

# ANIMAL SENTIENCE AND THE PROBLEM OF MORAL STATUS

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## Abstract

In this paper, I problematize the sentience thesis of moral status. Central to the sentience proposal is the claim that an entity has moral status because it can suffer. On account of such capacity, defenders of the sentience proposal, including Richard D. Ryder and Peter Singer argue that sentient animals have direct moral standing as humans. In this paper, I argue that this framework to deciding on moral standing fragments beings along a cognitive line. I try to show that such dichotomy between sentient and non-sentient beings makes the sentience proposal not only narrowly accounts for the loss of and injustices against animals; but it also does poorly when assessed against the backdrop of lived-experience, which I characterised as ‘the applicability test’.

**Keywords:** Animals, Applicability test, Fragmentation, Place, Relationships, Sentience

## Introduction

The concern of animal abuse is currently receiving keen attention. One reason to limit human cruelty to animals owes to the fact that some animals like humans are sentient beings (i.e. they can feel pain or suffer). From such consideration, proponents of the sentience approach to moral status, including Richard D. Ryder (1992) and Peter Singer (1993, 2009) resist abuses and injustices against animals in factory farming systems and laboratory experiments.

Centrally, I assess the plausibility of the sentience approach to moral status through what I label ‘the *applicability test*’<sup>1</sup> in order to understand the extent this framework can enable us to confront the loss of and cruelty against animals. Although the sentience approach takes us one set forward in addressing cruelty to animals, it is inadequate for addressing widespread loss to animals. I argue that this framework still fragments beings along a cognitive line. Then, I try to show that (1) such dichotomy between sentient and non-sentient animals *not* only narrowly addresses the loss of and injustices against animals; (2) but it also does not satisfy the applicability test.

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<sup>1</sup> Roughly explained, the applicability test examines the plausibility of a principle in the context of lived-experience. It is important to note that we can test a principle in many ways. In this paper, I consider whether how we treat animals or a specific way of acting against them is morally wrong per se. In order to carefully examine the sentience approach to moral status, I focus mainly on human-animal relationships in the context of lived-experience, focusing on (1) interdependence between animals and humans, (2) the how human treat habitats of nonhumans and (3) conflicting duties to both.

To examine the sentience proposal, I divide this paper into five sections. Section I sketches what moral status entails in the context of this paper. Section II contrasts the term ‘sentience’ from two other approaches to moral status, namely, *rationality* and *flourishing*. Section III discusses some arguments offered by some proponents of the sentience proposal for the inclusion of animals in the moral community, including the view of Ryder and Singer. Section IV revisits the distinction between sentient and non-sentient animals. Section V evaluates the plausibility of sentience approach to moral status.

### **The Concept of Moral Status**

The notion of moral status is a very controversial one, and I do not pretend to exhaust the various ways we can adopt the term. Instead, I use the term ‘moral status’ to refer to direct moral consideration.<sup>2</sup> Something (say— $x$ ) has direct moral consideration if harming it is wrong for its own sake. Such an entity ( $x$ ), to use Immanuel Kant’s phrase (1991:255), is an end in itself but not merely as a means to human ends. What moral status signifies, therefore, is that an entity’s good, interests, and wellbeing matters in its own right by virtue of meeting the minimum basis<sup>3</sup> for conferring such standing.<sup>4</sup>

As the above indicates if we assign moral status to an entity it means that it has direct moral consideration. So, moral agents have the duties to treat such an entity with care and respect as a moral patient.<sup>5</sup> However, the fundamental problem in the literature is how we are to decide

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<sup>2</sup> Entities that have only indirect moral consideration are mere means to human ends. For an interesting discussion on direct and indirect moral consideration, see Immanuel Kant (1991). *The Metaphysics of Morals*. Cambridge: Cambridge University Press.

<sup>3</sup> There is still an ongoing debate on what should be the minimum criterion for moral status. Some philosophers set the minimum standard as rationality. For such views, see Immanuel Kant (1991), Timothy Hsiao (2015). Others take the capacity to “be communed with” as the alternative metric (see Metz 2017). However, proponents of the sentience requirement suggest the capacity to suffer as the condition for belonging to the moral community.

<sup>4</sup> It does not follow that we cannot legitimately and intentionally harm any entity having such status. However, it is morally wrong to do so. The striking point is that someone harms entities having such status must provide considered reasons for doing so. For example, because humans are ends in themselves, it does not follow that we do not have some strong moral reasons imprison people that commit a crime. In cases involving genocide, laws sanction humans even with death. However, no one has the right to take another person’s life at will.

<sup>5</sup> Let me clarify two essential terms used above, namely, (1) moral patient and (2) moral agent. A moral patient is an entity that is morally considerable (for its own sake). I use the phrase ‘moral agent’ to refer to any entity that can be held accountable for her action. In this case, only mentally-abled persons qualify as moral agents. Consider this analogy. Johnson might be a moral patient as well as a moral agent. To be a moral agent, Johnson can be held accountable for his actions. Assume that he is a serial rapist, Johnson can be punished if found guilty. Suppose we can prove that Johnson has a mental disorderliness, although we cannot sanction him with death, he might be secluded for some since his actions bring about undesirable outcomes for others. Unlike the notion of a moral agent that refers to any entity that we can hold accountable for her deed, a moral patient is any entity that is an object of respect. For example, many will grant that infants, some mentally-disabled humans, and people who have dementia are moral patients that deserve care and respect.

on moral status. What is the appropriate criterion for deciding on moral status and why should we accept such for deciding on our moral roles or responsibility?’

On the debates on moral standing, therefore, philosophers have offered different and, in most cases, mutually exclusive criteria for direct moral consideration. The dominant view confers a direct moral standing on humans (Kant 1991, Hsiao 2015). Some tend such standing to sentient animals (Bentham 1996, Singer 2009). Others claim trees and plants have moral standing.<sup>6</sup> I turn now to highlight some criteria offer for moral standing in order to differentiate the sentience approach from its alternative.

### How Do We Decide On Moral Status?

Before discussing the sentience proposal in the following section, I aim to highlight the notion of sentience briefly and show how it is different from two alternative approaches (i.e. rationality and flourishing proposals). I begin with the rationality thesis (RT), followed by the sentience and flourishing respectively.

What is rationality and why does it matter for moral standing? In the literature, rationality refers to (1) cognitive capacity such as mind and (2) the functioning of such capacity such as consciousness. According to this proposal, only a rational entity has direct moral standing. Here, rationality does not imply reason, where reason entails the *justification* of one’s actions or inactions. Instead, rationality in the discourse of moral standing designates cognitive faculties such as *mind* in Rene Descartes’ (1994), *Will* in Kant’s (1991), and *Root-Capacity* in Hsiao’s (2015) or a *simple consciousness* in Christine Korsgaard’s (2014) philosophy. Most defenders of rationality requirement argue that one must be an agent to have direct moral standing. As I have mentioned earlier, the criteria of agency vary from one theorist to another.<sup>7</sup>

The sentience framework confers a direct obligation on entities because they can feel. The term ‘sentience’ as used here means the capacity to suffer or feel pain. To picture what this requirement suggests; let us differentiate (1) sensation from (2) sentience. To make this demarcation, consider for example. Trees and plants have sensation from water and sun; however, they lack subjective feelings. In this case, trees and plants have experience of some sort, but they are not sentient beings because they cannot communicate their feeling or report how they feel to us. In other words, tree and plants cannot show remorse, pain, or sadness. To

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<sup>6</sup> For a detailed discussion on such works, see Kenneth Goodpaster (1978), Attfield Robin (1981).

<sup>7</sup> Descartes (1994) refers to the human mind as the seat of consciousness, arguing that one is an agent by virtue of her ability to use language and signs. For Kant (1991), an agent must be autonomous and capable of reciprocal duties. For Korsgaard (2013), an agent is any entity that can perceive pain, arguing that animals fall into such a category. Hsiao (2015) highlights freedom and ‘root capacity’ shared humanity as the basis for determining agency. There is still a crucial challenge in establishing which entity qualifies as a moral agent from each of the above criteria for agency. While Descartes’, Kant’s and Hsiao proposals remove infants and mentally challenged humans from direct moral standing by implication, Korsgaard’s idea of agency extends direct moral standing to animals that are conscious of their pain. Unless we have a unified theory of agency, the rationality proposals tend to lead us in different directions.

be sentient, therefore, is to have internal, mental or subjective experience about one's feeling. A sentient being has a personal awareness of its internal states, such as its worries, pain, and experience. Such a being does not only feel bodily (or physical pain), it also experiences mental suffering like agony, remorse, loneliness, and guilt. For instance, Richard D. Ryder (1992:197) notes that "plants may react to a blow, but does a detonator; reaction in itself is not evidence of sentience." Unlike other nonhuman beings that have a mere sensation, animals can feel both mental and physical pain. For this reason, proponents of sentience approach argue that both all sentient beings have moral status and as such, moral agents have obligations towards them.

The third, flourishing approach, focuses on the capacity to thrive or blossom. An entity flourishes when in an active state and, such a state improves its wellbeing. As such, elemental to the flourishing view is the capacity to grow or develop in line with one's natural propensities. The emphasis of the flourishing framework is that if certain entities can flourish, then it is morally wrong to hinder their opportunities to realise their good per their nature.<sup>8</sup> The central position here is that both mental and physical functioning is important for wellbeing. As such, it is morally wrong to hinder an entity's capacity to flourish. This approach extends moral status to all living entities.

Given that our focus is on the sentience proposal, we shall not consider the implications of the rationality and flourishing proposals in this paper. Now, the important question that requires attention is why do the proponents of the sentience approach believe sentience (rather than rationality and flourishing)? I attend to this question in what follows.

### **Sentience Theory of Moral Status**

Why do some philosophers assign moral standing on the basis of sentience? Jeremy Bentham, a notable founder of utilitarianism, is one among the prominent philosophers that canvass ST for moral standing. Bentham (1996) develops a consequential argument for moral status. He argues that *since* individual actions can affect others negatively, we have direct obligations to others. He believes that such entities are owed direct obligations because they can suffer. The individuals, according to him, are (1) other humans and (2) animals. Accordingly, he rejects rationality as the criterion for moral standing. He believes that the right question to ask concerning moral status and entities that are morally relevant is neither whether a being can reason nor can talk. Rather, Bentham maintains that the appropriate question is whether they can suffer.

In "Painism: The Ethics of Animal Rights and the Environment," Richard D. Ryder (1992) appeals to pain and suffering, arguing that animals like humans can be hurt. Since he believes that animals and humans seek to avoid pain (or dangerous situation) due to the similarity in their nervous systems, Ryder goes on to argue that such similarity in humans' and animals' anatomy, which is not evident in chairs and mountain, is their capacity to suffer (sentience).

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<sup>8</sup> For an interesting discussion on the flourishing thesis, see Kafty Fulfer (2013), Sofia Jeppsson (2016).

Ryder, therefore, argues that what matters for moral standing is only *conscious pain*. As he put it: “we need to concentrate, when considering morality, only upon those conscious experiences that are painful or pleasurable, ‘physically’ or ‘mentally’” (Ryder 1992:201).

In his discussion on moral status, Peter Singer (2009) draws on Bentham’s view, arguing that sentience equalises human and animals as the bearers of moral standing. Equality, in this sense, is a prescriptive requirement. What such equality implies for Singer is that the suffering of humans and non-humans has equal weight and that it would be biased to give different treatment to similar interests. Singer does not claim that humans and animals have equal moral significance; instead they have equal moral status. Singer argues that it is inappropriate to discriminate against animals by relying on cognitive abilities such as IQ, which he characterised as a *specieist* framework following the lead of Ryder.<sup>9</sup> He maintains that rationality proposal denies infants and mentally incapacitated people direct moral status. He rejects this because humans and animals can suffer. Singer draws the above conclusion to avoid the challenge of marginal cases. A marginal case occurs when a framework that confers moral status on humans turns out to remove some categories of humans such as infants from moral standing.

Although *sentience* framework offers two vital points, namely: (1) suffering is bad and (2) subjective capacity highlights which suffering is morally relevant for moral status. The second is the central kernel of the sentience proposals. If we decide on moral standing from (1), then every animal will have direct moral standing. To avoid the implication of conferring assigning moral status to all animals, proponents of ST offer (2) to demarcate sentient from non-sentient beings. As I have already mentioned, (2) implies that entities must have a subjective consciousness of their pain or suffering. The critical concerns here are how to determine subjective consciousness in non-humans, and the implications such dichotomy may have for non-sentient animals. I consider these concerns in the following section.<sup>10</sup>

### **Drawing a line between Sentient and Non-Sentient Animals**

In drawing the distinction between sentient and non-sentient beings on the one hand, and those animals that qualified for moral standing and those that do not, on the other hand, some theorists have proposed criteria for deciding on subjective consciousness. I consider at least two such criteria. Then, I review recent proposals that try to address the challenges such demarcate generates. In particular, I consider what I label (1) fairness principles (2) separability principles and (3) managerial principles for convenience’s sake. I begin by discussing some criteria for subjective consciousness, followed by a discussion of three

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<sup>9</sup> Specieism is the criticism against anthropocentric theories that judge the moral superiority of “A” over “B” from the characteristics possessed by the former. Now, assume that “A” is human and “B” is an animal. It seems clear that specieism involves class discrimination that Singer and Ryder take to be parallel to racism and sexism. For a detail discussion, see (Ryder, 1992:197).

<sup>10</sup> I consider the second question in the last part of this paper.

principles offer by proponents of sentience thesis to protect animals (e.g. invertebrate) from abuse.<sup>11</sup>

Recent studies indicate that some invertebrate animals are sentient tend to undermine the claim that animals are mere machines that are incapable of feeling both positive and negative emotions. Today, it scientist now acknowledge that most vertebrate animals are sentient (Proctor 2012, Proctor *et al.* 2013). However, there are still doubts about whether some invertebrate animals are sentient. As such, debate on the criterion for subjective consciousness is ongoing. How do we decide on subjective consciousness if consciousness itself is an internal state? As I already emphasised, subjective consciousness refers to a personal mental state that is characteristically an entity's private state. Such consciousness states are private to the entity that experiences it. Consider this example. It is possible for the person reading this text to create an idea in her mind concerning what she reads. She can express such an idea as a defence or critique of the text. If she does so, it is easy to know what she feels concerning the author's position. Consider another example. Imagine a teacher draws a triangle on a chalkboard in a mathematics lecture. If she does not include a description of what the students should do, it is possible to hypothesise that each of the learners will be imaging not only the triangular shape in their mind but also they would likely be wondering what the teacher wants them to do.

It is essential to underscore here that the two examples described above suggest that each of us (i.e. reading this text) and the students in the lecture room would have created different ideas in our minds. These ideas are internal to us and we can communicate it to our friends. Likewise, we can experience emotions that are personal to us and can communicate it through language. How to know which and whether nonhuman animals such as insects have subjective consciousness is important. It is easy, for example, in the case of an adult human that can speak to express personal thoughts and feelings such as her worries, anger and fear in words. This experience, however, is not always the case about children and mentally disabled persons.<sup>12</sup> In the case of animals, it is a very complicated matter. So, deciding on the basis for subjective experience is fundamental since animals lack the abilities to use speech (Proctor, 2012:630). What then is the criterion for subjective consciousness through which the advocates of sentience proposals draw animals into the moral sphere and through which they separate sentient animals from non-sentient ones?

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<sup>11</sup> Here, I wish to note that it is evident that most of the vertebrate animals are now known to be sentient. However, there is a contentious and current debate on whether fishes are also sentient. Recent studies have investigated sentience in invertebrate animals.

<sup>12</sup> This analysis shows that a mere verbal report cannot support an adequate view on sentience since it would imply that children and mentally disabled people that cannot experience subjective states lack moral standing. This is so because the nature of consciousness in people is a matter of degree. Some try to avoid this hasty conclusion by appealing to the 'Other-Mind-Hypothesis.' This hypothesis infers the existence of subjective consciousness in others by reference to the existence of such consciousness in one's mind. Can this same method be applied to animals? I will return to this question.

Some theorists offer at least two criteria for proving subjective experience in animals. First, they believe the similarities in nervous systems can explain the root of consciousness. This framework uses the physiological and neurological similarities in human and animal behaviours as well as their nervous systems for determining subjective experience. From such similarities, they argue that neurons in their brains are also important for consciousness. The amounts of neurons in the brain vary from one entity to another. Although the neuron number seems essential, it would be inappropriate to focus on neuron number alone because there are invertebrate animals that have small neurons that but are now believed to have subjective experience (Klein and Barron, 2016:9). According to Colin Klein and Andrew Barron (2016), subjective feeling in many invertebrate animals such as honey bee and tethered flies is likely to be overlooked if neurons are the benchmark.

Second, Klein and Barron canvass the capacity for spatiotemporal movement as the criterion for subjective consciousness. For them, ‘in vertebrates the capacity for subjective experience is supported by integrated structures in the midbrain that create a neural simulation of the state of the mobile animal in space’ (Barron and Klein 2015:1). They argue that if we evaluate subjective consciousness using the capacity to communicate verbally, complex cortical structures and neural correlation; it seems to favour humans and some higher animals such as mammals at the detriment of invertebrate animals. They maintain that subjective experience is not the same as self-reflective consciousness since the latter is biased towards human interests. For this reason, Barron and Klein (2015:2) note that “subjective experience can exist in the absence of self-reflexive conscious, and that the two are supported by different neural structures. Midbrain structures, rather than cortex, seem to be especially important.” They conclude that “subjective experience, which is a basic awareness of the world without further reflection on that experience...is the most basic form of consciousness” (Klein and Barron 2016:1). Following from this, they point out that since no obvious similarity in vertebrate midbrain and insect brain, it might lead to the supposition that insects lack subjective experience. However, insects pass the minimum criterion for sentience by an appeal to another method. That is, rests insects’ central complex is capable of processing spatial information that is essential for effective decision making and action selection. In other words, because they believe insects can locate themselves in their environment, they conclude that this mobile lifestyle of insects is basic to consciousness.

It is worth mentioning that if self-consciousness is only one way of construing subjective consciousness, and if Barron and Klein’s conception of subjective consciousness seems relevant for determining sentience, the critical concern is whether the mere fact that one is self-consciousness or can locate oneself in space is relevant for moral standing. One problem with Barron and Klein’s view on subjective consciousness is that they define sentience in a way that it cannot but support the position they propose (Adamo 2016). The point is that if one defines the term in a different sense, it is most likely lead to a different conclusion. I claim is not that insects lack subjective experience. Rather, the main issue is that if we retain the notion of “self” in subjective consciousness, it will imply that many invertebrate animals lack subjective experience in the traditional conception of the term. However, if we accept

the stipulative definition offers by Barron and Klein, insects will qualify as sentience beings. Where the problem lies is whether insects can suffer and whether every pain is morally significant.

As I have shown above, the fact that humans have complex nervous systems has been employed to justify sentience in humans. In recent years, scientists have continued to investigate animal sentience, thereby identifying that some animals have nervous systems that are comparable to human nervous systems. However, the concept of subjective experience “can be fully understood or described by physiological processes or anatomical structures” (Proctor 2012:630). Scientists are still studying invertebrate animals in order to know whether they are sentient. In order to minimise human abuse to animals, therefore, some defenders of the sentience requirement for moral standing have suggested ways to address issues about animal welfare and wellbeing. I now turn to this important concern in the remaining aspect of this section.

There are at least principles that have been offered to promote animal interests. These principles are fairness, separability and managerial principles. One principle of fairness is the *precautionary principle*—that suggests that we should treat some animals as if they are sentient when no scientific evidence that proves otherwise. According to this principle, when scientists are yet to establish that certain invertebrate animals are sentient; humans hold them a duty of care and respect. The reason for this is that some animals that will (likely) qualify for such moral standing might be wrongly classified as non-sentient beings if we fail to take precaution when we relate with animals. A good example scientists assume that insects that were non-sentient. As discussed above, Barron and Klein (2015, 2016a, 2016b) focus on insect’s midbrain to understand the source of consciousness in insects such as honey bees, tethered flies, butterflies and ants. For example, Klein and Barron maintain that honey bee “an insect with cognitive capacities that rival those of many mammals” (Klein and Barron 2015:6).<sup>13</sup> Before now, some invertebrates such as Cephalopods were classified as non-sentient beings (Duncan 2006, Mather and Carere 2016). However, it is now evident that they have a subjective experience. Would it then be right to claim that they lack moral status because we do not know before the discovery that they are sentient? Alternatively, would it be fair to claim that an entity lacks sentient until we know that they do?

Consider the slave dilemma. Assume that only those that are rational are morally considerable. Now, assume that Martha and Jane were enslaved before Martha was released. According to the slave owners, Martha and Jane are mere properties. They are non-rational.

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<sup>13</sup> Some have criticised Klein and Barron’s methodology for deciding on subjective consciousness. For interesting discussions on and criticisms against Klein and Barron’s findings, see criticisms by Holk Cruse and Malte Schilling (2016). “No Proof for Subjective Experience in Insects.” *Animal Sentience*, Vol. 123; Michael Tye (2016). “Are Insects Sentient?” *Animal Sentience*, Vol. 111; Elizabeth S. Paul and Michael T. Mendl (2016). “If Insects Have Phenomenal Consciousness, Could They Suffer?” *Animal Sentience*, Vol. 128; “Robert W. Edwood (2016). “Might Insects Experience Pain?” *Animal Sentience*, Vol. 133; Shelly Anne Adamo (2016). “Subjective Experience in Insects: Definitions and Other Difficulties.” *Animal Sentience*, Vol. 127.

According to the slave owner's criterion, only people she confirms have moral status. Following her conception of rationality, it does not matter to her whether Martha and Jane are humans. Imagine now that Jane escapes and returns to her hometown as a free person. Now, assumes that Martha is still a slave, whereas Jane is not. Would it be correct to claim that Martha lacks moral status because she is a slave? Again, it is right to say that Jane lacks moral status until she gains freedom? The point is that an entity's moral status does not diminish even when people do not recognise it. We can apply the same analogy to animal right, welfare and survival concern. What this suggests is that we need a precautionary mechanism in order to be fair to animals. Consider a case below.

Andrew Linzey (2006) and J.H. Duncan (2006) believe we do not need to know that animals have subjective feelings before we can know that animals can suffer from mutilation, deprivation, and exploitation. While Duncan (2006:13-14), for instance, thinks that animals' physiological, functional, and biological characteristics reveal that they can suffer, Linzey (2006:72) argues that we need not to know the consciousness of a bat to establish that they can suffer. If one agrees with Duncan and Linzey, then the emphasis on subjective feelings becomes irrelevant since the sentience approach rests mainly on this capacity. It is problematic because it would imply that the *capacity* rather than the suffering itself that matters. I will provide further justification for such a claim in the following section.

Let us now consider the separability framework: (b) *classification principle*. This principle suggests that even though non-human animals have direct moral standing, it does not follow that all animals have such standing. The need to classify animals is, therefore, necessary. Some defenders of the sentience proposal like Jonathan Birch (2017) appeal to statistical classification. According to Birch's view, sentience is the threshold of moral status, and we can determine sentient animals by adopting biological taxonomy of order. According to this view, if sentience in certain animals is known, we should then assume that other animals of that particular taxonomy (*based on order*) are also sentient. As Birch put it: "for example, Octopoda is an order comprising around 300 species of Octopis...if at least one species in this order meets the relevant criteria for sentience, then all species of that order should be considered sentient" (Birch 2017:5-6). Here, this argument suggests something like this: if scientists discover that certain invertebrate animals (for example, Cephalopods or insects) have subjective experience, we can infer that all species or taxa of that order have subjective experiences. This classification is problematic because it assumes that what is true of the part is equally true concerning the whole such that, we can move from the claim about knowledge of the part to the claim about the knowledge of the whole. Consider a counter-example. Suppose we come in contact with people having two eyes who can see. The question is whether we can rightly hold that the next person we will come in contact with having two eyes will see. It seems probable that she may or may not. As such, no logical necessity holds in such a case. Now, consider the case of a mental experience. Since it is only probable that we may discover that animal (say—x) will be sentient by (1) examining its bodily functioning and (2) given that sentience may be delayed in some organisms "or are likely to develop at

different rates” (Duncan 2006:17), Birch’s classification may turn out to breach the *fairness principle* discussed above. We shall return to this concern in the last section of this paper.

Turn now to the managerial principle. The managerial is a public policy framework. One of such proposals is the (c) *resource control principle*. The resource control principle suggests that it is necessary to demarcate sentient from non-sentient animals because it will allow us to ration moral actions and entities when deciding what is morally significant between sentient and non-sentient animals, especially in the case of conflict. One proposal is James Kirkwood’s (2006:19) position that drawing a line between sentient and non-sentient theory enables us to intervene in the conflict between sentient and non-sentient beings in order to avoid *wasting resources on non-sentient beings*. On its face value, this resource control principle may appear convincing; however, it is shallow. I will now show that ST does not go far enough in addressing challenges facing animals, despite its initial extensionist appeal. I do this in the following section.

### Applicability Tests

Let’s now evaluate the sentience proposal. I construct three evaluative hypotheses—the *applicability tests*—and I try to determine the plausibility of the sentience approach to moral status on the basis of such tests. I argue that the sentience approach does not adequately rescue animals from abuse and extinction.

What is the nature of the hypothesis I am proposing? I construe the ‘applicability test’ as the measure for determining the plausibility of a theory (or principles) in practice. As I have already emphasised, the applicability test is a frame for examining the practical potential of an in the context of lived-experience. Regarding moral status, the test involves an assessment of a moral metric. It examines whether a particular way of treating a being (or a specific way of acting) against an entity is morally wrong intrinsically. For instance, is an action that causes suffering to morally right by itself? Let me highlight some important points. It is instructive to mention that a criterion the applicability test” neither supposes that general acceptance of nor the recognition of a view enhances its moral plausibility. Rather, it considers how a principle or framework works in the context of experience. I hypothesise that the viability of moral theory is one that is logically consistent and capable of supporting human intuition that has explanatory finality.<sup>14</sup> If an entity is a moral patient, then applicability test enables us to show how we should treat such an entity in a way that will not constitute wrongdoing. If a theory passes the test, we may have some strong moral reasons to adopt it as a basis for policy. I consider three tests namely: *human-animal relationship test* (Test-1), the second test is *the embeddedness in place test* (Test-2), and the last is *the conflict of obligation test* (Test-3). For convenient sake, let us call them relationality, place and conflict tests. I now consider them in turn.

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<sup>14</sup> I should mention that not all the claims to intuition about actions have explanatory finality. Consider this example. Many will agree with me that humans have subjective experience. However, we cannot draw the claim that all animals have subjective consciousness from our experience of other animals.

Relationality here refers to interspecies interactions. In this case, one thing (e.g. humans) may depend directly on another thing (e.g. animals), while animals depend on something else (e.g. plants), and so on. As such, energies flow from one entity to another. Does the sentience approach satisfy the relationality test? Recall that the sentience proposal makes two important claims: (1) having the capacity for phenomenal awareness, and (2) suffering are bases for moral status. Here, I grant that (2) is necessary, but reject (1). Even though (2) is crucial, I will show that the subjective mental requirement is still shallow for addressing the exploitation of non-human animals from Test-1.

Consider this hypothetical case: suppose some wild animals (e.g. lion and wolf) feed on other animals (rabbits); and, that some humans feed on other animals (lion and rabbits). In doing so, the wild animals (lion and wolf) and humans engaged in similar activities—i.e. killing and causing pain or suffering to their prey. Assume for argument's sake that we adopt sentience as the threshold for moral standing; it is still unclear when harming or causing suffering fulfils the sentience requirement. To argue that feeding on sentient animals is wrong contradicts Test-1. However, ST seems implausible because it fails to prove why it is not wrong in the case of animals that feed on other beings. Appeal to vegetarianism is, therefore, not that strong if we are to condemn human cruelty to animals. As such, there is nothing morally wrong to feed on plants and animals as some proponents of the sentience proposal seem to argue if Test-1 is true. In this case, causing pain *all* by itself does not make an action morally wrong per se. There is, thus, a need to establish why such pain or suffering matters morally. So, the question 'when does suffering or harming of animals constitute a morally wrong action?' is an important one.

To pass Test-1, the claim that feeding on animals is morally wrong seems inadequate. To lend some support to this claim, let us consider *the invasion analogy*: suppose we know that certain group of animals (e.g. wolf) will invade the human community, and will eventually cause havoc to the human community. Assume further that killing a reasonable number of them would allow for the continuity of the human race. Would it be morally wrong to do so? If one argues that it is wrong to reduce them, such a claim is problematic because it would leave us with no option to protect ourselves. Suppose it is right to reduce them, would it not suggest we are anthropocentric? The fundamental question is whether it is wrong to support human interests on the ground of survival? While I believe we should, this hypothetical case rarely takes place in practice. Hence, we cannot do so.

Now, consider the place test (Test-2). If human and nonhuman animals relate as suggested in Test-1, then such relationships must occur in place (habitats). Humans are embedded in place in the same way that animals are and what is good for humans and animals depends on where they live and their relationship therein. Now, what does the Test-2 suggest? This test seeks to determine to what extent the sentience proposal addresses the suffering of animals. In *A Sand County Almanac*, Aldo Leopold (1949) traces the loss of biodiversity to at least two significant factors, including *paternity* and *economic self-interests*. For example, the paternal root of human biases against other beings is cultural. Leopold explains that we love and

respect whatever our grandfathers and father liked or disliked. Put differently, what constitutes a way of life to individuals and what people respect is cultural. For example, the kind of food we eat, how we dress and treat other beings, including animals are cultural.

Concerning how human considers habitats and how they relate with other beings, let me show the implications of this test for the sentience proposal. One crucial concern is that the dichotomy between sentient and non-sentient beings fails to capture how people treat non-sentient animals. More importantly, the approach fails to capture widespread anthropogenic destruction to habitats that affect animals, since only sentient animals have moral standing by that framework. Accordingly, the sentience proposal narrowly criticises injustices and cruelty to non-sentient animals. If we accept Test-1, then Test-2 is entailed since relationships can only take place in the lived-environment—*place*. If we grant Test-2 for evaluating the wellbeing of entities, including non-sentient animals, then the sentience proposal does not adequately account for main drivers of loss of biodiversity. Consider a case of widespread destruction to soil, water-bodies, rivers, and forests in the Niger Delta, in Nigeria by some multinational corporations. In such a case, it is apparent that such destructions will affect both sentient and non-sentient animals—mentally or physically. Accordingly, the need to minimise cruelty to animals requires we reject anthropogenic destruction to place. If this reasonable, it seems puzzling why advocates of sentience proposal isolate sentient animals as a special candidate for care. The question, then, is: why discriminate against other animals on the basis of subjective experience if it is wrong to discriminate against sentient animals on the basis of rationality? The point here is that the proponents of sentience requirement for moral standing focus on mental experience that is irrelevant for caring. They seem to assume that an entity earned moral status by having an awareness of its cognitive abilities. However, since we can exploit non-sentient animals, they matter in themselves. Appealing to subjective suffering seems to assume that human abuse of nonsentient animals is not morally wrong if one does them.

Culturally, people abuse animals. However, feeding on animals is not one of them. The kinds of food people eat are culturally determined and whether they feed on animals or not, are not all that make their actions morally right or wrong. Otherwise, we will make no progress if we attempt to universalise what people should eat. People's actions are wrong to the extent that such actions harm humans, and particularly when it cause or has a tendency to cause a loss to a species-population or habitat of nonhumans. A species-population here means a collection of entities. If one grants the sentience requirement, then the loss to non-sentient animals will not enter into the register of morally wrong action since only sentient beings have direct moral consideration. It will imply, then, that such loss of biodiversity (non-sentient animals in our case) does not constitute stronger interests. It is helpful to dissolve the dichotomy between sentient animals and non-sentient animals as that between abled-persons and mentally-disabled humans. In doing so, the principle of fairness is therefore necessary.<sup>15</sup>

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<sup>15</sup> What the above suggests is that the remnants of discrimination in *rationality proposals* or strong anthropocentric theories are still evident in the sentience theory because the sentience approach now

The sentience thesis still faces another problem—*conflict of obligation test*. Test-3 raises the concerns that although avoiding the suffering of humanity and animals matters morally, the sentience proposal does not adequately address such conflict. For example, philosophers such as Singer (2009), give priority to humans because humans are autonomous beings—they have a purposeful plan for the future, unlike sentient animals, even if the latter have direct moral standing. According to my view, this position fails to thoroughly address the remnant of strong anthropocentrism, since strong anthropocentric ethics places humans over and above non-human animals. Singer’s view does not fully dissolve this unjust treatment. What I am arguing here is that although human interests conflict with non-human interests, however, we would have to decide which to rank first. However, appealing to capacities such as rationality and subjective feelings seems to treat moral status in terms of merits, thereby treating ‘moral agent’ as ‘moral patient’. To reduce moral standing to something which something deserves by having some mental capabilities is to assume that people who have higher capacities would have a higher degree of moral status. Consider the implication of this proposal in practice.

Suppose X and Y have equal capacities to interpret their experience and subjective feelings. Assume further that X has a superior capacity over Y. If we are to rank X and Y and will need to sacrifice the interests of one for the other assuming we cannot pick both, it will follow that X is our favourite candidate. Now, replace X with ‘animals’ and Y with ‘mentally challenged persons’. Again, assume that ‘X’ is abled-persons and ‘Y’ is ‘mentally disabled persons’. It becomes evident that the sentience criterion is very problematic for deciding on moral standing. What I am rejecting here is a capacity-based framework for moral standing. The point is that if humans and nonhuman animals relate, and that such relationships can hinder human and nonhuman flourishing, the common good is what matters. Put differently; it seems problematic to separate the human and the environment (and every entity therein) in the same manner that it is difficult to separate the mind and the body. Consider a case. If human actions lead to widespread destruction to the environment and other beings, we have a strong moral reason to place the interests of the whole over and above self-interests. By whole, I refer to humans and a species-population of nonhumans. By species-population, I mean a collection of individuals such as animals, trees, plants and ecosystems. Test-3, therefore, highlights the need to assess morally significant actions not only on what is beneficial to humanity and sentient animals but to the whole. Valuing relationships and place are important elements of a viable theory of moral status. Therefore, the sentience theory has something to learn from such frameworks.

### Conclusion

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transforms the demarcation between human-nonhuman animals into that between sentient and non-sentient beings.

I have considered the sentience approach to moral standing and sketched some challenges facing it. I found some elements of the sentience thesis very crucial, although I argued that it did not go far enough in evaluating loss and injustices against animals. I raised and addressed some challenges against the sentience proposal using what I called the applicability tests. I drew attention to the importance of relationships, place and conflicting obligations as categories that are crucial for understanding humanity's roles and place in the earth environment. In particular, I noted that the sentience approach to moral status is adequate to confront the current challenges facing animals. As such, I conclude by highlighting the roles of relationships to place as essential for addressing the different drivers of loss of biodiversity.

## References

- Adamo, S. A. (2016). "Subjective Experience in Insects: Definitions and Other Difficulties." *Animal Sentience*. 127:1-4.
- Attfield, R. (1981). "The Good of Trees." *Journal of Value Inquiry*. 15:35–54.
- Barron, A. B. & Klein, C. (2015). "What Insects Can Tell Us About the Origins of Consciousness?" *PNAS*, 1-9. Available at: [www.pnas.org/cgi/doi/10.1073/pnas.1520084113](http://www.pnas.org/cgi/doi/10.1073/pnas.1520084113).
- Bentham, J. (1996). *An Introduction to the Principles of Morals and Legislation*. Edited by J.H. Burns and H.L.A. Hart. Oxford: Clarendon Press.
- Birch, J. (2017). "Animal Sentience and the Precautionary Principle." 2(16):1–15.
- Cruse, H. & Schilling, M. (2016). "No Proof for Subjective Experience in Insects." *Animal Sentience*. 123.
- Chan, K.M.A. (2011). "Ethical Extensionism under Uncertainty of Sentience: Duties to Non-Human Organisms Without Drawing a Line." *Environmental Values* 20(3):323–46.
- Descartes, R. (1994a). *A Discourse on Method*. Translated by John Veitch. London: Everyman.
- Duncan, I.J.H. (2006). "The Changing Concept of Animal Sentience." *Applied Animal Behaviour Science*. 100 (1–2):11–19.
- Edwood, R.W. (2016). "Might Insects Experience Pain?" *Animal Sentience*. 133
- Fulfer, K. (2013). "The Capabilities Approach to Justice and the Flourishing of Nonsentient Life." *Ethics and the Environment*. 18 (1):19.
- Goodpaster, Kenneth E. 1978. "On Being Morally Considerable." *The Journal of Philosophy* 75 (6): 308.
- Jeppsson, S. (2016). "Flourishing Dogs: The Case for an Individualized Conception of Welfare and Its Implications." *Journal of Agricultural and Environmental Ethics*. 29 (3):425–38.
- Kant, I. (1991). *The Metaphysics of Morals*. Cambridge: Cambridge University Press.
- Kirkwood, J.K. (2006). "The Distribution of the Capacity for Sentience in the Animal Kingdom." In *Animals, Ethics, and Trade: The Challenge of Animal Sentience*, edited by Jacky Turner and Joyce D'Silva, 12–22. London ; Sterling, VA: Earthscan.
- Klein, C. & Barron, A.B. (2016a). "Insects Have the Capacity for Subjective Experience." *Animal Sentience* 9 (1):1-19.
- Klein, C. & Barron, A.B. (2016b). "Insect Consciousness: Commitments, Conflicts and Consequences." *Animal Sentience*. 153.

- Korsgaard, C.M. (2013). "Kantian Ethics, Animals, and the Law." *Oxford Journal of Legal Studies* 33 (4):629–48.
- . (2014). "On Having a Good." *Philosophy* 89 (03):405–29.
- Leopold, A. (1949). *A Sand County Almanac and Sketches Here and There*. Intro. by Robert Finch. New York: Oxford University Press.
- Linzey, A. (2006). "What Prevents Us from Recognizing Animal Sentience?" In *Animals, Ethics, and Trade: The Challenge of Animal Sentience*, edited by Jacky Turner and Joyce D'Silva. London; Sterling, VA: Earthscan.
- Naess, A. (1973). "The Place of Joy in a World of Fact." *The North American Review*. 258 (2):53–57.
- . (1989). *Ecology, Community and Lifestyle*. David Rothenberg. Cambridge: Cambridge University Press.
- Nussbaum, M.C. (2005). "Beyond Compassion and Humanity: Justice for Nonhuman Animals." In *Animal Rights: Current Debates and New Directions*. Cass R. Sunstein and Martha C. Nussbaum. Oxford: Oxford University Press.
- Paul, E.S. & Mendl, M.T. (2016). "If Insects Have Phenomenal Consciousness, Could they Suffer?" *Animal Sentience*. Vol. 128.
- Proctor, H. (2012). "Animal Sentience: Where Are We and Where Are We Heading?" *Animals*. 2:628-639.
- Proctor, H. *et al* (2013). "Searching for Animal Sentience: A Systematic Review of the Scientific Literature." *Animals*. 3:882-906.
- Ryder, R.D. (1992). "The Ethics of Animals' Rights and the Environment." In *Animal Welfare & The Environment*, Richard D. Ryder ed. Cambridge; London: Gerald Duckworth & Co. Ltd.
- Singer, P. (1993). *Practical Ethics*. 2nd ed. Cambridge; New York: Cambridge University Press.
- Schonfeld, M. (1992). "Who or What has Moral Standing?" *American Philosophical Quarterly* 29 (4):353-62.
- . (2009). "Specieism and Moral Status." *Metaphilosophy*. 40 (3/4.):567–81.
- Taylor, P.W. (2011). *Respect for Nature: A Theory of Environmental Ethics*. 25th anniversary edition. Princeton: Princeton University Press.
- Tye, M. (2016). "Are Insects Sentient?" *Animal Sentience*. 111.