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‘Do non-human animals have some form of moral sense which informs the way that they live and act towards members of their own and other species?’

Dissertation submitted in partial fulfilment of the requirements of the degree of MA in Philosophy

Faculty of Humanities & Performing Arts

University of Wales Trinity St David, Lampeter

25 June 2018

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Abstract:

Various empirical and anecdotal accounts suggest that certain non-human animals behave in ways that would be considered to be moral, even exemplary, if they were human beings. While some philosophers such as Mark Rowlands consider that some animals may be moral subjects (but not full moral agents), others (after Descartes) have argued that only humans possess the requisite cognitive capacities. Three common objections discussed in the essay are that animals (a) cannot reason; (b) do not have language; and (c) are not persons. However, in the light of philosophers/writers such as DeWaal, Bekoff, DeGrazia and Sapontzis, it is arguable that these objections are questionable in themselves, and fail to dismiss the case for animals as moral beings. While species membership may be relevant to the question, it is not decisive. Animals do not need to be 'persons' or 'moral agents' to act for good, within their own communities and their individual limitations. Such hard categories are arbitrary and prejudicial.

In making the case for animals as moral beings, evolutionary biology and neurology give a persuasive account of the role that empathy and reciprocal altruism play in maintaining animal communities. Darwin thought of morality as basic social instincts refined by intelligence. There is good evidence (in animal play, for example) that their behaviour is governed by shared social obligations and expectations. This contention is also supported by the similarities between the brains and nervous systems of humans and other animals, particularly the areas relating to social behaviour. We differ from them in degree, not in kind. While humans can engage with moral situations in a more complex, conceptual way, this isn't necessary to be moral. Caring about, and acting for, the good of others is what matters morally – not the ability to follow abstract principles and rules.

Do non-human animals have some form of moral sense which informs the way that they live and act towards members of their own and other species?

Introduction: What is behind this question?

In posing this question we are not necessarily asking whether non-human animals[1] abide by some codified set of moral standards as humans commonly do, but whether they are 'good-doing' beings in any sense. Acting morally can involve complex and difficult decisions, and sometimes there may be no 'morally correct' solution. So it is understandable that some will doubt that animals can engage with such issues in any way at all. If *we* struggle with moral matters, how can *they* even know where to start? For sceptics, then, this may be a questionable question; even if we credit animals with sentience, consciousness and intelligence, the very idea of animals as moral beings initially seems unsupportable.

However, there are good reasons for asking this question. There is a large and growing body of evidential material that strongly suggests that certain species – both wild and domestic – act in ways that parallel straightforward moral or good behaviour in humans. This could, for example, be in the form of 'a good temperament' (for example, exhibiting restraint, even when provoked[2]) or it could involve responding to specific moral situations as a good person would[3] – defending their own (or others') young; looking after sick relatives or orphans; risking their own safety to save others from danger. Taken simply on face value, this points us towards the possibility that at least some animals have a consistent sense of right and wrong or good and bad that guides their everyday behaviour.

While some philosophers accept this possibility in principle, on straightforward empirical grounds, others maintain that animals lack 'system requirements' such as reason, complex language and metacognition which they consider to be crucial for dealing with moral issues. However, there are good reasons for challenging this view, as I will try to show in the first half of the essay. There are good reasons, too,

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[1] I have abbreviated this to 'animals' in the text for convenience, but do not mean to indicate that I accept the conventional animal-human distinction. Plato remarked that dividing the world into humans and non-humans is as silly as dividing it into cranes and non-cranes. Referenced by Stephen R. L. Clark, 'Animals in Classical and Late Antique Philosophy' in *The Oxford Handbook of Animal Ethics,* ed. by Tom L. Beauchamp and R. G. Frey (Oxford and New York: Oxford University Press, 2011), p.52.

[2] It is relatively rare for animals to attack or kill without reason (ie, not related to hunting, defence or territory). Captive animals such as circus elephants often endure many years of sustained cruelty without retaliating, when they could easily injure or kill their tormentors.

[3] Mark Rowlands, *Can Animals be Moral?* (Oxford and New York: Oxford University Press, 2012), pp.76-77.

for challenging the use of putative categories such as 'persons', 'moral agents' and 'moral patients', which serve to reinforce perceived divisions between humans (or 'persons') and other animals on the grounds of apparent competence.

From a more positive perspective, I will go on to consider various insights from evolutionary biology and sociobiology[4] that relate to this question. On this footing it is possible to see relevant similarities between the brain architecture, and psychophysical functions of humans and various other animals, particularly in connection with social interrelationships and the phenomena of empathy and reciprocal altruism. The evolutionary view also substantiates the idea that any differences between humans and animals – including those relating to moral behaviour – do not present in hard categories (such as 'moral agents') but along an evolutionary continuum. As Darwin contended, the differences between humans and animals really are in degree rather than in kind.[5]

This is not to suggest that an animal's entitlement to moral respect is determined by its possession of certain specified capacities such as moral agency or self-scrutiny.[6] However, if animals do have moral capacities – alongside other 'humans only' capacities such as self-awareness, reason, and communication – this raises serious questions about our attitude to, and treatment of them, as a number of philosophers referred to in this essay have said. And here I would argue that this could (or should) further undermine any justification we may believe we have in treating animals as morally insignificant or even worthless creatures.[7] Indeed, this debate is itself morally significant in view of the abuse and suffering that indirectly but ultimately proceeds from the intransigently sceptical or dismissive view of other sentient beings[8] which has, tragically, dominated this field of enquiry since the times, respectively, of Aquinas and Descartes.[9]

Various working definitions of morality:

A particular difficulty with morality as a philosophical issue is how to define it as a concept: most of us have an idea of what morality is, but may not be able to say

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[4] The study of living creatures in their social context.

[5] Marc Bekoff and Jessica Pierce, *Wild Justice: The Moral Lives of Animals* (Chicago and London: The University of Chicago Press, 2010), p.95.

[6] And regardless of how 'primitive' or 'worthless' humans may consider the creature in question to be. This issue will be raised again further on in the discussion of personhood.

[7] Rowlands, *op. cit.,* p.254, and Bekoff and Pierce, *op. cit.,* p.33.

[8] S. F. Sapontzis, *Morals, Reason, and Animals* (Philadelphia: Temple University Press, 1987), pp.60-61.

[9] David DeGrazia, *Taking Animals Seriously: Mental Life and Moral Status* (Cambridge, New York, and Melbourne: Cambridge University Press, 1996), p.17, p.73.

what it is without recourse to examples in practice. With this in mind, it is worth trying to sketch in at least a working concept of morality before going on to see whether it can be meaningfully applied to animals. It is also useful to mark a rule-of-thumb distinction between morality and ethics, terms which may sometimes be used interchangeably in practice. To act morally is not necessarily the same as following rules, but knowing what is right and doing it because it is the right thing to do.[10] Morality (from 'moré'[11]) is normally associated with social customs and obligations (which may form the basis of moral *systems*), while ethics (derived from *ethos* meaning 'habits') is normally associated with individual character (one's capacity for virtue) and particularly one's conduct towards others,[12] which is itself grounded in, and guided by, sound judgement or wisdom – the ability to assess situations, weigh up the likely consequences of possible courses of action, and make the right ethical choice in each case. (We will return to this in the discussion of Virtue Ethics later on.)

Thus defined, neither term seems strictly appropriate for animals, although some commentators favour ethics as it is associated with one's individual conduct (as opposed to governance by moral systems). As we progress I will be referring to animal 'morality' simply as a broad convenience term for 'good-doing' or altruistic behaviour – not to imply that the case has already been made. For now, however, it is worth considering one or two 'readymade' definitions of morality which could be applicable to animals. One example is, 'a suite of interrelated other-regarding behaviours that cultivate and regulate complex interactions within social groups'.[13] This may sound more like a form of functionalism rather than what we normally mean by morality, but it at least highlights the motivation to act in ways that foster co-operation and good relationships with those around us.[14] Marc Bekoff makes this clearer when he offers another definition: 'Morality is a spectrum of behaviours that share the common features of concern about the welfare of others'.[15]

Some may still have doubts about this and perhaps argue that morality is more to do with personal integrity and a disposition to do the right thing, rather than charity or solicitude. These are important things too, but there are various other aspects of morality, such as private religious observance, or matters of conscience – for example, whether it's justifiable to tell 'white lies' to get out of something

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[10] Sapontzis, *op. cit.,* p.42.
[11] Bekoff and Pierce, *op. cit.,* p.11.
[12] Aristotle, *The Ethics of Aristotle: The Nicomachean Ethics Translated*, ed. by J. A. K. Thompson (Penguin Books, 1953), p.55.
[13] Bekoff and Pierce, *op. cit.,* p.7.
[14] *Ibid.,* p.13.
[15] *Ibid.,* p.138.

we'd rather not do. In common use, morality may also merge with such things as manners, thoughtfulness, and even 'niceness'. Additionally, the litmus test of our morality is what we do when we are alone and unobserved;[16] and from a religious standpoint, what we think about others is no less significant than what we say or do to them, which suggests that we can be moral or immoral without anyone else knowing about it. But does this mean that the definitions given above are wide of the mark? And if so, where do animals fit in?

One response would be that morality *does* arise from social interrelationships, but it can also include what goes on in our inward, personal world, in the sense that this is largely a representation of the outer world, and also in the sense that 'the thought is the parent of the deed'.[17] Clearly, we cannot at present know whether animals have equivalent mental processes, only that they also seem to act in good or benevolent ways. However, we are not concerned with whether animals and humans are essentially the same in relation to morality, but to try and highlight analogous social instincts and shared expectations of behaviour, and see what part these may play in how we treat one another.

Certainly, human morality can involve much more complex issues, which may require much deliberation and soul-searching. Whether this means that the difference between human and animal morality is *only* a matter of relative complexity[18] is difficult to determine. However, substantive differences in cognitive capacity and biological characteristics between species (which delimit how they *can* or *cannot* act) *do* need to be taken into account. One could not reasonably expect a lion or a shark to stop killing prey or a bonobo to practise monogamy (even if they could conceive of such a choice). But this is not to concede that they are therefore *im*moral,[19] nor to argue for a subjectivist or non-cognitivist account of morality.[20] As Bekoff and Pierce see it, 'Animals don't have to be moral agents in the *same sense* that humans are: moral agency is both species-

[16] 'The true test of a man's character is what he does when no one is watching'. John Wooden, quoted in goodreads: <https://www.goodreads.com/author/quotes/23041.John_Wooden> Accessed 4 June 2018.
[17] Thomas Carlyle.
[18] Chardin discusses the relationship between complexity and consciousness in nature. See Pierre Teilhard de Chardin, *The Future of Man*, translated by Norman Denny (London and New York: Collins; Fontana Books, 1964), p.134.
[19] For Bekoff and Pierce, an obligate predator behaves *a*morally when they kill their prey. Marc Bekoff and Jessica Pierce, *Wild Justice: The Moral Lives of Animals* (Chicago and London: The University of Chicago Press, 2010), p.145.
[20] Essentially, that morality does not consist in absolute, objective, universal truths (or 'moral facts') but is, rather, an expression of personal convictions, social norms or accepted conventions. See James Rachels, 'Subjectivism', and Michael Smith, 'Realism' in *A Companion to Ethics*, ed. by Peter Singer (Blackwell Publishing, 1993).

specific and context-specific. Furthermore, animals are moral agents *within the limited context of their own communities'*.[21]

Animals: various assessments of their current moral status:

The 'moderately sceptical' view:

In the light of insights and empirical evidence from various studies of animal behaviour (some selected highlights of which will be referred to later, as we go), there is a certain degree of acceptance for the idea that animals have a range of cognitive capabilities that were once considered unique to humans. Few nowadays wholly dismiss the idea that animals are conscious,[22] sentient, able to solve problems, subject to emotions, and so on, which at least allows animal morality to be put on the table for serious discussion. Many animal ethicists accept that animals have some moral standing or status, although few would agree that they are 'moral agents' (a term which will be discussed later).[23] There are still reservations about the true extent and significance of animals' apparently benevolent behaviour. Some consider that animals can be ethically *virtuous*, in that they can act as a good person would in a similar situation,[24] but they are not, as far as we know, consciously following an internalised system of morality. On this view, human morality is wider in scope and goes further than that of animals;[25] it makes demands on higher faculties that animals are not thought to possess.

Other philosophers have expressed similar views, even before modern times: David Hume, for example, granted reasoning ability to animals, along with a form of basic proto-moral sense or sympathy, but did not consider that they have true moral sense or the ability to make moral judgements.[26] In this respect, animals have been compared with children – their limitations exempt them from moral

[21] Bekoff and Pierce, *op. cit.,* pp.144-45 and p.147.
[22] A belief now enshrined in the Cambridge Declaration on Consciousness in Human and Non-Human Animals signed at the Francis Crick Memorial Conference in 2012. See: <http://www.fcmconference.org/> Accessed 4 June 2018.
[23] David DeGrazia, *Taking Animals Seriously: Mental Life and Moral Status* (Cambridge, New York, and Melbourne: Cambridge University Press, 1996), p.199.
[24] DeGrazia, *ibid.,* p.199. See also Stephen R. L. Clark, *The Nature of the Beast: Are Animals Moral?* (Oxford and New York: Oxford University Press, 1984), p.107.
[25] Clark (1984), *ibid.,* p.107; Mark Rowlands, *Can Animals be Moral?* (Oxford and New York: Oxford University Press, 2012), pp.75-77.
[26] Julia Driver, 'A Humean Account of the Status and Character of Animals' in *The Oxford Handbook of Animal Ethics*, ed. by Tom L. Beauchamp and R. G. Frey (Oxford and New York: Oxford University Press, 2011), p.147, p.157.

responsibility for their actions.[27] On one hand this offers animals a certain degree of protection (in that it is not generally considered rational to charge and punish animals for 'crimes' that they have supposedly committed), but on the other hand, accepting this estimation means that animals cannot be taken seriously as moral beings who are entitled to certain rights, including the right not to be treated merely as objects or property.[28]

One notable philosopher in this field is Mark Rowlands, who argues for at least some animals to be regarded as moral *subjects* as opposed to moral *agents* – a description which he considers can only be properly attached to human beings. His definition of a minimal moral subject is presented in the following form:

> X is a moral subject if X possesses (1) a sensitivity to the good or bad-making features of situations where (2) this sensitivity can be normatively assessed, and (3) is grounded in the operations of a reliable mechanism (a 'moral module').[29]

On first view this seems quite an exacting set of requirements – particularly that of normative assessment - which even the 'top tier' of the animal kingdom might struggle to meet. However, Rowlands considers that the ability of animals to satisfy these conditions can be discovered empirically, and that 'there is a growing body of evidence that supports this attribution' – to which he adds, 'it is likely that some animals will turn out to be moral subjects'.[30] While he basically argues *for* animals as moral beings, he holds fast to the view that they cannot be classed as moral *agents*.

<u>Challenges:</u>

This is an issue worth looking at a bit more closely. While Rowlands contends that there is a difference between moral subjects and moral agents, he also considers that moral agency is a spectrum, not a binary category of 'have or have not'. Thus the crucial criterion for agency is the degree to which the individual understands (not necessarily *controls*, as some have insisted) the moral basis or motivation upon which they are acting.[31] However, this is not entirely satisfactory, because it raises the question of where to draw the line: which animals actually qualify for this

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[27] B. A. Dixon, *Animals, Emotion, and Morality: Marking the Boundary* (New York: Prometheus Books, 2008), p.161, p.191, p.193; See also, Bekoff and Pierce, *op. cit.,* pp.139-40.
[28] However, in practice the Kantian notion, 'are owed no direct duties' is hard to distinguish from 'deserve no kindness'.
[29] Rowlands, *op. cit.,* p.230.
[30] *Ibid.,* pp.230-32.
[31] *Ibid.,* p.241.

status, and how can we even be sure that our criteria are fair and correct? But if moral agency is on a continuum, this begs the question of why we need discrete categories at all. However, Rowlands at least provides a carefully qualified argument for animal morality against a background of scepticism and doubt, to which he adds that if animals can or do act for moral reasons they are worthy objects of moral respect.[32]

A useful example of how we can loosen these categorical constraints is provided by Stephen Sapontzis, who points out that, at least for 'everyday morality', we are not normally expected to provide formal explanations for our moral actions, or demonstrate that we know what these would be.[33] And this underlines the difference between moral theory and moral practice, terms which tend to be conflated in this area of debate. Inevitably, humans make better moral theorists, but theories are not essential for straightforward moral action. As Sapontzis puts it, '…in most situations we simply perceive or feel what is the moral thing to do, and, if we are moral, do it'.[34]

Admittedly this sounds like an overly simple characterisation, but it does seem to resonate with what we actually *experience* when we are dealing with ordinary, personal, moral issues. And from this one could infer that, while morality may involve thinking at some level, it does not necessarily *depend* on the kind of structured reasoning involved in, say, testing the validity of a syllogism. A helpful analogy can be drawn with our ability to learn our native language without consciously acquiring the rules of grammar, while still being able to apply those rules in each utterance we make. Similarly, some people can play or compose music by ear, but cannot read music or explain what they are playing in a technical sense. But it would make no sense to say that their performance only *sounded* like music, and could not be *actual* music because the performer lacked this understanding. To venture such an opinion in earnest would be based on little more than a form of exclusivism or prejudice. And, arguably, the case against animals as moral beings is at least partially explicable in these terms.[35]

If this is true, then we need to query the grounds on which some philosophers continue to reject the notion of animals as moral beings. And it is apparent that these grounds relate closely to arguments that have been levelled at claims for other higher faculties or capacities in animals, namely: the rationality argument; the language argument, and the 'personhood' requirement (including self-

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[32] Rowlands, *ibid.,* p.254.
[33] S. F. Sapontzis, *Morals, Reason, and Animals* (Philadelphia: Temple University Press, 1987), p.37.
[34] *Ibid*., p.37.
[35] Michael Bradie, 'The Moral Life of Animals' in *The Oxford Handbook of Animal Ethics*, ed. by Tom L. Beauchamp and R. G. Frey (Oxford and New York: Oxford University Press, 2011), p.568.

consciousness, interests, intention and reflexivity). These issues will be taken in turn, followed by opposing arguments, and then a further look at moral agency in the context of these considerations.

Animals and reason:

<u>The 'animals are not rational' argument:</u>

A timeworn objection to animal morality is that animals are not rational beings and therefore cannot be moral beings either. This position is most often associated with Aquinas and Descartes, who both considered that the soul was the seat of reason, and since (they believed) only humans have souls, only they are capable of self-scrutiny, sound judgement and proper moral choices.[36] On this basis, Descartes characterised animals as mindless automatons that do not even feel pain, and to whom we owe neither duties nor compassion.[37] It is deeply unfortunate for animals that this position – which managed to be both unbiblical[38] and unscientific[39] – should have obtained such currency in Western thought, even into modern times. While it has been gradually overtaken by empirical evidence to the contrary, such views are still occasionally expressed, for example by writers such as Carruthers and Harrison who (for different reasons) do not consider that animals suffer pain.[40]

We see a similar emphasis on rationality in Kant's work on morality, where the focus is on the capacity to make free, rational, moral choices. For Kant, the autonomy of the will is a necessary property of rational beings and 'the supreme

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[36] See: Anthony Kenny, Aquinas on Mind (London and New York: Routledge, 1993), pp.28-54 and pp.123-46.

[37] Discourse on the Method Part 5. *Descartes: Key Philosophical Writings*, tr. by Elizabeth S. Haldane and G. R. T. Ross; ed. by Enrique Chavez-Arviso (Wordsworth Editions Limited, 1997), pp.106-109. Darwin directly contradicted this when he said that 'close observation of creatures convinced one of their reasoning ability rather than instinct'. Quoted in Sapontzis, *op. cit.,* p.33.

[38] The Hebrew word for the soul, *nephesh*, meaning 'that which lives and breathes', applies to both humans and animals in Genesis. (See Biblehub dictionary: <https://biblehub.com/hebrew/5315.htm> Accessed 4 June 2018). Arguably, the position taken by Aquinas and Descartes has no mandate in the Bible. See: Andrew Linzey, *Animal Theology* (Urbana and Chicago: University of Illinois Press, 1994), p.18, p.73, p.109, pp.127-28, p.130, p.180.

[39] It does not explain, as Voltaire said, why other creatures have senses and nervous systems like our own if they do not have analogous functions. Other leading thinkers, including John Locke and Isaac Newton came to similar conclusions against Descartes. Referenced in: Jeffrey Masson and Susan McCarthy, *When Elephants Weep: The Emotional Lives of Animals* (London: Vintage, 1996), p.34.

[40] Evelyn B. Pluhar, *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals* (Durham and London: Duke University Press, 1995), pp.15-19. As Pluhar notes, Carruthers supports vivisection, even if animals do suffer in the process; Harrison (on the basis of theology) believes that only humans can experience pain.

principle of morality';[41]and since animals are apparently governed by instinct, this prerequisite of freedom effectively excludes animals from the moral realm altogether.[42] While Kant did not consider that animals can be moral beings, he did not say that we are therefore entitled to harm or ill-treat them (and, indeed, to do so is potentially harmful to one's own moral character) – although at the same time we have no direct moral obligation towards them.[43]

Challenges:

Even in the last twenty years or so, scientific research and field studies in this area have continued to yield an increasing body of evidence that animals behave rationally, intelligently and flexibly – and demonstrate competencies that challenge even relatively recent assessments of their abilities and limitations. Abilities once tentatively associated with 'honorary humans' such as the great apes are now being observed to varying degrees in a widening range of creatures from elephants, pigs, sheep, octopuses, parrots, and corvids – and, more recently, chickens. In short, there are no safe grounds to argue that only humans are rational; and by extension, there are no safe grounds to argue that creatures must be human-like to be rational beings. As Mary Midgely remarks, some have argued that humans are not rational beings, or that they are only potentially rational.[44]

The main issue and obstacle here has been identified by Sapontzis as the assumed 'normal human intelligence' criterion and requirement for moral action, which he considers to be at fault. In his view, freedom to choose versus instinct or conditioning is not a dichotomy but a continuum. Animals may rely to a certain extent on instinct, but this does not make them automatons: various species clearly have the flexibility to adapt, learn and be trained to do things which may even surpass their apparent innate, natural behaviour. And if some animals can make relatively free choices, they can also make relatively free choices that could be regarded as moral; they do not have to possess human-like intelligence to act in morally significant ways.[45]

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[41] Immanuel Kant, *Groundwork of the Metaphysics of Morals,* ed. by Mary Gregor and Jens Timmermann (Revised edn, Cambridge and New York: Cambridge University Press, 2012), pp.51–57.
[42] Christine M. Korsgaard, 'Interacting with Animals – a Kantian Account', in *The Oxford Handbook of Animal Ethics*, ed. by Tom L. Beauchamp and R. G. Frey (Oxford and New York: Oxford University Press, 2011), p.103.
[43] Korsgaard, *ibid*., p.104.
[44] Mary Midgley, *Animals and Why they Matter* (Athens, Georgia: The University of Georgia Press, 1998), p.12.
[45] S. F. Sapontzis, *Morals, Reason, and Animals* (Philadelphia: Temple University Press, 1987), pp.38-39.

At the same time, it is not in dispute that humans have powers of abstract reasoning that are not apparent anywhere else in the animal kingdom. However, one could argue that we tend to overemphasise the role of intelligence as the driver of moral behaviour – what DeWaal calls 'the myth of the wholly rational man or woman'.[46] While there may be certain correlations between intelligence and the ability to conjure with theoretical moral concepts and scenarios (such as 'lifeboat' or 'trolley car' problems), this isn't necessarily an indication of a person's moral character. Hitler's inner circle, for example, included highly educated and intelligent individuals,[47]and certain criminals have also been credited with high IQ scores.[48] In other words, high reasoning ability doesn't necessarily serve morality, and may often undermine it. Conversely, we can recognise in some people – including those sometimes described archetypically (and perhaps patronisingly) as 'simple souls' – the presentation of a kind of naïve, unschooled saintliness, a humbling capacity for virtues such as honesty, goodwill, charity, selflessness and compassion.

And here, one could ask how far intelligence is *really* involved in ordinary, workaday moral living – how one actually acts for good, rather than what one says about it. Is this just another example of overvaluing a general human trait simply because it *is* a human trait, a property that evidentially distinguishes us from 'lower' animals? Certainly *Homo sapiens* may be the cleverest animal on the planet, but this is to ignore more intuitive, instinctual survival capabilities and senses that many other animals possess; it rarely occurs to us that our prized mental superiority may be merely one kind of special ability among many. David Hume makes a similar point concerning our natural vulnerabilities:

> Brute-creatures have many of their necessities supplied by nature, being cloathed and armed by [the] beneficent parent of all things: And where their own industry is requisite on any occasion, nature, by implanting instincts, still supplies them with the art, and guides them to their good, by her unerring precepts. But man, exposed naked and indigent to the rude elements, rises slowly from that helpless state, by the care and vigilance of his parents; and having attained his utmost growth and perfection, reaches only a capacity of subsisting, by his own care and vigilance.[49]

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[46] Frans DeWaal, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals* (Cambridge, Massachusetts and London: Harvard University Press, 1996), p.78.
[47] Various secondary sources cite Werner Maser, *The IMT Transcripts, and Nuremberg: A Nation on Trial*, translated by Richard Barry. [Referenced in: <https://www.quora.com/What-was-Hitlers-IQ> Accessed 4 June 2018.]
[48] James C. Oleson, *Criminal Genius: A Portrait of High-IQ Offenders* (University of California Press, 2016). Available online at: <https://www.jstor.org/stable/10.1525/j.ctt1df4gj1> Accessed 4 June 2018.
[49] David Hume, 'The Stoic', *Essays Moral, Political and Literary*, ed. by Eugene Miller (Indianapolis: Liberty Classics, 1987): quoted in Julia Driver, in Beauchamp and Frey, *op. cit.,* p.151.

On the whole, however, we do not give fair weight to other animals' natural abilities, sensitivities and even 'super-senses'; indeed, many will deny their existence altogether.[50] But even so, as DeGrazia notes, our increasing knowledge of animals' cognitive, emotional and social complexity continues to challenge entrenched assumptions about human exceptionalism.[51]

The 'language requirement' for moral agency:

<u>Animals do not have language:</u>

Aside from cognitive capacity, our capacity for language is often cited as a decisive property in the debate about animal morality. Animals, the argument goes, do not have anything equivalent to our language with which to describe and consider moral issues and decisions or work with moral concepts. In *Wild Justice*, Bekoff cites the anthropologist Terrence Deacon, who avers that, 'While there is an unbroken continuity between humans and other animals, there is also a singular discontinuity: humans use language to communicate' - to which Deacon adds that this has changed the evolution of the human brain.[52]

It is understandable that some moral philosophers home in on language in this way. As we acquire language as children, we also learn (or cannot avoid learning) the social context and significance of what we hear and say. Language does not come to us in a sterile environment of sounds and signs, such as a language lab; it is the medium through which we are initiated into the peculiar reality of our own society and culture. And in relation to the acquisition of morality, we can draw an analogy with what Noam Chomsky called the 'Black Box' to indicate the seemingly effortless way in which young children come to understand the complex, underlying structure of language.[53] Indeed, DeWaal considers that moral ability is parallel to language ability: in his view, we acquire and internalise it as an 'imprint' of the moral fabric of our native society.[54]

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[50] For a cogent and serious account of animal 'super senses', see: Rupert Sheldrake, *Dogs that Know when their Owners are Coming Home: and Other Unexplained Powers of Animals,* (London: Hutchinson, 1999).
[51] David DeGrazia, *Taking Animals Seriously: Mental Life and Moral Status* (Cambridge, New York, and Melbourne: Cambridge University Press, 1996), p.73.
[52] Marc Bekoff and Jessica Pierce, *Wild Justice: The Moral Lives of Animals* (Chicago and London: The University of Chicago Press, 2010), p.140.
[53] See Peter McKenzie-Brown, 'Noam Chomsky's Black Box', (Studies in Energy, History and Language, 20 August, 2006): <https://languageinstinct.blogspot.co.uk/2006/08/noam-chomskys-black-box.html> Accessed 4 June 2018.
[54] Frans DeWaal, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals* (Cambridge, Massachusetts and London: Harvard University Press, 1996), p.36.

However, some philosophers see this process (in the case of language or morality) as unique to humans. Frey, for instance, is sceptical about animals having language and builds this into an *a priori* argument against animal morality. Beginning with the proposition that 'all and only beings that (can) have interests (can) have moral rights', Frey argues (to try and indicate the most salient points without losing too much of the sense) that to have desires and beliefs, a being must self-consciousness, which requires language. But, as animals do not have language, they cannot have desires and beliefs; and without these things, they cannot have interests (and, from these, intentions); and without interests, they cannot have moral rights.[55] And if they do not have moral rights, neither can they be moral agents.

Challenges:

The most obvious response to the assertion that animals do not have language is that, in its broadest sense, it isn't true. This is not to claim that animals necessarily display complex, highly structured linguistic language like our own, but to acknowledge how they can communicate with one another using various sounds, calls, signals, and body language – signifiers which are often highly nuanced. These play an important part in their individual and collective survival, for example to share information about sources of food and water and warn one another about predators.[56] Additionally, some animal species can learn and use[57] vocal or sign-language to communicate with human beings, as numerous studies involving great apes, orcas, dolphins and birds can attest.[58] And in the latter case, not only can some animals – like Koko the gorilla or Alex the African grey parrot – describe basic goings on in their immediate environment, but they can also give spontaneous insights into their own inner states, emotions, needs, desires and preferences.[59]

In the light of well-documented research in this area, we do not have to accept Frey's claim that language is essential for beings to hold beliefs, desires or

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[55] This refers to Frey's book, *Interests and Rights – The Case Against Animals*. The detailed critique appears in Sapontzis, *op. cit.,* p.115 and pp.127-28. See also, Michael Tooley, 'Are Nonhuman Animals Persons?' in *The Oxford Handbook of Animal Ethics*, ed. by Tom L. Beauchamp and R. G. Frey (Oxford and New York: Oxford University Press, 2011), p.346.
[56] Michael Bradie, 'The Moral Life of Animals' in *The Oxford Handbook of Animal Ethics*, ed. by Tom L. Beauchamp and R. G. Frey (Oxford and New York: Oxford University Press, 2011), p.569.
[57] Animals appear to understand and use human syntax, rather than just repeating stock phrases. See: Carl Safina, *Beyond Words: What Animals Think and Feel* (London and New York: Souvenir Press, 2015), p.89.
[58] Jeffrey Masson and Susan McCarthy, *When Elephants Weep: The Emotional Lives of Animals* (London: Vintage, 1996), p.36.
[59] Masson and McCarthy remark about our tendency not to believe language trained animals such as Alex even when they do talk about their feelings. *Ibid.,* pp.34-35.

intentions (and, by extension, moral feelings).[60] Animals such as apes and orcas can learn to use language to express (among other things) desires and intentions that relate to their actions. But it does not seem plausible that they did not have these desires and intentions before they learned this new skill. Did the chimpanzee at Central Washington University's Chimpanzee and Human Communication Institute (CHCI) not have a desire for 'drink-fruit' before she coined this novel phrase to express her wish for some watermelon slices?[61] Certainly, voicing the desire through language is a step up from pointing to or grabbing whatever one wants (it makes the whole process more 'portable'). But it is not the signifier that gives rise to that desire; language is only needed to articulate a desire or belief, not to hold one. We don't normally run an inner monologue about our day-to-day actions like cartoon characters' 'thought bubbles' before we can carry them out.[62] As Sapontzis summarises the formal response, 'Having desires does not require linguistic ability, since neither belief nor self-consciousness requires this ability'.[63] And in his view, 'Frey fails to demonstrate that language is required for belief. Consequently, he fails to demonstrate that animals cannot have belief-mediated desires'.[64]

A similar view is taken by DeGrazia, although he goes further, with the observation that there are good reasons for believing that conscious animals can consciously remember and anticipate events, based on the need to deal with changing aspects of their environment in order to survive, which indicates that animals have a sense of time.[65] (To imagine otherwise seems to invite absurd scenarios, such as a bird laying eggs one day and destroying them the next day on the assumption that some interloper had intruded into her territory overnight.) And, for DeGrazia at least, on the basis that various animals have desires and beliefs that explain their actions (and are capable of making choices[66]), it follows that these animals are agents[67] - although it should be noted that DeGrazia, who favours a gradualist account of agency, does not claim that they are therefore fully-fledged moral agents.[68]

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[60] David DeGrazia, *Taking Animals Seriously: Mental Life and Moral Status* (Cambridge, New York, and Melbourne: Cambridge University Press, 1996), pp.4-5.

[61] Referenced by Lauren Kosseff in 'Primate Use of Language' (Tufts University, Animals, Cognition and Learning, 2013) at: <http://pigeon.psy.tufts.edu/psych26/language.htm> Accessed 4 June 2018.

[62] Michael Tooley, 'Are Nonhuman Animals Persons?' in *The Oxford Handbook of Animal Ethics*, ed. by Tom L. Beauchamp and R. G. Frey (Oxford and New York: Oxford University Press, 2011), p.346.

[63] Sapontzis, *op. cit.,* pp.115, pp.119-120.

[64] *Ibid.,* pp.127-128, p.130.

[65] DeGrazia, *op. cit.,* p.170.

[66] As DeGrazia reiterates elsewhere in the book. (Other writers also make this important point: for example, Bekoff and Pierce, *op. cit.,* p.145.)

[67] DeGrazia, *ibid.,* p.172.

[68] DeGrazia, *ibid.,* p.73. DeGrazia considers, for example, that 'dolphins and great apes quite arguably demonstrate as much moral agency as, say, the moderately retarded'. (*sic*) *Ibid.,* p.71.

The question of belief can, to a degree, also be addressed by straightforward observation of animal behaviour, such as Wittgenstein's example that a dog believes his master is at the door.[69] Another example is wild animals' almost universal 'fear and dread'[70] of humans - a perception (arguably a justifiable *belief*) that humans are dangerous.[71] What is remarkable here is that many animals know about this danger even when they have not directly experienced it themselves. Somehow, the default protocol, 'run away *now* ' is shared between them in ways that we do not yet fully understand, but it seems likely that they use their repertoires of calls to this end – as is suggested by experiments with crows at The University of Washington.[72]

Human language and its limitations:

If, as it seems, intelligence has been overemphasised as a requirement for moral agency, it can equally be said that linguistic philosophers have put too much emphasis on language as a prerequisite for intelligence, and tend to reject research into animal cognition that contradicts this view.[73]

However, even if it were true that animals do not have language *at all*, it would be possible for them still to get by without it. For example, customs such as queuing, shaking hands, and other human behaviours would still give us a clue how to behave, even if we did not have speech. Likewise, young children and animals can articulate their wants and aversions without using spoken language; apart from vocalisation, both humans and animals display various kinds of gestures, body-language, and facial expressions, which can be read by other animals; indeed some animals can read human body language better than we can ourselves.[74] Such a degree of natural sensitivity and acuity suggests that complex, spoken language is not necessarily a decisive factor in managing ordinary, everyday situations. It's possible to be moral without talking about it.

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[69] Ludwig Wittgenstein, *Philosophical Investigations*, tr. by G. E. M. Anscombe (Basil Blackwell, 1958), p.174. Also referenced in Mary Midgley, *Animals and Why they Matter* (Athens, Georgia: The University of Georgia Press, 1998), p.57. See also Clark (1984), *op. cit.*, p.23.

[70] Genesis 9:2

[71] With some exceptions. As Darwin found in the Galapagos Islands, various animal species that had never encountered humans before were naturally unafraid of people. For an interesting, general account see: Delthia Ricks, 'Fear Takes a Holiday: Animals of Galapagos Islands Appear to Lack That Instinct' (Los Angeles Times, October 9, 1988): <http://articles.latimes.com/1988-10-09/news/mn-5403_1_galapagos-islands> Accessed 4 June 2018.

[72] See: John M. Marzluff and Tony Angell, 'How Crows Recognize Individual Humans, Warn Others, and Are Basically Smarter Than You' (Popular Science, 6 June, 2012): <https://www.popsci.com/science/article/2012-06/how-crows-recognize-individual-humans-warn-others-and-are-basically-smarter-you> Accessed 4 June 2018.

[73] Midgley, *op. cit.* p.57.

[74] Marc Bekoff and Jessica Pierce, *Wild Justice: The Moral Lives of Animals* (Chicago and London: The University of Chicago Press, 2010), p.95.

This is not to say that human language is not a huge evolutionary advantage for *humans*. It is virtually indispensable for communicating abstract thoughts, complex ideas and narratives, and can help us to clarify complex issues such as those involved in moral judgement, and particularly competing moral *choices* but it is not necessarily the key to moral *practice*, and nor is it a guarantee of the moral *quality* or truth of whatever thoughts we wish to express; indeed, it can facilitate deception, rationalisation, obfuscation and distortion of our sense of right and wrong. While it may be argued that, without language, animals are trapped in their own environments and psychological limitations, humans are similarly limited by the very thing that we believe makes us free – our self-created ideational and ideological environment, the 'prison house of language' that underpins virtually everything we are and do as a species.[75]

The 'personhood' argument:

Animals are not persons:

A controversial concept-category associated with both rationality and language with important implications for questions of animal morality is that of 'persons'. If some animals satisfy the criteria for personhood, it is easier to make a case for them as moral beings; if they do not satisfy those criteria, it is easier to dismiss the case on that basis. For that reason, this section will consider arguments for and against animals as persons, before going back to the main discussion concerning animal morality.

Personhood is an ascribed status which depends on certain crucial human or human-like capacities which include consciousness, sentience and higher cognitive functions such as self-awareness, reflexivity (or metacognition)[76] and a sense of self-identity persisting through time. Some philosophers argue that only humans can fulfil all the necessary criteria needed to be full persons, while others consider that certain high-functioning animals such as chimpanzees or dolphins might also qualify. Animals are not persons (sceptics will argue), because their cognitive abilities are insufficiently developed to provide anything more than a very basic

[75] A phrase commonly attributed to Nietzsche (but which may have been mistranslated). See: Language Log, 'Citation crimes and misdemeanors' (*sic*), September 9, 2017, filed by Mark Liberman under The language of science: <http://languagelog.ldc.upenn.edu/nll/?p=34384> Accessed 4 June 2018.

[76] A distinction can be made between 'perceptual consciousness' and 'reflective consciousness' (according to Griffin) – having experience and knowing it is oneself having the experience. Evelyn B. Pluhar, *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals* (Durham and London: Duke University Press, 1995), p.5.

apprehension of the world and their place in it. And this deficiency, they contend, also means that their interests are restricted to immediate goings on; they are not able to think about the possible future, or their continuing existence within it, and nor can they consider alternative futures that would ensue from this or that decision at this or that point in time.[77]

Perhaps most decisively, however, sceptics will argue that animals cannot reflect on and evaluate their options and motives for whatever judgements and decisions they might make – a requirement that is considered essential (by Kant, among others) for a being to have proper moral awareness, and without which they cannot be moral agents.[78] Even an outspoken champion of animal cognition such as Darwin considered that only humans can reflect on their own thoughts and behaviour in the form of conscience and regret.[79] (Although this assertion has since then been challenged by empirical evidence to the contrary.[80]) While this view doesn't *quite* dismiss animals as automatons, it credits them with little else that might lift them out of this category. One significant consequence of this view is that, again referring back to Kant, animals are not able to improve their environment, or to try to be 'better' in themselves, as morally-aware humans can. While they may be capable of behaving virtuously, they do not have moral ideals or the ability to realise them.[81] We will look again at this point in the final section.

Challenges:

Historically, the concept of personhood has tended to work exclusively rather than inclusively in relation to animals, and indeed it is questionable whether it should be

[77] Sapontzis points out that 'the future' includes the *immediate* future; that is, knowing what one is going to do *next* – not necessarily long-term plans or goals. (Which I take to imply that one cannot, therefore, deny interests to animals on this basis.) S. F. Sapontzis, *Morals, Reason, and Animals* (Philadelphia: Temple University Press, 1987), pp.130-31.
[78] Sapontzis, *ibid.,* p.40.
[79] James Rachels, *Created from Animals: the Moral Implications of Darwinism* (Oxford: Oxford University Press, 1990) [Accessed online on 4 June 2018: <http://www.jamesrachels.org/>], p.161; and Bekoff and Pierce, *op. cit.,* p.147. There have also been 'internalisation of rules' experiments with rats and dogs, which suggest that animals can become extremely distressed when they realise that they have done something wrong or caused harm. See Frans DeWaal, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals* (Cambridge, Massachusetts and London: Harvard University Press, 1996), p.106; and DeGrazia, *op. cit.,* pp.207-208.
[80] Rats can regret a choice of food upon realising that they could have chosen something better, according to experiments conducted by the University of Minnesota in 2014 and Reported in Nature Neuroscience by Steiner and Redish, (Vol. 17, 2014), 995–1002. For a non-technical account see, 'Rats Shown to Feel Regret Over Bad Decisions' by Zoe Gough (BBC Nature News, 8 June 2014): <www.bbc.co.uk/nature/27716493> Accessed on 4 June 2018.
[81] Kant does not recognise naturally kind people as fully moral: 'they merely follow their own nature'. Referenced in Sapontzis, *op. cit.,* pp.43-44.

used in animal ethics at all.[82] And as Sapontzis wryly characterises the situation, the concept of personhood, in effect, 'protects "persons" from the selfish tendencies of humans and helps to justify treating "non-persons" selfishly'.[83]

However, we do not have to accept the presumptive claim that animals generally do not experience themselves as persisting entities with a past and a future, or as beings with interests of some kind. (Sapontzis considers that it is 'irresponsible' to suggest that only humans can comprehend the world and take an interest in things.[84]) Domesticated animals and pets, for example, demonstrate both memory and anticipation of events that affect them (for example, feeding time, walks, visits to the vet, holiday boarding) which they may react to with evident excitement or dread, depending on their prior experience.[85] And there are numerous accounts of similar behaviour in various other species; indeed, Sapontzis argues that *all* sentient animals have preferences – and that there would be no evolutionary point in being sentient if a being were unable to seek pleasure and avoid pain.[86]

Although we cannot *prove* that animals generally have some form of basic self-awareness, arguing that they have not entails various conundrums concerning their day-to-day existence. It is essential, for instance, for a creature to be able to distinguish between its own physical body from the world 'out there', if it is to avoid nonsensical mishaps such as a dog not knowing the difference between a bone from the butcher and a bone in his own leg.[87] A species with such limited powers of discernment would probably die out very quickly, which suggests that this basic form of self-awareness may be common to the whole animal kingdom.[88] The notion of 'merely conscious' animals is problematic as well, in that receiving impressions from the environment without the animal being conscious of itself as the recipient of those impressions (known as the 'transcendental unity of apperception') would make its experience of the world chaotic and incoherent[89] – if it could be said to exist at all in any meaningful sense.

[82] David DeGrazia, *Taking Animals Seriously: Mental Life and Moral Status* (Cambridge, New York, and Melbourne: Cambridge University Press, 1996), p.265.
[83] Sapontzis, *op. cit.,* pp.67-69.
[84] Sapontzis, *ibid.,* p.135.
[85] *Ibid.,* p.29.
[86] *Ibid.,* pp.186-87.
[87] DeGrazia, *ibid.,*p.166.
[88] *Ibid.,* p.167.
[89] Bernard Rollin, for example, considers that 'merely conscious' creatures would simply die out. Referenced in Pluhar, *op. cit.,* pp.5-6.

Admittedly, the basic sense that 'I am here' is not in itself a sufficient qualification for moral *agency*, but it is, arguably, sufficient to qualify a being for moral standing;[90] and if this sense is present to some extent in most creatures, the notion of an absolute dichotomy between humans (fully capable of reflexivity) and other animals (wholly incapable of reflexivity) becomes untenable. In this case, we can posit a continuum between (roughly) 'here is a feeling that I am' and 'here I know I am'; self-awareness isn't zero-sum but presents in varying degrees and forms.[91] And here we may be premature in denying metacognition to animals altogether, if one considers the significance of the fact that animals are sometimes seen to be uncertain what to do in a situation, which suggests that they are trying to assess their options – a process that would seem to indicate the kind of reflexive 'thinking about thinking' mentioned earlier.[92] And a now very familiar indicator of the upper end of this scale is the Gallup mirror-test, whereby animals such as chimpanzees, elephants and orcas demonstrate that they can recognise themselves in their own reflections (grooming or inspecting themselves), rather than attacking what they perceive as another animal looking back at them, as cats or dogs may do.[93] Remarkably, ants also seem to recognise their own reflections and react similarly (again, by grooming, for example) in the same experimental situation.[94]

Not all will be convinced by this phenomenon alone; but when it is coupled with the fact that language-trained apes or African grey parrots can refer to themselves as the subject of statements concerning their wants, preferences, feelings, and activities[95] - that is, they seem to recognise themselves as discrete, continuing entities - it is difficult to see how the sceptical view of animal self-awareness can be maintained, *at least* with regard to animals at that level of cognitive sophistication. It's also useful to remember that even humans have to learn how to decode mediated images. Indeed, some anthropological studies describe how members of certain remote tribes did not recognise themselves in mirrors, videos, or

[90] Philosophers differ over what constitutes a morally-relevant interest. Some regard sentience as the benchmark; others consider that even without a self-sense, a living being would still have (even if not *taking*) an interest in continued existence and thus still qualify as a morally relevant being.
[91] DeGrazia, *op. cit.,* p.182.
[92] Julia Driver, 'A Humean Account of the Status and Character of Animals' in *The Oxford Handbook of Animal Ethics*, ed. by Tom L. Beauchamp and R. G. Frey (Oxford and New York: Oxford University Press, 2011), p.152.
[93] DeGrazia, *op. cit.,* p.180; see also Carl Safina, *Beyond Words: What Animals Think and Feel* (London and New York: Souvenir Press, 2015), p.276.
[94] Amanda Pachniewska, 'Animals that have Passed the Mirror Test' (Animal Cognition): <http://www.animalcognition.org/2015/04/15/list-of-animals-that-have-passed-the-mirror-test/> Accessed 4 June 2018.
[95] DeGrazia, *op. cit.,* p.180; see also Christine M. Korsgaard, 'Interacting with Animals – a Kantian Account', in *The Oxford Handbook of Animal Ethics*, ed. by Tom L. Beauchamp and R. G. Frey (Oxford and New York: Oxford University Press), p.102.

photographs until researchers helped them to 'match up' their corresponding features.[96]

A related and important capacity which has also been inferred from animal behaviour is what is generally known as a theory of mind (sometimes called 'mind-reading'): the understanding that other beings have perceptions and inner processes like mine (and thoughts like or *unlike* mine)[97] that enable them to observe, register, and act upon what I am doing. This is an advantage in evolutionary terms in that knowing that others might be watching where I have stashed food for the winter means that I can take pre-emptive action to stop them stealing it, for example by pretending to hide it in one place and then hiding it somewhere else later on when no one is looking. This sort of craftiness has been observed in animals such as apes, dolphins and elephants. Crows, which are increasingly credited with primate-like intelligence, also seem to have this ability. In a simple, pragmatic sense, it suggests that certain animals know what thinking is.[98]

The argument from marginal cases:

A familiar line of defence against the notion of personhood as a precondition not just for moral agency but even for a right to life (within the utilitarian view, and value theory, particularly) is the argument from marginal cases, which warrants a brief section of its own here. The argument points to the fact that setting a minimum standard for personhood which effectively excludes all but functionally normal adult humans on grounds of capacity also disqualifies certain incapacitated humans from personhood as well.[99] This category of non-persons would include humans with serious and life-limiting cognitive disabilities, and very young children. This leads to an awkward inconsistency, in that humans in this category currently enjoy the same rights as full persons. To be consistent and fair, both human and non-human 'non-persons' would have to be denied such rights, or both categories would have to be granted such rights.[100] For more on the argument from marginal cases, but with reference to the principle of equality rather than rights, see Peter Singer, *Animal Liberation.*[101]

[96] See, for instance, Frans DeWaal, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals* (Cambridge, Massachusetts and London: Harvard University Press, 1996), pp.66-67.
[97] Safina, *op. cit.,* p.244.
[98] Safina, *ibid.,* pp.244-45.
[99] Pluhar, *op. cit.,* p.124.
[100] *Ibid.,* p.63, p.82.
[101] See Chapter 1 ('All Animals are Equal') in: Peter Singer, *Animal Liberation* (London: Bodley Head, 2015), pp.17-23.

Some have objected to the use of extreme cases in this way on the grounds that such limitations do not undermine the general fact of human superiority over animals;[102] they are in effect, the exception that proves the rule. (And one might also argue that people in this situation do not have *exactly* the same rights in practice as normal persons because their limitations would formally debar them from doing such things as, say, serving on a jury, or running for Presidential office.) However, this comparison rests, I think, on a false characterisation of animals: being an animal is not a disability! They are not impaired or 'failed' humans. Yes, animals are limited in various ways that humans are not (the opposite is also true); but they are able to thrive in the wild without aid, which demands keen senses and flexible intelligence – the ability to learn, remember, anticipate, adapt, plan.[103] On this basis, it is wrong and unfair to place animals on the same footing as seriously disabled humans; and it is even more unfair and unjust to use animals' perceived 'disabilities' as a pretext to exploit them, and indeed to rob them of their lives.[104]

The moral agency argument:

<u>If animals are not persons they don't qualify as moral agents either:</u>

Taking the three main areas outlined above – reason, language, and personhood - we can begin to see how these concepts converge on, and set up the parameters for, moral agency – the threshold requirements for which include (as summarised by Bekoff) flexibility, plasticity, emotional complexity and particular cognitive skills.[105] But while some philosophers have sought to create precise and credible definitions of the criteria and qualifications needed for moral agency, these do not help to determine which particular animals possess these qualities. How do we distinguish in practice between those who are 'moral agents', 'moral patients' and 'moral subjects' – the latter being the preferred term provided by Rowlands (which – as I read it – suggests something between patients and agents)?[106]

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[102] Sapontzis, *op. cit.,* p.141.
[103] Stephen R. L. Clark, *The Nature of the Beast: Are Animals Moral?* (Oxford and New York: Oxford University Press, 1984), p.52.
[104] Evelyn B. Pluhar, *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals* (Durham and London: Duke University Press, 1995), pp.82-83.
[105] Marc Bekoff and Jessica Pierce, *Wild Justice: The Moral Lives of Animals* (Chicago and London: The University of Chicago Press, 2010), p.145.
[106] Mark Rowlands, *Can Animals be Moral?* (Oxford and New York: Oxford University Press, 2012), Chapter 3: 'Moral Agents, Patients and Subjects'. Here I am taking 'patients' to mean those who can receive moral actions from others (but cannot act likewise themselves); 'agents' to mean those able to take full moral responsibility; and 'subjects' to mean those capable of acting morally.

The term 'moral subjects' seems preferable to 'moral agents' as the latter term is problematic in various ways: it leads to an all-or-nothing category, in which a being is either a fully-fledged agent who makes moral decisions that impact on others, or a wholly passive entity subject to the influence and impact of such decisions. Agents, unlike patients, are responsible (entailing praise and blame) for both good and bad deeds. And, as was raised earlier, since animals cannot be culpable, on the basis that they are generally not equipped to make moral judgements, their good is essentially passive in that they cannot work to improve their own moral natures or reform their own societies.[107] They cannot be truly moral beings because they are not trying to fulfil an ideal way of life.[108] And if they are not moral agents, on this view, they fall foul of the mooted 'reciprocity requirement' (which links to the previous discussion of Frey): that is, 'only moral agents are entitled to moral rights'.[109]

Challenges to moral agency as a category:

However, to deal with the foregoing points in order (roughly): the business of defining and determining the currency of categories such as moral agents, moral patients and moral subjects tends to obscure an overarching problem to do with categories in themselves; we are too busy trying to apply them to stop and question whether we should be doing so at all. By accepting these categories, we are in danger of making them real entities, or more real than the living creatures which they are claimed to define. At present we simply do not know enough about the true cognitive capacities and capabilities of various species of animals to be able to say for sure whether they are able to act morally or to understand what morality means, but this has not stood in the way of labels and categories being assigned on the mere assumption that they cannot – giving them, in other words, the *dis*benefit of the doubt.

One could also refer back to the argument from marginal cases as a just response to the specific contention that being a moral agent implies the performance of duties (which then keeps animals out of the equation): again, if some humans are so incapacitated that they cannot perform duties but are still classed as moral agents, then, likewise, it would be inconsistent not to extend this privilege to animals as well,[110] if we still considered moral agency to be a viable category.

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[107] Clark (1984) *op. cit.*, p.107.
[108] S. F. Sapontzis, *Morals, Reason, and Animals* (Philadelphia: Temple University Press, 1987), pp.43-44.
[109] Sapontzis, *ibid.,* p.139; and Michael Tooley, 'Are Nonhuman Animals Persons?' in *The Oxford Handbook of Animal Ethics*, ed. by Tom L. Beauchamp and R. G. Frey (Oxford and New York: Oxford University Press, 2011), p.351.
[110] Sapontzis, *op. cit.*, p.139, p.141.

However, there is no reason why full moral *agency* should be required for one to be recognised as a moral being[111] – other qualities such as compassion and loyalty can be more important.[112] A capacity for moral scrutiny doesn't guarantee perfect moral decisions. And it's not always about reason. Emotions and 'instinct' are important factors too,[113]as will be discussed further on.

This is not to say that terms such as 'agents', 'patients' and 'subjects' are meaningless, but that we do not know for sure whether such categories can be applied to animals in any meaningful way, and for this reason it is arbitrary to apply them as we have seen in much of the literature. The term 'moral agent' lends a spurious accreditation where it is applied, as though it were describing a lifetime status (or vocation) when, really, it merely describes what we think a person (or other being) *may* be capable of doing in certain situations. For instance, I might hang wallpaper and paint the doors at home, but I would not then call myself a painter and decorator, even if I did these jobs to a professional standard. And in a similar way, I might deal with some moral issue or other today, but this is no indicator of what I will or will not do (or be able to do) on other occasions, or even whether I will *ever* perform another morally significant act. So what I would want to suggest is that I would only be moral in the course of acting in a moral way, and could only be judged on that basis; at all other times I could only be described as a *potentially* moral being.

This may sound like hair-splitting, but I think that the attributive use of moral 'agents', 'patients', 'subjects', and so on, as they are at present, is problematic. Probably the most unhelpful aspect of the moral agency account is that it keeps the focus on the agent, rather than facts relating to the apparently virtuous act.[114] But what makes the doer more important than the deed? What is it about the imputed deficiencies, proficiencies or potential of the individual(s) involved that determines what act has taken place? Admittedly, humans can have ulterior motives for performing good acts, but it is arguable that the act itself is still good;[115]however, instances of animals' behaviour that emulate the actions of a virtuous person should, I believe, be considered as virtuous actions in a *de facto* sense unless and until we have certain knowledge to the contrary. We would then observe that this or that animal did a good or a kind thing, in the same sense as we might say that

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[111] Paul Shapiro, 'Moral Agency in Other Animals', Theoretical Medicine and Bioethics, 27 (2006), 357-373 (p.370). Also see footnote 90 on page 23.
[112] Shapiro, *ibid.,* p.370.
[113] Bekoff and Pierce, *op. cit.,* pp.31-32.
[114] Sapontzis, *op. cit.,* p.14.
[115] Some would dispute this. Rosalind Hursthouse, for example, discusses the 'good Nazi' argument (whether a virtuous act by a person dedicated to some evil cause would be negated by the character of the doer). Rosalind Hursthouse, *On Virtue Ethics* (Oxford: Oxford University Press, 1999), pp.180-81.

this or that person painted the front door of the house across the road. We would not normally insist on knowing whether the door-painter was (a) a fully qualified professional decorator, and (b) what their motives were, before agreeing that the door had indeed been painted.[116]

The somewhat simplified outline of the moral agency requirement given above contains all the elements of what we could call an 'exclusivity trap': that is, to identify a given property or entitlement, and then produce various explanations as to why only certain parties can have those properties, entitlements or abilities.[117] On this view, the moral agency requirement is itself a product of unproven assumptions and anthropocentric bias.[118] As Darwin succinctly phrased it, 'Animals, whom we have made our slaves, we do not like to consider our equals'.[119]

This is not to say that prejudice is the only reason for denying moral agency to animals, but it does indicate something of the attitudes behind the idea that it is self-evidently absurd to include animals within the scope of moral agency. And one can also see how problematic it would be (for humans) if this kind of scepticism were to be discredited altogether. For, if animals *do* have desires, beliefs and intentions that explain their actions (as is suggested by study of language trained apes at the very least), one can argue for them as moral beings. And on that basis, we could no longer deny them their moral rights. As DeGrazia says, '…extending equal consideration to animals would be highly revisionist, tearing much of the fabric of popular and moral thought'.[120]

What seems to be required here, if we are to discuss the capacities of human and nonhuman animals on a more level playing field, is some kind of common denominator; and for this we will now need to turn to the role of evolutionary theory.

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[116] This is an admittedly limited analogy: there are times when we could not afford to take the risk, for example in the case of a heart surgeon or a gas-fitter. (The work was carried out, but was it done competently?)

[117] Sapontzis, *op. cit.,* p.139.

[118] David DeGrazia, *Taking Animals Seriously: Mental Life and Moral Status* (Cambridge, New York, and Melbourne: Cambridge University Press, 1996), p.72; and Michael Bradie, 'The Moral Life of Animals' in *The Oxford Handbook of Animal Ethics*, ed. by Tom L. Beauchamp and R. G. Frey (Oxford and New York: Oxford University Press, 2011), p.568.

[119] Charles Darwin (Letters) quoted in *The Extended Circle: An Anthology of Humane Thought*, ed. by Jon Wynne-Tyson (Sphere Books, 1990), p.100.

[120] DeGrazia, *op. cit.,* p.72.

Neurology/physical evolution:

The kinds of field-based observations and narratives regarding animal behaviour outlined in various places in this essay are not only interesting in themselves, but also highly significant in the way that they seem to be in line with indications from research into animals as evolving organisms at the cellular and genetic levels. As biological beings, we share with other animals an astonishing range of common features and functions. As well as the underlying functional similarities ('evolutionary universals') between human anatomy and other animals - for example, the arrangement of limbs, the configuration of bones in hands, wings and flippers, the circulation of blood, the main organs of sense (including the ability to feel pain), the mechanisms of oxygenation, digestion and reproduction, and so on - we also find that the basic neurophysiological functions are very similar (in virtually all multicellular animals).[121]

There are also remarkable similarities in cognitive functioning between humans and other species (even allowing for different degrees of sophistication). It appears that cognitive evolution does not reinvent the wheel, and 'works with rather than replaces the ancient emotional infrastructure'.[122] Thus, the human brain is a product of evolution – larger and more complex but essentially similar to nervous systems of other mammals:[123] a fact that can be pressed further still in the light of Paul MacLean's theory of 'the triune brain', which holds that the human brain comprises more primitive structures known as the reptilian brain, the old mammalian brain, and the new mammalian brain (the basal ganglia, limbic system and neocortex, respectively), which he also associates with the sense of self.[124] Of particular interest here is the discovery of 'mirror' and 'spindle' neurons in the brain – features which, again, are common to humans and various other kinds of animals – and which some believe are associated with social emotions such as sympathy and empathy.[125] In the light of such similarities in neurological make-up across species, as Bekoff notes, 'it is likely that a suite of social behaviours has co-

[121] Mary Midgley, *Animals and Why they Matter* (Athens, Georgia: The University of Georgia Press, 1998), p.140; see also Jeffrey Masson, *The Pig Who Sang to the Moon: the Emotional World of Farm Animals* (London: Jonathan Cape, 2004), p.106.
[122] Frans DeWaal, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals* (Cambridge, Massachusetts and London: Harvard University Press, 1996), p.78.
[123] *Ibid.,* p.218.
[124] Bradie, in Beauchamp and Frey, *op. cit.,* p.554.
[125] Marc Bekoff and Jessica Pierce, *Wild Justice: The Moral Lives of Animals* (Chicago and London: The University of Chicago Press, 2010), p.100.

evolved in social mammals';[126] and even the essential Christian virtue of forgiveness, it has been contended, is also a complex biological adaptation.[127]

While these discoveries by themselves are not (and do not claim to provide) proof of cognitive or moral parity between humans and other animals, they are relevant in a number of ways, and help to rebut some of the stronger claims made by apologists for anthropocentricism, such as the idea that only humans can feel pain, grief, empathy, love or loss – a position given short shrift by Voltaire in his critique of Descartes, when he asked, rhetorically, 'are animals fully equipped to feel so that they may not feel?'[128] It is also helpful in that it provides a theoretical underpinning for direct comparisons between humans' and other animals' inner workings in the form of the 'inductive analogy to other minds in relation to biologically similar beings'.[129] We have, in other words, a reasonable basis upon which to believe that similar behaviours (between humans and animals) are likely to arise from similar states and perceptions, including some kind of moral or ethical sense.

The empirical view: evolutionary biology, sociobiology and cognitive ethology:

We should not forget along the way that the case for animal morality hasn't just appeared out of nowhere: the proposition exists because, now that we have the technology to study animals more closely and exhaustively than ever before it is increasingly apparent that they can act in ways that, if duplicated by humans, would be considered eminently decent, tolerant, good and fair, at least for most of the time (although, of course, we should not airbrush out their bad behaviour[130]). Indeed, they often seem to demonstrate what we would call noble characteristics such as devotion, courage and self-sacrifice[131] in the course of what Shapiro refers to as paradigmatic instances of moral behaviour.[132] In simple terms, their actions seem to indicate beings who actually *care* about one another. And, in DeWaal's view, '[this] capacity to care for others is the bedrock of [our] moral systems'.[133]

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[126] Bekoff and Pierce, *ibid.*, p.107.

[127] According to the evolutionary biologist, David Sloan Wilson. Quoted in Bekoff and Pierce, *ibid.,* p.126.

[128] Quoted in (*inter alia*) Midgley, *op. cit.,* p.140. See also footnote 39 on page 13 of this essay.

[129] Pluhar, *op. cit.,* p.13.

[130] This can include bullying, stealing food, eggs, and even kill their own or others' young. Rats, who are kind towards others in their group may tear strangers from other packs to pieces. Stephen R. L. Clark, *The Nature of the Beast: Are Animals Moral?* (Oxford and New York: Oxford University Press, 1984), p.61.

[131] Sapontzis, *op. cit.,* p.217.

[132] Paul Shapiro, 'Moral Agency in Other Animals', Theoretical Medicine and Bioethics, 27 (2006), 357-373 (p.360).

[133] DeWaal (1996), *op. cit.,* p.88.

There have been a number of ground-breaking field observations of wild animals, going back to the pioneering work of scientists such as Jane Goodall, which have now grown into a new genre of scientific accounts and engrossing narratives that reveal the day-to-day personal lives, dramas and traumas of animals in ways that continue to surprise and amaze us.[134] Nowadays, a wealth of long term and immersive studies of animal social groups and relationships between animals such as great apes, dolphins, wolves, elephants and wolves, among others confounds the 'mindless automatons' view and force us to review all that we thought we knew about such species in the past.

What should surprise us, perhaps, is that we are so surprised about such revelations. In the mid nineteenth century, Darwin considered from his own observations that higher animals have emotions and cognitive abilities akin to our own, but different only in degree and complexity.[135]And in line with this, he thought of morality in humans as an extension of basic social instincts (such as sympathy) and behaviour refined by intelligence.[136]

The evolution of animals' moral behaviour in relation to communities:

Within evolutionary theory, then, morality is closely related to social ties and interrelationships among both humans and other animals; it is necessary and functional in keeping social groups together and flourishing. There is good evidence for this in relation to social mammals such as the great apes (chimpanzees, for example, take 'sides' in arguments and try to intervene and stop them)[137] and orcas, but is not necessarily restricted to them. In Darwin's schema, such abilities are graduated between species in the form of evolutionary continuity, which accords very well with the wider theory of evolution: the progressive continuation of various beneficial traits from species to species – rather than clear-cut distinctions or 'stepped' categories.[138] And if this is indeed how nature works, then even just this one phenomenon should at least make us very cautious in applying definitive categories to animal species on the basis of outdated and unsound assumptions concerning their perceived cognitive abilities.

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[134] B. A. Dixon, *Animals, Emotion, and Morality: Marking the Boundary* (New York: Prometheus Books, 2008), pp.203-21. Dixon considers that these 'stories' (her term) are useful and valid, but considers that care is needed in their interpretation.
[135] Charles Darwin, *The Descent of Man*, referenced in Dixon, *ibid.,* pp.93-95.
[136] Charles Darwin, referenced in James Rachels, *Created from Animals: the Moral Implications of Darwinism* (Oxford: Oxford University Press, 1990), pp.158-60.
[137] DeGrazia, *op. cit.,* pp.200-203.
[138] Shapiro, *op. cit.,* p.359.

Various other commentators have homed in on the importance of community here, arguing that the evolution of moral behaviour is tied to the evolution of society – and by extension, 'social complexity is a marker for moral complexity',[139]while social inclusion is essential to human morality.[140] And, importantly, this appears to present itself in a consistent, ordered fashion within given social groups of mammals (and possibly others). Creatures living in close social groups, particularly primates, seem to live by shared, unspoken codes of conduct based on fairness and unfairness, which are approved and punished by, for example, being ostracised, ignored or rebuked, as chimps are when they have refused to share food in the past but now want to claim a share themselves.[141] At the same time, however, it is important to acknowledge that (according to some sources) over ninety per cent of interactions among primates are friendly rather than violent or aggressive.[142]

Reciprocal altruism:

This kind of phenomenon among social animals has been characterised as altruistic or prosocial behaviour.[143] It has to be noted, however, that biologists are here using altruism in the special sense of other-directed behaviour that ultimately benefits the whole group,[144] and is not necessarily the same as the kind of selfless moral actions that we tend to associate with the human equivalent. At the same time, however, researchers speak in literal terms about social animals displaying empathy or reciprocal altruism to one another, certainly among primates. Chimpanzees, for example, do favours for one another and expect fair play in return – and get very upset when this does not happen.[145]

There is also increasing scientific evidence that various other animals have a similar capacity for empathy and helping behaviour or altruism.[146] One of the examples that Darwin used to illustrate this was that of crows feeding their old or blind companions.[147] Similar acts of kindness have also been observed at various times among other social animals. Among other examples, Bekoff refers to 'The Case of the Midwife Bat' (documented in The Journal of Zoology), in which an apparently

[139] Marc Bekoff and Jessica Pierce, *Wild Justice: The Moral Lives of Animals* (Chicago and London: The University of Chicago Press, 2010), xiii.
[140] DeWaal (1996), *op. cit.,* p.10.
[141] Bekoff and Pierce, *op. cit.,* pp.5-7 and DeWaal (1996), *ibid.,* p.160.
[142] Bekoff and Pierce, *op. cit.,* p.4.
[143] DeWaal (1996), *op. cit.,* p.12.
[144] Clark (1984), *op. cit.,* p.56. See also Bekoff and Pierce, *op. cit.,* p.60.
[145] David DeGrazia, *Taking Animals Seriously: Mental Life and Moral Status* (Cambridge, New York, and Melbourne: Cambridge University Press, 1996), pp.200-203.
[146] Bekoff and Pierce, *op. cit.,* p.86. See also Jeffrey Masson and Susan McCarthy, *When Elephants Weep: The Emotional Lives of Animals* (London: Vintage, 1996), p.101.
[147] Rachels, *op. cit.,* pp.148-49; Bekoff and Pierce, *op. cit.,* p. 95.

inexperienced pregnant bat was assisted by one of her roof-mates to give birth to her young. [148] Bekoff also notes that 'even rodents' demonstrate empathy – inferred from experiments in which mice not only become distressed when seeing a cage-mate suffering pain, but also become more sensitive to pain themselves.[149] The mice also seem to *act* as though they have empathy for one another when they are distressed in some way.[150] Rats, likewise, help out their ailing and weaker brethren, and even assist strangers (if they have themselves been helped in the past) – a form of behaviour once thought to be uniquely human.[151] In some cases such behaviour goes beyond kindness to self-denial or even self-endangerment. Rats in experiments chose to release other rats imprisoned in a tube, suspended in a harness, locked in a water-filled compartment, or otherwise endangered or distressed, rather than press a lever to deliver a treat for themselves.[152] Rhesus monkeys in laboratory experiments refused to press a food-delivery lever for many days, risking starvation, after realising that this gave electric shocks to other monkeys (in re-runs of the controversial Stanley Milgram 'obedience to authority' experiments using rather more compliant humans).[153]

And, for Bekoff, if animals *do* have this capacity for empathy, this raises 'the significant possibility that they have in place the cornerstone of what in human society we know as morality'.[154] And it seems that the kind of altruism illustrated above can cross the species divide, for instance in situations where dolphins apparently rescue human swimmers who are in trouble,[155]or the case related by Safina concerning a group of elephants who, upon discovering a woman stranded overnight in the bush, collected heavy branches to create a sort of shelter for her, thus protecting her from other wild animals.[156] Such behaviour is hardly beneficial to the elephants, and it is hard to explain it without defaulting to empathy and altruism, or indeed simple kindness.

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[148] Referenced in Bekoff and Pierce, *op. cit.,* p.136.
[149] *Ibid.,* p.86.
[150] *Ibid.,* pp.85-86.
[151] Known as 'generalised reciprocity'. Bekoff and Pierce, *ibid.,* p.21, p.55 and p.75.
[152] Referenced in various sources. See Evelyn B. Pluhar, *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals* (Durham and London: Duke University Press, 1995), p.56. See also, 'Do Rats Have Empathy for Each Other?', by Amanda Pachniewska (Animal Cognition): <http://www.animalcognition.org/2015/06/16/rat-empathy/> Accessed 4 June 2018.
[153] Referenced in various sources. Pluhar, *op. cit.,* p.56. Also see, for example, Joan Dunayer, *Speciesism* (Derwood, Maryland: Ryce Publishing, 2004), pp.26-30.
[154] Bekoff and Pierce, *op. cit.,* p.87.
[155] David DeGrazia, *Taking Animals Seriously: Mental Life and Moral Status* (Cambridge, New York, and Melbourne: Cambridge University Press, 1996), p.201.
[156] Carl Safina, *Beyond Words: What Animals Think and Feel* (London and New York: Souvenir Press, 2015), p.61.

Reciprocal altruism (described as 'a complex mechanism based on the remembrance of favours given and received') allows co-operation to extend beyond immediate kin and out to the whole of one's social group.[157] And this multilateral form of altruism or 'favour bargaining' is what (according to DeWaal) eventually evolved into the Golden Rule – the ancient idea that we should treat others as we would wish to be treated ourselves.[158]

While evolutionary biologists consider that biological altruism is genetically underpinned, and benefits the social group overall, this could in theory work against the 'survival of the fittest' principle. A genetic disposition towards self-sacrifice could, conceivably, weed-out the strong (those able to help) and encourage the weak (those needing help).[159] As far as we know, this has not happened, as reciprocal altruism has not died out. Possibly it means that more members of the group survive overall, regardless of their individual fitness to live (according to value theory criteria). So, as this view seems to imply, it might be that the prosocial value of altruism consists in incidental, side-benefits arising from some other motive for acts of kindness within social groups. One might say that virtue really is its own reward, even among nonhumans; where we look for biological or ulterior motives for acts of kindness we may be missing the simple possibility that other animals express kindness because (to repeat the point) they really do care about one another.

To shift perspective slightly, we can enjoy a privileged view of animal morality through the observation of animals at play in their natural state. Here it is possible to identify 'rules of play' in behaviour patterns in animals that seem to be based on role-reversal or neutrality, restraint, fairness/unfairness, and approval/disapproval by others.[160] Such rule-governed frolicking has been observed in the wild in various animals such as chimpanzees and bonobos, as well as wolves and hyenas.[161] They can modify their behaviour according to context and engage in spontaneous role-play, which suggests they have both self-awareness and self-control.[162] If they did not, it is hard to see how mature animals could rein in their normal adult behaviour in this way so as to avoid injuring or killing juveniles or their younger siblings. To do

[157] Frans DeWaal, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals* (Cambridge, Massachusetts and London: Harvard University Press, 1996), p.24 and p.135.
[158] *Ibid.,* p.135.
[159] Stephen R. L. Clark, *The Nature of the Beast: Are Animals Moral?* (Oxford and New York: Oxford University Press, 1984), pp.57-60.
[160] Marc Bekoff and Jessica Pierce, *Wild Justice: The Moral Lives of Animals* (Chicago and London: The University of Chicago Press, 2010), pp.116-121; p.127.
[161] For various descriptions see, for example, Safina, *op. cit.*
[162] A French zoological study discovered that calves had a 'secret sign' (a special call coupled with a special run) that signalled to other calves that playtime was about to start. Jeffrey Masson, *The Pig who Sang to the Moon: the Emotional World of Farm Animals* (London: Jonathan Cape, 2004), p.147.

this, they need to be able to stand back from their normal viewpoint and *become objectively aware of what they are doing* before they can adopt a role in the game ('look, I'm being a puppy like you', in effect). And while they are playing, they also need to remain aware that 'I am the one who is now pretending to be somebody else', before they can resume their normal state or identity afterwards ('I am now back to the "me" that I normally am').

Of course one cannot be sure what kind of thought processes are involved, but it is hard to see how this behaviour could occur automatically, or in the absence of some kind of self-consciousness. That it happens at all is highly significant, I think, and runs counter to the notion that other animals do not or cannot stand back and check or change their behaviour when necessary. Indeed, play has been characterised as a window into animal morality[163] – showing us how animals know, and adapt to, what is required in this interactive situation rather than that one. And if this is the case, it lends some support to the view that at least some animals are capable of self-reflexivity, and through that, socially adjusted and ethically meaningful behaviour.

Animals' emotional lives – relevance to moral behaviour:

While we can, hopefully, accept that biological altruism pays dividends in the long-term good of the social group overall (animals don't routinely kill one another over scraps of food, or out of spite, for example), there is some difficulty in explaining their motive. What it is that makes them behave altruistically as individuals? What do they get out of it? How does this impulse present itself to them in their inner psychological world?

Earlier on, we noted that sceptics maintain that animals lack the cognitive power required to work out a sound moral action on a rational, intentional footing. This may or may not be true, but if we concede the point, then we need to look for some other explanation. And the next-best candidate here seems to be emotion – a drive which we normally do not, or cannot, reason with or against. There are good reasons for attributing emotion to other animals: not only do they present displays and behaviours that also characterise human emotions, but they also undergo measurable psychophysical changes such as increased heart-rate, pupil dilation, hormonal changes, and so on, which are similar to the indicators of emotional states and feelings in human beings. There seems to be no good scientific reason for denying this similarity,[164] and indeed we should now be placing

[163] Bekoff and Pierce, *op. cit.,* p.116.
[164] Although some scientists continue to deny it. Jeffrey Masson and Susan McCarthy, *When Elephants Weep: The Emotional Lives of Animals* (London: Vintage, 1996), pp.32-33 and pp.58-59.

the onus firmly on sceptics to prove that these impulses are anything other than what they appear to be.

The implication of emotions as drivers of moral actions fits in well with the evolutionary equipage of other animals and supports the idea of morality being somehow 'hardwired' into the brain and giving rise to certain concomitant physical processes; indeed, the empathy response may sometimes be involuntary, depending on the situation.[165] However, this is a two-edged sword: on one side, it is helpful to our case, in that it strongly implies that if emotions drive morality in animals – in the form of, say, an innate sense of concern for others - this could enable us to sever the tendrils from the arguments from reason, language, personhood, and moral agency discussed earlier. Before considering (near the end of this section) the 'downside' of this, however, it is worth looking at a few examples of how animals express apparent other-related emotional states that might have some kind of moral component or significance.

A good proportion of the available research has tended to focus on the great apes – understandably because of their biological proximity to *Homo sapiens*, and also, perhaps, because they are often extremely vocal in their self-expression. We know that chimpanzees show sensitivity to distress or pain in other chimps, including situations where an individual has been the cause of that upset; while they are not shy in showing their displeasure, they can be also be remarkably solicitous in their apologies[166]and very demonstrative in kissing (literally) and making up afterwards[167] – behaviour which almost irresistibly steers one in the direction of describing it as forgiveness.[168]

There are recorded instances of chimpanzees and other apes grieving and shedding tears over dead members of their colonies, and being upset at seeing dead bodies, including those of other species. (Koko, the gorilla had a pet cat and was visibly upset when it died.)[169] Similar distress and mourning behaviour has also been observed in other species, such as elephants, whales, wolves, and domestic cows that have been allowed to live in natural herds or sanctuaries.[170] Again, one wants to ask, what evolutionary point would there be in animals 'acting out' in this way

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[165] Bekoff and Pierce, *op. cit.,* pp.31-32.

[166] Masson and McCarthy discuss this in relation to Koko the gorilla and Alex the parrot. Masson and McCarthy, *op. cit.,* pp.34-35.

[167] DeWaal (1996), *op. cit.,* p.164.

[168] Anecdotal material involving pigs rescued from slaughter suggests that this term is wholly appropriate for their ability to trust humans again. Masson (2004), *op. cit.,* p.48.

[169] Paul Shapiro, 'Moral Agency in Other Animals', Theoretical Medicine and Bioethics, 27 (2006), 357-373 (p.369). See also DeWaal (1996), *op. cit.,* pp.53-62.

[170] See for example, Masson (2009), *op. cit.,* p.145; and Joan Dunayer, *Animal Equality* (Derwood, Maryland: Ryce Publishing, 2001), pp.32-33.

(or hiding away to grieve quietly alone), perhaps refusing food, or pining away for a lost mate, if there were no underlying emotions driving such behaviour?

Of course, animal emotion is not all positive, and it is not unknown for animals to be angry or hostile to one another, but these are not necessarily random temper tantrums: displaying anger derives in part from the belief that one has been wronged in some way – which suggests that there is, at least among some animal groups, a strong notion of what is right and fair,[171] and what one is entitled to expect from others.[172] Perhaps most significantly, though, are DeWaal's observations and recordings of chimpanzees apparently becoming agitated and angry during experiments when they witnessed *other* chimps being cheated out of their own food rewards – a phenomenon that DeWaal refers to as 'inequity aversion'.[173]

There is, however, a much darker side to emotional behaviour, which forms the theory behind the 'Demonic Males' account by Wrangham and Peterson,[174] and which overlaps with territory previously explored by the Austrian zoologist Konrad Lorenz. The thesis here is that male chimpanzees (alone among all nonhuman species) display the precursors of the worst traits of male humans in the form of extreme aggression and organised, gratuitous gang violence, with numerous chimp-on-chimp killings (murder, in human terms) being documented in the wild. Chimps have also been observed abusing and attacking other chimps from their own colonies who have evident disabilities, and they are also now infamous for their habit of hunting down and eating small monkeys alive despite the fact that, while they are omnivores, they are not obligate carnivores – they do not have to do this to survive.[175]

Rowlands cites a particularly gruesome and upsetting account of a chimpanzee cradling a stolen baby baboon in her arms as she eats it alive, responding to the creature's struggling and screams of pain by hugging it as though nursing an infant

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[171] Masson and McCarthy, *op. cit.,* pp.204-205.

[172] Food-sharing became more important with the shift from hunter-gathering to farming – the use of surplus resources as 'property'. DeWaal (1996), *op. cit.,* p.137.

[173] Frans DeWaal, *Primates and Philosophers: How Morality Evolved*, ed. by Stephen Macedo and Josiah Ober (Princeton and Oxford: Princeton University Press, 2006), pp.44-49.

[174] Richard Wrangham and Dale Peterson, *Demonic Males: Apes and the Origins of Human Violence* (New York: Houghton Mifflin, 1996).

[175] This is a controversial point, however. For two contrasting accounts, see: Dr Craig B. Stanford, 'The Predatory Behaviour and Ecology of Wild Chimpanzees', The University of Southern California: <http://www-bcf.usc.edu/%7Estanford/chimphunt.html> Accessed 4 June 2014; and Rob Dunn, 'Human Ancestors Were Nearly All Vegetarians', Scientific American, July 23, 2012: <https://blogs.scientificamerican.com/guest-blog/human-ancestors-were-nearly-all-vegetarians/> Accessed 4 June 2018.

of her own.[176]Given the physical similarity of the two species it's hard to know how to square this apparently gratuitous cruelty[177]with the prevailing portrayal of chimps as highly intelligent, sensitive, empathetic, aware and even ethical creatures who are close enough to humans to have been considered recently for reclassification into the genus *Homo*. The attribution of higher abilities to them seems to make the position even worse, in that it seems to point unavoidably to the uneasy conjunction of full awareness of what such an action involves, and the lack, or suspension of, the most basic form of compassion.[178]

This certainly complicates matters, in that chimpanzees are probably the best candidates we have for honorary moral agents, on the basis of their good behaviour in general, but they also happen to be the only species apart from humans that deliberately kill their own species. This is not to say that various animals do not display violence related to dominance and territory,[179]although it appears that deliberate cruelty or torture is exclusively hominidal behaviour and is rarely seen elsewhere in the animal kingdom.[180] On the latter basis, however, we would have some grounds for saying that chimpanzees know what is right and wrong (for them), but on some occasions they behave in ways that suggest otherwise; they seem to have a kind of moral sense in many respects, but it's not clear that they are consistently virtuous beings. Indeed, Paul Shapiro suggests that chimpanzees' violent and murderous 'gang-attacks' could be considered morally blameworthy[181]– an unusually radical view, but one that does seem to fit the available evidence. If they are, as they appear to be, sensitive to unfairness and injury from others, and upset by the dead bodies of other chimps, it is difficult to understand how they can then resort so readily to lethal violence themselves. However, what we should not lose sight of here is that animals are not programmed robots – they can vary in their individual moral capacity just as we can: if they can be moral, they can be immoral too.[182]

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[176] Mark Rowlands, *Can Animals be Moral?* (Oxford and New York: Oxford University Press, 2012), p.18. Also referenced in Stephen R. L. Clark, *The Nature of the Beast: Are Animals Moral?* (Oxford and New York: Oxford University Press, 1984), pp.34-35.

[177] However, arguably, this is no worse than the kinds of extreme cruelty (skinning, dismembering, eviscerating or boiling alive, for example) dealt out to animals in slaughterhouses.

[178] Frans DeWaal, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals* (Cambridge, Massachusetts and London: Harvard University Press, 1996), p.84.

[179] Masson and McCarthy provide various examples of battles between groups of various animals, and occasional cases of rape among dolphins. Jeffrey Masson and Susan McCarthy, *When Elephants Weep: The Emotional Lives of Animals* (London: Vintage, 1996), pp.54-55.

[180] Marc Bekoff and Jessica Pierce, *Wild Justice: The Moral Lives of Animals* (Chicago and London: The University of Chicago Press, 2010), pp.17-18; and Masson and McCarthy, *ibid.,* p.54.

[181] Paul Shapiro, 'Moral Agency in Other Animals', Theoretical Medicine and Bioethics, 27 (2006), 357-373 (p.366).

[182] Bekoff and Pierce, *op. cit.,* pp.16-18. One example is the case of Lobo the 'serial killer' wolf, who apparently went around killing sheep randomly and apparently just for the sake of it – far more than

The few examples given above are offered to illustrate the kinds of emotions that some animals seem to demonstrate in various moral contexts. However, going back to the two-edged sword raised earlier (regarding the implications of emotion as a driver of morality), it is difficult to assess the exact significance of any kind of emotion from the outside. And here, Dixon distinguishes between 'thick' and 'thin' notions of virtuous behaviour – which refer to the substantive *content* of the motivational state - arguing that animals only show the 'thin' sort.[183] It isn't enough, she argues, just to identify similar emotional behaviours in animals and humans; we need to know their motivations.[184] We need to identify a direct link between emotion and things that are *valued,* if those emotions are to be morally significant. As she puts it, 'Our alleged emotional kinship with animals depends on a conception of the emotions that is value-laden', by which she means 'emotional states that are conceptually connected to morality'.[185]

In some respects, Dixon takes a view similar to Hume's, in that she grants that animals have 'simple emotions' such as sympathy, but do not have a developed capacity for higher moral reasoning, which leads her to compare animals with children.[186] And strictly speaking, it is true – we can't prove that animals are being moral (or even understand morality) on the basis of how they act. And one can see this as a particularly difficult version of the 'other minds' problem; as Dixon notes (with reference to Martha Nussbaum), to attribute emotions even to other *human beings* is to go beyond the evidence[187]– which suggests we are going still further adrift when we attribute them to other animals.

In terms of formal argumentation this may be true, but it relies on the 'disbenefit of the doubt' card again: it undermines an evidentially sound but not watertight position by making that small uncertainty appear more decisive than the evidence used to support that position – and without offering an equally valid alternative explanation for that evidence. While the inductive analogy to other minds of biologically similar type[188] is not proof, it at least offers a measure of explanation which is not counterbalanced by the sceptical view. (A similar kind of argument is sometimes used in relation to animal pain: as there is abundant empirical evidence that other animals feel and respond to pain,[189] the sceptical fall-back position is that their pain is somehow less significant than our pain, because they are not

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he or his family could eat. See: B. A. Dixon, *Animals, Emotion, and Morality: Marking the Boundary* (New York: Prometheus Books, 2008), p.44.

[183] Dixon, *ibid.,* p.68 and p.85.

[184] *Ibid.,* p.134.

[185] *Ibid.,* p.13; pp.16-17; p.22-23; p.134.

[186] *Ibid.,* p.153; p.190.

[187] *Ibid.,* p.215.

[188] Evelyn B. Pluhar, *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals* (Durham and London: Duke University Press, 1995), p.13.

[189] Masson and McCarthy, *op. cit.,* pp.42-43.

really 'like us'. The implication of this is only thinly disguised: if their pain does not matter, we may continue to inflict it upon them.) The most sensible and fair approach (if we are to be consistent and to avoid speciesism[190]) is therefore, I think, provided by Masson and McCarthy when they argue that the standard for defining emotion and proving that animals feel particular emotions should be the same for animals and human beings.[191]

Can animals at least be virtuous?

The problem of self-scrutiny:

At the outset of this essay, we noted the distinction between morality and ethics, together with the suggestion that some animals seem to behave ethically, as a good or virtuous person would (rather than according to a set moral code or system). It's worth exploring this possibility a little more to see whether this provides a better idea of what makes them act for good as individuals.

Initially, virtue ethics (literally, 'manly habits') doesn't look very promising: one of its key tenets is that virtue has to be consciously acquired and practised as a thing in itself, to develop one's character and judgement of situations, and to achieve the status of a good and virtuous person.[192] This requirement seems to disqualify animals from the start; and indeed, for Aristotle, animals cannot be truly virtuous because (a) they cannot exercise deliberate choice and (b) they could not know if or when they were achieving this condition.[193] This, once again, is part of the wider problem of the reflexivity (self-scrutiny) requirement, which seems to dog our every step – humans have it but animals, it is argued, do not, so they are unable to reflect on their own behaviour (the capacity of conscience), make properly ethical choices, or evaluate and control their own moral behaviour.[194]

Challenges:

At the same time, however, Aristotle's system recognises the existence of 'natural virtue', a kind of innate but naïve sense of good which provides the seed of *moral*

[190] Peter Singer defines speciesism as, '…a prejudice or attitude of bias in favour of the interests of one's own species and against those of members of other species'. Peter Singer, *Animal Liberation* (London: Bodley Head, 2015), p.6.
[191] Masson and McCarthy, *op. cit.,* p.37.
[192] Rowlands, *op. cit.,* pp.102-104.
[193] Aristotle, *The Ethics of Aristotle: The Nicomachean Ethics Translated*, ed. by J. A. K. Thompson (Penguin Books, 1953), p.61 and p.83. See also Dixon, *op. cit.,* pp.70-74.
[194] Rowlands, *op. cit.*, p.214.

virtue, which must be nurtured and exercised over time, like any other skill, until the individual attains their fully virtuous character in adult life.[195]

Another relevant aspect of virtue ethics is the reciprocal nature of virtue within Aristotle's system: the understanding that a person's own moral development includes knowing what one is entitled to expect from others in the community. While this of course concerns human beings, one can draw certain parallels between virtuous reciprocity in early human societies and reciprocal altruism cited earlier in relation to social animals. And what this suggests, I think, is that at least some of the perceived differences between animals and humans as moral beings relate to the enormous changes in human social organisation and scale, which have tended to distance humans increasingly from the natural world and organic communities.[196] Indeed, this can be considered in relation to human 'alienation' in modern times.[197] I will touch on this subject a little more towards the end of the essay.

While it would be an overstatement to describe animals as virtuous in the full (Aristotelian) sense, this does not detract from their apparent ability to distinguish between good-making and bad-making situations, and how to perform good acts, within their limitations. This apparent 'knowing' displayed by certain animals also bears comparison to the concept of *phronesis* (roughly, 'practical wisdom'), which Aristotle highlights as a key ability of a fully virtuous person – to demonstrate sound, practical judgement in whatever situations present themselves. While one could reasonably define *phronesis* as something like common sense or sound judgement, I don't think it necessarily rules out more subtle qualities such as *nous*, experience, intuition, sensitivity, or even instinct, which are not easy to quantify.[198]

This becomes particularly relevant if we consider that many (or, possibly, most) ordinary human moral decisions or acts are based not on cold analytical reasoning but on some kind of over-riding emotion or gut-feeling that is almost like a form of perception in itself ('I just felt it was the right thing to do'; or 'I just couldn't do X – I'd have felt too ashamed'). And in that respect we may be similar to animals; we don't (or can't) always give reasons for acting (although we may reverse-engineer

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[195] Aristotle, *op. cit.,* pp.55-56; Rowlands, *op. cit.,* pp.102-104; pp.118-19; p.139.

[196] Rowlands argues, too, that normativity is embedded in and a property of communities – a particular practice. (However, he does not consider that animals belong to a practice.) Rowlands, *ibid.,* p.190.

[197] MacIntyre presents this argument in 'After Virtue': and arguably, one could compare natural animal communities and early heroic societies: both are optimum sizes for the flourishing and promotion of virtue. See: Alasdair MacIntyre, *After Virtue: a Study in Moral Theory*, 2nd Edition (Duckworth, 1985).

[198] Or 'sensitivity to the situation'. See John McDowell, 'Virtue and Reason', in Roger Crisp and Michael Slote, eds., *Virtue Ethics* (Oxford University Press, 1997), pp.141-43.

them afterwards in the form of *post hoc* rationalisation).[199] Sometimes, in the heat of the moment, we may well act 'on instinct'; but this need not be unintelligent or irrational, and may in fact result in the right moral judgement call.[200] Indeed, practical intelligence in both humans and animals may be largely instinctual.[201]

Again, this not to claim that animals must be *bona fide* virtuous agents on this basis, but to argue that the similarity here is too important to ignore; and likewise, I don't think we are right to downplay the significance of unschooled, natural virtue (or 'innate goodness') in virtue ethics. There is, I think, something amiss with the notion that the cultivation of virtue is necessarily superior to the simple possession of it in some measure (assuming that it is practised in both cases). Voluntary 'untrained' virtue is virtue nonetheless.[202] We encounter a similar situation in Kant's thought, in which natural kindness could be considered 'holy' but not moral.[203] But is it reasonable to believe that a moral saint from birth could not be truly good, even if their innate moral 'talent' outshone the best efforts of those who had spent a lifetime trying to cultivate it?

I think not. But this is not to quibble over semantics for the sake of it, but to try and move on to, and also illustrate, what I believe to be the case, which is that the virtuous character or native 'good-doing' that animals seem to display is not something that they can attain because they already have it to a degree and in a form appropriate to their condition. It is already an integral part of what they are, embedded in what they do naturally as an expression of their being, not an aspiration or an ideal as it is in the case of human beings. It is the place of humans to seek and realise moral improvement in themselves, because they have both the capacity and the need to change and 'do better'; as some have argued both seriously and in jest, animals, on the whole, have no need of it.

Animals don't have to be moral agents in the same sense as humans are:

To insist on literal correspondence and parity between humans and nonhumans as a condition for morality, is, I think, unrealistic and unfair. And, as Bekoff and Pierce point out, looking for the origins of *human* morality is not the same as looking for

[199] Dixon, *op. cit.,* p.63.
[200] S. F. Sapontzis, *Morals, Reason, and Animals* (Philadelphia: Temple University Press, 1987), p.32.
[201] Stephen R. L. Clark, *The Nature of the Beast: Are Animals Moral?* (Oxford and New York: Oxford University Press, 1984), pp.19-20.
[202] Julia Driver, 'A Humean Account of the Status and Character of Animals' in *The Oxford Handbook of Animal Ethics*, ed. by Tom L. Beauchamp and R. G. Frey (Oxford and New York: Oxford University Press, 2011), p.157.
[203] Sapontzis, *op. cit.,* p.42 and pp.44-45.

morality in animals;[204] and, by the same token, looking for animal morality is not necessarily the same as trying to establish animals' conformity to a human convention or set of values such as that represented by virtue ethics. They need not display human-like morality or virtue; they need not consciously set out to 'be good', but can still act in a way that is good or 'good-making'. We'll look at this from various perspectives here and in the final section.

In ordinary factual terms, a dog voluntarily rescuing a child from drowning has not done something less praiseworthy than a human doing the same thing.[205] But because we cannot know what the dog was thinking during the rescue, the default explanation tends to be that it was probably 'just instinct' – which (a) merely labels the action, and (b), assumes that the human acted on the basis of something other than instinct, despite the fact that we cannot (really) know what *their* moral motivation was either, regardless of what they might say about it afterwards. But in the case of the human, we would be likely to think it absurd (although not necessarily illogical) to say that they noticed that the child was drowning but then suddenly decided to jump into the water for some completely random, unrelated reason, and then just happened to rescue the child in passing. Yet this, in effect, is what we are being asked to swallow if we accept the sceptical notion of the 'unknowable' motivation of the dog in exactly the same scenario.

It might be objected that this kind of situation is more a case of instinctive, physical bravery being brought to bear on a practical problem, rather than an example of true moral dilemma; but one could also argue that any kind of morality boils down to whether or not we do right by others; whether we act for good or ill, whether we are kind or unkind. And in this simplified form, I think the case for animals as moral beings could at least get a hearing – a position which agrees with Sapontzis when he contends that 'straightforward, intentional acts to attend to needs of others should count as moral acts, regardless of species'.[206] While many moral issues and attendant moral responses may be immensely more complex than this simple binary model, which, incidentally, relates to two essential tenets of moral practice in Buddhism and Christianity (that of 'loving-kindness'[207] and 'love your neighbour',[208] respectively), there is not as far as I am aware a requirement that morality *must* be complicated and difficult to be worthy of the name.

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[204] Marc Bekoff and Jessica Pierce, *Wild Justice: The Moral Lives of Animals* (Chicago and London: The University of Chicago Press, 2010), p.9.

[205] Sapontzis, *op. cit.,* pp.28-32.

[206] Sapontzis, *op. cit.,* p.218.

[207] See: Rupert Gethin, *The Foundation s of Buddhism* (Oxford and New York: Oxford University Press, 1998), pp.186-87.

[208] Luke 10:27.

If we can accept that latter point in principle, and not restrict morality to complex issues that can only be solved via abstract cogitation, then it can be linked with Bekoff's crucially important and insightful contention that moral agency is species specific and context specific (in that different species have to work with certain kinds of moral norms or situations and not others) – which then implies that animals can and do make morally relevant choices in their own communities.[209] It would be unrealistic and unfair to maintain that because, say, a rat or a dog is less intelligent than most humans, then its 'moral quotient' must be lower by the same degree as well (which would automatically make most humans 'more moral' than most animals, regardless of their actual moral behaviour). It would, as Shapiro says, be unjust to demand higher standards from animals than humans.[210] A better measure would be how closely this or that rat's or dog's behaviour matches the kind of behaviour profile that we would expect from that particular species.[211]

Are humans really morally superior to animals?

So far, we have proceeded on the basis that human morality is more complex and sophisticated than animal virtue in terms of its scope and presentation, and there seems to be little doubt that this is the case. But do we have to accept that human morality is somehow 'more than' animals' apparent virtue? Conversely, if the ethical simplicity of animals works for them and their kin, in what way is it inferior? One might say, for example, that animal virtue is necessarily externalist (in the sense that it is tied to straightforward goings on in the physical here and now, rather than in some abstract, hypothetical realm of moral ideas), but this does not mean that it is not virtue, nor that it is inadequate for moral purpose. In ordinary terms, it is surely better to have a modest capacity for virtue which is realised in practice than a set of high-minded moral rules which are often ignored and rarely achieved.

Humans are great devisers and champions of moral systems, theories and laws, but it remains to be seen whether this makes us morally superior beings. I think Sapontzis understates the case when he remarks that the notion of human moral superiority is 'open at best'.[212] It is not just a case of our sometimes falling slightly short of our otherwise creditable moral record but that very many humans wantonly flout even that most basic of moral directives – the principle of

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[209] Bekoff and Pierce, *op. cit.,* p.144.
[210] Paul Shapiro, 'Moral Agency in Other Animals', Theoretical Medicine and Bioethics, 27 (2006): 357-373 (p.364).
[211] The same rule would also necessarily apply to humans; but the benchmark would need to reflect the very wide range between what we would call a moral saint at one end, and a sadistic serial killer at the other.
[212] Sapontzis, *op. cit.,* p.218.

nonmaleficence ('to do no avoidable or unnecessary harm').[213] Despite our much-vaunted powers of reason, language and reflexivity, humans wantonly kill, torture, torment, mutilate and otherwise abuse other humans and other living beings on a scale we can scarcely imagine. Indeed, historical accounts of astonishingly bad, cruel and depraved behaviour by humans have led some to characterise us as essentially amoral or even immoral beings – that we are 'hypocrites living in constant denial of our thoroughly selfish nature'.[214]

On this view it would not be unfair to diagnose humans collectively as a dysfunctional species, and various philosophers have said or implied as much. As Christine Korsgaard expresses it, 'I am… inclined to agree with Freud and Nietzsche – who characterise humans as psychologically damaged, in ways that suggest some deep break with nature'.[215] A prominent symptom of this apparent break (or state of alienation) is the rampant abuse of the natural world in general and other sentient beings in particular. 'No species,' according to Korsgaard, 'is more guilty of treating those who belong to other kinds as ambulant objects than we are, and we are the only species that knows it's wrong'.[216]

This is not about levelling blame (virtually all of us are unavoidably implicated in some way), but to try and understand why this situation exists, when we consider humanity to be the pinnacle of evolution and the chief exemplar of morality, made (as some believe) in the image of God. Have we simply set the bar so high that we have almost no chance of getting over it – as Rachels might have been thinking when he noted the almost aberrant rarity of people who exhibit 'Sermon on the Mount' morality?[217] Does the fact that we fall so far short of our own highest ideals mean that we only regard them as just that – *ideals*?

I suspect that most people would not see it that way. We do our best; life is complicated; we are only human after all. But there still seems to be a vast 'credibility gap' between what we believe we are capable of morally and what we

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[213] David DeGrazia, *Taking Animals Seriously: Mental Life and Moral Status* (Cambridge, New York, and Melbourne: Cambridge University Press, 1996), p.258-59. I think this also accords well with the ancient Hindu dictum, '*Ahimsa paramo dharma'*: 'ahimsa (ie nonviolence, harmlessness) is the highest law'. See: Eknath Easwaran, 'Ahimsa as explained in "Gandhi the Man"': <https://mettacenter.org/definitions/gloss-concepts/ahimsa/> Accessed 4 June 2018.

[214] Robert Wright, quoted in Frans DeWaal, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals* (Cambridge, Massachusetts and London: Harvard University Press, 1996), pp.115-17.

[215] Christine M. Korsgaard, 'Morality and the Distinctiveness of Human Action' in Frans DeWaal, *Primates and Philosophers: How Morality Evolved*, ed. by Stephen Macedo and Josiah Ober (Princeton and Oxford: Princeton University Press, 2006), p.104.

[216] Korsgaard, *ibid.,* pp.118-19.

[217] James Rachels, *Created from Animals: the Moral Implications of Darwinism* (Oxford: Oxford University Press, 1990) [Accessed online on 4 June 2018: <http://www.jamesrachels.org/>], p.157.

achieve in reality.[218] It is not that humans do not, or cannot do good (and this is not being claimed here), but that despite all that we may know and care about as individuals or groups, the collective profile of humanity is predominantly destructive (the evidence for which is, literally, all around us), and on a scale so vast that we may not be able to reverse what we have already done. And our collective response to human-made environmental crises such as global warming, pollution, deforestation and overfishing is largely pragmatic rather than moral: looking for ways to keep doing the same things but with some conscience-salving mitigation, rather than deciding to stop doing those things because they are wrong in themselves.

To be fair to humans, however, we have collectively devised complex ways of combating our worst instincts and protecting the best, but to do this we rely heavily on external constraints and penalties imposed by the judiciary, armies and police, rather than the best instincts of our own good nature. We must, apparently, be governed under sufferance. But then if we are innately moral, why do we need all these things to rein us in? Why can we not co-exist in peace without them? Are we, as Hobbes considered, rule-followers of necessity to protect us from ourselves?[219]

There are, I think, good reasons, for saying that this is the case. And this, I think, ties into what makes human morality different from the kind of native good or good-doing that characterises most other creatures. Our ordinary sense of morality is intertwined with notions of power (or will) and reciprocity, which is implicit and explicit in, for example, Aristotle's and Kant's thought: for humans to be able to act morally the playing field must be as level as possible; we must be free to claim what is due to us from others as well as demonstrating that we could withhold what is due to them. (And this is what makes 'Sermon on the Mount' morality seem so difficult and counter-intuitive.) We can be good, as long as it does not make us weak, or unduly advantage the other – hence the need for overarching, complex moral-legal structures as we have in place to maintain this delicate, ever-shifting balance of power.

I think human morality could be best described as both aspirational and 'synthetic' – not in the sense of being counterfeit, but in the sense of being produced artificially. A side-effect of this 'synthetic' system, I think, is that our notion of morality is essentially related to this set of special behaviours we exhibit, which

[218] Mary Midgley, *Animals and Why they Matter* (Athens, Georgia: The University of Georgia Press, 1998), pp.12-13.
[219] Thomas Hobbes, *Leviathan* (Oxford and New York: Oxford University Press, 1998), Part 2, Chapter XXXI, paras 1 and 5.

seems to have a kind of exalted status in our daily lives, but from which we remain detached. And this, I think, is where a kind of hiatus occurs – between our sometimes patchy observance of common animal-like decency and the advanced morality which we take to be an inherent property of humanity, and therefore ours *as individuals* by default. In other words, on the back of this perception we estimate ourselves according to abstract and lofty ideals (religious and secular) on the basis that we understand and believe in them, whether we actually achieve them personally or not; but we tend to estimate and judge animals, not on the basis of their apparent good, but for falling short of the complex, elevated moral conventions that we may often find too onerous even for ourselves.

Animals, I think, are better characterised as *good* or *good-doers* rather than being moral or ethical; and their good is informed by, and reflects, the general good of nature in an undistorted way. This need not be read in an idealistic or mystical sense, but simply in the sense that nature overall seems to operate rationally rather than arbitrarily; it is not divided or at war with itself as humans are with one another and with nature. And yes, nature is 'red in tooth and claw';[220]but – even without the capacities relevant to personhood – animals are otherwise generally tolerant of one another. While they (necessarily) compete with others for territory, mates, food, prey, shelter and so on, they also seem to manage to be co-operative and benign on the whole; they seem to know themselves as collectives with similar 'interests' and do not normally accrue more than they need, but only what they can use for themselves and their kin. This is not to credit them for choosing to live in this way, but to acknowledge that even their natural limitations place them beyond reproach. However morally inferior we may believe animals to be, at least (for the most part) they live their simple grassroots sense of good in a way that we apparently cannot.

Importantly, as a number of other philosophers referred to here have said, even if morality turns out to be uniquely human, it does not entail human domination and misuse of animals. While humans may be more intelligent and more powerful than animals, this does not necessarily make them morally superior, and nor does it permit the absurd leap to the conclusion that it justifies harming or exploiting them.[221]

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[220] Martha Nussbaum, *Frontiers of Justice* (Harvard University Press, 2006), pp.366-69. Natural carnivorism is a moot consideration for animal morality (See also Sapontzis, *op. cit.,* pp.229-36). Obligate carnivores are driven by a biological need to kill and ingest flesh and on that basis cannot be blamed.
[221] S. F. Sapontzis, *Morals, Reason, and Animals* (Philadelphia: Temple University Press, 1987), xiv.

Conclusion:

Overall, I have tried to show that the main grounds used to dismiss the case for animals as moral (or good-doing) beings do not hold up – and fail to take account of valid empirical evidence to the contrary. It is apparent that supposedly exclusive human abilities which are associated with morality - together with an abiding sense of self, beliefs, desires and intentional states - can be attributed to a certain degree to various other animals as well, which then suggests that there is no real foundation for saying that they would not qualify as moral subjects – if one wanted to insist that they *must* be categorised in one way or another, which I do not. I think DeWaal captures it perfectly when he says that animal morality 'occupies a number of floors in the tower of morality'.[222] Animals *do* act in ways that would be considered moral if they were not animals; they are far more alert and responsive to moral situations than has generally been credited to them and seem to act upon an unspoken but consistent sense of 'good-doing'; of what is expected of them among their own kind and within their own communities. While we perhaps cannot accurately speak of animal *morality* we can at least speak with some justification of animal *phronesis* and a measure of natural virtue.

This is not to say that species membership is irrelevant, but that it is not necessarily a decisive factor in moral standing, as Singer has already highlighted. It is more appropriate and useful to focus on common denominators between species, not imputed deficiencies that create artificial distance between them and human beings.[223] Animals do not need to be persons or full moral agents to act explicitly for the good of others, whether they understand what these actions mean, or whether they are morally motivated or not. Besides, even if we (for argument's sake) assume that they lack anything like moral agency it does not follow that they do not have moral standing. Categories like those above are arbitrary and prejudicial, and tend to downplay the complex cognitive and social capacities that have been observed among various animal species, often by focusing not on what animals actually do in reality, but (rather like the tired old conundrum that a bumblebee cannot fly because it defies the laws of physics) on fixed beliefs about what animals supposedly *cannot* do.

On that basis, it would make sense to dispense with the category view in favour of gradualist accounts, which are supported by, and tie in remarkably well with evolutionary biology. We share much our neurological hard wiring with other

[222] DeWaal (1996), *op. cit.,* p.212.
[223] Christine M. Korsgaard, 'Morality and the Distinctiveness of Human Action' in Frans DeWaal, *Primates and Philosophers: How Morality Evolved*, ed. by Stephen Macedo and Josiah Ober (Princeton and Oxford: Princeton University Press, 2006), pp.103-104.

animals; and the human brain, though immensely complex, has structures and functions in common with 'lower' animals, particularly those associated with social interaction and interrelationships.[224] Conversely, other animals have brain structures and associated abilities which humans do not, and indeed specialised capacities that are sometimes still a mystery to us - in the light of which, traditional claims for human exceptionalism look increasingly discreditable and untenable.

In the case of animals, it is harder to separate out morality or virtue as such, not because animals do not demonstrate good-doing in some form, but because it is intrinsically bound up with behaviour that is natural to them, as a matter of course: what they are and what they do amount to more or less the same thing. In that sense, we are in error if we want to argue that they ought to have some higher moral system which exists over and above their ordinary 'default' behaviour. If they are already as good as they can be, to the best of their limited abilities, what use would human morality be to them? How would they be improved by it?

This does not, however, take away humans' unique capacity for complex and abstract thought, system building, ideas and ideals, but I think it is mistaken to think that this is what makes us moral beings. On the contrary, it is because we have that capacity that we inevitably apprehend and account for morality in a complex, abstract-theoretical way; but this is not essential to morality as such, or whatever good-doing equivalent for morality we might attribute to other living beings. Animals' altruistic or empathetic good-doing inevitably reflects their own simpler level of development, and will therefore be relatively simple in itself. Their moral good-doing behaviour doesn't necessarily result from human-like deliberation[225] because they were never 'designed' to operate within the cumbersome human moral dimension, but they are, nevertheless, still driven by what we would understand as a form of honest moral intention, which is significant to them. Ultimately, simply caring about and acting for the good of others (as animals clearly seem to do) is what matters morally[226] – not merely observing or aspiring to theoretical moral principles or ideals.

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[224] Marc Bekoff and Jessica Pierce, *Wild Justice: The Moral Lives of Animals* (Chicago and London: The University of Chicago Press, 2010), p.100. See also DeWaal (1996), *op. cit.,* p.65.
[225] DeWaal (1996), *op. cit.,* p.209.
[226] Paul Shapiro, 'Moral Agency in Other Animals', Theoretical Medicine and Bioethics, 27 (2006), 357-373 (p.361).

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