

The response reproduced below was submitted to the consultation held by the Nuffield Council on Bioethics on the ethics of research involving animals during October-December 2003. The views expressed are solely those of the respondent(s) and not those of the Council.

Anonymous #23

I have just read with interest your consultation paper on the ethics of research involving animals. Following are several reactions.

1. I was a bit concerned about the membership of the Working Party. Of the 18 members, five (Boyd, Combes, Jennings, Clark, and Thew) appear from their professional affiliation to be strong advocates for animals. Quite a few others represent organizations that have vested interests in animal research. What most concerned me was that there was not a single philosopher-ethicist who is known for his or her contributions to animal ethics. Although Wolff is a philosopher, he has not, to my knowledge, contributed to this particular literature. In an area--such as this one--where there is a great likelihood of widespread bias (in this case, pro-human and anti-animal) that tends to support the status quo, there is no substitute for the sort of sustained, critical questioning that professional philosophers offer. But, like everyone else, philosophers are perfectly capable of the sort of bias in question, so it is especially important to have a few who are very well-versed and well-respected in this area—such as Mary Midgley and Rosemary Rodd from your country. The absence from the Working Group of philosophers active in animal ethics raises questions about the quality and thoroughness of the ethical discussions that took place.
2. Under section 3, “Alternatives,” one reads: “By law in the UK, animals can only be used for research if there is no other way of obtaining the information” (p. 17). On the bottom of the same page, one reads: “Currently, very little Government funding is directed towards research specifically focused on the development of alternatives.” If research on alternatives is not meaningfully supported by the government, how is it possible to follow the law mentioned in the first quotation? How can an investigator know whether there is an alternative way of obtaining the relevant information if the study of alternatives is so poorly funded? The reader should be made aware that the law and the level of government funding are not mutually supportive.
3. “The question ‘what is the moral status of an animal?’ can be rephrased to ask ‘How important or how valuable is an animal?’” (p. 19). This is not an accurate rephrasing. Moral status concerns the *inherent* value or importance of an animal. (More technically, moral status concerns the degree to which an animal’s interests

matter, independently of their importance to human interests.) Your rephrasing permits the question of moral status to be confused with the distinct question of the *instrumental* value of an animal.

4. "... applying the language of rights to animals is controversial...", (p. 19). So is applying the language of rights to human beings, as any ethical theorist will tell you. It is also worth noting that there are several distinct senses of the term 'animal rights': the moral-status sense, the equal-consideration sense, and the utility-trumping sense. I suspect that nearly everyone on your working party will agree that animals have rights in the more modest moral-status sense, once they are clear that it simply means that animals have some moral status.
5. "However, it is difficult to know how animals experience pain or suffering. It may be difficult to transfer human concepts and emotions, such as pain, distress, fear, happiness or affection to animals. Even if we can demonstrate that animals have similar brain activity as humans, does this actually mean they experience pain, harm or suffering in the same way as humans," (p. 19). I believe that this is by far the weakest passage in the report. It appeals to ignorance where, given the current state of empirical and philosophical investigation, ignorance is inexcusable. Moreover, the rhetorical question encourages skepticism without noting what is already empirically well-established about the mental life of animals. The overall effect is obfuscation of a sort that was more the state of the art in the middle of the 20th century. For those who don't know the relevant overviews in the literature, I recommend Rollin, *The Unheeded Cry*; Smith and Boyd, *Lives in the Balance*; Rodd, *Ethics, Biology, and Animals*;

. I understand

that David Morton has also done good work in this area although I have not read it. Andrew Rowan is another good resource.
6. "... there is a strict ban on research using the Great Apes, whatever the benefits...", (p. 20). I was unaware of that and am impressed by how progressive some British regulations are in comparison with American regulations. I am also pleased to see that the UK's protected animals include *all* of those for which (for whom?) a convincing case has already been made that they are sentient, that is, capable of having at least some feelings: the vertebrates and octopi (p. 21).
7. "However, in most cases, the regulations focus on the idea of balance, weighing up the costs and the benefits to decide whether the research can be justified," (p. 20). Presumably, the costs to animals count in a cost/benefit analysis. But it's logically impossible to carry out a cost/benefit analysis without determining *how much* the interests of those affected should count. So, when we consider a type of cost that both humans and animals are capable of bearing, such as the experience of suffering, do they count the same? If not, what is the justification for counting animals' interests less—and how can this be done without begging the question

against the growing ranks of people involved in this area who believe that the comparable interests of humans and animals are equally important? On the other hand, if the comparable costs (and benefits) to humans and animals are counted equally—as required, for example, by utilitarianism, in which such impartiality is a defining feature of the theory—rather little animal research will survive the cost/benefit analysis. Intellectual honesty would seem to require the report to confront this issue directly.

8. It is mentioned that project licenses are granted only if benefits are deemed greater than costs (p. 21). I wonder how many investigators are aware of how problematic this directive is, as just explained in point 7.
9. "... the reporting tends to go for 'shock value' and, on the whole, presents the negative side [of animal research]," (p. 23). That may be true in the UK. On the other hand, biomedicine routinely presents only the positive side of animal research. Their representatives do not tell the public about the worst abuses of animals, the most harmful procedures, the many harmful uses of animals that produce no benefit, or the most trivial purposes for which research is sometimes conducted. If you really seek balance, then mention biomedicine's one-sidedness. (For an article that tries to find maximal common ground between the animal protection movement and biomedicine, ...)
10. You have listed several helpful websites under "Further sources of information" (p. 24). But the list of books does not give the reader any real sense of the current ethics literature. Singer and Carruthers belong on the list (although almost everyone agrees that the main claims of Carruthers' book are highly implausible). The book by Cohen and Regan is not very good. Meanwhile, you haven't listed most of the leading literature, including books by Bernard Rollin, Tom Regan (his earlier one), Mary Midgely, Rosemary Rodd, Evelyn Pluhar, and S. F. Sapontzis. And there is much, much more; the literature has really blossomed since Singer's book. The reader deserves to be better informed. As it is, your suggested reading list reinforces concerns about the level of ethical expertise of the Working Party.