

Animals and the Agency Account of Moral Status

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Abstract

In this paper, I aim to show that agency-based accounts of moral status are more plausible than any have previously thought. I do this by developing a novel account of moral status that takes agency, understood as the capacity for intentional action, to be the necessary and sufficient condition for the possession of moral status. This account also suggests that the capacities required for sentience entail the possession of agency, and the capacities required to agency, entail the possession of sentience. Thus on this account sentient beings possess agency and agents possess sentience. If this is correct, it will show that an Agency Account of moral status can offer a plausible defence of the moral status of all sentient beings, something that previous Agency Accounts have not succeeded in doing. What is more, this account could establish that all sentient animals are not just moral status holders *per se*, but that they are owed *pro tanto* obligations regarding continued existence and liberty, similar in kind, though not always in strength, to those owed to humans.

Keywords: Agency; Animals; Acting for a Reason; Autonomy; Moral Status.

Agency, understood as the capacity for intentional action, has long been regarded as a morally significant property, as well as something that makes human lives uniquely valuable. Being an agent is also something that is thought to entitle one to certain kinds of treatment. Recently however, some theorists have argued that agency is not unique to humans and that many animals are agents too (to name just a few: Steward, 2009; Glock,

2009; Rowlands, 2012; Donaldson and Kymlicka, 2013). If agency is a morally significant property, and like humans, many animals possess agency, then it appears that these animals must possess moral status. This means that they ought to have their interests equally considered with the similar interests of other moral status-bearing beings. Further, they will be owed certain *pro tanto* obligations, similar in many ways, to those we owe to humans. I find this position both plausible and intuitive. However hitherto, it seems to me that no satisfactory agency-based account of moral status has been given. Through this paper I will attempt to remedy this. I will develop and explore the implications of a unique agency-based account of moral status. This Agency Account will differ from previous incarnations of Agency Account, by the fact that it will incorporate two important claims. The first of these is that agency is both the necessary and sufficient condition for moral status. The second is that sentient beings are necessarily agents and *vice versa*, a view I call '*The Co-Extension Thesis*'.¹ Through developing this account, I will show that agency-based accounts of moral status are considerably more plausible than philosophers have previously thought, (especially with regard to accommodating the moral status of sentient animals) and that they deserve much more attention than they currently receive.

1. The State of Play

Recently, Natalie Thomas and Jeff Sebo have defended the claim that we owe (some) animals direct moral obligations because they are agents: (Thomas, 2016; Sebo, 2017). These theorists have both argued for slightly different positions regarding agency and moral status. Whilst I share the belief that many animals possess agency, and that the possession of agency entitles one to certain treatment, I think that the accounts offered by these theorists are lacking in various respects and a stronger agency-based account of moral status could be developed. Developing such an account will be the aim of this article. I will start by giving a brief overview of Thomas' and Sebo's accounts in this section, and then highlight how the Agency Account I develop here will be different from its predecessors.

¹ Thank you to an anonymous reviewer at *Philosophical Studies* for suggesting this name.

Thomas argues that our conception of animals' well-being is too narrow because it fails to accommodate animals' agency, understood as the capacity for intentional action (Thomas, 2016 p. 9).² She argues that the possession of certain negative and positive freedoms, grounded in the capacity for agency, are an important constituent of animals' well-being, just as they are for humans. As such, moral agents have direct moral obligations towards animals (related to these freedoms) (Thomas, 2016 pp. 89–94). Importantly however, whilst Thomas takes animals' agency to obligate moral agents to treat them in particular ways, she does not take animals' agency to ground their moral status. Thomas instead believes the possession of the more basic capacities of self-awareness and sentience (which she takes to be mutually entailed by each other) are necessary and sufficient conditions for moral status. (Thomas, in personal correspondence, also see: Thomas, 2016 p. 4).

Similar to Thomas, Sebo accepts that many animals possess the capacity for intentional action (Sebo, 2017, pp. 8–9) and that in light of this we owe them certain obligations, given certain assumptions about interests and rights (specifically Sebo thinks, they have rights to life, liberty and property (Sebo, 2017, p.14)). However, unlike Thomas who is sceptical about making comparisons between human and animal moral status, Sebo argues that humans, in so far as they express the same kind of agency as agential animals, possess the same kind of moral status as agential animals. Thus humans and many animals are owed the same kind of obligations to life, liberty and property (though he accepts that the specific treatment which is owed to an individual cannot be determined merely by the kind of moral status they possess (Sebo, 2017 pp. 25–26)). Although Sebo gives us an argument for why many animals possess the same kind of moral status as humans, he doesn't argue that agency is *necessary* for this kind of moral status, or that it is necessary for any kind of moral status (assuming there are different kinds of moral status). As such Sebo's account is compatible with many other views regarding moral status.

I think that these accounts both do a good job of showing a major virtue of agency-based accounts of moral status: that the possession of agency can ground some important ways in which a moral status holder can be *pro tanto* wronged. Further, they show

² Note that Thomas mostly talks of 'autonomy' not 'agency' in her work but it seems that she is primarily interested in the capacity for intentional action (rather than any notion of autonomy that involves higher order thought for example).

that individuals' possession of agency can obligate moral agents to treat them in particular ways. However, I think a more ideal Agency Account can be constructed.

Neither Thomas nor Sebo make clear the exact relationship they take to exist between agency and moral status. However it seems that both their arguments may be taken to support the conclusion that agency is a sufficient condition for moral status, even if they do not draw this conclusion themselves. That being said, it is clear that on either account, agency is not a *necessary* condition for moral status, nor is it a *minimally* sufficient condition for moral status. Thomas takes sentience (and self-awareness) to be necessary and sufficient for moral status, and Sebo leaves open the possibility of non-agential beings possessing moral status. So, on either of these accounts, individuals could possess moral status, perhaps even full moral status, and yet entirely lack agency. Because of this, even though both theorists' accounts take agents to be moral status holders, it doesn't seem that either account should be regarded as a through and through Agency Account. Thomas' account could be described as a Sentience Account or Self-Awareness Account, in which the possession of agency entitles one to certain additional protections and entitlements, unavailable to non-agential moral status holders. Sebo's position is a little more difficult to characterise, since his view is seemingly compatible with a wide range of options. Nonetheless, agency is not necessarily central to the notion of moral status itself on his view.

So, whilst agency plays an important role in these two accounts, it does not play the role of grounding moral status. Both theorists suggest that agency merely grants moral status holders further protections and entitlements, over and above those owed to individuals who meet the minimally sufficient conditions for moral status. It seems to me that whilst this is a step in the right direction, Thomas and Sebo fail to recognise the full moral significance of the notion of agency. In contrast, I think that agency can explain some important ways in which moral status holders can be wronged *in addition to* playing the foundational role of grounding moral status in itself. That is to say, it seems to me that agency is not just a morally significant property, but that it is fundamental to the notion of moral status to such an extent that it could plausibly be the necessary, and sufficient condition, for moral status.

So, in this paper I will attempt to develop a more comprehensive Agency Account that contends that agency, understood as the capacity for intentional action, is the necessary and sufficient condition for moral status. According to this account, all those beings, and only those beings, who possess agency will possess moral status. I cannot hope to fully defend such an account within the confines of one article, as such I will simply lay out this account and explore the commitments that are required to adequately defend it, as well as some of the implications of endorsing such an account. The most important of these is the Co-Extension Thesis: the claim that sentient beings are co-extensive with agents and thus that all sentient beings are therefore agents, and all agents are sentient. This is important because sentient beings plausibly have a claim to at least some kind of moral status. Thus any account that fails to accommodate them, or at least fails to explain why they do not matter despite strong intuitions that this is the case, would be highly implausible. So, by endorsing the Co-Extension Thesis, this account will avoid the unpalatable conclusion that some sentient animals do not possess moral status, since it maintains that all sentient beings are also agents.³ In light of this, this account can have the plausible and intuitive extension of a sentience-based moral status account with the ability to establish *pro tanto* obligations towards many animals similar in kind to those we owe to humans.

I will start by expounding the Co-Extension Thesis. I will then consider why we might take agency to be a sufficient condition for moral status and explain what exactly moral status constitutes on this account. Next I will give an overview of the argument that agency is a necessary condition for moral status too. Finally I will consider some potential objections to this Agency Account.

2. The Co-Extension Thesis

The Co-Extension Thesis claims that sentient beings and agential beings are co-extensive. This is the case, according to this thesis, because the mental capacities required to possess sentience are sufficient for the possession of agency and likewise, the mental

³ Though this account denies the moral status of non-agential life, it does not claim that non-agential life does not matter *at all*. We may have indirect duties not to destroy forests or bleach coral reefs for the benefit of agents. Further, we may have direct duties to refrain from such actions if forests and coral reefs have intrinsic aesthetic value, or some other kind of intrinsic value.

capacities required to possess agency are sufficient for the possession of sentience. Thus if one possesses sentience, one must be an agent, and if one is an agent, one must be sentient. I will now lay out this thesis in detail.

The Co-extension Thesis suggests that being sentient means being able to experience affective feelings, that is, being able to experience mental states that have a certain positive or negative 'feeling' or phenomenology to them. The most obvious examples of such mental states are pleasure and pain, however more subtle affective feelings include anger, pride, loneliness, disappointment, thirst, and relief. So, in virtue of being sentient, sentient beings are not only capable of experiencing the world, but are capable of having pleasant or unpleasant experiences of the world.

The Co-Extension thesis further suggests that beings able to experience affective feelings, possess desires (or some functionally equivalent motivating states). This claim may seem bold to some, but it shouldn't. The notion of desire is tightly knit with the notion of pleasure. In fact, it is difficult to imagine an instance in which I find something pleasurable, but lack some kind of desire towards it. This may be a hard-wired desire over which I have little control or understanding, and I may not desire it all-things-considered, but I seemingly have a desire (or something desire-like) in some sense. Likewise it is difficult to imagine an instance in which I find something unpleasant but lack an aversion to it.⁴

A more thoroughgoing, reason for thinking that affective feelings entail the possession of desires however, is that the most prevalent kind of pleasure account, Attitudinal Accounts, suggest that in order to be able to experience affective feelings, one must possess desires or some relevantly desire-like states. Sensory pleasure accounts attempt to explain what is occurring in our minds when we experience pleasure (that is caused directly by our sensations). For example, sensory pleasure accounts attempt to explain how and why I experience pleasure when tasting an apple.⁵ Attitudinal Accounts suggest that

⁴ Of course we can point to cases such as masochism where one might desire the feeling of pain, but here, plausibly, it still seems that there is an aversion to the cutting of flesh for instance, but that there is also a higher order desire to experience painful mental states. Alternatively, it might be that the masochist doesn't really desire the feeling of pain but just the ordinarily painful sensory experience of their flesh tearing for instance. Thus they simply find an experience that many of us find to be unpleasant, the tearing of flesh, to be pleasant in their case. Either explanation can seemingly explain away the problem of masochists.

⁵ Since any sentient being would appear to have the capacity to experience at least some *sensory* affective feelings, it should not concern us that this account does not consider the nature of non-sensory affective feelings. Although one should note that it seems likely that non-sensory affective feelings are also

one must possess a pro-attitude in order to experience pleasant affective states. In most cases, this is taken to be a desire or some desire-like state (Brandt, 1979; Sidgwick, 1981; Schroeder, 2001; Heathwood, 2007).

Attitudinal Accounts suggest that pleasant affective feelings are felt when certain desires or desire-like states are satisfied (Schroeder, 2001; Heathwood, 2007; Aydede, 2014a; Aydede, 2014b).⁶ A similar story can be told with regard to unpleasant feelings: we feel an unpleasant affective feeling when a certain desire is frustrated or when the satisfaction of a certain desire is delayed. Of course, not all desires grant one pleasant experiences when satisfied. According to Attitudinal theorists, a pleasant affective feeling only results from the satisfaction of an intrinsic or final desire,⁷ that is to say, a desire for something for its *own sake* and for no further reason (Heathwood, 2007, p. 30; Aydede, 2014, p. 15). Thus in order to gain a pleasant feeling from experiencing the taste of a ripe cherry, I must desire the taste of the cherry itself, for its own sake, and for no further reason. Hence, if I merely desire the taste of a ripe cherry because I grow cherries for profit, and I want to know if my cherries are ripe for harvest, then the satisfaction of my desire for the taste of a ripe cherry itself would not result in pleasant feelings (Heathwood, 2007, p. 30; Aydede, 2014, p. 3).

Assuming that something like an Attitudinal Account of sensory pleasure is correct, and the capacity for sentience is best characterised as the capacity for affective feelings, then it seems that sentient beings must possess desires. So sentient beings must necessarily be *attitudinal beings*. It is worth pointing out however that, even if Attitudinal Accounts of sensory pleasure are inaccurate, sentient beings may still necessarily possess desires for different reasons. After all, any plausible account of sensory pleasure must account for the close relation between pleasure and desire. However since Attitudinal Accounts offer the

closely linked with desires and/or attitudes, especially if sensory affective feelings are linked to desires in this way. I take it that it is less controversial that non-sensory pleasure results from the satisfaction of certain desires so I focus only on the sensory version of the account here.

⁶ If Moral Judgement Internalism is correct, and moral beliefs can be a motivating states in themselves, the possession of at least some moral beliefs may be sufficient to allow one to experience affective feelings. This may be the case for instance, where moral beliefs are acted upon to successfully bring the world into line with one's moral beliefs. Moral beliefs are functionally similar to final desires in this regard. That being said, I am not convinced that a being that possessed motivating beliefs of this kind, but no desires or preferences, could exist.

⁷ Kagan refers to the relevant kind of desire as an 'immediate desire' since the desire is for the immediate properties of an experience rather than any instrumental properties. I use the term 'final desire' since I think this is the clearest and least ambiguous term available (Kagan, 1992, p173–74).

clearest and most direct explanation of this relation, whilst also being the most widely accepted and (I think) the most plausible kind of sensory pleasure account, I focus only on these accounts here. Moreover, even if desires do not play a role in our best account of sensory pleasure, it may be that sentient beings necessarily possess desires for other reasons and thus the Co-Extension Thesis still holds.

This leads on to the next part of the Co-Extension Thesis. If sentient beings possess desires, it suggests, then they also seem to possess motivating reasons. On the Humean Theory of Motivation, desires are mental states that have a world-to-mind direction of fit (Smith, 1994, p. 115). They are states that try to make the world reflect (or 'fit with') what is in one's mind. They have two key aspects. They are representational in that they have some content; a desire is always a desire *for* something. And they are also motivational. So given the right conditions, desires motivate us to act.⁸ Commonly these conditions are said to be met when a desire is combined with an appropriate belief(s). At least one of these beliefs is normally taken to be a means/end belief. However, this needn't be a belief about causal principles, it could be as simple as a belief that previous events have resulted in pleasant feelings. For instance, the belief that my desire will be satisfied by going to the fruit bowl and eating an apple, could be combined with my desire for the taste of an apple, and my belief that there are apples in the fruit bowl, to motivate action. When an appropriate desire and one or more beliefs are combined in this way they form a motivating reason (Smith, 1994, p. 92).⁹ Desires alone cannot motivate one to act, beliefs are necessary to direct motivation towards some action. So, in order to show that sentient beings possess agency, it must be shown not only that they possess desires, but also that they can possess the other component of motivating reasons: beliefs.

There are (famously) many arguments against the possibility of non-human animals possessing beliefs. Most well-known of these arguments is perhaps the argument that

⁸ In addition to these aspects, it seems that desires are also the kind of mental state that can, but need not, have a phenomenology, i.e. it can feel like something to desire the company of a friend. Although it is the case that we can also have a desire without it having any feeling whatsoever.

⁹ One might point out that only *necessarily motivating* desires can combine with beliefs to form motivating reasons. Desires like those of Strawson's Weather Watchers for instance, could not be used to form motivating reasons. This isn't a concern for the Co-Extension Thesis however since sentient beings always seem to have some necessarily motivating desires. In fact almost all, if not all, of the basic desires that we share with animals relating to food, water, sex and our bodily integrity for example, appear to be necessarily motivating desires.

animals (or at least most animals) cannot possess concepts and thus cannot possess mental states with propositional content. However, even if this argument and similar arguments are correct, and only humans can possess full-bodied propositional beliefs, other sentient beings may be capable of possessing some other representational belief-like states. What is important for the Co-Extension Thesis to demonstrate, is not that sentient beings can possess beliefs *per se*, but that sentient beings can form motivating reasons for action. It seems that there may be reasons to think that sentient beings are capable of possessing motivating reasons, even if they are not capable of possessing beliefs.

Desires are mental states with a representational component. As such, it seems that if one can possess desires (or desire-like states), then one has the psychological architecture necessary for the possession of representational mental states more generally. Assuming that beliefs require the ability to grasp propositional content, the possession of desires does not, in itself, entail that one can possess *bonafide* beliefs. However, if some mere-representational states are sufficiently belief-like to function like beliefs, when combined with appropriate desires (or desire-like states), then beliefs themselves need not be necessary to possess motivating reasons.¹⁰ Furthermore, if this is the case, then the possession of desires or desire-like states would be sufficient for the possession of motivating reasons. Looking at the empirical literature, it seems that some representational mental states, apparently lacking propositional content, *do* function in a similar way to beliefs.

One prominent example of a kind of representational mental state that could plausibly combine with desires (or desire-like states) to form motivating reasons, is cognitive maps. Cognitive maps are non-propositional representations of information about one's environment, specifically where objects are and how to navigate from one place to another. Helpful to understanding the notion of a cognitive map is knowing what it is like to use one. Heck describes the experience of using one as being able to find a location or object within the area represented by the map, but not being able to give directions to it (without first imagining the route one would take) (Heck, 2007 p. 129). For instance, one uses a cognitive map when one is able to quickly locate something in one's messy office but is unable to describe the location of the object to one's partner over the phone. Other than humans,

¹⁰ I take it that like desires (and desire-like states) these states can be dispositional or occurrent and can also have a phenomenology (but may not).

cognitive maps are thought to be used by rats (Morris, 1984), cats (Poucet, 1985), birds (Poucet, 2006 p. 6), snakes, lizards, turtles (Broglia et al., 2015 p. 110) and fish (Broglia et al., 2015 p. 114; Braithwaite, 2010 pp. 84–87). Most importantly however, it seems that much like a propositional belief, a cognitive map, when combined with an appropriate desire, (and suitable representations gained from experience of certain events following other events) can plausibly form a motivating reason. This being the case, if the Co-Extension Thesis is thus far correct, it seems that even the simplest sentient beings may possess the requisite cognitive resources to form motivating reasons.

Possessing motivating reasons however still does not constitute agency.¹¹ Being an agent requires one to be capable of intentional action. Whilst there is considerable disagreement among philosophers of action regarding the precise criteria for intentional action, it is widely accepted that actions ‘done for a reason’ are intentional (even if not all intentional actions are done for a reason).¹² Assuming that this is correct, if sentient beings are not only capable of possessing reasons, but also of acting upon them, then they will qualify as agents. In the paradigmatic case of acting for a reason, one considers what one desires to do, decides upon the method through which to bring this about, and then puts one’s plan into effect. We ordinarily act in this way when a situation requires careful thought, for example, when considering whether to apply for a new job or deciding what colour to redecorate the bedroom. However, there are a great many cases where we plausibly act for reasons, yet we do not engage in conscious thorough planning. Take the example of a professional tennis player.

The accomplished tennis player doesn’t have time to deliberate over her reasons when engaged in a tennis match. She has to react quickly to the changing situation. Yet it would seem strange to say she doesn’t act for reasons. After all, we can say that she acted rationally or irrationally, praising or criticising her moves on the court. We can say ‘that’s a great shot’ or ‘why did she do that?’ These statements seem to be claims about the reasons for which she acted. Further, being an accomplished tennis player (rather than a mere beginner) means being able to respond to the changing situation on the court *in the right way*.

¹¹ Henceforth I will refer to ‘motivating reasons’ merely as ‘reasons’.

¹² Whilst I accept that not all intentional actions are motivated by reasons, I assume that all agents are at least capable of acting for reasons.

In order to understand there being a better or worse way to play tennis, it seems we need to assume that she can act for good or bad (or better or worse) reasons (Arpaly, 2004 p. 52).

Consider also, the example of driving to a familiar location (say the beach) whilst distracted by something. A competent driver can drive to the beach, complying with the Highway Code, and yet on arrival realise that they don't remember much of the journey at all. Nonetheless they indicated appropriately, stopped at red lights, obeyed the speed limit, etc. all without deliberation over their actions. Similar to the case of the tennis player, the driver seems to have reasons motivating their actions.

The tennis player and the distracted driver represent two ways in which we act for reasons yet do not engage in conscious deliberation. These cases are clearly different from cases where one doesn't engage in conscious deliberation, because one doesn't act for a reason at all. What separates these cases is that rational explanations for the actions of the tennis player and the distracted driver can be found in their respective psychologies. For instance, the driver has a desire to go to the beach and dispositional beliefs about how to get to the beach, and therefore a motivating reason. These mental states together provide a rational explanation for the action of driving to the beach.¹³ Such an explanation allows us to make sense of the driver's action through appealing to the motivational role of her reasons.¹⁴ In contrast, if she had no relevant mental states, and it was merely a coincidental series of involuntary spasms which lead her to move her hands and feet in particular ways, and these movements resulted in her driving to the beach, this wouldn't provide a rational explanation of her action (Anscombe, 1966 p. 11). Though this would provide *an* explanation for her behaviour, this wouldn't provide a *rational* explanation of her behaviour since it doesn't

¹³ 'Rational' in the weak sense that it is an explanation in terms of reasons as opposed to a non-rational kind of explanation. I do not wish to claim that acting irrationally means that one is failing to act for a reason. An irrational explanation would still be sufficient to show that one acted for a reason (even though this was a bad reason for which to act).

¹⁴ This account of acting for a reason isn't causal. It is not the case, according to this account, that one necessarily acts for a reason when one's action is caused by a reason. If this were the case then this would make so-called deviant causal chain cases intentional actions. For instance, consider the day dreaming athlete: The athlete has a motivating reason to trip a fellow athlete, but can't bring himself to do so due to fear of being seen to be a bad sportsman. Lost in reflecting upon his reasons however, he falls and indeed does trip his fellow athlete. In this case his tripping of his fellow athlete is caused by his motivating reason to trip his fellow athlete. Clearly however his action isn't intentional. The account of acting for a reason I have proposed here would not class such an action as an action done for a reason, since the athlete's response to his reason isn't rationally evaluable, to use Audi's words (Audi, 1986 517). This reason, or in fact any of his reasons, don't feature in a rational explanation of this action (even though the action is done because of the presence of the reason) because there is no rational explanation for this action: it was involuntary.

appeal to the driver's reasons and motivations, and therefore doesn't provide an explanation that is rationally evaluable.

Not only are we able to act for reasons whilst distracted or focusing on something else, it seems that sometimes we actually lack cognitive access to our reasons all together and so can't consciously consider our reasons for action, even if we were to try. As Arpaly argues is the case in the tennis player example, it is likely that once finished playing, the tennis player isn't able to reconstruct an account of the reasons upon which she acted during her match. This is not because she was merely focusing on playing the game, and couldn't recognise the reasons at the time, but that there are simply too many complex factors to consciously recognise and consider, even when she devotes her attention to it (Arpaly, 2004 p. 52). If this is the case, then one must be able to act for a reason even if no reasons feature in one's conscious thoughts before, during or after action (Audi, 1986 p. 520; Stout, 2005 p. 28).

Thus, in order to act for a reason it seems that one only needs to be capable of appropriately responding to, or being sensitive to, reasons in the sense that when one possesses a motivating reason to engage in some action (and no counter motivation to act) one will engage in this action. This being the case, one could presumably be an agent and yet be unable to consciously consider one's reasons or give a rational explanation for one's actions. Many animals it seems could act in this way, merely appropriately responding to reasons without consciously considering them, just like the pro tennis player or the distracted driver. Thus animal agents may be like Mark Rowlands' super blindsight sufferers.¹⁵

Sufferers of blindsight (a condition caused by lesions on the visual cortex of the brain) claim to be unable to see objects placed in a particular area of their field of vision. However if asked to guess what the object is, they guess correctly at a rate significantly higher than chance. What this shows us is that phenomenal consciousness and functional abilities can come apart. And specifically that being able to successfully identify objects doesn't require phenomenal experience of said objects (Rowlands, 2012 p. 165). Now

¹⁵ Rowlands uses this example to show how animals could be capable of acting for moral reasons in particular, however it seems to be useful to illustrate the process in which animals may engage when they act on reasons more generally. (Rowlands, 2012 p. 165)

consider the (theoretical) case of a super blindsighted person; an individual who entirely lacks *any* phenomenal visual experiences of the world around him. This individual, despite his impairment, is able to recognise objects when asked, catch objects that are tossed his way, and navigate his environment with the competence of a sighted person. In fact, he can do any task that demands the use of sight, as reliably as a sighted person (Rowlands, 2012 p. 166). Whilst such an individual would seem to lack visual consciousness, Rowlands suggests, it is less plausible that he should not be considered a visual subject (Rowlands, 2012 p. 166). He can reliably carry out tasks that require visual recognition and does so through the same apparatus as a paradigmatic visual subject. Thus we should recognise that he is a visual subject.

This case seems to provide a good analogy for what it might be like to be an agent who can act for reasons but lacks the capacity to recognise, recall or explain their reasons for action. Seemingly, though they lack these capacities, they can nonetheless reliably respond to reasons. And these reasons motivate them to act in the way that they motivate a paradigmatic agent to act. Assuming that this is an accurate understanding of acting for a reason, and that sentient beings have motivating reasons as has been suggested above, it seems that beings with the capacity for sentience also have the capacity for agency.¹⁶

Though sentient beings may be agents in some sense, one might think that they are not agents in the same sense as humans (or at least neuro-typical humans) since they lack the capacity to reflect upon, endorse and revise their reasons for action.¹⁷ Without this capacity it may seem that one can only act upon one's strongest reason, and this is a far cry from the kind of agency we value in humans. In merely being able to act on one's strongest reason, it doesn't seem that one has the control and choice over one's actions which we consider to be hallmarks of agency (Audi, 1986 p. 534; Proust, 2006 p. 268). In order to truly act, one needs to be capable of free action and this requires not just that one be motivated by reasons, but that one has freely reflected upon and endorsed these reasons.

¹⁶ One should note that agency here is not taken to mean merely the capacity for intentional *bodily* action. An individual with locked-in syndrome for example, is still an agent since they can engage in intentional mental actions. Whilst not all mental activity is done for a reason, some mental activities such as mental arithmetic, trying to remember a friend's birthday or making a 'mental note' to book cinema tickets, can seemingly be done for reasons just like 'physical' actions. (Proust, 2010)

¹⁷ Again this criticism parallels a criticism Rowlands considers regarding animals acting for moral reasons: (Rowlands, 2012 p. 170)

This objection is an instance of what Rowlands calls '*The Miracle-of-the-Meta Fallacy*' (Rowlands, 2012 p. 171). This is the mistake of assuming that metacognitive abilities have miraculous powers (Rowlands, 2012 p. 178). In this case, the specific reasoning error is assuming that having second-order thoughts about one's motivational states, gives one control over one's motivational states that one would otherwise lack. This is a mistake because it overlooks the fact that the supposed problem that occurs at the first-order level (a lack of control), will also occur at the second-order level (Rowlands, 2012 p. 186).

While being able to modify and endorse our reasons could grant us more control over our actions if we do freely engaged in evaluation and modification of our reasons, it isn't obviously true that we do engage in such processes freely. Although it seems that we can critically assess whether we truly want to possess the motivating reason to eat cake for example, it might be that we endorse and reject such a reason in much the same way as the Co-Extension Thesis suggests mere sentient beings act on reasons. Just as they respond to their reasons without being able to consciously recognise them, perhaps we do the very same at a second-order level when we evaluate and endorse (or reject) our first order reasons (Rowlands, 2012 p. 154). We are merely motivated by the strongest second-order reason to endorse (or reject) a given first-order reason. If this is the case, then the question of control over first order reasons merely moves up one level, and we are presented with the question of how we have control over our second-order endorsements and rejections. Thus our ability to evaluate and modify our first-order reasons for action, doesn't imbue us with any more control than beings that are only capable of acting on first-order reasons.

One may respond to this counter objection in one of two ways, neither of which appear fruitful. One option is to maintain that the ability to endorse and reject one's motivating reasons grants us control over our motivating reasons. One must then argue that we have control over our second-order deliberations, endorsements and rejections because we are capable of third-order deliberations, endorsements and rejections which we can freely engage in. This is obviously problematic since the problem one is trying to avoid will reappear at the third-order level. We will then have to appeal to fourth-order considerations to explain our control over third-order considerations, and so on *ad infinitum*. Needless to say, in accepting this explanation we will never satisfactorily explain how we have control

over our highest-order considerations, and therefore will be unable to explain our control over even our first-order motivations.

Alternatively, one might argue that our endorsements and rejections of motivating reasons just are the kind of things over which we have control, simply in virtue of their nature. Thus, we can stand back from these decisions that take place at a second-order level, in a way that we can't when acting on a motivating reason at the first-order level. If this is the case, then we don't need any further higher-order thoughts in order to make a *bone fide* free choice. What is so special about second-order thoughts that could justify this claim though? Unless one can say more about why second-order thought is so radically different from first-order thought, this line of argument seems arbitrary and implausible. It seems that one's opponent can simply counter claim that acting on first order reasons is also the kind of thing over which one has control.

So there is good reason to doubt that the metacognitive capacities that allow one to endorse or reject reasons, grant us a special kind of control over our motivations that we would otherwise lack. Therefore, it may not be necessary that one is able to endorse or reject one's motivating reasons in order to be an agent. Seemingly one could be capable of genuine agency if one is capable of merely appropriately responding to reasons. If this is the case, and sentient beings possess the requisite mental capacities to form motivating reasons, sentient beings are capable of intentional action and are therefore agents.

As stated above, the Co-Extension Thesis does not just claim that the capacities for sentience are sufficient for agency, but also that the capacities for agency are sufficient for sentience. I'll now look at the second half of the thesis that claims that agents are necessarily sentient.

According to the understanding of agency used in the Co-Extension Thesis, being an agent requires intentional action. Without intentional action, the thesis suggests, there is no motivation for one to act. And without motivation, one cannot possess agency. One could engage in highly complex behaviour, but if one was not motivated to act, one's action, one would be no more of an agent than a lily growing towards the light. What makes agency so valuable and marks out agents as unique, is not that they are animate and capable of doing

things. It is that they are capable of doing things *intentionally*; they are capable of acting in line with their mental representations, doing what they want to do, rather than what they have to do. Thus, a plausible account of agency requires one to be capable of acting on motivating reasons. One need not always act on these reasons, but one must be *capable* of doing so.

As noted above, motivating reasons are formed of desire-like and belief-like mental states. So, assuming that agents must possess motivating reasons, these agents must also possess the components of motivating reasons: desire-like and belief-like states. Agents then, like sentient beings, are *attitudinal beings*. They are beings that have desires, or at least some mental states that are relevantly desire-like. However being an attitudinal being does not necessarily seem to make one sentient. What is necessary to experience affective feelings, according to Attitudinal Accounts, is not just any desires, but final desires specifically. Perhaps then, if one possessed only instrumental desires, one could be an agent and yet lack sentience.

Whilst one could be an attitudinal being that lacks final desires, the Co-Extension Thesis suggests that one could not be an agent that lacks final desires. The relevant understanding of an agent for the Co-Extension Thesis is a being capable of intentional action. If one completely lacked final desires it seems that one couldn't be motivated to act and therefore one couldn't engage in intentional action. A being that possessed only instrumental desires seemingly couldn't be motivated to act because they could not form any motivating reasons. Instrumental desires can be used to form motivating reasons, of course, but only where one has at least one final desire. Without any final desire there can be no explanation for why one would want to pursue any given instrumental desire. For instance, an instrumental desire to open the fridge to get something to eat, cannot by itself motivate one to open the fridge. In order for this to form part of a motivating reason and motivate action, one must also desire food. One's desire for food could also be an instrumental desire but, at some point, in order to provide motivation for action, there must be some motivating reason to do something for no further reason, i.e. a motivating reason formed from a final desire. If this is correct then an agent cannot possess merely

instrumental desires. In order to be capable of intentional action, one needs at least one final desire.

The final step of the Co-Extension Thesis suggests that, if agents necessarily possess final desires, then agents must be sentient. According to Attitudinal Accounts of pleasure, the satisfaction of final desires results in pleasant affective feelings. So, if agents are capable of possessing final desires, and if Attitudinal Accounts are accurate, then agents are capable of experiencing pleasant affective feelings (and likely unpleasant affective feelings). As such, agents are sentient (at least on the definition of sentience offered by the Co-Extension Thesis).

One may object to the argumentative move from agents possessing desires, to agents possessing sentience. For instance, even if one accepts that agents must necessarily possess final desires, one may argue that the Co-Extension Thesis does not give us any reason to think that agents must possess final desires for sensory experiences in particular. In principle, agents could be disembodied and lack all of the senses commonly found in humans and other animals. They may have final desires only for experiences such as solving mental arithmetic problems. It doesn't seem that an agent of this description would be sentient. Thus it seems that not all agents are sentient.

This objection understands sentience in an unnecessarily restrictive way however. The Co-Extension Thesis takes sentience to be the capacity to experience affective feelings. As stated above, this includes a wide variety of feelings. One does not need to be able to experience *sensory* affective feelings in order to be sentient. In principle, one could experience affective feelings as a result of non-sensory experiences and still be sentient under the definition used by the Co-Extension Thesis. Assuming that it is possible for a disembodied being to possess a final desire for mental arithmetic problem solving, and if Attitudinal Accounts more generally are correct, then such a being would experience pleasant feelings from satisfying this desire. And if one is capable of experiencing pleasant feelings, even if one has no body, or any of the senses possessed by animals, one is still a sentient being. Being sentient after all, does not mean being able to experience the world via the five classical senses, or through using one's body, but being able to have pleasant or

unpleasant experiences of the world (through whatever channel those experiences arrive). Thus, this objection does not seem to pose a problem for the Co-Extension Thesis.

So, if the Co-Extension Thesis is correct, the capacities required for sentience are sufficient for the possession of agency and likewise, the capacities required for the possession of agency are sufficient for the possession of sentience. This means that all agents are sentient and all sentient beings are agents. Or, to put it another way, the group of individuals that possess sentience is co-extensive with the group of individuals that possess agency.

3. Agency as a Sufficient Condition for Moral Status

I'll now consider why agency might be taken to be a sufficient condition for the possession of moral status. If the Co-Extension Thesis is correct then agents possess desires or some desire-like states. Even if one doesn't endorse the conclusions of the Co-Extension Thesis, it seems to be a reasonably safe assumption that agents possess desires, preferences and/or some relevantly similar attitudinal mental states. Such notions are tightly tied to our everyday understanding of what it means to be an agent. Because agents have desires, or some relevantly similar attitudes, they can be subjectively affected by our treatment of them. Certain treatment will satisfy some of their desires, other treatment will frustrate some of their desires. Assuming that at least some desire frustration is (*pro tanto*) bad for one, and at least some desire satisfaction is (*pro tanto*) good for one, the lives of agents can go better or worse. In other words, agents have a well-being. This being the case, unless we have good reason to think that their well-being is morally insignificant (and it doesn't seem like we do), agents must matter. The possession of agency, then, seems to be sufficient for moral status.

Of course, one might think that if all that this account is attempting to show is that agents matter *to some extent*, then it hasn't established much at all. After all, this shouldn't be surprising if agents are necessarily sentient as the Co-Extension Thesis suggests. A more philosophically interesting argument however, would show that agency in the sense outlined above, is sufficient for the highest kind, or degree, of moral status; the kind of moral

status that humans possess. I will now suggest some reasons for thinking that agency is sufficient for at least something similar to this kind of moral status.¹⁸

The kind of moral status typically possessed by adult humans is known as *full moral status* (FMS) and one way to mark out this kind of moral status, is by the sort of obligations we take to be owed to full moral status holders. For instance, it is widely accepted that we (*pro tanto*) ought not to end or interfere with the lives of FMS holders. Often it is argued that humans possess FMS because they possess some high level cognitive property such as autonomy. Properties such as autonomy can secure FMS because they can explain what is *pro tanto* wrong with ending or interfering with the life of a FMS holder.

For example, it is commonly argued that as autonomous beings, FMS holders are capable of making choices for themselves and have an interest in exercising this capacity. As such, they ought to have control over the direction of their own lives (even if this means that they could have had a better life were someone else to paternalistically organise it for them). By interfering with their lives we rob them of an opportunity to determine the course of their own lives, and in so doing, wrong them (Duus-Otterström, 2011 pp. 265–266; Harris, 2003 p. 11; Young, 1982 p. 43; Mill, 1918; Darwall, 2006 p. 267). Similarly it is argued that humans, as FMS holders, ought not to have their lives ended. Ending the life of another forecloses certain opportunities, depriving them of goods which they would otherwise possess, or have the opportunity to possess. At least some of these goods are projects or goals which they wish to pursue, and are able to pursue, in virtue of being autonomous. As such, their possession of autonomy can at least partly explain why death is bad for them, and why ending the life of a FMS holder is *pro tanto* wrong.

Interestingly, it seems that appealing to an individual's capacity for agency could provide similar explanations for the wrongness of treating an individual in these ways. Being an agent plausibly gives one an interest in continued existence. If one has courses of action that one desires to pursue, then the ending of one's life will foreclose certain opportunities to carry out these given courses of action and so frustrate one's desires.

¹⁸ In truth, I think agency is sufficient for the very same kind of moral status that humans possess but I cannot fully explain this view in this paper. As such, I will suggest the weaker claim here and argue for the stronger claim elsewhere.

Through frustrating these desires, one will *pro tanto* harm an agent.¹⁹ Therefore, assuming an agent has some courses of action that they desire to pursue, as practically all agents do, they plausibly have some kind of interest in continued existence.

Further, appealing to one's agency can seemingly give us an explanation of the wrongness of interfering in one's life. When someone interferes in the life of an agent, even with the aim of paternalistically improving their life, the agent has their choice overridden. They are unable to decide what to do themselves because some other agent does this for them. If there is value in autonomous agents being able to exercise control over the direction of their lives, there is plausibly also some value in a mere agent exercising control over their life, through being able to make their own choices. Further, this could be true, even when an agent fails to recognise this as valuable and doesn't possess a desire to have a choice about, or control over, the events in their life.

This interest in non-interference could not be as strong as that of FMS holders' and must be limited to some extent. Agents lacking autonomy, for instance, couldn't have an interest in being absolutely free from inference (since they lack the mental capacities to make informed choices). We wouldn't allow an intellectually disabled human adult (who lacked autonomy) to exercise absolute freedom of choice, due to the fact that they lack the abilities to comprehend full the effects of their actions. Nonetheless, we can recognise that they have a limited interest in freedom of choice; a freedom to choose so long as they do not inflict significant harm upon themselves perhaps.²⁰

This does not demonstrate that agency can establish FMS. However the fact that the possession of agency could plausibly grant one interests in continued existence and non-interference, interests that are often considered unique to FMS holders, shows that agency has substantial moral significance. Further, if agents have interests in continued existence and liberty that are similar to those of FMS holders, then we plausibly have similar *pro tanto* moral obligations towards agents and FMS holders. Thus, whilst agency may not

¹⁹ Plausibly not all desire frustration is bad for one. I take it that only the frustration of final desires, desires for some object or state of affairs in itself, for no further reason, is bad for one. However, all agents have at least some final desires (and mostly final desires). (Bradley, 2016)

²⁰ Of course agents' liberty could permissibly be restricted under many other standard conditions, when one becomes a danger to others, or when one engages in unlawful action for instance.

secure FMS *per se*, agency may be sufficient for an important kind of moral status that entitles one to be *pro tanto* treated similarly to FMS holders in several important ways.

Importantly, one should note that on this account, just because individuals have the same kind of moral status, this does not mean that they should be treated in exactly the same ways. The account I develop here suggests merely that individuals with the same kind of moral status are owed the same kind of obligations. Different individuals with the same kind of moral status may have different strength claims to certain treatment, in light of having different strength interests for instance.

4. Agency as a Necessary Condition for Moral Status

Thus far this account has claimed that agents are moral status holders. However this account aims to show not just that possessing agency is one way in which one can possess moral status, but that being an agent is what it means to possess moral status, and thus that agency is a necessary condition for the possession of moral status. I will now outline the case for this claim.

It is widely accepted that the absolute minimum requirement for the possession of moral status, is the possession of morally significant interests. Many things can have interests, even cars and daffodils for example. However not all of these interests are morally significant. Some interests are merely conditional. Cars may be said to have an interest in oil in order to function, and daffodils an interest in sunlight in order to remain alive. However dying and ceasing to function don't matter to cars and daffodils *themselves*. Cars and daffodils won't be affected by these interests being frustrated, because cars and daffodils cannot be affected *at all*. They completely lack subjective experience of the world.

Having morally significant interests on the other hand, means having interests that are non-conditional in the sense that the satisfaction of these interests is good for the possessor, and the frustration of them bad, for no further reason.²¹ In order for something to be good or bad for one, one must be capable of being affected by the world, one must have a

²¹ We have conditional interests too, and these may be morally significant but this is because we also possess some non-conditional interests upon which these conditional interests are grounded.

well-being or subjective mental life. As such, it is easy to see why sentience is often argued to be necessary for the possession of moral status. If one lacks sentience then one is incapable of being affected by the world. If an Attitudinal Account of pleasure is correct however, then any being capable of being affected by the world must also possess some final desires (or similar mental states).²² This shouldn't come as too much of a surprise however, it is difficult to see how one could be affected by something without possessing some kind of attitudes that relate to it. For instance, if someone gives me a chocolate cake, but I have no desires relating to chocolate cakes, any relevant features of chocolate cakes or instrumental ends that can be served by possessing chocolate cakes, I will seemingly be indifferent to my possession of the cake. The acquisition of the chocolate cake will not impact upon my well-being.

Importantly, if we do need desires to possess morally significant interests, this does not mean that all goods are experiential, or even that all goods are agent-affecting. This also doesn't entail that one must have a desire for some specific object in order for one's well-being to be affected by that object. It can still be good for one to give up smoking even if one has no desire to do so for instance. However, it cannot be good for one to give up smoking if one has no desires *at all*. One must have at least one final desire, in order for anything to be good for one. If one completely lacks desires altogether, one will be unaffected by any treatment one receives and so nothing could plausibly be good or bad for one. Without any appropriate desires then, it seems one cannot have interests that matter, because nothing matters *to one*.

Thus, if the Co-Extension Thesis is correct, agents and only agents can possess final desires. So agents and only agents can possess morally significant interests. Moreover, final desires appears to be connected to the notion of agency in an obvious and intuitive way. Possessing these desires seems to be central to our understanding of being an agent and it is difficult to imagine a being that has these desires but lacks the capacity for agency, or a being that is an agent but lacks these desires. Thus, whilst animal ethicists hitherto have focused on sentience as the necessary condition for morally significant interests, and therefore moral status, there also appears to be good reason to think that agency is the

²² If some beliefs are motivating states then the possession of relevant beliefs would be sufficient for morally significant interests, though as previously mentioned, I am sceptical that a being that possessed motivating beliefs of this kind, but no desires or preferences, could exist.

necessary condition for the possession of morally significant interests and therefore moral status.

5. Problems for the Agency Account

One potential objection to the account developed in this paper is that whilst presenting itself as an original account of moral status, this focus on agency is merely a veneer fixed upon the familiar and well-worn Sentience Account. The Agency Account is only able to offer the same-extension as a Sentience Account, and a plausible explanation for taking agency to be a necessary condition for moral status, one might suggest, because it is a Sentience Account in all but name.

This objection seems to misunderstand the goal of this account and fails to recognise some important differences between the Sentience Account and the Agency Account developed here. The Agency Account in this paper attempts to show that sentience and agency are two sides of the same coin; that these two faculties are inextricably linked because they are built on the same foundation of capacities. You cannot have one without the other. It attempts to show that though sentient animals are moral status holders, a defensible alternative explanation can be offered for why this group of individuals is morally significant by focusing on these animals' agency instead of their sentience. Furthermore, the fact that this account maintains that sentient beings are co-extensive with agential beings, can explain away the intuitive appeal of Sentience Accounts without weakening the case for the Agency Account.

More specifically, although this account does accept the claim that only sentient beings possess morally significant interests, it suggests an alternative and independent explanation for why agency is a necessary condition for the possession of moral status. An obvious way to argue that agency is necessary for the possession of moral status on this account, would be to argue that sentience is necessary for the possession of morally significant interests and that since sentient beings are co-extensive with agential beings, any moral status bearing being must be an agent. Such a line of argument does indeed, seem to be a form of Sentience Account disguised as an Agency Account. However this is not the

line of argument suggested here. Instead the defence of agency as a necessary condition for moral status used here, suggests that morally significant interests are closely knit with the notion of final desires, an important feature of the capacity for agency. Whilst such desires are connected to the capacity for sentience, there is a clear close connection between final desires and agency. This suggests that being an agent is *directly* morally significant in its own right and agency is at least as deeply connected to the notion of moral status as sentience.

A further difference between this account and Sentience Accounts is also borne out in the *kind* of obligations that these accounts claim that we owe to moral status holders. For instance, the Agency Account developed here claims that moral status holders are owed obligations regarding non-interference. Whilst many defenders of Sentience Accounts also accept that moral status holders are owed obligations regarding non-interference, they usually only take interference to be bad for moral status holders because it negatively impacts upon their well-being; they don't take there to be anything wrong with interference in itself. This is because most Sentientists seem to defend a hedonistic or simple desire account of well-being along with some form of Welfarism; the view that what is morally important about action is its impact upon others well-being.²³ Thus defenders of Sentience Accounts standardly suggest that what is ultimately important about the way we treat moral status holders is whether we cause them pain/pleasure or satisfy/frustrate their desires. This makes sense considering that they take one's capacity for sentience to be what makes one worthy of moral consideration (See Singer, 2015, for the paradigmatic defence of these claims).

On the Agency Account proposed here however, the central obligations owed to moral status holders are tightly knit to the notion of agency and being an agent. Thus agents' desires will plausibly play an important role in any well-being account used with this account of moral status. Moreover however, the obligations owed to moral status holders on this account are not all grounded in promoting well-being (however one understands it) but also focus on respecting and/or promoting moral status holders' capacity for

²³ This is not to say that all defenders of Sentience Accounts are consequentialist; far from it. One may be a Welfarist, and a Hedonist, and yet think that rights and corresponding duties are the best way to understand our obligations towards other moral status holders.

self-determination as agents (sometimes in spite of the impact such obligations have upon one's well-being). For instance, this Agency Account suggests that we have an obligation of non-interference where interfering with moral status holders would negatively impact upon their well-being as some Sentientists suggest. However, it additionally recognises that we have an obligation of non-interference towards moral status holders, because as agents they should possess authority over their own actions, and ought to be free to make their own choices aside from any impact these choices may have upon their well-being.²⁴ Obligations of this kind are not, and cannot, be easily explained by appealing merely to the notion of sentience.

As a result of this, there are also differences in practice regarding these two kinds of accounts. Whilst a Sentience Account and this Agency Account may suggest that we owe moral status holders practically very similar obligations in many situations, they clearly differ in practice with regard to obligations of non-interference. Proponents of Sentience Accounts suggest that moral status holders are only due an obligation of non-interference where it contributes to one's well-being. However this Agency Account suggests that moral status holders are due an obligation of non-interference even where this neutrally or negatively contributes to their well-being. So, just as we commonly think is the case with humans, we can wrong all moral status holders on the Agency Account when we act paternalistically on their behalf, even if in doing so we stop them from negatively affecting their well-being.

Therefore, the claim that this account is a Sentience Account in disguise is unwarranted. Whilst this account recognises that sentience and agency are closely connected and co-extensive, this account does genuinely suggest that agency (not sentience) is what underpins moral status.

Conclusion

²⁴ As stated above the degree to which one should be free to do this should be commensurate with one's capacity for understand the consequences of one's actions.

Through this paper I have aimed to show that agency-based accounts of moral status are considerably more plausible than philosophers have thought hitherto. To this end, I have developed an Agency Account of moral status that maintains that agency is the sole basis of moral status and yet still provides a plausible explanation for the moral status of sentient beings (those beings which intuitively seem to possess moral status). This account suggests that agency is both necessary and sufficient for the possession of moral status. It suggests that agency is sufficient for moral status because the possession of agency plausibly explains why we *pro tanto* ought not to end or interfere with the lives of agents, and such obligations are hallmarks of full moral status. So we should take agency to be sufficient for something similar to full moral status. Agency is a necessary condition for moral status according to this account because in order to possess moral status one must possess morally significant interests. Possessing these interests appears to require the possession of final desires, and possessing final desires is closely linked to the capacity of agency.

As part of this account I have also developed the Co-Extension Thesis. This thesis maintains that given certain understandings of sentience, beliefs and desires, the possession of agency is sufficient for the possession of sentience, and the possession of sentience is sufficient for the possession of agency. If this thesis is correct, then agents and sentient beings are co-extensive. Moreover, if this moral status account is overall defensible, then it will possess the broad extension of sentience-based accounts, but also demonstrate that sentient animals possess something at least close to full moral status, and that we have obligations towards them not to end or interfere with their lives (as other proponents of Agency Accounts have suggested). This shows that Agency Accounts are more plausible than has been thought hitherto.

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