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# Antivivisection, The Law, And Animal Experimentation

DANIEL C. O'CONNELL, S.J.; ANTHONY J. MORANDI; LINDA A. ONUS

For years antivivisection has been a familiar fixture on the American scene, but rather as a curiosity than as a movement of significant proportions. To the general public, and perhaps even to most members of the scientific and professional community, it remains thus. The medical profession has been slow to react to the movement as any kind of serious threat to research and progress. But suddenly, all this has changed. There has been a tremendous upsurge in antivivisection literature and paid advertisements throughout the country. The Catholic press too has witnessed the new pace of propaganda, and there are even advertisements by the National Catholic Society for Animal Welfare ("Established as a Lay Society, Not Representing the Hierarchy"), which closely resemble the publicity of the nonsectarian groups.

It is not our intention to ridicule the antivivisectionists; the people involved in the movement are obviously sincere, responsible citizens concerned about the welfare of animals. However, there is not only room for an alternate position, there may even be urgent need to offset the antivivisection publicity to protect the welfare of the human race. It seems quite likely that the rash of publicity will result in further legislation concerned with the sale and purchase, handling, care, transport, and experimental use of vari-

ous animals! If such laws are designed to eliminate most effectively the abuses of "dognappers" and avoid unnecessary infliction of pain and injury to laboratory animals, they will be beneficial. If, however, they prove to be unreasonably and unrealistically restrictive of medical research, they can do untold harm by retarding the progress of pharmaceutical, physiological, surgical, and behavioral research, while costing the government millions of dollars in the needless bureaucracy of licensing and inspecting, and the researchers thousands of dollars and delays in their experimentation.<sup>1</sup>

Our purpose in the present article is not, therefore, to assume an anti-legislative stance, but to bring to the attention of the readers of THE LINACRE QUARTERLY some of the issues we feel are relevant to legislation recently before the Congress of the United States. According to one report, there have been at least twenty-nine different bills under consideration, and until recently only one of them, the Roybal bill (H.R. 5191) had received any sort of endorsement from the scientific community, since it was thought to be sufficiently regulatory without at the same time being unreasonably restrictive of legitimate and necessary animal experimentation.

There is no question but that the appeal of the antivivisectionists has been consistently an intensely emo-

tional one. Atrocities perpetrated against defenseless animals are the standard anecdotal evidence. One great danger involved in the use of emotional argumentation is, of course, the tendency on the part of the reader, hearer, or viewer to over-generalize. As a result, the ruthless dognapper and the dedicated animal experimenter are lumped together as cruel violators of animals' rights. We feel that the two problems are vastly different, and that the animal societies, insofar as they have failed clearly to differentiate their complaints in the two instances, have done the scientific community a serious injustice and have misinformed the public.

Dognappers are nothing more than criminals who have found a way to make fast money. The blame for their existence can surely not be lodged with the scientists, but must be sought in the lack of adequate legislation and the lack of proper law enforcement. Nor is it true that the American Medical Association has stood in the way of such legislation. The AMA and the National Society for Medical Research (NSMR) have both gone on record as favoring the passage of federal legislation for the protection of owners of dogs and cats against the practice of pet stealing. This is not a controversial issue at all; it is simply a matter for intelligent and effective legislative action!

The complaints against the scientists in the matter of animal experimentation are quite another matter. First of all, only the wildest sentimentalists — and some do exist — condemn all animal experi-

mentation as immoral. It is really quite inconceivable that any educated person could be unaware of the historical and current importance of animal experimentation for the advancement of man's welfare. The much more popular version of antivivisection with regard to animal experimentation is the claim that animal research is frequently carried out without due care for the welfare of the animals, without necessity or serious hope of important results, and with needless infliction of pain and injury. All these elements of the argumentation are important, and, we contend, unsubstantiated.

The question is one of fact, and the antivivisectionists claim to have the facts. If they cannot establish the fact that abuses of the sort mentioned above are both serious and frequent, their plea for the urgent necessity of restrictive legislation should go unheeded. Anecdotal tales of horror in the laboratory must be discounted just as any other unverifiable, emotionally tinged evidence.

Much of the antivivisection evidence is photographic; animals commonly used as pets are most frequently pictured. We have reviewed a great deal of the literature and paid advertisements of this kind within the past several months and have looked in vain for picture credits which would enable us to verify the evidence of cruelty alleged in the photographs. Such use of photographs not only constitutes invalid evidence of cruelty toward animals on the part of scientists; it must be considered an unethical practice in itself.

In addition, there are about a half dozen articles concerned with animal experimentation which are frequently referred to in the antivivisection literature as instances of unwarranted infliction of pain and injury. We have examined each of these articles in detail and have been unable to find in any of them the gratuitous infliction of pain and injury complained of in the antivivisection propaganda. Our detailed report on these articles has appeared in *Continuum* under the title "The Use of Experimental Animals in Scientific Research" (1965, 3, 484-494). Suffice it to add here that the experimental details in question are shocking only when quoted completely out of context and with no effort to record the serious purpose and urgent necessity of the specific research.

In the case of both the photographs and the articles, however, the emotional cogency is undeniable. And one might best answer it in kind; for it is the sort of logic which would deter surgeons from the operating room, obstetricians from the delivery room, police from riot duty, and indeed any one of us from all that is messy, bloody, or nauseating. We have chosen to call this position a visceral ethic, since it relies on feelings of revulsion for its cogency. We could even reverse the logic of this ethic and present the picture of a pretty little girl whose life has been saved by open-heart surgery. What must the mother of such a little girl feel about experimental surgery performed on animals to perfect new techniques? The niece of one of the authors of this paper

did undergo such surgery recently, and he is accordingly not inclined to be impressed by the emotional argumentation against animal experimentation.

With only sentimentality and anecdotal evidence at their command, the antivivisectionists' claim that federal legislation must incorporate severe restrictions regarding animal experimentation is very unconvincing. The need for legislation has not been established at all. In fact, the scientific community seems quite capable of setting up and enforcing standards for animal experimentation within its own ranks. The agency already established for this purpose is the American Association for the Accreditation of Laboratory Animal Care (AAALAC). The Animal Care Panel (ACP) has been working on this program since 1950. Both their pilot program for accreditation and their guidelines published as a *Guide for Laboratory Animal Facilities and Care* have given every indication of proving adequate for the protection of laboratory animals used in research.

Antivivisection publications have frequently made much of the testimony of clergymen and other religious men to bolster their appeal. We think it very important that any coalition between religion and antivivisection be disavowed. There is all the evidence one could wish for in the Christian tradition that cruelty to animals degrades man and is, therefore, immoral; there is no evidence whatsoever in the Christian tradition of anything resembling the emotional and ridiculously sentimental antivivisection we are dealing with here.

Perhaps Jonathan Swift had the best answer for the antivivisectionists years ago; the use of human offspring in experimentation would indeed provide the closest approximation to human biology possible and would at the same time serve to alleviate the problems of the population explosion.

In all seriousness, however, we need not be ashamed of the record of the scientific community in the matter of animal care. There are always going to be a certain number of pathological researchers who abuse animals; no profession is immune from such men. Legislation is not the efficient method of controlling them; the criticisms and sanctions exacted by their professional peers and official professional organizations are much more effective and, realistically, far more enforceable.

It is precisely this aspect of social responsibility which we hope this

article will help to foster in the physicians and other interested readers of THE LINACRE QUARTERLY.

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<sup>1</sup>The "Dog and Cat" legislation has been enacted as P.L. 89-544. Dealers supplying these animals to institutions must hereafter be licensed. Hospital laboratories involved in research using dogs and cats must be "registered" and keep identifying records of animals received. Hospital animal facilities and labs may be inspected to determine compliance with standards governing "humane handling, care, treatment and transportation of animals." Violations by registrants involve penalties but do not stipulate withdrawal of government grant money. The Department of Agriculture will administer the program and more detailed information may be obtained from local offices.

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