

BETWEEN THE SPECIES

Why We Should Stop Creating Pets with Lives Worth Living

ABSTRACT

Pedigreed breeding often leads to severe health problems for, say, those dogs who exist as a result of the practice. It is also the case that virtually all of those unhealthy animals would not exist at all if it were not for the practice of pedigreed breeding. If those animals have lives worth living, then it follows that they are not harmed by the practice—assuming that a life worth living is better than no life at all. It would seem, then, that the standard account of harm cannot account for the wrongness of our intentionally creating pets with lower welfare. I argue that there is an overlooked aspect of harm that, when coupled with our responsibilities as animal caretakers, entails that we ought to cease the practice of pedigreed breeding for the sake of future pets, even if many actual pets are not made worse off by the practice.

CHELSEA HARAMIA
Spring Hill College

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I. Background

Breeding pedigreed pets often leads to severe health problems for those animals. These health problems can greatly inhibit normal functioning, such as mobility and breathing, and they often carry significant risk of shortened and painful lives. But what should we do with this knowledge? Many believe that this sort of selective breeding is morally wrong because it is harmful to our pets. However, closer analysis reveals a strong argument for the claim that these pets are not harmed. I argue that pedigreed breeding is in fact morally wrong—and indeed harmful—but that to arrive at that conclusion we must first supplement the standard account of harm by establishing our responsibility to generalizable others.

I focus on pedigreed breeding of purebred animals because a reduction of genetic variation as a result of generations of inbreeding is a common effect of this practice (Dobson 2013; Gough & Thomas 2010). However, the reduction in genetic variation is what motivates the moral concern in this paper, not breeding per se. So insofar as certain types of breeding do not increase the risk of health problems due to lack of genetic variation, my argument will not apply to those. And insofar as any non-pedigree-focused practices increase that risk, my argument will apply. Consider for a moment, Sadie, my family's Golden Retriever. Sadie was adopted from a breeder as a puppy. She was well-loved and well-cared for. She lived into canine old age, and then she passed away. Sadie was a result of pedigreed breeding, but she was clearly not harmed by her existence. Yet her breeders did risk harming her, given that they could not have known that she would not suffer from her lack of genetic variation. And one might now ask: what about the dogs who do encounter serious health problems as a result of their breeding? Suppose Sadie had been diagnosed with severe

hip dysplasia resulting from her genetic makeup at age two and had to spend the rest of her life crippled and in significant pain. Though we would now intuitively think that Sadie had been harmed, it turns out, actually, to be difficult to justify that claim of harm. So let us now turn to the definition of 'harm' and the challenges it poses.

To make claims of harm, we commonly rely on the comparative account of harm. On this account, to harm someone is to make that person worse off than she otherwise would have been. This account is simple, neat, and fits nicely with our intuitions in most cases. If I sneak into your house and stab you in your sleep, I have harmed you on this account because I have caused pain and injury where otherwise you would have been relatively intact. However, if a doctor cuts you open while you are under anesthesia to perform surgery and remove a malignant tumor, she has made you better off than you otherwise would have been, despite the pain of surgery, and thus has not harmed you.

But what does this account entail for a dog who has been intentionally bred with a lack of genetic variation due to breed standards and is now suffering from some drastic health problem as a result? Given that the health problem is inextricably tied to the animal's genetic makeup, this particular animal could not exist without this problem. Therefore, if we aim to make a comparative claim of harm, we can only compare this animal's existence to no life at all. And in that case, as long as that dog has a life worth living, then no particular health problem or defect constitutes a harm to that animal.

This should give us pause, because even though there might be plenty of cases wherein the presence of certain health prob-

lems seems clearly preferable to no life at all, we are likely still inclined to resist the conclusion that it is perfectly acceptable to knowingly and willingly create animals who will suffer the negative effects of serious health problems—especially when we have the means to greatly reduce this health risk. Thus, the comparative account of harm is clearly not equipped, as it stands, to handle the unique wrongs found in many creation cases. These cases are known as “non-identity” cases, and they present us with a very interesting challenge—how to account for harm when no one is made worse off. I will show that when it is our job to care for those whose existence and welfare levels are in our hands, a morally relevant sense of harm arises, and distinct moral obligations emerge.

II. Non-identity and the Comparative Account of Harm

So, what do we owe to those who do not yet exist, and who might never exist due directly to our choices? I argue that we are obligated to increase the welfare of future moral subjects to whom we bear certain kinds of responsibility, regardless of their particulars. I assume, of course, that our pets are moral subjects, and here I examine the ethical and non-identity related considerations within the practice of breeding. My argument applies to breeders, but it also applies to those simply selecting, say, a dog. For, how frequently we choose breeders’ dogs determines how frequently they breed litters. Historically, we have bred dogs to be dependent on humans and to express traits that are non-optimal to survival and flourishing—often mere aesthetic preferences or capabilities to meet obsolete needs. This has led to the aforementioned diminished genetic variation within breeds and created significant health problems for our pets. Though the individual Golden Retriever or Dachshund might be a wonderful pet with a life worth living, this

decent welfare cannot justify pedigreed breeding. The practice of pedigreed breeding in general fills the office of ‘our pets’ with many animals who ultimately suffer from health problems that our pets would not have had given more cross-breeding and genetic variation. To be clear, an “office” in this sense is an abstract entity that can be filled by moral subjects and may be overseen by moral agents. We ought to think carefully about our moral obligations when we fill such offices. We created this dependent set of moral subjects, and we are now aware of the negative effect that breeding has on purebred pets in general. Therefore, we have a specific responsibility as pet caretakers to create pets who will be, on balance, healthier, and who will have higher welfare by ceasing the practice of pedigreed breeding – even though this means that certain perfectly happy pets will never come into existence.

I will focus here on dogs because pedigreed breeding among canines is far more widespread and commonly accepted than pedigreed breeding of other animals, though my argument applies to any purebred pet or potential moral subject who could suffer due to our knowingly and willingly increasing the risk of health problems that result from a lack of genetic variation. For example, many agree that it is morally impermissible for siblings to procreate. The lack of genetic variation in the resulting child would greatly increase the risk of serious defects in that child. Minimizing risks of harm seems pro tanto morally advisable, especially if the harm would occur to a subject who is under your care. But, as we have seen, there is a catch when it comes to harm and non-identity cases. So, let us now begin this analysis by looking at a particular case containing the features of the non-identity problem. (This problem was made famous by Derek Parfit, who presented a case involving a 14 year old girl whose child has had a bad start in life but nonetheless has a

life worth living (Parfit 1984,: 358). The following presentation and analysis of the problem are taken directly from an earlier article (Haramia 2013) in which I argue for the relevance of de dicto harm in creation cases involving human persons).

To qualify as a non-identity case, the scenario in question must have the following characteristics, which I call Identity Determination and Welfare Determination:

Identity Determination: The act in question must determine the identity of the subject in question.

Welfare Determination: The act in question must predictably affect the overall welfare of the subject in question.

The non-identity problem is usually cashed out in terms of humans or persons, so, to illustrate these characteristics in familiar terms, let us look at the following case:

Sarah: Sarah decides to become a mother. She goes to the doctor and the doctor tells her two things. One: if she conceives immediately, she will give birth to a child with a serious birth defect—call this child “Trig”. The particular defect does not matter, although one should keep in mind that it is serious, but not so severe that it makes the child’s life not worth living. Two: if she waits and takes a tiny pill every day for two months, she will conceive and give birth to a perfectly healthy child—call him “Track”. So, her options are (1) to conceive Trig now with a defect and lower welfare than the child she otherwise would have conceived or (2) conceive perfectly healthy Track later with higher welfare (but with the added inconvenience of repeatedly having to take a pill). She chooses option (1).

By choosing option (1), does Sarah do something wrong? Many agree that she indeed does something wrong by knowingly and willingly conceiving a child with a serious defect when she could have easily conceived a perfectly healthy child. In fact, our first intuition is often that she has harmed her future child, but a closer analysis undermines this intuition. Despite appearances, if Sarah conceives Trig, Sarah does not thereby harm Trig. Trig has a life worth living, and, importantly, Trig has not been made worse off than he otherwise would have been. The alternative is that he does not exist at all. If we assume that existence is not positively worse than non-existence for Trig, then we will conclude that Sarah does not harm Trig by conceiving him instead of Track. In fact, she might benefit him because his life is worth living. And since Track is not conceived, it is impossible that he is harmed in this scenario because he never exists to be harmed. Furthermore, Sarah avoids the inconvenience of taking a pill for two months. Thus, no one is harmed, and on some accounts, Sarah and Trig are actually benefited. It would seem, then, that Sarah has done nothing wrong. There is a very clear parallel between these sorts of cases and cases involving our pets, to which I will turn in a moment.

III. The De Dicto Supplement to the Comparative Account of Harm

I would like first to note that there are a myriad of proposed solutions to the questions of harm and wrongness raised by non-identity cases. While many solutions give rise to more problems than they solve, many others contain rich and interesting analyses of non-identity concerns. While it is beyond the scope of this paper to provide an account of these important proposed solutions to the problem, I do want to note that it is likely that a solution to the non-identity problem is over-

determined. My analysis does not preclude the importance of other viable analyses, but it does, I believe, uncover very important moral considerations of responsibility that are clearly applicable to standard non-identity cases, and to pet guardian cases in particular. Because my argument relies on claims of our responsibilities as caretakers (and not as, say, consumers), I restrict my conclusions to cases of pet companions and not other cases of animal breeding.

To continue this analysis, let us think carefully about how we ought to be referring to the subjects in these non-identity cases so that we may discover what I claim to be overlooked aspects of harm. Up to now, we have been working with two possible referents of Sarah's 'future child': (1) Track, the person who would exist if Sarah takes the pills and (2) Trig, the (other) person who would exist if Sarah does not take the pills. (1) and (2) are both *de re* referents. That is, they mean to refer to the actual individuals who would come into existence if a given course of action were taken. This is the *de re* sense, which literally translated means "of the thing." The *de re* referent is the thing you can point to, and it has very determinate physical properties. In the Sarah case, under the *de re* interpretation, no actual individual is harmed by Sarah's choice. No one we can point to has a legitimate complaint of having been made worse off. But this is not the only relevant interpretation.

There is a third possible referent in these cases. This is the *de dicto* referent. Literally translated, *de dicto* means "of what is said," and the concomitant referent is a sort of definite description rather than an ostensible entity. That is, the *de dicto* sense of 'her child' refers to (3) the office of 'her child' and the subject who comes to fill that office, whoever that person might be. For example, there is an office of president of the United States.

Barack Obama currently fills this office and is the *de re* individual referred to when I say “the president has two daughters.” However, when I say, “the president is commander in chief of the military,” I may be referring to the office of president and to whoever happens to fill it.

A *de dicto* interpretation separates the office in question from the various particular, actual subjects who ultimately fill that office. *De dicto* reference tells us that there is an office of ‘her child’ or ‘my pet’ or ‘the president,’ but it also tells us that different individual children or pets or presidents could fill these offices. Context often determines whether the speaker means to refer in the *de re* or *de dicto* sense. But when considering a subject who might or might not exist at all, it is easy to conflate or ignore this distinction between the *de re* and *de dicto* senses. David Boonin, Caspar Hare, Rahul Kumar and others have touched on this important distinction (see Boonin 2008; Hare 2007; Parfit 2011; and Kumar 2003, for example). However, none has provided sufficient support for a commitment to and prioritization of the *de dicto* reading of non-identity cases – Boonin suggests that we still ought to bite the bullet and create beings with defects; Hare maintains that the *de re* individuals with lives worth living (who would not have existed otherwise) still have a personal complaint, which they clearly do not, given that their lives are worth living and the alternative for them is non-existence; and Kumar’s argument does not apply to non-human animals due to his reliance on a contractualist requirement that the subjects be rational and self-governing. I move beyond these other, limited discussions of the distinction and provide positive reason to embrace *de dicto* reference, responsibility, and the related harm in non-identity cases involving any being who qualifies as a member of the moral community.

With this distinction between de re and de dicto reference in mind, we are now equipped to supplement the comparative account of harm. To harm or benefit a subject in the de re sense is to make a particular individual worse or better off than she otherwise would have been. This is a standard appeal to the comparative account of harm. But the comparative account of harm has de dicto components in addition to de re ones. To harm or benefit in the de dicto sense is to fill the office with a moral subject who is worse or better off (respectively) than an office holder would have been—that is, in de dicto cases of harm or benefit, we can arrive at Welfare Determination before or without Identity Determination.

For example, suppose I say, “I’m getting food for my dog.” I could mean this in one of two ways. I might mean to convey the de re sense of ‘my dog’ and thereby assert that I am the guardian of an individual dog, and I am buying that particular dog some food. On the other hand, I might mean to convey the de dicto sense of ‘my dog.’ Suppose I am about to go to the Humane Society to pick out a dog to take home, but I first stop by the pet store to pick up some dog food. At that point, when I say, “I’m getting food for my dog,” I do not have any particular dog in mind. However, I do know that some dog or other will fill the office of ‘my dog,’ and I know that that dog will need food. If you did not know me, and you heard me utter the sentence “I’m getting food for my dog,” you might assume I meant it in the de re sense, but this need not be the case. I could be on my way to the shelter.

Now, suppose that, before I go to the shelter to select a dog, I put poison in the dog food with the intention of feeding it to my dog. Here I have affected the welfare of my dog before I determine the identity of my dog. No matter which dog comes

to fill the office of 'my dog,' I harm my dog as I put the poison food in the dish. Thus, as I poison the food, I harm my dog in the *de dicto* sense. This is also why Sarah harms her child when she refuses to take the pills. She fails to care adequately for the office of 'her child' by ensuring that the office holder—whoever that will be—will enjoy lower welfare. Thus, she does something wrong in part because she commits a *de dicto* harm to her child.

One might be tempted, at this moment, to point out that a *de re* dog is indeed *de re* harmed at some point in the poison scenario, even if we do not know which dog is harmed at the time the poison is mixed into the food. However, nothing about my view prevents *de re* and *de dicto* harm from arising together or in succession; in fact, it is a virtue of my view that it allows for our commonsense intuitions regarding harm to particular, *de re* individuals. On this view, the comparative account of harm allows for both *de re* and *de dicto* considerations. Thus, we need not abandon traditional *de re* harm, though we may still appeal to *de dicto* harm in cases where there is good reason to think carefully about how to fill or affect certain offices. Let us now turn to questions of *de re* versus *de dicto* harm surrounding the act of choosing or breeding a dog to become a pet. This analysis will make clear the analogy between pet-specific non-identity cases and traditional procreative non-identity cases.

First of all, it is important to note that, currently, any dog breeding harms many dogs in a strong *de re* sense. This is because too many dogs exist already—far more than can be adequately cared for. There are more dogs now than there are offices of 'my pet' that dogs can fill. Thus, intentionally creating more dogs—pedigreed or otherwise—is, in most cases, tantamount to causing the premature death of as many shelter dogs

as we create (because euthanasia is the most common solution to dog overpopulation). Anyone who wants to adopt a dog and decides to fill the office of ‘my dog’ with a pet who was intentionally bred (instead of a shelter pet) is essentially allowing the death a dog somewhere. There is one exception, though it is still arguably morally problematic. If someone is willing fill the office of ‘my dog’ only with a pedigreed dog, then there would be no potential for a shelter dog to fill this office. Regardless, we may still question the moral integrity of someone who refuses to adopt a shelter dog, knowing the overpopulation problems that currently exist. Almost all dog breeding—pedigreed or otherwise—is harmful at this moment because it makes these actual, individual dogs worse off than they otherwise would have been. This is a straightforward sense of de re harm to dogs—and we ought to take it very seriously. However, such harm is not the focus of this paper.

Suppose we suddenly fixed the overpopulation problem. Now all the dogs who currently exist have homes, and all the dogs who will exist will have homes. Have we fulfilled our responsibility to dogs, morally speaking? We have not, I argue, if we still maintain the practice of breeding of pedigreed dogs, because pedigreed dogs are on balance less healthy and less well off than mixed breed dogs. Given medical and veterinary advancements, we are now able to recognize breed predispositions and patterns of inheritance. These predispositions and patterns lead to many troubling conditions borne by our pets. For example, progressive retinal atrophy (which causes blindness) is common in many dog breeds. Cardiomyopathy is common in Boxers. The long bodies and short legs of Bassett Hounds, Dachshunds and Corgis are actually the result of abnormal development of cartilage. Painful disk herniation occurs for many members of these breeds at a young age. Hip Dysplasia is com-

mon in Golden Retrievers, Rottweilers, and many large breed dogs. English Bull Dogs, Pugs, Boston Terriers, Pekingese, Cavalier King Charles Spaniels, Shar-peis, French Bulldogs, Lhasa Apsos, and Shih Tzus can all suffer from Brachycephalic Syndrome. This ailment is a direct result of breeding and human intervention because our selecting for the exaggerated facial features representative of these breeds has resulted in serious respiratory difficulties for members of these breeds. For example, breed standards for the English Bulldog specify that the face should be very short, as should the distance between the tip of the nose and where it is set between the eyes. Of course, this leaves little room for the functions involved in breathing. These are just some of the many problems our pedigreed pets face as a result of lack of genetic variation and of genetic patterns of inheritance (Dobson 2013; Gough & Thomas 2010.)

Most of these problems, however, are not so severe that the dogs who suffer from them have lives that are worse than no existence at all. Many of our pedigreed dogs have lives that are overall worth living, and they would not exist at all without such predispositions because, in that case, the dogs in question would be mixed breed dogs with utterly distinct genes and parentage. However, even though many pedigreed dogs are not *de re* harmed, we should not be tempted to find the practice of pedigreed dog breeding thereby morally acceptable. We must still consider the *de dicto* harm to our dogs. Just as Sarah wrongs her child in this more general sense by making it the case that whoever comes to be her child is far worse off than her child otherwise could have been, so too do we wrong our pets in general when we knowingly create dogs who will be far worse off than our dogs otherwise could have been. Of course, some pedigreed dogs do not exhibit these harmful traits at all and do not suffer from their genetic status. However, there is

still a very high risk that any given pedigreed dog will indeed be one who suffers from a breed predisposition, and we would not think Sarah's actions any more acceptable if she had made it the case that there was a high risk (instead of a guarantee) of having a child with a serious birth defect when she could have had a healthy child.

Furthermore, I wish to note that I am not here suggesting that *de dicto* harm is always relevant, or that it always trumps *de re* harm. Notice that we are not always beholden to all office holders or potential office holders. There are many cases in which *de dicto* harm obtains, and it is simply not morally relevant. Suppose I spot a twenty-dollar bill lying on the sidewalk. No one is around, so I pick it up to spend later. By doing so, I have made it the case that all those who might have walked by after me and found the money are worse off than they otherwise would have been, for they could have been twenty dollars richer. But this *de dicto* harm is not particularly relevant to the moral analysis of the situation. Similarly, suppose I'm eating at a diner, and I order a slice of pie. The server tells me I am in luck, because I have just ordered the last slice of pie. By eating the pie, I *de dicto* harm anyone else who might come into the diner wanting pie. Again, this harm does not seem morally relevant. So, what does make *de dicto* harm morally relevant?

There is a responsibility criterion that is necessary for generating moral obligations in cases of *de dicto* harm. This criterion does not obtain in the case of the pie or the twenty-dollar bill because I bear no responsibility to satisfy the monetary or gustatory desires of those who come after me in those cases. This criterion does obtain, however, when we stand in a recognized responsibility-relation to an office that moral subjects are filling or will come to fill. That is to say, we often take on

roles as office caretakers, and more stringent moral standards ensue. When we decide to become parents, we have a strong responsibility to whoever our children turn out to be. Leaders and policy-makers have a strong responsibility to citizens, regardless of their individual identities. Teachers have a responsibility to benefit educationally anyone who becomes a student in their class. To fulfill one's role as an office caretaker, one must take de dicto harm seriously. With this in mind, let us assess our role as caretakers for the office of 'our pets.'

IV. Caring for Our Pets

I hold that dogs are moral subjects. That is, I assume that it matters morally how we treat them. So, what kinds of moral responsibility do we have to our dogs? I claim that two kinds of responsibility-relations obtain—the first is a general responsibility and the other a more specific responsibility. Because humans themselves created the dependency on humans that canine pets now have, we are clearly responsible for the fact that they require our care. Thus, we qua humans have a general responsibility to all dogs everywhere, and to whoever these dogs turn out to be. We also have more specific responsibilities to our individual pets, and each person who accepts the role of caretaker for the office of 'my pet' thereby incurs specific responsibilities. These responsibilities include avoiding both de re harm and, importantly, de dicto harm. We have strong obligations to care for our specific pets, but we also have strong moral reason to stop harming our pets in the de dicto sense and to cease pedigreed breeding insofar as it leads to significantly lower welfare.

For those who take this argument to heart, there are two things to keep in mind. The first is that the bulk of these welfare concerns stem from a lack of genetic variation. Since the vast

majority of breeding leads to precisely this state, I do wish to critique the practice of breeding as it currently stands. However, this does not rule out the possibility that reforming breed standards or practicing breeding such that we ultimately increased the general fitness of our pets could appropriately address these welfare-related concerns. In fact, further analysis might reveal that we are morally required to breed our pets to be as healthy as possible, if our medical and breeding capabilities surpass nature's ability to produce healthy animals. Second, it is important to keep in mind that these concerns do not apply to currently existing pedigreed pets who have lives worth living. The *de re* benefits of love and care and good welfare that these pets enjoy matter precisely because these pets already exist. I do not claim that your beloved pedigree pet should not exist. However, I do claim we should think carefully about how to improve the welfare of the animals we ultimately bring into existence, and we should take seriously our *de dicto* responsibilities to those future animals.

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