

Ethics of animal use

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Blackwell
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Foreword

In my youth, animal welfare issues were socially invisible, with the possible exception of truly egregious revelations – starving of animals, beatings, burnings and explicit torture. As a child, I remember asking adults about a lion kept in a small cage at the zoo, and receiving only blank stares in response. At the risk of extravagant understatement, one can affirm that this is no longer the case.

Indeed, the degree to which animal welfare has ‘taken off’ as a ubiquitous, international social concern – so much so that the Chinese ambassador to the USA recently remarked that China must transcend its notoriously cavalier attitude towards animal treatment if it is to trade with the West – is matched in my experience only by the transmutation of exercise, fitness, and diet from the esoteric pursuits of ‘health nuts’ to a multi-billion dollar industry none of us can escape.

Indeed, when I studied and later taught the history of philosophy from the 1960s into the late 1970s, I was amazed at how philosophers, busy proving such things as the unreality of time and motion, had been virtually silent about our obligations to other living sentient beings, save for some remarks by Descartes, who said animals were machines, and Kant, who dismissed their moral relevance by pointing out their lack of rationality and moral agency. This lacuna bothered me, as did philosophers’ ignoring of the despoliation of nature. So in 1970, a colleague and I proposed to publish an anthology dealing with moral obligations to animals and nature. We received a raft of ‘don’t be ridiculous’ letters, informing us that there was no interest in such issues.

No one, including myself, could have anticipated the degree to which animal treatment would emerge as a major social issue by the end of the century, attracting careful philosophical examination and major social figures across the political spectrum who took these issues very seriously – people as diverse as Jane Goodall, Coretta Scott King (Martin Luther King’s widow), Cesar Chavez, the last two popes, conservative US Senator Robert Byrd, feminists, attorneys, physicians, research scientists, and movie and rock stars. In Britain, animal

welfare receives an eight out of a possible ten on a scale representing issues of societal importance. In Spain, the economic institution of bull-fighting, in a real sense an emblem of Spanish culture, is being vigorously challenged on animal ethics grounds by Spanish youth.

In Germany, the parliament affirmed that animals were covered by the German Constitution; in Sweden in 1988, the legislature passed a law phasing out confinement agriculture of the sort taken for granted in North America, and the European Union has followed suit. In the USA, federal law was passed minimising pain and distress in animal research, despite vigorous opposition from much of the research community, who claimed that such laws would jeopardise innovations that benefit human health care. (In fact, the laws have strengthened research, by minimising pain, stress, distress and other variables deforming research results.) The nucleus of such laws, oversight by an animal ethics committee, has been adopted by numerous countries. The US public is so concerned about animal treatment that over 2,100 laws were proposed in 2004 relevant to animal welfare, and that same public is beginning to reject sow stalls, battery cages, veal crates and other mainstays of industrialised agriculture by legislation and citizen referenda. Egregious practices in wildlife management, such as bear hunting in the spring, where lactating mother bears may be shot leaving the cubs to die of dehydration and starvation, have been eliminated in numerous jurisdictions, as has the steel-jawed trap. Companion animals are viewed as 'members of the family' by the vast majority of the US public, as the aftermath of Hurricane Katrina dramatically evidenced, and veterinary medicine has been transformed in four decades from ancillary to agriculture to overwhelming companion-animal oriented activity, with veterinary specialty practices proliferating. More than 80 law schools have courses in animal law, and cruelty to animals has been elevated to a felony in 40 states.

With the proliferation of societal interest in animal issues, partially as cause and partially as effect, has come a significant philosophical literature on animal ethics. It is incumbent, therefore, on any educated citizen, and particularly those who are involved in animal-using industries, to understand, at least at a basic level, the debate over the ethics of animal use, the various philosophical positions that have been proposed in that area, and the ethical issues occasioned by the multifarious uses of animals in society. Peter Sandøe and Stine Christiansen have done a marvelous job in providing a highly readable, accessible, and well-informed introduction to these matters in this short volume. Particularly laudable is their skill in presenting complex ethical theories in a distilled form, without sacrificing accuracy, and with great fairness to all positions.

Obviously veterinarians and animal scientists are most significantly affected by the rise of animal ethics and animal welfare concerns. Yet there is little material dealing with these issues available to them in a concise and intelligible manner. The result has been a radical misunderstanding or lack of understanding of these matters by the veterinary and agricultural community, paradigmatically illustrated by their insistence on basing answers to ethical questions about animal use, such as the legitimacy of gestation crates, by appealing to 'sound

science'. Similarly, lack of conceptual clarity has led the US agricultural community to define animal welfare as 'productivity', an egregious logical error. Those who study the Sandøe and Christiansen volume are very unlikely to perpetuate such errors and will be in a far better position to engage societal concerns without loss of credibility. In addition, animal scientists will gain an understanding of the fact that the values of efficiency and productivity alone no longer suffice to ground agricultural research and practice in the future.

The book covers an impressive range of topics with accuracy and fairness – quality and end of life issues in companion animals, animal experimentation, animal agriculture, wildlife management, animal breeding and genetic engineering. Despite its ambitious scope, the authors have achieved remarkable unity in the book, and have produced a book that is easy and pleasant to read. Their work will surely provide a major tool for rationalising the debate about the ethics of animal use, and I commend them for their invaluable contribution.

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Introduction

The aim of this book is to introduce readers to some of the more important ethical issues raised by human use of animals. The first four chapters offer a general survey of animal use. They also present conceptual tools in the form of principles of animal ethics. The last six chapters discuss more specific issues. Topics here include our use of animals in food production and for research, animal companions, pest control and animal biotechnology. In each of these chapters the conceptual tools introduced earlier are applied. These applications serve both to shed light on the issues and deepen the reader's understanding of the ethical principles.

The book takes a pluralist approach to animal ethics. Unlike some of the classic works in the field – by, for example, Peter Singer, Tom Regan, R.G. Frey and Roger Scruton – it does not seek to defend or apply one specific ethical view or perspective. Rather, both in the theoretical and in the applied chapters, the book presents a range of views: five views about our duties to animals, three views about what makes for a good animal life, and a number of hybrids of these views. The book does not side with any of these outlooks. Instead it encourages the reader to develop an understanding of the strengths of the different views, and to see why people have been drawn to the different approaches.

The choice of a pluralist approach does not suggest that we, the authors of this book, do not have our own views. We do, and although we have done our best to present the arguments dispassionately, and in a fair and balanced way, it is of course unlikely that we have always succeeded in concealing our sympathies. The pluralist approach is, however, founded on a strong conviction about the best way to teach ethics and the right way to handle public controversies.

One intended purpose of this book is to serve as a textbook for teaching animal ethics at university level in veterinary and animal science courses. Ethics teaching at a university should not, in our view, amount to a kind of moral lecturing. We believe that the aim of teaching is to give the students state of the art knowledge and understanding. And the state of the art in ethics (unlike, for example, basic chemistry) is that leading scholars in the field of ethical

theory disagree deeply about many, if not most, matters. Therefore the best way to present ethics to students on an introductory course is to describe competing theories, show that each has certain strengths, but make it obvious at the same time that they cannot all be correct because they are incompatible.

A clear advantage of this approach is that, through it, the students themselves become engaged in ethical reflection. They are not just presented with things to learn. They are challenged to make up their own mind on matters that call for answers but where the 'right answers' cannot be simply set before them. However, although there are no right answers, and every answer can, therefore, be right in a way, the student is not given an easy way out and asked merely to choose one theory or another. Each view has its own weaknesses, and readers are confronted by those weaknesses throughout the book.

In reality few people, if any, stick strictly to a single, defined ethical principle. Our opinions about rights and wrongs are generally complex and vary across situations. When describing an ethical framework and its applications, this book frequently refers to 'utilitarians', 'contractarians' and the like. These labels, however, are not intended to suggest that real people fall into such clear-cut categories.

The Internet based learning tool Animal Ethics Dilemma, freely available at www.aedilemma.net, is structured around the same ethical framework as this book. This tool may therefore serve to engage the students further. It is hoped that it will be a useful addition to the book. When using the programme, students are confronted with ethical dilemmas to which there are no simple and comfortable solutions. They obtain insights into the relationship between their own intuitive judgements and the main ethical theories.

In the book we have not, of course, tried to present all possible disagreements at all possible levels of ethical discourse. What is presented here is a staged disagreement encouraging structured discussion. This may be irritating to readers who feel strongly that certain key assumptions are not challenged in the book. It might be felt, for example, that it is unreasonable to assume (as we do) that basic differences of ethical opinion can usefully be construed as disagreements about simple principles like the principle that animals have rights and the utilitarian principle.

Two things can be said in our defence here. First, we do not pretend to cover all the issues and all the angles on the issues. We would readily agree that there are ethical disagreements we do not discuss. Second, if the book did not stage its discussions, but instead tried to deal with every sort of disagreement, it would be extremely long and probably boring to read. One should not knowingly bore other people, of course, but more importantly, a boring book is unlikely to be read. Obviously, we want this book to be read and used – not least, in the training of future veterinarians, animal scientists and others who have a professional involvement with animals. It is our belief that an introductory text on animal ethics will be more stimulating if the reader has a structured overview of prominent dilemmas and conflicts and is not lost in details and nuances.

For those who miss detailed elaboration of the ethical issues, or who just want more information about the topics covered, we provide suggestions for further reading at the end of each chapter. The lists we offer are fairly short and are only intended to serve as starting points. In line with our intention to reduce complexity in the text, we have also kept references to an absolute minimum. Again, readers looking for references might wish to explore the publications listed in suggested further reading.

The teaching of ethics is a relatively new part of the veterinary and animal science curricula. Until recently veterinary and animal science students mainly learned about the perceived rights and wrongs of dealing with animals through views implied – but rarely explicitly stated – by their teachers. However, this is not good enough. The backgrounds of students and teachers in these fields are no longer as similar as they used to be. Disagreements within the profession are therefore more likely to arise, and when they do they have to be dealt with. In any case, this is not the best way to prepare students for discussions in society as a whole.

Traditionally, it has been assumed that veterinarians and other animal science professionals are authorities on what is right and wrong in our dealings with animals. Times have changed, however. Today people have confidence in their own views and expect to be listened to and treated respectfully by veterinarians and others who give professional advice on animal use. This means that the professional must now accept that there are different ethical views, and that his or her own view is not the only one that a person can reasonably hold.

Factual aspects of an issue are often highly relevant when one is seeking to form an opinion about an ethical issue. This is why we have invited colleagues with backgrounds in veterinary science or other branches of biology to co-author all the chapters dealing with specific forms of animal use and specific animal issues. Our co-authors have provided state of art knowledge of their fields of expertise. They have helped us to ensure that the ethical discussions we present do not contradict or ignore relevant biological insights. In addition to our co-authors we have consulted a number of colleagues on specific matters.

The link between factual knowledge and sound ethical judgement is not as simple and straightforward as many people with a science background seem to think. An important lesson to be learned from this book is that, in order to make up one's mind about an animal issue on an informed basis, it is not enough to be knowledgeable about the facts. One also needs to engage and be proficient in ethical thinking. Just as one can be more or less competent regarding the science of an issue, one can do one's ethical thinking in a more or less thorough and imaginative way. Part of being imaginative in ethics is the ability to see issues in the light of different ethical principles before one makes up one's mind.

Nearly all countries place legal restrictions on the use of animals. In some countries these limits are minimal; in others they are more extensive. However, all over the world much is left to personal decision. There is plenty of room for public discussion about how animal use should be regulated in the future – either in legal terms or by means of voluntary codes.

To some people the idea of developing regulations is too liberal. To them, the problems are of such a magnitude that civil disobedience is called for rather than ethical debate. On the other side, people involved in, say, animal production or experimentation may be reluctant to engage in an open, fair discussion about animal use and abuse. We hope that the conceptual tools presented in this book will facilitate mutual understanding and respectful dialogue. We believe that both for the sake of protecting democracy, and for the sake of progress when it comes to decent treatment of animals, the only way forward is open discussion of the issues – a discussion informed equally by biological insight and ethical reflection.

Chapter 1

The Changing Face of Animal Ethics

This is a book about animal ethics. It describes and explains different views about how we – as human beings, capable of moral thought – *ought* to treat the animals in our care. However, a sober discussion of this issue must take as its starting point the way in which we do *as a matter of fact* treat the animals in our care and the attitudes we have towards these animals. This factual background is not static. The relationship between humans and animals has changed dramatically over the last 100 years or so, and remarkable changes have followed in the attitudes that humans have towards animals. The aim of this chapter is to describe these developments.

A major distinction will be drawn: there are traditional forms of animal use, where animals and humans live more or less symbiotically, and where the mutual dependence places limits on the kind of things humans do to animals. Here the main problem is the *cruelty* of people who, for no good reason, maltreat animals in their care. This problem will be described in the first section below. The second section will focus on recent developments in intensive animal production. These developments have brought about a situation in which animals in industrialised countries are put under extreme pressure in an effort to produce cheap products for an increasingly wealthy population. This section will also look at developments in laboratory animal science, where animals are used as research tools and, particular, as models of human diseases.

At the same time, the way in which we keep animals as pets or companions has also changed considerably, and interest in wild animals and the environment in which they live has grown. We tend to regard these animals completely differently from the way we regard livestock and laboratory animals. Developments in attitudes towards pets and wildlife will be described in the last section of this chapter.

Traditional ways of using animals and the emergence of anti-cruelty legislation

Within the mainstream of Western culture, animals have traditionally been viewed as means of fulfilling human needs. Such a view is expressed in the following part of Genesis:

God blessed Noah and his sons and said to them: 'Be fertile and multiply and fill the earth. Dread fear of you shall come upon all the animals of the earth and all the birds of the air, upon all the creatures that move about on the ground and all the fishes of the sea; into your power they are delivered. Every creature that is alive shall be yours to eat; I give them all to you as I did the green plants'. (Genesis 9:1–4)

Of course, there are also places in the Bible where it is said that humans have duties towards animals, but this reminder did not figure much in official Christian theology. The highly influential philosopher and theologian Thomas Aquinas (1225–1274), whose ideas still play an important role within the Catholic Church, argued that the parts of the Bible that seem to command that one should take care of animals are, in essence, about caring for humans. Not only are there humans whose property may be harmed if animals are maltreated, but cruelty to animals may also lead to cruelty towards humans. However, according to Aquinas, animals have no moral standing in their own right: they are there for us to use as our needs dictate (from Linzey & Regan 1990).

Until the nineteenth century, animals in the Western world were legally protected only in their capacity as items of private property. Bans on mistreatment were there to protect the rightful owner of the animals from having his property vandalised. Legally speaking, the animals themselves had no right to be protected.

Things began to change in the nineteenth century. This was a reflection of more general ethical and political changes that had taken place in the eighteenth century – a century in which grand ideas of human rights and liberal democracy gained momentum. It was no longer accepted that the ruling classes could treat the lower classes in the way they treated their property. Together with revolutions in France and the USA, the idea developed that all humans are equal, and that the role of the state is to protect the rights of all its citizens. This perspective is expressed in this famous statement from the American Declaration of Independence of 1776:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. – That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, – That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to

abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

With this new focus on the 'safety and happiness' of each individual human being it becomes possible to raise questions about the safety and happiness of the animals in human care. Whereas in the case of humans the focus is on political rights that allow people to pursue their own happiness, with animals (as with some weak or marginalised groups of humans) it does not seem to make sense to allow them to sort out things by themselves. Rather, in the various movements 'for' animals that developed around the beginning of the nineteenth century, the aim was to place limits on what humans were allowed to do with, or to, animals in their care. The aim was animal protection rather than animal rights.

Of course, these developments were not driven by ideas alone. It also mattered that with growing urbanisation large parts of the population no longer lived in the countryside and so no longer took part in traditional rural pursuits. Moreover, it mattered that there was a general increase in average levels of wealth in many countries. Clearly, people who have enough to eat and do not have to strive daily to subsist are in a better position to discuss the welfare of animals.

All these conditions were in place in early nineteenth-century England, where the world's first law for the protection of animals was passed. Getting the law through both chambers of the parliament was a huge struggle for the two key figures in this reform, Richard Martin MP (Member of Parliament) (1754–1834) and his collaborator Lord Erskine (1750–1823). They were up against strong opposing interests, and a political climate in which many people found concern for animals effeminate and ludicrous (notice that at that time women had no role in political life). The formulation of the bill that finally passed through the British parliament in July 1822 was therefore, in many respects, a political compromise. The bill said:

that if any person or persons having the charge, care or custody of any horse, cow, ox, heifer, steer, sheep or other cattle, the property of any other person or persons, shall wantonly beat, abuse or ill-treat any such animal, such individuals shall be brought before a Justice of the Peace or other magistrate. (Ryder 1989, p. 86)

There are three striking limitations here: (i) only some kinds of animal are covered; (ii) only things done by people who do not own the animals are covered; and (iii) only what is described as *wanton* cruelty is covered. (The adjective 'wanton' means undisciplined, random or motiveless, so those who passed this bill do not seem to have been aiming to place limits on established uses of animals. This contrasts with modern animal protection legislation.)

On the first point, it is striking that a number of species are not mentioned at all: for example dogs, cats, pigs and poultry. Even among the species mentioned, some kinds of animal, like bulls, are not mentioned explicitly. One reason for this is that, at the time, there was a custom of arranging fights between animals: cock fights, dog fights and bull or bear baiting (in which dogs attacked a chained bull or bear). These forms of 'sport' could be extremely cruel. In 1878 an English eye-witness described a bull baiting at which he had been present as a boy as 'the most barbarous act' he ever saw. 'It was [a] young bull and had very little notion of tossing the dogs, which tore his ears and the skin off his face in shreds, and his mournful cries were awful. I was up a tree, and was afraid the earth would open and swallow us all up!' (<http://www.oakengates.com/history.htm>).

Despite their cruelty, bull baiting and other blood sports were popular, and politicians at the time, as they often are today, were reluctant to make unpopular laws. Richard Martin, who clearly was not afraid of opposing the popular will tried, on the basis of the law, to have two bull baiters convicted, but he did not succeed. Only in 1835 was a bill passed that banned a number of blood sports. One prominent blood sport, fox hunting with dogs, was only recently



Bear-Baiting.

Figure 1.1 Bear baiting – a form of blood sport once popular in Europe, and still practised in some parts of the world, in which a tethered bear would fight a number of dogs. In this engraving from late eighteenth-century England, things are out of control because the bear has got loose. In 1835 bear baiting was banned in England because it involved 'wanton cruelty'. (Engraving reproduced from John Brand, *Observations on Popular Antiquities*, London, 1841.)