

About the



Canadian Council on Animal Care

<http://www.mrmcmcd.org/DavidSzybel.html>

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The Canadian Council on Animal Care (CCAC) purports to offer a national standard of ethics for the usage of non-human animals in laboratories. Ethics is primarily meant to restrain us from harmful conduct that is unjust. The real nub of contention here is what counts as "injustice." How does justice apply, if at all, to nonhuman animals? Not only do the ethics guidelines offered fail to offer significant restraints of any kind towards animals, but they also threaten to perpetuate what is arguably an unjust practice whose days - or decades - may be numbered.

Blank Cheques

It can be argued that the ethics guidelines do not effectively restrict against the harmful treatment of animals in laboratories at all. There are at least four blank cheques which the CCAC writes to researchers:

Blank cheque #1.

The ethics code itself claims that burning, freezing, fracturing, staging predator-prey encounters, electrical shocking, inducing of extremely high or low temperatures, and striking or beating unanaesthetized animals--among other things specified--is permissible, so long as an external review is obtained. However, that review will be carried out by other animal researchers or research interests, by-and-large, and it is arguable that such parties have a conflict of interest. Indeed, the scientists have been trained to regard the animals in a desensitized manner, as experimental models. Peers tend to support each others work, partly because whoever one judges may one day judge one's own work. The allowable practices also indicate that no harsh treatment of animals is explicitly prohibited, so long as it is approved by animal researchers' peers.

Blank cheque #2.

The code claims that it is acceptable to use animals in research, teaching, and testing, so long as it promises to contribute to understanding of fundamental biological principles, or to the development of knowledge that can reasonably be expected to benefit humans or animals. A "reasonable expectation," in legal terms, is the lowest standard of justification. It does not necessarily even mean a probable expectation. In any case, this is a meaningless "restriction," since any details can add to knowledge of how "fundamental biological principles" operate. Moreover, particular experiments cannot be judged likely to contribute to medical knowledge in advance. Rather, most experiments do not yield useful results, and at best, researchers draw

conclusions from a vast pool of mostly failed experimental objectives. Since experimentation deals with unknown results, it is difficult to rule definitively as to what is medically or otherwise useless. Thus, the code yields no effective tool for screening out any but the most blatantly unscientific of experiments. It is also controversial as to what experiments are "useful" or not. Scientists may well be interested to declare their research useful for the securing of additional funding or prestige.

Blank cheque #3.

The code asks that animals be used only if researchers' best efforts to find an alternative have failed. Since there is no test to determine "best efforts," this rule is virtually unenforceable by the CCAC. Yet codes are only effective if they are enforced and observed. Professor Sam Revusky, an animal researcher and psychologist from Memorial University states that he "knew of no scientist who ever explicitly sought alternatives to animal use, as allegedly required." [1]

Blank cheque #4.

The CCAC is a voluntary set of guidelines, not law. Some public grants may depend on CCAC approval of facilities. Private animal testing industries, which do not rely on public funding, may not be inspected at all. For one thing, they may not get public research grants, and for another, the CCAC fee for inspections is \$1,800 per day. [2] Ultimately, the guidelines project a cloak of legitimacy, and do not significantly hamper animal researchers' ambitions of designing experiments that are harmful to animals. Indeed, the Code might be worse than

none at all because it gives the illusion of protection to animals, when its chief impact on animal welfare is that it helps to facilitate the death and degradation of animals in Canadian laboratories.

CCAC Draws a Moral Blank?

The Code states that animals must not be subjected to unnecessary pain or distress, which sounds somewhat reassuring, but not at all in light of the fact that so many blank cheques are issued to underwrite animal research. The language here, concerning what is "necessary" suffering, is a standard for all legislation, guidelines, rules, regulations, and rhetoric around the world with regard to animal research and animal usage more generally. It does not mean that we avoid harming animals in research unless we are physically or psychologically "compelled" to do so (as in "coerced"), for that never happens. Animal research is always freely undertaken at some level.

The real "necessity" claim that the CCAC is making is twofold.

First, some research is necessary for the fulfillment of human "wishes", as in curiosity to discover fundamental biological principles, or rather how such principles are involved in harming animals in various ways.

Second, there is the additional assumption that a fraction of research eventually might find medical applications. That last claim is different from just morbid curiosity, and deserves to be evaluated with some care. A primary consideration here is that we do not harmfully experiment on humans

who are mentally challenged, senile, deranged, etc., or on those of limited cognitive capacities, like animals but to a lesser extent even, in many cases. This is not a fact to be trifled with. It threatens to make our usage of animals in laboratories morally arbitrary, based on a kind of blind species-preference. We all know that the mark of having moral capacity at all is having empathy. Psychopaths are widely said to lack just this quality.

Presumably, we refuse harmfully to experiment on cognitively limited humans because we have empathy with them. We identify with their good, no matter how limited their cognitive capacities. We must not violate them, even though we might stand to benefit as a result. The chances of benefiting from medically experimenting on humans, in fact, are much higher, since even small interspecies differences can skew predictions as to what effect an experimental substance or procedure will have on humans. Many scientists hold that proving something safe or harmful on animals neither clears nor damns what is being tested for human use.

Upon reflection, I must conclude that the CCAC fails to extend the same kind of empathy, which prohibits potentially useful research on our cognitively limited fellow humans, only out of prejudice. This commentary is an examination of broad principles at work in the CCAC ethical guidelines, and of basic moral principles that I find oppose the harming of animals even for putative medical gains. The moral theoretical issues here are admittedly complex, and demand nothing less than a detailed treatise. Still, the problem may boil down to understanding and

respecting certain relatively simple insights, without evasion or rationalization to the contrary. In my experience as an ethicist, much of the complications of moral theory involve fending off more or less elaborate contortions of reason. Ethics seems to come down to something very much like the Golden Rule, but even that may be tarnished, if it is not extended to our nonhuman fellows.

Notes

I would like to acknowledge the assistance of Mark A. Davidson in fine-tuning the legalistic aspects of this essay.

[1] Sam Revusky, *Battles with the Canadian Council on Animal Care: A Memoir* (St. Johns, Nfld.: Yksuver Publishing, 1997), quoted in Charlotte Montgomery, *Blood Relations: Animals, Humans, and Politics* (Toronto: Between the Lines, 2000), p. 116.

[2] Montgomery, *Blood Relations*, p. 106.

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