

— LETTERS
on LIBERTY



THE MISANTHROPY OF
ANIMAL SENTIENCE

Lord Moylan

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We hope that, armed with these *Letters*, you take on the challenge of fighting for liberty.

Academy of Ideas team

THE MISANTHROPY OF ANIMAL SENTIENCE

The promotion of 'animal sentience' has become an insistent theme in Green circles in recent decades. Its supporters see it as a route not only to better treatment of animals, but also to a recasting of our moral framework - elevating the moral claims of animals to the same status as those made by people. But this risks degrading people to the moral level of animals, and that is the danger this idea poses to a humane and civilised ordering of society.

It hardly needs to be said that the Green movement is largely against what we used to call human 'progress', and the sweetly affluent life it has brought those of us in the West - as well as the possibilities it provides those living in much poorer countries than our own. What is less obvious, but nonetheless true, is that Green rhetoric has become implicitly anti-human. Some Greens deify the planet as the goddess Gaia, and entify the non-human world into a reductionist concept labelled 'nature', which is regarded as both an inestimable good, in and of itself, as well as a source of beneficence. Humanity is radically excluded from this concept of nature: the best people can aspire to is, with strenuous effort, to live 'in harmony with' it. Far from being a part of the natural order, let alone its

crowning achievement, humanity is seen as a pollution on fair Gaia's face. Human beings have spread scabrously in recent decades, as the population has 'exploded'. The thought that all those people might one day enjoy the benefits that technology and capitalism have brought to the West is one that horrifies Greens, who want a total reset in our way of living (combined with a reversal of the growth in our numbers). Where once the finest minds were dedicated to saving souls, the imperative now is to save the planet.

Animal-rights advocates argue for sentience as the sole moral criterion by which the treatment of all animals (humans included) will be judged.

This quasi-religious world view opposes any claim that humanity has a distinct and elevated moral status. Promoting the claim that sentience is the sole and common basis of moral judgement and moral behaviour in respect of both humans and animals has become the Green movement's favoured technique for knocking humanity from its perch of moral superiority. Humans, who are viewed as outside the natural order, are to be brought partly within it by sharing a common moral standard with, in Green terminology, the 'other animals'.

A necessary first step for this project is to secure widespread agreement to the assertion that animals are in fact sentient. Once animal sentience is established as a scientific and legal fact for the largest possible swathe of the animal kingdom, animal-rights advocates can move on to argue for sentience as the sole moral criterion by which the treatment of all animals (humans included) will be judged. Doing so would abolish any distinction between the relative moral worth of humans and ‘other animals’.

What does it mean to say that animals are sentient?

The European Union (EU) accepted that vertebrates were sentient in the Lisbon Treaty,ⁱ but hedged its declaration with various caveats that gave priority to certain types of human activity. The UK’s adherence to that Treaty commitment was lost when we left the EU. A huge Green campaign put pressure on MPs to restore the EU commitment, resulting in the Conservative Party’s pledge in its 2019 manifesto to ‘bring in new laws on animal sentience’, though no detail was given as to what the legislation would contain.ⁱⁱ

The Animal Welfare (Sentience) Act, which was passed in April 2022, does nothing practical to improve animal welfare. During its passage through

the House of Lords, it aroused some fiery opposition from peers, many of them concerned about its likely consequences for farming, fisheries and the way of life in the countryside.

These legitimate concerns were dismissed as alarmist by a government secure in its support from the Labour and Liberal Democrat benches. We were assured that the Act would make very little practical difference to any of these things, because it was merely declaratory.

Most of us would accept that at least the higher mammals can feel pain in probably much the same way that we do.

But this of course is the very point: the real effect of the Act is not to make any immediate practical difference, but to establish sentience as a legal and scientific fact - a preliminary step to further demands. The Act goes beyond our former commitments as an EU member-state. It declares, without deigning to define sentience, that not only are all vertebrates sentient, but so too are decapod crustaceans and cephalopod molluscs (crabs, lobsters, crayfish, octopus and squid). When it started life, it omitted all of the caveats that the EU had agreed on (though some of these were added back at the last minute by

the House of Commons). Unlike the EU Treaties, the Act gives administrative force to the declaration by setting up a permanent committee (membership unknown) empowered to roam around Whitehall to ensure that all policies take account of animal sentience. It is a Green dream and, though they might not like to admit it, an undoubted Brexit bonus for them.

But what does it mean to say that animals are sentient?

The thinking behind animal sentience

‘Sentience’ is defined by its advocates as a capacity to feel pain and experience pleasure. Clearly humans have that capacity, and supporters of animal sentience assert that animals (they would say ‘other animals’) have it as well. When one sees a chimp suffering from an injury or a dog panting with pleasurable excitement, it can be hard to disagree. Modern neurological science can bolster this argument. As with humans, a stimulus of sufficient force applied to a chimp’s body can be seen to produce a neurological reaction that sets off brain activity - activity which we might associate with pain or pleasure.

Most of us would accept that at least the higher mammals can feel pain in probably much the same way that we do. That common-sense approach has been at the root of animal-welfare legislation over the last two centuries, in which the UK was something of a pioneer.

But the modern ideology about animal sentience, as opposed to this common sense, can be traced to Peter Singer's book *Animal Liberation*, published in 1975. It is a work of practical moral philosophy long on assertion, but short on supporting argument. Singer develops a simple chain of assertions, roughly as follows:

- He asserts a Principle of Equality, whereby we should give the same moral consideration to all humans, ignoring irrelevant differences (such as skin colour and sex).
- He argues that there is no morally relevant distinction between humans and sentient animals. We should give the moral claims of 'other animals' the same consideration that we give to the moral claims of humans - in both cases on the basis of their sentience. Anything less would be the moral wrong of 'speciesism'. (He has the good grace to apologise for the ugliness of the word.)

- He also suggests that this does not mean that we should treat all sentient beings in the same way. How we treat them in practice should vary depending on what sort of animal they are, and what needs they have. (He is much more relaxed about killing animals, provided it is done painlessly.)

Singer deals with the challenge that humans have intellectual and moral capacities that separate us from the rest of the animal kingdom by pointing out that some humans don't have those capacities (infants, people with dementia, etc) and yet we generally treat these people with the same consideration we give to other humans. This, he implies, can only be on the basis of their sentience. If intellect and moral capacity aren't a relevant distinction in the way we treat humans, it is speciesist to make them a relevant distinction between ourselves and 'other animals'.

Jeremy Bentham is quoted approvingly as the first philosopher of the modern age to urge the existence of animal sentience as a reason for treating them well, so it is perhaps not surprising that many animal sentience advocates also adopt Bentham's utilitarian principles. They believe that moral action consists of nothing but minimising suffering in all sentient beings and maximising pleasure. This opens the door to a serious discussion of questions such as the suffering

of how many chimps - or crocodiles - is equivalent to the suffering of a human being.

The mental states of animals

The claim that animals are sentient is far from problem-free. It might be thought that science could settle the matter. Indeed, there has been something of an explosion in recent years in ‘animal-sentience science’, much of it tendentious and often associated with foundations and funders who have a prior disposition to believe in sentience.

However, the claims of sentience raise important metaphysical and moral questions that are not simply within the scope of science to answer.

One of the knottiest relates to philosophy of mind. If a sufficient stimulus (let’s say fire) is applied to the body, then the nervous system sets off a chain of electrical and chemical processes that arrive in the brain and may result in movement (withdrawing one’s hand from the fire). This is an objective reality and is to a greater or lesser degree true of all animals. But the associated experience of pain is another matter: pain is a mental state and exists subjectively, not objectively.

We cannot experience the pain of others, though we may imagine it.

For us humans, pain is an experience that goes beyond a physical reaction to a neurological stimulus. Pain as a mental state can include anticipatory fear and sometimes lasting mental trauma. (All but the most hard-line philosophical materialists accept the existence of mental states: their typical claim is that mental states can all - eventually - be explained by an understanding of the physical brain and nervous system, not that mental states don't exist.)

A cat that has lost a leg through injury doesn't cease to be a cat, because it retains the essence of a cat.

In what sense can we attribute this subjective experience of pain to an animal? More specifically, how plausible is it to do so in the case of animals with a much smaller neural capacity - for example the crocodile, which has a brain so physically small that it has no capacity for memory? How can we imagine ourselves into a mind that can only comprehend the present moment, let alone attribute complex subjective mental states to it?

For this reason, past practice among animal scientists has been to take a behavioural view of an animal's

suffering: if it behaved like it was suffering, then it probably was. There was no need to inquire into its inner mental processes, which were regarded as inaccessible. Animal-sentience scientists seem to have few of such inhibitions. Some of them hold an extreme position that all vertebrates (and probably a host of other animals) are sentient and suffer what they call 'pain'. Others, who are more nuanced, detect sentience in mammals and birds and in some - but not all - invertebrates. In most cases, they are all practising a form of simple anthropomorphism.

The moral status of animals

A more traditional moral anthropology that the animal-sentience movement seeks to displace comes in a variety of forms. Perhaps the most satisfactory is the medieval scholastic view adapted from Aristotle, typically expressed by Thomas Aquinas. Aquinas may be unfashionable these days, except in some quirky corners of philosophy departments, but most subsequent understandings of man's relation to other natural beings - until the modern age - are iterations of his ideas.

For Aquinas, living beings come in three broad types: plants, animals and humans. But these categories

aren't radically distinct, rather they nest within each other in a hierarchical fashion. Plant life is characterised by reproduction, growth and a need for nutrition. Animal life includes the characteristics of plant life, but also of perception, motion and appetite. (Appetite can be both 'positive', as when an animal moves to a source of food, or 'negative', as when it moves away from danger.) Human life includes all the characteristics of plant and animal life, but adds conscious memory, intellect and will.

Some form of hierarchical conception of life forms is needed if we are to explain why we as humans have any moral obligations at all.

'Intellect' allows us to understand the world in a conscious and rational way, while 'will' allows us to make choices that are conscious and rational. It then follows that morality is the framework within which we determine what the right rational choices are. Of course, we don't have to use our intellect and our will: we can - and sometimes do - behave like animals, falling back on our appetites, which are always present.

Aquinas also acknowledges that there are humans who cannot exercise intellect and will in a mature way: infants and those with dementia, for example. This

doesn't make them mere animals, but incomplete humans. A cat that has lost a leg through injury doesn't cease to be a cat, because it retains the essence of a cat. So too with the human infant or adult suffering from dementia: they remain essentially human beings and have the potential (even if limited by the current state of medical science in the case of those with dementia) to achieve (or re-achieve) a full humanity. It is by virtue of their human essence, and their potential as human beings, that they are accorded the moral treatment given to humans.

It would also presumably be a form of immoral speciesism to favour the family dog over the scavenging fox, simply because it is a domestic pet.

This is an inherently hierarchical order, with man as the most developed of the three forms of life. It reflects our common-sense view of how the natural world works. While Singer devotes serious effort in *Animal Liberation* to attacking Aquinas' view on our moral obligations to animals, he doesn't tackle this anthropology. Singer is perfectly ready to admit that we are distinct from animals in that we can have moral obligations to them, but they cannot have moral obligations to us - they don't have the capacity (the intellect and the will, as Aquinas would say) to have any moral obligations. But Singer draws no further

conclusions from that - certainly not conclusions of a hierarchical nature - however well it fits our experience.

For the animal-sentience movement, the only morally relevant feature that we have in common with animals is sentience. Yet some form of hierarchical conception of life forms is needed if we are to explain why we as humans have any moral obligations at all.

Even if animals (or some of them) are sentient, it doesn't follow that sentience should be the sole criterion of moral action. Animal-sentience advocates are committed to this view because any other approach would be speciesist, but anti-speciesism is only an assertion, not an argument. If there are good reasons for discriminating between humans and animals (by way of the existence of rationality, moral capacity, intellect and will), then there will potentially be good reasons for recognising criteria other than sentience, while allowing that we shouldn't cause unnecessary suffering to animals.

Utilitarianism is generally problematic: it implausibly makes 'the greatest good [pleasure] for the greatest number' the only necessity for moral conduct. But this reductionism is just what appeals to animal-rights advocates. Utilitarianism notoriously deals only with aggregates, not individuals. Combined with the

rejection of ‘speciesism’, this must lead animal-rights advocates to reject even favourable treatment of members of one’s own family - even though protecting and nourishing offspring is often found among ‘other animals’. It would also presumably be a form of immoral speciesism to favour the family dog over the scavenging fox, simply because it is a domestic pet.

The problem is that these views don’t make any moral sense to us as humans.

Why animal sentience matters

It is remarkable that the government has chosen to impose on the nation what must be one of the more extreme statements of animal sentience, with evidently little understanding of the implications of the ideology it is fostering. It is conceivable that one could defend the Animal Welfare (Sentience) Act if it did something for animal welfare, but it doesn’t. It might also be possible to defend it on the grounds that it does nothing at all - it merely makes an empty declaration. But this is reckless: an empty declaration of dangerous nonsense is still a declaration of dangerous nonsense.

In any case, the Act is not without consequence. The Animal Sentience Committee will have statutory independence to hold civil servants and ministers to account for non-adherence to a highly disputable metaphysics and moral philosophy, with dangerous implications for people - especially the more vulnerable. If people come to be valued on the same basis as 'other animals', then their liberty and rights to autonomous choice, which are fundamentally rooted in a rationality exclusive to them, will cease to count for much in the public forum.

The English are notorious for not wanting to discuss ideas. But that's a weakness, and this idea will undoubtedly come back to bite us.

References

- i *Treaty of Lisbon*, Official Journal of the European Union, 17 December 2007
- ii 'Get Brexit Done, Unleash Britain's Potential', The Conservative and Unionist Party Manifesto, 2019

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