Discussion: On the Ethics of Killing Dogs

The following concerns whether an acceptable solution to the problem of stray dogs in a city is to kill them. That solution had been proposed in Bucharest, Romania, where the problem of stray dogs was acute, as we learned during the ARF meeting. But it had not been implemented because of an outcry by animal rights activists. A few weeks after the meeting, the following article appeared in newspapers:

> At least three dozen dogs are being killed in Tehran every day in an effort to rid Iran's capital city of canines. The Qods daily reported that at least 1,000 dogs, which are regarded as impure in the Islam belief system, have been killed in the last month alone. The figure is a 50 percent increase over the previous month. There are no animal shelters in the country and roving canines are frequently seen going through sidewalk garbage can looking for scraps. While many affluent city residents secretly keep dogs as pets, the animals are regularly denounced by the country's ruling clergy.

Richard L. Epstein suggested that it was a sin to kill dogs. This is the discussion that ensued.

I don't mean to step on anybody's paws, but . . . if the dogs are digging scraps in garbage cans, they probably aren't enjoying life very much. While dogs are keen olfactors, and can remember signs of pleasant and painful stimuli, and can thus anticipate the very near future, I am unaware of evidence that suggests they form hopes for the far future. If that is so, they don't dread or grieve loss of life, and they don't have plans beyond the next meal or mounting that will be frustrated by early demise. On the other hand, as we know first hand, when not cared for as pets, they can be dangerous to people, who can suffer anxiety about this possible source of danger to themselves and their children over long periods of time. On balance, therefore, it seems morally acceptable to end the lives of dogs that are not being cared for as pets, especially in cities where humans are numerous and food is scarce. (There is, of course, no argument for doing this in any fashion other than the most painless available. Nor for clerics to indulge in insults or condemnations of Doghood as such, or of individuals that have formed particular human attachments.)

William S. Robinson, August 7, 2000

Very interesting argument indeed, except at least one premise is dubious. Ever see a dog waiting for his master at the door, or at a gate, hours after the master left through it? Mine waits for me at the gate, (apparently) hoping I'll come home and play with him when I'm away for a whole day in Albuquerque. Now I'm not

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claiming that this means he's planning ahead, but it gives us good reason to doubt your premise that he doesn't plan.

Richard L. Epstein, Aug 8, 2000

I have enjoyed the ethical exchange between Dick and Bill on dogs and Doghood. But I have a question about Bill's argument, and the response. Is that argument using a premise like "Animals, human or non-human, are only to be protected if they cause no substantial harm to the well-being of humans, and they plan for the future." Or is it, as I suspect, assuming a more complex premise about the nature and scope of the plans (and, to avoid the obvious reply that young infants are implicated, something about at least having the potential for such planning)? I suspect that the line:

> [Dogs don't] form hopes for the far future. If that is so, they don't dread or grieve loss of life . . .

is more important to the argument than the line:

> They don't have plans beyond the next meal or mounting that will be frustrated by early demise.

Anyway, this kind of uncertainty about the structure and content of the argument is something we are all familiar with, except we tend to forget it when we do analysis of arguments with students (at least my tutors do).

Analysing arguments is an art.

Fred Kroon, Aug 14, 2000

I agree that I didn't give canine cognitive abilities their full due in my argument. They may pine for the return of the Great Arf. (I think this is actually included under remembering signs of pleasant and painful stimuli, but I should have made that explicit, and the time frame is longer than I implied.) I'm also convinced that they respond to signals in play in a way that must be considered symbolic. (Where did I learn this? Allen & Bekoff, *Species of Mind: The Philosophy and Biology of Cognitive Ethology*. I recommend the book, for those who are interested in abilities of nonhuman animals. (If you aren't already, you might become so by reading this book.) No time to read a book on this? You can look at my review of it in *Psyche*, at <http://psyche.cs.monash.au/v5/psyche-5-26-robinson.html>)

However, I don't think these omissions undercut the essential point of the argument I was making. "And what was that argument?" asks Fred.—Two preliminaries: (a) As Fred can be taken to suggest, I don't think I was appealing to the first of the possible premises he mentions. (b) I agree that the absence of dread and grief is more important than the absence of plans. Plans become relevant in at least two (possible) ways: (i) One might dread failure of one's plans by premature interruption (which, of course, doesn't arise if one doesn't have plans). And (ii) There's a value that might be called "aesthetic," but which might be a value even for plans that aren't yours and that you don't like. Suppose

someone is writing a book that you're sure defends a false view. You might still regard it as a bad thing if the work never comes to completion because the author dies in a crash—that is, you'd think it was awful in a way that is something additional to the regret at losing the author. Calling this kind of value "aesthetic" may risk making it sound like something not too serious, but I don't take it too lightly.—But yes, the dread and the grief weigh more.

So, what's the argument? As I was aiming for brevity, I spoke as a utilitarian. But I don't really premise that utilitarianism is true. I know about justice and rights issues against utilitarianism, and I'll return a bit to them. But the main drift is that those problems for utilitarianism don't overturn a utilitarian view *in this case*. The main drift, that is, is that (a) Canine abilities (to plan) and susceptibilities (to dread, grieve) are quite limited, (b) They're not having much pleasure, while (c) Human fears about attack are substantial and (d) There are actual pains due to actual attacks. The disvalues on the human side seem to me to *far* outweigh the values on the canine side—not because canines are a different species, but just because of the contingent facts about the capabilities and conditions of each species.

If I thought that word would get around among the dogs, and they'd be living in fear of their lives, my view would be different. As it is, I think conspiracy theories are beyond their imagination. I think there would be some "Where's Fido got to?" thoughts (well, actually, images of Fido accompanied by vague unease), but when it comes to "imagin(ing) the possibilities," I suppose the dogs are going to be quite limited.

But don't they have a right to life? This question opens a large topic; where do rights come from anyway? No, you're not going to get a treatise! At most a plausibility consideration. Namely, if they had such a right, then it would be unjust for us to violate it. On many views that would imply that (at least) it would be unfair to violate it. But putting the matter this way returns us to the kinds of factors already mentioned. For now we can ask: Wouldn't it be unfair to us to demand that we go out of our way to preserve the lives of dogs, given that there are the differences in abilities and susceptibilities already noted? It can't be fair to demand equal treatment for dogs and humans when they are so unequal in relevant respects. (I haven't argued that the respects are relevant, but I expect that view to recommend itself to you without argument.)

Now, this shows at most a reduced right to life (compared with humans), and so there'll be a question about how much the reduction is. But I think the argument will proceed along the lines above, i.e., the same factors I've identified will be the ones agreed to be relevant, and the large disparity will have the effect of reducing the right to life claim to a very small weight.

No one is going to let me off the hook without my saying something about infants. Imagine a species that's just like infants, except they never progress. Such a species would have less ability than dogs, and less claim on our consideration. So, yes, infants don't make it into a class we ought to protect by virtue of their actual abilities. But I don't see any attraction in the idea that we

have to bring about potentialities, so I don't think it is mere potentiality that can justify protection for infants. I think the connection goes through parental love and correlative parental fear. Most parents want strong laws of protection for their children (to put it mildly). Of course, they expect them to grow up. Attitudes toward children would be quite different if people thought of them as never growing up. But it's the attitudes and fears, and not the mere potentiality, that justify the protection.

This view leads to the question of what to say about cases where a parent *doesn't* care about his or her infant. Well, it's not possible to maintain respect for law while making an exception of an infant's own parent. But, morally speaking, I don't see infanticide as so awful, IF (it's a big if) it's not going to result in a terrible sense of loss to one of the parents. (This would usually mean that it's the parents, or at least one parent, who did the infanticide.)

This may sound a little stark at first sight, but I think it's actually close to most people's sensibilities. Not many years ago there were two cases of infanticide within about a year of each other, both in East Coast states of the US. These were cases in which no one (except the father, in one of the cases) knew that the mothers were pregnant. (Amazing, but true.) One of them delivered alone in a campground, then abandoned the baby. The other went to a motel with her boyfriend (the father) and the two cooperated in disposing of the body in a dumpster. Of course, they were identified, prosecuted, and convicted. (I can't say on exactly what charge—it could have been manslaughter instead of murder, and murder in most US states comes in several degrees.) The point here is that the *sentences* were on the order of two or three years. I take this to reflect a kind of official judgment that infanticide is a considerably less serious offense than other murders. (There were also many expressions of pity for the perpetrators, who must have been wildly estranged from most social goods.)

The point of these cases is, of course, not to argue that the courts' judgments were right. I only mean to deflect an objection to the effect that my ruminations lead to a stance that severely diverges from everybody's actual moral sensibilities.

Well, this is more than I said before, but obviously not enough! What would be enough? *At least* a book! Probably two or three. But (as you may be glad to hear) this is all I'm going to write about it today.

Arf!

William S. Robinson, August 16, 2000