ETHICS AND ANIMAL EXPERIMENTATION IN THE LABORATORY. A CRITICAL ANALYSIS OF THE ARGUMENTS FOR “ANIMAL RIGHTS” AND “ANIMAL EQUALITY”

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Growing up as a child, we had a Dog. To us, it was like a means to an end. That is, hunting other animals for food and for protection, with no special care and treatment given to this animal. But as days passed by I began to witness a wind of change against such actions. I was made to understand that we were committing two crimes: using the Dog as a means to an end (for hunting and for eating animals). Today almost every newspaper has something to say about the treatment of animals by humans, especially in their use as experimentation subjects. This has led to the wide spread arguments about “Animal right” and “Animal equality” Advocates of the above arguments hold that just like humans, animals too have rights and are in many ways like humans. There also exist animal right groups. Organisations and countries now have laws regulating animal used in the laboratory. If I may be permitted, I will want to say that the world is in a state of dilemma regarding animal experimentation. While some argue against it, based on the claim that these animals have no right and are not equal to humans, others argue in favour of it on claims that animals have moral rights, feel pain and suffer just like humans and should not be subjected to painful experiments. I then begin to wander how research on animals to improve human health should not be undertaken just because it is claimed that these animals have rights and are in many ways equal to humans. It is the contention of this paper to find out the extent to which animal rights and animal equality justifies the fight against animal experimentation.
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DEDICATION

THIS THESIS IS SPECIALLY DEDICATED TO MY SON; TAGHO ERIKLEE, MY FATHER, MY MOTHER AND THE ENTIRE TAGHA, S FAMILY, FOR THEIR CARE AND LOVE FOR ME
Growing up as a child, we had a Dog. To us, it was like a means to an end. That is, hunting other animals for food and for protection, with no special care and treatment given to this animal. But as days passed by I began to witness a wind of change against such actions. I was made to understand that we were committing two crimes: using the Dog as a means to an end (for hunting and for eating animals). Today almost every newspaper has something to say about the treatment of animals by humans, especially in their use as experimentation subjects. This has led to the widespread arguments about “Animal right” and “Animal equality.” Advocates of the above arguments hold that just like humans, animals too have rights and are in many ways like humans. There also exist animal right groups. Organisations and countries now have laws regulating animal used in the laboratory. If I may be permitted, I will want to say that the world is in a state of dilemma regarding animal experimentation. While some argue against it, based on the claim that these animals have no right and are not equal to humans, others argue in favour of it on claims that animals have moral rights, feel pain and suffer just like humans and should not be subjected to painful experiments. I then begin to wander how research on animals to improve human health should not be undertaken just because it is claimed that these animals have rights and are in many ways equal to humans. It is the contention of this paper to find out the extent to which animal rights and animal equality justifies the fight against animal experimentation.

KEYWORDS

ETHICS, ANIMAL EXPERIMENTATION, ANIMAL RIGHTS, ANIMAL EQUALITY, SPECEISISM, EQUAL CONSIDERATION OF INTERESTS, PAINISM, SENTIENT AND ALTERNATIVE ANIMALS TECHNIQUES.
1.1 THE HISTORY OF ANIMAL EXPERIMENTATION

The dust for animal experimentation was raised a long time ago in the history of mankind. It began in ancient Greece some 2,500 years ago and continued into the Roman era. By the 16th century, it has spread through Italy and the rest of Europe, with many fundamental discoveries made in the 17th century, particularly in the functioning of lungs and blood circulation. In 1881, the first record on the number of animal experiments was kept in Britain which amounted to 50 experiments. (See Helga. K, Singer.P74 (E.D.), 1999. Animal experiments involves the use of animals for the purpose of testing certain substances to determine their effects on humans, or to test medical or psychological hypotheses.

Today, millions of animals are experimented annually. Animal experimentation has become a major tool of science with the number of laboratory animals rapidly rising, aimed at improving human health. Disease such as cancer is induced into animals to determine the course of the diseases, its diagnosis, treatment and prevention. Some are used for testing of cosmetics and toiletries, pain, burn research and in education. In fact, the number of laboratory research animals is rapidly increasing in different countries of the world. See table below

1.2 CHANGING ATTITUDE

By the 1970s, public opinion on the treatment and use of animals in experimental research registered a sudden change. But before this period, the writings of Jeremy Bentham in the 17th century had equally began opening public awareness concerning the treatment of animals by humans. The birth of modern animals rights movements’ dates from the 1975 publication of Animal liberation by Peter Singer. Other philosophers like Tom Regan, and
Bernard Rollins also contributed to this public awareness. This has left the world divided into camps between those who reject animal right and animal equality and favour animal experimentation on the one hand, and those fighting for animal rights and equality on the other hand, rejecting animal experimentation.

Animal rights advocates believe that animals are not ours to be used for food, clothing, and entertainment and for experiments, and that these animals deserve equal consideration of interests regardless of whether they are cute, useful to humans or endangered and regardless of whether any human cares about them at all. They equally believe that these animals are in many important ways like humans. Dr Albert Schweitzer had earlier said, “until he extend his circle of compassion to all living things, man will never himself find peace”. Others like Peter Singer holds that animals are in many different ways like humans, and as such, the principle of equal consideration of interest should not be limited to humans but be extended to these animals. According to him, animals feel pain and any moral distinction or discrimination between animals and humans is “speceisism” comparable to racism. As he puts it, “all the arguments to prove mans superiority cannot shatter this hard fact: In suffering, the animals are our equal”. Tom Regan on his part sees animal rights as an important element to be looked upon in our treatment of animals and their use in different laboratory experiments. In his article The case for Animal right said “The fate of animals is in our hands; God grant we are equal to the task.”

On the other hand, some anti-animal right philosophers like Carl Cohen, Aristotle, Aquinas and Descartes argue that there are immense differences between animals and humans beings. They are in no way equal to humans and so have no rights. Others say animals don’t have soul, do not reason, less powerful and also that animals unlike humans lacks language.

These changes in attitude towards animal research gradually lead to some governments and organisations promulgating laws regulating the use of animals in research. This equally led to the declaration of animal rights in Paris, France on the 15th of October.

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1 www.geocities.com/rainforest/1395
2 Peter Singer, 1993, P.55.
3 www.geocities.com/rainforest/1395
4 www.animalvoice.com/PAGES/rights/regan.html
1978, in the United Nation Economic, Scientific and cultural Organisation head quarters (U.N.E.S.C.O). consequently, the world is in a state of dilemma between choosing to use animals in research to improve the health of mankind and compromising the health of mankind because of animal rights and their equality with humans. Societal health is an important aspect in every part of the world. This requires constant research, discovery and improvement of the medical field and the health sectors. I then begin to wander how the world of medicine and health can pull on without medical research and how humans can pull on in good health without medical research to improve their health. I equally begin to question the extend to which it is ethically wrong to use animals in experimentation based on the fact that these animals have rights and are in many ways equal to humans. Should man respect animal rights and equality and exposed the health of mankind to diseases by not using animals in research just because of the claim that these animals have rights and are in many ways like human beings?

Consequently, in my essay, I will try to investigate into the rights-based arguments and the equality based arguments held by Tom Regan and peter Singer respectively, to find out the extend to which these two arguments can justify the fight against animal experimentation. I will present their arguments, and equally some arguments often put forward against animal rights and animal equality in favour of animal experimentation. With that in mind, let us first of all have a look at some statistics on the different animals research types in Britain and the number of animals used in experiments in the year 2000 in some six selected countries in the world.

A TABLE ILLUSTRATING THE NUMBER OF LAB ANIMALS USED ANNUALLY IN THE YEAR 2000 IN SOME SELECTED SIX COUNTRIES IN THE WORLD.

<table>
<thead>
<tr>
<th></th>
<th>WorldWide</th>
<th>41-100,000,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Japan</td>
<td></td>
<td>12000,000+</td>
</tr>
<tr>
<td>U.S.A</td>
<td></td>
<td>12,000,000+</td>
</tr>
<tr>
<td>Britain</td>
<td></td>
<td>2-3,000,000</td>
</tr>
<tr>
<td>Canada</td>
<td></td>
<td>2-3,000,000</td>
</tr>
</tbody>
</table>
These countries combined carry out half the experiments on animals each year. Estimates are rough because most countries keep incomplete or no records.

**TABLE 2**

**A TABLE ILLUSTRATING DIFFERENT LABORATORY ANIMAL RESEARCH PROCEDURES IN BRITAIN IN THE YEAR 2000**

<table>
<thead>
<tr>
<th>MAIN PURPOSE</th>
<th>NUMBER</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicine</td>
<td>929,700</td>
<td>34</td>
</tr>
<tr>
<td>Research</td>
<td>872,800</td>
<td>32</td>
</tr>
<tr>
<td>Breeding</td>
<td>699,600</td>
<td>26</td>
</tr>
<tr>
<td>Toxicity testing</td>
<td>161,200</td>
<td>6</td>
</tr>
<tr>
<td>Education and others</td>
<td>51,400</td>
<td>2</td>
</tr>
</tbody>
</table>

**TOTAL** 2,714,700 100

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As table 2 illustrates, over 2,714,700 laboratory animals were used in the year 2000 in Britain. These animals were engaged in laboratory procedures ranging from medicine to education. In education, animals are used at all levels to acquire knowledge, develop attitudes and skills in science and other subjects. Live animals are dissected by students and in veterinary and medical schools for research. These live animals are subjected to pain and suffering. Animal rights advocates see it as a violation of the rights of these animals. Consequently many ethical issues are raised. Animals are routinely used to test possible toxicological threats posed by a variety of commercially manufactured products for human use. Two main types of substances are tested, Therapeutic and non Therapeutic substances. Examples include-insecticides, eye makeup, air refreshers, deodorants, cosmetics and toiletries, hair spray, nail polish, bleaches etc. They are also used in a variety of research procedures like stress research, burn research, in trauma, shock research and in pain research. These tests inflict severe pain and suffering on the animals concerned, necessitating the call for an ethical assessment of these researches on animals. This is obviously one of the reasons that motivated the French Declaration of animal rights in the 1970s. Let us see what this declaration has to say regarding animal treatment and their use in experimental research.

1.3. THE FRENCH DECLARATION OF ANIMAL RIGHTS

The above experimental procedures engaging animals and changes in attitudes towards animal treatment, together with claims about animal rights and animal equality lead to the formation in different countries of committees, legislations and laws with guidelines governing animal experiments, research and the treatment of animals in general. A good example of its kind was the French declaration of animal rights at the United Nations Educational, Scientific and Cultural Organisation (U.N.E.S.C.O) head quarter in Paris on the 15th of October 1978. This declaration, although unofficial, took into consideration the following:-: that life is one, with all living beings having a common origin, diversified during the period of evolution. They posses natural rights and with their possession of a nervous system, they are the same like humans. Any ignorance or violation of these natural rights causes serious damage to nature. Further more, co-existence implies the recognition by the human species of the rights of other animal species to live. Consequently, it was proclaimed that, (I will present only the most relevant articles to our essay):
Article 1
All animals have equal rights to exist within the context of biological equilibrium. This equality of rights does not overshadow the diversity of species and of individuals.

Article 2
All animal life has the right to be respected.

Article 6
Experiments on animals entailing physical or psychological suffering violate the rights of the animals. Replacement methods must be developed and systematically implemented.

Article 9
The specific legal status of animals and their rights must be recognised by law, and the protection and safety of animals must be represented at the level of Governmental organisations.

Article 10
Educational and schooling authorities must ensure that citizens learn from childhood to observe, understand and respect animals.⁷

As we can see from the above declaration, these Rights view articles and many other articles in the declaration laid down guidelines on how humans should treat non-human animals. According to this declaration, animals have equal rights to exist like humans, and their lives and rights have to be respected. Any painful experiments on these animals violate their rights. It also stresses the need for citizens to be educated from childhood to respect animals. We will find out in later chapters the extend to which Tom Regan and Peter Singer’s arguments will give more credit to this declaration.

⁷ http://league-animal-rights.org/en-duda.htm/
1.4 RESEARCH PROBLEM AND AIM OF STUDY

I have come to realize that the concepts of animal rights and animal equality has left a lot of controversial questions unanswered regarding animal experimentation or animal research. Advocates of animal rights and animal equality like Tom Regan and Peter Singer respectively, stand against animal research on the bases of rights and equality with humans. The problem at this juncture is to find out the extent to which the concepts of “animal rights” and “animal equality” justify the stand by its advocates against animal experimentation. Which actual ethical reasons exist for according moral rights and equality to animals? If at all animals do possessed moral rights, are they absolute or prima facie rights? Does the claim that these animals are in many different ways like human beings, with equally moral rights imply that they cannot be used for experimentation to improve human health? Does this again imply that animal rights and animal equality is better valued and given a pride of place than human health? In fact, to which level, or to what extent does the above two arguments justify the stand against animal experimentation.

1.5 INTENDED APPROACH

Because the terrain for, and against animal experimentation is so vast, I will focus my attention on the above two arguments against animal research. In this light therefore, I will adopt a critical analytic approach, and at the end of which I will make a critical evaluation and recommendation.

I will dedicate chapter 2 to theoretical perspectives regarding the different conceptions in view of our treatment of animals and their use in experimental research. This will be followed in chapter 3 by the arguments in favour of animal rights (Animal right is the viewpoint that many (nonhuman) animals have moral rights that prohibit humans from violating their basic interests) by Regan and Singer’s equality arguments. Chapter 4 will concentrate on the arguments against animal rights and animal equality, in favour of animal experimentation.

Chapter 5 will be dedicated to evaluation and recommendation, with a summary and conclusion. For the moment, let’s see what ethical theories are up to in this debate on animal experiment and animal treatment.
CHAPTER TWO

ETHICAL THEORIES AND ANIMAL TREATMENT

2.1 CONTRACTARIANISM AND ANIMALS

With a legacy as far back as Thomas Hobbes, together with modern contractarians like Narveson and John Rawls, this theory conceive of morality as a kind of contract to which people (contractors) voluntarily enter. According to this theory, morality emerges as a set of mutually agreed on and enforceable constraints on human freedom, in which all contractors rationally believe it is in their interests. To contractarianism then, nothing is by its very nature morally wrong or right, just or unjust. Rather, acts become right or wrong, just or unjust as a result of the agreement reached by rational, self-interest contractors.

Two forms of Contractarianism emerge with different views about our treatment of animals. The first, favoured by Thomas Hobbes and Narveson, permits contractors to enter into their contractual deliberation knowing who they are and what they want from life, given their individual interests. In line with this view and judging from the interest of these animals themselves, their inability to express these interest and to negotiate with other human animals, obviously are not to be counted among the potential contractors. Even though it is true that certain things are in the interest of say, Pigs and Wolves, the idea that these animals themselves can have an informed understanding of their rational self interest has no clear meaning. Hence humans have only indirect duties to animals.

Narveson on his part indicates that since many contractors have special places in their hearts for companion animals, these animals should be treated reasonably well, not because they themselves are entitled to such treatment but because we should not up-set their human friends gratuitously. Thus, Narveson finds no good reason to cease and desist from using animals for food and for reseach. In a nutshell, given Hobbesian and contractarianism, our duties with respect to other nonhuman animals are indirect duties owed to those human beings who helped forged the contract.
The second form of contratarianism, favoured by Rawls, requires the contractors to imagine that they lack such detail knowledge of their individual psychology and circumstances and deliberate about the terms of the contract from behind a veil of ignorance, in an original position in which they do not know where they will be born or whether they will be rich or poor, intelligent or below average, male or female, Caucasian or non-Caucasian. These contractors come into agreement on the terms of the contract without any individual self-interest since they see themselves as one. What is so certain among these contractors is that they know that they will be born as humans.

Rational, self-interest contractors making choices from behind the veil of ignorance will negotiate direct duties to human’s beings and indirect duties to non-human animals.

Deductively, it is certain that contratarianism, be it the Hobbesian or Rawlsian form, rest on the indirect duties by humans to nonhuman animals. This implies that we protect the interest of animals if and only if it serves human interests, without this, contractarians do not see anything wrong with eating animals and using them in experiments.

In a whole, according to Contractarianism, moral rights and duties are dependent on an existence of an actual or hypothetical contract with its moral rights and duties applied only to rational agents. Thus rights do not apply to animals because they are not rational agents. Hence humans have only indirect duties to animals.

2.2 UTILITARIANISM AND ANIMALS

Advocates to this ideology like Jeremy Bentham, John Stuart mill, and Peter Singer, adopts a different approach towards our treatment of animals. Bentham, quoted by Singer said, “The problem is not, Can they reason? Can they talk? But can they suffer?” The possession of sentience, the capacity to experience pleasure and pain, not the possession of autonomy, rationality or linguistic competence entitles any individual to direct moral consideration; because nonhuman animals have these capacities, Bentham and other utilitarians affirm that humans have direct duties not to cause them endless suffering. Humans owe direct duties to the animals themselves not to those humans who will be affected by what we do to the animals.

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8 Peter Singer, 1993, P.56-57.
Utilitarians believe in the maximisation of happiness for the greatest number. They hold the view that our duty is to perform acts that brings about the best consequences for all those affected by the outcome. The best consequences will be those that include the greatest possible balance of pleasure over pain. As such, a good reason for permitting animal suffering then is that such suffering is a necessary price to pay in bringing about the best consequences, all considered. Hence, the consequences of our actions and the consequences alone determine the morality of what we do.

Singer insists on the extension of the principle of equal consideration of interests to nonhuman animals with consistency, where the interest of both must be counted, and counted equitably. If the moral defence of animal research lies on the good results alleged to produce by using these animals, researchers should also consider using marginal humans in the same research.

In a whole, utilitarianism rest on the view that what matters is the consequences, consequences that maximises pleasure and minimises pain. Consequently, our treatment of animals and the moral wrongness and rightness of their use in research by humans depends on the consequences.

2.3 Kantianism and Animals

Immanuel Kant's moral philosophy regarding the treatment of nonhuman animals emphasises on rationality as the defending characteristics of being human,

He holds that he who is cruel to animals becomes hard also in his dealings with man, whereas tenders feelings towards dumb animals develop humane feelings towards mankind. Kant views the rest of the natural order as existing to serve human interest. Animals in his view exist merely as means to human ends. As he puts it, “But as far as animals are concern, we have no direct duties. Animals are not self-conscious and are there merely as a means to an end. That end is man.”

Thus, humans are morally free to use animals the way they want but avoid cruelty. According to him, humans exist as ends to themselves, rational and autonomous and as such should not be treated the same way as nonhuman animals.

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The above views reveal a lot of disagreements among philosophers regarding our treatment of animals and their use in research. While some hold that humans owe direct duties to nonhuman animals, others hold that our duties to them are indirect, and others like utilitarianism lay more emphasis on the consequences. Which of these views then is the correct view? Whatever the case, let's wait and see, maybe Peter Singer and Tom Regan's arguments ahead on animal rights and animal equality may provide answers to our question.
CHAPTER THREE

3.1 TOM REGAN’S ARGUMENTS FOR ANIMAL RIGHTS

The debate on the possession of rights by animals is so widespread and full of controversies. Many scholars like Tom Regan argue that animals have moral rights, while others like Carl Cohen argue that animals have no rights. Before we move deep into Regan’s arguments, it is important to first of all understand what “Animal rights” refers to. Animal right is “The viewpoint that many (nonhuman) animals have moral rights that prohibit humans from violating their basic interests...”\textsuperscript{10} In this light therefore, animal rights are the rights for animals to be protected from human use and abuse. The justification for extending moral rights to animals is based on the belief that animals are in many important ways like humans. They are autonomous sentient creatures who are capable of feeling pain and pleasure, remember, anticipate, experience emotions and learn. In this ways, just like humans deserve rights, sentient animals also deserve rights appropriate to them. As it is often put by these advocates,

\begin{quote}
Human rights govern what humans do to each other; animal rights govern what people do to animals. Animal rights are not exactly the same as accorded by humans to humans. Animals are not in need of equality before the law, freedom of speech and religion, or fair taxation. Rights appropriate for animals can include the right to live free in the natural state of their choosing, to express normal behaviour, not to be killed for food, not to be experimented on, not to be used as entertainment, to be free from hunger, thirst, Molestation, fear, distress, pain, injury, or disease caused by humans, and so on. Animals rights can be any number of benefits people wish to bestow on the animal
\end{quote}

\textsuperscript{10} \url{http://encyclopedia.laborlawtalk.com/animal_rights}
In this light therefore, animal rights advocates conceive animal rights to be absolute because these animals are important in themselves and do not exist solely for human use. Their rights must be protected even when to do so is difficult for human society. As they put it, “Dogs should not be experimented on to develop a possible life-saving drug for humans even if it means delaying the drugs development”\textsuperscript{11}

\textit{REGAN’S ARGUMENT}

Regan begins his arguments in favour of animal rights by pointing to the fact that many kinds of nonhuman animals posses natural and moral rights by virtue of their nature. That is, by virtue of the fact that they are a “subject of a life and equally has an inherent value”\textsuperscript{12}

According to Regan, an individual is a subject -of- a life if it possesses the following sorts of features:

\begin{quote}
Individuals are a subjects-of- a-life if they have beliefs and desires;
Perception, memory and a sense of the future; including their own future;
an emotional life together with feelings of pleasure and pain; preference
And welfare interest; the ability to initiate action in pursuit of their desires
and goals; a psychophysical identity over time; and an individual welfare
in the sense that their experiential life fare well or ill for tem, logically
indeed independently of their utility for others and logically independently of their
being the object of anyone else’s interest\textsuperscript{13}.
\end{quote}

The above conditions given act as the criterion to possessing a subject of a life, and according to Regan, any being that posses a subject of a right has moral rights. To him then, animals have moral rights because they fulfill these conditions.

\textsuperscript{11} http://articles.animalconcerns.org/ar-voices/archive/pain.html

\textsuperscript{12} Tom Regan, 1983, p.243.

\textsuperscript{13} Tom Regan, 1983, p.243.
Regan continues that all creatures which are subjects-of-a-like possessed inherent value. He points to some important features of inherent value which culminate to enable these creatures possess moral rights. Firstly, the inherent value possessed by an individual is independent of their being the object of anyone else’s interest. Secondly, the inherent value of an individual is not something they can earn or cultivate by dint of their efforts; and it is not something they can lose by what they do or fail to do. Thirdly, the inherent value of an individual does not vary according to the extend to which they have utility vis-à-vis the interest of others; Lastly, inherent value is not reducible to or incommensurable with intrinsic value. Consequently, Regan hold that non human animals are subjects-of-a-life with inherent value and so has rights, just like other creatures which are subjects-of-a-life.

Using the Respect principle, Regan further explained that we are to treat those individuals who have inherent value in ways that respect their inherent value. There is nothing conceptually odd in maintaining that individuals who have inherent value can claim just treatment as their due, or have this claim on their behalf, because they have a right to such treatment. According to Regan and his respect principle then, nonhuman animals are subjects-of-a-life with inherent value; they thus possessed moral rights and right to respectful (good) treatment. Consequently therefore, subjecting non human animals to painful experiments is treating them as if they are “merely receptacle of what has value(e.g,pleasure)”\textsuperscript{14}.More still, we further treat them as if they lack inherent value when we harm them so that we may achieve the best aggregate consequences for everyone affected by the out come of such actions. In this light therefore, putting animals under experimental pain simply because it is to the benefit of the entire society (according to experimenters) violates the rights of these animals and it is wrong.

Further again, Regan emphasised that vegetarianism is morally obligatory because mammals are subjects-of-a-life and have inherent value. The respect and harm principles derivable from it, apply to mammals. Therefore, mammals have a right to be treated with respect, and a prima facie right not to be harmed

In reaction to anti-animal rights views by some scholars like Descartes, based on the claim that non human animals are just like machines and unconscious (lack of a sense of awareness) and so has no rights, Regan alludes to the evolutionary theory to defend his stand that many

\textsuperscript{14} Mark Rowlands, 1998, p.93.
animals, not just human beings are conscious and so has rights. As he puts it “Roughly speaking, this theory implies that many animals, not just human beings are conscious, not because (or only if) they possess an immaterial soul; certain animals are rightly deemed to be conscious because we are conscious, and because, given the main thrust of evolutionary theory, the mental life of humans (our psychology) does not differ in kind from these animals”\(^{15}\)

Regan again used a cumulative argument for animal consciousness\(^{16}\) to make clear his point. This is a set of reasons that when put together provides the basis for acknowledging animal consciousness. According to Regan’s cumulative argument, the attribution of consciousness to certain animals is part of the commonsense view of the world and any attempt to discredit this has proven to lack adequate justification. Also, how animals behave is consistent with viewing them as conscious. Lastly and most important, an evolutionary understanding of consciousness provides a theoretical basis for attributing awareness to animals other than just human beings.

To further clarify his point, Regan points to the fact that “The philosophy of animal rights is scientific”\(^{17}\). The philosophy of animal rights is respectful of our best science in general and evolutionary biology in particular. The latter teaches that, in Darwin's words, humans differ from many other animals "in degree," not in kind. It is obvious he said that the animals used in laboratories, raised for food, and hunted for pleasure or trapped, for example, are our psychological kin. More still, the philosophy of animal rights is unselfish and demands a commitment to serve those who are weak and vulnerable, those who, whether they are humans or other animals, lack the ability to speak for or defend themselves, and who are in need of protection against human greed and callousness. This philosophy requires this commitment, not because it is in our self-interest to give it, but because it is right to do so. This philosophy therefore fosters the growth of unselfish service.

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\(^{15}\) Regan, 1983, p.27.

\(^{16}\) Regan, 1983, p.27.

\(^{17}\) www.cultureandanimals.org/animalrights.htm
Regan further indicated that there are some major areas in science in where animals are routinely used; in Biological, Zoology and medical education, toxicology testing, where the potential harmful effects for human beings of new products and drugs are first tested on animals. They are also used for original and applied research on the cause and treatment of disease, as well as research into the basic biochemical nature and behaviour of living organism. Consequently, he argues and maintained that mammalian laboratory animals are not receptacles or renewable resources whose rights can be overridden on the basis of aggregating human benefits. Thus he stands firm against the use of animals in science, unless doing so is justified by appealing to other valid moral principles and by showing that these principles morally outweigh the right not to be harm in a given case. “What the rights view opposes is practices that violate the basic rights of individuals in the name of the public interests…We can not justify harming a single rat merely by aggregating the many human and humane benefits that flow from doing it.”

The acquisition of knowledge is a good thing, he acknowledged, but the value of knowledge does not by its self justify harming others, even less so when this knowledge is obtainable by other means, “Students do not need to dissect any known animals to learn facts about their anatomy and physiology. Detailed drawings of animal anatomy and physiology exist in abundance and are usually included in the very text used in those courses…On the rights view, to continue to include standard lab sections involving dissection of live mammalian animals is as unnecessary as it is unjustified”

He continues by affirming that it is true that students can not have the experience of dissecting a living animal without dissecting one, but that fact by itself does not justify their doing it, let alone requiring that they do it. As such the rights view holds that the reasons against doing it outweigh the reasons for doing it.Disecting life mammalian animal cause harm and suffering and some times led to untimely death .To defend dissection by appealing to the value of the experience of dissecting commits one to viewing these animals as if they were mere commodities and receptacles or renewable resources, a profound mistake and injustice according to the rights view. Worst of it, dissecting live animals without the use of Anaesthesia.

18 Regan,1983 p.375-85
Regan laments that harmful toxicity tests today on animals are so widespread. The effects of new products and drugs are tested on animals before sending to the market on the claim at checking and minimising any possible negative effects that could result on humans without such test. He rejects this appeal on the basis of the right view, not just because they (toxicity tests) are an unreliable means for assessing what is toxic for humans, nor are they wrong only because the results are predictable before the tests are done, but because fundamentally, certain tests are unnecessary and violate the rights of laboratory animals. “Morally, they ought to cease”\textsuperscript{20}. He said.

Anyone who objects to the rights view on the grounds that it is morally indefensible to release untested products into the market would miss the central point. According to Regan, the rights view is not against or does not deny any manufacturer the liberty to introduced new products into the market, but the pre-testing of these products on the animals in ways that are harmful to them.

\textit{The rights view’s position is uncompromising: Harmful toxicity tests of new products violets the rights of laboratory animals and ought to be stopped. The least, we as consumers can do to help achieve this goal is henceforth to refused to buy new products, including so-called, new, improved varieties of old ones...unless we know that they have not been Pre-tested for their toxicity on animals That is a modest deprivation anyone who respect the rights of these animals ought to be willing to endure.}\textsuperscript{21}

In reaction to the point often raised by some scientists and researchers that pre-testing of new drugs on animals is necessary to minimised the risk humans will be subjected to when these drugs are used without having pre-tested, Regan insists that the right view rejects this defence because risks are not morally transferable to those who voluntarily choose to take them in the

\textsuperscript{20} Regan, 1983, p.375.

\textsuperscript{21} Regan, 1983, p.376.
way this defence assumes. To harm others or put others, whether humans or nonhuman animals at risk in order to minimise the risks of those who voluntarily choose to run them is to violate the rights of the human or animal in question, and to treat them as if they are resources for others. In this light therefore, toxicity tests are accepted so long as they violate no one’s rights, “Justice is the highest principle of ethics. We are not to commit or permit injustice so that good may come, not to violate the rights of the few so that the many might benefit.

Slavery allowed this. Child labour allowed this. … But not the philosophy of animal rights, whose highest principle is that of justice: No one has a right to benefit as a result of violating another’s rights, whether that "other" is a human being or some other animal”

He also explained that he is not trying to say that humans and other animals are equal in every way, but that like humans, many other animals are psychological beings, with an experiential welfare of their own. In this sense, humans and animals are the same despite our many differences.

Let us end Tom Regan’s arguments in defence of animal rights with a quotation on what he said in reaction to views held by some that although animals have rights, there are more important things to consider (world hunger and disease) than just animal rights. It goes thus

*The animal rights movement stands as part of, not apart from, the human rights movement. The same philosophy that insists upon and defends the rights of nonhuman animals also insists upon and defends the rights of human beings. At a practical level, moreover, the choice thoughtful people face is not between helping humans or helping other animals. One can do both. People do not need to eat animals in order to help the homeless, for example, any more than they need to use cosmetics those have been tested on animals in order to help children. In fact, people who do respect the rights of nonhuman animals, by not eating them, will be healthier, in which case they actually will be able to help human beings even more.*

22 [www.cultureandanimals.org/animalrights.htm](http://www.cultureandanimals.org/animalrights.htm)

23 [www.cultureandanimals.org/animalrights.htm](http://www.cultureandanimals.org/animalrights.htm)
As we have seen from Regan’s arguments, humans and non-human animals alike have equal moral rights to good treatment despite our many differences, and especially as they are subjects-of-a-life and possess inherent value. Using animals in experiments which put them through pain and suffering is wrong and should be stopped.

Let us see what Peter Singer’s argument is up to in defending his views on the extension of the principle of equal consideration of interests to animals.

3.2 PETER SINGER’S ARGUMENTS IN FAVOUR OF ANIMAL EQUALITY.

SINGER’S BASIS FOR EQUALITY

Before we dive into Singers arguments against animal experimentation and other forms of animal mistreatment based on the principle of equality consideration of interest, let us first of all have an idea on what he considers to be the basis for equality.

He begins by indicating that the principle that all humans are equal is now part of the prevailing political and ethical orthodox. Equality implies that every being, be it human or non-human be treated in the same way. He points to an important feature of the principle of equality to be “affirmative action.”

According to Singer, accepting that humans differ as individuals is a factual basis for the defence of the principle of equality. Knowing that one is white or black, male or female human or non-human does not lead us to draw conclusions about his or her intelligence and sense of justice, and his consequent treatment as less equal. In Signer’s view, the basic principle of equality is “The principle of equal consideration of interests.” This principle holds that we give equal weight to our moral deliberations to the like interest of those affected by our action. Hence, an interest is an interest, whoever’s interest it maybe. The ability to feel pain and pleasure (sentient) is what entitles a being to equal consideration of interests. In this light therefore, Singer says the principle of equal consideration of interest act as a scale,

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weighing interest impartially. Consequently, race, sex or species is irrelevant to the consideration of interest for all that counts are the interest themselves.

Having seen the fundamental principle of equality presented by Singer to be governed by the principle of equal consideration of interest, let us now see the arguments he presents as justification for the extension of this principle to animals.

**EQUALITY FOR ANIMALS**

According to Singer, having accepted the fundamental moral principle of equality (the principle of equal consideration of interest) as a sound moral basis for relations among members of our own species, we are also committed to acknowledge it as a sound moral basis for relations with those outside our own species (nonhuman animals), because it provide a basis that can not be limited to humans. He explains that the basis for extending the principle of equality beyond our own species (to nonhuman animals) is based on our understanding of the principle of equal consideration of interest. According to this principle, our concern for others ought not depend on what they are like or the abilities they possessed. Consequently, we have no right to exploit those outside our own race or species, or disregard the interest of others based on their intelligence nature to us or others. This stand by Singer can be seen as a blow to those (Like Carl Cohen) who think that intelligence and species are enough reasons to deny equality and equal consideration to nonhuman animals.

As if this is not enough, Singer further explains that the capacity for suffering is a vital element that entitles a being to equal consideration of interest. He substantiates his point by quoting the founding father of utilitarianism, Jeremy Bentham, who in a straight forward – looking passage written at a time when African slaves were still being treated much as the way we treat non human animals today said
The day may come when the rest of the animal creation may acquire those rights which
Never could have been withheld from them but by the hand of tyranny....It may one day
come to be recognised that the number of legs, the villosity of the skin, or the termination of
the ox sacrum is reasons equally insufficient for abandoning a sensitive being to the same fate....But a full grown Horse or Dog is beyond comparison, a more rational as well as a
more conversable animal than an infant of a day or a week even a month old....The question is
not Can they reason? Nor can they talk? But can they suffer? 26

In the light of the above, Singer affirms that there is no moral justification for failing to take
the suffering of a being into consideration no matter the nature of that being, be it human or
non human animal. As he puts it, “The capacity for suffering and enjoying things is a
prerequisite for having interest at all, a condition that must be satisfied before we speak of
interest in any meaningful way” 27 This principle thus requires that suffering involving
humans and nonhumans animals be controlled equally as long as rough comparison can be
made of any other being. If a being is not capable of experiencing enjoyment or happiness,
there is no need for that beings interest to be taken into consideration. It is for these reasons,
he said, the limit of sentient (The capacity to suffer or experience enjoyment or happiness) is
the only defensible boundary of concern for the interest of the others. As he puts it, “to make
this boundary by some characteristics like intelligence or rationality will be to mark it in an
arbitrary way. Why not choose some other characteristics like skin colour?” 28

It is clear from these words of Singer then, that any experiments that put nonhuman
animals to suffering is bad and should be avoided.

Further again, Singer laments that “speciests” always give greater weight to the interest of
members of their own species than the interest of those outside their species like nonhuman
animals. In this way, human speciests do not accept pain as bad when experienced
by a pig than when experience by humans. Deductively then, a speciests will be ready to carry
on a painful experiment on a Pig than on a human being.


On the other hand, Singer acknowledges the fact that in some situations like in the case of cancer, members of our species (humans) may suffer more than that of another species (no human animals), but emphasised that the principle of equal consideration of interest must still be applied to both cases, giving priority to relieving the greatest suffering. According to him, members of our own species may suffer more because they have certain superior qualities like anticipation and awareness of what is happening. This explains why an adult human dying from cancer suffer more than a mouse, and “It is this mental anguish that makes the human position much more harder to bear”\(^{29}\). Deductively, an adult human being will experience more suffering from an experiment performed on he or she than a mouse. He however stays fast to the view that these differences are no guarantee for greater suffering by humans than animals. If we accept to use non human animals in experiments, we should equally consider using intellectually disabled humans and infants because they both fall in the same category with animals.

Reacting to the view held against animal equality that comparison of suffering between members of different species can not be made precisely; Singer argues that so too can suffering between human beings be compared with precision. How bad pain is depend on our intense it is and how long it last, but pains of the same intensity and duration are equally bad, whether felt by humans or animals.

Singer establishes the view that animal experimentation is the area where “speceisism”\(^{30}\) is clearly observed. Speceisism is human discrimination against other species based on prejudice or the assumption of human superiority\(^ {31}\). Accepting animal experimentation and rejecting experimentation on humans is a manifestation of speceisism, which according to Singer is comparable to racism and sexism. According to him, it is a huge mistake made by experimenters to think that all animal experimentation serve vital medical purposes and equally that these experiments on animals can be justified by the claims that the suffering it

\(^{29}\) Singer, 1993, p.60.

\(^{30}\) Singer, 1993, p.65.

\(^{31}\) Bekoff, Meaney, 1998, p.320.
relieves out -weight the pain it causes on the animal. Drug companies use animals to test new shampoo and cosmetics through tests like the Draize Test. The Draize Test is a common animal test devised in 1944 by FDA toxicologist John Draize that involves dropping the tested substance directly into an immobilized animal's eyes and observing the results. The test subject is commonly an albino rabbit. It is observed for at least 3 days for signs of redness, swelling, discharge, ulceration, hemorrhaging, cloudiness and or blindness in the eyes. Most of these animals are made to be very sick, some finally die and others manage to pull through. He thus refutes these actions on animals and maintained that these tests are not worth it. As he puts it “These tests are not necessary to prevent human suffering…we already have enough shampoos and food colouring, there is no need to develop new ones that might be dangerous…In these cases and many others like them, the benefits to humans and either non existent or uncertain, while the loses to members of other species are certain and real.”

In an attempt to clarify the point that animals feel pain, “Painism is a term coined by Richard Ryder to describe the theory that moral value is based upon the individual experience of pain.” Singer said we cannot directly experience another persons pain whether human or not but we can judge from the behaviour of that person. He said

*When I see my daughter fall and scrape her knee, I know that she feels pain because of the way she behaves-she cries, she tells me her knee hurts; she rubs the sore spot and so on. I know that I myself behave in a somewhat similar –if more inhibited –way when I feel pain and so I accept that my daughter feels something like what I feel when I scrap my knee.*

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34 Bekoff, Meaney, 1998, p.269.

He also points out that infants do not have or use language but we know they feel pain through their behaviour when hurt, so too are non human animals who do not have a language and do not speak.

Singer sees pain as a state of consciousness and a mental event that can never be observed. More still; nearly all the external signs that lead us to infer pain in other humans can be seen in other species, especially the species most closely related to us- the species of mammals and birds. Some of these signs include:-: writhing, facial, contortions, moaning, yelping, appearance of fear and attempts to avoid pain. In addition to this, these animals also have nervous systems very like ours, which respond physiologically like ours do when the animal is in circumstance in which we will feel pain, for example, a rise in blood pleasure, perspiration and increase pulse rate. “It is surely unreasonable to suppose that nervous systems that are virtually identical physiologically, have a common origin and a common evolutionary function, and result in similar forms of behaviour in similar circumstances should actually operate in an entirely different manner on the level of subjective feelings” Consequently, animals feel pain when exposed to experiments like humans will feel and so should be avoided.

According to him, there are no good reasons, scientific or philosophical for denying that non human animals feel pain. “If we do not doubt that other humans feel pain, we should not doubt that other animals can feel pain”36. The difference between humans and animals is a difference of degree, not kind. For example, chimpanzees use sign language to communicate. He thus concludes by insisting that whether human animals or not, equal consideration, should be accorded to both humans and nonhuman animals and in situations where interest clash, priority should be given to the case with greater suffering rather than judging in terms of specie, if we want to avoid “speciesism”.

36  [www.geocities.com/rainforest/1393]
3.3 CONVERGING POINT BETWEEN PETER SINGER AND TOM REGAN

As we have seen from the above arguments, they both share the common view that just like humans, non human animals are in many ways like humans and so deserve good treatment. They are conscious, have a sense of the past and the future, have desires, and capable to feel pain and pleasure. They see the differences between humans and non humans as differences of degree, not kind. More still, they both share the view that painful experiments on animals are wrong and should be avoided, unless there are proper reasons to back their action. Remember, Regan wrote “To say this right is a prima facie right is to say (1) consideration of this right is always a morally relevant consideration, and (2) anyone who would harm another or allow others to do so, must be able to justify doing so by (a) appealing to other valid moral principles and (b) by showing that these principles morally outweigh the right not to be harm in a given case”\(^{37}\). Singer equally wrote “….This does not mean, of course that it will be right to perform the experiment on animals, but only that there is a reason, and one that is not speciesist for preferring to use animals rather than normal adults humans if the experiments is to be done at all”\(^{38}\). They equally see vegetarianism as one of the best ways to stop cruelty on animals.

Having seen much of their arguments in favour of animal rights and animal equality, let us also have a look at some arguments often presented against animal rights and animal equality, in favour of animal experimentation. In this light therefore, we will look into the arguments present by the following philosophers-Cohen, Descartes, Aristotle, Mark Lowlands and Mary Midgley, s arguments for, and against speciesism. Note should be taken that these arguments are based on the differences between humans and animals, aimed at establishing the point that humans are special and unique by nature and have dominion over other animals and as such can use these animals the way they want for food, entertainment and for experimentation.

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\(^{38}\)Regan, 1993, p.59.
Despite the immense efforts to accord the principle of equal consideration of interests and moral rights to animals, some scholars still believe that animals don’t deserve such equality with humans and equally have no rights. According to them, there are huge differences between humans and animals. These differences, so hard, real and significant enough to justify our eating them, use them for sports, for entertainment and for experimental purposes.

As I had earlier mentioned in the beginning of my essay, the scope of this debate is so wide that for our essay to make sense, it is necessary to limit our self to a certain level. In this light therefore, I will make a brief presentation of some arguments against animal rights and animal equality based on the differences between humans and animals. Prominent among these arguments include those of Carl Cohen (why animals have no rights) Rene Descartes, Aristotle, Mark Rowlands, the indirect duty views held by Immanuel Kant and Mary Midgley’s arguments for and against speciesism. Let’s begin with Cohen.

4.1 CARL COHEN.
In his article “The case for the use of animals in biomedical research” 39 begins by immediately rejecting the claim that animals have rights and are in many ways like humans. According to him, these claims rely on a “mistaken understanding of rights and calculation of consequences…They both deserve definitive dismissal”40 he wrote. To comprehend any right fully, one has to know who holds the right, against whom and to what it is a right. According to him, rights arise and can be intelligibly defended only among beings who actually do, or can make moral claims against one another. What ever else rights maybe, they belong to humans. Their possessors are human beings. This is so because, as he


explained, human beings have an inner consciousness of free will, they reason, undertakes self-conscious participation in objective ethical order, and has self autonomy, confront choices that are purely human, but non human animals lack these qualities and the capacity for free moral judgement. They therefore have no rights.

He continued that, holders of rights must have the capacity to comprehend rules of duties governing all including themselves. In applying such rules, the holder of rights must consider possible conflicts between what is in their own interest and what is just. Only in a community of beings capable of self-restricting moral judgement can the concept of rights be correctly invoked. Humans have such moral judgements, are members of a community govern by moral rules and do posses rights. Animals lack these capacities and do not belong to such a community and so have no rights. “In conducting research on animal subject, therefore, we do not violate their rights because they have none to violate”\(^41\). However, Cohen acknowledges that the fact that animals do not have rights does not mean we are free to do what ever we please to them, but that in our dealing with animals, we have the duty to give them good treatment, not because these animals have rights. “To treat animals humanely however is not to treat them as humans or as holders of rights”.\(^42\)

In reaction to claims often held by some scholars (e.g. Singer) that if animals are to be used in experimentation, experimenters should also consider using disabled infants and intellectually disabled adults because both are in the same category, Cohen explains that the issue is one of kind. According to him, humans are of such a kind that they maybe the subject of an experiment only with their voluntary consent, and the choices they make freely must be respected. But animals are of such a kind that it is impossible for them, in Principle to give or withhold voluntary consent or to make a moral choice. He thus holds that “what humans retain when disabled, animals have never had”\(^43\).


Cohen strongly rejects anti-animal experimentation views based on claims that animals feel pain and experience suffering, as worse than unsound and atrocious. He however accepts that animals can suffer and should not be made to suffer, but insist that when balancing the pleasure and pain resulting from the use of animals in research, we must not fail to place on the scale the terrible pain that humans will suffer now and time to come had animals not been used in experiments. He affirms his stand on speciesism when he said, “I am a speciesist. Speciesism is not merely plausible; it is essential for right conduct, because those who will not make the right morally relevant distinctions among species are almost certain, in consequence to misapprehend their true obligations….refusing to recognise the moral differences amongst species is a sure path to calamity” 44.

He concludes that opponents of research using animals are frequently insensitive to the cruelty of the result of the restrictions they would impose. Thus, if the morally relevant differences between humans and animals are borne in mind, and if all relevant considerations are weighed, the calculation of long term consequences must give overwhelming support for biomedical research on animals.

4.2 RENE DESCARTES.

Just like Cohen, Descartes (1596-1650) holds that animals possess no rights and can be used for experiments. According to the French man, there are real, hard and significant differences between humans and other animals. These differences make humans distinct from animals. As such, humans have the right to use animals in experimental research. To Descartes, these differences are so real that a mechanical animal would not be distinguishable from a real animal, but a mechanical human being would be distinguishable from a real human. “…if there where machines with organs and appearance of a Monkey, or some other irrational animal, we should have no means of telling that they were not altogether of the same nature as those animals” 45. This is so, according to him, because animals do not use words or language or other constructive signs like humans to express their thoughts. Further more, nonhuman


45 Descartes in Hursthouse.2000, p.66.
animals do not only have a smaller degree of reasoning than men but are wholly lacking in it and have no minds at all.

He however acknowledges the fact that in some cases, brutes exhibit more skills than humans, but on a limited scale. Descartes quoted by Rosalind Hursthouse, in *Ethics, Humans and Other Animals* said,

> ...although several brutes exhibit more kills than we in some of their actions, they show none at all in many other circumstances.
> So, their excelling us is no proof that they have a mind.....it is nature that acts in them according to the arrangement of their organs, just as we see how a clock, composed merely of wheels and springs can reckon the hours and measure time more correctly than we can With all our wisdom.\(^{46}\)

Deductively therefore, Descartes holds that animals are just like machines, programmed to perform certain functions. They don’t reason, have no language nor are conscious, and do not feel pain and so can be used in experiments.

### 4.3 ARISTOTLE

Aristotle is also among the philosophers who think that there is a significant and meaningful difference between humans and other animals that makes humans unique. According to him, human possession of speech makes him unique and different from other animals. He recognises that other animals make meaningful noise, for example, expressing pain or pleasure, which to an extend serve to communicate these sensations to others, but humans are unique because they communicate great deal more than sensation of pain and pleasure. As he puts it,

> "But man is obviously a political animal in a sense in which a bee is not nor any other gregarious creature such as herding cattle....Speech is something different from mere voice, which is possessed by other animals also and used by them to express pain or pleasure... But speech, further serve to indicate what is useful and what is Harmful to use and also what is just and what is unjust. For in this particular man differs from other animals, that he alone has perception of good and evil, of just and unjust, and so on and it is the sharing of common view in these things that makes a household and a state."\(^{47}\)

\(^{46}\) Descartes in, Rosalind Hursthouse.2000, p.67.
Consequently, according to Aristotle, humans are moral agents with the capacity to perceive and recognise good and evil, but animals are not. They can not distinguish what is good from what is bad and can not be held responsible for what they do, because they can not perceive or know whether what they do is wrong or right. As such, humans are the only rationale animal, the only animal that possesses reason, because knowledge is an exercise of reasons. No other animal has knowledge of good and evil except humans and this makes the human position unique. More still, no being can have speech without having reason because speech too is an exercise of reason. Thus, non-human animals possess voice not speech. Hence, a great difference between humans and other animals. Aristotle further thinks that reason is a divine element in human beings, and it is because humans have this element within them that they can reason, use language and have knowledge of good and evil.

In a nutshell, shelf therefore, the unique nature of humans from other animals, according to Aristotle, accords to humans, the right to use these animals the way they want. Consequently, it is not wrong to use these animals in experimental research.

4.4 IMMANUEL KANT

Another argument based on differences between humans and animals often presented in favour of human superiority over animals and the right by humans to use these animals the way they do is the indirect duty argument held by Kant. According to him, humans are different from nonhuman animals and have no direct duties towards animals. Humans exist as ends to themselves, rational and autonomous and as such, should not be treated the same way with non-human animals. Our duties towards animals are indirect duties towards humanity. As he puts it, “….But so far as animals are concern, we have no direct duties. Animals are not self-conscious and are there merely as a means to an end. That end is man…….Our duties towards animals are merely indirect duties towards humanity”\textsuperscript{48}

\textsuperscript{47} Aristotle in Rosalind Hursthouse, 2000, p.62.

\textsuperscript{48} Kant in, Helga Kuhse and Peter Singer(Ed), 1999,p.459.
He however objects to cruelty towards animals because of the deleterious effects this will have on our treatment of humans “He who is cruelty to animals becomes hard also in his dealings with man, whereas tenders feelings towards dumb animals develop humane feelings towards mankind”49. Kant views the rest of the natural order as existing to serve human interest. Animals in his view exist merely as means to human ends. Hence, humans are morally free to use animals the way they want should avoid cruelty, not for the sake of the animal but for the sake of other humans who have interest in the animals. Consequently, eating and using animals for experimental purposes is no crime committed

4.5 MARK ROWLANDS

Rowlands on his part thinks that Regan’s arguments based on a subject –of-a-life and inherent value is defensible but questionable and controversial. According to him, Regan’s heavy reliance on the concept of a subject-of-a-life is tactfully unwise, a bad idea and it is not only questionable, it is frequently questioned. “To rests one’s position on the claim that some nonhuman animals are a subject-of-a-life is, I think is a bad idea, but not because the claim is indefensible….The claim does, however, require that a substantial amount of work be given in it defence….Because of this, the claim is not only questionable, but frequently questioned” 50

Rowlands further points to the fact that Regan’s concept of inherent value is mysterious and unclear because being valued by others is certainly not a necessary condition and probably not a sufficient condition for an individual having an inherent value. It is not a necessary condition because an individual can have inherent value even if it is not valued in this way by others. To him, Regan has done nothing to clarify the nature of inherent value, and this undermines the validity of his claim that inherent value is a genuine theoretical posit

As if this is not enough, R.G Frey, in reaction to Singer’s utilitarian premises that morality is a matter of maximising happiness and minimising unhappiness, argues that although animals are capable of happiness and unhappiness, human life is far more important than animal life, because the form of happiness and unhappiness available in humans is far richer in quality than that found in animals. As he puts it, “In my view, normal (adult) human life is of a much higher quality than animal life, not because of its species, but because of richness,

49 Tom Regan, 2001, p.12.

and the value of a life is a function of its quality” he\textsuperscript{51}. He thus holds that the happiness that comes from achievements, fulfilment and satisfaction is more important than the pleasure animals can enjoy. Thus, he rejects Singer’s position, and favours the use of animal experiments.

Singer's position has also been vigorously attacked by many different groups concerned with what they see as an attack upon human dignity, from advocates for disabled people to religious groups, including right-to-life supporters. These critics argue that Singer is in no position to judge the quality of life of disabled people. An example of its kind is a statement by Marco Bristo, the Chairperson of the National Council on Disability in the United States of America on the 17\textsuperscript{th} of April, advising the President and the congress on policy issues affecting the country, and in reaction to the University of Princeton’s hiring of Peter Singer in 1999.

I have read Peter Singer's Practical Ethics, and I am extremely concerned that Princeton University has chosen to honour the author of this dangerous work with an esteemed position that will influence the way future leaders of America and the World will think about the value of a disabled person’s life...Condoning the murder of infants is wrong...discriminatory, hateful, and bigoted...The plain truth is that Peter Singer thinks people with disabilities have lives that aren't worth living....I am here today with a heavy heart. And yet when I look at the list of the Board of Trustees of Princeton University, I maintain some hope that this group may still reconsider its decision to hire Peter Singer. Princeton University does not condone hate. Princeton University does not abide racism or anti-Semitism or homophobia. Princeton University should not abide Peter\textsuperscript{52}

Consequently, Singer’s equating of disabled humans with animals is seen as a blow to human dignity.

\textsuperscript{51} http://www.shef.ac.uk/~phil/courses/125/16animalrights2.pdf

\textsuperscript{52} http://www.shef.ac.uk/~phil/courses/125/16animalrights2.pdf.
We saw earlier in Singer’s arguments that any form of discrimination by humans on animals is speciesism, but amazingly, Mary Midgley, who is equally against any form of animal ill-treatment and discrimination, still finds some reasons under which speciesism can operate. Although she is not arguing against the extension of the principle of equal consideration of interests to animals, she however thinks that speciesism is in avoidable. According to her, “The notion of equality is a tool for rectifying injustices within a given group, not for widening that group or deciding how it ought to treat those outside it”.

She continues that it is often very difficult and hard to persuade the nobility to treat all citizens as equal because if we try to include slaves in the arguments, we risk destroying our chances. “Reforming movements which won’t set limited objectives simply fail; they are not serious. So the equal group comes to be defined as, for instance, that of free citizens and habit perpetuates this restriction even when it is no longer needed”13. In this same way then, most of us are excluding animals.

In relation to sentience claims about animals, Midgley explains that many problems will arise if we extend social considerations to animals in this way and stop treating the specie-barrier as crucial. “Firstly, the interest of all conscious beings will now have equal weight, leaving us with no way to chose between the suffering of humans and locusts or Dogs and Tapeworms.”53 To her then, the principle of equality “exist to produce the right inequalities rather than to flatten everything out”.54

Secondly, “If concerns extends to the boundary of sentience, it must necessarily stop there, making it impossible for us to care for such things as trees and forest, grass, rivers and mountains”. 55 She however acknowledged the idea that sentience is important, because of the

difference it makes in the kind of needs which creatures have and the kind of harm which can be done to them. To her, the only way of dealing with them is by working out the best system of priorities that we can manage and not going out of our way to intensify them.

She equally holds that differences can be real and will need to be respected for the dignity of those closely involved in them. Consequently, the insistence of some minority groups of retaining their distinct cultures, rather than becoming assimilated to somebody else’s is no prejudice.

The special interest which parents feel in their own children is not a prejudice, nor is the tendency which most of us would show to rescue, in a fire or other emergency, those closest to us sooner than strangers….There is good reason for such a preference. We are bond-forming creatures, not abstract intellects. In handling species conflicts, the notion of simply rejecting all discrimination as speciesism looks like a seductively simple guide, an all purpose formula. I am suggesting that it is not simple and that we must resist the seduction.”

She affirms that natural preferences for ones species thus exist, and it is not like race-prejudice which is a product of culture. In cases of real competition, it tends to operate very strongly. It is an irresistible motive which forces us to dismiss others from consideration and it is this relative disregard of other creatures which have been called speciesism.

Despite the many explanation she gives in favour of speciesism as a natural phenomenon, she however concludes that they are not reasons enough to discriminate against other species. “I shall suggest in a moment that this natural tendency, though real, is nothing like so strong, simple and exclusive as is sometimes supposed and has neither the force nor the authority to justify absolute dismissal of other species”.

56 Mary Midgley, 1938, p.102-103.

As we have seen so far, the above arguments presents humans beings as special and unique from all other creatures to an extent that it gives them the right to use animals the way they do, especially as according to them, these animals should not be accorded the principle of equal consideration of interest and moral rights. Consequently, all forms of speciesism or discrimination against animals is no violation of their rights because they have none to be violated. Midgley on her part approaches the situation cautiously by first giving reasons why speciesism should not be completely dismissed. She however does not support any human action that subject animals to pain and suffering.
CHAPTER FIVE

5.1 EVALUATION AND RECOMMENDATION

I will begin by pointing to the fact that, it is worth noting that the different arguments presented above by both scholars has been well comprehended and has provide some answers to most of the controversial unanswered research questions that puzzled me at the beginning of this essay. Although there are still some gaps left unfilled, which is a common phenomenon for any philosophical thinking and a necessary condition for further investigation for the improvement of an ideology, it is necessary to point that Regan’s rights based arguments and Singer’s equality arguments play an important role in our ethical understanding of the situation of nonhuman animals, their treatment and use in experiments.

Singer’s equality argument, based on the principle of equal consideration of interest for both humans and animals, motivated by the capacity to suffer and feel pain, I agree provides good basis for extending the principle of equality to animals. Remember that his principle of equal consideration of interests is based on the view that animals are capable of pain and suffering, and as such we should give equal weight to the interests of these animals. In this light therefore, we realised that Singer’s equality principle does not mean that he considers animals to be in every sense equal to humans. In principle, he does not completely opposed animal experiments to the benefit of man, but what he emphasised is, we should not just use these animals in experimentation simply because we see them as means to human end or because they are not of our own species, but we should equally take into consideration their own interest as sentient beings, capable of suffering and to feel pain, and equally have good reasons for performing the experiment. As a utilitarian therefore, he accepts any experiments on animals provided it produces the best over all benefits that outweighs the harm caused on the animals concerned. I do acknowledge that his “capacity to feel pain and suffering” are genuine reasons for extending the principle of equal consideration of interests to animals. Any being who has once experienced suffering and pain need not be told when another being is in pain, and will possibly start considering extending the principle of equal consideration of interests to animals, at least on the basis of pain and suffering. This, i think is Singer’s situation.
Equally, a good comprehension of Tom Regan’s rights view argument suggest he is not equating human rights to animals, but that these animals deserve moral rights because they are a subject of a life and has inherent value. In my own view, and based on my understanding (At least at my own level) of Regan’s criteria for possessing a subject of-a-life, I think he has creditable reasons claiming that animals deserve moral rights. It is positive that a close look at animals will reveal that they have desires, a sense of future, and a feeling of pain and pleasure, among others. If moral rights are to be accorded to these animals based on their ability to retain these capacities, then I think Regan has good reasons.

Another important argument presented by both philosophers which, I think need be accorded credit is the arguments in defence of the view that animals are conscious and in many ways like humans, and the view that the differences between humans and animals is a difference of degree, not kind. Animals in Zoos and in Parks know exactly when to expect food. When that moment approaches; you find them struggling to take a good position on the walls of their fences. They disappear immediately after taking their food until the next hour when they expecting to be serve with food again. The ability by these animals to know when next to expect food at a point in time is prove that they have a sense of the future. One also need to see how these animals are happy, and are jumping up and down when food is coming (pleasure), and equally how they are in grief when one of them dies or is taken away, and when sick or scream in pain when hurt. These are all evidence to prove that these animals are conscious and are in many ways like humans. Hence, according moral rights to these animals and extending the principle of equal consideration of interests to them is not by implication meaning that their welfare, or their possession of moral rights outweighs humans health and interest, but simply that they deserve fair treatment because of their conscious nature and their ability to feel pain and pleasure.

Regan further holds a more flexible view. One which he thinks that the right of animals not to be harmed is a prima facie, not absolute. This means that he acknowledges the point that the rights of animals can, under certain circumstances be sacrifice in favour of mankind. “….there
are circumstances in which this right can justifiably be overridden” 58 A view which I think is not encouraging humans to violate the rights of animals, but they could, when need

Despite the many credits to be given to the view that the principle of equal consideration should be extended to animals, I however do find it difficult to comprehend Singer’s view that disabled infants and intellectually disable adults are in the same category with animals. This insinuates that according to him, if we have to use animals in experimental research, implicatively researchers should also consider using disabled humans in the same experiments. I do think that no matter the circumstances, or the level of our extension of the principle of equal cooperation of interests to animals, and our granting of moral rights to them, animals and disable humans are not in the same category. What ever the level of disability a human being finds himself, there are no grounds to equate that being with an animal “What humans retain when disabled, animals have never had”59 Thus I do disagree with Singer here.

Furthermore, Singers position for the extension of the principle of equal consideration of interest to animals is quite reasonable, but equally controversial and difficult to achieve. Even by nature, it will be difficult for some one, on the basis of this principle to, instead of saving the life of his daughter who is one meter into hot fire, to safe the life of a Dog, which is half a meter into the fire. It is natural that the man will first rush to the rescue of his daughter, though a bit further from the fire than to first rush to rescue the Dog, thought it is half a meter to the fire and in more danger compared to his daughter.

It is partly for reasons of this nature that Midgley pointed out that “The notion of equality is a tool for rectifying injustices within a given group, not for widening that group or deciding how it ought to treat those outside it….The interest of all conscious beings will now have equal weight, leaving us with no way to chose between the suffering of humans and locusts or Dogs and Tapeworms…. The principle of equality exist to produce the right inequalities

58 Tom Regan 1983, p332.
rather than to flatten everything out”\textsuperscript{60} Hence, the principle of equality, to an extent provides reasons for extending equal consideration of interests to animals, but still remain difficult to achieve.

Another controversial point in Singer’s equality argument is his view on vegetarianism. According to him, if we want to avoid speciesism, we should stop eating meat, especially meat from animals produced in factory farms. But he accepts we can eat meat if we are sure the meat was not produced by factory farm methods “-which means that we should not eat chicken, pork, or veal, unless we know the meat we are eating was not produced by factory farm methods”\textsuperscript{61} Does it means, according to Singer that factory farm animals are of a different category from non factory farm animals? Does it mean that his principle of equal consideration of interest is limited only to non factory farm animals? Or, why does he think we can only eat meat from animals that are not produced by factory farm methods? We know Singer did not say we should instantly ceased from eating meat, but based on his principle of equal consideration of interests, I think it would have been much more better if he avoided acknowledging such exceptions. In a sense, he is encouraging the killing and eating of animals that are not produced by factory farm methods, which is contrary to his principle of equality and equal consideration of interests to all beings.

Singer equally stood against the use of animals to test new products, to the extend that he advised humans to stop buying new and improved products introduced in the market. It is obvious that the only “sure” thing in life is change and this change is inevitable, and a vital tool for development. How can this be possible if we stop buying new and improved products introduced in the market? I personally think, it is a view that can contribute to economic, political and social stagnation, which to my own view is not a good idea.

With regard to Regan’s rights view defence of animals, it is worth mentioning that

\textsuperscript{60}Midgley 1983, p.67-90.

\textsuperscript{61}Singer 1993, p.63.
Most of his arguments are very convincing, but I however think that there is a problem with his view on using animals in education. Remember he said

_Students do not need to dissect any known animals to learn facts about their anatomy and physiology. Detailed drawings of animal anatomy and physiology exist in abundance and are usually included in the very text used in those courses...On the Rights view, to continue to include standard lab sections involving dissection of life mammalian animals is as unnecessary as it is unjustified._

It is generally accepted that “practice makes perfect”. How then can this be possible if students should stop dissecting animals. No amount of detail drawing will equal a life dissected animal for the student’s experience. I think this is a weakness of Regan’s rights view, which can result to some setbacks in education, should students ceased from dissecting animals for studies, because of the simple fact that they have moral rights.

I will not hesided to point out that Regan and Singer’s arguments are well presented. They both have good and convincing arguments to defend their different views. Although there are still many unclear issues to be settled in some of their arguments, they however, deserve credibility.

A good ethical comprehension of Peter Singer’s principle of equal consideration of interest has led me to the conclusion that this principle provides justification against animal experimentation only up to the point where the interests of the animals concerned are not given equal consideration and are just being used because they are of a lower species, or as a means to an end. However, if there exist reasons, and the total benefit to humans from the experiment greater than the suffering it caused on the animal, then Singer thinks such an experiment can be undertaken. “....This does not mean, of course that it will be right to perform the experiment on animals, but only that there is a reason, and one that is not specieisist for preferring to use animals rather than normal adults humans if the experiments is to be done at all”

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Equally, the rights view objects and provide justification against animal experiments in so far as the experiment causes harm and violates the rights of the animal concern. “The rights view is not against research on animals, if this research does not harm these animals, or put them at risk of harm”\textsuperscript{64}

Not withstanding, I am of the opinion that animals can be used in experiments to the benefits of mankind when need arises. Experiments are necessary for the diagnosis and treatment of diseases, and so too is animal rights and welfare. In this light therefore, I will suggest that one of the ways of solving this dilemma between choosing to use animals in experimental research and choosing not to do so, to avoid violating the rights of these animals is to resort to other means whereby the experiments can be done but the harm and risks in which the animals are exposed to are either reduced, minimised or eliminated. This implies making use of other alternatives techniques available in the place of these animals, and on the animals.

Dr. Rowan defines the term “Alternatives” \textsuperscript{65} to refer to those techniques or methods that "replace the use of laboratory animals altogether, reduce the numbers of animals required, or refine an existing procedure or technique so as to minimize the level of stress endured by the animal. This is commonly known as the 3 Rs."\textsuperscript{66}

\textbf{REPLACEMENT.}

\begin{itemize}
\item \textsuperscript{64} Regan 1983, p.387.
\item \textsuperscript{65} \url{http://research.ucsb.edu/connect/acc/esalt.htm}
\item \textsuperscript{66} \url{http://research.ucsb.edu/connect/acc/esalt.htm}
\end{itemize}
Replacement involved substituting conscious living animals with insentient material. This comprises the use of living systems, non living systems and the use of computer simulation. The most commonly used living systems to replace laboratory animals are- micro organisms, plants and invertebrate animals. An example of its kind is the fruit fly, equally known as “Drosophila melanogaster”  

Non living systems which can possibly replace laboratory animals include, physical or mechanical systems, and chemical techniques, which can be used to identify substances and to determine their concentration or potency. These new techniques save animals and speed up confirmation of a tentative diagnosis and treatment.

REDUCTION

Reduction involves reducing the numbers of animals used to obtain information of a given amount and precision. This can be achieved through (a) Phylogenetic Reduction whereby animals chosen for project usage should be the least advanced, (b) sharing of the animals to be used between institutions, and (c) improving the statistical design to know the exact number of animals to be use in a given experiment, to avoid using more animals than needed.

REFINEMENT

Refinement refers to techniques which reduces the pain and distress to which an animal is subjected to. This involves (a) Decreased Invasiveness, whereby the amount of pain on the animal is minimised .A good example is the vascular access device which permits repeated samples or injections in a single animal instead of using several animals. Invasiveness reduction methods are available in almost every area of biomedical research, and in project design, it is important to identify and use these methods wherever possible. Not only do they represent an alternative technique, but they generally provide much more consistent and reproducible data. (b) Improved Instrumentation .This involves analysing samples. Once obtained, samples can be analyzed in very small volumes for a multitude of parameters. The use of smaller sample sizes permits the use of smaller animal species and prevents the need to euthanatize many of these species to obtain the necessary volume of blood. (c) Improved

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Control of Pain. This is achieved through appropriate use of anaesthetic and analgesic agents to minimize the potential pain and distress experienced by animals.

As we can see, the above Alternative methods provide ways and methods which can possibly replace the use of animals in research. It equally provides ways whereby the amount of pain inflicted on animals in research can be reduced. Having this in mind, and considering the fact that animal experiments and animal rights and equality are all important and necessary, I think the 3R,S alternatives techniques is the only ethical dividing line between choosing to use animals in painful experiments or not.
GENERAL SUMMARY AND CONCLUSION

So far, we have seen in chapter one that animal experimentation is not a phenomenon but an old one that began some 2,500 years ago in ancient Greece. The 1970s, registered a sudden change in attitude towards the use of animals in experiments, spurred by the writings of Jeremy Bentham, much earlier in the 17th century and later by Peter Singer’s publication of *Animal Liberation* in 1975.

Animal experimentation came under attack for inflicting pain and suffering on the animals. We also saw that the result of this change in attitude was the emergence of animal liberation movements aimed at putting an end to such experiments on animals. Advocates for such liberation like Singer claim that animals are in many different ways like humans, and that the principle of equality should be extended to animals. Others like Tom Regan claim that animals have moral rights. Laws regulating the use of animals in research also emerged, as well as declarations in favour of animal rights, like the French Universal Declaration of Animal rights. In this light, we set out to find out the extend to which these two arguments provides justification against the use of animals in experimental research.

In chapter Two, we looked at some ethical theories in relation to animal treatment and their use in experiments. To Contractarianism moral rights and duties are dependent on an existence of an actual or hypothetical contract with its moral rights and duties applied only to rational agents. Because animals are not rational agents, our duties towards animals are indirect duties. Utilitarianism on its part rely on the consequences or benefits that results from such experiments. If the overall benefits to humans out weights the pain and suffering caused on the animals, then the experiment can be undertaken. Kantianism on the other hand holds that animals are not self conscious and are just a means to an end, and that end is man.

In chapter three we saw the different arguments presented by Singer and Regan to defend their position against animal experiments. We find that Singer’s argument is based on the principle of equality, which emphasised on the principle of equal consideration of interest to both humans and animals, where the interests of every being are to be taken into account.
and treated equally with the like interests of any other being. Eating animals and using them in experiments is not only arbitrary or violates the principle of equality but also an act of speciesism, which is equal to racism and sexism. The capacity to feel pain and suffer is his bases for extending the principle of equal consideration to animals. He however, as a utilitarian permits any experiment which the benefits to humans are greater than the harm it cause on the animals.

On the other hand, Regan argues against animal experimentation on the grounds that these animals have moral rights, and so deserve good treatment. His basis for extending rights to animals is because these animals possessed a subject-of-a-life, with inherent value. We also saw that desires, beliefs, sense of the future, emotional life, feeling of pain and pleasure are Regan’s criterion for according moral rights to animals. Eating these animals or using them for experimentation is a violation of their rights. He equally sees vegetarianism to be morally obligatory because mammals are subjects -of-a-life.

Chapter four saw the different arguments presented against animals rights and equality. Dominated by the arguments based on the differences between humans and animals, Cohen, Aristotle, Descartes, and Mark Rowlands see the differences between humans and animals as being so fast, hard and real. Rights belong only to humans. Animals are not conscious, do not belong to a community, does not reason and lacks speech .This makes them have no rights and are not equal to humans. This according to them providing justification for their use as food and in experiments

Midgley on her part approaches the situation differently and carefully. Although she is equally against speciesism, she however thinks there are some reasons why speceisism is essential.

In our Evaluation and recommendation in chapter five, I came to the conclusion that the concept of animal rights objects to animals experiments in so far as these experiments violates the rights of the animal concerned. On the other hand, the principle of equal consideration of interests stands against animal’s experimentation in so far as the interests of the animals are not given equal consideration, resulting to pain and suffering for the animal concerned. However, if the human benefits from it are greater than the suffering it causes, there is then reason for such an experiment to be done. Taking into cognition the importance
of experiments to humans, and equally extending the principle of equal consideration of interests to animals, I recommended the need for alternative techniques to the use of animals rather than stopping animal experiments. These alternatives can help to either replace animals in experiments, or reduce the number of animals used and the pain involved. This led to my presentation of the 3R, S Alternative techniques involving Replacement, Reduction, and Refinement, all aimed at maintaining experiments but reducing the amount of pain and stress which the animals may have to go through.


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