

Moral Status and Obligations to Animals in Research

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The use of non-human animals in research is controversial and often invokes a strong response. This essay aims to illustrate how sentience and moral agency can be utilised to develop a tiered system of moral status for animals to provide a framework for determining our ethical obligations towards them and inform their use in research.

It is important to first define what is included in the description of animals. I have chosen to use the definition outlined in the Animal Welfare Act 1999, which includes vertebrates, some invertebrates, mammalian foetuses and avian or reptilian young in the second half of gestation (New Zealand Ministry of Agriculture and Forestry, 1999). I have chosen this definition as it goes beyond vertebrates and those included have the anatomical basis for sentience, a criteria I will later establish as important in attaining moral status.

The use of animals in research is varied and involves many areas including general, medical and agricultural research. Common uses of animals include transgenic models, drug trials and development for agriculture (Shamoo & Resnik, 2015). The use of animals is declining but there is concern it will increase with transgenic animals and medical research requiring animal testing before approval for clinical trials (Shamoo & Resnik, 2015).

Views on animals in research have changed. Descartes in the 17th century proposed that animals did not feel and were mimicking human characteristics (Shamoo & Resnik, 2015). This was challenged by Bentham and Mill who proposed that animals deserve moral consideration because they are sentient. Arguing the cries of the animals were a result of real suffering and not a programmed response (Shamoo & Resnik, 2015). This propelled animal welfare groups and underlies the majority view today. Now theories outlined by Singer and Regan opposing Descartes propose that animals should not be used in any research that causes them harm (Shamoo & Resnik, 2015).

Regardless of your views on animal use in research it is important to recognise the shift in opinion that has facilitated discussion of the ethical obligations and moral status of animals. This might be dismissed as an academic issue however, the conclusions have huge implications for how we should treat animals in a variety of contexts including research.

To have moral status is to require moral consideration in your own right (Warren, 2000). What is done to any being with moral status matters not because of how it affects others but instead because it can be wronged (Degrazia, 2008). If I kick over a cup, most would agree that I have not wronged the cup. This does not mean that it is not wrong, I may have wronged its owner or destroyed a useful tool. The distinction here is that the justification is based on the outcome not any wrong done to the cup. This is because we accept the cup does not have moral status despite having some worth. If instead I kick a child most would agree this is morally wrong. We can say the child has value like the cup as others can care about a child however, there is an additional wrong done to the child. This is because we accept that this child has moral status and is able to be wronged. These are two cases that illustrate that assigning moral status to some things is a logical conclusion when presented with clear cases. Birch denies that these are clear cases and proposes that moral status should be awarded to all things (Birch, 1993). This would discount all discussion of the moral status of animals and so I shall assume that these clear cases are accepted. Now we can ask, what would happen if I kick a cat?

One view is you have wronged the cat as it has moral status. Singer claims that sentience, the ability to experience positive and negative mental states should determine moral status (Duncan, 2006). Stating the only relevant consideration is that the animal can suffer, and he goes further to claim that the ability to suffer is enough for that animal to have interests (Singer, 2009). This seems intuitive, we can comprehend suffering and the desire to avoid it having experienced it ourselves making it plausible that a sentient animal would have an interest in not suffering. This can be further justified by stating that if an animal suffers this would affect its welfare. There are many accounts of what is a good life for animals and how we should define welfare. Regardless of which account you favour it is reasonable to suggest that an animal suffering would harm the animal in all rational accounts of welfare. For a discussion of different accounts of welfare see Rice (2016). For this reason I accept that sentience is a requirement for moral status. Sentience is not a controversial requirement although it is not universally accepted. Carruthers, while accepting that animals are sentient denies that they experience feeling in a morally relevant way (Carruthers, 1992). If you accept sentience as a requirement then all sentient animals require moral consideration however, it provides no guidance on how much moral consideration we should give them.

I propose that to determine how great the moral consideration should be, we can extend our definition of moral status to be awarded in degrees. Where having high or low moral status, can be used as a measure of moral significance (Garner, 2005). This requires us to ask how the moral status of a cat relates to that of humans. Singer states that there is no moral difference between humans and animals (Singer, 2009). "If a being suffers, there can be no moral justification for refusing to take that suffering into consideration." (Singer, 1993). He claims that sentience (suffering) alone should be enough to determine moral importance regardless of any other characteristics. "To mark this boundary by some characteristic like intelligence or rationality would be to mark it in an arbitrary way. Why not choose some other characteristic, like skin colour?" (Singer, 1993).

I disagree with Singer and I propose that in order to be awarded full moral status one must be a moral agent. Here being a moral agent provides a morally significant difference between humans and animals and thus provides justification for humans being awarded full moral status. Garner describes a moral agent as being "capable of assessing whether a particular action is right or wrong and capable of behaving morally towards others" (Garner, 2005). This ability to determine right and wrong leads to moral obligations. I argue that moral agency has intrinsic value and is sufficient for awarding full moral status to humans. Determining what awards something intrinsic value is not always rational (Shamoo & Resnik, 2015). For example sentience could be argued to have intrinsic value as we have experienced it and so appreciate that it is valuable in its own right. This is not the case with all that we experience such as language, instead we note that sentience is different. It is on the basis of a somewhat irrational but intuitive knowledge of its value that we recognise sentience is intrinsically valuable. I propose fundamental characteristics such as sentience are intrinsically valuable and if we can accept this for sentience we should accept it also for moral agency. This can be explained using an example, you are trapped with a lion and neither of you have any other food source. You being a moral agent have an obligation to consider whether it would be wrong to kill the lion for food however, the lion does not have the same obligation and it is this distinction that I propose makes moral agency intrinsically valuable. To be able to take other beings with moral status into account awards one higher moral status because of the moral obligations that come with this.

One common objection to this is the argument of marginal cases. Which points out that not all humans such as children, mentally ill or comatose adults (marginal humans) have moral agency. Regan states that those who lack moral agency but have some degree of moral status are moral patients (Garner, 2005). Therefore they have moral status but lack moral responsibility. Making sentient animals and marginal humans equal as moral patients and unless there is a moral difference between them they should be treated equally. Two positions can come from accepting this. The first is associated with Regan and Singer and states that we should increase the moral status of animals to be equal with that of marginal humans (Singer, 2009). The second controversial conclusion made by Frey is that the moral status of marginal humans should be brought down to the level of animals (Garner, 2005). Either position requires changes to current views on moral status of one group.

I accept moral patients have full moral status however, I do not accept Regan's claim that animals are moral patients. A full justification of this view is outside the bounds of this discussion. My position can be summarised as the following, marginal humans have either once had, have or would have despite a pathological condition had potential for moral status in a way that animals do not. As humans have natural potential for moral agency which provides reason for awarding them full moral status despite not being moral agents. I accept that if any species, such as great apes, are shown to have natural potential for moral agency then marginal cases of that species should also be considered moral patients. Now we can say that a cat has higher moral status than a cup as it is sentient, but not full moral status as it is not a moral agent.

As we accept that humans have full moral status as moral agents then we can award higher degrees of moral status to animals so long as they show qualities of humans which could be said to contribute to moral agency. Shamoo and Resnik (2015) outline a list of possible human qualities that could be used for this including, rationality, linguistic communication, emotion, morality, creativity, spirituality, self-consciousness, self-determination, and consciousness. Using this criteria produces a tiered system of moral status where higher animals are closer to moral agency and the benefit required to outweigh the harm is higher.

Moral consideration therefore must be given to all sentient animals and those that possess higher moral status should have greater moral significance. Our obligations to animals would therefore depend on the degree of moral status awarded to them. As most sentient animals cannot be said to meet the criteria to be considered for full moral status we can conclude some harm to animals is acceptable providing all efforts are made to reduce the harm.

While some may argue that against the characteristics I have proposed to award degrees of moral status either as human-centric or as not contributing to moral agency. I acknowledge that this system of awarding moral status is not without flaw however, as we are currently unable to determine the conscious experience of animals it provides a practical way to apply these conclusions to our use of animals in a variety of contexts. My intention with providing these criteria is to demonstrate how theoretical ways of determining moral status could be developed into policy. Each criteria in this policy would require its own justification and cut off points to establish each tier of moral status, which is a much larger undertaking than this essay would allow. Instead I have provided a potential starting point for converting this concept into policy that can provide guidance on our moral obligations to species.

Until such a time that the use of animals is no longer necessary, the benefits to humans and the higher moral status of humans means that the use of some animals in research should

continue. It is important not to forget the moral value of animals which is why frameworks such as a tiered system of moral status would promote recognition of the higher moral status of some animals. Allowing benefits to come about from research while reminding scientists of their responsibility to remove animal use altogether, even if it appears impossible, because of the moral status of animals.

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