**AN ETHICAL FRAMEWORK FOR THE USE OF HORSES IN SPORT: THEORY AND FUNCTION**

**SIMPLE SUMMARY**

In recent years, there has been increasing societal concern about the use of horses in competitive sport. Ethical frameworks can help stakeholders to make contextual decisions about what should or should not be done in a particular situation. Although there is a recognised need for an ethic (i.e. a set of moral principles relating to conduct) for the use of animals in sport, neither existing animal welfare frameworks nor existing sports ethics frameworks provide us with a suitable or sufficient tool for considering situations in which the athlete is a non-human, non-consenting participant. This paper presents a novel ethical framework for the use of horses in sport, which may be used by stakeholders as a tool to facilitate transparent, consistent justification of decision and policy making. The derivation and limitations of the ethical framework are explained. The use of the framework, it is hoped, will serve both to underwrite the continuation of the ‘social license’ to use horses in sport and also to enable those within equestrian sport to critically assess existing and proposed practices and to make welfare-improving adjustments to practice if / where necessary.

**ABSTRACT**

Growing ethical concern about equestrian sport is reflected in publications by regulatory authorities, animal charities, and the lay press; and in government debate and social media. However, attempts by regulators and stakeholders to address ethical issues in equine sport have been discipline-specific and *ad-hoc*. Ethical frameworks can help stakeholders to make contextual decisions about what should or should not be done in a particular situation. However, neither existing animal welfare frameworks nor existing sports ethics frameworks provide us with a suitable or sufficient tool for considering ethical issues which can arise in situations where the athlete is a non-human, non-consenting participant. This paper presents a novel ethical framework for the use of horses in sport, with the aim of providing stakeholders with a method of addressing ethical issues which can be consistently applied to promote transparent and defensible decision and policy making across disciplines. The derivation and limitations of the ethical framework are explained. The use of the framework will serve both to underwrite the continuation of the ‘social license’ to use horses in sport and also to enable those within equestrian sport to critically assess existing and proposed practices and to make welfare-improving adjustments to practice if / where necessary.

**Introduction**

Horse sport is important to society in terms of spectator enjoyment, benefits to human mental and physical health, and economic impact. However, sport inevitably exposes horses to (potential) physical and psychological harms. Whilst the use of horses in sport continues to be accepted by the majority of the public, that ‘social license’ is increasingly tenuous. Public, media, regulatory and governmental unease about health and welfare issues in sporting equines – including injury, fatality, ill-treatment orneglect, training techniques, ‘doping’, and their fate after retirement - is growing. Furthermore, concern about the ethical dimension of veterinary sports medicine is increasing amongst veterinarians.

Whilst the need for the development of an ethic (i.e. a set of moral principles relating to conduct) for the use of animals in sport is anecdotally recognized, to date attempts by regulators and stakeholders to address ethical issues in equine sport have been discipline-specific and *ad-hoc*. No coherent interdisciplinary examination has been undertaken to provide an overarching ethical framework which could be applied across sports to improve practice.

It is a presupposition of this paper that the use of horses in sport is generally ethical justifiable, but that such use should be constrained by certain specified ‘central tenets’ (see Campbell, MLH in this issue). The development of an ethical framework for the use of horses is sport represents the application of that approach. I shall start by defining an ethical framework, and go on to consider what the purpose of ethical frameworks is, how they can be structured, and what their limitations are. Having established these broad concepts, I shall go on to consider existing frameworks in animal welfare and human sport. I shall argued that neither existing animal welfare frameworks nor existing human sports ethics frameworks provide us with a suitable or sufficient tool for considering ethical issues surrounding the participation of non-human, non-consenting athletes in sport. A novel ethical framework for the use of horses in competitive sport is therefore proposed, and its limitations explained.

The aim of presenting such a framework is to provide stakeholders – whether they be regulators, owners, trainers, riders/drivers, vets, legislators , members of the public or others – with a tool which they might apply to the consideration of the ethical questions which inevitably arise in relation to (equestrian) sport. It is hoped that the on-going consensual development of this framework will provide stakeholders with a method of addressing ethical issues which can be consistently applied, so promoting transparent and defensible decision and policy making across disciplines (whilst always allowing for inherent differences between sports). Such consistency – providing that it is well founded – can only be in the best interests of the horses involved and indeed of equestrian sport as a whole.

The purpose of the framework herein proposed is absolutely *not* to tell any stakeholder what conclusion they ought to be reaching on any particular issue. Rather, the framework is a tool: a logical method which may be used by stakeholders to reach a defensible consensus decision when faced with an ethically challenging scenario. Such use, it is hoped, will serve both to underwrite the continuation of the ‘social license’ to use horses in sport and also to enable those within equestrian sport to critically assess existing and proposed practices and to make welfare-improving adjustments to practice if / where necessary.

**A REVIEW OF ETHICAL FRAMEWORKS**

**What is an ethical framework?**

An ethical framework is an analytical tool designed to help stakeholders consider the ethical implications of interventions and / or actions [1]. These might include policy proposals, regulations, research initiatives, legislation and direct actions. An ethical framework is not the same as an ethical theory. Whereas ethical theories (for example Deontology, Utilitarianism or Virtue Ethics) are generally self-contained and may conflict with one another, an ethical framework may draw on aspects of several theories and then add in principles of its own to create a systematic approach to addressing an ethical issue. Just as ‘Ethics……….provides the theoretical basis for assessing why something is good or bad ’[2], so an ethical framework can help us to determine both what should be done and what should not be done in a particular situation. The application of an ethical framework entails identifying actual and potential ethical issues, defining them, determining their scope, (and) specifying criteria for resolving conflicts amongst them [3]. Thus ethical frameworks facilitate deliberation which itself supports and justifies decision making [4].

**The purpose of ethical frameworks**

In all ethical discussions, those participating inevitably start with their own personal and professional moral views. Where these do not align between stakeholders, opinion-based deliberation may become rather circular. This is not helpful when a conclusion needs to be reached in order to implement (or decide not to implement) an action or policy. The advantage of employing an agreed framework to an ethical discussion is that doing so enables us to channel discussion towards a conclusion. A key point about ethical frameworks is that they cannot and do not function to provide stakeholders with one, ‘correct’ answer to an ethical issue. Rather, they provide a rigorous, defensible method for identifying the ethically important aspects of a situation [5]. Notwithstanding the inevitable limitation arising from conflicts of interest (see below), if the framework can at least be agreed upon at the outset and logically applied then a foundation exists for building consensus[[1]](#footnote-1).

Furthermore, the systematic application of a framework helps those using it not only to apply rigour to their own deliberations but also to explain and defend their decision-making processes. As Kass explains [1], ‘Engaging in the steps of an ethics analysis (should make) us meticulous in our reasoning, requiring us to advocate interventions on the basis of facts and not merely belief. Further, an ethics analysis holds us to high standards, not only for scientific method but also for how respectfully we communicate with and involve constituent communities’. Importantly, the application of an ethical framework allows flexibility for interpretation in different contexts, whilst simultaneously providing justification for decisions made based on the rigour of its application [6].

**The structure of ethical frameworks**

Most ethical frameworks follow a similar series of steps which might be summarised as follows:

* Recognise the ethical issue
* Identify parties (‘stakeholders’) involved
* Gather all relevant information
* Formulate and consider alternatives (using agreed ethical theories or principles)
* Make a decision and reflect upon it
* Act upon the decision
* Reflect upon the consequences of the action and if necessary review / update the decision. [3]

However, the structures used by different ethical frameworks to work through these steps vary, and may include lists of questions, diagrammatic grids, flow charts, worksheets and labelled diagrams [5 Table 1]. Thus, as examples, the ethical framework of Kass [1] for public health asks a series of questions having provided some definitions (e.g. of what ‘benefits’ are) in the beginning.Childress *et al* [7], also considering public health, developed an ethical framework which provides a series of nine general moral considerations for users to apply. Other frameworks simply provide a set of principles [8] - sometimes boosted by a requirement that they be informed by evidence [9] - or of policy goals to be fulfilled [10].

Checklists are a frequent feature of frameworks [11], whilst ‘framing questions may contribute more to adequate deliberation of the ethical aspects of programs than providing fixed answers or guidelines’ [4].

Whatever the structure of an ethical framework, it should have the capacity to address all aspects of the ethical issue under consideration [5] and should elucidate negative as well a positive considerations [4]. The practical usefulness of an ethical framework is likely to be determined by a combination of applicability and feasibility, and by making it adequately specific rather than over general [3]. Ten Have [4] suggests that procedural guidelines for applying the framework can help applicability, whilst criteria should be provided for who should use the framework when.

**Limitations of ethical frameworks**

Little research has been undertaken to assess the comparative merits of different types of ethical framework, or their effectiveness in practice [5]. Nonetheless, a number of limitations are agreed upon by several authors. Both Hurlimann [3] and Ten Have [4] identify lack of specificity as limiting the usefulness of a framework. Whilst the aim of developing a broad framework which may be used by many different people in many different contexts may seem admirable, it is in fact likely to limit uptake of the framework by making it difficult for individuals to see easily how to apply it to their particular situation. Conversely, however, limiting the breadth of an ethical framework can also reduce its utility through narrowing the consideration of those using it. Thus Manson [5] describes how medical students instructed to apply a ‘Four Principles’ ethical framework were found to ignore considerations not explicitly mentioned in the framework (such as the need to tell the truth) and tended to miss out important discussion of professional and legal guidance.

A major limitation identified for all ethical frameworks is that they do not provide a mechanism for resolving conflicts between the interests of stakeholders. Although working one’s way through the steps of a framework will help to elucidate what the interests of each stakeholder are, to ensure that none has been forgotten, and to describe how possible actions / policies align or not with agreed basic principles, it is frequently nonetheless not possible at the end of the process to identify one ‘correct’ answer to the question being addressed. This is because it is inevitably rare that the interests of all stakeholders will align, meaning that it remains necessary at the end of the deliberation process to make a judgment about which stakeholder’s interests should be given priority. Different people will have different views about that judgement depending on their moral viewpoint and on the ethical theory which they adopt. Thus the judgments of those using the framework may themselves then conflict. As Ten Have states [4] ‘No simple solution seems to be available for dealing with ethical conflicts, although it is precisely the tendency of ethical principles to infringe upon each other that creates the need for frameworks’. Several frameworks incorporate procedures for dealing with differences of opinion. Tannahill [9] encourages an explicit use of a decision-making triangle, and the documentation of judgements. It is suggested that this facilitates discussion about disagreements on the basis of shared principles. Both Kass [1] and Childress *at al* [7] argue for some kind of transparent, public process to consider the fairness of proposed outcomes.

Ultimately, individuals may disagree with the conclusion arrived at by working through an ethical framework and such end-stage disagreements may be very difficult to resolve because they arise from fundamental differences of moral view which are informed by experience [5]. They can, perhaps, be mitigated against at the outset of the deliberation process by all participants agreeing upon the theoretical basis (e.g. Utilitarian, Deontological, Virtue Ethics) of the analysis and upon certain central tenets: a strategy which is incorporated into the design of the ethical framework for the use of horses in sport described below. However, the resolution of conflicts is unlikely to be something for which definitive processes can be prescribed within a framework, because both the conflicts and the resolutions rely heavily upon personal and professional experience and judgement [5, 7]. This recognition that conflicts will occur and documentation of such occurrence and the reasons for them should be an integral part of using any ethical framework.

**ANIMAL WELFARE AND ETHICAL FRAMEWORKS**

Whilst there are a number of frameworks designed to assess animal welfare, none of them is an *ethical* framework in the sense that none address the underlying question of whether the human use of an animal whose welfare is being assessed is morally acceptable. Animal welfare frameworks address *ways* in which things should be done rather than *whether* things should be done at all. In this section, a review is provided of the most commonly used of the animal welfare frameworks, along with an explanation of why they fail to function as ethical frameworks.

The **‘3Rs’ framework** was developed as a framework for performing more humane animal research. It centres around the principles of replacement, reduction and refinement [12].

Although the 3Rs framework was developed specifically in relation to the use of animals in science, the principles have application to other uses of animals. For example, in the context of the use of horses in sport the principle of ‘refinement’ is closely related to the principle of avoiding unnecessary harm expounded in (Campbell, M.L.H in this issue): unnecessary harms might be mitigated against by refining factors such as fence design, track surface and training methods.

The 3Rs framework provides a means of assessing and thereby improving animal welfare, and although it is not in itself an ethical (as opposed to welfare) framework it has become generally accepted in science that failure to follow the 3Rs is unethical because it exposes animals to unnecessarily negative welfare. This is reflected in the way in which the 3Rs are embedded in national and international legislation and regulations on the use of animals in scientific procedures (for example the UK’s Animals (Scientific Procedures) Act 1986 (as amended). However, the 3Rs framework does not itself provide a direct means of answering the question of whether a particular use of animals (in science or elsewhere) is at all ethically permissible.

This failure to address overriding ethical permissibility is a limitation shared by the **Five Freedoms framework** which was developed by the Farm Animal Welfare Council (FAWC). The Five Freedoms framework was originally expounded for use in farm animals and originated in the Brambell Report [13]. It was subsequently developed by the British Farm Animal Welfare Council, has been adapted as the basis for the Animal Welfare Act 2006 ([England and Wales](https://www.globalanimalnetwork.org/sites/default/files/Animal%20Welfare%20Act%202006%20-%20England%20and%20Wales.pdf)), the Animal Health and Welfare ([Scotland](https://www.globalanimalnetwork.org/sites/default/files/Animal%20Health%20and%20Welfare%20%28Scotland%29%20Act%202006%20-%20Scotland.pdf)) Act 2006 and the Welfare of Animals ([Northern Ireland](https://www.globalanimalnetwork.org/sites/default/files/Welfare%20of%20Animals%20Act%20%28Northern%20Ireland%29%202011%20-%20Northern%20Ireland.pdf)) Act 2011; the RSPCA’s advice for horse owners [14]

and is referenced in the British National Equine Welfare Council’s Code of Practice [15].

The Five Freedoms are:

• Freedom from hunger and thirst

• Freedom from discomfort

• Freedom from pain, injury and disease

• Freedom to express normal behaviour

• Freedom from fear and distress

It has been suggested by McCulloch [16] that the Five Freedoms are individually necessary and jointly sufficient as a framework for the analysis of animal welfare. However, as McCulloch also notes the idealism of the Five Freedoms framework makes it an unsatisfactory tool of *ethical* analysis since it is ‘without power to determine what a satisfactory level of animal welfare is’.

This limitation was recognised in the work of Mellor and Reid and later Mellor and other co-workers [17 - 19], who developed a ‘**Five Domains model’** of animal welfare which focuses on ‘four physical/functional domains (nutrition, environment, health, behaviour) and… one mental domain that reflects the animal’s overall welfare state understood in terms of its affective experiences’ [18]. Incorporated in the Five Domains model [17-19] is the important point that the experiencing of temporary negative welfare affects (e.g. thirst) can be important to drive responses which in turn improve welfare through motivating life-sustaining behaviours (in this example, to drink), and that the absolute eradication of all negative welfare effects is not therefore desirable.

The Five Domains model allows for analysis of negative and positive welfare impacts, and the way in which those interact with each other, to provide an overall assessment of whether the welfare standard being experienced by an animal when taken in it entirety is satisfactory or not. This model provide a comprehensive system of welfare assessment which feeds into quality of life assessment. The Five Domains model as updated [18] is thus more capable than the simple Five Freedoms model of providing comprehensive evidence about the overall level of welfare which an animal is experiencing.

In relation to horses specifically, a number of welfare assessment frameworks / tools have been developed (reviewed or described, for example, by [20-25]). A significant piece of international research aimed at developing equine welfare assessment protocols based on animal based indicators was funded by the European Union as part of its Seventh Framework Programme for Research and published in 2015. The resulting AWIN welfare assessment protocol for horses [26] focuses on four principles of good housing; good feeding; appropriate behaviour and good health.  Much of the subsequent research in this area focused on the refinement of similar indicators, and description of the advantages and limitations of such systems.

The information provided by tools such as the Five Freedoms framework, the Five Domains model and various welfare assessment tools is information which forms an important evidence base for ethical analysis. However, none of these frameworks, models or tools can themselves provide an answer to the ethical question of what level of welfare is sufficient to allow a particular use of an animal [27], if indeed such a level exists.

The work of Mori *et al* [11] attempted to address this deficit in the context of zoo animals, through developing a tool which facilitates ethical assessment of animal welfare concerns. This provides an interesting example in reference to the development of an ethical framework for the use of horses in competitive sport because both are arguably ‘unnecessary’ uses of animals which involves animal harms and benefits to human wellbeing. The framework of Mori *et al* [11] involves gathering evidence about welfare from a number of diverse sources using a variety of techniques, and then superimposing an ethical analysis on that data through the use of a customised ethical matrix.

The framework of a ‘**Bioethical matrix’** was first proposed by Mepham [28]. Briefly, it involves identifying all relevant stakeholders, and then separating out the stakeholders and ethical theories into a matrix, so that the arguments for and against are contained within cells of the matrix. The ethical theories which Mepham used were autonomy (derived from deontology), wellbeing (derived from utilitarianism) and justice (derived from the Four Principles). A typical bioethical matrix is illustrated in Figure 1.

**Figure 1: Example of a typical bioethical matrix**

|  |  |  |  |
| --- | --- | --- | --- |
| **Stakeholder** | **Autonomy** | **Wellbeing** | **Justice** |
| E.g. Animal |  |  |  |
| E.g. owner |  |  |  |
| E.g. Vet |  |  |  |
| E.g. public (consumer) |  |  |  |
| E.g. public (opinion) |  |  |  |

The bioethical matrix has several weaknesses, most notably that it does not indicate how to weigh the interests of one stakeholder against another; that there are practical limits to the number of stakeholders who can be included; and that (in common with other ethical frameworks) it does not provide a definitive answer. Nonetheless, as a mechanism for ensuring that stakeholders and their interests have been recognised it performs a useful function. This is explored further in the development of the ethical framework for the use of horses in sport below.

Mori *et al* [11] used their customised ethical matrix to identify ‘The ideal situation of each stakeholder’, and then ‘weighed (that) against that of any other to identify possible internal conflicts’. They then assessed the information contained within the cells of the matrix against a check list of previously agreed policies / principles e.g. ‘Only a negligible or low risk of welfare health was detected in the risk assessment analysis of physiological parameters’ or ‘The visitor experience analysis detected a positive emotional impact’. Mori *et al* [11] argued that use of this framework made up of a combination of data gathering, identification of interests and conflicts and testing against previously agreed principles can help zoos, aquariums, and facilities offering interactive experiences, to state and communicate the ethical principles and values that guide them’ and their commitment to animal welfare………….(and that)…...the use of a uniform protocol (can) help to improve the overall ethical approach and consistency in management decisions.’

**SPORT AND ETHICAL FRAMEWORKS**

Human ‘sports ethics’ is an established field of applied ethics which is outside the scope of this paper to review, but to which deontological, utilitarian and virtue-based analyses all pertain [29]. The concept of ‘Fair play’ pervades sports ethics [30, 31], and rules relating to drug use and abuse stem from that focus. Integrity is also a commonly occurring theme. In relation to equestrian sport , mention of ‘fair play’ and / or integrity feature on the websites, rule books or codes of conduct provided by the publications of Federation Equestre Internationale (FEI), the International Federation of Horseracing Authorities (IFHA), the British Horseracing Authority (BHA), the Hurlingham Polo Association, the Pony Club, the British Equestrian Fededation (BEF), and the International Olympic Committee (IOC). Consistent with such an emphasis on fair play and integrity, the principle of Justice has been commonly employed in the ethical analysis of sport [30, 32-34]. The ethical concept of autonomy within sport – particularly of an athlete’s autonomy in decision making about their participation where that may conflict with their objectively perceived welfare [35 Ch1] – is also an important one.

Within sport, ‘Ethical Codes’ are used more commonly than ethical frameworks. These differ in that an ethical code is prescriptive, whereas an ethical framework provides a method of analysis. Ethical codes may provide individuals with guidance about how to behave, and may promote awareness of ethical considerations amongst athletes and officials [36], but a code is effectively a rulebook rather than a tool of analysis. The danger of relying upon such codes rather than developing a method of ethical analysis which can be applied to any given situation is that such reliance may inculcate an attitude whereby ‘every action that is not explicitly defined as wrong, will be seen as a viable option’ [37].

Examples of ethical frameworks which are broadly applicable to all sports (as opposed to deontological, rules-based ethical codes for individual sports) are comparatively rare. The IOC and United Nations Educational Scientific and Cultural Organisation (UNESCO) - both of which have overarching roles - implicitly reply on ‘Justice’ frameworks as expounded through their insistence upon ‘Fair play’ [38, 39]. The Australian organisation ‘Play by the Rules’ provides an ethical framework for sport in the form of a check list of reflective questions centred around acquiring facts, applying personal ethics and committing to action [40]. Similarly, teaching materials pertaining to sports ethics provided by the Australian government suggest a method of question-based ethical decision making which focuses on information acquisition, identifying stakeholders, applying personal ethics, identifying weaknesses in one’s own ethical viewpoint, and checking one’s conclusions with somebody else and against the purpose of the sport in which one is participating [41].

Knowledge about the theoretical approaches used by those working in the field of sports ethics and of existing codes and frameworks for human sport can be used to inform the development of an ethical framework for the use of horses in sport. However, none of them can appropriately be directly adapted for this use because they do not apply to a situation where the athlete is a non-consenting participant.

Ethical frameworks are useful tools to help stakeholders determine both what should be done and what should not be done in a particular, contextual situation. For the reasons described above, neither existing animal welfare frameworks nor existing sports ethics frameworks provide us with a suitable or sufficient tool for considering ethical issues surrounding the use of horses in sport. The next part of this paper now goes on to propose such a framework.

**AN ETHICAL FRAMEWORK FOR THE USE OF HORSES IN COMPETITIVE SPORT**

The aim of developing a novel ethical framework for the use of horses in competitive sport is to provide stakeholders – whether they be regulators, owners, trainers, riders/drivers, vets, legislators , members of the public or others– with a tool which they might apply to the consideration of the ethical questions which inevitably arise in relation to equestrian sport. This framework may be used in international, national or local settings, across equestrian disciplines.

**Structure of the framework**

The framework as here described incorporates structural elements of other frameworks discussed above, designed to facilitate (a) ease of access (and therefore uptake) by a variety of stakeholders and (b) transparent decision making.

In line with the work of ten Have [4] which suggested that question-based frameworks promote more adequate deliberation over ethical issues than does providing fixed answers or guidelines, the framework functions in a step-wise fashion to lead users through a question-based analysis. It is presented both in the form of a flow chart with supporting prompts (Figure 2) and a text-based, detailed discussion of each of the steps (see below). This combination of providing a flow chart and a step by step guide to following the process depicted in the flow chart (including suggested use of a ‘stakeholder matrix’) increases accessibility [42] and ease of use by diverse end users [5]. The step-by-step written description of how to use the framework meets the need to provide ‘procedural guidelines’ described by ten Have [4].

The framework relies upon (a) a utilitarian, harm: benefit analysis, and then (b) testing the results of that analysis against the ‘central tenets’ which provide ethical constraints upon the use of animals in sport, described in (Campbell M.L.H in this issue). These ‘central tenets’ are (a) minimisation of negative welfare effects and maximisation of positive welfare effects, in order to enable horses to have ‘lives worth living’ (b) identification and mitigating against avoidable, unnecessary risk and (c) compliance with governing body regulations and the law. The way in which the framework is structured incorporates consideration of each and all of these elements. The core use of a utilitarian framework facilitates analysis of negative and positive welfare effects (harms and benefits) for each stakeholder. An utilitarian approach is frequently employed to ethical considerations of both animal welfare and human sport, and will be familiar (and therefore easily accessible) to the vast majority if not all of the end users of the framework. Testing the preliminary results of the core utilitarian analysis against the central tenets of (i) identifying and mitigating against avoidable, unnecessary risk and (ii) complying with legislation and regulation introduces both virtue ethics and deontological elements to the analysis. A virtuous person would not intentionally allowing exposure to avoidable harms to persist unchanged , whilst an adherence to legislation and regulations is an example of rules based (deontological) ethics. This combination use of a core utilitarian approach qualified by testing the preliminary results of that analysis against the ‘central tenets’ is consistent with the ‘Core Values’ approach of Manson’s framework [5] which promotes identification of contextually relevant issues in an ethical discussion.

**WRITTEN STEP BY STEP DESCRIPTION OF HOW TO USE THE FRAMEWORK**

**Define the policy issue**

* What is the ethical question / the issue which requires a policy formulation / decision?
* Are there any sub-questions which need answering?

**Identify stakeholders and their interests**

Examples of stakeholders who might be relevant include (NB not all stakeholders given as examples here may be relevant to every use of the framework in practice).

* Equine stakeholders
	+ Those directly (actively) involved in the sport
	+ Those indirectly involved in the sport e.g. young horses not yet in training; retired horses; broodstock; future generations who might be affected by the decision (e.g. through genetic effects)
	+ Horses not involved in the sport (if there are relevant ‘knock on’ consequences)
* Human stakeholders
	+ Horse owners
	+ Horse breeders
	+ Horse riders / jockeys / drivers (‘athletes’)
	+ Those directly employed by or with a business interest in the sport
	+ Those indirectly employed by or with an indirect business interest in the sport
	+ Veterinary surgeons and other members of the ‘veterinary team’
	+ Members of the public with an active interest in the sport (e.g. spectators / those engaged in betting)
	+ Members of the public with no particular interest in the sport but a general interest in animal welfare
	+ Regulators
	+ Policy makers
	+ Law makers
	+ Animal charities
	+ Lobbying organisations
	+ Media
* Other stakeholders
	+ ‘The environment’

**Assess the relevant evidence**

* **What evidence about the issue under consideration is available?**
	+ Peer-reviewed journal papers
	+ Non-peer reviewed papers, books, and reports
	+ Peer reviewed or non-peer reviewed papers which are not about the issue under consideration but are about a related issues (for example in other species, or other sports)
	+ Expert opinion
	+ Stakeholder opinions (e.g. from publications; conference proceedings, websites etc)

Consideration should be given to the quality of evidence [43].

* **What evidence about the issue under consideration is lacking / how could this be obtained?**

**Identify relevant legislation / regulation**

* International legislation
* National legislation
* Sport specific regulations (which may include international or national variation)

**With reference to the interests of each stakeholder** and considering also the severity of impact on stakeholders (for example in terms of intensity, duration and basic needs (Part I Section I) **apply a harm: benefit analysis to the question / issue**

Use of a ‘stakeholder matrix’ such as this one may help to focus this consideration:

|  |  |  |
| --- | --- | --- |
| **Stakeholder** | **Harms associated with the action / decision** | **Benefits associated with the action / decision** |
| 1 |  |  |
| 2 |  |  |
| 3 |  |  |
| 4 |  |  |
| etc |  |  |

**Reach preliminary conclusion / decision based on the harm: benefit analysis**

**Test preliminary conclusion / decision against the central tenets**

The central tenets of the framework are:

* Minimisation of negative welfare effects and maximisation of positive welfare effects for horses.
* Identification of and mitigation against avoidable, unnecessary risk to horses.
* Compliance with governing body regulations and the law

If any of the central tenets are compromised by the preliminary conclusion / decision reached through the harm: benefit analysis, reassess both the analysis and the conclusion.

NB: There may be occasions on which the initial conclusion is not compliant with current regulation / legislation and when - having reassessed both the analysis and the conclusion – the users of the framework still believe that their conclusion is correct and that current regulation / legislation needs reviewing. If this occurs it should be explicitly stated and recorded.

Note: this testing against central tenets will assist in ‘weighing’ different stakeholder interests if a particular conclusion / decision would, in a harm: benefit analysis, be to the overall benefit of one stakeholder and the detriment of another. For example, a particular preliminary conclusion / decision from the harm:benefit analysis might provide a substantial economic benefit to many humans but involve the acceptance of an identifiable risk to equine welfare which could be mitigated against. In that case, implementing the preliminary conclusion / decision would contravene one of the central tenets of the framework (‘Identification of and mitigation against avoidable, unnecessary risk to horses’). This would indicate that the weighting of interests in the conclusion of the harm: benefit should be shifted in favour of equine (not human) interests, and the conclusion adjusted accordingly. Thus testing initial conclusions from the harm:benefit analysis against the central tenets is a balancing and rebalancing process. The framework deliberately does not say anything about the relative weighing of different (sometimes conflicting) human interests – that must be left to the users of the framework, with appropriate acknowledgment of conflicts where they occur (see below).

**Identify any conflicts in the conclusion / decision.**

Conflicts may occur between stakeholder interests, or in the acceptance amongst those using the matrix of the conclusion / decision which has emerged from its employment.

* Can any conflicts be resolved by further reference to the central tenets of the framework (see ‘testing against central tenets’ above)?
* Can any conflicts be resolved by reference to evidence? Sometimes, apparent conflicts of interest are in fact disagreements over facts, and can be resolved by elucidation of those facts or by gathering further evidence (for example, about the extent or nature of a harm).
* It is to be expected that conflicts will occur [3, 7]. Where this happens and they cannot be resolved they should be noted, along with a brief explanation of the reason why they cannot be resolved (e.g. insufficient evidence to reach a definitive conclusion; disagreement about weighing interests etc).

**Agree final conclusion / decision / outcome**

* Record any dissenting opinions
* Note any further work which needs to be done (e.g. to gather further evidence)
* Agree an action plan to be implemented as a consequence of the conclusion / decision

**Agree a plan for future review of the decision**

For example, if a lack of evidence has been identified as a factor limiting the validity of the decision, make a plan for commissioning appropriate research / tracking the publication of relevant evidence and reviewing the decision when the evidence does become available.



**Figure 2: diagrammatic step by step explanation of how to use the ethical framework**

**CONCLUSION**

The ethical framework for the use of horses in sport presented above consists of a core utilitarian analysis which is qualified by Virtue Ethics and Deontological elements, and by testing of preliminary conclusions against specified ‘central tenets’. The framework provides stakeholders in equestrian sport with a tool which they may use in a step-wise fashion to analyse any ethical issue which arises. It is hoped that such use will serve both to underwrite the continuation of the ‘social license’ to use horses in sport and also to enable those within equestrian sport to critically assess existing and proposed practices and to make welfare-improving adjustments to practice if / where necessary.

The ethical framework for the use of horses in sport is deliberately designed to be applicable to all equestrian sports. However, as Hurlimann highlights [3], ethical frameworks which are over-general are unlikely to be helpful in practice as their very generalisability makes it harder for stakeholders to easily see the applicability to their own situation. It is therefore anticipated that individual equestrian sports may choose to use this ethical framework as a starting point, and subsequently to develop sport-specific codes of ethics. This is likely to be a reiterative process, whereby application of the framework to particular issues may elucidate a generalizable rule which stakeholders feel could be usefully written into a code of ethics, and a code of ethics (once it exists) feeds back into the application of the framework through providing regulatory evidence which is used in deliberations. This process and any limitations which the generalizable nature of the framework cause could be the subject matter of future research.

**References**

1. Kass, N.E. An ethics framework for public health. *American Journal of Public Health* **2001** *91*(11): p. 1776-1782.

2. Vargas-Mendoza, N., et al. Ethical Concerns in Sport: When the Will to Win Exceed the Spirit of Sport. *Behavioral Sciences* (Basel, Switzerland). **2018** *8*(9): p. 78.

3. Hurlimann, T., et al. Ethical issues in the development and implementation of nutrition-related public health policies and interventions: A scoping review. *PloS One*, **2017** *12*(10): p. e0186897-e0186897.

4. ten Have, M., et al. An overview of ethical frameworks in public health: can they be supportive in the evaluation of programs to prevent overweight? *BMC Public Health* **2010** *10:* pp. 638-638.

5. Manson, H.M. The development of the CoRE-Values framework as an aid to ethical decision-making. *Med Teach,* **2012** *34*(4): p. e258-68.

6. British Association for Counselling and Psychotherapy. Ethical framework for the Counselling Professions. **2018** Available online: <https://www.bacp.co.uk/events-and-resources/ethics-and-standards/ethical-framework-for-the-counselling-professions/developing-the-new-ethical-framework-2018/#:~:text=The%20Ethical%20Framework%20is%20a,practice%20within%20the%20counselling%20professions.&text=It's%20also%20a%20living%20framework,as%20new%20legislation%20or%20research> Accessed on 3.3.2021

7. Childress, J.F., et al. Public health ethics: mapping the terrain*.* *J Law Med Ethics* **2002** *30*(2): p. 170-178.

8. Thomas, J.C., et al. A Code of Ethics for Public Health. *Am J Public Health* **2002** *92*(7): p. 1057-59.

9. Tannahill, A. Beyond evidence--to ethics: a decision-making framework for health promotion, public health and health improvement*.* *Health Promot. Int.* **2008** *23*(4): p. 380-90.

10. Shickle, D. et al Public Policies, Law and Bioethics: A Framework for Producing Public Health Policy Across the European Union. **2007** Available online: <https://www.researchgate.net/publication/266266252_Public_Policies_Law_and_Bioethics_A_Framework_for_Producing_Public_Health_Policy_Across_the_European_Union> Accessed on 3.3.2021

11. Mori, B.D., et al. A Protocol for the Ethical Assessment of Wild Animal-Visitor Interactions (AVIP) Evaluating Animal Welfare, Education, and Conservation Outcomes. *Animals* **2019** *9*(8): p. 487.

12. NC3Rs. Available online: <https://www.nc3rs.org.uk/the-3rs>. Accessed on 13.4.2021.

13. Brambell, F.W. Report of the technical committee to enquire into the welfare of animals kept under intensive livestock husbandry systems. **1965** Her Majesty's Stationery Office: London.

14. RSPCA. Caring for horses and ponies. 2021 Available online: <https://www.rspca.org.uk/adviceandwelfare/pets/horses> Accessed on 3.3.2021

15. Anon. Code of practice for the welfare of horses, ponies, donkeys and their hybrids. 2018 Available online: <https://www.gov.uk/government/publications/code-of-practice-for-the-welfare-of-horses-ponies-donkeys-and-their-hybrids>. Accessed on 3.3.2021

16. McCulloch, S.A. Critique of FAWC’s Five Freedoms as a Framework for the Analysis of Animal Welfare. *Journal of Agricultural and Environmental Ethics* **2013** *26*(5): p. 959-975.

17. Mellor, D.J. and Beausoleil, N.J. Extending the ‘Five Domains’ model for animal welfare assessment to incorporate positive welfare states. *Animal Welfare* **2015** ***24***: pp. 241–253.

18. Mellor, D.J. Operational Details of the Five Domains Model and Its Key Applications to the Assessment and Management of Animal Welfare. *Animals* **2017**  *7*(8): p. 60.

19. Mellor, D.J. and Reid, C.S.W Concepts of animal well-being and predicting the impact of procedures on experimental animals, in Improving the Well-Being of Animals in the Research Environment. Australian and New Zealand Council for the Care of Animals in Research and Teaching: Glen Osmond, Australia. **1994**  p. 3-18.

20. Hockenhull, J. and Whay, H.R. A review of approaches to assessing equine welfare. *Equine Veterinary Education* **2014** *26* p. 159-166.

21. National Equine Welfare Council *Equine Industry Welfare Guidelines*. **2009** Available online: <http://www.newc.co.uk/wp-content/uploads/2011/10/Equine-Brochure-09.pdf>. Accessed on 3.3.2021

22. Czycholl, I., Klingbeil,P and Krieter, J. Interobserver Reliability of the Animal Welfare Indicators Welfare Assessment Protocol for Horses. *J Equine Vet Sci*, **2019** *75*: p. 112-121.

23. Hausberger, M., et al. Mutual interactions between cognition and welfare: The horse as an animal model. *Neurosci Biobehav Rev*, **2019** *107:* p. 540-559.

24. Hausberger, M., et al On-Farm Welfare Assessment of Horses: The Risks of Putting the Cart before the Horse*.* Animals (Basel) **2020**  *10*(3).

25. Sommerville, R., Brown, A.F. and Upjohn, M A standardised equine-based welfare assessment tool used for six years in low and middle income countries*.* *PLoS One* **2018**  *13*(2): p. e0192354.

26. European Animal Welfare Indicators Project *Animal Welfare Assessment Protocol for Horses*. **2015** Available online: <https://air.unimi.it/retrieve/handle/2434/269097/384836/AWINProtocolHorses.pdf> Accessed on 3.3.2021

27. Campbell, M.L.H. *Freedoms and frameworks: How we think about the welfare of competition horses.* Equine Veterinary Journal, **2016** *48*(5): p. 540-542.

28. Mepham, T.B. *The role of food ethics in food policy.* Proc Nutr Soc, **2000**  *59*(4): p. 609-18.

29. McNamee, M.J. Introduction to Sport Ethics, in *The Ethics of Sports. A Reader.*, M.J. McNamee, Editor. Routledge: Abingdon. UK. **2010**  p. 1-9.

30. Steenbergen, J. and Tamboer, J. Ethics and the double character of sport: an attempt to systematize discussion of the ethics of sport, in *Ethics and Sport*, McNamee, M.J and Parry, S.J. Editors. E and FN Spon: London, UK. **2002** p. 35-54.

31. International Fair Play Committee. What is Fair Play? 2020; Available online: <http://www.fairplayinternational.org/what-is-fair-play-#:~:text=Fair%20play%20means%20not%20cheating,the%20game%20for%20everyone%20else>. Accessed on 3.3.2021

32. Savulescu, J. Justice, fairness, and enhancement. Ann N Y Acad Sci, **2006** *1093*: p. 321-38.

33. Slegers, R. and Behrensen, M. Team sports ethics: How to achieve justice in a professional club's health care system. **2014** Available online [http://liu.diva-portal.org/smash/get/diva2:748261/FULLTEXT02.pdf](http://liu.diva-portal.org/smash/get/diva2%3A748261/FULLTEXT02.pdf) Accessed on 3.3.2021

34. Campbell, M.L.H. and McNamee, M.J Ethics, Genetic Technologies and Equine Sports: The Prospect of Regulation of a Modified Therapeutic Use Exemption Policy. *Sport, Ethics and Philosophy.* **2020** <https://doi.org/10.1080/17511321.2020.1737204>. Available online: <https://www.tandfonline.com/doi/full/10.1080/17511321.2020.1737204> Accessed on 3.3.2021

35. McNamee, M. Sport, Medicine, Ethics. **2014** Routledge. London, UK and New York, USA

36. De Waegeneer, E., Van De Sompele, J and Willem, A. Ethical Codes in Sports Organizations: Classification Framework, Content Analysis, and the Influence of Content on Code Effectiveness. *Journal of Business Ethics* **2016** *136*(3): p. 587-598.

37. Kvalens, Ø. and Hemmestad, L.B. *Loophole ethics in sports.* **2010** Available online <https://nih.brage.unit.no/nih-xmlui/bitstream/handle/11250/170729/Hemmestad%20EtikkPraks%202010.pdf?sequence=1> Accessed on 3.3.2021

38. UNESCO Fair Play - the winning way. 2020; Available online: [http://portal.unesco.org/education/en/ev.php-URL\_ID=2223&URL\_DO=DO\_TOPIC&URL\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID%3D2223%26URL_DO%3DDO_TOPIC%26URL_SECTION%3D201.html). Accessed on 3.3.2021

39. International Olympic Committee. Protecting Athletes: considerations on doping and fair play. **2021** Available at: <https://www.olympic.org/olympism-in-action/protecting-athletes-considerations-on-doping-fair-play>. Accessed on 3.3.2021

40. Play By The Rules. The big picture: ethical decision making in sport. **2021** Available online: <https://www.playbytherules.net.au/got-an-issue/integrity-in-sport/what-can-you-do/ethical-decision-making>. Accessed on 3.3.2021

41. Australian Government Ethics and Ethical Decision Making in Sport. **2021** Available online: [https://www1.health.gov.au/internet/main/publishing.nsf/Content/3426E52BFB7C1973CA25805900043742/$File/Ethics%20and%20Ethical%20Decision%20Making%20in%20Sport.pdf](https://www1.health.gov.au/internet/main/publishing.nsf/Content/3426E52BFB7C1973CA25805900043742/%24File/Ethics%20and%20Ethical%20Decision%20Making%20in%20Sport.pdf). Accessed on 3.3. 2021

42. Butcher, C. Learning materials and resources for diverse students, in *Designing Learning from Module Outline to Effective Teaching*. **2006** Chapter 7. Routledge, London, UK

43. Dean, R. *How to read a paper and appraise the evidence.* In Practice **2013** *35*(5): p. 282-285.

1. This also allows for the expression of dissenting opinions, and indeed for the framework itself to be revisited if many of those involved feel that the conclusions which arise from its application are unpalatable. [↑](#footnote-ref-1)