

Harvard Medical School
Bioethics Journal



Medical Research on Animals and the Question of Moral Standing

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ABSTRACT

This paper examines the difference between utilitarian and Kantian accounts of what it means to have moral standing and why non-human animals have it. It then considers the implications of these views for the question whether we have the right to do medical research on animals, especially research that is painful, invasive, or fatal. It explains why the Kantian view rules it out, while the utilitarian view permits it, although at the cost of permitting such research on human beings as well. The reasons why utilitarians and others think it is permissible to do such research on animals are considered and challenged.

The Moral Standing of Animals

In my book, *Fellow Creatures*, I argue for a Kantian account of the “moral standing” of non-human animals (hereinafter “animals”).^[1] Philosophers say that a creature has “moral standing” when we should take what is good or bad for that creature into account for its own sake when we make moral decisions.^[2] An account of moral standing is an explanation of why we should do that. In these remarks I will explain a view of animal moral standing derived from the moral philosophy of Immanuel Kant, and discuss its implications for the practice of performing medical experiments on animals, especially those that are painful, invasive, or fatal.^[3] The main implication is easy to state: performing such experiments on animals is wrong, and we have no right to do it. I will then say a few things about what gives opposing views what I think is some spurious plausibility.

The two predominant moral philosophies of the modern period are the Kantianism and Utilitarianism. The latter was originally the view of Jeremy Bentham, John Stuart Mill, and Henry Sidgwick.^[4] Readers who have followed the philosophical debate about animals may be surprised to find Kant brought onto the stage as the source of a defense

of animal moral standing. Kant himself, for reasons I will explain shortly, believed that rational beings are what he called “ends-in-themselves,” whose choices and interests must be respected, while non-rational beings, including animals, are “mere means,” whom we may legitimately use however we please.[5] Partly for that reason, the utilitarians, who usually believe that pleasure is intrinsically good and pain is intrinsically bad, regardless of whose pleasures or pains they are, have taken the lead in the philosophical defense of animals. (Some utilitarians believe instead that the good is the satisfaction of desire and the bad is dissatisfaction, but for the most part this makes no difference to my argument, so I will formulate the position in terms of pleasures and pains.) Utilitarians, then, believe that we should do whatever produces the greatest net balance of pleasure over pain in the world, and that there is no reason not to include the pains and pleasures of animals in the calculation.

Philosophers often disagree not only about the answer to a practical question, but about the correct formulation of the question. So before I explain the Kantian view, I want to notice two ambiguities in my opening remarks that make a difference to the way we think of the question of animal moral standing.

First, I said that if a being has moral standing we should take what is good or bad for a creature into account for “its own sake.” That rider is added to remind us that a creature does not have moral standing if what is good or bad for that creature matters only instrumentally or derivatively. If a dog’s pain matters only because of the distress it gives to the dog’s owner, for instance, the dog does not have standing. The ambiguity concerns how we understand the opposite of mattering derivatively. According to utilitarians, who believe that pleasure is *intrinsically* good and pain is *intrinsically* bad, the opposite position is that the dog’s *pain* matters for its own sake, because pain is an intrinsically bad thing. According to Kantians, as we will shortly see, the opposite is that the dog’s pain matters because it matters to the *dog*. It is the dog, not his pain, that matters for “its own sake.” It is creatures themselves, not their states, that are or are not ends-in-themselves.

The second ambiguity concerns the idea of moral standing itself. There are different views about *why* a certain property confers moral standing on a creature, associated with different views about what it means to have such standing.

In his seminal work, *Animal Liberation*, the utilitarian Peter Singer argued that sentience, or the capacity for suffering, is the ground of moral standing. For him the question whether a creature has moral standing is whether a creature's interests should count for their own sake, and he argued that sentience is the basic condition for having interests at all.[6] If you are capable of suffering then you have an interest in avoiding it. So it is obvious why sentience matters. On the other hand, if we make the condition of having moral standing some property other than sentience, such as rationality, we need a justification for limiting moral standing to creatures who have that property. Why should the interests of rational beings matter morally, if the interests of non-rational beings do not? Utilitarians tend to think that anyone who disagrees with them about the ground of moral standing must suppose that whatever property they favor, as a matter of metaphysical fact, gives the creatures who have it a special kind of value. I call this the "valuable property" view of moral standing.[7]

Kant's own reason for limiting moral standing to rational beings was not, however, the view that rationality somehow makes the creatures who have it, as a matter of metaphysical fact, valuable in a special way. Instead, he held what I call the "membership in the moral community" view of moral standing. Kant believed that the members of the moral community are reciprocally committed to valuing themselves and each other as ends-in-themselves, as beings whose interests matter. The way that rationality makes us ends in ourselves is not simply by making us valuable, as if rationality were an especially valuable property. Instead it is by making us members of the moral community, and thereby committing us to valuing ourselves and each other. I will explain why Kant thinks rationality commits us to this below. The practical conclusion is the same—that rational beings are to be valued as ends in themselves. But the conclusion is reached by another route; namely, by considering the commitments inherent in rational choice, rather than by way of a metaphysical thesis about value.

Kant's argument, as I understand it, turns on the connection between something's being *good-for me*, or in my interest, and its being good absolutely, where that means it is worthy of respect and pursuit by any rational being. The argument goes something like this: Rational beings are committed to pursuing that which is absolutely good and only that which is absolutely good. So when I judge that something is *good for me* and my loved ones, and decide to pursue it, rationality commits me to regarding it as something that is *good absolutely*. That is to say, I am committed to believing that I have a good reason to pursue it, as long as I am neither harming nor wronging anyone else. Furthermore, I feel that I may demand that others respect my pursuit of it, by not interfering with my actions or attempting to manipulate my choices, and possibly even by helping me to achieve my ends when I am in need. In this way, when we choose to pursue our own ends, we make a set of demands on ourselves and others—a set of laws by which we mutually obligate one another to respect and assistance. In this way the commitments of rational choice give rise to moral laws. The interlocking set of laws that rational beings make for one another constitutes us as a moral community, pursuing common ends under common moral laws. Kant called this community the “Kingdom of Ends.” He thought that we are not committed to treating the other animals as ends in themselves, because they cannot be part of this community. Not being autonomous rational beings—that is, not being creatures who act on laws they make for themselves—they cannot make and respond to moral laws.

In my own view, the trouble with Kant's story is that it is incomplete, because there is another commitment inherent in rational choice. Kant focused on the fact that when I decide to make something my end, I make it a law for myself that I should try to realize that end—I decide that it should be pursued—and a law for others that they should not interfere with me, and possibly even that they should help me to achieve it. But inherent in that decision is another: the decision that I will treat something as *good absolutely*, and demand that others treat it that way as well, simply because it is *good for me* and or for someone I care about. This is also a way in which I claim the standing of an “end-in-itself.” Simply because I am a creature who for whom things can be good or bad, I claim that *my good* should be treated as an absolute good, so long as treating it that way is compatible with the good of others. So there are *two* senses in which we are committed to the view that we are “end-in-ourselves.” As autonomous beings, we claim the right to make laws for ourselves and others, and as beings who have a good, we claim the right

to have what is good-for us treated as good absolutely. But the other animals are also creatures for whom things can be good or bad, and have the same claim as we do to have their good treated as good absolutely.

Kant was right that animals, not being rational, cannot join with us in making laws for one another in the Kingdom of Ends. We can be committed to their standing as ends-in-themselves, but they cannot be reciprocally committed to us. Our moral relations to people are therefore different from our moral relations to the other animals. But we have the same reason for treating what is *good for* an animal as *good absolutely* as we do our own. That reason is simply that it is somebody's good, the good of a creature for whom things can be good or bad. We cannot consistently take what is good for us to be the grounds of claims we make on others unless we take the good of the other animals also to be the grounds of such claims on us.

Medical Experiments on Animals

According to the argument I have just sketched, animals are ends in themselves, just as we are, in the sense that what is good or bad for them is a matter of moral concern for "its own sake." The quotation marks are there to remind you that in this theory "for its own sake" means "for the sake of the animals themselves." We are committed to treating the other animals as ends in themselves, because the basis of their claim to being treated that way is the same as our own—it is simply that they are creatures for whom things can be good or bad, or as Singer would put it, creatures who have interests. But on the Kantian theory, it is the animals themselves, not merely their interests, who have value. If an animal is an end-in-itself, the good of that animal may not be sacrificed simply because it promotes the good of another creature. Since this is plainly what happens when human beings experiment on animals to find cures for human illnesses, such experiments are morally wrong.

Kant himself, as we have seen, thought animals have no moral standing, because they cannot be lawmaking members of the moral community. I have claimed that that leaves out an important aspect of our own moral claims. But quite apart from that, most people are uncomfortable with Kant's conclusion. They think it obvious at least that we should not torment or kill animals "unnecessarily," for no reason at all or for sadistic fun.

To that extent they think that animals have some moral standing, and Kant must be wrong. But why then do they think it is all right to experiment on them? There are basically two kinds of reasons.

The first reason is the idea that the costs are worth the benefits. This is the view of the utilitarians, who, although they are champions of animals, are not unconditionally opposed to experiments on animals. Utilitarians believe in what philosophers call “aggregation.” Since they think pleasures and pains have intrinsic value, they think it makes sense to add up their value, even across the boundaries between different people, or different animals. In fact, on their view, the people and animals themselves matter only because human and animal consciousness is, as it were, the place where pleasure and pain occur. It seems conceivable that the total balance of pleasure over pain might be maximized even though we subject some animals to very severe torments, if a sufficiently large number of people (and perhaps other animals as well) are thereby saved from the pains of illness or disability or the loss of pleasure incumbent upon death. There are some problems with this argument, however.

The first problem is that it justifies doing medical experiments on human beings as well as on the other animals. This is a bullet that Peter Singer, for example, is prepared to bite. In *Animal Liberation*, he wrote: “I do not believe that it could never be justifiable to experiment on a brain-damaged human. If it were really possible to save several lives by an experiment that would take just one life, and there were no other way those lives could be saved, it would be right to do the experiment.” [8] It is, after all, conceivable that the total balance of pleasure over pain might be maximized by doing invasive, painful, or fatal, experiments on human beings, if a sufficiently large number of creatures were thereby saved from the pains of illness or disability or the losses of pleasure incumbent upon death.

Another problem is a problem with the idea of aggregation itself. The aggregation of pleasures and pains makes sense to utilitarians because they think that it is the pleasures and pains themselves that have value and disvalue. For Kantians, however, it is creatures that have value and disvalue, and their pleasures and pains matter because they matter to those creatures. If my pain is bad because it is bad for me, and yours is

bad because it is bad for you, it is not clear that my pain plus your pain is a worse thing, because there is no joint creature for whom it is worse. So it is not clear that it makes sense to weight the harm done to one creature against the good done to another. Aggregation is a difficult and controversial issue, to which I cannot do justice here.

But even if we assume aggregation makes sense, a third problem is that justification by cost/benefit analysis assumes that we can count the number of animals who were made to suffer and the amount of suffering they underwent to produce a given cure. Given that scientific knowledge is cumulative and experiments on animals, or at least dissection, is an ongoing practice dating back to Roman times, that assumption is artificial at best. Should we count among the animals whose suffering produced a certain cure those animals from whom our ancestors first learned some of the basic facts about how the body works? Should we count all the animals used in experiments from which all we really learned is that you can't learn much *that way*? We cannot really count how many animals were made to suffer and how much suffering they did to produce a given piece of scientific knowledge. We may suppose, in a general way, that if scientists perform experiments on animals, we will acquire knowledge that will lead to cures that we might not otherwise have acquired, or, more plausibly, that it would have been more costly to acquire, but beyond that we cannot really know that the utilitarian cost/benefit standard of justification has ever been met.

A fourth problem with the utilitarian argument, as it is commonly formulated, and as it is formulated by Singer in the passage quoted above, is the appeal to "saving lives." The idea of "saving lives" invokes a sense of urgency, and may even suggest a reason to cut a few moral corners. But there is a problem with the idea that the practice of experimenting on animals "saves" lives. The judgment that a life has been saved is a highly contextual one. After all, everybody dies in the end. When someone is under some imminent threat of dying, and we do something—including administer a medication or apply a medical procedure—that staves off that threat for awhile, we count that as "saving" the life. For instance, it is commonly said that insulin "saved" the life of 14-year-old Leonard Thomson, the first diabetic to receive the drug.^[9] Thomson lived to be 27, certainly dying young, but still living on long enough to count as having been "saved." Had he died of his diabetes the following week, we would probably not

say that he was saved, even if his death had been delayed by the drug. That is what I mean by saying that the judgement that someone has been “saved” is contextual. In any case, the general practice of experimenting on animals is not the sort of thing that “saves lives.” It is not the administration of a medicine or the application of a medical procedure, even though it makes those actions possible. What the practice of experimenting on animals might do, considered as a practice, is *extend* human lives (and sometimes the lives of other creatures), partly by sometimes saving them, and partly by ameliorating non-fatal conditions that tend to shorten them. If it does extend lives, that is a very good result for those whose lives are extended, one which I do not mean to denigrate. But it is not clear that “extending human lives” is a reason to cut moral corners. Experimental animals lead unnatural lives of torment, and are killed when we have no further use for them. That is all that life has to offer them. Even if it is possible to do the cost/benefit analysis, is the *extension* of human life so obviously worth that?

I said earlier that there are two reasons why people accept the idea of experimenting on animals. The first is that they believe in the cost/benefit analysis. The second, I think, is that many people believe that what happens to animals just is not as important as what happens to humans—that animals themselves are just not as important. Although few are prepared to say, with Kant himself, that animals have no moral standing, many would like to say that they have a lesser standing. If moral standing is conferred by some property that a being either has or lacks, such as sentience, this view makes no conceptual sense. There is something close to it that does make sense, however. It is the view that the moral standing of animals has different, less weighty, practical consequences than that of human beings.

Here are some ways that might be true: When a utilitarian balances up the pains and pleasures produced by an action, he takes the intensity of those pains and pleasures into account. If animal pleasures and pains were *always* less intense than human ones, they would weigh less in the calculation, so it would turn out that even with the same standing, the fate of the animals would not matter as much. It is true that rationality and other human properties can make a difference in the degree of your suffering. Reflecting on your pains or resenting them may make them worse. But there is no reason to think

that suffering is always worse for people. Indeed it is often observed that animal pain is probably often worse than human pain, since an animal cannot know that his suffering will do him some good (when that is so), or when it will end.

Again, some utilitarians who favor the satisfaction of desire as the unit of goodness believe that death does not matter to an animal, because an animal has no conception of her ongoing existence, and therefore no desire to remain alive. She therefore has no desire for continued life that is frustrated by dying. If you believe that ongoing life holds goods in store for the animal, however, this is hardly more plausible than saying that what you so not know cannot hurt you. A more sophisticated version of this argument holds that an animal *has* no ongoing existence, psychologically speaking, because an animal has no memories of incidents in her past or hopes for the future. She is, as it were, born anew every moment, so it would be just as good if a different animal were born in her place.^[10] But some animals do have memories, and many animals learn, and their personalities are shaped in ongoing ways by their experiences and their treatment. A pet that is loved and confident that he is loved responds differently to the world than one who is beaten or neglected. An animal's psychic life is not merely a string of disconnected experiences. To the extent that an animal's psychic life is connected, it has a quality of its own—the life itself can be good or bad—and one of the things that can make it better is that it is good for a longer time.

Since on a Kantian view, an animal's pains and pleasures and her life and death matter because they matter to the animal, the parallel point would be that these things matter less because they matter less *to* the other animals themselves than they do to human beings. This is a claim which has some plausibility, in particular about ongoing life, which does matter to people in a special way because we have plans and hopes for the future, and because the realization of those plans and hopes are sometimes necessary to make sense of our exertions and sacrifices in the past.^[11] These things might make us think that death is worse for a human being than it is for another sort of animal. On the other hand, however, we must remember death is the loss of everything that is or can be good for an animal, of all that conscious existence has to offer to her. There is a sense in which nothing can be worse than the loss of everything. In any case, we do not have to settle this sort of philosophical conundrum to make a Kantian case against

performing invasive and painful experiments on animals. Even on the implausible hypothesis that pain always matters less to animals than it does to humans, on the Kantian story, we would have no business inflicting it on them for our good. They are ends in themselves, whose good should not be sacrificed for the sake of ours.

Utilitarians think that animal interests are just as important as human ones, and I have argued here that Kantians should accept that as well. Kant's own view that animals have no moral standing is almost universally rejected. Why then is experimentation on animals so widely regarded as morally acceptable? As I have suggested, I think that many people would like to accept the utilitarian story that the costs to the animals of invasive and painful experiments are outweighed by the benefits to humans. But they do not like the implication that experiments on humans could be justified in the same way. They would like assign humans the kind of moral standing that Kant advocated, a kind of standing that makes humans sacrosanct. According to Kant's conception of moral standing, it is people themselves, not just their interests, that have value, a value from which it follows that their interests should not be sacrificed simply to maximize the satisfaction of the interests of others. But to assign humans the kind of standing that Kant advocated while throwing animal interests into a utilitarian cost/benefit analysis is simply inconsistent.

Some religions teach us that the animals exist for our sake, and were given to us by God to serve our needs. They are our property and we therefore have the *right* to use them for this purpose. The idea that animals have the status of property has also been enshrined in the law, going back to Roman times. The theological view is not an appropriate ethical basis for scientific practice supported by taxpayers in a secular society. But strip our relationship to the other animals of the element of "right" that that theological story conveys, and nothing is left except the raw fact that we have the power to use them. Our superior human intelligence and capacity for organized cooperation puts us in a position to use the other animals however we please. But few people really accept the idea that our relations with the other animals should be governed by power alone. Our other distinctive human gifts, of reason, and consistency, and empathy, tell us otherwise. The practice of performing painful, invasive, or fatal experiments on animals is barbaric, and we should bring it to an end.



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Endnotes

[1] Korsgaard, Christine M. *Fellow Creatures: Our Obligations to the Other Animals*. Oxford: Oxford University Press, 2018. The concept of moral standing is discussed in detail in Chapter 5, and in Chapter 8, section 8.7.2. For the contrast with utilitarianism, discussed below, see Chapter 9.

[2] Some philosophers believe that entities that are not “creatures” (human beings or animals) have moral standing: plants, species, or ecosystems, for example. I leave that debate aside here.

[3] Kant’s ethics, especially his views on the concept of an end-in-itself and on animals, can be found primarily in:

Kant, Immanuel. *Groundwork of the Metaphysics of Morals*. Translated and edited by Mary Gregor. Cambridge: Cambridge University Press, 1998.

Kant, Immanuel. *Lectures on Ethics*. Translated by Peter Heath. Cambridge: Cambridge University Press, 1997.

Kant, Immanuel. “Conjectures on the Beginning of Human History.” Translated by H. B. Nisbett in *Kant’s Political Writings*, second edition. Edited by Hans Reiss. Cambridge, Cambridge University Press, 1991.

[4] Bentham, Jeremy. *A Fragment on Government; with An Introduction to the Principles of Morals and Legislation*. Edited by Wilfrid Harrison. Oxford: Basil Blackwell, 1948; Mill, John Stuart. *Utilitarianism*. Edited by George Sher. Indianapolis: Hackett Publishing Company, 1979

Sidgwick, Henry. *The Methods of Ethics* (7th edition). Indianapolis: Hackett Publishing Company, 1981.

[5] See especially *Groundwork of the Metaphysics of Morals*, 4:428-4:431, pp. 36-39

“Conjectures on the Beginning of Human History,” 8:114, p. 225.

[6] Singer, Peter. *Animal Liberation*. First Published 1975, updated in 1990, 2002, and 2009. Harper Collins, 2009.

[7] See *Fellow Creatures*, §8.7.2, pp. 147-148.

[8] Singer, *Animal Liberation*, p. 85. The reason why Singer mentions “brain-damaged” humans in particular is that he thinks their lives are less valuable.

[9] See Bliss, Michael. *The Discovery of Insulin*. Chicago: The University of Chicago Press, 1982, 2007.

[10] For Peter Singer’s version of this argument, see:

Singer, Peter. “Killing Humans and Killing Animals.” *Inquiry: An Interdisciplinary Journal of Philosophy*, 22: 145-156.

Singer, Peter. *Practical Ethics*, 3rd Edition. Cambridge: Cambridge University Press, 2011, Chapter 5.

[11] See McMahan, Jeff. *The Ethics of Killing: Problems at the Margins of Life*. Oxford: Oxford University Press, 2002, p. 197.