

## Does breeding a bulldog harm it? Breeding, ethics and harm to animals

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### Abstract

It is frequently claimed that breeding animals that we know will have unavoidable health problems is at least *prima facie* wrong, because it harms the animals concerned. However, if we take ‘harm’ to mean ‘makes worse off’, this claim appears false. Breeding an animal that will have unavoidable health problems does not make any particular individual animal worse off, since an animal bred without such problems would be a different individual animal. Yet, the intuition that there is something ethically wrong about breeding animals — such as purebred pedigree dogs — in ways that seem negatively to affect welfare remains powerful. In this paper, an animal version of what is sometimes called the non-identity problem is explored, along with a number of possible ways of understanding what might be wrong with such breeding practices, if it is not that they harm the animal itself. These possibilities include harms to others, placeholder arguments, non-comparative ideas of harm, an ‘impersonal’ approach, and concerns about human attitudes and dispositions.

**Keywords:** animal ethics, animal welfare, breeding, harm, non-identity problem, pedigree dogs

### Introduction

Discussion of ethical questions raised by animal breeding has become increasingly significant, both in popular and in scientific discourse. For example, a recent guest editorial in the *Journal of Veterinary Behavior* begins:

Is it acceptable to deliberately breed dogs that will have trouble running without shortness of breath, or whose likelihood of inheriting diabetes is 10 times higher than that of the general canine population? (Rooney 2009; p 180).

This question echoes widespread concerns that particular ways of breeding companion animals — ones that appear to impact on the animals’ welfare — are ethically questionable; that, for instance, “pedigree dog breeding puts pedigree dogs at increased risk of ill health and thus reduces their welfare” (Advocates for Animals 2006); and that for this reason “changes in breeding and selection practices are urgently required” (Rooney 2009; p 186). Breeding animals in ways that seem to negatively affect welfare is not only confined to companion animals; it applies to laboratory animals, too. Mice (*Mus musculus*), in particular, are bred for experimental purposes, to develop tumours and other diseases that model the progress of similar pathologies in human beings. It is plausible to think that breeding mice in these ways at least *prima facie* harms the mice concerned, even if we conclude that, all things considered, the benefits ethically justify such practices.

In this paper, however, a philosophical problem (sometimes called the non-identity problem) will be explored. This

problem appears to undermine the claim, in most cases at least, that breeding animals in these ways harms the animals concerned. The non-identity problem has been much explored in certain human cases, but so far been little applied to animal cases (though see Rollin 2003; Benatar [passim] 2006; Sandøe & Christiansen 2008; Streiffer 2008). I will begin by explaining why the non-identity problem is a problem in the human context, and make some adjustments in order to accommodate animal breeding. Then, three animal cases will be considered — the English bulldog, the transgenic mouse, and the short-lived dog — all of which, will be claimed, present something like a non-identity problem. In all these cases, most people intuitively think that *something* is wrong, but on closer examination, it is difficult to locate where that wrongness might lie. Drawing on related debates about whether creating *people* can harm them, several arguments will be outlined that might explain this apparent wrongness in animal cases. However, it will be suggested, these arguments work better to explain some animal breeding problems than others; certain cases are more resistant to resolution, or present the problem that any resolution appears to generate ethical difficulties for different reasons.

Given the well-known intractability of the non-identity problem, the purpose of this paper is not to maintain that it can be resolved in animal cases. Nor, importantly, am I suggesting that it is normally morally acceptable to breed unhealthy animals — especially companion animals — when we could breed healthier ones. I share the

widely held intuition to the contrary. But, nonetheless, there is value in investigating the difficult challenges to this intuition, and in trying to work out how far, and in what ways, it can be defended.

### The non-identity problem

The non-identity problem arises from the fact that there are some actions, and policies, that affect who actually comes into existence. Most obviously, this applies to direct decisions about reproduction. Choosing to get pregnant in September rather than October will mean that a different egg is fertilised by a different sperm. So, a child conceived in September is *non-identical* with a child that could alternatively have been conceived in October. As Parfit (1984) argues, a surprising number of our choices — not just directly reproductive ones — affect the identities of future individuals. So, adopting a particular energy and transport policy will lead to different individual people coming into existence than if an alternative energy policy had been adopted. Parfit (1984; p 361) comments “How many of us could truly claim ‘Even if railways and motor cars had never been invented, I would still have been born?’”

This results in a *problem* because of the way we conceptualise harms. Harman (2009; p 137) captures this in a helpful way:

The non-identity problem arises because some actions appear to be wrong, and they appear to be wrong in virtue of harming certain people, but those people would not have existed if the actions had not been performed, and those people have lives that are worth living. Such actions are puzzling because they do not make these people worse off than they otherwise would have been; but plausibly, one harms someone only if one makes her worse off.

Non-identity problems, then, arise in situations where intuitively it seems as though some wrong has been committed, but where no *particular* person appears to have been harmed, because, had some other action or policy been pursued, a different individual or individuals would have existed. It is helpful here to have a concrete example in mind. Here is a version of one of the much-discussed human cases, which I have called the ‘Hasty Mother’ case; this parallels, fairly closely, the kinds of non-identity animal breeding cases I will be considering.

#### Hasty Mother case

Suppose a woman wants a child. She knows that if she conceives now, owing to a short-lived disease she currently has, there is a high risk that the child will have significant and incurable disabilities, though the child will still have a life worth living. However, if she waits three months to try to conceive, this risk will be over and she could expect to have a healthy child. But this woman decides to conceive now. She has a child, as expected, with significant and incurable disabilities, though the child has a life worth living. But *this* child has not been harmed, because had the woman waited three months, she would have had a *different* healthy child (a different egg would have fused with a different sperm). Since the child she gives birth to has a life worth living, and it is not possible for “this particular indi-

vidual to exist and not suffer an impairment” (Roberts 2009; p 203) then no-one has been harmed. Yet most people intuitively think that the woman should have waited, and that it was wrong of her not to do so. (NB This is similar to a case discussed in Parfit [1984]).

To make what is going on in this case clear, it is important to clarify two terms: a ‘life worth living’ (or ‘not worth living’) and ‘harm’. I take a ‘life worth living’ to be a life in which the intrinsically good states outweigh the intrinsically bad states, and a life not worth living to be the reverse — a life in which the intrinsically bad states outweigh the intrinsically good states, if there are any (see McMahan 2009; p 49). (NB As a reviewer for this paper commented, the term a ‘life not worth living’ could refer to a life of zero value, as well as one of negative value; it would be better to use the term ‘life worth not living’ to exclude the zero value life. However, the literature in this field, including Parfit (1984), standardly uses “life not worth living”, so while I think this point is correct, common usage has been adopted). ‘Harm’ can be taken here in two senses (and what is significant is that the child with disabilities born in the Hasty Mother case does not seem to have been harmed in either of them). One sense of harm is narrow and non-comparative (though controversial): to create a being to have a life not worth living. The child in the Hasty Mother case has not been harmed in *this* way; it is stipulated that he has a life worth living. The second sense of harm is a standard, comparative sense, one that includes a counterfactual condition. Someone is harmed if they have been made worse off than they otherwise would have been. The child in this case has not been harmed in *this* sense, either, since a child born without these disabilities would have been a different child. I will accept both these senses of harm here (there is some disagreement about the first, but to reject it would not change, but rather deepen, the problem) (Heyd 1992).

The ‘Hasty Mother’ case provides a model for animal cases that have, in some respects, a similar form; cases where, intuitively, it seems as though some wrong has occurred, but where there has been no person-affecting (or, since animals are under discussion, let us say ‘individual-affecting’) harm (both de Grazia [2005] and McMahan [2009] make this terminological adjustment). I should note here that I am just going to assume that animals *can* be harmed (they can be in negative experiential states of pain, discomfort etc) and that this matters ethically. In saying this, I do not mean to prejudge the question whether practices such as animal research are morally wrong *overall*. Human benefits may *outweigh* any harms to animals. But we can judge that an action is *prima facie* objectionable without thereby concluding that it is, *all things considered*, wrong. What I am interested in here is whether an action at least stands in need of some justification. This does not mean that it cannot be justified (Hanser 1990).

#### Breeding animal cases

Animal breeding brings billions of animals into existence each year. Many of these animals are bred in specific ways to meet specific human purposes. I will call such breeding

practices ‘identity-affecting’, using Lillehammer’s (2009; p 232) definition of identity-affecting: “A choice is identity-affecting if it determines which among some set of possible items will actually come to exist”. To clarify: I am using ‘identity’ here in what is sometimes called a *numerical* rather than a *qualitative* sense. Where objects or individuals share properties, they have some degree of qualitative identity. So, for instance, a Siamese and a Russian Blue cat share certain properties that come with being cats, and thus have a degree of qualitative identity — though this is not as great as the qualitative identity that would be shared by two Siamese cats. *Numerical* identity, on the other hand, “requires absolute qualitative identity and can only hold between a thing and itself”. (Noonan 2009; p 1) So, although two Siamese cats may share a high degree of qualitative identity, they are *numerically* distinct. They are different individual cats. When animals are deliberately bred using selected mates or gametes, individuals with different *numerical* identities are created than would exist if the animals were left to choose their own mates, or if different mates or gametes were selected. It is in this *numerical* sense, then, that animal breeding is identity-affecting. I will focus in this paper on two specific cases of this kind: breeding a pedigree bulldog, and breeding a transgenic mouse that is created to develop cancer.

### English bulldog<sup>1</sup>

This bulldog has been bred in a line of champions. The sire and dam were carefully selected for their bloodline. The bulldog was a healthy puppy. However, she has a very high likelihood of developing hip dysplasia, cysts, dermatitis and cherry eye, may suffer respiratory distress and is very vulnerable to heat stress. If used for breeding, she is likely to need a Caesarean section, as the heads of purebred bulldogs may be too big to emerge without surgery. Studies suggest that she will live between 4.6 and 6.7 years, at least several years fewer than an average mixed breed dog (Patronek *et al* 1997; Mitchell 1999; UK Kennel Club 2004). But she will have a human home where she is fed, exercised, cared about and receives prompt veterinary treatment when required.

### Transgenic mouse

This mouse has been produced from a complex range of technologies, including the development of transgenic mice that can carry cloned genes integrated into the mouse genome; the ability to clone oncogenes causally implicated in natural cancers, that form cancers when transplanted into host animals; the bringing together of these two technologies

to produce mice with heritable predispositions to particular cancers; and/or gene knockout technology to produce mice lacking in tumour suppressor gene function (see Hanahan *et al* 2007). A mouse produced using this technology is extremely likely, heritably, to develop some form of cancer. It carries specific genes, ones that will essentially shape the kind of life lived. It is born in a laboratory, lives in a laboratory, has access to adequate amounts of food and water, and is housed in a stable group with other familiar mice. When the painful cancer develops, injections of an experimental drug are given, that, it is hoped, will improve or cure the condition. After several weeks of this therapy the mouse will be killed in order to examine the tumours.

Humans are responsible for the existence of the pedigree bulldog and transgenic mouse. In both cases, the way the animals have been created has welfare impacts. The bulldog will, very predictably, live a shorter and much less healthy life than another dog that the breeder could have bred — perhaps even a dog with one of the same parents. The transgenic mouse will, predictably, develop painful tumours; other mice could have been bred that had much healthier lives. But let us assume what is certainly possible: that both animals have a life worth living; the intrinsically bad states in their lives do not outweigh the good ones. They will be adequately cared for, or in the case of the bulldog, well cared for, throughout their lives. They have enough to eat, sufficient social contact of the right kind, enough space, and medical treatment when they need it. They do not suffer welfare problems because of the ways that they are looked after; and they are not killed when their lives are still well worth living. We could even suppose that the bulldog has the best well-being that is possible for her. Still, the animals will have welfare problems, problems that are built into the very fabric of their being, even if their lives go as well as they possibly could. And it’s *this* that makes these cases so difficult<sup>2</sup>.

Take the English bulldog: it is often argued that the deliberate breeding of unhealthy, purebred dogs is ethically wrong. This conviction has had significant effects on the world of pureblood dog breeding. It led the BBC to refuse to broadcast the Crufts Dog Show — an annual institution in the UK — in 2009. And it prompted a spokesperson for the Royal Society for the Prevention of Cruelty to Animals to comment: “Breeding deformed and disabled animals is morally unjustifiable and has to stop”. (see Mark Evans’ comments as reported in *The Times*, September 6th 2008, available at <http://www.timesonline.co.uk/tol/news/uk/article4761471.ec>). But the problem here lies in identifying where the moral wrong is supposed to be. *This* particular bulldog, and other

<sup>2</sup>Perhaps some kind of gene therapy or other medical intervention could limit the effects of these conditions after conception, and make these *particular* animals better off. But then the problem would still persist (albeit with diminished intensity) unless they were cured. But if they were cured, we would not be likely to think they had been harmed, so there would be no sense of a problem. As I will point out later, given that these animals are deliberately produced to have the features that are welfare-affecting, it seems highly implausible that such interventions would be pursued in any case, even if the technology to do so existed.

<sup>1</sup> English bulldogs are mentioned in passing in this context by Sandøe and Christensen (2008; p 144).

purebreds like her, have not been harmed, in the sense of being made worse off; *she* would not have existed had another dog — say, a healthier, longer-lived mixed breed dog — been bred in her place. So, while it intuitively seems wrong to breed an unhealthy purebred dog, when another healthy dog could have been bred in its place, that wrong does not appear to be, as we might initially think, ‘individual-affecting’. The situation is similar with the transgenic mouse. The transgenic mouse will have poor welfare through the later part of its life when it develops painful tumours. But, since it would not have been bred but for the prospect that it would develop these tumours, we cannot say that it has been *harmed* — that is, made worse off — because of its predisposition to cancer. Either the mouse is created with this predisposition to cancer, or it would not exist at all.

In both cases, something at least worth moral debate seems to have occurred, even if there is disagreement about whether, *all things considered*, these actions are wrong. Yet, in neither of these cases, at first sight, does it seem as though an actual, existing individual has been harmed. If what is morally wrong must involve harms to particular individuals, then there seems to be nothing wrong at all. This, though, has troubling implications, opening up possibilities such as the following.

### Short-lived dogs

The phenomenon of children pestering their parents for a pet, then quickly tiring of it and leaving their parents to care for it, is well known. A canny dog breeder spots a gap in the market. She begins to breed dogs with very short lives. After about two years, these dogs develop an untreatable disease, and they die in a couple of weeks. The breeder markets the dogs to parents of children with short attention spans. The dogs become popular, since parents know that after the child tires of the dog, they will not have another ten or more years of dog care ahead of them. Since these parents do not want long-term commitment to a dog, without the option of a short-lived dog, they would not agree to have a dog at all.

It is worth noting that this is not, strictly, a non-identity case. Although it is not *physically impossible* that other, longer-lived dogs could instead be bred, the short-lived dogs are specifically produced to fulfill a demand that only they can satisfy. In practice, either the short-lived dogs are bred, or no dogs are bred at all, since if there were no short-lived dogs, this particular source of demand for dogs would just disappear, rather than switch to demand for other longer-lived dogs. But, despite this, the short-lived dogs raise a similar problem to the non-identity cases. Since these dogs would not have existed otherwise, overall they have lives worth living, and none of them is made worse off by this arrangement, the practice of breeding them seems ethically permissible. But no doubt, many would respond that it is ethically outrageous.

This highlights the more general worry here. If wrongs to animals must be individual-affecting, then some existing ethical debates about animals just seem misplaced. For, if the focus is on harm to individuals, we have identified no

ethical problem at all. No individual animal has been harmed in these cases, at least in the sense of having been made worse off than it would otherwise have been. But can there really not be even a *prima facie* objection to any of these practices? This seems so counter-intuitive that it is surely worth further investigation.

One possible response here is simply to bite the bullet and say that there is *nothing* ethically problematic about these cases, not just ‘all things considered’, but in any sense at all. It might be claimed that our intuitions, primed for ethical questions raised by beings already in existence, work poorly in cases of bringing into being. If all wrongs are individual-affecting harms, harm means being made worse off, and no individual has been made worse off, then intuitions that there are at least ethical problems worth discussing here must be mistaken. As long as these animals have a life worth living — even the short-lived dogs — then there is nothing wrong with creating them this way. Some of those working on the non-identity problem in human cases have accepted this position, at least with respect to these cases where the being concerned cannot both exist and be better off, such as the incurably disabled child in the Hasty Mother case. However, this answer is unsatisfactory and strongly counter-intuitive. It seems to entail that we can breed animals in whatever way we want, without there being any ethical problems, provided that the animals we breed can be expected to have a life that is even marginally worth living.

### Alternatives to ‘nothing’s wrong!’

What alternatives are there to the ‘nothing’s wrong!’ conclusion? A number of responses have been suggested in *human* non-identity cases. It is useful to think these through in animal breeding cases, since they help to reveal both the intractability of the problem, and some useful directions for further exploration:

- Someone, but not the one created, is harmed;
- Placeholder arguments that shift the sense of identity at stake;
- A non-comparative, or differently comparative, idea of harm;
- Going ‘impersonal; and
- A problem of human attitude.

### Harms to others

Roberts (2009) argues that in human cases such as the Hasty Mother case, it is rare for no harm to be done to anyone else. So, in the Hasty Mother case, although the child with disabilities is not harmed, the creation of the child will likely have negative distributive effects on others. For instance, existing siblings may be made worse off by the additional cost and time that the child with disabilities causes their parents. Or, society in general may carry a higher burden of expense, so all individuals are made somewhat worse-off.

But, of course, this argument is contingent, even in the human case: the child may be an only child, or the benefits the sibling with disabilities brings may, in fact, outweigh the

costs, if there are any, to the other siblings. Even if there are some human cases where this argument would work, it is difficult to imagine that there are many such animal cases. It is possible that in creating a purebred dog that is unhealthy, meeting the veterinarian's bills could make others (human and non-human) economically worse off. But, more commonly, animals are bred directly to *benefit* people (as with the transgenic mice and the short-lived dogs), and (normally) unlike children. So, costs in this sense will rarely be a problem. Roberts (2009) suggests that in human cases where no-one (either the one created or the ones impacted) is harmed, then there just is nothing wrong. In particular, the Hasty Mother case poses no moral concerns. She merely thinks these cases are unusual. But, if we include animal cases (and far more animals are bred than humans created every year) then these cases are, in fact, extremely common. Since in most animal cases, no other individual is harmed — in fact they are likely benefited — this is not going to help in explaining or justifying the sense of moral unease about these animal breeding cases.

#### Placeholder arguments: shifting the sense of identity

A second attempt to defuse the non-identity problem shifts the sense of 'identity' at stake, maintaining, for instance, that individuals created from different gametes can nonetheless, in certain cases, fall under the same description and so be, in this sense, identical. Suppose (to use an example of Clark Wolf's [2009]), a couple called John and Mitzi stipulate in their will that their fourth child should inherit their car. This child may not yet have been conceived, and thus may have no particular identity; it could be male or female, suffer from a genetic disease or otherwise, and so on. But in terms of the inheritance, this kind of identity does not matter. Whatever individual has the correct 'fourth child' relation to John and Mitzi should get the car. Wolf (2009), among others, argues that this is how we should think of non-identity problems in the case of future human generations. Suppose, for instance, that we could pursue a policy now that both determines which individuals will exist, and that makes them unhealthy — say, a wide-ranging, but dirty, energy policy (see Parfit 1984). We should, Wolf maintains, use a placeholder term, focusing on "that class of persons [whoever they are] who will be influenced by the consequences of our present actions". This is still 'person-affecting' in one sense; but the particular identity of those born is irrelevant.

This does not obviously resolve such non-identity problems, though. Use of the placeholder does not change the fact that particular actual future people have not been harmed in a person-affecting sense; *they* as individuals have not been made worse-off because of the decisions others have taken, because had other decisions been made, *they*, as individuals, would not have existed at all. But even if an argument that uses placeholder descriptions could work in human non-identity cases, it does not seem to work well for the bulldog, the transgenic mouse and the short-lived dog. The human identity-determining choices are instances where the creation of people without the welfare-impairing

features would either be unproblematic, or welcomed (providing that those who created them could have brought them about while making the same choices). So, if (despite our choice of a dirty energy policy) it turned out that future generations did not suffer from our actions, were we able to know of this, we would either be indifferent or pleased. In the Hasty Mother case, were the child conceived in the risky three-month period born without the welfare-affecting incurable impairments, the mother would welcome it. The mother's concern was to have a child soon, not to have one with impairments that produce poor welfare. But the animal cases do not look like this. The animals are not bred with particular welfare-affecting identities as an accidental outcome of some other choice. It is not as if, had those concerned waited, or made different decisions about factors that also turn out to influence identity, animals without these welfare-affecting features would have come into existence. Whichever animals are bred will have the troubling features, because that is what they are being bred *for*. The bulldog nose is selected for its aesthetic qualities; the tumour-growing mouse for its tumours — but these very features are what is welfare-affecting. While it is true that the purebred animals are normally bred for the features rather than for the welfare problems that accompany the features, the features and the welfare are inseparable. The features cannot be had without the welfare effects, the features are the *purpose* of the breeding, and everyone knows that the welfare effects come along with the features — presumably that is why Rooney (2009; quoted in the *Introduction*) maintains that the animals are *deliberately* bred to have health problems. In this case, every animal to which a placeholder might refer would share the same welfare-affecting features. The imaginary short-lived dogs' case is even more direct: short-lived dogs would be bred *just because* they have a feature that negatively impacts on welfare. And those who choose to own short-lived dogs would want them exactly the way they are; they would not otherwise have given in to their child's pleas for a dog.

Given that the welfare-affecting features are the purpose of breeding these animals, placeholder arguments that adopt a more coarse-grained sense of identity do not work well in these cases. The problem in animal cases is not (at least not straightforwardly) one about different possible individuals for which the placeholder can stand, some of whom appear to have different welfare than others. The welfare of all the produced individuals will be similar; that is, either the reason for producing them or an unavoidable side-effect of it. So a different resolution to the problem should be sought here.

#### Non-comparative harm arguments

In talking about non-identity problems, I have emphasised a *counterfactual*, comparative idea of harm. Someone is harmed when they are made worse off than they otherwise would have been. But, some philosophers, in response to the non-identity problem, have extended the idea of non-comparative harm beyond a 'life not worth living'. Suppose, they suggest, we took harm just to mean 'in a bad state'. There is, they argue, something wrong with putting a

sentient individual into a bad state, irrespective of what alternative states it might have otherwise been in.

On some accounts, this kind of harm is *absolutely* non-comparative. We can just call some states bad. On others, there is a comparison, not between a particular individual being and the alternative states it might be in, but between a particular being and some idea of a species-norm state. Harman (2004), an advocate of a view like this, maintains that “one harms someone if one causes him pain, physical or mental discomfort, disease, deformity, disability, death”. The comparison here is not with how things would have gone for this particular individual had the relevant action not been performed, but with a species-normal “healthy bodily state” (Harman 2004; p 93). Included in this healthy bodily state is “no deformity”; it is the “normal healthy state of an organism of the species in question”, even if this state is never actually attainable by the particular organism in question. On this view, breeding animals with welfare-affecting deviations from normal healthy bodily states harms them. So, how do these ideas of harm relate to the bulldog, the transgenic mouse and the short-lived dog?

First, let us consider *absolutely* non-comparative accounts of harm. I have already worked with one idea of absolute non-comparative harm: the idea of a life not worth living. However, once a life *is* worth living, without being able to compare actual states with better life states, it is not clear what absolutely non-comparative harm could mean. If I create you, you have a life absolutely worth living, and I cannot compare the state you are in with alternative states you (or others) might be in (to say, for instance, that you have been *deprived* of something) it is difficult to make sense of how I might have harmed you (Bradley 2009; p 14).

One possible response here might be to turn to a rights view; a rights violation could be construed as a sort of non-comparative harm. It might be possible to violate someone’s rights by bringing them into being in a particular way. Boonin (2003), for instance, suggests that it’s ‘arguably plausible’ that one has a right not to be ‘wrongfully conceived’ if (in effect) one is conceived to have a life not worth living, or a life that is wretched, below an acceptable threshold. (Though he correctly notes that “it’s very unclear who the subject of the right is, especially in cases where the right is respected and so the potential individual is never conceived” [Boonin 2003; p 6]). Could this explain what is wrong in any of our cases?

In cases where the life an animal lives is completely miserable, though still just worth living, this rights argument might work (though I am sceptical, like Boonin, that rights can even apply in cases that involve bringing into being, or that it makes sense to say that someone or some being has rights that could not be fulfilled [Parfit 1984; p 375]). But our three cases do not seem to fall into this category. Take the short-lived dog, in particular. In the human case, it is hard to see how anyone’s non-comparative rights could be violated by (for instance) being brought into existence and having a life worth living, while also inheriting a genetic disease that will kill them at the age of 30.

After all, as wags boringly note, life is itself a genetically inherited disease from which we all will die (if something else does not get us first). If there is a breach of rights here, it cannot just be in creating a being whose genes destine it to die. But if the problem is in dying *so young*, however, then we have returned to a comparison with a normal lifespan. But this is ruled out on a non-comparative view. If rights *are* at stake in these animal-breeding cases, it seems as though they must be comparative. The reason the short-lived dogs may seem to have had their rights violated is because most dogs live so much longer. This is not an absolutely non-comparative view. It seems that absolutely non-comparative views do not help in identifying the wrong in creating animals such as the transgenic mouse and the short-lived dog.

*Comparison with species’ norms accounts*, such as Harman’s, are more promising — though we immediately run into difficulties in identifying a species-norm length of life. The length of dogs’ lives, for instance, is tied to the size and breed of dog, rather than to the species as a whole. But, to approximate: let us take the average lifespan of a mixed breed dog at, say 12 years. So we might say: if the species-norm length of life for a dog is 12 years, to deliberately create dogs that live less than two years, or even on average 4–7 years (like the bulldog) is to harm them. The comparison is not with some longer lived particular dog one might alternatively have created, but with the normal life for dogs. So: if I create you, knowing that you will have a life — or making you to have a life — that is less good or shorter than is normal for your species, then I have harmed you.

On this view of harm, it looks as though we can give an account of why the bulldog, the transgenic mouse and the short-lived dog have, after all, been harmed. The bulldog undergoes some suffering due to its pure-blood breeding; if we norm to species rather than breed, perhaps we can say that the bulldog has been harmed in comparison with other dogs because of the way its breeding affects the shape of its head. Both the short-lived dog and the transgenic mice are caused disease, discomfort and death on account of the features they have been created to have; so they appear to have been seriously harmed in comparison with the ‘normal healthy state of the species in question’.

Significant problems exist, however, with this account. First, there seems something strange about thinking that whether *this* dog has been harmed depends on how long *other* dogs live. Second, the idea of ‘species-norms’ is very problematic, given debates about what a species actually is, evolutionary change, and difficulties in identifying what actually is ‘normal’ for a species. The dog case already suggests this: there is no ‘normal’ length of life for a dog. Third, humans currently have a (limited) ability to affect species norms, but we can imagine this ability expanding substantially. After all, if the market for short-lived dogs grew, or the benefits in producing transgenic mice became much more obvious, short-lived dogs and transgenic mice could become the ‘norm’ for their species. On this account of harm, if short-lived dogs became the norm, the species-

norm harm of creating them would vanish. Yet, those who see the creation of short-lived dogs as morally problematic would hardly concede that a mass expansion in the market would make the moral problem disappear.

These differing interpretations of harm, then, do not obviously seem to solve the problem here. Neither non-comparative nor species-norm accounts can establish that there is anything *prima facie* wrong in the bulldog, transgenic mouse or short-lived dog cases. But what is sometimes called ‘going impersonal’ may be more promising.

### Going impersonal

The most obvious alternative to all these options is to maintain that there are ‘wrongs’ that either do not harm anyone in particular, or that are not individual-affecting at all. Perhaps some states of the world are worse than others even if they are worse for no-one in particular; they are impersonally worse, or worse in non-particular individual-affecting ways. So, for instance, worlds with more suffering might be worse than those with less suffering, irrespective of who in particular is undergoing the suffering. Views of this kind — for simplicity, I will call them ‘impersonal’ views — are usually tied to some form of ethical *consequentialism*. (Some ‘wide person-affecting’ views that are not impersonal could also be discussed here, but I lack the space to do them justice. See Parfit 1984; Holtug 2010). Given that some states of the world are (on this view) better than others, we should aim to bring about such better states and not to create worse states. Consequentialisms are highly varied, in terms of what constitutes a ‘better state’, whether the aim should be to bring about the best possible state of the world, or a world that is, in some sense, ‘good enough’ (to satisfy); whether to aim at maximising (or satisficing) in terms of total or average value, and so on. I cannot consider all these alternatives here. So I will adopt a standard form of maximising consequentialism, where the aim is to produce a world that is best in terms of maximising pleasure and minimising pain; and I will try to focus on a restricted set of questions about breeding animals (though a commitment to ethical consequentialism in animal breeding would — to be consistent — require one to adopt ethical consequentialism more broadly). Going impersonal, and adopting maximising consequentialism, to some extent wedges apart the three cases. It provides plausible explanations for why there might be ‘something wrong’ in the case of the transgenic mouse and the bulldog. But it gives us very little to go on in explaining what is wrong with breeding short-lived dogs. This may mean that in subtle ways these cases are not similarly problematic; or, perhaps, that we are mistaken to think that there is a problem with breeding short-lived dogs; or that the impersonal approach cannot give us the fully satisfactory theoretical explanation we are seeking.

Let us start with the transgenic tumour-prone mice. The intuition I have been working with is that in breeding mice to develop painful diseases, we have harmed the mice concerned — even though the only alternative for those

particular mice is non-existence. But an impersonal framing allows us to see this in a different way<sup>3</sup>. Humans breed mice that (we have stipulated) have a life worth living, even though these mice develop cancer. Since, on balance, these mice have a life worth living, the world is a better place because we create them. It is true that the mice suffer, because they develop cancer. However, their suffering is being created (let us suppose, successfully) to alleviate the suffering of future human and animal others. So, even though mouse suffering reduces the total good in the world, overall the world is better with the mouse suffering than without it. Breeding the mice improves the world both because the mice’s lives are worth living and because their suffering now reduces more suffering in the future — and had we not bred them, they would not otherwise have existed (this is assuming, of course, that creating these mice does, over time, reduce suffering in the world — I recognise that this is a controversial assumption).

This impersonal, consequentialist account also helps with a related puzzle that I have so far not discussed: what Parfit (1984; p 367) calls ‘no difference’ cases. These are cases between which, intuitively, there seems to be no ethically relevant difference, but where, on an individual-affecting view, an ethical difference nonetheless emerges. So, suppose that a scientist could either breed a group of mice with a disposition to develop a particular cancer, or alternatively breed healthy mice and later expose them to a mutation-provoking drug that would give these healthy mice just as much likelihood of developing the same cancer as those mice bred with the disposition to develop it. There is no difference between the welfare of the two sets of mice over their lives (they develop the same cancer at the same age), the experimental outcomes (let us assume) are the same, the experimenter has the same intentions and so on. Whatever one thinks more generally about giving mice cancer, there appears to be no ethical difference between these two methods of doing it. Yet, on an individual-affecting view, breeding mice with a disposition to develop cancer does not harm the individual mice concerned (since those mice would not otherwise have existed) while exposing otherwise healthy mice to a mutation-provoking drug does harm them, since these mice could have lived healthy lives. So, on an individual-affecting view, counter-intuitively, the cases appear very different. The impersonal, consequentialist approach seems to give a more plausible answer here.

The impersonal approach also offers an explanation as to ‘what is wrong’ in the case of the bulldog. The problem is not that the bulldog itself has been harmed by the way it was

<sup>3</sup> In fact, if we think that individuals can be benefited by being brought into existence, we could claim that the mice are not harmed — even that they are benefited — on certain person-affecting views (see Parfit 1984; Holtug 2010). Relatedly, a wide person-affecting approach might resolve the non-identity problem here, in a similar way to an impersonal approach, but it also raises similar difficulties (eg the Repugnant Conclusion), so it will not be discussed separately (see Holtug 2010; p 249-251).

bred. In fact, since the bulldog has a life worth living, it is good that the bulldog was bred, and even better that it is given the best life possible for it, by being well cared for. However, had another, healthier dog (for instance, one with fewer allergies and no breathing difficulties) been bred instead, that would have been even better still. Breeding purebred dogs with health problems, on this view, is not unethical because there is something intrinsically wrong about breeding dogs to be ‘deformed and disabled’. Indeed, if these were the only kinds of dogs we could breed, we should breed them that way, as long as their lives are not so miserable that they are not worth living. What is unethical about breeding the pure-blood English bulldog is that we could breed dogs to be healthier and to lead better lives, and thus decrease suffering and increase happiness in the world. And if we could do this, we should.

These impersonal responses to the transgenic mouse and the bulldog case point us to a response in the case of the short-lived dog — though this seems less satisfactory. Short-lived dogs have lives that, although short, are worth living. Any animal with a life worth living is worth producing, on this view, provided that it does not equivalently reduce the value of the lives with which it interacts, and a better animal could not be produced in its place. The short-lived dog gives pleasure to the families that own them, and the families would not otherwise have a dog at all. If the short-lived dogs were not bred, no other dog would be, since (as stipulated above) the demand here is only for short-lived dogs; it is a short-lived dog or no dog. So, on this kind of impersonal view, one that focuses on states of pleasure and suffering, rather than on the particular individuals that experience those states, the breeding of short-lived dogs is not morally troubling at all. Indeed, if there are good homes available for these dogs, and not for other dogs, breeding such dogs may not just be morally permissible, but morally required. So, while the impersonal, consequentialist view allows that there’s *something* ethically troubling about the transgenic mice and the pure-blood bulldog, there’s *nothing at all* to worry about in the case of the short-lived dogs. So, here, the cases do seem to come apart. It is this conclusion that helps us to see what matters in this kind of impersonal consequentialism: it is the experiences we can create, not whose experiences they are. We should breed animals, such as short-lived dogs, in the numbers and with the well-being that would assist in bringing about the best state of affairs in the world.

But this conclusion creates other ethical difficulties, even though it helps to explain what is wrong with breeding animals that we know will have poorer welfare than others we could have bred. In the human context, Parfit (1984), for instance, argues that such a view leads us to what he calls the Repugnant Conclusion: if we focus on maximising total welfare, for any number of people with a given welfare, one should produce more people, even though each has poorer welfare, as long as each increases the total. So, we end up at what he calls the ‘Z-future’, where there is an “enormous population, each of whom has a life barely worth living” (Parfit 1984; p 414). Transposed to the animal case, this

suggests that we should breed animals to the point where the creation of any further animals would reduce overall good in the world. This would likely mandate a significant expansion in the number of domesticated animals, even if these animals would have lives only just worth living<sup>4</sup>. In fact, this aim may not be confined to domesticated animals, since producing a better or best animal-inclusive world might also imply that, as we now actively manage so many ecosystems anyway, we should consider improving wild animal well-being by reducing the number of carnivores and increasing the number of herbivores, since this could plausibly make the world better (if we can do so without making for worse long-term consequences).

The impersonal view outlined here, then, provides a justification for thinking that there is a *prima facie* ethical question about breeding transgenic, tumour-prone mice, just as there is about giving healthy mice tumours, even though if breeding mice this way were to contribute to a better world overall, we would be right to do so. It also provides an explanation as to why breeding unhealthy purebred dogs is ethically troubling — because we could have bred healthier individuals instead, thereby reducing suffering in the world. It does not, though, give us a reason not to breed short-lived dogs, if the alternative is to breed no dogs at all, and the dogs have a life worth living; in fact, it appears to provide a justification for doing so. Someone persuaded by this impersonal approach, then, may have to bite the bullet on the short-lived dogs, and may, in consistency, have to accept other animal management goals that may appear troublesome. But this approach certainly does give us a reason why we should not breed unhealthy dogs when we could breed others whose lives would go better.

Yet, even for such an impersonal consequentialist, ethical unease may still persist. One further possible way of thinking about this is in terms of human *attitude*. That is: the problem is not that short-lived dogs are harmed, nor that breeding them necessarily makes the world worse, but that there is something ethically troubling about the human attitudes that lead us to breeding animals such as short-lived dogs.

### A problem of attitude

Some philosophers have argued that, in cases where no harms can be identified, yet moral unease persists, we might turn to ask questions about the dispositions of the human agents involved in the troubling actions. For example, Hill (2007) argues that in cases of environmental destruction, where we cannot identify harmed beings, destructive acts can raise ethical questions because of what they reveal about the dispositions of the agents who perform them. So,

<sup>4</sup> There are more complex forms of consequentialism that may avoid these problems; perhaps those that appeal to a ‘prior existence’ view (Singer 1979); a ‘lexical level’ (see Parfit 1984; Mulgan 2006); or some kind of ‘impersonal comparative principle’ (Parfit 1984). Some form of wide person-affecting approach may also work here, but, as noted, forms of this are also vulnerable to the Repugnant Conclusion.



Hill proposes: “Even if there is no convincing way to show that the destructive acts are wrong (independently of human and animal use and enjoyment), we may find that the willingness to indulge in them reflects the absence of human traits that we admire and regard as morally important”.

An argument of this kind could apply to some non-identity cases. Take, for instance, the Hasty Mother. We might say of the Hasty Mother that even though the child was not harmed, the Hasty Mother did not show an appropriate disposition for parenthood, a disposition that should (as Wasserman 2005 argues) be concerned primarily with a future child’s good. The problem here turns away from the ‘harmed’ (or, rather, not-harmed!) individual and towards the disposition or, to use Wasserstrom’s terms, the ‘role morality’ that it is appropriate for a prospective parent to have.

Moving to animal cases, then: perhaps in breeding animals in particular ways — ways that cause them to live short lives, even if their lives are worth living, like the short-lived dogs — we indicate the absence of (to quote Hill again) “traits that we want to encourage, because they are, in most cases, a natural basis for the development of certain virtues” (Hill 2007; p 683). What negative human traits might breeding the short-lived dogs point towards? Perhaps the manipulation of animals to meet precise human requirements in this way flows from a kind of arrogant, manipulative self-importance, one that “programmes [sentient] animals with ends to suit ourselves” (Cooper 1998; p 155). The short-lived dog case might raise questions about the role-morality of living with a companion animal; perhaps to demand a short-lived dog implies an unwillingness to accept the inconvenience, the emotional commitment and the long-term caring for another sentient being that is appropriate for keeping a companion animal. So, even though a short-lived dog is not harmed, and even though there is more positive experiential well-being in the world because of the existence of the short-lived dog, to re-introduce Hill, the “willingness to indulge in them (the creation of short-lived dogs, in this case) reflects the absence of human traits that we admire and regard as morally important”.

But, of course, someone might respond: but if creating a short-lived dog does not harm the dog itself, and actually adds to total positive experience in the world, why should breeding it be seen as arrogant and manipulative, or someone who creates such a dog as lacking in morally admirable human traits? Perhaps breeding a short-lived dog shows the ability to reason through one’s intuitive ethical unease and to decide, on reflection, that it is groundless. Given this possible response, the virtue-oriented view does not seem to provide a conclusive explanation of why we should not breed short-lived dogs, or other animals that have poorer welfare than animals we might have bred.

## Conclusion

Breeding animals in apparently welfare-affecting ways has been the subject of considerable debate, both popularly, and in the pages of journals such as *Animal Welfare*. It is often assumed in these debates that such animals have been harmed or deprived of something; for instance, Rooney

(2009; p 183) maintains that some pedigree dogs are denied “1, and possibly more than 1, of the 5 freedoms”. Yet, looked at more closely, these claims are difficult to defend, since it is hard to make a case that these animals have themselves been harmed or deprived of anything. I outlined several ways of construing what ‘harming’ the animals we breed by the way we breed them might mean, but all raised significant problems. The best kinds of explanations appear to be impersonal, focusing on the healthier, happier animals we might instead have produced. Yet, such impersonal arguments do not obviously find breeding dogs with very short lives morally problematic, as long as those dogs have lives that are worth living and no alternative dogs would be bred; and they also suggest that humans have substantial broader commitments in terms of animal breeding, including acting in the wild. So, none of the arguments presented here give us entirely satisfactory answers to the ethical problems we perceive in breeding animals such as the transgenic tumour-prone mouse, the purebred English bulldog, and the short-lived dog.

However, I want to conclude by emphasising that not being able to locate a completely satisfactory theoretical explanation for what is wrong in these kinds of breeding cases is not intended to offer support for such practices. Parfit, who first explored these questions in detail, went so far as to say that the non-identity problem should be *concealed* from those who might change policy on account of it (Parfit 1984; p 451). In cases like these, he maintained, there is an inadequacy in our theoretical explanations; we should stick with our strong intuitions that these actions and policies (such as the actions of the Hasty Mother) are morally problematic. While (obviously) I do not think that the non-identity problem should be concealed, our intuitions that there is something wrong in these breeding cases is very plausible. So what is needed is better theoretical explanation, not a change in practice. What the non-identity problem makes clear is that ethical questions raised by the human capacity to *create* animals should be differentiated from those raised by the ways we treat animals that are *already in existence*. And, in the light of this, more theoretical work is needed to establish why creating animals to have poorer welfare and shorter lives than animals we could produce is morally problematic. But this need for more and better theory does not mean that breeding such animals is, after all, morally acceptable.

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