

WHAT WE ALREADY KNEW. . .

New Investigations into the Nature of Listed Dogs.

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As long as we have lived together with them, there have been instances in which humans have been killed by dogs. But no such incident hit the public German conscience like the case of the death of the 6-year old boy, killed by two Pit Bull Terriers in Hamburg on 20 May 2000. Reports of the incident filled entire pages of certain newspapers, mainly those of the so-called 'rainbow press'. On that evening there was even a special TV programme about it; something reserved for especially important and dramatic events.

The death of this boy caused an indescribable wave of hysteria in Germany. One might have imagined that the threat of the so-called fighting dogs was everywhere. The factual status was totally ignored. It is true that there is no statistical base of such events, but it seems that about one person per annum (in Germany) dies of dog bites. With a population of 82 million, the risk is negligible.

Despite this, there was an exceptional wave of actions at local, state and national levels. Armies of civil servants went to work. Special taxes, rules and legal regulations were formulated to be used against the 'Fighting Dogs', which were identified – and stigmatised – in a special list. Town councils, state and federal parliaments passed laws, commonly known as 'Fighting Dog taxes', 'Fighting Dog Rules and Laws'. These listed breeds were accused of being exceptionally aggressive and a danger to the public. The long-term aim of these laws was the elimination of these breeds.

There was no empirical statistical data-base as to the behaviour of these dogs. The statements of the politicians, the reasonings of the texts of the laws and rules, and even the judgements of the courts (which themselves throw up institutionally critical questions) and the overall discussions in the media, showed a limited knowledge of the topic of such dog breeds. This 'knowledge' reveals itself to be a mix of the popular (professional) literature e.g. portraits of each breed, and trivial myths about exceptionally strong biting power¹.

THE IRONY OF HISTORY?

Some events unfold in such a way that they may be interpreted as ironic quirks of history. This was the case in the matter of the crusade against the fighting dogs, for by focusing on

these breeds, the investigators discovered in truth, the opposite of what they accused them of.

This was established in the behavioural investigations that were carried out in several states of the Federal Republic. The results of these tests were supposed to show if a dog was disturbed or behaved in an excessively aggressive manner. Should a dog fail the test, in the worst case it could be put down. These tests took place in three areas of relationship: dog – human, dog – environment and dog – dog.

It must be regarded as a great stroke of luck, that the Federal State of Lower Saxony contracted the execution of these behavioural tests to specially-qualified, independent vets. In several other states, the tests were carried out by the police or by state-employed vets, who were all paid by those states and were thus dependent upon them for their careers.

An even greater stroke of luck occurred, when the Institut für Tierschutz und Verhalten of the Tierärztlichen Hochschule in Hanover (Institute of Animal Welfare and Behaviour of the School of Veterinary Medicine) recognized this unique opportunity to gather and to analyse empirically-based material of these listed dogs. When else would one have the chance to include so many individuals of a relatively small population in such a study?

The director of the Institute, Doctor (med. Vet.) Hansjoachim Hackbarth, had these tests carried out scientifically. Student vets used this chance to write their dissertations while carrying out these investigations. The various tests will be explained in the following paper².

ARE THERE DANGEROUS BREEDS OF DOGS?

The first scientific work to emerge as a basis from these behavioural tests was Angela Mittmann's dissertation 'An Assessment of the Behaviour of Dogs of the Pitbull Type and Five Other Breeds by Temperamental Testing According to the Guidelines of the Dangerous Animals Act of Lower Saxony, Germany (GefTVO) of 5th of July 2000', henceforth referred to as 'MITTMANN 2002'.

The breeds tested were divided into two classes according to their suspected aggressivity. Category 1 (specially dangerous): American Staffordshire Terrier, Bull Terrier, Pitbull type.

Category 2 (dangerous): Staffordshire Bull Terrier, Dobermann, Rottweiler.

415 dogs were tested to establish, firstly, if such differences really existed, which justified the establishment of these two classes. Secondly, it was to be established if the listed dogs – those of the Pitbull type – gave evidence of genetically-influenced bad behaviour.

Mittmann limited her research to the two areas dog-human and dog-environment.

'The behaviour of the dogs was graded into 7 categories (scaling), a scale value of 1 being indicative of behaviour without any aggressive signals whatsoever, while 2 – 7 relate to aggressive behaviour of increasing intensity. The dogs were tested in 35 different situations.

Out of the 415 dogs, 158 showed no aggressive behaviour in any of the 35 test situations (highest scale valuation reached 1). A further 201 dogs displayed visual or acoustic threats in one or more situations (highest scale value reached 2). Only twelve dogs showed a maximum scale value of 3 (snapping with stationary body) and 4 (snapping with incomplete approaching; six dogs). In 37 dogs, the highest value reached was 5 (biting or attacking, preceded by threatening behaviour). One animal responded with the behaviour of scale 6 (biting not preceded by threatening behaviour) and no animal with 7 (calming down more than 10 minutes later, after escalation).

According to the evaluation system, 395 of the tested dogs reacted appropriately for the situation. Consequently, for this 95% of the 415 dogs, no indication of a disposition for disturbed or inadequate aggressive behaviour could be found. In 19 dogs, inadequate aggressive behaviour, and in 1 dog disturbed aggressive behaviour was established (a total of 5%). Characteristic for the situations in which these 20 dogs demonstrated such behaviour were unusual, fast or abrupt movements.' (MITTMANN 2002, pp 99)

Mittmann concluded from this, that the results showed no visible variations in behaviour. Thus there was **no basis** to include the tested breeds in Categories 1 or 2, nor to justify legal differentiation in their treatment.

If one compares the behaviour of the individual Bull and Terrier breeds, the Bull Terrier shows a significant deviation from the average. 63% of the Bull Terriers showed **no** aggression whatsoever (scale value 1) and 33% showed scale value 2 at the highest, none showed scale values 3 and 4 and 4% showed scale value 5. No Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier reached scale values 6 or 7.

THE DOG-DOG ENVIRONMENT.

Andrea Boettjer, in her dissertation 'Intraspecific Aggressive Behaviour of 5 Breeds of Dogs and the Pit Bull Type During the Temperamental Testing According to the Guidelines of the Dangerous Animals Act of Lower Saxony, Germany (GefTVO) of 05.07 2000' (TiH Hanover 2003, henceforth cited as BOETTJER 2003) investigated the question of how those breeds investigated by Mittmann reacted in the dog-dog environment.

347 dogs were tested and the results were recorded in a scale system and statistically analysed. As with Mittmann's experiment, it was designed to establish if there were any obvious breed-specific differences in aggressive behaviour in the test situations.

The results:

'Only 3,75% of the dogs showed inadequate – and therefore dangerous – aggressive behaviour towards other dogs (...) The assessment of these breeds and those of the Pit Bull type did not show a significant difference between the single breeds and types. Individuals of any breed / type were found among those displaying inadequate aggressive behaviour. The results of this study proved that the assumption of a difference in dangerousness between the categories of the GefTVO and between the Terrier and non-Terrier breeds (Dangerous Dogs Act (BMVEL 2001), Dogs Act of Lower Saxony) is not justified.' (BOETTJER 2003 p 256).

Apart from this, it was established that: 'Notably, disorders in aggressive behaviour were not registered within the Staffordshire Bull Terrier breed.' (ibidem)

COMPARISON WITH THE GOLDEN RETRIEVER.

In a third series of tests the question as to whether there were any differences in the test-performance of the dogs on the list and dogs not on the list. Tina Johann's dissertation: 'Assessment of the Behaviour of Golden Retrievers in Comparison to the Behaviour of Dogs Considered Dangerous According to the Dangerous Animals Act of Lower Saxony, Germany (GefTVO) of 5 July 2000'. (TiH Hanover 2004, henceforth cited as JOHANN 2004) investigated the reactions (to the tests) of one of the most popular breeds of dogs, least suspected of aggressive behaviour.

Johann tested 70 Golden Retrievers according to the methods used by MITTMANN 2002. The results were comparable with MITTMANN 2002 and BOETTJER 2003.

According to the analysis of the test results, 98,6% reacted in an acceptable manner. Only one dog (1,4%) showed inadequate aggressive behaviour.

Thus no significant differences between the reactions of the dogs on the lists tested by MITTMANN (2002) and the control group of Golden Retrievers could be established.

In her resume, Johann wrote: 'The results show that it is neither legitimate to discriminate against certain breeds, nor to submit them to the rules and regulations of the so-called Breed Lists. Instead, a competent, specifically educated and responsible dog owner should be supported in our society, since this is an effective way to prevent behavioural problems in household dogs.' (JOHANN, p 80).

THE CASE OF AGGRESSIVE BREEDING LINES.

The 'Gutachten zur Auslegung von § 11b des Tierschutzgesetzes – Verbot von Qualzuechtungen' (Legal Judgement to the Interpretation of Paragraph 11b of the Protection of Animals Act – Prevention of Cruel Breeding) of 2.6.1999 of the Federal Ministry of Nutrition, Agriculture and Forestry, in Bonn, the hypertrophy of aggressive behaviour was defined as: 'excessive tendencies of aggression and fighting, that are easily aroused and are biologically neither appropriate nor desirable.' Then follows the fateful sentence: 'This can basically occur in many breeds or breeding lines, but is especially prevalent in certain breeding lines of the Bull Terrier, American Staffordshire Terrier and Pit Bull Terrier.'

Although the so-called 'fighting dog' breeds **do not** figure in the statistics of biting and **no** scientific proof of such increased aggression could be proven, this sentence was used as the cornerstone of the Fighting Dog Laws and Regulations. The Administrative Courts did not doubt the legitimacy of this statement and made their decisions in favour of the plaintiffs.

The validity of this Legal Judgement was first examined by the Federal Ministry in Jennifer Hirschfeld's dissertation 'Assessment of a Bull Terrier Breed Line Regarding the Possible Occurrence of Hypertrophic Aggressive Behaviour' (TiH Hanover 2005), henceforth referred to as HIRSCHFELD 2005.

This vet examined 38 Bull Terriers for the evidence of inadequate or perverted aggression, or hypertrophic aggressive behaviour. These dogs came from the stud-line 'The Joker' of the well-known Bull Terrier breeder Rudi Dettmar.

In her summary, Hirschfeld wrote: 'The test results of their behaviour towards human beings and the environment were compared to those of 415 dogs affected by the Dangerous Animals Act mentioned above (MITTMANN 2002) and those of 70 Golden Retrievers (JOHANN 2004). Furthermore, the results of their behaviour towards other dogs during the test were also compared to those of 347 dogs subjected to the Dangerous Animals Act (BOETTJER 2003).

It was investigated whether there were indications of significant differences in the occurrence of inadequate or disturbed aggressive behaviour, when comparing the dogs surveyed by MITTMANN (2002) and JOHANN (2004) and the 38 tested Bull Terriers. The comparison of the results of BOETTJER (2003) was aimed at exposing a possible significant accumulation of intraspecific aggressive behaviour. A more detailed examination of the intraspecific behaviour was carried out additionally to show whether these dogs are able to form a balanced and stable intraspecific group on their own.

Out of the 38 Bull Terriers, ten showed no aggressive behaviour at all towards humans and the environment. A further 27 dogs displayed only visual or acoustic threats at most.

There was only one dog who reacted by 'biting or attacking, preceded by threatening behaviour' during the test. Thus, according to the test guidelines, 37 dogs (97,37%) reacted appropriately in all situations throughout this part of the test. Only a single dog (2,63%) displayed inadequate aggressive behaviour. No significant difference could be found when comparing inadequate aggressive behaviour of the Bull Terriers and inadequate and/or disturbed aggressive behaviour of the dogs of the two other studies in regard to the behaviour towards humans and the environment.

During the introspective part of the test, 25 (65,79%) of the 38 Bull Terriers showed zero aggressive behaviour towards other dogs. 'Stationary threatening behaviour' was displayed by 9 dogs (23,68%). A further four dogs (10,53%) responded with 'non-stationary threatening behaviour', i.e. threatening behaviour with forward tendency.

Therefore, each and every Bull Terrier reacted appropriately in every situation during this part of the test. There was no significant difference when comparing the dogs examined by BOETTJER (2003) In conclusion, there were no indications found for inadequate or disturbed aggressive behaviour in this Bull Terrier breed line. Furthermore, throughout the entire study, the broad majority of the dogs proved to have excellent social skills as well as the ability to communicate competently and to solve conflicts appropriately.'

It was precisely this last sentence which contradicts a popular (German) myth, namely, that a so-called 'fighting dog' cannot get on with other dogs.

CONCLUSION.

Following the change of government brought about by the state parliamentary elections of 2004 in Lower Saxony, the new, CDU (Conservative) government at once altered the Dangerous Animals Act. The Breeds List was cancelled. It is not known if this decision was influenced by the results of the above-quoted research studies. Up to now, these (studies) have been ignored by the governments and administrative courts of the other 13 Federal States, who still have the so-called Fighting Dogs Laws. Politicians and lawyers do not like admitting their mistakes.

Paragraph 11b of the Animal Protection Laws has been struck out completely, possibly as a result of these studies.

One thing is sure: for the first time, comprehensive scientific knowledge (of this topic) now exists, thanks to the work of the School of Veterinary Medicine, Hanover, led by Professor

Doctor Hackbarth. This proves what we 'fighting dog' owners have always known, namely that the so-called 'fighting dogs' are **completely normal** dogs. It is others who are disturbed.

¹ – Even in the court case against 'The Law to Combat Dangerous Dogs' in the supreme German court, the Federal Constitutional Court, a representative of the federal government repeated the old myth, that three-week old Bull Terrier pups would tear one another to pieces in the litter.

² – These complete dissertations may be seen and downloaded on the internet site www.tierschutzzentrum.de.

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