

To Act or Not to Act? Sheltering Animals from the Wild: a Pluralistic Account of a Conflict between Animal and Environmental Ethics

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ABSTRACT *The leading question of this article is whether it is acceptable, from a moral point of view, to take wild animals that are ill out of their natural habitat and temporarily bring them under human control with the purpose of curing them. To this end the so-called 'seal debate' was examined. In the Netherlands, seals that are lost or ill are rescued and taken into shelters, where they are cured and afterwards reintroduced into their natural environment. Recently, this practice has been criticised because it is thought to interfere with the wildness of the animals and population. In this research, the moral assumptions behind the arguments of both the proponents and opponents of sheltering have been analysed within a morally pluralistic framework. It is concluded that sheltering on too large a scale would be contrary to the efforts of the last few decades to maintain an independent or wild seal population, which means that a certain amount of caution is called for. However, in the current situation there is no decisive reason to completely prohibit shelters either. Good arguments can even be given in favour of sheltering. It also becomes clear that the acceptability of sheltering wild animals depends on the specific circumstances in which an animal is encountered.*

Introduction

In April 2001, during a holiday in Madagascar one of us came upon a sick lemur, a primate endemic to this island. When she asked the guide whether they should help the animal, he looked at her in amazement and said 'of course not'. It seemed rather obvious; they were in a vast nature reserve, a tropical rainforest, parts of which were never even visited by humans. They should consider themselves guests in this forest and try to interfere as little as possible with the lives of their hosts. Of course it was a pure coincidence that they happened to encounter this particular sick lemur and there were no

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doubt hundreds of sick animals there that they did not see. But still, she could not suppress a feeling of sympathy with this little lemur and her first reaction was that she wanted to help. Was the urge to help a moral intuition that we should care for animals or was it a misguided attempt to bring nature under our control? Could she not see the difference between a pet and this wild animal?

In the Netherlands, where there is little unspoilt nature left, it is considered far less obvious than in Madagascar that wild animals that are suffering should be left alone.¹ In fact, in the Netherlands there are many initiatives by civilians to help needy animals from the wild. Birds that are victims of oil spills are rescued and migrating frogs are helped across the road, for example. Another way of helping is to temporarily take animals to so-called shelters, where they are cured and afterwards reintroduced into their natural habitats. There are licensed shelters for all sorts of wild animals in the Netherlands, from squirrels to hedgehogs and from birds to seals. This last group of animals has been the subject of a lively debate. In our research, we concentrated on this 'seal debate', because sheltering seals has a long history. Also, the seal debate is exemplary for the discussion surrounding the practice of sheltering wild animals in general, containing elements such as contested scientific knowledge and the perceived bias towards 'cuddly' animals. Our purpose was to analyse the moral dimensions of these practices. Is it acceptable, from a moral point of view, to take wild animals out of their natural habitat and bring them under human control, even if it is only temporarily? And if we deem it acceptable, does this also mean that we even have a duty to do so?

The Seal Debate

Dutch seal shelters were established in the early 1950s in the Waddensea. The Waddensea is the sea to the north of Holland and contains an archipelago of 15 islands, some of which are Dutch and others of which are part of Germany or Denmark. The Waddensea is one of the most unique wetland nature areas in Europe and even in the world. The area is also very vulnerable. The Wadden ecosystem is heavily influenced by tidal activity, which causes the islands literally to 'walk'; sand is transported to one side of each island by the waves and sand is washed away from the other side, causing the islands to shift their location over time. During low tide, sandbanks form and seals use these to rest on. The seals and the Waddensea have come to be regarded as inextricably linked and seals have now become the 'face' of this nature area. Initially, the founder of one of the first seal shelters kept ill seals in a bathtub in her garden, but over the years a large professional practice evolved, employing many professionals and volunteers. The seal shelters greatly expanded in the 1970s, when the seal population was rapidly declining due to water pollution. Ill or injured seals, but also baby seals that are lost, are taken into shelters, where they are cured or raised and afterwards returned to their natural habitat. Presently, shelters also serve an educational function; research is done into the causes of the illness and the public are informed about the seals and the Waddensea ecosystem. The motivation for founding the seal shelters was twofold: on the one hand the founders of the shelters were moved by the plight of the suffering animals; and on the other hand every seal that was rescued contributed to the preservation of the seal population.

Over the years the situation has changed, however. The seal population is no longer endangered. It is even thriving, in such a way that it survived a serious epidemic of phocine distemper virus in the summer of 2002. It appears that while the two motivations for sheltering seals—saving the population and helping the individual seal—used to reinforce each other, this is no longer the case. In other words, while the interests of

individual seals and their population used to coincide, they now seem diametrically opposed. This has caused critics to call for the seal shelters to be closed down. They argue that the Waddensea is perhaps the only bit of wild nature left in the Netherlands and that we should interfere with it as little as possible. Moreover, they point out that risks are involved in sheltering seals and returning them to the wild. Viruses could be transmitted through the shelter and introduced into the wild population. Another risk is that of unintended genetic selection: the population could be weakened by artificially keeping alive the weak individuals, which will go on to mate and pass on their genes. Defenders of seal shelters, on the other hand, argue that it is an illusion to think that there are wild nature areas left in the Netherlands. There is human influence everywhere, either directly (e.g. tourism) or indirectly (e.g. pollution) and they think that we have the duty to help animals that are disadvantaged by our actions. Moreover, they point out that when one encounters an animal in distress, one cannot (and ought not) simply close one's eyes and step over it.

Empirical Research

In the empirical part of our research, semi-structured in-depth interviews were held with representatives of four different groups. First of all, fieldworkers were interviewed. This group consisted of nature park managers and people who worked in shelters, both seal shelters and other shelters, such as 'bird hospitals'. These persons face the dilemma whether or not to act when confronted with a suffering animal on a day-to-day basis. Secondly, we spoke to representatives of nature conservation and animal protection organisations. These persons had to decide on the policy of their organisations regarding aid to wild animals. Thirdly, policy workers from the Dutch Ministry of Agriculture, Nature Conservation and Fisheries took part in the research. These persons have to decide what form the government policy regarding sheltering wild animals will take in the future. Finally, researchers, both from the Netherlands and from Denmark, were interviewed, because they could shed light on the many empirical issues that play a role in the seal debate. It was our intention to examine the different moral motivations that could inform the positions people hold in the seal debate, and identify their underlying structure. It was not our intention to map systematically the standpoints of all the different players in the debate. Neither was it our intention to carry out a public consultation in order to determine whether or not the majority of the public were in favour of seal sheltering. As the research method was the use of in-depth interviews, a relatively small population was taken: in total, 18 people were interviewed.

The people who were interviewed were asked to react to a number of thought experiments with changing variables in order to determine what factors drove their moral judgements and how consistent their arguments were. The interviewees had to consider how they would act in each situation and also whether they thought other people ought to act in the same way. In order to get an indication of their general position, the interviewees were given a case study that had no links to the seal debate. The subject was a bison that fell through the ice of a river in Yellowstone National Park in the United States and that, unable to pull himself out, was slowly drowning.² The respondents were asked whether they would rescue the animal—if this did not involve endangering their own lives—even if it meant acting against the wishes of the park manager. The advantage of this case study was that there is broad agreement that it involves an area with a high degree of wildness and naturalness. Next, a series of thought experiments were presented in which a seal in distress was encountered, each time under different circumstances, such as a seal hit by a boat, lost in a storm, weakened by

pollution or injured in a fight with another seal. The purpose of this exercise was to determine what factors played a role in the decision whether or not to shelter seals. Clearly, one main underlying question was whether it made a difference if the cause of distress was natural or human-induced. In conjunction with these thought experiments, certain questions were asked to bring to light whether the respondents based their moral decisions on the interests of the individual animal or of the ecosystem or population. For example, it was asked whether it makes a difference to the decision to shelter an animal if the animal belongs to an endangered species. Furthermore, questions were asked to determine what empirical factors had a bearing on the decision to shelter seals and what information was still lacking.

In the thought experiment concerning the bison, 10 people responded that they would and eight that they would not try to help the animal (although for some, 'help' entailed mercy killing the bison). All the fieldworkers and researchers belonged to the first group and all the policy makers to the second. The representatives of nature organisations showed a more variable picture. Reasons mentioned for rescuing the bison were that the animal was suffering, that living creatures should not die needlessly and that it was not disadvantageous for the environment to interfere in this case. Reasons for not helping the animal were that dying is part of a natural life cycle (from which other animals, such as vultures, profit), that it could be harmful to the population to rescue the animal (although it seems that the animal fell through the ice out of pure misfortune and not because it was a weak individual) and that we cannot say for sure whether the animal really suffers.

To the question of whether the respondents would generally—regardless of the particular circumstances—take a seal they encountered to a seal shelter, most people responded affirmatively. However, it was often mentioned that this decision was dependent on the location where the seal was encountered. If this location was frequented by the public, the seal should be rescued, because otherwise members of the public would try to do this themselves, resulting in more stress for the seal. As one volunteer asserted: 'I'd rather that people take a sick animal to us than that they keep it at home in their kitchen sink'.³ Two respondents would let their decision depend solely on the chances of survival of the animal. Most respondents would rescue seals that were run over by a boat or that were ill due to pollution, whereas not many respondents would rescue old seals that had clearly reached the end of their lives. It appeared, therefore, that the extent to which humans had caused the illness of the seals was an important factor, as well as the prospects of survival after the seals were rescued. In the cases where a baby seal was lost or a seal had been attacked by another seal, the responses were more variable. Many people preferred to look for alternatives, such as guiding the seal back to open sea or treating an injured animal on the spot.

Another factor that played a major role was the extent to which the respondents considered the ecosystem of the seals to be natural. In the Netherlands, no such thing as pristine, unspoilt nature exists and this point was acknowledged by the respondents. The notion of 'naturalness' appears to derive its meaning primarily from the contrast with human action. People are often in an inevitable influencing relation to the living circumstances of animals, even if it is only because human influence has had effects on a global scale, as in the case of global warming. This makes any absolute interpretation of naturalness or wilderness, in the sense of unspoilt nature, completely independent of human action, unrealistic. Rather than adhering to a strict nature–culture divide, most respondents therefore talked about grades of naturalness, depending on the level of independent functioning of the ecosystem in question. Even though most respondents agreed that the Waddensea was the most natural area in the Netherlands, they disagreed on the level of naturalness of this ecosystem. In connection with the above-mentioned

factor of human responsibility, this meant that people who considered the Waddensea to be less natural were more inclined to shelter animals. In their opinion, most of the problems of the animals that were found were due to human influences.⁴

Almost all interviewees would shelter seals that belonged to an endangered species. Moreover, all respondents stated that they were opposed to the practice of sheltering if this were to have a negative impact on the level of the seal population or on the environment. This is understandable from the point of view of individual animals as well as populations. After all, when the population or the habitat is weakened, this will in due time lead to more unhealthy individual seals as well. What the respondents did not agree on, however, was the empirical question of whether such negative effects did indeed occur. Considering the hours spent on debating the seal issue, it is surprising that an environmental impact assessment of the practice of sheltering has never been carried out. In the absence of such information, the issue was open to various interpretations. The question of whether sheltering could have a negative impact seemed to be decided on the basis of one's initial stance on the seal issue, rather than the other way around. Unsurprisingly, representatives of the seal shelters emphasised that negative impacts had never been proven. They did not believe that the population would be weakened by a process of 'reverse natural selection'. In the words of the director of one of the shelters: 'the strongest seals still manage to make it to the side when they are ill'. Opponents, on the other hand, appealed to the precautionary principle by pressing that in the absence of information, we should accept no risks and therefore stop sheltering. Regarding virus infection there was no agreement on the empirical evidence either. As viruses are also transmitted in the wild, it is hard to establish whether virus outbreaks originate from shelters. Furthermore, viruses that are transmitted in the wild are possibly due to the weakening of the population as a result of pollution. Representatives of seal shelters point to these gaps in empirical evidence to argue that shelters can contribute to scientific research. Besides these disagreements about the facts, many disputes actually had a 'social' character and were not due to moral differences as such. For example, one seal shelter was blamed for not treating its employees well. Also, bird hospitals blamed each other for keeping attractive birds in their shelter for longer than necessary in order to receive more donations from the public.

In all, the interviews yielded nine factors that played a role in the decision whether or not to shelter animals from the wild. These factors were: (1) the gravity and irreversibility of the suffering of the animals (including the suffering caused by the rescue operation); (2) the extent to which humans are responsible for (the cause of) this suffering; (3) the level of naturalness of the ecosystem; (4) the responsibility the actor felt due to their function (for example as park manager); (5) proportionality (the cost, risk or effort to be put into the rescue operation had to be weighed against its chance of success); (6) the consequences for the health or integrity of the ecosystem; (7) the intrinsic value of animals from the wild, or the respect for their wildness; (8) the response to the public (better if professionals look after the animal than the public; also the public should not be discouraged when they feel responsible for helping the animal); and (9) the educational function of sheltering.

Theoretical Background

In this seal debate we can see an opposition between those who focus on individual animals and those who focus on populations or ecosystems. This opposition has been a topic of discussion in animal and environmental ethics for three decades now. It reflects the ongoing debate between individualists (or atomists) and holists. This debate can be

situated within the non-anthropocentric approach to ethics, which seeks to counter the traditional human-centred orientation to ethics. An underlying assumption of non-anthropocentrism is that even though humans are the only beings that can value animals and nature, they can value animals and nature for what they are in themselves and not merely for the purpose they serve for human beings. All non-anthropocentrists wish to extend the moral community to include certain groups of non-humans. They disagree, however, about what entities should be included, and therefore should be taken into account when moral decisions are made. Pathocentrists take awareness as the basis of moral status, and therefore focus on the interests of individual animals. The two best-known defenders of this position, Peter Singer (1975, 1993) and Tom Regan (1983), both start from the assumption that human beings are morally considerable because they possess certain characteristics. As far as (non-human) animals share these characteristics, they also deserve moral consideration. Singer argues that this characteristic is not the ability to reason or talk. He points out that even though infants or comatose patients do not possess these abilities, we still attribute moral status to them. The same should hold for animals. According to Singer (1975, p. 7), 'the capacity for suffering and enjoyment is a prerequisite for having interests at all, a condition that must be satisfied before we can speak of interests in a meaningful way' (emphasis in original). Singer holds that sentience is not only a necessary characteristic, but also a sufficient one to determine that a being has interests. Regan (1983) bases the idea that animals have interests not only on sentience, but also on animals being a 'subject-of-a-life' in general. This means that those beings deserve moral status that 'have beliefs and desires; perception, memory, and a sense of the future ... an emotional life together with feelings of pleasure and pain; preference ... and an individual welfare' (Regan, 1983, p. 13).

Ecocentrists, on the other hand, hold that ecological relations determine the worth of their parts and, therefore, that the interests of 'wholes', such as ecosystems, deserve priority over the interests of the animals within them (see Leopold, 1949; Routley and Routley, 1980; Johnson, 1991; Callicott, 1995). According to ecocentrists, our ethics should be informed by an understanding of the ecological processes in nature. In ecology, attention shifts away from the individual organism to the large whole within which this individual operates, i.e. the species, the ecosystem and the specific relations and processes that exist within the biotic community. The core notion of ecocentrism is that of 'internal relatedness, according to which all organisms are not simply interrelated with their environment but also constituted by those very environmental relationships' (Eckersley, 1992, p. 49). Ecocentrists have criticised Singer and Regan for failing to make a distinction between wild and domesticated animals and between endangered and more common animals. Singer, on the other hand, criticises ecocentrism for not showing clearly why all of non-human nature is morally relevant. According to him, non-sentient creatures simply cannot have interests. Furthermore, he argues that if we show proper respect for individuals, then the communities of which they are part will be protected automatically (Singer, 1993, chapter 10). The ecocentrist Johnson (1991) disputes this. He points out that species are not simply classes of individuals; species possess characteristics that their members lack, such as diversity or rarity. Moreover, species and ecosystems can have interests that are not the same as, or that are even contrary to, the collective interests of their members. For example, it is in the interest of a species of deer that its weak members are preyed upon, but this is obviously not in the interest of the individual deer. Similarly, it can be in the interest of a forest ecosystem that there are periodic fires even though this is not in the interest of its component parts.

These two positions seem mutually exclusive: we give priority to individual animals or to species or ecosystems. The continuous disagreement between the different

approaches first and foremost seems to be about what is ultimately valuable. For one this ultimate value might be pleasure or the avoidance of pain; for another it is life; and for yet another it is diversity. Moreover, the dispute seems to depend on different world-views. When we stick to the traditional atomistic outlook, we naturally focus our attention on different aspects of the world than when we adopt a holistic worldview. However, if we look at the arguments of both individualists (or atomists) and ecocentrists (or holists), at least intuitively there is something to say for each of them. We all know that animals can suffer and most of us condemn it if an animal is hurt for no good reason. At the same time, there is a widely shared concern about species becoming extinct and ecosystems being destroyed. Likewise, when we look at the arguments of the parties in the seal debate, we can see that there is something to say for each of them. Both positions seem to represent part of the 'moral truth'. Therefore, we have examined whether a pluralistic approach could help to bring the two parties closer to each other.

Pluralism

According to pluralism, in morality we are dealing with a plurality of values, ideals or principles that are irreducible to each other or to one overarching value, ideal or principle (see Stone, 1987; Kekes, 1993). The diversity of existing values can, in other words, not be explained with reference to one general value. This means that there is not one leading value or norm that can determine what is morally required in all circumstances. According to pluralists, from the fact that there is no overarching value, it follows that it is not possible to make an *a priori* ranking of all values or principles. According to Thomas Nagel (1979), a predetermined method of value ranking would be too absolute to do justice to the reality of moral decision making. There is no single scale by which to measure different types of values. For instance, in some situations we value freedom more, while in other situations we may value equality more. From the absence of a single ranking system, pluralists conclude that 'reasonable disagreement' can exist: two people can completely disagree, but both adopt a defensible point of view, because on a fundamental level they hold different value rankings. In the case of abortion, for instance, pro-choice and pro-life groups can both argue from a defensible point of view, but nevertheless never come to agree. The first group emphasises freedom of choice (of the mother) whereas the second group attaches more importance to the right to life (of the foetus). It does not follow, however, that every point of view regarding abortion is reasonable. Pluralism need not slide into relativism. The standpoint that abortion is only justifiable when the foetus has a severe abnormality is reasonably defensible, but the standpoint that abortion is only acceptable in the case of female foetuses is not, for example.

Moral pluralists in the first place set themselves off against moral monism, which is generally speaking the view that there is only one right system of moral values and principles that holds throughout different times and places. As Bryan Norton (1995, p. 342) describes it, moral monism is 'the view that a single theory suffices to support a uniquely correct moral judgement in every situation'. In other words, the central characteristics of monistic theories are the claims of universality and uniqueness. The two dominant ethical systems of our time, utilitarianism and Kantianism, are both monistic. (Act)utilitarianism, in its simplest form, traces all moral deliberation back to the question of how much pain, pleasure or happiness an act will result in, whereas Kantians reduce moral questions to a single principle based on respect for rationality (see Wolf, 1992). Monists believe that there is a highest value with regard to which all other values can be ranked. Hedonistic utilitarians, for example, take pleasure as the ultimate

value and believe that all other values can be ordered according to how much pleasure they bring about. Both utilitarians and Kantians think that there is in principle one unique, right outcome to each moral deliberation. As we have seen, pluralists, on the other hand, allow for the possibility of rational disagreement about moral issues and therefore do not strictly require uniquely right solutions to moral dilemmas. While pluralists emphasise the possibility of reasonable disagreement, they do not think that this circumstance excludes all discussion. On the contrary, pluralists underline the importance of critical discussion, because the dilemma-like character of many moral problems makes this necessary, for if it were obvious beforehand which value deserved priority, little deliberation about moral considerations would be necessary. Strictly speaking, moral dilemmas would not even be possible. Many pluralists think that, through critical discussion, conflicts can be solved by looking for shared values. Shared values can often facilitate compromises that do justice to the opinions of both parties in the conflict.

With regard to the question of what entities deserve moral care, a pluralist might say that no one characteristic determines moral status, but several characteristics. For example, not only 'sentience' but also 'having a good of its own', 'life' or 'psychological complexity' can be the basis for attributing moral status. According to Warren (1997), this means that individual animals, species and ecosystems all deserve to be taken into consideration in our moral deliberations. As it is not possible to determine in an *a priori* fashion which value deserves priority, it cannot be determined beforehand which of these categories should be valued higher. In the case of conflict between two categories—for instance between individual seals and the population or ecosystem—it depends on the context which interest is awarded priority. This means that it is possible that in one case an ill seal should and in another case an ill seal should not be rescued. This decision depends on the nature of the situation; for example, is the seal in need of care because of human influences or not? Can the animal be rescued easily or does sheltering cause a lot of stress for this particular animal? It can be argued that monists also need to pay attention to the particular context of their dilemma in order to arrive at a moral judgement. However, the principle that is ultimately going to inform this judgement is already established beforehand. For example, a hedonistic utilitarian will want to base her decision whether or not to shelter a seal on the question of which course of action will cause the least suffering to the animal. What course of action this in fact is can only be determined by looking at the particulars of the case at hand. A pluralist, on the other hand, will look at the case at hand and examine which values and principles have a bearing on it. Which of these deserves priority needs to be argued for each type of dilemma separately.

As we expected, a plurality of values could be discerned during the interviews. Both the pathocentric and the ecocentric perspectives were present, although they were not as strictly adhered to as their theoretical descriptions would suggest. Even though there was a tension between the two perspectives, they did not seem completely mutually exclusive. In general, the fieldworkers whom we interviewed argued from the individualistic perspective, whereas policy makers took the ecocentric point of view. The researchers and animal and nature organisations showed a more variable picture, with emphasis on the necessity of prevention and on the educational function of seal shelters. A striking point was that fieldworkers had initially been motivated by feelings of sympathy for individual animals, but had gradually become more aware of the 'bigger picture' of the population and ecosystem. Another finding was that those who were furthest removed from the animals—and therefore from the conflict between helping an animal in distress and not interfering with nature—had the most extreme opinions, in

favour of the ecocentric perspective. One policy maker argued that attention to the suffering of the animals obstructs a policy based on naturalness and the integrity of wild animals. According to this person, 'the main point is that animals from the wild should be protected against animal-hugging social workers'.

As has already been mentioned above, pluralists try to find shared values and opinions in order to accommodate (reasonable) moral disagreements. From a pluralistic point of view, an interesting outcome of our research was that there were two assumptions that were shared by all the respondents. First, all agreed that if the practice of sheltering seals were to have detrimental effects on the seal population or species or on the Waddensea ecosystem, it should be stopped immediately. Secondly, an important overlap in values between proponents and opponents of sheltering is found in the importance attached to independence or wildness. After all, it is part of the inherent logic of sheltering seals that this sheltering is only temporary; the purpose is to cure and reintroduce them into their own wild habitat. The final goal of these efforts is the maintenance of an independent seal population in the Waddensea, even if the direct goal is to minimise the suffering of the seals; for if the ultimate goal were to be to minimise suffering, the seals should perhaps be kept in the shelters—where they run less risk of disease or injury—for the remainder of their lives. However, from the moment that the animal is cured, it is apparently considered to be in the best interest of the individual animal and the population alike that the animal leads a natural life in the wild. This is supported by the facts that the length of stay in the shelter is kept to a minimum and that the animal is not monitored after its reintroduction into the wild.

Wild versus Domesticated

How can we explain the apparent contradiction between the general agreement on the importance of wildness and the disagreement about the correct treatment of the animals? One starting point is that there is a *moral* difference between wild and domesticated animals. Domesticated animals are dependent on humans for their existence and welfare and this creates a *prima facie* moral responsibility to treat them well on the basis of the fact that we attribute moral status to animals. The relationship of humans with wild animals is different, because wild animals have an independent and spontaneous origin and development. Therefore, humans do not have to care for them in the same way as for domesticated animals and hence humans do not have the same responsibilities towards them. In opposition to monistic theories, such as those of Singer (1975, 1993) or Regan (1983), who argue that all animals should be treated equally (see Singer, 1993, p. 57), pluralistic theories can deal with the idea that we are justified in treating wild and domesticated animals differently. Peter Wenz (1988), for example, defends a pluralistic theory in which we have different levels of responsibility depending on our moral relationships with others. In some moral relationships we have stronger obligations than in others, depending on our closeness. By closeness, Wenz does not mean mere biological relatedness, but rather the scope of our interactions with others. As we have more interactions with, for example, pets and farm and laboratory animals, we are 'closer' to these animals and we have positive obligations towards them, whereas we only have negative obligations—the obligation not to interfere—towards wild animals. Besides this theoretical point, there are of course also practical differences between our treatment of wild and domesticated animals. Domesticated animals are 'individualised' and countable, they are part of our households, whereas wild animals usually live in larger areas where they are part of a larger context, a population and ecosystem. This makes it more difficult to monitor and help wild animals and to do so without disrupting

natural processes. It seems, then, that the individualistic and egalitarian paradigm of animal ethics which is derived from humane ethics is not appropriate for understanding and valuing our moral obligations towards wild animals. But does this mean that none of the principles of animal ethics can be appealed to in the case of wild animals?

Not necessarily; these principles merely apply in a less stringent form. Recall that the central idea of many pathocentric theories is that animals deserve moral consideration, because they share certain morally relevant characteristics with humans. One sufficient characteristic is sentience, but other characteristics that are often put forward in the ethical literature are ‘consciousness’, ‘having a good of its own’ (Taylor, 1986) and in the case of wild animals also ‘independence’ (Rodman, 1977). Apart from the last one, these characteristics are shared by wild and domesticated animals. If we look at these characteristics, it appears that respecting the moral status of domesticated animals means that we should care for their well-being and possibly their integrity. In the case of wild animals, this holds as well, as they also possess characteristics such as consciousness and therefore the capacity to suffer. All else being equal, this would mean that we should care for their well-being too. However, there is an additional characteristic that we should take into account, namely independence. Wild animals have an interest in being treated well, but also in being left alone to lead an independent life. These interests can coincide, but as the seal issue illustrates, under certain circumstances they can also be opposed to each other. Contrary to Wenz (1988), we therefore think that in principle we do have positive obligations towards wild animals as well. However, these obligations have to be balanced against our negative obligation of non-interference. This is exactly where the different parties in the seal debate disagree. Some respondents placed a higher priority on our duty to care, or beneficence, and others on our duty to not interfere. In pluralistic terms: they ranked these different principles differently.

Principles

In our view, four principles form the core of a moral theory regarding aid to wild animals. We have already noted two of them: beneficence; and respect for wildness or independence. These will have to be balanced against each other in concrete cases. We will argue that in general, but not always, respect for wildness deserves priority. There are, however, two more considerations that still leave room for sheltering animals: the second-chance argument; and the principle of restitutive justice. Beneficence is the underlying moral principle that gives rise to a duty to care for animals in distress. This duty contends that people who are confronted with suffering animals have a duty to help in an appropriate way. Of course, this does not have to entail personally helping the animal. A coincidental passer-by will usually lack the expertise for this. But according to this principle, one does at least have a duty to notify the appropriate authorities who do possess this expertise. The duty to care is even laid down in Dutch law: article 36 states that every person has a duty to give an animal in need appropriate care.⁵ Even though this principle is drafted with domesticated animals in mind, it is explicitly stated that it applies to wild animals as well. However, for the application of this principle in the context of sheltering animals from the wild, a thorough discussion is needed about the question of when wild animals are ‘in need’ and what is ‘appropriate care’. It is obviously not the intention of the drafters of the law that an organisation like ‘veterinarians without borders’ is founded, which searches for all sick, lost and old animals with the purpose of treating them with the latest veterinarian technologies. On the other hand, it is also clearly not the intention of the law that wild animals can by definition never be in need of help. Article 36 could be interpreted as not allowing

people to walk past a wounded animal in complete disregard of its suffering. It is left open, however, what specific action is demanded by law. It has to be noted that from a moral point of view, it is not always clear what action the principle of beneficence requires either. Most wild animals will experience a great deal of stress when they are in contact with humans and are being sheltered and treated. In order to prevent unnecessary suffering, this has to be weighed against the advantages for the animal, meaning the chances of success of curing the animal and its chances of survival after reintroduction.

But there are other restrictions to the principle of beneficence as well. As we saw before, the duty to care for wild animals should not be interpreted so strictly as to call for the sheltering of all animals in distress, or even preventatively sheltering all animals, if this would on the whole amount to less suffering. Apparently, the good life for an animal is not considered to exist solely in the presence of positive and the absence of negative experiences. As with human beings, a certain amount of stress and hardship is necessary in order to make one's life interesting and fulfilling. Even if this may sometimes cause suffering, we still want to be able to lead *our* lives and not the carefree life that some benevolent dictator envisions for us. In the case of wild animals, it is also generally agreed that their lives are fulfilling, or worth living, when they are free and independent. This consideration is voiced by the principle of respect for wildness or independence. The value of wildness is the ultimate justification for sheltering and reintroducing animals into their natural habitat. As became clear during the empirical research, the ultimate goal of sheltering animals is to maintain an independent seal population in the Waddensea, in which individual seals can live independently and continue their natural life cycle.

Even though this principle seems quite straightforward, respect for wildness is interpreted differently by proponents and opponents of sheltering. According to opponents, respect for wildness implies that, under normal circumstances, human intervention should be limited, because intervening *in itself* interferes with respect for wildness. During the interviews, people who took the ecocentric perspective argued that wild animals have the 'right' not only to lead an independent wild life, but also to die in the wild. Proponents of sheltering, however, connect the principle of respect for wildness to the principle of beneficence by arguing that with our help, animals that are diseased or wounded will be enabled to lead a fulfilling wild life. According to this 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. People could be seen as merely another resource for the seals, especially in a densely populated country like the Netherlands, where nature and culture are intertwined. The proximity of people does not only have to be a disadvantage for wild animals, as it creates certain opportunities for the animals to survive as well. This complies with the idea that people should be allowed to give the seals a second chance, under the condition that this does not interfere strongly with their independent existence. The conflict between opponents and proponents of sheltering, then, seems to be influenced by the question of what constitutes a wild animal's wildness or independence. Opponents seem to assume that an animal can only be wild and independent if all contact with humans is avoided. Wildness in that sense is a state almost independent of the animals; their wildness is solely dependent on whether they happen to encounter humans. Just as is the case with the concept of naturalness, we, on the other hand, think wildness is not an 'either/or' option, but a matter of degrees. An animal can be considered more or less wild, depending on certain characteristics, such as its ability to survive independently and the exercise of its species-specific character-

istics. We suggest that if an interference with an animal's life can be shown to have no effect on its behaviour or functioning in the wild, its wildness has been respected. In our opinion, respect for wildness does not, therefore, *by definition* mean non-interference. We need to formulate criteria for deciding when an animal's independence or wildness has been violated. In the absence of decisive objections, there seems nothing wrong, then, with giving wild animals that are just unlucky a second chance. This consideration explains why many people find it less justified to shelter old, ill animals than young ones that are simply lost. In the case of old, ill animals many would rather help by humanely killing them, as is the common practice in Denmark concerning *all* ill seals that are encountered in the wild. In the case of young animals, many people feel that if these animals can easily be helped they should be given a chance to lead a fulfilling wild life.

Even though respect for wildness demands that we interfere in the lives of wild animals as little as possible, we have seen that there can be exceptions for individual animals, provided that their independence is not violated by our actions. As we saw in the empirical research, another condition that is generally shared is that the population and ecosystem should not be harmed by sheltering. This seems to give primacy to an ecocentric framework. However, this can also be argued from a pathocentric point of view when we acknowledge that individual animals are dependent for their survival on their population and ecosystem. When the latter are unhealthy, so will be the individual animals within them. So, even though the interests of the population and ecosystem have priority in this specific case, all other things being equal, there should still be room for sheltering, within defined boundaries. This conclusion is supported by an additional argument, based on the principle of restitutive justice.⁶ This principle entails that if people are either directly or indirectly responsible for an animal's suffering, they have a duty to at least try to reverse this consequence by appropriate aid, care, sheltering or prevention. The idea that we become responsible through our past actions was voiced in the empirical research as well. Most people were more willing to help animals that were victims of oil spills than animals that were injured in battle with other animals, for instance. Would not the ecocentric hands-off policy be inconsistent if we allowed animals' lives to be causally influenced by human activities only in a negative way, but not in a positive way? Ecocentrists might respond that we should focus on prevention, but we can hardly rule out any negative interference with the situation of wild animals.

Conclusion

In summary, we can say that in the empirical research there were two issues that the respondents agreed on: first, the final goal of sheltering is reintroduction into the wild; and secondly, the practice of sheltering should not harm the population or ecosystem. This means that in our decision making regarding the acceptability of sheltering, the interests of the population and ecosystem should be awarded priority. It has to be noted, however, that this principle could work in favour of sheltering as well, in case the population or species is threatened with extinction, for instance. It was also argued that the principle of respect for wildness should deserve priority over the principle of beneficence. However, under the condition that wild animals would not become dependent on human aid, there is room for beneficence. This is especially the case when humans are responsible for the suffering of the animal. Criteria need to be formulated for determining which actions interfere with an animal's independence and wildness. We can conclude that sheltering on too large a scale is not preferable. This would be contrary to the efforts of the last decades to maintain an independent or wild seal population in

the Waddensea. Also, the larger the scale of the sheltering, the higher the risk of bad consequences for the ecosystem or population. However, all else being equal, we see no reason at the moment completely to prohibit shelters.

To return to a question asked at the start of this paper, if sheltering is deemed acceptable, even if it is to a limited extent, does this also mean we have a duty to do so? As we saw, according to the principle of beneficence we have a *prima facie* duty to help animals in need. This duty can be overridden by the duty to respect wildness. As we also saw, however, there can be different interpretations of the question when an animal is in need and what constitutes help. Besides sheltering, help could also be interpreted as prevention, humane killing when an animal has no chance to survive on its own, or helping on the spot. Sheltering animals should therefore be regarded as permissible, but not obligatory. However, when someone is directly responsible for an animal's suffering, according to the principle of restitution, this person does have a duty to help the animal in one of the ways noted above.

From this account, it once more becomes clear that the acceptability of sheltering animals is dependent on the specific circumstances in which an animal is encountered. Besides the factors mentioned in the foregoing, there are some supplementary motivations that can influence the decision whether or not to allow sheltering. These motivations are not weighty enough to tip the scale in one direction or the other, but they can be a contributing factor to the decision-making process in cases where the solution is not straightforward. Most of these motivations came up during the interviews and have to be discussed in the light of specific cases. These motivations are, first, that sheltering seals has contributed towards the public's consciousness of environmental problems and the importance of nature conservation. In this respect, seals have become the 'ambassadors of the Waddensea'.⁷ Moreover, the shelters offer the possibility to do scientific research in order to monitor the health of the population and the causes of disease. The expertise that is built up in the shelters can be used in the case of catastrophes such as oil spills in the Waddensea or elsewhere. Representatives of Dutch shelters, for instance, helped to rescue seals after the oil spill near the coast of the Galapagos Islands recently. One last argument that can be given in favour of (limited) sheltering is that if shelters did not exist, many people who encountered ill animals would try to rescue the animals themselves, which would cause even more stress and suffering due to their lack of expertise.

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Notes

1. The notion of 'wild animals' here refers to non-domestic animals that lead their lives in nature independent of human control and care.
2. This case study is described in detail by Christopher Stone (1987).
3. As the interviewees have been granted anonymity in this research, we cannot cite the sources of quotes from the interviews, unless they have explicitly given their approval.
4. This is even more so in the case of wild animals outside the Waddensea area, such as squirrels or badgers, that are usually casualties of traffic.
5. *Gezondheids en Welzijnswet voor Dieren* (Animal Health and Welfare Law).
6. This principle is based on Paul Taylor's (1986) theory of environmental ethics.
7. Quote from the interview with Jan Kuiper, director of a seal shelter.

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