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Instrumentalisation of Animals

Is the Training and Use of Working Dogs a Morally Problematic Type of Instrumentalisation?

Master Thesis

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Abstract

Dogs have been a part of our society for over fifteen thousand years. During the domestication process, dogs underwent changes, which made them more prone to live in the human proximity. Over time, the domestic animals have gained a certain moral status and training of animals is therefore sometimes taken as a morally problematic act, because the distinctive value of the animal might be suppressed by the instrumental value, which is added by training. Some of the philosophical theories say, that already breeding or keeping a dog is a sort of instrumentalisation and should be completely abolished (Regan, 2004 [1983]). The morally impermissible type of instrumentalisation is such an act which puts the instrumental value of the individual over the inherent. Because the instrumentalisation is seen from a rather radical point of view, I would like to show that under certain circumstances, instrumentalisation gets morally permissible, hence nowadays the pure ethical assessment as presented by Regan (2004 [1983]), needs to be expanded by aspects regarding welfare and human-animal-relationship.

In order to assess the morality of actions, I have decided to investigate the development and training of a herding/working dog. The breeding does make these dogs genetically predisposed for activities connected to work. From this moment the question arises if the training is still to be classified as a morally impermissible type of instrumentalisation, when it basically only allows the dog to live out its genetic set-up.

The purpose of this thesis is to show that there might be permissible types of instrumentalisation and that the inherent and instrumental value can co-exist. Through the combination of various theories regarding ethics and welfare, it was shown that morally permissible instrumentalisation can exist, however, relationship and overall intentions of humans do play a crucial role in the morality of actions and their assessment.

Zusammenfassung

Hunde sind seit über fünfzehntausend Jahren ein Teil der menschlichen Gesellschaft. Im Laufe der Domestikation hat sich der Organismus des Hundes so entwickelt und verändert, dass das Leben in der Nähe von Menschen möglich oder teilweise sogar notwendig geworden ist.

Den domestizierten Tieren wird u.a. auch ein gewisser moralischer Wert zugeschrieben und sie sollten nach gewissen moralischen Grundsätzen behandelt werden. Manche Interaktionen zwischen Hund und Mensch werden als moralisch problematisch beschrieben, da die Möglichkeit besteht, dass der Eigenwert des Tieres durch den instrumentellen Wert ersetzt wird. Der Prozess, der den instrumentellen Wert „fordert“ wird als Instrumentalisierung bezeichnet.

Manche der bekannten philosophischen Theorien sagen, dass bereits die Zucht oder der Besitz vom Tier zur Instrumentalisierung zählt und sollte somit abgeschafft werden (Regan, 2004 [1983]). Eine moralisch unzulässige Instrumentalisierung ist solche, die den instrumentellen Wert (instrumental value) vor den Eigenwert (distinctive or inherent value) des Individuums stellt. Da die Instrumentalisierungstheorie von Tom Regan (2004 [1983]) als eher radikal gesehen wird, würde ich gerne in dieser Arbeit aufzeigen, dass, unter gewissen Umständen, eine Form von Instrumentalisierung existieren kann, die moralisch zulässig ist. Um so eine Form zu erschaffen, muss der rein philosophische und ethische Ansatz vom Tom Regan mit Aspekten von der Mensch-Tier-Beziehung und dem Wohlergehen der Tiere erweitert werden.

Um die Moral der Handlungen zu beurteilen, habe ich mich entschieden die Entwicklung und das Training von Arbeits-/ Hirtenhunden zu untersuchen. Durch das selektive Zuchtverfahren werden die Hunde mit einem genetischem Pool geboren, durch den bei den Tieren der „Willen zu Arbeiten“ angeboren ist. An dieser Stelle ist es wichtig zu fragen, ob das Training von solchen Hunden als moralisch problematisch bezeichnet werden soll/darf, wenn es eigentlich den angeborenen Bedürfnissen des Tieres entspricht.

Die Absicht meiner Arbeit ist zu zeigen, dass eine moralisch zulässige Form der Instrumentalisierung existieren kann und dass der Eigenwert und der instrumentelle Wert koexistieren können. Durch die Kombination von verschiedenen Theorien wurde in meiner Arbeit gezeigt, dass eine moralisch zulässige Instrumentalisierung möglich ist, wobei die Mensch-Tier-Beziehung und die allgemeinen Absichten der Menschen eine wichtige Rolle für die Beurteilung der Moral spielen.

Before I start with my actual introduction, I would like to make a quick overview of terms, which are used in my thesis. As the topic and title already say, my thesis does provide a combination of philosophical and welfare oriented argumentation. First of all let me clarify and set borders to the term **working dogs**: in the context of my thesis, this term is used to describe mainly herding dogs and sheep dogs which are bred for work and their genetic material is altered to be the optimal partners for the human in the field of working with livestock (Williams, 2007; Arnott et al., 2015). Due to the big impact of breeding, it might seem that these dogs are actually “built” by humans for humans and they are made to be the perfect instruments. Herewith I come to the explanation of the second important term, namely **instrumentalisation**: within the framework of my thesis it is important to divide instrumentalisation in two levels, depending at the moral consideration it brings. Tom Regan (2004 [1983]) became famous for his theory on Animal Rights. He sees instrumentalisation as impermissible and in his view the instrumentalisation either does or does not exist. Due to this rather radical differentiation, I have decided to combine the theory of Tom Regan with the rather welfare oriented theory by Bernard Rollin. Due to the combination of ethical and welfare-oriented theories, the instrumentalisation can be described as less radical and hence morally permissible. In a very brief definition, **morally permissible** instrumentalisation is such one, where the animal is not only respected for its utility (also called instrumental value) and where the human-dog-relationship and understanding for the needs of the animal matter. In this case the inner (also called inherent) value of the animal and the relationship do overweight the pure utility. **Morally impermissible** instrumentalisation represents a situation where the utility plays a crucial role and the animal is acknowledged more for its instrumental value for the human. The question of **value** and its relevance for the moral justification of actions became an important aspect of my thesis. The moral assessment of instrumentalisation of working dogs in training is herewith in a close connection to the amount of respect for inherent and instrumental value and the factor of breeding. The theory by Bernard Rollin (1995) states, that due to the modification of genetic material of the dog, a new **telos** is created. This term describes so to say the “purpose” of why the animal is the way it is and which are its needs. The *telos* of a herding/working dog of appropriate breed makes the dog ready to work.

All of these terms will be further explained in various chapters and brought in context throughout the whole thesis. I believe that especially the right mixture of actions and traits do bring us to a positive human-dog-relationship and are therefor helpful to make our actions morally justifiable. As mentioned earlier, the **combination** of the radical instrumentalisation

theory by Tom Regan and Rollin's *telos* approach provides the opportunity to get some distance from the assumption that instrumentalisation is wrong at all levels and helps to develop a moral assessment, which represents the combination of respect for the needs of the animal (*telos*), its inherent value, the human-dog-relationship and overall intentions of the humans in order to develop a form of instrumentalisation, which is morally permissible.

Mainly the **relationship** and **welfare** are aspects, which are not discussed by abolitionists like Tom Regan, whose theory I am going to question. The theory that keeping and training animals is making them to an object and is not being brought in context with a functioning relationship and other factors which are influencing the life of the animal.

1 Introduction

Keeping dogs as pets and within it considering them as part of the family is not a novel thing in our society. Over the range of domestication, dogs have evolved to be a partner in the life of a human. Some dogs are bred to be accurate social partners; others with a goal of certain other characteristic traits, such as activity, which is later expressed as *will to work*. The general term of working dogs are dogs bred to complete certain tasks given by humans.

The tendency to “use” animals as a mean to achieve our own goals is not a novel thing either. In our lives we are driven by the desire to get to the goals we, or other people, set for us. The fact that on the way to these goals we need to make use of some means is more than certain.

There are two reasons why we need certain means to complete specific tasks and where animals are used almost as compensation. Firstly, there is the so-called *Mängelanthropologie*, which is describing the deficits of human anthropology compared to animals. The main representative of this theory is Arnord Gehlen. In his book “The Human”, he describes the insufficiencies of the human. These insufficiencies, such as the absence of sharp claws for hunting, make the human being less likely to survive in the natural environment (Gehlen, 2009 [1940]). The survival of mankind is, according to Gehlen’s theory, only possible through the culture we created and through our purposeful and future oriented acting. These features are also important points to explain why mankind uses forms of instrumentalisation on daily basis and why it is important to start differentiating between the *permissible* und *non-permissible* type of instrumentalisation, rather than saying that all forms of instrumentalisation should be abolished. The morally permissible type of instrumentalisation does combine the respect for inherent value and welfare, positive relationship with a certain amount of instrumental value and utility.

A second explanation of why we are making use of means is that all our thinking happens in relations. There is a relationship to other humans similar to a relationship to dogs. The “use” of animals does not belong to the same category as using a car; the subjectivity is an attribute, which helps to differentiate the “relationship” between a living being and an object/machine. One of the possible explanations is Tom Regan’s subjects-of-a-life criterion. This states that all animals, which are considered as subject-of-a-life do have interests, emotions and are able to experience pleasure and pain (Regan, 2004 [1983]). The relationship with a subject-of-a-life (e.g. a dog) can be therefore a mutual process and the cooperation brings reciprocal support and benefit (Stanford Encyclopedia of Philosophy, 2017) and therefore reciprocity is another important factor for the differentiation of

permissible and non-permissible type of instrumentalisation. As I want to show in my thesis, not all types of instrumentalisation need to be abolished, as Tom Regan would say and the border between *permissible* and *impermissible* instrumentalisation is build up by the context of welfare, relationship, reciprocity and effects of breeding. The rather radical understanding of instrumentalisation, and therefore *morally impermissible*, would be such action, where the animal is respected for its instrumental value and utility. However, the context of relationship, breeding and respect shows that the assessment of instrumentalisation in training at the merely ethical level might not be sufficient in the case of working dogs. If, for example, the relationship between dog and human is categorized as reciprocal and the animal is trained not only for the purpose of work, but also to satisfy the genetically encoded needs, the instrumentalisation is to be seen as permissible, since the combination of factors outweighs the pure instrumental value.

In the case of working dogs, we take the dog as our partner to complete a task, which is usually not manageable for us, as already explained by Gehlen's *Mängelanthropologie* (Gehlen, 2009 [1940]) These dogs go through a more or less special training, and are therefore pre-destined to be a mean we use in that specific area, such as herding cows. Moreover, the relationship to the domestic dog has a long history, which makes the reciprocity to an important factor of the human-dog-relationship. The question now remains – does the training make an instrument out of a dog? Is the dogs' inherent value violated due to the value it gets through training?

American philosopher Tom Regan, became famous particularly for his animal rights theory; he states that those animals, which are in accordance with the subject-of-a-life criterion, are to be taken as creatures with a life on their own. The use of animals as a mere means to our own ends, is classified as a moral wrong and should therefore be prohibited. Tom Regan states that keeping animals as pets or training them is a form of disrespect of their inherent value and their life (Regan, 2004 [1983]). However, the aspects like relationship, reciprocity or respect for needs are not included in Regan's theory. On the example of working dogs I want to show that Regan's theory does not necessarily have such strict borders.

Using something only as a mean to an end is known as instrumentalisation. However, there are various types or "degrees" of instrumentalisation. In the morally problematic sort of instrumentalisation, the value of the individual is only measured by how useful it is for us to get to our end, or more specifically - taking someone as a mere mean to an end and not as an end in itself. On the other hand, there is the morally permissible type of

instrumentalisation, where each individual is respected for its inherent value, rather than for the instrumental.

There are diverging views not only on training of animals, but also on keeping them as pets. In my thesis I will explore a number of moral considerations connected to dogs in our society. I will also provide a short insight on the breeding and training of working dogs and finally address arguments regarding the question, if the training of working dogs should be seen as *morally problematic* instrumentalisation.

I was led to write this thesis because I feel that instrumentalisation does not have to be a priori wrong. Its moral effects are depending on the intentions of humans and on the constantly developing human-dog-relationship, which is influenced by the moral responsibilities towards domesticated animals. The relationship with the animal is an important factor to measure the eventual *moral wrongs* in animal handling.

In the first part of my thesis, I will present various backgrounds about dogs in general, working dogs in specific and also some insights about the moral considerations of animals. In the second part of my thesis, I am going to put the single aspects into a context of each other and also to the 21st Century, within this presenting that dogs already are a big part of the human lives.

I would like to show that the concept of instrumentalisation is not as clear-cut in the case of working dogs as it might be in other cases. Working dogs are bred in a way that their genotype makes them predestined for activities associated with work. As Bernard Rollin states in his book, animals' wellbeing involves "both control of pain and suffering and allowing the animals to live their lives in a way that suits their biological natures" (Rollin, 1995 pg. 157). In the case of working dogs, we have given them a "second nature" through domestication and most importantly breeding (see chap. 6). The original *telos* of the dogs has been changed as the dogs are bred to express specific behaviors and/or abilities. The change of *telos* leads to the need of changing the perception and handling of dogs in the human society. This "second nature" is the reason why the training of dogs cannot be seen as a negative form of instrumentalisation, since the training is the way to conform to this nature and is a part of the human-animal interaction.

My aim is to show that training these particular dogs gives them the possibility to express their genetically encoded need for activity and hence express their natural behavior. I want to show that there is a possible connection between the animals inherent value and its training and therefore possible instrumentalisation, which is than *morally permissible*. Our

relationship to the animals is one of the factors, which mark the difference in the moral interpretation of instrumentalisation.

My aim is not to question Tom Regan's theory of instrumentalisation, but only to take his theory from another standpoint, namely that while breeding dogs with specific traits and desires, we should adapt our way of thinking and not see the instrumentalisation as radical as presented in his work. Training and working with herding dogs is to be seen as our obligation since we – the humans – are those who created these dogs with the specific traits. This is the point, which appears to be inadmissible for Regan. In order to connect ethics with welfare, I have decided to combine the theories of Tom Regan and Bernard Rollin. Due to the effects of breeding, it is impossible not to include welfare and genetic predispositions into the moral assessment of instrumentalisation.

The reason why I have decided to take a closer look on this topic is to disapprove the rather black-and-white concept of Tom Regan's theory of instrumentalisation. If it is a moral wrong to keep animals or train them, what other options do we have? The dogs we are training for specific work are already "here". They have been bred and born and their quality of life therefore depends on humans. Regardless of the fact if domestication was driven by humans or by animals themselves, dogs are nowadays depending on humans as their social partners. If we use our capacity to understand the dogs' needs and take the time to understand the personality of our dog, there should be no moral wrong in keeping this dog or giving it appropriate training.

At this stage, it is also important to bring up the distinction between breeding and training. In my thesis, I am about to assess the training of working dogs, however the breeding is an integral part of the assessment, hence it "creates" the dogs we are later working with. The moral background of breeding and training cannot be assessed as one unit, since both of these actions bring different aspects and forms of instrumentalisation. On one side breeding, which does change the genetic predispositions of the dog and alters its *telos* (Rollin, 1995) and due to these changes, the instrumentalisation, as described by Regan, is not to be seen as morally problematic. On the other side the pure evaluation of training (without the aspects of genetics and/or welfare) is more prone to categorize the instrumentalisation as morally problematic, since it might look like that the animal is only used to complete work and therefore its utility is highly important.

However, in my thesis, I am assessing the training of working/herding dogs, which are specifically bred for certain form of training and work. Therefore the connection of breeding and training is of relevance for my argumentation.

In the following chapters the breeding and training will be presented on different levels and in different chapters, but later it becomes clear that these are just two sides of the same coin. Similar like the clear distinction of morally permissible and non-permissible type of instrumentalisation, the clear distinction of breeding and training is also hard to made; especially in the case of working dogs.

2 Domestication

Dogs as we know them in the modern world underwent years of a process called domestication, which caused significant changes in their genotype and morphology. The overall ancestor of the modern dog (*Canis familiaris*) was the Grey Wolf (*Canis lupus*).

Archeological evidence, such as bones and cave paintings have shown that the hunting regions of wolves and humans have overlapped, even before any sort of domestication or other interaction of the human and canine species (Clutton-Brock, 2017). Similar to our relational connection to the dogs, domestication could have been driven from both sides. Wolves started scavenging near human settlements, which can also be seen as an evolutionary strategy of the canine species (Budiansky, 1999 [1992]). The absence of the big jaws and strong muscles (Stanley et al., 2009) therefore came as a consequence of decreased need to hunt, as the animals found their nutrition from the close human proximity. For example imagine a theory, where the deer population shrunk about 20.000 years ago, which caused lack of nutrition for the canine specie *Canis lupus*. Due to this and possible other reasons, such as cold or drought, the wild canines started to search for new sources for them to survive. At this point the human race comes into play. Due to their more sophisticated hunting techniques, they had sufficient food and the settlements were safer than the open wilderness.

Domestication in itself is not to be seen only as taming of wild animals, since it caused various pheno- and genotypical changes. In the middle of the 20th century, Dmitry Belyaev spent decades with his experiment on domestication of a Silver Fox (*vulpes vulpes*). With a very high selective pressure, Belyaev and his team bred only those foxes fitting the selected behaviors (Belyaev, 1969). The selected behaviors were matched to the typical dog behaviors, e.g. tameness, tale-wagging and overall reaching for human proximity. The changes in morphology, which followed the strong selective pressure, were e.g. floppy ears and furry tails (Belyaev, 1969). The study from the soviet scientist shows that domesticated animals are not only tamed wild animals, but the process of domestication also results in various genetic changes of the organism.

The Stanford Encyclopedia of Philosophy states: “species are the fundamental taxonomic units of biological classification. Environmental laws are framed in terms of species” (Stanford Encyclopedia of Philosophy, 2017). The understanding of the concept of species also helps to understand the different laws and moral statuses, which are ascribed to animals. The essentialist approach highlights that, “God created species and an eternal essence for each species” (Stanford Encyclopedia of Philosophy, 2017), which can also be

seen as the *telos* of the specific organism. Regardless of how we call this feature (*telos/essence/specie* etc.), domestication has shown that it can be changed and that a *second nature* can be created. The change of the *telos* (Rollin B. , 1995) is therefore also leading to the need of changing how the dogs are perceived and handled in the human society. Domestication, same like training of working dogs, is to be seen as a “win-win“ situation and is also an important factor to the human-animal-relationship, which has developed over time.

As dogs were described as animals with extraordinary social skills (Hare et al., 2002), it might be possible, that it supported their evolutionary strategy in a way, which made them search for proximity of humans. The social skills of dogs are of big relevance, since they are the building blocks of relationship and in my thesis, relationship is used as a measurement for assessment for morality of actions, as for example the moral permissibility of training of working dogs. The instrumentalisation by Tom Regan does not take aspect like relationship and welfare into account and therefore there is nothing like a morally permissible type of instrumentalisation.

Over the course of domestication, dogs did not only undergo a series of morphological changes, such as shortening of the jaw and overall smaller body size (Clutton-Brock, 2017) but also their ability to solve tasks has been altered due to their close relationship to humans. Various studies show, that there are significant differences between dogs and wolves and their relationship to humans, such as the attachment of dogs to their owner or the relationship of wolves towards conspecifics. (Range et al., 2019, Range & Virányi, 2014; Huber et al. 2018).

These studies point out the mutuality of the relationship between dogs and humans, where dogs adapted to the human habitat as an evolutionary advantage (Driscoll et al., 2009) and in turn evolved an ability to read and understand human gestures. The study by Hare and colleagues works with a hypothesis that canines are unusually flexible in exploitation of social information (Hare et al., 2002). There is no reason not to believe that this flexibility could affect the domestication or that domestication cannot be seen as a strategy of survival. In 2015, Monique Udell completed a study regarding the problem solving abilities in dogs (Udell, 2015). It was shown that in case of an unsolvable task, dogs look back to the humans to seek for help. Wolves on the other hand persisted on the task. These results show other effects of domestication on the dogs, namely their social sensitivity and bond to humans.

Nowadays, we are part of the environment of the dog and they are part of ours. It has been shown that dogs have positive effects on mental and physical health of humans (Bushman,

2014). Dogs do have an impact on human cardiovascular health (Levine et al., 2017) and various studies shown the diverse impact of a pet-dog on the amount of physical activity, such as the need to go for a walk (e.g. Cutt et al., 2008). Assistant dogs can also be trained to foresee an epileptic seizure in humans (Epilepsy Foundation, 2017). Regardless if the domestication started from the side of humans or dogs themselves, we do now both profit from the joint cooperation. Due to the social abilities of the dogs, which were shown in the studies mentioned in this chapter, complete abolitionism of keeping pet dogs would have negative effects for both species. The effects on mental and physical health of humans are more than certain, however also the behavior and emotional state of the dog might be negatively affected by the abolition of animal keeping, because of the close attachment bond to the humans. Dogs are, same like most of other canine species, known as pack animals and it was shown that e.g. wolf howls might be driven by emotions and physiological changes of the animal including relationships (Mazzini et al., 2013). This and other studies show that wolves, as representants of canine specie, do (at least for certain degree) feel emotions and therefore there is the moral importance of welfare. If we transfer this assumption to dogs held in captivity, the separation from the “human pack“ is also a source of negative emotions. Here again the parallel can be drawn to the moral status of the dogs, since *emotional life* is one of the criterions for being a subject-of-a-life and therefore not being acknowledged for the utility. Of course here we are talking about dogs bred, born and living in captivity and not about the wide population of free-ranging dogs.

3 Telos

“As ordinary people know well, animals too have natures, genetically based, physically and psychologically expressed which determine how they live in their environments. Following Aristotle, I call this the telos of an animal, the pigness of the pig, the dogness of the dog – ‘fish gotta swim, birds gotta fly’. (...) Social animals need to be with others of their kind; animals built to run need to run; these interests are species specific. Others are ubiquitous in all species with brains and nervous systems – the interest in avoiding pain, in food and water, and so forth” (Rollin B., 1995, pg. 159). Since domestic dogs are described as highly social animals (Hare et al., 2002) and they are known to search for human proximity and help (Range et al., 2019) we do have certain obligations to care for them (Palmer, 2010). Handling of such social animal, which gives them the possibility to express their needs and interests should therefore not be seen as morally problematic, even if there is a certain amount of instrumental value.

Each object (man-made or natural), possesses a certain “purpose” or “end” which makes it the way it is, states Bernard Rollin (Rollin B., 2015) based on Aristotle. For man-made objects, the purpose is more or less strictly instrumental – like the purpose of a car is to be driven by humans. The natural objects have their purpose in “living” – a tree is made to grow and eventually also to die. In case of the human beings, the *telos* is some sort of fulfillment of our virtues (Philosophy Terms).

“Telos, in modern terminology, is roughly what is encoded in an animal’s genetics” (Rollin B., 2015, pg. 100). Based on this explanation, *telos* can also be changed if the genes are modified, for example in the case of breeding. In the case of working dogs, it was shown, that the breed-typical behaviors, even within one breed, can be changed (Svartberg, 2005; Svartberg, 2002; Arnott et al., 2015). Due to the genetic differences, the *telos* of a working Australian Kelpie does show differences to the one of non-working Kelpie (Arnott et al., 2015). At the level of morality and instrumentalisation, *telos* is the nature of the organism and the organism should be handled according to it. Of course the genetic changes cannot/should not change the very essence of the animal (Hauskeller, 2005) without causing questions about the morality of actions, namely breeding the dog in the direction, which might cause pain or suffering. However, the “dogness of the dog” can be manipulated and bred into a specific direction of the human desire. As it was shown in various studies, breeding and over-breeding can cause development of problematic behaviors, such as repetitive behaviors or aggression (Svartberg, 2002; Pongrácz et al., 2019) and so to development of a negatively affected *telos*. In such case, the breeding and creation of *telos*

become a morally problematic type of instrumentalisation, since an animal is created, which shows traits which might potentially cause pain or suffer. However, the training of a dog with such *telos* should be assessed separately, because the training of a dog with for example repetitive behaviors could help to improve its quality of life and therefore the instrumentalisation is not morally problematic.

The possibility to express and live this *second nature* while the work or training (in this case the herding instinct in the working dogs, which is used in and for the training) thus cannot be described as morally wrong, since the humans are those who created this needs. Here again we come to the crossover of breeding and training. In this case we breed and hence create a dog, which corresponds to our needs. This “creation” can (and should) be seen as an example of instrumentalisation, potentially even a morally questionable instrumentalisation. After the dog is born, we eventually give it the appropriate training and with it the possibility to express its *telos* – this part does also show aspects of instrumentalisation, however, if the training is made right, the instrumentalisation is not morally problematic. The handling of dogs according to their *telos* has also impact at their welfare. The connection of welfare and instrumentalisation is therefore important for the moral assessment, since the morally permissible instrumentalisation is such a form, where respect and understanding for needs, welfare and relationship come to play. Bernard Rollin states in his article that animal ethics is dependent on its *telos* and “given the basic ethic built into society, we ought to protect the fundamental interests of animals from encroachment” (Rollin B., 2015, pg. 106). The combination of ethics and *telos*, as an example of welfare, is important for my topic, since I want to show that combination of these two is important for the moral assessment of training. The purpose of a working dog is to herd livestock or guard sheep and this purpose is/was controlled and bred over generations to achieve a certain degree of discipline.

4 Respect for Value and Ethical Consideration

The animal rights advocate Tom Regan argues for complete abolition of breeding, keeping and training animals, hence it does stand as a sign of disrespect for their lives. His view at instrumentalisation is rather radical – it either does or does not exist. On the other hand Bernard Rollin (2015) represents the idea of *telos*, which is to be seen as the nature of each animal. Handling and keeping the animal while respecting the *telos* is not a moral wrong for Rollin, because with the respect for the *telos* we also show respect for the value and needs of the individual. Now it is important to say that the moral justifiability of actions with respect to *telos* must not necessarily mean the process of how the *telos* is created – namely some practices used in breeding.

Every animal (human or non-human) possesses characteristic traits of behavior, which can overall influence the value we ascribe to the individual. In a short film, Ken Wardrop presented a story of a sheep-dog, that is afraid of sheep (Wardrop, 2005). The value of the dog in this movie might seem as solely instrumental, since the dog is presented as “useless as a dog and useless as a creature” (Wardrop, 2005), because it does not complete the work it was expected to do. In the lines of the movie the audience can read that the dog is happy the way it is, but the missing will to work is later brought back again. However the failure of herding dogs to perform according to their genetics may also be a combination of poor breeding and inadequate training (Early et al., 2014) and the inter-breed differences as presented by Elisabeth Arnott and colleagues (2015) are also of relevance for such a case. The effects of different training methods at the assessment of instrumentalisation and relationship will be further explained in chapter 8.

The value of a working dog is automatically taken more from the instrumental point of view. The dog is expected to complete the work it was given and taught. If a sheep dog is not working properly with sheep and other livestock, or if a sledge dog does not want to pull the sledge, the value of the dog in its work is very low – or zero.

In the overall value approach, there are two values we can differentiate and which are important in my thesis – inherent and instrumental. In the following chapters, I will give a more detailed overview on both.

More than in other dogs, the value of the working dog is also judged on its instrumental use for the trainer/human. As the dogs are actively bred for work and it was shown, that their genetic material differs from non-working dogs (Early et al., 2014; Arnott et al., 2015) the expectation towards such a dog to complete the work is rather high. However, the instrumentalisation in training does not have to mean that the dog is only acknowledged for

its utility. Although the training itself might be understood as a boost for the instrumental value, the overall context cannot be forgotten, such as the “free time”. In 2005, Kenth Svartberg shown, that playfulness is a behavior typical for working dogs. Although the play behavior might also be important for work (Svartberg 2005, Williams, 2007) it is used as reward in training. While playing and using reward in training, the potential of developing a bond to the dog is higher and the pure utility is combined with aspects of positive relationship and respect for inherent value. All of these aspects are important to describe the morally permissible type of instrumentalisation. Due to the assessment of various factors at the same time, the process becomes quite complex. The following chapters will bring a short overview of the ethical part of the assessment.

4.1 Inherent Value

The inherent value is the value an individual has on its own and it does not rise or fall with the usefulness. All sentient animals possess inherent value; it is an attribute which is ascribed to the animal itself, without any other effects (Regan, 2004 [1983]). The Animal Health and Welfare Act describes this value as following: “Acknowledgment of the inherent value of animals means that animals have value in their own right and as a consequence their interests are no longer automatically subordinate to man's interests” (Cock Buning, 2006).

Due to the definitions of inherent value, we “should behave morally towards them [animals], irrespective of the value they have for human beings as well as for other living beings” (Schaber, 2014, p. 547).

As already mentioned, dogs do have the abilities to fulfill the criteria for being subject-of-a-life. Tom Regan's theory states, that if an individual meets the criteria, it also possesses an inherent value. The inherent value is herewith always present in the animal. It is only the question if it is respected by the humans or not, but it cannot be taken away from the individual.

An important factor which is bound to respect for inherent value is the relationship. After we have discussed the importance of respect for inherent value, it is possible to set borders to the definition of “positive relationship” which is a building block for the morally permissible type of instrumentalisation. In the framework of my thesis, the relationship is to be seen as positive, when:

- Positive emotions¹ are expressed and it eventually comes to hormonal changes² which are leading to “happiness”, while human and animal are in contact
- The inherent value of the animal is respected by human; meaning that the relationship is not built up on utility
- The housing and keeping of the animal meets the criteria for the given breed

As it was shown in various studies, domestication led the dogs to development of remarkable social skills, eventually even more advanced than in primates (Huber et al., 2018; Hare et al., 2002). These skills are potentially also the reason for development of such a strong human-dog-relationship and therefore a reason why the dog and its inherent value should be respected. The pure evaluation of utility of the animal would not only be wrong at the ethical level, as it will be described in the following chapter, but also at the level of welfare, since the disrespect and ignorance of needs might lead to suffering.

4.2 Subject-of-a-life

American philosopher and Animal Rights advocate Tom Regan developed a theory dealing with values of individuals and different levels of their moral responsibilities. As can be seen in the chapter on Austrian civil code, animals are to be taken as things (with certain exceptions under given circumstances). Regan states that we should change this view. In 1983, Regan wrote in his book ‘The Case for Animal Rights’: “it is not an act of kindness to treat animals respectfully. It is an act of justice“ (Regan, 2004 [1983], p. 280). Animals are to be taken as creatures with a life on their own and not merely as objects whose destiny lies solely in our hands - this is termed subject-of-a-life. It can be taken as one of the reasons why animals should have moral rights since being a subject-of-a-life makes them similar to humans although they are not able express such concerns through speech. For meeting the criteria of being a subject-of-a-life one has to “[...] have believes and desires; perception, memory, and sense of future, including their own future; an emotional life together with feelings of pleasure and pain; preference and welfare-interests; the ability to initiate action in pursuit of their desires and goals [...] logically independently of their utility for others and logically independently of their being the object of someone else’s interest.” (Regan, 2004 [1983], p. 243). As already mentioned earlier, studies were made showing the extraordinary social skills of dogs. These social skills, such as the ability to understand human gestures (Range et al., 2019; Hare et al., 2002; Huber et al., 2018) does give certain hints toward the

¹ tail wagging, active search for contact, ...

² (Nagasawa et al., 2015; Petterson et al., 2017)

assumption that dogs do have a sense of future and emotional life, since these attributes may have led the dogs to become such socially flexible (Hare et al., 2002). Thank to these social skills and other factors considering the welfare of the animals, the possible moral problems of keeping and training dogs, as explained by Regan, need to be assessed, hence this social background is not being considered by Regan in connection with instrumentalisation.

4.3 Instrumental Value

In contrast to the inherent value, the instrumental value is not a value the individual has on its own. This value is rather one for the sake of something else or some value it is related to. The simple existence of instrumental value is not a priori wrong. Since some things – good or bad – happen in contexts and related to something or someone else and therefore the inherent and instrumental value happen to mix. However, once the instrumental value becomes the only value, which is respected, we come to the radical (and therefore impermissible) instrumentalisation as presented by Tom Regan (Regan, 2004 [1983]).

A simple example of instrumental value in human society is the relationship of employer and employee. In this case, the instrumental value of the employee is of a significance to the employer; the employee is doing a job, which he/she is in the end paid for and within this he/she agrees to be used as a sort of “instrument”. This example can be applied to human-animal relationship. The owner of a working dog expects the animal to complete certain tasks, which the dog was trained for. In exchange for the work the dog gets food, shelter and usually also a “place in the family”, meaning a more or less strong human-dog-relationship is built. The dog is herewith not only respected for its instrumental value but also the inherent.

The pure consideration of the instrumental value would for example imply that the owner could kill the dog due to elderly age or injury, preventing the dog from completing its work. In this case we would be stepping away from the relationship-level and entering the pure consideration of instrumental use.

The pure consideration of instrumental value equals to a decrease or non-existence of human-animal relationship, leading to less respect and care for the animal. All of these aspects would then fulfill the parameters of *morally problematic* type of instrumentalisation.

5 Instrumentalisation

Rather than saying that all sorts of instrumentalisation should be banned, it is important to provide a distinction between the *morally problematic* and *morally permissible* type of instrumentalisation. The instrumentalisation theory I am questioning in my thesis derives from the Animal Rights advocate Tom Regan. His work does specify various fields of why breeding, keeping and training animals should be seen as morally problematic, however he does not consider the aspect of functioning human-dog-relationship.

Instrumentalisation itself is not a wrong concept, however it has to be combined with various other aspects, such as the *telos* approach (Rollin, 1995) and other welfare oriented facts, in order to divide instrumentalisation in, at least, two forms, namely *morally permissible* and *morally impermissible type*.

In general, *morally problematic* instrumentalisation is any action where we use someone as a mere means to an end and not as an end in itself. This is, however, the only form presented by the animal rights advocate, Tom Regan (Regan, 2004 [1983]). As I have made clear in the previous chapters, instrumentalisation does also stand in connection with subject-of-a-life and the overall respect for value of an animal, because if it comes to the classification of instrumentalisation, the inherent value and attributes of subject-of-a-life are violated when the instrumental value reaches a certain level. The ongoing co-existence and weighting of inherent and instrumental value are essential for the assessment. The instrumentalisation gets *morally problematic* if it disrespects the attributes which are ascribed to the animal and, as mentioned earlier, if the relationship between the human and dog develops only at the level of utility.

Gary Francione, known for his work in the field of animal rights, writes in his book '*Animals, Property and the Law*', that the legal status of an animal is property and because of this, debates about animal rights and protection are unsound. Therefore a meaningful debate can only start if the property-status of animals is abolished (Francione, 1995, pg. 4).

In agreement with Regan, Francione's theory states that we should take animals as ends in themselves. Taking an animal as an end in itself means the same as respecting its inherent value and not to reduce its existence to the instrumental value (Regan, 2004 [1983]).

However, as I have explained in the previous chapter, the existence of instrumental value is not a priori wrong. Especially in the case of working dogs, their genetics has been manipulated in a way, which makes them more suitable for activities connected to work and their instrumental value is herewith also innate. Anyhow, if the instrumentalisation achieves the impermissible level is dependent from other factors, like relationship, respect for *telos*

and needs and respect for inherent value. As I have made clear earlier, with the assessment of these various aspects together, the training of working dogs cannot be classified as radically as presented by Regan (2004 [1983]).

Besides the welfare and respect, also the factor of breeding is important for the assessment of instrumentalisation of working dogs, hence the original interpretation does not take the breeding, and therefore the adaptation of needs of the dog, into account.

6 Breeding

In my thesis, the essential point is to assess the moral consequences of instrumentalisation via training. The breeding of working dog itself may be a sort of “creation” of a new/second nature in the dog, but then it is our obligation to give the animal training in the way it was born or made for. This assumption is the one, which is not being considered by Tom Regan. The instrumentalisation, in the sense of using someone to achieve my own goals, which is possibly happening in training does not have to be morally problematic, if we consider the circumstances of the development of the specific herding dog breeds, their welfare and needs.

The actual breeding of dogs started in Victorian Britain in the 19th century. By that time, dogs were supposed to develop in a similar way like the human race. The first names of the dog breeds were chosen depending on the location of origin – Newfoundland, St. Bernard or the Spaniel (Worboys et al., 2018). Later on it was supposed that a “dogs’ morphology, anatomy, and physiology had developed from their role“ (Worboys et al., 2018 p. 24). Some dogs were classified as hunters (working dogs) others as “lap dogs” (pets). The breeding and crossing of breeds leads to development of new breeds more suitable to the human needs (Hare et al. 2002)

“The dog had been created to serve man; hence, the common assumption that the original type was the shepherd’s dog” (Worboys et al., 2018 p.26). Although the dogs seem to be *created to serve men*, the instrumentalisation in training does not have to be morally problematic, if various aspects are respected or taken into account. These aspects are:

- Functioning relationship (see chap. 4.1) thank to e.g. the social skills of dogs
- Respect for inherent value and needs of the dog, not only respect for the utility
- Breeding and therefore a dog with genetic set up (*telos*), which makes it more prone to work³

In the book by Michael Worboys and colleagues, the shepherd’s dog is presented as an original and basically primitive dog breed. The “creation” of the dog, as described in the book, is in the abolitionist philosophy an example of impermissible type of

³ This point shows the importance of consideration of training and breeding at two levels. Breeding might be taken as “creation of a dog“, which is more prone to meet the criteria of morally impermissible type of instrumentalisation, however if the dog is bred with a certain genetic set-up (such as the herding dog), the training does have less potential to be a problematic type of instrumentalisation, hence it is “only” working with the animal created through breeding.

instrumentalisation, however it is not possible to say, that because the breeding might be morally impermissible, the training has to be assessed the same way.

In former times, dogs were not kept primarily as pets, but rather used to guard land, property or livestock. The potential breeding of dogs for work must not mean a development of entirely new breed. In 2015, a study was made, showing that within-breed differences of the genetic material of Australian Kelpie are of importance. The genetic selection of non-working Kelpie shows more aspects in body shape and size, whereas the gen-pool of working Kelpie is connected with resilience traits (Arnott et al., 2015). These breeding differences were also presented in studies by Kenth Svartberg, showing that the adaptation of genetic material does not affect only working dogs, but also breeds used in other fields.

While breeding working dogs, the assessment of dogs' abilities is a very important part of selection. Tully Williams put together a list of abilities (or areas of abilities), which are essential for a working dog. These areas are: (1) temperament and intelligence, (2) steadiness and minimal activity, (3) controlled force, (4) holding ability, (5) driving ability, (6) cast and muster (Williams, 2007).

The detailed definition of the single terms is not of a big significance for my thesis, yet it is important to say that all of these areas of abilities are either connected to the handling of dogs by humans, or to the capacities which make the dog a greater use in or after the training. Although all of the mentioned areas are rather relevant for the human, they are also influencing the ongoing relationship between human and dog. Whereas *holding ability* and *driving ability* are mostly important for the work, temperament and intelligence are features building up the human-dog-relationship. The commonly used term "boldness" was also described as a "courage", "strength" or "confidence" (Early et al., 2014). In context of the abilities presented by Williams (2007), the abilities (3) to (5) might also be affected by boldness, since e.g. the ability to hold cattle stands in connection to the dogs' courage and/or strength.

In breeding of working dogs, it is vital to distinguish between inherited and learned processes (Williams, 2007). This is of big relevance, since the support of expressing the inherited traits is not to be seen as a *morally problematic* type of instrumentalisation, since we only support the expression of the *telos*, which we created with breeding. The certain behaviors for specific dog breeds do of course have a genetic background. Kenth Svartberg (2005) does put the breed-typical behaviors of dogs together with the recent breeding techniques. The long artificial selection of morphology and behavior does lead to expression of certain behaviors in specific dog breeds. The herding dogs were, for example, associated with traits

like playfulness and aggressiveness (Svartberg K. , 2005). Also the type of work was shown to be important when choosing the breeding animals – again corresponding with the traits important for herding/working dogs.

Some of the typical working dog breeds, such as Border Collies and Australian Kelpies, were originally bred for work with livestock. Nowadays, these dogs are more often bred for show purposes and with more attention towards the overall appearance rather than their original purpose of work. This differentiation of breeding direction within one breed shows the clear-cut connection between the genotype and the late appearance and/or temperament and other abilities listed earlier. Due to the assessment of the dogs at shows⁴, the dogs are purposely bred for lower social interest (Svartberg K. , 2005).

From the beginning of breeding, breed differentiation was all controlled and driven by humans. The breeding criteria for working dogs mentioned by Williams are also mentioned in other publications, which are focusing on working dogs of various breeds (Gorrell, 2009; Williams, 2007; Turner, 2010). The significance of the easy handling and obedience towards humans together with the innate instincts and abilities, make the dog more suitable for work. The transmission of the fitting genotype on future generations is one of the most important pieces of the ‘breeding puzzle’.

It is important to mention here that Regan’s abolitionist view does not see the preservation of the dog breeds as an important point, hence he is more interested in respect for value. Regardless of the positive effects on human health mentioned in the previous chapter or the functioning relationship, the handling of dogs is seen as an act of instrumentalisation itself.

However, in my thesis, the instrumentalisation is distinguished in *morally permissible* and *morally impermissible/problematic* type. The criteria for the assessment of permissible or impermissible instrumentalisation are a combination of welfare and ethics related aspects. The importance of respect for values was presented in chapters 4.1 and 4.3. The rather welfare oriented aspects are breeding, relationship and reciprocal benefit. Of course, breeding does change the nature of the animal in order to adjust it to the human environment. Important to mention here is the relationship, which developed already over the course of domestication and so, much earlier than the beginnings of breeding. The genetics of social behavior has shown that over the course of domestication, the dogs developed a variety of traits helping them to understand human gestures (Range et al., 2019; Jensen, et al., 2016). Thank to the evolution and genetics, dogs have “become the most variable

⁴ Animals are assessed also according to their free movement in a group and therefore an extensive interaction should be suppressed (Svartberg, 2005)

mammalian species on planet“ (Jensen et al., 2016). The development towards social behaviors also led to the results of the study made by Roth and colleagues saying that positive interaction lead to hormonal changes, in particular decreasing the levels of stress hormones (Roth et al., 2016). The results of these studies are a possible prove for the strong attachment of dogs to humans can also be seen as a building block for the human-dog-relationship.

At this level the distinction of breeding and training and the potential amount of instrumentalisation has to be brought up again. With breeding and artificial selection, we are creating dogs, which do fit our needs and expectations and at this level we could potentially talk about a *problematic* form of instrumentalisation. However, my focus lays in the training of the dogs with this specific genetic set-up and therefore I have chosen the various breeds of herding/working dogs to be an example that instrumentalisation might be morally justifiable. If these dogs are treated with respect for their inherent value and *telos*, the instrumentalisation, which potentially happens during the training, is not morally problematic. It was shown that the *telos*, as described by Bernard Rollin, can be changed via breeding. If a specific dog breed, such as the Australian Working Kelpie (Arnott et al., 2015), is bred with the genetic predispositions to work, the training is to be seen as a form of conforming the needs of such a dog. Of course the aspects mentioned earlier have to be brought in context, and so it can be assumed, that: if the inherent value of a dog, which is bred for activities associated to work, stands over the instrumental and the animal is kept and handled according to its *telos* (needs), the chance of acting morally wrong or impermissible decreases.

7 Working dogs

In a mere definition, a working dog is “a dog of suitable breed or training kept for its practical use, such as herding sheep, rather than as a pet or for showing” (*Collins English Dictionary*). The term “working dog” is a description of various disciplines and directions in which the dog breed can serve humans to enrich or protect human life. The American Humane Association published a ‘Hero Dogs White Paper’, with a list of fields where working dogs are helping humans. The *Assistance dog* is then yet another broad term describing any field in which a dog is helping its owner with challenges associated with any physical, intellectual or sensory disabilities or psychiatric disorders (Hero Dogs White Paper, 2016). Dogs with such ability are not only helping e.g. a blind of mental stability and freedom. A development of a reliable and deep relationship is essential for an efficient communication with the animal, but as already mentioned; it is also beneficial to both sides. The functioning relationship is an aspect, which is not being brought up by abolitionists like Tom Regan. A mutual relationship is giving both species, dog and human, mental stability, and is also beneficial for the dog, since it prevents the pure instrumentalisation.

Apart from assistance dogs, which have a direct connection to the improvement of human health, there are also working dogs in the more direct sense of the word; these dogs are engaged in a specific “job”. In this category belong, for example, the scent detection dogs, military dogs or search and rescue dogs.

All of the categories of working dogs mentioned in the White Paper, have more or less a direct impact on human health (Hero Dogs White Paper, 2016). However, there are also other fields where dogs are being trained to complete assignments for their human companions. Especially on farms and other locations where work with farm animals is of importance, dogs are trained to complete work, which is directly associated to sheep and other livestock. Examples of farm work are herding, herd splitting, moving of animals from one pasture to another and in some cases protecting the herd from predators (Williams, 2007). This type of dog is called herding dog or shepherd dog⁵. According to the Federation Cynologique Internationale⁶, there are approximately forty breeds of *sheep dogs* and *cattle dogs*, although shepherd dogs as working dogs are often mistaken with the breed of the German-Shepherd dog.

In my forthcoming argument, I will focus on shepherd and herding dogs. With their morphology and genetics these breeds are bred to feature traits that make them more prone

⁵ also called *sheep dogs*

⁶ World canine organization

to work with livestock (Svartberg, 2005), meaning that their *telos* was altered towards this traits. Although the herding behavior stems from predatory behavior, breeding suppressed the direct prey behavior while maintaining the hunting skills (Williams, 2007).

The suppression of hunting skills is another step, which is strengthening the relationship, as the instinctive hunting skills might be dangerous for human. Although the suppression of hunting skills might be seen as an unjust type of instrumentalisation, as it is for Tom Regan, the breeding itself creates a *second nature* in the dogs and this *nature* should be respected. Here it is important to come back to the main topic of my thesis, namely the assessment of the training of working dogs. The *telos* of these dogs was altered with breeding and the nature of these dogs is therefore directed towards herdwork. In training, we do only work with the genetic set up, which is given and should try to respect and enhance it. The appropriate training of a dog with such nature is not a problematic type of instrumentalisation, however the breeding towards the desired *telos* might be seen as the creation of the perfect instrument and therefore potential moral problems arise. As we alter the *telos* of the animal, we also have to alter the ways of handling it. The moral responsibilities towards the domesticated animals, such as feeding, protecting and care (Palmer, 2010 pg. 2) goes hand in hand with the relationship. Here we can say that if we care for the animal and do have a certain relationship to it, it does to a certain degree prevent moral wrongs, such as disrespectful treatment and acknowledgement of pure instrumental value. Of course we cannot take this assumption as given, since the actions of humans towards animal are not morally right at all times, same like they are not in the human-human relationship, and so a single situation where a human for example hits the dog as a reaction to unwanted behavior, does not have to show disrespect for the animal in other situations. The importance lays in the assessment of various factors over the context of time and situation.

By respecting the animal and its needs, combined with the human-dog-relationship and intentions of the trainer, the instrumentalisation happening in training is not a moral wrong.

Herewith we enter the vicious circle of potential instrumentalisation of dogs through breeding, in order to create a *second nature*, which is more prone to the development of a human-dog relationship. In the case of herding dogs, the *second nature* also includes the *will to please* and the *natural ability* to work, as described in the following chapter. As we create genetically encoded needs, it is our duty to let the dog “live out” these needs.

As I have made clear earlier working/herding dogs were chosen as an example for my thesis to develop the theory that instrumentalisation does not always have to be as radical as presented by Tom Regan (Regan, 2004 [1983]). The establishment of *second nature* in

working dogs, and so the permissible instrumentalisation in the training, are not comparable with potential instrumentalisation in breeding which is altering the dogs' physical appearance in a way which might be harmful and leads to suffer and/or pain, such as in the case of respiratory problems in English Bulldogs or Pugs, known as brachycephalic airway obstructive syndrome (Fasanella et al., 2010).

7.1 Will to please, Natural ability and Genetics

Due to the effects of breeding, herding dogs developed a specific genetic set-up, which brings along certain breed-typical behaviors (Svartberg, 2005). These behaviors make the dogs more prone for activities associated with work. These abilities can be described under the term *will to please* and *natural ability*. This *ability* can be described as a natural instinct of the dog from the reaction to the livestock. In the first chapter of his book, Tully Williams is defining, why this ability "is the most important aspect of the working dog" (Williams, 2007). In working dogs, this ability should be inherited; dogs already born with the *natural ability* can be trained much more effectively and faster, however the successfulness of working dog is also affected by the training, not only the genetic predispositions (Early et al., 2014). The ability of the dog to work with sheep or other livestock is however described as an instinct and these instincts can also vary in strength - too strong instincts may lead to a less controllable dog whereas too weak instincts lead to not putting enough "heart" into the work (Williams, 2007). As you might remember from earlier chapters, Bernard Rollin describes the genetics and inherited traits as *telos*, which, in his theory, can be altered (Rollin B. , 2015). The breeding of dogs in the direction of expressing the *natural ability* is in this case a synonym for adapting the *telos* and creating a second nature for the animal.

Yet the presence of *will to please* and *natural ability* are not the only important traits of a working dog. Other traits like boldness or overall sensitivity are similarly grounded by intelligence, since the pure instinct is not the only aspect defining the dogs' ability to work and/or be trained.

The age of the dog also does not change the instincts and within it the *natural ability*. Some instincts only need some time to appear – regardless if the "basic" instincts, such as lifting the leg or those which lead to the interest in working with livestock (Williams, 2007). This might stand as another prove for the connection of *natural ability* and *telos*, since the *telos* of the animal does not change over years (Rollin B. , 1995).

As it was shown in the study made by Ken Svartberg (2005), the breed-typical behavior of working dogs includes playfulness and aggressiveness. Also boldness was shown to be a

genetically inherited trait of a successful working dog (Svartberg K. , 2002). Obviously the variability between different dog breeds is large, however even within-breed variability was shown. This result suggests that the genetic material changes together with the selection pressure (Svartberg K. , 2005). The presence or absence of *will to please* is herewith also genetically affected and not all dogs within a herding/working dog breed do have to represent the same skills. This feature is important for the assessment of instrumentalisation. As it was shown, not all dogs of one breed do have the same genetic background. It is important to assess and respect the values and abilities of each individual in order to prevent the instrumentalisation to become morally problematic. Here again we see the importance of the context of various aspects in order to do an appropriate moral assessment of instrumentalisation.

The genetic differences within one breed have been presented in a study about Australian Kelpies (Arnott et al., 2015), which presents the genetic differences between a working Australian Kelpie and non-working Kelpie. While the non-working Kelpies are widely selected for phenotype (body shape and size), the genetic material of working Kelpies does affect their perception of pain and fear. These results support the theory of within-breed differences presented by Svartber (2005) and are important factor for my argumentation, that the training of working dogs is not to be considered as morally problematic instrumentalisation, once the genetic material of the dog has been modified in certain direction. However, it is vital to also consider all ethical and welfare oriented factors, which were mentioned earlier, so that the moral assessment is complete.

8 Instrumentalisation in training

Humans started tracking dogs' bloodlines from the 19th century (Mason, 1915) and ever since then, humans have bred dogs for specific purposes. Breeding is therefore another factor, next to domestication, that possibly modifies the dogs' genotype. The character of a dog (similar to any other animals we breed) is a product of a long-term process and we are only using the outcome of breeding for the benefit of training, whereas while breeding, the level of instrumentalisation is potentially higher than in the training itself. If we take it to the consequences, the training (and later the work) is at this point the only possibility for dogs to express this *second nature*, which was given to them. If the working dog is bred in a way that the genetic set up brings the *natural ability* to work, the training of this dog is not morally problematic or a sign of disrespect, once the needs and inherent value are respected.

During training the animals go through a specific type of instrumentalisation; regardless if it is a specific training or basic obedience, a dog is trained to follow orders of the owner and/or trainer. In this very same time, the dog is obviously being instrumentalized. But now we come back to the question of the moral assessment of instrumentalisation via training. As there are specific breeds suited for the work with livestock (see chap. 7) it is assumed that these dogs also possess some specific genetic set-up, which are essential for their later work (Svartberg, 2002; Arnott et al., 2015).

The effects of different training methods were presented in the study done by Christine Arhant and colleagues in 2010. In this study, the behaviors and consistency of owner was brought in context with the behavior of the dog. It was shown that frequent punishment is associated with increased aggression in dogs, whereas play activities correlated with better obedience (Arhant et al, 2010). Although the dogs were distinguished in smaller and larger dogs, other studies show the genetic correlations of behaviors of dogs. The breed-typical behaviors studied by Kenth Svartberg (2005) show increased amount of playfulness and aggressiveness in working dogs. In this study playfulness was brought in connection with training, where play is often used as reward.

The use of punishment in training and increased aggression in dogs was more common in smaller dogs (Arhant et al., 2010). In herding breeds (which would count to the category of "large dog") the lower reaction to punishment might be correlated with their breeding for lower perception of fear (Arnott et al., 2015).

There are various training methods using only positive reinforcement, only negative reinforcement or the combination of both (Blackwell et al., 2008). The consistency of the trainer was shown as an important aspect affecting the behavior of the dog (Arhant et al.,

2010; Cullinan et al., 2004). The use of aversive stimuli in training, such as positive punishment (undesired behavior is followed by aversive stimuli, e.g. holding the snout when barking) or negative reinforcement (the aversive stimulus is removed, leading to desired behavior) is likely to have a negative impact at the welfare of the dog (Hiby et al., 2004). The negative impact of welfare of the dog is one of the indicators for impermissible instrumentalisation. Besides impact on welfare, there are is relationship, reciprocal benefit and outcomes of breeding, which all together build up the context for assessment of instrumentalisation in training. Other training methods use sorts of positive reinforcement when desired behavior is shown. This would be for example a situation when the dog is barking and instead of holding the snout (positive punishment), it is rewarded when it stops barking (positive reinforcement). The positive reinforcement methods have also been adopted as a part of the working dog training (Adams & Johnson, 1994).

In herding dogs, the obedience is of great importance (Williams, 2007). If the breeding and so the genetic material do make to dog willing to work, it is the task of the human to train the dog in appropriate manner (Early et al., 2014). The results say that reward based methods do make the dog significantly more obedient (Hiby et al., 2004). Although the obedience seems to be a feature which stands in connection with the utility and therefore potentially the impermissible instrumentalisation, it can also be taken as a factor which is strengthening the relationship, because it is a sign of respect and understanding not to misuse the obedience in training. For example an obedient dog would complete its work over hours without a break, however it is the duty of the human to give the dog time to rest.

In the context of moral assessment of instrumentalisation, the training with positive reinforcement might be seen as the method showing more respect for inherent value and the animal itself. Although working dogs were shown to have lower level for fear perception (Arnott et al., 2015), the effects of negative training at welfare (Hiby et al., 2004) would lead to questions about the moral justification of such a training method. However as Willis writes in the book *The Domestic Dog*, the amount of genetic data of herding dogs is rather limited (Willis, 2017 [1995]). Therefore the potential transmission of the data from studies by Hiby and colleagues (2004) and Arnott and colleagues (2015) on herding dogs, cannot be done without other philosophical and welfare oriented questions. Once the genetic material of herding dogs, such as the working Kelpies from the study done by Arnott and colleagues (2015), have been modified towards lower pain perception, the training with negative reinforcement/positive punishment might not have such a big physical impact at these dogs.

However, the training with use of punishment is still rather not permissible at the moral level, because it causes not only physical but possibly also psychical harm.

While using negative reinforcement/positive punishment, the dog might be restrained for long time or the punishment can be provided with an overload of physical strength. In this case, the training is moving towards the end of *non-permissible* instrumentalisation, because the respect for *telos* and inherent value is lower with the constant use of punishment. However, as I have made clear earlier, the relationship and respect for inherent value is of a big importance and a single (occasional) use of negative reinforcement does not reflect the overall situation of human-dog-relationship and cannot stand as a single aspect for the overall assessment of instrumentalisation in training.

9 Animal captivity

In the following chapter, I am going to take a closer look at the possible problems of keeping animals in our homes and which effect can the animal captivity have at the instrumentalisation. Although this is not my main topic, it was shown that the relationship between dogs and humans is also influenced by the housing and keeping of the animals and therefore the form of the animal captivity does play a role in moral assessment of instrumentalisation.

The moral right or wrong of animal captivity can also be put in context with their moral status. There are, in broader sense, two reasons why to keep animals in captivity. First, when it is in the interest of the animal itself; second, when it is in the interest of humans (Bovenkerk, 2016). For my thesis, both of these points may be of relevance.

If we follow the co-domestication theory, keeping animals in our homes is in their own interest. The ability of dogs to survive and perform in certain tasks without human help decreased, due to the living in close human proximity (Range & Virányi, 2014).

There is a clear contrast between the two reasons for animal captivity, I will assume the interest of humans is then rather materialistic and therefore not respecting the inherent value of the animal or its needs. Gary Francione states that animal captivity turns them into property (Francione, 1995). Keeping animals purely for human interest, e.g. for work or research would also mean ignoring their moral status and therefore entering the field of non-permissible type of instrumentalisation. Yet the moral status of companion animals in the 21st Century is rather not (purely) instrumental, and therefore captivity does not make them to objects (Bovenkerk, 2016).

Tom Regan argues that restricting the animals' freedom fails in treating the animal with respect (Regan, 2004 [1983]). It remains unclear why the respect for animals' inherent value should cease with their captivity (at this point I am referring only to the appropriate and "humane" sorts of animal housing). The combination of respect for animal itself, understanding its needs and giving it appropriate form of housing is not leading to any disrespectful treatment. At this point we are coming back to the argumentation between Tom Regan and Bernard Rollin. According to Regan, we are neither allowed to breed, nor to keep animals, even if it (in our eyes) corresponds with their need. On the other hand, Bernard Rollin states that the animal has to be handled according to its *telos*. Once the *telos* has been changed by domestication and breeding, keeping and caring for this animal is not morally problematic.

This short chapter is also reflecting, that the instrumentalisation of working dogs, or other animals, does not only happen on the level of training, but also in handling and keeping the animal. Although these features of dogs' life are not the main topic of my thesis, it is important to mention these, since they are building up a context influencing the permissibility of instrumentalisation. If animals are held in captivity solely for the interest of humans, the inherent value is violated and therefore the human is acting morally wrong towards the animal. If the animal captivity happens on the level of reciprocal benefit and is built up on relationship and respect, neither the captivity, nor the eventual training are to be seen as morally problematic instrumentalisation.

9.1 Animals in (Austrian) law

In 1990 an alteration in the Austrian civil code was passed, in which the animals were taken into the law consideration (§ 285a ABGB). Since then, the civil code is stating three points considering animals (1) animals are not things, (2) they are now protected with particular legislations and (3) laws applicable to material objects, i.e. things, are being applied to animals, unless other course of action is determined. At first, it might seem that the Austrian law now protects animals, however within the framework of warranty and compensation costs, animals are still being handled as 'things'.

Apart from the civil code, dogs and other animals are included in the animal protection law. This specifies the minimal requirements for housing quality and specifies the characteristics of animal cruelty (§5 TSchG) as well as the exact animals, which are protected by the ban on animal cruelty.

At the level of Austrian law, animals are handled more like instruments than living creatures or subjects-of-a-life as Tom Regan sees them (Regan, 2004 [1983]). Once the law system describes the animal more or less as a "thing", the respect for inherent value of animal or its *telos* is hard to be explained in the society. Of course dogs have already deserved a sort of social status in the modern society (at least in most parts of Europe). If the law itself lets the humans to handle the animals as things, where does the respect for value come from? In this case, once again, we come to the human-animal-relationship, as we know it nowadays. Acknowledging the individual for its inherent value and respecting the "dogness of a dog" (Rollin B. , 2015) are definitely signs of a positive relationship. Of course without this relationship and respect, Tom Regan's call for abolition of animal keeping (incl. breeding, handling or training) is a legitimate argument in order to preserve animal rights. Here we can see that the border between morally permissible and non-permissible instrumentalisation is

not as black-and-white as we might think. . As explained earlier, the simple act of training is not to be seen as negative instrumentalisation, it is the context of relationship, respect and reciprocity of actions, which makes up the border between permissible and non-permissible instrumentalisation.

10 Instrumentalisation in context

In the following chapter I want to bring all the aspects I have discussed in my thesis in context together. As it was shown, the moral consideration of instrumentalisation is a rather complex topic itself; now it has to be brought together with breeding, keeping, training and consideration of welfare and relationship at once

Similar to human society, the non-human society also holds a way of instrumentalisation. The hierarchy in animal species serves as a guideline for ascribing functions within the group. The social organization called reciprocity, is shown in various groups of the animal kingdom (Freidin et al., 2017). Although reciprocity belongs to one of the terms that explain and prove the existence of social bonds, it also highlights a certain amount of instrumentalisation. In simple terms, reciprocity can be explained as one individual reducing fitness or comfort to help another conspecific. If the animals really can chose what is of benefit for them, instrumentalisation might also belong to the “actions” which were chosen by the animals. In this case it is even more relevant to assess the morality or permissibility of instrumentalisation.

The important factor of human-dog-interaction is that these species have certain obligations and relationship with respect to each other. If the animal is only respected for its value to us as a working “machine”, than the instrumentalisation has reached an unacceptable level.

In the case of working dogs and their genetically encoded *will to please* (Svartberg, 2005), the instrumentalisation is not only brought from the side of the human (trainer) but also from the dogs innate will to work. The problem solving abilities of a domestic dog has shown that dogs are, in a larger range than wolves, dependent on the help of humans (Range & Virányi, 2014). Without the human-dog-relationship and interaction e.g. in training, the dogs would need to re-develop the abilities which were lost or repressed over the course of domestication. These social abilities and willingness to interact are factors, which are building blocks of positive relationship, do have the potential to prevent morally impermissible actions, such as the radical instrumentalisation.

Bernard Rollin states in his article that animal ethics is dependent on its *telos* and “given the basic ethic built into society, we ought to protect the fundamental interests of animals from encroachment” (Rollin B., 2015, pg. 106). The fundamental interests of animals include living in an appropriate environment with the possibility of social interactions and the expression of the *telos* (meaning also *natural abilities*) is an interest, which has to be protected. While protecting these interests, humans show that there is a relationship to the animal and that they matter to us for more than just their instrumental value.

In the context of industrial development and genetic modification, there are more significant problems in the human-dog-interaction than the training itself. To stop the whole process of morally questionable instrumentalisation, we would have to go much deeper into the past and into the stages of domestication. If it would be decided that all types of instrumentalisation (using other entities to personal aims) are wrong, we would have to re-think the understanding of domestication.

Since domestication can be seen as mutually driven or sometimes even chosen by the animals (Hare et al., 2002), this process would pass the border of not being classified as instrumentalisation. However, the domestication is the first stage where changes of the *telos* took place (Svartberg, 2005; Jensen et al., 2016). Dogs have become tame, their morphology changed (Belyaev, 1969; Hare et al., 2002) and they have adapted themselves to suit the human environment. Although the studies show that there are specific breed and even inter-breed differences (Svartberg, 2005; Arnott et al., 2015) it is clear that canines are “unusually flexible in the types of social information they are capable of exploiting” (Hare et al., 2002, pg. 1634). In the context of these studies, it can be assumed that even working/herding dogs with specific genetic material are highly social animals capable to have a functioning human-dog-relationship and do have an inherent value which has to be respected.

The initial stages of breeding are a different level of ethical consideration. Since breeding does or might cause several health problems for the dogs, the instrumental value of the animal cannot be the only goal, because the inherent value of the dog has to be respected (Regan, 2004 [1983]). In any case, by breeding dogs for different purposes, e.g. working dogs (Williams, 2007), humans have the tendency to classify dogs as instruments. At this stage, the importance of the human-dog-relationship and respect for inherent value has to be brought to attention. Of course the selective breeding for herding skills may also lead to various behavioral problems, such as repetitive behaviors (Svartberg, 2005; Pongrácz et al., 2019), however, a detailed consideration of negative effects of breeding and their assessment unfortunately goes beyond the topic of my thesis. The occurrence of behavioral problems due to extensive breeding is a risk for basically all animal breeds (not only dogs) and the development of such behaviors only supports my assumption, that breeding does potentially show more aspects of morally problematic type of instrumentalisation, that training.

In his study, Michael Hauskeller describes the adaptations of the *telos* of animals in the present days: “It is not about how chickens would live ‘in nature’ and what ‘the’ life of

chickens is like, but rather what this particular chicken is, towards which particular end it is directed, and what, in consequence, its own particular good is" (Hauskeller, 2005). He argues that, according to Aristotelian sense, a simple change in the genetics, which causes e.g. the removal of some behavior, cannot change the complete *telos*. Drawing parallels to Bernard Rollin, "both control of pain and suffering and allowing the animals to live their lives in a way that suits their biological natures" (Rollin B., 1995, pg. 157) are signs of respect for the animal itself and its inherent value.

Returning to my past assumption, the instrumentalisation itself is not the point of concern. Much more important is the context and environment in which the instrumentalisation takes place.

11 Conclusion

The social status of animals (mainly pets) is often understood as very similar to the one of humans - we do have certain moral responsibilities towards domesticated animals (Palmer, 2010) and are often recognizing them as part of the family. Humans, similar like other living subjects with social hierarchy, are instrumentalizing other individuals but also accept being instrumentalized.

Any actions of human or non-human animal also stand in connection to the recognition of certain values of the individual. This value can be either inherent or instrumental, however the recognition of only one is not completely possible, since the mixture of various values builds up the value of each individual. In my thesis I have mainly shown that the combination of inherent and instrumental value is crucial in the case of moral classification of instrumentalisation.

In the case of working dogs, it was shown that their *telos* was changed or adapted towards the human needs and environment. The genetic material is selected by breeding (Svartberg, 2002; Arnott, 2015) and makes the working dog “ready to work”. As described in chapter 7.1, the dogs are/should be born with a certain *will to please* and *natural ability*. These traits are essential for training a working dog (Williams, 2007) without the need to force it, since the instincts for e.g. herding livestock are already present. Once the dog is forced to work, the risk that the dog is mainly recognized for its instrumental value is higher. The methods used in training and the consistency of the trainer/owner was also shown to have effect at the behavior of the dog. Using negative reinforcement and positive punishment (see chap. 8) was shown to have negative effects at the dogs’ welfare (Hiby et al., 2004). The question remains, if herding dogs, which are bred to have lower sense for perception of pain are affected by the negative training methods in the same manner as the dogs tested by Arhant and colleagues (2010) or if the negative effects of such training methods are to be assessed separately by these specific dog breeds.

Through breeding, the genetic material of working dog is changed the way that their *natural ability* makes the will to work to a character trait and the sensibility of the dog for e.g. following and predicting the movements of sheep or cow can neither be thought, nor forced out by the human. However as every living being, dogs also have a certain variety of “performance” and even inter-breed differences were found in working dogs (Svartberg, 2005). The respect for the animal and its inherent value is also shown when we respect the possibly poor performance on some days rather than forcing the dog to work like a machine.

The short movie by Ken Wardrop shows that even a working breed can be born without the need or predisposition to work (Wardrop, 2005). In this case, not forcing the dog to work does show our respect for the inherent value of the animal. Both giving a good working dog time to rest or “giving up” the training of a working dog, which does not show interest in working, are signs of relationship and understanding. In the case of unsuccessful working dogs, both inaccurate breeding and inconsistency in training may be the cause (Early et al., 2014). Once the respect for inherent value and relationship outweighs our interest in instrumental value and potential benefit, the instrumentalisation is not to be classified as *morally problematic*.

By breeding the dog to fit our needs, a *second nature* is being created. According to Bernard Rollin’s theory (Rollin B. , 2015), there is something like a “dogness of a dog” (meaning its *telos*) however; breeding does create a new type of “dogness”. Are we then actually lowering the possible moral considerations by altering the “dogness of a (working) dog”, so that it becomes our obligation to train them? Is therefore breeding a potentially *morally problematic* type of instrumentalisation, whereas training the working dog shows our respect for its needs? Both of these aspects are relevant for developing arguments towards moral problems in instrumentalisation, since they show the importance of considering things in context.

There are arguments both for and against the connection of breeding and training for assessment of instrumentalisation. The argument that both of these should be assessed as one is that without breeding, there would not be dogs with or without any specific genetic material and therefore the assumption that the training of working dogs is not a problematic type of instrumentalisation would not be of relevance. At the other hand, the separation of these two aspects provides few critical points, which may help to assess, which of the actions deserves nearer examination in questions of morality. As it was shown, breeding is often connected with much more moral concern than training itself, however, training is only possible thank to (more or less) successful breeding.

One of the questions in the beginning of my thesis was, if the dog does loose its inherent value due to the value it gets through the training. The inherent value itself cannot be overwritten by other aspects in the case that there is a functioning relationship between the human and the dog. The instrumental value of a working dog is surely an important aspect building up the overall value of the animal, however as described in various books and studies, the relationship and understanding of the dog breed are essential for training a working dog (Williams, 2007; Hiby et al., 2004; Arhant et al., 2010; Svartberg, 2002).

Instrumentalisation does not necessarily have to be understood as a priori *morally impermissible*, as presented by Tom Regan (2004 [1983]). It was shown that thank to the combination of factors considering welfare, ethics and relationship, a form of instrumentalisation is developed, which is not causing disrespect and therefore it is *morally permissible*. All our actions and the context of situations do influence the morality of handling and keeping the animal. Every action can come out as a moral wrong, once our intentions switch to the purely instrumental value of the outcome. The circumstances and our own will are the most deciding aspects of what is morally permissible or not.

12 Bibliography

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