

Registered Association of Veterinarians for Animal Protection (Tierärztliche Vereinigung für Tierschutz e.V., TVT)

Research group 11, Horses

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April 25, 2005

Expert opinion regarding rodeo events in the Federal Republic of Germany from a legal¹, ethological and ethical perspective

Introduction

Rodeo events have been subject to public criticism for many years. So far, however, the supervisory authorities have hardly been able to evaluate the disciplines presented from a legal point of view, as there have been no scientific publications regarding the animal protection relevance of rodeo.

In 2003, at the instigation of “anticorrída“, an animal rights organisation, the research group “horses“ at the Association of Veterinarians for Animal Protection (TVT) did research into this subject and developed the present expert opinion on rodeo events. In order to be able to do so, several rodeo events were attended and extensive video documentation of rodeo events that took place in Germany in 2003 and 2004 was analysed². The evaluation was based on aspects of animal protection, ethology and ethics.

¹ The term “legal“ henceforth will refer to the German animal protection law

² 2003: Werlte, Hilter, Berlin, Pullman City (Egging u. Hasselfelde),
2004: Speyer, Neu Ulm, Seelitz, Osterscheps, Walldorf, Münchehof, Hilter

Legal rating of rodeo events

Like circus events, rodeo is an activity under paragraph 3 no. 6 Animal Protection Law (Tierschutzgesetz, TierSchG³) (filming, exhibition or similar events; HIRT / MAISACK / MORITZ, 2003). For this reason, it is mandatory for rodeo events to obtain permission under paragraph 11 TierSchG, as anyone intending to exhibit animals (or provide animals for such purposes) requires permission by the authorities in charge (paragraph 11 section 1 no.3 d TierschG). Within the scope of such events, the infliction of any kind of pain, suffering or harm is prohibited as it constitutes a breach of regulations with a fine of up to € 25,000.00 (paragraph 3 section 6 in conjunction with paragraph 18 section 1 no. 4 and paragraph 18 section 3 TierSchG). In this context it is irrelevant whether the stress inflicted is substantial or unsubstantial. Unfortunately, many an authority and even prosecutor's office is wrong in believing that pain and suffering are only legally relevant, if their substantiality can be proven. However, this ignores the fact that the substantiality aspect is only relevant, if a criminal act under paragraph 17 no. 2 b TierSchG is to be confirmed. Yet the criteria for a breach of regulations under paragraph 18 section 1 no. 4 in conjunction with paragraph 3 no. 6 TierSchG are already fulfilled, if the animals are exposed to any kind of pain, suffering or harm, while it is irrelevant if the stress is substantial or not. In addition, in this case – in contrast to the facts constituting an offence under paragraph 17 no. 2 b TierSchG, which always presupposes intent – careless action is sufficient.

The rodeo disciplines

Bare Back Riding requires the cowboy to remain seated on a bucking horse for 8 seconds. He may secure his position only by holding on to a strap with one hand. A saddle is not used here.

Saddle Bronc Riding is similar, although here a western saddle is used instead of a strap, and the rider holds on to a rope tied to the horse's halter.

In Bullriding, adult bulls are used that have a rope belted around their chest which the cowboy can grip until he's thrown off.

The Wild Horse Race is a team event with 3 cowboys trying to put a strap on a horse for the cowboy to hold on to, have one cowboy mount the horse and cover a certain distance. The time allowed for this is 90 seconds.

In Break Away Roping, a cowboy on horseback tries to rope a calf. If he succeeds in doing so, the horse will abruptly stop. The calf races on and a piece of cord attached

³ TierSchG = Tierschutzgesetz = the German animal protection law

between lasso and saddle tears so as to prevent the calf from being strangled. This toned down form of “calf roping” could be seen at all the events evaluated.

Other disciplines that are described in rodeo-related contexts are “Steer Wrestling” (wrestling a steer to the ground), “Team-Roping” (tying up calves), to make the animals fall by “Tripping”, “Wild Cow Milking” (the forced milking of cows), “Mutton Bustin” (riding of sheep) and Piglet Chase for children. To our best knowledge, these disciplines, except for “Wild Cow Milking” and Piglet Chase, have not taken place in Germany in recent years.

Apart from the “classic” disciplines, rodeo also includes presentations that are common at western riding events, such as the “Barrel Race” (a horse raced around barrels), “Pole Bending” (zigzagging around poles), “Cutting” (isolating cattle from the herd). These disciplines are not currently under criticism.

In the following, especially the disciplines that involve the “flank strap”, which has been heavily criticised for a long time will be looked at. These events are “Bare Back Riding”, “Saddle Bronc Riding” and “Bull Riding”.

Use of the flank strap

In “Bare Back Riding” and “Saddle Bronc Riding”, a so-called flank strap is used. A flank strap is a strap that is placed in the flank strap area. Contrary to popular opinion, this does not seem to squeeze the horse’s genitals. But this is not really necessary as the flank strap is placed in an area of high skin sensitivity which is sufficient for the intended purpose. Depending on the horse’s defence behaviour in the chute, the flank strap is put on more or less loosely. When the horse is released from the chute, the flank strap end is held on to as long as possible for maximum tightening. This renders previous controls for a loose fit of the flank strap meaningless. After the stipulated 8 seconds the flank strap has to be loosened manually in the show arena by the assisting cowboys. The use of mechanisms to automatically unfasten the flank strap could not be observed. The protective lining of the flank strap in the horse’s abdominal area does not have a weakening effect on the horse’s reaction. At best, it may prevent injuries that become visible at a later point in time.

In the so-called “breaking in” of wild horses, the rider or, respectively, his weight, to which the horse is unaccustomed, has to be seen as the cause for its defensive reactions. In rodeo, the flank strap has to be considered as the real reason for the horse’s bucking and kicking. The flank strap was used on all the horses observed and the horses only stopped bucking when the flank strap was removed – not when the rider was thrown off. As the intensity of the horses’s bucking reaction varied, it is safe to assume that conditioning also takes effect; this will be discussed further below. Some animals showed extreme defence reactions in the chute, such as kicking, rearing up

and throwing off the rider at the point of or immediately after putting on the flank strap. In the arena the animals used different coping strategies. For example, galloping away in flight, extreme bucking, kicking, or combinations of these behaviours could be observed. In addition, many horses showed stressed facial expressions (extended upper lip, widened nostrils, lips drawn back, tail squeezed in, tensed muzzle, which suggest a negative emotional condition (ZEITLER-FEICHT, 2001). Horses with a wide-open mouth were also observed, which has to be attributed to the described stressed facial expressions. From an animal protection point of view, the flank strap has to be seen as a cause of suffering (stress, anxiety, fear) and as a potential cause of pain.

The horse's bucking

It is generally known that skin – and not only that of horses – is differently structured in the various areas of the body (NICKEL et al., 1996). In general, a horse's skin is not as thick as that of a cow; highly-bred and younger animals have a thinner skin than older ones, and those areas of the body that are more protected (abdominal area and the area between the thighs) have even thinner skin than the other areas (ibid.). As a rule, slightly hairy or smooth areas of skin, such as the teats and preputional area are more heavily innervated and, consequently, more sensitive than hairier areas (ibid.). In addition, mares, especially when they are in heat, are more sensitive in their flank strap areas; also differences between the various breeds are known (“thin-skinned thoroughbreds”).

Bucking is part of a horse's normal set of behaviours, for example during play, for relaxing muscles or when expressing high spirits or joy. This form of bucking usually takes place in prolonged galloping. On occasion, horses lash out with their hind legs. When they do so, relaxed facial expressions can always be observed.

Bucking is also a form of behaviour that is typical of the species in cases when fending off beasts of prey or escaping as well as with some forms of interaction characteristic for the species (defensive aggression = defence). In this case, bucking is an active coping strategy in negative emotional conditions and is accompanied by frequent bucking. Anxiety, fear and/or pain have to be seen as the causes for bucking and kicking.

“Anxiety“ and “fear“ are described as negative emotions accompanied by individual stress reactions, for example when becoming aware of danger or threat. Emotions are described as psychological reactions of an organism to external stimuli, based on the congenital or acquired evaluation of a situation. Controlled reactions are associated with “fear“, whereas spontaneous and uncontrolled reactions are the result of “anxiety“. Stress-related reactions occur whenever (from the perspective of the individual) there are divergences between individual abilities and performance-based expectations.

Coping strategies

Animals usually react with a whole range of coping strategies to different types of stress (WECHSLER, 1995); in the course of their evolution they have developed variations characteristic for the species. To an animal it is important whether or not it is in control of a situation or whether the danger is rated higher than the individual strength or reaction potential. Active coping strategies, such as escape or fight (direct confrontation) have turned out to be successful in situations where the animal is able to control the “stressor”. Passive coping strategies such as immobility, reduced awareness of its surroundings and apathy, on the other hand, are shown by animals when the “stressor” seems to be beyond control (KEAY and BANDLER, 2001). The active animal, which tries to directly manipulate the “stressor”, and the passive animal, which tries to reduce the emotional stress caused by the “stressor”, represent the two distinct but equivalent coping strategies.

Only through individual perception and evaluation does a stimulus turn into a stress stimulus. Individual differences and the dissimilarities of the stressors account for different stress reactions. These circumstances render the interpretation of stress more complicated. Active strategies, however, are frequently accompanied by a stimulation of the sympathetic nervous system (hypertension, tachycardia), passive strategies, on the other hand, by an inhibition of the sympathetic (hypotension, bradycardia) (BANDLER et al., 2000).

As prey animals, horses, when confronted with something new or even threatening, react in an anxious way that is congenital. To a certain extent this behaviour is reinforced by current pain or previous experience. In fear-inducing situations, horses develop strategies aimed at the modification of stressful or aversive situational contexts.

One type of passive coping strategy that could be observed with some horses was immobility (in the chute). When there is no way to escape, this is a coping strategy that is typical of prey animals. The “immobility” of some horses when the flank strap is used can also be described as “acquired helplessness” since the behavioural reaction of “lashing out/bucking” (or, respectively, “shying”) in answer to the anxiety-causing signals is (no longer) an option. The pathology of “acquired helplessness” usually includes:

A motivational deficit: delayed preparation to take action

- A cognitive deficit: increasing difficulty to learn at a later stage that one’s own activities can be effective
- An emotional deficit: mood ranging from dejected to depressed as a result of uselessness of one’s own activities (HECKHAUSEN, 1989).

Conditioning

“The horses have learnt to do their job,” is claimed not only by the rodeo organisers, time and time again. At the rodeo events observed or evaluated, two types of conditioning patterns could be established.

Type 1

The horses were already visibly nervous before the flank strap was tightened in the chute, and they already showed most violent defence reactions at this stage. When the chute was opened, the horses were non-uniform in their behaviour, some stood still in the chute as if they had been rooted to the spot, some started galloping as in flight performing very violent and seemingly uncoordinated bucking movements, while others arched their backs and bucked on the spot. Even after throwing off the cowboys, their defence reactions were so strong that the mounted helpers could not easily, if at all, release the flank straps.

Apparently the horses in the chute perceived the loose fitting of the flank strap as the conditioning signal to start the defence reaction. If this signal always appears at the same place or in the same surroundings, it may be associated with the reference situation, which becomes visible in the animals' stressed facial expressions already upon entering the chute.

Type 2

The horses were fairly calm and relaxed in the chute when prepared for the start. Defence reactions could not be observed in these cases. In the arena they showed galloping as in flight accompanied by less frequent and less spectacular bucking activity, which, however, could also be observed after the cowboy had been thrown off and the flank strap released. After that the horses were visibly relaxed.

Apparently, the horses have learnt to buck in reaction to an aversive stimulus (flank strap and rider) in order to escape this stimulus as quickly as possible. The horse uses the active coping strategy of “bucking” to react against the stressor (flank strap). Once the rider has been thrown off, the flank strap is usually released immediately. The horse has learnt from the consequences of its own actions that the throwing-off of the rider is immediately followed by the release of the flank strap.

It is widely known that among normal riding horses there are animals that buck under their rider more or less regularly. In most cases this kind of problematic behaviour comes from initial reflexive bucking, for example, in response to unpleasant interference

on the rider's part. The horse learns quickly that it can shed its rider by bucking. If by bucking, the horse achieves the same success again and again, it will most likely repeat this behaviour more and more frequently in the same or similar situations. Consequently, it should not be too difficult to specifically teach a horse to buck. This requires a well-structured training concept and positive reinforcement (ROBERTS, 2002). The flank strap would then be completely unnecessary.

Bullriding

From a legal point of view, the riding of adult bulls has to be called into question. It is even more obvious than in the case of horses that these competitions are performances that use the bull's natural defence behaviour for purposes of show effects. In our opinion, this is not in accordance with the animal protection law and, for this reason, should no longer be allowed to take place.

Flank straps are used on the bulls as well, however, the flank straps are not normally tightened into place but loosen automatically during bucking activity. For anatomical reasons, the flank strap has to be tightened across the urethra, which could add to the animal's pain. In contrast to the horses, it could be observed that the defence action was only aimed at throwing off the riders and that the animals calmed down immediately afterwards. Compared to the horses, the operating range of the bulls was fairly limited. Once again in contrast to the 'prey animal' horse, it could be observed that the bulls did not run away after throwing off a rider but turned around immediately and went for the thrown-off rider. This is the reason why so-called "rodeo clowns" are used. It is their job to draw the bull's attention away from the thrown-off rider in order to prevent the latter from being attacked.

As the flank strap loosens to insignificance during the bucking activity, defence reactions against the flank strap could not be observed. However, videotapes with bulls, on which inflexible flank straps were used, document reactions against the flank strap, although they were less pronounced than those of the horses.

Wild Horse Race

In this discipline several teams are in the arena at the same time, each team with one designated "wild horse". The horses are placed individually in the chutes. Each team is positioned outside a chute and one cowboy holds a long rope that is fastened to the halter of the respective horse. After the opening of the chute one team member holds the horse by the rope while the other two cowboys try to put a strap on the struggling horse and fasten the strap. Then one team member is lifted onto the back of the horse

or hops up by himself, the rope is released and the rider has to stay on horseback over a certain distance.

As has already been described in the rodeo section, horses could be observed that refused to leave the chute. In this case, the cowboys try to pull the horse with the rope out of the chute while two cowboys try to get the horse going by making quick movements in the direction of the horse. Other horses leave the chute with a jump but then freeze in the arena. In this case too the team members try to get defence reactions from the horse by, for example, jumping towards the horse or dangling the rope. Not infrequently the horses attempt to escape, in combination with the pulling of the rope, result in the horse falling. In some cases, for example, it could be observed that horses reared up and fell backwards, and it also happened that a horse fell backwards against the steel pipes surrounding the arena.

It was absolutely impossible to see the sporting aspect of this discipline, as it was apparent that the sole objective was to force the horse to do spectacular stunts for the spectators' entertainment. The spectators are given the impression that it takes several men to "tame a wild horse" ("wild horses fighting against men power"). Apart from the high injury risk for the horses, events that have men fighting against animals violate the established set of values for the handling of animals and cannot be tolerated anymore these days. Evening and night shows that are a part of some of these events have to be seen in a critical light as well, as an increased risk of accidents and injuries is considered acceptable (poorly illuminated arena, blinding spotlights, camera flashes). Even a careless exposure to pain, suffering and harm already meets the criteria of a breach of regulations under paragraph 18 section 1 no. 4 in conjunction with paragraph 3 no. 6 TierSchG.

The use of spurs

So-called "Western" spurs could be observed at all events. The organisers maintain that in Germany it is mandatory to have all wheeled spurs "disabled" with adhesive tape. In the scenes evaluated, however, it could be observed that, during particularly violent defence movements of the animals the cowboy was unable to control the use of the spurs. Also, in order to be able to better compensate for the horse's bucking, the rodeo rider is seated on the horse with his upper body bent very far backwards. This way his legs are in front with the feet close to the animal's shoulders or, respectively, neck. Especially with horses that remain rigid in the arena, it could be observed that spurs were intentionally and forcefully used on both sides of the neck in order to make the horses move forward and continue bucking.

In equestrian sports, spurs are used as subtle signal givers to effect modifications of behaviour. The individual potential of a horse to learn new behaviours is significantly dependent on the learning aids and methods used during training situations. As

behaviour is also determined by its consequences, it is possible to influence a horse's behaviour both in everyday work with the animals and in equestrian sports competitions. As long as spurs are exclusively used to refine learning aids, there is no sensible reason to consider them to be against animal protection. If they are used as instruments for repeated painful punishment or to make exhausted horses move forward, they are no longer compatible with the concept of the animal protection law (PICK, 1996).

It has already been pointed out that it is a sign of anxiety and stress if horses stand still. Scientific research into learning mechanisms have shown that learning under anxiety and/or stress is impossible (ROLLS, 1999). The learning of alternative behaviours is also impossible, if options are not available.

At the Veterinarian College (Tierärztliche Hochschule) in Hannover, the consequences of uncontrolled punishment were examined using electric education collars ("Teletact") on dogs. In cases of close temporal and situation conform linking of a punishment and an (undesired) behaviour, there is little or no increase in the plasma cortisol value (physiological stress parameter) (STICHNOTH, 2002). On the other hand, in cases of insufficient linking, for example, when ignoring the predictability of the animal or insufficient training of alternative behaviours, the levels increase significantly and after four weeks will reach a higher level than with a "correct" use of the device ("Teletact"). According to Stichnoth (2002) the cortisol values increase the most in dogs with a missing connection or in those dogs with lacking predictability and controllability of the aversive stimulus.

The repeated and uncontrolled use of spurs in rodeo prevents, in horses, the possibly incipient predictability and controllability of the aversive situation, and, as a consequence, it becomes impossible to facilitate the learning of a behaviour desired by human beings. Since the horse is not offered an alternative desired behaviour and since it does not receive a reward (for example in the form of positive reinforcement), there is no way the animal can modify its behaviour and apply the new behaviour to similar situations in the future. According to our observations as detailed above, spurs in rodeo are not used in a controlled way and in accordance with their purpose. Therefore, the wearing of spurs in rodeo has to be rejected for animal protection reasons.

Ethical and legal aspects

Rodeos are not traditional events in this country. In general, competitions of the "man-against-animal"-type ("wild horses fighting against man-power") cannot be reasonably justified, as the infliction of pain, suffering or harm for "the amusement of the people" has been contradictory to the established set of values for quite some time. Competitions of this type are also suited to make, especially children and young people, believe that society tolerates the use of animals as mere objects. This does not match the ideas of society as a whole, as becomes apparent in the fact that since 1990 the

German Civil Code has expressly stated that animals are not to be considered as objects anymore (paragraph 90 a).

As mentioned above, companies that organise rodeos require permission under paragraph 11 TierSchG. Because of what has been detailed above, a paragraph 11-permission is to be granted under appropriate "conditions and restrictions" (under paragraph 11 section 2 a) so as to ensure the protection of animals from pain, suffering or harm. It has been pointed out that it is also irrelevant whether or not there is the risk of „substantial“ or “non-substantial“ pain, suffering or harm. In view of animal protection as a national objective (German Constitution, article 20 a) directed at legislature, judiciary and executive, since 2002, there has also been a greater responsibility for the authorities charged with animal protection. They have to anticipate and prevent animals from being exposed to suffering. It is therefore appropriate to grant a permission to hold rodeo events only if flank straps and spurs are prohibited. In general, bull riding and “wild horse race “ should not be allowed at all.

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Die Richtigkeit und Vollständigkeit vorstehender Übersetzung aus der deutschen Sprache wird bescheinigt.

Düsseldorf, den 17. Oktober 2005

I hereby certify the correctness and sufficiency of the above translation from the German language.

Duesseldorf, 17th October, 2005

Kay Schindzielorz

Für das Gebiet des Landes Nordrhein-Westfalen ermächtigter Übersetzer für die englische Sprache.

Authorised translator for the English language for the territory of Northrhine-Westfalia.