

Animal Welfare, Animal Rights, Agriculture, and Veterinary Medicine: Changing Social Ethics and the Food Animal Practitioner

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Many of you have been exposed to the idea of a clear dichotomy between animal welfare and animal rights, with animal rights being the perspective of radicals; extremists, and vegetarians alone, and animal welfare being the acceptable moderate and mainstream position. I want to suggest to you that this is greatly oversimplified, and that, while many extremists do identify themselves with animal rights, a version of animal rights philosophy, which I will outline today, is becoming the mainstream approach to social thought about animals. According to a recent *Parents Magazine* survey, for example, over 80% of the public believes that animals have rights. Congress gets more letters on animal welfare/rights issues than on any other issue. Thus you need to understand and assess for yourselves the thinking implicit in this new idea, not simply dismiss it out of hand.

The past decade has witnessed a major revolution, both in degree and kind, in social concern with the moral status of animals. Although animal welfare concerns, and their codification in law, date back at least 200 years, those concerns have been almost exclusively addressed at cruelty. The lowest common denominator ethic obtaining in society has traditionally been encapsulated in the anti-cruelty laws, which laws forbid willful, intentional, malicious cruelty or wanton neglect, and which are as much designed to protect society from sadists and psychopaths who begin with animals and move to people as to protect the animals. In the laws, harm done to animals or suffering inflicted on animals for human necessity—essentially defined in the broadest possible way as economic benefit or even recreational benefit—is by definition exempt from the anti-cruelty laws. Thus standard practices in agriculture, animal research, hunting, trapping, rodeo, all cannot fall under the cruelty statutes.

Surprisingly, perhaps, this same thinking was dominant in the traditional humane or animal welfare movement, whose major categories were kindness to animals, cruelty to animals, and love for animals. This in turn led to the sort of selective concern for animals manifest in the federal Laboratory Animal Welfare Act of 1966 (P.L. 89-544)—moral concern tended to be restricted to the cute and cuddly. It is well-known that the Animal Welfare

Act was promulgated for anthropocentric reasons, namely to reassure pet owners who feared their pets would be kidnapped and sold to research laboratories.¹⁹ For purposes of the Act, a dead dog is an animal while a live mouse, rat, sheep, or pig is not. By the same token, the humane movement devoted little attention to animal agriculture, save for concern about humane slaughter and cases of patent neglect, such as underfed or improperly sheltered livestock, and occasionally rodeo, which was perceived as involving unnecessary suffering. The "normal" raising of animals for food was not an issue for the vast majority of humane organizations, and very few advocated a vegetarian life-style.

The very term "humane" bespeaks the idea that moral concern for animals is not an obligation for humans but a gift we bestow. It also led to an unfortunate tendency on the part of animal welfare people to stigmatize all those who cause animal suffering as *cruel people*—those opposed to animal research are forever characterizing scientists as sadists and psychopaths.

The basic principles of animal rights thinking are a major departure from these traditional categories of kindness and cruelty. First of all, it is clear that most harm perpetrated on animals and most animal suffering is not a result of cruelty, but rather grows out of "normal" animal use. Thus most researchers are not cruel, they do not enjoy hurting animals; they are not sadists, they have high ideals and noble aims; yet they use millions of animals annually and cause a great deal of harm and suffering to them. Similarly, most agriculturalists, hunters and trappers are not cruel, yet their activities can result in significant suffering. This point was well understood by a New York State judge a few years ago who had to decide a case where a group of animal rights attorneys attempted to prosecute the use of the steel-jawed trap for trapping under the anti-cruelty laws.² In dismissing the case, the judge remarked that were it within his power to do so, he would ban the steel-jawed trap today. But the way the animal cruelty laws are written, they simply do not cover things like the steel-jawed trap which are aimed at satisfying a human "need" (fur in this case) and at economic benefit. Therefore, he added, the only way to address such

cases is to change the law through legislation. So one basic feature of animal rights thinking is to concern itself with animal suffering, whether or not the source of that suffering is cruelty, which it typically is not. This example also explains why a major thrust of rational animal rights thinking is towards new legislation, governing the myriad practices involving animals to which the notion of cruelty is irrelevant and inadequate—paradigm cases are animal research and agriculture.

Second, it shows that those concerned with animal treatment are extending their purview beyond the cute and cuddly to animals which were traditionally ignored.

Third, and by the same token, the proper treatment of animals is seen in animal rights theory as a demand of **justice and fairness**, not as a matter of kindness or good will.^{10,11,17,18} Just as the women's movement would not accept as a slogan "be kind to women," so too the new animal movement rejects kindness as the relevant category. The feeling is that moral obligations to animals follow logically as an inevitable extension from moral ideas we already have about people in society. In this way, animal rights is an extension of 1960's thinking, where concern with the rights of minorities and women was seen not as a new idea being thrown out for discussion, but as necessarily following from ethical principles already taken for granted in society in our moral/legal system.

The first point to emphasize is that despite an inherent tendency on our part to magnify and stress differences in the ethical positions among diverse persons in a society, the similarities and agreements in ethical principles, intuitions, practices and theories which obtain in society far outweigh the differences. This is true for many reasons. In our society, most of us are brought up and steeped in the same Judaeo-Christian, democratic, individualistic heritage. In addition, we live under the same set of laws, which encode much of that morality in ways guiding and shaping our theories and practices. And finally, it is fairly evident that we could simply not live and function together if we did not implicitly share a very significant set of moral guidelines. This point is typically unnoticed precisely because it is always there and it works. What is noted and remembered are the situations where it doesn't work and where we are greatly divided—issues like capital punishment or perhaps abortion, though abortion, in my view, involves more of a metaphysical dispute than a moral one, since all parties would presumably acquiesce to the same moral principles governing taking human life; the debate seems to be over what counts as human life.

In any event, it appears that we do share something of a consensus ethical ideal for the treatment of human beings, which pervades our thinking and which governs our laws and social policy. This ideal is not difficult to articulate in outline: In democratic societies, we accept the notion that individual humans are the basic objects of moral concern, not the state, the Reich, the Volk, or some other abstract entity. We attempt to cash out this insight in part by generally making many of our social decisions in

terms of what would benefit the majority, the preponderance of individuals, i.e., in utilitarian terms of greatest benefit to the greatest number. In such calculation, each individual is counted as one, and thus no one's interests are ignored. But such decision-making presents the risk of riding roughshod over the minority in any given case, for example by suppressing an unpopular speaker. So democratic societies have developed the notion of individual rights, protective fences built around the individual which guard him or her in certain ways from encroachment by the interests of the majority.⁴

These rights are based upon plausible hypotheses about human nature, i.e., about the interests or needs of human beings which are central to people, and whose infringement or thwarting matters most to people (or, we feel, ought to matter). So, for example, we protect freedom of speech, even when virtually no one wishes to hear the speaker's ideas, say in the case of a Nazi. Similarly, we protect the right of assembly, choosing one's own companions, one's own beliefs, and also the individual's right not to be tortured even if it is in the general interest to torture, as in the case of a criminal who has stolen and hidden vast amounts of public money. And all of these rights are not simply abstract moral notions, but are built into the legal system. Thus, the notion of human nature is pivotal to our ethic—we feel obliged to protect the set of needs and desires which we hypothesize as being at the core of what it means to be human.

The obvious question which arises is what does this have to do with animals? The answer is simple. If one can show that there are no rationally defensible grounds for differentiating animals from humans as candidates for moral concern, we must logically bring to bear upon questions of animal treatment the entire moral machinery we use to deal with human questions. This does not force the conclusion that animals are equal to people in moral value; rather that our treatment of animals must be judged by the same moral categories we use to judge our treatment of people weighed by the same scales. In short, animal rights thinking attempts to extend our consensus social ethic to animals.¹¹

And as I have argued elsewhere at length, it turns out that there are no rationally justifiable grounds for excluding animals from the moral arena, even as it has been shown that there were none for excluding such traditionally neglected humans as women, blacks, and children. None of the standard reasons offered up in the history of thought for excluding animals from the moral arena will stand up to rational scrutiny. Such allegedly relevant differences as the claim that animals lack immortal souls; do not reason; lack language; are inferior to humans in strength or intelligence; are evolutionarily inferior; are incapable of entering into contracts; all turn out to be either false or lack the requisite degree of moral relevance which would justify not considering animals morally. For example, consider the claim that we can do as we wish with animals because we are superior to or more powerful than

them. This claim amounts to "might makes right," and if we invoke it here, we must also accept the claim that the government has the right (not just the power) to do to us what it sees fit, or that the mugger or rapist is morally justified in exploiting his victim, since governments and muggers are more powerful than those they oppress.¹¹

Equally important, one can argue that not only are there no morally relevant differences for excluding animals for moral concern as we in society define it, there are significant morally relevant similarities which animals share with humans.

The same sorts of features that we find in people and which give rise to our talking about right and wrong actions with regard to people are also to be found in animals. The features to which I am referring that are common to people and to at least "higher" animals (and possible "lower" ones as well) are *interests*—needs, desires, predilections, the fulfillment and thwarting which *matter* to the person or animal in question. Cars have needs—for gas, oil and so on—but they do not have interests, since we have absolutely no reason to believe that it matters to the car itself whether or not it gets its oil. That is why it is impossible to behave immorally towards cars—they are merely tools for human benefit. But animals with interests cannot be looked at as mere tools, for they have lives which matter to *them*.

There are, of course, categories of interests and interests which are common to all animals (including humans)—food, reproduction, avoidance of pain. But even more significant are the unique variations on these general interests, and the particular interests, which arise in different species. Even as we talk of human nature, as defined by the particular set of interests constitutive of and fundamental to the human animal, we can also talk of animal natures as well—the "pigness" of the pig, the "dogness" of the dog. Following Aristotle throughout his writings, I like to talk of the *telos* of different species of animals as being the distinctive set of needs and interests, physical and behavioral, genetically encoded and environmentally expressed, which determine the sort of life it is suited to live.¹¹ This is not a mystical notion—it follows directly from modern biology and genetics, and is certainly obvious to anyone who is around animals and indeed to common sense; hence, the song which tells us that "fish gotta swim and birds gotta fly."

Recall that we have argued that our consensus ethic for humans protects certain aspects of human nature deemed to be essential to the human *telos*, and shields them from infringement by the majority and even by the general welfare. If it is the case that one can find no morally relevant grounds for excluding animals from the application of that ethic, and if animals too have a *telos* it follows inexorably that animals too should have their fundamental interests encoded in and protected by rights which enjoy both a legal and moral status. In this way, we indeed illustrate that the notion of animal rights is implicit (albeit unrecognized) in our consensus social

ethics.

Thus, to summarize, the animal rights view attempts to apply the moral notion we all share about people to animals, and to encode basic protection for fundamental aspects of animals' natures into law.

It is critical that you do not simplistically equate this new way of thinking with radicalism and extremism. As I will shortly demonstrate, this new way of thinking is becoming mainstream; I can document animal researchers and ranchers who, once they understand the ideal we have outlined, have no difficulty agreeing with it. This new thinking merely provides a rational—rather than exclusively emotional—basis for concern with the treatment of animals. And the key point is that this way of thinking seems to be moving into general social thought, just as feminism did. To be sure, most people are not concerned about taking animal life; they are, however, very concerned about how that animal lives.

The effectiveness and influence of this new way of thinking about animals is manifest in new legislative changes all over the world. For example, consider the two new (1985) U.S. federal laws governing the use of laboratory animals, namely the so-called Dole-Brown amendments to the Animal Welfare Act (P.L. 99-198), and the so-called Health Research Extension Act (P.L. 99-158). In essence, these laws affirm the rights of laboratory animals to be free from pain and suffering not essential to a piece of research, and also affirm some other rudimentary rights for non-human primates and dogs—dogs have a right to exercise and primates the right to be housed under conditions which "enhance their psychological well-being." And it is my prediction that, eventually, husbandry of all laboratory animals will be legislated so as to require accommodation of the animals' natures, for scientific as well as ethical reasons.¹³ Similar laws for research animals have been enacted in Britain, Holland, and elsewhere.

Though application of this ethic has focused first on science in the U.S., its extension to agriculture is inevitable, and indeed, this has already begun in Europe. The paradigm case, of course, is the new legislation in Sweden, which even uses rights language in its erosion of confinement agricultural practices we take for granted and in granting cattle the **right** to graze.⁹ But Sweden is not an isolated, deviant, exception. Other legislative restrictions on confinement agriculture have been put in place elsewhere in Scandinavia, as well as in Germany, Holland, and Switzerland. The EEC and the Council of Europe have moved towards abolition of battery cages and other confinement techniques, and have devoted a great deal of attention to this issue.⁸ In Great Britain, dehorning and castration without anesthesia after eight weeks of age have been banned since 1981, and in January of 1987, the Minister of Agriculture announced an eventual ban on veal crates.⁸ In Germany, a recent government report recommended that German society move away from intensive agriculture for health and environmental reasons, as well as for reasons of animal welfare. Throughout the Euro-

pean legislative and parliamentary discussions surrounding this issue, emphasis was placed on the ethical dimensions, in accordance with the notion of matching environments to animal natures.⁵ This whole moral stance with regard to farm animals is perhaps best summed up in a statement made by the federation of EEC veterinarians (FVE)—hardly a radical group, not long ago:

It is clear to us that changes in systems to benefit food animals may mean higher cost to consumers. That is the price a civilized society should be prepared to pay.⁸

In addition, a recent National Cattlemen's Association survey showed that while 70% of the public believe that stockmen treat their animals well, 80% wish to see the standards for that treatment encoded in law.

In the face of the patently moral basis of this new concern for animals in general and for farm animals in particular, it is a mistake—and a non-sequitur—to respond that confinement agriculture has produced cheap and plentiful food and economic efficiency. Those concerned with animal rights need not deny this (though some would cite environmental and health costs of confinement agriculture, currently a major concern in Europe). What they would argue is that these economic benefits have come at the expense of the animal, and this is wrong. Indeed, the rise of confinement agriculture—the application of industrial methods to animal agriculture—was a major stimulus to the development of animal rights thinking, especially in Britain. The advent of technology has allowed us to put square pegs in round holes, to keep animals under conditions to which their natures are not suited, without the wholesale devastation which would have occurred years ago before the technology was developed, but nonetheless the animals pay a major price, in behavioral anomalies, production diseases, and disturbance and frustration of their telos.⁶ As we all know, moral values check profit and economic efficiency in many areas; we don't allow child labor and condemn child pornography even though they both may be very productive economically. And in the universities, it is clearly more "efficient" to teach thousands of students via videotape and computer; what is lost is quality.

What the animals rights philosophy, and increasingly, society as a whole, are demanding is that moral concern for animals serve as a check on efficiency exacted at the cost of animal welfare. And the society is willing to pay for it—it is estimated that enforcing the Animal Welfare Act for research animals alone costs \$500 million, with much more spent to satisfy NIH requirements. The traditional definition of "necessary suffering" as suffering which is **inconvenient** to alleviate is moving towards social redefinition as suffering which is **impossible** to alleviate.

What ought the role of the agriculturalist and the veterinarian be in response to the growing prevalence of the sort of ethic we have outlined? (Bear in mind my point that this sort of thinking seems to be becoming

mainstream, not "fringe" and that it is to society as a whole that animal users must account.) In the first place, agriculture should avoid the mistake made by biomedical science a decade ago when it responded to a burgeoning thrust for federal legislation protecting laboratory animals with a vigorous denial that there was any need for legislation. For example, in a debate with me before 1000 people held at Colorado State University in 1981, Dr. Grafton, representing the National Society for Medical Research, resoundingly declared that "there is nothing questionable done to any animal in any medical or veterinary school in this country."⁷ NIH had no mechanism for enforcing its own guidelines nor any desire to establish one. Those of us in Colorado who, in 1977, had drafted the model legislation which eventually became the 1985 Federal laws, were vilified. (Ironically, the majority of our group were laboratory animal veterinarians and researchers who saw clearly that the lack of any enforced regulation was morally, socially, and scientifically unacceptable). I was called an apologist for lab trashers and an exonerator of the Nazis in the *New England Journal of Medicine*.²⁰ Of course, as public opinion developed and grew in favor of legislation and when the University of Pennsylvania head-injury tapes and other atrocities became public, the research community reversed itself, and was glad that we had articulated viable legislation based on enforced self-regulation.

Unfortunately, it is difficult for many scientists involved with agriculture to relate to the evolving ethic on animals. The socio-ethical demand that we back off from the search for ever-increasing efficiency flies directly in the face of the traditional mandate for agricultural scientists and veterinarians—that they develop the wherewithal to produce greater amounts of food efficiently and cheaply. To many agricultural scientists, this new ethic is thus tantamount to a repudiation of their life's work.

The key point, however, is that science is not, as is often asserted value-free, but is driven and guided by social values. And society is now demanding that efficiency be subordinated to the proper treatment of animals in accordance with the sort of ethic we have sketched, and further that this be encoded in law. Whereas it is difficult for animal science to accommodate this new ethic, veterinary medicine is more congenial to it.

The basic function of veterinary medicine is to secure the health of animals. Traditionally, this served an agricultural function—under traditional, pre-confinement animal agriculture conditions, a sick animal was not a productive animal. If animals did not eat, or lost weight, or died, the farmer did not make a living. Conversely, a healthy animal was a productive one—traditional agriculture relied on exploiting the natural fit between animals and their environment. Despite the close link between maintaining health and maintaining productivity, the two notions are quite distinct conceptually.

To understand this major point, we must briefly examine the concept of health. In a series of papers, I have

attempted to explore this notion in both human and veterinary medicine.^{12,14} The major feature of my analysis involves the realization that the concept of health (and the paired concept of disease), is not simply or even largely an empirical concept. The concept of "weight x pounds" is clearly empirical—it involves applying a mechanical procedure to an object to determine some numerical value corresponding to weight. The concept of "obese" (i.e., beyond desirable weight), on the other hand, is not as straight-forwardly empirical, as it involves implicit reference to some ideal for the organism, which ideal is established by reference to both facts and values, e.g. aesthetic values or values associated with longevity. The key point is that while weight would be cross culturally uniform (barring cultural differences in precision of scales or units used), obesity would not be. Given different values, what is obese in one culture may be beautiful in another or a mark of prosperity in a third. In fact, in our current culture, obesity is so incongruent with our values that we actually classify it as a disease, falling within the purview of medicine.

The concepts of health and disease are very much like the concept of obesity. No set of facts forces us to call an organism healthy or sick; in the absence of a valuational notion of the ideal for that organism such notions are meaningless. And these ideals are plainly variable from culture to culture, and from era to era. Hence the medical anthropologist Ackerknecht reports that certain tribesmen responded to concern about a fellow tribesman covered with sores as follows: "Oh he's not sick; he only has yaws."¹ And other anthropologists relate that certain tribes refused dysentery medication on the grounds that it made them constipated. We are all aware that health cannot simply be reduced to statistical normalcy, for we are all familiar with populations where disease is the statistical norm.

In our culture, notions of human health and illness are largely determined by the medical community, to whom society has turned over responsibility for these decisions, in the same way that, in the past, the clergy was responsible for deciding who was righteous and who a sinner.

Like all other value decisions, decisions concerning illness are open to criticism by canons of rationality, plausibility and good sense, and physicians have not always adhered to these canons, as with diagnosis of hypoglycemia based solely on glucose tolerance tests in asymptomatic individuals; or characterization of obesity as a disease (rather than a factor contributing to disease); or psychiatric vacillation on homosexuality as illness or lifestyle.

In the case of veterinary medicine, the decisions concerning health and disease which veterinarians were traditionally called upon to treat were based not in their hands, but in the hands of animal owners, whose decisions about disease were overwhelmingly economic. Symptoms, syndromes, discomfort or abnormality which had no relevance to animal productivity or marketability did not be-

come treatable diseases or medically real. Pain and suffering with no commercial implications did not fall within the medical purview of veterinarians—hence the view of anesthesia not as pain relief but as chemical restraint; hence too, the failure to use anesthesia in agriculture in the absence of danger from unrestrained animals and where it was cheaper not to use it, as in cattle castration.¹⁶

Despite this close tie with economic valuing of animals, and its correlative historical tendency to define only diseases and concerns with economic implications, veterinary medicine is conceptually harmonious with burgeoning concern for the welfare and rights of farm animals. Unlike physicians, veterinarians have been constrained in their art by how society in general, and agriculturalists in particular, view and value their animals; and veterinary concepts of health and disease have thus reflected social views of animals. But as society's view of and concern for animals changes, so too do the veterinarians' conception of their role, and their view of health and disease. This is evident in many ways. For example, as more and more utilizers of veterinary services become pet-animal owners rather than food-animal agriculturalists, the valuational basis of veterinary medicine changed because the value of the animal changed. Whereas food animal producers would not typically concern themselves with treating their animals' pain, pet owners certainly do, and are willing to pay for their alleviation. Thus the companion animal veterinarian's concept of health and disease changes, and indeed is broadened to include more and more concerns analogous to the concerns of human doctors—pain, suffering, and even mental health, psychological well-being, or happiness.

What does this have to do with food animals? The answer is simple. Whereas at first only pet animals were perceived as meriting this sort of concern, as we have shown, society has inexorably been extending it to non-favored animals as well, and as we said, has recently in the U.S. legislatively mandated, for example, control of pain and suffering of hitherto neglected animals, such as laboratory rodents.¹⁶

In addition, such legislation not only requires that control of overt physical pain and suffering be included in the definition of adequate veterinary care, it significantly extends the valuational basis for what counts as a healthy animal. In particular it now acknowledges something close to mental health in animals, in its requirement that distress be controlled, in its demand that husbandry of primates be required to enhance their psychological well-being, and in its requirement that dogs receive exercise. This is a radical departure from notions of animal health based solely on the utility of the animals for human purposes.

Now we have shown that such social concern is being extended to food animals as well as research animals—this much is clearly evidenced in the European laws we cited. Thus the concept of animal health is being extended to include some notion of animal happiness—specifically sat-

isfaction of the interests which make up the animal's nature or *telos*—in the same way as concern for health in the child by pediatricians has come to mean concern for adjustment, psychological well-being, or happiness of children, not merely control of infection or sore throat. Society could eventually move to some notion of animal health analogous to the World Health Organization definition of health for humans as "a complete state of mental, physical and social well-being," something far more elusive than the absence of overt pathology.

In sum, rising regard for the moral status of animals is readily accommodated by veterinary medicine. It requires only that veterinarians expand their vision of what counts as health and disease beyond pathologies which conflict with human purposes for the animal. Significantly, such an augmentation is as much in the interest of veterinarians as it is of animals—as the social value of animals increases, so too does the social value and remuneration of those who care for them.¹² This in turn broadens the economic base for veterinary medicine as well as the efficacy of veterinarians—the authority, power, and salaries accorded to laboratory animal veterinarians as a consequence of recent legislation provide a dramatic example of this point. In short, those traditionally responsible for the health of animals in the limited sense of that term now are the natural choice to concern themselves with animal health in the expanded sense which includes happiness, welfare, and well-being. It is for this reason that I have written that the veterinarian is the natural animal advocate, as the pediatrician has been for children. The food animal practitioner is the natural mediator between producer, animal, and changing social ethics, even as society has charged the laboratory animal veterinarian with such a role for laboratory animals. Thus veterinary medicine (contrary to the fears of some of its myopic practitioners) not only has nothing to fear from increasing enfranchisement of animals—it actually has much to gain. In my view, it is the natural ethical responsibility of veterinarians to lead in putting animal welfare into practice as the moral status of animals rises in society.

Sweden is not Mars; the Atlantic is a shrinking ocean which ideas cross with great speed. Recent laboratory animal legislation bespeaks the growing hold of the ideas we have outlined on mainstream thinking and demonstrates their ingression into the legal system. As long ago as the 1960's, the Brambell Commission in Britain essentially advocated some fundamental rights for farm ani-

mals,³ which rights are regularly violated in our confinement systems. U.S. society will soon demand that agriculture back off, at least to some extent, from confinement and pay greater attention to agricultural animal comfort and happiness, and encode this demand in legislation. It would behoove agriculture in general and veterinary medicine in particular to anticipate this and to use its expertise to help formulate such law, rather than to play Russian roulette with its future by placing the responsibility for legislation in the hands of those urban folk who don't know hay from straw and are ill-equipped by background and training to formulate reasonable policy. **This critical juncture should best be perceived not as a threat to veterinary medicine, but rather as an opportunity to expand its views of animal health and welfare to the benefit of the animals.**

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