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This is an important book that completes the historical understanding of the functioning of the 1876 Cruelty to Animals Act (a revision to previous legislation to include medical-scientific experimentation on living animals) in Britain. At the core of the work is the Home Office processing of applications from scientists to carry out their research, which involved extended dialogue and discussion about the meaning and extent of the act. There is rich documentation here, which Shira Shmuely marshals effectively. The context of the causes and consequences of the act have been extensively revisited in the 2020s, especially with respect to the parameters of the Royal Commission that preceded the act and to the scientific community's adaptations to the new legislative landscape.[1] But a forensic analysis of the bureaucratic instruments that allowed the act to (dis)function has been wanting, and Shmuely's book therefore usefully plugs a gap. In addition, the book adds a new, highly focused chapter in the intellectual and cultural history of pain, which has grown significantly since Javier Moscoso's *Pain: A Cultural History* (2012).

The most curious thing about this book is its titular focus on empathy, a concept that did not exist in the period in question and that the author acknowledges none of the historical actors used or would have understood. Of course, it is possible that one can identify the specific practices and experiences of something like empathy, as a piece of historical analysis. To claim the existence of the thing without the word always makes for stimulating historical argument. But in this case, there are generally only rhetorical approaches toward something like the thing without the word, and these only in abstract bureaucratic processes and professional debates about what an animal *might* feel under certain circumstances. The author makes clear that in applying for licenses and certificates to carry out experiments on animals (or in arguing that the specific procedure did not even
qualify as an “experiment”), the question of suffering and pain was typically hypothetical, in the future. And, I would add, even if a scientific course of action was deemed both an experiment under the terms of the act and likely to cause pain, this did not mean that “empathy” had been realized in bureaucratic terms with respect to animal pain because the most common outcome of this assessment was to issue a certificate to carry out the painful experiment with legal sanction. Why? Usually because the scientific argument that it would ultimately lead to a reduction of suffering in the world was persuasive. If we are to conjure with the concept of “empathy” then we must also conjure with its associated moral imperative to do something to alleviate pain. In my view, the issuing of licenses to carry out likely painful experiments on living animals was “empathetic” only in the sense of a conviction that this was doing something to alleviate pain in the human and animal populations considered in the abstract. Shmuely’s account of the experience of the laboratory inspectors evidences a more direct encounter with the condition of experimental animals, but even here, the (rare) detection of pain and suffering was about policing bureaucratic compliance. Pain was permissible, providing the proper certificate was in hand.

Moreover, and I think more importantly, Shmuely consistently demonstrates that these abstract thought experiments were adulterated by considerations of other kinds of feeling, not least a sensitivity to the sentiments of “the public” and a determination to avoid controversy. Scientific claims about the likely presence or absence of pain in a planned experiment were processed by an often inexpert bureaucratic machinery that duly considered potential adverse lay reactions to any experiment, but especially experiments on cats or dogs, whether painful or not, according to the degree that the public was readily animated by sentimental attachment to some species but not to others. And, to compound this, the scientists also used this consideration of public outcry to try to keep their research outside of the public record by arguing that certain work did not fall under the auspices of the act.

So, in the legal practicalities of implementing the act, what was actually being managed here? I do not underrate either the physiological or the legal intent to save animals from pain, but the bureaucracy with respect to vivisection was, by and large, about dimming the lights of public attention, and the arguments about the administration of the act were representative of the different ways thought best to achieve this, whether from a political or a professional point of view. At the same time, it is implicit but nonetheless clear in Shmuely’s book that the scientific researchers and the Home Office agreed on another abstraction about pain, not in the laboratory but in society. To whatever extent experimental licenses and certificates were issued according to legal handwringing about the meaning and extent of the act, all of these processes took place in a context of both Darwinian and utilitarian logics concerning the pain of others.

According to Darwinian logic, intellectual evolution in civilized societies was marked by the capacity of leading men to harness the power of an evolved social sympathy, categorically distinct from late twentieth-century constructions of empathy, in order to alleviate or diminish suffering among other people. The idea of extending this sympathy to other species was mooted in Charles Darwin’s Descent of Man (1871), but the primary focus was on the evolution of civilized social behavior and morals in humans. According to the utilitarian logic, the essential goal was to ensure the greatest happiness (and therefore the least pain) for the greatest number, but this was far from egalitarian in outlook: human suffering was weighed as orders of magnitude more important than animal suffering. This was as true for Jeremy Bentham as it became for John Stuart Mill, and, contra Shmuely, Bentham did foresee the vivisection question, including a free pass for medical ex-
perimentation on animals in his circa 1780 prototype for a bill against cruelty to animals, and he stated unequivocally in a letter to the *Morning Chronicle* (1825) that “I never have seen, nor ever can see any objection to the putting of dogs and other inferior animals to pain, in the way of medical experiment, when that experiment has a determinate object, beneficial to mankind, accompanied with a fair prospect of the accomplishment of it.”[2] Utilitarianism in this period was firmly attached to a hierarchy of being in which not all pains were equal, and this was echoed by the evolutionists. The “Benthamite question,” as Shmuely styles it, of “can they *suffer*?” was far from being “the basis for moral obligations toward nonhuman animals” for two centuries, but it has, since the 1970s, consistently misdirected the historiography on human-animal relations (p. 221).

Insofar as antivivisectionist views are treated here—Shmuely’s book opens with an antivivisectionist image par excellence and ends with a familiar story about “Lizzy” Lind-af-Hageby’s antivivisectionist propaganda—they are characteristically set upon greater illumination of the spectacle of vivisection or of the scientist as “cold-blooded type” (p. 105). Pain factors into this, certainly, but so does blood, sensory perception (especially sight), death, civilization, sentiment, religion, class, and gender. All of this being considered, if the bureaucratic machinery surrounding animal experimentation ultimately pivoted on the mystery of pain in the other and on formulaic means for cracking it, then the greater context of public, professional, and legal exchange went far further. It is to this greater context that the book ultimately makes its major contribution. It is significant for its location of scientific regulation in a moral and social context marked by divergent views, emerging specialisms and new knowledge, and a new breed of radical politics caught between an expanding bureaucratic machinery of state and modernity’s fraught renegotiation of human-animal relations.

Notes


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