

## Chapter 3

# The Rise of Ethical Concern for Animals as a Major Social Phenomenon

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### ABSTRACT

*The second half of the 20th century represented a major rise in new ethical concerns, including, in the 1970s, the moral status of animals. Until then, analgesia was never used in veterinary medicine, even though many modalities were already known to control pain. This author and others wrote American law that required effective analgesics, which the US Congress mandated in 1985. The research community eventually recognized that failure to control pain in animal research subjects involved not only immoral pain to the animals but also caused invalid research results. Public concern in these areas also spread to farmed animals in intensive agriculture settings, where it was perceived that the profit motive had replaced the husbandry ethic. The increasing number of people owning companion animals also influenced their view of farm animals' moral status and others. The larger number of companion animal owners results from the alienation of human social relations, with animals' replacing the emotional value of human companionship.*

### INTRODUCTION

The second half of the 20<sup>th</sup> century represented a major rise in new ethical concerns. From civil rights to attention to gender equality, thinking that was at best nascent in society emerged as full-blown moral concerns. Among these concerns that surfaced in the 1970s, was societal attention to the moral status of animals.

The pioneer in this area was Peter Singer who, drawing on historical utilitarianism, articulated a moral ideal for the treatment of animals, based on their ability to feel pain. Part of this ideal was a rejection of factory farming and animal research – in fact any invasive use of animals not to their benefit (Singer 1975). I had personal concerns about animal treatment since the 1960s, but could not see my way clear

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to demanding an end to animal use, for I could not see society acquiescing to such a demand. Thus, my own work in animal ethics was directed at making things better for animals, rather than abolition of animal use. The basis of my arguments was respect for what Aristotle called an animal's *telos*, or biological and psychological natures (Rollin, 2016). My practical activities in this area began when I was asked to develop the field of veterinary ethics at the veterinary school where I was teaching. The third week of class, I discovered, much to my horror, that the students were taught surgery by using an unwanted pound dog multiple times. To be specific, students were compelled to do nine surgeries on the same dog. One of my students prevailed upon me to visit the ward where these animals were kept. Upon visiting, I found out that no analgesics, no pain killers, were given to these animals. The ward was horrific with the dogs whining and crying out of uncontrolled pain. As I talked to the nurse responsible for these animals, I found out that analgesia was never used in veterinary medicine, even though a variety of modalities were already known to control pain.

Full of righteous indignation, I immediately approached our surgery department and the Dean, and asked them to consider the image of the school if the reliance on multiple survival surgery became known to the general public, our university being a state-funded Institute. Reluctantly, they agreed and we moved the next academic year to single terminal surgery, a trend that thankfully spread to other veterinary schools. I also launched an attack on laboratory exercises that appeared to have no other purpose than to excise the idealism that drew students to veterinary medicine in the first place.

In the ensuing months, I started to explore my suspicion that the lack of pain control was not only characteristic of veterinary school in their training programs, but also was ubiquitous in the field of animal research. Despite the fact that the Congress had passed the Animal Welfare Act in 1968, that legislation did not mandate the use of analgesia, but rather recorded situations where analgesia might be used at the discretion of institutional research veterinarians. Thanks to fruitful conversations that I had held with our university's veterinarian in charge of research animals, Dr. David Neil, and prominent surgeon Dr. Harry Gorman, I learned that the failure to deploy analgesia was virtually ubiquitous, thanks to the aforementioned loophole in the Animal Welfare Act. Ironically, the first textbook of veterinary analgesia came out of CSU in the early 1960s, yet the authors do not use analgesia! Our group worked hard during the next decade to develop effective analgesic requirements, which were then carried to Congress by Rep. Patricia Schroeder of Colorado.

In 1982, I went before a congressional committee to plead our case for mandatory pain control. The congressman in charge told me that the research community claimed to use copious amounts of analgesia on a regular basis. I knew that was not the case and told him so. He responded that the burden of proof was on me to show the falsity of the research community's claim. Fortunately, I had a friend who was a librarian at the National Agricultural Library and asked him to do a literature search on analgesia for laboratory animals. He called me back and told me he could not find a single paper on the subject! I disseminated this point to Congress, who were sufficiently appalled to vote for mandatory control of pain for animals used in research, a law that went into effect in 1986. To my knowledge, this 1985 Bill was the first congressionally mandated requirement directly supporting pain control in animal welfare. In the ensuing years, with the influence of federal law, the number of papers dealing with animal pain and suffering and its amelioration increased to a level that was unimaginable!

Despite the research community's claim that this legislation would harm animal research, that was patently false. Pain and stress are widely known to deform research results, and failure to control them led to data that distorted the facts and rendered the results of animal research untrustworthy. Neglect of pain in general was also epidemic in medicine and science. One horrendous example not widely known

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