

Wildlife Management

An Exploration of the Moral Dimensions of Wildlife Interventions

Master's Thesis in Applied Ethics

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Abstract

The Netherlands is a small country but it is nonetheless home to many animals and different species populations. This wildlife is intensively managed. This management expresses itself in what I call 'positive' and 'negative' interventions. The former are interventions directly aimed at the promotion of the survival, health or life quality of an animal or species, and the latter interventions aim at eliminating the threat an individual or species forms to humans, to other species or to the ecosystem. Both positive and negative interventions inescapably have a moral component and the same goes for intervening or refraining from intervening. In this thesis, I explore the moral dimensions of wildlife interventions. I investigate which values and interests play a role in it, and how these interests and values should be balanced. First, I define the notions of 'wildlife' and 'intervention'. Next, I discuss culling measures, with reference to the fallow deer of the Amsterdamse Waterleidingduinen (AWD) and the Schiphol geese. I use the theories of Singer, Regan and Taylor to analyze this case. Lastly, I discuss ethical questions regarding positive interventions, mostly referring to the rehabilitation of seal in the Ecomare shelter of Texel. In this discussion I refer to Stafleu et al., Donaldson & Kymlicka and Nussbaum.

Introduction

Holland is a small and crowded country, and sharing the available surface with other creatures can be a challenge. Wildlife is intensely managed. This management expresses itself in what I would call 'positive' and 'negative' wildlife interventions. The former are interventions directly aimed at the promotion of the survival, health or life quality of an animal or species, and the latter interventions aim at eliminating the threat an individual or species forms to humans, other species or the ecosystem. This distinction is important because the different interventions raise similar but also different questions, and concern different considerations and values. Both positive and negative interventions inescapably have a moral component and the same goes for intervening or refraining from intervening. Hence, in public, political and philosophical debate wildlife intervention is the topic of much heated discussion. Opinions on morally permissible types of intervention differ greatly. But on the ground of which values and interest are these opinions formed?

In this thesis, I will explore the moral dimensions of wildlife interventions. I will analyze which interests and values play a role in wildlife interventions, and discuss the ways in which these values and interests ought to be balanced and respected.

To answer the question of which values and interests play a role in wildlife interventions, I will first clarify the meaning of the concept 'wildlife' using Swart & Keulartz's characterization. Next, I will discuss what I understand to be an 'intervention' in this context and the several ways in which wildlife intervention in The Netherlands occurs.

The second chapter will be devoted to culling, a negative intervention. Tensions between human and animal interests can arise when one species grows to such great numbers that it damages human property, the area they inhabit or pose a threat to traffic safety. These tensions lead to structural wildlife intervention in the shape of culling measures. These measures also express tensions on two more levels: the first between the interest of the individual and the interest of the species, the second between the interest of the species and the ecosystem it resides in. I will in turn discuss the levels on which these tensions exist. I will argue that on all levels culling is too drastic. I will also argue that culling can be a violation of the trust relation between animals and humans. I will further argue that the execution of culling by recreational hunters is accommodating a perversity. I will refer mostly to the case of the AWD deer, and occasionally refer to the deer of the Hoge Veluwe and the Schiphol geese. In this chapter, I will draw mostly on the work of Singer, Regan and Taylor.

In the third chapter I will discuss positive wildlife interventions, and rehabilitation efforts in particular. These interventions give rise to similar but also to different ethical questions. In this type of intervention, human interests are a lot less central, and more emphasis lies on the interest of the animal, its species and the ecosystem. Positive interventions can take the shape of wildlife rehabilitation of sick or wounded animals, providing extra food or adapting an animal's habitat. Interventions like these are controversial, for it is not clear whether they are always in the best interest of the individual animal or its species population. The interventions are also questioned for more political reasons. It is sometimes argued that humans should not intervene at all, but let 'nature's wisdom' rule, and respect the sovereignty of wildlife communities. I will argue that a level of positive intervention is allowed or even required, but this intervention should always be executed with an attitude of respect to

the wildness of the animals. I will refer mostly to the controversy around Ecomare, a Texel rehabilitation center for seals.

I will mainly draw on the works of Singer, Regan, Taylor, Donaldson & Kymlicka, Stafleu et al. and Nussbaum in my analysis. The different theories that I put forward put emphasis on different relevant interests and values. Singer and Regan focus on the individual animal and their theories can therefore fruitfully contribute when the interests of individuals are considered, but they are less useful within the discussion about collective interests. Taylor's ethics of respect for nature focusses on the collective as well as the individual, and has drawn up an elaborate strategy to deal with clashes of interests. Donaldson & Kymlicka provide a refreshing, political outlook on wildlife and emphasizes the value of sovereignty and, in contrast to Taylor, show how interventions can respect this sovereignty. Donaldson and Kymlicka can also be used to show how Nussbaum's capabilities approach does not take the value of sovereignty into account enough.

My aim is not to give definitive answers to the question under which circumstances interventions are permissible. I aim to enter into a dialogue with several ethical theories regarding wildlife interventions with reference to different case studies and herewith to explore the moral realms of wildlife interventions and the relevant interests and values that play a role within these realms.

Chapter 1

Wildness & Intervention

In order to discuss the moral dimensions of wildlife interventions, we first need to establish what is meant when we use the notions 'wildlife' and 'intervention', and what they mean in combination. I will first discuss the concept of wildlife, next the concept of intervention and finally the concepts combined as wildlife intervention.

1.1. Wildness

The notion of wildlife is more abstract and ambiguous than it appears to be at first sight. One could say that a wild animal lives in 'the wild' but 'the wild' is a notion that also needs defining, and seems to be just as ambiguous as the notion of wildlife itself. Furthermore, the wildness of an animal does not have to depend on his living in the wild. Another thing is that wild is not a have or have-not quality, but can come in degrees.

Wild animals are most easily contrasted with domesticated animals. Keulartz and Swart have written extensively about wildlife and wildlife protection. They identify two approaches to domestication: a biological and a sociological one.¹ The biological approach considers domestication to be a process in which animals adapt to humans and human environments, changing their phenotypes and occasionally genetic changes.² The sociological approach is described as a type of human dominion making animals "...dependent on human society with respect to their social organization, territory, reproduction and food supply."³ Keulartz and Swart argue that the latter approach is more inclusive, for it also includes captured wild animals. But in both approaches the contrast between wild and domesticated exists on the level of dependence on humans:

Wild animals are free from human interference and only dependent on a well-functioning relationship with their natural environment, whereas domesticated animals and animals under human dominion are dependent on humans for their subsistence.⁴

¹ Keulartz & Swart (2011), p. 188.

² Keulartz & Swart (2011), p. 188.

³ Keulartz & Swart (2011), p. 188.

⁴ Keulartz & Swart (2011), p. 188.

Both approaches evolve around dependence relationships. They are not mutually exclusive but simply two different stances that can be taken in animal-human dependence relationships. Keulartz and Swart have further developed the interaction between these processes by defining six types of wild animals, assessing their ability to adapt and their dependence on humans:⁵

Table 1 Six hypothetical classes of on the dependence continuum

Class	Dependence	Adaptability	Examples
I	Low	Low	Wild animals that live in their natural habitat and that do not easily domesticate or adapt to human environs
II	Low	High	Wild animals that will domesticate or adapt to the human environs rather easy
III	Medium	Low	Animals that seek out human environs as a result of the decline of their habitat, such as the polar bear
IV	Medium	High	Feral animals and synanthropes (house mice, sparrows)
V	High	Low	Wild animals from category I that live in zoos or circuses
VI	High	High	Pet animals, livestock, wild animals from category II that live in human environs as zoos and circuses

I will argue that this table is useful and insightful, but also contains some ambiguity and does not cover all types of wildness. First of all, it is not quite clear what should be understood as a human environ. Clearly, cities are dominantly human environs, but they are also inhabited by thousands of animal species. Perhaps one could say that urban areas are human environs, but have become the natural habitat of some species of animals as well. And what about natural parks? Natural parks are natural areas that are completely or partially controlled by humans, but the circumstances they create can be very similar to an animal's natural habitat. If the criterion for being a human environ would be that it is interfered with or controlled by humans, the whole of the Netherlands would be a human environ, for there are no natural areas that human beings do not interfere with at all. This would than mean that there are no wild animals in the Netherlands at all, except maybe for its sea areas, which would make it impossible to approach not entirely domesticated animals in the country from a wildlife perspective.

⁵ Keulartz & Swart (2011), p. 189.

Second, animals living in said natural parks are neither wild nor domesticated. They are so to say *semi-captive*.⁶ They are not synanthropes for the areas they inhabit are not strictly human environs. An example of these types of animals are the deer in the Amsterdamse Waterleidingduinen (AWD), who are not feral animals⁷ for most of them naturally settled in the area. They do not depend on humans for their existence, but thrive on their own in the area. They are interfered with by humans, for the area is fenced off, limiting the space in which the deer can roam. Within this space, though, they are quite independent of humans for their survival. Rather, their existence is threatened by humans who use culling measures to maintain their numbers. A concept that is missing from the table, then, is the possibility for autonomous behavior. Heyd provides a helpful definition of autonomy in this context. He understand autonomy to be: “the capacity for self-generation, for self-realization, or for being a law unto themselves, if even in some minimal way.”⁸ In a sense the AWD deer are under human dominion for their habitat is restricted by humans, but within these boundaries they have freedom of movement. Therefore, the concepts of autonomy and dependence have to be distinguished. Animals can share the same level of dependence on humans but vary greatly in their ability to exercise autonomous behavior. A lion living in captivity in the Dutch zoo Wildlife Emmen has, for zoo standards, a fairly large habitat, especially in comparison to the depressing cement cages the lions in the Amsterdam zoo Artis are kept in. In Emmen, the lion has more opportunity to exercise autonomous and species specific behavior, which makes him more ‘wild’. However, the dependence on humans is equal to an Artis lion, and they are equally made captive as well.⁹ This notion needs to be added to complete the inventory of wildness.

It is clear that wildness is not an all-or-nothing quality, but exists on different scales and is related to different aspects. Especially in a country such as the Netherlands, with its high population density and intensive use of most of its surface, it is important

⁶ Sometimes we speak of animals as being semi-wild or semi-captive, but it is important to realize that animals can be semi-wild and semi-captive in different ways. There are different starting points individual animals or animal populations can have in order to reach this status. The first is when wild animals living in freedom are interfered with by, for instance, fencing the habitat they reside in. An example of this group are the AWD deer. The second is when domesticated animals are released from captivity into a natural area via a process of de-domestication, as is the case with the release of large herbivores in the Oostvaardersplassen.

⁷ Animals escaped or released from domesticated circumstances.

⁸ Heyd (2003), p. 23.

⁹ I do not mean to say that for this reason it is morally acceptable to keep lions in captivity, only that degrees of the ability to express autonomous species specific behavior vary greatly between different zoos.

to realize this. A theory that is in sharp contrast with Swart & Keulartz's understanding of wildness in degrees is Katz's understanding of nature and wildness. According to Katz, any human involvement in a natural area turns the area into a human artifact, stripping it of its naturalness. He deems domesticated animals to be artifacts as well, "living artifacts to be sure, but they are no more natural than the wooden table I am using to write this essay."¹⁰ This rigid division between nature and artifact forgoes what Keulartz & Swart have understood so well: while human interference does influence the wildness of an animal, the level of interference and dependency creates different degrees and ways of being wild or natural. This is a relevant consideration, for the different levels of wildness require different rules of interaction between animals and humans. A tiger in captivity demands different duties from us than a tiger in the wild, though both are 'wild' animals in a sense. In the discussion about wildlife interventions Katz's rigid notion of nature is therefore not very useful. The more nuanced notion of Keulartz and Swart is, for it acknowledges that wildness is not a black and white notion, and allows us to distinguish between different groups and types of wildlife and rules of conduct towards them.

I agree with Swart and Keulartz that wild animals made captive by humans are still 'wild' in a sense, but I will focus on those wild animals that live in semi-captivity or non-captivity, excluding animals who live in zoos and circuses. This is because the scope of this thesis does not allow me to include them as well.

In sum, wildness is not an all-or-nothing quality. Animals can be wild in degrees and different ways. Between complete wildness and complete domestication lies the category of semi-captive animals, who are neither. There's a difference between wildness in relation to an animal's dependence level and wildness in relation to her capacity to adapt to domestication. We can further distinguish between the animal who is fully dependent on humans but nonetheless has a high level autonomous agency, able to behave in a species specific way, and the animal who is equally dependent but lacks the opportunity to express autonomous species specific behavior.

1.2. Interventions

I will now discuss the meaning of the notion 'intervention' in the context of wildlife. Gerald Midgley defines an intervention as: "...purposeful action by a human agent to

¹⁰ Katz (1997), pp. 85-86.

create change.”¹¹ Midgley admits that there are non-human agents who can commit interventions as well; however, for our purposes the definition of human intervention will suffice. The component of purposefulness shows that an intervention is not the same as being an influence on something. A lot of human actions influence animals, think for instance of leaving behind food in the forest after a picnic. This influences the animal who eats it, but is not an intervention for the purpose of leaving the food behind was not to feed the animal. If the food was left behind with the purpose of feeding an animal, the same action would be an intervention. To be an intervention an action must be a conscious and motivated one. The component ‘change’ tells us that the intervention is aimed at effecting a state of affairs, process or outcome of a process.

There are many ways in which humans intervene in wildlife, which can be characterized in several ways and which are motivated differently. First of all, an intervention can be done directly on the subject’s body or indirectly on her surroundings. An intervention of the first kind is for example operating on an injured wild. These interventions are aimed at individual wild animals. An intervention of the second kind could be fencing off an area inhabited by wildlife or the building of wildlife bridges over busy roads. These interventions are aimed at the wildlife population in general. Interventions can further be distinguished by their being positive or negative interventions. A positive intervention is generally aimed at directly promoting the survival, health or life quality of individual animals and wildlife populations, such as sheltering. A negative intervention is aimed at eliminating the threat an individual or species forms to humans, other species or the ecosystem.

However, sometimes a negative intervention aims at a positive outcome for the wildlife population itself. Thus a direct negative intervention can be an indirect positive intervention. Sometimes culling measures are motivated in such a way, because, so it is argued, the elimination of a certain number of a species population could have a positive effect on the population as a whole. It should also be noted that a direct positive intervention can be indirectly negative. Think, for instance, of the providence of extra fodder for weak animals: this could have a negative effect on the general species

¹¹ Midgely (2000), p. 113. Though Midgely provides this definition in a different context, this is basically the essence of what an intervention is in wildlife management as well, for it contains the elements of intentional, change-oriented action.

population for it disturbs the natural selection process and negatively influences the evolutionary progress of a species.¹²

Motivations for wildlife interventions differ greatly, and often an intervention is motivated by more than one reason. Some of these motivations are:¹³

- 1) Scientific interest: tracking chips are placed inside an animal's body to track her movements and whereabouts.
- 2) Protecting individuals: sometimes animals are intervened with out of concern for the health of animals and their intrinsic value as individual entities.
- 3) Protecting species: Intervention because of the protection or preservation of a certain species.
- 4) Protecting ecosystem: intervention to maintain or create a healthy balance within an ecosystem and a diverse biotic community.
- 5) Protecting human safety: intervention because the wildlife threatens human safety.
- 6) Protecting human property: interference because of damage the wildlife does to human property.
- 7) For human pleasure: areas are made attractive to certain species so they will settle there, making them observable for humans.

Not all wildlife interventions are part of (local) governmental policy; private parties can of course intervene as well. But when an intervention is part of a structural government approved policy, it is part of what can be called 'wildlife management'. Wildlife management can also contain conscious non-interference and the corresponding bans. I will focus on those parts of wildlife management that include conscious interference as part of government approved policy as well as interference by private parties.

¹² It is evident that human actions other than deliberate interventions can severely influence wildlife populations. Think, for instance, of the building of roads or houses in natural areas. That is why I deliberately chose to use the definition of intervention as "...purposeful action by a human agent to create change." This serves to limit the type of human actions that I am discussing. While building roads in natural areas influences animals severely, the action is not a purposeful one aimed at change in the animal lives. These types of human actions raise different moral questions, and the scope of this thesis does not allow me to discuss these as well. These type of actions will be discussed as possible incentives for later (restorative) wildlife interventions. In sum, when I use the notion 'intervention' in this thesis, I refer to purposeful actions by a human agent to create change, and not to those human actions that create change in animal lives in an unintentional way.

¹³ I do not claim this list is exhaustive.

Chapter 2

Negative Interventions: Culling

In the Netherlands, culling measures are very common.¹⁴ Based on article 68 of the Flora and Fauna law exemption to the law that prohibits the killing of certain protected wild animals can be provided, when public health and safety, (air) traffic safety, prevention of damage to crops, cattle, forestation and other flora and fauna are at stake.¹⁵ The measures can be carried out by professional forest rangers and/or hunting clubs and private parties that hunt recreationally.

In the national park De Hoge Veluwe, which calls itself the ‘green treasury of the Netherlands’¹⁶, hundreds of deer and swine are shot on a yearly basis. This measure is deemed necessary to keep the park’s ecosystem healthy and diverse. Hunt is not seen as a goal in itself, but as a therapeutic measure with some recreational benefits, as is reflected in the title of a report: ‘from a park for the hunt to hunting for the park’.¹⁷ Recently another natural park, the AWD, started with a culling strategy to drastically bring down the numbers of fallow deer from 3,000 to 800. Throughout the whole country geese are shot and gassed, most intensively in the area around Schiphol, where the geese are said to pose a huge threat to air traffic safety. These are just a few out of many instances. Culling is a very controversial topic in the Netherlands in both the political and public debate. It is a very layered problem where the interest of many entities and groups of entities clash. A first tension is between human interest and animals’ interests, a second one the tension between the individual animals and the species population it belongs to, a third one between individual animals and the ecosystem as a whole of which it is a part.

I will in turn discuss these levels of tension, and will mostly be referring to the case of the AWD deer, and occasionally insert a few remarks on the deer of the Hoge Veluwe and the Schiphol geese.¹⁸ I will argue that culling is too drastic on the

¹⁴ In each province in the Netherlands, fauna control units draft their own fauna management plans which have to be approved by the province’s daily board. These plans include the number of a certain species the area can hold, and a strategy to reach this number.

¹⁵ <http://wetten.overheid.nl/BWBR0009640/2016-04-14#HoofdstukV>.

¹⁶ Hoedemaker, Laurens & Spek, Gerrit-Jan & Ohl, Frauke (2014), p. 267.

¹⁷ Hoedemaker, Laurens & Spek, Gerrit-Jan & Ohl, Frauke (2014), p. 263.

(my translation, original title: Van een park voor de Jacht naar Jacht voor het Park).

¹⁸ I have previously discussed the AWD deer in a paper called ‘Population Control: The shooting of the fallow deer in the Amsterdamse Waterleidingduinen’ (2016). In this paper, I also applied Taylor and Singer’s theories to this case.

aforementioned three different levels. Not only is it insufficient, there are many alternative measures available that cause less harm. I will further argue that in the cases of the AWD deer and the Schiphol geese culling violates the trust relationship humans have with them. Lastly, I will argue that if culling measures are carried out by hunters with recreational intentions, these measures are accommodating a perversity.

2.1. The Fallow Deer of the Amsterdamse Waterleidingduinen

The Amsterdamse Waterleidingduinen (AWD) are currently home to about 3,000 fallow deer. They first made their appearance in the 70s of the last century. It is not difficult to spot them, because they feel quite at ease in the dunes. Some say they are a little *too much* at ease. Not having any natural enemies in their surroundings, the population has increased drastically in the last decades. There are those who worry that the current population exceeds the number of deer that the AWD and the surrounding area can accommodate.¹⁹ They claim that the excess harms the AWD ecosystem, causes traffic accidents and damages human property. An attempt to keep the deer out of the city area of Zandvoort by fencing the AWD proved unsuccessful the deer quickly figured out ways to get around it. This has finally led to a majority of the city council to vote in favor of implementing culling measures. The aim is to bring back the population from 3,000 to 800 deer over the course of several years.

Alternatives to culling, such as the administration of contraception and relocating, were considered but deemed impractical or too costly. Finally, the municipality of Amsterdam, under who's authority the AWD lies, had had enough of it and the *Fauna Management Plan Fallow Deer 2016-2020* was approved. In this plan, four main reasons for culling are mentioned²⁰:

1. Fallow deer pose a threat to AWD ecosystem and biodiversity. The AWD are also home to several protected plants, preservation of which is subsidized. The increase of the number of fallow deer has gone hand in hand with a massive decrease in the population of roe deer.²¹ The fallow deer also feed on protected plants, and the absence of these plants in their turn causes several other animals, such as butterflies and bees, to stay away.

¹⁹ There's is a lot of unclarity regarding the actual (harmful) effects of the fallow deer. Opponents and proponents of culling both bring in experts and reports that support their own position.

²⁰ Fauna Beheerplan Damherten 2016-2020, pp. 19-36.

²¹ Fauna Beheerplan Damherten 2016-2020, p. 31.

2. The deer pose a threat to traffic safety. After several measures, such as the placement of animal gratings, decreasing the maximum speed on roads and the placement of mirrors, the number of accidents had decreased. According to the fauna managers who drafted the plan, however, this number is still too high.
3. The deer damage human property, such as graveyards, crops and gardens.
4. The deer suffer because of a lack of available nourishment in the area.

Opponents of the culling measures, such as the Partij voor de Dieren²² and Animal Protection doubt the validity of these arguments. According to them, the population has stabilized. They contend that no severe negative effects on nature has actually occurred (referring to different scientific studies), and traffic accidents have drastically decreased (60-70%) after installation of the fence and so has damage to human property.²³ Furthermore, anti-shooters do not believe shooting measures are very effective. Hunting animals makes animals multiply faster because of increased availability of food and space.²⁴ Shooting causes animals to suffer, because it disrupts social structures, causing stress and suffering.²⁵ Anti-shooters also mention an argument based on human interest: hunting the deer will make them less visible to the public, who enjoy observing them.²⁶ Furthermore, fallow deer as a species are listed as 'sensitive' on the list of endangered species.²⁷

As to their wildness status, the fallow deer could be considered to be semi-wild. The deer are partly dependent on humans for their survival, but lead quite autonomous, self-governed lives. They are, however, fenced in, and even though the fence does not stop the deer from occasionally slipping out, it does limit their freedom of movement. Within Donaldson and Kymlicka's theory, they would fall under the category 'liminal animal denizens', for they frequently enter into urban areas. Within their theory, drawn up in the revolutionary modern classic *Zoopolis: A Political Theory of Animal Rights* (2011), Donaldson and Kymlicka distinguish three kinds of animal populations, establishing a political approach to animal rights. There are domesticated animals, who should enjoy civil rights, and wild animals, who should be approached as sovereigns. In

²² De Partij voor de Dieren (the party for the animals), is a Dutch political party that was founded in 2002. Currently, the party has two seats in parliament.

²³ <https://www.piepvandaag.nl/stop-jacht-damherten/>.

²⁴ <https://www.dierenbescherming.nl/damherten>.

²⁵ <https://www.piepvandaag.nl/jacht-damherten-onnodig-10-redenen/>.

²⁶ <https://www.piepvandaag.nl/stop-jacht-damherten/>.

²⁷ [http://www.zoogdiervereniging.nl/sites/default/files/imce/nieuweweb/Projecten/downloads/RL%20Zoogdieren%20High%20Res%20versie%20\(D%20Bal%2013%20dec%2007\).pdf](http://www.zoogdiervereniging.nl/sites/default/files/imce/nieuweweb/Projecten/downloads/RL%20Zoogdieren%20High%20Res%20versie%20(D%20Bal%2013%20dec%2007).pdf).

between these two categories there are the liminal animals: animals who are not entirely wild, but not domesticated either. They live in or in proximity to human inhabited areas. Though they are not full citizens, they do enjoy a set of basic rights of liberty and autonomy, and should be recognized as “residents belonging with us.”²⁸ Their rights include a right to secure residency, which increases over time, fair terms of reciprocity, aiming at a fair balance between duties owed to denizens and responsibilities to be expected from them, and a right not to be stigmatized.²⁹ Throughout this chapter I will occasionally refer back to the deer’s status as denizens.³⁰

As mentioned before, discussion of this case requires us to take into account many different interests. Depending on one’s ethical perspective and on where the emphasis lies in this perspective, practical decision making will differ greatly. I will now discuss the three previously mentioned levels of tension that arise in the case of the AWD deer.

2.2. Tension Between Human and Animal Interests

The culling of the AWD fallow deer is clearly partially the result of a clash between human and deer interests. When animal and human interests clash, human interest often gets precedence. Ethicist Peter Singer has published many passionate writings about this issue, the most famous being *Animal Liberation* (1975). In this animal ethics classic, Singer makes a case against speciesism, which he defines as “... a prejudice or attitude of bias in favor of the interests of members of one’s own species and against those of members of other species.”³¹ Speciesism is granting a higher moral status to one species than the other. The concept of moral status is an important one within this discussion, so it’s worth taking a closer look at what it is. Mary-Ann Warren describes it as follows:

To have moral status is to be morally considerable, or to have moral standing. It is to be an entity towards which moral agents have, or can have, moral obligations.

If an entity has moral status, then we may not treat it in just any way we please;

²⁸ Donaldson & Kymlicka (2011), p. 241.

²⁹ Donaldson & Kymlicka (2011), pp. 241-258.

³⁰ Donaldson & Kymlicka are not very elaborate about exact rules of conduct towards denizens. This notion is however useful within the context of tension between animal and human interests.

³¹ Singer (1975), p. 6.

we are morally obliged to give weight in our deliberations to its needs, interests, or well-being.³²

Moral status is not an all-or-nothing quality, but can be recognized and accepted in degrees. Some philosophers, such as Immanuel Kant, would say that human beings have a higher moral status than animals, because the human being is endowed with reason. He would say that we have only indirect moral duties to animals: we are only to refrain from cruel behavior towards them because this behavior might negatively influence our behavior towards other human beings.³³ Singer, on the other hand, would say that moral duties are owed directly to animals, which means that our behavior towards them matters morally for the sake of the animal itself. Favoring humans because of their membership of the human race is not acceptable. The *principle of equality* compels us to consider comparable interest of different species and individual entities equally. According to Singer, the quality of sentience is a necessary and sufficient condition for moral status. Sentience is the ability to experience feelings of pain and pleasure. Inflicting pain on a human being is not worse than inflicting pain with the same intensity to an animal. According to Singer, self-conscious animals have an interest in a continued life and it is therefore *prima facie* wrong to kill them. Also killing not self-conscious but merely conscious beings is a *prima facie* wrong, for by ending their lives you are also ending their possibilities to experience pleasure.³⁴ But: "...a rejection of speciesism does not imply that all lives are of equal worth."³⁵ Lives that include for instance great mental capacities are more valuable than lives that lack these, and it is therefore a greater evil to end such lives.³⁶

From a Singerian perspective, we should not give more weight to the interests and suffering of humans than to the interest and suffering of animals of the same intensity. So to determine the moral permissibility of culling in this case, we should first determine what animal and what human suffering is involved. The human suffering exists in damage to property: crops, gardens and graveyards, which also brings along financial damage. Human suffering also exists in car collisions with deer. Deer would

³² Warren (1997), p. 3.

³³ Kant (1997), p. 212.

³⁴ Singer (1979), p. 85.

³⁵ Singer (1975), p. 20.

³⁶ Note that this does not automatically mean favoring every human life to every animal life, for some animal lives may include more of these complex mental capacities than some human lives.

suffer from culling because of their loss of life and pleasure. Killing deer also brings about suffering for the surviving deer. As we have seen, social structures are disrupted which causes the deer to experience stress. Seeing their congeners being killed, the deer will become frightened and more alert, knowing there's always danger to watch out for. Killing healthy deer also negatively influences the natural selection process within the deer population. It is hard to see how these different types of suffering could be considered to be of the same intensity. Loss of life and pleasure and other suffering caused to surviving deer by the culling measures seem immensely more intense than suffering as a result of loss of one's homegrown geraniums and some damage to graveyards.³⁷ Comparable suffering would be the suffering that is caused by car-deer collisions. However, no instances of car-deer collisions with lethal consequences for humans have ever been reported. The number of accidents has drastically decreased since the placement of the fence and the implementation of other traffic safety measures, such as the placement of mirrors and lowering the maximum speed. Something that is worth mentioning here is the speciesist fashion in which the narrative about car-deer collisions is structured. Deer are always portrayed as an obstruction for the safe human use of roads, but another way to tell the story would be to say that humans form an obstruction for deer to safely make their way through their natural habitat. Culling deer to ensure the human interest in safe use of the road is a speciesist way to weigh interests. Donaldson & Kymlicka would argue that fair terms of reciprocity in the citizen-denizen relationship would demand a "fair sharing of risk."³⁸ They argue: "It is unfair to have a zero-tolerance policy as regards animal risks to humans, while completely disregarding the risks we impose on them."³⁹ This means that we cannot just portray deer as a threat to traffic safety, but we should also regard traffic as a threat to deer. They would further argue that the deer denizens have acquired a right to stay. A right to stay is established over time, and becomes greater with the time the denizen lives in an environment. Donaldson & Kymlicka would argue that this requires humans to take

³⁷ I am aware of the phenomenological/epistemological issue of the impossibility to actually know what it is like to be a deer, and how she experiences her life. I assume, however, that suffering and pleasure are felt and experienced intensely by deer. The scope of this thesis does not allow me to discuss this issue at length.

³⁸ Donaldson & Kymlicka (2011), p. 244.

³⁹ Donaldson & Kymlicka (2011), p. 244.

denizens' interests into account in regulating our activities and building our cities and infrastructure⁴⁰, including our roads and the way we drive on them.

In *The Ethics of Respect for Nature: a Theory of Environmental Ethics* (1986) Paul Taylor also discusses the clash of human and wild animal interests. He establishes five priority principles to give some practical guidance in the matter. Taylor distinguishes between basic and non-basic interests. Basic interests are those interests that constitute a species-specific type of flourishing that is essential for this species' existence. A non-basic interest is an interest that a species member has as an individual. The general rule is that we should always give priority to basic interests, irrespective of the organism this interest belongs to.⁴¹ In cases where a basic interest of animals clashes with the non-basic interest of humans, we ought to apply the *principle of minimum wrong*.⁴² Sometimes humans are not willing to give up their non-basic interest, because they deem it necessary, for instance, to achieve a certain level of cultural development. If we allow a non-basic interest to override a basic interest, this should at least be in accordance with the principle of minimum harm, meaning that in pursuing our interest we should cause as little wrong as possible to other entities. In the case of the fallow deer there is no clash between basic interests. The clash is between the most basic interest of all, life, and non-basic human interests such as keeping a garden or being free from financial damage. Killing deer in order to keep them from harming your strawberry fields does not seem very proportional. There are less aggressive methods one could employ, like placing prickly bushes around your garden or crops to protect them against the deer.

The principle of self-defense allows humans to harm other organisms or even kill them as a last resort, when their lives are in direct danger.⁴³ The deer do not terrorize the dunes attacking humans, and do not form a direct threat to them. The only way in which they can pose a danger is on the road. This danger is, however, not direct enough to legitimize culling. It would be disproportionate to defend oneself against possible car accidents by exterminating 2,200 of the possible parties in these accidents. Also in this case less aggressive measures can be thought of, such as adjusting the maximum speed on the roads even more than is the case nowadays.

⁴⁰ Donaldson & Kymlicka (2011), p. 244.

⁴¹ Taylor (1986), p. 278.

⁴² Taylor (1986), p. 280.

⁴³ Taylor (1986), pp. 264-265.

The argument of human endangerment is also often used in the culling of the Schiphol geese, who can also properly be called denizens. Every year, thousands of grey geese settle on the fields around Schiphol Airport where they lay eggs, moult and feed on the remains of the crops after the harvest. Grey geese are a protected species in the Netherlands, but they are nonetheless gassed by the hundreds every year in the name of air traffic safety. The Dutch company *Duke Faunabeheer* gasses geese using carbon dioxide. Another measure that is applied is the treatment of goose eggs with corn oil, which kills the chick inside, but keeps the mother goose nesting on them. The fear is that the geese will be involved in goose-plane collisions, or fly into the planes' engines, causing engine stalls. In a documentary on the Schiphol geese, Maarten Waardenburg, a retired pilot, declares that the chances of geese actually flying into an engine are very minimal.⁴⁴ In the past few years, only two of these types of accidents occurred, and both of these were not caused by gray geese, but by other migrating geese. Not only geese directly around the Schiphol area are gassed. Goose populations miles away from Schiphol are killed preventively as well.

This is a case where basic human interests are protected by harming the basic interests of geese. It does not, however, strike me as a situation where human lives are in such direct danger that Taylor's self-defense principle applies. Human lives are not directly threatened and killing the geese is not a last resort measure. There are many alternative ways to prevent goose-plane collisions which should be explored and executed before even considering killing geese in the Schiphol area.

2.3. Efficiency of Culling and the Presence of Alternatives

We have seen that culling measures are often regarded as the result of a clash between animal interests and human interests and are widely applied. However, the efficiency and necessity of these interventions are very questionable. Before going into the moral relevance of efficiency and necessity, I would like to discuss the ethics of Paul Taylor in more depth, for he provides a useful tool for assessing this.

In *The Ethics of Respect for Nature* Taylor describes his elaborate bio-centric moral system. A moral actor has to take on the attitude of respect for nature. This starts with the recognition that animals, plants and smaller organisms have a *good of their own*, which means that there are circumstances that are beneficial to these entities

⁴⁴ *De ganzen van Schiphol* (2013), documentary.

themselves. Each species has a species-specific type of flourishing. Entities with a good of their own are goal-oriented, they are “...teleological centers of life.”⁴⁵ They are oriented on their continued existence by reproducing and by their adaptation to their natural environments. Entities with a good of their own have inherent worth, which means that they are worthy in their own right and not because of their merit to humans or others.⁴⁶ Entities with a good of their own are deserving of equal moral consideration. Moral actors must take a bio-centric outlook which entails an understanding of themselves as being part of a community of life in which different natural entities are mutually dependent on each other. It also entails a rejection of an anthropocentric outlook on life, which means that they should not base the value of entities on the merits for humans and should not regard humankind as being inherently superior to other natural kinds. Four basic rules should guide the conduct of a moral actor. The first is the *rule of non-maleficence*, which means that the moral agent has a prima facie duty not to harm or kill other organisms.⁴⁷ The second rule is the *rule of non-interference*: this rule demands what Taylor calls a ‘hands-off’ policy regarding ecosystems and wildlife.⁴⁸ We should not interfere, even if our actions are aimed at the promotion of welfare or the prevention of the extinction of a species. Interference is only allowed or even obligatory when human actions have caused a misbalance or species endangerment. The *rule of fidelity* demands that we do not deceive wild animals or violate their trust.⁴⁹ The *rule of restitutive justice* demands that we compensate for wrongs done to ecosystems, species populations or individual animals.⁵⁰

Now for the efficiency of and alternatives to culling. In the case of the Schiphol geese, an airstrip was built in the middle of the ‘granary of Holland’, an area where lots of crops rich in protein grow, and which hence attracts a lot of geese. If the area itself does not change geese will keep foraging there. Frans van Lammeren, chairman of the Amsterdam fraction of the Partij voor de Dieren, said:

It’s like the policy makers do not understand that geese fly. Large scale killing is not the solution. As long as there’s appealing food available on the fields around Schiphol, geese

⁴⁵ Taylor (1986), p. 122.

⁴⁶ Taylor (1986), p. 13.

⁴⁷ Taylor (1986), p. 172.

⁴⁸ Taylor (1986), p. 173.

⁴⁹ Taylor (1986), p. 179.

⁵⁰ Taylor (1986), p. 184.

will keep coming. The only solution that really works is to make the area around Schiphol less attractive for the geese.⁵¹

This alternative to culling is not only more efficient in achieving the aimed effect, air traffic safety, it also causes less harm to the geese. Taylor would argue that in case of a clash of interests, moral agents ought to apply the principle of minimum wrong. A yearly planned extermination is surely not the minimum wrong we can do here. Less wrong can be done by making the area less attractive to geese, i.e. by placing solar panels on the fields where geese are currently foraging.⁵²

In the case of the AWD fallow deer it is also highly doubtful whether culling is really a last resort measure and whether it actually achieves its aim. Many people believe that the deer population is now stabilizing.⁵³ Donaldson and Kymlicka also argue that culling is highly inefficient; when humans start culling, so they argue, “natural rates of reproduction will increase to fill the void.”⁵⁴ There were quite some alternatives considered in this case, but they were all rejected due to their practical problems and high financial costs. It was for instance suggested that a number of deer would be relocated to a natural area in Romania. This plan was rejected because it would be too expensive to transfer the deer, and they would probably suffer from stress during the trip. The administration of anti-conception was also an option, but it was deemed to be practically impossible to administrate it to the right deer.⁵⁵

One could ask whether such alternative interventions could even be legitimately taken. Donaldson and Kymlicka would argue that they could. For even if denizens have a right to secure residency, humans can take measures to limit the number of animals settling in urban areas, by making them less desirable or accessible. Just like their human counterparts, animal denizens who are unwanted cannot be shot to get rid of them. In case of the AWD deer, this could imply fencing the natural area more severely, making it harder for them to enter into the city of Zandvoort. We have already seen that the area around Schiphol can easily be made less attractive to geese by placing solar panels. However, over time a denizen’s right to stay increases as chances for habitation

⁵¹ <https://www.piepvandaag.nl/ganzenbeleid-schiphol-gevaar-vliegveiligheid/> , my translation.

⁵² Placing solar panels is also the preferred solution of the PvdD:

<https://noordholland.partijvoordedieren.nl/news/actie-pvdd-voor-zonneakkers-schiphol>

⁵³ Again, this factual contention is controversial and it is difficult to determine the truth of it.

⁵⁴ Donaldson & Kymlicka (2011), p. 248.

⁵⁵ Fauna Beheerplan Damherten 2016-2020.

elsewhere decrease.⁵⁶ Our geese denizens are quite mobile, and when faced with solar panels will probably easily find alternative foraging places. Reinforcing the fence would block the deer from entering the city, and combined with an efficient ecoduct leading to adjoining natural areas, their right to secure residency would be secured as well.

There are many alternatives to culling available. Not only do these achieve the measure's purposes more efficiently, they also cause a lot less harm than culling does.

2.4. The Moral Status of a Species: Individual and Collective Interests

What is in the interest of an individual animal does not always coincide with what is best for the species population it belongs to as a whole. The tension that this brings is also noticeable in culling measures. A question that also comes to mind here is whether a species as a natural kind can have moral status, and if so, what this implies. This is what I will discuss in the present section.

The question about species rights has two levels, starting with the question of whether a species is an entity that can have (moral) rights, which invites the further question that if they do have rights, what these rights entail. Generally speaking there are two main positions regarding the moral status of species. The first is that a species cannot have moral status, only the individuals a species consists of can. This is the position Regan defends with his rights view, which recognizes the rights of individual entities. Regan remarks:

Species are not individuals, and the rights view does not recognize the moral rights of species to anything, including survival. That an individual animal is among the last remaining members of a species confers no further right on that animal, and its right not to be harmed must be weighed equitably with the rights of any others who have this right.⁵⁷

Regan rejects the moral status of species because in his view one's species membership should not determine the rights of an individual. Singer in his turn, rejects the idea that a species has moral status because he's only concerned with entities having the ability to suffer. A species is not an entity that can suffer, only the individuals that a species

⁵⁶ Donaldson & Kymlicka (2011), p. 241.

⁵⁷ Regan (1983), p. 359.

consists of can. The other main position is the position that holds that a species *does* have moral status, and as a species has a right to exist and flourish.⁵⁸ Rolston, for instance, claims that a species is a vital life stream that should be allowed to flow.⁵⁹ Somewhere in the middle we find Taylor, who holds that a species is something that can be harmed, that it has a good. The attitude of respect for nature demands that we promote this good. A species good is determined by “the median distribution point of the good of its individual members.”⁶⁰ He argues that although the good of a species can only be promoted via its individual members, a species as such can be on the receiving end of injustice, but only because hurting a species hurts the individual animal.

I adhere to Taylor’s position, but I believe that it requires some further explanation. I argue that species do not have moral status in the same way as individuals do. Promoting species welfare is aimed at promoting individual welfare. It does, however, make sense to speak of the moral considerability of a species, for a species has a set of species-specific collective interests and experiences: a shared good. Connecting species rights with the notion of flourishing invites us to evaluate the species-specific conditions a species needs to flourish. An individual’s welfare is promoted via species-specific conditions, and hence a species can have a moral claim to those conditions that are favorable to its flourishing and has a collective interest in it.⁶¹

Singer might argue that it is speciesist in itself to be so preoccupied with the rights or preservation of one species. I would argue that this is not the right way to look at it. We can draw an analogy between species rights and women’s rights. Some people refrain from identifying themselves as feminists, because they believe that feminism favors women. These people prefer to present themselves as ‘humanist’ because they believe it is a more inclusive notion. However, this line of argument is blind to the fact that men and women do not have an equal starting point in society. Gender and sex are relevant factors in the right’s debate, not only because social and economic status are

⁵⁸ Cooper (1993), p. 337.

⁵⁹ Rolston (1986), ch. 10.

⁶⁰ Taylor (1986), p. 69.

⁶¹ An often made counterargument against a species right to exist, is that since the dawn of time, species have come into existence and gone extinct again. Sarah Chan argues that if we were to adhere to species rights to exist, we would have a moral duty to resurrect all extinct species. Forces of nature are strong, and sometimes there is nothing we can do to prevent nature’s course from making some animal casualties. It would be ridiculous to say that injustice had been done to lions if many of them died in a flood. But what does matter morally is who is blameworthy for the natural conditions that are unfavorable for a species. To return to Taylor: he argues that the more human interference has led to a disadvantageous set of conditions for a species, the more duty mankind has to right the wrong, and to compensate the species.

deeply influenced by them in our society, but also because one's gender (identity) requires emphasis on different factors and conditions. Singer even points this out himself when he says that feminists campaigning for a woman's right to have an abortion does not imply that they have to support a man's right to have abortions too.⁶² Feminism is not a sexist political movement. Rather, it is a movement that recognizes the special needs of women because of the social and economic status of their gender and their needs as women as a biological class. In the same way as current society is favorable for men, and therefore has awoken feminism, conditions in natural areas are unfavorable for some species, and has therefore awoken preservation movements. This, therefore, is where the moral considerability of species lies in. A species is morally considerable as such because there are conditions that can promote their welfare as a group. Groups consisting of individuals share collective group-specific interests, conditions and experiences that can be served or ignored, and hence a species is an entity that as such is morally considerable.

This understanding of the moral relevance of species gives us good reason to take a closer look at the interest of our ADW deer as a species. The notion of species rights is very relevant, not only because they supposedly form a threat to other species (I will discuss this problem in the next section), but also because there exists a tension between the interests of the individual and the moral status of the species population the individual belongs to. Sometimes what is in the interest of the individual is not in the interest of the species, and vice versa. What is 'good' for a species is not necessarily a large number of members, but rather a balance between their number and the room and food their habitat has to offer. It is also important to realize that whatever is done to individual animals affects the species as well.

Fallow deer as a species have a shared good. They are listed as sensitive on the endangered species list.⁶³ Culling does not promote the fallow deer's good. One of the alleged motivations to cull the AWD deer concerned the interest of the deer themselves. It was claimed that illness from malnourishment occurred, because the AWD could not provide them with the food they needed. But fauna managers are not considering every aspect of individual-species relations. As we have seen, culling can lead to even faster reproduction, because of the increase in availability of space. Culling, then, would not

⁶² Singer (1975), p. 2.

⁶³[http://www.zoogdierverseniging.nl/sites/default/files/imce/nieuwewebsite/Projecten/downloads/RL%20Zoogdieren%20High%20Res%20versie%20\(D%20Bal%2013%20dec%2007\).pdf](http://www.zoogdierverseniging.nl/sites/default/files/imce/nieuwewebsite/Projecten/downloads/RL%20Zoogdieren%20High%20Res%20versie%20(D%20Bal%2013%20dec%2007).pdf).

solve the food-shortage problem, and hence not the overall health of the deer. The culling is aimed at young does (the most likely to reproduce). The hunters do not seem to consistently distinguish between healthy and sick deer, and occasionally strong healthy animals are shot. This disturbs the process of natural selection, so the choice of which individuals are killed influences evolutionary progression negatively. Killing individual animals disturbs the species as well, because it disrupts social structures and seasonal behavior patterns.

So it becomes apparent that the main concern of the managers is not the interest of the fallow deer as a species. Rather, managers are concerned with the effect the deer have on the ecosystem as a whole, and this I will discuss in the next section.

2.5. Tension between the Interest of the Species and the Ecosystem

The AWD deer culling measures are mainly motivated by holistic ecological arguments. It is claimed that the number of fallow deer harms other wildlife species, but is also causing the extinction of rare plants. Roe deer, for instance, are barely present anymore, and the bird populations have decreased. There is a misbalance between deer, other species and vegetation. In order to create or maintain a healthy ecosystem, these aspects must be in balance. The AWD also has a financial interest in maintaining a balanced ecosystem. The AWD are a Natura 2000 area, recognized by the European Union.⁶⁴ In exchange for a large subsidy, the caretakers have to preserve several rare plants and animal species. Fallow deer love to nibble on the bark of spindle trees, a rare type. Flowers are a popular treat amongst deer as well, but the loss of too many flowers affects other species such as butterflies and bees, who are attracted by them.⁶⁵

Environmental philosophers have often found themselves in heated debate with ethicists who argue from an individual animal rights position. Individualists only attribute moral status to individuals, and not to collectives or ecosystems. After all, ecosystems are not conscious and cannot suffer. In contrast, environmentalists do grant moral status to ecosystems, and argue that its intrinsic value demands our respect and protection.

We have seen that philosophers such as Singer and Regan would not approve of killing thousands of animals on the behalf of an ecosystem. Singer might, for utilitarian

⁶⁴ <https://www.vn.nl/het-tuig-van-de-waterleidingduinen/>.

⁶⁵ <https://www.vn.nl/het-tuig-van-de-waterleidingduinen/>.

reasons, allow the sacrifice of individuals for the sake of overall utility, but this would still only include the individual sentient beings residing within the ecosystem, and not the ecosystem itself. Regan's rights view would not allow the sacrifice of sentient beings for the sake of others. Taylor, on the other hand, is not completely dismissive of human intervention in case of an ecological imbalance, if and only if this imbalance has been caused by previous human action.

If these human-produced conditions should lead to an overabundance of one species so that the whole ecosystem is profoundly disordered, we might then have to remove some members of that species from the park to restore the ecosystem.⁶⁶

Unlike Singer and Regan, Taylor does not require an entity to be sentient to be worthy of moral consideration. This means that ecosystems matter morally as well, and so do insentient entities such as plants and trees. Taylor is concerned for the collective as well as for the individual.

Leopold, the father of environmental philosophy, is much more concerned with the whole. Callicot, in defense of Leopold's 'land ethics', argues how sometimes the individual has to be sacrificed for the whole. This caused Regan to accuse Leopold of 'environmental fascism'.⁶⁷

Though the environmental and the individual rights view might seem to mutually exclude each other, O'Neill has suggested a way to reconcile the two. He argues that concern for the ecosystem and concern for the individual exist within two different realms. Concern for individual sentient entities exists on the level of environmental justice and concerns those individuals that can properly be said to have moral standing. Concern for the ecosystem exists on the level of environmental care, and recognizes the intrinsic value of ecosystems, though it does not grant it moral standing as it does to sentient entities.⁶⁸ O'Neill's approach works because it shows how one can express concern for the individual entity as well as for the whole, the environment, for reasons that go beyond instrumental values of a healthy ecosystem for individual welfare.⁶⁹

⁶⁶ Taylor (1986), p.194.

⁶⁷ Regan (1983), p. 362.

⁶⁸ O'Neill (2000), p. 186.

⁶⁹ O'Neill (2000), pp. 185-186.

As shown above, Taylor could allow the removal of individuals from a natural area if they were harming the ecosystem. Note that 'removing' does not equal killing. There are many ways in which we can express respect for both the individual and the whole without harming either of them. Taylor's rule of non-maleficence requires us to do the least possible harm. Killing is a grave harm, and it seems that there are more friendly ways of protecting the ecosystem against deer than killing. If deer harm plants and trees, we could consider planting prickly bushes around (some of) those trees to prevent the deer from damaging them. Flowers could be grown in separate, fenced off fields.

In the previous section I have discussed the moral considerability of species, and claimed that fallow deer as a species have a good that ought to be promoted. If this is true, than other species residing in the AWD of course also have a good that ought to be promoted. If the deer are indeed the cause of the extinction or decrease of other species, then we should be critically looking at this, for the good of fallow deer should not be promoted at the costs of the good of another species. Again, this does not automatically require the large scale culling of one species. The bees and butterflies would already be helped if there was an area where the deer could not enter and eat all the flowers. Efficient use of ecoducts could be considered. New creative ways could be sought to accommodate different types of species within the same natural area.

In the discourse about the fallow deer, their community is often discussed in relation to their number. Caretaker Van Breukelen told the local news: "This has nothing to do with hunting. This is just efficient management. Simply achieving those numbers."⁷⁰ The fallow deer community is reduced to a number on a page, and if you're number 801 out of 3,000, you simply will not make the cut. This disregards that a community of 3,000 still consists of 3,000 individuals. Number 801 is just as much an individual, with individual interests and well-being, as is number 799. A fallow deer cannot help that he is born as a fallow deer, and is not responsible for the flourishing of its species either. An individual fallow deer does not have higher or lower moral standing than another individual animal. Current policy totally disregards this fact and only focusses on the ecosystem's intrinsic value. I would suggest that more attention

⁷⁰http://www.at5.nl/artikelen/154344/tientallen_damherten_afgeschoten_in_waterleidingduinen_ (my translation).

should be given to the fallow deer as an individual entity. More ways should be sought to respect their individuality in relation to their species and the ecosystem they reside in.

2.6. The Issue of Trust

The fallow deer of the AWD are very easy to spot. They have no natural enemies in the dunes, and they have come to lose all fear of humans. This makes the AWD a very attractive spot for people who enjoy observing them and learning about them. Taylor's rule of fidelity tells us that moral actors have a duty not to deceive an animal or break its trust.

Under this rule fall the duties not to break a trust that a wild animal places in us (as shown by its behavior), not to deceive or mislead any animal capable of being deceived or misled, to uphold an animal's expectations, which it has formed on the basis of one's past actions with it, and to be true to one's intentions as made known to an animal when it has come to rely on one.⁷¹

The deer's behavior shows us that they do not see human beings as a real threat. She has formed expectations about a human's behavior towards her, based on the previous experiences she has had with the human visitors of the AWD. Implementing culling measures after years of a friendly relationship would be violating the trust the deer have in humans, and would be contrary to their expectations about human behavior towards them. The breaking of trust is not the only value that is lost when culling is executed. The newly introduced danger would also chase away the deer, making them shy and less visible to the public. — The treatment of goose eggs with corn oil could be considered a violation of the rule of fidelity as well. The geese are deceived, because from the outside the eggs appear unharmed, keeping the mother goose under the impression that the chicks in her eggs are still alive and growing. This measure is purposefully taken to deceive the goose into thinking the chicks are alive so she won't start a new clutch.⁷²

⁷¹ Taylor (1986), p. 179.

⁷² For Taylor, the only way in which you can allowably deceive an animal or violate its trust is when this is in the best interest of the animal involved or when deceiving is the only way to obtain food (Taylor (1986), p. 183.

It should be added that acting in accordance with expectations is not always a requirement. For instance, if deer are used to being hunted and expect to be so, this does not create a duty to keep hunting them. What is morally wrong is to have turned a non-threat into a threat; to have turned a threat into a non-threat is not a moral issue.

Taylor has been criticized for anthropomorphizing nature. Theodore Vitali, for instance, accuses Taylor of "...imposing a human value upon nature...".⁷³ He calls Taylor's fidelity principle "patently absurd"⁷⁴, because Taylor speaks of a trust relationship between humans and wild animals and "...no such trust relationship exists in any way, shape, or form in nature."⁷⁵ I argue that it is rather absurd to so quickly dismiss the possibility of wild animal-human trust relationships altogether. Taylor himself admits that we cannot make mutual agreements with wild animals, but he argues that we can act in such a way as to call forth their trust, and that this trust can be violated. For a trust relationship a mutual agreement is not necessary.⁷⁶ Wood notes that wild animals cannot trust humans because they simply do not have the ability to morally trust, and that is why, so Wood contends, humans are capable of deceiving animals but they are not capable of *morally* deceiving animals.⁷⁷ It seems that Wood has a morally neutral way of understanding an animal's expectations of a human's behavior towards him. A type of trust that is more along the line of the trust relationship I have with the sun, could be expressed as follows: 'I trust that the sun will rise tomorrow and all the days of my life after that.' I do not trust the sun in a moral way, and were the sun not to rise tomorrow, I would be highly shocked indeed, but I would not say the sun had morally offended me. So too, based on a witnessed pattern, do animals trust that the sun will rise. There exist different relationships between an animal and the sun, between me and the sun and between me and the animal.⁷⁸ Note that Taylor's rule only entails a duty of *moral agents* not to break trust or deceive. Regan has famously distinguished between *moral agents* and *moral patients*. Moral agents:

are individuals who have a variety of sophisticated abilities, including in particular the ability to bring impartial moral principles to bear on the determination of what, all considered, morally ought to be done and, having made

⁷³ Vitali, (1990), p. 74.

⁷⁴ Vitali (1990), p. 74.

⁷⁵ Vitali (1990), p. 74.

⁷⁶ Taylor (1986), p. 184.

⁷⁷ Wood (1997), p. 87.

⁷⁸ Animals who live in social structures trust the members of their own herd better than animals outside of it. In the same way a social animal can form a sense of a similar social structure with humans. Dogs, for instance, trust their human companion as a member of the pack and can adhere to certain codes of behavior and rules of interaction between the members of the pack. For the present moment, I will leave unanswered the important question of whether the trust animals have in us is morally determined. For our behavior towards animals, this question is not a decisive factor.

this determination, to freely choose or fail to choose to act as morality, as they conceive it, requires.⁷⁹

According to Regan, moral agents can be held responsible for their actions. In contrast, moral patients lack these abilities, and it therefore does not make sense to judge their actions wrong or right.⁸⁰ Moral patients can both be humans, like children and cognitively impaired persons, and animals. Though moral patients cannot be held accountable for their actions, they can “be on the receiving end of the right or wrong acts of moral agents”.⁸¹ This means that moral duties do not have to exist in a system of reciprocity. More specifically it means that, other than Wood suggests, the alleged fact that animals cannot morally trust does not mean that this absolves humans of moral duties towards them. I do not mean to say that all animals are moral patients. What I intend to show with this patient-agent distinction, is that even in the case that moral trust is impossible for animals to have, humans can still be held to the duties that a trust relationship entails. To go back to the sun example: animals might have the same type of trust in the sun and in humans, but the Sun is not a moral agent (or a moral patient), I on the other hand am. Maybe the trust animals have in us is not moral, but the duty we have not to break this trust is. We would not say that it is acceptable to deceive and kill cognitively impaired humans because they lack the ability to morally trust hunting human moral agents. This shows that the presence or absence of this capacity is not a relevant factor in the duties that are owed to animals or humans.

Another argument against Taylor’s fidelity principle prompted by Vitalli, is that within the animal kingdom deception is a common hunting technique: “deception and ambush is an evolved practice of hunting for virtually all stalking animals, of which the human animal is an example.”⁸² I will point out two errors that Vitalli makes here. The first is that it is highly questionable to let your moral compass be guided by the behaviors of animals living in the wild. His argument reads as if he were saying ‘they are doing it, so we can do it too’, which is a naturalistic fallacy. By that logic we would be allowed to rape other animals, because rape is a common behavior amongst many species. A second related point is that the intention with which most animal predators

⁷⁹ Regan (1983), p. 151.

⁸⁰ Regan (1983), p. 152.

⁸¹ Regan (1983), p. 154.

⁸² Vitali (1990), p. 74.

and the intention with which recreational hunters deceive are different. Taylor argues that when the human deceives an animal because she has no other way of obtaining food deceiving is allowed. Most animals use deceptive hunting techniques because of this reason. When humans use deceptive hunting techniques, they most often do not do so out of pure necessity. They do so because they enjoy it. So that's why here, the 'they are doing it so we can do it too' does not work either.

2.7. The Intention of the Hunter : Accommodating Perversity?

Though the implementation of culling measures is motivated by many reasons, such as the interest of a species, human safety or the welfare of the ecosystem, the execution of these measures is often done by people who have a completely different interest in the hunt. As is illustrated by the culling in the Hoge Veluwe, culling as a therapeutic measure goes hand in hand with recreational hunting. "Nowadays, pro-active management of wildlife through the hunt is conceived by the manager as an efficient management instrument, that also has a social aspect of people coming together enjoying their shared activity."⁸³

From a Taylorian perspective, it is evident that recreational hunting as such is irreconcilable with respect for the animal and its intrinsic value. Some forms of culling could be, the most evident one being culling sick and suffering animals who are already in the process of dying. To end these animals' suffering by killing them with a well-aimed shot could be permissible. Recreational hunting, however, is a moral violation. If we look back at Taylor's priority principles and his distinction between basic and non-basic interests, the animal's basic interest in life clearly overrides the human's interest in an afternoon of fun at the dispense of the animal.

Even though it remains unclear under exactly which circumstances culling could be deemed permissible, it is interesting to take a closer look at the moral relevance of the intention with which the person executing culling measures pulls the trigger. Let's assume that a culling measure is executed by a group of recreational hunters. Besides from their recreational intentions, the measure is morally justifiable.

But first, it is worth looking at the function and relevance of intention in a broader perspective. One and the same action can result in different moral judgements according to the intention with which the action was performed. The truth of this can be

⁸³ Hoedemaker, Laurens & Spek, Gerrit-Jan & Ohl, Frauke (2014), p. 267 (my translation).

illustrated by an example drawn from European Court jurisdiction: the case of Jalloh vs. Germany. In 1993, two German police officers observed Mr. Jalloh swallowing two bags of what appeared to be drugs when he was about to be arrested. They forcefully administered emetics to him to obtain the evidence. Later, in court, it was claimed that they had administered the emetics to Mr. Jalloh for therapeutic reasons. The judges did not believe that this had been the initial intention of the officers, and they treated this as a relevant aspect in judging the case.⁸⁴ This example shows that the moral permissibility of one and the same act, administering emetics, can change if the intention changes. Philosophers such as Kant and Smith have emphasized that the moral relevance of the intention characterizes an action, and deem it more important than the actual outcome of it. Smith says:

To the intention or affection of the heart, therefore, to the propriety and impropriety, to the beneficence or hurtfulness of the design, all praise or blame, all approbation or disapprobation, of any kind, which can justly be bestowed upon any action, must ultimately belong.^{85,86}

With this discussion in mind, what could we say about the intention of our recreational hunters who are culling for therapeutic reasons? Kant says the following about good will:

A good will is not good because of what it effects or accomplishes [...] if with its greatest efforts it should yet achieve nothing and only the good will were left (not, of course, as a

⁸⁴ Jalloh v. Germany, 54810/00, Council of Europe: European Court of Human Rights, 11 July 2006, p. 23, paragraph 82.

⁸⁵ Smith (1790 [1984]), p. 93.

⁸⁶ This contention abides well with what Nelkin calls the control principle: "We are morally assessable only to the extent that what we are assessed for depends on factors under our control." This principle is problematic, as she explains, for it is not evident which factors lie under our control. The circumstances in which we act are not under our complete control, but we ourselves, our dispositions and beliefs aren't either, for they are influenced by external factors such as upbringing and peers. Thomas Nagel has identified this as constitutive luck. Were we to accept the control principle, we could not even hold people morally responsible for their intentions. Intentions also cannot be the only aspect that we judge morally, for there has to be a certain level of action, a level of doing involved. Think of for instance the system of law: if a person entered a jewelry store with the intention of robbing it, but did not do so in the end, we could not criminally charge him for this 'thought' crime, even if luck factors made him change his mind. We must accept a certain level of moral luck if we want to be able to morally judge the actions of moral agents. I will not linger too long on this problem. For my present purposes it suffices to say that even though some factors beyond our control could influence the morality of our actions, the intentions that found these actions matter morally, and even more so than the outcome of actions.

mere wish but as the summoning of all means insofar as they are in our control)—then, like a jewel, it would still shine by itself, as something that has its full worth in itself. Usefulness or fruitlessness can neither add anything to this worth nor take anything away from it.⁸⁷

If an intention can shine like a jewel by itself, unaffected by usefulness and fruitfulness, can a bad intention be like a bad egg, giving off a rotting smell by itself, unaffected by usefulness and fruitfulness? Hunters can hide behind therapeutic motivations to legitimize their favorite pastime, while their true intentions are recreational. If indeed we hold that recreational hunting is wrong and the hunter culls with recreational intentions, no therapeutic or other benefits of culls could morally legitimize the hunter's action.

One could also argue that even if the intention of the hunter is recreational, the intention of the manager of, for instance, de Hoge Veluwe, is therapeutic. One could say that this manager acts with the hunters as instruments, and that only her intentions matter. It remains a fact that she is not the one pulling the trigger. The recreational intention of the hunters taints the good intention that originally initiated the culling measure. Just like the intention of the officers influenced the way the judges viewed their actions in the Jalloh case, so should we evaluate the actions of the hunters according to theirs.

A utilitarian response to this argument could be that it would even be desirable to have recreational hunters perform the culling measures, for their enjoyment would contribute to the amount of pleasure in the world. It would also be less costly, for supply and demand of hunting opportunities would meet in culling. It is, however, a well-known argument against classical utilitarianism that it legitimizes morally wrong actions.⁸⁸ This criticism applies here as well. If we consider culling a necessary evil, and recreational hunting morally wrong, it would still not be acceptable to match supply and demand for killing in this way. Just as we do not recruit trigger happy soldiers who enjoy killing human beings for war, and as we do not employ pedophilic doctors to circumcise little

⁸⁷ Kant (1784, 2006), p. 7.

⁸⁸ See Driver, Julia, "The History of Utilitarianism", *The Stanford Encyclopedia of Philosophy* (Winter 2014 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/win2014/entries/utilitarianism-history/>.

boys, we should not recruit humans who enjoy hunting and killing animals for culling measures.

It is of course practically impossible to determine the true intention of a hunter. A person can lie about their intentions, can be unsure about them, and often has multiple intentions from which the actions derive. I do not propose a screening process where wildlife managers are interrogated about their intentions. What I want to bring forward is the moral relevance for the rightness or wrongness of an action in relation to the agent performing it. It is therefore not morally unproblematic to employ recreational hunters to execute culling measures.

To conclude: in this chapter, I have discussed the moral dimension of culling measures. As we have seen, there exist tensions on three different levels: between the interests of animals and the interests of humans, between the interests of the individual and the interest of the species population and between the interest of the individual and the interest of ecosystem. These interests should all be taken into account. Human interests are often given precedence. Culling is a very consequentialist measure and it has little regard for the intrinsic value of individual animals. I have argued that on all tension-levels culling is too drastic, and less severe measures can and must be considered. Respect for the ecosystem and respect for the individuals living in it do not necessarily exclude each other. I have also discussed the issue of trust and argued that it is morally wrong to deceive animals. Lastly, I have discussed the moral relevance of the intention of the person executing culling measures. I have argued that when a hunter has recreational intentions, this pollutes possible well-meaning intentions that originally motivated the measure, and hence influences the moral permissibility of the action.

Chapter 3

Positive Interventions: Rehabilitation

In the previous chapter I discussed the moral questions regarding negative wildlife interventions. In this chapter I will discuss positive interventions: interventions directly aimed at the promotion of the survival, health or life quality of individual animals or species.⁸⁹ We can distinguish between compensative positive interventions that are undertaken to compensate for previous, damaging human actions, and ‘extra’ positive interventions that are undertaken in situations where no human interference has led to the state in which an animal, species or natural area finds itself. We can further distinguish between direct interventions, that is, interventions that are directed at the animal subject directly, and indirect interventions, that is, interventions that are directed at the improvement of the condition of the animal’s habitat. I will give an example of each type of intervention. A direct compensative intervention is for instance the rehabilitation of animals who are suffering because of an oil leak. An extra direct intervention is helping animals who have fallen ill because of factors outside the direct influence of humans, such as rescuing a mouse from freezing in the snow. A compensative indirect intervention is for instance the building of ecoducts above roads that go through animal inhabited natural areas, so that the animals can cross safely. An extra indirect intervention could be the providence of food.

I will discuss ethical questions regarding the positive interference of wildlife rehabilitation, with the rehabilitation of seals in the Dutch shelter Ecomare as a representative case study. I will mainly draw on the analysis of this problem by Stafleu

⁸⁹ Donaldson and Kymlicka also use the notion ‘positive intervention’ and understand it in a similar way.

et al. and also point out some problems their analysis poses. There are of course many more positive interventions, but considerations of space do not allow me to discuss these. I will further discuss Donaldson and Kymlicka's understanding of wild animals as sovereigns. Next, I will argue for the importance of informing oneself about when and how to appropriately rescue a wild animal. This is because often civilians are mistaken about when an animal is in need of help, and cause more harm than good by interfering. Lastly, I will discuss the problem of predator-prey relations with reference to, once more, Donaldson and Kymlicka as well as to Martha Nussbaum.

3.1. Rescuing Wild Animals: the Seal Problem

Naturally, wild animals get sick or injured from time to time. Sometimes humans will cross paths with these animals and intervene by taking them to a shelter. Interventions like this are not uncontroversial. This is because rehabilitating sick or injured animals is not always in the best interest of the animal, and can also have damaging effects on the species population and the ecosystem. Others reject rehabilitation interventions for more political reasons, and adhere to the sovereignty of nature, rejecting the idea that humans have a right to interfere with wild animals at all. Obviously, it is a matter of controversy whether these types of interventions are allowed, and if so, under what circumstances. I will now discuss these questions with reference to the Texel based animal shelter Ecomare.

Ecomare, the first seal shelter in Europe, was founded in 1952 by Gerrit and Annie de Haan. They sheltered stranded sick or injured seals and nursed them back to health. Also the so called *huilertjes* ('cryers'), baby seals who had got separated from their mothers or had been rejected by them, were given shelter and care.^{90,91} Ecomare's goal is to maintain a healthy, wild grey seal population in the Waddenzee. Many applaud the work of Ecomare, which also rehabilitates porpoises and several birds species, and functions as an educational center for marine and island wildlife. Others, however, criticize the continuous grey seal rehabilitation. They believe that now that the seal population has stabilized Ecomare should minimize its rehabilitation efforts. Opponents of rehabilitation fear that individual rescue may negatively influence the seal population

⁹⁰ <http://www.ecomare.nl/dieren-van-ecomare/zeehonden-opvang/geschiedenis-zeehondenopvang/>.

⁹¹ Until the mid-seventies, Ecomare would refrain from releasing healthy seals back into the sea. The reason for this is that up until 1962 seal hunting was not forbidden, and that the sea was heavily polluted.

as a whole, interfering with evolutionary processes and entailing the possibility of introducing bacteria into the wild through rehabilitated seal.

In 2003, Stafleu et al. published an extensive analysis of the moral problem within the context of an international congress regarding the management of North Sea harbors and the grey seal population. They characterize the debate as a clash between Pathocentric thinkers, i.e. those who focus on the individual, and ecocentric thinkers, i.e. those who put more emphasis on the protection of the ecosystem. Stafleu et al. propose a pluralistic account, in which they combine the moral reasoning and values of both outlooks. They argue that there is something to be said for both positions, but also that the welfare of the species automatically influences the welfare of the individual. They argue that the moral permissibility of sheltering depends on the specific circumstances in which an individual animal finds itself and on the state of the population. They bring forward four value principles that should guide wildlife interference, which resonate Taylor's principles but which are not exactly the same, as will become clear below.⁹²

These principles are:

- 1) Beneficence
- 2) Respect for wildness and independence
- 3) The second chance argument
- 4) Restitutive justice

The principle of beneficence entails the duty to help animals or species in the best way one can. Respect for wildness and independence, however, should get precedence, according to the authors. Other considerations and principles should be viewed with regard to this principle. It acknowledges a value in lives that are lived in the wild, and it acknowledges that this demands respect. The authors note that ideas about what this respect for the value of wildness entails vary greatly. As mentioned, Ecomare's goal is to maintain a healthy wildlife population. In order to achieve this, occasionally seals have to be taken out of the wild. Stafleu et al. argue that as long as rehabilitation leads to the possibility of independent wild living for the animal, it respects its wildness and should be allowed. Taylor would argue for his 'hands-off' policy, meaning that respect for wildlife entails leaving it alone. Even if one's intentions are to save a species, one should not interfere, unless, of course, in cases where previous human interference has led to a misbalance in the ecosystem or to individual suffering. This principle of restitutive

⁹² Stafleu et al. (2003), p. 47.

justice that Stafleu et al. use is directly derived from Taylor. Stafleu et al. add the so-called 'second chance argument': "seals that have been plainly unlucky deserve a second chance to live an independent life in the wild. Helping animals is in this context regarded as supporting their wildness, rather than undermining it."⁹³ Stafleu et al.'s analysis of the seal problem has some similarities with a report of the research institute IMARES. IMARES advises a cautious attitude towards sheltering seals, for they claim that the capacity of the area they reside in has almost reached its boundaries. They argue that only those seals who are visibly hurt as the result of human actions and particularly young seals should be rehabilitated. Those seals who are sick or hurt as the result of other reasons and very old seals should not be rehabilitated in their view.⁹⁴

3.2. Problems with Stafleu et al.'s Analysis

There are several problems with Stafleu et al.'s analysis. First of all, both Stafleu et al. and IMARES emphasize the relevance of previous human actions for the permissibility of interference. Stafleu et al. mention for instance oil spills as a clear incentive for intervention.⁹⁵ IMARES mentions seals that have got stuck in fishnets. These are all clear examples of seals in peril because of previous human interference. However, the true causes of sickness, wounds or other discomforts are not always so easy to trace. The chain of events leading up to something is not always retraceable. Pollutive industries affect the entire globe. One cannot say with certainty that the state in which an individual seal or the seal population finds itself is not caused by this worldwide pollution. Furthermore, problems arise when previous human actions are the main decider for the permissibility of intervention. Imagine that I have built a house. Next to it stands a rock formation of about the same size. An eagle flies by and crashes into my house and I take her to a rehabilitation center. I am, after all, indirectly responsible for his misfortune. The next day, another eagle crashes into the rock formation next to my house. I do not take her to the rehabilitation center, because it was not my action of building the house that caused the eagle's crash. Of course Stafleu et al. can account for this and say that the second eagle too deserves a second chance. But someone like Taylor, who argues that respect for wildness demands that we limit our intervention to those instances where previous human actions caused the accident, could not. In the

⁹³ Stafleu et al. (2003), p. 48.

⁹⁴ <http://www.wageningenur.nl/nl/show/Zienswijze-opvang-van-zeehonden.htm>

⁹⁵ Stafleu et al. (2003), p. 48.

eagle example, it seems to be morally irrelevant whether the house or the rock formation was the cause of the accident (what if you cannot even tell which object caused the accident?). All this does not mean that the previous human action requirement does not have any value. It does in cases where we want to point out the duty of humans to compensate for pollutive or otherwise destructive behavior.

Another problem concerns the emphasis on the effects of intervention on evolutionary progress. It is taken as a given that whatever disrupts the evolutionary progress of a species is undesirable. I am not saying that this is not true, and I admit that the argument is intuitively appealing. However, no argument is given for the *value* of evolutionary progress as such, for which everything else should make way. In the 'human world' common morality has dismissed evolution as a process of progress. Outrage about the murder of mentally and physically disabled persons in Nazi Germany points out that humankind dismisses evolutionary progress as a supreme value within its own species. Further, we have built hospitals, use wheelchairs and medicines to prevent the perishing of those who would have fallen behind in a survival of the fittest structure. I am not saying that this is a bad thing, on the contrary. However, we do use the evolutionary progress argument with regard to other species populations. That's why we should think about *why* we deem it so important to let natural selection do its work in the animal kingdom, while at the same time believing that allowing it to do the same in the human kingdom would be a fascistic outrage.

The 'second chance argument' Stafleu et al. bring forward is problematic as well. They argue, as we have seen, that seals who have been 'plainly unlucky' deserve a second chance. They understand this type of misfortune to be for instance baby seals getting separated from their mothers. But what about seals suffering from disease? They too are simply unlucky. They cannot help that they have fallen ill, be it from genetic makeup or because of an unfortunate encounter with bacteria.

3.3. Animals as Sovereigns

I previously referred to Donaldson & Kymlicka's political theory of animal rights and their understanding of animal denizens. I will now apply their understanding of wild animals as sovereigns to wild animal rehabilitation.

Donaldson & Kymlicka perceive wild animal population as generally self-governing communities, which do not depend on humans and in general avoid contact

with humans and human inhabited areas. Many positive duties are owed to citizen animals, and though mostly negative duties apply to wild animals, they are owed positive duties as well. Donaldson and Kymlicka criticize classical ART (animal rights theory) for what Palmer has characterized as a '*laissez-faire* intuition'⁹⁶ about wild animals.⁹⁷ Classical ART argues that wild animals should mostly be protected by negative duties, such as refraining from trapping or killing them. Donaldson and Kymlicka argue that justice demands that we do occasionally intervene positively in wildlife communities, and that this intervention does not have to violate our respect for their sovereignty. Sovereignty is characterized as follows:

Recognizing another community's sovereign territory involves recognizing that we have no right to govern that territory, let alone to make unilateral decisions by stewards on behalf of wards. [...] the people inhabiting the territory have a right to be there and to determine the shape of their communal life; and [recognizing] that they have the ability to do so.⁹⁸

Sovereignty is a way of protecting wildlife interests, such as maintaining social organization, as well as a protection against alien rule and domination.⁹⁹ Donaldson and Kymlicka argue that complex and/or political institutions are not a necessary condition for sovereign communities. Both on an individual and on a communal level, animals are competent in self-regulating their lives. This governance does not necessarily come from an overarching institution, but can be informal and spontaneous.¹⁰⁰ Continuous interference in their community would undermine their independence and autonomy, and species-specific capacity of social organization and wild living.¹⁰¹ In this context the previously mentioned autonomy definition of Heyd applies as well. Remember that Heyd understands autonomy to be a capacity for self-generation, self-realization or being a law unto themselves. To respect the sovereignty of a wildlife community is to accept that

⁹⁶ Palmer (2010), p. 63.

⁹⁷ The previously discussed ethicists Regan, Singer and Taylor all have this intuition in one way or the other, and this is why I will not be referring to them much anymore.

⁹⁸ Donaldson & Kymlicka (2011), p. 170.

⁹⁹ Donaldson & Kymlicka (2011), p. 180.

¹⁰⁰ Donaldson & Kymlicka (2011), p. 171.

¹⁰¹ Donaldson & Kymlicka (2011), p. 177.

it has this autonomous capacity and allowing the community to exercise it. Respect of sovereignty is hence an important value within positive interventions.

Donaldson and Kymlicka note that wild animal communities seem to have a preference for self-governance. They so to speak “vote with their feet”¹⁰², by avoiding human contact. Respecting sovereignty and an animal’s wishes does not equal refraining from all interference. Just like one sovereign human state can assist another sovereign human state, for instance in case of natural disasters, humans can sometimes legitimately interfere in sovereign wildlife communities. Factors like the scale and duration of interference are important in determining its permissibility. Intervention can also be inspired by a feeling of a personal connection or a relationship with an animal. Donaldson and Kymlicka mention the difference between assisting a deer who has fallen through the ice and large-scale deer-feeding programs. The first is simply aiding an individual animal, and his rescue will likely not have negative effects on a larger scale. However, the latter intervention has a lot more consequences, and would require more human intervention to govern these. We must only aid wild animals in ways that respect its community’s sovereignty, and we have a duty to protect animals from threats to it. “We must not intervene in the internal workings of wild animal communities in ways that undermine their autonomy, effectively placing them under permanent human management.”¹⁰³

The sovereignty approach is comparable to Stafleu et al.’s respect for the wildness principle. It allows more intervention than Taylor’s principle of non-interference (who would argue that even in cases of natural disasters we are not allowed to interfere). Stafleu et al. argue that rehabilitation can be an expression of respect for wildness, for it gives animals a second chance of living wildly. Would Donaldson and Kymlicka allow the structural rehabilitation of seals? That is not immediately clear. As a wildlife community, the seals are sovereigns in their territory. The occasional rescue of a stranded seals might be allowed, but the structural rehabilitation might not be. An aspect of sovereignty is the possibility to live in accordance with specific social and natural dynamics. Is natural selection one of these ‘internal workings’ of the seal population that should not be interfered with? Donaldson

¹⁰² Donaldson & Kymlicka (2011), p. 177. One could argue that this preference only exists because wild animals are ignorant or fearful of the alternative of living under human care. I believe, however, that it is safe to say that most wild animals would prefer wild circumstances to the circumstances human care can offer.

¹⁰³ Donaldson & Kymlicka (2011), p. 206.

and Kymlicka might argue that structural rehabilitation is unacceptable because it places the seal population under human management. On the other hand, the rehabilitation is aimed at maintaining an independent wildlife community, and as long as rehabilitating does not interfere too much with the autonomy and health of the population, it might still be allowed.

Donaldson and Kymlicka argue that saving individual animals is not naïve sentimentalism but claim that “our empathetic response to the suffering of other species is itself a part of human nature, and is a response shared by other species.”¹⁰⁴ Thinkers who deny the value and legitimacy of individual rescues are guilty of a type of ecological, anti-sentimental machoism.¹⁰⁵ Donaldson and Kymlicka state that even though an individual rescue might not have a lot of effect on the bigger picture, it makes all the difference for the individual that was saved, and this is worth something.¹⁰⁶ Rescuing individual seals with the aim of rehabilitating them is a praiseworthy act, or intervening in other ways with respect for the seals sovereignty are praiseworthy acts or acts of justice, as long as it does not affect the social structures of the population. So another value within positive wildlife interventions is what I would like to call benevolent solidarity.

As we have seen, positive wildlife interventions should take into consideration a respect for wildness. Though differently phrased, Taylor, Stafleu et al. and Donaldson and Kymlicka all adhere to this value. For Taylor, respecting this wildness translates into a rule of non-interference, to which the only exception is restoring a human-induced harm or imbalance. Stafleu et al. and Donaldson and Kymlicka argue that respecting wildness allows or even requires occasional interference.

There is definitely value in sovereignty and a general respect for the self-governance of wildlife. I agree with Donaldson and Kymlicka that this calls for a ‘hands-off’ disposition and I adhere to their legitimizing individual aid and collective aid to prevent disasters or assist after a natural disasters. Donaldson and Kymlicka’s approach to wildlife interventions also does away with the moral discomfort one feels when emphasis is put on previous human action for the permissibility of intervention, as Taylor does. Within Donaldson and Kymlicka’s framework, the fact that the eagle had

¹⁰⁴ Donaldson & Kymlicka (2011), p.186. The fact that empathetic responses come ‘naturally’ to humans is not a sufficient reason to argue that humans *should* therefore act as such.

¹⁰⁵ Donaldson & Kymlicka (2011), p.186.

¹⁰⁶ Donaldson & Kymlicka (2011), p.186.

flown into the rock formation and not into the house would not matter. However, on an individual level it might not always be possible to rescue an animal and at the same time respect its place in a sovereign community. Think for instance of the adoption of an animal who after rehabilitation turns out to be unfit for reintroduction into the wild. In this case, the individual welfare of the animal would be served better by keeping her under human care. An animal might also choose to stay with his human rescuer. Recently, a Polish man rescued a squirrel who had fallen from a tree and lay frozen in the snow. He fed him goat's milk and the squirrel recovered. In an interview the squirrel, named Pitek, is seen happily frolicking on his rescuer's shoulder. Pitek is free to leave, but prefers to stay with the good Samaritan.¹⁰⁷ If we speak in the political language of Donaldson and Kymlicka, we could say that the squirrel has 'immigrated' from one sovereign community to another. In this case, the squirrel is not strictly wild anymore, when wildness is seen as independence. He does, however, maintain a level of autonomy, which is, as we have seen in the first chapter, also a way of viewing wildness. So in this case, wildness as being part of a sovereign community is not necessarily the ultimate value. The autonomous choice of the squirrel to leave this community and to remain with his rescuer may well be his way of 'voting with his feet' and it would be paternalistic to argue that the squirrel should return to the wild.

3.4. Competence of the Public

In the month of May 2016, a tragedy occurred in Yellowstone, a natural park in the USA. A park visitor 'saved' a bison calf because he believed it was lost and cold. The visitor placed the calf in his car and drove him to a park facility. Upon arrival, it quickly became clear the calf was not in need of any assistance at all. The park rangers unsuccessfully attempted to reunite the calf with his mother several times. The rangers were 'forced' to euthanize him.¹⁰⁸

This tragic event shows the immense importance of providing education and information regarding wildlife. Donaldson and Kymlicka discuss a similar point of concern as the *fallibility argument*. They argue that it is "difficult to predict the effects of

¹⁰⁷<http://www.telegraph.co.uk/news/newsvideo/viral-video/12150728/Polish-man-raises-wild-squirrel-after-rescuing-him-as-a-baby.html>.

¹⁰⁸ https://www.buzzfeed.com/leticiamiranda/a-bison-calf-had-to-be-euthanized-after-it-was-saved-by-yell?utm_term=.qclBN1GkK#.bj001Vmko.

our interventions.”¹⁰⁹ This gives reasons to be cautious when one is considering a more grand scale intervention. Knowledge about the effects of one’s intervention is important for small scale interventions as well. However, the bison example shows that knowledge is already of the utmost importance to determine whether or not an animal is in peril at all. There are many instances where it might appear as if a wild animal is in trouble, while it is actually not. In those cases, interference will often do more harm than good. Individuals who ‘help’ animals that do not need it often have good intentions.

It is intuitively appealing to suggest that the spatial proximity of an animal in peril matters with regard to our duty to assist this animal,¹¹⁰ which means that if one comes across an animal in distress, this spatial relation makes a direct appeal to our moral duties, more so than it does when one does not come across it. This intuition is captured in article 1.4. of *Wet Dieren* (law animals). Article 1.4.1. states that anyone should observe sufficient care for animals. Article 1.4.2. reads:

Anyone who knows or can reasonably expect that his actions or omissions will have disadvantageous effects for animals, is obliged to refrain from these actions if this can reasonably be expected, or take measures that can be reasonably expected in order to prevent these effects or, when these effects cannot be prevented, to limit these as much as possible or undo them.¹¹¹

This puts well-meaning individuals in a difficult position. They have a moral and legal obligation to assist animals in need when they come across them. They are, however, often not equipped with sufficient knowledge to know whether or not an animal is in need of help. This difficulty puts an additional duty on civilians to inform themselves about wildlife, and if they should be in doubt, to contact professionals for further instructions before coming into action. The fact that citizens are obliged by law to assist animals in peril they come across, puts a duty on the (local) government to actively inform civilians about wildlife and circumstances and particularities about appropriate assistance. In the case of our Texel seals, the aforementioned ignorance can translate

¹⁰⁹ Donaldson & Kymlicka (2011), p. 163.

¹¹⁰ This is suggested by for instance Wenz (1988). Think also of Singer’s drowning child case, with which he illustrates that people intuitively feel that the proximity of a drowning child is relevant for our duty to assist the child.

¹¹¹ <https://zoek.officielebekendmakingen.nl/stb-2011-345.html>.

into mistaking a seal pup for a 'huiler'¹¹². In reality, seal pups that are alone on the beach are often just waiting for their mothers to return from their hunt. Approaching or picking up the seal pup might scare the mother away, actually making the pup into a 'huiler'. This can be prevented by providing beachgoers with proper information. Ecomare already does a great job at educating Texel inhabitants, schoolchildren and tourists. To increase the chance of the information sinking in with the many tourists who visit Texel, posters could be installed on the boat that transports people from Den Helder to the island.

In sum, both the law and common morality demand that we assist animals in peril that come across our path. However, most civilians are not equipped with proper knowledge about wildlife and when and how to assist them appropriately. This is why the duty to assist also puts a duty on (local) government to provide civilians with this information in the best way possible.

3.5. No Nature Worship: Protecting Prey from Predator

A couple of years ago a video of a boy releasing a mouse back into the wild went viral. He had saved the mouse from freezing and nursed it back to health. The day had arrived to bring the little guy home, and the boy asked someone to film the big moment. After the mouse had taken his first glorious steps to freedom a hawk flew by and snatched it.

This anecdote is somehow comical and deeply sad at the same time, and touches upon another moral question within rehabilitation efforts. Stafleu et al. have designed a set of questions one could ask themselves when determining the moral permissibility of rehabilitation. One of those questions is, "how great is the chance that the animal is cured and will survive after reintroduction into the wild?"¹¹³ If a seal is hurt in such a way that he will never be able to fend for himself again, it would be unethical to leave him to fend for himself. The condition of the environment into which the seal is released is also relevant. The founders of Ecomare first refrained from reintroduction because the seals' habitat was heavily polluted and seals were still hunted. Hence, their chances for survival after reintroduction were very slim. These conditions of the habitat matter for the chance of survival, but the presence of natural enemies also does. Seals do not have natural enemies in the Waddenzee, but the question is: would this matter? What if

¹¹² A seal pup separated from his mother.

¹¹³ Stafleu et al. (2003), p. 49.

miraculously a family of blackfish migrated to the Dutch coasts: would this make Ecomare refrain from reintroduction?

The underlying question is of course whether animals in the wild should be protected from predators. Donaldson and Kymlicka argue that they should not: “We ought not to intervene in the internal workings of wild animal communities (e.g. predation, food cycles) in ways that undermine their autonomy, effectively placing them under permanent and systematic management.”¹¹⁴ Protecting prey from predator would require a very rigorous systematic intervention and would interfere with the internal workings of the wildlife community. “A *reductio ad absurdum* envisions the creation of soy protein worms for birds.”¹¹⁵ Donaldson and Kymlicka seem to view predation as a necessary evil within wildlife communities.

Nussbaum, however, warns that we should not romanticize nature¹¹⁶, and adheres to a ‘no nature worship’ principle. By this she means that we should not be tempted to read the ‘is’ of nature as its ‘ought’. Nussbaum applies her version of the capabilities approach to the animal world as well. The capabilities approach is a theory that argues that the welfare of an animal can be measured via her possibilities to exercise a certain set of capabilities, such as life, play and affiliation. Each species has a type of flourishing that is achieved by the enactment of these capabilities. We should therefore strive to bring individuals to at least a threshold level of the general and their species specific capabilities. Nussbaum does not give a very clear cut answer to the question of what this ‘no nature worship principle’ means for predator-prey relations. She does consider the idea of protecting prey by putting them in separate enclosures, but: “this alternative surely does greater harms, by closing off the very possibility of flourishing in the wild.”¹¹⁷ She also considers the fact that protecting prey negatively influences predators who, after all, need to eat to survive.¹¹⁸ It also might negatively affect the prey population and the natural area, as Crescenzo remarks.¹¹⁹

So Nussbaum does not immediately call for grand scale interventions in the food chain. She does, however, argue for the realization of the capability of *other species*, by which she means “the ability to live with concern for and in relation to animals, plants,

¹¹⁴ Donaldson & Kymlicka (2011), p. 187.

¹¹⁵ Donaldson & Kymlicka (2011), pp. 159-160.

¹¹⁶ Originally developed by Amartya Sen.

¹¹⁷ Nussbaum (2006), p. 379.

¹¹⁸ Nussbaum (2006), p. 379.

¹¹⁹ Crescenzo (2012), p. 84.

and the world of nature.”¹²⁰ This capability asks for an “interdependent world in which all species will enjoy cooperative and mutually supportive relations.”¹²¹ But nature is not arranged in such a way, and that’s why the other species’ capability asks for “the gradual supplanting of the natural by the just.”¹²² It is not apparent what Nussbaum could mean by this, or whether predator-prey relations could count as an example of the ‘other species’ capability. It seems highly doubtful that rabbits would work together with foxes and offer themselves up as a meal to sustain them. It is true that there exists some cooperation and support between different species.¹²³ For instance, crocodiles allow birds to clean their teeth. This cooperation is mutually advantageous, for it benefits the crocodile’s dental hygiene and gives the bird a nutritious meal. This capability to support and cooperate is not found in every species or between all species though. Nussbaum herself argues that individuals should at least reach the threshold level of their species capabilities. However, if a species does not have the capability to cooperate with other species, it can and must not be expected to do so.

Nussbaum selects the capabilities that bring about flourishing normatively. She argues that harm causing capabilities should not be encouraged. A fox does not have the capability to cooperate with a bunny. It does, however, have the capability to hunt. Nussbaum argues that we can still accept this capability, for not exercising it would frustrate the predator, but have it fulfilled in a non-harm causing way. In captivity, she suggests, the capability to hunt can be fulfilled by alternatives such as having captive predators playing with balls on ropes.¹²⁴ In this way, predators can exercise their predatory instincts without causing harm. This suggestion is already very problematic, but it is quite impossible (as she admits herself) to it in the wild.

Nussbaum wants to supplant the natural with the just, but forgets (or ignores) that the inhabitants of the natural do not have the capability to live in accordance with the rules of justice. The only option for humans would be to take total control over the wild and arrange it according to human standards of justice. This is in no way respecting wildness and wildlife sovereignty. As Donaldson and Kymlicka argue: “Wild animals are not in the circumstances of justice with one another, and the survival of some

¹²⁰ Nussbaum (2006), p. 399.

¹²¹ Nussbaum (2006), p. 399

¹²² Nussbaum (2006), p. 400.

¹²³ I have previously criticized the ‘other species capability’ and made a similar point regarding the capabilities approach in a paper called *No Nature Worship* (2015).

¹²⁴ Nussbaum (2006), p. 371.

individuals inevitably requires that other individuals die.”¹²⁵ Both predator and prey have the capability *life*, and in predation it is a matter of which of the two will be obstructed in this capability. The one does not have more right to flourish than the other.

This is not to say that one can never interfere when a predator attacks a prey. When walking one’s dog, for instance, one can prevent her from running off and killing rabbits, because the dog, a domesticated animal, is not part of the natural predation process and does not need to kill the bunny in order to survive.

To return to our seal rehabilitation: imagine that there were indeed blackfish present in the Waddenzee who hunt and kill seals. This is not a reason to save all the seals from the blackfish by sheltering them. This would take away their opportunity to flourish in the wild. It would provide a reason, though, to critically assess whether the rescued seal is fit to return to the wild and face this blackfish threat. The question that Stafleu et al. ask is how great the chance of survival is for a seal that is to be reintroduced. The presence of blackfish will probably reduce those chances, but this should not be a decisive reason to keep the seal under permanent care. We should consider whether the seal in question has, in comparison to its species members, a reasonable and fair chance to survive in his own natural habitat and the natural predation relations that occur in it.

In sum, interfering in predator-prey relations would undermine the sovereignty of wildlife populations and its internal workings. The animal kingdom is not governed by rules of justice, and it is even ignorant of it. This does not mean that we should not consider the presence of predators when we are reintroducing rehabilitated animals into the wild. We should consider it, because we should ask ourselves whether the animal which is to be reintroduced finds itself in the condition to stand a fair chance to survive in his own natural habitat and the dynamics governing it.

To conclude, we have seen that within the context of positive interventions several values and interests come into play. Stafleu et al. argue for a pluralistic account, in which both the welfare of the individual and the welfare of the population and ecosystem are considered. Donaldson and Kymlicka emphasize the value of wildlife sovereignty and benevolent solidarity, and argue that only interventions that are aimed at the protection

¹²⁵ Donaldson & Kymlicka (2011), p. 182.

of the autonomy and sovereignty of wildlife are allowed. We have seen that it can be difficult to determine whether a wild animal is actually in need of help. This puts a duty on individuals to inform themselves properly on the matter, and a duty on the (local) government to provide proper information about appropriate interactions with wildlife. Finally, we have seen that this respect for sovereignty does not allow structural interventions in predator-prey relations. Wildlife is not governed by rules of justice, and furthermore, interventions of this type might do more harm than good.

Conclusion

In this thesis, I have explored the moral dimensions of wildlife interventions. I have identified different interests and values that play a role in these dimensions, and I have analyzed ways in which to balance the interests and values.

In the first chapter I defined the notion wildlife using Keulartz and Swart, and gave a definition of the notion intervention. I distinguished between negative and positive interventions. I devoted the second chapter to culling, a negative intervention. I focused on the culling of fallow deer in the AWD, and also referred to the deer of the Hoge Veluwe and the Schiphol geese. I identified three different levels of tension that exist in culling: A first tension between human interest and animals' interests, a second one between the individual animals and the species population it belongs to, a third one between individual animals and the ecosystem as a whole of which it is a part. I argued that on the three different levels, the clash of interests still does not legitimize culling. On the animal-human level culling is a disproportionate measure with regard to the human interests harmed. I used Taylor to argue that the non-basic interest of humans should not be given more weight than the interest of humans, as well as his principle of minimum wrong in cases where non-basic human interest clash with basic animal interest. Culling is not the measure that causes the least harm, and we should therefore employ different methods such as the placement of solar panels in the goose case, and ecoducts in the deer case.

In the discussion of the second level of tension I argued that a species is an entity that as such is morally considerable because it has a good and it has a set of species-specific collective interests and experiences that require special attention. This in contrast to Singer and Regan, who do not grant any moral status or relevance to species in this context. I argued that, contrary to popular belief, on this level the collective interest would probably not be served.

With regard to the third level of tension, I argued for an approach that respects the animal as an individual as well as the ecosystem as a whole. I used O'Neill's distinction between environmental justice and environmental care, to show that one can be concerned with both the individual and the whole. Using Taylor's restitutive justice principle I argued that human induced misbalances should be compensated for, but always in the least harmful way. Culling is not the least harmful way to protect the ecosystem against the abundance of deer, and is therefore not permissible.

I have shown that the individual, the species and the ecosystem all have their own value and good, which must all be respected and taken into account when considering wildlife interventions.

Still using Taylor's trust principle, I further argued that culling violates the bond of trust between the animal and humans, and that it is not permissible. Lastly, I argued that it is morally problematic to employ recreational hunters to execute culling measures.

In the third chapter I discussed wildlife rehabilitation, and focused on the rehabilitation of seals in Ecomare. I discussed Stafleu et al.'s analysis of this case, who argue that rehabilitation is allowed as long as it is done with respect for the wildness of the seal and it does not negatively affect the population or ecosystem. They also emphasize the relevance of previous human actions. I argued that it is problematic to put too much emphasis on human action. First of all, because the chain of events leading up to a current status cannot always be retraced; secondly, because previous human action is not the only reason one should assist wild animals in peril. I further argued that the evolutionary progress argument that is often used is not without its problems. Why do we deem evolutionary progress to be the ultimate value for animals, but consider it a fascistic travesty to value evolutionary progress in the human world in the same way? I have not been able to provide a definitive answer to this intriguing question.

I also discussed Donaldson and Kymlicka's notion of wild animal sovereignty. They emphasize the value of wildlife sovereignty and of what I called benevolent solidarity and argued that positive interventions should be limited in time and scope, and that they should respect the animals' sovereignty. I agreed with their framework, but did argue that wildness is not always the ultimate value, for animals might decide to 'immigrate' into another community, making them less wild.

Next, I discussed the importance of knowledge about appropriate wildlife assistance. The fact that citizens are obliged by law to assist animals in peril they come across, puts a duty on the (local) government to actively inform civilians about wildlife and instruct about circumstances and particularities about appropriate assistance.

Lastly, I discussed the predator-prey problem, and the moral relevance of the presence of predators in rehabilitation efforts. I agreed with Donaldson and Kymlicka that we should not structurally interfere in these relations. I disagreed with Nussbaum's normative selection of animal capabilities and no nature worship principle. I argued that

most animals do not have the capability to live harmoniously together, and we should hence not try to bring them up to the threshold level of this capability. The presence of predators is relevant in the following way: if we rehabilitate animals, they should only be reintroduced into the wild if they 'stand a chance'. If their chances of survival in the presence of predators is as big as their species members.

I would like to conclude by saying that co-existence with wild animals demands an attitude of respect for individuals, populations and ecosystems. When balancing interests, we should avoid speciesism, and always choose an intervention that causes the least harm. We have seen that culling is generally not this type of intervention, and that many less harmful alternatives are present. This attitude should be reflected in policies regarding wildlife management, but is currently lacking.

In our relation with wild animal communities, we should balance positive interventions with respect for sovereignty. Rehabilitation efforts can be an expression of benevolent solidarity and kinship with wildness. Interventions should be done in such a way as not to disturb the possibility of wildlife communities to live autonomously and according to their own systems of governance.

Whether we intervene positively or negatively in wildlife, whether we act or omit to act, our behavior towards wildlife always has a moral component, as I hope to have shown.

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