Against Animal Experiments

Kozi Asano

豊田工業大学

Contents

Introduction[1]

Animals have rights not to be killed or abused. We have corresponding duties not to kill or abuse them. We know it by moral intuition. Our intuition is not a mere expression of our sentiments. It is based upon objective facts. Animals have those rights. Why? Because they feel pain and suffer when abused. If somebody tries to kill them, they would defend themselves and try to escape. That is no wonder, since to live is an interest for them, too[2]. Then why do we have corresponding duties? First, we have an ability and freedom to kill and abuse animals. Secondly, we have rationality to make a moral judgment, and a moral capacity to act according to the moral judgment we make. These are the objective conditions for imposing duties on us. Practically our major concerns are those animals who live close to us, especially those under our control. Their being under our control means that they are in captivity from which they cannot escape. So we can easily abuse or kill them.

For animal rights advocates, eating meat and experimenting on animals are equally wrong[3]. For many others, however, vegetarianism is relatively plausible because the interests we get in eating meat are good taste, a rather morally insignificant matter. Abstaining from meat does not make our life much worse, and we can have a great or happy life without eating meat. On the other hand, banning animal experiments does not seem convincing because much more vital human interests seem to be at stake here[4]. Thus the strongest argument for animal experiments is a utilitarian one that appeals to human interests. People would say such things as:

Animal experiments are done for human benefits.
Experimenting on animals is necessary for medical progress.

---

[1] This paper was read at the 13th Conference of the International Society of Utilitarian Studies, which was held at Yokohama National University, Japan, in Aug. 2014. It is a shorter English version of my Japanese paper (Asano).

[2] Killing animals without causing any pain to them is still wrong. Why? Because it deprives them of all the good things that they would have enjoyed if they were not killed.

[3] Eating meat is a much larger crime in that far more animals are killed for food than for experiments.

[4] Reflecting this, all the experiments that P. Singer tells us in his *Animal Liberation* are the ones in which we can hardly find any significant benefit for human beings.

Human benefits are greater than the suffering of animals used in experiments.

People would also point out that animal experiments have contributed to the development of life-saving treatments of fatal diseases, and that they are indispensable for developing new treatments of many more incurable illnesses.

The opinions expressed above contain at least one correct insight. It is that animal experiments which do not serve saving human patients are unnecessary and so unjustified. Indeed this insight is represented by one of the three Rs in animal experimantation, i.e. the principle of reducing the number of animals[5]. But this insight is merely suggested by the above opinions. It is not an implication. Logically speaking, a claim that animal experiments are necessary for medical progress is compatible with another claim that they are necessary for other scientific purposes. However, the latter claim would be much less plausible than the former. So, as before, the justification of animal experiments as saving human patients is the strongest case for animal experiments.

Let me write down this utilitarian argument as follows.

> Certainly animal suffering is regrettable[6]. But animal experiments are indispensable for developing new drugs and treatments. Once new drugs and treatments are developed, they would save millions of patients. Or do you dare say "Forget the lives of human patients in order to save lives of animals"? After all, the lives of millions of human patients are much more important than hundreds or thousands of animal lives.

I want to criticize that argument.

1. The End of Medical Progress

---

[5] The other two Rs are (1) replacing the use of animals with alternative techniques and (2) refining the way experiments are carried out to make sure animals suffer as little as possible.

[6] Most people, including researchers who experiment on animals, accept the three Rs. Viewing this, although some people argue that since animals are not persons, do not have language, or do not feel pain, they are not objects of moral consideration, and that there is nothing wrong with animal experiments, their arguments are far from being plausible.

First of all, the above argument justifies animal experiments as means to an end of medical progress. The necessity of a means depends on the necessity of its end. However, there is a viewpoint according to which there is no need of medical progress. For example, Ichinose at Tokyo University writes as follows:

Our humanity has already accumulated much knowledge of medicine and other disciplines. So we can take this as just enough and no more (Ichinose: 324).

That is to say, medicine has progressed enough. For example, the average life span of Japanese is 82 years. People who have lived so long, we can say, have had their fill of life. So there is no need of further medical progress. Of course medicine will progress even without animal experiments. It will be something good. We do not need to stop medical progress. But the important point is that there is no need of animal experiments, because there is no need of further medical progress. This is an important suggestion. All of us get old, become weak, and eventually die. Certainly it varies from one person to another when we die from what cause (cancer, brain disease, heart trouble, and so on). But everybody dies. This is a fact we must accept. If, forgetting this fact, we try to prolong our life, first it is a vain effort, because we cannot prolong our life for ever. Secondly, it is preposterous in that we are turning our eyes to the length of life (living) from the quality of life (living well).

Certainly the above viewpoint may be true for those who have had their fill of life. But it cannot be true for those young who suffer from fatal and other serious diseases. For these young people, it does not matter that the average life span of Japanese is 82 years. For a suffering individual, his/her life is the only one that he/she has and the only one that matters. Thus, for example, if we treat and save a 20 years old patient who suffers from a life-threatening disease, it is not just prolongation but saving of life. Also if a new drug or treatment transforms a suffering life of someone to a normal-functioning one, it is a great improvement in the quality of life. So Ichinose's suggested objection is not enough for rejecting the utilitarian justification of animal experiments.

2. Utilitarian Logic

Let us go back to the utilitarian argument for animal experiments. The biggest problem with it is that its logic applies for human experiments too. Let me apply its logic to human beings; then we get the following justification of human experiments.

Certainly the suffering of human subjects is regrettable. But human experiments are indispensable for developing new drugs and treatments. Once new drugs and treatments are developed, they would save millions of human patients. Or do you dare say "Forget the lives of human patients in order to save lives of human subjects"? After all, the lives of millions of human patients are much more important than hundreds or thousands of human subjects.

This is a well known difficulty of utilitarianism that the sacrifice of a few people can be justified by the benefits of many people. Here the number of beneficiaries is larger than that of victims because the number of subjects needed for the development of a new drug or treatment is finite whereas the number of patients who benefit in future is indefinite. So the sacrifice of human subjects is justified in so far as their number is finite, however large it may be.

But nobody would agree that human experiments are justified, whatever large patient benefits may be expected. Why? Because experimental subjects and benefiting patients are different individuals. The life of a subject cannot be replaced by that of a patient. Thus we can formulate our criticism as follows.

If animal experiments are justified by the utility calculus that the benefits of patients are greater, then human experiments, too, are justified by the same utility calculus that the benefits of patients are greater. But human experiments are morally wrong. So we cannot accept the utility calculus that would justify human experiments. Consequently we cannot employ it for animal experiments, either.

Against this criticism, defenders of animal experiments may reply that animal experiments and human experiments are different. Animal experiments are indispensable for the

development of new drugs and treatments whereas human experiments are not indispensable but can be replaced by animal experiments. However, this reply only amounts to a small consolation. Certainly if we can replace human experiments by animal experiments, we can do so. But when certain human experiments cannot be replaced by animal experiments, those human experiments are justified for the sort of medical progress that can be achieved only by human experiments. That is the problem.

I have said above that human experiments are morally wrong. Somebody may respond that human experiments are not always wrong. When a subject gives informed consent, human experiments are permissible. In such a case, human experiments may be morally justified. I can accept the point. But this response, even though it may justify human experiments, cannot justify animal experiments. Because animals cannot give informed consent. This is the same as when human children cannot give informed consent. So, just as children cannot be used for medical experiments, animals cannot be done so, either.

However, some people would not be convinced by my above criticism of the utilitarian argument.

3. False Dichotomy

The utilitarian justification of animal experiments apparently amounts to a claim that animal experiments are necessary for——necessary conditions for——the development of new drugs and treatments. However, it also seems to imply that they are sufficient conditions for the development of new drugs and treatments[7]. Because it seems to presuppose that they will lead to the development of new drugs and treatments. Why? Unless new drugs and treatments save patients, all the animal experiments conducted for their development would have been in vain. Thus those animal experiments would not have been justified. Only if new drugs and treatments save patients, animal experiments for their

_____

[7]   I do not mean that animal experiments produce new drugs and treatments without other conditions, but I mean a logical relation that if animal experiments are conducted, new drugs and treatments are developed.

development would be justified. So the utilitarian argument claiming that animal experiments are justified presupposes, as it seems to me, that animal experiments lead to the development of new drugs and treatments which actually save patients. Indeed it is this presupposition that gives the utilitarian argument such a rhetorical power. This argument looks so powerful because it faces us with a dichotomy of animal life or human life. That is to say, it forces us to choose one of the two: (1) sacrificing animal life in order to save human life or (2) abandoning human life in order to save animal life. Being forced to choose one of them, it would be very difficult for people to choose the second option.

Now let us consider "true emergencies or conflicts." For example, suppose that a house is burning, and that a human child and a dog are trapped in it. Mr. A is a brave person, and he wants to get in the house to save the child and the dog. However, the house is about to collapse, so there is no time to save both of them as they are in two remotely separate rooms. Thus Mr. A can save only one of them. Which one should Mr. A save, the child or the dog? In such a case, we should and would save the child over the dog (Francione 2008: 64-5)[8]. But does this kind of example show that animal experiments are justified? No. Because animal experiments are not cases of "true emergencies or conflicts." In the above example of burning house, all the possibilities are *ex hypothesi* exhausted by the two options of (1) saving the child and abandoning the dog and (2) saving the dog and abandoning the child. On the other hand, in the case of animal experiments, all the possibilities are not exhausted. There are possibilities other than the two options mentioned by the utilitarian argument.

First of all, patients may be saved without animal experiments. Because there are new drugs and treatments that can be developed without animal experiments. So research without animal experiments may lead to the development of new drugs and treatments that will save patients.

By the way, we should not forget that animal experiments involve costs. So it also

_____

[8]   The reason why we save the human child over the dog is that the child has a larger value in that the loss is larger when the child dies. Nevertheless, it does not follow that killing the dog is justified by promoting the welfare of the child.

matters how animal experiments are cost-effective. Certainly we can spend our money on animal experiments in order to try to reduce the number of people afflicted with a life-threatening disease. But we can also spend the same money on the prevention of the disease in order to reduce the number of people who become afflicted with the disease. Which way of spending money is more cost-effective? For example, in the case of AIDS epidemic, spending money on "public safe-sex education campaign, needle exchange, and condom distribution" would be more cost-effective in solving the problem (Francione 2000: 37).

Secondly, even if we sacrifice animal life, our patients may not be saved after all. Indeed it is quite unlikely that animal experiments conducted this month will save patients this year and give them a wonderful new life next year. So when do we ever overcome cancer, for example? For the sake of argument, let us assume that cancer is expected to be overcome in 10 years. Does such an expectation justify animal experiments now? Let us remember the example of the burning house. Even if it were not a child and a dog but a child and an old person that were trapped in the house, most people would agree that we should save the child over the old person. We can ask a similar question. When we expect to save a child in 10 years, does it justify us to use an old person for medical experiments? No, it does not. Then what is the difference between the burning house case and the medical experiment case? In the burning house case, we sacrifice the old person to save the child. In the medical experiment case, we do not think that we should sacrifice the old person to save the child. Why? Because there is no clear causal relation between the experiments of the old person now and the saving of the child in 10 years. Probably for the benefits of somebody to justify the sacrifice of somebody else, there must be an immediate, specific relation between the benefits and the sacrifice. For example, if killing this dog today can save that person tomorrow, it may be justified. And just as using the old person for medical experiments now has no clear causal relation with saving the child in 10 years, using animals for experiments now has no clear causal relation with it, either. So just as the experiments of the old person are not justified, animal experiments are not justified, either. The reason is the same that they lack clear causal relation with the saving of the child in 10 years.

Consequently, the dichotomy between animal life and human life is a false one, and the utilitarian argument based on it is a fallacy.

Somebody may respond that I demand too much from the defenders of animal experiments. Because nobody can say that a research project involving animal experiments will necessarily succeed in developing life-saving drugs and treatments. For any research project, it is only a matter of probability whether it will succeed or not. So if a project has a reasonable probability of success, it is justified. But I disagree. A mere probability of success does not justify the real suffering of animals here and now. Why? Once animals are killed, they can never recover their life, and they are gone forever. Justifying the actual sacrifice of animals here and now would at least require that patients are certainly saved. Further, one may wonder, if patients are certainly saved, then does it justify animal experiments? No, it does not seem to do so. Because it seems unreasonable and unjustified to force animals, who have nothing to do with patients (neither responsible nor liable for the condition of patients), to suffer in order to save them. However, in the next section I will say something as a practical proposal about the animal use committee that evaluates research projects involving animal experiments, by taking into account the probability of their success.

Now you may ask, are animal experiments never justified?[9] Is there any exception when animal experiments are allowed? In my view, animal experiments are allowed in the following two cases. One is when the experimental procedures inflict little pain or harm on animals. I mean experiments of Category A and most experiments of Category B of "Categories of Biomedical Experiments Based on Increasing Ethical Concerns for Non-human Species" (SCAW). Experiments of Category A are those "involving either no living materials or use of plants, bacteria, protozoa, or invertebrate animal species" (SCAW).

_____

[9] Most laboratory animals are bred so that they would suffer while alive. So, we can say, it would have been better for them not to have been born. However, a utilitarian might say that if we bring animals to existence, give them sufficiently pleasant life, and then use them for experiments after which they are given euthanasia, the utility calculus would be positive with pleasure being larger than pain. In such a case, using animals for experiments would be justified. For example, when a companion animal who has had a good life until their owner's death is used for experiments, it may be justified. Is it? No. Because the person who has brought an animal to existence bears a responsibility of providing a decent life to it until its own death.

Experiments of Category B are those "on vertebrate animal species that are expected to produce little or no discomfort." However, Category B can include "experiments on completely anesthetized animals which do not regain consciousness," and "standard methods of euthanasia that induce rapid unconsciousness, such as anesthetic overdose or decapitation preceded by sedation or light anesthesia" (SCAW). This is a dangerous addition. It practically means that you can do anything to animals while keeping them unconscious and kill them after the experiments. But even if you do not make animals feel pain, killing them is a very serious harm for them. So, I think, "experiments on completely anesthetized animals which do not regain consciousness" are not justified. The other is when animals are given experimental procedures for the treatment of their own (individual, not their species) disease or injury. However, as I have said, unlike human adults animals cannot give informed consent, so experimental treatments must be given to animals with caution. I mean, human advocates have to make considerate judgments for them, viewing the probability of experimental treatments' success, the pain involved in the treatments, and so on.

4. Background Problems of Animal Experiments

In this last section, I want to briefly discuss the background problems of animal experiments and their improvements. First of all, how many animal experiments are conducted each year? We do not know well. Still we can have a very rough estimate. For example, in Japan, about 1.2 million experimental animals were bred in research facilities in 2004 (JALAS: 11-12). And about 9.3 million animals are sold in the same year (JSLAR: 4). Thus about 10.5 million animals are supposed to have been used for experiments in 2004. Most of them are mammals. So many animals are bred in and sold to research facilities. It would mean that equally many animals are killed for experiments.

Why are so many animals killed? There are two problems behind such a massive slaughter of animals. First, animal experiments are institutionalized. Thus people who experiment on animals are simply doing their jobs. So individuals who would never dare abuse animals personally do what their job requires of them. The kind of awful things they would

never do at home, they do in their laboratories. I suppose that it would be difficult for researchers to oppose or challenge animal experiments which they have been trained to do. We need to change this culture. We need to educate our pupils and students so that becoming aware of the suffering of other animals, they can ask themselves whether particular experiments are really necessary for saving human life, whether they actually contribute to the saving of human life, and so on.

Secondly, animal experiments are hidden from public. So disclosure of information is absolutely necessary. Besides we should make an important improvement of the animal use committee that evaluates animal experiments. Presently, animal use committees at research institutions are almost entirely composed of medical, biomedical, and other scientific researchers. But the problem is that the practices taken for granted by the medical and biomedical researchers do not match people's moral sense today. So it does not make much sense that animal experiments are evaluated by peers in the same field. On the other hand, general public have both moral sense and rationality enough to judge whether any act is ethical or criminal. Therefore, animal use committees must be composed of general public. Here general public should not include, for example, non-academic staff, retired researchers, or other people who have dealings with the research institutions. Because those people are likely to make favorable judgments for the institutions. Rather, animal use committees must be composed of general public who are chosen randomly just as lay judges or jurors are so chosen. Researchers who plan to experiment on animals have to convince general public that their experiments are necessary and contribute to the actual saving of patients, that their projects are highly likely to produce the intended benefits, and so on. That their experiments are useful just for medical and other sciences is not enough for justifying animal experiments.

Bibliography

Asano, Kozi. "Han Doubutsu Jikken Ron (Against Animal Experiments)." *Iryo Seimei to Rinri Shakai* (Medicine, Life, Ethics and Society) 12 (2015): 49-58.

Francione, Gary L. [2000]. *Introduction to Animal Rights: Your Child or the Dog?* Philadelphia: Temple University Press.

————[2008]. *Animals as Persons: Essays on the Abolition of Animal Exploitation*. New York: Columbia University Press.

Ichinose, Masaki. *Shi no Shoyu——Shikei, Satsujin, Doubutsu-riyo ni mukiau Tetsugaku* (Ownership of Death: A Philosophy towards the Death Penalty, Homicide, and the Use of Animals). Tokyo: University of Tokyo Press, 2011.

Japanese Association for Laboratory Animal Science (JALAS). "The number of live animals used in experiments after breeding in research facilities in 2004: Results of survey." *Laboratory Animal News*. Vol. 56, No. 2 (2007): 9-21.

Japanese Society for Laboratory Animal Resources (JSLAR). "The number of live animals sold in 2004"(in Japanese). Available at: http://www.nichidokyo.or.jp/pdf/production/h16-souhanbaisu.pdf (Accessed: 8th Feb. 2016).

Scientists Center for Animal Welfare (SCAW). "Categories of Biomedical Experiments Based on Increasing Ethical Concerns for Non-human Species." *Laboratory Animal Science*. Special Issue (1987): 11-13. Available at: http://www.clar.med.tohoku.ac.jp/data/kitei/10th/hoi2-E.pdf#search='Categories+of+Biomedical+Experiments' (Accessed: 8th Feb. 2016).

Singer, Peter. *Animal Liberation*. New York: HarperCollins, 2009.