

Legal and moral basis for animal experimentation

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There are some basic facts about life. The most important ones are that as individuals we are born, we live, and finally we die. While living we are totally dependent on a continuous supply of oxygen, water, energy, proteins, vitamins, and minerals. Oxygen is available in the atmosphere that surrounds us, the other essentials are consumed as food and drinks. Man is not unique in demanding these supplies. All other living creatures have the same basic demands which are not met isolated, but within the context of a mutual dependency. All living creatures are part of a vast system where each species and individual play a role both as supplier and consumer, particularly with regard to covering the demand for energy and protein. There is nothing new in this observation, but the context requires that it be emphasised once more.

Let us take a look at one small section of the vast system. In a lake you will find the wee little crustaceans which feed on algae, bacteriae and other microorganisms. The crustaceans satisfy their need for energy and protein in this way. In the lake you will also find the trout that feeds on the crustaceans, and in the air above the lake you will find the osprey that feeds on the trout. Also man can meet his demands for energy and protein by eating trout, and therefore he catches them as the osprey does. No one would question the catching of the trout by the latter on any grounds and, of course, the former is also in agreement with Nature because he is satisfying the same basic needs. In this way all creatures are serving each other and benefiting from each other, the ultimate fate of the individual being to disintegrate in the digestive organs of some other creature, or through the process of microbial activity.

These examples of how we are literally liv-

ing from each other are not giving a full picture of the interdependency that exists between living creatures. There are many other examples also of how some species take advantage of the properties and capacities of other species. Hiking, for example, is not uncommon. It means that an individual does not always move about by own power, but rides, when an opportunity arises, from one place to another attached to the body of an individual of another species. Consider the little fish which has had its dorsal fin developed into a sucker by which it can attach itself to whales and big fishes and thus be carried away over long distances. Or the African honey seeking cuckoos (*Indicatoridae*) which lures other species, man included, to dig the holes in the ground which are necessary that it may gain access to the bees' nests and honey. It is therefore in a wider biological context nothing exceptional in man using live animals for transport and traction, as a source of food and of certain materials that may be used for protection against unfavourable climatic conditions or any other use that may serve him as a means of survival or improving the quality of life.

In doing so man cannot in any ways be said to behave in disharmony with Nature because this is the way it works. Nature has, however, equipped man with certain qualities, particularly an intellect, which have increased his capacity to exploit both the non-living and the living world which surrounds him far beyond what any other species has achieved or will achieve.

But once given these advantages it is also implicit that man will use them as all other species will use theirs to the limits of their potentials. In other words, man can be expected to use other creatures, live or dead, for some purposes which will have no parallels in the life or behavioural patterns of

other creatures. In principle though, man is for all that not behaving in any other way than all other species.

The use of animals for experimental and other scientific purposes is nothing but an example of this. The aims of such uses are, in general terms, to further the knowledge of man and to prolong or save the life of man and other living creatures by combating disease, ill-health or other abnormality and by preventing their occurrence. These endeavours of man are clearly taking place at the urge of an inherent biological thrust common to the whole animal kingdom, and which ultimately serves the survival of the individual and species.

However, the advantage enjoyed by man has its price, because the intellect referred to above also puts man in a situation where he can judge the consequences of his acts on an emotional level.

Let us return for a moment to the catching of trout by osprey and man. Their methods of catching are really not very different in the consequences. The osprey catches the trout by grabbing it with its sharp claws which penetrates its back and abdomen. Man catches by help of a hook which pierces the lips and the cheeks. The event as experienced by the trout cannot be very different in the two cases, but when seen from the catchers' side there is a distinct difference. The osprey is certainly not in the position that it can appraise in any ways the shock and suffering it is causing to its prey. Neither can, for example, the lion which chokes its prey by compressing its windpipe, or the poisonous snake which awaits its victim to die from the systemic effect of its venom.

The killing has to be accepted as a consequence of the mere existence of these animals of prey, and therefore also their ways of killing. It should further be added that even species that are thought to be sentient and have an intellect comparable to that of man also kill without hesitation when it is necessary for their survival. Man is undoub-

tedly also a predator and as such he cannot be placed in a special position although he has the capacity at least, to grasp the terror of the prey. That is simply his crux. The terror stems from the sum of pain and suffering which is caused and which man himself can feel and apprehend. His ability of imagination and extrapolation leads him appraise not only his own situation and needs, but also that of other species. In the end, this situation affects his attitudes and actions towards other species, and it is further the origin of animal protection with all its virtues and inconsequences.

Accepting that man as part of his biological functioning uses live animals to increase his knowledge and to prolong or save his life, one also has to accept the consequences of his ability to perceive the pain and suffering of his fellow creatures. Here one arrives at the difficult borderline where society in general and researchers in particular have to balance the possible or likely benefit of an experiment on a live animal against the likely or possible pain, suffering, distress or lasting harm caused by the experimental procedure. It comes outside the scope of this presentation to deal with that problem in detail. Suffice it only to emphasize that it is quite obviously in the interest of both animals and man that no effort be spared to minimize the burden which experiments in live animals represent. This is evident for the animal where the burden consists of pain and suffering. It is perhaps not so evident for man where it is made up by the embarrassment, confusion and agony caused by conflicting forces.

It is maintained in certain circles that animals have rights. They have of course, as already stated, the right to do what is necessary to cover their basic demands, even if it means suffering and death for some other animals, or even man. This however, is not the topic of today's discussion over animal rights. The question is whether animals have legal or moral rights which have to be accepted by man.

To discuss this question one has to clarify certain points, first of all what is meant by moral and ethics.

Moral is defined as a system of informal, unwritten rules regulating the relations between individuals in a social environment. The fundamental thing about moral is that it is based on a reciprocal understanding aiming at improving and easing the quality of life in a society. In other words, moral means rules about how to behave to help and support fellow beings and avoid hurting, offending or harming them. To be moral means to practice such rules; and to be immoral or amoral means to fail to practice them or to deny their existence.

Ethics is the science of morality; or that part of philosophy that deals with moral. Ethics is however not something which we leave to the philosophers only. It is also synonymous with the practice of moral on the individual and private level. Ethical behaviour means actions and thinking which are acceptable in relation to the moral one has been indoctrinated with; or to what is also called our conscience.

Now, the important and critical point in all this is the reciprocity without which it would not work and there would be no moral. If we look around us, we will soon find out that where there is no reciprocity, there is no moral. This is selfevident when we look at our relations with nonliving subjects and plants. Judging from the general behaviour of animals one must also conclude that animals in their relations with other animals do not behave in conformity with any social rules based on reciprocity and the same holds true for their behaviour and actions towards man. It is thus only relevant to speak about moral in inter-human relations. It is true that some animals, in particular such animals that live in close contact with man, can express dependence and devotion, but that does not mean that they behave or act in accordance with some mutually binding rules. Their actions are, after all, decided by those inherent forces that are meant to

secure the survival of the individual and the species. Because animals are not able to and cannot be expected to render the reciprocity that is the basic element of a moral system, they cannot be moral agents either.

This does not mean that animals will not benefit from our moral. On the contrary, we are again and again confronted with the words moral and ethics when there are discussions on the relations between man and animals, in particular in connection with the use of animals for experimental purposes. A thorough analysis of the situation though, shows that it is not the animal as such that we are concerned about, but rather our feelings for animals and, as earlier stated, our ability to apprehend the sufferings of other creatures. The consideration for and protection of own and other people's feelings are important elements in all moral systems. Man meets animals with feelings and it is in this way that animals are falling inside our moral system and they are benefiting from it.

However, this is a field full of self-contradictions because man's feelings for animals are mixed, indeed. On the one hand, we have the companion animals like cats, dogs, horses, and a few others about whose welfare and protection we are very concerned, even to the extent that they are given special legal protection in many countries. On the other hand, we have certain species whose welfare and protection we simply neglect because we have no feelings for these animals. Some animals are even hated to the extent that we killed them without any concern.

Fish is an example of animals whose welfare we simply neglect. Fish by the millions are caught each year in the lakes, rivers, coastal waters, and oceans. The catching certainly serves an acceptable purpose, but as it is done all those millions of animals are either crushed or suffocated to death, methods that would never be accepted with companion or farm animals. Further, angling, or the catching of fish with a hook, is a common practice both in industry and as a pastime; it is

even considered a gentlemen's sport. An unprejudiced examination of the various phases of this particular sport might lead to a somewhat different conclusion.

This brief analysis shows that we have a very confusing situation which reflects itself in the legislation adopted in many countries and communities. The inconsistencies that we demonstrate in our attitudes towards animals are found also in the many animal protection acts.

As a matter of fact, it could be argued that these acts are sailing under false colours and they should more correctly be named "Acts for the Protection of Human Feelings for Animals". Only by renaming them in this way can their underlying juridical principle be understood.

In spite of this not very glorifying conclusion regarding the theoretical aspect of animal protection, it must be emphasized that in many countries of the world the standard of care for laboratory animals is high both with regard to maintenance, handling, pain- and suffering-relieving measures. One would hope and expect that those countries which have not yet paid too much attention to these matters will fall into line with the leading as their activities in the field of animal experimentation expand.

Sammendrag

Det er et ubestridelig faktum at alle levende vesener lever av andre levende vesener, direkte eller indirekte. Menneskets utnyttelse av dyr er bare én side av dette, vorav igjen bruken av dyr til forskning, produksjon og undervisning bare er en del. I motsetning til dyr kan mennesket fatte konsekvensene av sine handlinger overfor andre levende vesener, og dermed oppstår en konfliktsituasjon, som man søker å avverge eller redusere ved å bygge opp underforståtte og formelle regler. Formelt snakker man om dyrevern, men bak dette ligger det egentlig et ønske om å beskytte egne, ubehagelige følelser. Selv om det fortiede, reelle motiv ikke er så høyverdig, når man ser alt i sammenheng, så gir det likevel en gevinst for dyrene.

Yhteenveto / K. Pelkonen

Eliökunnassa eliöt käyttävät toisia omaksi hyväkseen, suoraan tai epäsuorasti. Muista eläimistä ihminen pystyy ymmärtämään toimintansa seurauksia. Syntyviä ristiriitatilanteita pyritään ratkaisemaan muodostamalla sääntöjä ohjaamaan toimintaa. Artikkelissa pohditaan eläinkokeisiin liittyvien tuntemusten kirjoja ja eläinten oikeuksia. Kirjoittaja päätyy esittämään, että "eläinsuojelulakeja" oikeammin pitäisikin kutsua "laeiksi, jotka suojelevat niitä tunteita, joita ihmiset tuntevat eläimiä kohtaan". Lopuksi todetaan, että monissa maissa koe-eläinten hoidon laatu on varsin korkea ja kivunestomenetelmät tehokkaasti käytössä ja esitetään toive ja odotus, että niissä maissa, joissa tilanne ei vielä ole näin, kehitys johtaa samaan suuntaan.