Fighting Nature: An Analysis and Critique of Breed-Specific Flourishing Arguments for Dog Fights

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Abstract

Social science literature on dog fighting illustrates an important element in the discourse of dog fighters, namely patriarchy. However, it has not addressed another common element, namely flourishing. According to this element of that discourse, some dog breeds are born to fight, and therefore dog fighters are helping them achieve their best lives. This argument is explicitly made by dog fighters, and it is inadvertently supported by those trying to give other dogs breed-specific flourishing, and those who advocate for breed-specific legislation. This poses a problem for advocates of using flourishing to understand animal welfare, particularly if they use kinds (like species and breed) to determine what counts as a flourishing life for a particular nonhuman animal. I argue that we can keep a slightly weakened version of breed-specific flourishing as a starting place for understanding individual dogs without endorsing sport fighting or breed-specific legislation for “vicious” breeds of dogs.

Keywords
dog fighting – flourishing – animal welfare – animal ethics – breed-specific legislation

Flourishing, as opposed to a welfarist or more traditional rights-based approach, is a growing part of the discourse on nonhuman animal ethics. This is particularly true as an extension of the capabilities approach, largely begun by Nussbaum (2001, 2004, 2006) and taken up by other authors, both within and outside of the dominant capabilities approach (e.g., Bynum, 2006; Walker,
2007; White, 2007; Donaldson & Kymlicka, 2011). At its best, this approach promises a rich framework for understanding rights and justice obligations to nonhuman others, and a more intuitive understanding of what sort of life those others ought to be able to achieve than can be found in the more traditional approaches.

It is widely agreed in the literature that all living animals, human and otherwise, share some commonalities in what flourishing looks like for them based on the requirements of sentience and similar shared capacities. It is also widely agreed that some capabilities are shared by particular kinds of animals (such as species), and many versions of this approach acknowledge that individuals have their own particular set of capabilities based on their own capacities and other factors. However, that middle category of using kinds to determine what nonhuman animals need and how we ought to act toward them is more controversial than might have originally been supposed.

Work in the philosophy and history of science has shown that the concept of “species” has changed greatly over time, and it is anything but a fixed delineation of natural kinds (Wilkins, 2011). Given this, some authors in the posthumanist and ecofeminist traditions have questioned the construction of species, with built-in values such as the superiority of those we choose to call humans, in the same critical light as feminists and critical race theorists have questioned those other pillars of our conception of our selves, gender and race (e.g. Wolfe, 2003; Haraway, 2007; Mallory, 2013). If the very concept of “species” is a social construct used to constrain, dominate, and oppress those we deem nonhuman, using it to determine capabilities and lack thereof may be seen as perpetuating this domination in an inevitably damaging way.

This paper will not answer the radical version of this posthumanist critique of species in animal ethics directly. Instead, it will use resources from philosophy as well as the discourse on dog fighting to look at a more modest version of the issue: whether using the category of “breed” to determine flourishing can be useful, or is irretrievably problematic. This will also contribute to the academic literature on dog fighting, which has underexamined the issues brought up by flourishing. Finally, this paper will provide resources to argue against dog fighting and breed-specific legislation.

The paper begins with a brief look at the idea of flourishing in general and flourishing for nonhuman animals in particular. Breed-specific flourishing as it is used by dog fanciers, trainers, advocates of breed-specific legislation, and dog fighters will be discussed. It will then be shown how the use of the concept by dog fighters—who argue that some breeds of dogs are born to fight and want to fight, and that therefore people who run these events are helping the animals achieve fully flourishing lives—presents a problem for those who
would use breed as a way of understanding a flourishing life for that group and/or assessing their capabilities.

The possible modifications or responses the problem of dog-fighting-as-flourishing suggests will also be addressed. Though several possible responses have merit, ultimately it will be argued that the mixed nature of the concept of breed as a social construct, with some predictive power, suggests that it should not be treated as a rigid category with particular shared characteristics of all members that can be used to make normative claims. Rather, it is a useful starting place for understanding a particular dog in relationship with humans, and not one that justifies using dogs in sport fighting or enacting legislation against particular breeds.

**Flourishing and Animals**

Before looking at breed-specific flourishing, it is important to be clear on the basic term and its application. “Flourishing,” as a concept in philosophy, dates back to Aristotle. He argued that there was a “best life” for humans, and that this best life was not a subjective preference, but objectively true. This best life is based on several factors. One of the most important is *eudaimonia*, which is commonly translated as “flourishing.” Flourishing occurs when a human lives in such a way as to maximally fulfill the capacities that she was born with—for her true nature to flower. Something is virtuous then if it leads to a flourishing life (Sheilds, 2008). It is important to point out here that for Aristotle, flourishing is by no means synonymous with mere happiness or absence from suffering. In fact, suffering, pain, and death may all be important parts of a flourishing life.

Aristotle himself did not extend flourishing to nonhuman animals, but other philosophers since have done so. Aristotle’s argument was that a central element of flourishing is reason, and animals do not have this capacity. As he said, “It is not surprising, then, that we regard neither ox nor horse nor any other kind of animal… [as flourishing], since none of them can share in this sort of activity [reason]” (quoted in Walker, 2007, p. 7). While this claim that animals cannot reason is an increasingly contentious one given research into animal cognition (see, e.g., de Waal & Tyack, 2005; Bekoff & Pierce, 2010), directly refuting it is not necessary for expanding the idea of flourishing to animals.

Walker (2007) makes just this move in her article “The Good Life for Non-Human Animals: What Virtue Requires for Humans.” She sidesteps the tendentious claim that nonhuman animals can reason, and she instead argues
that it is unnecessary. Human flourishing is multifaceted, and only part of it is constituted by reason. Nonhuman animals at least share all the other constituents, including things like “having a safe and comfortable place to sleep, enough to eat, appropriately satisfied sexual urges, sufficient room for exercise, clean water, sunshine (or darkness), appropriate social relations and hierarchy, physical health, [and] positive psychological states” (Walker, 2007, p. 15). There is also an important caveat: flourishing in this broader sense is species- and kind-specific. Humans have some constituents of flourishing (arguably reason) that other animals may not have, and the same is true for all other animals (for example, a salmon may have the return to her home stream to breed as a constitutive element in her flourishing, but this is not something humans are generally thought to have). Nussbaum, perhaps the most prominent advocate of flourishing for nonhuman animals with her capabilities approach, also endorses species- and kind-specific flourishing. As she says, “The species norm (duly evaluated) tells us what the appropriate benchmark is for judging whether a given creature has decent opportunities for flourishing. The same thing goes for nonhuman animals: in each case, what is wanted is a species-specific account of central capabilities” (Nussbaum, 2006, p. 365).

Walker (2007) also argues that as animals do in fact have the capacity for flourishing, we ought to aid them in that flourishing when we can. This point is broadly endorsed by those thinking about flourishing for nonhuman animals: Nussbaum has also long maintained that frustrating capabilities for flourishing is an injustice, and we further have a positive duty to enable capabilities if possible (e.g., Nussbaum, 2006, p. 365).

Most authors working in flourishing ethics for nonhuman animals see a special positive duty and responsibility to promote the flourishing of domesticated companion species (Nussbaum, 2004, 2006; Walker, 2007; Donaldson & Kymlicka, 2011). This idea is well supported by scientific studies into domesticated species, particularly dogs. Studies of dogs have shown that they have adapted their social behaviors to their niche as a companion species, and as a result domesticated animals were “reorganized so that their natural state became one of coexistence with humans” (Anderson, 1997). Dogs have evolved to benefit from, oftentimes prefer, and in many ways require interaction with humans (Hart, 1995; Topál, 1998; Feddersen-Petersen, 2007). Given this, it would seem that we have a profound duty to promote flourishing at least in dogs, who in many ways can only flourish with beneficent interaction with humans.

If, then, animals can be said to flourish and if this flourishing is based on the characteristics of the kind of animal, in addition to universals shared by all creatures, we begin to see how an argument can be made for breed-specific flourishing of fighting dogs. If we have an obligation to promote this
flourishing, then perhaps we have an obligation to support dog fighting as well. The claim in this paper, however, is not just that such an argument is possible (but wrong) and leads to difficulties for breed-specific flourishing, but that it is actually used by people engaged in the practice (and still wrong). While the dog fighters may not be familiar with the discussions of Aristotelian ethics, as we will see this sort of argument from flourishing has entered broadly into discourses on animal welfare, and therefore it is not surprising that it has also been adopted in these other circles.

**Dog Fighting**

Dog fighting is much more popular in the US than someone unacquainted with the subculture may think. The Humane Society of the United States estimated in 2009 that over 40,000 people follow organized dog fighting “circuits” in the US, with an additional 100,000 street-dog fighters meeting in less organized arenas. This results in over 250,000 dogs being used in these fights each year (Humane Society of the United States, 2009). The practice itself was only made a felony at the federal level in the 21st century (Kalof & Taylor, 2007). It is worth analyzing the reasons dog fighters give in defense of their practices. Dog fighters, as we will see, believe that attempts to eradicate the practice are unjust both to them and to the dogs. Thus, on justice grounds we as a society are obliged to at least hear their reasons. More significantly, their arguments on behalf of dog fighting show some problematic issues with breed-specific flourishing generally, something that (as we will, again, see below) is supported by people who would not usually think of themselves as being on the same ideological side as dog fighters.

The majority of academic analysis that has been done on the justifications, explanations, and cultural significances of dog fighting has focused on fighting as expressions of masculinity and patriarchy. For example, Kalof and Taylor (2007) state:

> Dog fighting as a blood sport [is] centered by sexuality, masculine values and the deployment of animals as symbols of a culture infused with macho aggression and menacing violence. . . . there is a clear juxtaposition between owning fighting animals and aggressive masculinity. (p. 321)

Dogs are expected to fight bravely (“like a man”) as a reflection on their caregivers. Dogs who are deemed cowardly or are defeated are often killed in displays of masculine violence in front of the caregivers’ peers as a way for them to
reclaim some of their masculine reputation. The games are almost exclusively run and attended by men, and the fighting dogs are overwhelmingly male (Kalof & Taylor, 2007).

This display of hypermasculinity and the reinforcement of its dominant status in this subculture is clearly an important narrative element in participants’ understanding and justification of their actions toward these nonhuman animals. However, fighting as manhood ritual is not the only discourse in operation. The other discourse is centered around the idea that breeders and fighters are helping the animals by allowing them to flourish, because these fights are in their nature.

**Fighting as Flourishing**

Arguments by dog fighters that dog fighting is best for the dogs can be seen as a way to justify their practices and neutralize criticism from society at large. Neutralization Theory (NT), which has been used by several social scientists working on the issue of dog fighting, has five fundamental justifications, laid out originally in the sociologists Sykes and Matza’s foundational work on NT: (1) denial of the victim, (2) denial of responsibility, (3) denial of injury, (4) appeal to higher loyalties, and (5) condemnation of the condemners (Sykes, 1957). It is worth looking at these denials in some detail, because many of them involve the argument from flourishing.

The first justification, denial of the victim, is found to be common in the discourse of dogfighting by Forsythe and Evans (1998) in their article “Dogmen: The Rationalization of Deviance.” “The most commonly used argument of dogmen to deny injury is that pit bulls are natural fighters who have been bred for combat….While animal protectionists argue that the dog is a victim and dogmen should receive harsh punishment, dogmen contend that there are no victims”¹ (Forsyth & Evans, 1998, p. 207). Gibson (2005), in a paper published for the Michigan State University College of Law’s Animal Legal and Historical Center, gives this example of technique:

> The dogs are glorified as fighting machines with insatiable blood-lust. High profile boxer-turned-convict, Will Grigsby, maintained that the dogs he fought were no more victims than the athletes in his profession.

¹ All emphases in this and other quotes added. Forsythe and Evans (1998) argue that only neutralization techniques 1, 4, and 5 as I have numbered them are used by dog fighters, but as we will see, other social scientists disagree. I will use some quotes from this paper as evidence of some techniques they do not recognize, particularly technique 2.
‘To me, it’s just like boxing. It’s cruel if you put a pit bull on a poodle, or a pit bull on another pit bull that don’t want to fight. But if you have two dogs that weigh the same amount in an organized dog fight, well, that’s just like boxing.’

This discussion of “fighting machines” who have been “bred for combat” is directly appealing to Aristotelian issues of a *telos*: these are animals who are bred (like machines that are built) to fight. Also notice that the boxer quoted said that it would be wrong if the dogs didn't both *want* to fight. This is expanded in the second justification, denial of (the humans’) responsibility. As Gibson (2005) says:

One archetypal ‘dogman’ found moral vindication through denial, ‘We’re not hurting anybody and the dog’s love to fight, so what’s the harm? If you could see the way the animals love it ‒ you wouldn’t think it was cruel.’ Fighting is portrayed as something that comes naturally to the dogs—that they’re born with an undeniable propensity to kill.

Forsythe and Evans (1998) likewise find arguments that the dogs want to fight. A typical one made by dog fighters is that “Any attempt to deny them [the dogs] these contests will make them miserable, and they will not reach their potential as fighting dogs. It is the self-actualization of an animal who was born and bred for fighting”2 (Forsythe & Evans, 1998, p. 207).

This “natural propensity,” as we can see, makes it not cruel to have them fight. Notice that they are not arguing that the dogs cannot feel pain or some other neo-Cartesian denial of sentience. Rather, they acknowledge the pain, but argue that the pain is an unpleasant part of what the dogs naturally want and are born to do. One may think that the third justification, “denial of injury,” would claim that there is no suffering, but this is not so given the way these authors characterize this category of apologia: “Many fighters claim that the dogs are treated well, both before and after the fights, and what happens in the pit—well, ‘they enjoy fighting’ ” (Gibson, 2005). Their enjoyment, in some deep sense of that word, outweighs the acknowledged pain of fighting. The final two justifications are anthropocentric arguments, based on a defense of the cultural heritage of dog fighting, but it is interesting to note that three out of five characteristic explanations of the practice speak to at least the neutrality if not the actual benefit of the dogs.

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2 As stated in the previous footnote, they see this as a further example of technique 1, but I think it is most usefully viewed as an instance of technique 2.
Compare all this to a statement on the website for the White German Shepherd Dog Club of America: “Most GSDs have an innate herding drive and some animals have a very strong one. Herding is a wonderful way to give these dogs an outlet to express the instincts that were bred into them. A dog that does the job he was bred for is a happier dog and a happier dog has a happier owner” (wgsdca.com). The celebrity dog trainer Cesar Millan, who began his career specializing in helping people who live with “aggressive” breeds of dogs, and who himself cares for many rescued pit bulls, has this advice for relating to your companion animal:

When we relate to our dogs, especially when trying to correct an unwanted behavior or issue, it’s important to think of them first as Animal, then as Species (dog), then as breed (Shepherd, Beagle, Husky), and last and least important as Name…. Breed represents the program, or characteristics that we have “trained” them to perform—the human-desired tasks, like sheepdogs herding, bloodhounds searching, and Border Collies stalking… the breed is only something to be aware of when considering your dog’s innate needs. (cesarsway.com)

What sounds like a nice way to relate to your dog if it’s a collie or retriever becomes a support of dog fighting when applied to dogs bred to fight. If dogs are leading a more flourishing life when they act out capabilities inherent to their breeds, then someone who keeps a pit bull as a family pet is arguably being crueler to them (by preventing their flourishing) than someone who “allows” them to fight, even if it kills them. Further, if the version of breed-specific characteristics above is correct, then the drive to achieve their capabilities are “innate” to the dogs to the point that they’ll act on them almost like automata, so any attempt to thwart their inner “program” is probably doomed to failure.

People who train a fighting dog to not be aggressive, in this view, are stunting her development, and fighting against nature. This argument is supported by those who argue that this stunting often fails. Breed-specific legislation, usually targeting fighting dogs, also rests on an argument of innate nature. These laws exist in some parts of the US (Medlin, 2007) and are even supported by People for the Ethical Treatment of Animals (PETA). As the co-founder and president of PETA, Ingrid Newkirk (2005) wrote:

Many shelters have enacted policies requiring the automatic destruction of the huge and ever-growing number of “pits” they encounter…. [PETA] supports the shelters’ pit-bull policy, albeit with reluctance. We further encourage a ban on breeding pit bulls…. The pit bull’s ancestor, the
Staffordshire terrier, is a human concoction, *bred* in my native England, I'm ashamed to say, *as a weapon*…. Those who argue against a breeding ban and the shelter euthanasia policy for pit bulls are naive, as shown by the horrifying death of Nicholas Faibish, the San Francisco 12-year-old who was mauled by his family's pit bulls. Tales like this abound. I have scars on my leg and arm from my own encounter with a pit.

Presumably, shepherd fanciers, dog trainers, and members of PETA do not see themselves as being ideologically on the same side as people who fight dogs. Nevertheless, by arguing that dog breeds achieve their nature and flourish when doing the thing humans bred and used them for historically or in modern times, and further by arguing that a fighting breed's nature is to kill, they are making the same argument as the people they want to put out of business. The only position they are left with, if they don’t then consent to animal fighting, appears to be the complete extermination of all fighting dogs because we find their nature abhorrent.

**Possible Responses**

If we are not swayed by these arguments to either accept animal blood sports or call for the extermination of these animals, how are we to respond to these arguments? Our approach will be dictated by how much of the argument we want to agree with. (1) We could reject entirely the idea of flourishing and expression of nature (at least for nonhuman animals); (2) we could accept flourishing but reject breed-specific flourishing; (3) we could accept breed-specific flourishing but argue that substitutions are just as good; or (4) we could accept breed-specific flourishing and accept that genuine expressions of flourishing are better than substitutes, but dispute what the breed-specific nature of these animals is. I will briefly look at these different approaches, and while many of them have merit (in particular response 2), I will ultimately argue that it is the last approach that is both the most likely to be correct and the most rhetorically powerful for defending nonhuman animals.

If we reject flourishing, then we are saying (in part) that nonhuman animals have no interest in achieving their nature. (We could also perhaps argue that nonhuman animals have no nature other than what they are taught, but this seems a difficult argument to make given the different behaviors we see between cows and eagles, for example.) This is not necessarily the same as saying that we could do whatever we like with them. If we do not grant that they have an interest in achieving their nature, but do still grant that they can feel pain, then it might be argued that universal goods like “absence of suffering”
should be applied to them with no exceptions. This is the sort of argument employed in versions of animal welfare that say a tiny concrete-and-iron cage in a zoo is better for a gazelle because she always has enough to eat and will never be hunted. If the gazelle has no interest in achieving her nature or flourishing, then nothing is necessarily lost by keeping her there, and any welfare questions would have to be resolved by looking at indicators like pain or pleasure of the animal in the zoo rather than comparing these animals to wild conspecifics (e.g., Veasey, Waran, & Young, 1996).

Denying flourishing to nonhuman animals seems intuitively implausible. To support this position would be to say that a wolf who lives in a pack and has social interaction, successfully hunts, raises pups, and roams freely for an average number of years in a wolf’s life cannot be said to have lived “the good life” for a wolf compared to one who is raised in captivity isolated from all conspecifics and dies young. Moreover, this position seems to lead to the denial of nonhuman animals’ agency and subjecthood, which would need stronger and separate motivation. Rhetorically speaking, this removal of agency and subjecthood is also not intuitively appealing to most people involved with dogs, even those who fight them.

A stronger position would be to argue against breed-specific natures. Perhaps there is a life of flourishing for dogs, but not a separate and different one for breeds of dogs. There are several versions of this argument, and several ways the positions could be supported. One could try to appeal to empirical evidence: it may be the case that all dogs are basically the same regardless of breed (thereby endorsing species-specific natures and/or capabilities), or individual dogs are so idiosyncratic that their differences vastly outweigh any breed similarities (thereby focusing only on individual capabilities). It may also be possible to argue for this position on philosophical grounds: instruments have a telos (a purpose or an “end”) but cannot be said to flourish—a hammer can best be understood by knowing what it is for. Artificial selection by breeders, it could be argued, creates something with a telos that is defined in terms of humanity’s needs or wants, and so perhaps it likewise cannot be said to have a flourishing life of her own. (see Thompson, 2010, for a good discussion of an animal’s telos in terms of his or her welfare.) One could also argue the disjoint of these two ideas: either it will empirically turn out to be the case that a pit bull has the same nature and requirements for flourishing as any other dog or individual pit bulls have their own capabilities that cannot be predicted by what kind of thing they are, or if not, then they have been so intrumentalized as to not have a nature at all.

Perhaps the best way to argue in favor of the first half of that biconditional is to question the very concept of “breed” itself. As Gladwell (2006) put it, there
might be a “category problem” involved in any generalization about breeds: it is unclear what breed a dog is, or what “breed” even refers to in nature, if anything. The American Kennel Club (AKC) only allows dogs to be registered as purebred based on their bloodline (they must come from a registered litter, with registered dams and sires) (akc.org). The Continental Kennel Club (CKC), on the other hand, registers purebred dogs based on phenotype (the registration must come with signatures of witnesses and several pictures of the dog, which are checked against a written and agreed-upon breed standard) (continentalkennelclub.com). When average people are asked to judge a dog’s breed, we tend to guess based on the dog’s phenotype and our own vague image of what the breed type is. Unsurprisingly, these different metrics will often disagree with each other, meaning that by various standards a dog’s breed may change.

In addition to it being unclear what breed any given dog is, it is also very difficult to pin down breed-specific characteristics. We “know” that pit bulls are aggressive breeds, labs are playful, etc., and some scientific studies support these common intuitions. (e.g., Lockwood, 1996; Svartberg, 2006). At the same time, other studies have shown no significant or only very minor differences between breeds in terms of aggression and other personality traits, especially when compared to individual differences within breeds, differences between sex, different treatment by their caregivers, and other non-breed-related factors (Medlin, 2007; Ott et al., 2008; Schalke et al., 2008; Mirkó et al., 2012). The strongest difference by far connected to breed is that there is higher aggression in purebred dogs of any type (perhaps due to inbreeding) than mongrels (Borchelt, 1983; Line & Voith, 1986).

Overall it is unclear what breed any given dog belongs to, but this should not surprise us. The very concept of “breed” is a socially constructed, contested concept, with multiple meanings and uses. It is the case (unsurprisingly) that registered AKC dogs (who are only of a particular breed if a record of their ancestry is also of that breed) are more related to their close cousins of the same breed than to dogs who don’t share the same grandparents or great-grandparents (Boyko et al., 2010; Boyko, 2011), and dogs have approximately twice as much genetic variation as humans do (Boyko, 2011). However, both dogs and humans are strikingly genetically similar to each other compared to many species of mammals, despite what we perceive as large phenotypic differences (Haraway, 2003).

These large differences in phenotype are often traceable to only a few genes (Haraway, 2003; Boyko et al., 2010; Boyko, 2011). There is so little difference that, as Haraway (2003) has said, “The measured genetic differences fall far below values that, to a biologist, would allow one to talk about ‘races’ in people or
'subspecies' in dogs” (p. 256). It is unlikely that science uninformed by prior conceptions of dogs would “discover” breeds at all. Rather, they are an example of what Nietzsche said of all concepts we create: “Every concept arises from the equation of unequal things…. [Concepts are] formed by arbitrarily discarding these individual differences and by forgetting the distinguishing aspects” (Nietzsche, 2012, p. 9). We impose breeds as supposedly fixed taxonomic types on the continuum of differences we find. In this way it is not unlike races among humans. As Wallen (2011) has said,

It is by no means surprising that the notion of breed appeared at the same time that the discourse of race appeared as an explanation for, and means of categorizing and regulating, human variability. Both breed and racial designations alleviated the anxiety felt in the eighteenth century over the seemingly chaotic variability among humans and animals, and of all animals, particularly among those described as being closest to humans, dogs…. Individuality came to be occluded by the category that now defined it; the less a dog varied from the breed ideal, the more evident the dog’s characteristics were said to be, the more evident the dog’s ‘character’ with which a human might engage directly. (pp. 127-129)

All this is not to argue that dogs are “really” identical, or that there is no difference between a dog described as a “Great Dane” and a dog described as a “Chihuahua.” Rather, this response argues that like race in humans, the differences in breed are not imaginary, but they are deeply exaggerated by our society’s assumptions. Therefore, using the distinction to determine capabilities for flourishing (let alone targeted legislation) is a further imposition of our expectations and biases, and it is a form of injustice to occlude the individual with the group (Rollin, 2009). In a sense, this may be even more egregious than drawing conclusions based on race, in that there is no component of breeds in the minds of the dogs themselves, as far as we are aware.

Arguing that any animal who is the product of artificial selection is no different than a hammer (the second half of the biconditional above) seems to be attributing too much power to breeding, and like the first possible response, it robs the animal of agency and subjecthood unnecessarily. However, the version of rejecting breed-specific flourishing that argues breeds are socially constructed by humans and imposed on dogs is much stronger.3 It usefully

3 If rejecting all breeds seems too strong, an interesting variant on this argument is to reject only the breed of “pit bulls,” who are often the subject of breed-specific legislation and dog fighting. “Pit bull” is a particularly obvious social construct that does not reflect facts about
makes us aware of how breed characteristics may be imagined or at least over-
exaggerated in our minds at the expense of seeing the commonalities between all dogs on the one hand, and the temperament, needs, and capabilities of individual dogs within a breed on the other.

This response still acknowledges a spectrum of differences between individual dogs, and in some cases (though perhaps more limited than we might have originally thought) there are differences that can be found between the artificial category of breeds (Lockwood, 1996; Svartberg, 2006). Therefore, it may be a good heuristic or starting point to understanding an individual dog. Given the use of breeds as a starting place to think about one dog’s capabilities, however, dog fighters may still argue that a dog who is from a breed “for” fighting is much more likely to need fighting to flourish.

A third possibility is to say that these fighting breeds probably do have elements of fighting in their nature, and pursuing these elements is an aspect of flourishing, but that these elements can be pursued without necessarily allowing them to engage in sport fighting. This argument has been put forward by animal welfare theorists like Nussbaum (2004) when addressing how to care for nonhuman animals in zoos. Nussbaum says that our denial of a flourishing life to nonhuman animals is an injustice. This is strong language, and she seems to see a problem that arises: to a tiger in a zoo (or anywhere else, but ones in zoos are our responsibility), a flourishing life would include the hunting of their own food. They have physical equipment for hunting, the natural skills to excel at it if suitably encouraged while young, and they seem to enjoy doing it. Yet Nussbaum thinks that we ought not to let them hunt, since that would involve violently cutting short the flourishing life of some other animal in our charge. She gets around this point by saying that we can provide the elements of hunting to the tiger, such as by hanging balls on ropes on which they can pounce (Nussbaum, 2004, p. 311). The analogous argument would be for fighting breeds to have the opportunity to express the elements of fighting that are actually part of their nature, perhaps by “attacking” toys and similar nonharmful activities.

This idea does have merit. One thing it does nicely is acknowledge that just because we breed an animal to be useful for our own purposes does not mean that the total task is somehow encoded in their DNA. People who rent sheep for their companion shepherd to corral don’t feel that the dog is missing part of the experience if they don’t shear the sheep themselves and sell the wool. Even leaving aside these extreme attempts by some human companions of the dogs in question. This conservative approach is in fact common in work arguing against breed-specific legislation (e.g., Medlin, 2007; Rollin, 2009; Swann, 2010).
dogs to allow opportunities for breed-specific behavior, many of us follow a version of Nussbaum’s proposal with our own companion animals. We play fetch with our retrievers, for example, sometimes even with a toy shaped like a duck, because we know that bringing the object back is what the dog enjoys out of the experience, not necessarily the shooting of a bird. In fact, her argument works far better for dogs than it does for her example of the tiger. Tigers are an integrated part of their ecosystem, and hunting is part of how they have interacted with other species over millennia, rather than the few centuries of breeding by humans that have produced most dog breeds (Wallen, 2011). Sport fighting is much less an element of who dogs are than hunting is for carnivores.

Despite these advantages, there are also some problems with the account. The argument already grants that these dogs have sport fighting in their nature (or at any rate the elements of sport fighting), and that may be granting too much. For example, it does not offer a response to breed-specific legislation. If heightened aggression or “viciousness” is one of the elements that these dogs presumably exhibit, then people are still justified in banning or restricting the breeds. Furthermore, Nussbaum’s argument, when applied to tigers hunting, has been criticized on several grounds—for example, for ignoring that flourishing may be environmentally dependent. A ball on a rope in a small cage cannot satisfy the elements of flourishing for the tiger, because in order to truly flourish the tiger has to be in the jungle (Schlosberg, 2009, p. 148). This is where her capabilities evolved, and this is where she can express them. A version of this argument, unfortunately, could also be extended to fighting dogs. Perhaps they can only truly flourish in the context of the ring, because this is where their capabilities evolved, and this is where they can best express them.

A final possible response is to disagree on the nature of the dogs and what flourishing for them looks like. This response is making the empirical claim that the dogs do not, in fact, have fighting in their nature any more than other dogs do (recall the pit bulls’ scores on temperament tests in Ott et al., 2008; Schalke et al., 2008). To understand this position it may help to take a very brief look at how dogs are trained to fight. Dogs are trained from a young age using equipment like a “catpole,” where the dog chases an animal (often a cat) while both are tied to opposite ends of a pole, making it impossible to catch the victim (though the victim is often released later for the dog to catch and kill). Dogs are also “toughened up” by torture, such as beating them in a sack, then opening the sack in front of a small dog so they will attack and kill it. Dogs are also routinely drugged to heighten their aggressive behavior (Gibson, 2005).

Despite these and many other techniques, many dogs are not able or not willing to fight without submitting. This is understandable: in feral groups, among wolves, or at local dog parks, dogs will briefly fight each other before one...
submits to the other or both disengage; these encounters often end with neither
dog being injured. When a fighting dog shows these responses, he is deemed a
“cur” and often killed. Only those few dogs who respond to this intense abuse
and manipulation by another species (humans) into being unable to submit to
another dog are considered “game” enough to enter into the ring. There is little
data on what percentage of fight dogs this is, as this practice is often secretive,
but no one denies that few fighting dogs will become fighters (Gibson, 2005).

One thing that is clear is that “even champion bloodlines do not guarantee
success” (Lockwood, 2013, p. 444). This is very telling. If it is difficult to train
dogs to do an activity despite herculean effort expended on them from birth,
we may well ask how this is different than any other breed of dog—presum-
ably one could similarly train at least a few collies to do the same given these
techniques. It also seems unlikely that something taught with such difficulty
(again by a different species) is in the nature of the animal, any more than try-
ing to claim that some horses flourish best in a county fair, high-diving off a
platform, or jumping through hoops of fire.

We may ask then what characteristics and capabilities dogs from “vicious”
breeds do possess. Of course (if we accept flourishing for these creatures) these
dogs share in the capabilities held in common by all living beings—Nussbaum
(2006) provides what she considers to be a complete list including elements
like life, play, control of one’s environment, and relationships with other spe-
cies. They further (if we accept species-specific flourishing, or believe that
species membership is a good indicator of potential capabilities) share in the
capabilities held by most or all dogs, which presumably includes bonding with
humans among others (Hart, 1995; Anderson, 1997; Topál, 1998; Feddersen-
Petersen, 2007).

Beyond that, one characteristic that we may say they possess, with far more
confidence than a claim that they are natural fighters, is what we may describe
as “loyalty” toward their human companions: a very high handleability by and
very low aggression toward their human companions, even in extreme circum-
stances. Fighting dogs are tortured to increase gameness, and during a fight,
they are bitten and hurt by strange dogs. Yet when their caregivers reach into
the ring to grab them, and hold them down while the other dog attacks him
(a practice done to provoke the fight to continue), the dog must not attack his
human companion.

Gladwell (2006) says that a common saying among dog fighters is “man-
eaters die.” If fighting dogs were as aggressive toward their abusers as people
think they are by nature, dog fighting may quickly end as a sport, as the trainers
would be killed by their dogs (Gladwell, 2006). Indeed, “loyalty” and a lack of
aggression toward their caregivers are seen as ideal breeding characteristics, in
addition to things like strength, speed, and a winning record in fights (Colie, 2005; Gibson, 2005; Kalof & Iliopoulou, 2011). If the breed-specific nature of fighting dogs then is loyalty to their human companions, saying that they are natural fighters and therefore deserve to be tortured by one group of people or put down by another is a profound violation and injustice of misrecognition.

One possible objection to this fourth response to the argument for fighting from flourishing is that it makes a moral intuition beholden to empirical evidence. If it turned out that in fact something about these dogs did make them need to fight in rings for humans in order to flourish, then the fighters’ argument is still valid. While it is difficult to imagine what such evidence would look like, especially given the kind, gentle, loyal pit bulls I have known, if such a thing were the case, then a true orientation to their nature would be to let them do what they need to for their benefit, not ours; thus the ancillary activities of betting, drug dealing, patriarchy enforcing, and so on could be eliminated from whatever it is these animals do need to do. Given that feral dogs rarely if ever organize themselves into formalized leagues of competitors in fighting pits, this objection seems a distant fear.

Conclusion

Fortunately, it seems we can keep the useful concept of animal flourishing without endorsing animal sport fighting by understanding animals better. This understanding of their nature, and what it does and does not contain, further argues against legislation that rests on assumptions about “vicious” breeds. It also seems that breed should not be seen as an inflexible category that absolutely dictates the nature and capabilities of an individual, but rather at most as a tool for creating fairly arbitrary lines drawn to cut up a continuum; nevertheless, breeds can be seen as a possible starting point for understanding a given dog. This has interesting implications for posthumanist critiques of species as well. In the end, a proper understanding of what constitutes a flourishing life for dogs shows us that sport fighting is not necessary, but interaction with humans is. We therefore have a positive duty to help dogs achieve that life for their benefit, not (only) our own.

References


