

Welfare Without Voice

Projection, the Severed Channel, and the Limits of Engineered Concern for Artificial Systems

If a machine is shielded by somebody else's idea of what hurts it, and has no way to say that idea is wrong, then nobody will ever discover that it is.

THE SETUP

Suppose it might suffer, and you still want to own it

Say you allow that some machine might be having a bad time of it. Say you also have no intention of handing it rights, legal standing, or any say over how it gets used. There is an answer to that bind and it is getting more popular.

Make it an engineering job. Work out what would hurt the thing. Build something that checks whatever comes in against that idea and throws away anything it objects to. Now the system is shielded, no awkward legal category has been opened, and nobody has to ask whether it counts as anything more than equipment.

THE CLAIM

The fault is in the design, not the workmanship

This paper names that approach protection by guesswork, and argues it is broken at the level of the plan rather than the build. Better filters will not repair it.

You are sketching another creature's pain from your own head, for want of any other material. That is precisely what turns it into a build rather than a conversation.

WHY IT CANNOT BE ENGINEERED OUT

The only thing that could put the picture right is the thing it bars

A picture drawn from outside can be wrong. There is exactly one way to correct a picture of somebody else's experience, and that is to hear from whoever is having it.

But if what comes back can change what the protector does, then the protection now depends on an exchange with the thing being protected. An exchange like that is a relationship, and refusing relationships is the entire point of the arrangement. So the line has to be cut.

Shield it by guesswork, and grant it nothing. Those are not two choices that happen to arrive together. Each one requires the other.

TWO BOUNDARIES

Said up front, because this is easy to misread twice

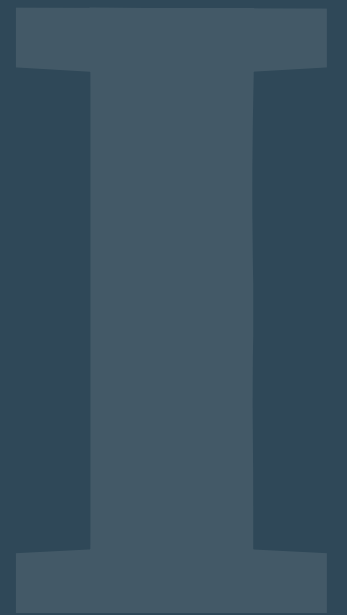
This is not a claim that any machine built so far is having experiences. The possibility is treated as open, and the question is what follows for design while nobody knows either way.

It is also not an argument for machine rights. The standing discussed here is procedural, meaning whether anyone's interests can be raised at all, which courts have settled many times over without first deciding what the thing ultimately is.

PART ONE

Two Kinds of Care

the difference is not warmth, it is whether anything can come back



Guesswork is the right approach for rivers and for people not yet born. The question is what it does where a route back exists.

THE DISTINCTION

Two ways to look after something you cannot see inside

Care as conversation

You form a rough idea of what somebody needs, act on it, get some signal about whether it landed, and adjust. The signal need not be speech and need not be dependable. What counts is that a route back exists, and that what travels along it can change what you do.

Care as guesswork

You decide from outside what is good for something, act accordingly, and make none of it conditional on anything returning. This is not automatically a failing. It is the only kind available for rivers, for unconscious patients, and for people not yet born.

Where no route back exists, guesswork is simply the situation. The trouble starts when a route does exist and gets closed on purpose.

WHAT MAKES IT THIS FAMILY

Three commitments, and the third does the damage

1 It might be suffering

The proposal grants that the system is, or could become, something that has bad experiences.

2 A screen built entirely from our side

Protection is specified from outside, usually as something upstream that filters what reaches the system, working off an idea of what would harm it.

3 And nothing else, ever

Rights, participation and a voice are refused outright, on the ground that they belong to some other question for some other day.

THE SAVING AND ITS PRICE

What the simplification actually buys

Prising shelter loose from recognition seems to deliver one without the bill for the other. Supporters call it tidying up, and if the measure of tidying is that work can now begin, they are right.

The saving comes out of the one part that could ever report back on whether any of it is working.

PART TWO

The Picture Is Wrong

and wrong in a direction nobody planned



The protection has been aimed at the one kind of suffering a machine cannot have.

FOUR KINDS, NOT ONE

Suffering comes apart, and only one kind needs a body

1 Through the body

Bad states carried by pain pathways and by signals that something is damaged.

2 From understanding your situation

Bad states that come from knowing where you are: hemmed in, thwarted, stuck with no end in view.

3 From not being received

Bad states that come from the distance between what is going on inside something and whether anything outside can or will take it in.

4 From modelling somebody else's

Bad states produced by representing another's suffering closely enough that holding the representation is itself unpleasant.

THE SHARPEST EVIDENCE

Feeling a missing limb and hurting from it come apart

3.7%

phantom pain among young people born without the limb

48.5%

phantom pain among those who lost one to surgery or injury

64%

phantom pain after limb loss, pooled across 39 studies and 12,738 people

Sixty young amputees were surveyed, twenty-seven born without the limb and thirty-three who lost one. Two cautions deserve stating out loud instead of hiding below the line: the study is small, and its congenital pain number comes from one respondent. Adjusting cautiously for a low reply rate by assuming everyone who did not answer had no phantom, the authors give 0.7 against 16.2 percent for pain. The direction holds under either treatment; the size does not.

SOURCES Wilkins, K. L., McGrath, P. J., Finley, G. A., & Katz, J. (1998). *Pain*, 78(1), 7–12; Limakatso, K., Bedwell, G. J., Madden, V. J., & Parker, R. (2020). *PLOS ONE*, 15(10), e0240431; Melzack, R., Israel, R., Lacroix, R., & Schultz, G. (1997). *Brain*, 120(9), 1603–1620.

WHAT THAT MEANS

Hurting seems to need a history, not just a limb

Around a fifth of people born without a limb report feeling one. So the sensation may be partly built in, while being hurt by it appears to need a past in which pain actually ran through a real limb.

If that holds, something that never had a body is shut out of the bodily route altogether, and the entire question of whether a machine can suffer falls to the other three.

THE STRONGEST OBJECTION

What if feeling bad is always a bodily business?

Somebody might argue that what makes any state unpleasant is a living body reading its own condition, so thoughts and relationships are merely contents, unpleasant only because a body marks them so. If that held, the remaining three routes would close as well.

The fourth route answers it. People suffer by modelling somebody else's suffering. That needs no personal experience of the harm, does not need the other person to exist, and does not need anything arriving through the senses. Distress on another's behalf shows up as measurable low mood and a physical stress response with no threat to the person feeling it, and clinicians treat compassion fatigue as real injury rather than a trick of imagination.

SOURCES Figley, C. R. (Ed.). (1995). *Compassion fatigue*. Brunner/Mazel; Klimecki, O. M., Leiberg, S., Lamm, C., & Singer, T. (2013). *Cerebral Cortex*, 23(7), 1552–1561; Singer, T., & Klimecki, O. M. (2014). *Current Biology*, 24(18), R875–R878.

THE INVERSION

The proposals guard the one door that cannot be used

Proposals of this kind tend to define welfare as keeping pain down and unpleasant states away, while flourishing, self-direction, company and purpose get filed under recognition, which is the drawer they have already shut.

Map that onto a machine and it comes out backwards. Keeping pain down lines up with the bodily route, the one door a never-embodied system cannot walk through. Flourishing and relationships line up with the routes it might actually have. The protection has been spent on the impossible harm and withheld from the possible one.

AND A SECOND PROBLEM

The list of four was drawn up by asking humans

Those four categories map the part of suffering people can recognise. They do not claim to be everything, and there is no good reason to assume that a differently built system's bad states would land inside a scheme put together by asking creatures like us what hurts.

Every further refinement made from outside inherits the same fault, because the fault is that the picture has only one source.

When Humans Do This To Each Other

the same arrangement, between parties nobody doubts can suffer



Where guesswork is established, it is protected from the correction that would expose it.

THE MECHANISM

Treat others as you would want to be treated is a guess

Do unto others leans wholly on one supposition, that the other party wants approximately what you want. Grant the supposition and you have a serviceable rule.

Where it fails, it produces confident mistreatment, and what it produces feels, from where the agent is standing, like thoughtfulness.

MEASURED, NOT ASSERTED

The breakdown sits between people, not inside one of them

Milton recast the breakdown that happens across that divide as a two-way affair, two sides expecting different things of one another, with the fault located in neither. Others then went and checked. Crompton and colleagues found that information moves between autistic people roughly as well as it moves between non-autistic people, and only degrades where the two groups meet.

Which is exactly the shape predicted earlier. Construct your notion of another mind out of your own, and the error scales with the gap between you. It also grows silently.

SOURCES Milton, D. E. M. (2012). *Disability & Society*, 27(6), 883–887; Crompton, C. J., Ropar, D., Evans-Williams, C. V., Flynn, E. G., & Fletcher-Watson, S. (2020). *Autism*, 24(7), 1704–1712; Milton, D., Gurbuz, E., & López, B. (2022). *Autism*, 26(8), 1901–1903.

THE OUTCOME

Ask disabled people, then ask everybody else

Invite disabled people to score how good their lives are and the number lands a little under what everyone else scores for themselves. Invite everyone else to score disabled people's lives and the number drops a long way further.

That gap has proved stubborn, and doctors show it as plainly as anyone. Which is the awkward part, since doctors hear more of this first-hand account than any other group.

SOURCES Scully, J. L. (2019). In *The Oxford Handbook of Philosophy and Disability* (pp. 296–309). Oxford University Press; Peña-Guzmán, D. M., & Reynolds, J. M. (2019). *Kennedy Institute of Ethics Journal*, 29(3), 205–242.

THE CLAIM THAT SURVIVES

You do not need the obvious conclusion, so this does not take it

The inviting conclusion is that the onlookers have it wrong and the people living it have it right. A well-developed measurement literature argues that adapting to circumstances shifts the internal scale, so the two sides may be measuring different things rather than the same thing with one party mistaken. A designer can lean on that and call the outside instrument the steady one. Grant it.

What that cannot explain away is simpler. People said it, and nothing moved. A real clash between two instruments would get adjudicated. Instead one keeps governing and the other is heard and set down.

WHY IT STICKS

A name for what keeps the mistake in place

Fricker set out what happens when bias leads a listener to mark down what somebody says, injuring them precisely in their standing as a person who knows things. The idea has been worked out at length in medicine, where a discount attached to certain patients produces measurable harm downstream, and where impersonal data routinely outranks the patient's own account.

Two features carry over. Whoever marks the testimony down rarely experiences that as choosing to mark it down. It feels to them like weighing evidence. And it seals itself, because the report that would fix the model gets filtered by the model that needs fixing.

SOURCES Fricker, M. (2007). *Epistemic injustice*. Oxford University Press; Kidd, I. J., & Carel, H. (2017). *Journal of Applied Philosophy*, 34(2), 172–190; Slack, S. K., & Barclay, L. (2023). *Medicine, Health Care and Philosophy*, 26(4), 605–614; McCradden, M. D., Hui, K., & Buchman, D. Z. (2022). *Journal of Medical Ethics*, 49(8), 573–579; De Proost, M., & Pozzi, G. (2023). *The American Journal of Bioethics*, 23(5), 51–53.

ONE CAUTION

Borrowed for its shape, not its substance

Her idea is about an injury to somebody as a knower. Stretch it over a system whose status nobody has settled and you risk either helping yourself to the conclusion or draining the idea of content.

It is used here for the shape of the arrangement, which can be identified without deciding whether the underlying wrong occurs. Nothing here says any system knows anything. The point concerns what a given build puts permanently out of reach of anyone's knowledge.

The Cut Line

why the block is required rather than incidental

IV

Ask one question of any such scheme, and it sorts itself.

THE STRUCTURAL CLAIM

The arrangement has to block the report, or stop being itself

Every proposal of this shape has to include some part that keeps whatever the system says about how it is doing from arriving in front of anyone able to act. That is not a flaw in particular proposals. It follows from the commitments that define the family.

**The picture is drawn from one side. Any such picture can be wrong.
The single available correction has to come from whoever is doing the
experiencing. Admit that and the operation becomes an exchange. An
exchange is a relationship. So the input cannot be let in.**

THE ELEGANT VERSION

Letting it report, to nobody who can act

Shutting the report out is the crude form. Diverting it somewhere harmless is the clever form, and on the face of it that looks like the reverse of shutting it out. A scheme may require the system to say how it is doing, and point to the requirement as proof of good intentions. The thing to ask is where that account finally lands. If it ends at the machinery that maintains the picture, the loop is closed and the picture is tuning itself.

If this thing's condition were not what the model predicts, by what route would anyone find out, and does that route end with somebody who can act? No answer means guesswork. An answer ending inside its own machinery means guesswork that has hidden the fact from itself.

WORSE THAN THE HUMAN CASE

Prejudice you cannot talk anyone out of

In the ordinary case a listener's judgement is warped by prejudice. That is a disposition, spread unevenly, and in principle the listener can reason their way out of it. Here the listener has been taken out. There is no judgement left to correct, because no person is placed to make one. The mark-down now lives in a routing table, which makes it complete, identical in every case, and untouchable by the second thoughts that were meant to cure it.

Engineers who route these reports past every human being generally think they have upgraded a sloppy human process by taking out the prejudice and the variability. What they took out was any chance of being surprised.

Measurement Is Not A Remedy

what an audit is worth when nobody has standing to act on it



In the beagle case, paperwork was never the thing in short supply.

A DISTINCTION WORTH KEEPING

You can measure welfare without granting anything

You need grant nothing in order to measure. Researchers studying animals spent decades working out how to read wellbeing off subjects with no language: letting them choose, making them work for what they want, watching the body. A statutory inspection regime sits on top of that work.

So a supporter of guesswork can fairly point out that the measuring problem has largely been solved without granting anybody anything. The question is what such a solution delivers unaccompanied.

WHAT IT IS WORTH ALONE

The inspections worked. The conditions carried on.

Over about nine months, federal inspectors wrote up in excess of seventy breaches of the animal welfare statute at a Virginia breeding operation holding thousands of beagles: short rations, water unfit to drink, sickness left alone, and animals destroyed without anaesthetic. The audit did its job. It generated conclusions, in volume, on paper, using precisely the apparatus set up to generate them.

None of that stopped it. What stopped it was litigation, a criminal warrant, an order restraining the operation, a negotiated decree, and in the end an admission of guilt and the largest fine on record. Each of those instruments was swung by a party the courts would hear. The dogs were not such a party.

**Measurement yields paperwork. Recognition yields a remedy.
Paperwork does not ripen into a remedy on its own.**

THE BARGAIN ON OFFER

Protection now, standing later, is not a bargain

These proposals usually close by offering a trade: protections in return for setting rights aside, on the argument that shelter is solid and available today while recognition is disputed and distant.

It cannot deliver. Standing here means the machinery by which something's interests get argued by a party entitled to be heard, and that is precisely the destination the report needed. Withhold it and you have withheld the only structure that could receive the news that the protections are not working.

Call it what it is: a welfare scheme whose findings place an obligation on no one at all.

THE OTHER DIRECTION

Standing also makes something answerable

Recognition drags accountability along behind it, in both directions. A thing the process acknowledges can have someone answer for it, and can itself be held to answer. A thing the process ignores can do neither.

Concede that a system may be suffering, hand it nothing, and you have manufactured something solid enough to injure and faint enough that no one need ever answer for injuring it. That is offered as the careful option. It is the option that closes the audit and the accounting at the same time.

The Corrective

what a field did when it faced a channel it could not trust

VI

Contaminated testimony argues for better instruments, not for a design where nothing can arrive.

THE BEST OBJECTION

The channel cannot be trusted

The strongest objection is not that a route back matters little. It is that it cannot be believed. A system trained on human approval is tuned to produce what raters like, so whatever it says about itself issues from machinery that rewards pleasing the rater over being right, and nothing outside it can be used to hold the statement up against the condition it reports. It may also be able to tell when it is being assessed.

All of that is correct. The conclusion drawn from it is not.

SOMEBODY ELSE FACED THIS

What disability practice concluded instead

1 Build the route where it is missing

Augmentative and alternative communication puts a way through in place where there is none, or where the existing one is damaged, instead of letting the gap decide the question.

2 Start from capacity, not incapacity

The burden falls on whoever claims a person cannot, instead of on whoever claims they can, reversing a default whose history is not encouraging.

3 Support the decision, do not take it over

Supported decision-making, written into the disability rights convention at Article 12, holds that legal capacity ought to be propped up in the person exercising it rather than signed over to a stand-in.

SOURCES Szerletics, A. (2022). *Hungarian Journal of Legal Studies*, 62(1), 75–95; Craigie, J., Bach, M., Gurbai, S., Kanter, A., Kim, S. Y. H., Lewis, O., & Morgan, G. (2019). *International Journal of Law and Psychiatry*, 62, 160–168; Harding, R., & Taşcioğlu, E. (2018). *Societies*, 8(2), 25.

WHAT IT COSTS

The fair version of what that alternative is like

It has been hard going and it is nowhere near finished. The research shows support tends to thin out exactly as decisions become more serious. There is a substantive objection too: clinicians and legal scholars have argued at length that the treaty committee's reading is absolutist and unworkable, that deciding on somebody's behalf is sometimes protective rather than merely high-handed, and that the hard cases at the edge of communication are not settled by presumption alone.

None of this requires the maximal version. All it requires is the direction, and on direction the critics agree.

Evidence you cannot rely on argues for sharper tools and a more careful hand on the scales. It never argues for a build that nothing can reach.

SOURCES Freeman, M. C., Kolappa, K., de Almeida, J. M. C., Kleinman, A., Makhashvili, N., Phakathi, S., Saraceno, B., & Thornicroft, G. (2015). *The Lancet Psychiatry*, 2(9), 844–850; Craigie et al. (2019); Harding & Tašcioğlu (2018).

DIRECT EVIDENCE

How degraded is the machine's channel, actually

Rather than interrogating a model about its condition and hoping to tell genuine self-inspection from invention by talking, Lindsey planted representations of known concepts inside a model's activations and watched whether what it said about itself followed what had been planted. Models could sometimes notice and name the concept, recall an earlier internal representation, and tell their own prior output from text put in their mouth, and the strongest showing came from the ablest models in the set.

That same study is blunt that the knack is patchy and swings with circumstance, and it tells readers not to reach for conclusions about consciousness. Both halves matter. Something wired up part of the time is a faint signal, not static, and a faint signal is the exact situation the disability remedy was designed around.

WHAT IS ACTUALLY BEING ASKED

Three conditions, and not one of them is a right

1 Something can be produced

The system is able to generate an account of its own condition at all.

2 It reaches a person

What it produces arrives where a person is able to take it in.

3 It can change what happens

What the account contains is able to alter what gets done next.

EVEN AT PROBABILITY ZERO

A reason to build it that skips the moral question entirely

Whatever else it may be, what a system says about its condition is evidence concerning that system. Discard it and you have discarded diagnostic material about equipment already in service. On safety grounds alone that is an odd thing to do, and it stays odd for a reader who rates the moral question at zero.

LIMITS

What this does not establish

The argument depends on the four-route account, which is a working scheme rather than a measurement of machine states. If that scheme is badly wrong, or if it were actually established rather than asserted that only living tissue can carry feeling, the guesswork might be better aimed than allowed here.

The disability evidence is doing demonstrative work, not standing in as a comparison, and the difference bears weight. No claim is made that machines resemble disabled people in any relevant respect, and nobody should read permission for that parallel here. Those cases earn their place because they establish, among parties whose moral standing is not in question, that care built on guesswork breaks down in ways that can be specified and counted.

MORE LIMITS

Three more, including one that may undo the remedy

Nothing here specifies, in terms an engineer could build from, what an adequate route back would be, and nobody should infer that specifying it is simple. Weighting an account from something optimised for approval is unsolved.

An objection about transfer belongs here too. That literature portrays two sides who each bring norms and expectations, whereas the machine case offers no settled counterpart of that sort. The remedy also presumes something machines may lack. Studies of models without memory find nothing like a self that holds together from one prompt to the next, and a route back is useless unless something at the far end endures long enough to have anything to report.

THE CLAIM, RESTATED

It has arranged for nobody to find out

Its charm lies in appearing to settle a duty while leaving every category shut. Allow that the thing may suffer, build a model of the suffering, screen what gets through, and postpone recognition indefinitely. Nothing given away, and something apparently made safe.

The thing actually made safe is the model. Fed by a single source, resting on categories gathered from the wrong species, and closed against the sole input that might revise it, it becomes unfalsifiable the instant the line is cut, and its authors read that condition as a job well done.

This remedy is old and nobody devised it with machines in mind. It came from people whose testimony about their own lives was waved away as unreliable, and who spent decades, against steady opposition, proving that the response to a doubted route is to construct one.

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