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Animal protection, animal research and political science

Since the mid-1970s, increasing public concern about the treatment of animals and a growing animal protection movement have contributed to the evolution of public policy regulating aspects of human/nonhuman animal interactions. However, the politics of animal protection has been largely overlooked by political science, particularly in the field of public policy research. Robert Garner’s 1998 work *Political Animals: Animal Protection Politics in Britain and the United States* remains the sole study of animal protection public policy. This book aims to help remedy this neglect.

Of all the animal protection issues, animal experimentation is arguably the most emotive and contentious. On the one hand, Garner (1993: 118) notes that laboratory experimentation on animals ‘provides some of the most severe examples of animal suffering’. Furthermore, some critics argue that research on animals is scientifically flawed and hence detrimental to human well-being: ‘In medical research animal experiments are generally bad science because they tell us about animals, usually under artificial conditions, when we really need to know about people’ (Sharpe, 1989: 111). Deeply-help moral positions on the necessity of animal rights and the perception of a policy process dominated by groups with a vested interest in animal research have contributed to ‘direct action’ outside the policy process – some of it illegal and aggressive – by some sections of the animal protection movement (Garner, 1998: 4–5).

On the other hand, proponents of animal research insist that the practice has been and continues to be essential to the achievement of major public health benefits, particularly in terms of the development
2 The Politics of Animal Experimentation

of medical therapies (Paton, 1993: 4). Moreover, it is claimed that, in response to public concern for the welfare of animals, animal experiments are subject to a strict regulatory regime which ensures that the perceived benefits of such research outweigh any animal suffering, which is minimised (Matfield, 1992: 335).

This apparently acute conflict between the interests of human and non-human animals, and the fact that anti-vivisection pressure group activity also challenges the legitimacy of powerful economic and professional interests, makes for controversial politics with the potential to affect core public policy areas such as the economy, health, science and technology, consumer and environmental protection, and law and order.

From a political science perspective, UK animal research policy is especially significant because of the introduction in 1986 of an innovative legal framework that appeared to represent a fundamental change in the way that animals' interests are considered. Previously, under the regime established by the Cruelty to Animals Act 1876, licenses for animal research were granted without any regulatory scrutiny of the potential value of the proposals or the potential pain likely to be caused to animals (Garner, 1998: 187). However, the putative regulatory system introduced by the Animals (Scientific Procedures) Act 1986 is based on a cost-benefit assessment involving the weighing of adverse effects likely to be experienced by animals used in procedures against the likely benefit to accrue to 'man, animals and the environment' (Hampson, 1989: 240–1; APC, 1998: 43). This cost-benefit assessment is supposed to be the core determinant of whether proposals to conduct animal research projects should be legally permitted and, if so, the level of officially-sanctioned animal suffering. In January 2013, a new EU Directive (2010/63/EU) was transposed into UK law which retains this fundamental decision-making framework, meaning that, other things being equal, case studies of this policy area under the 1986 legislation remain relevant today.

Advancing knowledge of British animal research policy

The single study of animal research public policy to date (Garner, 1998) concludes that animals' interests are given significant consideration as a result of the assent of the 1986 legislation. On this reading, the animal research policy process is 'relatively open and pluralistic'; both animal researchers and animal protection groups have access to and influence over policy-making, overseen by Home Office actors who adopt the role of neutral arbiters between the conflicting groups (Garner, 1998: 231).
However, until now, research into this policy field has been severely constrained by a lack of available empirical evidence regarding the operation of the 1986 Act and policy outcomes, as well as being influenced by a method involving comparison with US animal experimentation regulation. So, the description ‘relatively open and pluralistic’ may not illuminate the true state of the British situation. Moreover, concerns have been raised regarding whether the implementation of the 1986 statute has given animals’ interests the level of consideration indicated by the formal legislative and administrative framework (FRAME Trustees, 1996). These considerations indicate the need to explore an alternative hypothesis regarding UK animal research policy: the interests of animals are given scant consideration in an elitist policy process characterised by research interests’ domination and the effective exclusion of animal protection groups.

One of the major sources of this study’s originality is its utilisation of historically unprecedented confidential primary data relating to interactions and policy outcomes concerning a recent major animal research programme: pig-to-primate organ transplantation conducted between 1995 and 2000. This information has been legitimately disclosed following the settlement of legal proceedings involving the author (in his capacity as an animal protection lobbyist) and the research company (Townsend, 2003). Normally, such sources are prevented from entering the public domain due to commercial confidentiality and Section 24 of the Animals (Scientific Procedures) Act 1986 (and as amended in 2012), which prohibits the disclosure of information related to the regulation of animal research. This therefore forms the core of a critical case study that enables the previous research constraints to be partially overcome, thus facilitating a novel re-examination of this policy area.

The case study, and in particular, the primary data, provides new insights into the way that the potential costs and benefits of animal research are measured, weighed against each other and controlled in policy-making. Furthermore, this research programme was subject to relative close regulatory scrutiny, and so it would be most likely to support the pluralist description rather than the hypothesis proposed here. This means that if the case study supports the hypothesis, its generalisability is enhanced. For these reasons, this data is more reliable and relevant than any hitherto available in relation to the hypothesis addressed in this book.

The analysis of this data reveals that the ‘costs’ – i.e. adverse effects – suffered by animals significantly exceeded the level posited by the
regulatory assessment. The severity assessments required that the vast majority of the primate recipients of pig organs had to be euthanased before they suffered systemic illnesses or significant discomfort. But in reality, many were left to deteriorate until they were found dead or in a collapsed state. On the other hand, the benefits that accrued fell considerably short of the scientific and medical advances that were predicted and formed the justification for the research. The project was permitted on the basis that Imutran were likely to achieve progress that would allow human trials of pig organ transplants. In reality, Imutran and Home Office regulators had overlooked the precipitous immunological barriers to cross-species transplants. Consequently, the research failed to make significant headway in four and a half years of experimentation. The implication of this case is that, when the Home Office assesses licences to conduct animal experiments, animals’ interests in not being subjected to pain and suffering – and the related concerns of sympathetic members of the public and cause groups – are afforded little effective weight relative to researchers’ interests and their claims for potential medical and scientific benefits. Furthermore, the practical operation of the cost-benefit assessment is revealed to be inconsistent with formal policy requirements and official statements on the implementation of the legislation. These outcomes reflect a policy process monopolised by pro-animal research interest groups to the exclusion of animal protection actors, which remains the case to the present day.

Improving public debate and democratic accountability

However, advancing knowledge of animal research policy-making not only brings academic benefits, but may also facilitate positive social impacts in terms of animal protection, biomedical research and democratic accountability. Public debates about animal experimentation tend to be conducted in rather ideal, absolute terms: is the practice justified, or should it be abolished? While framing the debate in this way does, indeed, reflect vital ethical arguments about the moral status of human and other animals and the current utility of animal experimentation, it has actually had merely marginal, indirect effects on policy outcomes. As this study will demonstrate, since 1876 the prospects of achieving the abolition of animal experimentation within a definable timeframe have diminished from slim to negligible. That is not to denigrate the ethical argument for the cessation of such practices insofar as they represent the knowing infliction of pain, suffering and harm.
on sentient individuals. Rather, it reflects the inescapable reality of the huge, historically entrenched power advantages enjoyed by animal research interests.

Therefore, if the only option proposed for short-term practical change is abolition, then change is rendered unfeasible. This should be a matter of concern not only to anti-vivisectionists, but to the majority of the public for whom cruelty to animals involves, at least, significant ethical costs. Moreover, animal researchers’ statements of commitment to the ‘Three Rs’ (House of Lords, 2002: 37) – the reduction, refinement and replacement of animal experiments in order to minimise animal suffering – give the impression that the practice is deemed a source of moral regret even by those engaged in it.

Consequently, a public discourse dominated by absolute and highly generalised policy positions is likely to obscure the questions which are of most practical relevance. Instead, it is through attention to questions surrounding the severity of animal suffering and the manner in which such ‘costs’ inflicted on animals are compared with predicted benefits – and, crucially, who makes those decisions – that animal research regulation can become publicly accountable and implemented in a way that honours the apparent consensus in favour of the reduction and eventual elimination of harm to animals.

Outline of chapters

In order to establish a theoretical framework for this study, the next chapter reviews the policy network approach to political science. The policy network approach focusses on the relationships between interest groups and the state in particular policy areas in order to understand the policy process and policy outcomes. In addition to its widespread use in public policy research (Marsh and Smith, 2000: 4), another reason why this tool is adopted is that it is the approach that guides Garner’s analysis of animal research policy. Therefore, by gaining an in-depth understanding of policy networks, a critical review of the existing analytical framework underpinning the current understanding of animal research policy will be facilitated.

Chapter 2’s examination of the policy network approach focuses on the dominant Marsh/Rhodes typology (Marsh and Rhodes, 1992b). The analytical utility of the Marsh/Rhodes schema – and of policy networks in general – is based on the idea that variations in the dimensions of policy networks affect policy outcomes. Thus, policy networks with a broad membership, fluctuating access for different groups, distant
state-group relationships and high levels of conflict – ‘issue networks’ in the Marsh/Rhodes terminology – will tend to produce outcomes that fluctuate and do not consistently favour one set of interests. On the other hand, policy networks characterised by exclusive membership, close integration between state actors and certain group members, and consensus – known as ‘policy communities’ – will tend to produce outcomes that consistently favour network members at the expense of excluded groups. The explication of the policy network framework means that a key question can be posed based on the hypothesis addressed in this study: Is animal research policy made in a policy community environment?

The review of the policy network literature also identifies a shift from a static approach to a more dynamic conception of policy networks (see Marsh and Smith, 2000; Hay and Richards, 2000). In particular, it is necessary to understand the process of change and continuity in networks and outcomes, which involves iterative – or ‘dialectical’ – interactions between political actors and structures, and between the network and both the actors within it and its structural context. In other words, networks are said to be constrained by broader patterns of power distribution and other exogenous factors such as public opinion and changes in knowledge and technology. However, although networks and outcomes are constrained, they are not determined because of the ineluctable role of agency. Chapter 2 concludes by trying to overcome a perceived hiatus in the network literature: it presents a table which postulates variability in the way that issue networks and policy communities mediate different exogenous dynamics and facilitate agency. For example, whereas issue networks are susceptible to changes in public opinion or the governing party, policy communities are thought to be relatively resistant to such perturbations. This table is then used as a heuristic device in subsequent chapters to assist understanding of the evolution of the animal research policy network.

Chapter 3 applies these insights to review Garner’s case for an animal research policy network with issue network characteristics: the ‘issue network’ thesis. Garner’s inference is based significantly on his perception of the circumstances surrounding the formation of the animal research policy network in 1876, and indicates his implicit adoption of a historical institutionalist approach and the concept of path dependency. This emphasises the need to reconstruct the evolution of this policy process in order to understand its present operation, which gives rise to four chronologically-ordered research questions:
1. Which group(s) interests were served by the assent of the Cruelty to Animals Act 1876?
2. Did the policy network that emerged during the passage of the 1876 Act evolve into a policy community in the subsequent years?
3. Did the passage of the Animals (Scientific Procedures) Act 1986 signify a core change in policy?
4. Does the implementation of the Animals (Scientific Procedures) Act 1986 reflect an issue network or a policy community model of policymaking?

These questions point to a further research question related to the core hypothesis – that the nature of UK animal research policy-making reflects a persistent policy community rather than an issue network – which can be comprehensively addressed through these four questions. They also provide the framework for the empirical parts of the book, which are covered from Chapter 5 through 8.

The review of the animal research policy literature raises important methodological questions. Therefore, Chapter 4 begins with an examination of Garner’s meta-theoretical assumptions which underpin his use of historical institutionalism, path dependency and policy networks. Through this analysis, a critical realist epistemology and methodology is outlined that provides the foundation for this work. This is consistent with the dialectical approach to policy networks that seeks to reflect the relationship between structure and agency. The critical realist epistemology also implies that a suitable methodology for this study involves a mixture of qualitative and quantitative methods, and the use of a case study. Moreover, the constraints on, and opportunities for, obtaining relevant data indicates that it is appropriate to utilise secondary and tertiary data to address the first three research questions relating to the historical background to animal research policy, while the primary data provides a suitable basis for a detailed case study of recent practices that are relevant to the fourth research question.

Thus, in order to address the first three research questions, Chapters 5 through 7 use policy network analysis within a critical realist epistemology to reconstruct a chronological narrative of animal research policy. However, the most salient empirical part of the book is found in Chapter 8, which presents the case study. By analysing unique primary sources, it will be possible to offer new empirical data concerning network interactions and how the cost-benefit assessment introduced by the Animals (Scientific Procedures) Act 1986 (and retained in the amended
The Politics of Animal Experimentation

2012 law) operates in practice. As a result, it will be possible to assess the nature of power in the network and revise the existing understanding of the nature of the network drawn from the Marsh/Rhodes typology.

Finally, Chapter 9 summarises the findings of this study and discusses its contribution to the understanding of animal research policy, power distributions in the British political system and policy network analysis. In addition, the limitations of the book's conclusions are set out as well as beneficial future research paths.
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