

*The Case for Animal Experimentation.* By Michael Allan Fox. Berkeley: University of California Press. 1986.

According to Kant, the only reason why we should not be cruel to animals is that being so makes it more likely that we will be cruel to human beings. According to utilitarians, however, pains are intrinsically bad and enjoyments intrinsically good regardless of who has them, and since animals have pains and enjoyments as human beings do (far less complex, no doubt but no less real), these states of animal consciousness should be counted along with the states of human beings in estimating the total consequences of one's actions. This makes our calculations ever so much more complex—as if they are not complex enough already when considering only human beings—but they are necessary if one is to consider *all* states of consciousness. It is from this utilitarian point of view that Peter Singer wrote *Animal Liberation* and which spawned numerous other books. The main thesis of such works is that cruelty to animals, mistreatment of animals, and hunting animals for sport, are all morally wrong; and, what is more controversial, that using them in medical experiments and killing them for food is also wrong. Not to consider the welfare of animals on a par with that of human beings was called speciesism, no less a sin than that of racism and sexism.

As if this were not sufficient protection for animals, Tom Regan did Singer one better by presenting, in *The Case for Animal Rights*, a kind of animal deontology: It is not only wrong (anti-utility) to be cruel to animals, but, like human beings, they have a *right* to live and be well treated. At first it might seem that utilitarianism would do for animals everything that any animal could wish for, but there is a difference: on the utilitarian view, killing an animal painlessly would not necessarily be wrong (this would depend on the conditions), but in Regan's view the animal has as much of a *right to life* as human beings have. The animal is not a moral agent—it has no *active* rights; it is not wrong for the lion to kill the antelope, for it is not capable of moral choice. It would, however, be wrong for *us* to kill the antelope, for we *are* capable of moral choice. But the animal has *passive* rights—the right to live its own life and not *be* harmed by human beings.

Regan disapproves of all experimentation with animals, even experiments designed to cure human diseases and minimize human pain: if you can't cure the disease without using animals as means to your ends, says Regan, then you shouldn't do the experiments at all. According to Regan, it is wrong to kill animals for their skins and hides, even if human beings would suffer from cold if they lacked these things. It is also wrong to kill animals for food: if killing animals is the price paid for eating meat (and of course it is), we should do without meat entirely (including fish). Regan says it is even wrong to place animals in zoos, where they have no life of their own—they may be fed and cared for, as slaves in the American South were fed,

but they are not allowed to roam and forage for themselves; their strongest natural instinct is denied them in the confinement of zoos.

Professor Fox is opposed to all this—not that he favors deliberate cruelty to animals, or the infliction of pain when there need be no pain, or inhumane conditions in slaughterhouses and medical labs. But he is convinced that a certain amount of animal experimentation is necessary in order to save human lives. He gives ample data to support this conclusion (Chapter 4, "Animals in Research"). It sounds noble to say that no animal's life should ever be sacrificed to save that of a human being, but if your own child's life was at stake, and you saw her suffer and slowly die although her life would have been saved if some rats had been experimented on to test a vaccine, would you still say that it was wrong to experiment on the rats? (Most people would unhesitatingly kill rats when there is a rat infestation in their neighborhood; is saving children's lives a less worthy aim than ridding a neighborhood of rats?)

It is easy to say, as Fox does, that "unnecessary pain" should not be inflicted on animals, and that experiments should not be conducted on animals unless they are "necessary." We tend to nod in agreement and conclude that extremism on both sides has been avoided. When someone says that something is "necessary," however, the statement is incomplete unless the speaker addresses the question "Necessary for what?" Necessary to save human lives, we say. Very well: (1) Does it matter how many? The more human lives saved, the more justified? (2) If many are saved, does this justify *more* cruelty to animals than would be justifiable otherwise? It is strictly a numbers game—so-and-so many animals may be sacrificed to save so-and-so many human beings? (3) And what if we have no realistic estimate at the outset of the experiments how many human lives will be saved—we're sort of doing it in the dark but great things *may* come of it? What if we are conducting the experiments not for any specific purpose such as curing human diseases but simply out of intellectual curiosity or curiosity about nature? Some of the most productive and life-saving results have come from just such experiments—the saving of life was an incidental by-product of the experiment, quite unanticipated at the time, yet justified many times over in retrospect. For every such unexpected bit of ground-breaking there are dozens of experiments in which *no* life-saving or pain-saving results occurred at all—yet at the time of the experiment, the same considerations which would justify or fail to unjustify the one would justify or fail to justify the other. Is it right to place a long tube into the windpipe of a goose (causing it pain and discomfort) just to measure the blood pressure, simply out of intellectual curiosity?

(1) Consider the Drize test, in which chemical compounds that may be highly noxious are placed in the eyes of rabbits, in order to test the safety of cosmetics used by human beings. The rabbit cannot escape or engage in any behavior to remove the offending chemicals from its eyes. Persons who are not wedded to cosmetics are likely to say "The experiments may be necessary for testing cosmetics, but the end does not justify the means: this is not something necessary to life or even to health; it's better to do without the cosmetics." Again we are likely to nod approval of this reflection. But what if people are going to use cosmetics anyway? Should they do it strictly at their own risk? And even if cosmetics aren't important, isn't it important to protect people from harmful chemicals? Fox believes this is important enough to justify the experiments on rabbits.

(2) Chimpanzees are our nearest relatives in the animal world. They have the same blood type as human beings, and are used in the studies of blood diseases; surgery on chimpanzees has produced advances in organ transplants. If any animal experimentation is to be called "necessary," this would seem to be it, Regan to the contrary notwithstanding. But some of the experiments involve the infliction of discomfort and pain, and death for the animal may result if the experiment turns out differently than hoped for. What shall we say—"ten chimpanzee lives for one human life"? Many would say "Yes, at least that," citing differences between animals and people: that animals have no fear of death and people do, and that this makes an enormous difference; that the cow grazes contentedly in the pasture even an hour before it is herded onto the truck that transports it to the slaughterhouse, but this is far different from people being herded off to death-camps, knowing in advance what will happen. This is surely an important difference and in the utilitarian calculation of consequences the *dread of death* is a prime factor in distinguishing people from animals. But it is difficult to interpret the behavior of chimpanzees; do they possibly have a dread of death? And without this information, how are we to make a calculation of consequences in chimpanzee experiments? How, indeed, are we to estimate their degree of pain or frustration of desire compared with that of human beings?

(3) Whether one should test a drug on an animal surely depends on the probability of its success (must one have good reason for thinking that it quite probably will succeed, before undertaking it?). Medical experimenters often use the "LD-50" test: if 50% or less of the animals receiving the "lethal dose" die, then the experiment was worth it. In experiments Fox describes, the animals must be force-fed, and can't be anesthetized or prematurely euthanized. Surely, one is inclined to say, it would require a very important end to justify such a ghastly means. Yet if the end were the saving of a thousand children—would this be "worth it"?

(4) Many rhesus monkeys have been trapped in Asia and then transported overseas for experimentation. Through the years, says Fox, an average of 70% died on board ship on the way (even with great care taken to keep them clean and fed, and so on), and the remainder were subjected to tests on the effects of nuclear, chemical, and biological weapons, as a result of which they all died in the end. India and other countries have now forbidden the export of these monkeys. Is their use in these experiments "necessary"? That in turn depends partly on whether nuclear testing itself is "necessary." We feel that the monkeys should not be punished for the sins of human beings. Yet if we take nuclear testing as a given, it is important to know what its effects are (even in the making of safer and cleaner bombs in the future). If we don't want to put people on radioactive islands in the Pacific, and we need to take some close relative of the human species so that the results will be relevant to human beings, what is more natural than to take monkeys, who are chemical and biologically so similar to us? Unlike Regan, Fox believes that this kind of experiment *may* be "worth it." (That verdict of course is made by the human beings, not by the monkeys.)

Fox does correctly point out an inconsistency in people's thinking about animal experimentation. Those who oppose the use of animals for consumer product testing, he says (p. 187), are the very same people who are the most vociferous supporters of consumer protection (impossible without animal tests), or we do not have it: you can't have the results of testing without the testing.

(5) Some experiments use endangered species. Having a leg cut off is no more or less painful to a member of an endangered species than to a member of a very common species. Yet we are more inclined to be careful of the life of members of endangered species. Is there any justification for this?

(a) In the case of a child or a pet, we want to save the life of *this particular individual*. (b) In the case of an endangered species we want, I think, to conserve *any* members of the species, or preferably any healthy pair that can mate and thus render the species less endangered. In the first case we are concerned with a particular life, in the second case with any life within a certain species; but (c) in the commonest case, that of saving any life at all, even if that is the life of rats, Regan says it is our duty to save and preserve it just *because* it is a living thing with consciousness, and hence the "subject of a life." The fact that it is the subject of a life, not whether it belongs to a rare or a common species, is what makes it mandatory for us not to kill or injure it.

This is Regan's view, not Fox's. Indeed, anyone who takes Regan's view seems to "have nature against him." If many people feed the birds during the snowy winter when there is ice on the trees, there will be an overproduction of birds that coming spring, and many will die for lack of sufficient worms and other nourishment. Nature will restore her balance through killing off the excess, however cruel we find this restoration.

Moreover, those who say with Regan that it is the killing of animals that is wrong neglect an important feature of the situation. The elephant has become an endangered species in Africa, yet in the recent drought many elephants were shot by park rangers, because they would have starved otherwise, for lack of the enormous amount of green foliage each elephant requires every day. Animals can reproduce and soon return to their former numbers; what is fatal to their survival is the destruction of their habitat. When Botswanans raise cattle, they erect fences; when wire fences stand between lions and their waterholes, thousands of them die along these fences. When savannas are turned into wheatfields, wild animals can no longer survive. When conservationists want to ensure the continuation of a species, they are quite rightly first concerned with the habitat (as a necessary condition of such continuation), as opposed to Regan, for whom every life is sacred and for whom it is wrong to kill an elephant even to protect it from nature's slow starvation.

Fox safeguards his position by including in it certain customary qualifications, such as "only if necessary" and "only if no other means is available," (animal experiments being a last resort). But it does not escape vagueness for all that. When is the experiment "worth it?" How is animal suffering to be weighed against human suffering? What is one to do if no probability estimate can be made—and so on? By contrast, Regan's view which stops all these moves with a "verboden" sign before they start, seems like a relief. At least we know where he stands.

However, there is a crack in the wall. Regan says that if six men and a dog are on board a lifeboat that must be lightened else all will sink, it is the dog that should be thrown overboard rather than a person, because the dog has less inherent value than the person. The dog has a right to life (as do the rats in the house, even when we are trying to exterminate them), but the dog's right is overridden by the person's. This admission may seem a small one, intended as applicable only to lifeboat situations, but in

fact it can act as an opening wedge for far greater admissions. (1) If an Indian would die of cold in the north woods for lack of an animal skin to keep him warm, couldn't Regan also consider it right to kill the animal to save the man from freezing? Isn't the man the carrier of greater value than the animal, just as in the lifeboat case? (2) And if that is so, why not in the case of consuming animal food? People need complete proteins, which come from animals and fish and eggs. Couldn't one argue again that the life of the animal should give way to the life of the human being? In this case the animal's death is not *necessary* for the survival of the human being—but what if it is necessary for the all-round *health* of the human being? If people have no right to kill horses for their health, are we also denied the right to ride them? To hitch them to a plow? Isn't that using them too? Once the rights of a creature are not absolute but *prima facie*, more and more conditions can be "discovered" that override the right, and the right becomes ever less secure. Once this process of erosion has gone some distance, no animal can any longer rest secure with a mere *prima facie* right to its life and well-being.

Once it has taken this turn, the animal-rights position has become gradually indistinguishable from that of Michael Fox and other "moderates" whose view was originally presented as a sharp contrast to Regan's. The one may eat meat and the other not, the one may approve limited animal experimentation and the other not, but when it comes down to the real implications of their respective positions it is hard to tell the difference. Without the crack in the wall, of course, the contrast remains, and with it an unenviable choice between a view of extraordinary inflexibility (Regan's) and one whose elasticity (Fox's) leaves the issue of animal experimentation uncomfortably open-ended.

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