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Hal Herzog, Ph.D., Animals and Us, *Psychology Today*

# Horse Racing: Cruelties We Condone and Cruelties We Condemn

Why the deaths of HBO's "Luck" horses were predictable.

Posted March 17, 2012

This post is in response to Three Unlucky Broken Horses Die in the Name of "Luck" By Marc Bekoff Ph.D.

Hats off to my friend Marc Bekoff for discussing the death of three thoroughbred horses on the set of the ironically titled HBO series "Luck" in his PT blog [Animal Emotions](#). I would like to add a couple of observations about what this tragedy says about how we think about animal suffering.

I was not surprised that the show was cancelled. In fact, when I first learned that HBO was planning a series based on racing, I told my wife that they were making a big mistake, that there would be deaths. Do I have ESP? No. But I did know the statistics.

In the wake of the death of Eight Belles, the horse that died during the 2008 Kentucky Derby, Associated Press reporter Jeffrey McMurray analyzed horse track mortality rates in the United States. His findings were astounding ([here](#))\*. In California alone, 261 thoroughbreds died in track-related injuries in 2007. And between 2003 and 2008, more than 5,000 horses died at American racetracks -- nearly three animals per day. In short, the deaths of horses on the HBO set were not just predictable, they were inevitable.

## Animal Cruelty: What the Supreme Court Said

The deaths of these animals point out a larger issue associated with how Americans think about animals - our flagrant moral inconsistencies. Why are Americans so outraged by some recreational uses of animals, but overwhelmingly approve of activities are even more cruel? Take, for example, the comparative cruelty of dog fighting and hunting. In 2010, the Supreme Court took on the problem of delineating the cruelties we condemn from the cruelties we condone. In *United States v. Stevens*, the justices voted 8-1 to overturn a federal statute banning the interstate distribution of materials depicting acts of overt animal cruelty, in this case, dogfighting. The court did not defend dogfighting or the even more repulsive activity that the Congress enacted the anti-cruelty legislation to prohibit - "crush videos" targeted to fetishists who find sexual gratification in watching women in high heels slowly squash small rodents, dominatrix-style. Rather, it made the decision on constitutional grounds. The justices

ruled, that with only very few exceptions like child [pornography](#), the principle of freedom of expression allows the display of materials that nearly everyone finds deeply offensive.

But in *Stevens*, the judges also raised the consistency issue. They noted that killing wild animals for sport is a deeply rooted American value. Indeed, when in 2009 President Obama proclaimed September 26 to be "National Hunting and Fishing Day," he said that hunting and fishing were "ageless pursuits" and urged we "pass on this honored tradition to future generations."

The problem is that, no less than dogfighting and mouse-crushing, hunting involves animal suffering. Nearly a third of the 40 million migratory birds blasted out of the sky each year by American hunters are not killed outright but wounded, perhaps to drown in the muddy waters of a cold Maryland marsh or flop for hours in the stubble of a Midwest cornfield. And while we claim to be a nation of animal lovers (see [here](#)), each year Americans fork out \$75 billion a year in hunting-related expenses. This includes many millions of dollars for hunting magazines, videos and subscriptions to outdoor cable TV channels that glorify the deaths of animals.

In *Stevens*, the justices took on a difficult task regarding the treatment of nonhuman animals. Could they come up with a legally coherent principle that would criminalize the depiction of dogfights while at the same time allowing the depiction of hunting, a much more pervasive but widely accepted form of animal cruelty? The answer in *Stevens* was no. The *Stevens* decision makes me squirm. My [intuition](#) tells me there is a big ethical difference between dogfighting and hunting as forms of recreation, yet I am hard-pressed to come up with a logical distinction between the two.

## **Class, Race, and Animal Cruelty**

It is also instructive to compare the rather muted responses to the deaths of racehorses when compared to the universal moral outrage that followed the Michael Vick dogfighting conviction. [Kathy Rudy](#), author of the book *Loving Animals: Towards a New Animal Advocacy*, pointed out that our society is more likely to criminalize forms of animal abuse that involve minorities and the poor than animal cruelties that affect the wealthy ([here](#)). The comedian Chris Rock made the same point on national television in response to a photograph of Sarah Palin after a hunting trip. He told David Letterman, "She's holding a dead, bloody moose. And Michael Vick's like 'Why am I in jail?' They let a white lady shoot a moose, but a black man wants to kill a dog? Now that's a [crime](#)." (Watch it [here](#).)

Public opinion polls also reveal our ambivalence about the recreational use of animals. After the death of Eight Belles, the Gallup Organization conducted a public opinion poll on the attitudes of Americans toward various uses of animals ([here](#)). They found that more people supported the right to hunt animals than supported their use in biomedical research. And most adults opposed any ban on competitive animal sports such as dog and horse racing.

It will be interesting to see if public support for "The Sport of Kings" will substantially erode following the latest revelations about the perils of thoroughbred racing. My hunch is that it will not.

Anybody want to bet?

\* \* \* \* \*

\*For the racing industry's rebuttal of McMurry's statistics see [here](#).