

Commentary on Albini and Ketcham

by

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The theme advanced and developed by Boris Albini and Gary Ketcham in two issues of the *Reporter* (May 7, 1987, and February 25, 1988) involve several key concepts: sentience and suffering, life and death, compassion, contradictory rights and conflicting values. I propose to recapitulate those developed themes in order to assess what has been clarified, what still remains obscure, and what has gone unaddressed. For me the issues of which they write are live ones, and my own mind is unsettled on many points. This recapitulation is thus a personal statement to them both.

Sentience, simply put, is the capacity to feel pleasure and pain, either as sensations or as attributes of other sensations or experiences. Albini and Ketcham agree both on this definition and on the *prima facie* negative value, or evil character, of pain, and the *prima facie* positive value, or good character, of pleasure. What neither has explicitly addressed is the question of whether pain and pleasure yield neatly to quantification — a presupposition of both their positions.

Consider two adjacent wards in a rather odd hypothetical hospital. In one are 100 persons each with a twinge in the big toe of the right foot; in the other is a single patient agonizingly burned over 70% of the body. You are a physician who has an equal amount of time to devote to one or the other ward but not both, and an amount of pain killers that is adequate to alleviate the discomforts of either the burn victim or those with big toe twinges but not both. To which ward should you turn? Considering only the pain in each ward, which ward has the greater quantity of pain?

Most persons share the intuition that the greater amount of pain is surely in the ward with the lone burn victim, and would, in the position of the doctor, devote their available time and resources to alleviating that individual's suffering. But this presupposes that the pains in the two wards are quantifiable and commensurable.

As you are about to minister to the single burn victim, you learn that the other ward contains not 100, but 10,000, or even some larger number of patients, each with a twinge in a big toe. Is there some number of individuals such that, ability to treat being equal, one should favor their collective toes' welfare over the burn victim's welfare?

I believe most persons share equally in the intuition that *no* number of minor painful states of whatever duration can sum to a morally more compelling quantity of pain than that of a single person with the intractable, unremitting pain of our burn victim.

How thoroughly this intuition illuminates the debate between Albini and Ketcham is not clear, for the analogy between the twinges in human toes and whatever pains and discomforts laboratory animals experience is, at best, imperfect.

However, it is clear that Albini thinks that animal discomfort and pain may be graded as to degree of severity, and that such gradations are morally relevant in that the more severe degrees require greater prospective good to offset them. Thus, he is committed to the view that such graded animal sentience is straightforwardly commensurable with human as well as animal states in that it makes sense of advances in our abilities to reduce human discomfort, pain and suffering as *offsetting* the deliberate use of animals in research which causes discomfort and pain. And it is clear that Ketcham holds that animal and human

discomfort, pain and suffering are of a kind, so that we are no more justified in conscripting animals against their wills into our medical research than we would be in doing so to humans against their wills. But if, as in our hypothetical example, either instances of pain per se or different types of pain do not summate quantitatively, a major basis for maintaining straightforward commensurability would seem to be lost.

It does not follow from the tentative conclusion that in some significant way pains are not fully commensurable, either that visiting pains on animals is morally neutral (a possible pro-research inference), or that it is always wrong (a possible con-research inference). Indeed, a closer look at our hypothetical example seems to indicate that, were the situation altered so that the pain of the burn victim could be alleviated by visiting twinges on a very large number of big toes, any amount of toe twinges would be better than the suffering of one burn victim. If animal pain and human pain are similarly incommensurable, it *may* be that any amount of animal pain is preferable to many instances of really severe human suffering. On the other hand, it *may* be that such preferences are speciesist.

How one could *discover* which is the case, either in general or in specific instances, is unclear. But without clarity on the matter of moral commensurability of pain across species, it will remain unclear, for example, whether whatever discomfort there is to laboratory animals employed in sex research is permissible if it leads someday to reduction of the psychological pain of men who experience severe sexual dysfunction. Hard, careful, cross-disciplinary thinking will be necessary to resolve these difficult issues on the character and commensurability of pain. Many, however, have thought that the more significant concept in this debate is not the physical pain of sentient beings, but their suffering.

While it is common to speak and read of the suffering of animals, under Albini's definition of it as "the anticipation and reflection of pain and death . . . characterized by anxiety, alarm and terror," it is not at all evident that either animals as a kingdom or laboratory animals as a set of species, all have this capacity for suffering, as Ketcham's assertion that "animals (are) in the same sphere of protection and concern as humans since they, too, experience pain and suffering" presupposes.

It is certainly the case that some animals, even laboratory animals, anticipate pain and discomfort in a manner that is characterized by anxiety. But animals also display anxiety at stimuli which are not painful but only unfamiliar. Hence, anxiety may be of relatively minor significance as an indicator of suffering. It is certainly true that some animals — ones rather higher on the phylogenetic scale than rodents — display terror and alarm. But it is not at all clear that such displays are typical of, or even common among, laboratory animals, either as the result of confinement or of experimentation. Indeed, it is standard laboratory procedure to handle animals, familiarize them with test apparatus, etc., in order to avoid anxiety and resultant aggressive behavior. So, Albini can agree that animal suffering ought to be avoided without thereby being committed to the elimination of the bulk of animal research.

It is rare that we have any evidence that species from which laboratory animals are drawn anticipate death in any way whatsoever. Although clearly some animals (e.g., dogs and geese) give evidence of a level of understanding of death, perhaps more in the sense of experiencing the loss of a master or mate, there is not reason to think that such animals experience the prospect of their own death, or that experimental animals have the complex of associations of death with any of the notions, such as final judgment, or the experience of nothingness, that humans are prey to. Even if it were the case that the deer in the jaws of the wolf has some anticipation and terror at its pending fate, it does not follow that killing laboratory animals through any of the standard means

certified as humane by the professional veterinary organizations involve any such anticipation and terror.

Yet another dimension of human suffering that does not seem present in animal experience is the sense of tragic loss experienced by and about one who sustains a crippling injury or catches a fatal disease. The film, "Dax's Case," well known to students of medical ethics courses, details the despair of an active young man blinded and crippled in a fire. His physical pain may arguable be supposed similar to that of a similarly injured animal, but his suffering, deepened by the sense of his life's plans and projects being shattered, his natural expression of vitality celebrated in sports forever ended, and his exceptionally superior capacities as a pilot destroyed, negatively infuse his sense of the value of life to the point that he has grave doubts as to whether, when rehabilitated, life will be worth living. And, confronted with such despair, his anticipation of the painful rigors of the months of surgery and physical therapy that lie ahead becomes an anticipation of being tortured by his well-meaning care providers.

I am not convinced that the equation of human suffering in its most extreme forms with that of animals in laboratories is defensible. Whether any laboratory animals can suffer as profoundly as humans do is doubtful; whether most laboratory animals suffer at all is doubtful; and whether the magnitude of much human suffering can't even overcome the visitation of some pain and discomfort on even relatively large numbers of animals is doubtful. These doubts, of course, reflect a commensurability problem about suffering at least as severe as that about pain — complicated in the case of humans (at least) by the phenomenon of stoic endurance. But I think neither Ketcham nor Albin has shown us how to resolve these doubts. And I do not think these doubts are a form of speciesism, at least in an invidious form, since they are rooted in observation of the phenomena and not any particular self-serving preference for human kind.

At the same time, both Albin and Ketcham agree that the sentience of animals, together with whatever degree of suffering they are capable of, is an important moral consideration. Albin thinks it requires imposing strict harm/benefit standards, balancing or offsetting animal discomfort and pain with gains in our capacity to minister to the ills and misfortunes of both animals and humans. Ketcham thinks it requires minimally passing the test of strict scrutiny turning on three standards: a compelling social imperative of a grave nature, demonstrable exhaustion of all alternative solutions, and demonstrable on-going success of the research. And, he would oppose any research even if it passed these tests, if it involved animal suffering without offsetting benefit to the experimental animal itself. I sense substantial agreement between Albin and Ketcham on all but the last point despite their linguistic differences of expression.

What I find to be of concern in the strict requirement of demonstrable benefit over harm by Albin and the strict scrutiny recommended by Ketcham, is that both seem to preclude much basic research which aims at fundamental understanding and not specific therapeutic or problem-oriented goals. Too often the history of science has been characterized by basic science advances which have only later been surprisingly productive of solutions to problems. My fear is that, with too strict a standard of prospective and concurrent scrutiny, basic scientific research may be snuffed out, to the detriment of the longer term prospects of applied research. It is basic research which provides us with the paradigm shifts — the revolutions in thinking about problems — that prove to be the well-springs of new lines of applied research, so that applied research may well become sterile if basic research is curtailed through impatient demands for demonstrated relevance to grave social imperatives or demonstrated positive harm/benefit ratios.

My argument here turns only on principles which Albin and Ketcham accept. It does not turn on a supposed right of the human species "to boldly go"

where thought has not led before, to satisfy curiosity for curiosity's sake, predicated on the value of knowledge per se and the consequent validation of the juggernaut careenings of scientific research wherever it may lead. I am too much of a pluralist, too troubled by the conflict of the goods of knowledge and compassion, to wear that badge comfortably. I think to be fair, that Albin would agree that basic research is essential, and would relax his prospective positive benefit/harm requirement accordingly. Ketcham would not see basic research involving harm to animals as permissible even *if* the consequence is a lessening or elimination of productivity in applied research (a big "if" on his view). So the apparent agreement between Albin and Ketcham which I greeted two paragraphs ago is not extensive.

Albin is a pluralist in holding that animals (and humans) have a right not to suffer, and that animals (and humans) have a right to improve(ment of) the quality of their lives, for he sees these rights as not linearly ordered or prioritized. Ketcham seems on the whole monistic, holding to an exclusive reverence for sentient, animate life and an abhorrence of any exploitation that causes predictable pain, suffering or death. Ketcham's monism shows itself as well in his insistence that compassion should be the master of reason; Albin's pluralism leads him to doubt that either compassion or reason without the other is complete, and that each serves as a bridle on the unchecked excesses of the other.

Perhaps the greatest unresolved difference between Albin and Ketcham is the moral status of death caused by human killing. While both would agree that causing an animal a painful death or a death attending by suffering is exceptionally difficult, if not impossible, to justify, Albin sees the painless killing of animals from which some benefit may be derived to be ethically acceptable, even if there exist alternative routes to the same benefit which do not involve killing. My speculation is that this shows a difference between Albin's understanding of death and of the inherent value of life and Ketcham's understanding of these matters.

Ketcham's view of death itself is not so clearly dissected out of his remarks, for he has consistently interwoven these themes with his doctrine of compassion, characterized, to be sure, as respect for life and abhorrence of suffering, but operationalized as *not visiting suffering upon* sentient, animate beings (hence the commitment to preventive medicine and non-experimentation) rather than as alleviating suffering of such beings. In the language of traditional Hippocratic medical ethics, Ketcham takes the doctrine, *Primum Non Nocere* ("Above all, do no harm") to its logical extreme, whereas Albin tempers it with the more modern injunction to *benefit*, and sees neither the principle of nonmaleficence nor of beneficence as superior in all cases (hence his commitment to justifying the necessary visitation of death and pain in pursuit of such benefits as extending life, moderating disability, and alleviating suffering).

Albin's position thus emerges as paradoxical in accepting the necessity of *doing evil to promote greater good*, while Ketcham's position emerges as paradoxical in *tolerating preventable evil in order to avoid doing evil*. We see that ultimately these differences re the classic differences between persons committed to consequentialist and non-consequentialist modes of ethical reflection and decision-making, and that the debate between opponents and proponents of animal research is a recent chapter in a centuries-old conflict between two fundamentally different schools of ethical reasoning. We are, I fear, far from consensus in that disagreement.