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Issue Introduction: The Historical Legacy of Nonhuman Animal Experimentation in British Law

Amber E. George

Some might wonder what a detailed study of British animal experimentation law originating from the historical archives might have to do with critical animal studies today. Simply put, several issues in animal experimentation that were apparent then are glaring now. Questions remain about animal sentience, scientific responsibility, animal husbandry, power, and agency are still very much at the forefront of our scholarship and activism that seeks to end experimentation on all nonhuman animals.

We know that species including but not limited to mice, fish, rabbits, rats, guinea pigs, farm animals, birds, dogs, cats, and non-human primates are used as test subjects in laboratories which amounts to roughly 115 million nonhuman animals used worldwide every year. It is quite likely that this is an underestimate since most countries do not collect and publicly publish their data. Thus, a precise number of souls lost cannot be known. We do know that the top three countries to use animals for experiments in the European Union are France, Germany, and the UK comprising more than 12 million animals subject to experimentation each year (HS, 2012).

The article featured in this issue, “Property, Pain and Pastoral Power: The Advent of Animal Welfare in the Review of the 1876 Cruelty to Animals Act, 1947-1965,” written by Catherine Duxbury investigates the historical legacy behind the protective directives that were enacted to support animals engaged in UK scientific research studies. Duxbury provides an in-depth analysis of the first post-war review of the 1876 Cruelty to Animals Act, entitled the Littlewood Enquiry. It was from this Act that those involved with vivisection began to consider the welfare of nonhuman experimental animals. This was perhaps the first time that a regulating body contemplated whether nonhuman laboratory animals can experience psychological as well as physical pain, and therefore, constitute sentient beings. This shift in perspective initiated a monumental ethical change in the jurisprudential and scientific community. Much of what was set in motion back then has led us to where we are now in animal experimentation law. However, much work

to stop nonhuman animal experimentation remains to be done.

Successive governments over the past several decades have made proud claims that the UK has “the highest standards in the world” for animal research and testing. Scientists and research organizations pride themselves on maintaining a rigorous regulatory system that ensure that animal research is conducted only when there is no alternative and only under controls that keep suffering to a minimum. The government proudly proclaims that they apply the principles of the 3Rs to all research experiments that use nonhuman animals. The 3Rs protocol requires that “animals are replaced with non-animal alternatives wherever possible; that the number of animals used is reduced to the minimum needed to achieve the results sought; and that, for those animals which must be used, procedures are refined as much as possible to minimise their suffering” (Home Office, 2014). However, as CAS scholars and activists would agree, this is not enough. Several animal rights organizations, including the Humane Society International, continue to place pressure on the government uphold its pledge to reduce and ultimately stop using animals in experiments. Duxbury’s article in this issue provides us with the trajectory of where we have been in this long history and suggests forging a new future that envisions science not reliant upon nonhumans to initiate progress.

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Property, Pain and Pastoral Power: The Advent of Animal Welfare in the Review of the 1876 Cruelty to Animals Act, 1947-1965

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Abstract

In this paper, I analyze the first post-war review of the 1876 Cruelty to Animals Act, entitled the Littlewood Enquiry, 1947-1965. The Act regulated the practice of vivisection in Britain through the licensing of scientists and research establishments. It was during this review that experimental scientists, politicians and bureaucrats started to consider the welfare of nonhuman experimental animals, including recognizing that nonhuman laboratory animals can experience psychological as well as physical pain. This consideration of nonhuman animals as *feeling beings* was a turning point in animal experimentation law. It was the first time welfarist discourses became effusively subsumed into jurisprudential and scientific concerns, if not necessarily ubiquitously in practice (yet). I analyze this emergence of scientific-political discourses of care, and use Michel Foucault notion of Pastoral Power to demonstrate that a strategic shift in laboratory human-animal relations was necessary if animal experimentation was to continue. My argument is twofold: firstly, that pastoral power operated under the guise of animal welfare during the enquiry. Secondly, the property status of nonhuman animals helped to mediate and reinforce the relationship between this form of pastoralism (welfare) and the discourses circulating concerning nonhuman animals' experiences of pain, their care, and treatment.

Keywords: *animal experiments, law, British history, pastoral power, welfare, property, pain*

In April of 1965, the British Government published the ‘Littlewood Report,’ an official inquiry into the workings of the 1876 Cruelty to Animals Act. This Act regulated the practice of vivisection and introduced a compulsory licensing system for scientists who wanted to conduct experiments on living animals (Ritvo, 1990). As part of the review, the advisory committee leading the inquiry examined the legal concept of pain, called the “Pain Condition.” They concluded that the Act “should be amended so as clearly to apply to any experimental procedure liable to cause pain, stress, or interference with...an animal’s normal condition of well-being” (Littewood, 1965, pp. 57-58). This broadening of the definition to include psychological as well as physiological markers of pain in nonhumans was a watershed moment in British animal experimentation jurisprudence and animal-dependent science. It demonstrated a shift in the understanding, and subsequent “care” of nonhuman laboratory animals.

Moreover, it also signified when the scientific profession and its legislators began to internalize discourses of wellbeing and welfare for nonhuman animals. This theoretical shift in conceptualizing legal laboratory life came from a series of debates involving a variety of organizations that provided evidence to the inquiry. The leading organizations involved were the Medical Research Council (MRC), the Universities Federation for Animal Welfare (UFAW), the Research Defence Society (RDS), the RSPCA, the British Union for the Abolition of Vivisection (BUAV) and the National Antivivisection Society (NAVS), amongst others.

This article explores the jurisprudential and scientific deliberations, as well as the discursive propositions about laboratory animal welfare espoused in the report. For it can be said that the mid-twentieth century was a time when scientists and politicians alike started to take seriously the welfare of nonhuman animals used in experimentation (Duxbury, 2017). The key debates surrounding the inquiry took place from 1947-1965 when the first post-war review of animal experiment legislation and practice began. This analysis will specifically focus on the complex discourses evoked during the inquiry about nonhuman animal pain and their welfare. Consequently, this article examines the review of the 1876 Act to explore the epistemological status of the animal body, questioning the origins of knowledge relating to animals and directing attention to the social practices that define the animal body in experimental research. In order to analyze this epistemological shift of nonhuman animals, Michel Foucault’s (2002) notion

of pastoral power, a form of biopower, will be used to emphasize the interrelationship between care and power in the lives of individuals.

My argument has two crucial, yet interrelated dimensions: firstly, I argue that pastoral power operated under the guise of animal welfare during the inquiry. Secondly, the property status of nonhuman animals helped to mediate and reinforce the relationship between this form of pastoralism (welfare) and the discourses circulating concerning nonhuman animals' experiences of pain, their care, and treatment. Consequently, this incorporation of welfare into animal experimentation was used by animal-dependent scientists as a way to facilitate the continued exploitation and domination of nonhuman bodies.

Previous Literature

The previous historiography mainly explores the impact nineteenth-century antivivisection movements have had on the regulation of animal experimentation. Richard French (1975), Harriet Ritvo (1990), Mary Ann Elston (1990), Nicolaas Rupke (1990) Hilda Kean (1998) and Joanna Bourke (2011) are the most prominent historians to cover the development of the 1876 Cruelty to Animals Act. Dan Lyons' (2013) research is the only one to investigate the 1965 review of the 1876 Act, known as the Littlewood Inquiry. However, his analysis does not address the issues raised from a critical animal studies (CAS) standpoint but instead presents a linear narrative about policy networks and animal experimentation law. In particular, Lyons uses policy network analysis to demonstrate how networks of actors succeed in legislative formation. Thus, inevitably leaves out a critical awareness of the role of nonhuman animals.

The research presented in this article has been guided by the archival sources including those from the British Union of the Abolition of Vivisection (BUAV) and the Research Defence Society (RDS), alongside governmental sources such as the departmental files of the Cabinet Office and the Home Office. These sources are used to analyze the narratives of mid-twentieth century vivisection controversies, and to highlight the entangled, yet complex, nature of animals' status as property under the law, their experiences of pain, and how both have been represented in scientific discourse and legal welfarism.

This analysis goes further than the current historiography in this area to elucidate the intricate power-knowledge networks that framed the mid-

twentieth century vivisection debates regarding welfare, pain, and property. My methodology draws on the ideas of many social and cultural historians who espouse doing a ‘history from below’ (Burke, 2008, pp. 47-50 & pp. 83-85). However, instead of making humans the center of historical storytelling, the history explored in this essay prioritizes and foregrounds the marginalized stories and experiences of nonhuman animals. My methodological aim of this article is to write ‘against the human’ in order to challenge the historically constructed, and very powerful, notion of the human (Fudge, 2002, p. 14).

Consequently, I aim to extend Lyons’ (2013) analyses and submit an account of an oft-neglected historical subject: the *review* of the 1876 Cruelty to Animals Act, published in 1965. This was entitled the “Report of the Departmental Committee on Experiments on Animals 1965” also known in short as the Littlewood Report. Most animal histories seem to neglect the mid-twentieth century (Burt, 2009, p. 159-160). This is especially the case with accounts examining the antivivisection campaigns of this era. Animal Rights scholar Richard Ryder (2000) renders this era as ‘stagnant’ in relation to vivisection concerns. The people who did challenge it were, according to Ryder, a few ‘middle class women’ (Ryder, 2000, p. 142). It is, therefore, with recourse to this previous scholarly activity, that attention will shift away from the historical analysis of the effects the antivivisection movements had on the creation of an anti-cruelty statute, and move toward an analysis of the role twentieth-century legal jurisprudence had on the review, and its consequent implications for nonhuman animals.

Theorizing the Pain Condition: Property and Pastoral Power

During the course of the review, the committee of inquiry recommended a widening definition of the Pain Condition. The Pain Condition legally defined the limits of animal suffering in experimentation and the role of the scientist in this. As we know from the opening paragraph of the article, the new definition advocated the inclusion of psychological markers of distress and discomfort (Littlewood, 1965, p. 58). It is worth quoting the original definition of pain as stipulated in the 1876 Act:

- (a) If an animal at any time is found to be suffering pain which is either severe or is likely to endure, and if the main result of the experiment has been attained, the animal shall forthwith be painlessly killed.

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- (b) If an animal at any time during any such experiment is found to be suffering severe pain which is likely to endure, such an animal shall forthwith be painlessly killed;
 - (c) If an animal appears to an Inspector to be suffering considerable pain, and if such Inspector directs such an animal to be destroyed, it shall forthwith be killed (Littlewood, 1965, p. 55).

For the 1876 Pain Condition, the judgment of suffering does not include the words, “stress,” “distress,” or “wellbeing.” If a nonhuman physically demonstrated pain, then its appraisal was left either to the scientists or government inspector to decide. After which, the animal is immediately killed. These new recommendations given by the inquiry signified a strategic discursive shift in how nonhuman experimental animals were viewed in two ways. Firstly, the scientist-animal relationship was reconfigured from an animal constructed as a passive object to one endowed with a tactical degree of emotional subjectivity. Secondly, by mandating that laboratory workers and organizations assess nonhumans’ accommodation and husbandry, they became seen as requiring care and treatment before, during, and after the experiment. This included receiving appropriate housing and environmental conditions, diet, and exercise. However, there was a species-specific restriction on this seeming benevolence toward lab animals. The 1876 Act was only applicable to vertebrates, with the exclusion of dogs, cats, and horses (unless a special certificate was obtained from the Home Office). The inquiry reviewed this aspect and considered the expansion of the law to cover invertebrates, but in the end, argued that “the time was not ripe for this” (Littlewood, 1965, p. 92, 105).

At the time of the Littlewood inquiry, animals under the law were not viewed as sentient beings in their own right; instead, they were defined as objects of property. Animal Rights lawyer Gary Francione outlines the confusing connotations associated with the legal definition of property, indicating that it is both defined as a set of relations between persons governing the use of “things” and the “incidents of ownership” which come with various rights and obligations associated with that ownership (2007, p. 33). These rights of ownership are intrinsically tied to the market system. Animals are assigned prices; they are an economic commodity to be bought and sold in the interests of the owner. Animals in law are assigned a use value according to their specific commodified purpose, whether that be as pets, for

food or scientific experiments (ibid). Moreover, owning an animal is no different from owning other sorts of personal property (Francione, 2008, p. 44). This leads to a form of utilitarianism, which Francione defines as “legal welfarism,” which positions nonhumans as an object in relation to their human use value. Animal welfare in this instance becomes an economic imperative rather than one stemming from genuine moral concern (Francione, 2007, p. 35).

Although Francione (2008) is correct for asserting that the status of animals as property shape welfare concerns, he does not question the epistemological construction of nonhuman animals enshrined in animal experimentation law. As what follows will demonstrate, the ideology promulgated by the most influential organization in the inquiry, the Universities Federation for Animal Welfare (UFAW), about the care and treatment of laboratory animals, and their experience of pain, was influenced by the recognition of animals as living beings. However, this recognition rested on an insidious set of philosophical suppositions that in the end rendered nonhumans’ experience of pain as relative to and undercut by, humans’ experiences. Which suggests that the influence of the scientific idea of welfare is much more complex than Francione admits. To accommodate this short-sightedness, Dinesh Joseph Wadiwel (2015) extends the writings of Francione by using a Foucauldian biopolitical framework to explore violence towards animals. Where biopolitics is defined as power over life and death, through the regulation of a population’s health and welfare, Wadiwel argues that this also extends to nonhuman animals through the concept of sovereignty (p. 24).

For Wadiwel (2015) human dominance (sovereignty) over nonhuman animals is the result of the consolidation of individual, institutional and epistemic forces. This inevitably includes legalized forms of nonhuman violence such as vivisection. Property rights established for animals endorse the human right of liberty at the expense of nonhumans’ right to life (p. 23). As a result, a biopolitical tension between the human and nonhuman occurs where:

Biopolitics expresses a contestation between human and animal, this war can only take place within the context of a sovereign order that seeks to reproduce conflict, an authorizing system of rationality and truth that tells us that violence against animals is either justifiable or, at its most diabolical, a knowledge system that denies that this

violence is occurring (Ibid, p. 27).

Human domination is ontologically secured by a social structure that authorizes what counts as knowledge and truth. This systemically renders nonhuman animals inferior before any ethical concerns about their treatment occur. Consequently, engendering a sharp epistemic and material division between those who are deemed to be subjects of a life, and those who are objectified (Ibid 2015, p. 156). For Wadiwel, the articulation of violence towards animals is both legitimated by a legal system that naturalizes human dominance hierarchies, and an episteme (scientific knowledge especially in this respect) that promulgates this domination. The review of the 1876 Act illustrates very well Wadiwel's articulation of biopolitical violence. This inquiry was the linchpin for the institutionalization of laboratory animal welfare in Britain (Lyons, 2013). With the report clearly stating that "since the last war [World War Two] the care of laboratory animals has itself become a subject of scientific study"(Littlewood, 1965, p. 129). Further recommending that there needs to be a production of a "code of standards" for animal accommodation and equipment.

Provision should be made in the Act enabling the Secretary of State to make regulations governing the care and accommodation of laboratory animals covering both stock animals and those under experiment with a view to the enforcement of minimum standards when this is practicable (ibid, pp. 129-130).

Codes of conduct were recommended to establish a more "humane" approach to the care and treatment of laboratory animals. This demonstrates the assimilation of biopolitical forms of welfare standards into laboratory life that helped to justify further the harm caused to nonhuman animals — in the end, regulating human use but not the human right to use (Wadiwel, 2015). It is within the context of Wadiwel's (2015) analyses on the construction of animals as biopolitical property, where this analysis begins and extends his into the realm of Foucauldian notions of pastoral power of mid-twentieth century British animal welfare. I demonstrate how pastoral power helped to facilitate a form of domination over nonhuman animals that reconciled their experiences of pain with their status as objects of property. This will also add a much needed historical dimension to the CAS studies on experimental animals, with a focus on the British context in the form of the Littlewood

Inquiry.

Pastoral Power

For Foucault, pastoral power was analogous to the shepherd guiding his flock, knowing them both collectively and individually (Foucault, 2002). Pastoral power was a way to explain the role of the state and its ability to simultaneously have totalizing control and individualized care over populations. It was a modern form of biopolitics; a way to regulate and control populations (specifically, individuals within populations) through particular and seemingly benign forms of treatment given by public institutions such as hospitals and schools (Foucault, 2002). In this respect, what is outstanding about the Littlewood inquiry is how scientists and government merged both care and control in a particularly persuasive way.

According to Foucault (2002), this totalizing and yet individual form of power allows for the delivery of specific forms of welfare to individuals within a given population while at the same time increasing disciplinary control over them. This “strange technology of power” (Foucault, 2002, p. 231) in which certain institutions assumed a caring role over the lives of people had four dimensions to it which shaped both the “shepherd” and their “flock.” Firstly, *responsibility* refers to the duty of care the shepherd has to their flock as a whole and towards individuals within it (Foucault, 2002, p. 236). Secondly, the flock must be *submissive*; the sheep must be obedient to their leader and the members of the flock actively decide to submit to the will of the shepherd. Thirdly, *individualised knowledge* means that the shepherd knows each member of their flock, the minutia of each being’s existence (Foucault, 2002, p. 237). Fourthly, *self-mortification* suggests that the flock renounce their chance of any existence beyond the group, a depreciation of life extraneous to their current existence. For Foucault, this was a “...a kind of everyday death” (Foucault, 2002, p. 239). Even though Foucault was speaking in strictly human terms, as Matthew Chrulew and Dinesh Joseph Wadiwal (2017, p.1.) stress, Foucault’s ideas are “extremely profitable for understanding our conflicted relationships with animals.” Thus, pastoralism allows one to examine the intricate relations of power operating during the Littlewood inquiry and the implications this has on nonhuman animals themselves.

It is worth noting that Foucault’s (2000) definition of power includes distinguishing power relations from specific “states of domination” and

violent interactions. For Foucault, power is relational and works both ways – by those who are exercising it and those who respond to its implementation. In other words, the exploited subject can have some degree of recalcitrance, and power relations are dynamic and reversible. On the other hand, domination, for Foucault is a use of force against someone, and there is no room for resistance. States of domination are fixed and stable (Foucault, 2000, p. 340). This then poses a problem for the use of the concept of pastoral power, as it inevitably implies that nonhuman laboratory animals have the liberty to exercise their disdain. Following Clare Palmer (2001), it is important to accept that animal oppression is held within totalizing structures of domination. The total domination over nonhuman animals is also a result of a specific and varied set of discourses and micropractices. As Palmer argues “...it is these discourses and practices on which we should focus” (pp. 350-351). In this sense, an analysis of laboratory animal legislation using Foucauldian notions of pastoral power is appropriate, as it fits neatly between acknowledging a not easily resisted totalizing state of domination; and those micropractices that may allow for the possibility of some degree of recalcitrance from nonhuman laboratory animals.

This particular aspect of Foucauldian power has gained some scholarly attention within both human-animal studies and critical animal studies circles. Clare Palmer (2001) has discussed the usefulness of Foucault’s notions of power in her work on Yuri the cat, Anand Pandian (2008) has used pastoral power to investigate the biopolitics of modern human-animal relations in post-colonial Southern India. CAS scholar Matthew Cole (2011) considers developments in animal welfare science of farmed animals and the emergence of the idea of “happy meat.” This analysis adds to and extends this body of work by focussing on one particular moment in British animal experimentation history. By investigating this specific incidence of nonhuman oppression, and its manifestation through discourses of welfare, one can study the very *microphysics* of power which Foucault was so keen to highlight (Palmer, 2001). Through exploring this particular historical conjunction in animal experimentation history, one can understand how power manifests and operates in particular contexts, instances, and relations. This consideration of nonhuman animals as *feeling beings* was a turning point in animal experimentation law. It was the first time welfarist discourses became subsumed into jurisprudential concerns.

The Emergence of Vivisection and Antivivisection in Britain

It was in the Victorian period when vivisection became a widespread and popular practice, as a result of the political legitimation and professionalization of the discipline of physiology (Rupke, 1990). Influenced by the French physiologists Magendie (1783-1855) and Claude Bernard (1813-1878), British biological scientists began to emphasize experimentation rather than clinical practice as being the *sin qua none* of medical practice, and the key to understanding the functions of the body (Lyons, 2013; Rupke, 1990).

As a response to this growing practice and amid rising concerns about the treatment of animals in British society, animal protection societies arose with membership from the middle and upper classes (Ritvo, 1990). One of the most prominent was the Royal Society for the Prevention of Cruelty to Animals (RSPCA), founded in 1824, and granted Royal status by Queen Victoria in 1840. Other societies appeared addressing specifically the issues of vivisection (Kean, 1998; Bourke, 2011). This included the Victorian Street Society for the Protection of Animals Liable to Vivisection (VSS), and the British Union for the Abolition of Vivisection (BUAV), founded in 1875 and 1898 respectively (Ritvo, 1990). Women comprised the majority of the memberships to such organizations, and the antivivisection societies often overlapped with the aims and goals of the first-wave feminist movements (Elston, 1990). For instance, the well-known Feminist Francis-Power Cobbe cofounded the VSS. She later left the VSS due to its changing emphasis from the complete abolition of vivisection to the restriction of the practice. Cobbe, as a response to these conservative views in the VSS, went on to create the BUAV (Elston, 1990).

It was with this maelstrom of competing voices about vivisection, its practice taking place in the nineteenth century, and as a response to growing public awareness of the cruelties inflicted upon animals under experiment, that the government produced the 1876 Cruelty to Animals Act (Kean, 1998). The Act regulated the practice of vivisection and required that “no experiment calculated to give pain shall be performed on a vertebrate animal.” Only experiments that were thought to be for “the advancement by new discovery of physiological knowledge or knowledge which will be useful for saving or prolonging life or alleviating suffering” (Littlewood, 1965, p. 27) could be conducted. All experiments had to be conducted under license, which had to be signed by a sponsor such as the President of the

Royal College of Surgeons and approved by the Home Secretary. Experimenters applied for licenses, and for specific experiments, certificates had to be granted. Certificates were divided into codes depending on the severity of the experiment. Furthermore, premises had to be licensed, and the appointment of inspectors helped to ensure that all scientific bodies and the scientists themselves, were abiding by the rules embedded in the statute (Ibid, pp. 32-39).

Despite this seemingly robust piece of legislation to keep the experimenters under control, the Cruelty to Animals Act 1876 was in the end significantly watered down to appease the professional scientific bodies, a trend which has seemingly not disappeared in recent times (French, 1975; Lyons, 2013). The growing power of the scientific profession and the increasing ubiquity of the scientific worldview in all areas of social life ensured that the experimenters could continue their work without fear of political retribution. The granting of licenses under the Act between 1876-1881 evidences this. With the rejection of only 15% of applications, animal experiments increased significantly, from 277 in 1876 to 800 in 1885 (French, 1975; Lyons, 2013). Moreover, as a consequence of the Act, in 1881 the Association for the Advancement of Medical Research (AAMR), a pro-animal research lobby group was established in order to maintain positive relations with the government. Eventually, this group became an advisory body to the government and formed close ties with the Home Office (Lyons, 2011).

This relationship between the pro-vivisection lobby and government was most evident at the turn of the twentieth century when a second Royal Commission was formed to investigate the workings of the Act (1906-1912). Again, the second inquiry seemed to stem from the growing public pressure generated by antivivisection social movements (French, 1975). As a response to the public voices of dissent, the AAMR set up a public relations body called the Research Defence Society (RDS). The aims of which were to advise the public, scientists and the Home Office on vivisection and the procedures outlined in the Act. The RDS produced a wealth of pro-vivisection literature which they disseminated nationwide both to medical professionals and the general public. With RDS support, pro-vivisection groups were able to overcome any objections to the contemporary review of the Act (Bates, 2017). The government seriously considered only recommendations regarding the pain condition and the establishment of an

Advisory Committee (AC) as ways to improve the Act (Ryder, 2000; Lyons, 2011; Bates, 2017). Subsequently, after this second Royal Commission, and during the inter-war period, the anti-vivisection movement receded somewhat, and animal experimentation continued to flourish (Bates, 2017). However, it was not until the mid-twentieth century, just after the Second World War, when antivivisection societies reignited their campaigns against animal experimentation and called for another Royal Commission into the workings of the Act, a result of which was the 1965 Littlewood Report (Ryder, 2000, Bates, 2017).

Sentiment and Social Progress Versus Science and Rationality 1948-1957

It is worth noting the substantial increase in animal experimentation that took place during the post-war period in Britain. In 1939, 954,691 experiments were registered by the Home Office, after the war in 1950, this increased to 1,779,215 with a substantial increase in 1960 bringing the number to 3,701,184 (Littlewood, 1965, p. 253). This exponential growth in animal experiments was fueled by the economic imperatives of the government, with the introduction of the welfare state, including the provision of free healthcare under the National Health Service. The political impetus for a healthy population and active workforce helped to channel funding towards medical research, especially into burgeoning pharmaceutical companies (Lyons, 2013). Alongside research for civilian purposes, the government increased defense spending, funding military research into the chemical and biological weapons of warfare (Edgerton, 2006). This too required the use of unprecedented amounts of nonhuman animals to test the effects of weapons of mass destruction (Duxbury, 2017).

With this dramatic increase in animal experiments, the antivivisection movements began hosting campaigns to change the legislation (BUAV Animals defender magazine, 1948, p. 47). A 1948 Deputation to the Home Secretary, James Chuter Ede, urged him to review the Act. The Deputation represented a broad range of antivivisection societies from across Britain such as the National Antivivisection Society (NAVS) and the BUAV. In continuity with the composition of the Victorian movements, these representatives were mainly from the British upper classes, including the Duchess of Hamilton and Miss Louise Lind-af-Hageby (Home Office anti-vivisection deputation, 1948, p. 1). Echoing the calls of their nineteenth-

century comrades, the Deputation illustrated the need for a new inquiry by invoking a nationalistic and moral discourse about the health of society. This moral discourse did not address human dominion over nonhuman animals, nor their status as objects of property. Instead, the Deputation placed the moral health and welfare of the nation as primary to the implications of the abolition of vivisection, while questioning animal utility second. As Lind-af-Hageby remarked “the cause of humanity to animals is a vital part of civilization and social development. The Society [Antivivisection and Animal Defence Society] regards all cruelty as an evil which is socially disruptive and degrading to the perpetrators...” (ibid, 1948, p. 1). Dr. Wilfred Tyldesly additionally noted how: “this nation will never be healthy while vivisection is permitted to uphold this monstrous pretence” (ibid, pp. 2-3). In the end, the abolitionists were unsuccessful in their quest to have the Act reviewed. In a letter to Ronald Chamberlain Esq, M.P. on 9 June 1948, Chuter Ede stated that there was “no sufficient case” concerning the law or its administration to “justify [him] in recommending the appointment of a fresh Royal Commission” (Ede, 1948, p. 1).

With a revived antivivisection movement requesting (and subsequently failing in the political sphere) another Royal Commission into the workings of the Act, coupled with rhetoric based on moral health and social development, it was time for the scientists to reinvigorate their defense of vivisection in the name of social progress. With their requests, they hoped to counter the concerns of the antivivisectionists by pressuring the government into a review that disqualified non-scientific opinion. Their chief weapon was the research and propaganda of the Universities Federation for Animal Welfare (UFAW).

Major C. W. Hume formed the UFAW in 1926, seeking to approach nonhuman laboratory animals in ways that absented the “emotional or sentimental” yet served the interests of science by building a “realistically humane policy based on objective fact” (Worden et al., 1947). They often published books and pamphlets for animal-dependent scientists that offered advice about animal welfare in the laboratory. At the time of the antivivisection deputation, their most notable publication was the Handbook on the Care and Management of Laboratory Animals (1947), edited by scientist Alastair Worden. This book offered advice on the housing of animals in laboratories, their handling, treatment, and even their euthanasia. The Handbook also delved into discussions surrounding psychological

considerations of nonhumans arguing; “there appears to be room for a good deal of research into the psychological conditions that make a happy and contented stock” (Worden, 1947, p. 19). Designating animals as stock leads towards an understanding of nonhuman animals as being owned and objectified within the discourse of private property relations. This also encapsulates Foucault’s (2002) idea of *responsibility* as a branch of pastoral power. The UFAW stipulated the need for experimental animals to be “happy” implying that increasing one’s *individualised* knowledge about their psychological state would help to facilitate this. Moreover, signifying a subjective individual nonhuman state that would enable greater *submission* towards the experimenter.

It was not long before the public speeches of the Research Defence Society (RDS) co-opted the rhetoric of the UFAW to convince the general public of the benefit of animal experimentation for medicine, and the safety, welfare, and health of the animals used in experiments. This promulgation of pro-animal experimentation ideology was particularly evident in this decade, explicitly emanating from Sir Henry Dale and Lord Cohen of Birkenhead in their public speeches for the RDS. In the 1955 Paget Memorial Lecture entitled “Humanity’s Rising Debt to Medical Research,” Sir Henry Dale gave an impassioned speech about the benefits of animal experimentation for the development and progression of medical science (Dale, 1955). He profoundly adopted the rhetoric of the UFAW, in the hope of countering, what was to him, the ‘ignorance and muddleheadedness’ of the antivivisectionists (ibid, p. 17). This also proved that the two organizations were in ideological alignment and close collaboration. However, it was not until 1957 that the government promised to place the Act under review at some point. It was the moderate RSPCA which managed to convince the government to instigate a formal inquiry.

Between 1959 and 1961 the RSPCA applied continuous pressure onto the government for another review of the Act (Lyons, 2013). They led public campaigns as well as writing numerous letters to the Home Secretary (RSPCA, 1962, pp. 2-4). With the RSPCA being a conservative organization, they were at pains to stress that they were not an antivivisection organization but instead were more concerned with the administration of the Act and its implications on animals (ibid, p. 1). The RSPCA wanted to distance themselves from the abolitionists. In the British Union for the Abolition of Vivisection’s (BUAV) Branches Newsletter in 1962, it claimed they had

“discovered, quite by accident” that the RSPCA “had written to the Home Secretary on the matter” of the law concerning experiments on animals. The BUAV declared that despite offering solidarity the RSPCA nevertheless “stuck to their decision not to cooperate” with them (BUAV, 1962). Instead, the RSPCA sided with the Universities Federation for Animal Welfare (UFAW) on the issue of welfare for experimental animals, and they often quoted the organization in their letters to medical journals and the press (Rattray, 1962, p. 946). This welfarist stance taken by the RSPCA and their public awareness campaign on vivisection helped to facilitate a legislative review of the 1876 Act (Garner, 1998). Running parallel to this, the growing legitimacy of the UFAW in both scientific and, subsequently, moderate lay circles (primarily the RSPCA), offered a new attitude towards animal experimentation, one that claimed to preach welfare and have a humane approach. With this, in 1962, Sir Stanley Littlewood formed a committee of inquiry.

Pain with a Purpose: Considering Stress, Distress and Psychological Pain

In July 1963, Sir Sydney Littlewood published a letter in the *British Medical Journal* (BMJ) entitled “Cruelty to Animals Act, 1876.” He asked scientific researchers in the British medical profession to provide evidence on experiments on live animals in light of a forthcoming review of the 1876 Act. He stated that “the committee’s terms of reference are: to consider the present control of experiments on living animals and to consider whether, and if so what, changes are desirable in the law or its administration.” “[I]f any person has information or comment that will help,” he went on to state, “send it in writing to the ...Home Office” (Littlewood, 1963, p. 256). The letter requested an inquiry into the Act’s relevance and application to scientific research and development of the time. Littlewood sent this request to other public bodies and newspapers asking for evidence of the practical implications of the Act. At the same time, a committee was appointed to assess the act using testimony from witnesses.

During their investigations, the committee visited twenty-nine establishments to observe the animals and talk to employees before, during, and after experiments. Visiting these establishments involved twenty-seven private meetings, taking eighty-three accounts from witnesses representing twenty-six organizations (Littlewood, 1965, p. 1). In their investigations, the

Advisory Committee asked members of these establishments about animal pain and the 1876 Act's Pain Condition. The notion that an animal could suffer psychological distress was something that a small group of scientists had begun to consider in the early twentieth-century (Dror, 1999; Duxbury, 2017). But, it was this inquiry, alongside the publications of the UFAW, which contributed to a broader redefinition of animal pain and hence a change in the semantics of animal experimentation. It is here that we can observe how the description and purpose of animal experimentation was under contestation, a challenge which ultimately revolved around the idea of pain and suffering. Thus, the Committee stated, "our review of the past left us in no doubt that the principal objects of control have been to prevent the infliction of unnecessary suffering and to limit unavoidable pain..." (Littlewood, 1965, p. 54).

The whole idea of animal experimentation law was, and still is, to prevent "unnecessary suffering." For the Littlewood Committee, this was their principal objective when reviewing the 1876 Act. This view of unnecessary suffering automatically qualified the animal used in experiments to be open to some degree of pain. In concurrence with Wadiwel (2015), pain has a biopolitical character to it, which at once imposes regulation and control upon the animal body as much as it objectifies the experience of suffering that nonhumans endure. This all takes place within a human dominance hierarchy (Peggs, 2010), for it is humans who ultimately confer pain limits upon nonhuman experimental animals. It is clear with the definitions laid out in the Pain Condition that human dominance is *a priori* to any ethical consideration of the nonhuman animal in pain. There is no questioning of the human-centric hierarchy *present* in this aspect of the law; rather it is seen as a natural and inevitable part of existence. Animals then will always suffer in experimentation because they are less than human and have property (object) status. In this sense, pain is imposed within set limitations attributable to the maximization of the nonhumans' economic and utility value in the experiment (Wadiwel, 2015, p. 163). For the inquiry, this was evident in their explication of the Pain Condition, and the further recommendations received about nonhuman experimental animals' experiences of pain.

The original definition of the Pain Condition instructed that the animal should be killed straight away if they were suffering unnecessarily both during or after the experiment. Also, if one of the government's inspectors were present and saw the animal in pain, they could order their immediate

euthanasia. However, the post-war period in British history was the era of stress, and the study of psychological disturbances in both nonhuman and human animals was taken more seriously by the scientific professions (Duxbury, 2017). This broader concept of the Pain Condition encapsulated individualized knowledge for nonhuman animals (Foucault, 2002, pp. 237-238). The report relating the notion of pain and psychological distress to the individual animal rather than referring to animals in the plural, for instance, affirming that pain should comprise “any interference with or departure from the animal’s normal state of health or well-being” (Littlewood, 1965, p. 56). This also endowed the experimenter with a greater degree of responsibility (Foucault 2002, p. 236) coupled with individualized knowledge for each animal in their laboratory; “if he [*sic*] is familiar with the animal concerned the practiced observer can readily detect when it is ‘out of sorts’ or ‘off colour’ and take steps to discover and remedy the cause” (Littlewood, 1965, p. 56). Each animal must become known to the experimenter, to ascertain their healthiness and wellbeing. For Foucault (2002, p. 238) this form of pastoral power included being informed about the needs of each member of the flock and to “provide for them when necessary.” In this case, the scientists would provide for nonhuman animals when necessary if they seemed to be “out of sorts,” thus highlighting the endowment of responsibility for their “flock.”

This extension of the Pain Condition involved a reconfiguration of relations between the human and nonhuman. A particular valorization of the psychological dimensions of pain was necessary, which facilitated a post-mechanistic (Cartesian) view of nonhuman animals to emerge and award them a strategically placed degree of subjectivity. For instance, the Advisory Committee was reminded by witnesses that “...mental illness and neurosis are largely problems in modern civilisations’ and their attention was drawn to the ...increasing interest in states of animal behavior and psychological experiment” (Littlewood 1965, p. 57). The Committee went on to state:

...We saw for ourselves, that animals exposed to environmental stimuli, such as loud noises or bright light, exhibit physical signs of discomfort. These witnesses told us that manipulation of environment was likely to be much more widely used as an experimental technique in future, and urged that any procedure designed to produce the equivalent of stress in man should be subject to statutory control (Ibid).

Environmental conditions were considered to be stress-inducing for the animal, as well as creating physical discomfort. Scientific witnesses told the inquiry that “acute fear, chronic anxiety or artificially produced conflict of motives or frustration could produce psychosomatic effects in animals...” (ibid). This signified a move away from Cartesian dualism of viewing the animal as a machine. It endows nonhuman experimental animals with some degree of psychophysiological subjectivity by acknowledging their mental health. This is in contradistinction to Francione (2007, pp. 174-176), who states that contestation over the Cartesian view of the animal is a recent phenomena. Francione (ibid) claims that this challenge against Cartesian dualism stems from practitioners of alternative medicine as well as from certain sections of the animal rights movement (Ibid). However, the Littlewood quote above is a challenge to Cartesianism stemming from the scientific community itself in mid-twentieth century Britain.

It was the work of the UFAW that “was the only body to offer serious criticism of the text of the [Pain] Condition” (Littlewood, 1965, p. 58). In their Handbooks from 1947 through to 1959, they discussed animal pain and acknowledged the psychological dimensions of the laboratory animal. Professor T. Dalling, Director of the Veterinary Laboratory for the Ministry of Agriculture and Fisheries who wrote the *foreword* to the 1947 edition clearly stated his desire to end Cartesianism thinking in animal-dependent laboratory science. He claimed that this understanding of animal-as-machine was obsolete “in view of what is now known of the biological relation between man and the lower animals” (Dalling in Worden 1947, p. 18). According to Dalling, “this queer heirloom bequeathed by the great-grandfather [Descartes] of modern science is still lying about in intellectual lumber-rooms.” In other words, Dalling was sure that most scientists were increasingly dismissing the Cartesian view of nonhuman animals. For him, it only persisted in the ‘intellectual lumber rooms’ of science, meaning it was disused and down-played by most scientists thus rendering it obsolete.

This theoretical move towards post-Cartesianism suggests that what was underway was a “Pastoral turn” (Cole, 2011, p. 83) in animal experimental science and policy making. The UFAW, was the most obvious organization illustrating this point in that they called for the recognition of animal subjectivity by acknowledging their well-being in the laboratory through observation of their expressed behavior:

There appears to be room for a good deal of research into the psychological conditions that make a happy and contented stock. Captive animals may suffer acutely from boredom, and they certainly need exercise, companionship and opportunity to play. Most rodents appear to be agoraphobic and appreciate a nestbox or hut into which they can retreat, and they like to store food. How far such wishes be gratified depends, no doubt, on experimental requirements... but there is room for ingenuity and research in the matter (Dalling in Worden, 1947, p.19).

It was imperative to conduct further research into the behavior and psychology of experimental animals. Dalling acknowledged the psychological states of boredom and agoraphobia in rodents and suggested their accommodations be changed to make for “happy and contented stock.” However, he recognized that this was dependent upon the required methodology of the experiment. As a result, nonhuman laboratory animal, through their behavior, were co-opted in the process of lab science, and this provoked an increase in knowledge about them as much as more control over them.

The UFAW’s ideas on the psychological dimensions of pain became integral to the review of the 1876 Act, so much so that the Committee referred to them throughout the investigation (Littlewood 1965, p. 18). The Report consulted the Cruelty to Wild Animals Act of 1951 (ibid, pp. 254-55). Reference was made to the “mental suffering” of nonhuman animals, emphasizing that “animals suffer both mentally and physically” (ibid, p. 254). An analysis of the *behavior* of animals was integral to determining their anguish as “...animals squeal, struggle, and give other ‘behavioural’ evidence which is generally regarded as the accompaniment of painful feelings.” This was coupled with the recognition of “mental sufferings” in the form of experiencing fear and apprehension (ibid). Taking note of this, and information gathered from the UFAW, the inquiry offered an expansion to the concept of pain as embodied by the current Act (Littlewood, 1965, p. 57):

Within the concept of “pain,” it is desirable to provide for at least three states of suffering:

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- (a) Discomfort (such as may be characterised by such negative signs as poor condition, torpor or diminished appetite);
 - (b) Stress (i.e., a condition of tension or anxiety predictable or readily explicable from environmental causes whether distinct from or including physical causes);
 - (c) Pain (recognisable by more positive signs such as struggling, screaming or squealing, convulsions, severe palpitation).

Contained within this definition is an affordance of agency to nonhuman animals. Nonhuman animals could express their experiences of pain and discomfort. This is particularly evident in the adjectives used to describe the three states of pain: anxiety, torpor, and screaming. Nonhuman animals “tell” of their suffering, indicating their submission and self-mortification (Foucault, 2002; Cole, 2011). The new definition showed a deprivileging of the Cartesian mechanistic discourses associated with the experience of pain in the experimental animal. In effect, this post-Cartesian view enabled the ideology of domination to continue over nonhumans, giving it a more moral sense of righteousness and benevolence.

To convey this sense of benevolence, the Committee of Inquiry asked witnesses about the wording of the Pain Condition. They claimed that most scientists found its phraseology “verbose and confusing” and that some “licensees found it less explicit than they would like” (Littlewood, 1965, p. 58). To remedy this, the UFAW proposed to the Committee a rewording of the Condition:

- (1) Each licensee shall take effective precautions to prevent, or reduce to a minimum, any pain or other distress or discomfort in the animals used
- (2) Every animal which is suffering discomfort which is likely to endure shall be painlessly killed as soon as the experiment has been completed
- (3) In no case shall any animal be subjected to severe pain which endures or is likely to endure. (ibid, pp. 58-59).

This indicated that the licensee had to know the individual nonhuman animal and kill them when they reached the pain limits stipulated by law. The new

recommendation of responsibility of the licensee, coupled with the new analysis of the concept of pain was well received by the Committee who stated, “we, therefore, endorse the principles of the U.F.A.W. proposal and recommend that they should be embodied in the Act...” (ibid, p. 59). Laboratory and legal animal welfarism in this inquiry had shifted the relationship between the human and nonhuman, as well as extended further the notion of “unnecessary suffering.” This was an ideological tactic that seemed to perpetuate the belief that pain was removed, when in fact it is just more deceptively controlled.

The discussion on “Painless Killing” also evidenced this. Once again, drawing on the recommendations made to a UFAW pamphlet written by the organization’s technical secretary Jean Vinter, entitled *Kind Killing* (1950). The Committee dedicated much space in the Report on humane killing, asserting:

We think, that the killing of animals is an important feature in their general handling and protection, and recommend, therefore, that the destruction of animals used under the Act should be restricted by a requirement that this should be performed in a humane and painless manner by, or under direction of, the licensee. (Littlewood, 1965, p. 108).

For the Committee, the killing of animals was a necessary part of their care. To “kill with kindness,” therefore encapsulated the promulgation in the report of responsibility (Foucault, 2002). The Shepherd must look after their flock, even in death. Nonhuman animals were still at the mercy (submission) of the human, but a benevolent one that would kindly kill them when it was their turn. Further, nonhuman animals were constructed as able to express their suffering (Cole, 2011, p. 91), and they are ‘sacrificed’ (Littlewood, 1965, p. 58) for the benefit of science. In that way, the “pastorate” could ensure that their death was self-sacrifice (self-mortification) for the benefit of human and animal kind.

This action of “humane” killing forms part of the legal act of the pastoral approach to eliminating an animal in pain. It became a quasi-therapeutic technique (Cole, 2011) that claimed to understand laboratory animals. However, they were still viewed as “stock,” indicating their property status (Littlewood, 1965):

If animals are to be used at all everyone will agree that they should

be used efficiently and economically... our concern is more immediately to examine how far there is a risk that animals are wasted, and what can be done to prevent or minimise this. Taken in conjunction with the pain inflicted in the individual case, this is the most critical of all the problems in an animal experiment (ibid, p. 82).

If nonhumans are not used efficiently in experiments, a frivolous squandering of their bodies could occur. The wastage of nonhumans in experiment was seen as congruent with the amount of pain they could experience, i.e., any “unnecessary pain” could lead to invalid test results and thus, wastage of an animal. Humans will not gain any benefit from the use of the animal if they experience too much pain. We can argue here that nonhuman experimental animals’ property status pre-empted their construction of them in terms of their economic utility and use-value. According to the Report, they have to be used economically and efficiently. This indicates what Wadiwel (2015) terms a “discourse of excess and waste;” one that only limits suffering when it does not contribute (exceeds) the value of the experimental manipulation for human use.

The Rationalization of Care in the Laboratory

In alignment with a review of the Pain Condition, there was a wealth of discussion in the report dedicated to accommodation and husbandry of experimental animals (Littlewood, 1965, pp. 129-142). Here the Committee linked their new conception of the Pain Condition: stress, distress and nonhumans’ wellbeing, to their housing and handling. In the memorandum sent to the Committee, the RDS strongly emphasized this aspect of laboratory life. They recommended that the Home Office should be “concerned in the care of animals in some way over and above its duties as outlined in the present Act” (Research Society Memo to Home Office, 1963).

Animal care was underscored to be beyond the experimental manipulations to include their handling and care before and after the testing. The RDS argued for the professionalization of laboratory animal care, stating “it is no longer a matter of ‘common sense’ or ‘clinical judgment,’ it has become something of an exact technology and laboratory animal welfare is a factor of paramount importance for successful experimentation” (ibid). The Committee seemed to accept the recommendations of the RDS, stipulating in the Report the need for a code of conduct and the configuration of new

professional courses and training for all staff within the laboratory (Littlewood, 1965, pp. 135-6). This was reinforced by a quote from a University worker in Edinburgh, who declared:

It is necessary to have exacting standards of animal care in order to provide the right psychological milieu which will encourage research workers to treat their animals with the very great respect and kindness which their contribution deserves (Littlewood, 1965, p. 130).

The professionalization of welfare was integral to nonhuman animals' experience in the laboratory. By fostering an ethos of care in laboratory workers, the animals would be healthy enough to take part in the experiment. The attribution of agency further indicates this form of pastoral control to nonhumans; the animal "contributes" (submission) to science. By providing "good" psychological and physical conditions, and treating them with kindness (responsibility), they are sure to provide exceedingly valid results (Littlewood, 1965).

The idea that the scientist should respect and treat kindly an experimental animal demonstrates an insidious yet contradictory link between pastoral care and control, whereby, on the one hand, nonhuman animals are perceived within this discursive framework as having more freedom (psychologically and physically) if there are improvements in their care and accommodation. On the other hand, there is a conscious acknowledgement that they are incapable of acting effectively on their own because of their confined conditions – reinforcing the human dominance hierarchy. As the RDS stipulated "...animals in the laboratory are entirely dependent on those who care for them for all necessities of life and health – they are deprived of all opportunity of fending for themselves" (Research Defence Society Memo to Home Office, 1964). What was recommended was what Foucault deemed a "strange technology of power" (2002, p. 231). In other words, the review of the 1876 Act was part of a broader ideologically contrived endorsement for the rationalization of care in the laboratory. This would make the welfare of nonhuman animals more efficient by recommending the adoption of a "centralised or... more rational regulatory system" (Littlewood, 1965, p. 134).

The UFAW explicitly questioned the very definition of the word "responsibility" and argued that this should be classified at various levels as it was an "important safeguard for animals" (Littlewood, 1965, p. 134). These

various levels of responsibility included the recommendations to have a senior member of staff in each laboratory who would “supervise the animals, their quarters and general management and to keep in close touch with the inspector” (ibid). Besides, Heads of Department would be expected to have more “responsibility for supervision of their staff, their work and their animals, and provide a basis for a clear definition of responsibility at the various levels” (ibid).

This was a recommendation for a hierarchical division of labor on the part of human laboratory workers. Animal technicians and handlers (the proletariat of the human laboratory workers), had a role to play in laboratory animal welfare too. It was advised that non-academic staff should also be given elementary training in husbandry techniques (Littlewood, 1965, p. 138). It was these particular workers who were the ones in close, continuous contact with nonhuman laboratory animals before and after experimentation, and the report emphasized this, explaining:

...It was the observer [handler] who was familiar with the ordinary condition of an animal who could most quickly spot when it was “out of sorts.” We think it would be a serious loss if animal handlers were discouraged from playing their part in the comprehensive supervision of animals and the detection of stress, discomfort or pain (ibid, p. 138).

Here, the emphasis is on having individualized knowledge over each animal. Even the lowliest of laboratory workers could get to know the idiosyncrasies of each animal in their “care.” Through further technical training, the handler could re-define their relationship with nonhuman experimental animals, within the context of responsibility. Moreover, what is particularly interesting is the creation of a nexus of pastoral relations in the laboratory as recommended by the Report. All members of the laboratory, from the Heads of Departments to the animal handlers, had to be involved, ensuring that the animals were both physically and psychologically well balanced. With the provision of appropriate accommodation and husbandry, nonhuman animals’ wellbeing would increase and consequently be more likely to be submissive to their handler. A re-configuration of laboratory working life between humans, and between humans and animals was essential if this was to happen. Consequently, the exploitative and violent nature of vivisection became less visible through a tactical discourse of care. However, the actual

instrumental affiliation between humans and nonhumans remained unchanged (Cole, 2011).

In the end, the Littlewood Report made eighty-three recommendations for changes to the 1876 Cruelty to Animals Act, including the points raised in the essay. Despite this in-depth and detailed inquiry, the Committee failed to make any significant legislative amendments and instead reinforced the 1876 Act's administrative procedures. It was hoped that the general effect of their recommendations would:

Extend protection to all animals in, or destined for laboratories; to apply more effective supervision over the granting of licences; to simplify and strengthen control over the use of animals for research purposes; to introduce provisions for regulations; to put the care of laboratory animals on a properly organized basis... (Littlewood, 1965, p. 198).

Animal welfare in this instance was to extend their use-value by applying more stringent regulatory controls over licensees. This included an "introduction of [a] new system of control with its emphasis on increased technical guidance and supervision" (ibid). Key to these recommendations was the increase in control and care. As has been discussed these are not mutually exclusive categories; in fact, these two aspects of the Report are tightly woven together under the biopolitical rubric of pastoral power. As a result, a new discourse emerged about nonhuman experimental animals, as well as a re-definition of human-animal laboratory relations.

The effects of the Littlewood Inquiry only came to pass in the 1980s when the then Conservative Government, under the direction of the Council of Europe's Convention for the Protection of Vertebrate Animals used for Experimental and Other Scientific Purposes made proposals to fully revise the 1876 Act (Pratt, 1979). In a memorandum from William Whitelaw, Secretary of State for the Home Office, to all governmental departments about the proposed change in legislation, reference was made to the Littlewood Report. Whitelaw stated that no previous governments since the inquiry had implemented any of the recommendations, but that the Report demonstrated that "British scientists have a tradition of humaneness which was endorsed by the Littlewood Committee of 1965" (Whitelaw, 1981). This signifies that welfare was firmly on the agenda in British scientific research at the time and that it was about to be integrated into a new statute. The result

was the Animals (Scientific Procedures) Act 1986, and this strongly reflected the Littlewood Report's recommendations on the pain condition (Lyons, 2013).

Conclusion

In this article, I have outlined how the emergence of a concern for the care and treatment of individual laboratory animals in jurisprudential discourse was contingent upon re-defining how nonhuman animals experience laboratory life: in their pain, death, and care. The effects of the Littlewood Report may have not come to pass until the transposition of the 1986 Animals (Scientific Procedures) Act, but we can most certainly understand its historically relevant antecedents through this assessment of the 1965 Report. Therefore, the Littlewood inquiry was an enabling force which allowed for the development of powerful discourses about the practice of animal experimentation to appear in post-World War II Britain. This in turn set the basic premises for the revision of the 1876 Act in the 1980s which eventually led to the passage of the 1986 Act.

As we have seen, these entangled and paradoxical discourses which transpired from the inquiry, at once seemed to encourage more degrees of freedom for the lived experience of the experimental animal; while at the same time allow for the continuation and intensification of vivisection. Key to understanding these curious and contradictory discourses was to analyze the ruminations presented in the Report about animal pain and their husbandry. The UFAW led the way in influencing the Report on this aspect. It was this organization who preached a "humane" approach to laboratory animal welfare, they had established links to the RDS, and had prominent scientists and members of the House of Lords involved in the group. By deploying Foucault's (2002) ideas on pastoral power, my analysis demonstrated how the UFAW's influential concerns about pain and their recommendations to improve animal welfare highlighted the conditional nature of this form of animal welfare. It was conditional on the fact that it allowed for the perpetuation of animal experimentation through an *a priori* assumption of human dominance over other living beings (Wadiwel, 2015). This assumed domination stems from the nonhumans' status as being objects of property in law. The property status of nonhuman animals remained unquestioned; they were still objectified through the discourse of welfare in the report. This is evidenced on many levels, most notably through the

recommendations to increase the workers' *responsibility* over nonhuman animals in the laboratory, coupled with a suggestion for the licensee to have better *individualised knowledge* over each animal in their "care," and to get to know the animal when it was "out of sorts." As was shown, it was only in the context of the instrumental use of the nonhuman that these power relations of responsibility and individualized knowledge came about in the first place.

Less evident in the Report is Foucault's (2002) ideas of *self-mortification* and *submission*. However, the section on humane (kind) killing demonstrates elements of this. Experimental animals always practice self-mortification through what Foucault (2002) deemed an "everyday death," they serve the interests of human use-value (Cole, 2011). Despite the rhetoric in the Report about improving accommodation and husbandry, their natural lives would still remain unfulfilled, regardless of the human-centric perception of increased "freedom." For that reason, they would continually experience an "everyday death." For Foucault (2002), *submission* was also about the flock accepting their shepherd and willingly baying to their every demand. Submission in this instance is closely bound up with responsibility and individualized knowledge. The suggestion that laboratory animals should be "happy and contented stock," signifies the essence of making sure laboratory animals are tame. To induce tameness in nonhuman animals is to facilitate their submission to humans, in the end making them more malleable and open to manipulation. Re-defining the humans' level of responsibility towards fostering an ethos of care over nonhuman experimental animals would enable this submission, as much as make for "happier" and "healthier" animals that would be more open to manipulation.

There were powerful vested interests for the scientific profession to align themselves with this particular episteme. By acknowledging that nonhuman animals have psychological lives, it would help them produce more docile and less fearful (submissive) beings. However, this would not have happened if nonhuman animals were not ascribed property status in law. The property status of nonhuman animals paved the way for the construction of welfare and accordingly, automatically qualified nonhuman animals to experience more suffering. The Report delineated suffering to such an extent that it granted laboratory-dependent science the continuing right to use and *enjoy* their objects of property. Pastoral power has helped to uncover this attempt at the reconfiguration of laboratory human-animal relations; it also

demonstrates that welfare is a construction that modifies the means of exploitation of nonhuman animals, but does nothing to end it.

The analysis in this article has illuminated a neglected aspect of CAS: that of the historical. It is imperative that scholars render visible the historical trajectories that experimental animal science has undergone to analyze the *question* and *condition* of nonhuman animals (Taylor & Twine, 2014). Historical analysis can assist CAS scholars with assessing how the contemporary manifestations of animal experimentation is connected both in law and the lab. In effect, my methodology has combined aspects of CAS and the ethos of many socio-cultural histories by advocating from the ‘nonhuman standpoint’ (Nocella, Sorenson, Socha, & Matsuoka, 2014. p. xxvii). I did this by taking as my philosophical starting point the socio-cultural historians’ notion of a ‘history from below’ (Burke, 2008).

CAS and socio-cultural histories have much in common with regards to their reasoning for taking the standpoint of the oppressed. Socio-cultural historians do this through seeking to illuminate the *experiences* of those marginalized and oppressed (human) groups which mainstream history has often neglected. This should include nonhuman animals, and CAS insights can help to bridge that gap, as well as contribute to the destabilization of normative human-centric hierarchies which are as much historical contingent as they are contemporarily malign.

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Author Biography

Catherine Duxbury is not an intellectual, nor an academic, just, well, average really. But, she does like to squirrel herself away in various historical archives around the country in the hope of achieving something significant. She is neither a sociologist or historian, and does not seek to be bound by the myopic ties of mono-disciplinary frameworks. Rather, Catherine likes to traverse boundaries and embrace interdisciplinary, which she argues allows for more imaginative and creative insights to emerge about nonhuman animals. She recently gained her Ph.D. in Sociology, from the University of Essex, where she is now a Visiting Fellow in the School of Philosophy and Art History. She is also a teacher across several degree programs at University Centre Colchester, Essex.

My extended thanks are sent to the editor of JCAS Amber George, and my anonymous peer reviewers. They have tremendously helped in re-shaping my intellectual and literary life!

JCAS Editorial Objectives

The *Journal for Critical Animal Studies* is open to all scholars and activists. The journal was established to foster academic study of critical animal issues in contemporary society. While animal studies is increasingly becoming a field of importance in the academy, much work being done under this moniker takes a reformist or depoliticized approach that fails to mount a more serious critique of underlying issues of political economy and speciesist philosophy. JCAS is an interdisciplinary journal with an emphasis on animal liberation philosophy and policy issues. The journal was designed to build up the common activist's knowledge of animal liberation while at the same time appealing to academic specialists. We encourage and actively pursue a diversity of viewpoints of contributors from the frontlines of activism to academics. We have created the journal to facilitate communication between the many diverse perspectives of the animal liberation movement. Thus, we especially encourage submissions that seek to create new syntheses between differing disputing parties and to explore paradigms not currently examined.

Suggested Topics

Papers are welcomed in any area of animal liberation philosophy from any discipline, and presenters are encouraged to share theses or dissertation chapters. Since a major goal of the Institute for Critical Animal Studies is to foster philosophical, critical, and analytical thinking about animal liberation, papers that contribute to this project will be given priority (especially papers that address critical theory, political philosophy, social movement analysis, tactical analysis, feminism, activism and academia, Continental philosophy, or post-colonial perspectives). We especially encourage contributions that engage animal liberation in disciplines and debates that have received little previous attention.

Review Process

Each paper submitted is initially reviewed for general suitability for publication; suitable submissions will be read by at least two members of the journal's editorial board.

Manuscript Requirements

The manuscript should be in MS Word format and follow APA guidelines. All submissions should be double-spaced and in 12 point Times New Roman. Good quality electronic copies of all figures and tables should also be provided. All manuscripts should conform to American English grammar spelling.

As a guide, we ask that regular essays and reviews be between 2000-8000 words and have no endnotes. In exceptional circumstances, JCAS will consider publishing extended essays. Authors should supply a brief abstract of the paper

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