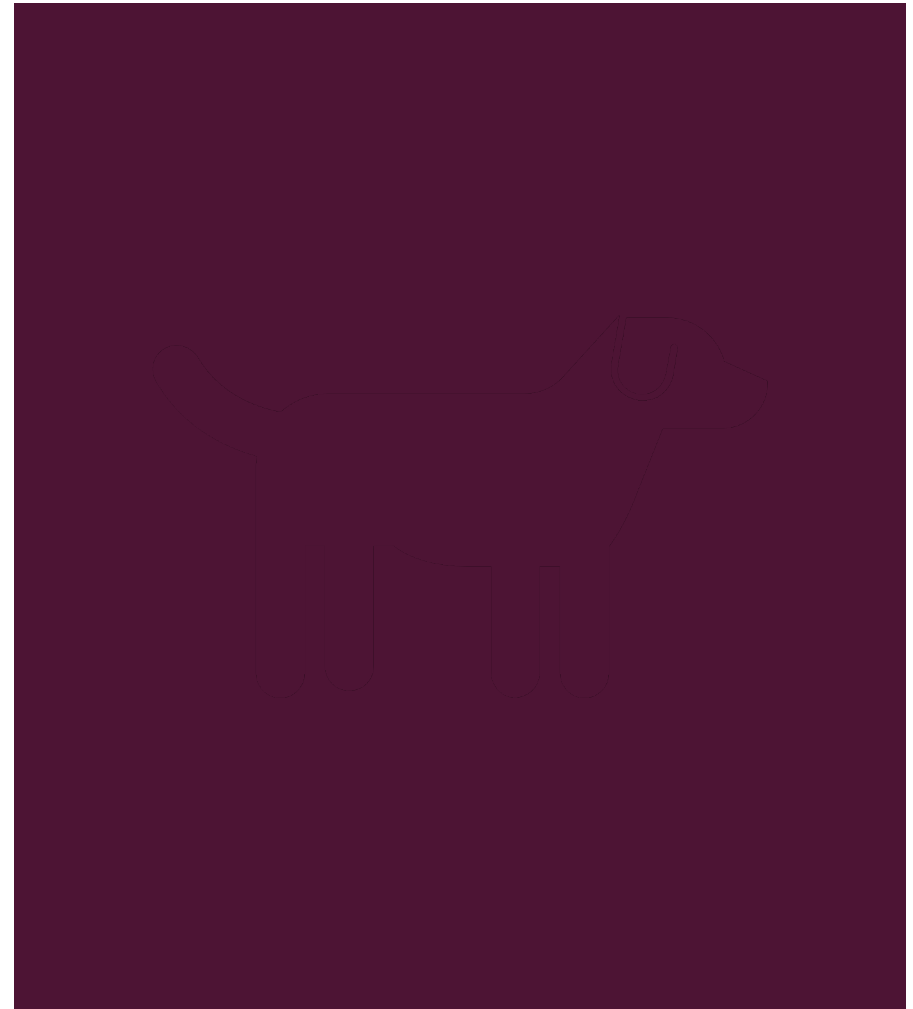

Consciousness-Free Approach to Animal Welfare

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INTRODUCTION

- In animal welfare research, philosophers have discussed what ground moral patiency.
 - To have moral patiency is to deserve moral consideration.
 - Moral patiency does not imply moral agency, vice versa.
- Many philosophers claim that phenomenal consciousness ground moral patiency.
 - The capacity to have phenomenal experiences ground moral patiency.
- So, animals that have phenomenal consciousness should be morally considered.
 - If dogs have phenomenal consciousness, then they should be morally considered.
 - If lobsters do not have phenomenal consciousness, then it is not immediately morally wrong to boil them.
- I call this view the “**consciousness-based approach**” (CBA).
 - i.e. “sentientism”
- CBA is the traditional and dominant view in animal welfare research.
 - “The question is not, Can they reason? Nor, Can they talk? But, Can they suffer?” (Bentham 1970, p. 283n)

INTRODUCTION

- However, some philosophers and scientists oppose CBA.
 - Phenomenal consciousness is not amenable to objective science
 - We should look for another criterion of animal welfare.
- I call this view the “***consciousness-free approach***” (CFA).
- CFA would facilitate the ethics and science of animal welfare.
- Nevertheless, there are many objections to CFA.
- In this talk, I will defend CFA by responding to those objections.

PLAN

1. What is CBA
2. Problems of CBA and Motivation of CFA
3. Defending CFA



I. WHAT IS CBA?

- THE DEFINITION OF CBA
- THE APPARENT PLAUSIBILITY OF CBA

WHAT CBA IS ABOUT

- CBA is a claim about *psychological moral patiency (PMP)*.
- Psychological moral patiency
“[A] form of moral status that may arise in virtue of a possession of specific psychological capacities such as sentience, autonomy, desires and so on” (Shevlin 2021, p. 460).
- There would be other forms of moral status.
 - It is very plausible that people who lack any psychological capacities have some moral status.
- Moreover, even if CBA could be apply for human welfare, we will focus on CBA to (nonhuman) animal welfare.

CONSCIOUSNESS-BASED APPROACH TO ANIMAL WELFARE

- CBA claims that;
 1. The capacity for phenomenal conscious experience is necessary for PMP.
 2. The capacity for valenced phenomenal conscious experience is sufficient for PMP.
 - Cf. Sentientism (Dung 2022)
- Beings that can have valenced phenomenal experiences have moral patiency.
 - The reason why some animals have moral patiency is that they can have valenced phenomenal experiences.
- Animal welfare can be defined in terms of phenomenal consciousness.
- The welfare of an animal is good iff it has positive conscious experiences and no negative ones.

WHAT MOTIVATES CBA

- CBA is motivated by the intuitions of the link between phenomenal consciousness and value.
- There are two theses of the link (Kammerer 2019).
- Phenomenal Value (PV):
The instantiation of some standard phenomenal properties grounds (or would ground) intrinsic value.
- Exclusive Phenomenal Value (EPV):
The instantiation of some standard phenomenal properties grounds (or would ground) intrinsic value and there is no non-phenomenal property such that its instantiation grounds intrinsic value.
- These theses would be supported by the following thought experiments.
 - Pure Suffering (Kammerer 2019)
 - Zombification (Siewert 1998; Seager 2001)
 - Zombie World (Kammerer 2019)

PURE SUFFERING (KAMMERER 2019)

- Pure Suffering

“Let us imagine that a man named Piotr, [...] suffers from a rare disease. Every night, during sleep, he wakes up and, for one hour, feels the most excruciating pain one can imagine. The pain is so intense that it leaves him unable to move or to talk [...]. For one hour, his life is entirely filled by nothing but the most awful pain ever felt [...] he undergoes Pure Suffering. He then goes back to sleep. In the morning, he systematically forgets about everything that has happened to him during the night: these nocturnal episodes of pain do not leave any memory, conscious or unconscious, and do not change his psychological dispositions.” (Kammerer 2019)

- Kammerer claims that “I take it to be extremely intuitive that Pure Suffering has negative value”. (Kammerer 2019, p. 899)
- Phenomenal pain seems to ground negative value.
- This intuition supports PV.
 - PV: The instantiation of some standard phenomenal properties grounds intrinsic value.

ZOMBIFICATION (SIEWERT 1998; SEAGER 2001)

- Zombification

“Imagine the devil gives you the choice: you can become the richest and most successful person on the planet, but at the cost of a total loss of consciousness. You will be a zombie, though undetectably such to the rest of the world, and a very well off zombie at that.” (Seager 2001, p. 3)

- This is what Siewert calls “zombification.”
- Seager claims that “This offer is no bargain” (Seager 2001, p. 3).
- Phenomenal pleasure seems to ground positive value.
- This intuition also supports PV.

ZOMBIE WORLD (KAMMERER 2019)

- Zombie World

“Zombie World is exactly identical to our world from the physico-functional point of view. Moreover, Zombie World contains no phenomenal experiences. No one in Zombie World enters phenomenal pain, phenomenal pleasure, or any other phenomenal states [...]. Zombies, however, have behaviors, and an internal physico-functional composition identical to ours: when you hurt them, they shout, they cry, the nociceptive zones in their brains are activated exactly like ours, etc.” (Kammerer 2019, p. 901-2)

- Cf. “Robotic Earth” (Cutter 2017)

- Kammerer says, “I suspect that a number of readers would tend to answer that Zombie World has no value.” (Kammerer 2019, p. 902)

- This intuition supports EPV.

- EPV: The instantiation of some standard phenomenal properties grounds intrinsic value and there is no non-phenomenal property such that its instantiation grounds intrinsic value.

THE LINK BETWEEN PHENOMENALITY AND VALUE

- If the intuitions are correct, then, there is the link between phenomenality and value.
 - EPV strongly justifies the link, but only PV is sufficient to justify it.
- This would support CBA.
- If phenomenal consciousness has intrinsic value, then, a conscious being has also intrinsic moral value and they should be morally considered.
- Of course, there are many possible objections to the link.
 1. Objection from neutrality
 2. Objection from experience machine
 3. Objection from deontology
 4. Objection from prudentiality
- However, they are plausibly rejected, and we will see how.

I) OBJECTION FROM NEUTRALITY

Phenomenal consciousness is axiologically neutral

OBJECTION

- Phenomenal consciousness itself is axiologically neutral (Lee 2019).
- Therefore, there is no link between phenomenality and value.

RESPONSE

- Of course, there are phenomenal experiences that are axiologically neutral.
 - e.g. an experience of seeing a white wall might neither good nor bad.
- However, it is hard to deny that there are some valenced experiences, phenomenal experiences that have positive or negative value.
 - e.g. pleasure and pain
- Therefore, it is still difficult to refute, at least, PV and the second claim of CBA.
 - PV: The instantiation of some standard phenomenal properties grounds intrinsic value.
 - 2nd claim of CBA: The capacity for valenced phenomenal conscious experience is sufficient for PMP.

2) OBJECTION FROM EXPERIENCE MACHINE

The experience-machine intuition rejects PV

OBJECTION

- Nozick's experience machine shows that PV is false.
 - Even though we feel phenomenal pleasure in the experience machine, we would not choose to enter it (Nozick 1974).
- Therefore, even valenced phenomenal experiences may not have intrinsic value.

RESPONSE

- The experience-machine intuition does not undermine PV.
- Suppose you had to choose between A and B (Kriegel 2019):
 - A) You enter the experience machine and lead a life phenomenally approximately indistinguishable from the one you would be leading outside the machine.
 - B) You stay outside the machine but lose all phenomenal consciousness, carrying on your 'public' life entirely undisturbed – but as a complete zombie.
- We would choose A.
- “Thus the fact that in the original experience-machine scenario you are guaranteed a continued experiential life outside the machine is crucial in sustaining the intuition that it is preferable for you not to plug in.” (Kriegel 2019, p. 511)
- The experience-machine intuition does not deny that phenomenal experience, at least partially, grounds value.

3) OBJECTION FROM DEONTOLOGY

Deontology rejects PV

OBJECTION

- If deontology is adopted, phenomenal consciousness does not matter.
- What matters in deontology would be *autonomy* or *dignity*.

RESPONSE

- There are two ways to respond to this objection.

1. Autonomy could not accommodate animal welfare itself.

Animals do not seem to have autonomy. If so, autonomy-based approach to animal welfare, if any, would not be possible. However, my focus is animal welfare. Thus, deontology, which cannot accommodate animal welfare itself, is simply out of my scope.

2. Dignity could be grounded in phenomenal consciousness (Kriegel 2017).

According to Kriegel (2017), phenomenal conscious being has *inviolability*, because one's private phenomenal experiences are never accessible to others. Inviolability is a facet of dignity. Thus, phenomenal consciousness, at least partially, grounds dignity.

- Therefore, deontology is either i) irrelevant to animal welfare or ii) compatible with PV.

4) OBJECTION FROM PRUDENTIALITY

The value of phenomenal experience is merely prudential, not moral

OBJECTION

- The value that phenomenal experiences have is merely prudential, not moral.
 - Avoiding being a zombie is a prudential decision, not a moral judgement.
- However, CBA is about *moral* patiency.
- Therefore, CBA is not justified by PV.

RESPONSE

- It is plausible that a being that can make a prudential decision is a subject of welfare.
- A subject of welfare is a moral patient.
 - We should morally consider a subject of welfare.
 - It would be morally wrong to force someone to become a zombie .
- This means that if phenomenal experience has prudential value, then it also has moral value (Kriegel 2017).

SECTION I SUMMARY

- Consciousness-based approach (CBA) is about *psychological moral patiency (PMP)*.
- CBA claims that;
 1. The capacity for phenomenal conscious experience is necessary for PMP.
 2. The capacity for valenced phenomenal conscious experience is sufficient for PMP.
- CBA is motivated by the intuition of Phenomenal Value (PV).
 - Phenomenal Value (PV):
The instantiation of some standard phenomenal properties grounds intrinsic value.
- There are several objections to CBA, but none of them would successfully refute it.
- It is not easy to deny that CBA is, at least partially, correct.



2. PROBLEMS OF CBA AND THE MOTIVATION OF CFA

- THE ARGUMENTS AGAINST CBA
- THE MOTIVATION AND A WORKING DEFINITION OF CFA

WHY AGAINST CBA

- CBA is not easy to refute, but I am against it.
- Because it has several problems.
- We will see three arguments against CBA:
 1. Argument from unconscious affect (Dawkins 2021)
 2. Argument from indeterminacy (Kammerer 2022)
 3. Argument from justification (Kammerer 2022)

1) ARGUMENT FROM UNCONSCIOUS AFFECT (DAWKINS 2021)

- The argument from unconscious affect (Birch 2022, p. 1117; Dawkins 2021):
 1. Animal welfare should be defined in such a way as to make it feasible (with current methods) to validate animal welfare indicators with high confidence.
 2. We do not currently have reliable methods for distinguishing conscious from unconscious affect in animals.
 3. If we define animal welfare in terms of conscious affect, then in the absence of reliable methods for distinguishing conscious from unconscious affect, we will be unable to validate animal welfare indicators with high confidence.
 4. Animal welfare should not be defined in terms of conscious affect.

I) ARGUMENT FROM UNCONSCIOUS AFFECT (DAWKINS 2021)

- We may be able to distinguish conscious affect from unconscious affect in humans who verbally report about their conscious states.
- However, we cannot distinguish conscious affect from unconscious affect in animals, because they do not speak.
- This argument is a form of the so-called *epistemic objection* to CBA;
The objection that appeals to the lack of an epistemic method for distinguishing conscious states (or beings) from unconscious ones.

2) ARGUMENT FROM INDETERMINACY (KAMMERER 2022)

- Argument from indeterminacy
 1. Animal welfare should be defined in terms of phenomenal consciousness only if we can decide which physical process constitutes it.
 2. If physicalism is true, then our introspective grasp of phenomenal consciousness is, at least partially, illusory.
 3. If so, we cannot appeal to the conditions borne by our introspective grasp to decide which physical process constitutes phenomenal consciousness, so we cannot decide it.
 4. Physicalism is true.
 5. We cannot decide which physical process constitutes phenomenal consciousness.
 6. Animal welfare should not be defined in terms of phenomenal consciousness.

2) ARGUMENT FROM INDETERMINACY (KAMMERER 2022)

- This argument is different from the first one, and it is NOT the epistemic objection.
- If physicalism is true, then it is *metaphysically* impossible to determine which physical process constitutes phenomenal consciousness.
- Because there is no physical process that satisfies *all* the conditions of phenomenal consciousness that our intuitions tell us it does.
 - Nonphysical, private, ineffable, infallibly known, etc.
- Instead, we might find physical processes that satisfy *some* conditions of phenomenal consciousness.
- However, there are many candidates.
 - e.g. global workspace, higher-order representation, instantiation of some kind of state described at a neural level, etc.
- We could choose one as the referent of the word “phenomenal consciousness”.
- But such a choice is just a semantic decision or stipulation and seems arbitrary.

3) ARGUMENT FROM JUSTIFICATION (KAMMERER 2022)

- Argument from Justification
 1. CBA to animal welfare is justified only if PV is also justified.
 2. If physicalism is true, then our intuition about phenomenal consciousness is, at least partly, illusory.
 3. If so, our intuition that PV is true is not justified.
 4. Physicalism is true.
 5. CBA to animal welfare is not justified.

3) ARGUMENT FROM JUSTIFICATION (KAMMERER 2022)

- This argument is also NOT the epistemic objection.
- The epistemic objection claims that we cannot know which mental states (or beings) are conscious.
- The argument from justification claims that PV is not justified.
 - Because, according to physicalism, our intuitions about phenomenal consciousness are not reliable.
- Thus, even if we can know which mental states (or beings) are conscious, it does not matter.
- The intuition itself that conscious mental states (or beings) have moral value is not justified.
- This argument directly challenges the intuitions from the three thought experiments: pure suffering, zombification, zombie world.
- Of course, this argument does not deny the intuitions, but would undermine them.

MOTIVATION OF CFA

- If these arguments are correct, then CBA is not promising.
 - We cannot know which animals have moral patiency.
 - Given physicalism, there is no fact about which animals have moral patiency.
 - Given physicalism, CBA is not justified.
- The first is an epistemic objection, but the others are metaphysical objections.
- It is worth exploring the consciousness-free approach (CFA).

CONSCIOUSNESS-FREE APPROACH TO ANIMAL WELFARE

- CFA itself is a negative statement;
 - We should *not* define animal welfare in terms of phenomenal consciousness.
- CFA can take different forms, depending on what is PMP.
- We will tentatively consider a form of CFA that deploys the capacity for desire as PMP (Dawkins 2021, Kammerer 2022).
- A working definition of CFA
 - The capacity for desire is necessary and sufficient for PMP.
- Welfare of an animal is good iff its desires are satisfied.
- This is a form of CFA that is based on the desire satisfaction theory of welfare.
 - Desire satisfaction has intrinsic moral value.
- Here, desire is understood as merely functional, and thus more tractable than phenomenal consciousness.
 - We can detect animals' desires by observing their behavior.
- This form of CFA would facilitate the ethics and science of animal welfare.

SECTION 2 SUMMARY

- CBA has some problems:
 - We cannot know which animals have moral patiency.
 - Given physicalism, there is no fact about which animals have moral patiency.
 - Given physicalism, CBA is not justified.
- So, it is worth exploring CFA.
- We will tentatively use the capacity for desire as the PMP in CFA.
- This form of CFA would facilitate the ethics and science of animal welfare.



3. DEFENDING CFA

- THE OBJECTIONS TO CFA
- POSSIBLE RESPONSES TO THE OBJECTIONS

OBJECTIONS TO CFA

- There are many objections to CFA:
 1. Objection from epistemic optimism
 2. Objection from anti-physicalism
 3. Objection from normative aptness
- I will defend CFA against each of these objections.

1) OBJECTION FROM EPISTEMIC OPTIMISM (Dung 2022)

We can know which animals are conscious

OBJECTION

- The epistemic objection is false, and we can know which animals are phenomenally conscious.
- For two reasons (Dung 2022, p. 11):
 1. There are not that many beings about which we are completely ignorant regarding their conscious experience.
We are not in total uncertainty. We have theoretical knowledge about consciousness.
 2. There are principles that allow reasonable and morally appropriate decisions to be made in the face of uncertainty.
There are two canonical ways of dealing with empirical uncertainty in decision making.
 - We can rely on the precautionary principles.
 - Our responsibilities to animals are proportional to their probability of phenomenal consciousness.
- Therefore, we do not have to abandon CBA.

I) OBJECTION FROM EPISTEMIC OPTIMISM (Dung 2022)

We can know which animals are conscious

RESPONSE

- This objection may successfully refute the epistemic objection, and, of course, we do not have to abandon CBA altogether.
- However, we have not only the epistemic objection, but also the metaphysical objection to CBA.
- We might have theoretical knowledge about consciousness, thanks to many theories of consciousness.
- But which theory correctly captures phenomenality is metaphysically indeterminate, because there is no full-fledged phenomenality in the physical world.
- So, even if we do not have to abandon CBA altogether, it still has a problem, and it is worth exploring CFA.

2) OBJECTION FROM ANTI-PHYSICALISM (Cutter 2017)

The indeterminacy falsifies physicalism, not CBA

OBJECTION

- The metaphysical objections (the argument from indeterminacy and justification) presuppose physicalism.
- The basic structure of these arguments;
 1. If physicalism is true, then CBA is false.
 2. Physicalism is true.
 3. CBA is false.
- However, it is possible to construct arguments in the following way;
 1. If physicalism is true, then CBA is false.
 2. CBA is true.
 3. Physicalism is false.
- In fact, Cutter (2017) argues that physicalism is false by appealing to the indeterminacy.

2) OBJECTION FROM ANTI-PHYSICALISM (Cutter 2017)

The indeterminacy falsifies physicalism, not CBA

RESPONSE

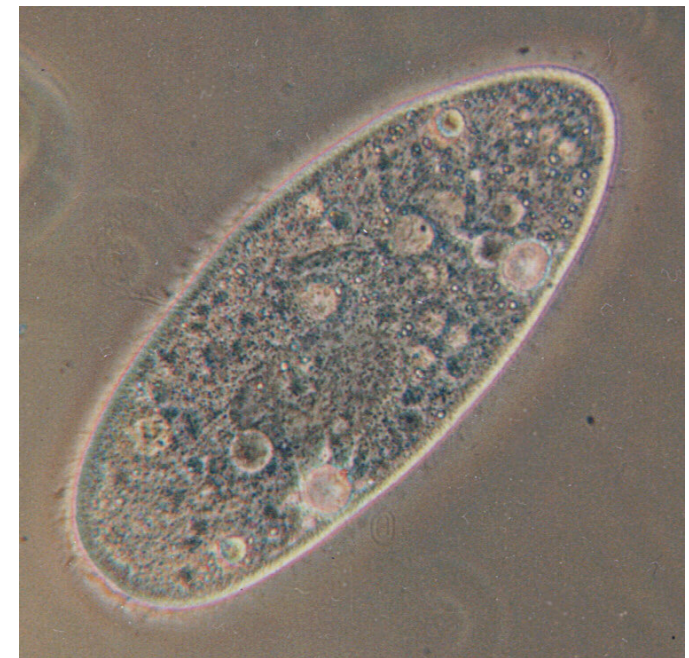
- It is true that if physicalism is false, the metaphysical objections would not be sound.
- However, if physicalism is false, we would encounter a new epistemic objection, *the radical epistemic objection*.
- If physicalism is false, then the only method of accessing to phenomenal consciousness would be *introspection*, since no physical measures can be used.
- But we cannot introspect the mental states of nonhuman animals.
- Thus, we can never know which animals are phenomenally conscious.
- This radical epistemic objection differs from the original one.
- The original epistemic objection concerns the lack of method *in the present situation*.
 - There is the possibility of finding a physical measure for phenomenal consciousness through future empirical research.
- In contrast, if physicalism is false, then there is no such possibility.
 - That we cannot introspect the mental states of nonhuman animals is a metaphysical fact.
- Therefore, it is not a good move to reject physicalism on the grounds of indeterminacy.

3) OBJECTION FROM MORAL APTNESS (Birch 2022)

CFA sacrifices normative aptness

OBJECTION

- According to the working definition of CFA, animal welfare is defined in terms of purely functional desire.
- Purely functional desire can be ascribed to even single-celled creatures. (cf. Lyon and Kuchling 2021)
- “[C]onsider *Paramecia aurelia*, a single-celled ciliate. A paramecium has no nervous system, but it does have health, and it has states that drive defensive/escape responses—valenced states[...].” (Birch 2022, p. 1118)
- However, it does not seem to be an ethical failure to fail to morally consider such a creature.
- Thus, the definition of animal welfare does not play the normative role.
- By defining the concept of animal welfare in terms of purely functional desires, CFA sacrifices **normative aptness** (Birch 2022, p. 1118).



Paramecium aurelia

from Wikipedia

(<http://en.wikipedia.org/wiki/Image:Paramecium.jpg>)

3) OBJECTION FROM MORAL APTNESS (Birch 2022)

CFA sacrifices normative aptness

RESPONSE

- Of course, the capacity for such a primitive desire is too simple to be PMP and it has no moral aptness.
- However, desire has many possible degrees of sophistication (Kammerer 2022).
 - “On the one extreme, we can think of the most basic way of desiring: a creature can value negatively or positively certain state of affairs, grasped in the roughest way through some basic sensing system. On some views, entities as simple as bacteria can do that (Lyon and Kuchling, 2021). On the other hand, we can think of the most sophisticated ways of desiring. Creatures such as, at least, humans can desire for a thing to thrive in what they take to be its own proper way to thrive and at the same time desire their own desire for this thing to thrive to persist — an attitude close to what Harry Frankfurt called ‘caring’ (Frankfurt, 1988)”. (Kammerer 2022, p. 200)
- We can adopt a more sophisticated concept of desire than the primitive one.
 - A paramecium does not have such a sophisticated desire.
- CFA need not sacrifice normative aptness.

SECTION 3 SUMMARY

- There are many objections to CFA, but it can be defended:
 1. Objection from epistemic optimism
 - Objection; We can know which animals are conscious.
 - Response; If the metaphysical objections are correct, then it is metaphysically impossible to know it.
 2. Objection from anti-physicalism
 - Objection; The indeterminacy falsifies physicalism, not CBA.
 - Response; If physicalism is false, then we encounter the radical epistemic objection. Thus, it is not a good move to deny physicalism.
 3. Objection from normative aptness
 - Objection; CFA sacrifices normative aptness.
 - Response; By adopting more sophisticated concept of desire, CFA can maintain normative aptness.

CONCLUSION

- Consciousness-based approach (CBA) is the traditional and dominant view in animal welfare.
- However, CBA has some problems:
 - We cannot know which animals have moral patiency.
 - Given physicalism, there is no fact about which animals have moral patiency.
 - Given physicalism, CBA is not justified.
- So, it is worth exploring CFA.
- There are many objections to CFA, but it can be defended.
- By adopting a tractable criterion, CFA would facilitate the ethics and science of animal welfare.

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