

Can Animals be Moral Agents?

Can animals act as moral agents? Can they be held to have fulfilled or derelicted moral obligations, or to have acted rightly or wrongly? Like most philosophical problems, it all depends. Worse, like the great majority of philosophical problems, it depends not just on empirical facts, but on the interpretation one places on such facts. One can point to instances in animal behavior of concern, kindness, loyalty, and even of a more or less rudimentary sense of justice. From one point of view, that pretty well settles the matter. Evidently some animals can be moral agents. (*Some* animals. One generally has in mind dogs or primates rather than cockroaches or protozoans.) That some animals can be moral agents would follow from various ethical theories, including Humean style ethical theories according to which morality turns on acting or not acting in accordance with certain basic desires, chiefly benevolent ones. Some of the higher animals appear to have the approved desires, and even have behavior patterns remarkably similar to our own.

That animals can be moral agents will not, for various reasons, be acceptable to everyone. We may hold that only human actions are morally significant, that animals cannot act as moral agents whatever their motivations. Unless we are content to rest on mere prejudice, however, we must be able to point to some morally significant difference between humans and even the highest animals (or between their motivations). The differences most commonly seized upon involve rationality or linguistic ability. This approach is often used for distinct, though not always distinguished, purposes: to establish

humans as the sole moral agents, and to establish humans as the sole objects of moral concern. It is the former point which I address.¹

One thing very commonly said to make rational (or linguistic) beings, but not rhesus monkeys, capable of moral agency is that only they can act from principle rather than from desire or impulse. I shall argue that moral agency does not require acting from principle. In so arguing, I shall explore a few basic points about what is involved in acting from principle. Once I have made a case that moral agency does not require acting from principle, I shall argue that some animals can act as moral agents. I shall then argue that moral agency does not require linguistic ability or human levels of rationality and that any reason for concluding that animals cannot be moral agents will apply equally to humans—which I take to be a *reductio ad absurdum*—or else are bad reasons on other grounds. I shall take the position that, in general, a being acts as a moral agent when (I am not claiming "only if") it respects the interests of (some) others as well as, or, to some degree, in preference to its own.

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As an entry to a discussion of whether acting on principle is the core of moral agency, I shall review some standard criticisms of Kantian ethics.² Now, Kant tried to derive morality from reason. He held that what is morally right is acting in accordance with principle as such, doing so because acting in accordance with principle is the right thing to

do. Not just any proposed principle will do. Acting in accordance with principle as such requires us to act only in accordance with that which can be willed as a universal rule. This has the salutary effect of militating against morally irrelevant personal exceptions to moral rules. Still, we can consistently generalize rules which do not appear to have genuine ethical content, such as the rule that all tea-drinkers should use lemon when available. Worse, one can universalize rules which seem quite immoral—that all people are to be killed at age forty-five, for instance. The moral value of acting on principle, or doing one's duty, is suspended in mid-air unless there is some moral value to make one's duty one's duty or to give one's principle moral content. Otherwise, why should, say, being kind as a matter of principle be better than drinking tea as a matter of principle. Hume criticized this style of ethics prior to Kant and pointed out that "to suppose, that the mere regard to the virtue of action, may be the first motive...is to reason in a circle....An action must be virtuous before we can have regard to its virtue".³ There must be more to morality than merely acting from principle—there must be some additional factor which makes the principle *moral*. Kant did not see this point as clearly as Hume, but did come to a formulation much richer than his first formulation. The second formulation held that we should treat other persons as ends in themselves, and not merely as means for our own uses. Here we have a principle which is universal and which appears to have significant moral content, being at least roughly equivalent to the Golden Rule. But what contributes the additional moral content? Why should we treat other persons as ends? Eventually, Kant appealed to rationality—in the form of autonomous reason—as giving validity to moral principles. Moreover, this, which he more or less identified with the

capacity to act in accordance with principle, is taken both as making us objects of moral concern, and as qualifying us as moral agents. He seems to suggest that his results are consequences of reason, though he does not actually spell this out. Underneath lies an insufficiently articulated presupposition of the moral value of rationality.

Kant has gone quite widely astray here. While consistent with reason, his imperatives are not *commanded* by reason. They are not tautologies, nor are they even conclusions unless we have at least one suitable statement of values as a premise. What we must face up to is that what makes a valid moral principle valid is not *that* it commands, or *how* it commands, but *what* it commands. In adopting a moral principle, we are making a moral judgment. Whether the judgment is true or false, or whether it is a matter of mere preference, it cannot be distilled from pure reason. Though it may very well be true that rationality is valuable, that it is valuable is not a logical consequence of reason alone. Seemingly, a being's rationality is probably a sufficient condition for its being of moral concern, though it may not be a necessary condition. The question I am concerned with, however, is the different question of whether rationality is a necessary condition for being a moral agent. I maintain that rationality is neither sufficient nor necessary. Evidently it is not sufficient, since moral agency requires actually valuing, and this is more than a matter of reason. Yet does this valuing presuppose rationality? If not, then given valuing, is rationality in any way a necessary condition for moral agency? I shall argue that (morally significant) valuing does not presuppose rationality, and that rationality is not a necessary condition for moral agency.

For our action to be morally right,

we must do it for the right reason—valuing the right value. Of course, any right act is formulable in terms of some principle commanding it. Kant maintains that what we must value is acting-in-accordance-with-a-proper-moral-principle-because-it-is-a-proper-moral-principle. Otherwise, we would be acting from a non-moral reason. But suppose I just act from valuing whatever factor gives the principle moral content. Why must I value, or even be aware of, the principle itself as well as whatever gives it content? For example, suppose I feel compassionate towards someone and act accordingly. I value the compassionate act, or place a negative value on that person's suffering, rather than act from a desire for reward or other extraneous motivation. Kant falls prey to the fallacy of black and white thinking. Since we must not act from bad or neutral motivation, we must act, he concludes, from devotion to the principle itself. He by-passes the possibility of acting directly from whatever factor gives the principle moral content. It would seem at least plausible that one might so act. Let us consider a case where animals might possibly be said to do so, and ask whether they would thereby qualify as moral agents.

In his thought-provoking article, "Do Animals Have a Right to Liberty?", James Rachels describes experiments which show that many rhesus monkeys tend to avoid giving electrical shocks to other monkeys in circumstances which have been contrived in such a way that their obtaining food causes the shocks to the other monkeys.⁴ Some monkeys will go hungry for a considerable length of time rather than shock, or run the risk of shocking, their fellow monkeys. Interestingly from a "do unto others" point of view, monkeys which have previously been at the receiving end of the shocks are particularly reluctant to cause shocks to

other monkeys. There seems a *prima facie* case that a monkey who is reluctant to cause pain to his fellow monkey is acting in accordance with something like the Golden Rule or the Kantian principle of treating others as ends in themselves. Certainly from a Humean point of view the monkey would appear to be motivated by morally commendable compassionate inclinations and, indeed, to be acting as a moral agent. However, the monkey cannot *state* the moral principle according to which he was seemingly acting, presumably not even in whatever, if any, internal thought language the monkey might employ. From a Kantian point of view this would mean that the monkey is not a moral agent after all. Instead of acting from devotion to moral principle, the monkey was merely acting from a morally neutral aversion to his fellow monkey's having to suffer. The monkey, could he find the words, might well lament with Schiller:

Gladly I serve my friends, but
alas I do it with pleasure,
Hence I am plagued with doubt
that I am not a virtuous person.⁵

The point of this sort of objection is that the monkey is not properly a moral agent because he has no reasoned conviction that he is acting rightly, having no conception of right and wrong at all. Not intending to act rightly, the monkey cannot be a moral agent. Now, we might as well grant the highly probable, though unprovable, assumption that even the best of monkeys have no abstract conception of right and wrong. Moreover, we must recognize that critical thinking about what we do, based on some conception of right and wrong, can be an extremely useful aid to moral agency. If we do not think about what we do, even the most benevolent of impulses can go astray. Still, reason is not enough to make one a moral agent. (Some psychotics

are quite rational, yet accept few if any values as values.) To be a moral agent acting morally, one must, at some point, be aware of and act in accordance with some morally significant differentiating factor. Not only is this a necessary condition for being a moral agent, but, I shall maintain, it is a sufficient condition as well. Consider: why is it that people, rational, language-using, concept-forming people, accept a moral principle? Let us take the Golden Rule, for instance. Do those who accept it do so because it is a principle, a universal rule, consistent with reason? It is all of these things, but so is the morally neutral rule that people should wear blue on Tuesday when possible. Even if it were necessary that moral rules be universalizable, we would still need an awareness of which universal rules had moral content. One accepts the Golden Rule as a guide to action because the acts it endorses or condemns appear to be good or bad. At least in the first instance, we do not agree to instances on the basis of the rule, but accept the rule on the basis that the sort of instances it commands or forbids seem to be, in truth, good or bad. To be sure, we very often make moral applications on the basis of rules, and accept rules on the basis of other rules, but sooner or later, rules are grounded in their applications. Of course the Golden Rule, in its Christian, Kantian, or other formulations, is more than just a rule of the do so-and-so variety. Unlike that sort of rule, the Golden Rule provides a means for testing directly whether a proposed act is appropriate, which is, so to speak, to put ourselves in the other's place. Still, the point remains that we accept such a test, rather than some other test, because it gives good results. Test or principles (whether or not they can ultimately be distinguished) must have some grounds for being accepted. We can no more spin ethics out of *a priori* reason than we

can physics. At least some acts have to be right before we can sensibly ask which principles are right. (A member of a set does not acquire properties because it is a member. Rather, the properties of the set are determined by the members.)

Let us go back to that point about the monkey not being a moral agent because he/it does not intend to act rightly. There is an ambiguity in this notion of intending to do the right things. It can mean either

- (a) Intending to do whatever act is right (based on a concept of rightness, with the intention of doing the right thing because it is right); or
- (b) Intending to do that particular act which, as it happens, is the right thing.

As Kant and people who think along similar lines have pointed out, one can do (b) from the wrong motive. That of course is true. For that reason they have maintained that moral agency requires doing (a). Certainly, as we have noted, doing (a) is sufficient for being a moral agent. Still, this is to overlook the possibility of doing (b) from the *right* motive. (Indeed, by the preceding argument, being able to do that is necessary for being able to do (a).) We may do (b), motivated by an awareness of the factor that makes the right act right—even if, like the monkey, we cannot state what it is, and have no abstract conception of right and wrong.⁶ From this point of view, the monkey acted rightly from the right motivation, and so could be said to be a moral agent.

Humans and possibly other rational beings exercise moral agency more extensively than lesser beings insofar as they can better understand the nature, ramifications, and consequences of a given act, and of their own motivation. Now, whether rationality in fact always is an asset in

moral agency is highly doubtful, but that it can be an asset is beyond dispute. Rational beings can understand things which less rational beings cannot, and this will clearly affect their moral agency. Those who know facts and understand issues have a greater opportunity, and responsibility, to do right than those who do not. So much is obvious. Moral responsibility and opportunity are greater among wise men than among dolts, and greater among (at least most) human beings than among lesser animals. Yet it can be argued that since only rational beings can *know* that what they are doing is right, only they can, at their varying levels, be moral agents. Presumably the compassionate rhesus monkey does not know that he is acting rightly. (The same might be the case with a child or some other person, who would by that token not be exercising moral agency.) Now, there is a very important and valid point here, but one which can, I believe, lead us rapidly astray. For an act to be a morally good act, rather than some other kind of act, the agent must do the act because he/she/it is aware of and values, positively or negatively, the morally significant factors involved—e.g., avoidable suffering. However, this does not mean that the agent must be aware *that* it is acting rightly, or *that* anything. As we have noted, intellectual knowledge—derived from principle or otherwise—can be morally useful, but an animal can (often) directly be aware of what makes a given act right or wrong. It may not know that these factors are morally significant, or *that* anything, but animals clearly can be aware of things and act accordingly, even though they cannot entertain propositions and principles about them. What I affirm then, is that awareness of morally relevant factors in a given situation, and caring about them, is sufficient for moral agency and does not require "knowledge that". Unless our moral

principles only dangle in an *a priori* vacuum, they, like the principles of physics, must, sooner or later, be grounded in some direct valuing. Any version of the Golden Rule must be grounded on a direct valuing of the negative value of the suffering of others, or of the positive value of the wellbeing of others. Without such valuing we cannot distinguish that principle from morally neutral ones. Even with this valuing the monkey cannot derive the principle, but he can act in accordance with those factors which make the principle moral. Being aware of and caring about the suffering of the other monkey, and acting accordingly, the monkey is acting as a moral agent.

Those who would restrict moral agency to beings of human levels of rationality, particularly beings with linguistic competence, may well counter by claiming that if a being does not know, or even think, *that* it is acting rightly, it cannot be a moral agent. Even if the being knows the right thing and intends to do the right thing because of whatever factors makes it right, it cannot be a moral agent because it does not act on the basis of concepts of right and wrong. Why this should be a requirement for moral agency is far from clear. (We recognise that birds use and react to colors even though they do not have abstract color concepts. They exercise, so to speak, "chromatic agency".) I shall discuss a number of reasons, of varying degrees of plausibility, why linguistic prowess might be considered a prerequisite for moral agency.

Perhaps the most common argument in favour of such a conclusion is one which we briefly considered earlier. This is the argument that only a rational being can have genuine *knowledge* that what he is doing is right. (Knowledge, in Plato's terminology, rather than right opinion.)

After all, both humans and animals act from a variety of motives, only some of which could possibly be of moral significance. A normal monkey will desire food, be averse to pain, and so on, and in themselves, these desires are neither moral nor immoral. Monkeys weigh one desire against another, and select that which seems the most preferable. Yet they cannot do so on the grounds that one desire is morally better. Even if the monkey knows what is right, in the sense discussed above, it does not know *that* it is right. A monkey is unable to distinguish conceptually between moral and amoral desires because it has no such concepts. Humans, on the other hand, can, and often do, make such distinctions and act accordingly. Clearly rationality can be put to morally good ends. Still, this argument is not enough to establish the conclusion that animals can *never* be moral agents. Let us turn things around: how does a human know that a desire is to be acted on or over-ruled on moral grounds? On the basis of moral rules and concepts? Such rules do not just fall from the sky. If they are to have any force, our moral principles must be grounded on our concretely accepting that one thing is better or worse than another, and moral concepts, if they are not to be empty, must be based on an awareness of and valuing of some difference. If this is so, then there seems to me to be no persuasive reason to believe that an animal cannot be aware of, value, and act on those factors which give moral content to concepts and principles. I conclude that such an animal is displaying moral agency, even if he cannot make the right decision in all cases, and even if he cannot write up his successes in a manner acceptable to journals of moral philosophy. He, like most humans, would never do as a meta-ethicist, but he might be able to do the right thing on the basis of the morally relevant factors in a given

situation.

There is, of course, that approach to philosophy which attempts to reduce philosophical problems to linguistic issues. Some practitioners of the art go so far as to claim that moral terms and the language of moral assessment cannot properly apply to animals. This reminds me of the early psychoanalyst who claimed that only women, and not men, could be hysterical, because of the etymology of the word 'hysteria'. If this is what is built into language, then evidently language needs remodelling. If the language of moral assessment excludes animals, that only begs the question unless further reasons are provided. Such a view can take more sophisticated manifestations, however, according to which moral assessment is some sort of a function of deep grammatical structure, possibly founded on the inherent shape of the human mind. Just as we see colors both because of the way things are and the way our eyes and minds are, so we think in terms of values and make moral assessments both because of the way things are and the way our language and minds are. Those animals which lack the appropriate optic facilities cannot see colors no matter how vividly they manifest themselves to us. Similarly, the claim would be that animals lack the linguistic/mental machinery to conceptualize the world in moral terms and be moral agents. What I deny is that moral agency is constituted by, or even presupposes, a human style conceptual scheme. To ask whether animals are capable of moral agency is not to ask whether they employ such a conceptual scheme when they think, but to ask whether they can respond appropriately to morally significant situations. No doubt an animal lacking our linguistic/conceptual apparatus would not conceptualize morally significant differentia (e.g., a conspecific's interest in not suffering) as we do, but there is

still the possibility that it might be able to make and act appropriately on morally significant distinctions on the basis of some other conceptual apparatus. If they can sometimes do this, we must conclude that they are capable of some degree of moral agency, even if they do not conceptualize morality in a human manner. Example: a human, a rhesus monkey, and a shark might each perceive that a conspecific is suffering. The human may decide on the basis of a chain of moral reasoning to aid his fellow—while the shark (neither morally nor immorally) takes the opportunity to have an easy meal. The monkey conceives the situation differently from either the shark or the human, yet (without theorizing or human style moralizing) cares about the interests of the other as well as his own. If the monkey acts so as not to permit injury to its fellow monkey, in a manner not reasonably attributable to some other factor which accidentally distinguishes compassionate from non-compassionate acts, we must conclude that the monkey exhibits moral agency, even if he does not conceptualize obligation or compassion as humans do.

One very common reason for believing that animals cannot exercise moral agency is the claim that animals follow behavior patterns which have been positively reinforced in the past, or which have become innate instinct. This is a point which pertains to both humans and animals. Undoubtedly, both humans and animals can be conditioned to act in certain ways. Too, animals do have instinct, from the very closely circumscribed instincts of lower animals to the much more flexible instincts of higher animals.⁷ That humans also have instincts, presumably instincts flexible in their manifestations, is not a possibility which can be ruled out of court. This raises some important questions: Can all of the seemingly morally significant behavior of animals be ascribed to

instinct or conditioning? Can instinctive or conditioned behavior be morally assessed? In the first place, the apparently moral behavior of animals cannot always just automatically be written off as instinctive or conditioned. In the case of the compassionate rhesus monkey, for instance, the tendency to refrain from causing pain in that situation cannot just be written off to instinct or conditioning, since the situation was (fortunately) unprecedented, unless we appeal to a general conditioned response or instinct toward compassion toward one's fellow monkey. Even so, the fact that monkeys which had previously been at the receiving end of the shocks showed more of a tendency to refrain from causing them would suggest that an active sympathy, sharpened by painful memory, was at work. Can all of this be ascribed to conditioning or instinct? If so, we could make a parallel and equally strong case that human compassion springs from such sources. It is sheer dogmatism to attribute all behavior, animal or human, to instinct or conditioning, and even more dogmatic to make such an attribution only in the case of animals. Such dogmatism cannot entirely be refuted, but to adopt it is to retreat to a position which cannot be refuted because it cannot properly be tested. Even if we were to attribute all the seemingly moral behavior of animals (and humans) to instinct or conditioning, though, there is still the question of whether such behavior can be morally assessed. I answer in the affirmative. Certainly if a human being were, through conditioning (or instinct) to come to put a negative value on the suffering of others, or to subscribe to the principle of avoiding it, and acted accordingly, I would not refuse to recognize that person as a moral agent. If the instinctive or conditioned behavior of humans does admit of moral assessment, we can as well make such a claim on behalf of animals.⁸ In any

case, whether or not such behavior can be morally assessed, instinct and conditioning do not provide any grounds for rejecting animals but not humans as moral agents.

Another word or two would be in order about acting on the basis of moral reasons. Suppose, to invoke a cliché, an automaton were programmed to determine the interests of interest-having beings, and also to respect or advance those interests. Such a robot would seemingly discriminate and act on the basis of morally relevant factors. Would this mean that the robot was a moral agent? Presumably this would be a *reductio ad absurdum*—at least unless we were to hypothesize a robot much more highly evolved than is necessary for this story. (I would note, also, that it might be possible to conceive of a robot which is programmed to act on principle, so this sort of thing does not threaten merely my own type of account.) Now, does the robot act as it does because it cares about the interests of the interest-haver, or is it *merely* because it reacts to the tangible signs of those interests? To be sure we cannot know of the interests of others except via the tangible signs. Still, a human moral agent is concerned with those signs because of a concern for the interests. The robot, on the other hand, does not care about those interests, nor does it even have a conception of them. Presumably, robots do not care for anything. This is not to say that humans always respect interests because they care. It is quite possible to imagine a human who did have a conception of interests, and who respected them, but did so from selfish reasons. Such a person would not be acting morally in my reckoning. Now, while we can never be anti-skeptically certain, it seems evident to me that animals frequently do care about the interests of some others, as in the case of our rhesus monkey,

and are more than just reacting to the symptoms. While they may care instinctively, they still care about the interests of the other.

There are, obviously, practical difficulties in determining whether an animal is acting as a moral agent. Human actors can tell us (whether or not accurately) what their intentions are, or were, which helps us to evaluate their actions. Still, the agent's description is not necessary for an appraisal of the act's moral significance. Much less is it necessary for an act to *have* a moral significance. The agent's having in mind a description of his, her, or its act would be necessary for moral agency only if moral agency demanded acting on the basis of an articulated principle. Such a claim is clearly question-begging. Now, it is true that an action may be moral (or immoral) under only some, but not all, non-competing descriptions. Axe-murder, for instance, can be described amorally in terms of muscular or molecular motions. Our rhesus monkey's behavior can be described in moral terms, or neutrally in terms of not operating a lever. However, the agent's giving a moral description of the action is not the last word, or even a necessary one. It is not necessary because we can sometimes rely on behavioral evidence which establishes beyond reasonable doubt that the agent does care about (some of) the interests of (some) others as well as its own interests, or in preference to some of them. The cited case of the compassionate rhesus monkey seems to me to be such an instance. Often, of course, doubt can remain. This means only that the question is then undecided, and not that it is meaningless, insofar as the question sometimes can be answered. Indeed, if such questions could never be decided to an adequate degree on behavioral grounds, we could never adequately conclude that a human being was *not*

a hypocrite.

Another reason sometimes given for holding that only beings of human levels of rationality or linguistic ability can be moral agents is that only they can grasp the idea of reciprocal obligation. We do unto others in the confident expectation, or at least the hope, that they will treat us with similar consideration. If they do not, they are guilty of something like breach of contract. It is not denied, of course, that animals very often do have expectations of another, or of human beings. What is claimed is that an animal which acted contrary to expectation could not be accused of acting in breach of an explicit undertaking (and therefore immorally). Only metaphorically could a fish which unexpectedly ate a cleaner wrasse be deemed guilty of immoral behavior, while a human double crosser is certainly given ill repute. Such an argument against the moral agency of animals fails, I believe, to do the job required of it. In the first place, it does not seem at all plausible that covenant, explicit or implicit, is the *only* foundation of morality. If there are other factors of moral significance, such as a value in kindness or (negatively) in cruelty, then the argument is insufficient to rule out moral agency in animals. However, for the sake of argument, let us assume that covenant is the one pillar of morality.

The heart of a reciprocity/covenant scheme is that the parties to it take part in an arrangement whereby they co-operate and consider the interests of the other parties as well as their own interests. We humans attach great importance to such schemes, and a person who breaks his or her word is generally condemned. We often do enter into reciprocity arrangements, and we often do so by linguistic means. Typically, our agreements are entered into and expressed orally or

in writing. I would deny, though, that doing it that way is necessary even for humans, and I maintain that animals can take part in reciprocity covenants—both among themselves, and with humans. It is too anthropocentric, and too narrowly formalistic, to assume that such arrangements can be entered into only linguistically. (I am reminded of children who claim that lies are not really lies if one had one's fingers crossed, or that wagers or other agreements do not really count if the parties have not shaken hands on them. Such views are all too narrow and inadequate.) The key question here is whether it is possible for an animal to live up to a reciprocity covenant, and to do so from morally significant motivation, even though it has no conception of covenant. In plain fact, many social animals do have reciprocity schemes (and in many cases among the higher animals, the articulated details go beyond mere instinct). They have expectations of one another, and know what is expected of them. They can act in accordance with such expectations, even if they do not have a conception of covenant, and even if they cannot linguistically deal with such expectations. The point is not whether they have such a conceptual apparatus, but whether they do respect the interests of other members of their moral community. If immorality means something like selfishly failing to live up to a form of behavior agreed to, in such a way as knowingly to cause loss to another party to the reciprocity covenant, then such animals clearly can act morally and immorally, even if they cannot draw up a memorandum of their mutual undertaking and even if they do not have a conception as such of such an undertaking. A wolf need not be able to formulate the utility rules of its pack, so long as it knows and acts in accordance with them. If reciprocity covenants are the unique foundation of morality covenants, then wolves tend to be more reliable moral

agents than a great many people. Obviously, this sort of thing can be written off to instinct or conditioning—as can the articulated human principle of keeping one's word. Still, I maintain that an exhibited desire on the part of an animal to "keep faith" with its associates can be interpreted as keeping a tacitly-agreed-to reciprocity covenant. In the absence of an articulated statement of principle, this can be written off to conditioning or instinct, but so can the articulation of principle on the part of humans. If the willingness of many elephants to run considerable risks in order to give aid to a wounded comrade can be written off, so can human gallantry, loyalty, and faith keeping. I do not find any covenant theory at all convincing as a basic account of ethics, but in any case, I conclude that any claim or argument (covenantial or otherwise) which would militate against moral agency on the part of animals could equally well be turned on human moral agency. If humans can be moral agents, animal moral agency, while it cannot be proven in the face of dogmatic skepticism, can be defended against any attack which does not militate as well against human moral agency. If we are to be dogmatic skeptics, nothing which an animal could do short of opening its mouth and discussing conceptual issues would be accepted as evidence of genuine animal moral agency, but even then, the dogmatic skeptic can find some way to doubt human and animal moral agency. Once we are receptive to the possibility that animals might be capable of moral agency, though, it would seem that examples of animal moral agency are indeed fairly easy to find.

There is another argument against the moral agency of animals which deserves particular attention. Suppose we turn things around and consider the negative side: is it ever in order to morally blame an animal for

the way it acts? If moral disapproval were never in order, then moral approval would appear to be equally out of order.⁹ Now, I certainly would agree that one is reluctant to condemn an animal morally. (I am setting aside those unsophisticates who think of animals in human terms.) One cannot morally blame the wolf for taking the sheep, though it might be bad for the sheep and grazer. More relevant, however, is the question of whether we should morally condemn the rhesus monkey who does not show inhibition about causing shock to its fellow monkey. I am not certain whether such a monkey is to be morally condemned or not, though I am inclined to think it is not to be condemned.

In defense of the sometime moral agency of animals it might conceivably be maintained that any good act which can be done by an animal is an act of supererogation. On this line one could sometimes praise but never blame an animal morally. This would be a possible line, but it seems improbable to me that a being which could ever recognize value would never have obligations. More plausible, I maintain that an animal which fails to recognize the value of acting in a certain way is not *normally* to be morally blamed, insofar as there is normally no reasonable expectation on our part that it could recognize the value of acting that way. When there *is* good reason to think it could recognize the value of acting the right way, we could then hold an animal blameworthy. Establishing blameworthiness is much more difficult than establishing praiseworthiness. In either case we must establish (to a sufficient degree) that the animal was aware of the appropriate value, or that it could have been expected to be aware of it, but (as in the case of the rhesus monkey) the fact that the animal acts in accordance with the value can be very strong evidence that it is aware of it (and acted for that

reason). On the other hand, if the animal does not act in accordance with the value, it may act in spite of it or in ignorance of it. If we cannot establish that it acted in spite of the value, we have not established that it is blameworthy. I believe that our reluctance to condemn animals is in some part a reflection of our reluctance to claim knowledge of animal awareness and motivation. (And in some part, obviously, it is a reflection of our belief that they are unable to understand the situation.) If a sufficient number of its conspecifics were to act in accordance with a value, we might then very well come to the conclusion that an animal which did not act in accordance with the value was indeed acting immorally. Unless it were retarded (or had some other excuse), it would seem plausible that it was acting contrary to a value it could and should have recognized. The plausibility of the condemnatory conclusion would increase with the proportion of its conspecifics who did act in accordance with the value. The logic of the matter seems to dictate that *before* we could morally condemn an animal, we would have to be able to morally praise a similar animal. While I would be cautious, I think there might be circumstances under which I would blame an animal morally.

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My conclusions are compatible with the view that moral philosophy can only be concerned with preferences

and the consequences of preferences, though I do not myself adopt such a view. If morality is a matter of benevolent inclinations, accepting as good that which is agreeable or useful to ourselves or others, or even if it is just a matter of exercising choice, then some animals can be moral agents. If value judgments admit of being true on *a posteriori* grounds, then an awareness of right and wrong in the concrete, and moral agency, are possible for any animal which can in a specific case be aware of those factors which ground the truth of the value judgment. If moral principles have genuine standing in the real world it can only be because of something about the world which makes them moral, and animals can possibly be aware of those factors in the concrete. A theory according to which value judgments have moral force purely on conceptual grounds alone, and not because of the way things are, has, I submit, no claim to standing in the real world, and is binding on neither man nor beast. I conclude then that some animals can act as moral agents and that a monkey who is reluctant to cause pain to his fellow monkey is morally better than a monkey who does not care. In general, a being acts as a moral agent when it respects the interests of (some) others as well as, or, to some degree, in preference to its own. It really should not surprise us that we, to some degree, share moral agency, as well as many other features, with animals. After all, humans are animals too.

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NOTES

¹ It is not, then, my intention to try to establish that animals ought to be objects of moral concern. That some animals are capable of moral agency might be an additional reason for recognizing them as objects of moral concern, but beings other than moral agents might still be objects of moral concern.

² I shall refer mainly to Kant's *Fundamental Principles of the Metaphysics of Morals*.

³ David Hume, *A Treatise of Human Nature*, III, ii, 2.

⁴ James Rachels, "Do Animals Have a Right to Liberty?", in *Animal Rights and Human Obligations*, ed. Tom Regan and Peter Singer, Prentice-Hall, 1976. The experiments are described by Stanley Wechkin, Jules H. Masserman, and William Terris, Jr., in "Shock to Conspecific as an Aversive Stimulus", *Psychonomic Science*, vol. 1 (1964), pp. 47-48. The experimenters give the following abstract:

This experiment confirms and extends an earlier finding that a hungry rhesus monkey (O) will avoid securing food if this subjects another monkey (SA) to electric shock. In the present series this "sacrificial" behavior was manifested in 6 of 10 animals independently of the relative position of the two animals in a dominance hierarchy. It was also found that while prior shock of the O resulted in inhibition of responding following the introduction of shock to the SA, this variable was not correlated with the final manifestation of a sacrificial pattern.

Relative position in the dominance

hierarchy, sexual differences, noise from the SA monkey, and acquired aversion to the experimental apparatus itself were all experimentally ruled out as influencing factors. The familiarity of the monkeys was a significant factor, O monkeys being less apt to shock a former cage mate. The stronger than normal unwillingness to cause shock found among previously shocked O monkeys did tend over a period of time to erode towards more normal levels of unwillingness to shock.

⁵ J. C. F. Schiller, *Gedichte, I, Die Philosophia* (1976).

⁶ As Rawls pointed out, one may follow the rules of grammar without knowing what they are. *A Theory of Justice*, p. 47. Leibniz made an analogous point.

⁷ In her admirable article, "The Concept of Beastliness", in Regan and Singer (op. cit.), Mary Midgley very well explains the difference and gradations, between closed and open instincts. She also ably makes the point that the relationship between beastliness and humanity is very different from what it has often been thought to be.

⁸ Someone, I forget who and where, has pointed out the oddity that the well ordered family life of wolves is often written off as "mere instinct", while a woman is given moral praise for acting in accordance with her "maternal instinct". Perhaps we should not take credit from the human mother, but should throw some credit to the wolves.

⁹ I am indebted to Tom Regan, who raised this question in a letter.