**Consciousness is not the Key to Moral Standing**

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*Uriah Kriegel’s Value of Consciousness Online Seminar, 4 March 2024*

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**Introduction**

Consciousness is not the key to moral standing . . . of *animals and machines.*

Which non-human creatures have moral standing? Just those that are conscious, says nearly everyone. Not me.

I say the concept *conscious* is ill-suited to identify moral patients—not because it focuses on the wrong thing, but because it focuses so badly. In particular, it doesn’t draw clear lines in places where the moral lines are themselves clear. So moral standing must depend on something else.

I’m going to assume materialism here. My overall argument, as I see it, simply draws out some of its consequences.

**Theories of Consciousness**

How can we figure out which non-human creatures are conscious? Well, we’ve plenty of theories of consciousness, and we can ask how far different animal species (eg Birch et al 2020), and different artificial intelligence systems (eg Butlin and Long et al 2023), satisfy these theories’ accounts of consciousness.

But of course these studies give mixed results. Not so good for deciding moral patiency.

Doesn’t this approach put the cart before the horse? We don’t want to know which creatures are conscious according to this or that theory, but which are *phenomenally* conscious. The theories are just competing a posteriori attempts to identify the neural basis of consciousness.

**Phenomenal Consciousness**

What’s phenomenal consciousness, and how can we decide its neural basis?

Block (1995) distinguishes access consciousness (available for reasoning and action and speech control) from phenomenal consciousness (can’t be defined in “in any remotely non-circular way”, “really all one can do it *point* to the phenomenon”).

And then the idea is that we identify its neural basis by seeking some property that coincides with humans’ direct awareness of their phenomenally conscious states.

Isn’t this just going to return us to access consciousness?

One attempt to circumvent this is the “no report” paradigm.

Another (Shea 2012, Shea and Bayne 2022) appeals to *natural kinds*. Maybe all the initial signs of consciousness in humans (accessibility, conditioning, discriminating novel stimuli, .) are explained by some single core property (resonant cortico-thalamic loops, perhaps) that can sometimes dissociate from access.

**Non-Human Animals**

Consciousness research quickly starts to unravel once we move to non-human animals.

The basic problem is that a number of features coincide in human conscious states (conditioning, novel stimuli, accessibility, cortico-thalamic loops, . . .) and we don’t know how many of them, and to what degree, animals need in order to be conscious.

If cats can do the conditioning but not the accessibility, is that enough? And do they need to do all the conditioning humans can do, or only some of it?

What about Shea’s explanatory cortico-thalamic looping? But this too comes in degrees. Even among mammals cortices are developed to different degrees.

And what about the smart birds, arthropods, cephalopods who don’t use cortices for memory learning? Are they to be disqualified because their cognitive functions have a different basis from humans and other mammals? (Cf the role vs realizer functionalism debate.)

**Consciousness is Indeterminate**

Many will see the problem, but say it’s just an epistemological matter. How could it not be?

I say it’s ontological. There’s no fact of the matter. The concept *phenomenally conscious* is just too loose. (“Really all one can do it *point* to the phenomenon.”)

Resistance is due to a deep-seated intuition of dualism. (“Which brain processes *give rise* to consciousness?”)

The whale oil analogy. Shell Inc market “new” oil, like the old stuff but not made from whales. Is it *oil*? Most can see this is at most just a matter for terminological decision, except the oil dualists, who insist there must be a fact of whether the Shell product gives rise to *oil*.

**Moral Standing is Less Indeterminate**

Consciousness could be indeterminate and yet moral standing still tied to it, if moral standing were matchingly indeterminate.

Thus if the indeterminacy were merely sorites-like, and jawless fish, say, were in the penumbra of vagueness, it wouldn’t definitely be wrong to ignore their welfare, say, but it wouldn’t definitely be right either.

But I say moral standing is definite in many cases where consciousness is not. It’s indeterminate whether cats and crows and crabs and octopuses are conscious. But they certainly have moral standing. So moral standing must rest on something other than consciousness. (Which is not to say it must be fully determinate.)

**The Grounds of Moral Standing**

What might determine moral standing is consciousness cannot? What makes things good or bad *for* some creature?

That they are *alive*? That sets the bar too low.

That they are *agents* with a *perspective*? Still too low.

We need something like—they are *minded*, with desires/motives. (Functionally not phenomenologically conceived of course—states which prompt behaviours apt to produce certain results, and perhaps also reinforce those behaviours. Cf Carruthers 2019, Kammerer 2022.)

We don’t want to collapse into a desire-satisfaction account of well-being. Better to view the possession of desires as a necessary condition for benefitting from the goods on an “objective list”, including health, companionship, freedom to roam, etc.

**What Really Matters**

Turning away from consciousness allows us to focus on what really matters. We can by-pass doubts about consciousness raised by factors that are themselves of no moral significance (Kammerer 2022).

Thus we might worry whether Commander Data—or crows or crabs or octopuses—are conscious, on the grounds that their cognition is very differently realized from ours. But it’s their cognitive sophistication that matters to things being good or bad for them, not the details of their brain make-up.

**Putting Consciousness to One Side**

*Can* I put consciousness to one side? Surely it *also* matters morally if Data and the crabs and crowds are conscious. Aren’t I assuming what I need to prove?

No. Note that I’m not saying they’re definitely not conscious. It’s indeterminate.

I grant that creatures that are definitely not conscious have no moral standing, and those that are definitely conscious have it on that account.

The latter includes humans. I can say they have moral standing because they have *all* the features that are co-instantiated in human conscious states (accessibility, conditioning, novel stimuli, cortico-thalamic loops, . . .) Which is why with humans we can by-pass the issue of which of these features are the morally important ones.

However, with creatures that have some but not others, we have no alternative except consider which really matter for moral standing. What else is there to go on?

If you’re still thinking that the consciousness of non-human creatures has moral significance *as well* as their psychological organization and abilities, I say you can only be thinking of some phenomenological mind-stuff which is additional to physical make-up.

Imagine a debate about the value of “new oil”. Is it as good as the old stuff? It has the same utility but loses the emotional affinity with whales. All agree that the former is much more important than the latter. But some say that this doesn’t settle the value—what really made the old stuff valuable was that it gave rise to *oil* . . .

**Zombology**

What about all the recent work plausibly arguing, by appeal to intuition, that zombies and even Vulcans would lack moral standing?

These beings are stipulated to be physically just like us, but to lack consciousness or at least valenced consciousness. If they are then morally different, consciousness can scarcely be irrelevant to moral standing.

We materialists might point out that intuition must have gone wrong somewhere, if it judges zombies and Vulcans to be morally different from us . . .

In response, some will observe that zombies and Vulcans are conceptually possible, even if metaphysically impossible. So perhaps even materialists can use these thought experiments to help figure out exactly how (valenced or not?) and exactly why (cf Kriegel forthcoming) consciousness matters to human well-being.

Still, these thought experiments can’t show that consciousness matters *rather than* physical processes in the brain. For materialists, that thought is metaphysically incoherent.

**AI Welfare**

Soon we will have machines that engage emotionally with humans. Some people will come to be very concerned about their welfare. Others will say they are just stochastic parrots. How can we find a healthy middle way?

I’ll just say—*don’t* try to resolve this by deciding whether they are conscious. That will only pour fuel on the fire. Better to try to decide the issue on independent grounds.

**Taking it Back**

I won’t mind if people carry on saying that creatures have moral standing just in case they’re conscious—as long as they read this left-to-right so to speak—first figuring out that which creatures have moral standing, then saying they’re conscious. Calling creatures conscious would then be a way of recognising their moral standing. But we still wouldn’t be deciding the hard cases by first figuring out which creatures are conscious.

**References**

Bayne, T. and Shea, N. 2020 “Consciousness, Concepts and Natural Kinds” *Philosophical Topics* 48 65-83

Birch, J., Schnell, A. & Clayton, N. 2020 “Dimensions of Animal Consciousness” *Trends in Cognitive Sciences* 24: 789–801

Block, N. 1995 “On a Confusion about a Function of Consciousness” *Behavioral and Brain Sciences*  18: 227-47

# Butlin, P., Long, R. et al 2023 “Consciousness in Artificial Intelligence: Insights from the Science of Consciousness” <https://arxiv.org/abs/2308.08708>

# **Carruthers, P. 2019**Human and Animal Minds: The Consciousness Questions Laid to Rest **Oxford: Oxford University Press,**

Kammerer, F. 2022 “Ethics without Sentience: Facing up to the Probable Insignificance of Phenomenal Consciousness” *Journal of Consciousness Studies* 29: 180-204

Kriegel, U. “The Value of Consciousness to the One Who Has It” this volume

Shea, N. 2012 “Methodological Encounters with the Phenomenal Kind” *Philosophy and Phenomenological Research* 84: 307-44