideration of animal welfare to become a "first-order" decision rule in wildlife management concerns, including animal damage control. Although there has been movement in that direction, this clearly has not yet come to pass. Animal welfare has been accepted and centralized in areas where research, experimentation, education, and food production are concerned, raising the question as to why it has not been centralized in animal damage management (Fisher and Marks 1996). Answering that question is well beyond the scope of this paper, but a brief look at the historic threads behind these endeavors can be a start down that road.

HISTORIC THREADS

Wildlife Damage Management

Both wildlife damage management and animal welfare interests share the attribute of having only recently displayed above-ground growth despite having roots that extend deep into the historic past. Wildlife damage management is typically regarded as an American invention, dating from C. Hart Merriam's turn of the century efforts to establish an Office of Economic Ornithology as a pillar of goal-oriented research into human-wildlife conflicts. But humans were clearly dealing with animal damage long before Congress first decided to issue an appropriation for it. Conflicts with wildlife certainly had to have started as soon as humans had settled on a sedentary mode of life, although just as certainly we should expect no early record of what must have been just a part of daily life. As early as the first century AD, however, the Roman historian Josephus was describing metal spires put by the citizens of Jerusalem on roofs to keep birds from landing there, suggesting the use of a technology prominently in use today. The clerics of St. Vincents may not have been up on their Josephus,

though, since they chose the vehicle of excommunication in the late fourteenth century to punish the parish sparrows for defecating on the pews (Ryder 1989). This was followed a half century later in a protestant ban on yet another flock of this species who were condemned for "vexatious" chattering and "scandalous unchastity" during the delivery of the sermon (Evans 1906). Whatever effect these procedures had, unfortunately, has been lost to history.

While we might find such actions amusing and typical of the "quaint" thinking and practices of our ancestors, they were administered in apparent seriousness. The human-animal relationship in medieval times was obviously quite different than now, among other reasons perhaps because many people literally lived under the same roof with their animals. It was an entirely different mind set that led medievalists to hold animals responsible for their actions in a way that often mirrored the responsibilities discharged on their fellow humans. Evans (1906) exhaustively documented the phenomenon of formally charging and bringing animals to trial for various crimes, and the volume of cases he documents suggest this activity was seriously pursued. Still debated is whether this activity arose because of a feeling of closer kinship to the animals, or simply reflected a fear of the unknown and of losing control over natural forces that could potentially be overwhelming. By the seventeenth century the work of pioneering naturalists such as Francis Willoughby and John Ray had opened the door to the perception of nature in its own right, rather than in terms of analogies and resemblances to man (Thomas 1983). This was one of the most profound scientific revolutions in human history, but it took the poet in Samuel Taylor Coleridge to aptly characterize it when he said: "Nature has her proper interest; and he will know what it is, who believes and feels, that everything has a life of its own."

Animal Welfare and Protection

Human concern over the right and wrong treatment of animals also undoubtedly occurs much earlier than records attest, and perhaps has always been part of human

consciousness. Pythagoras (530 BC) argued against animal sacrifices and advocated vegetarianism a half millennium before the Jerusalem of Josephus was sacked. His school reasoned against these acts because of a belief in reincarnation, but Plutarch (ca 50 AD) advocated vegetarianism on moral grounds as a general duty of kindness, and so is noted as one of the very first advocates of animal welfare. Others followed. Leonardo da Vinci would buy wild songbirds in the market so that he could set them free (Ryder 1989), and foresaw a day when it would be a criminal offense to conduct experiments on animals (Dolan 1999). Francis of Assisi, the patron saint of animals, is said to have cut a deal with the wolf of Agobio, who had adopted the antisocial habit of eating local villagers. The saint negotiated a lifetime feeding contract for the predator, perhaps the ultimate deal for any species of wildlife, if his predatory indiscretions were to stop. The wolf agreed, they shook on the deal, and apparently, no more villagers were eaten (Ryder 1989).

The real battle line for forces with opposing views on animals crystalized during the early 15th century through the writings of Rene Descartes and adherents of the Cartesian school, which he founded. The Cartesianists felt that animals were no more than complicated machines, whose use—or abuse—was irrelevant to any consideration of morality. Without the faculty of sentience, animals could not be accorded the privilege of feelings. This concept was vigorously counter-argued by any number of opponents, with sentiments culminating in Jeremy Bentham's oft-cited observation that: "The issue is not, can they reason? Nor, can they talk? But, *can they suffer?*" (cited in Ryder 1989: 75). The advent of the Darwinian era was to answer that question conclusively. Sometimes lost in Bentham's argument, and others that would follow, was the fact that he was concerned with suffering and the infliction of pain, more than about death itself. Death was for Bentham an irrevocable fact of nature.

The modern animal welfare movement in America dates from the efforts of the New Yorker Henry Bergh to halt animal mistreatment, particularly that of the draft animals he saw being abused daily throughout the city. Bergh started the first animal protection organization in the United States, the American Society for the Prevention of Cruelty to Animals (ASPCA), in 1866. Given the authority to pursue cases of animal cruelty in New York's courts, it is of some interest to note that one of the first cases he brought was against a sea captain and his crew who were engaging in the practice, common during those times, of catching sea turtles, turning them on their back and punching holes in their fins to secure them with rope on the deck of the ship. The remarkable endurance of these animals meant that they would stay alive and fresh for much of the long period of voyages at sea. The judge considered the case for only a moment before throwing it out of court on the grounds that turtles were not animals and could not be covered by the new animal cruelty law (Zawistowski 1998).

The idea of animal protection took a dramatic turn in the mid-1970s, with the emergence of the field of animal rights. Generally dated from the publication of Peter Singer's work, *Animal Liberation* (1975), animal rights

interests focus on the underlying moral questions and issues that surround human use—any use—of animals. As Singer notes, if it is morally wrong to treat humans—even noncognizant infants or impaired adults—in such a way as to cause pain, suffering or death, then it was wrong to do the same with animals. The idea of animal rights drew heavily from the civil rights and feminist movements of the 1960s and was measurably different from earlier animal welfare movements, with the notable exception of anti-vivisectionism.

There are sometimes considerable differences of opinion and emphasis between animal rights and welfare perspectives (Schmidt 1989; Rutberg 1997). The principal distinction seems to lie in the fact that advocates of animal rights are generally opposed to any sort of human use or control of wild animals. Animals are viewed as possessing "rights" equivalent to those which humans might enjoy, and human domination or control of animals as individuals or populations is regarded as speciesism, a term coined by Richard Ryder to represent the moral equivalent of racism or sexism. Animal welfare advocates do not unilaterally oppose all use of animals, especially when the overall benefits of engaging in exploitive activities outweigh the harm animals endure (Regan 1998). A central point for welfarists is that animal suffering should be eliminated, preventable deaths eliminated and animals always treated humanely; points Hooper (1994) confirms in a recent survey as mainstream among animal protection and welfare groups.

Environmentalism

Environmentalism has its own roots in early visionaries such as John Muir and Henry David Thoreau, and is undoubtedly, as Roderick Nash points out, traceable to "... powerful liberal traditions as old as the republic." (1989:200). For practical purposes, however, this interest, like animal damage management and animal welfare and protection, can be viewed as a relatively recent phenomenon, largely due to the vast impact of the publication of Rachel Carson's *Silent Spring*. There are many nuances to environmental thinking and environmentalists often argue principles among themselves, widely differ with and criticize traditional ecologists and stand somewhat aghast at the constructs advocated by animal welfare and animal rights adherents. J. Baird Callicott (1980), a leading environmental spokesman, criticized the animal liberationists for their "atomistic" (i.e., interest for the rights of individual organisms) as opposed to "holistic" (i.e. interest in the community) concerns. As Nash (1989) describes it, the reaction from animal rights was to characterize the environmentalist's emphasis on holism as placing the good of the community over the good of the individual, to the rights advocates a philosophically untenable stance. Such disagreements overlooked the fundamental commitment of environmentalists to the concept of ecological egalitarianism, whereby an environmental ethic is seen as a restraining device on human excesses. This is essentially what much of the animal welfare and protection community strives to achieve as well—a restraint on human excesses.

It is through embracing the concept of biocentrism (Nash 1989) that both proponents of the environment and

advocates of those parts of the environment that exhibit unusually high levels of sentience and sensitivity—the animals—should find their common ground. Biocentrism, as an appositional concept to anthropocentrism, seeks to consider the extension of the rights, privileges, and protection that are a given as our moral responsibility to fellow humans onto other living things and potentially to the nonliving as well. Biocentric thinking incorporates the idea of recognizing the rights of every form of life to function normally in an ecosystem (Nash 1989), and understandably evokes a sometimes extreme response in traditional wildlife managers and wildlife damage specialists through use of that ever-provocative term, "rights" (e.g., Bidinotto 1992). But the concept of biotic right is a cornerstone of the land ethic advocated by Aldo Leopold (1949), and was apparently long a part of his thinking in formulating this thesis. Indeed, a Leopold essay written in 1923, but unpublished until 1979, entitled "Some fundamentals of conservation in the Southwest," went so far into the biocentric camp as to suggest that the earth was "... an organism possessing a certain kind and degree of life." By 1949, Leopold had settled on the concept of land rather than earth to express his ideas, but his basic point remained intact: the biotic integrity of the land should be preserved.

That the concept of "rights" extends to nonhumans is becoming more mainstream, not just in the ivory towers of academia where the issue can be debated with a minimum of intellectual bloodshed, but in the real world where economic consequences obtain as well. The landmark case brought by the Sierra Club on behalf of a small Hawaiian bird called the palila took on the Hawaii Department of Land and Natural Resources in seeking protection against the habitat loss that could condemn the species to extinction. This case represented the first time in American legal history that a non-human stood as a plaintiff before the bar (Nash 1989) and it was to the benefit of all that the nonhuman won its day in court. Now, with such provocative concepts as biophilia—defined as human reverence for life and biological diversity (Kellert 1996)—increasingly being recognized as important organizing concepts for societal action, we may already be past the issue of rights and on to new challenges.

CONTEMPORARY CONCERNS

The role of science in animal damage management as a constructive force seems without question to be emerging through hard-nosed self-criticism that points to the need for more attention to, and rigor in, the application of the scientific method to this field. A quick look at keynote speeches to the Vertebrate Pest Conference suggests the discipline was preeminently concerned in the 1970s with the public's opinion regarding the methods and techniques used in animal damage management and the justification for their need, particularly as regards the use of toxicants (e.g., Swanson 1976; Momboisse 1978; Dietz 1984). The 1980s and 1990s show an emphasis on concern for the sort of activism arising in both the environmental and animal protection camps (e.g., McCann 1980; Bidinotto 1992; Berryman 1994). Lately, the focus seems to have shifted toward consideration of the growth and diversity of the field

(Craven 1996) and the scientific principles and premises that establish the field's approach (Dolbeer 1998).

To many outsiders and some practitioners as well, the field appears to need to go back to asking what its basic premises are (Bromford and O'Brien 1995; Hone 1994, 1996). This is especially evident in the fundamental questions asked by Hone (1996) about the relationship of "pests" to "damage." For example, in collating empirical data from 39 studies, Hone discovered that only slightly more than half showed a linear relationship between pest abundance and damage, a finding that begs questions concerning traditional types of assumptions and decisions regarding the choice and extent of control measures. Animal damage management has to become more attuned to and involved with ecological approaches as well. The history of ecology is generally mute with regard to animal damage management (e.g., McIntosh 1991), except in passing mention on the issue of introduced species. More encouraging are recent calls for greater scientific rigor (e.g., Dolbeer 1998), more careful attention to what can be called "minimum effective control strategies" (Marion 1988) or stepwise decision-making approaches (Slate et al. 1992) that open the door to greater understanding and, perhaps, acceptance of the goals of damage management programs.

DISCUSSION

Animal damage and the management of that damage cannot be abstracted from the environmental context in which they occur. Animal damage management is a highly applied discipline in which practitioners engage in specific goal-oriented activities that address not only biological and ecological issues, but social and political ones as well. The challenge for practitioners seems to be to accept this larger context and work to improve services and capabilities, while acknowledging that the available biological and ecological information does not always point the way with unequivocal certainty to a correct "solution."

The core elements of the sort of inter- and multi-disciplinary approach needed to deal exactly with those concerns have been outlined by Robert Dorney (1989) in his discussion of a proposed new field that he termed environmental management. Although he died before bringing his vision for this profession to fruition, environmental management was conceived to be a consulting practice that would combine elements of the "social, natural, engineering, design, and geographic services ..." working under a shared conceptual framework based on "... a systems approach, a human ecology view, an environmental ethic, and a willingness to work for private, government, or community groups in a political and legal context." (1989:5). More than a dozen specializations, ranging from hydrologist to social scientist might be necessary to function capably in environmental management, and there has to be the political support and will to see that decisions emanating from it are enforced—potentially a tall order. The field of environmental management was to be founded on an "ethical triad" of reverence for life, for land and for biological diversity. To this outsider, this seems like a pretty good prescription for some of the headaches animal damage management has recently been afflicted with.

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