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Commentary on “The Gladiator Sparrow: Ethical Issues in Behavioral Research on Captive Populations of Wild Animals”

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Should Clarisse continue this experiment? The central moral issue in considering that question is whether the birds’ interests should be taken into account in evaluating whether or how to conduct the experiment. If the answer is “No, their interests should not be taken into account,” then, assuming the experiment is well designed and likely to yield useful results and hence is a good use of resources, there is no reason not to have undertaken it in the first place or continue the experiment. If the answer is “Yes, the birds’ interests should be taken into account,” then one must determine what their interests are and what bearing consideration of their interests should have on a decision to undertake the experiment, modify it or continue the experiment.

Moral status of birds

To ask about the moral relevance of their interests is to ask about the moral status of birds. Are they the sort of entities that have moral standing, that is, entities that at least have interests of some moral importance and perhaps moral rights, or are they rather like rocks, which have no interests, no moral status? Orlans et al. have an excellent introductory discussion of the various ethical theories that can be brought to bear on the issue regarding the moral status of animals. Relevant to the question of the birds’ status is whether birds can feel pain or suffering. If they can’t experience pain or suffering, then one central objection to this experiment is removed. The birds cannot be harmed in this sense, so perhaps there is nothing wrong with the experiment. Historically some (the philosopher Descartes, for example) have held that birds (and other animals) do not experience pain. That view is not widely held in the scientific community, although there may be debate on the extent of pain and kind of suffering such animals experience. I will not focus on this view.

Even if one grants that the birds in this case experience pain and suffering during the experiment or later as a result of the experiment, one might take the position that such a fact is morally irrelevant to whether or not to conduct the experiment. One might hold, as did the philosopher Kant, that “animals are to be regarded as man’s instruments, as means to [man’s] ends.” One can admit that the birds experience some forms of pain and suffering, but argue that their pain is of no moral relevance whatsoever to the question of whether the experiment is morally permissible. Some in the scientific community may hold this position. The fact that we have and observe the Animal Welfare Act, however, indicates that most people agree those research animals’
pain and suffering is somehow a relevant factor. Although this position raises important ethical and philosophical issues, since the locus of disagreement tends to be elsewhere, I will not focus on this view, either.

At the other end of the spectrum, some hold that both humans and other animals (at least animals with a sufficiently rich psychological life) have inherent value, that is, they have “morally significant value in themselves, apart from their possible usefulness to others and independently of the... overall status of their mental life.” This view, developed by Tom Regan and called “inherentism,” holds that at least some animals have the same moral status as humans provided they are capable of having beliefs and desires and acting intentionally. Consequently, they are not to be used merely as means for human ends. If this view is correct, there is no justification for using these sorts of animals in any scientific research. If birds fall in the category of animals with inherent value, there ought to be no balancing the interests of the birds against those of humans. Clarisse should not have undertaken the experiment and should discontinue it immediately. As Regan himself admits, however, there are difficulties in determining which animals are psychologically rich enough to fall in this category.

Even if one does not accept the inherentist position, a more common position holds that birds and other animals have some sort of moral status because they are sentient creatures, capable of experiencing pain and suffering. Sentience is the feature relevant to determining moral status. Humans have at least a *prima facie* duty not to cause any sentient being pain. The pain of any sentient creature counts, and the pain or pleasure of humans does not automatically override that of other animals. That is the utilitarians’ view.

If one accepts this position on sentient beings, one still might argue that although the birds in this experiment experience pain, suffering, and death, those facts are irrelevant to determining what to do in this particular case. That is not because the birds’ pain, suffering or death is morally irrelevant but rather because their pain and suffering was not causally connected to the experiment. Gladiator sparrows are aggressive. They attack and perhaps kill each other in the wild. If the same aggressive wounding and killing goes on in the wild at the same level as Clarisse observed in her cage, then one might argue that she had here a kind of natural laboratory. She was simply passively observing, in a convenient forum, what would have happened to these birds in the wild.

Indeed, Clarisse belatedly discovers from researchers and early reports in the literature that gladiator sparrows exhibit the intensity of aggression in the wild that she observes in her cage. If she were able to determine by literature search and field observation that the birds exhibited a level of aggression and outcomes that closely match what she later observed with her caged birds, then one might argue that she is simply a passive observer and that the experiment contributes nothing to the pain and suffering of the birds. Suppose she were able to determine by field observation in advance of the experiment that for every 30 birds in the wild, six to twelve would be killed and a number seriously injured during the first few weeks of the mating season. One might argue that her intervention had caused no harm and thus it would be acceptable to carry out and continue the experiment. On the other hand, if the