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Animal Ethics



Killing to Kill

An Ethical Assessment of "Predator Control" on Scottish Moors

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A Report of the Oxford Centre for Animal Ethics

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Red grouse

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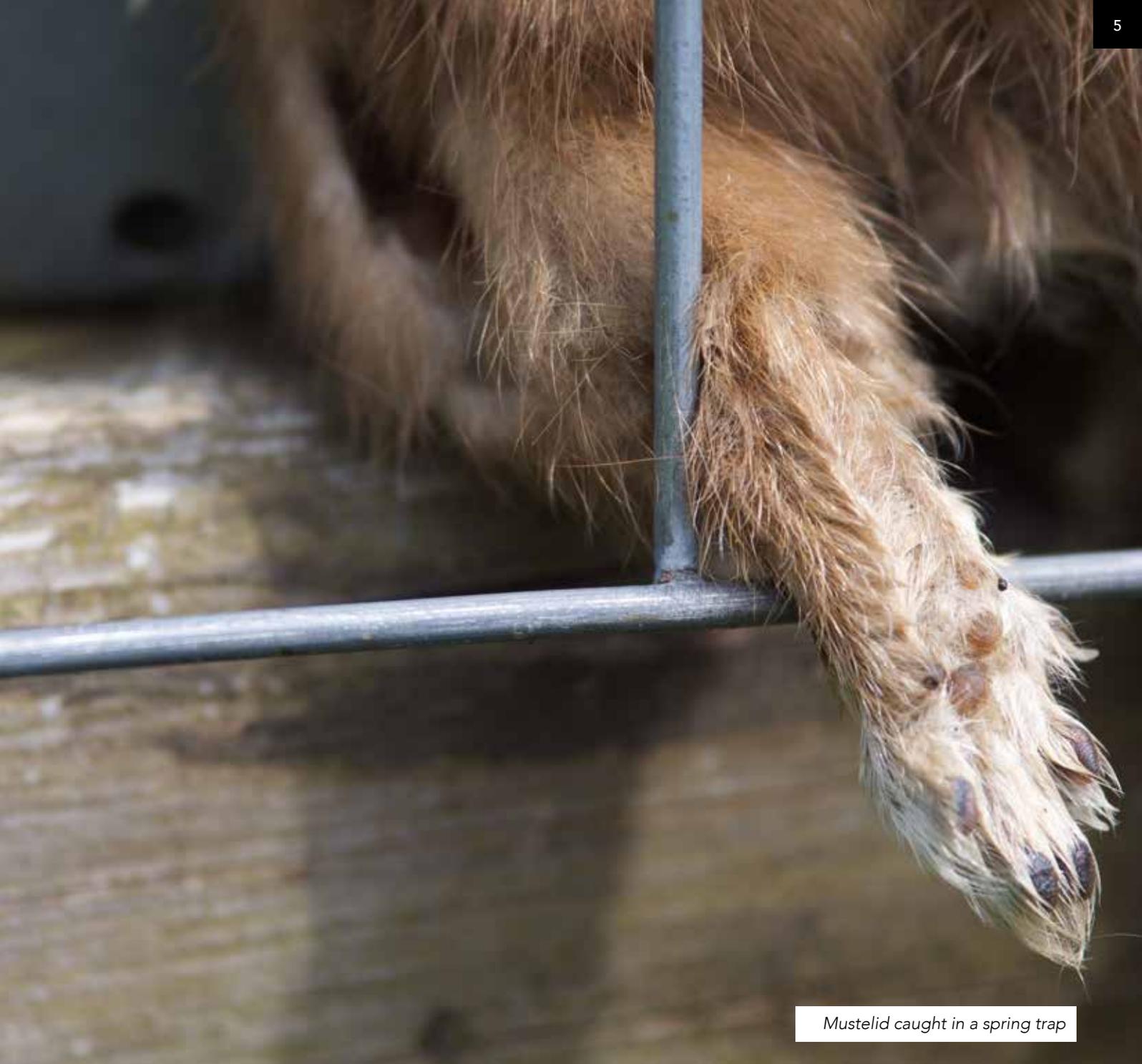
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Mustelid caught in a spring trap

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Summary and Conclusions

Chapter 1: The Introduction

1. According to the best available estimates, as many as 260,000 animals are killed each year in Scotland as part of legal “predator control” measures. The numbers alone testify to the urgent need for a thorough moral appraisal of long-standing, but too little-questioned, practices. Our language about animals, especially “predator control,” is prejudicial and often obfuscates proper moral discussion.

Chapter 2: Outlining the Facts

2. “Target” species include foxes, weasels, stoats, rats, rabbits and various types of corvids, such as crows, magpies, jackdaws, and jays. “Non-target” species include (but are not limited to) pine martens, hedgehogs, badgers, deer, and hares. There have also been reports of endangered and protected animals, such as the capercaillie and raptors being killed. In a recent report, the percentage of non-targeted animals trapped was 39%.
3. The methods used are: Larsen traps, multi-catch traps, mammal cage traps, snares, stink pits, spring traps including Department of Conservation (DOC) traps, and poisons.

Chapter 3: The Putative Justifications for “Predator Control”

4. The economic argument for grouse shooting does not dispense with the moral objection. In any case, the economic benefit is only 0.0075-0.016% of Scotland’s entire gross domestic product (GDP).
5. The argument from tradition does not hold water since tradition and culture can comprise elements that perpetuate harm or cruelty to animals or humans.
6. The aesthetic argument clouds the moral issue at hand. The maintenance of the landscape, however beautiful, need not entail the killing of animals who live in this habitat.
7. The conservation argument is untenable because of the tacit acceptance that grouse shooting is entirely a sporting activity. Claims that “predator control” helps sustain populations of capercaillie and other endangered species are negated by the fact that these species are themselves killed by “predator control” methods.

‘The conservation argument is untenable because of the tacit acceptance that grouse shooting is entirely a sporting activity.’



Chapter 4: The Impossibility of the Humane Killing of “Predators”

8. It is impossible to overstate the severity of the suffering caused to animals caught in these traps. The statements by the Agreement on International Humane trapping Standards (AIHTS) speak for themselves. Any system of killing that only causes death after 45 seconds to five minutes is grotesquely cruel.
9. Traps are still considered “efficient” if 20% of animals do not die in five minutes, but have to suffer an appalling range of injuries that would not be acceptable in any other context. And, it should be remembered that these are observations made by the trappers who are disproportionately represented on the committee which devised these putative “standards”.
10. All traps (except the DOC trap) are supposed to be inspected every 24 hours, but this time period ineluctably extends the suffering that the animals have to undergo. Entrapment for free-living animals is at best a distressing experience which obviously involves psychological and emotional harm.
11. This has to be coupled with the consideration that 20% or more of the animals trapped will have undergone actual physical injuries of a substantial kind. And when it comes to the DOC traps animals can experience not only severe injuries but also be left for an indeterminate period of time if the kill mechanism fails.
12. They are predicated on exposing animals to hours or days of prolonged suffering. Moreover, all of this supposes that these traps can practically be inspected often. This is a question in and of itself given the vast area in which the methods are used and the limited manpower available, as well as adverse weather conditions.
13. Effective legislation requires three important components: compliance, inspection, and enforcement. But illegal trapping indicates limited compliance.
14. Without adequate and independent inspection, there can be no guarantee that any time limit is adhered to. Moreover, it has to be questioned whether inspection is possible on privately owned land over considerable distances where adequate records are not kept.
15. Laws that are not subject to inspection and enforcement are worse than no laws. Suffering is made invisible in this process, reduced to being a private matter on private estates, whereas cruelty to animals is a public moral issue and should be subject to political accountability.
16. We conclude that “predator control” is uncontrollable. There are simply not the mechanisms in place to control it. Poisons and traps of various kinds are readily available for purchase in shops and on the internet. Trapping, including snares, and poisoning are inherently inhumane and cannot in almost all cases be divorced from prolonged suffering. All current methods of “predator control” either cause suffering, or prolong suffering, or make animals liable to suffering. There is no moral alternative to making all these practices illegal.

‘We conclude that “predator control” is uncontrollable. There are simply not the mechanisms in place to control it.’

Chapter 5: The Moral Reckoning

17. There is strong and growing scientific evidence that all mammals and birds, at least, are sentient. By sentience here we mean (in philosophical terms) the capacity to experience pain and pleasure. Moreover, these beings do not only feel physical pain, but also *suffer*. They experience a wide range of mental and emotional capacities, including fear, trauma, distress, foreboding, anticipation, terror, shock, stress, and anxiety in similar ways to human beings. Specifically, all animals affected by "predator control" methods (whether "target" or "non-target" species) are sentient.
18. Animals matter morally as *individuals*. Sentience means that an individual animal has interests, desires, and a sense of self. Individual animals do not only have a biology, but a biography. This is why it is morally deficient to simply speak of animals as a species or as a collectivity. It may be philosophically possible to speak of species as a whole having interests (though this is disputed), but we can clearly speak of the interests of *individual* animals. Appeals to conservation, like those made in support of "predator control," that overlook the interests of *individual* animals (and only recognise the interests of species) are morally deficient.
19. It is true that humans are moral agents, in the sense of being individuals who know the difference between right and wrong and are responsible for their actions. But as Linzey notes, "if humans are morally superior (in the sense that we are moral agents) ... our superiority should, in part at least, consist in acknowledging duties to animals that they cannot acknowledge towards us".
20. There are rational grounds for including sentient animals within the sphere of moral solicitude. These include: a) Animals cannot give or withhold their consent; b) They cannot represent or vocalise their own interests; c) They are morally innocent or blameless; d) They are vulnerable and relatively defenceless. These rational grounds are important, as they are the same grounds that underscore moral arguments concerning vulnerable others, especially infants.
21. The killing of individual free-living animals requires moral justification. Any action that wantonly despoils the life of a sentient creature without sufficient justification properly invites moral censure. The sheer numbers of animals killed in the name of "predator control" is by any standards a huge carnage of free-living animals.
22. It needs to be remembered that human wants or desires do not themselves constitute cases of moral necessity. "Predator control" in the interests of sustaining a "sport" like grouse shooting does not constitute sufficient moral justification. Killing for entertainment and pleasure simply cannot constitute a case of moral necessity.
23. The deliberate infliction of pain and suffering on individual sentients (human or animal) requires the strongest possible moral justification, if it can be justified at all. Some ethicists hold that the deliberate infliction of suffering can be justified if the good consequences outweigh the bad, which is sometimes known as a cost/benefit analysis. However, this utilitarian view cannot possibly countenance the deliberate infliction of suffering for non-essential purposes, such as "predator control".
24. Moral theory can be stretched a great deal, but it would be almost incredible to find any proper ethical defence of the tremendous suffering involved in these methods of control. Indeed, there are many ethicists who would regard such deliberate infliction of suffering as intrinsically wrong and unjustifiable in any circumstances whatsoever.

‘Any action that wantonly despoils the life of a sentient creature without sufficient justification properly invites moral censure.’

25. There are certain actions, such as child abuse, rape, or torture, that are regarded as so heinous that they can never be countenanced. There are some acts that are so outrageous that they cannot be ordered to the good of the human person. These acts in and of themselves can only be classed as intrinsically wrong, so that they harm both the victim and perpetrator. In the words often attributed to Socrates "vice harms the doer".
26. We conclude, then, that the suffering inflicted on the animals subjected to "predator control" is based on a moral disregard of free-living animals. It also betokens a disordered sense of moral priorities, rating personal pleasure over the prolonged suffering and death of animals.
27. We propose the promulgation of a new charter for free-living animals. In this, Scotland could lead the way in pioneering legislation that can encompass not only domestic animals, but also free-living ones. This legislation should begin with the recognition of sentience and enshrine in law the value and dignity of free-living animals such that their right to live unmolested is respected.

‘It also betokens a disordered sense of moral priorities, rating personal pleasure over the prolonged suffering and death of animals.’



Small stink pit

1. Introduction

Purpose of the Report

Every year in Britain, approximately half a million grouse are shot in the name of “sport” (Animal Aid, n.d.). Whilst the majority of this killing takes place in Scotland, it also occurs in Wales and parts of Northern England. A vast amount of Scotland (according to some estimates between 10-19% of the total land surface) is set aside specifically to facilitate the shooting season which runs from 12th August until 10th December (Harris and Thain, 2020, p. 2). “Gamebird” shooting has attracted political attention in Scotland in recent years (Scottish Parliament, 2023), and is increasingly regarded as both a moral (League Against Cruel Sports, 2022b) and an environmental issue (Thompson and Wilson, 2020, p. 3). However, comparatively little attention has been given to the “predator control” methods which underpin grouse shooting by ensuring that artificially high numbers of grouse are available. “Predator control” is just one of the types of “moor management” undertaken to ensure inflated numbers of grouse. Other types of “moor management” include heather burning (“muriburn”), disease management using medicated grit, and tracks for improved access (in the past, it also involved land drainage) (Werritty, 2019, p.10).

In this report, we focus on the question of whether these “predator control” methods – which result in the suffering and deaths of as many as 260,000 animals per year in Scotland (in addition to the grouse who are shot) (Harris and Thain, 2020) – can be morally justified. Chapter two (“Outlining the Facts”), details the known facts of “predator control”: the number and species of animals killed and methods of killing. In chapter three (“The Putative Justifications for “Predator Control””), we examine the putative justifications given for “predator control” and test whether they can withstand moral scrutiny. Chapter four (“The Impossibility of the Humane Killing of “Predators””), examines the issue of suffering. Chapter five (“The Moral Reckoning”) lays out the ethical case against “predator control.”

‘Much of the debate surrounding grouse shooting and “predator control” is couched in terms which instrumentalise and denigrate animals.’

The Question of Language

Before proceeding, we want to address the issue of language and how it inevitably frames the nature of our report. It is increasingly widely recognised that discriminatory language used against marginalised groups of people (for example, racist, sexist, or ableist language) plays an important role in sustaining discriminatory attitudes and behaviours, and that more inclusive language is important for deconstructing systems of oppression. In the same way, the language we use about the ways in which animals are used and killed often conceals the reality of those practices.

Much of the debate surrounding grouse shooting and “predator control” is couched in terms which instrumentalise and denigrate animals. Indeed, even the term “grouse moors” (which at first glance seems purely descriptive of a landscape) is ethically charged: The moors are home to vast numbers of different species and yet in describing them as “grouse” moors we subconsciously subscribe to the idea that the moors exist primarily for grouse and, by extension, to facilitate the grouse shooting industry. This critique applies also to the language of “game,” “game birds,” and “ground game,” which are purely human constructions of the status of other beings with no biological foundation. Again, the language of predator “control” is expressive of the deep-seated conviction that other animals, and indeed the whole of nature, is ours to control or manage. We should not forget of course that humans themselves are predators.



PS-815

Larson trap

‘... the reality is these “predators” are simply killing to survive, and their grouse victims are being saved to be killed by human predators.’

Whilst the language of “control” and the concept of “grouse moors” may be subtle indicators of endorsement of moral anthropocentrism, terms such as “pest,” and “vermin” more overtly reveal an attitude of disregard for the interests of sentient beings. Just as the use of dehumanising language can lead to the violation of human rights, so too can the use of terms such as “pest” result in a withholding of moral solicitude to vulnerable and unrepresented beings. Moreover, to speak of “decoys,” “targets,” and “culls” is to obfuscate the moral issues and, as George Orwell rightly noted in *Politics and the English Language* “[euphemisms] are largely the defence of the indefensible ... such phraseology is needed if one wants to name things without calling up mental pictures of them” (Orwell, 2000 [1946], p. 356). The grouse shooting industry’s strategy of using deceptive language which does not conjure up images of suffering animals is an effective way of legitimating its activities surrounding the killing of predators. To speak of “decoys” and “targets” is to de-animate animals and thereby render our treatment of them unproblematic. As Carol Adams has written: “Language distances us further from animals by naming them as objects, as “its”... the generic “it” erases the living, breathing, nature of the animals and it reifies their object status” (Adams, 2020, p. 46).

Even the word “predator” has negative connotations. Animals who have to eat other animals for their survival (predators), are negatively construed as villains in comparison to the animal victims they consume (prey). The terms predator and prey are themselves reductive. These are merely human ways of classifying different animals when the truth is that many animals are both predators and prey. Moreover, it is reductive to characterise their entire lives in these terms since they do many other things besides seeking food and trying to avoid being eaten. By describing animals exclusively in these terms, we overlook the fact that animals often lead rich and complex lives. It is ironic too that some of the birds we currently protect in law are themselves commonly called “birds of prey.”

Further, the term “predator” is often used to describe sexual abusers such that, in our minds, predators are “bad” and thus controlling them is not only understandable, it is somehow essential. Of course, this language may not be consciously chosen to portray these ideas. This is an extension of the idea that the term “animal” is one of the most abusive words we can use about humans (Peggs, 2012). But subconsciously, by labelling some animals “predators” in need of “control” we mark them as fair “targets,” villains whose actions need to be “managed,” with corresponding grouse victims who need to be saved. Of course, the reality is these “predators” are simply killing to survive, and their grouse victims are being saved to be killed by human predators.

This report will purposely use language to clarify rather than obfuscate the moral issue. “Targeted” and “non-targeted” will be used rather than “target” and “non-target” animals or the words will be placed in quotation marks. The animals in question are not merely targets, but those selectively targeted as “predators” of grouse by the shooting industry. Similarly, where possible, we will use “moors” rather than “grouse moors” and use the term “predator control” only in quotation marks. In addition, the word “wild” has obvious perjorative connotations, and we have therefore substituted the words “free-living” throughout (see a discussion in Linzey and Cohn, 2010). To the extent that it is possible, we will choose our language carefully to reflect the reality of the suffering and deaths of animals that occurs to “manage” the moors for the grouse shooting industry.

In addition, the language of conservation should be challenged. It is commonly supposed that conservation and conservationists are concerned with *conserving* species and the environment. But, as now utilised, conservation is more about killing one animal and/or species to conserve another (favoured) species or animal. Hence the contradiction in the title of the British Association for Shooting and Conservation (BASC). In the light of this, the language of conservation cannot be taken at face value because it often befuddles the moral issue. Conservation is not as currently practiced *preservation*. Even within the conservation community, there is now an increasing debate about whether conservation has been mis-styled and whether it sufficiently values the interests of individual animals, as distinct from species as a whole (see Bekoff, 2013; Heister, 2022).



Dead raptor



2. Outlining the Facts

The animals killed in pursuit of “predator control” include both “target” and “non-target” species. “Target” species include foxes, weasels, stoats, rats, rabbits and various types of corvids, such as crows, magpies, jackdaws, and jays. “Non-target” species include (but are not limited to) pine martens, hedgehogs, badgers, deer, and hares. There have also been reports of endangered and protected animals, such as the capercaillie and birds of prey being killed by “predator control” methods (see below).

A recent survey commissioned but not conducted by the League Against Cruel Sports found that as many as 39% of animals trapped as part of “predator control” measures were “non-target” species (Harris and Thain, 2020, p. 33). A distinction, between legal and illegal “predator control” methods should be made from the outset. Although this report focuses primarily on legal forms of “predator control,” it is important to recognise that the two forms are inevitably linked. Both are undertaken to ensure artificially high numbers

of grouse. As the Royal Society for the Protection of Bird’s (RSPB) 2021 *Birdcrime* report shows, there is “a clear connection between raptor persecution and land managed for gamebird shooting” (RSPB, 2021a, p. 4). The findings of the *Grouse Moor Management Review Group* (hereafter the Werritty report), reveal that “as well as being targeted directly, some raptors are killed incidentally in attempts to trap or poison other predators” (Werritty, 2019, p. 30). Some of the animals killed illegally include hen harriers, red kites, peregrines, and owls (RSPB, 2018, p. 2). Shockingly, out of 58 hen harriers who were satellite-tagged as part of a government study between 2007-2017, 72% were either killed or suspected to have



‘The best available estimates indicate that as many as 260,000 animals are killed as a result of legal “predator control” practices each year in Scotland.’

been killed on or near British moorland managed for grouse shooting (Murgatroyd et al., 2019).

The best available estimates indicate that as many as 260,000 animals are killed as a result of legal “predator control” practices each year in Scotland (Harris and Thain, 2020). It is clear from the numbers that animal suffering and death is occurring on an industrial scale on Scottish moors, even before a single shot is fired at grouse. It is problematic that more exact figures are unavailable. There is no legal obligation for estate managers to publicly declare the number of animals trapped and killed as part of “predator control” measures. Given that there is no legal requirement to report such deaths and given that some of the main traps used are readily available to purchase without special licences (e.g., on eBay and Amazon), considerable numbers of Scotland’s free-living animals run the risk of suffering painful and protracted deaths. The numbers alone testify to the urgent need for a thorough moral appraisal of long-standing, but too little-questioned practices.

Methods Used

Before discussing whether “predator control” on Scottish moors can be morally justified, it is necessary to begin by describing the methods used. Some of the most commonly employed methods include:

Larsen Traps

These are “live” traps designed to capture but not kill corvids (e.g., crows, magpies, and jackdaws). A “decoy” bird, that is a live bird that is usually another corvid, is placed inside the trap to lure territorial corvids to the trap. There is a legal requirement to check these traps every 24 hours and to provide water, food, shelter, and a resting perch. However, an undercover investigation has revealed that at least some Larsen traps were not inspected for almost 35 hours, with the birds left without water (Animal Aid, 2018). According to the general licenses issued under the Wildlife and Countryside Act 1981, birds caught in Larsen traps should be “killed humanely.” But, there is evidence of birds being beaten to death (RSPB Birdcrime 2021 Report, p. 8). The “general license” for these traps states that a humane killing would involve a single swift action (e.g., breaking the neck) as soon as practically possible after the animal has been discovered in the trap, and within the 24 hour window. However, even the Game and Wildlife Conservation Trust (GWCT) admits that corvids are surprisingly strong and that it takes considerable force to kill these birds instantaneously (GWCT. (b). n.d.). In addition, there is no legal requirement to kill the captured bird out of sight of the “decoy.” It is unclear how long the “decoy” (live bird) remains in the cage and how many times the bird is repeatedly used. Although GWCT discourages “clipping,” there is evidence of the wing and tail feathers of magpies being removed so as to prevent escape (GWCT, 2014, p. 3). The question of whether wing clipping counted as “maiming” went to court and it was determined that wing clipping does not apparently count as maiming (GWCT, 2014, p. 3). It is also unclear what mechanisms there may be for the enforcement and inspection of the law (we will return to this issue later, see chapter 4).

‘... there is evidence of the wing and tail feathers of magpies being removed so as to prevent escape.’



Mustelid in spring trap



Mutilated decoy magpies



Multi-catch Traps

(e.g., funnel and ladder crow-cage traps)

Like Larsen traps, funnel and ladder crow-cage traps are “live” traps designed to capture but not kill corvids. These traps must be operated under “general licence,” meaning that only authorised persons (e.g., landowners) are legally permitted to operate the traps, provided they adhere to the terms of the license (GWCT, (g), n.d.). Multi-catch traps are sometimes preferred over Larsen traps because they can hold a greater number of birds. Although multi-cage traps are typically larger than Larsen traps (in order to accommodate more trapped birds), the general license does not specify precise dimensions (GWCT, (g), n.d.). Funnel and ladder crow-cage traps must be inspected every 24 hours and “decoy” birds must be provided with food, water, and shelter. It is tempting to imagine that the larger size of crow-cage traps entails better welfare for animals caught in them, but it is important to remember that, as multi-catch traps, numerous birds (including birds of different species) can be held together in a confined space. Hence, the reduction of stress facilitated by a large cage is outweighed by the increased stress of being confined with numerous other birds, many of whom are territorial and will therefore fight with no possibility of escape.

Moreover, again on account of their larger size, the RSPB states that multi-catch traps have been shown to be “very effective at catching raptors, particularly buzzards, as well as corvids” (RSPB, 2019). The RSPB has documented numerous instances of raptors being caught in multi-catch traps and subsequently being illegally killed as well as instances of operators repeatedly failing to inspect traps every 24 hours. They have collected “an ever-increasing dossier of evidence showing that these traps are routinely misused and that birds of prey caught in these traps are regularly killed” (RSPB, 2019).

The negative impacts of multi-catch traps on individual animals are severe: both “target” and “non-target” animals (as well as “decoys”) can legally experience the stress of confinement for up to 24 hours (and, in practice, longer). As with Larsen traps, although trap operators are required to kill “target” species humanely and efficiently, the guidelines on how to achieve this are unclear. Moreover, as with many of the other types of traps used on Scottish moors, funnel and ladder multi-catch traps are indiscriminate, meaning “non-target,” protected, and endangered species can be affected.

Mammal Cage Traps

These are another type of “live” trap, designed to capture, but not kill, mammals (particularly foxes). Unlike Larsen traps, mammal cage traps do not rely on “decoys” to entice animals in but, instead, they are typically baited with food. Under UK law, these traps must be checked at least once every 24 hours and the animal must be killed “humanely.” Usually, but not always, the method of killing is by shotgun. How humanely they are killed is considered further in chapter 4.



Crow cage trap

Snares

These traps are designed to catch animals around the neck, like a noose. Although foxes are often the intended “target,” the indiscriminate nature of snares means that many “non-target” animals are caught, sometimes including domesticated animals (BBC News, 2018). There have even been cases of snares injuring humans on Scottish moors (OneKind, n.d.). Snares are intended to hold the animal quietly until a gamekeeper arrives to finish the kill (within a 24 hour window). Snares inevitably mean that animals can struggle for hours in considerable pain and distress once caught. This means that the animal can suffer up to 24 hours and that is presupposing that game keepers comply with the law, which is problematic (see later discussion in chapter 4). Snares are currently legal in Scotland but there is a proposed ban under consideration (BBC News, 2023), along with a small number of other European countries, but were recently banned in Wales (League Against Cruel Sports, 2023).

‘Snares inevitably mean that animals can struggle for hours in considerable pain and distress once caught.’



Stink Pits

These consist of mounds of animal carcasses surrounded by snares. The animal carcasses are intended to entice other predators to the stink pit with the aim of catching the animal in one of the multiple snares. Again, animals lured by the stink pit and caught by the snares can suffer for up to 24 hours, and this is supposing the legal regulations are respected. A wide range of animals are used including fish, foxes, pheasants, deer, and even legally protected pink footed geese (OneKind and League Against Cruel Sports, 2016, p. 26). It is unclear what animal parts or bodies are used in the pits.

In addition, there is documented evidence of sheep carcasses being used in stink pits (Harris and Thain, 2020, p. 11). The Agriculture and Rural Economy Directorate (2017) requires the bodies of farmed animals who have died from natural causes to be disposed of in such a way as to prevent other animals accessing the corpse, thereby preventing harm to people, animals, and the environment (Agriculture and Rural Economy Directorate, 2017). If snares are banned, it would seem that stink pits will no longer be used.

‘Animals lured by the stink pit and caught by the snares can suffer for up to 24 hours.’



Stink pit

Spring Traps

These work by luring the animal into the trap and then an automatic spring mechanism supposedly operates to kill the animal. There are various types of spring traps. Fenn traps and Springer/ Solway traps were widely used, but the “Department of Conservation” (DOC) trap has largely replaced them. These traps were developed in New Zealand by their government’s Department of Conservation and were putatively judged as the “gold standard” for humane trapping. The DOC trap meets the standards set by AIHTS (Agreement on International Humane Trapping Standards to which the UK is a signatory), according to which specific species of animals should die within 45 seconds of being struck on the head. Spring traps have been subject to review through the years in recognition of the fact that they do not always deliver a quick or humane death. The introduction of DOC traps (the latest type of spring trap) places too much confidence in the effectiveness of the kill mechanism, potentially leaving animals to suffer for hours or even days. Once set, there is no legal requirement to inspect DOC traps within any specific timeframe because they are presumed effective enough to ensure a quick kill. How reliably this trap kills within 45 seconds is currently unknown, at least there is no independent data to establish how effective these devices are. It should also be noted that 45 seconds (three quarters of a minute) is a long time to die, and does not meet the standard required by non-religious slaughter, which requires instantaneous stunning to render the animal unconscious (FAWC, 2003, para 8, p. 2). Even if the trap always works effectively (which is far from clear) it is uncertain whether the animal concerned will recover from unconsciousness in due course and have to endure injury as well as incarceration for an unspecified amount of time. There are three

models of DOC traps, which have different dimensions depending on species of animal who is targeted (see GWCT, (d). n.d.). DOC traps have the same sized excluders (i.e., grills) around them as the older spring traps which evidence has shown to allow “non-target” animals, such as hedgehogs, to get through them (Harris and Thain, 2020, p. 23). In addition, many smaller “song birds” are caught in traps not fitted with an excluder, for example, blackbirds, mistle thrushes, skylarks, and starlings (Harris and Thain, 2020, p. 21). Even when they are effective, the use of excluders is not a legal requirement.

‘... there is no independent data to establish how effective these devices are.’



Mustelid in DOC trap

Poisons, sometimes called “pesticides” or “biocides”

A range of poisons are used as part of “predator control” methods (e.g., bromadiolone, flocoumafen, and brodifacoum). Most of these are marketed as rodenticides i.e., as specifically for the targeting of rats or other small rodents, but Scottish law allows poisoning of a range of species, including rabbits and grey squirrels (NetRegs, n.d.). It is unclear how far poisoning extends beyond these species or how reliably culpability can be established, especially since only a handful of prosecutions have been made (RSPB, 2021a). These poisons also present risks to species who might ingest the corpses. The RSPB have stated, “Worryingly, now brodifacoum is being found in birds of prey in concentrations well beyond lethal levels. The misuse of rodenticide is a criminal offence. But it’s also an increasing concern that criminals are now fully aware of brodifacoum’s effectiveness as an abuse product to deliberately target wildlife” (RSPB, 2021a, p. 12). For example, in the first half of 2021, brodifacoum was found in 25 dead birds of prey (Horton, 2022). As the head of the RSPB’s investigations team has noted “somebody somewhere has worked out ... that this would be an effective way to kill birds of prey” (Horton, 2022). Hence, poisoning contributes to both legal and illegal forms of “predator control.” Most of the poisons used are anticoagulants which thin the blood, leading to internal bleeding and blood haemorrhage over the course of several days (Whitfield et. Al., 2003). As poisons may be ingested by any animal, the probability, if not certainty of harming non-targeted species is high.



Poison cache

Campaign for Responsible Rodenticide Use (CRRU), supported by BASC, provide a code of “best practice” and guidelines for the use of poisons (BASC, (d), n.d.). BASC even offer “approved certificates” which “include the *Rat Control for Gamekeepers* course which has been developed by BASC and other shooting organisations working with CRRU” (BASC, (d), n.d.; original emphasis). However, by their own admission “even with the use of recommended methods of application, some contamination of wildlife is likely when gamekeepers use rodenticides in the countryside” (CRRU, 2017, p. 9). Further, they acknowledge that “the percentage of exposed barn owls [to poisons] is actually closer to 90%” as opposed to the previous thought peak exposure of 40% (CRRU, 2017, p. 4). Although they say that poisoning should be the last resort in “pest management,” by their own account the use of poisons is negatively impacting other species and the environment.

It may be countered that poisons are only illegally used on moors when raptors are killed. However, much the same as multi-cage traps, legality and illegality are misnomers here. The traps and poisons are not in themselves illegal, they are only found to be illegal when an animal, such as a raptor, is illegally poisoned or trapped and not released in a timely manner. This makes it very difficult to demonstrate that poison has been illegally set and the same for multi-cage traps.

‘Most of the poisons used are anticoagulants which thin the blood, leading to internal bleeding and blood haemorrhage ...’



Mustelid in spring trap

3. Putative Justifications for “Predator Control”

In this chapter, we examine some of the most frequently made arguments to justify “predator control.” We use the word “argument” rather loosely because many of the putative justifications constitute little more than a statement of fact or opinion. Properly speaking, an argument should consist of a series of rational considerations leading to a logical and coherent conclusion. In each of the cases below, we begin by citing a defence of “predator control” and then examine whether the justifications are morally sound.

Although these arguments predominantly relate to grouse shooting (which is not the focus of our report) they are often used directly or indirectly to justify “predator control.” Since “predator control” on these moors is primarily, if not exclusively, undertaken to support the grouse shooting industry, the justifications are inevitably related.

With every argument we have tried to find the very best justifications for these control practices. We consider the strongest arguments and subject them to scrutiny.

a. The Economic Argument

The benefits grouse shooting brings to upland economies are felt by the many, not just the few ... For Scotland, a 2010 report estimated that grouse shooting was worth around £23m in Gross Domestic Product (GDP) annually. (BASC, (c) n.d., s. 40 and s. 42)

The economic argument merits some scrutiny. The most recent available data (from 2010) shows that the entire grouse shooting industry creates just 0.0075 to 0.016% of Scotland’s GDP. Specifically, the GWCT (2010) report estimated that payments to estate owners and salaries for estate employees created between £6.7 and £14.5 million in wages and between £10.7 and £23.3 million of GDP in the year 2009. These numbers include both direct contributions (e.g., “gamekeeping” jobs) and indirect contributions (e.g., hospitality jobs created from hotel stays linked to grouse shooting). Total Scottish GDP in 2009 was £142 billion. The direct and indirect contribution of the grouse shooting industry is therefore likely within the range 0.0075 to 0.016% of GDP. The GWCT report does not provide any economic cost estimates related to grouse shooting (e.g., the cost of policing “wildlife” crime) nor does it include the costs of negative economic externalities (e.g., large areas under private management and not available for usage by the general population). The putative positive benefits to the economy are not balanced against environmental damage, policing, private vs public access, not least of all the suffering of hundreds of thousands of animals involved.

While there is a right to responsible access of all land in Scotland, some estates discourage walkers. As the UK’s former deputy chief veterinary officer Alik Simmons writes, “Most killing of wildlife in the UK takes place on private land given over to shooting, and those involved go to great lengths to keep it private ... In short, vested interests hamper change” (Simmons, 2023).

Of course, if grouse shooting did not exist, it does not follow that Scotland would lose 0.0075 to 0.016% of GDP because other industries would most likely use the land or spare labour (for example, for tourism). In any case, given the small contribution to GDP, it is an exaggeration to claim that the economic benefits are “felt by the many.” It is also worth noting that these numbers reflect the direct and indirect economic benefits of the entire grouse industry and that, therefore, the economic benefits derived from “predator control” are likely to be a fraction of this already small total. On closer inspection it is questionable whether the economic benefits derived from grouse shooting are as large as the industry claims.

Moreover, it is important to recognise that economic arguments cannot by themselves determine the morality of a range of human practices. All manner of morally reprehensible activities might be sanctioned or justified if economics alone was to be the criterion of what is right or wrong. Indeed, historically, defenders of slavery made the argument that, since much of the British economy was either directly or indirectly reliant on the slave trade, its abolition would be harmful (British Library, n.d.). Similarly, an economic argument could be used to justify extortion, but the moral question remains unresolved. Hence, regardless of whether the economic contributions derived from grouse shooting and the related activity of “predator control” are great or small, it is important to realise that financial gain cannot be the sole arbiter of whether a practice is morally licit.

Another version of this argument is that the grouse industry attracts tourism:

Grouse shooting has a role to play in the future development of Scottish tourism. As an activity that supports economic activity in remote areas, and as an increasingly profitable one, Scottish policymakers should consider engaging with the industry to secure, and potentially increase, its contribution to the Scottish economy. (GWCT, 2010, p. 40)

At first glance, this seems like a plausible argument. An increase in tourism to remote areas can be a powerful force of regeneration to the communities that live there. However, this argument relies on two questionable assumptions. The first is that grouse shooting is the most fruitful economic activity that could occur in that region. With the growth of eco-tourism and nature tourism, it cannot be assumed that tourism derived from shooting animals would be more profitable than tourism to simply enjoy animals in their natural habitats. Given that the moors are home to many more animals than just grouse, these species may even increase with an elimination of "predator control," it is plausible that Scottish moors would continue to attract nature enthusiasts even if grouse shooting and the practices associated with it became illegal. The second is that grouse shooting economically benefits those outside of the grouse shooting industry.

In fact, the moors are owned by a relatively small number of people, and Scotland has "the most inequitable land ownership in the West" with more than half of Scotland owned by fewer than 500 people (McKenna, 2013). The industry creates around 2,500 jobs, with average earnings of £11,500 per year (Tingay & Wightman, 2018). In addition, the GWCT provides no evidence to support the putative claim that the industry is increasingly profitable. In short, the argument for economic benefit is largely an argument from vested interests, which benefit a minority of Scots (and their visiting English counterparts) enjoying a relatively privileged lifestyle.

The point is that even if the economic benefits derived from grouse shooting were significant, there would still be a moral case to answer.



‘... it cannot be assumed that tourism derived from shooting animals would be more profitable than tourism to simply enjoy animals in their natural habitats.’

b. The Argument from Tradition

Considered by many to be the 'rich man's' gamebird, the red grouse has been walked-up and shot over dogs [sic] since Stuart times ... Red grouse shooting on a large scale really began from the 1870s onwards. (Jones, n.d.)

Grouse shooting, and by extension the "predator control" measures which facilitate it, is often defended by recourse to the notions of "tradition," "community," and "identity." At first sight, these claims might seem like a reasonable defence of shooting. After all, as societies become increasingly homogenised, as globalisation spreads, the impulse to retain local culture, tradition, and heritage seems not only natural but also laudable.

However, history reveals that even some of the most scientifically and morally advanced cultures have observed traditions now regarded as morally lamentable, if not barbaric. For example, enslavement and pederasty were common practices in ancient Greek culture. Again, *sati*, or the practice of burning women alive on their husband's funeral pyres, occupied an important place in Indic culture and tradition and was only outlawed in 1829. Thus, the mere fact that a practice forms part of a culture's "traditions" is not by itself sufficient moral sanction. Moreover, if we look at instances where societies have made moral progress (such as in the abolition of slavery, the advancement of child rights, or the provision of legal protections to nonhuman animals), we observe that these developments have often involved a reappraisal of traditional values and perspectives. By clinging unquestioningly to old traditions, societies may overlook opportunities for progress and may fail to notice their moral blind spots. The salient point is that culture is not static. It is subject to moral change and renewal. We are not of course claiming that predator control is identical in all respects to other forms of human abuse. While some people may object to human comparisons, they are made to emphasise the point that cultural toleration of abusive practices, human or nonhuman, change.

Another way of expressing this argument is an appeal to culture: "Grouse hunting has been a traditional sport in the UK for centuries. The red grouse is the only [sic] bird native to the UK and is an important part of British culture" (Perrott, 2022) (we shall turn to the issue of sport in the next section). All that needs to be said here is that just because a practice has cultural significance does not in itself make that practice moral. Bull-baiting, dancing bears, cock fighting, and fox hunting are all practices that had cultural bases, but which are no longer considered morally licit. Further, the statement "The red grouse is the only [sic] bird native to the UK and is an important part of British culture" would be true regardless of whether the grouse are shot. Grouse, and indeed the other creatures who live on the moors, can remain an important part of culture without the need to shoot and kill them. In a similar lyrical vein, Baroness Mallalieu claimed that "[fox] hunting is our music, it is our poetry, it is our art, it is our pleasure ..." (Mallalieu, 1999, p. 468). But now that fox hunting has been made illegal, while some people's pleasure (a very small number indeed) may have diminished there has been no discernible damage to what may be termed the culture of the countryside.



Skull of bird of prey on grouse moor



Larson trap

Another version of this argument is that it is tied to a sense of identity: "Shooting has permeated my very being. It defines my life... [it] is a link to the past (tradition) and future ... It is a part of my identity ..." (BASC, 2016, p. 10 and p. 17). The issue of identity has grown in significance during the last few years. No one should want to threaten another person's identity or sense of belonging. These things are part of what it means to be human and to live in a state of flourishing. However, from a moral standpoint the appeal to identity must have definite limits. It cannot justify death and suffering to sentient creatures, animals or humans. Many habits, good or bad, can constitute part of a person's identity. For example, female genital mutilation (even though illegal in the UK) is tolerated by various countries or sub-cultures within them and has been claimed to be a part of group and/or religious identity. Identity can be constructed around many facets of our being, but it does not itself constitute a moral argument.

In short, the argument from tradition amounts to little more than a statement that this is the way things have always been done. It is noteworthy that precisely the same argument, the argument from "tradition," was made in defence of badger baiting, fox hunting, and hare coursing (Bronner, 2007). All three of these historic pastimes are now prohibited in Scotland in recognition of the suffering they imposed on animals. Whilst we acknowledge the place of tradition in fostering a sense of identity and community, we maintain that recourse to this notion is not a sufficiently compelling reason to overlook, dismiss, or justify the suffering and death of more than a quarter of a million sentient animals every year. As Scotland looks

towards the future – a future in which the rights and interests of those historically marginalised by wider society are increasingly recognised – the moment has come to ask whether new traditions, built on respect for sentient beings, might supplant and surpass old ones. It is not true that grouse shooting has widespread support, indeed a 2020 survey found 71% of respondents were against grouse shooting, with only 12% in favour. The views were shared in both urban and rural locations (Cassidy, 2020). Further, national polling in Scotland carried out in 2021 by the Diffley Partnership found that 69% of Scots oppose grouse shooting for sport while 65% oppose "predator control" on moors (League Against Cruel Sports, 2022a).

The key point is that tradition, culture and identity should be classed as morally neutral. In so far as they comprise practices that promote empathy, kindness, and justice, they should be lauded and safeguarded. But when they comprise elements that perpetuate harm or cruelty to animals or humans, they should be resisted or jettisoned.

c. The Aesthetic Argument

Moorland ... is particularly prized for its sense of openness, and heather is a feature that contributes to the quality of the experience. In fact, more than 90% of English grouse moors fall within an AONB [Area of Outstanding Natural Beauty] because of their landscape value. Most of these sites were designated because of the work grouse moor managers do in sympathetically conserving and managing this habitat. However, landscape quality would be affected in the uplands through scrub and bracken encroachment. Without grouse moor management, therefore, landscape quality would be impacted and the uplands would look very different. (BASC, (c) n.d., section 53)

The Latin maxim “de gustibus non disputandum est” (“in matters of taste, there can be no disputes”) famously signals the *subjectivity* of aesthetic preferences. Even if there is no objective measure of beauty, there is widespread agreement concerning the beauty of Scottish moors. However, the claim that grouse shooting (and by implication the “predator control” measures which underpin it) is necessary for maintaining this beauty simply obfuscates the moral issue. To assess the moral quality of a set of practices with reference to the aesthetic outputs they facilitate is to confuse ethics with taste. By this logic, the human sacrificial burials of ancient Egypt in which servants, priests, and women were forced to “accompany” dead pharaohs to the afterlife could be morally justified insofar as this necessitated larger and more imposing tombs. Yet, clearly, we do not accept that the killing of innocent people was justified simply because their deaths formed part of an elaborate ritual, even though it contributed to exquisite ancient art works. Similarly, we cannot justify the industrial scale killing of animals on Scottish moors simply by reference to beautiful landscapes which the shooting industry helps to create and maintain.

Additionally, whilst many agree that the Scottish moors are beautiful, this is not universally accepted. As REVIVE – The Coalition for Grouse Moor Reform (REVIVE) argue, if Scotland’s moors were left to revive and regenerate, the landscape could be transformed to support a greater diversity of plant and animal life. REVIVE observe that “For over 150 years, moorland in Scotland has been managed for red grouse-shooting ... The resultant heather moorlands that are sometimes regarded as an iconic part of the Scottish landscape are, in reality, highly modified habitats managed to encourage high populations of one species, red grouse” (REVIVE, n.d.). Left alone, without human interference, Scotland’s moors may be re-populated with trees, forming a landscape at least equally beautiful as the present one.

One response from the shooting industry to the argument that the moors are a managed landscape has been:

[The] claim that heather moorland is an ‘industrial landscape’ is simply ridiculous. It is one of the rarest landscapes in the world and for many people one of the most beautiful. If it is so dreadful, why do millions of people flock to these areas in every season of the year? ... That Britain has custodianship of 75% of the world’s heather moorland is in part due to the fact that grouse shooting has perpetuated the ancient manage techniques which created it in the first place. It is a rich and beautiful landscape, beloved by millions and about as industrial as a wildflower meadow. (GWCT, 2016)

However, this is again an argument that clouds the moral issue at hand. The maintenance of the landscape, however beautiful, need not entail the killing of animals who live in this habitat. Even if it is judged that the landscape should be preserved, that does nothing to support the argument for “predator control.”



Heather burning on grouse moor

d. The Conservation Argument

Land managed for game shooting provides huge benefits to the environment. It is a major resource in promoting biodiversity and assisting the UK to achieve the targets set in national and local biodiversity action plans. (BASC, (b). n.d.)

One of the most frequently advanced arguments in defence of “predator control” is that these measures are necessary for conservation purposes. Since grouse are ground-nesting birds, their eggs and their young are particularly vulnerable to predation. Thus, the argument from conservation asserts that in removing predators of grouse, other ground-nesting birds vulnerable to predation are thereby also protected. The GWCT maintains:

High predation pressure can halt sustainable driven wild game shooting, and reviews of many research papers indicate that it can prevent the recovery of declining species of wildlife ... In the uplands, black grouse and capercaillie ranges would contract further if predation pressure increased. Birds such as curlew and lapwing are typically now restricted to upland areas where predators are controlled to benefit red grouse. (GWCT, (d) n.d.)

Ground-nesting birds such as capercaillie, lapwing, and curlew are amongst Scotland’s most iconic species. The decline in their numbers has been dramatic and is a source of great concern. For instance, the RSPB’s 2021-2022 survey estimated that as few as 542 individual capercaillie remain in Scotland (RSPB, (b), n.d.). The capercaillie is a “priority species” under the EU Bird Directive and, without sustained and coordinated efforts to reverse current trends, there is a serious risk that this (reintroduced) species will become extinct (for a second time) in the next few decades (RSPB, (b), n.d.). Similarly, the lapwing and the curlew are both on the UK’s conservation “red list” (RSPB, 2021b). In Scotland, numbers of lapwing have fallen by 29% since 1987 (RSPB, (d), n.d.) while the number of curlew fell by 42% between 1995-2008 (RSPB, (f), n.d.).



Grouse shooting butt

There are several reasons for the sharp decline in capercaillie, lapwing, curlew, and other ground-nesting birds. For example, whilst predation undoubtedly plays a part, other key drivers include climate change (Carrell, 2022), changing agricultural practices (RSPB, (e), n.d.), the loss and fragmentation of habitat (Cairngorms Capercaillie Project, n.d.), deer fences (NatureScot, 2021), and other disturbances from humans.

Although the pro-shooting industry promotes the idea that “predator control” is necessary for conservation, they have failed to produce compelling data in support of this claim (Harris, 2022, p. 24). On the contrary, in the last quarter of a century, fox numbers across Britain have fallen by 44% (Harris, 2022, p. 24). Additionally, between 1970-2016 weasels shrank in occupancy of land by an average of 4.2% per year (Mammal Society, 2021). Declining numbers of these predators has not led to an increase in numbers of ground-nesting birds; in fact, lapwing numbers have fallen by 43% and curlew numbers by 48% in the last 25 years (Harris, 2022, p. 24).¹ Thus, Harris concludes that “at the population level there is no evidence that reducing overall fox numbers is of conservation benefit to ground-nesting birds” (Harris,

2022, p. 24). It may well be that predators play some role in suppressing the numbers of ground nesting birds, but that by itself does not provide sufficient moral justification for “predator control” measures. But even if they do suppress the number of ground nesting birds, there are other alternatives. As the authors of the 2021 NatureScot report on capercaillie suggest, another “potentially effective (but less tested) alternative would be diversionary feeding of predators (i.e., provision of alternative food so as to minimise their predation on ... eggs and chicks) ... [during] the most critical period of the breeding season” (NatureScot, 2021).

¹ These figures reflect declines in numbers across the whole of Britain, rather than for Scotland alone. Hence, the slight discrepancy between the figures given previously in this section.

Aside from the dearth of evidence to suggest the necessity of “predator control” for conserving endangered ground-nesting birds, there are other reasons to be sceptical of the shooting industry’s suggestion of conservation. In acknowledging the complexity of moor management practices, and the inevitability of having to make certain trade-offs, the Werritty report notes that “The paucity of robust, scientific evidence on the environmental and socio-economic impacts of many of these management activities has been one of the most striking findings in this review” (Werritty, 2019, p. 19). The Werritty report is not alone in pointing out the connection between illegal raptor persecution and land managed for “gamebird” shooting (Werritty, 2019, p. 30 and RSPB, 2021a, p. 4). Crucially, the Werritty report observes that “As well as being targeted directly, some raptors are killed incidentally in attempts to trap or poison other predators ... Discovered cases of raptor killing probably represent only a small portion of actual cases” (Werritty, 2019, p. 30).

Arluke and Sanders (1996) observe that “societies rank everything on a ladder of worth, including people and animals, and systems of social control perpetuate these rankings” (p. 168). So, once we are concerned about non-targeted animals being victims it means the animals who are the intended victims are overlooked. In this case the grouse are the “good animals” whereas the “pests” are the bad animals who need to be controlled (killed), but sometimes “good animals” such as protected and endangered species are victims.

Although the shooting industry claims to be concerned about the conservation of some of Scotland’s most endangered species, in fact, there is evidence to indicate that “predator control” measures have actually negatively impacted ground-nesting birds, such as the capercaillie and the hen harrier. For instance, between the 1960s and 1999 at least 46 capercaillie died in snares intended to trap foxes, but the true figure is suspected to have been much higher (Cosgrove and Oswald, 2001). Again, between 2004 and 2007, 77% of 269 incidents of snaring reported to the Scottish Society for the Prevention of Cruelty to Animals (SSPCA) involved non-targeted animals including protected/ endangered species such as badgers, hedgehogs, pine martens, otter, and owl (Harris, 2022, p. 26).

For all the reasons identified above, therefore, it is impossible but to conclude that “predator control” measures cannot be either scientifically or morally defended by the argument from conservation. In fact, given (a) the indisputable connection between grouse shooting and illegal raptor persecution, (b) the fact that so many non-targeted animals are affected by “predator control,” and (c) the fact that endangered ground-nesting birds continue to be in decline despite these measures, we conclude that the shooting industry promotes “predator control” as part of a pseudo-conservationist agenda, as a mere pretext for enabling artificially high numbers of grouse.

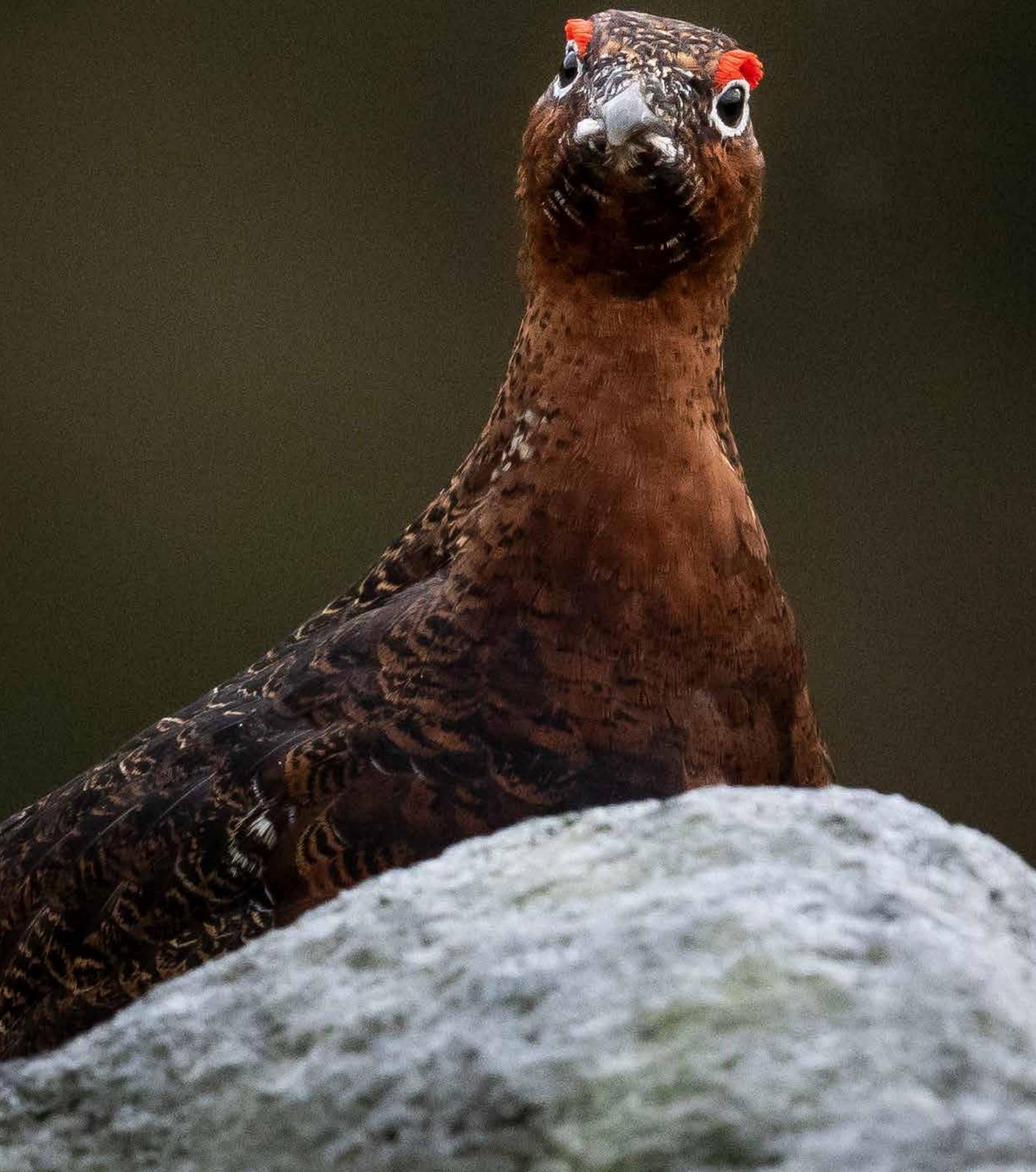
This conclusion is reinforced by the tacit acceptance that grouse shooting is entirely a “sporting” activity. As Joanne Perrott revealingly states in “The Glorious 12th: A Guide to Grouse Shooting in the UK”:

Grouse shooting is a popular sport in the UK, and it’s easy to see why. What could be more exhilarating than taking down a fast-flying bird with a well-placed shot? Add in the stunning scenery of the UK countryside, and it’s no wonder that grouse shooting is such a popular pastime. (Perrott, 2022)

Those who support grouse shooting and “predator control” cannot have it both ways. Either grouse shooting is for the purposes of conservation or it is for pleasure.

Moreover, Perrott’s claim that “Hunting grouse helps to control their population and prevent them from damaging crops and property” (2022) is risible, since the whole purpose of predator control is to inflate, not deflate, grouse numbers, so there will be more grouse to shoot. It should be noted that one of the reasons for “muirburn” or heather burning is to provide fresh shoots for grouse to feed on, which contradicts the idea that grouse shooting is to prevent grouse damaging the environment (GWCT, (f), n.d.; see also REVIVE, 2023).

Even in their own terms, the justifications for “predator control” simply do not work as arguments. These considerations reinforce the moral argument with which we shall conclude our report.



4. The Impossibility of the Humane Killing of "Predators"

Humane Killing

People often say that they have no objection to eating animals as long as they are killed "humanely" (for a discussion of this see Johnson, 2015). Indeed there are now multiple laws and regulations relating to the killing of farmed animals in the UK (see for example, Welfare of Farmed Animals (Scotland) Regulations, 2010; Animal Welfare Act, 2006; Food Standards Agency, 2020). Moreover, these regulations are overseen by a government committee (previously the Farm Animal Welfare Committee (FAWC), now the Animal Welfare Committee (AWC)) and these regulations are updated on a regular basis (see Agriculture and Rural Economy Directorate, 2019). In addition, there are now moves to have CCTV installed in slaughterhouses to monitor the slaughtering practices and ensure accountability. Although there are many instances of serious abuse, the notion of humane slaughter is taken seriously in theory, however problematic in practice.

Furthermore, humane slaughter is defined as rendering the animal instantaneously insensible to pain through the pre-stunning method (usually the captive bolt method or through electric stunning). A report by FAWC insists that humane slaughter must involve "an effective process which induces immediate unconsciousness and insensibility or an induction to a period of unconsciousness without distress, and [the] guarantee of non-recovery from the process until death ensues" (FAWC, 2003, para 8, p. 2).

We make this comparison not because we agree that slaughter can always be humane, but rather because defenders of "predator control" argue that "humane" killing is possible by trapping. When considering whether trapping is humane, these standards are worth noting as a reference point. Humane killing for farmed animals is a process that should induce immediate unconsciousness and insensibility. Whatever the moral and practical difficulties in ensuring the respectful and humane treatment of farmed animals, for example, in rearing, conditions, and transport, there is at least a consensus, backed by legislation, that killing should be instantaneous and render the animal insensible to suffering. Further, it is worth noting that, comparatively speaking, free-living animals have received a much smaller amount of legislative consideration in comparison to farmed animals (see for example, Wild Mammals (Protection) Act, 1996).



Grouse moor

Given the efforts taken to ensure the “humane” slaughter of farmed animals, however imperfect in practice, it is worth noting what counts as “humane” in comparison to the killing of free-living animals.

The GWCT seems to be aware of this disparity. It says:

We believe that effective predator control must be rational, achievable, proportionate, focused and humane ... We recognise there are legacy concerns over predator control and have improved the focus and humaneness of predator control techniques so that they do not threaten the predators’ conservation status. (GWCT, (d). n.d.)

So the GWCT *aspires* to have “humane” killing of targeted animals. Nowhere does it claim to have *achieved* standards of humane killing, only that those standards have been “improved.” In this section, we examine the idea of a “humane” death in the context of trapping and poisoning animals affected by predator control.

Putative Trapping Standards

The Agreement on International Humane Trapping Standards (AIHTS), to which the UK is a signatory, aims “to ensure a *sufficient* level of welfare of trapped animals, and to further improve this welfare” (AIHTS, 1997, section 1.1, p. 5; our emphasis). It is the primary measure against which the welfare of trapped animals is judged, and even so only extends to the notion of “welfare,” rather than the principle of ensuring a humane death, not to mention the morality of killing itself. Also to be noted is the word “sufficient” in the agreement, which is nowhere clarified or defined. Understandably, this agreement has received widespread criticism (Proulx et. al., 2020). There are several kinds of objection, for example, because the agreement acknowledges its “primary purpose” to be to “facilitate trade” (AIHTS, 1997, p. 1) rather than to improve animal welfare (Harrop, 1998). Second, the working group responsible for drafting AIHTS was not sufficiently representative, with “three-quarters of its members ... closely associated with the fur trapping trade in the major fur exporting countries” (Harrop, 1998). Third, and perhaps most importantly, according to the agreement, traps which take 300 seconds to render animals including coyotes, wolves, otters, and lynx, unconscious and insensible count as “humane” (Harrop, 1998). Fourth, the agreement fails to cover some species of animal which are most frequently trapped, including foxes (OneKind and League Against Cruel Sports, 2016, p. 8). It goes without saying that a death dealing procedure that involves 300 seconds (five minutes) to achieve its aim cannot in anyway be defined as efficient or humane. This procedure is not humane killing, it is nothing less than torture.

From the perspective of this report, one glaring limitation is that AIHTS does not cover most of the animals killed as part of “predator control” (and in fact only covers five species native to the UK). The AIHTS is so weak that it cannot provide any kind of benchmark, not least of all because it does not cover animals, such as foxes, weasels, badgers, corvids, etc. Given that AIHTS expressly states that humane traps should be “selective” and “efficient” (AIHTS, 1997, section 1.2.3, p. 5), the fact that up to 39% of animals killed in pursuit of “predator control” on Scottish moors are non-targeted species is particularly glaring (Harris and Thain, 2020, p. 33).



Shooting butts

Weak and ineffectual as they are, let us consider the AIHTS's measures for "humanely" capturing and killing animals and examine whether animals on Scottish moors meet or exceed the putative standard set.

Close study of AIHTS indicate the following alarming facts:

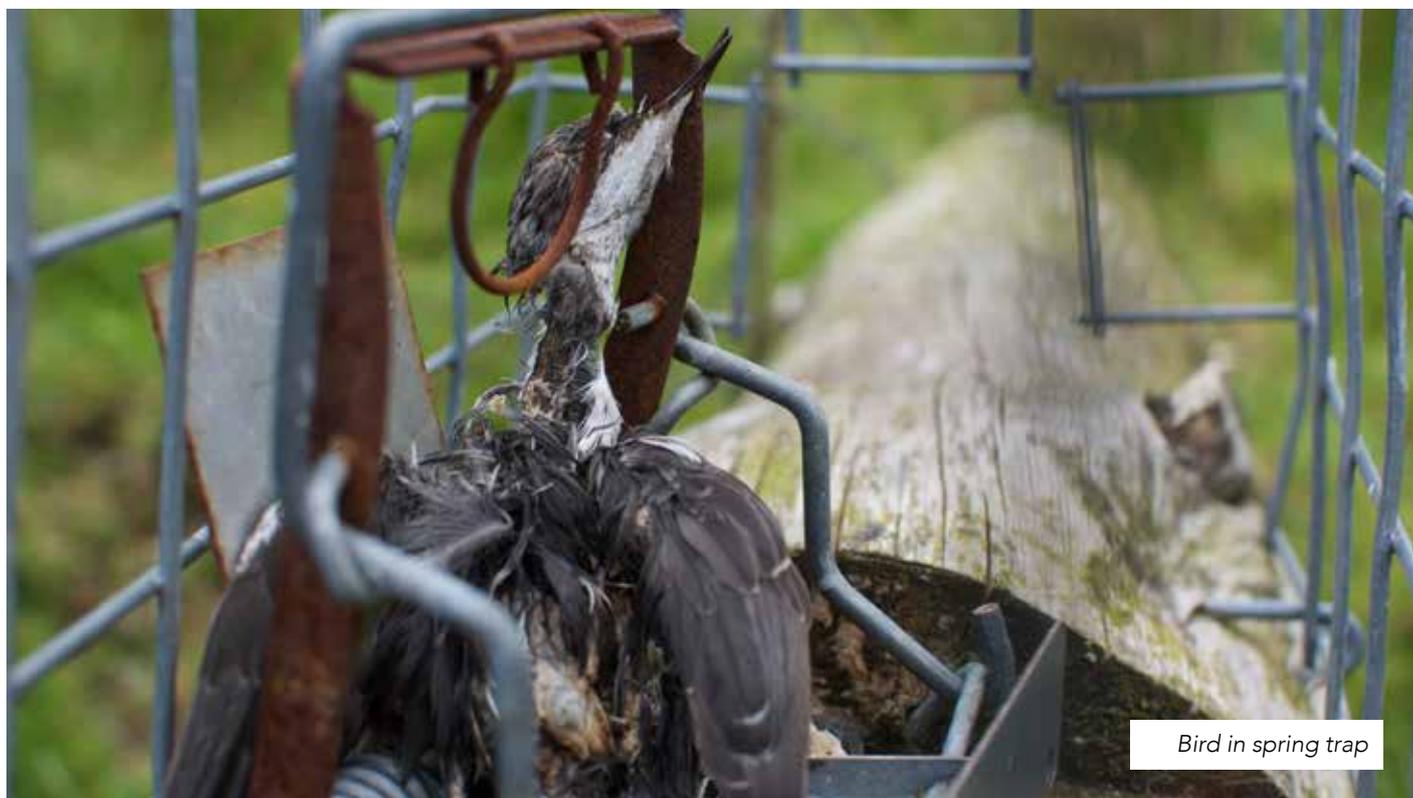
1. "A killing trapping method would meet the Standards if ... at least 80% of these animals are unconscious and insensible within the time limit, and remain in this state until death" (AIHTS, 1997, section 3.4, p. 7). The time limit is given as 45 seconds for stoats, 120 seconds for sable and pine martens, and 300 seconds (five minutes) for all other trapped animals (AIHTS, 1997, section 3.3, p. 7). This is despite the claim that trapping methods should be "selective" and "efficient" (AIHTS, 1997, section 1.2.3, p. 5).

2. "A restraining trapping method would meet the Standards if ... at least 80% of these animals show none of the indicators listed" (AIHTS, 1997, section 2.4, p. 6). The indicators listed are: "self-directed biting leading to severe injury (self-mutilation)"; "excessive immobility and unresponsiveness"; "fracture"; "joint luxation proximal to the carpus or tarsus"; "severance of a tendon or ligament"; "major periosteal abrasion"; "severe external haemorrhage or haemorrhage into an internal cavity"; "major skeletal muscle degeneration"; "limb ischaemia"; "fracture of a permanent tooth exposing pulp cavity"; "ocular damage including corneal laceration"; "spinal cord injury"; "severe internal organ damage"; "myocardial degeneration"; "amputation"; and "death" (AIHTS, 1997, section 2.3, p. 6). The addition of "death" to the list is especially extraordinary given that the stated purpose of these methods is to restrain the animals until the trapper kills them.

It is impossible to overstate the severity of the suffering caused to animals caught in these traps. The statements by AIHTS speak for themselves. Any system of killing that only causes death between 45 seconds and five minutes is grotesquely cruel. Even more so if it is still considered effective if 20% of animals do not die in five minutes, but have to suffer an appalling range of injuries that would not be acceptable in any other context. And, it should be remembered that these are observations made by the trappers who are disproportionately represented on the committee which devised these putative "standards."

It is, then, all the more ludicrous that these standards are lauded by the European Union (EU) as stated at the end of the Agreement: "The European Community understands that the signature of the Agreement on international humane trapping standards is an important and substantial step forward in ensuring a sufficient level of welfare for trapped animals" (AIHTS, 1997, annex IV, p. 15). They have also received ratification in the UK.

Let us consider these points in relation to each method.



Bird in spring trap

“Live” Traps

“Live” traps (e.g., Larsen Traps, Multi-catch Traps, and Mammal Cage Traps) are designed to capture but not kill. They are intended to restrain the animal until the trap-setter (e.g., a “gamekeeper”) returns to kill the animal. Although these traps are legally supposed to be fitted with food, water, shelter, and a perch (thereby reducing the chances of physical discomfort during the time of confinement), these measures are inadequate to prevent harms such as stress, fear, and panic. Corvids are widely recognised as amongst the most cognitively advanced species and their capacity for tool use, causal reasoning, imagination, and anticipation is scientifically documented (Emery and Clayton, 2004). For these reasons, confinement in a small space (compared to the 12 acres of territory some corvids are accustomed to accessing) (RSPB, (a). n.d.) for up to 24 hours in the presence of a rival “decoy” bird can be an immensely stressful experience. The “decoy” birds (often also corvids) similarly experience stress at confinement and fear at witnessing the killing of the intended “target.” The GWCT’s assertion that “it seems hugely anthropomorphic to suppose the decoy bird will care a jot about seeing the captured bird killed” (GWCT, (b), n.d.) can be challenged by existing law which bans the killing of an animal in sight of another, for example, horses (DEFRA, 2015; see also Bekoff, 2007 and 2011).

Many of the same issues surrounding the “humaneness” of Larsen traps arise for mammal cage traps too. A fox caught in such a trap can be confined to a space of around 42 inches squared and yet, particularly in rural settings, foxes can range territories of up to 40 squared kilometres (Mammal Society, n.d.). Since mammal cage traps are indiscriminate, they present risks not only to non-targeted species, but also to lactating and pregnant animals both within and beyond the targeted group. If a lactating mother is unable to return to her young then, not only will this cause distress to both the mother and her young, but there are also “potential consequences for local populations of protected species” (OneKind and League Against Cruel Sports, 2016, p. 8).



Spring trap

Snares and Stink Pits

If “humane” is taken to mean that an animal’s welfare is good until the point at which he or she is killed (and that the killing process itself is instantaneous), then snares utterly fail to meet the criteria. Evidence collated by OneKind as part of its “Snare Watch” campaign reveals that animals caught in snares (whether legal “targets” such as, foxes) or unintended victims (such as, deer, badgers, dogs, and cats) display classic “escape” behaviours indicative of extremely poor welfare (OneKind n.d.). For example, ground disturbance surrounding animals caught in snares reveals persistent efforts at escape while self-mutilation is all too common (OneKind and League Against Cruel Sports, 2016, p. 7). This is but one example of where the psychological and emotional harm to the animals is hardly registered.

In 2005, DEFRA (the UK government’s Department for Environment, Food, and Rural Affairs) commissioned members of the Independent Working Group on Snares (IWGS) to produce a code of “good practice” surrounding the use of snares. As part of their work the IWGS analysed photographic evidence of animals caught in snares and stated that the injuries documented resulted in “welfare effects [which] can be conservatively inferred to be extremely severe, in that they were consistent with causing severe pain or prolonged duration (days in some cases) with no alleviation” (IWGS, 2005, p. 50). The IWGS listed numerous ways in which animals caught in snares suffer extreme psychological and physical harms, including injuries which the AIHTS recognise as indicating poor welfare in species covered by the agreement, such as: pain resulting from dislocation and amputation, compression injuries, infection, and ischaemic pain (IWGS, 2005, p. 50).

The “best-practice” guidelines surrounding the use of snares are inadequate to ensure animals caught in these devices are treated humanely (GWCT, 2012). For example, DEFRA’s 2005 code of practice produced by the IWGS recommends that non-targeted animals found in snares “should be released immediately” unless badly injured (IWGS, 2005, p. 13). However, it is not always possible accurately to assess the health of animals caught in snares as the risk of internal injuries is significant. Leading experts in “wildlife” rehabilitation recommend observing animals captured in snares for at least a few days before release (Harris, 2022, p. 27). There is therefore a mismatch between government guidelines and expert opinion. Moreover, although only “free-running” snares are legally permitted (with “self-locking” snares having been banned since 1981), “when the animal struggles, the wire can twist and tighten, effectively becoming self-locking” (OneKind and League Against Cruel Sports, 2016, p. 7). For all the reasons documented above, and many more besides, the idea of a “humane” snare is a contradiction in terms.

The indiscriminate nature of snares is well attested and, shockingly, there have been instances of capercaillie being caught and killed in snares (Harris, 2022, p. 26). The very measures which the grouse shooting industry insist are necessary for conservation purposes in fact further threaten some of Scotland’s most iconic endangered species. As Harris observes, although the shooting industry has portrayed snaring as essential for conservation, “no data have been produced to support such assertions” (Harris, 2022, p. 25).

There is now overwhelming and incontestable evidence to support the view that snares are “inhumane and indiscriminate” (Harris, 2022). There is a growing consensus of the need to ban snares across the UK, with organisations such as the British Veterinary Association calling for an “outright ban” on the sale and use of snares by the general public and trained operators alike (BVA, n.d.). The SSPCA has long opposed the use of snares, arguing that,

Since 2019, the charity [SSPCA] has recorded 41 incidents of animals caught in snares. 14 of those involved domestic animals ... As Scotland’s animal welfare charity, we have long called for an outright ban on the use of snares due to the level of suffering an animal is caused, whether snares are used legally, or illegally. Animals that are caught in snares can be caused unimaginable physical and mental anguish. Snares are non-selective and can just as easily harm a domestic animal as well as non-targeted wildlife. (SSPCA, 2023).

Wales recently became the first place in the UK in which it is illegal to use snares, and it is surely only a matter of time before other administrations follow suit (League Against Cruel Sports, 2023).

‘If “humane” is taken to mean that an animal’s welfare is good until the point at which he or she is killed (and that the killing process itself is instantaneous), then snares utterly fail to meet the criteria.’

Stink pits (i.e., mounds of animal carcasses surrounded by snares), like snares, also cause suffering. As well as posing environmental and health risks, the wanton disregard for animal bodies expresses an attitude of disrespect and contempt (OneKind and League Against Cruel Sports, 2016, p. 26). The Scottish government is currently undertaking a consultation on a proposed ban on the use of snares (Minister for Energy and the Environment, 2023). If Scotland is committed to upholding its image as a progressive nation in which animals are protected and respected, it is time for stink pits along with snares to be consigned to history.

As with many forms of “wildlife” crime, the challenges of prosecuting those who violate current legislation are particularly difficult. The remote and rural location where many of the traps are set means that, all too often, the suffering of animals is out of sight and out of mind. Of 316 snares recovered as part of the SSPCA’s investigations between 2013-2016, 233 were found to be illegally set while 272 were found to be untagged (as per the legal requirements) (OneKind and League Against Cruel Sports, 2016, p. 7).



Stink pit

DOC Traps

The DOC trap is supposed to render stoats irreversibly unconscious and insensible within 45 seconds (GWCT, (c), n.d.). Since stoats are covered by the terms of the AIHTS and weasels, rats, etc., are not, there is no legal obligation to ensure that these latter species are killed within the 45 second limit. However, 45 seconds of suffering is still 45 seconds too long. This is not a pain – or suffering – free death. Further, it is only limited to 45 seconds of suffering if the trap works as *it is intended*. The traps are designed to catch stoats, but if they catch one of the non-targeted species, the 45 second kill cannot be guaranteed as these animals are different sizes, shapes, and weights. Since there is no requirement even to check these traps after 24 hours, it is more than likely that a proportion of the animals (20% or more) will suffer agonising and unrelieved suffering for an indeterminate length of time.

However, the risk and reality of capturing non-targeted animals remains. Indeed, the DOC traps, just like their predecessor spring traps, must be fitted with “excluders” of exactly the right dimensions in order to reduce the risk of capturing non-targeted animals. However, at present, the fitting of “excluders” remains only a recommendation rather than a legal requirement (GWCT, (c), n.d.). In a survey commissioned by the League Against Cruel Sports, none of the 712 spring traps set on rails met all the best-practice guidelines recommended by the GWCT (Harris and Thain, 2020, p. 26). Alone, and without accompanying legislation to force the use of “excluders,” the introduction of DOC traps will do nothing to reduce the risks of capturing non-targeted species, such as hedgehog, pine martens, and red squirrels (Harris and Thain, 2020, p. 21).

The claim that DOC traps “almost always” strike the animal over the head rendering them unconscious is made on the basis of “laboratory tests” and “field tests” (GWCT, (e), n.d.). There is no independent data to corroborate these findings. The tests are performed by individuals who are funded by vested interests (including government agencies), that are not opposed in principle to trapping, or conducted by animal protection officers. Further, they are based on the idea that the animal enters the right size trap – there are three different sizes – and that excluders are used to get the animal in the right position. However, as previously stated, the use of excluders is not a requirement. Also, the different sizes of traps make it possible, if not likely, that the wrong size animal may enter the trap and be in the wrong position for the trap to work effectively. All of this increases the probability of increased suffering beyond the 45 seconds. More than that, since these traps do not have to be inspected within a time limit the injuries suffered may endure indefinitely. In short, the AIHTS fails to protect animals even in its own limited terms.



DOC trap

Use of Poisons

As already noted, CRRU provide a code of “best practice” and guidelines for the use of poisons. However, by their own admission “even with the use of recommended methods of application, some contamination of wildlife is likely when gamekeepers use rodenticides in the countryside” (CRRU, 2017, p. 9). Although they say that poisoning should be the last resort in “pest management,” by their own account the use of poisons is negatively impacting other species and the environment. Thus, the claim that there can be “responsible rodenticide use” in the open countryside is belied by the evidence (CRRU, 2017).

What these CRRU guidelines do not discuss is that death by poisoning is often slow and painful. The RSPCA acknowledges “serious welfare issues” associated with the use of rodenticides and accepts that the suffering caused to rodents through poisoning is “obvious” (RSPCA, n.d., p. 3). The effects of rodenticide poisons include severe muscle, joint, and abdominal pains caused by blood loss and internal bleeding. In the case of rats, the time estimated is up to seven days, with quicker acting ones still taking two to three days (Burgess, 2020). How long the poison may affect other species is currently unclear, but it seems likely that weaker doses in carrion may induce an even longer painful death. The Barn Owl Trust maintains that “Typically it takes six to 17 days for a Barn Owl to die after eating three mice containing the poison Brodifacoum. Unfortunately no research has been carried out on the effects of sub-lethal doses on wild Barn Owls” (Barn Owl Trust, n.d.). The indiscriminate nature of poisoning means that targeted and non-targeted species can be affected, either by primary poisoning (direct ingestion) or secondary poisoning (ingesting poisoned animals). Since these poisons are readily available with little legislation around their use, there can be no enforcement of their correct usage. However, even when used correctly, these poisons are designed to cause suffering and death. It is unclear how far the use of poisons in Scotland is legal or illegal (except in the instance of birds of prey) because it is obviously difficult to establish the origin of the poison and poisoner. And yet, the killing of birds of prey by “grouse moor management,” is acknowledged by the Scottish government: “We recognise that raptor persecution is a serious problem in some parts of Scotland, particularly in areas linked to driven grouse shooting” (Scottish Government. n.d.).

Poisons used for “predator control” cause suffering, often prolonged suffering. Since in practice poisons are left unattended, there are no safeguards in place as to which animals eat the poisons and then suffer painful deaths. As the SSPCA says, “Using poison, or any dangerous item, with the intent of deliberately harming animals is a crime and is enforceable by law” (SSPCA, 2022). Though in context the SSPCA was referring to domestic or companion animals where the law applies, the moral point still stands because it is still dangerous to free-living animals and causes as much suffering since they are also sentient. Further, the poisoned animal’s body may then be eaten by another animal, causing further harm and suffering. Causing suffering and death to sentient creatures, targeted or otherwise, is morally indefensible.

Based on the foregoing considerations, it is impossible not to conclude that the current legislation and even “best-practice” guidelines are wholly inadequate in ensuring that animals caught and killed on Scottish moors do not suffer. All the “predator control” methods listed above are indiscriminate. As many as 39% of all animals caught are non-targeted species, some of which include protected or endangered species, such as badgers, hedgehogs, pine martens, capercaillie, and birds of prey.

‘... it is impossible not to conclude that the current legislation and even “best-practice” guidelines are wholly inadequate in ensuring that animals caught and killed on Scottish moors do not suffer.’

Severity of Suffering

Once again, (and it bears repeating) it is impossible to overstate the severity of the suffering caused to animals caught in these traps and also by poisoning. Any system of killing that only causes death after 45 seconds to five minutes (the best case scenario) is grotesquely cruel (and that does not include the extended suffering involved in poisoning). As already noted, this is even more so if it is still considered effective if 20% of animals do not die in five minutes, but have to suffer an appalling range of injuries that would not be acceptable in any other context. And, it should be remembered that these are observations made by the trappers who are disproportionately represented on the committee which devised these putative "standards."

There are two other factors that need to be emphasised. The first is the length of time involved in all cases of trapping (in addition to the effects of long lasting poison). We have already noted that most traps are supposed to be inspected every 24 hours, but this time period ineluctably extends the suffering that the animals have to undergo. Entrapment for free-living animals is at best a distressing experience which involves psychological and emotional harm. And this has to be coupled with the consideration that 20% or more of the animals trapped will have undergone physical injuries of a substantial kind. And when it comes to the DOC traps, animals can experience not only severe injuries but also be left for an indeterminate period of time. Neither of these methods can be remotely described as "efficient"; they are predicated on exposing animals to hours or days of prolonged suffering. Moreover, all of this supposes that these traps can practically be inspected often. This is a question in and of itself given the vast area in which the methods are used and the limited staff available, as well as adverse weather conditions.

Second, there is the question of possible regulation. As many rules and regulations can be devised as we wish, but effective legislation requires three important components: compliance, inspection, and enforcement. Let us look at these briefly in turn.



Spring trap



Hedgehog in spring trap

Compliance, Inspection, Enforcement

First of all, compliance. People engaged in utilising these methods must be prepared to comply with whatever regulation or standard is required. But that itself may be presuming too much. The fact that some people are already not complying with the use of these methods is evidenced by the illegal “predator control” happening in Scotland (Environment and Forestry Directorate, n.d.). The killing of raptors and endangered species indicate how uncontrolled these practices already are (RSPB, 2018; RSPB, 2021a).

Second, there is the question of inspection. We only have the word of the trappers that the traps are in fact inspected during the time specified. But these are not independent inspections, i.e. carried out by independent persons, and neither (as far as we are aware) are records kept of traps set, with the exception of snares (where a tag is legally required), locations, inspections, or number of animals caught, at least not for public scrutiny. In the light of these considerations, the notional figure of 260,000 killed may well be a considerable underestimation. In short: without adequate and independent inspection, there can be no guarantee that any time limit is adhered to. Moreover, it has to be questioned whether inspection is possible on privately owned land over considerable distances with adverse weather conditions, where adequate records are not kept. Indeed, in the case of the DOC trap, even when it fails to work properly and causes egregious injuries, there is no requirement for inspection at all.

Third, there is the issue of enforcement. There have been so few successful prosecutions as to make one wonder about the effectiveness of the law. In the case of snaring just 15 cases between 2012-16 and four cases between 2017-2021 were prosecuted (Environment and Forestry Directorate, 2022). For example, in 2016, a man was convicted of having set 47 self-locking snares in a single row along a fence (OneKind and League Against Cruel Sports, 2016, p. 25; Hislop, 2016). He received 180 hours of community service and a six month Restriction of Liberty Order. In another case in 2014, despite extensive evidence, a case was dropped against a man who had not followed the regulations on checking his snare every 24 hours (OneKind and League Against Cruel Sports, 2016, p. 24). In total, only seven incidents of snaring were caught and prosecuted by the police in Scotland in 2013-2014 (OneKind and League Against Cruel Sports, 2016, p. 25). There is also ample evidence of illegal persecution of raptors and yet very few cases being taken to court (RSPB, 2021a). Laws that are not subject to inspection and enforcement are worse than no laws because they give the appearance of protection where none exists. Suffering is made invisible in this process, reduced to being a private matter on private estates, whereas cruelty to animals is a public moral issue and should be subject to political accountability.

We conclude that “predator control” is uncontrollable. There are simply not the mechanisms in place to control it. Poisons and traps of various kinds are readily available for purchase in shops and on the internet. Trapping and poisoning are inherently inhumane and cannot in almost all cases be divorced from prolonged suffering. We do not conclude that humane killing is always impossible, but that the humane killing of predators is impossible under all the systems currently employed. All current methods of “predator control” either cause suffering, or prolong suffering, or make animals liable to suffering. There is no moral alternative to making all these practices illegal.

‘... it has to be questioned whether inspection is possible on privately owned land over considerable distances with adverse weather conditions.’



Grouse shooting butts

5. The Moral Reckoning

Sentiency in Animals

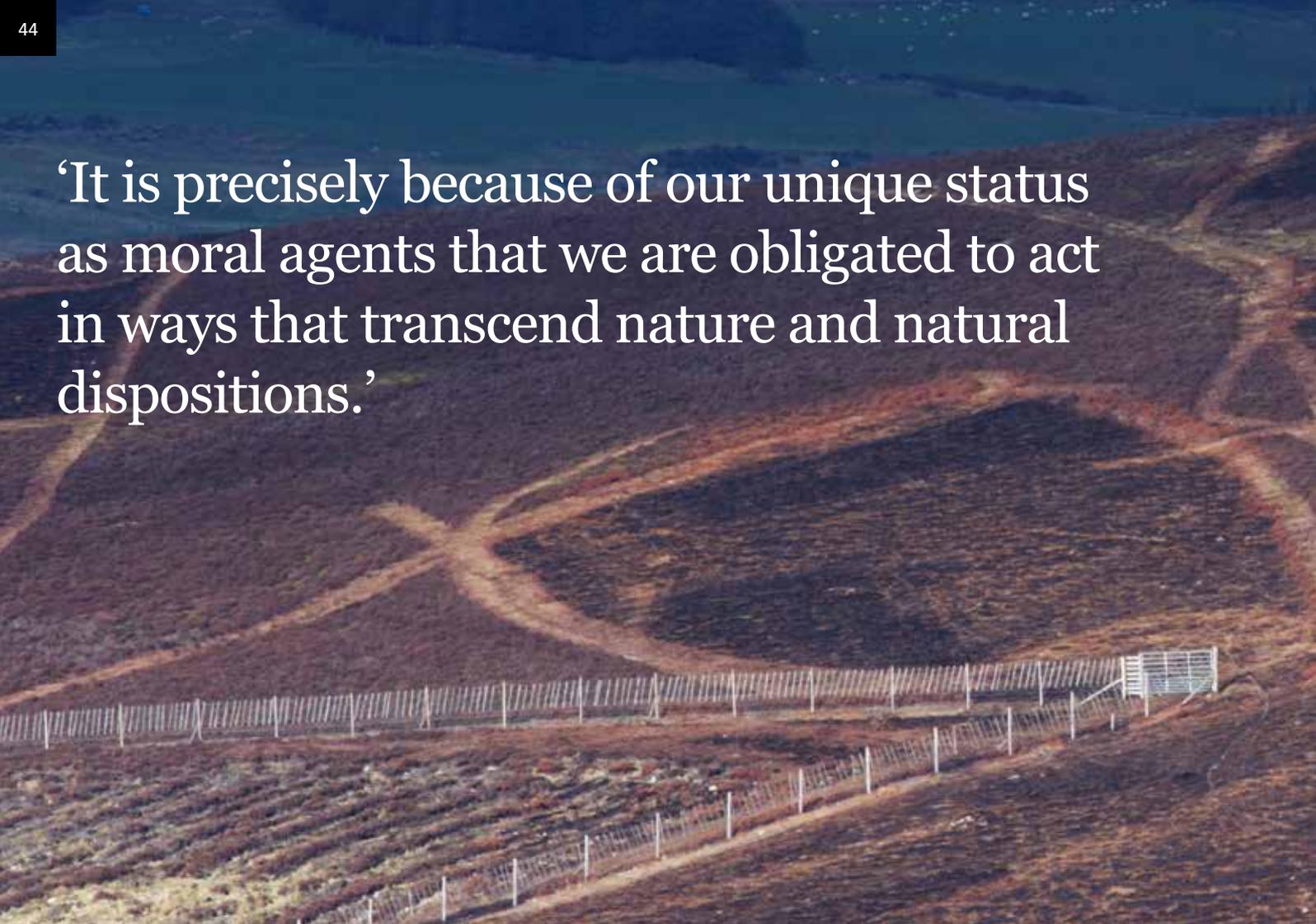
We have assumed throughout our report that animals can experience pain and suffering. It is important to emphasise the extent of literature that now supports sentiency in animals. There is a strong and growing scientific consensus that all mammals and birds, at least, are sentient (see for example Low 2012; Birch, et al., 2021). By sentience here we mean (in philosophical terms) the capacity to experience pain and pleasure (see Rollin, 1990; Regan, 1983). Even more, these beings do not only feel physical pain, but also *suffer*. They experience a wide range of mental and emotional capacities, including fear, trauma, distress, foreboding, anticipation, terror, shock, stress, and anxiety in similar ways to human beings (see Griffin, 1990; Bekoff, 2000; Cabanac, 1999; Proctor, Carder, and Cornish, 2013). Specifically, all animals targeted or not targeted in “predator control” methods are sentient. Practically and morally what this means is that all animals discussed in this report have the capacity to suffer in the same way as humans, only to a greater or lesser degree.

It is also important to stress that animals matter morally as *individuals*. Sentiency means that an individual animal has interests, desires, and a sense of self. In the words of Tom Regan, each individual animal is “the subject-of-a-life” (Regan, 1983, p. 243). Individual animals do not only have a biology, but a biography. This is why it is morally deficient to simply speak of animals as a species or as a collectivity. We may say that species as a whole have interests, but so also do *individual* animals. It is therefore inappropriate to seek to play off the welfare of the species against the welfare of the individuals within it. Morality extends as much, if not more, to the individual as well as the species. Appeals to conservation, like those made in support of “predator control,” that overlook the interests of *individual* animals (and only recognise the interests of species) are morally deficient. In the same way, it would be morally inappropriate to express concern for human beings as a species without at the same time taking into account the interests of *individual* human beings.

The fact that we have limited interaction with free-living animals in no way diminishes the reality of their pain or its moral significance. There is an unfortunate tendency in popular thinking to dichotomise animals into domestic and free-living, and suppose that the welfare of domestic or companion animals is of greater importance. However, there is no reason scientifically or morally to think that free-living animals do not suffer as much as domesticated or companion animals. Just because their suffering is often out of sight does not reduce its moral significance or lessen our moral obligation to them.

Morality is not, as some might still suppose, simply a matter of emotion, preference or taste. Rather there are rational grounds for including animals within the sphere of human moral solicitude. Given what we now know about the complexity of animal awareness and the reality of their suffering, there can be no rational grounds for not taking sentiency into account.

‘Practically and morally what this means is that all animals discussed in this report have the capacity to suffer in the same way as humans, only to a greater or lesser degree.’



‘It is precisely because of our unique status as moral agents that we are obligated to act in ways that transcend nature and natural dispositions.’

Grounds for Moral Solicitude

Human abilities, such as the ability to reason, moral agency, and the capacity for language have historically been invoked as the basis for giving near-absolute priority to human interests. But, as one of us has argued elsewhere, at least two of these differences should ground our special duties towards animals (Linzey, 2009). Consider, for example, how differences between human and animal capacities for reason might shape the experience of being held captive. Whilst it is generally thought that the human ability to rationally comprehend the experience of captivity, and to anticipate potential harms in these situations, heightens suffering, there may in fact be instances where the suffering of captured animals is intensified precisely because of their inability to rationalise or make sense of what is happening to them (Linzey, 2009, p. 17; and Singer, 1977, p. 35). In the case of animals captured in the pursuit of “predator control,” there is strong evidence to indicate that the inability to rationalise their circumstances can worsen their suffering. The fact that a specific piece of terminology (a “doughnut”) exists to describe the ground surrounding snares which have been triggered is telling: Animals caught in these devices will often struggle for hours, turning up the earth in an attempt to run, jump, or scabble a way out of the snare (OneKind and the League Against Cruel Sports, n.d. p. 7).

More importantly, it seems indisputable that only humans can be moral agents, in the sense of being individuals who know the difference between right and wrong and are responsible for their actions. As Linzey notes, “if humans are morally superior (in the sense that we are moral agents) ... our superiority should, in part at least, consist in acknowledging duties to animals that they cannot acknowledge towards us” (Linzey citing C. S. Lewis, 2009, p. 23). It is sometimes argued that we cannot have duties to other individual animals, because they have no duties to us. But moral duties do not simply extend to adult human beings who can reciprocate them, but even and especially to vulnerable subjects such as infants, the newly born, comatose patients, and those who may be mentally challenged. And there is no good reason for not including vulnerable and innocent animals in this special category.



Grouse moor

Sometimes people try to justify our maltreatment of animals on the grounds that animals sometimes kill and eat other animals. But this appeal to nature is not morally sound, as moral philosophers have pointed out. It is what G. E. Moore once famously described as “the naturalistic fallacy,” — that is, the fallacy of trying to deduce an “ought” from an “is” (Moore, 1993, p. 94). Nature is not a moral textbook and behaving morally often means acting against “natural impulses,” such as the desire for retaliation or revenge. It is precisely because of our unique status as moral agents that we are obligated to act in ways that transcend nature and natural dispositions. In short, predation in nature is not a justification for human misbehaviour. As C. S. Lewis observed, “It is our business to live by our own law not by hers [Nature]” (Lewis, 1986, p. 79).

Additionally, though historically our superior capacity for language and communication has been considered a legitimate reason for ascribing greater significance to the interests of humans over animals, the human capacity for language enables us to give or withhold consent in a way unavailable to animals. Moreover, this capacity for language enables humans to represent their interests whereas animals must rely on us to be their voice. Our obligations to animals are therefore arguably increased rather than decreased by our

superior linguistic capabilities (Linzey, 2009, p. 20). In the light of our unrivalled capacity for language and communication, and in full awareness of the power our choice of language can have in shaping the lives of others, humans have a special obligation to use ethically sensitive and appropriate language in describing animals and their experiences.

In short, there are rational grounds for including sentient animals within the sphere of moral solicitude. These include: a) Animals cannot give or withhold their consent; b) They cannot represent or vocalise their own interests; c) They are morally innocent or blameless; d) They are vulnerable and relatively defenceless (Linzey, 2009). These rational grounds are important, as they are the same grounds that underscore moral arguments concerning vulnerable others, especially infants.

The Morality of Killing and Causing Suffering

We now turn directly to the salient ethical considerations. The first is that killing of individual free-living animals requires moral justification. Such justification may be had in situations of euthanasia or self-defence. But the important point is that killing always requires justification. Any action that wantonly despoils the life of a sentient creature without sufficient justification properly invites moral censure. The killing of an individual sentient being means the ending of a unique form of life with its own sense of self, interests, and desires. Numbers matter, so let's count them. We are speaking here of an estimated (possibly underestimated) 260,000 animals per year (Harris and Thain, 2020). This is by any standards a huge carnage of free-living animals.

Helpful though the "target/ non-target" animal distinction is, insofar as it indicates that considerable numbers of animals (some of whom are threatened or legally protected species, such as hedgehogs and pine martens) are killed inadvertently, it is important to recognise that an animal's moral status is independent of an animal's legal status (Hills, 2005, p. 86). That is, even if it transpires that there are additional (perhaps environmental) reasons to be concerned about the killing of "non-target" species, the moral permissibility of these killings cannot hinge on so arbitrary a fact as whether or not humans consider them legitimate "targets."

But what precisely is the moral justification for "predator control"? Animals kill out of necessity, that is for food and survival. As Stephen R. L. Clark states, "Animals rarely kill beyond necessity: beyond, that is, their own necessities. And in general they kill with speed and cleanly" (Clark, 1977, p. 35). But what actual necessity is involved in "predator control"? It needs to be remembered that human wants or desires do not themselves constitute cases of moral necessity. "Predator control" in the interests of sustaining a "sport" like grouse shooting does not constitute sufficient moral justification. None of the species detailed pose any threat or harm to human beings. They do not actively conspire to threaten our interests or act in ways that may be perceived as aggressive. Killing for entertainment and pleasure simply cannot constitute a case of moral necessity.

As an aside, it should also be pointed out how using the word "sport" in this context is a misdescription. A sport as properly defined is between one or more equally matched or near equally matched competitors. Obviously this is not the case in grouse shooting. Grouse are objects of wanton killing and almost always unable to escape.

It is sometimes said that since humans eat animals, it can only be right for hunters to shoot grouse and eat them. But the situation is far from straight forward. While some grouse may be eaten, there is evidence of pheasants, at least, being buried in pits or burnt at the end of a day's shoot. As *The Times* reported, "The industry has been dogged by allegations that unwanted pheasants are dumped or burnt once shot because there is no market" (Starkley, 2018). A grouse is a relatively small bird, measuring just 40cm in length with a 60cm wingspan (NatureScot, 2023), and is difficult to kill humanely, and the process of being killed may render the animal inedible as a

result of gun shot. It is precisely the difficulty of shooting small birds efficiently that makes grouse shooting a challenging activity. That is why so many hunters experience what they describe as "the thrill of the hunt" (Perrott, 2022). Specifically, one hunter asks: "What could be more exhilarating than taking down a fast-flying bird with a well-placed shot?" (Perrott, 2022).

It should also be pointed out that shooting birds is not always a humane activity and for obvious reasons. Not all shooters are expert shots and many have to learn as they go. This means that wounding, rather than killing, is highly likely to say the least. It is worth noting that a shotgun license is not required to shoot grouse, as long as there is a licensee supervising.

‘Any action that wantonly despoils the life of a sentient creature without sufficient justification properly invites moral censure.’

This leads us to our second, and most important, consideration, namely the issue of suffering. If grouse shooting can be questioned on its humaneness, the case against “predator control” on the grounds of suffering is overwhelming. The deliberate infliction of pain and suffering on individual sentients (human or animal) requires the strongest possible moral justification, if it can be justified at all. Some ethicists hold that the deliberate infliction of suffering can be justified if the good consequences outweigh the bad, which is sometimes known as a cost/benefit analysis. However, this utilitarian view cannot possibly countenance the deliberate infliction of suffering for non-essential purposes, such as “predator control.” Moral theory can be stretched a great deal, but it would be almost incredible to find any proper ethical defence of the tremendous suffering involved in these methods of control. Indeed, there are many ethicists who would regard such deliberate infliction of suffering as intrinsically wrong and unjustifiable in any circumstances whatsoever. There are certain actions, such as child abuse, rape, or torture, that are regarded as so heinous that they can never be countenanced. There are some acts that are so outrageous that they cannot be ordered to the good of the human person. These acts in and of themselves can only be classed as intrinsically wrong, so that they harm both the victim and perpetrator. In the words attributed to Socrates by Plato: “vice harms the doer” (Plato 1962; see discussion in White, 2009).

We conclude then that the suffering inflicted on these animals subjected to “predator control” is based on a moral disregard of free-living animals. It also betokens a disordered sense of moral priorities, rating personal pleasure over the prolonged suffering and death of animals. Once it is established (as it has been) that animals experience suffering only to a greater or lesser extent than we do, then being indifferent to such suffering constitutes a severe case of moral blindness.

‘... human wants or desires do not themselves constitute cases of moral necessity.’



Grouse moor

A New Charter for Free-Living Animals

In order to understand why it is possible to make such strong moral statements, it is important to realise that our society has been undergoing a paradigm shift in attitudes towards animals. That paradigm can be simply stated as a move away from the idea that animals are machines, tools, commodities, here for our use, and towards the idea that as sentient beings they have their own value, dignity, and rights. This considerable shift in ethical sensitivity is the result of voluminous philosophical work by major thinkers and intellectuals spanning a period of fifty or more years (see “Key Texts on Animal Ethics” below). This is also evidenced by the large number of signatories to this report by influential academics from many countries.

In concluding that “predator control” is uncontrollable in its present state, and the further realisation of the huge amount of animal suffering entailed, makes us ask what next steps should be taken to reimagine our relations with free-living animals. The situation is dire, as Simmons comments: “What passes for wildlife management in the UK (and many other countries) falls little short of a free-for-all” (Simmons, 2023). He concludes, “How do we address sentience in wildlife? Start with a root-and branch review of lethal control. Then perhaps we can treat our wildlife with a bit more respect” (Simmons, 2023).

We propose the promulgation of a new charter for sentient free-living animals and birds. In this, Scotland could lead the way in pioneering legislation that can encompass not only domestic animals, but also free-living ones. This legislation should begin with the recognition of sentience and enshrine in law the value and dignity of free-living animals such that their right to live unmolested is respected.

The catchwords of the new charter should be “Letting Be.” While we accept that there are genuine instances of conflict between humans and animals, we believe that the normative ethical position should be to live and let live. This would entail allowing other sentient beings the space and habitat to live their lives as their individual nature’s intended. The ethical cornerstone of this charter would be an attitude of moral generosity towards other creatures. There is a historical precedent for this development. The SSPCA, founded in 1839, was one of the first animal protection organisations in the world. This pioneering development extended compassion and protection to sentient animals at a time when such an innovation was highly contentious and controversial. We contend that such a development is now ethically essential for free-living animals.

“What passes for wildlife management in the UK (and many other countries) falls little short of a free-for-all.”





Burnt vegetation on grouse moor





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Key Texts on Animal Ethics

The following is a selection of the key texts in animal ethics that have shown a paradigm shift in moral attitudes towards animals during the last 50 years.

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Relevant publications include: *Rat Trap: The Capture of Medicine by Animal Research - and How to Break Free*. (Troubadour, 2023), "The Search for Drug Treatments After Traumatic Brain Injury: Problems with Animal Models," in *Neuroethics and nonhuman animals* (Springer, 2020), and "Animal Models: Problems and Prospects," in *The Routledge Handbook of Animal Ethics* (Routledge, 2019).

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Relevant publications include: *Die Würde des Tieres ist Unantastbar* (Verlag Butzon and Bercker, 2016), and *Es Geht uns Allen Besser, Wenn es Allen Besser Geht* (Gruenewald Verlag, 2021).

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