

# Hsiao on the Moral Status of Animals: Two Simple Responses

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*Abstract:* According to a common view, animals have moral status. Further, a standard defense of this view is the Argument from Consciousness: animals have moral status because they are conscious and can experience pain and it would be bad were they to experience pain. In a series of papers (2015a, b, 2017), Timothy Hsiao claims that animals do not have moral status and criticizes the Argument from Consciousness. This short paper defends the Argument from Consciousness by providing two simple responses to Hsiao's criticism.

According to a common view, animals have at least some moral status. It is part of common sense; it is reflected in our laws; it plays a role in how we raise our children; and it is a component of our expectations of others. Of course, philosophical theorizing has not always maintained this. But many, myself included, have seen recognition of this fact as genuine and significant moral progress—akin to progress on issues on sex, gender, and race.

However, in a series of papers (2015a, b, 2017), Timothy Hsiao has challenged this common and prevailing view. He maintains that animals do not have moral status. He argues that a common argument that animals have moral status—what I call the Argument from Consciousness—is flawed. He then proposes a positive view which implies that animals do not have moral status. If Hsiao is correct, then it would have important consequences. Importantly, it would make arguments for vegetarianism or veganism seem moot—like arguing that we have obligations to blades of grass or tin cans.

This paper responds to Hsiao. A number of other authors have criticized his work, focusing mostly on his positive view of moral status (see Bruers (2015), Erdős (2015), Puryear (2016), Puryear, Bruers, and Erdős (2017)). While these authors have raised important criticisms of Hsiao's views, I believe there are more straightforward and simple criticisms. Specifically, I will provide two responses to Hsiao's criticism of the Argument from Consciousness. These responses should remind us of why it was plausible to think animals have moral status to begin with.

## **I. The Argument from Consciousness**

Hsiao's discussion can be usefully separated into two parts. The first part criticizes an argument that animals have moral status (e.g., Hsiao (2015a: 282-284; 2015b: 1128-1130; 2017: 40-44)). The key idea of that argument is that a *sufficient condition* for having moral status is having consciousness (of a certain sort). For this reason, I'll call it the "Argument from Consciousness." Having criticized this argument, Hsiao then provides his own positive view for *necessary conditions* for having moral status (e.g. Hsiao (2015a: 284-286; 2017: 44-48)). These conditions require a certain kind of reasoning capacity. Hsiao argues that animals lack this reasoning capacity and thus, given his positive view, they do not have moral status.

The two parts of Hsiao's discussion—the critical part and the positive part—are not unrelated. Specifically, if the Argument from Consciousness succeeds, then Hsiao's positive view is false. Thus, it is important for him to try to undermine that argument. Here I will be defending the Argument from Consciousness. This will do two things. First, it will show why his criticisms of it are unsuccessful. Second, it will provide a reason for rejecting his positive view.

To be sure, the Argument from Consciousness does not tell us *where* Hsiao’s view goes wrong. But given that his view is inconsistent with the conclusion of that argument, the success of that argument means that there must be a mistake with Hsiao’s view. I will thus not be discussing his positive view.<sup>1</sup>

Let’s now turn to the Argument from Consciousness. A prominent presentation of the argument is in Peter Singer’s *Animal Liberation* (2002: chp. 1). But it is not new or distinctive to him. I will formulate it like this:

Argument from Consciousness:

AC1: If something is conscious, then it can experience pain.

AC2: If something can experience pain, then we have obligations to it.

AC3: If we have obligations to something, then it has moral status.

AC4: Therefore, if something is conscious, then it has moral status.

AC5: Many animals, such as pigs, cows, chicken, fish, etc. are conscious.

AC6: Therefore, many animals such as pigs cows, chicken, fish, etc. have moral status.

Several comments about this argument are in order. First, I take AC5 to be ordinarily and scientifically plausible and will not defend it here. Second, I take AC3 to be a conceptual truth. It is just part of the concept or term ‘moral status’ that having obligations to something is sufficient for it to have moral status. Third, it is not obvious that AC1 is true. It seems possible that some beings might be conscious yet unable to experience pain. (Perhaps they lack pain receptors, or have only a rudimentary consciousness that makes them aware of their environment.) I intend to bypass these issues, since such beings—if they exist—are not the primary focus of our discussion. Hereafter, I will use the term ‘conscious’ to only refer to beings that can experience pain. Understanding the term this way makes AC1 true. Thus, the most significant premise is AC2: if something can experience pain, then we have obligations to it.

There is a standard argument defending this premise. I will call it the “Argument from Pain” and formulate it like this:

Argument from Pain:

AP1: If something can experience pain, then it would be bad were it to experience pain.

AP2: If it would be bad were something to experience pain, then we have obligations to it.

AP3: Therefore, if something can experience pain, then we have obligations to it.

The conclusion of this argument—AP3—is just the second premise of the Argument from Consciousness—AC2. The conclusion of this argument is minimal. It merely states conditions under which we have obligations, but it does not specify the nature, scope, or strength of those

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<sup>1</sup> There are two other reasons I won’t discuss it. First, a number of other authors have already critically examined it. Second, to be utterly honest, I don’t know how to charitably interpret it. To illustrate, Hsiao sometimes speaks of the “purpose” of morality (2015a: 284; 2015b: 1129) what the moral community is “centered around” (2015b: 1129), what morality is “about” (2015b: 1129), or the “point” of morality (2017: 45). I think these are metaphors and I don’t know how to plausibly cash them out. Additionally, Hsiao claims that a person without the physical organs necessary for vision still has a capacity for sight (2017: 47-8). While we can mark various distinctions (e.g., between the manifestation of a capacity, a non-manifesting capacity, and a capacity to acquire a capacity), I don’t see any way of interpreting this claim as to make it plausible. (Worse: if a person can see despite lacking necessary physical organs, why can’t animals reason in the way required for moral status by Hsiao’s view, even if they lack necessary physical organs?) So I don’t know how to charitably interpret his positive views.

obligations. For what it is worth, my own view is that these obligations are obligations about *prevention* of bad things. At least some of the time, we have obligations to prevent bad things. This argument assumes that experiencing pain is a bad thing. Thus, presumably, if we have obligations to things that experience pain, then some of them would be obligations to prevent them from experiencing pain.

The Argument from Pain supports the Argument from Consciousness. Together they articulate simple but widely held ideas. Further, notice that the main conclusion of the Argument from Consciousness is very minimal. It merely states that animals have a moral status. It does not state that anyone should be a vegetarian or that animal experimentation is cruel or anything like that. Rather, it is the first step or starting point for further discussion involving our obligations to animals. This is one reason why Hsiao's argument is important. If he is correct, then this very first step of such reasoning is mistaken and subsequent ruminations about our obligations to animals rests on broken foundations.

## II. Hsiao's Criticism

Hsiao criticizes the key premise of the Argument from Consciousness, AC2. Since that premise is supported by the Argument from Pain, he is critical of it. Hsiao's criticism is that the argument in support of AP1 rests on an assumption about welfare, but that assumption is implausible. I will briefly explain his proposed argument followed by his criticism.

According to Hsiao, if it would be bad were something to experiencing pain then this is because experiencing pain *harms* that thing. (cf. Hsiao (2015a: 283f; 2015b: 1128; 2017: 40-41)). Harming, as Hsiao sees it, is just a shorthand way of talking about well-being or welfare (2015a: 283; 2015b: 1128). Some things are "good for" something, whereas other things are "bad for" it. (E.g., it is "good for" me to get enough sleep; it is "bad for" me to get stabbed.) The "wellbeing" or "welfare" conditions of a thing state the conditions under which something is good for or bad for some particular thing or type of thing. Thus, a particular thing—e.g., a stabbing—harms something—e.g. me—just in case it violates a welfare condition for that thing. Since welfare conditions merely state when something is good for or bad for something, something is harmed by another thing just in the case the latter is bad for that thing.

Further, as Hsiao reconstructs the argument, violating a welfare condition is *always* morally salient or significant. Thus, the experience of pain is morally salient or significant because, when something experiences pain, this violated a welfare condition and violating a welfare condition is always morally salient or significant. This is how Hsiao proposes someone would have to defend the first premise of the Argument from Pain, AP1.

Hsiao's criticism of this argument is simple. Violating a welfare condition is *not* always morally salient or significant (Hsiao (2015a: 283-4; 2015b: 1128-9; 2017: 41)). Here are some examples. It is *bad for* a knife to open aluminum cans with it. For opening aluminum cans with a knife dulls the blade. Thus, opening an aluminum can with a knife violates a welfare condition of the knife, but this is not morally salient or significant. Similarly, if a car runs on unleaded gasoline, it is *bad for* the car to fill it with some other kind of fuel. But filling a car with a different kind of fuel is not morally salient or significant. It is *bad for* a particular plant that I deem a weed that I uproot it from the soil. Once again, a welfare condition has been violated but not in a morally salient or significant way. It is *bad for* a community of bacteria that it is exposed to penicillin, but the violation of their welfare condition is not morally salient or significant. At this point the reader can probably identify other additional counterexamples to the claim that violating a welfare condition is always morally salient or significant. That claim is simply implausible.

Thus, the Argument from Consciousness can be defended by the Argument from Pain. But, as Hsiao sees it, the defense of Argument from Pain assumes that any violation of a welfare condition is morally salient or significant. But that is false. Thus, the defense of the Argument from Pain, and by extension the Argument from Consciousness, fails.

### III. Two Simple Responses

Hsiao's criticism assumes two things. First, that a defense of the Argument from Pain must connect the badness of pain to welfare conditions for things. Second, that connection requires that violating *any* welfare condition is morally salient or significant. Neither assumption is plausible.

#### A. *Badness without Welfare Conditions*

Hsiao assumes that a defense of the claim that experiencing pain is bad requires connecting the concept of something being bad to the concept of welfare and welfare conditions. But this is doubtful for several reasons.

First, the idea that experiencing pain is bad seems, on the face of it, to be incredibly plausible. My own antidotal experience in teaching these issues is that most students immediately accept the idea without much fanfare. Additionally, they do not need a further connection to the concept of harm or welfare to see its plausibility. Of course, there might be important connections between something being bad and the welfare of some being. I am not saying otherwise. The important point here is that for it to be reasonable to believe that experiencing bad is pain one is not *required* to defend that belief by appealing to the concept of harm, welfare, or welfare conditions. The plausibility of that claim stands on its own.

Some might object that this is simply an appeal to intuition. But all theorizing must start somewhere. There is no reason it cannot start with the incredibly plausible claim that experiencing pain is bad. Additionally, an appeal to intuition is consistent with further theorizing. Lots of philosophers have thought that experiencing pain is bad and have gone on to construct theories of pain and badness. So appealing to this intuition is not opposed to further theorizing. The important point is that it can be reasonable to believe that experiencing pain is bad *without* having gone on to do subsequent philosophical theorizing.

Second, even if we connect the concept of badness to some other moral concept, it need not be the concept of welfare. Here is a widely embraced view among philosophers of various backgrounds (see Perrine (2018) for relevant citations and discussion). When something is good, it is appropriate, correct, or right to value it. By 'value it' I have in mind adopting certain attitudes like: liking, loving, caring, respecting, valuing, honoring, taking pleasure in, finding happiness in, etc. Conversely, when something is bad, it is appropriate, correct, or right to disvalue it. By 'disvalue it,' I have in mind adopting certain attitudes like: disliking, hating, opposing, disvaluing, being opposed to, taking displeasure in, being saddened by, etc.

One can defend the claim that the experience of pain is bad by appealing to a connection between badness and which negative attitudes are appropriate, correct, or right. Suppose an animal is experiencing pain—say, a chicken is in pain because its beak has been clipped off and is bleeding. Is it appropriate, correct, or right to disvalue such a thing? Would it be appropriate, correct, or right to be (e.g.) sad, upset, disappointed, or otherwise dislike it? Clearly it is. Further support for this claim can be found from reflecting on moral exemplars. Consider someone who is fully compassionate and kind. If such a person was made aware of an animal suffering, would such a person be entirely indifferent to such suffering or would they adopt negative attitudes towards it? It is clear that they would not be indifferent. Rather, they would adopt negative

attitudes. Thus, it is appropriate, right, or correct, to disvalue the painful experiences of animals. Thus, the painful experience of animals is bad.

Hsiao assumes that a defense of the Argument from Pain needs to connect the badness of experiencing pain to claims about welfare and welfare conditions. But this is false. First, the idea that experiencing pain is bad is plausible on its own without necessarily connecting it to other moral concepts. Second, a plausible defense of this claim can be found by relating the badness of experiencing pain to appropriate, correct, or right disvaluing attitudes.

#### *B. Badness and Welfare Condition*

Hsiao's second assumption is that: if we connect the badness of experiencing pain with welfare, we must claim that *any* violation of a welfare condition is morally important or salient. But there's no reason a defense of the Argument of Pain must assume this. One plausible view is that *some* violations of welfare conditions are morally important and salient whereas others are not.

Of course, this naturally raises the question of *which* violations of welfare conditions are morally important or salient. One plausible view is that if something is not conscious, then a violation of its welfare conditions is not morally important or salient. This option is not random or *ad hoc*. In fact, it fits with Hsiao's own argument. As Hsiao sees it, knives, automobiles, bacteria cultures, etc. have welfare conditions. But, as Hsiao sees it, violations of their welfare conditions are not morally significant. Both claims are plausible. But none of Hsiao's examples are conscious beings. This suggests a natural explanation: if something is not conscious then violations of its welfare conditions are not morally significant or salient.

(In response to a proposal of Bruers (2015), Hsiao (2017: 1113) considers this kind of response. However, Hsiao claims that things are "important" or "matter" to non-conscious things insofar as they are relevant to the welfare conditions of those things. We can use the words 'important' and 'matter' in that way if we want. But, even if we do, that response does not undermine this proposal. For this proposal is not formulated in terms of what "matters" or is "important" to welfare conditions, but which things are not conscious.)

So one can concede to Hsiao that, in general, not all violations of a welfare conditions are morally salient or significant *and*, specifically, the examples he gives are not morally salient or significant violations of welfare conditions. Neither concession undermines the Argument from Consciousness.

However, these ideas can be extended. It is plausible that, if something is conscious, then *some* violations of its welfare conditions are morally salient or significant. Specifically, if a violation of a welfare condition of a conscious being has implications about *other* moral properties or concepts, then that violation is morally salient or significant. Badness is a moral property or concept. Thus, if a violation of a welfare condition of a conscious being implies that something bad happens to that conscious being, then that violation of a welfare condition is morally salient or significant. Experiencing pain is bad. Thus, if a violation of a welfare condition of a conscious being results in experiencing pain, then that violation is morally salient or significant because it results in something bad happening. Thus, there are welfare conditions of conscious beings, such as animals, that are morally salient or significant.

Summing up, Hsiao assumes that a defense of the Argument from Pain must assume that *every* violation of a welfare condition is morally salient or significant. But this is false. Additionally, plausible views about which violations of welfare conditions are morally salient or significant have the result that some violations of animals' welfare conditions are morally salient or significant.

#### IV. Concluding Remarks

Hsiao argues against the common view that animals have moral status. I've argued that he fails to undermine the Argument from Consciousness. To be sure, more could be said on these issues. There might be further, more complex reasons for thinking Hsiao's criticisms of the Argument from Consciousness fail. And there might be additional reasons for thinking Hsiao's arguments for his own positive view are faulty. And, of course, more work could be done defending and shoring up the points I've made here. Such further critical discussion would supplement my arguments. But even without that further work, we can see two reasons why Hsiao fails to undermine the Argument from Consciousness and the view that animals have moral status.

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