

TEXT SUPPLEMENT (Ch 1): Animal Rights

The use of animals as experimental subjects is discussed in chapter 1. What follows is more of a philosophical exploration into the subject of animal rights.

The argument to restrict basic rights to humans only center on the premises that our rights derive from our ability to make moral decisions, to distinguish right from wrong, or to enter into contractual agreements. According to Rollin, animals are worthy of moral consideration because they have interests, ‘needs that matter’ to the animals. Rollin argues that any living thing with interests deserves to be treated as an end in itself. Rollin does not maintain that animals’ rights are always overriding. He says that animals’ competing interests must be calculated in cost–benefit terms, basing his ethic on what he calls the “utilitarian principle:” the benefit to humans must outweigh the costs in pain and suffering to the animals (1992, p. 96). He qualifies this, however, with a “rights principle:” animals should be treated so as to maximize their ability to realize their ‘nature’ or ‘telos’ (their ‘goal’ in life), and the animal’s fundamental rights, including the right to live, should be preserved as far as possible, regardless of cost.

Legal rights have generally been understood as a “protection for the individual against the general welfare” (Rollin, 1992, p. 115), but such rights have generally been denied to animals in most written legal traditions. The “right” to moral consideration is but one of a series of rights that Rollin wishes to extend to animals. Most basic among these rights is the right to live, and Rollin observes that our consistent recognition of this right would lead us to give up animal foods altogether and adopt vegetarianism (Rollin, 1992, pp. 84–85). An equally obvious logical consequence of this attitude, as we mentioned above, would drive us all to vegetarianism. One argument in this direction is that our kindness towards animals makes us (at least on the average) into better people. The other side of this same argument is that people who beat and torture animals are thereby more likely to act similarly toward other people. Surely, kindness to animals (and to others with less power than ourselves) instills a potent lesson for future generations to follow. Would you rather that children were made to witness kindness to animals or cruelty to animals? The argument, you will notice, turns on the effect that it has on the children, not on the animals. Our obligation to mini-

mize the suffering of animals arises in large measure from the examples we wish to set for other people, not from the assumption that animals have ‘rights.’ The preceding argument, or variants of it, can be found in the writings of many philosophers and theologians, including Immanuel Kant and St. Thomas Aquinas.

Speciesism

Granting moral standing to animals is not the same as granting them *equal* moral standing. Some animal rights advocates equate the value of an animal life with the value of a human life. If we follow this attitude to its logical conclusion, then testing a new drug or some other substance on animals is no different ethically from testing it on human volunteers. Animal rights advocate Peter Singer coined the term *speciesism* (intentionally parallel to terms like *racism* and *sexism*) to refer to the attitude that humans are fundamentally different from all other species in ethical standing. Various reasons have been given to justify the distinction between humans and other species: only humans understand right and wrong; only humans are ‘rational’; only humans can speak; only humans can enter into legal or moral contracts; and so on. Animal rights advocates have challenged these distinctions by citing exceptions—for example, animals that can reason well enough to solve difficult puzzles, apes that communicate using sign language, and infants and comatose patients who do not use any language. Finally, Singer and his supporters simply argue that none of these distinctions between humans and other species are relevant in moral arguments, and that animals deserve equal moral consideration with humans. A logical extension of this form of reasoning would cause us to consider meat eating as the moral equivalent of cannibalism.

Human moral claims

Philosopher Carl Cohen proclaims that he believes in speciesism and is proud to assert that animals have no rights. Rights, he argues, can only arise from *claims* or from potential claims: my right to hold you to the terms of a mutual agreement arises from the fact that I can make a claim against you under the agreement. My right to walk the streets without being attacked arises from my possibility of making an accusation against my attacker. We can

extend these rights to infants, comatose patients, and people unable to make claims for themselves because they are human, and we can thus assume that they have had in the past, or will have in the future, the ability to make moral claims and moral judgements. However, none of this applies to animals because they lack the capacity, no matter what the hypothetical circumstances, to make moral claims or judgements. In Cohen's view, animals have no moral standing because they have no concept of right and wrong and cannot be held responsible for their actions. We could not grant 'rights' to gazelles unless we were prepared to criminally prosecute lions and other predators who chase them down, kill them, and eat them. If animal predators like lions and wolves are not prosecuted, this indicates that their prey have no recognized rights, not even the right to life itself. Humans are predators too, and almost every society on Earth recognizes that the killing of animals for food is a permissible and not an immoral act. Most traditional philosophers, from St. Augustine to Kant, recognize the special moral status of humans as distinct from animals.

Current debates regarding experimental animals

Some animal rights activists wish to stop all experimentation using animals because they consider the rights of animals to be equal to the rights of humans. Milder reforms include reduction in the number of animals used, refinement of experiments to get maximum information from the use of animals, and replacement of animal testing by other forms of testing wherever possible.

One area in which animals generally *have* been given legal and moral consideration is in freedom from whatever society regards as *cruelty*. Most legislation regarding animal welfare has been directed toward the prevention of cruelty, but criteria as to what constitutes cruelty vary from one society to another. In most cases, they are vaguely defined, and even legal criteria regarding cruelty to animals are frequently vague. Rollin uses this fact to argue that anti-cruelty laws are generally weak or inadequate in safeguarding the rights of animals. Carl Cohen argues that, even if animals do not have rights, we still have a *responsibility* for those animals in our care, to treat them humanely and to minimize their suffering. In this section, we provide background material for ethical debates in three specific areas: toxicology testing, drug testing, and cosmetic testing.

Toxicology testing

Thanks in part to the animal rights movement, certain forms of testing on animals are frequently criticized and no longer receive the automatic support of the informed public. One of these is the lethal dose (LD₅₀) test. In a lethal dose test, animals are exposed to varying doses of a substance. From these data, scientists calculate the amount that would kill half of the animal subjects to which it was administered; this amount is called the 50% lethal dose, or LD₅₀. As several animal rights advocates have pointed out, this number tells us very little by itself, making the use of experimental animals to determine its value uninformative and therefore wasteful. In particular, knowledge of the LD₅₀ tells us very little if anything about the effects of chronic low levels of exposure, which is what most human consumers will eventually experience if they come in contact with the test substance. A cost-benefit approach must try to specify what otherwise unobtainable benefit to society will result from the knowledge of LD₅₀ for a particular substance. Only if such a benefit can be identified, and only if it can be judged to be more important than the lives of the animals that die and the suffering of those that do not die, can the use of the LD₅₀ test be justified from a cost-benefit standpoint. Some people would argue that people's needs outweigh animals' rights to avoid death and suffering. Can other tests, using bacteria or laboratory-grown human cells, provide the same answers as the LD₅₀ test? We would then need to extend the above argument and ask if people's needs outweigh the rights of the bacteria used in alternative tests.

Drug testing

New drugs are being tested each year, and most of these tests use experimental animals. In fact, a good deal of the expense involved in bringing a new drug to market is the cost of animal testing. In addition to the lives of the animals, the costs of the experimental testing of new drugs include the salaries of the experimenters and animal handlers. On the other side of the cost-benefit equation are the human lives saved or symptoms relieved. If the drug is successful, its benefits may continue far into the future.

Of all the types of experiments to which animals are subjected, none are as often justified in the eyes of the public as the testing of medicines intended for human use. In fact, a pharmaceutical company would be considered remiss if it marketed a new drug without first testing it on animals. In many

countries, including the United States, animal testing is required by law before a new drug can be brought to market. If a drug causes adverse effects in even a small fraction of humans who use it, then failure of the drug company to test the drug adequately in animals could be used against them in a very expensive law suit.

Those people who value human life above the lives of animals are only being consistent when they insist that drugs or new procedures be tested on animals first before they are used on humans. Some animal rights advocates, such as Ingrid Newkirk of PETA, have adopted the viewpoint that a human life is no more valuable than an animal life, or, in her words, “a rat is a pig is a dog is a boy.” A direct logical consequence of this viewpoint is that the pain and suffering of animals can no more be justified than an equivalent amount of pain and suffering for a human subject. On this issue, as on many others, the cost–benefit equation can come out differently according to the relative values placed on the lives of humans and the lives of nonhuman animals.

Cosmetic testing

One test that animal rights advocates have frequently criticized is the Draize test. In a Draize test, cosmetics or other chemical substances are sprayed into the eyes of rabbits in an attempt to assess the irritation caused to the cornea. If the substance sprayed causes corneal damage, blindness frequently results. Dozens of rabbits were used in the testing of each new cosmetic formula or fragrance. Does the cost–benefit ratio for the testing of cosmetics differ from the ratio for the testing of new medicines? On the benefit side, profits and employment will accrue in either case. Possible benefits to society from cosmetics include the availability of one more perfume or hair spray, which many people may not consider to be as important as the benefits of new medicines. The human risk associated with the use of an untested cosmetic is usually much less than in the case of an untested medicine. In addi-

tion, Draize tests are often used to test new *batches* of an already tested cosmetic rather than in basic research on new chemicals, leading many people to regard the potential benefits of such tests as extremely low. As with drug testing, the availability of any alternative testing mechanisms, such as bacteria or laboratory-grown human cells (called ‘tissue culture’), also enters the cost–benefit analysis. In addition, allergy testing could conceivably be done with human subjects, since the cosmetic is only applied externally, and any allergic response is temporary and does not produce serious illness.

Reduction, refinement, and replacement

Attempts to improve the status of animals in research include seeking to prevent animal abuse and neglect and to minimize pain and suffering. Most current legislation deals with the prevention of abuse and neglect by setting minimum standards for housing and care. For example, the U.S. Animal Welfare Act sets standards for the housing of various species (including minimum cage sizes and similar details); the provision of adequate food, water, and sanitation; and such other matters as ventilation, protection from temperature extremes, veterinary care, and the use of anesthetics, painkillers, and tranquilizers whenever it is appropriate.

Animal rights groups have advocated what are known as the three R’s: reduction, refinement, and replacement. *Reduction* would mean using methods that require fewer animals; such measures would also in most cases reduce costs. *Refinement* would mean using methods that get more information from a given amount of experimentation. Among other refinement measures, researchers should always make sure they are not repeating earlier work. *Replacement* would mean using tissue culture and other *in vitro* methods (tests in laboratory glassware) in preference to whole animals, or avoiding the use of animals entirely wherever this can be done without compromising experimental goals.