

Anti-Vivisection and Anti-Violence

If a university official said in virtually any relevant context, “Violence will not be tolerated,” there is nary a member of the academic community who would protest. On the contrary, such a statement would be received as socially necessary, authoritative, and entirely respectable. Yet massive violence occurs on university campuses.

It would be bigoted to think that violence can only be executed against human beings. Nonhuman animals in medical and other forms of research are subject to violence, and killed one after another in as casual a way as someone with a bad cold might draw tissues from a box. These creatures are slain one after the other, in the tens of thousands, every single year. Usually without a thought as to whether this violence is morally right or wrong.

This informal paper will defend the idea that violence towards nonhuman animals even in the context of medical research cannot be defended. It will be assumed that if the ideological walls fortifying medical vivisection crumble, then other forms of animal research—with less urgent social benefits that could conceivably be claimed—would fall as well.

A Brief History of Non-Violence

I will show how non-violence flows as an implication of the major Western

theories of ethics. For now though, let us look to the Orient for the origins of the principle. The principle of non-violence emerged in a South Asian religion called Jainism more than five millennia ago in the geographical area now known as India. The Jains called this principle *ahimsa* in Sanskrit.

Literally, *ahimsa* means *non-injury*, but many have translated it as *non-violence*. Traditionally, non-

violence of the Jains applies to all sentient beings, or entities who

have consciousness, and in particular affect (feelings, desires, preferences, and moods). Jain *ahimsa* has long

been generally opposed to animal exploitation or neglect.

Jain animal sanctuaries in India are not uncommon. Religious Jains cannot be hunters, fishers,

or trappers. They are vegetarian

and have often objected to Hindus engaging in animal sacrifice over the ages. Yet Jains have had a cultural soft-spot about enslaving cows for milk, as with many South Asians of that region. It is rationalized in ways that need not detain us here.

Although Jains are a small part of the population of India, they are well respected and very widely recognized.

Interestingly, Jains commonly believe that it is morally acceptable to use



Figure 1.

The raised hand stands as a symbol of non-violence for the Jains. *Ahimsa* in the Sanskrit is artfully inscribed in the palm.

physical force in defence, including in wars. Exactly how this can be defended will not be examined in this paper, but it may well relate to choosing the least of expected violence. An attacker is not only not innocent, as a rule, but will generally inflict more damage than someone simply seeking to restrain or to end a threat.

The Jain justification of non-violence is essentially compassion, although the Jains also believe that violence causes people to gain bad *karma*. Karma literally means “fruit,” that is, the fruit of action, or what it results in from a causal perspective. In fact, the Jain theory of karma is that there are physical karman particles that adhere to wrong-doers, weighing them down, and preventing them from leaving this Earth when they die. Like



so many of their region, Jains are pessimists about this world and generally value escaping it after death. Jains are atheists, yet they believe that each soul is holy: infinitely knowing, joyous, and compassionate in pure form. Of course



one can embrace non-violence without subscribing to the religious aspects of Jainism. However, it is absolutely necessary in the history of ideas to credit the Jains with non-violence. Certainly the notion never had any important genesis in Western thinking in a way that is so full of integrity as to include non-violence to *all* beings to whom violence could matter: sentient beings. Presumably, *nothing*—including violence or the absence of it—matters to non-sentient beings.

Jain monks are much more strict than householders. Lord Mahavir is especially revered as a “self-conqueror” who exemplified ahimsa since ancient times.

Some Jain monks wear face masks so as not to kill micro-organisms (see left).

In modern times, ahimsa or non-violence has been most famously championed by Mohandas Gandhi. The latter himself was a Hindu, but he was happy to borrow ahimsa from the Jains. He led a movement seeking

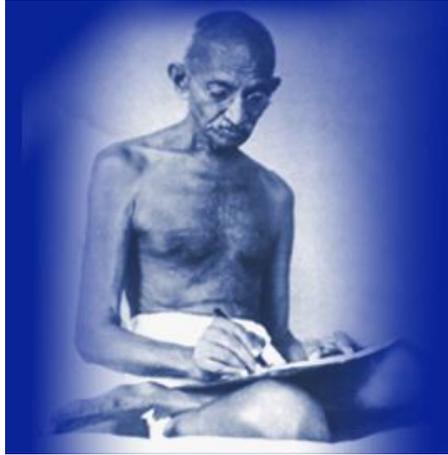
Figure 2. Top.

A statue of Lord Mahavir.

Figure 3. Left.

A Jain monk with a face mask.

South Asia's independence from the British Empire. This led to the formation of two modern states once autonomy was won: India and Pakistan. British colonial security forces would mercilessly beat Gandhian protesters. These agitators for independence were completely non-violent, and so the British ended up being shamed on the world stage for carrying out utter savagery. The Indians were sympathized with as they themselves were wholly innocent, only wanting their own country again rather than living under a tyranny by a far away imperialistic government. Gandhi was successful in his non-violent campaign. Be it noted though that there were many kinds of protests: non-violent and violent alike. In any event, he became revered by millions and was given the honorary title, *Mahatma*, which means "great soul."



behalf of African-Americans in the United States. King was a great orator and leader, but unfortunately, like Gandhi, was assassinated.

Coretta Scott King, Dr. King's wife, went vegan in 1995, claiming that animal rights is a logical extension of her

husband's philosophy of non-violence. Dexter Scott King, son of Martin and Coretta, is also a vegan for animal rights reasons.



What Is Violence?

This is a highly controversial subject. Traditional definitions, such as are to be found in dictionaries, emphasize the physical. But child abuse can be *verbal*. There is nothing remarkable of a physical nature going on there, except perhaps inside the brain, and so forth. Old-style thinking also emphasizes great force, but is it not violent to

erase a life, while the victim is sleeping, even with a painless injection?

Etymologically, **violence** is probably

An ethical vegetarian, Gandhi famously penned: "To my mind, the life of a lamb is no less precious than that of a human being."

Another key promoter of non-violence, although not for animals as Gandhi, was Martin Luther King, Jr., the great civil rights advocate on

Figure 4. Top.

Gandhi had few possessions: a bowl and a loincloth.

Figure 5. Bottom.

Martin Luther King, Jr.

related to **violate**. Linguists are unsure. However, regardless, I am going to use what I call the violationist theory of violence. *Violence is whatever violates sentient beings.* Someone's psyche is violated so long as they are deliberately made to feel so much as significantly uncomfortable, thus violating their peace. But although comfort is emphasized in this way on my view, it is in a non-violent manner. Thus, a rapist's discomfort at being stopped would not count. His or her satisfaction as a rapist is part of violence, not non-violence. Only what is consistent with non-violence is esteemed and cared for on non-violence ethics. It is noteworthy that none of us wishes to be subject to violence—apart from, say, masochists. However, for reasons which we will not enter into here, masochism is not a suitable basis for all ethics, and not just democratically.



There may be some situations which call for what I term non-violence approximation. In such cases, violence is expected, and we have to get as close to non-violence as possible by minimizing violence. Defence was raised as an example earlier. However, **non**-violence as such is to be executed in as many cases as possible. That is:

no violence as the gold standard. Each non-violent agent must, then, be non-violent towards each and every sentient being.

Now medical vivisection is violent towards its victims. All animals are disturbed or unhappy living in tiny cages, fed pellets, and usually prevented from fulfilling their social natures, enjoy the outdoors, and so forth. And the procedures themselves violate the animals who are often explicitly harmed. Indeed, scientists try to model the most harmful diseases using animals as priority #1, since those diseases themselves take priority in the human condition.

Certainly the innocent black men at Tuskegee who were lied to—told they were being treated—so that their syphilis could secretly be monitored for effects, and the Jews and other prisoners of the Nazis who were vivisected during the Second World War were subject to violence.

We would be kidding ourselves if we concluded that the same forms of treatment are *non*-violent when they are directed towards sentient beings of nonhuman species.

Let us say you saw a list of violent practices in laboratories that are “near, at, or above the pain tolerance threshold of unanesthetized conscious animals,” and the list included:

- exposure to noxious stimuli or agents whose effects are unknown
- exposure to drugs or chemicals at levels that (may) markedly impair physiological systems and which cause death, severe pain, or severe distress
- experiments “which have a high degree of invasiveness”
- burn or trauma infliction on unanesthetized animals

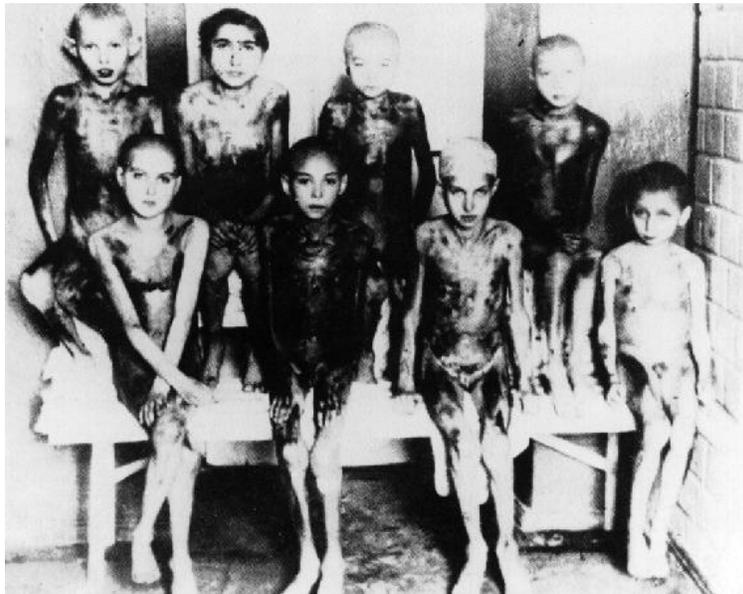
You might assume that this itemizing is a product of an animal activist who is sensitive to what animals suffer in laboratories, and that these procedures must never be allowed, as they are not in the human case. You would be wrong. This is merely a list of types of procedures that are *allowed* under the Canadian Council on Animal Care Code of Ethics, a voluntary code used in my own country.¹

Add to this enumeration surgery without anesthetics, freezing, overheating, drowning, crowding, crushing, inducing passivity or

¹ See David Sztybel, “The Canadian Council on Animal Care’s Code of Ethics: A Critical Evaluation,” at: <http://sztybel.tripod.com/CCAC.html>.

aggression, irradiation, inflicted wounds, targeting by military weapons (ballistics, chemical, germ, and nuclear warfare), and more. The idea is to address harms that humans suffer by inflicting harms on the animals for study purposes. But if such harms are to be prevented for the humans, why not also for the nonhumans?

It is quite clear that an ethic of anti-



violence towards animals must abolish medical vivisection because the latter is violent towards nonhuman animals. Each of us not only requests but **demand**s to be treated non-violently as sentient beings ourselves. If we are not hypocrites, we will wish to treat others non-violently too as they likewise would demand if given the opportunity. Animals cannot verbalize this wish, but they make it clear every other way by vocalizing, reacting aversively, and attempting to flee.

Figure 7. Above.

Children vivisected by the Nazis.

Discriminatory violence against nonhuman animals can be referred to as **speciesism**,

which is analogous to racism, sexism, classism, ableism, homophobia, biphobia, transphobia, ageism, and discrimination against people of different nationality, politics, creed, or appearance.

Any one of these oppressions makes its victims uncomfortable at the very least, often with much greater violation on top of that as well.

Any one of these oppressions can be defined as discriminatory violence towards only a specific class of targeted sentient beings—most apply only to humans.

In social interaction, if we apply the principle of non-violence that we demand for ourselves—and others if we have integrity enough to be

equitable towards them—then this has consequences. One of them is that we

normally rule out what I call **violence-benefits**. That is, benefits from violence.

Examples include:

- crimes which confer a possible benefit to criminals, including murder, rape, theft, perjury, etc.
- exploiting wage slaves, producing

hardship on the job and during off-times, when the inherent violations of poverty must be endured as well

- politicians with conflicts of interest, thus violating social equity
- robbing future generations of humans of resources through overconsumption
- fouling natural areas with pollution
- noxious experiments on humans without informed consent



We must also rule out medical vivisection on animals because violence-benefits are ill-gotten gains.

Figure 8. Top.

A baboon at Hebrew University, Israel.

Figure 9. Bottom.

A cat trapped in a stereotaxic device.

Medical Vivisection: Justifiable?

People do have ways of justifying violence, perhaps the premier example being violence used in defence as we have discussed. However, vivisectionists are not “defending” themselves against animals so the “defence defence” is altogether inapplicable. Are there other ways in which we can justify violence?

People justify violence if it is **unavoidable**. For example, we endure significant pain or suffering from the dentist if this is inevitable as part of a treatment program for our teeth or gums. We justify it using non-violence approximation. However, medical vivisection is completely avoidable. Abdurance is exactly what the anti-vivisectionists are advocating.

As many have said, we cannot harm nonhuman animals just because they are **not human**. That would be dwelling on an irrelevant biological characteristic. It would be like saying that one can be violent towards blacks because they have darker skin, or patriarchalists claiming they can be violent—subtly or grossly—towards those of the female sex. *District 9* is a film—whatever one’s overall assessment of the work might be—that calls into question inferior treatment of aliens who come to Earth



and are vulnerable. They are treated badly partly because—yes—they are *not human*. The film is implicitly critical of such a kind of discrimination, which is a form of speciesism and xenophobia, depicted also in the breath-taking movie *Avatar*.

What about justifying medical vivisection because nonhuman animals are mentally inferior to humans? Having surveyed the animal ethics literature, I have had the opportunity to observe that this is actually the #1 rationalization used for violence against nonhuman animals.

If we accepted this form of argument, then aliens who are far more intelligent and otherwise superior would be justified in being violent towards *us*.² There might be creatures who are vastly more mentally powerful than ourselves. We would not accept such inferior treatment for a second thought. So why use the same principle in the case of local creatures of other species? *Speciesism*, plain and simple.

The idea of violence towards those not as mentally gifted has more prosaic

Figure 10.

E.T. was far more intelligent than humans and telekinetic

² I have heard this thought experiment in conversation with many people. It is a common-place in animal ethics.

and real-world implications. Some people advocate violence towards mentally challenged humans, such as the boy pictured above who was born with Down's Syndrome.

Do not suppose I am jesting about harmful experiments carried out against such innocent victims. Utilitarian moral philosopher, R. G. Frey, advocates that they **and** nonhuman animals should both be sacrificed

on the altar of medical vivisection. Why? Because they are mentally inferior in his view, or possess less "rich" lives, to use his preferred terminology. It is often misconstrued that Frey is not a speciesist, because he is species-blind. He would exploit humans and nonhumans alike if they have less "rich" lives.

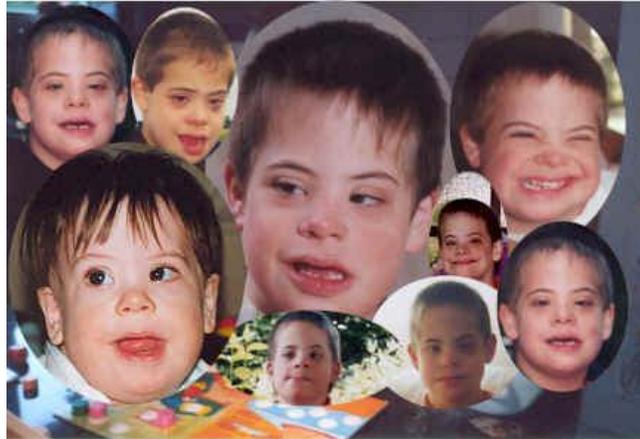
That, however, would be labouring under a simplistic understanding of speciesism.

There are two kinds of speciesism:

1. discrimination on the basis of *species*, e.g., in favour of humans and against nonhumans

2. discrimination on the basis of real or supposed *species-characteristics*

Frey is an ableist in inciting violence towards the mentally disabled.



However, less mental "richness" is not a species-characteristic for humans as a rule. So therefore I conclude that his stance towards these humans cannot be a case of

speciesism but only ableism.

However, the nonhuman targets of Frey's violent ideology are identified



as having less mental "richness" as a *species-characteristic*. Therefore I say that we have a clear case of violent treatment on the basis of species-characteristics.

That is a kind of speciesism, in fact the most important kind. Speciesist philosophers standardly denounce the

Figure 11. Top.

A boy with Down's syndrome.

Figure 12. Bottom.

R. G. Frey.

first kind but, in effect, endorse the second.³

And Frey is not alone in stirring up violence against the mentally disabled. The Nazis put them to death, calling them *lebensunwert*, a phrase that means “unworthy of life.” Here is what Adolph Hitler had to say, which goes well beyond Frey:

The more serious of the hereditary diseases, especially the mental diseases, make their carriers completely unsuited for living. They rob those so afflicted of the capacity to reason and the feeling of responsibility so that they become of little value to the community. The less worthy multiply without restraint and are continually spreading their hereditary sufferings abroad...⁴

Here Hitler condemns the mentally disabled to death.

³ David Sztybel, “The Rights of Animal Persons,” *Animal Liberation Philosophy and Policy Journal* 4 (1) (2006): 1-37; 2.

⁴ Adolph Hitler, *The Nazi Primer: Official Handbook for Schooling the Hitler Youth*, trans. Harwood Childs (New York: Harper and Brothers Publishers, 1938), pp. 6-7.

Indeed, below is a picture of Hartheim Castle, in which, during the Third Reich, there were murdered some 69,000 mentally disabled humans. The killings here were stopped due to protests in Germany.

Who will decry the comparable violence done to the nonhuman



animals who supposedly lack mental “richness” according to Frey and Hitler?

There is no better defence of violence than defence. But no speciesist has come up with a

brilliant alternative justification of violence in the case of vivisectioning animals in hopes of medical treatments and cures—more on this later. No one can successfully argue that the violence is unavoidable, as though the vivisectioners are somehow controlled by someone or something. And their biggest argument—the argument from mental inferiority—they would *never* accept applied to themselves by aliens, and would only condone towards fellow species-members through violent bigotry. With the failure of pro-violence we would be left with nothing less than anti-vivisection as part of anti-violence.

Basic Argument for Non-Violence

Above, I have offered a very basic

Figure 13.

Hartheim Castle.

argument for non-violence based in:

- each of us demanding non-violence towards ourselves, including as it affects us as sentient beings; virtually none of us is willing to feel so much as uncomfortable if we can reasonably avoid that state of affairs
- consistency, integrity, non-hypocrisy, equity, or the Golden Rule demanding the same non-violent treatment for others

Just as it is common-sense that none wants violence done to the self, so the five principles named in the second part of the basic argument are also common-sensical. Millions, probably even billions of people adhere to these distinct but overlapping moral ideas in their everyday moral lives, and also in laws and policies around the globe.

The Golden Rule is ancient. Three prominent versions are as follows:

1. Treat others as you would be treated. *Non-violently*.
2. That which would be hurtful to you do not unto others. *Do not practice violence*.
3. Love thy neighbour as thyself. (Leviticus 19:18; Romans 13:9) *That is, non-violently*.

The Rule is part of religious but also secular discourse. Many religions have different but related versions: Judaism, Christianity, Islam, Buddhism, Hinduism, Jainism, Confucianism, Taoism, Baha'i, and Zoroastrianism. However, there are also many moral theories that

arguably carry non-violence as an implication as well.

Many Roads to Non-Violence: Moral Philosophy and Its Implications

A variety of ethical theories might accept non-violence. They do not mention the principle explicitly, and yet perhaps they imply it. Rather than present my own philosophical justification of non-violence here,⁵ I will now newly present my case as to how the main moral theories entail non-violence, thus adding to the basic argument for non-violence already presented.

Let us start with the three main types of rights theories. These views started out in the field of human rights but have also been extended into the realm of animal rights.

Immanuel Kant is known as “the father of rights.” Contemporary philosopher Julian Franklin applies Kant’s theory to animal rights. Kant prescribed that people, when trying to do the morally right thing, should only do what they can “universalize.” For example, a shop-keeper should not cheat a customer. If you universalized such dishonesty, that means you would approve of being cheated yourself. People do not accept that, and so it does not make sense to universalize such a practice. It creates

⁵ My basic theory in this essay is a normative ethic built on the non-violence we all want. A meta-ethical case for non-violence awaits in a future book.

“a contradiction in the will,” as Kant put it. Well, then, who would universalize *violence*?

John Rawls is a neo-Kantian. In his classic, *A Theory of Justice*, he asks us to imagine that we are souls who are not yet born. What principles of justice would we formulate if we faced a “veil of ignorance” and do not know if we will be incarnated as “white” or “black,” rich or poor, male or female, intelligent or dim, strong or weak, and so on? Thus people in what Rawls labels “the original position” would enact principles against racism, classism, sexism, ableism, and so forth. Mark Rowlands has extended this theory to animal rights because, he suggests, we might not know if we would be born human or of limited intelligence either. None of the negotiators of justice would wish to be subject to violence, we may presume.

Alan Gewirth is yet another writer in the Kantian tradition. He rightly observes that everyone needs welfare and freedom in order to do anything at all. There is some truth to this observation. If someone is very sick or bound up in a strait jacket, what can they do? Gewirth thinks that everyone should want rights to welfare and freedom as a result. And due to what he calls *the principle of generic consistency*, this neo-Kantian states that *all* humans should have these rights. Evelyn B. Pluhar has applied this theory to animals, who equally need welfare and freedom. Yet if there is a strict duty not to harm beings in respect of their welfare and freedom, this is a form of non-violence.

Utilitarians hold a very different theory than individual rights. These theorists believe that we should aim for choices that have the maximum good and the minimum bad overall. Often they equate good with pleasure and bad with pain, for example. However, they do not think in terms of individuals as rights theorists do. No, utilitarians consider different futures, and add all of the pleasures and all of the pains together for each possible path. The one with the most pleasures and least pains should be chosen. This theory also comes in the form of rule utilitarianism: we should choose that set of rules which results in the most good and the least bad overall.

Utilitarians may think in terms of subtracting total pain from total pleasure. Consider for example these predicted possible futures:

1. 400 pleasure units - 200 pain units = 200 utility units
2. 350 pleasure units – 120 pain units = 230 utility units
3. 10,500 pleasure units – 10,260 pain units = 240 utility units

Therefore, even though Option 3. involves far more pain, it supposedly should be preferred because it has the most net utility. Animals too *feel*.

Yet utilitarianism is actually the most popular theory used to justify medical vivisection on animals and mentally disabled humans. It predicts that the harm inflicted on animals in medical vivisection is *outweighed* by the harm that such research can prevent for humans and other animals in the form of treatments and cures derived from the experiments. In other words,

medical vivisection is thought to be the path with the most net utility.

I will address this argument soon, but for now would like to show how utilitarianism of a sort can be used to justify non-violence just as the major rights theories.

My doctoral supervisor, Wayne Sumner, is an indirect utilitarian. He believes that we should not aim for maximum net utility directly because we cannot really measure utility units and there is a chance that people will do risky things from acting in an ignorant or biased manner.

Therefore the indirect utilitarians say that rather than aim for the most utility, we should *forget* about acting like utilitarians and go by common-sense morality: being trustworthy promise-makers, of virtuous character, respecters of rights in Sumner's version, and loyal friends and loves. *That*, paradoxically, maximizes utility. Sumner denies rights to animals while asserting them for humans which I dispute elsewhere.⁶ But assuming here, for the sake of argument, that we can apply indirect utilitarianism to animal rights too, then it is conceivable that utilitarianism can justify non-violence for all sentient beings. We will return to the pro-vivisection schools of utilitarian thought later. Utilitarianism is perhaps a treacherous path to walk, but most consequentialists are of the kinder, indirect form. That is not surprising:

⁶ David Sztybel, "Animal Rights: Autonomy and Redundancy," *Journal of Agricultural and Environmental Ethics* 14 (3) (2001): 259-273.

most Western thinkers support the politics of human rights.

Virtue ethics is another major type of ethical theory. It holds that we should promote positive character traits such as kindness, integrity, courage, and so on, while avoiding vices such as cruelty, hypocrisy, cowardice, and so forth. It can be argued that it is unkind or cruel to deprive others of the non-violence that, as I argued earlier, we tend to demand for ourselves. This puts the lie, by the way, to those who say that they can make vivisectionist violence "kind" or "humane." We generally do not consider violence to humans to be at all *humane*.

The feminist ethic of care has been attractive for people who are critical especially of rights theory and utilitarianism. Advocates of the care ethic maintain that we should base our actions in caring, which can be understood as sympathy or empathy. It can be argued that it is only *caring* to be non-violent.

Then there are thinkers who are skeptical about the major ethical theories that we have been discussing. Skeptics doubt that any of these views could be fairly characterized as absolutely right or wrong. The problem is, we *do* need ethics to guide us in society. So how can we be skeptics and moral advocates at the same time?

America's solution to this problem is called *pragmatism*. Even if we cannot know moral absolutes, people still need principles of ethics that "work." One could argue that we also need moral codes that "work" for mentally

disabled humans, and hence animals too. Well, violence does not “work” for *anybody* on the receiving end. Therefore perhaps even moral skepticism—with the help of pragmatism—can lead to non-violence as well.

Ironically, medical vivisection proponents, even at universities, often refuse to debate their critics. They carry on as if anti-vivisection is not the slightest bit respectable, or only for cranks. Yet consider what we have demonstrated concerning the most well-respected moral theories of our day:

- all apply to nonhuman sentient beings too if we restrict against speciesism as surely as racism
- all readily result in non-violence
- non-violence in turn leads to anti-vivisection

So it appears that it is the vivisectionists, rather, who may have something to hide that is not so respectable.

Three Pro-Vivisection Philosophies: Utilitarianism, Ethical Nihilism, and Ethical Egoism

But perhaps we would be premature to rule in favour of non-violent animal research. Utilitarianism, again, is the most popular ideology used to defend medical vivisection. Recall that they sometimes claim that the harm to animals is outweighed by the benefits to humans.

However, utilitarianism seems to have a key flaw. Many critics have pointed out that the theory does not seem to take individuals seriously. Thus the good of the many can outweigh that of the minority or the individual, resulting in dire consequences.

In my writing, I have noted that we can only ultimately act for sentient beings. Only sentient beings care if they are benefited or harmed. Mere things such as toasters and abstractions, most everyone presumes, do not care about anything. Thus all good and bad is significant to each and every sentient being *separately*.

Utilitarianism fails to capture this key insight, as I noted in earlier work,⁷ unlike non-violence. Non-violence demands that each moral agent exercise ahimsa towards each and every sentient being with whom they interact, as much as possible. So non-violent agents honour the fact that they act ultimately for sentient beings, the only intelligible option. Thus non-violence may seem to be in some sense inevitable.

However, utilitarianism fails to act for each and every sentient being, even though the latter seems appropriate due to the nature of reality. We have already seen that individuals can be treated violently on utilitarian reasoning if their utility is “outweighed.” Even though we cannot act ultimately for abstractions, that is precisely what the utilitarians seem to be doing or attempting. Instead of doing what is appropriate for each and

⁷ Szybel, “The Rights of Animal Persons,” p. 33.

every sentient being, the utilitarians act for “maximal utility,” or utility units. This fixation must be carried out *bar nothing*, including consideration of what is best for each sentient being. The view, then, is excessively centred on mere things, and fails to act ultimately for sentient beings in the way that *each* of us demands: non-violence. There are other critiques that I can offer, but this one—only briefly summarized here—seems damning.

Ethical nihilism is another moral philosophy that can be used to justify medical vivisection. Essentially, the nihilists believe that we have “nothing” to guide us in terms of moral absolutes.

Elsewhere I will try to provide sufficient grounds for disagreeing with this idea.⁸ Here we need only the admission of the pragmatists, discussed above, who say that we still need ethics for society. What “works.” And violence does not work for anyone as a recipient. We also need society’s ethics to be fair. We can still be unfair even if there are no moral absolutes. So non-violence must apply to everybody. Nihilists might object that their way allows the most “diversity.” We do not, however, honour **violence** as some wonderful addition to diversity.

⁸ In a forthcoming book on ethics.



Another, not very popular ethic is ethical egoism. It was started by British philosopher Thomas Hobbes, although the name “egoism” did not arrive till the twentieth century from the philosopher Max Stirner.

There is a certain genius to ethical egoism. It does not simplistically say that we should all be selfish. Rather, it observes that it is in everybody’s self-interest to agree to laws requiring citizens not to kill, maim, rape, rob,

cheat each other, and so forth. If *everyone* agrees to such a “social contract,” then others will not do these nasty things to *oneself*.

Essentially, we could characterize ethical egoism by noting that it is in every citizen’s self-interest to be

non-violent towards others.

The problem with ethical egoism, or rather one of them, is that it seems to leave out nonhuman animals and the mentally disabled from direct consideration. Perhaps rights could be extended to the latter since egoists never know if they are going to have a mentally disabled child or end up mentally disabled themselves. Still, as Evelyn Pluhar pointed out in her book, *Beyond Prejudice*, it is an absurd consequence of ethical egoism that we

Figure 14.

Vivisection as normalized violence.

would not care about mentally disabled humans directly, but only because some “normal” humans would otherwise object. However, nonhuman sentient beings cannot return the favour if one is non-violent towards them. So they seem totally excluded from the non-violent “social contract” based in self-interest. Does that mean no non-violence for nonhumans in laboratories?

Most people despise selfishness, and although ethical egoism goes far beyond simple selfishness, it is arguably still selfish. I observe that there does not seem to be any credible ground for holding that violence to oneself is “special” as ethical egoism seems to imply. Violence has very comparable consequences to every sentient being. It makes sense, in light of this reality, to be impartial, which ethical egoism is not. It is markedly partial towards ego, or perhaps groups favoured by ego. Saying “it’s me” does not give a reason to show why ego is special. And most egos are not special in *any* dramatic way. Therefore, ethical egoism seems to be without any plausible basis. If we respond to similar impacts similarly, we will directly respect *all* sentient beings, and not just one of them. Egoists manifest the vice of selfishness, sophisticated as they are, and also the irrationality of arbitrary favoritism and discrimination associated with the oppressions we listed earlier.

So none of these “rogue” moral theories that purportedly justify violence towards animals by vivisection is the least bit plausible upon closer inspection.

A Living Will Clause for Vivisectionists

I think that my critique of utilitarianism is entirely reasonable, and that we should be concerned with being non-violent towards individuals, not rationalizing violence by obsessing about lumps of their goods. However, people are often irrational. Let us address the stubborn. It covers also those who think vivisection is “for the greater good” but who are not utilitarian, such as ethic of care advocate Deborah Slicer, who explicitly advocates medical vivisection on animals as consistent with feminist “caring.”⁹

If some people continue to insist on the reason that medical vivisection must be practiced for “the greater good,” then they “ought” to be willing to sign a living will clause.¹⁰ It would commit *themselves* to being vivisected should they become mentally comparable to a nonhuman animal. This could happen as a result of congenital defects, accidents, or injuries. Scientists generally believe that research for and on humans is *far* more valuable than any data from nonhumans. So it would be far more useful to use living will signatories rather than nonhumans for discoveries in human medicine.

⁹ Deborah Slicer in *The Feminist Ethic of Care Tradition in Animal Ethics*, edited by Josephine Donovan and Carol J. Adams (New York: Columbia University Press, 2007), pp. 116-117.

¹⁰ See David Sztybel, “A Living Will Clause for Supporters of Animal Experimentation,” *Journal of Applied Philosophy* 23 (May 2006): 173-189.

Note that living will signatories would not likely be “human vegetables.” For most animals trapped in laboratories are far from being in a persistent vegetative state. Rats, for example, are acutely aware and emotionally sensitive. These animals have memories, anticipations of the future, a sense of well-being or lack of it, social lives, and demonstrably fixed sets of preferences. They might not, however, like brain-damaged humans, be able to use abstract language.

Most people would be terrified to sign themselves, or even animal companions, over to invasive research. The Nuremberg and Helsinki declarations legally protect people from being used for invasive research after the world learned of the Nazi vivisection experiments. Humans who are mentally disabled are also so protected.

Let us suppose then that the “greater good” vivisectionists (mostly utilitarian) say “no” to signing the living will clause. If they are consistent in this view, and they refuse to submit themselves or other humans once they become mentally disabled, then they must also refuse to force animals into such experiments.

For the use of animals is far less useful than studying humans. If living will signatories are not “good enough” to use for utilitarians, then much less useful animal studies cannot be “good enough” either. So if the justification of medical vivisection is “the greater good,” then people should either surrender such utilitarian-style thinking, or give up their dignity and sign that living will clause.

Or suppose someone is willing to say “yes” to being experimented on. Society would override that living will, rejecting *all* vivisection of humans. Too violent. However, again, if these humans are not good enough to use for society’s purposes, then animals cannot be good enough either since the nonhumans are so much less useful.

If it is objected that people would care about what happens to humans much more than nonhumans, it must be recalled that utilitarians demand an equitable consideration of similar interests. Favoritism is to be ruled out. Society must not give special preference to those one happens to like, or at least, not dislike.

Of course I am not literally advocating a campaign for everyone to sign this living will clause. It is a social satire of medical vivisection, like Jonathan Swift’s “A Modest Proposal.” Swift argues, ironically but atrociously, that a “solution” to the Irish poverty problem could be that poor families raise their children to be eaten, thus providing both nourishment and income. The living will thought experiment puts the lie to utilitarians who say that they impartially champion “the greater good.” When it comes to their own contributions, they are shown up to be both hypocritical and speciesist.

Medical Vivisection as a Moral Dilemma?

Recall that violence used in defence can sometimes be defended. Again, we do not “defend” against vivisected

animals, but is there a broader principle in common here? In defence we recognize that violence, one way or the other, is inevitable. For example, violence stemming from oneself or else from an on-rushing attacker. It can be argued that we cannot avoid either harming nonhuman animals, or else “immorally” allowing humans to come to harm because we refuse to vivisect the nonhumans.

This is a favorite objection in public debates about vivisection. We can also phrase it as a choice between:

1. harms inflicted on animals through medical vivisection
2. harms prevented for humans using treatments and cures supposedly derived from vivisectioning animals

However, this is a *false dilemma*. It leaves out the option of being non-violent towards **everybody**. If non-violence is right, then if at all possible, this is exactly what we should be doing. In that eventuality, we would only carry out *non-violent research* in order to develop cures and treatments.

A moral dilemma is not just any two choices. They must be *morally admissible* choices. An example is that we could conceivably kill a healthy human in order to harvest organs and save the lives of several more people. Using so-called “dilemma” reasoning that the vivisectionists are urging, this could even be said to be morally *obligatory* because more lives are saved that way. However, allowing such violence towards the victim goes against the ethic of non-violence that

each of the potential beneficiaries would also demand for themselves. To approve of vivisection would, in effect, be to agree to such other murderous practices. It would be speciesist to protect the “organ donor” from forcible violation but to subject the animals to violence.

A true dilemma case is the burning building, in which event one can *only* pull one person from the fire. Not all rights to life can be honoured in that scenario, whereas in medical research we can and should respect the inviolate rights of everyone concerned. We cannot avoid death in the burning building case. The case of medical vivisection is entirely disanalogous to true moral dilemmas then. Therefore, there *is* no moral dilemma in the case of medical vivisection.¹¹ Given the choice between an ethics of non-violence or of violence, there is no moral choice at all. It is not ethically credible to say or imply: “I embrace the principle of non-violence, but it is not convenient for me to practice it in this case, and so I will not.” People of principle keep to their principles.

Souls?

At this point vivisectionists, in many cases, might seek to rely upon the notion that humans have souls and nonhumans do not. This does not help a secular debate, many of the participants in which do not believe in

¹¹ Elements of the false dilemma critique of medical vivisection are drawn from Szybel, “The Rights of Animal Persons,” pp. 16-17.

souls altogether. But many people are religious, so I will defend the animals on this point as well.

There are four replies to this. First, how can you show that *anyone* has a soul? Second, if souls are essentially psyches, then animals have one too. Third, it is ethnocentric to deny animal souls when many cultures declare the opposite such as Jains, Hindus, and many aboriginal peoples. Fourth and finally, Cardinal Bellarmine declares that if animals only have this one life, then we should be even *kinder* to them, because they cannot have other experiences to make up for it.

Conclusion: Research without Violence

I have sought to add to the animal ethics debate surrounding medical vivisection. In the course of doing so, I offer numerous original points that I contribute to our discourse in both this essay, and its sister paper, “Veganism vs. Violence”:

1. the violationist theory of violence, including the idea of (non-)violent comforts
2. the principle of non-violence approximation
3. redefining all of the forms of oppression in terms of violence, gross or subtle, using the violationist theory of violence
4. the term “violence-benefits,” and their being ruled out
5. the critique of Frey as a speciesist although some say that he is species-impartial
6. the basic argument for non-violence rooted in common-sense
7. the analysis of how the main moral theories all imply non-violence
8. my critiques of ethical egoism and utilitarianism
9. my defense of non-violence in response to nihilistic “diversity” celebration
10. my critique of medical vivisection as a false dilemma

I have also recapped my original living will argument. In a forthcoming book, I will add much more still to the ethics of non-violence, including with respect to analysis and justification.

We all want a world in which everyone is non-violent towards us, and in all fairness we should be non-violent towards everyone else too. If we pursue lines of medical research that honour ahimsa, we will not have violence, and the fruits of our actions will be ahimsic goods. By contrast, utilitarian and other rationalizations of unahimsic research lead to extreme violence, and therefore only violence-benefits. There can be very little doubt that to be anti-violence is to be anti-vivisection. People should one day be able to say, “Violence will not be tolerated,” and plainly *mean* it.

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