MAJOR PHILOSOPHICAL ARGUMENTS

A. INTRODUCTION

A wide variety of philosophies have been held by people arguing for and against the use of animals in biomedical research. Until recently, however, it was rare for these philosophies to be developed into sophisticated and coherent arguments but this has changed dramatically. More has been written in the past twenty years on the moral status of animals than in the previous two thousand years. Research scientists usually argue in favor of animal research by appealing to its utility. Opponents of animal research can be divided into two broad philosophical traditions - utilitarian (consequentialist) and rights-based (deontological).

B. UTILITARIANISM

Utilitarianism weighs the consequences of all those affected by a particular action and recommends those choices which best satisfy the preferences of those affected and has the least harmful effect upon them (the greatest good for the greatest number). One weighs the merits of a particular action by its consequences so utilitarianism is a consequentialist approach.

Research scientists argue that animal research produces considerable human and animal benefit at a relatively modest cost in animal pain and distress. Thus, one finds many justifications that point to the triumphs of the discovery of insulin, the development of the polio vaccine (or, in the case of, say dogs, the distemper vaccine) and the development of modern surgery and organ transplantation. At the same time, the research community is at pains to point out that anesthesia and analgesia are used wherever possible and that research animals experience relatively little pain or distress.

"The day may come, when the rest of the animal creation may acquire those rights which never could have been withheld from them but by the hand of tyranny... It may come one day to be recognized, that the number of legs, the villosity of the skin, or the termination of the os sacrum, are reasons... insufficient for abandoning a sensitive being... What else is it that should trace insuperable line? Is it the faculty of reason, or perhaps the faculty of discourse? But a full grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month old. But suppose the case were otherwise, what would it avail? The question is not Can they reason? Nor Can they talk? but Can they suffer?"

(Jeremy Bentham, 1748-1831)
(Bentham reprint, 1962)
By contrast, one of the intellectual founders of the modern animal movement, philosopher Peter Singer, employs utilitarian arguments to condemn most animal research because he perceives it as producing great animal suffering for relatively trivial human and animal benefit. When Singer extends utilitarianism to animals, he is placing great weight on the idea that animals experience suffering that is very similar to human suffering and so should be given equal weight in the moral calculus. (It is important to note that Singer is not arguing that animals and humans should be accorded equal treatment, just that their interests [where they are the same] should be given equal consideration.)

There are direct conflicts between the utilitarian arguments of the scientists and those of Peter Singer. For example, are the benefits of animal research trivial or considerable? Do animals suffer considerable pain and distress in research? These conflicts have never been adequately addressed. It has proved much easier for both sides to develop caricatures of their opponents and their opponents' arguments and then to refute those "straw men." For example, most scientific responses to Singer have been intent on proving that he promotes animal rights and that he harbors a "hidden agenda" of wanting to eliminate all animal research. As a utilitarian, Singer is opposed to "rights" language and he has to be open to the possibility that some animal research may produce more benefit than harm.

It should be possible to generate a more productive discussion of the differences between the "permissive" and "restrictive" utilitarian views of research scientists and Singer and his supporters, and, perhaps, even develop some constructive middle ground that could serve as the basis for reasonable public policy initiatives.

C. A QUESTION OF "RIGHTS"

One of the most frequently debated issues re-
garding research animals is the concept of “animal rights.” Can nonhuman animals have inherent rights? Carl Cohen (1986), who defends the use of animals in research, states that a right, including a moral right, is a claim or potential claim that one party may exercise against another. He argues that rights entail obligations, and it is assumed that the holders of rights have the capacity to comprehend the obligations and rules that come with rights.

His analysis concludes that animals cannot have rights because they do not possess the capacity for moral judgement or having duties and obligations, cannot comprehend the rules that accompany rights, and therefore are incapable of exercising or responding to moral claims. However, his approach runs into problems with so-called marginal humans such as infants, the senile, comatose, and the mentally retarded who are granted rights even though they are also, like animals, unable to comprehend rules and obligations. Cohen merely asserts, without argument, that all humans should be accorded the same rights.

The assertion that animals should also be accorded rights, or at least the right not to be used merely as a means to an end, is another major thread in criticism of animal research by animal rights activists. The leading exposition of this position is by philosopher Tom Regan. According to Regan, any animal that is capable of having beliefs and desires (Regan considers all adult mammals as having this capacity) should be accorded the right not to be used as a means to an end. The critical point about rights-based arguments is that, while rights can be over-ridden by weightier rights, they cannot be abrogated merely because it would be useful to do so. There are weak points in Regan’s arguments (see Donnelly and Nolan, 1990) but public discussion of animal rights rarely reaches the level of sophistication necessary to address those weaknesses.

In fact, the term “animal rights” is much abused
and misused in the debate over animal research and animal use. In general, rights terminology is found in four different arenas of public discourse: common parlance, the political arena, the legal arena and in philosophical argument. The different nuances of meaning and varied uses of the term “animal rights” cause much confusion.

In common parlance, it is clear that the public uses the claim that animals have “rights” simply to mean that humans have some duty to consider animal welfare. In a 1989 survey, 80% of a sampling of the American public agreed that animals have rights. However, 85% of the same sample agreed that animals may be killed and eaten by humans. Clearly, the public view of the “rights” that animals have do not protect animals from being killed for food.

In the political arena, “rights” terminology has a powerful resonance in American society. “Rights” claims are advanced by many groups who see themselves or their clients as disenfranchised. The animal groups have adopted “rights” language in part because it is such an important political catch phrase. In this area, a campaign for animal “rights” may mean as little as a campaign for better regulation of animal research to reduce animal pain. Conversely, it may also include a call for the total abolition of all uses of animals.

Philosophically, “rights” terminology has a very particular meaning. A claim that animals have rights in philosophical terms means that animals have some inherent worth independent of the value we humans place on them (Tannenbaum, 1989, p. 105). Regan argues that animals have the right to be left alone by humans and should not be used for food or research. However, one can hold that animals have some (lesser) rights that can be over-ridden by some (greater) human rights without endorsing Regan’s very restrictive view. The debate over animal rights has now become a confusing mix of misunderstood concepts and caricatured
arguments. It will not be possible to regain a constructive public policy until advocates are forced to define their terms and to be more precise with their arguments.

In the legal arena, animals may be considered to have some "rights" that are protected by law (e.g. protection from cruel treatment and in some states, neglect). However, for the most part animals are considered to be property and, therefore, would not have any rights. Their owners would have their property rights in the animal protected.