

Artículo

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Ethical Duties Based upon Animal Interests

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Abstract

This article addresses the nature and scope of the ethical duties that humans have toward animals which arise out of the fact that these other beings are alive. Attention is also given to how the ethical concerns of individual humans will be transformed into social positions and ultimately laws for the protection of animals through the concept of the respectful use of animals by humans. Four broad principles are provided upon which an animal friendly ethic can be built.

Key words

Animals; Ethics; Rights; Law; Respectful Use; Animal Interests.

Resumen

Este artículo trata sobre la naturaleza y el alcance de las obligaciones éticas que los humanos tienen con los animales, derivadas del hecho de que éstos otros seres están vivos. También se presta atención a cómo las preocupaciones éticas de los seres humanos individuales se transforman en posiciones sociales y, finalmente, leyes para la protección de los animales a través del concepto de la utilización respetuosa de los animales por los humanos. Se dan cuatro grandes principios sobre los cuales se puede construir una ética amigable con los animales.

Palabras clave

Animales; Ética; Derechos; Leyes; Uso Respetuoso; Intereses de los Animales.

► I. Introduction

While the issues of the existence and the scope of ethical duties by humans toward animals is a robust topic by itself, it is but a preliminary topic to the more difficult issue of what legal rights animals do or ought to have. Ethics are the product of individual thought, but laws are the synthesis of many individual ethics into a social perspective transformed into law. While this author's primary focus has been on the development of the legal concepts of animal rights, the development of an ethical perspective has also occurred. The following article shares this ethical perspective while leaving to other articles my fuller thoughts about legal developments on behalf of animals¹.

The threshold question is: how shall humans organize our thoughts about human relationships with the other beings of this planet? What is the characteristic or attribute of animals that make a strong ethical claim upon humans? It is the simple science based fact that they are alive, and that, as living beings each individual possesses a personal set of interests. Most ethical constructs exist in order to deal with the reality that humans have interests and these interests often conflict. We recognize that other humans exist and have interests which need to be taken into account in part because we want the reciprocal position, of other humans taking our interests into account when they act. Much ethical discussions focus upon the concept of mutuality of rights and obligations, but this is not helpful when discussing animals, as no one seriously suggest that animals can have ethical duties toward humans. Animal do

not have the capacity to understand such duties. This is just a minor dead end of analysis.

Consider the case of young human children. Most adults accept that adult humans have an obligation toward children regardless of their capacity to reciprocate that obligation. As we understand and act upon the important interests of children that need to be supported such as food, water, medical attention, education and emotional support, so can humans understand and act upon the important interests of many animals. Thus, in this same manor, animal interests ought to trigger some obligations in adult humans without reciprocal obligations being imposed upon the animals.

Accepting for the moment that animals have self-interests independent of humans, there is a particular difficulty which needs to be considered. Society has long placed animals into a broad legal category of physical objects labeled as "personal property". This contains chairs, automobiles and computers (but not the software used by them which is intellectual property). So society and many individual within society have treated both animals and inanimate objects as being the same from a legal perspective and for some from an ethical perspective as well. In this view humans have no more duty to a pig than they do to a chair, and act accordingly. In a prior law review article I have set out an argument for the creation of new category of property, "living property". By having the law separate out the living from the non-living then it will be easier for many to consider them separate on both a legal and ethical basis.

1. David Favre, *Living Property* 93 MARQUETTE L. REV. x (2010); David Favre, *Wildlife Rights*, 25 Jour. of Env. L. and Litigation x (2010); David S. Favre, *Judicial Recognition of the Interests of Animals-A New Tort*, 2005 Mich. St. L. Rev. 333, 348 (2005); David Favre, *Equitable Self-Ownership for Animals*, 50 Duke L.J. 473 (2000).

► II. What are Animal Interests?

The creation of an interest ethics for animals is based upon the reality that these other living beings, like human beings, have individual interests worthy of our consideration, both within the world of personal morals and ethics, and the world of law. It is therefore important to consider in more detail just what is contemplated by the concept of "interests".

As a starting point, some of the behaviors that most, but not necessarily all, animals engage in and that demonstrate the scope of their interests include:

- fighting for continued life
- finding and consuming food daily
- socialization with others (usually of same species)
- mating
- caring for young
- sleeping habits
- accessing sunlight (or not)
- exercising their inherent mental capacities
- moving about in their physical environment

An American writer of the philosophy of the law, Roscoe Pound, starts his five volume analysis of jurisprudence with the proposition that human interests exist and that the resolution of conflicting or competing interests is a primary function of the legal system². This article urges the same approach for the non-human animals. The concept of animal interests needs to be considered in relation to three fundamental questions. Do animals have interests? Can humans be confident enough about understanding these interests to articulate them and give them consideration at a personal level. And finally, do they deserve to be acknowledged within the legal system as a group decision?

That living animals have interests is not a matter of philosophy or debate, it is a matter of fact that is derived from the existence and nature of the DNA³ that creates each individual being on Earth (pardon this brief foray into the realm of science). Inherent in the nature of the DNA molecule is the fact that it self-replicates. The DNA that is found in living beings are special groups of self-replicating molecules that have evolved increasingly complex packages that help assure the replication of the next generation of

DNA molecules⁴. The package protects the DNA from environmental harm, seeks out optimal conditions for creating the next generation and may actually shelter and support the next generation of DNA until they have the best chance to survive on their own. Some packages learned to breathe oxygen, others to run toward or away from others. Some can see the world with color, others smell the world around them. Many DNA packages have developed the capacity to feel pain and some have a capacity for self-awareness. These specific packages of DNA, which we humans see in part as the animals around us, have evolved to their present state over the millions of years by the rules of natural selection acting upon our DNA. Rocks and cars have no DNA, do not have a capacity to self-replicate and therefore have no interests which might drive an ethical concern for their continued existence.

DNA beings desire to live, will fight to live, and will kill other DNA beings in order to live. To say that a living being has interests is to simply acknowledge that each individual has been endowed by their DNA with a package of skills and capabilities which may be expected to be exercised by the individual in pursuing his or her life. A primary interest of a bat is that it be in darkness during the day, while the turtle will seek out the sun to raise his body temperature and become fully functional. Having evolved within the family of mammals, it is easy to see how some of our primary interests or skills are shared with other mammals. For example, the desire of a mother to care for her young is shared with most mammals, be they sheep, whales or rabbits.

The list set out above is of course just suggestive of what is important to living beings. To the extent that we are comfortable in describing and protecting the interests of humans then we should also be comfortable in understanding at least the basic interests of mammals and perhaps other animals. Our scientific knowledge of other beings seems to grow exponentially each decade. It is not critical to know all the interests of all animals before we proceed to acknowledge the critical interests of some of the animals⁵. Change in the legal system is inherently incremental, in part because information comes to us incrementally. As

2. See 3 Roscoe Pound, *Jurisprudence* 17 (1959) at 17 ("Conflicts or competition between interests arise because of the competition of individuals with each other, the competition of groups or associations or societies of men with each other, and the competition of individuals with such groups or associations or societies in the endeavor to satisfy human claims and wants and desires.").

3. For this article, the consequences of DNA are the start point of analysis. Where DNA came from or how it evolved is not necessary to discuss. A discussion of the nature of DNA is fundamental to any course on biology, and therefore part of many text books. See C.R. Calladine & Horace R. Drew, *Understanding DNA: The Molecule & How it Works* (1992); Karl Drlica, *Understanding DNA and Gene Cloning: A Guide for the Curious* (4th ed. 2004).

4. See Richard Dawkins, *The Selfish Gene* (1976).

We are survival machine, but 'we' does not mean just people. It embraces all animals, plants, bacteria, and viruses.... We are all survival machines for the same kind of replicator –molecules called DNA– but there are many different ways of making a living in the world, and the replicators have built a vast range of machines to exploit them.

Id. at 23.

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suggested above, our society has indeed already started down that path; it is now time to acknowledge the reality and to deal with the issues in a more systemic way.

There is one interest which others suggest is a paramount interest of animals which is not on the list above – that of personal liberty of movement. Assuming that liberty for animals is defined as the ability to self-direct individual movement without the restraint of humans or their fences, then clearly this is not possible in the world of living property, where possession is critical and restraint is presumed⁶. But consider that it is also not proper to consider human children as having a full right of personal liberty. Adults constrain the movement of children for a long list of reasons. However, it can be suggested that wildlife do possess a right of personal liberty so long as they can exist in their natural habitat.

The personal observations of this author suggests that while providing a livable space is important to an animal, full liberty of movement is not. Consider sheep. The author of this article has had the privilege of helping raise Icelandic sheep for over five years. The sheep like to be with other sheep, they like to wander to look for food. Without fences they would undoubtedly go off our land to see what is in the next field. But if they do so then I cannot protect them from the risk of the broader world and I cannot protect the rest of the world from the risk of a 220 pound ram. After a number of years of observation I believe that the vast majority of their interests can be fully realized within our fences and that their inability to wander at will is fully offset by the protection they receive from negative consequences to themselves and others

arising out of unrestrained movement. This does not mean that it would be appropriate to keep them in a 5 x 5 pen in the barn indefinitely, as this would frustrate most of their interests, significantly interfering with their quality of life.

An example from the wildlife category provides an example of both the existence of animal interests and how there can be conflicts between humans and animals. Consider the Bald Eagle, majestic national birds of America⁷. Eagle pairs have long-term relationships to help assure the next generation of eagles and will use one nesting site for many years. Now, consider a hypothetical lake in Michigan where a particular pair of eagles, having chosen an optimum site, builds a nest and use the nest for three years. Then the human owner of the land decides that the tree holding the nest should be cut down because: the nest is ugly, he needs firewood, a road is going through, or the eagles are eating too many fish out of his lake, etc. Should the interest of the eagle in using that tree nest receive any consideration in the human decision? What if the human does not believe any ethical duty is owed to the eagles (they are just some big dumb birds after all), should the law force such a consideration over the individual's objection?⁸ How much human interference would be justified if some weight is given to the eagles' interests? How much weight should the interests of the human receive? What if the land owner decided to simply shoot the eagles, should that be allowed?⁹ It is very difficult to give crisp answers to such questions with which all would agree, but if the questions are at least debated, then the eagles have gained something.

5. For example, there has been a tentative recognition within the legal system of the United States of the interests of our genetic cousins, the chimpanzee, in continued life.

In 2000 Congress passed the Chimpanzee Health Improvement, Maintenance, and Protection Act. 42 U.S.C. 287a -3a. The issue before Congress was what should be done for or with the thousand plus long living chimpanzees that have been part of the U.S. federal research system for many years but are no longer needed or wanted for research. A special committee of the National Research Council looked into the issue and found that continued lab housing for chimpanzees to be expensive, particularly when the animal was no longer actively part of research. The financially cheapest alternative would be to euthanize the unneeded animals. However, this option was rejected by the Committee, and ultimately by Congress as well. The option suggested by the Research Committee and adopted by Congress was the creation of retirement sanctuaries that would be operated, and partly supported by, Congress and non-profit private organizations.

David S. Favre, *Judicial Recognition of the Interests of Animals-A New Tort*, 2005 MICH. ST. L. REV. 333, 348 (2005). See also CHIMPANZEE HEALTH IMPROVEMENT, MAINTENANCE AND PROTECTION ACT, S. REP. NO. 106-494, at 3 (2000) ("The CHIMP Act is designed to provide a cost-effective and humane solution to the problem of surplus chimpanzees in research."). As of the beginning of 2009 while over 1100 chimps remain in research facilities, over 100 are retired at Chimp Haven. See Chimp Haven: Our History, <http://www.chimphaven.org/about-history.cfm> (last visited Feb. 13, 2008).

6. This discussion distinguishes the need of living beings for living space from the concept of liberty for the individual. Requirements of personal liberty are not part of the realm of living property. One path to animal rights suggested by others would be a legal action based upon habeas corpus. Thus, a zoo or research laboratory might be sued in the name of possessed chimpanzee to free her from a place as a legal person with freedom of personal liberty. Under the principles of this article the chimpanzee could not complain about the fact of ownership and therefore possession, but could well complain that her interests in appropriate living conditions (space) have been violated.

7. Protection of Bald and Golden Eagles Act, 16 U.S.C. 668a-d.

8. When the eagle was listed as endangered under the US Endangered Species Act, it was indeed illegal to destroy an active eagle nest, so the eagles had trump card regardless of the human interest. But, if not listed as endangered under the Act then the legal protection is lost as the value of protecting an endangered species no longer exists to drive the outcome. So the Endangered Species Act reflects the human judgment about the value in preserving gene pools, not in the quality of life for individual birds.

9. It is illegal to shot an eagle under the Protection of Bald and Golden Eagles Act, 16 U.S.C. 668a. This level of protection is because the eagle has a value to humans not possessed by other birds, being our national symbol.

► III. Which Interests

Having established that animals have interests, a remaining question is which interests ought to be considered without the realm of ethics and then, even more complex, within the legal system¹⁰. For personal ethics both the issue of which interest, and then the next issue of how much weight to give the interests, are decided on the basis of personal beliefs and experience. There is no external point of reference to guide us. In the realm of law, the quick answer to the question of which interests should be acknowledged is: those interests that can garner sufficient political support for the passage of new laws (basically the cumulative weight of all the personal ethical beliefs of the actors within a political system). Because our political system is not just logic driven, the likelihood is that different species will have different sets of interests acknowledged within the legal system at different times.

As with human interests, not all animal interests will deserve attention within individual ethical belief systems or of the legal system. For example, humans have an interest in receiving correct, true information. Therefore it is generally considered a wrong to make a false statement to another human (false statements to pets may not fall under this proposition). While all mothers have an interest in not being lied to by their children and it may be considered unethical to do so, it is not illegal to lie to your mother. However, when it comes to lying in a context of providing information the government needs, then laws have been adopted. It is illegal to lie on your tax return, and it is perjury to lie in a court proceeding. Thus, as it is that not all human interests are within the legal system, so it will be with animal interests. Dogs may have an interest in getting treats every day, but that does not seem fundamental to a dog's well-being and therefore will not rise to the level of either ethical duties for the individual owners or a legal right for the dog.

Choosing which animal interests the legal system should deal with is a judgment call¹¹. A matrix of questions has to be asked. Do we understand the interests in question (science information)? Is the interest in conflict with the interests of humans or the government? Can the legal system provide a useful remedy with the resources available? Do other public policies trump the animal's interests? As

almost no human interest is absolute, neither shall any animal interest be absolute (protected in all circumstances). For example, the critical interest of dogs and cats to reproduce themselves has been significantly interfered with by laws mandating their sterilization because of the public policy concerns about pet over population. On the other hand, a fair argument can be made that complex animals such as chimpanzees who spend decades of their lives in single cages in laboratories are experiencing such a significant interference with any quality of life, that those conditions cannot be justified by any possible benefit to humans and therefore should be illegal¹².

► IV. Animal Use

Accepting that animals have interests of their own, apart from humans, is it appropriate/ethical for humans to use animals to their benefit? To use an animal is to seek a benefit from an animal that may or may not be voluntarily provided by the animal. The benefits sought by humans fill a full spectrum; their flesh is used for nutrition, the skins for clothes, their muscle for labor in the field or the road, their bark for protection and even their affection for human emotional support. Indeed the millions and billions of domestic animals exist because they provide a benefit to humans. The reality is that if animals did not provide benefits to humans, then very few domestic animals would exist.

Parents use their children. Some parents abuse their children. Does the risk of abuse require the conclusion that there should be no children because some may be abused? No, I think not. Society has the duty to reduce the risk of abuse, and it must be acknowledged that notwithstanding our best efforts, some abuse still exists. Likewise, the risk of abuse of animals by humans does not support the justification that there should be no domestic animals. It must be acknowledged that the risk of abuse of animals by humans is significantly higher for animals than children, particularly for agricultural animals where human owners are focused on the desire for economic profit. Therefore it is the duty of society to guard against abuse of animals is much higher when profit is the primary motivation for the use of an animal.

The use of animals should be divided into two broad categories, abusive use and respectful use. Both the exist-

10. In the first part of the Cribbet & Johnson hornbook on property law they start with an animal reference. They begin by acknowledging that a dog has a possessory interest in certain personal property, such a bone, which other animals and even humans must give a certain amount of respect. But, as they point out, the protection of the bone by brute force and cunning does not rise to a property right; that is, the law does not at the moment acknowledge the dog's interest in possessing the bone. See *John E. Cribbet & Corwin W. Johnson, Principles of the Law of Property 4* (3d ed. 1989). But there is no conceptual reason it could not.

11. For some discussion of quality of life for animals, see generally *Temple Grandin & Catherine Johnson, Animals Make Us Human: Creating the Best Life for Animals* (2009).

12. See David Favre, *Laboratory Animal Act: A Legislative Proposal*, 3 *Pace Env'tl. L. Rev.* 123 (1986).

tence of and the social rejection of the abusive use of animals is represented by the Anti-cruelty laws that exist in all 50 states of the United States¹³. Additionally, the positive obligations of respective use are acknowledged and represented by the legal obligations for all animal owners to provide a basic level of care for animals in their possession¹⁴. The existence of these laws reflects the short comings of allowing only personal ethics to govern the human – animal relationship. While some individuals have decided that they will not use animals at all (perhaps becoming vegans), and others use animals in only respective ways, there are even more humans who are either ignorant of the conditions of the animals they use (as for food) or accept the abuse of animals as appropriate.

Respective use is a judgment of the individual and then society itself through its laws. It is a judgment which weighs the benefits of the proposed action (use) to the human against the detriments (and benefits) to the animal. But of course this is not simply the working of math in a formula. There is no agreement as to the units that should be used in such an analysis. How much is the life of whale worth to the whale verse the possible profit for the human who kills the whale. The other difficulty is that every proposed use must also be judged in the context of what alternatives exist for the human desires. If a human is seeking to simple make money, then the action of killing the whale is only one of a thousand possibilities open to the human and will not necessitate the death of a whale. On the other hand, if a group of humans believe that the whale is the only protein source available to them over the next month, then the value to the human is much greater while the death of the whale remains constant.

The education of the general public about animal abuse has been a primary activity of the animal welfare/rights movement over the past thirty years. But even after all this time, much ignorance is still present and many difficulties of judgment still exist. While there are clear cases of abusive use, such as dog fighting, which are prohibited by law, on the other hand, pet ownership is presumed to be respective use. There are other fact patterns of use that are subject to social debate, even when many individuals have rejected the use as an abuse. For example, many individuals would never cut the ears of their dogs for showing the dogs in competitions, while others see no difficulty in such uses. Likewise, many individuals reject the use of chimpanzees for scientific research while other claim it is a necessity. In both cases humans usually can acknowledge the

interests of the animals but the weight they give to the competing interests of the human verse the animal is very different.

Understanding the complexities of a use analysis, but accepting that some use of animals will exist for the foreseeable future by humans, it is time to consider some broad principles which will direct our personal and social judgments about the ethical use of animals.

► V. Some Basic Ethical Principles

Given the fact that animals have interests, albeit ones that are very diverse and often conflict with human interests, what can be asserted as a starting point of analysis for the consideration of animal interests? For this discussion the following principles are offered up:

1. Animals shall be deemed "persons", beings within our ethical and legal world.
2. Animals shall not be unnecessarily used, harmed, or killed by humans.
3. If animals are to be used, harmed, or killed by humans then the methods used or conditions imposed upon the animal shall not inflict unnecessary pain and suffering.
4. Animals shall have a living environment sufficient to support their lives and fundamental interests.

There are two goals that these principles help realize. First, animals, as living beings, have a value inherent in themselves and these principles seek to set the value of their lives against competing human values. Second, they support the creation of a juristic personhood status within the law for at least some animals. There must be respect for others.

While a full consideration of the above list will entail a future book, for the moment two examples are provided to suggest the implementation of the concepts in specific fact patterns.

A. The Trapping of Animals

We start with the reality that humans use wildlife in an assortment of ways. While in the United States we are not as dependent upon local wildlife for daily food and clothes as the humans in many countries, the conflict nevertheless continues. To start a discussion about wildlife by proposing a ban on the harming, capturing, and killing of wildlife is not practical and, therefore, is a political nonstarter. Rather, society needs to reexamine the asserted human reasons for using wildlife and determine whether there really is a necessity. For example, is it necessary to trap bobcats to provide pelts for clothing? The lives of thousands of bob-

13. For example, under Michigan statutory law no "person shall do any of the following without just cause: (a) Knowingly kill, torture, mutilate, maim, or disfigure an animal." Mich. Cod. Laws Anno. 750.50b.

14. Under Michigan statutory law every owner must provide their animals: "(a) "Adequate care" means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health." Mich. Cod. Laws Anno. 750.50(1).

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cats are on one side of the balance¹⁵. Besides the death of the bobcats, the method of death must also be considered. It might be quick, by a shot to the head, or slow and painful, if by a leg hold trap¹⁶. On the other side of the balance sits the financial profit made by the trapper and the retailer of the items, plus the benefits to the consumers of wearing the dead animal skins for comfort or fashion¹⁷. One way to derive the weight of the human benefits is to ask if the benefit is a necessity to the humans. These benefits sit very lightly given that there are many, many alternative ways to stay warm, or be fashionable, or to make a profit. In this author's judgment, the human benefits weighed against the death of thousands of beings do not justify the deaths. While the author would never trap a bobcat, is the imbalance so great as to suggest that it is beyond being a personal ethical decision and instead should be a social decision. Yes, and in our political process such human uses can become prohibited if enough others agree with such a position and can convince the legislature to stop this use by adopting a law that banned the killing of bobcats for commercial sale.

B. The Private Keeping of a Chimpanzee

For a domestic animal fact pattern consider the following. JoJo is a chimpanzee that lives in the basement of the home of an individual named Big Jones in a commercial 5' X 5' X 7'(ft) cage. Big Jones collects exotic animals and shows off JoJo to all his beer-drinking friends as the prize of his collection by banging on the cage getting a reaction out of JoJo. After several months in residence, JoJo no longer reacts to cage rattling and has cut back on eating the table scraps that Big Jones feeds him. This comes to the attention of an attorney, who brings a legal action on behalf of JoJo seeking a guardianship for JoJo and an injunction requiring the transfer of JoJo to better facilities. Is

the keeping of a chimpanzee in these conditions ethical? Only to someone who gives no weight to the interests of the chimpanzee. The fundamental interests of JoJo are clearly at risk; no socialization, no physical exercise, no enrichment of the environment, lack of appropriate food and clear psychological abuse. He is basically a live trophy for Big Jones. Do the interests of JoJo outweigh the interests of Big Jones? The interests of Big Jones are personal; he has a modest financial investment in the animal and he feels important as the center of attention within his community of friends. Being the owner, possessor of a chimpanzee makes him feel special, providing part of his self-identity and self-esteem. The interests of Big Jones can be fulfilled other ways and do not justify this degree of interference with JoJo's fundamental interests. Jones's property interest in JoJo is not a defense to the harm he is causing the chimpanzee. Should the law prohibit this use? Yes, a court should be willing to enjoin the continued possession of JoJo by Big Jones. Because of the harm caused by Jones, the court should require the title transfer of JoJo to a third party without compensation. This is such a clear abusive use of an animal that society should be willing to step in on behalf of the animal and rebalance the circumstances so the use (possession) is respectful of JoJo not abusive.

► Conclusion

The preceding has set out a basis for the ethical and ultimately legal consideration of the well-being, and even continued existence, of the animals of this planet. The goal of the enterprise is to find a path that permits only the respectful use of animals. This is not presumed to be an easy enterprise but one that is required of us as ethical beings.

15. The number of bobcats taken varies upon "changes in the pelt value and fur harvest intensity for other species." FOURTEENTH CONFERENCE OF THE PARTIES, CITES, CONSIDERATION OF PROPOSALS FOR AMENDMENT OF APPENDICES I AND II 6 (2007). Levels of legal harvest were apparently steady around 35,000 in the United States. Canada regularly harvests between 1500 and 2000 pelts a year. 887, 498 bobcat "items" were legally traded in the period of 1980-2004. *Id.*

16. Most of the deaths of bobcats are either due to legal harvest or vehicle-caused mortalities. FOURTEENTH CONFERENCE OF THE PARTIES, CITES, CONSIDERATION OF PROPOSALS FOR AMENDMENT OF APPENDICES I AND II 3 (2007). Hunters of bobcats often suggest that hunting by shotgun is best. Lawrence Pyne, *Outdoors: Hunting the ultimate hunter—the bobcat*, Burlington Free Press, Jan. 24, 2010, available at <http://www.burlingtonfreepress.com/article/20100124/COLUMNISTS01/100124003/Outdoors-Hunting-the-ultimate-hunter-the-bobcat>. Trapping is also common. Many states, in their regulations, allow for either hunting or trapping of bobcats. See generally Minnesota DNR Hunting and Trapping dates, available at <http://www.dnr.state.mn.us/hunting/seasons.html>; http://www.michigan.gov/dnr/0,1607,7-153-10363_10880_10994---,00.html (Michigan DNR); <http://dnr.wi.gov/org/land/wildlife/HUNT/seasdate.htm> (Wisconsin DNR).

17. Whole skins are the most common item in trade with 83% of the trade coming from whole skins. FOURTEENTH CONFERENCE OF THE PARTIES, CITES, CONSIDERATION OF PROPOSALS FOR AMENDMENT OF APPENDICES I AND II 7 (2007). Besides whole skins, "bodies, carvings, claws, feet, hair, garments, leather items, plates . . . skin pieces, tails, teeth, and trophies" are traded. Most of the skin and skin pieces are traded for future use in fur garments. In particular, the spotted belly fur of bobcats is a popular fur for trim on garments. *Id.*