

Reckoning Two Societies: A Proposal to Provide Compensation for Harm Done to Animal Research Subjects

Brandon Sultan

Keywords: animal research, research ethics, harm

In recent years, federally funded institutions have been criticized and scrutinized for their treatment of animal research subjects. Many critics advocate for severe restrictions or a ban of animal-based research in these institutions. Peter Singer and Tom Reagan argue against animal-based research from opposite ends of the rights-based spectrum. In this paper, I choose not to explore whether Singer's or Reagan's points are valid or appropriate. Instead I propose a new perspective on the morality of animal-based research.

I developed the *Two Societies* principle in the wake of the Singer and Reagan debate. It contains components of principlism, the modern ethical lens of bioethics. The *Two Societies* principle separates the animal society from human society. Human rights and values trump animal rights and values, I argue, and use the *Two Societies* principle to support an addition to the current three R's of animal-based research - *restoration*. Restoration entails providing some form of compensation to the environment and animal society for animals killed or severely harmed during research.

In the end, I hope to show that animal-based research in federally funded institutions should be allowed to continue, without strong restrictions, because the scientific benefits of the research outweigh any perceived "bad science." Instead, there should be appropriate guidelines to the treatment of animals in these institutions. I will demonstrate that although Singer and Reagan bring up valid points in their arguments, ultimately the *Two Societies* principle better settles ethical concerns about animal-based research in federally funded institutions.

Philosophical Argument against Animal-Based Research

Peter Singer and Tom Reagan have led the rights-based movement against animal research. Singer believes that our current policies exhibit “speciesism,” a form of discrimination against animals that is similar to racist policies and slavery. Reagan argues that animals should not be used in research because doing so treats them as means to ends, violating their basic moral rights.

Peter Singer

Singer’s reasoning against animal research employs *analytical ethics*, a mode of philosophical understanding and analysis based on *universality* and *logical consistency*. Singer believes in a universal standard whereby what is true for humans is true for other beings with similar circumstances and/or characteristics, such as animals.^{1[1]} In *Animal Liberation*, he offers a utilitarian ideal that humans and animals should be treated equally. The driving point behind this is that animals are sentient beings; their reactions to pain are equivalent to humans’ and they are morally equal. Humans feel pain and strive to avoid it; animals do the same. Therefore, according to Singer, practices that involve inflicting pain on animals in an effort to minimize pain on humans create an ethical imbalance.²

Tom Reagan

Reagan asserts that animals have *moral rights*. He states that humans have no right or ability to place an intrinsic value on the life of an animal.³ Thus, animals have *inherent values*, and humans should not interfere with these, especially because we do not know their values. This implies that humans are not able to place greater value on a human life than on an animal life. Reagan develops the “subject of life” criterion, according to which each sentient creature is equally important, regardless of its value to others. He uses this to debunk arguments that humans are more valuable to the world and reject claims that humanity’s well-being justifies research. Instead, Reagan believes that the implied moral rights of animals, which are equivalent to humans’, should guide decisions on the morality of research on animals.⁴

Reagan and Singer attempt to debunk the notion that a human life is more valuable than an animal’s, and that research on animals is justified because it improves human life. They emphasize the importance of equal treatment for animals because they believe it prevents a slippery-slope analysis of valuing life. Singer draws an analogy to the arguments against research on mentally disabled people. If humans are more valuable than animals based on consciousness and self-awareness, then experimenting on less competent or disabled humans can be justified. But it is not ethically justifiable, because a mentally disabled individual has the same interest in not being experimented on as

does a great pianist. Reagan's and Singer's arguments together create the utilitarian argument that if you can kill animals for the good of mankind, then you can kill humans for the good of mankind. According to Reagan's utilitarian argument, killing an older woman who is very wealthy and donating her money to charity is as morally justifiable as killing a mouse for research.

Both Reagan and Singer are cautious in their overall valuation of animal life. Singer importantly notes that killing a rat is not the same as killing an adult human with complete self-awareness. He acknowledges that some organisms' lives have more value, and that humans have more value than mice when a human life is in direct conflict with a mouse's; a situation that doesn't happen in a research setting.⁵ Reagan limits the justifications for research on animals because the positive utility in killing an animal or experimenting on it is probable and not definitive. Experimenting on mice or primates does not guarantee a cure to the pain and suffering of humans from cancer, for example. Singer notes that there is a tradeoff in research, if painlessly killing an animal would lead to a cure for all cancers, there could be grounds for justification.

Understanding Research Ethics

The basic ethical principles that govern research arose in the aftermath of tragedies involving human subjects. Incidents such as the Tuskegee Syphilis Study and Nazi experimentation on humans led to the Nuremberg Code, the Belmont Report, and the formation of IRBs. *Principlism* is the dominant ethical lens of bioethics, and research ethics embodies—and is constrained by—it. The principlist systems is based on four moral principles: *autonomy*, which allows for free will and self-determination; *beneficence*, the obligation to do good; *nonmaleficence*, the obligation to do no harm; and *justice*, equal distribution of goods and services or risks and benefits. Traditionally principlism has been applied to humans. Arguing that animals have moral rights establishes that it applies to animals as well, and, thus, previous animal research qualifications, such as minimizing harm, have been transformed into issues concerning animals' inability to grant consent or the need to refrain from harming animals. Extending principlism to animals will drastically limit animal-based research or end it altogether.

Reckoning with Research Limitations

Some of the most influential and useful research has come from research practices that were unethical. The Nazi experimentation and pellagra and polio vaccine experimentation are but a few research events that drastically changed medicine and science. These experiments would not be allowed under today's standards. I do not condone these actions, but they do highlight the fact that great discoveries of great medical benefit have resulted from not only unethical research but unrestricted research. Today's human-based research standards are necessary and appropriate, of course, but they can restrict researchers' ability to test some hypotheses that could eventually lead to results that would benefit humans. Although there is a core of harm and the potential for unethical practice when testing on

animals, the results have largely been positive. Testing on high-functioning and low-functioning animals has enabled the great minds in science and medicine to explore cures for some of the deadliest diseases afflicting the human population.

The Two Societies

Although Singer's and Reagan's rights-based arguments are persuasive, the debate on whether to use animals should transcend a rights-based justification. Instead, human society should implement a cost-benefit analysis of each research situation and make its best efforts to limit the harm that is done to the "animal society." Animal society includes all animals, whether they are born in captivity or in the wild.

While human-based research is governed by principlism, the animal-based research debate must be viewed through a different lens. I call this lens the *Two Societies* principle, and through it one can see a human society and an animal society. *Two Societies* is a *utilitarian* system dedicated to the promotion of the greatest good for each society. It acknowledges the speciesist argument—that humans have a greater right to life and liberty than animals—and maintains that animal-based research ethics are governed by beneficence and non-maleficence.

The *Two Societies* principle argues that the greatest benefit to the human society is to provide the most effective and efficient research at the least cost to humans. Our current system reflects this: we have limited research that can be conducted on humans and have expanded research that can be conducted on animals. We have acknowledged that the mentally ill, prisoners, foster children, and others, who were once discriminated against and underrepresented in our society, have the same interests and rights as other humans. This human rights success far outweighs any restriction of medical or scientific research.

Harm to the animal society might come from killing animals born in nature or draining resources from animal habitats. These harms are often justified by an advanced Darwinian argument of survival of the fittest: Developing land and killing animals for food are necessary for human survival. In the *Two Societies* principle, animal-based research is justified because it does not directly harm the "natural" animal society and because animal-based research is linked to human survival through medical innovation. (I use "natural" animal society to refer to those animals that are born and remain in the wild.) Natural animal society is not directly harmed because animals in that society are not experimented on; only animals born in captivity will be research subjects, and thus no harm to the natural animal society will occur. Experimentation is what might yield harm.

Neither animals' autonomy nor distributive justice is essential to ethical governance according to the *Two Societies* principle. This is the case because the rights of humans outweigh the rights of animals. Even Singer and Reagan acknowledge that a human life can trump an animal life. Limiting or banning animal research can have a detrimental impact on humans. Research that is restricted might forestall potentially lifesaving innovations. The IACUCC,

Institutional Animal Care and Use Committee, requires that all research done on animals must significantly improve their or humans' lives.⁶ That is, the rights of animals are limited in this case because human rights trump animal rights. These premises are essential to the *Two Societies* principle.

The principle of non-maleficence in the *Two Societies* system is employed on a macro level. For instance, what is good for the animal society as a whole outweighs what is good for an individual animal. Within the animal society are animals born in nature and in captivity. Animals born in nature have a stronger rights claim than animals born in captivity. Many of the primates, rats, and birds used in research are bred for experimentation, while animals born in nature have a natural liberty interest; the "purpose" of their birth is to be a part of nature. Scientific and medical research do not directly harm the natural animal society when research is done with animals bred for research.

The principle of beneficence in the *Two Societies* principle focuses on doing good for the animals harmed from testing. While testing on animals does not pose harm to the natural animal society, there is still a level of harm inflicted on the animal society because animals born in captivity are harmed. In addition to previous measures to reduce harm on animals tested, the *Two Societies* principle advocates for a form of compensation to be provided to the animal society for the harm done by the research. This leads to the policy proposal of *restoration*.

The Addition of Restoration to *the Three Rs*

The Three Rs of animal research refers to reduction, refinement and replacement. *Reduction* means limiting inefficient use of animals in research (often by using the minimum possible number of animals in research). *Refinement* is the goal of minimizing pain and stress to animals. This comes from techniques such as providing appropriate living conditions and ensuring that proper handling methods are employed as parts of a reasonable quality of life. *Replacement* is the use of alternative methods and might entail the use of less sentient beings, not using animals at all, or avoiding repeating certain experiments.⁷

Restoration

The *Two Societies* principle includes a fourth R: *restoration*, which requires compensation be provided to the natural environment for every animal either killed or severely harmed from research. The exact definition of "severely harmed" and establishing a specific level of compensation are not necessary for a preliminary understanding of the idea. When an animal is harmed in an experiment, the greatest compensation that animal society can receive is restoration for its natural habitat or other efforts to preserve the lives of those born in the nature. This helps to offset harm on the individual level by providing a benefit on the macro level. Cash donations could be used to help preserve animal habitats. When high-functioning animals such as primates are harmed, the level of compensation would be greater than when lower-functioning animals such as rats suffer. If rare animals are harmed, the compensation would go to either a federal fund or nonprofit agency dedicated to preserving lives of the animal. For common animals such as rats, compensation would also go to funds that promote preservation of habitat and animal lives, but not specifically those of rats.

Restoration would increase the cost of animal research, which would in turn help ensure that only well-funded and scientifically necessary research is conducted. This macro view is essential to shaping arguments for animal-based research. Medical and scientific research are as much about saving individual lives as they are about preserving the quality of life and survival chances of the species. A restoration policy would increase the cost of animal-based research, which would leave the remaining three Rs to focus on safer practices and alternatives to animal-based research.

1 Richard P. Vance "*An Introduction to the Philosophical Presuppositions of the Animal Liberation/Rights Movement.*" in *JAMA* 268.13 (1992).

2 Ibid

3 Ibid

4 Ibid

5 Ibid

6 " Overview of Animal Care and Use at UCSC," University of California Santa Cruz, accessed October 2nd, 2013, <http://officeofresearch.ucsc.edu/orca/iacuc/>

7 Alan Goldberg "*The Three Rs and Biomedical Research*" (*Science* Volume 272.5267,1996) p1403