

Part I

**IN DEFENSE OF THE
USE OF ANIMALS**

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The Moral Problem of Animal Use

We humans use animals. We eat them, play with them, and wear their skins. Most important, we use them as the subjects of experiments in advancing medical science. Animals of many species—rabbits, dogs, pigs, monkeys, but in overwhelming proportion mice and rats above all—have long been used in scientific research. Such research has led to discoveries that have saved millions of human lives and have contributed to the safety and well-being of hundreds of millions of other lives, animal and human. In experiments aimed at the *discovery* of new drugs or other therapies to promote human health, animal subjects are essential. They are also indispensable in *testing* the safety of drugs and other products to be used by humans. Anesthetized, the animals serving in this way are seldom caused pain. Some do experience distress, however, and many are killed.

Animals are not stones. They live and they may suffer. Every honest person will agree that treating animals in some ways is inhumane and unjustified. But the good that has been done by medical investigations that could not have been undertaken without animal subjects is so very great as to be beyond calculation; this, also, every honest person must acknowledge. Using animals is an inescapable cost of most successful medical research. Bearing that in mind, we ask, Is this use of animals in medicine morally right?

Other uses of animals are common, obviously. Animals give companionship, provide transportation, serve as food and clothing, and so on; and within each kind of use there is an enormous variety of specific uses. For each specific use, as for each kind of use, it may always be asked, *Should* that be done? Is it right? The answer in medical science is very clear. Investigators there *cannot* do without animal subjects. All over the world medical centers and individual scientists, pharmaceutical companies and great research institutes, rely

heavily—and must rely—on the use of animal subjects in testing candidate drugs for safety, searching for new cures, widening and deepening biological knowledge. This arena gives us the most powerful lens with which to examine the moral issues of animal use. The rightness or wrongness of using animals in medical science is the central focus of this book.

Critics contend that medical experiments unjustly infringe on the rights of animals. I ask, Do animals have rights? This philosophical question lies at the heart of the debate. We cannot evade it because, as we shall see, if animals do have rights, the use of them in medical experiments may have to be forgone. I emphasize: It is not the wearing of furs that is our chief concern here, or hunting for sport, or even the eating of meat. It is the use of animals in medical research, above all other uses, that compels us to think carefully about the moral status of animals.

Whether animals do have rights may be a provocative question, but is it of practical importance? Is it more than an exercise in theoretical dispute? The animal rights debate, some might say, is a set of quarrels so academic, so “philosophical,” that it does not really concern most ordinary folks. After all, great industries and tens of thousands of jobs depend on animal use. Hundreds of millions of humans rely on animals as their food. Most humans in the world consume dairy products and fish and meat every day or every week; we wear leather shoes and wool clothing; we visit zoos and love our pets, and so on and on. Why take this “animal rights debate” seriously? Human reliance on animals is so pervasive, so deep and complete, that there would seem to be little point in asking whether animals have rights.

We have, in fact, very good reason to ask and answer that question. The morality of animal use is indeed a *philosophical* issue, but by no means is it arcane. Any position adopted regarding the alleged rights of animals will have a direct bearing on community policy and on the life of each of us.

The practical force of philosophical questions about animal rights is this: If what we (individually or as a society) are doing with animals is not morally justifiable, we ought to stop doing it, and we ought to seek to keep others from doing it. If animals really do have rights, those rights deserve protection, as do the rights of vulnerable humans. Laws may be adopted that forbid conduct that is now nearly universal; regulations may forbid acts and practices to which we have long been accustomed. Such laws and regulations may prove exceedingly inconvenient and very costly. But neither convenience nor cost can excuse us from fulfilling our obligations. I repeat for emphasis: If animals really do have moral rights, we humans have the moral duty to respect those rights. The controversy over the use of animals with which this book deals is therefore intensely practical. Whatever the moral status we conclude animals deserve, that conclusion will surely affect the range of things we are permitted to do with them—and will therefore play a significant role in guiding our personal lives.

I hold that most uses of animals in medical science, including some that result

in the deaths of many animals, are fully justifiable. This position is very widely shared by ordinary folks. Defending this conclusion, formulating and explaining it, is a badly needed step in responding to emotional attacks on what animal rights advocates like to refer to as "vivisection." Those attacks by the defenders of "animal rights" are deeply and dangerously mistaken. Exposing and explaining their mistakes is an enterprise at once important and humane.

Animals do not have rights. This is not to say that we may do whatever we please to animals or that everything commonly done by humans to animals is justifiable. Not at all. It is morally right to use animals in medical research, but from this it does not follow that *any* use of them is right. Of course not. We humans have a universal obligation to act *humanely*, and this means that we must refrain from treating animals in ways that cause them unnecessary distress. Animals, to repeat what was said at the outset, are not lumps of clay, and they ought not to be dealt with as though they feel no pain.

In medical science the use of animals as experimental subjects will be shown to be morally right. Indeed, physician-investigators often have a *duty* to use animals in place of humans. Most of us don't seriously doubt this, yet the condemnation of animal research is now a widely popular cause. How is this to be explained?

Experiments using animals are sometimes condemned out of ignorance. Many who know little of the methods of biological research do not fully understand the central role that animals play in medicine; many who care deeply about animals do not understand why animal subjects are essential and not replaceable. For most of those who are troubled by experiments using animals, reservations will dissipate when the consequences of forbidding those experiments are fully understood.

But not all critics of animal use are ignorant. Some understand the role that animals have played in the history of medicine and may also be aware of research in progress that depends on animal use. These critics object to animal experimentation in spite of that knowledge, however, for reasons that (in their view) override all medical consequences. These critics of animal use condemn the practice on moral principle. They hold deep convictions about what is not ethically justifiable behavior; they believe that killing animals for human purposes, even killing rodents, is never justifiable in a sound moral system. Their moral fervor is found by many to be persuasive. Their arguments give rise to the animal rights debate. Their mistakes are the chief concern of this book.

Animal *welfare* is not at issue here. Basic care for animals is today a moral concern almost universally shared. Sentient animals must be treated with careful regard for the fact that they can feel pain; decent people will always exhibit that concern and will rightly insist that the animals we use be fed and housed properly, handled considerately. Regulations ensuring such humane treatment are not in dispute; they are entirely justified and (in this country) universally in force. Principles of good animal husbandry rule, as they ought to

rule, among the scientists who rely on animals in their investigations. Every medical center, every pharmaceutical company, every research institute using animals has (and under American law must have) its own Institutional Animal Care and Use Committee whose legal duty is to ensure that the animals in that facility are cared for properly and that experiments using those animals are conducted humanely. Frequent inspections by federal agencies, as well as by professional peers, enforce and reinforce high standards for animal care and use. Reasonable persons do not dispute the wisdom of this protective machinery. This book is not about animal welfare.

Advocates for animals, however, often demand regulations that would do very much more than enforce humane and thoughtful care. These critics object to any use of animals *categorically*. They aim to bring to an end all uses of animals, most certainly including all experiments in which animals are subjects. They seek, in their own words, “not larger cages, but empty cages.” Such persons describe themselves, with respect to animal experimentation, as *abolitionists*. The growing popularity of this abolitionist position, and the danger of it, oblige us to reexamine here the arguments for and against the use of animals in medical science. I will argue that the abolitionist view is gravely mistaken, indefensible; it would (if enforced) seriously damage human well-being.

Two branches of the abolitionist family must be distinguished. Both adopt as a central aim the cessation of all animal use, but the underlying moral arguments of the two branches are very different. The phrase “animal rights advocates” has been loosely but inaccurately applied to both, resulting in widespread misunderstanding. The appeal to *animal rights* is indeed the heart of one main branch of the abolitionist family, but by those in the other branch no such appeal is made. Allow me to explain.

The current crusade for animals was opened by an Australian professor of philosophy, Peter Singer, who was deeply troubled by the widespread maltreatment of animals, especially animals raised for slaughter. His 1975 treatise, *Animal Liberation*,¹ ignited widespread agitation over other animal uses as well. Experiments using animals, Singer believes, we are morally obliged to stop, as we are obliged to stop all production of animals for food, because of the horrendous cruelties inflicted on helpless and innocent creatures. The benefits we obtain from the use of animals, he contends, are rightly weighed, but they cannot justify the inhumanity our use of them imposes. The animal liberation movement made (and makes) no claims about the rights of animals. Singer is explicitly a *utilitarian* in philosophical method; *consequences* are what count for him. The movement taking its name from his book is built on the conviction that, all things considered, animal experimentation does more harm than it does good. The suffering inflicted on animals by medical experiments using them is so great, say the liberationists, that it outweighs any good consequences those experiments may produce.

This conclusion is certainly not correct, as I will show in some detail later. Here I note simply that this animal *liberation* movement is not correctly described as defending animal *rights*. The animal rights movement (strictly so-called) is the second branch of the abolitionist family, and it has a moral foundation that is very different, not utilitarian at all. All uses of animals—including medical and scientific uses—are to be condemned (on this second view) because they are *wrong*. To see that they are wrong, we have only to understand the true moral status of animals and then to apply universal moral principles to the human conduct in question. The evil of animal experimentation, for philosophers in this camp, lies not in the alleged outweighing of good consequences by bad ones. Rather, the use of animals is (for them) *intrinsically* immoral; it is conduct that violates, always and inevitably, the *rights* those animals possess. On this account, it does not matter how the advantages and disadvantages of animal experimentation balance out; using animals in science is morally wrong because it violates the rights of conscious beings that we have a compelling moral duty to respect. This branch of the abolitionist family, careful in formulating its claims, does indeed defend the existence and centrality of “animal rights.” I will use the phrase “animal rights advocates” in the strict sense, to identify this second branch of the abolitionist family. *Animal liberation*, on the one hand, and the defense of *animal rights* on the other hand, need to be distinguished, as their thoughtful advocates very carefully do.

Both branches of the abolitionist family are zealous in their condemnation of animal use in science. Members of both are often highly principled vegetarians as well, committed to a thoroughly “vegan” way of life: wearing no leather shoes or belts, surviving on a diet free of all meat, milk, eggs, or other animal products, and so on. Shared objectives and enthusiasms cause the two groups of abolitionists, although sharply at odds in their ethical foundations, to be commonly lumped together and referred to collectively by journalists and others as “the animal rights movement.” The amalgamation is understandable; whether relying ultimately on consequences or on rights, they do agree that *all* uses of animals for the sake of human ends ought to be halted.

But because underlying moral arguments of the two camps are profoundly different, the responses to the arguments of each are also necessarily different, and must be presented separately in what follows. Chapters 4 through 6 address the claims of the *animal rights* advocates that animals have rights as humans have rights and that experimentation on animals is morally wrong because it violates those rights. Chapters 7 through 9 address the claims of the *animal liberation* movement that (although animals may have no rights in the strict sense) the evils of experimentation on them outweighs all the goods that it may do.

The two camps are often very unhappy with one another. Members of each are distressed by the efforts of the other to advance worthy ends with what are thought to be bad arguments. For the liberationists, whose calculations

are of pleasures and pains, moral claims regarding abstract animal rights are derided as fuzzy and untenable. The “rights” alleged are taken by liberationists to be matters of bitter contention, never firmly established. To stake the lives of animals on a foundation so fundamentally insecure, say the liberationists, is to invite disaster. But for the advocates of animal rights in the strict sense, the utilitarian arguments of the “liberation” camp are not only insecure but dangerous. In some cases, at least, the calculation of good and bad consequences of animal use is virtually certain to yield a result not favorable to the animals. But in such cases the liberationist defense of animals must collapse, resting as it does on the calculation of the worth of outcomes. This is an unacceptable result from the standpoint of those who defend animal *rights*. Animal experimentation, they say, along with the eating of animals and every other disrespectful use of animals, is to be condemned not conditionally but absolutely, not because it does more harm than good but because it is intrinsically and absolutely *wrong*.

The critical fears of both sides are well warranted. Abolitionist arguments based on the calculation of goods and evils are indeed mistaken, as I will show in reckoning the full consequences of animal uses. An unadulterated utilitarian analysis will indeed support the use of animals in science. And abolitionist arguments based on the alleged rights of animals do indeed have a foundation that is murky and untenable. Animals, whose welfare we protect, cannot have rights, as I will explain; rights arise in the sphere of human morality and apply to moral agents that are uniquely human.

The most distinguished representative of the animal liberation movement is Peter Singer, now a member of the philosophy faculty at Princeton University. Tom Regan, a professor of philosophy at North Carolina State University, is the most distinguished representative of the animal rights movement. Regan disdains the consequentialist defense of animals; he rejects utilitarianism utterly. He is a good and an honest man, the deepest and most thoughtful representative of the principled position that animals have rights that must be respected and that any human practices that infringe upon these rights are damnable. Regan’s book in defense of animals, *The Case for Animal Rights*,² is far and away the leading treatise on which the ethical position of the animal rights movement is built. Two other accounts of animal rights will be examined briefly here,³ but the main pillar of the animal rights movement is the work of Tom Regan, and it is therefore his work to which the most careful attention must be given.

A personal word is in order. Tom Regan and I are friends. We like and respect one another. We both love animals; we both know a good deal about animals; we both derive great satisfaction from the companionship of our dogs. We are both professors of philosophy whose studies have long been in moral philosophy. Each of us is thoroughly convinced that the other is deeply

mistaken about the moral status of animals. One of us surely is mistaken, obviously, since our conclusions contradict one another.

The objectives of the animal rights movement are sweeping. Regan has formulated them succinctly, and it is well to set them forth here, in his own words. Readers need to know all that is at stake in this intellectual dispute. Regan writes:

The animal rights movement . . . as I conceive it, is committed to a number of goals, including:

- the total abolition of the uses of animals in science;
 - the total dissolution of commercial animal agriculture;
 - the total elimination of commercial and sport hunting and trapping. . . .
- You don't change unjust institutions by tidying them up.⁴

The sentiments that motivate these convictions are honorable, but the arguments that underlie them will be seen upon close examination to be without merit. The abolitionist argument based on animal rights (I will show) confuses and misuses the concept of right, mistakenly applying it in a sphere in which it has no proper application.

But the utilitarian arguments of Regan's liberationist cousins are equally frail, weaker (I will argue) than even Regan thinks them to be. All things considered, we will come confidently to the conclusion that the use of animal subjects in medical research is not only practically necessary but is *morally justifiable* from every point of view.

First in this reexamination will come a review of the factual setting of the controversy, then an exploration of some philosophical fundamentals. Following that we turn to the reasoning in this turbulent arena: Claims and counterclaims must be set forth and evaluated; developments in the world of medical science must be borne in mind. The case for the use of animals, to be presented at length in the chapters that follow, deserves a patient hearing.

Notes

1. Peter Singer, *Animal Liberation* (New York: Avon, 1975).

2. Tom Regan, *The Case for Animal Rights* (Berkeley: University of California Press, 1983).

3. Aside from Tom Regan's work, the most valiant efforts to defend the rights of animals appear in Bernard Rollin, *Animal Rights and Human Morality* (New York: Prometheus, 1992), and in Steve Sapontzis, *Morals, Reason, and Animals* (Philadelphia: Temple University Press, 1987). Neither of these defenses (discussed in chap. 6) has had more than a fraction of the influence of Regan's treatise.

4. Regan, *Case*, 13.