

THE ANIMAL POLICY REPORT

A NEWSLETTER ON ANIMAL AND ENVIRONMENTAL ISSUES

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Editorial

This is the first issue of the improved *Center for Animals & Public Policy Newsletter*. We have given it a name - *The Animal Policy Report* - and a more professional look. However, the real change is in the content.

As a result of a grant from The Pew Charitable Trusts, we will be increasing our public visibility and promoting the idea that dialogue between opposing or differing sides (or a subgroup of opponents) is likely to lead to more meaningful and lasting public policy than the current highly-polarized public debate. (What is taking place between the animal protection movement and its opponents rarely deserves the term "debate." Usually, both sides make liberal use of slogans and name-calling while talking past their opponents directly to the public.) At the Center, we have established a program that separates the science, psychology, sociology, politics and philosophy of a particular issue, and then we indicate what might be done to address public concerns and either the real or apparent problem, or both.

Over the next year, we plan to focus on the animal research issue and will include a variety of short analyses and articles that will help the reader understand the context of the current debate as well as fleshing out the shades that are usually lost in media stories on the issue. We plan to distribute the newsletter to a selected group who make or influence policy on research animal issues. If you know someone who should receive this newsletter but who does not, please let us know or pass on the enclosed subscription card. And if you have comments, please let us know!

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Animal Rights versus Animal Welfare: A False Dichotomy?

It has become increasingly common to see articles in newspapers and in academic publications that draw a distinction between animal "welfare" and animal "rights." Animal "welfare" is portrayed as reasonable and consistent with biomedical research whereas as animal "rights" is portrayed as a radical challenge to society at best or as irrational and hypocritical at worst. But is the distinction between welfare and rights valid and accurate and is it really impossible for scientists and research organizations to work with animal rights groups? There is at least one animal rights organization that companies and federal agencies not only talk to, but actively sound out when they develop new initiatives - namely, Henry Spira's Animal Rights International (ARI).

The distinction between Spira on one hand and Ingrid Newkirk of PETA on the other is not a matter of basic philosophy - both espouse a strong animal "rights" position that holds that animals should not be used as human tools for scientific investigation, meat production or pleasure. However, the two organizations (ARI and PETA) tend to use different tactics when seeking to persuade society to move toward their world view. Over the years, Spira has used the same basic campaign strategy. He starts with a substantive issue, spends some time gathering information and useful material, and then approaches the selected "target." In his first four campaigns, the target organizations rebuffed his initial suggestions. For example, in the case of Revlon and the Draize campaign, he asked that the company devote \$170,000 a year to search for an alternative to the rabbit eye irritancy test (in the end, they donated \$250,000 a year). After he has been rebuffed, he uses a variety of

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Ani Rights/Ani Welfare (cont. from pg. 1)

tactics to keep the issue before the public eye and the heat on the target. From time to time during this phase, he will contact the target to see if they are willing to negotiate a deal. Eventually they do, and Spira usually lets the target present its initiative in the best possible light (not as a negotiated concession) because he follows the premise that "win-win" solutions are the best in the long run. As a result, Spira has built a reputation as an opponent whose word can be trusted.

By contrast, PETA's tactics have tended to rely much more on high profile campaigns where the outcome is portrayed as a victory for animal rights and a defeat for the "enemy." Their public rhetoric is more confrontational and the opponent is usually portrayed as morally suspect or as downright immoral. In addition, PETA acts as spokespersons for the relatively small number of animal activists who engage in acts of vandalism, property destruction and theft of incriminating materials. As a result, they have come to be viewed by research organizations and other animal-using industries as a dangerous threat to society and its institutions.

One could say, then, that it is the political tactics and not the philosophical underpinning of an animal protection organization that puts it "beyond the pale." What of the distinction between "welfare" and "rights"? This distinction also does not stand up to close examination. Over the past twenty years, most animal protection organizations have been influenced in some way or another by the animal rights message. Such influence ranges from the impact of the message on individual employees, some of whom may describe themselves as animal rights activists, to an organization's wholesale adoption of the philosophy. Few animal welfare organizations escape some animal rights influence.

The basic term "animal rights" now causes more obfuscation than clarification. It may carry three different and essentially irreconcilable meanings. First, the public will usually strongly support (80%) a statement that animals have rights but they will also support (85%) a statement that humans can kill and eat animals. Thus, whatever rights the public believes that animals have, it is certainly not the right to life.

Second, one may use the term "rights" in its philosophical sense. In this sense, it tends to mean that an animal has a claim on a human that may not be overridden by counterclaims that it merely would be useful to do so. The only way a philosophical right can

be overridden is by another, stronger right. A wide range of animal protection positions can be couched in rights terminology. For example, one could claim that an animal has a right not to be cruelly-treated. Few would argue with such a position although they may vehemently disagree with the more radical claim that an animal has the right not to be used simply as a means to an end.

Third, animal "rights" terminology may be used in the political sense. In American society, "rights" language resonates powerfully to the body politic and it appears in the literature of a wide variety of pressure groups (e.g. civil rights, women's rights, gay rights, and rights for the disabled). It is hardly surprising that it should also have found its way into the animal protection movement. It is ironic, however, that philosopher Peter Singer should have earned the title "Father of the Animal Rights Movement" for his book, *Animal Liberation*. This is an irony because Singer is an utilitarian and utilitarians argue strongly against the use of rights terminology in philosophy. Singer has acknowledged the issue in his writings but has indicated that he does not disavow the title because he sees the Animal Rights movement as a political and not a philosophical entity. (See story on Singer on pg. 3)

In summary, drawing a hard and fast distinction between animal welfare and animal rights is neither accurate nor valid. It may prove to be a useful rhetorical device, and it is possible that more of the public will also believe the claim that animal rights activists are dangerous to society. But, those involved in making and influencing public policy that affects animals, need to have a more sophisticated understanding of the terms and how their use and abuse might influence the public debate. STP

Research Advocacy Becomes Crowded

The animal protection movement is well known for being badly fragmented and for back-biting among organizations. Until now, the advocacy groups for the research community had avoided this reputation, but as animal research advocacy becomes increasingly big business, more and more groups have sprung up and signs of tension are beginning to emerge.

In the late 1970s, there was only a single animal research (ARes) advocacy group - the National Society

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Research Advocacy (cont. from pg. 2)

for Medical Research (NSMR). The NSMR had close ties with American Physiological Society (Anton Carlsson of the APS was instrumental in founding the NSMR in 1946) and the Association of American Medical Colleges. Apparently, there was some feeling in industry that the NSMR was not doing as well as it might, and so the Research Animal Alliance (RAA) was formed in 1979. The RAA soon changed its name to the Association for Biomedical Research (ABR) and, under the leadership of Frankie Trull, it grew rapidly. Naturally, there was some unhappiness in the ranks of NSMR at the appearance of this upstart and at its growth, and relations between ABR and NSMR were more tense than cooperative. Eventually, however, a merger was negotiated, and the two became the National Association for Biomedical Research (NABR) with an associated educational Foundation for Biomedical Research (FBR).

For a while, NABR and FBR had the field to themselves but as the political clout of the animal movement grew, so did the number of ARes advocacy organizations. Initially, these groups, like Incurably Ill for Animal Research, the state biomedical research organizations and scientific society initiatives, complemented the activities of NABR/FBR, but now some competition has appeared. Industry has established Join Hands, a relatively low key (no animal group bashing) educational program to let the public know why animals are and must still be used for product testing. U.S. Surgical has helped to establish Americans for Medical Progress (AMP) with a grant of \$980,000 in 1991. Since then, AMP has placed numerous advertisements in national and local newspapers and has developed other public outreach initiatives. There are now seventeen state-based ARes advocacy groups and they have been talking about setting up a "national coordinator's" office which would presumably compete to some extent with NABR/FBR functions. In addition, AMP has been offering the state organizations funding if they would change their name to indicate they are state affiliates of AMP. To date, no state group has taken up AMP's offer.

Most of the money provided to ARes advocacy organizations has come from industry and research institutions. Relatively little has come from the general public. AMP is attempting to build a grass-roots base, but much of its funding comes from corporations. Therefore, when new groups are formed, they are looking to the same corporate sources for funding and this may explain some of the tensions that exist between the different groups. However, the ARes

advocacy groups have yet to demonstrate the depth of internecine warfare which periodically afflicts the animal protection movement.

Singer: Misunderstood Philosopher

Peter Singer is usually misrepresented in scientific journals (the recent article by Vance in *JAMA* [268:1715-1719] is a notable exception) as claiming rights for animals and for supporting calls for the abolition of all animal research. As a utilitarian, Singer does not use "rights" terminology (the 18th century utilitarian, Jeremy Bentham described "rights" arguments as "nonsense on stilts" or "elevated nonsense"); neither does he call for an absolute prohibition against animal research. In a relatively recent exchange in *Behavioral and Brain Sciences* (1990, Volume 13, pp. 1-60), an open peer commentary journal, Singer responds to several critics, who have again misrepresented his position, as follows:

"I certainly would never deny that we are justified in using animals for human goals, because as a consequentialist I must also hold that in appropriate circumstances we are justified in using humans to achieve human goals (or the goal of assisting animals). I am not the kind of moral absolutist who holds that the end can never justify the means. Nor have I said that *no* animal experimentation is ever of use to humans (though I do think that much of it is of minimal or zero value) or that *all* animal experimentation involves suffering. (If I seem testy here, it is because such oversimplifications are bad enough when they come from the popular press; when they come from people who teach at distinguished universities, they may well cause even highly sophisticated folk to wonder about the worth-whileness of a college education)." (Emphasis in the original, pg. 46)

The interesting fact about Singer's utilitarian arguments is that the research community usually justifies the use of animals on the grounds that it produces more benefits than harms, and this justification is basically utilitarian. The difference between Singer and the research community is that Singer considers that animal research involves considerable suffering and, as he states above, little or no benefit. By contrast, most of the research arguments favoring animal research argue that laboratory animals suffer relatively little and that the benefits are nearly always very important.

Animals in Science Education

On April 22, 1993, the CFA&PP will sponsor a workshop, *Biology Education and Animals: Opportunities and Issues*, for science educators and members of the biomedical community. The one day invitational meeting, being held in Washington, D.C., will focus on issues surrounding the use of animals in science education. Student and teacher attitudes toward biology and animal use will be examined as well as the outreach programs (designed to influence those attitudes) of both animal protection organizations and the medical/research community.

Questions discussed will include:


- * How do students become and remain interested in science and biology?
- * Are we losing future scientists due to the influence of the environmental and animal welfare movements?
- * Can values be affected by outreach programs?
- * How valuable is dissection as a learning tool?

Speakers will include Patricia McWethy, Executive Director of the National Association of Biology Teachers; John Lien of the Whale Research Group, Memorial University, St. Johns, Newfoundland; William DeRosa, Director of Secondary Education, the National Association for Humane and Environmental Education; Jonathan Balcombe, Assistant Director for Education, Lab Animal Section, Humane Society of the United States; Leslie Nader, Vice President for Education, Massachusetts Society for Medical Research; and Joe McInerney, Director of the Biological Sciences Curriculum Study.


This meeting is the first in a series of workshops in 1993 that will focus on research animals. 

Animals in Society Curriculum: An Update

The *Animals in Society* curriculum, developed by Andrew Rowan and Joan Weer of the CFA&PP, with funding from The Pew Charitable Trusts, was completed and distributed to requesting veterinary schools in November of 1992. The curriculum includes such topics as the human/animal bond, the social, psychological and physiological benefits of pet ownership,

the history of the humane movement, animal population demographics and animals in research. The curriculum includes 175 pages of text, bibliographies, suggested readings, 91 visual aids (graphs, charts, and lists) and 178 slides. Recipient schools were required to designate a faculty member who was interested in incorporating curriculum information and materials into established veterinary schooling and to complete an extensive evaluation of the curriculum in 1994. Of the 31 veterinary schools in North America, 28 requested copies. Requests for the curriculum have also come from several veterinary technology schools and other animal-focused organizations such as the Ministry of Agriculture in the Netherlands. 

Center for Animals Receives Second Grant from Pew

The CFA&PP is pleased to announce that the Center has again been awarded a grant from The Pew Charitable Trusts of Philadelphia. The previous grant, awarded in 1990 funded the development of the national veterinary school curriculum, *Animals in Society*. The new grant was awarded to the Center to facilitate efforts "to increase public understanding and elevate the public policy debate of important animal issues in contemporary society." Projects include the sponsoring of national workshops on specific animal issues, the development of a national animal policy mailing list (identifying key policy-making people in government, scientific organizations, industries, animal groups and the media), and the publishing of an annual animal policy report focusing on an identified controversial animal issue. 

White House Views on Animal Research

Recent publications have questioned the research views held by John Gibbons, President Clinton's science advisor and new head of the office of Science and Technology Policy. Articles in publications such as *Nature*, *Science* and the *Chronicle of Higher Education* suggest that Gibbon's actions and statements prior to confirmation as well as statements during the confirmation hearings have left the nation unclear as to his true feelings regarding the use of animals in research. Gibbons is well known for his ability to engender

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White House Views (cont. from pg. 4)

consensus and enjoys the respect of both the House and Senate for his past management of the Office of Technology Assessment. During his tenure at the OTA, reports produced by the staff on animal research, animal patenting and alternatives were generally viewed as fair, thorough and well-balanced by the biomedical community as well as those concerned with animal protection.

During Senate confirmation hearings, Gibbons was specifically questioned by Senator Conrad Burns about his stand on the use of animals in research. Dr. Gibbons confirmed his support for animal research stating that he understood and appreciated the use of whole animals in doing whole body research and that he did not believe researchers should avoid using animals entirely when there is no alternative, but that new technology leading to the development of non-animal methods should be encouraged. He referred to an OTA alternatives report pointing out that it demonstrated there were numerous technologies in existence that make it possible to do some testing, research and educating without having to sacrifice animals to the present extent. He noted that the marketplace is responding to the availability of new technologies, and he praised the use of high tech to substitute for animal use. He also expressed concern over the lack of attention paid to the ethical questions posed by animal research.

In a March 8, 1993, AP wire story, AP Science Editor, Paul Raeburn, outlined Dr. Gibbon's supposed conflicting views. Raeburn reported that although Gibbons dismisses the biomedical community's concern about his views and states that he remains a "strong supporter of the use of animals in research when necessary," Gibbons is also a "firm believer in animal rights, refuses to eat veal and believes some researchers have needlessly abused laboratory animals." Gibbons explained to Raeburn that his statements during his confirmation suggesting that scientists ought to be more concerned about the animal abuses that have occurred are based on evidence he's witnessed and claimed, "I've seen videotapes. I know. Abuses have occurred."

According to an article in the February 10, 1993, *Chronicle of Higher Education*, Gibbons stated through an aide that he did not support violence against researchers nor extreme actions. The same article claimed that Gibbon's wife was a member of PETA. However, in the later AP story, Gibbons is quoted as stating that his wife allowed her PETA membership to lapse three or four years ago but confirmed that they both were

concerned about the protection of primates and that his wife was a member of the International Primate Protection League, an organization that, according to the National Association for Biomedical Research publication, *Update*, joins PETA in lawsuits concerning laboratory animal protection.

The biomedical community had several sympathetic supporters in key administrative posts during the Reagan-Bush years. Secretary Sullivan spoke out against animal rights extremists and other spokespersons strongly endorsed animal research and criticized those who raised questions about the practice. During the Bush administration, the Department of Justice was convinced to accept the need for legislation making the vandalizing of research facilities receiving federal grants a federal crime. The confirmation of Gibbons indicates that current administration attitudes to alternatives, although unclear to some, have most certainly changed from those of the Reagan and Bush regimes.

Attitudes to Cosmetic Testing on Animals

According to a January 18, 1993, AP report, more people in Minnesota oppose the use of animals to test cosmetics than support it. In a recent Star Tribune/WCCO-TV telephone poll of 1,009 Minnesotans, 50% agreed that testing cosmetics on animals is always wrong, while 43% disagreed. Of those disagreeing, 19% disagreed strongly. Seven percent of those polled had no opinion. However, seventy-four percent of those surveyed approved the use of animals in medical research.

Higher income levels were associated with higher levels of approval for the use of animals in medical research but not for cosmetic testing. Women and younger respondents, especially younger women, are more likely to disapprove of testing cosmetics on animals. Fifty-four percent of women agreed that cosmetic testing on animals is always wrong.

The growth in opposition to animal testing is mirrored by a growth in sales of "cruelty-free" cosmetics. For example, Aveda Corporation of Minneapolis, which markets only "cruelty-free" products, reports that its sales have increased by 30% annually for each of the past five years.

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