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JOURNAL OF APPLIED ANIMAL
ETHICS RESEARCH 4 (2022) 179–197

JOURNAL OF
APPLIED
ANIMAL ETHICS
RESEARCH

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Using Animals in the Pursuit of Human Flourishing through Sport

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Abstract

Sport provides an arena for human flourishing. For some, this pursuit of a meaningful life through sport involves the use of non-human animals, not least of all through sport hunting. This paper will take seriously that sport – including sport hunting – can provide a meaningful arena for human flourishing. Additionally, it will accept for present purposes that animals are of less moral value than humans. This paper will show that, even accepting these premises, much use of animals for sport – including sport hunting – is unacceptable. Nonetheless it will show that there can be acceptable ways of using animals as part of a human's meaningful life pursuits through sport, albeit in a more limited fashion than many sportspersons currently accept.

Keywords

sport – games – flourishing – hunting

1 Introduction

Sport provides an arena for pursuing human excellence and flourishing. Many of us devote significant time and energy towards our sport of choice, and our sport performance is an important part of our personal identity and wellbeing. For some, this pursuit of a meaningful life through sport involves the use of non-human animals (“animals”), not least of all through sport hunting. While there is much work on the ethics of sport hunting and other ways of using animals for human benefit, to meaningfully engage with those who use animals to pursue their meaningful life in sport we ought to accept some core premises

that they would also accept. This paper will take seriously that sport – including sport hunting – can provide a meaningful arena for human flourishing. Additionally, it will accept for present purposes that while animals have some moral value it is less than that of humans. This paper will then show that, even accepting these premises held by those who use animals for sport, much use of animals for sport – including sport hunting – is unacceptable. However it will also show that there are ways of using animals for sport, albeit in a more limited fashion than many sportspersons currently accept.

This paper will start with some brief background on animal values and capacities. Then, it will discuss the significant human good that can come from sport, first in general and then in the case of sport hunting. Following this, it will look at some of the ways we use and refuse to use other humans in sport, and in doing so identify two broad considerations to the use of humans in sport: harm and consent. Finally, it will apply these lessons to the use of animals in sport in the pursuit of human flourishing.

2 Preliminaries

The question about how we can justifiably use animals for sport is moot if we have hold the extreme view that animals have no moral worth. On the other hand, if we take a strong animal rights approach along the lines of Tom Regan (1983) or a strong equal interest approach along the lines of Peter Singer (1989), then questions about the use of animals in sport will be uninterestingly distinct from questions of the use of relevantly similar humans in sport. But while some hold such edge views, many believe that animals matter in some meaningful way that is nonetheless less than how humans matter. While this paper will not rely on any particular theory of value for animals, it's worth briefly noting some views that fall into this range.

Robert Garner argues that animals matter when it comes to questions of justice due to their sentience, yet rejects Regan's species egalitarianism as "flawed as an ideal theory, both because it fails to account for the moral importance of the significant differences between most humans and animals, and because it does not qualify as a realistic utopia." (Garner, 2013, 123) He argues that "that animals have a right not to suffer but suggests that humans have a greater interest in life and liberty than most species of nonhuman animals." (Garner, 2013, 3) Where there are significant limits on the use of animals for Garner, "farming animals for food and using them for scientific purposes are not ruled out." (Garner, 2013, 137) Garner is not alone in thinking that animals should count within the scopes of a principle of justice; see for example Elliot (1984) and Rowlands (1997).

Leslie Pickering Francis and Richard Norman agree with Singer that animal interests matter and that some present treatment of animals such as in factory farms require change, but nonetheless argue “that human beings may justifiably attach more weight to human interests than to animal interests of similar intensity, not in virtue of the supposed differentiating properties, but because human beings have certain relations to other human beings which they do not have to animals.” (Pickering Francis & Norman, 1978, 508) Mary Anne Warren agrees with Regan that animals have some rights (and argues that these extend to all sentient animals), but argues instead for a weak animal rights view where it’s not the case that “the moral rights of most non-human animals are identical in strength to those of persons” and so “[t]he rights of most non-human animals may be overridden in circumstances which would not justify overriding the rights of persons.” (Warren, 1978, 164)

Jeff McMahan agrees that “[i]t might be that animals have rights, but rights that are weaker than those of persons.” (McMahan 2008, 5) On his view, “[i]t is just that animal goods are lesser goods, and therefore have less weight.” (McMahan 2008, 2) Jon Wetlesen argues that all individual living organisms have inherent moral value, but that there should be “a grading of moral status value, as well as of the strength of our corresponding duties to moral subjects,” a grading that gives human beings “the highest moral status value.” (Wetlesen, 1999, 288)

Even some of those who argue for experimentation on animals grant that there are important considerations that limit the use of animals for human benefit. For example, H.J. McCloskey defends animal experimentation while agreeing that animal suffering matters morally and should be taken into account for experimentation. This is despite his view that there can be acceptable instances of animal experimentation that cause pain to animals without having positive results for humans, for he thinks what matters is to justify experimentation in general, rather than particular experiments. Nonetheless, he argues that “[t]he experiments must be such that the knowledge sought from them cannot be obtained by means that are morally less costly.” (McCloskey, 1987, 65)

This paper will not argue for any theory of the moral value of animals, but rather will be taken for granted for present purposes that animals have some meaningful moral worth but less moral worth than humans. Such views are held by a wide range of theorists, and it seems plausible that most humans, at least given their actions, agree that animals matter but to a lesser degree than humans. This is of course a very wide range of possibilities for the moral value of animals, and as such the specific actionable implications of this paper will vary depending on where the reader falls in this broad range of possible less-than-human but more-than-nothing moral value for animals.

On another important note for the scope of this paper, this paper is not concerned with questions of animals playing sports themselves; rather it is concerned with questions of animals being used in sport. While there is no fully accepted definition of what it is to play a sport, on leading theories of sport following in the tradition of Bernard Suits' seminal work *The Grasshopper* (1978), to play a sport requires that one have the correct attitude towards the activity of following the rules for the purpose of playing the sport (lusory attitude). While views of the cognitive capacity of animals varies, it seems plausible that most (albeit likely not all) animals lack the cognitive capacity required for the lusory attitude required for (human) sport. This doesn't mean that they can't be active in sport-like situations, but rather that they can't be the ones playing the sport.

James Rocha, in a paper investigating if animals can consent to play sports, elaborates that even animals which can play games that involve rule following are unlikely to be able to play sports devised by humans, arguing that

[s]ince rules are complex and not easily conveyed without language, we will struggle to ensure that animals follow rules, and it is especially unlikely that the animals will do so with a lusory attitude. ... The point here is simply that we cannot ensure that animals will follow the rules since we cannot convey our rules precisely to them.

ROCHA, 2018, 143–144

While not arguing that we should use animals for sport, he says that this lack of lusory attitude does allow animals to be “key props” in our sporting activities. S.P. Morris, in a paper arguing against sports and games that harm animals, says that “[w]e sometimes fold them into game-play not necessarily against their will but rather without their knowledge of even being in a game. That is to say, we make them objects in our games.” (2018, 389) While Morris objects to this treatment, at least when it causes harm to animals, it is this question of using non-human animals as objects in a sport or as a “key prop” in a sport that this paper is interested in.

Now that we have our preliminaries out of the way, it's time to turn our attention to the role that sport can play in human flourishing.

3 Sport and Human Flourishing

For many, sport provides an arena for creating meaning for their lives. Sport can become part of one's identity, not simply something that one does but rather something that one is. Athletes who put such significant value in sport test themselves not simply through competition, but through their daily grind day after

day, year after year. While few can reach the highest level of their sports, all can attempt to achieve their best, to flourish within the confines of their biological and social situations. In addition to this being clear to many athletes, coaches, and fans, the value of sport runs deep in the philosophy of sport literature.

On a leading theory of value in sport, “if practiced in the right manner, sport has the potential to become a sphere of human flourishing in which individuals can realize their particular talents and abilities through their own efforts.” (Loland, 2004, 117) Russell argues that sport is a valuable arena for humans to exercise the virtue of striving, and that this opportunity for human excellence “is also inclusively democratic in the sense that all participants can find value in striving after the goals set by different sports even though the amount of athletic excellence achieved may differ greatly.” (Russell, 2020, 13) Similarly, Thomas Hurka discusses how the value of sport can be understood a distinctly modern (following Marx and Nietzsche) value, where “there can also be intrinsic value in its properties just as a process and apart from any value in its product.” (Hurka, 2006, 234) More recently, Breivik explores how we can understand meaning in sport as an important part of our lives overall “web of meaning,” which can account for a wide range of “personality type(s), lifestyle preferences, and differences in existential commitments.” (Breivik, 2021, 14) It is no surprise that one of the foremost philosophers of sport concludes his book on fair play as follows:

Given this background, I argue that shared experiences among all parties engaged with the phenomenological structure of ‘a sweet tension of uncertainty of outcome’ are connected to moral values and can serve as a moral goal in sport. Hence, if practiced in accordance with my norms of fair play, sport possesses special potential to provide an arena for human flourishing and so find a place as one among many possible practices constitutive of a good life.

LOLAND, 2002, 149

Even beyond direct participation, for many sport fandom itself is a meaningful part of their life. (Jacobson, 2003) In addition to the direct joy of following the sport and being part of a community that does so as well, being a fan can be a virtuous way of caring about the flourishing of others, at least if done from the right motivation. (Dixon, 2001; Aikin, 2013) In a discussion about Most Valuable Player awards, Kershner and Feit discuss how “[b]oth participation in and observation of athletics can be a part of human flourishing,”

The critical observation and active discussion of the athlete’s performance can, and often does, lead to a fitting of athletic excellence into

human flourishing. For example, competitive athletics is often accompanied by the joy of athletic activity, the beauty of the human body straining in athletic competition, intense reasoning in competitors, coaches, and observers, and the sociability that is part of a team's effort. These elements relate to fundamental characteristics of human flourishing such as play, aesthetic experience, the development and active use of practical reason, and friendship. These features contribute to human flourishing and do so in a way that is independent of their ability to satisfy an individual's desires or to bring about pleasure for her.

KERSHNAR & FEIT, 2001, 202

To be sure, there is a broad literature about the right way to be a fan and how fandom can go wrong, (Mumford, 2013; Davis, 2019; Tännsjö, 1998; Tarver, 2017; Archer, 2021) but just as sport participation can be a valuable and acceptable source of meaning in many but not all circumstances, so too can fandom.

And in addition to the role that sport can play in one's meaning in life, sport can also have valuable material consequences for the well-being of those who participate. The Copenhagen City Heart Study gives strong evidence that sport participation is correlated with increased life expectancy, with sports involving social interaction showing significantly longer increases in life expectancy. (Schnohr et al., 2018) Research often shows additional significant benefit to women and girls, from "suggest[ing] that women who participate in college sports and are less likely to be obese, to have high cholesterol, or to have hypertension" to showing "that females who played high school sport are more likely to graduate from college than are their counterparts." (Stracciolini et al., 2020) (Troutman & Dufar, 2020)

It's easy to understand why arguably the most famous treatise in the philosophy of sport, *The Grasshopper* (Suits, 1978), argues that the utopian life is a life of sport and games!

To be sure, much in the world of sport can be problematic. Nonetheless, it's important to stress how important sport can be to human flourishing. Now that we've seen this, we can see how sport hunting specifically can be a valuable arena of meaning for sport hunters.

4 Hunting as Human Flourishing

The role that sport can play in human flourishing is not lost on sport hunters. The value of hunting is often cashed out in the value of exercising human skills, as we can see from this extended passage from Theodore Vitali.

the joy in hunting derives from the exercise of skills involved in the stalking and taking of game, not in the death as such of the animal, then the exercise of the skill is both the sufficient or proportionate reason for the taking of the animal's life and the moral justification for the enjoyment because the skills involved are inherently human skills. Human intelligence is pitted against animal survival instincts. Furthermore, human intelligence is conjoined to emotional discipline and patience, "hard virtues," virtues rarely found developed and exercised in our urban society, plus trained physical skills in the use of weapons. The acts of hunting, therefore, bring together rational, emotional, and physical virtues in a singularly definitive predatory act. The pleasures that follow from such acts are, therefore, equally preeminently human, and thus rationally justifiable, because these pleasure result from the excellent performance of human powers and skills. As a result, the practice of relevant virtues in the pursuit of game is the natural good or value that is fostered and enjoyed in the hunting experience, and this, all things considered, is a sufficient reason for hunting and for enjoying oneself in doing so."

VITALI, 1990, 77–78

Here we see reflections of our earlier discussion about the value of striving and developing human talents. We also see the focus on intelligence, thought by many to be especially relevant characteristic to human flourishing. Timothy Hsiao is more explicit about the role of hunting in the good life, saying that

These trophies are not essential to my health or well-being, but I find the activity of obtaining them to be a valuable form of leisure and relaxation that shapes my conception of the good life. It's fun and rewarding. Not only that, but it is part of a skill that affords me the creativity and independence to design and create things on my own initiative.

HSIAO, 2020, 27

Some go further, arguing that hunting can provide arenas for important human values that aren't readily available in other sporting endeavors. James Tantillo argues that hunting is valuable because it gives humans a chance to gain "tragic wisdom," something no longer easily available for many.

One of the benefits of hunting, indeed, one of its pleasures, is a form of contemplative tragic knowledge that comes from a familiarity and intimacy with death. ... By virtue of literally taking responsibility for his or

her own actions and pulling the trigger directly, the hunter may be more fully aware that life is possible only because of the death of others.

TANTILLO, 2001, 104

It is not the purpose of this section to make a case for sport hunting, but rather to illustrate that there are human goods that are legitimately valuable and worth considering when discussing the ethics of sport hunting. If those of us who opposed sport hunting – as is the view of this author – want to adequately engage in the discussion, we ought to take seriously that hunting can be a meaningful part of the lives of many. But as we shall see, there are limits on the ways in which we can use others even for meaningful pursuits. We will next look at ways in which we use humans in sport, including the ways we limit the use of humans in sport due to concerns about harm and/or lack of consent. We will then discuss the lessons that we can learn from our use of humans in sport – combined with our paper’s presupposition that animals have some but less than human moral worth – to discuss both limits on the use of animals in sport and ways in which the use of animals in sport is justifiable.

5 Using Humans for Sport

Humans are used in sport in a variety of ways. Except for completely solo sports, all sport competitions involve using others. We simply could not do most sports without using others, but this need not be problematic. Rather, we understand “the ideal of sport as a *mutual* quest for excellence [which] brings out the crucial point that a sports contest is a competition between *persons*.” (Simon, 1985, 11) In addition to our competitors, we use humans in a range of other roles during competitions, such as coaches and sideline athletic trainers. Others such as ticket sellers, event promoters, and food vendors are used not to make the event happen but to facilitate the sporting entertainment event.

Before competitions, athletes use their training mates, coaches, physical therapists, and more to prepare them for competitions. In the case of training mates, the athletes are both being used for and used by those in similar situations, just like athletes use each other during competition.

And perhaps most important of all, athletes themselves are used by consumers, team owners, athletic departments, media companies, multinational athletic corporations, national sport committees, and many more.

While much of this use of other humans seems unproblematic, not all use of humans is acceptable, with much of this problematic use being explained due to harm or due to lack of consent.

Although most sports have some risk of injury that we accept, we do place limits due to potential human harm. Sometimes these harm-based limits are seen in competition rules, such as no high sticking in hockey or targeting in American football. While allowing high sticking and targeting might increase the entertainment for many fans – and so be beneficial for team owners, sponsors, media companies, and more – we see such limits due to the risk of harm to the human athletes.

Sometimes harm-based limits are due to external circumstances, such as we've seen due to the COVID-19 pandemic. The 2020 Tokyo Olympics themselves were postponed due to the risk of harm not just to the athletes but also to everyone who would have taken part in the Games and to everyone in Japan. Even when competitions were allowed during the (as of submission, still very ongoing) pandemic, there are often requirements that participants in sporting events wear masks in and/or around competitions. This clearly negatively impacted the chance for many to pursue their life goal and flourish as the life-long athlete they are, but nonetheless the postponement and restrictions seems clearly correct.

We even see harm-based limits in the sort of sports we'd allow to exist. There is little doubt a battle royal competition in line with the fictitious Hunger Games would be of significant interest to many viewers (the author not among them!), and thus to many corporate entities, but such a sporting competition would be an unacceptable way to use other humans (even if they opted in) due to the significant risk of harm.

Although not as extreme as a fictitious Hunger Games battle royal competition, many think that the sport of American football should be banned for being too harmful. There is significant evidence of long-term degenerative brain damage from the sport, and additionally there's some evidence that athletes underestimate their risks of harm through the sport. (Mez et al., 2017; Baugh et al., 2020)

But some risk of harm is accepted in sport, and often this is explained by appeal consent. Humans knowingly engage in activities that could cause some harm, and provided it is harm to them and not others this is typically acceptable. Athletes who knowingly opt in to play football (of the ball and foot variety) know that there might be some contact that could on occasion lead to a sprain or, in rare occasions, ligament tear. Such an injury would be unfortunate but not the sort of thing that would make the sporting situation unjust. Less in the realm of physical harm but harm nonetheless, athletes might consent to play for a particular team with hopes of certain amount of playing time in certain positions, yet performances of them and other athletes could dictate less playing time or playing time in less desired positions. Such situations would be

less than ideal for the athlete, but provided that decisions about playing time and position were made in a fair manner that was roughly knowable before joining the team, such unfortunate situations are not unjust.

While the relationship between coercion and incentive is far beyond the scope of this paper, it seems plausible that humans can consent to sporting situations even if external factors are significant factors in their decision. It's not uncommon for students to join a team for social reasons, not infrequently including trying to impress others in their social circle. There might be rewards – official or unofficial – of joining a work team that convince someone to join a team. Provided that the human will not be missing out on a significant good or otherwise lose out on something deeply important to living their good life, it seems that a coach or teammates could legitimately expect that someone who joined a team due to such external factors would be bound to participate on that team.

Not all external incentives are appropriate. Many college athletes, especially in “Big-Time” sports, arguably are not able to legitimately consent to being unpaid during their college career given that for many they could not otherwise attend college without such a scholarship. A child who agrees to play a sport so that their parents will stop beating them, or so their classmates will stop bullying them, does not consent to do that sport.

Children also can opt out during participation much more justifiably than adults. It would be frowned upon for an adult footballer to simply walk off the pitch if annoyed with the game, while if a young child started to cry from stress or whatever else it would be unjustifiable to keep them in the game. This is especially relevant as we turn our attention to non-human animals, as – while the specifics vary – in general non-human animals don't have the cognitive capacities as adult humans but rather cognitive capacities more relevantly similar to still-developing humans.

6 Using Non-human Animals in Sport

Given this paper's presupposition for the current discussion that non-human animals have some moral importance but less moral importance than humans, we can be more flexible about the sort of harm we allow to non-human animals in sport as well as more flexible about what we count as legitimate consent. But we cannot ignore harm or consent (or something like consent). Most clearly, this requirement to care about harm to animals implies that hunting for sport is unacceptable. Without engaging with the literature on the subject, it seems safe to say that death is a significant harm, if not the most significant harm. Regardless of the real human value in sport hunting, provided

that non-human animals have some meaningful moral value (even if far less than human value), killing them for human flourishing seems unjustifiable. Despite McCloskey's argument for justification of harming and killing animals for scientific research on the ground that animals don't even have rights, he still argues that "animals that may experience pain should be used only when the relevant information sought can be obtained only through them or human beings and not by experiments on non-sentient animals." (McCloskey, 1987, 66) While the exact activities of hunting can only be done with the suffering and (assuming a successful hunt) death of animals, the relevant human goods that can be obtained through the sport can be had through other methods. Warren says that "[s]port hunting clearly falls short of the moral ideal of never harming any sentient being without the compulsion of necessity," though she grants that due to the greater moral status of humans that "it is not clear that opponents of sport hunting are always entitled to use legal coercion to prevent it." (Warren, 1998, 237–238) Similarly, even if eating animals were necessary for elite sport performance (and the existence of vegan and vegetarian elite athletes shows that it is not), killing animals for that purpose would be unjustifiable. Justifications for the killing of animals for necessary tasks does not seem to extend to sport, as though the human flourishing that can be achieved through sport can be important, the value from sport hunting (and elite sport in general, if the eating animals for elite performance claim were true) can be found from relevantly similar activities that do not require the death of animals.

This restriction on killing in pursuit of human flourishing seems uncomplicated, but animals are and can be used for sport in a wide range of ways. Simply taking away the direct harm to animals from hunting we can see that sport tracking could be an activity that could play a role in human flourishing. Such a sport would still fit much of the value of hunting for Vitali; "[h]uman intelligence is pitted against animal survival instincts. Furthermore, human intelligence is conjoined to emotional discipline and patience, 'hard virtues,' virtues rarely found developed and exercised in our urban society." (Vitali, 1990, 77) Human athletes would be using non-human animals as objects in their pursuit of testing skills throughout the process of tracking. This focus on process is key to the value of sport for many; as Hurka said, "there can also be intrinsic value in its properties just as a process and apart from any value in its product." (Hurka, 2006, 234) Further, the sport of tracking shares with the sport of hunting the same opportunities for long-term striving and development of skills to be part of the athletes' meaningful chosen pursuits of their good life.

But is tracking itself justifiable? While doing away with the killing of hunting, tracking animals for human flourishing through sport still involves some harm to animals and worries about consent. Tracking an animal will generally involve frightening or startling animals, perhaps often making them think

something is hunting them. Tracking cannot involve animals giving anything remotely like consent, as it is the human who is entering the animals' home uninvited. We do see this sort of intrusion in some human sports, though typically with far less significant harms. For example, footraces often run through neighborhoods early in the morning or through public parks where non-competitors are recreating, with races sometimes causing spatial or auditory disturbances. These harms are clearly less severe than the harm of an animal thinking its life is in danger, but does illustrate that since we are accepting of some nonconsensual harm from sport in the case of humans that we should be open to some nonconsensual harm from sport in the case of animals.

While the harm of causing an animal to think that it's in imminent threat of being killed through sport tracking is likely too significant a harm for a fully nonconsensual sporting activity even for animals that have some minor moral value, a related activity with an animal that knows the relevant human sportsperson is more likely to be acceptable. Many animals at least appear to love and trust their companion humans, and as such are unlikely to think that they are in any real danger if being tracked or chased. Indeed many animals seem to enjoy being chased by their trusted humans when allowed to run free. This suggests that sport chasing or tracking could be unproblematic for a well-bonded human-animal pair in many circumstances, despite the human being unable to know exactly when the animal goes from something adjacent to consent to a rejection of the situation. (Presumably any well-bonded human-animal pair will be such that the human can reasonably quickly and accurately determine when the bonded animal is not enjoying the situation.)

A similar – but arguably less sporting – activity is the pursuit of wildlife photography and videography. Unlike tracking, wildlife photography and videography incentivizes photographers and videographers to minimize the likelihood that they will be detected by the animals they seek to (digitally) capture. In addition to this incentive to be able to take desired shots of the animals, respected organizations such as National Geographic set the moral tone with guidance on how to respect animals when engaging in wildlife photography, with guidance to not try to gain the animals' attention to being aware of signs of stress in the animals. (Groo, 2019) While wildlife photography and videography is likely the least contentious use of animals discussed in this paper, it's worth noting that stronger views of animal rights could still raise alarms for possible violations of animals' rights to privacy, though these rights might be justifiably violated in service of some stronger moral good. (Mills, 2010; Anat, 2015)

A more structured activity – though also perhaps more sport-adjacent than sport proper – in which humans use animals in sport are agility competitions. S.P. Morris recognizes this as an area that demonstrates a gray area of acceptable risk of harm to athletes in sport.

If a man competes with a dog to run obstacle courses, he subjects the dog to elevated risk, which could eventuate in harm, which could be fairly high-level. Suppose, for example, that the dog suffers a painful injury such as a broken leg or dislocated hip or slipped vertebra. Suppose that the injury results in chronic pain. Would this type of practice exceed what is permissible as optional harm or would the accidental nature of the harm – its unintended nature – be enough of a discount to stay within the realm of ethically permissible optional harm? Probabilities seem to point to the answer. How likely would such harm be? And what is the differential probability of that kind of harm? In other words, how much more risk would dog agilities be to the dog than an ordinary, non-dog-agility-day in the life of a dog? The reason for raising these questions is to point to the gray areas along the continuum of harm to nonhuman animals in the context of games. That is, to explicitly acknowledge that there is gray.

MORRIS, 2018, 391–392

While an animal can act in a consent-like manner to doing agility drills, and might even enjoy such drills, at least most cannot consent to the risk of harm because they cannot understand the risks from the activities. When it comes to humans putting them at a non-negligible risk of “a painful injury such as a broken leg or dislocated hip or slipped vertebra” when they are unaware that the activity could provide such a risk is clearly unacceptable, but putting them at risk for a very minor harm – say getting a papercut playing cards – seems acceptable. Yet on the presupposition that animals are of morally less worth than humans, the likelihood and sort of harm that are acceptable will be wider than if we were training humans to do agility drills. Similarly, the confidence we have in what appears to be consent-like behavior actually being consent-like behavior can be lower. How wide the acceptable possibility of harm and how much we can justifiably push past clear consent (or whatever consent-adjacent attitude is relevant for the animal at issue) will depend on the moral worth ascribed to animals, making activities like agility competitions part of the gray zone indeed.

Getting creative, we can find relatively similar activities that appear much more likely to be in the acceptable zone than the gray zone given even a very significant moral value of animals. In animal agility competitions, we have animals who have to be trained to do difficult tasks, requiring their human to spend significant time getting to know their animal, developing their skills of communication and coaching, and providing a fertile arena for long-term, consistent striving to improve. This fits nicely with some of the ways in which paradigmatic sport participation can play a role in a meaningful life, and

fortunately there can be relevantly similar activities that can give rise to similar opportunities for human (and animal) flourishing.

Mark Rober is a mechanical engineer who, after putting his expertise to work for the National Aeronautics and Space Administration's Jet Propulsion Laboratory, turned his attention to other activities: building obstacle courses for squirrels. In May 2020 he uploaded a YouTube video of a "Ninja Warrior Course" for squirrels, and a year later he uploaded a second, improved obstacle course. (Rober, 2020, 2021) In both cases, squirrels had to navigate a wide range of obstacle in his backyard to gain access to a treasure trove of nuts (dubbed "Fort Knuts" in the second obstacle course). This required Rober to create tests for squirrels that were beatable but not too easy, and connect them in such a way that the squirrels couldn't simply jump straight to the goal.

Importantly, this does not seem to violate constraints of harm or consent (or consent-like attitudes). As Rober points out in his videos, squirrels are very good at falling from high distances even while in states of rotation thanks in large part to their tails. (Fukushima et al., 2021) While the squirrels might suffer the harm of a surprise spring or moving floor, the risk of physical harm is quite low given their ability to safely fall from such heights. Additionally, this psychological harm is likely not significantly worse than the harm they get day to day being startled by whatever passes by. But even if it is, it seems like the squirrels give something adjacent to consent when attempting the obstacle course for a second time (or third or fourth, depending on how long it takes for them to recognize the obstacle course as a site of unexpected twists and turns). There's no reason to believe that these squirrels do not have access to food without the course, and as such the pursuit of "Fort Knuts" is not done out of need for sustenance. Similarly, there is nothing that is using fear or harm to push the squirrels to do the obstacle course; they simply choose to enter it when and if they feel so inclined. While it's plausible that the squirrels never fully grasp the situation, this seems to be a situation where the use of animals for sport is acceptable even on a view of animal moral worth being very high (but still, per the presupposition of this paper, less than the moral worth of humans).

While Rober's activities seem relatively unproblematic for the particular squirrels during their activities, there can still be concerns about long-term, ecological effects from activities such as this that change feeding options for animals. It's been shown that bird feeders and other methods of supplying concentrated food opportunities for animals can sometimes increase the spread of pathogens, and in some (but not all) cases there's evidence that increasing food options changes animals' behaviors in other ways as well. (Becker et al., 2015; Plummer et al., 2015; Plummer et al., 2019; Senigaglia et al., 2019; Lajoie et al., 2021) Such ecological concerns are of the sort that require a far broader

investigation into human activities that impact animals' environments, from other sports-related concerns such as around land use for golf courses to basic questions of creating and designing cities for human habitation.

Clearly this example is far from what we typically think of not only when it comes to using animals for sport, but far from what we think of as sport in the first place. While it's beyond the scope of this paper to determine if building such obstacle courses is a sport proper – we don't know if Rober is accepting any particular rules for the purpose of doing the activity, if there is a determined goal that can be met or failed at by Rober, and the question of sufficient physical activity is still very much open – making obstacle course for squirrels is at least sport-adjacent and fits well with how sport can be a meaningful part of human flourishing. Rober has to spend significant time striving to improve and perfect his designs, he needs to hone his physical skill to correctly craft the courses, and this is an outlet for exercising skill and creativity as part of his good life.

Thus far we've seen how the paradigmatic use of animals for human sport competitions – namely hunting them – is unacceptable if humans have any (even far less than human) moral worth. Our clearly acceptable use of animals in human sport (or sport-adjacent) competitions is incredibly far from what we typically think about when thinking about sport (and arguably isn't even a sport itself) competitions. While it's difficult to think of other relatively common sport competitions that could acceptably use animals, there are other ways in which humans can justifiably use animals in sport preparation.

For sport to be a meaningful part of human life, it cannot be a one-off competition. The striving, the developing of skill, and the long-term part of the meaningful web of life, are all part of sport being an avenue for human flourishing. It seems plausible that there can be ways in which animals can be used as part of this sport preparation.

Companion animals often seem to enjoy playing with their humans, and much general strength and core work done by the human for sport performance could be in line with some of these animal activities. From doing pull-ups with animals holding onto the athlete's back to doing balance exercises with them pushing and prodding the athlete to being a motivating thing to chase while developing footspeed, there are a wide range of ways in which animals playing with their humans can be part of sport development for the human. How acceptable such use of animals as weight or stability trainings tools can be will depend on how much risk of harm there is from the particular human exercise and what determines the animal's choice. It seems fine to incentivize animals to jump on a human's back for a plank by offering a treat, but far less acceptable if this is the only way that the animal can get food or if the animal will be directly harmed if it doesn't take part as being a glorified

training weight. While not the most formal use of animals for sport, this does show how animals can be a part of human sport in an acceptable manner.

7 Conclusion

Sport can be a valuable arena for human flourishing, and that needs to be taken seriously. When arguing against the use of animals in sport, not least of all when it comes to sport hunting, this important role of sport is often ignored. To fairly engage with sport hunters and others who use animals for sport, we need to recognize the meaningful value that sport gives to their lives. However, if we recognize even some significantly sub-human amount of moral value to non-human animals we see that the paradigmatic use of animals in sport – namely sport hunting – is clearly unjustifiable. Provided that non-human animals have some moral worth, we need to consider their risk of harm as well as how they act in a consent-like fashion to the activity. Exactly how we weigh these concerns will depend on how valuable non-human animals are, but in all cases must consider these factors. While this might rule out paradigmatic uses of animals in sport, once we recognize that there is a wide range of activities that can be sport or sport-adjacent (e.g., crafting squirrel obstacle courses), as well as a wide range of activities that are integral to sport development (e.g., strength training), we see that there can be legitimate opportunities to use non-human animals in sport.

Acknowledgements

This paper was significantly improved thanks to the feedback from both reviewers at the Journal of Applied Animal Ethics Research. And this paper would not have gotten to the journal stage without the organizers and participants of the 2021 Sport, Animals & Ethics Conference. Most of all, I am especially thankful to Cheryl Abbate for suggesting I create something for that conference and, far more importantly, for supporting me in my personal journey to be a more compassionate human to all animals, human or otherwise.

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