

## **Thinking Outside the Cage** **Conference Report + Next Steps**

On March 27-28, 2014, the Animals in Philosophy, Politics, Law and Ethics program at Queen's University hosted a conference on the ethics, politics and law of animal research in Canada entitled "Thinking Outside the Cage: Towards a Nonspeciesist Paradigm for Scientific Research". The conference was intended to encourage critical reflection on the limits of existing regulations, and to inspire creative thinking about alternative frameworks and effective avenues to change. We invited leading scientists, public policy experts, humane educators, legal scholars and political theorists to help us identify the opportunities and challenges involved in pursuing a new ethical, legal and political framework regarding animals in research and education. This Report seeks to summarize some of the key themes of the conference, and to identify possible next steps.

The Report is organized in the following sections:

Part 1 – Summaries of talks

Part 2 – Next Steps, including

- (a) Proposals for Research Collaborations
- (b) Proposals for Policy/Legal Interventions
- (c) Proposals for Public Education

### **PART 1: Summary of Conference Presentations**

The conference included ten memorable presentations, full of important ideas and information, and the following short summaries are inevitably schematic. Our aim here is simply to give a sense of the main themes of the conference, and to help situate the proposals for follow-up.

#### **Public Presentations, March 27<sup>th</sup>**

*John Gluck, "Ethical Change during a Life in Animal Research":* Our event began with an inspiring public lecture by Dr. John Gluck (Kennedy Institute of Ethics, Georgetown University) discussing his ethical journey from his initial training as a laboratory primatologist to his current efforts to reform animal research ethics. John's talk wove together different stories of his relationship to animals, from his childhood experience in which animals were loved and respected members of the family, to his acculturation into the scientific research community as a graduate student. The professional desensitization process, which required the transformation of animals into objects, and the repression of any direct ethical response to them, was facilitated by a process of displacement in which the promise of career opportunities, funds, and prestige projects helped to distract researchers from ethical questions. Indeed, throughout his graduate training, John recalls only one instance in which the question of animal ethics was raised. A fellow graduate student asked, "If we teach apes sign language, what will we do if they say 'let me out of here'?" At the time, this question generated dismissive laughter. While there are signs of change, the fundamental ethical questions remain unaddressed, and the state of animal research ethics remains impoverished.

*Karol Orzechowski, "Maximum Tolerated Dose"*: The public event continued with a showing of the documentary *Maximum Tolerated Dose*, introduced by the director Karol Orzechowski of Decipher Films. The film features stories of animals and humans caught up in the world of animal experimentation -- a bleak and terrifying existence for the animals, a sad and disturbing one for the human researchers and lab techs. Researchers are drawn to science in hopes of making a better world only to find themselves feeling deep and irrepressible misgivings, despite undergoing a process of indoctrination and desensitization by institutional structures. The movie also profiles different kinds of courage -- the courage of animals who take the risk of trusting humans again, and possibility finding happiness after being rescued, and the courage of lab workers and researchers who turn their backs on prestige, income and collegial networks in order to voice their ethical and scientific doubts.

## **Workshop Presentations, March 28<sup>th</sup>**

### **INTRODUCTION:**

*Will Kymlicka, "Introduction"*: The Friday conference began with a presentation by Will Kymlicka, on behalf of co-organizers Sue Donaldson and Zipporah Weisberg from the Animals in Philosophy, Politics, Law and Ethics program at Queen's University. He noted that increasing questions are being raised about both the scientific merit and ethical justifiability of animal research, yet the current procedures governing animal research in Canada do not seem to be responsive to these concerns. Moreover, previous campaigns to change this situation -- often directed at universities (rather than legislators, funders or regulators) -- have been largely ineffective. The goal of the conference is to identify what kinds of reforms, both in the short and long-term, would be needed to address these concerns, and what kinds of scholarship and public debate can contribute to this process, either by documenting the need for reform, informing the public, or by identifying appropriate institutional targets for reform.

### **FROM ANIMAL 'MODELS' TO ANIMAL 'SUBJECTS'**

Our morning presentations focused on the importance of seeing animals as individual subjects, not just as models or data points for scientific research, and the implications of this for research and education.

*Gloria Grow, "Do monkeys deserve retirement after research?"*. What is the experience of animals in labs, and what sorts of lives are they capable of having afterwards? As co-founder of Fauna Foundation, a sanctuary outside Montreal that is home to chimpanzees and monkeys who were used in biomedical research, Grow offered unique insights into these questions. She discussed what the staff at Fauna have learned about the long and difficult process of helping animals recover from their time in laboratories, including the benefit of insights from work with humans suffering from PTSD. Gloria emphasized how crucial it is to get these nonhuman individuals out of labs and into sanctuaries, because even if they can never be returned to psychological wholeness - many cannot move beyond a plateau of recovery - they deserve and can have a better life in sanctuary settings under the care of personnel devoted to assisting in their recovery. Gloria also spoke about the New England Anti-Vivisection Society's Release & Restitution program, which, building on its successful advocacy for chimpanzees, is planning a

new initiative focused on monkeys. Darla and Newton, two monkeys who were used in research at Queen's University and who now live at the Fauna sanctuary, will serve as ambassadors for this campaign.

*Jonathan Balcombe, "Animal Research: Sentience and the Double Standard".* Jonathan Balcombe, Department Chair for Animal Studies at the Humane Society University in Washington, provided an enlightening and uplifting overview of recent findings regarding the inner lives of animals. Balcombe emphasized the importance of recognizing not only animals' capacity to suffer and feel pain, and their cognitive capacities for language, memory, problem-solving and tool-use, but also their capacities for pleasure, play, friendship, and love. As Jonathan noted, evidence for these capacities is growing almost daily, and for a wider range of species. These findings cast grave doubts on justifications for the existing use of animals in research. Not only do they provide clear evidence for the intrinsic value of the lives of animals, but also deepen our understanding of the harms involved in keeping animals in laboratory conditions that undermine these capacities.

*Olivier Berreville, "Forming future researchers: The need for, and practicalities, of implementing full replacement of harmful animal use in life sciences education".* Drawing upon his experiences as a biology student who refused to engage in harmful research on animals, and as Canadian National Contact for the International Network for Humane Education (InterNiche) since 2003, Olivier Berreville discussed the fundamental importance of promoting humane education as a step towards changing the culture and practice of animal research in Canada. While humane alternatives exist that can replace all harmful animal use in life sciences courses (at both the high school and university level), too many educational institutions continue to engage in inhumane education. This in turn helps to reproduce a culture in which students are desensitized to animal suffering, in which the use of animals is normalized and exempted from critical questioning, and in which students who have ethical qualms are pushed out of the life sciences. Drawing on both case studies and published research, Olivier showed how inhumane education serves as a "gateway" to inhumane animal research, and proposed strategies for changing this situation in Canada.

## DEMOCRATIC GOVERNANCE AND ETHICAL OVERSIGHT FOR ANIMAL RESEARCH SUBJECTS

Our afternoon presentations focused on the legal and political regulation of animal research, and in particular how this regulatory system is exempt from meaningful forms of public scrutiny and democratic accountability.

*Dan Lyons, "The Politics of Animal Experimentation: Lessons from the UK".* Dan Lyons (Department of Politics, University of Sheffield, and the Centre for Animals and Social Justice) provided a fascinating case study of the difficulties of achieving meaningful reform of animal research regulation. The Animals (Scientific Procedures) Act was hailed as a breakthrough when adopted by the UK in 1986, because it explicitly required a cost-benefit analysis of animal research, and hence symbolized a shift from the "animal use" ideology dominant amongst researchers to the "animal welfare" ideology dominant amongst the public. But Dan showed that in practice, this law has been ineffective, primarily because the implementation process

continued to be controlled by the same close-knit community of researchers and bureaucrats whose interest lies in animal use, without meaningful input from the public or other stakeholders whose concern is for animal welfare. Reforming animal research, therefore, requires not only changing regulations, but also changing political structures, and in particular ensuring that there is an institutional home for animal concerns within the state.

*Vaughan Black, "Legal (Non)Regulation of Animal Research in Canada".* Vaughan Black (Schulich School of Law, Dalhousie University) noted that critics of animal use in Canada often start by bemoaning the weakness of our federal anti-cruelty law, which seems to leave animals vulnerable to virtually any level of harm or suffering so long as there is some legitimate human interest involved. Vaughan argued that this is a misinterpretation of the anti-cruelty provisions of the *Criminal Code*, and that these provisions could provide an effective tool in challenging animal research practices in Canada. He argued that the controlling case (*R v Menard*, 1978) does in fact require a cost-benefit analysis of the sort required by the 1986 UK legislation (the court held that “The beneficial or useful end sought to be attained must be reasonably proportionate to the extent of the suffering caused”). Vaughan argued that much animal research would not meet this test, and that even if crown attorneys were unwilling to lay criminal charges against researchers, private prosecutions would be possible. In any event, even raising the prospect that some animal research violates anti-cruelty provisions could change the way funders and animal care committees make decisions, and could empower students to refuse to engage in certain research.

*Laura Janara, "Governing Human-Animal Relations and University Practices: The Emergence, Logic and Effect of Canada's Oversight System, the CCAC".* Laura Janara (Political Science, University of British Columbia) provided a concise overview of the origins, logic and effect of the Canadian Council on Animal Care. While the CCAC claims “to act in the interests of the people of Canada” and indeed to be “accountable to the general public”, the reality is that these moorings – that politically and ethically legitimate the use of animals in research and teaching – do not exist, and the CCAC is instead tied to an animal use ideology. Laura argued that this is partly rooted in prevailing mobilizations of our constitutional order (in which animals are property not political subjects in their own right), and in more specific features of the CCAC. The latter was designed by and for animal researchers, without meaningful public involvement, and fails to ensure the “necessity” of animal use, instead constituting generations of scholars disciplined by the animal use ideology. The net result is that the numbers of animals used continues to increase. One way forward is to open up the governing of human-animal relations to input from the diverse publics in Canadian society.

*Elisabeth Ormandy, "Opening up: democratization of animal research in Canada".* Elisabeth Ormandy (Animal Welfare Program, University of British Columbia) noted that calls for reform to the governing of animal research often begin with the idea of “opening up” the process to greater input and scrutiny. Elisabeth suggested that there are in fact at least four different ways in which the process needs opening up, and that we need to attend to each of them. One dimension of openness concerns the relationship between researchers and the public, and the right of the public as taxpayers and alleged beneficiaries of animal research to know what is being done in their name, and with their money. This is often the main or exclusive focus of calls for reform. But Elisabeth argued we also need to attend to three other forms of openness: (a) openness

within the animal research community, where relations are currently driven by competition and secrecy in ways that lead to gratuitous animal research; (b) interdisciplinary openness, bridging the sciences, humanities and social science, based on the recognition that no one discipline contains all the knowledge relevant for governing animal research, but also on the recognition that we need to find languages that are understandable across different disciplines; and finally, echoing John Gluck's opening keynote address, (c) emotional openness to the forms of caring and attachment that arise between humans and animals in the lab, and acknowledgement that for many lab workers, animals are not simply "data points".

## **PART 2: NEXT STEPS**

The conference presentations raised a wealth of ideas for possible next steps. We have found it useful to organize these ideas under three different headings: (a) research collaborations; (b) policy interventions; (c) public education.

### **(a) Possible Research Projects/Collaborations**

A key theme of the conference was the need to open up the governing of animal research to democratic deliberation and decision-making. At present, we do not have well-developed models in the academic literature of what such a democratic process would look like, or of how they should be organized, or of the social and political preconditions that would make them possible. This suggests a broad-ranging agenda for interdisciplinary research collaboration to better understand the prospects for (and obstacles to) democratizing the governing of animal research. Given the specific interests and expertise of our participants, such research projects might include:

1. Experiments in Public Deliberation: Building on the work of Laura Janara, Dan Lyons, and Elisabeth Ormandy, we might try to design and implement a "Citizens Assembly" (or some other experimental mode of public engagement) to examine the regulation of animal research in light of public interest and public concerns. Ideally, we might try to pursue this in a comparative framework, with parallel Citizens Assemblies in, say, Canada and the UK (or with other international partners).
2. Comparative Studies of Legal and Regulatory Reform: Several presentations indicated that the regulation of animal research cannot be understood in isolation from broader features of the legal and institutional framework in a country, and that reforms that solely target animal research oversight bodies without changing broader issues of the legal status and political representation of animals are unlikely to be effective. Building on the Canada-UK comparisons in the conference, we could extend this comparative analysis to other countries (e.g., the US, EU, Australia, New Zealand) to better understand how regulatory frameworks that purportedly represent the public are in fact captured by narrow elites committed to an animal use ideology. Conversely, we might also ask which jurisdictions have made breakthroughs and been able to truly break open this closed circle? Can any of these developments be leveraged elsewhere? And are there untapped possibilities for reform? Vaughan Black argued for the untapped potential of federal anti-cruelty legislation, but we might also ask if there is untapped potential at the international

level. (For example, the recent International Court of Justice decision that the Japanese whale hunt lacks scientific merit may offer an interesting precedent).

3. **Translating Science for Policy Makers:** Many individuals (such as John Gluck and Jonathan Balcombe) and organizations (such as PCRM) have done excellent work in analyzing and disseminating information about the scientific limitations of animal models for biomedical research. Olivier Berreville and InterNiche have made similar efforts to disseminate information about humane alternatives in education. Yet these efforts have faced serious roadblocks, especially here in Canada. There is already a sizeable literature on the general challenges faced in making scientific findings available and accessible for policy-makers, but there appear to be challenges specific to the case of animal research that may not apply to other areas of science, and we need to better understand them.
4. **Comparative Studies of Human and Animal Research Ethics:** Many of us believe that research involving animals should be subject to the same ethical safeguards as research involving humans. This is a long-term goal, but in fact an increasing number of scholars are exploring what animal research ethics can learn from the evolution of human research ethics, and how existing policies on human research ethics (such as the Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans) can be adapted or applied to animals. A systematic study of this option is needed.

*Comment LJ: In the Tri-Council Policy's provisions for research involving First Nations, which is an outcome of First Nations political pressure on the councils, First Nations relations with animals and other nonhumans are specifically named. In general, pressure/innovations coming from First Nations and communities of colour regarding research ethics is a resource for thinking about human-animal relations in the context of research.*

*Comment VB: A cautionary note -- current regimes which involve proxy decision-makers for humans who are incapable of granting consent are inadequate. That is, the practice of turning to next of kin to grant consent for research on, for example, humans who are psychotic or are suffering from Alzheimer's, is highly problematic. Moreover, with non-humans it's hard to figure out who the consent-givers would be.*

## **(b) Possible Policy Interventions**

While the current legal framework governing animal research in Canada appears to work in favour of animal users, and any long-term progress is likely to require legislative reform, conference discussions identified at least three areas in which current practices may be in direct conflict with stated institutional commitments and/or legal mandate:

1. **CCAC Guidelines and Implementation of a Proportionality Test re Animal Use:** In light of Vaughan Black's presentation, federal anti-cruelty laws may require that harmful uses of animals meet a proportionality test (i.e. a genuine cost-benefit analysis), and if so, then the current practices of the CCAC may be violating that law. Highlighting this possibility might provide an opening to force a change of policy. On the other hand, Dan Lyons' talk on the UK experience suggests that cost/benefit guidelines will be ineffective as long as

the institutions implementing them are subject to regulatory capture by the research community and animal use industries. This raises the question of whether a new proportionality test would be applied in a meaningful way.

2. Sex Discrimination Policy: Several conference speakers noted that female students figure disproportionately amongst those who object to current practices towards animals, and are more likely to drop out of science in light of a biomedical research culture which requires desensitization to suffering. We might explore whether this constitutes a form of discrimination or ‘chilly climate’ in which expressions of care and emotional openness are stigmatized. The Sex Discrimination policy at Queen’s states that “Sex discrimination is an action leading to a distinction, intentional or not, based on person’s real or perceived sex/gender that has the effect of imposing burdens, disadvantages, and limiting access to opportunities.” For example, one of the ways in which sex discrimination can manifest itself is “An employment policy or practice that applies to everyone, regardless of sex, that has a negative impact on the employment of people of a certain sex and is not job-related or necessary to the operation of the business.” There would seem to be potential here to connect the failure of universities to promote humane alternatives in education and research and the disproportionate effect on women students and potential researchers.

*Comment LJ: In multicultural Canada, what do the specific ethical values reflected in the animal use ideology on campuses mean for many students who perhaps never even consider enrolling in life science classes that use animals for ethical reasons?*

3. Transparency: Universities make public statements concerning commitment to free debate and open dialogue, yet in practice hide behind veils of secrecy regarding animal research, and have sometimes attempted to suppress efforts at promoting open discussion on these issues on campus. How best to draw attention to this hypocrisy? Freedom of Information requests? An open letter to the university? Publication of an annual ‘audit’ of animal use to draw attention to the institution’s failure to do so?

*Comment DL: Encourage universities to implement policy whereby disciplines with a normative element have formal integration into animal research decision-making processes in the institution. Academic bioscience seems to effectively deny the existence of ethics and politics as legitimate (sub)disciplines, and they make decisions in isolation from available in-house ethical expertise. How many institutional committees have an ethicist and/or normative political scholar from the university on board?*

*Comment DL: Re possible gap between Canadian self-perception, and discourse, regarding strictness of regulation relative to other nations. Clearly Canada’s ‘regulatory’ system is much weaker than the formal framework in the EU now. (For example, in most EU countries, all research project evaluation and authorization must, by law, be performed by a government authority instead of the self-regulatory, institutional approach that only covers publicly-funded animal research as found in Canada.) If there is any history of discourse about Canada having some of the strictest regs in the world, that might be a fruitful line of lobbying (or public advocacy).*

*Comment JG: I think that perhaps the best chance in the shorter term is keeping attention focused on the failures of animal research translation to human medicine that have begun to be more prominently displayed and discussed. Studies of impact via citation analysis and published interviews of important human researchers might help via the conscience of animal researchers and the priorities of government and private funders.*

### **c) Possible Public Education/Advocacy Campaigns**

While several presenters argued that public opinion does not share the “animal use” ideology that currently governs animal research regulation in Canada, it remains true that the broader public is not well-informed about what kind of research is being done, in large part because universities and the CCAC do not disclose this information. It is therefore a challenge to inform the public, and to demonstrate why the status quo does not align with public values. The conference identified at least three promising potential campaigns in this regard:

1. **R&R Campaigns**: In her talk Gloria Grow noted that NEAVS is planning a “Release & Restitution” campaign for monkeys (modelled on the campaign for chimpanzees), and that Darla and Newton (macaques used in research at Queen’s and released to Fauna) will be ambassadors for this campaign. R&R campaigns have clear public resonance – as Gloria says, it’s difficult to deny that monkeys deserve a retirement – and the reluctance or refusal of universities to accept offers of sanctuary for former research subjects is clear evidence of their underlying animal use ideology. R&R campaigns could also be used to reach out to researchers and lab techs who might be potential allies in developing an R&R program – and to use this as an avenue for opening channels of communication with the research community. (See 3 below)
2. **Humane Education – The Gateway to Changing Research Culture**: Olivier Berreville made a convincing case that while the numbers of animals used in education (secondary school as well as university) might be far less than in other areas, this educational use represents a key step in the process of desensitizing students, and perpetuating research culture. Moreover, superior alternatives exist for all dimensions of educational use, and so it should be a straightforward and uncontroversial case for implementing the 3Rs. It might make sense to concentrate efforts in this area, with the idea that any gains here will foster change to research culture in at least two ways: by altering the process by which researchers are desensitized through education, or forced out of science altogether by ethical conflict; and by introducing students to alternative learning practices and models which will better equip them to think of alternative approaches to research. Workshops and presentations around schools and universities might be one way of reaching out to students and teachers. A further key point here, noted earlier, is that there is an evident gender dimension to the process of desensitization into research culture. Researchers need to be ‘cut out’ for the work, prepared to ‘man up’ and repress any ‘sentimental’ concern for animals. There is potential here for a public campaign which asks questions like: “How many women have been lost to science?” or “How does macho culture cost us brilliant medical researchers?” or “How do universities perpetuate a ‘chilly climate’ for conscientious scientists?” This kind of focus offers the opportunity of linking animal protection with commitments widely shared by the general public (e.g. to gender equality of opportunity; to meritocratic conceptions of career advancement in science, etc.)

*Comment JB: Some of the priorities identified for the Humane Society Institute for Science and Policy for 'bottom-up' reform of animal research culture include: shifting the mind-set that animal welfare is a burden to one in which animal welfare is essential for a sustainable, better future; changing the current structure of science to foster recruitment of animal welfare scientists; encouraging scientific publishing and peer-review to be more open to the potential of cognition and emotion in species other than humans; cultivating funding cultures globally that value animal welfare research, in part because of its contribution to improving human well-being; fostering beneficent approaches to animal research that focus on positive experiences and outcomes, such as rewards instead of deprivations and punishments.*

*Comment JG: I continue to believe that exposure of science students to the importance of serious ethical education, and not the brief box checking approach that now dominates so called education here in the US, will have a positive impact. The problem now is getting designers of curricula to respond to this need and make space and hire faculty capable of providing such an experience. Currently, certain types of training grants supported by the NIH and NSF require a minimum of 8 or so hours of ethics and integrity training. I thought that this was the initial foot in the door but have not seen attempts at expanding this minimum, but political lobbying in this area in the US might well be effective especially if we can point to abuses. Of course this goes to the openness that Professor Ormandy discussed. I have mixed feelings about the place of undercover operations like what the HSUS does. While revealing important information to the public, it seals the labs even tighter in response.*

3. Reaching Out to Former Researchers/Lab Workers, and Conflicted Participants: Beginning with John Gluck's keynote talk, and the screening of Karol Orzechowski's Maximum Tolerated Dose, a key theme of the conference was the ethical struggles of people caught within the system of biomedical research, and the enormous difficulty and costs for them of challenging or exiting the system. Several scientists at the conference expressed some frustration with their colleagues, especially those in prominent and influential positions, who were unwilling to publicly express their concerns, misgivings, ambivalence, or changing views regarding the ethics and science of animal research. This raises the question of how we can reach out to these individuals to encourage them to speak out, and to create safe spaces for them to discuss and explore their ethical dilemmas. One possibility here is to cultivate a kind of 'whistleblower' culture, but this may perpetuate an adversarial framework, and a complicated self-identity for researchers/techs as betraying their colleagues, or 'going over to the enemy', etc. A different approach would be to focus on opportunities for them to express their self-identity as caring, conscientious and committed scientists, and to do so in a way that defuses rather than exacerbates tensions.
4. Audits: While universities themselves refuse to disclose information, other actors could engage in their own 'annual audit' campaigns, trying as best as possible to assess how universities are faring in terms of the 3Rs, or in terms of providing humane alternatives in the classroom (and informing students of their human right to these alternatives).