


UFAW UFAW Animal Welfare Series

Veterinary & Animal Ethics

Proceedings of the First International Conference
on Veterinary and Animal Ethics, September, 2011

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Steven P. McCulloch and Martin C. Whiting



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- Enlisting the energies of animal keepers, scientists, veterinarians, lawyers and others who care about animals.

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Sir Peter Medawar CBE FRS, 8th May 1957

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INTERNATIONAL CONFERENCE
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Edited by Christopher M. Wathes,
Sandra A. Corr, Stephen A. May,
Steven P. McCulloch and
Martin C. Whiting

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Foreword

Ethics is synonymous with Moral Philosophy, which implies much more than just trying to do the right thing; it forces such questions as what is right, right for whom and why? This conference on veterinary and animal ethics asks us to consider our duties to the animals, primarily in our care, not excluding animals in the wild where their welfare is directly or indirectly affected by man or his activities. It explores how these duties may be reconciled with our other duties of care not only to human society but to the entire living environment. It recognises that if these ethical principles are to be put into practice, rather than act merely as aids to a sense of moral superiority, they have to accommodate both the realities of politics and economics and the biology of human motivation.

Veterinary ethics is a clearly defined subset of this general duty of care. Veterinarians have to reconcile their responsibilities to their animal patients, their human clients, their own welfare and that of their families. However, the ethical principles that apply to veterinary practice do not differ in essence from those that apply to anyone who uses animals, whether directly as a farmer or pet owner, or indirectly as food, clothing or for new drugs.

A useful way to address our complex ethical responsibilities to all parties is through application of the ethical matrix, described here by Kate Millar. This (in my interpretation) sets out two fundamental principles of ethics (input factors). The first is the consequentialist principle of beneficence/non-maleficence, which equates to the utilitarian promotion of general well-being. The second is the principle of autonomy, which equates to the duty to 'do as you would be done by'. In veterinary and animal ethics,

these principles are applied to four concerned parties: society at large, direct animal users (farmers, veterinarians, scientists), domestic animals (used by us) and finally all the fauna and flora that make up the living environment. Balanced application of these two moral principles to recognise and address the needs of all concerned parties should achieve the desired outcome, which is the best approximation to justice for all. If this requires a descent into moral relativism, then so be it.

Direct and indirect users of animals, for example farmers and consumers, respectively, are moral agents with the duty to balance rights and responsibilities; rights to safe food and drugs against our responsibilities to the animals involved in their production. The animals (and the environment) are the moral patients. They have no responsibilities to us. One can conclude from this that they have no rights either although this is a very one-sided conclusion since they cannot argue their case. What is certain is that we all share the responsibility to ensure that those to whom we entrust the duty of care have both the competence and the compassion to do it well. It is very easy to care *about* animals; caring *for them* takes skill and it takes patience.

The invited papers, debate and discussion contained within this book may be seen as variations on three main themes:

- History and evolution of human attitudes to animals, the environment and professionalism in human and veterinary medicine.
- Ethical analysis of current practice with regard to the use of animals on farm, in the home, for science and for sport.
- Practical application of ethical principles through the law, political action and the economics of the free market.

Classic moral philosophy (e.g. Plato) may define *the good* according to absolute and unchanging paradigms. However, our interpretation of these paradigms is in a state of constant flux. Papers by Woods, Johnson, May and Appleby explore changing attitudes within and between cultures to the human and animal patients that come within our care. When I was young it was deemed perfectly acceptable to drown kittens at birth; now we agonise over whether it is an insult to its *telos* to spay a cat. The shifting sands of practical morality should engender a sense of caution. We cannot assume that we who attended a meeting in London, UK, in 2011 are necessarily more moral now than those who came before or those in other cultures who live far away. Neither can we assume that our current concepts of middle-class morality will survive the impact of unforeseen future knowledge and future pressures on society. The principle of 'judge not, that ye be not judged' has an excellent provenance.

Papers by Mellor, Gilbert, Campbell and Corr examine ethical issues arising from the way we currently treat the animals which bring us direct benefits in the form of food, medicine, entertainment and love. James Kirkwood considers our responsibilities to wildlife. These papers, explicitly or by implication, acknowledge at the outset the principles of beneficence and autonomy then proceed to explore the extent to which animal owners fulfil their duties to promote the general well-being and individual freedoms of animals in their care in the light of current knowledge of their physiological and behavioural needs. The moral strength of these papers lies in their recognition of the need to seek a better understanding of what they, the animals, would like from us, as distinct from what we would like from them.

The third and most pragmatic series of papers address problems of acting according to ethical principles within the

real world. The law defines the limits of acceptable and unacceptable conduct. Laws defined in broad terms such as 'unacceptable suffering' are essential and flexible enough to accommodate changing concepts of what is meant by care and suffering. Governments interpret the law through regulations that seek to describe in detail just what one should and should not do in specific circumstances. When drafting regulations, the aim should be to strike a balance between carrot and stick, while avoiding pettifogging intrusions on personal liberties and lengthy expositions of the blindingly obvious. The paper by Hepple and Gibbens on the ethical basis of UK Government (Defra) policy is refreshingly true to these aims. However, the main limitation of laws and regulations is that they can do little more than seek to ensure that we comply with current standards of acceptability. If we are to encourage the spread of higher standards of animal care than those permitted within the law, we need to harness the power of the people. In the final paper, John McInerney presents a cool economist's evaluation of the things that determine the value we give to animals. He points out that every time we make a value judgement, we make an ethical decision and, in these matters, we are probably getting better. There have in recent years been some spectacular improvements in standards of animal care, and this has come about largely through the power of the people rather than through legislation. The markets (specifically the supermarkets) have responded to increased public demand for higher welfare (e.g. free range eggs) with an impressive range of measures and quality control procedures that are bringing about real improvements. Many of us for many years have been calling for justice for the animals. Progress has been slow and our ideals are probably unachievable, but now, more than ever before, I believe that we are limping in the right direction.

John Webster
University of Bristol

Preface

This book contains the extended proceedings of the First International Conference on Veterinary and Animal Ethics (ICVAE). The conference was held at the Royal College of Physicians, London, from 12 to 13 September 2011. It was organised by the Editors and sponsored by:

The Wellcome Trust
The Royal Veterinary College
The Animal Care Trust
Universities Federation for Animal Welfare, UFAW

The guest at the reception was Jim Paice, MP, Minister for Food and Farming, Defra, London.

In the original preamble, we said:

We have seen dramatic changes over the last few decades in the way we live alongside and interact with animals. Extraordinary advances have been made in our understanding of animal behaviour, physiology and disease. Fifteen years ago, the first mammal was successfully cloned from an adult cell and Dolly the sheep was born. Advances in animal breeding have created dairy cows that can produce 50 litres of milk per day at a metabolic cost of five times maintenance (in comparison a Tour de France cyclist has a demand of 2.7 times maintenance). The selective breeding of chickens has created a modern broiler that has undergone a 300% increase in growth rate. Advances in veterinary surgery enable us to prolong animal life using heart by-pass procedures and renal transplants and to give routinely

artificial joints to arthritic dogs.

Yet there is an increasing sense that these developments have not been scrutinised ethically and that such review is overdue. This conference aims to present and encourage stimulating, challenging, thought-provoking and sometimes controversial discussion. We encourage you to participate in the debate wholeheartedly.

The organisers recognise that we need to ask the right questions. We hope that the conference will agree on the questions, even if the answers are not to hand, yet. As starters, we suggest:

- a. To whom does the veterinarian owe primary obligation: the owner or their animal?(Rollin 2006)*
- b. Have veterinarians lost their direction or in some way defaulted on their responsibility for animal welfare?*
- c. How should we decide when animal suffering is necessary?*
- d. Do animals have moral status and, if so, what should this mean?*
- e. How should a balance sheet of harms (to the animal) and benefits (usually to another species) be drawn up when the animal's and human interests are in conflict?*
- f. Does quantity of life, as opposed to quality of life, matter to an animal?*

The conference was separated into four sessions, each containing four or five papers. Questions and answers after each paper were recorded and transcribed and these are presented here too. In addition, each author has availed themselves of the opportunity to write a commentary after they had reviewed their paper and answers.

The debate included a debate with the motion 'Is it better to have lived and lost than never to have lived at all?' This was also recorded and transcribed. The conference programme described it thus: *'Banner's principles of animal ethics mix the approaches of duties-based ethics and consequence-based ethics. This pragmatic solution is often used when humans have to make difficult moral choices about the treatment of animals in our care. Often we have to weigh up issues relating to an animal's quality and quantity of life. This balance lies at the heart of the moral - as well as the welfare - debate. During this discussion, delegates will consider a proposal, which can be interpreted variously, e.g. in terms of moral principles, specific issues such as population control, or illustrative examples.'* James Kirkwood, Bernard Rollin and James Yeates spoke to the motion before it was opened to registrants from the floor.

The Editors, 2012

I

Principles of Veterinary and Animal Ethics

PATRICK BATESON

University of Cambridge

The first session of this excellent symposium consisted of an eclectic group of lectures. The first was given by a historian, Abigail Woods; the next by a philosopher, Peter Sandøe; the third by a lawyer, Carolyn Johnston; and the final one by a veterinarian, Stephen May. The organiser, Christopher Wathes, had allowed 10 min for discussion after each lecture. I had worried that this might prove too much, especially as each speaker was going to be kept strictly to time. I thought that I might have to keep the session going with chairman-like remarks and contrived questions. I need not have been concerned. The audience were splendid and generated first-rate discussion. So much so, indeed, that hands were still being raised when the allotted time for discussion came to an end. This attentiveness by the audience to a broad range of issues augured well for the rest of the meeting.

In his book *Man and the Natural World*, Keith Thomas described how the moral concerns of those who had preached and pamphleteered against cruelty to animals had remained remarkably constant in England from the fifteenth to the nineteenth century. Humans are fully entitled to domesticate animals and to kill them for food and clothing,

but they are not to tyrannise or cause *unnecessary suffering* to animals. Domestic animals should be allowed food and rest and their deaths should be as painless as possible. Wild animals could be killed if they were needed for food or thought to be harmful. Even though game could be shot and vermin hunted, it was wrong to kill for mere pleasure.

Moral philosophers have made major contributions to the ethical problems raised by the treatment of animals. Even so, all their adopted positions require careful thought. *Utilitarians* often have problems trading off animal suffering against the benefits humans derive from animals because the costs and benefits of any action are not measured in the same terms. Those who confer rights on animals do not reveal what responsibilities animals have in return in the same way that humans have when they make an implicit contract in return for their rights. To my mind, even Bernard Rollin, who spoke in the second session, had too inflexible a notion of what animals should be allowed to experience. After all, adaptability is as much part of the animal's *telos* as anything else it is adapted to do.

Those concerned with human medicine considered the ethical and legal issues raised by medical care long before the veterinarians thought formally about the *ethics* of their care of animals. Informed consent does not arise with animals but, even in humans, the issue has proved much more difficult to deal with than was at first thought. It is widely believed that the veterinarians should always have the welfare of animals at the forefront of their minds. The sheer expense of running an expensive practice does mean, however, that conflicts of interest arise. I felt therefore that this meeting, which started so well, was especially welcome in addressing the ethical problems faced by the veterinary profession.

1

The History of Veterinary Ethics in Britain, ca.1870-2000

ABIGAIL WOODS

Imperial College

Abstract: This paper examines the history of veterinary ethics in Britain over the period 1870–2000. It lays aside present-day normative conceptions of veterinary ethics in order to understand how veterinarians in the past perceived this issue and the social, economic and political factors that influenced their thinking. This analysis reveals the changing nature and scope of veterinary ethics. Prior to 1948, when anyone could legally practice veterinary surgery, veterinarians argued that treating animals ethically meant placing them under veterinary care: The interests of the veterinarian, owner, animal and society were best served by ensuring full veterinary discretion in treatment. The state acknowledged this claim with the passage of the 1948 Veterinary Surgeons Act, which restricted the practice of veterinary surgery to qualified veterinarians. Veterinary ethical priorities then shifted to professional conduct. However, later in the century, as the social and economic climate grew more hostile to professional power and privileges, and animal welfare moved up the political agenda, veterinarians began to recognise potential

conflicts in interest between animals, owners, society and the profession, and to navigate them using new forms of ethical thinking. No longer concerned with extending their power to treat animals, they focussed on the appropriate exercise of that power within the clinical encounter. Previously regarded as a matter of individual clinical freedom, how veterinarians treated animals became an ethical problem that attracted both professional and public concern.

Keywords: Britain, conduct, concern, ethics, ewe, owner, veterinarian, veterinary ethics, veterinary history, veterinary surgeon, Veterinary Surgeons Act, welfare

1.1 Introduction

Veterinarians have always encountered ethical dilemmas in the course of their work. The nature of these dilemmas and how veterinarians perceived and responded to them has changed over time. Focusing on Britain, from the late nineteenth century to the very recent past, this paper provides a preliminary analysis of these changes. Its short length precludes a detailed examination of particular ethical issues. Rather, the aim is to identify broad trends in how veterinarians conceptualised and approached veterinary ethics in their practice and politics.

There is little existing literature on this topic. Histories of medical ethics do not examine the veterinary field (Rothman 1991; Cooter 2002) and veterinarians rarely feature in histories of animal ethics, which focus on key thinkers, scientists, politicians and campaigners (Kean 1998; Guerrini 2003; Boddice 2009). Tannenbaum's (2005) textbook on veterinary ethics does not attempt a historical account, while Legood's (2000) is restricted to the history of animal welfare. Only Rollin (2006) engages seriously with the