

Vivisection: Feeling Our Way Ahead?

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In his paper "Lab Animals and The Art of Empathy", David Thomas presents his case against animal experimentation. That case is a rather unusual one in certain respects. It turns upon the fact that, for Thomas, nothing can be proved or established in ethics, with the result that what we are left to operate with, apart from assumptions about cases that we might choose to make, are people's feelings. We cannot show or demonstrate that Pol Pot did anything morally wrong; we just have to hope, as seems not unreasonably demanding, that most people feel pretty strongly about large-scale slaughter of human beings. Since nothing can be proven, we turn instead to our feelings and the three claims that Thomas features in his paper: that we should empathize with all creatures who can feel pain and suffer, that we should be consistent in condemning things based upon a similar degree of suffering involved and so treat like cases alike, and that we should take consent seriously, and, where the possibility of consent is absent, take seriously the notion of the best interests of the creature involved. Thomas concludes his paper with a succinct statement of his position:

In other words, we should look at things from the perspective of the victim, human or animal, not that of the would-be exploiter. By this yardstick, animal experiments are as immoral as non-consensual experiments on people. In each case, the degree of immorality is in direct proportion to the degree of suffering caused - experiments causing severe suffering are more immoral than those causing only mild, transient suffering. Crucially, however, an experiment causing severe suffering to an animal is as immoral as one causing severe suffering to a

person.

All animal experiments, therefore, have to be stopped.

There are a number of large-scale issues that cannot be addressed here. Is it really true that nothing can be proved or established in ethics? Is it really true that "feelings" are the guide that we have instead to follow? Does it matter that Thomas sometimes writes of pain, sometimes of suffering, sometimes of psychological phenomena presumably under the heading of "suffering" or, more broadly, "harm"? What if experiments caused no pain? Or are we to assume that any experiment whatever, no matter what is done, will cause "suffering"? Can a person "feel" one way about a certain case but "feel" another way about a rather similar case? Can we demand that a person feel "consistently" between cases? Does the notion of consent really work in the way Thomas suggests? What exactly does "informed consent" mean, even in the case, say, of an uneducated person? And if the notion of consent appears beside the point in the case of animals, how do we determine "the best interests" of some creature and who gets to do the determination? All of these questions involve large issues, ones that have been much debated both in moral philosophy generally and in the "animal rights/animal welfare" literature. Different answers to them seem likely to yield different positions on the issues involved.

Before I turn to the two related issues that I wish to address, I should note what might appear to many to be an important aspect of the appeal to empathy. We must, says Thomas, put ourselves into the shoes of those on whom we are proposing to experiment. The presumption is that we and they will not want done to us whatever is in question, will not want, for example, the pain inflicted on us that the experiment in question will involve. But it is not clear that this will show that inflicting that pain is wrong. Put differently, empathy will get us, as feeling creatures, to put ourselves into the positions of other feeling creatures, to the fullest extent we can. But how do we get from there to the claim that inflicting pain in this case is wrong? What seems required here is a claim that nothing at all could ever justify the infliction of pain, at least in the case of a creature who does not want it, but this seems to be precisely what is at issue with the vivisectionist. What can seem unclear, then, is that the appeal to empathy actually addresses the vivisectionist: the vivisectionist need

not claim that the animal does not feel pain, or that the animal wants the pain that is to be inflicted, or that feeling creatures may not empathize with other feeling creatures. The vivisectionist's question is whether the infliction of that pain can be justified, and the appeal to empathy does not seem to address that point. For example, in numerous school systems around the world, corporal punishment is the norm: I may well empathize with a student who, through misbehavior, is presently being paddled, but "my feeling for him" will not show that it is wrong or unjustified to paddle him. Someone responds: "But you yourself would not want to be paddled." No, I would not; but that does not show that it would be wrong or unjustified to paddle me, if I misbehaved. Empathy is directed towards getting me to feel the animal's pain; but I can empathize and still think the infliction of pain is the right course of action.

There are two related issues that seem very much in need of detailed discussion, if we are fully to understand Thomas's claims. First, we need to know whether something can compensate for or offset pain and suffering. He seems to write as if nothing could do this, yet it seems that much of modern life involves this sort of thing. For example, consider harm in one of its senses: our tax system imposes harms on one person and, by redistribution, confers benefits on others; in the US, in nearly all school districts, single people are taxed in order to support the children of married people in the schools; conscription uses some people in order to defend the lives and possessions of other people. And so it goes. In most such cases, someone will argue that the person who is harmed or from whom costs are exacted in fact enjoys some benefit (e.g., single people enjoy all the many benefits of being surrounded by the educated children of married people); but that benefit is nothing like the very direct benefit enjoyed by married people in having their children educated in part at other people's expense. Now one may object to all this; indeed, part of what attracts some people in ethics to rights-theory is that strong rights may resist this kind of trade-off, so that one may not justify the violation of one's person's rights by the benefits conferred on one or more other people. But Thomas says nothing about any of this in any extended fashion, and he does not make his position turn upon the possession of rights by animals. Arguments from benefit appear to be central to most cases for animal experimentation, so something needs to be said in a certain

amount of detail about why pain and suffering cannot be part of such arguments from benefit.

The second and much more important issue is indeed touched upon by Thomas but not in a way, I think, that captures its true significance. This is the issue of the value of a life. Thomas warns us that thinking lives can be of different value can lead us to all kinds of terrible outcomes, and the Nazi camps once again are brought forth in evidence of these dangers. This is, in disguise, a slippery slope argument, and I think evidence is required in order to convince me that regarding anencephalic infants or people in permanently vegetative states as having lives of very much lesser value than normal adult human life leads straight to the Nazi camps. (Also, see the examples below.)

To my mind, the value of a life – human and animal - is a function of its quality, its quality a function of its richness and content, and its richness and content a function of its capacities for enrichment and different types of contents. When we see before us every day human lives of desperate quality, lives which have plummeted to depths that we would not wish even our worst enemies to have to enjoy, it seems to me mere pretence to insist upon the intrinsic or inherent equality in value of all human lives. Certainly, today, when physician-assisted suicide is increasingly before us as an option, many people whose quality of life has fallen to a tragic degree regard as mere fantasy, perhaps enforced by our Judaic-Christian past, the claim that their lives are as valuable as they always were. To be sure, one can try here to introduce some distinction between the intrinsic or inherent value of a life and the quality of a life; but if the value of a life is not to consist in its quality, in what, then, is it to consist? We need an answer. In some religions, we were told that our lives were all equal in value “in the eyes of God”, and this, I assume, since many lives were obviously blighted and impaired to very tragic degrees, may have been comforting. How are we to understand this kind of claim today, in the light of the obvious blight and impairments? It seems almost cruel to tell someone in the final stages of amyotrophic lateral sclerosis that their life is still as valuable as it was, when they often now beg desperately for release from that life.

The truth is, I think, that some human lives have fallen so far in value, quality, richness, and scope for enrichment that some animal

lives exceed in value those human lives. Anencephalic infants and people in permanently vegetative states are cases in point. It was comforting in the past to think that all human lives were more valuable than any animal life, but the quality of life of a perfectly healthy dog or cat must vastly exceed the quality of any human life that has ceased to have experiences of any sort, that has ceased to have in essence any sort of content. I am not a speciesist. But the capacities and scope for enrichment of a life of a normal adult human arguably exceeds that of any rodent found in our labs, with arguably higher quality and value. To confine our judgments about human and rodents only to the issue of whether they can feel pain and suffer, as Bentham and Thomas would have it, strikes me as ignoring all the capacities and abilities that go towards enriching a life and so towards giving it a quality and value. This strikes me as precisely something that we must not do.

If we have to experiment (and I do not here assume that we do, in all cases where present experimenters assume learning, education, and pursuit of knowledge is at stake), then which life do we use? We use that life of lower quality, and we have a non-speciesist way of determining which life that is. Merely focusing upon pain and suffering does not get at that way of determining quality of life. Notice, too, that this picture meets Thomas's demand of consistency as between humans and animals. How can we justify an experiment on a perfectly healthy rodent with an experiential life as opposed to an anencephalic infant with, so far as we know, no experiential life at all? I do not deny that there would be side effects (e.g., outrage), if we actually moved to experiment on such an infant. (Though it is worth remembering that the matter is no longer quite so clear-cut in this regard as it used to be. In, I believe, 1996, a white paper of the American Medical Association proposed that anencephalic infants be regarded as organ donors. Subsequently, the Association as a whole withdrew this white paper, but the issue of whether such infants may be so regarded is now an issue of debate.)

Of course, we can argue about whether something is a benefit, about whether we need this particular bit of knowledge, about how likely we are really to learn anything from continuing repeating this or that experiment, about whether any piece of knowledge is worth the lives of this many animals or worth this degree of pain and suffering. Where we have doubts on these accounts, we may refuse to go

forward with an experiment. But where we come to satisfy ourselves on these accounts? This in part, I think, is why some people today argue that animal models of no disease, illness, or surgical procedure are ever sufficiently reliable to be used, a claim, of course, which others dispute.

To be sure, much needs to be filled in and defended, in this picture of the value of human and animal life; but it in no way accepts the equal value of all human lives or the claim that all human lives are more valuable than all animal lives. It ties the justification of experimentation to issues of benefit and to the quality and value of a life and so to themes that lie well beyond any mere focus upon empathizing with the pains of animals. (1)

Footnotes

1. For a presentation and defense of some of the arguments that fill in the position sketched in this paper, see my "Medicine, Animal Experimentation, and The Moral Problem of Unfortunate Humans", Social Philosophy and Policy, vol. 13, 1996, pp. 181-211; "Moral Community and Animal Research in Medicine", Ethics and Behavior, vol. 7, 1997, pp. 123-136; "Organs for Transplant: Animals, Moral Standing, and One View of the Ethics of Xenotransplantation", in A. Holland, A. Johnson, eds., Animal Biotechnology and Ethics (London, Chapman and Hall, 1998), pp. 190-208; "Justifying Animal Experimentation: The Starting Point", in E. F. Paul, J. Paul, eds., Why Animal Experimentation Matters (New Brunswick, Transaction Publishers, 2001), pp. 197- 214; "Animals", in H. LaFollette, Oxford Handbook to Practical Ethics (New York, Oxford University Press, 2003), pp. 161-187; "The Ethics of the Search for Benefits: Animal Experimentation in Medicine", in R. Gillon, ed., Principles of Health Care Ethics (New York, John Wiley, 1993); "The Ethics of Using Animals for Human Benefit", in T. B.Mepham,G.A.Tucker,J.Wiseman, eds., Issues in Agricultural Bioethics (Nottingham, University of Nottingham Press, 1995), pp. 335-344.

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