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Recommended Citation

Hampson, J.E. (1981). History of animal experimentation control in the U.K. *International Journal for the Study of Animal Problems*, 2(5), 237-241.

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History of Animal Experimentation Control in the U.K.

Dr. Judith E. Hampson

The legislative control of the use of animals in experiments in the UK lies in the *Cruelty to Animals Act* of 1876. Animal Welfare groups and individuals in Britain have pressed for reform of this law almost since its inception 105 years ago, and the British government has recently agreed to bring this legislation up to date. Any new or amended legislation could have far-reaching implications, both for laboratory animal welfare and upon the scientific community and is therefore of considerable importance both in this country and overseas. No proper appreciation of the problem would be possible without reference to the historical background.

The Act of 1876 did not go far enough to satisfy all those humanitarians who had originally campaigned for legislation to control experimentation. Agitation over experimentation in Britain began in the mid-nineteenth century. Strong feelings were aroused largely as a result of certain experiments which were taking place in France and Germany. In 1822 Magendie, sometimes described as the father of experimental physiology, demonstrated the sensory and motor functions of the dorsal and ventral spinal nerve roots in unanaesthetized dogs. These experiments were to become the center of a drawn-out and heated controversy, not only because of the cruel nature of the work itself, but also because Magendie's theory was hotly disputed by Sir Charles Bell in England. Bell, antipathetic to experimentation, drew his inferences from anatomy. The stage was set for debate, not only about the ethics of vivisection, but also its utility.

Magendie's insistence upon experimentation strongly influenced his pupil Claude Bernard, who was to claim the credit for raising the 'art' of medicine from empiricism to the status of a truly experimental science. While his somewhat subjective dabblings in ethical philosophy could be seriously challenged, his scientific methodology was sound. In his classic *Introduction to the Study of Experimental Medicine* he firmly set out the principles of the experimental method and their application to the 'new sciences' of physiology and medicine. It soon became clear to humanitarians, as the method was put into practice, that what was at issue was not simply isolated cases of animal abuse, but a whole new trend in science which was, by definition, to claim living animals as legitimate experimental tools.

During the early part of the nineteenth century, as physiology became institutionalized in France and Germany, British scientists were reluctant to take up the new method. In Britain, the medical profession lent considerable support to humanitarian protests against Continental research and teaching methods. For example, the surgical mutilation of unanaesthetized horses by students practicing their skills in French veterinary schools was strongly criticized by both the British medical press and the Royal Society for the Prevention of Cruelty to Animals (RSPCA). Official RSPCA policy was that experiments under full anaesthesia were permissible, whereas painful experiments were not.

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The British antivivisection movement really started in the 1860's. Frances Power Cobbe, who was to found the first antivivisection society, began active campaigning against the infamous practices carried out at the Physiological Institute in Florence by Professor Moritz Schiff, a pupil of Claude Bernard. Attempts by Cobbe and her friends in the Anglo-American literary circle to persuade Schiff to desist from these activities did not succeed, but on her return to England Cobbe continued her fight against vivisection. British scientists, however, were not unaware of the ethical controversies surrounding their work and in 1871 the British Association for the Advancement of Science drew up a 'moral code' which gave guidelines for those experimenting on living animals.

However, in 1874, an event occurred which was to have a devastating impact. At the first meeting of the British Medical Association in Norwich, another former pupil of Claude Bernard, French physiologist Eugene Magnan gave a lurid display of the differential effects of alcohol and absinthe by injecting them into the veins of two dogs. The dog injected with absinthe died. Heated protests were raised in the audience at the time and subsequently John Colam, then Secretary of the RSPCA, instituted proceedings against Magnan and the three Norwich doctors who had assisted him, under the Cruelty to Animals Prevention Act, 1849. The prosecution failed because Magnan had, by that time, returned to Paris and there was insufficient evidence against the three British doctors. The Magistrates, however, concluded that the RSPCA had been justified in bringing the proceedings. The trial became important in three respects: It illustrated to the medical profession that its members were open to prosecution under existing legislation; it stirred up considerable public controversy and it illustrated to humanitarians that existing legislation was inadequate, at least in relation to animal experimentation.

Thus it became clear to the humane movement and scientists alike, if for diametrically opposed reasons, that a law dealing specifically with the protection of experimental animals was required.

As a direct result of the trial, Cobbe circulated a petition designed to stimulate the introduction of legislation. Within six weeks this had attracted 600 signatures, including those of Carlyle, Tennyson, Browning, Sir William Fergusson (Surgeon to the Queen), Dr. Thomson (Archbishop of York), John Ruskin, Lord Coleridge, several Bishops, Members of Parliament and Peers. The petition was formally presented to the RSPCA on 25th January 1875, but it soon became clear that the Society would commit itself to no more than a moderate, fact-finding approach. It fell to Cobbe and her allies to draw up a bill themselves. Much support was lent by Dr. George Hoggan, who described his experiences as an assistant in Bernard's laboratory in a letter to the *Morning Post*. This letter so roused public opinion that Cobbe no longer needed the backing of the RSPCA to gain access to Parliament. A Bill for Regulating the Practice of Vivisection was drafted by Cobbe's group and presented in the House of Lords by Lord Henniker (Lord Hartismore) on 4th May 1875. The Bill sought to regulate the practice of vivisection by providing that it took place only on premises registered and inspected by the Home Office.

Meanwhile a scientific interest group had already begun to discuss how such legislation could be amended or forestalled. This group, spearheaded by Charles Darwin and Thomas Huxley, drew up its own animal protection bill and presented it to the Commons on 12th May of that same year (1875). This bill sought to regulate painful experiments and to protect scientists, first by entirely removing painless experiments from legislative control and second by granting licenses under the

authority of which painful experiments could legally be carried out.

The similarities of the two bills were more significant than their differences. Both bills made provision for the carrying out of painful experiments under appropriate conditions. The RSPCA supported neither bill. It remained firm on its stand of opposition to all painful experiments, though it was at the same time formulating its own proposals for legislation.

These two competing and controversial bills, set against a background of public agitation, persuaded the Home Secretary to allow a public debate on the issue. As a result both bills were withdrawn pending a Royal Commission on Vivisection.

The Commission sat for six months, during which time it received much persuasive evidence from the scientists' lobby regarding the necessity and justification of the experimental method of research. Had it not been for the testimony of an Austrian physiologist, Emmanuel Klein, it is doubtful whether the Commission would have recommended legislation at all. Klein, who had been teaching and conducting research in London for some years, stated categorically that he employed anaesthetics in his work purely for his own convenience. The feelings of his experimental subjects were of no consequence whatever to him. Klein's testimony was instrumental in persuading the Commission that legislation was indeed necessary "to reconcile the needs of science with the just claims of humanity."

While the Commission sat, the first Antivivisection Society was formed by Cobbe and Hoggan in London. It was not an abolitionist society, but aimed only to protect laboratory animals by regulation. It made representations to the Home Secretary regarding the safeguards it wished to see put forward in a Government bill. These were incorporated into the bill which was structured along the lines of a draft bill presented to the Royal Commission by the RSPCA. The Cruelty to Animals bill made remarkably swift progress through both Houses of Parliament, which might have been due to some extent to the constant pressure exerted by Queen Victoria (who felt legislation was essential) upon Disraeli. The bill proposed strict restrictions on all experiments calculated to cause pain. Such experiments would be permitted only if they were performed "with a view to the advancement of knowledge which would be useful for saving human life or alleviating human suffering." All experiments were to be conducted under license and on registered premises. No experiments whatever were permitted upon dogs, cats or equines; and experiments in which animals were allowed to recover from anaesthesia required a special certificate signed by a person of scientific eminence. The bill was considerably stricter than the recommendations in the Report of the Royal Commission in that it provided complete protection for certain species and made a distinction between pure research and research with medical objectives, which the Commission had found itself unable to do.

The reformists were mostly satisfied and felt at this stage that they had all but won the day. The bill had almost reached its final stages. However, at this crucial time Lord Carnarvon, in whose hands the bill lay, was called away from London by the illness and subsequent death of his mother. This event held up proceedings and afforded an opportunity for opponents of the bill to act.

At the instigation of a small core of experimental physiologists and other scientists, almost the entire medical profession was mobilized. The result was a Memorial forwarded by the General Medical Council to the Government setting out objections to the bill. The most important of these was the insistence that legislation should not be restricted to that carried out purely for medical purposes. Crucial

pressure was also exerted on doctors through editorials in the *British Medical Journal*, resulting in a massive deputation to the Home Secretary of several hundred medical doctors and researchers who, on 10th July, presented a petition signed by some 3,000 members of the profession. The British Medical Association had demonstrated its strength. Influential though they were, neither the RSPCA nor the Victoria Street Society could prevent modification of the bill after this.

On 22nd July the scientific contingent met with the Government and outlined the major changes it wished to see in the bill. Amendments were instituted in Committee two days later. These included license to perform acute experiments on any species without certificate, and a requirement for special permission from the Secretary of State before prosecutions could be instituted. The latter provision was adopted and has proved effective in protecting scientists. No successful prosecution for cruelty has ever been brought under the 1876 Act and there have been only 3 prosecutions altogether, the last in 1913.

Feelings among reformists were divided as to whether they ought to acquiesce to the amendments. Cobbe felt that they should not, but was persuaded to do so by Lord Shaftesbury, who saw the bill as better than no legislation at all and a foundation upon which to build. Thus the antivivisectionists mounted no opposition and the amended bill became the Cruelty to Animals Act, 1876. The most important amendment won by the scientists is that the Act placed no real restriction upon legitimate purposes for experiments other than that "the experiment must be performed with a view to the advancement by new discovery of physiological knowledge or of knowledge which will be useful for saving or prolonging life or alleviating suffering."

The Act, far from providing the foundation referred to by Lord Shaftesbury, has never been amended since that day. It has kept abreast with changing trends in research only because its administration has continually been updated. In effecting this administration, the Home Office has found itself stretching the literal meaning of the Act far beyond what could ever have been envisaged in 1876.

In 1876, physiologists were searching for answers to fundamental questions of life; of bodily functions in health and disease. Today much work covered by the 1876 Act can hardly be described as experimental at all. It includes the development and testing of a wide range of products both medical and otherwise. It is largely this trend, the use of animals in routine commercial testing and the increasing numbers of animals so used, which has disturbed humanitarians in the last decade. It is a great pity that the controversy was not better resolved in 1876. Protagonists of ethical and utilitarian arguments had never come so close to agreement as they did just prior to the First Royal Commission. However, attitudes on both sides hardened during the Commission's sittings and a polarization of attitudes took place which is still evident more than a century later.

Disillusioned with the Act during the first few years of its operation, most of the humanitarians who had campaigned for control now became abolitionists, convinced that animal experimentation could not be regulated by law. Thus the animal welfare movement was deeply and permanently fragmented. The scientific community, however, consistently maintained that the law worked well and successive governments have been happy to leave the matter there. Only two public enquiries into the subject have been conducted in Britain since 1876. The 1906 Royal Commission sat for six years and heard a great mass of conflicting evidence. It concluded that the Act had worked well on the whole and instigated some administrative

changes, the main one being the setting up of a special Home Office Advisory Committee on Animal Experimentation.

In response to public pressure, a Departmental Enquiry was set up in 1965 under the Chairmanship of Sir Sydney Littlewood. This Committee made 83 recommendations for change to the 1876 Act, some of which required legislation. Apart from addition of lay members to the Advisory Committee, a strengthening of the Inspectorate and a number of minor administrative changes, the Littlewood recommendations were not implemented. Also, there has never been a full debate of the Report in Parliament, despite constant pressure maintained by humanitarian MP's throughout the late '60s and early '70s. The failure of the government of the day to take action on Littlewood led to a spate of Private Members Bills at this time, none of which progressed through all parliamentary stages.

In the meantime public debate over the issue of experimentation grew more intense in the 1970s, and in the '80s the possibility of Parliamentary action has become that much greater.

Sewer Science & Pound Seizure

Kenneth P. Stoller

Significant decisions are being made in the City and County of Los Angeles over a seemingly insignificant issue—pound seizure. Outwardly, the issue is a trifle—potentially inconvenienced animal research professionals vs. irate citizens who don't want lost pets sold for research. However, on another level, this conflict has implications that reach to the very depths of irrationality—for far from fighting to promote the practice of pound seizure, scientists should be fighting to end it.

Sec. 53.11(h), L.A.M.C., came into being as the result of a special municipal election in 1950. The ordinance permits "reputable institutions of learning, hospitals, research laboratories or their allied institutes" in the City to "use humanely, unclaimed impounded animals for the good of mankind and the increase of knowledge relating to the cause, prevention, control and cure of disease." Such institutions must be certified by "the Health Officer" when "he is satisfied (that the institutions) will use animals humanely for purposes above specified." This ordinance was passed by the voters of Los Angeles after proponents of pound seizure cajoled voters by using a media campaign which blatantly implied that if one did not vote for the pound seizure ordinance one would be voting away one's own life.

On October 18, 1980, the Animals in Research Advisory Committee of the Los Angeles Department of Animal Regulation submitted a report to the Department. The report represented a year's study by the Advisory Committee of the use of animals in research, testing and teaching in the City of Los Angeles. Some of the observations contained in this report were: 1) failure of some facilities to comply

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