

Science and Society: Different Bioethical Approaches towards Animal Experimentation*

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Summary

The use of live animals for experiments plays an important role in many forms of research. This gives rise to an ethical dilemma. On the one hand, most of the animals used are sentient beings who may be harmed by the experiments. The research, on the other hand, may be vital for preventing, curing or alleviating human diseases.

There is no consensus on how to tackle this dilemma. One extreme is the view taken by adherents of the so-called animal rights view. According to this view, we are never justified in harming animals for human purposes – however vital these purposes may be. The other extreme is the ruthless view, according to which animals are there to be used at our discretion. However, most people have a view situated somewhere between these two extremes. It is accepted that animals may be used for research – contrary to the animal rights view. However, contrary to the ruthless view, that is only accepted under certain conditions.

The aim of this presentation is to present different ethical views which may serve as a foundation for specifying the circumstances under which it is acceptable to use animals for research.

Three views serving this role are contractarianism, utilitarianism and a deontological approach. According to contractarianism, the key ethical issue is concern for the sentiments of other

Zusammenfassung

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In vielen Forschungsbereichen spielt der Einsatz von Tieren in Versuchen eine wichtige Rolle. Dies führt zu einem ethischen Dilemma. Auf der einen Seite handelt es sich bei den eingesetzten Tieren um empfindende Wesen, die durch die Experimente Schaden nehmen können. Die Forschung andererseits kann für die Prävention, Heilung und Linderung von Krankheiten lebenswichtig sein.

Es besteht kein Konsens darüber, wie diesem Dilemma entgegengegangen werden könnte. Einen extremen Standpunkt nehmen die Anhänger der Tierrechtsbewegung ein. Sie lehnen eine Schädigung von Tieren zum Wohle des Menschen in jedem Fall ab. Als genau so extrem erweist sich die erbarmungslose Position, welche vertritt, dass Tiere nach unserem Belieben in Versuchen eingesetzt werden können.

Die meisten Menschen nehmen eine Position zwischen diesen zwei Extremen ein. Der Einsatz von Tieren in der Forschung wird zwar akzeptiert, aber nur unter bestimmten Bedingungen. In dieser Arbeit sollen verschiedene ethische Sichtweisen vorgestellt werden, welche als Grundlage für die Beschreibung derjenigen Umstände dienen sollen, unter welchen der Einsatz von Tieren in der Forschung akzeptiert werden kann.

Dieses sind gewisse Formen eines Sozialvertrags (contractari-

human beings in society, on whose co-operation those responsible for research depend. Thus it is acceptable to use animals as long as most people can see the point of the experiment and are not offended by the way it is done. According to utilitarianism, the key ethical issue is about the consequences for humans and animals. Thus it is justified to use animals for research if enough good comes out of it in terms of preventing suffering and creating happiness, and if there is no better alternative. In the deontological approach the *prima facie* duty of beneficence towards human beings has to be weighed against the *prima facie* duties not to harm animals and to respect their integrity. By weighing these *prima facie* duties, the moral problem of animal experimentation exists in finding which duty actually has to be considered as the decisive duty.

It will be argued that these three views, even though they will all justify animal experimentation to some extent, will do so in practice under different conditions. Many current conflicts regarding the use of animals for research may be better understood in light of the conflict between the three bioethical perspectives provided by these views.

anism), der Utilitarismus sowie ein deontologischer Ansatz. Nach dem Sozialvertrag spielt die Berücksichtigung der Gefühle anderer Menschen eine Schlüsselrolle, von deren Kooperation die Verantwortlichen für die Forschung abhängig sind. So ist es akzeptabel Tiere zu verwenden, solange die meisten Menschen den Zweck einsehen und von der Art der Experimente nicht abgestossen werden. Gemäss dem Utilitarismus ergibt sich die ethische Schlüsselfrage aus den Konsequenzen für Mensch und Tier. Daher werden Tierversuche akzeptiert, solange Leiden verhindert und Glück geschaffen werden kann und keine bessere Alternative vorhanden ist. Beim deontologischen Ansatz muss die Verpflichtung, dem menschlichen Wohl zu genügen, gegenüber derjenigen Verpflichtung abgewogen werden, Tiere nicht zu schädigen und deren Integrität zu respektieren. Beim Abwägen dieser Verpflichtungen liegt das moralische Problem von Tierversuchen darin herauszufinden, welche Verpflichtung effektiv als die Entscheidende angesehen werden muss.

Es wird diskutiert, dass diese drei Sichtweisen, obwohl sie alle zum Teil Tierversuche rechtfertigen, dies in der Praxis unter verschiedenen Bedingungen tun. Viele bestehende Konflikte bezüglich des Einsatzes von Tieren in der Forschung können angesichts des Konflikts zwischen diesen drei ethischen Perspektiven besser verstanden werden.

Keywords: animal experimentation, bioethical perspectives, contractarianism, utilitarianism, deontological approach

1 Introduction

The use of live animals for experiments plays an important role in many forms of research. This gives rise to an ethical dilemma. On the one hand, most of the animals used are sentient beings that may be harmed by the experiments. The research, on the other hand, may be vital for preventing, curing or alleviating human diseases. There is no consensus on how to tackle this dilemma. One extreme is the view taken by adherents of the so-called animal rights view. According to this view, we are never justified in harming animals for human purposes – however vital these purposes may be. The other extreme is the ruthless view, according to which animals are there to be used at our discretion. However, most people have a view situated somewhere between these two extremes. It is accept-

ed that animals may be used for research – contrary to the animal rights view. However, contrary to the ruthless view, that is only accepted under certain conditions. The aim of this paper is to present different ethical views, which may serve as a foundation for specifying the circumstances under which it is acceptable to use animals for research.

Therefore I will start with the presentation of certain theoretical approaches to the problem. Since my aim is to specify the circumstances under which it is acceptable to use animals for research, I confine myself to the ethical views that allow animal experimentation under certain conditions. In this paper I distinguish between: contractarianism, utilitarianism and deontological theories beyond utilitarianism.¹ I end my paper with a short ethical framework that could function as a common framework for

discussions on animal experimentation in the real world.

2 Contractarianism

The core message of contractarianism regarding animal experimentation is that animals are important because some humans think they are important.

In contractarianism, humanity is the scope of morality. This implies that morality is about the obligations humans have towards other humans. Morality is based upon a real or hypothetical contract between persons. Obligations follow from mutual agreement or from an agreement that people could have made as a basis for co-operation.

Animals enter into contractarianism, because some humans are fond of animals. These humans are against "infliction of suffering" on animals by anyone. Since morality is about relations between humans, animal experimentators have –

¹ I present deontological and virtue approaches as 'beyond utilitarianism' for educational purposes. I do not want to defend that these theories should be seen as reactions on utilitarianism. Cf. Beauchamp, 2001.

according to contractarianism – obligations towards these animal protectionists.

“We should look after animal welfare to satisfy the demands of the consumers”

“It is important that there is an open debate about the use of animals for research”

“As far as possible one should avoid using cats, dogs, monkeys and other sensitive species for research” (Examples in discussions)

Contractarianism has some strong points. It gives a convincing normative basis for obligations, because these obligations are based upon (real or pre-supposed) mutual agreement. The obligations hold, because if we had to decide together on these obligations, we would have to subscribe to them. In addition, since there is a strong normative basis, the contractarians’ arguments have a strong normative force.

However, as always with ethical theories, besides its strong points, contractarianism also has weak points. The first problem is that of scope: why obligations towards animal protectionists? Why should we agree on obligations based on feelings that not all people seem to have? One could defend that the basis of agreement is mutual respect, and that mutual respect implies accepting each other’s feelings. However, should our respect be limited to the feelings of those who are fond of animals? It seems that animal protection would be based upon sociological data regarding the number of people that are fond of animals. This, however, brings the normative force of ethical theory back to the counting of opinions. For that we need no ethical theory.

If we could overcome this point, a second question would arise: *can we take animal protectionists seriously without taking animals seriously?* Would it satisfy the norm of mutual respect not to harm animals ‘only because it hurts your feelings’? I think that the core idea of animal protection is not that people ask for animal protection because of their

own sensitivities, but because they have the moral opinion that harming animals is wrong. Maybe not an absolute wrong, but a wrong that requires justification and that needs discussion and that by convincing arguments might be justified under certain circumstances. Accepting a certain level of animal protection because of the feelings of animal protectionists does not address this claim. The practical consequences would be that we would only need to protect animals as far as animal protectionists knew about the animals’ suffering. This seems to me very problematic.

Animal protection in animal experimentation based on the idea that we only have obligations towards human beings cannot take animal protection seriously. Its basis for regulating animal experimentation is very limited, since it does not focus on the harm done to animals, but only on the people opposing this harm.

3 Utilitarianism

The core message of utilitarianism towards animal experimentation is that animals are morally relevant because animals can suffer.

Utilitarianism is a consequentialist theory: in order to discover which obligation one has, only the possible consequences of the different alternatives one has are relevant. Utilitarianism is directed at the future: one has the moral obligation in a certain situation to choose the act that gives the most happiness to all of those involved (compared with alternative acts). Utilitarianism is aggregative. Its goal is to maximise the total sum of happiness in the world. Moreover, utilitarianism is impartial: the same pain and happiness of every one counts equally in deciding which act will have the best consequences.

Concerning animal experimentation one can – in practice – distinguish between strict and broad utilitarianism.⁸ According to strict utilitarianism animals count equally as ‘marginal cases’, that is since the same pain and happiness of all

involved counts equally, the pain and happiness of animals counts as much as the pain and happiness of human beings who have a comparable mental life. For experimentation, this does not imply that utilitarians are in favour of human experimentation. They only ask the question: why do you think that this experiment is acceptable with an animal, if you think it would not be acceptable to do the same experiment with a human with a comparable mental life?⁹

Broad utilitarianism does not focus directly on this sensitive point. Broad utilitarians hold that we have the obligation towards animals to minimise suffering and to promote animal happiness. Without direct comparability, they hold that animals, like human beings, deserve moral concern.

“Animal research may be justified by its vital importance”

“Is there an alternative way that is better for the animals?”

“Would we be willing to do such experiment on human ‘marginal cases’?”

“Modern animal production is problematic because the negative effects on animal welfare are not counterbalanced” (Examples in discussions)

Utilitarianism has some strong points. The theory has a clear core: the foundation of human obligations lies in the suffering and well-being humans cause in sentient beings. The theory is consistent and – broad utilitarianism – is pragmatic: it allows progress through small steps. If we cannot take the alternative that, according to utilitarianism, is the best (due to practical problems), we still have the obligation to look for a second best solution. Making hands dirty by accepting a second best solution is – according to utilitarianism – better than keeping hands clean without a second best solution, if the consequences of the second best solution lead to an improvement in (animal) welfare.

Utilitarianism also has weak points. Firstly, it is often seen as too demanding.

⁸ Of course utilitarianism as an ethical theory is much more elaborate than I present here. This description only functions as a first picture of the theory.

⁹ Although I strongly disagree on this point with strict utilitarians. (See: Brom 1997, 109), I do think the question is relevant and brings us to one of the core problems of ethical theory.

We can always do more and there is always a better alternative to our actions that would create more welfare. The money one spends on a holiday could create more happiness in the world if it were used alternatively. The second weak point lies in human rights and ‘marginal cases’. The idea that protection from experimentation depends on the level of mental life is (often perceived as) an erosion of the human rights of the weak. Thirdly, not all values we experience are reducible to consequences. The value of friendship seems to be based on loyalty beyond (certain) negative consequences. The intentions and the trustworthiness of a friend are – for the friendship – often more important than the consequences of her acts. Finally, one can mention the problem of fair distribution of suffering: a theory that aggregates happiness and suffering can make no distinction between a little suffering of 20 animals and 20 times this suffering in one animal.

For the assessment of animal experimentation, utilitarianism implies that what matters in our dealings with animals is the extent to which we affect their well-being and – fitting into the consequentialist framework – adverse effects on the well-being of animals may be justified if it leads, all things considered, to more welfare. Alternatives without animal suffering or with less suffering are always better, and if suffering is brought upon an animal, justification based upon the welfare that will be created by the experiment is necessary first.

4 Beyond utilitarianism

The reason to go beyond utilitarianism in discussions on animal experimentation is that there is more to human-animal relations, than avoiding suffering and realising happiness.

There are three different ways – relevant to our discussion – to go beyond utilitarianism: the distribution problem can be discussed with the help of a (limited) notion of animal rights, the problem that there is more to life than happiness and suffering can be discussed with the help of the notion of animal integrity and the problem of intention and trustworthiness can be discussed

with the help of virtue ethics.

4.1 A (limited) notion of animal rights

When we look at harsh experiments involving severe suffering, the issue is not only the total sum of the consequences. The question whether we inflict this amount of suffering upon an animal for a greater goal needs to be discussed too. In general, one can say in ethics that there are some grounds of obligation that are independent of the production of good consequences. A common history, a special relationship (parent-child for instance), a promise, (human) rights, and so on create, according to deontologists, obligations that are not reducible to consequences. These grounds are (at least sometimes) sufficient to defeat appeals to consequences. For instance, we would not accept the killing of one person as a source of organs to save five others who would otherwise die, even if the consequences of this act (killing one and saving five) are better than the alternative (letting one live and letting five die). In defending this opinion, the idea of the ‘right to live’ would probably be used. Based on this, one can ask whether animals have (limited) rights. Behind this lies the idea that in animal experimentation severe suffering of individual animals cannot be justified by net outcome if the net outcome is the sum of a big amount of trivial information and small parts of happiness. Severe suffering can – according to this view – only be justified by very important goals.

4.2 Beyond welfare and suffering

As stated above, there are more values to be considered than happiness alone. For animal experimentation this implies that we should not focus only on diminishing suffering, but also on the animals’ integrity. Animal well-being is not confined to a mental state at a certain moment in time, but is realised over a lifetime. Therefore, we ought to be concerned about the animals feeling well during their whole lifetime. By placing animals in the sphere of their influence, humans deprive the animals of the opportunity to care for

themselves. Consequently, humans have a duty to ensure that the lives of the animals in their keeping are good: that they can flourish. If it is relevant to morality that animals strive for their well-being and that they can flourish, then there is good reason not to impair their physical or mental ability to realise their well-being and to flourish. Humans should abstain from this kind of interference.¹⁰ An example of this – outside animal experimentation – is fighting animal suffering in intensive animal husbandry by adapting the animals to the farm-industrial background (Blinding hens in order to keep them intensively without cannibalism). This goes against the duty of respect for the physical and mental integrity of animals. Respecting animal integrity does not fit into a utilitarian framework, and therefore goes beyond utilitarianism.

4.3 Intention and virtue

In assessing animal experiments, the morality and the intention of the experimentors is as important as the actual experiments. Moral assessments of persons are not only made based on their behaviour. When we judge a person to be responsible, it is because we trust her. Moreover, trust is given to someone for what she is. I think it is defensible that we should not give responsibility over vulnerable creatures to cynical researchers. They are not to be trusted. For the assessment of animal experimentation this implies that we should not focus on the experiments alone, but also on the person who does these experiments.

“Animal experimentation is wrong because it does not respect the (rights of the) animals involved”

“The problem is that our duties towards lab-animals conflict with our duties towards patients”

“Those who cause animal-suffering without any problem have lost their faculty of compassion”

Examples in discussions

When we go beyond utilitarianism, we are confronted with practical and theoret-

¹⁰ The idea of animal integrity is discussed in Bovenkerk, Brom, and Van den Bergh, 2002; Heger and Brom, 2001.

ical weak points. Non-utilitarian theories are often very complicated.¹¹ The idea of (limited) animal rights raises the question whether we have absolute duties towards animals, and what these imply for the relations with wild animals.

The strong points of non-utilitarian theories are that they build on shared intuitions that leave room for an assessment of people's intentions and that they can accept the role of consequences without making them the sole relevant factor.

For the assessment of animal experimentation, it is important to see that there are arguments that go beyond utilitarianism. The fairness of the distribution of pain and happiness among animals and between animals and humans asks for deliberation beyond utilitarianism, the question whether we can wrong animals without causing suffering and the role of the intentions and the morality of the persons who carry out the experiments are discussion points brought forward.

5 Science and society: how further

According to contractarianism the essential ethical issue is concern for the sentiments of other human beings in society, on whose co-operation those responsible for research depend. Thus, it is acceptable to use animals as long as most people can see the point of the experiment and are not offended by the way it is done. According to utilitarianism, the essential ethical issue is about the consequences for humans and animals. Thus, it is justified to use animals for research if enough good comes out of it in terms of preventing suffering and creating happiness, and if there is no better alternative. In the deontological approach, the *prima facie* duty of beneficence towards human beings has to be weighed against the *prima facie* duties not to harm animals and to respect their integrity. By weighing these *prima facie* duties, the moral prob-

lem of animal experimentation exists in finding which duty actually has to be considered as the decisive duty.

All three approaches have practical and theoretical problems and we live together with people with different approaches. We can, therefore, not simply 'choose' one of the perspectives and follow it. We have to find a common ground for discussions.

Luckily, these three approaches tend to agree on some aspects of animal experimentation. Based upon societal and ethical discussions, people tend to agree in real life too. A common framework for ethical discussions on animal experimentation is emerging.¹²

I end this paper with a last remark on this framework. Its point of departure is (against contractarianism) that animals are sentient beings that deserve protection in their own right. This has been called the intrinsic value of animals which is a critical parameter in the evaluation of their instrumental value. This implies that those who cause suffering to animals in experiments have to justify this because of the animal. This is a fundamentally different approach than assessing animal experiments in order to protect the human dignity of the researchers, as seems to be the case in the German Constitution.¹³ Scientists should try to defend their dignity themselves and one way of doing so is in joining those who defend animal sentience and animal vulnerability as a point of departure for animal protection legislation. Moreover, if this implies changing the constitution (protecting animals because of the animals themselves), this could be an opportunity to show that animal science and reasonable animal protection can join forces.

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¹¹ I would defend that this is a practical problem in application. On the other hand, if our moral world is complicated, then it seems reasonable to expect that ethical theories are complicated.

¹² This framework has been worked out by the European Science Foundation: (ESF) 2001.

¹³ See Schmidt-Jortzig, *Altex* 19, 4, in preparation.