

September 24, 1997

Professor Tim Schallert
Director, Behavioral Neuroscience program
Department of Psychology
University of Texas
Austin, Texas

Dear Dr. Schallert:

It has come to our attention that the Pharmacology and Toxicology Program is engaged in activity utilizing vertebrate animals in research that (a) disrupts their normal life patterns, (b) causes pain and suffering to them, (c) causes injury and permanent impairment of their natural capacities, (d) offers no potential of benefit to them, and (e) involves killing them — or, as scientists euphemistically put it, their sacrifice.

We offer the following argument that what you are doing is immoral and should be stopped. If there is a flaw in our reasoning, we will withdraw the demand that the Pharmacology and Toxicology Program immediately cease its use of animals in research that has these effects. If you cannot provide us with argumentation that our reasoning is flawed, we expect your research, and the research of your colleagues, to be immediately adjusted so as to avoid all such consequences to vertebrate animals. If that expectation is not satisfied, **YOU WILL BE HEARING FROM US AGAIN.**

1. It is immoral to cause harm to an individual person.
2. Disruption of normal life, pain, injury, and death are harms when they are imposed on an individual person without his or her consent. Thus,
3. Humans may be used in research only to the extent that they knowingly consent to being subjected to the risks of disruption of normal life, pain, injury and death inherent in that research. (Follows from 1 and 2.)
4. Researchers claim that vertebrate animals are relevantly like humans in anatomy and physiology, so that human processes can be understood using such animals in research. Thus,
5. Vertebrate animals are relevantly like humans in that they, too, may experience disruption of normal life, pain, injury, and death just as humans do. (Follows from 4.) Thus,
6. Vertebrate animals may be used in risky research only to the extent that they knowingly consent to being subjected to the risks of experiencing disruption of normal life, pain, injury and death inherent in that research. (Follows from 5 and 3.)
7. But nonhuman vertebrate animals cannot consent. Thus,
8. Nonhuman vertebrate animals may not be used in research which risks causing them disruption of normal life, pain, injury or death.

Very truly yours,

Vipers (Volunteer Insurgents Proposing to End Research Sadism)

Three Potential Responses to Vipers

Given at the Behavioral Neuroscience Colloquium

Department of Psychology, University of Texas

Austin, Texas

September 24, 1997

by

Richard T. Hull, Ph.D.

I. The first responding argument proceeds from assumptions made by those proposing to end research. Let us call this the

Utilitarian argument.

1. Pleasures and other experiences of normal sentient life, other things being equal, are good.

2. One maximizes such goods both by maintaining in each sentient life a life of quality: a positive balance of pleasure over pain, satisfaction of desires over their frustration, health over illness. etc., and by increasing the number of sentient lives of quality, consistent with sufficient resources and other means to keep the quality of those lives elevated.

3. There would be almost no research animals (white mice, white rats, gerbils, quail, even lobsters, sheep, pigs) without animal research.

4. The number of research animals bred and used annually is estimated at 20 million in the U.S., with perhaps another 10 million elsewhere. If animal research were abolished, virtually all such animals would never exist.

5. Therefore, animal research results in an increase of the number of sentient lives, thus satisfying one requirement for maximizing the goods of normal sentient life.

6. Animal research (and other animal producing activities of humans, such as the meat industry) carries moral obligations to take steps to maintain the quality of the life of animals they employ by such measures as are consistent with the purposes of those activities.

7. Anesthesia, analgesics, humane slaughter conditions are consistent with the purposes of animal research, and enhance the lives of animals so employed.

8. Therefore, anesthesia, analgesics, and humane slaughter are moral imperatives.

9. Given that such moral imperatives are observed, the increased number of sentient lives that result from animal research are maintained as lives of quality.

10. Therefore, animal research that observes its moral imperatives results in satisfaction of the other requirements for maximizing the goods of normal sentient life.

11. We ought always work to maximize the quantity of good.

12. Therefore, we ought to maintain animal research.

Note that his argument doesn't hang or fall on the benefits to humans of the animal

research industry: the argument goes forth on a pragmatic reading of animals' interests as they interact with those of humans.

II. The second argument picks up the thread of a typical response to the animal rights advocate's charge that animal research to benefit humans is speciesist — illegitimately elevating the value of our species over others, on analogy with racism and sexism — and will be called the

Special Duties Argument.

(I owe this version to Constance Perry of the Allegany Medical College Department of Humanities.)

1. Pain, distress, and suffering are prima facie wrongs for any sentient being; all things being equal, causing or permitting pain, distress, or suffering to occur is wrong.

2. Reducing pain, distress, and suffering and promoting well-being of sentient beings are primary goals of medical research, even basic research.

3. Therefore, there is no fundamental conflict between promoting animal welfare and promoting research.

4. Beings capable of making their own decisions based on their own, chosen values (autonomy) have greater moral importance and responsibility than non-rational beings: they have an increased capacity to suffer and experience happiness, and without autonomy, moral obligations do not exist as consciously applied concepts.

5. Since the development of the capacity for autonomy requires help and nurturing from others, individuals have responsibilities both to those who nurtured them in the past and those who are still developing autonomy.

6. Therefore, we have greater responsibilities to care, nurture, and protect those who may develop, currently possess, or once possessed autonomy than to other beings, because other autonomous beings helped us.

7. Nor are our responsibilities limited by our duties of gratitude. We pursue self-interest in acting on behalf of individuals who are facing grave problems even if they are not related, because we can imagine ourselves in similar situations in which we would want there to be traditions of assisting those in need.

8. Therefore, our relationships of mutual support and dependence create special, stronger obligations to humans than to non-human sentient animals.

9. But such stronger obligations do not entail discounting the interests of animals, for they can be caused pain, distress, and suffering as well. The use of animals in research requires stronger justification than mere inertia or convenience, and also requires conducting that research in such a manner that important human-to-human values and sensitivities are preserved.

10. Institutional Animal Care and Use Committees have devised a model of evaluating proposed experimental uses of animals:

- a. the reasons for using animals need to be tied to overriding moral objectives;
- b. the research goals have a reasonable prospect of achievement;
- c. there is no morally preferable substitute alternative methodology (e.g., in vitro models, computer modeling, or human cadavers);
- d. the form of animal use must infringe the least possible on their quality of life, consistent with achieving the primary goal (anesthesia, analgesia, monitoring);

e. the experimenter must seek to minimize the negative effects of the intervention (justification of the number of animals, preferring models in species we believe to have a lesser capacity for suffering, non-survival surgery where possible).

11. Thus, while the moral distinction between animals and humans serves to justify research using the latter to benefit the former, the distinction differs from racism and sexism because it is based on actual, morally-relevant criteria, and holds itself to a standard of care, consistent with the general rule of minimizing pain and distress; it is based on the recognition that morality comes from a need for us to support others and them to support us.

III. The third argument elaborates on the relational character of human-human obligation, but rests less on sentiment and unproven assumptions and more on a view that holds that morality is a human invention. I call it the

Morals by Agreement Argument.

1. With one exception, unconditional ought-statements cannot be derived from is-statements.

2. Thus, that a procedure is pleasant or is painful does not imply that it ought be pursued or avoided (except on the condition that one wants the pleasure or doesn't want the pain and the things that it is correlated with; that an act is rational or is irrational does not imply that one should do it or should not do it (unless one wants to be rational or to avoid being irrational); that an act bothers one's conscience does not imply that one must avoid the act unless one wants to avoid the pangs of conscience). From no factual statement about the traditional bases of morality (pleasure and other goods, from utilitarianism; powers of autonomous decision-making from Kantianism, even statements about what God wills as in divine command theories) does a straight-forward unconditional statement logically follow about what one ought to do. The most that follows is conditional statements, conditional upon having a desire-state that corresponds with achieving or avoiding the supposed consequences of behaving in a certain prescribed or proscribed way.

3. The one exception lies within human institutions: games (such as baseball), instructions for assembling things (like swing sets), traffic rules (in the U.S., keep to the right side of a two-way street; in England, keep to the left side); and a host of other institutions, such as promise-making and the like. Even here, the ought statements are conditional: if you are playing baseball and you are tagged off base by a member of the opposing team, you ought to leave the field (if you want to continue playing the game and not be thrown out); if you are driving in England and want to avoid a serious accident or being arrested, you ought to stay on the left side of a two-way road; if you utter the words I hereby promise to pay you \$5 next Monday to someone who then gives you \$5, then you ought to repay that person if you want your credibility not to suffer and want not to risk charges of theft or other consequences not in your interest to ensue.

4. These institutions differ also in that their force depends on the associated rules being generally observed. If a group people are on a baseball diamond, but none of them is observing the rules of the game, the game is not being played; if no one in a linguistic group takes AI hereby promise to pay you \$5 next Monday to be a basis for making loans, the institution of promise-making is not occurring; and if no one on a country's highways observes set conventions about driving, and there is no enforcement of a set of rules, then there are no traffic laws.

5. Such institutions as are rule-governed arise through the motivation that individuals have toward cooperative behavior, under something like the celebrated

prisoner=s dilemma situation. that is, the primary motivation in cooperative rather than exploitative behavior is the self-interested one Hobbes pointed out: without it, life would nasty, brutish, and sort.

6. Therefore, morality arises not from supernatural sources, nor from our nature as rational beings, nor our nature as sentient beings. Morality and its obligations arise as a matter of agreement by humans to restrict their own natural freedom in exchange for equitable restrictions on the behaviors of others, as enforced by institutions of law (civil and criminal), social sanction, and other forms of opprobrium. Morality is a kind of social contract that exists between persons entering into agreements and enforcement schemes, and is extended to other humans by acts of agreement based on decisions to extend the range of cooperation.

7. Non-human animals are generally incapable of entering into agreements — that is, of agreeing to behave in certain ways in exchange for comparable agreements by others. To the extent that they can work cooperatively, felt obligations and even legal obligations to them are agreed upon by participating humans, but those agreements are about animals and between humans.

8. Thus, the only moral obligations humans have regarding the ways it is morally permissible to treat animals are obligations they have undertaken in agreements reached, directly or indirectly, with one another. There is no duty to an animal not to cause it pain; that duty is owed to other humans, if it is owed at all, as the result of negotiated agreements with other humans.

9. This process of reaching morals by agreement is successful only when a sufficient majority of humans interests are well-served by the rule-governed institutions they create through processes of agreement negotiation.

10. Therefore, animal researchers ought, as a matter of prudence, be active in their participation in the process of negotiating the rules of animal research, and should be prepared to set conditions for their continued participation in the research enterprise, the results of which, they believe, are beneficial to friend and activist foe alike.

Conclusion.

Dealing with animal rights activists and their positions, when they attempt to articulate justifications for them, requires careful response. Responding to arguments which one helps activists restate in canonical form (i.e., with assumptions and premises explicitly identified, and inferences drawn logically) creates an atmosphere of a genuine attempt to understand objections to animal research. in turn, such an atmosphere helps activists perceive researchers' arguments as reasoned responses to their own, proceeding when possible from shared beliefs, giving reasoned alternative beliefs when common positions are not shared, and placing the onus of articulating reasons for further disagreement back on the activist.