Chapter 6
Animal Morality and Human Morality

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6.1 Introduction

During the Middle Ages and subsequent centuries it was not uncommon in countries in Europe that animals which caused injury or death to humans, or even just a form of public nuisance, were prosecuted, convicted, and punished. These practices continued until the previous century (Girgen 2003).[1] Such behaviour was seen as an infringement of the hierarchical order of nature in which humans were the crown of creation and animals were subordinate to them. While it was natural for predatory animals to kill their prey or even their conspecifics, it was unnatural for them, and therefore morally wrong, to maim or kill humans. Apparently, animals were assumed to know and to comply with the prescriptions and proscriptions of human morality. Animals were seen as moral beings with diminished moral capacity, comparable to mentally handicapped humans, who nonetheless could be held responsible for their behaviour concerning humans. Human morality was the obvious framework for judging animal behaviour.

Nowadays *homo sapiens* is no longer seen as the crown of creation, an absolute sovereign who can dispose of other creatures as it pleases him. It is widely recognized that humans have moral obligations to (other) animals, and not the other way around. Animals are now admitted to the human moral community, not as full and equal members but as patients whose interests should be taken into account by

[1] In *The criminal prosecution and capital punishment of animals* ([1906] 1987) Edward Evans documented more than 191 prosecutions and excommunications of animals between the ninth and twentieth centuries. Research shows that the majority of secular prosecutions were concentrated in the southern and eastern parts of France and in adjacent parts of Germany, Italy, and Switzerland.

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humans as agents. Some authors, however, find that animals have a higher moral status than that of moral patients. They have moral rights. The debate on the moral status of animals is an issue within animal ethics which deals with the nature and content of moral obligations of humans towards animals.

It is widely agreed that many social animals have a system for the regulation of their behaviour towards members of their group, something that is functionally equivalent to the role morality has within the human community. I will call that system a 'morality'. Many students of animal behaviour are convinced that (at least some species of) nonhuman animals have a morality, and not just a 'morality'. To corroborate their view, they must be able to point out in what respects a 'morality' differs from a morality, and/or what distinguishes a 'moral' animal from a moral animal. Assuming that it can be proven that at least some animal species, e.g., the bonobos, have a morality, how does the bonobo morality relate to the moralities that are found within human societies? Do human moralities show distinctive characteristics or are all moralities – animal and human – tokens of the same type? These are the questions that I discuss in this paper. At the end of the paper I come back to animal ethics. If some animals are, just as humans, moral animals, what does that imply for their moral status? Can we still hold that all animals should be treated as moral patients? Can we treat moral animals in the same way as 'moral' animals?

Nowadays many people believe that a considerable number of social animal species have a 'morality' or perhaps even a morality. They were convinced by the huge amount of observations and stories collected by students of animal behaviour, and presented to them in popularizing books by authors such as Marc Bekoff, Marc Hauser, and Frans de Waal. I discuss the definition of morality from which criteria for classifying a system for the regulation of social behaviour as a morality must be derived in Sect. 6.2. Section 6.3 categorizes the moral behaviour patterns of animals identified by animal behavioural scientists in four clusters. In Sect. 6.4, I discuss what capacities are needed for moral behaviour. Sections 6.5 and 6.6 consider when behaviour can be said to be rule governed. In Sect. 6.7, I examine whether animals can have moral motives. Section 6.8 goes into the occurrence of social disapproval as a criterion for norm violation. In Sect. 6.9, I analyse the relation between animal morality and human morality, and argue that animal morality regulates behaviour automatically and unconsciously. However, a large part also of human morality is non-reflective and functions in the same manner as animal morality. In contradistinction to animal morality, human morality makes use of both what psychologists call System I processes and System II processes and can be both non-reflective and reflective.[2] Section 6.10 contains some reflections on the moral status of animals belonging to a species that has a morality. Section 6.11 offers some concluding remarks.

[2]There is now considerable agreement on the characteristics that distinguish the two systems. The operations of System I are fast, automatic, effortless, associative, and difficult to control or to modify. The operations of System II are slower, serial, effortful, and deliberately controlled; they are also relatively flexible and potentially rule-governed.

6.2 Definition of Morality

I argued that many social animals have a system for the regulation of social behaviour that is functionally equivalent to what morality does in human society. I didn't provide a description of what the function of morality is. In my view, the best functional definition of *human* morality was given by G.J. Warnock: '. . . the "general object" of morality, appreciation of which may enable us to *understand* the basis of moral evaluation, is to contribute to betterment – or non-deterioration – of the human predicament, primarily and essentially by seeking to countervail "limited sympathies" and their potentially most damaging effects' (Warnock 1971, p. 26). Becoming a moral person implies according to Warnock: learning to resist and control one's always present self-regarding tendencies. Morality's biggest enemy may be the pure egoist. But pure egoism is as rare as pure altruism. The average person has sympathy and concern, but only for a limited number of people – usually his family and friends. Therefore the proper business of morality is, in Warnock's view, 'to expand our sympathies, or, better, to reduce the liability inherent in their natural tendency to be narrowly restricted' (Warnock 1971, p. 26). Next to self-interest then, favouritism and partiality are in this view the most widespread moral problems.

Warnock speaks of expanding our sympathies. In his definition morality seems to have a universal intent. If universal intent is indeed a characteristic of morality, no system for the regulation of the social behaviour of a non-human species can qualify as a morality. Warnock's definition also doesn't cover the moralities of human societies in which the moral community coincides with the own social group. A similar, but less restrictive functional definition is found in Jessica Flack and Frans de Waal (2000). In their view human morality needs to take human nature into account by either fortifying certain natural tendencies – such as sympathy, reciprocity, loyalty to the group and family, and so on – or by countering other tendencies – such as within-group violence and cheating (p. 23). Flack and De Waal's definition can be broadened to cover animal morality, simply by skipping the adjective 'human' in 'human morality' and by substituting 'human nature' for 'animal nature'. They themselves avoid speaking of animal morality. In their view, non-human primates have a proto-morality – still a 'morality'. Human moral systems, they say, rely on basic mental capacities and social tendencies humans share with other cooperative primates, such as chimpanzees. That is why they regard it as justified to conclude that these other primates have a proto-morality. Humans, however, display unique features such as a greater degree of rule internalization, a greater capacity to adopt the perspective of others, and the unique capacity to debate issues among themselves and transmit them verbally (Flack and De Waal 2000, p. 23).[3]

[3]In *Primates and philosophers* De Waal states: 'The same process [i.e. evolution, BM] may not have specified our moral rules and values, but it has provided us with the psychological makeup, tendencies, and abilities to develop a compass for life's choices that takes the interests of the entire community into account, which is the essence of human morality' (De Waal 2009, p. 58).

The broadest definition of the function of morality is given by Dale Peterson (2011, pp. 51ff.): 'The function of morality, or the moral organ, is to negotiate the inherent conflict between self and others.' This definition, he says, includes the possibility that at least mammals have moral systems homologous to ours (p. 58). Marc Bekoff and Jessica Pierce define morality as 'a suite of interrelated other-regarding behaviours that cultivate and regulate complex interactions within social groups. These behaviours relate to well-being and harm, and norms of right and wrong attach to many of them' (2009, p. 7). They rightly distinguish between pro-sociality and altruism on the one hand, and morality on the other. To have a morality, they say, a given species must meet certain threshold requirements. These thresholds are: a level of complexity in social organization, including established norms of behaviour to which attach strong emotional and cognitive cues about right and wrong; a certain neural complexity that serves as a foundation for moral emotions and for decision making based on perceptions about the past and the future; relatively advanced cognitive capacities (such as a good memory); and a high level of behavioural flexibility (2009, p. 13). All moralities consist of well-developed systems of other-regarding prohibitions and proscriptions (2009, p. 13). The set of actions that constitute moral behaviours vary among species. So does the degree of moral complexity. Morality can be thought of as nested levels of increasing complexity and specificity. Bekoff and Pierce (2009) do not enumerate the animal species that meet the threshold requirements. What they do say is that animals with a highly developed moral capacity may include chimpanzees, wolves, elephants, and humans (p. 20). This is not an exhaustive list. The distinction between human morality and animal morality is for them quantitative rather than qualitative. Humans appear to have evolved an unusual high level of moral complexity (p. 139).

The definition I suggest combines elements of the definitions by Warnock; Flack and De Waal; Petersen; Bekoff and Pierce:

> Morality cultivates and regulates social life within a group or community by providing rules (norms) which fortify natural tendencies that bind the members together – such as sympathy, (indirect) reciprocity, loyalty to the group and family, and so on – and counter natural tendencies that frustrate and undermine cooperation – such as selfishness, within-group violence and cheating.

This definition leaves the question whether animals can have a morality open. What it does say is that rules constitute the mechanism for the regulation of social behaviour. A species can only be said to have a morality if their supposedly moral behaviour is rule governed. With humans not all rules are moral rules. If we want to find out whether a rule people follow is a moral rule we ask them, for instance, how they justify it and what their motives are for following the rule, how other people react when they violate the rule, and what kind of feelings they themselves have on such occasions. Students of animal behaviour must start with observing the behaviour, body language, and facial expressions of animals and the sounds they produce. If they observe certain regularities in their social behaviour, the next thing to do is to examine whether the regularity is caused by following a rule. Even if they can prove that animals follow a rule, additional evidence is needed to establish that the rule is a moral one and that the animals that follow it generally

have moral motives. However, direct proof is impossible. The usual approach of animal behavioural scientists is more indirect. They try to find out whether an animal species possesses the capacities that are needed for acting morally. If the answer is affirmative, they still have to show that an explanation of a given behaviour in moral terms is the best one available.

If we want to find out what the morality is of another society, we usually start by looking for behaviour and practices that are similar to the behaviour and practices that fall within the scope of morality in our society. Students of animal behaviour do the same. If they do not observe patterns of behaviour in an animal species that look like what is regarded as moral behaviour in human society, they probably will not get interested in finding out if that species has a 'morality' or a morality.

6.3 Clusters of Moral Behaviour

Bekoff and Pierce propose to structure the patterns of the 'moral' behaviour of animals into three rough categories which they call 'clusters'. A cluster is a group of related behaviours that show some family resemblances. They identify three clusters: the cooperation cluster, the empathy cluster, and the justice cluster (Bekoff and Pierce 2009, p. 8). What kinds of behaviour are covered by these clusters?

I start with the cooperation cluster. Bekoff and Pierce use the term 'cooperation' to refer to a suite of behaviours related to helping others and working together with others towards a common goal. Cooperative behaviour includes grooming, group hunting, communal care of the young, alliance formation, and play. They also mention various 'mechanisms' that grease the wheels of cooperation: honesty, trust, punishment and revenge, spite, and the negotiation of conflicts (p. 59).

The second cluster is the empathy cluster. The name already suggests that its focus is on a capacity underlying certain behavioural patterns, and not on the patterns themselves.

The third cluster of 'moral' behavioural patterns is the justice cluster. In Bekoff and Pierce's view, this cluster comprises several behaviours related to fairness, including a desire for equity and a desire for and capacity to share reciprocally. It also includes various behavioural reactions to injustice, including retribution, indignation, and forgiveness, as well as reactions to justice such as pleasure, gratitude, and trust (Bekoff and Pierce 2009, p. 113).

Flack and De Waal (2000) do not speak of behavioural patterns, but of tendencies and capacities already present in non-human species, which cannot be missed in human morality. These tendencies, they say, deserve to be called the four ingredients of morality. These tendencies and capacities are:

1. *Sympathy related:* Attachment, succourance, and emotional contagion. Learned adjustment to and special treatment of the disabled and injured. Ability to trade places mentally with others: cognitive empathy.
2. *Norm related:* Prescriptive social rules. Internalization of rules and anticipation of punishment. A sense of social regularity and expectation about how one ought to be treated.

3. *Reciprocity:* A concept of giving, trading, and revenge. Moralistic aggression against violators of reciprocity rules.
4. *Getting along:* Peace making and avoidance of conflict. Community concern and maintenance of good relationships. Accommodation of conflicting interests through negotiation (Flack and De Waal 2000, p. 22).

There clearly is an overlap between Bekoff and Flack's categorization and that of Flack and De Waal. Both are, however, a mixed bag of competences, attitudes, mechanisms, and behavioural patterns. I prefer to keep behavioural patterns, competences, and mechanisms (such as rules) apart. The term 'cluster of behavioural patterns' is useful, but I suggest other names, related to what I consider to be the most important foci of morality. The first focus is the prevention, containment and regulation of violence and aggression. I call the related cluster the *anti-violence and aggression cluster*. The second focus is the distribution and the sharing of food (which may or may not be the fruit of cooperative activities). An appropriate name for the related cluster might be the *sharing and distribution cluster*. The third focus is on behaviour that goes beyond direct reciprocity, such as helping, and caring for weak and vulnerable conspecifics. *Helping and caring cluster* is a suitable name. Anticipating my discussion in Sect. 6.8, the last focus is on behaviour that is shown when norms are violated. I call this last cluster the *social disapproval and punishment cluster.*

6.4 Empathy, Concern for Others, and Helping Behaviour

Many students of animal behaviour suggest that the basic moral competences or capacities are already present in nonhuman primates. One of these competences or capacities is empathy. Bekoff and Pierce even call empathy the cornerstone of what in human society is called morality (2009, p. 87). As is well known from the literature in developmental psychology (Eisenberg 2000; Hoffman 2000), empathy is not a single behaviour. There is a whole class of behavioural patterns with varying degrees of complexity (Preston and De Waal 2002; Bekoff and Pierce 2009). It occurs in nested levels, with the inner core a necessary foundation for the other layers. The simplest forms of empathy are body mimicry and emotional contagion, largely automatic physiological responses. The next layer consists of somewhat more complex behaviours such as emotional empathy and targeted helping. Empathy of the two lowest levels can be found in mice for example. More complex is cognitive empathy, the capacity to feel another's emotion and to understand the reasons for it. Cognitive empathy appears to emerge developmentally and phylogenetically with other 'markers of mind', including perspective taking (PT), mirror self-recognition (MSR), deception, and tool use (Preston and De Waal 2002). According to Preston and De Waal cognitive empathy may be found in a wider range of species, in the hominoid primates and perhaps elephants, social carnivores, and cetaceans (whales, dolphins, and porpoises). Most complex is the

capacity of attribution, in which an individual can take the other's perspective, which requires the use of imagination. According to Koski and Sterck (2009) the capacities of chimpanzees to understand others' emotional state operate at the level of what Hoffman calls 'quasi-egocentric empathy' – a complete separation between the own distress and that of the other has not yet been established. They would also be able to show initial other-regard. There is some evidence, for instance, that chimpanzees can attribute goals (Premack and Woodruff 1978; Call and Tomasello 1998). Research also suggests that nonhuman primates are sensitive to a conspecific's distress signals (e.g. Miller et al. 1963).

More insight in the role of empathy and concern for the distress of others in human morality is provided by Shaun Nichols (2004). He examined the moral capacities of very young children. Nichols builds on the distinction by Turiel and his colleagues between conventional and moral rules (Turiel 1983; Turiel et al. 1987). They contend that it is characteristic for moral persons to regard violation of moral rules as special on the dimensions of seriousness, wide applicability, authority, independence and justification. Violation of moral rules is above all serious when it causes harm to other people. Although the domain of morality is probably wider than that of harm-based violations, Nichols assumes that rules whose violation bring about harm constitute the core of morality. The capacity to see harm-based violations as very serious, generalizable, authority-independent and wrong because of well-being considerations, appears, according to Nichols, early in children's ontogenetic development – before their third year – and seems to be cross-culturally universal. Nichols calls this capacity the capacity for Core Moral Judgment (CMJ). CMJ depends on two mechanisms: a 'normative theory' prohibiting harming others and a basic altruistic motivation that is activated by representing suffering in others. In referring to the studies of psychologist Robert Blair (1995, 1997), Nichols contends that psychopaths, known to be deficient in affective response to the distress of others, do have a normative theory prohibiting harming others. A striking feature of psychopaths is that they provide conventional-type justifications for why violating moral rules is wrong, rather than offering justifications in terms of harm suffered by the victim. This leads Nichols to the conclusion that the normative theory is at least dissociable from the affective system. As far as I understand, a normative theory is for Nichols simply a system of norms. Whether animals can be said to have norms, we discuss in next section.

Nichols wants to know the cognitive and affective mechanisms underlying altruistic motivation. He argues that altruistic motivation depends on the minimal mind-reading (or empathic) capacity for an enduring representation of pain or some other negative affective or hedonic states in others. This minimal mind-reading capacity does not suffice for perspective taking. How can attributing distress to others lead to altruistic motivation? Nichols assumes that the altruistic motivation is mediated by an affective response. He gives two accounts of this affect. The available evidence does not really decide between these two. The first account is that there is a distinctive basic emotion of sympathy. The other is that distress attribution might produce a kind of second-order contagious distress in the subject. Representing the sorrow of another person may lead one to feel sorrow. This would

produce an empathic response – to help for example. Nichols suggests that perhaps both affective mechanisms are operative. He introduces an overarching term for these two affective mechanisms: Concern Mechanism. Neither reactive distress nor concern requires, according to Nichols, sophisticated mind-reading abilities.

Nichols thinks it possible that at least some nonhuman animals have the mind-reading capacity to attribute distress to another (Nichols 2004, p. 60). Nichols rightly notes that it is unclear from the available data which mechanism is operative in nonhuman primates – whether it is a form of concern or reactive distress (Nichols 2004, p. 61).

6.5 Behavioural Regularities and Norms

Rules become visible in behavioural regularities, but not all behavioural regularities indicate the existence of a social rule. Habits are also behavioural regularities. For a group to have a habit it is enough that the behaviour of most of its members at certain occasions in fact converges. According to the highly influential philosopher of law Herbert Hart, a common behavioural regularity must be explained by a rule (norm) if (1) deviation of the regularity elicits criticism, (2) the deviation is generally accepted as a good reason for criticism, and (3) the norm is seen as binding and obligatory – Hart speaks of the internal aspect of rules, or looking at rules from the internal point of view (Hart 1961, pp. 53ff). In the next sections I examine whether the first and the third criterion are also useful for distinguishing norm-based behavioural regularities of animals from 'mere' behavioural regularities such as habits. I leave out the second criterion since reasons for criticism can only be expressed in language. Criticism as such can also be expressed in non-verbal form. Even humans often use other than linguistic means to show their disapproval of a given behaviour. They also express it by gestures, facial expressions, and sounds – all of them means of communication also available to animals. While the first criterion points to reactions of group members to norm transgression, the third criterion refers to the attitude of the agent towards the norm. When an agent only follows rules out of fear for sanctions, they are not binding and obligatory for him.

Hart's third criterion for distinguishing a statistical behavioural regularity from a rule-based one is the presence of the 'internal point of view'. The internal point of view with regard to norms or rules is the point of view taken by someone who has internalized the norm, or, in more technical terms, has the practical attitude of norm-acceptance. Someone who has internalized a norm is motivated to follow the norm by the reasons that are the rationale of the norm – the reasons why it exists.

In the next two sections I discuss the internal point of view with regard to norms in more detail. Section 6.6 deals with norm internalization, while Sect. 6.7 discusses the motivation to follow norms that results from the internalization of these norms. In Sect. 6.8 I deal with Hart's modified first criterion which says that it is a characteristic of social rules that their violation meets social disapproval.

6.6 Guidance by Norms in Human Morality

In his paper 'Normative guidance' Peter Railton explores central features of normative guidance, the mental states that underlie it, and its relation to our reasons for feeling and acting, using fictive examples describing everyday activities involving all sorts of norms (Railton 2006). He develops in several steps what he calls 'a partial, largely functional characterization of conditions a piece of behaviour must meet to be norm-guided.' This characterization applies to all norm-guided behaviour, not only to behaviour guided by moral norms. I skip these steps, and go right to the last formulation he gives, which I adapt – in his spirit – because I am here only interested in moral norms:

> Agent *A*'s conduct *C* is guided by norm *N* only if 1) *C* is the manifestation of *A*'s disposition to act in a way conducive to compliance with *N*, so that 2) *N* plays a regulative role in *A*'s *C-ing,* where this involves some disposition on *A*'s part 3) to notice failures to comply with *N*, 4) to feel shame or guilt[4] when this occurs, and 5) to exert effort to comply with *N* even when the departure from *N* is unsanctioned and non-consequential.

Condition 1 – the disposition to act in a way conducive to compliance with *N* – expresses that 'To be norm-guided is a matter of how one is disposed to think, act, and feel, not simply of how one sees oneself, or would like to' (2006, p. 7). Condition 2 – *N* plays a regulative role in *A*'s *C-ing* – says that reference to *N* must be a necessary part of the explanation of A's behaviour. Condition 3 – the disposition to notice failures to comply with *N* – refers to the fact that A must monitor his behaviour because compliance with *N* matters to him. That it matters to him explains that he takes pains to comply with the norm even if non-compliance doesn't cause a disadvantage to him and goes unnoticed by other people (condition 5). The sanctions are internal: feelings of shame and guilt (condition 4).

Railton is not satisfied with a functional characterization of conditions a given behaviour must meet to be norm-guided, and goes on to explore the distinctive role of norm-guidance in an agent's psychology. He wants to know what mental acts or states of mind give a norm this sort of role in his life. He reviews several candidates that are discussed in recent philosophical literature: acceptance of norms, endorsing norms, and identification with norms. None of these attitudes accounts for the role of norms in shaping our lived world and contributing to the reasons why we act:

> Humble *internalization* of norms without the self's permission, approval, or identification, like humble acquisition of beliefs without the benefit of judgment or reflection, provides much of our substance as agents. And the critical assessment and revision of norms that saves us from mere conformity and inertia, like the critical assessment and revision of what we believe, proceeds more often by trial-and-error feedback and unselfconscious readjustment over the course of experience than by spontaneous higher-order acts of endorsement or self-definition. (Railton 2006, pp. 31f.)

[4]Railton speaks here of discomfort, not of shame and guilt which are more specific moral feelings.

To this he adds that these higher-order acts do play a crucial role in making us candidates for moral agency and moral accomplishment. The distinction between humble internalization of norms and higher-order acts of endorsement or self-definition is important for our subject. Humble internalization might describe the role that norms play in guiding animal behaviour. Unlike humans, animals are not capable of endorsing norms and of self-identification with norms.

6.7 Motivation by Moral Norms

I said that guidance by (moral) norms does not require more than humble internalization of these norms. Humble internalization is all that is needed for norms to motivate behaviour. Suppose that someone confronts us with the argument that only agents are capable of being motivated by moral norms. Whatever else they may be, even our evolutionary next of kin, the nonhuman primates, are not capable of being motivated by moral norms. Mark Rowlands (2011) has developed an interesting response to this argument. Moral motivation, he says, is the mark not of being a moral *agent*, but of being a moral *subject*:

1. X is a moral *subject* if and only if X is, at least sometimes, motivated to act by moral considerations (p. 519).

The notion of a moral subject is, according to Rowlands, typically run together with that of a moral agent:

2. X is a moral *agent* if and only if X can be morally evaluated – praised or blamed (broadly understood) – for its motives and actions (p. 519).

In Rowlands's view, motivation and evaluation are conceptually distinct. Reasons that explain someone's action need not be *his* reasons. A reason can only be someone's reason if he has control over it. A reason is someone's reason if he understands that he has that reason. This is what is meant by an internal reason. We can blame or praise an agent for an action if the reasons that motivated the action were also his internal reasons. Motivating reasons need not be internal, they can also be external. An external reason exists for a subject whether or not he is aware of it or would endorse it. It is a reason *for him*, but not *his* reason. Rowlands argues that being – at least sometimes – motivated by (external) moral reasons is a necessary and sufficient condition for being a moral subject. This condition also applies to animals. It suffices for establishing that animals are moral subjects to determine that their behaviour is at least sometimes motivated by moral reasons. Rowlands realizes that his view is in agreement with Kantian as well as Aristotelian theories which regard moral subjects as reflective scrutinizers of their motivations and actions. His article is meant to show that it is implausible to suppose that the existence of a reflexive subject is a *necessary* condition of the possibility of moral motivation. I cannot reconstruct his complete argument. For reasons that will become clear later

on, I focus on that part of the argument where he introduces someone whom he calls Mishkin[5] – after the prince in Dostoevsky's *The idiot*:

> *Prima facie*, Mishkin has the soul of a prince: throughout his life, he performs many acts that seem to be kind or compassionate. He performs these acts because he is the subject of sentiments that – again, at least *prima facie* – seem to be kind or compassionate ones. When he sees another suffering, he feels compelled to act to end or ameliorate that suffering. When he sees another happy, he feels happy because of what he sees. If he can help someone get what they want without hurting anyone else, he will help because he finds that he enjoys doing it. In short, Mishkin deplores the suffering of others and rejoices in their happiness. His actions reflect, and are caused by, these sentiments. What Mishkin does not do, however, is subject his sentiments and actions to critical moral scrutiny. Thus, he does not ever think to himself things like: 'Is what I am feeling the right feeling in the current situation – that is, is what I am feeling what I *should* be feeling?' Nor does he think to himself things like: 'Is what I propose to do in this circumstance the (morally) correct thing to do (all things considered)?' (Rowlands 2011, p. 528)

Rowlands supposes that Mishkin is not incapable of reflection, but operates on 'a more visceral level'. This is the picture that Rowlands gives us, after some discussion, of Mishkin:

> (i) Mishkin performs actions that are good, and (ii) Mishkin's motivation for performing these actions consists in feelings or sentiments that are the morally correct ones to have in the circumstances, and (iii) Mishkin has his own good reasons for having these feelings and performing these actions in these circumstances, and (iv) Mishkin is not aware of these reasons. (p. 531)

Mishkin has reasons. These reasons are internal, but not available to his conscious, rational scrutiny. They are embodied in his non-conscious, sub-personal processing operations. The terminology Rowlands uses here stems from social psychology. Most psychologists nowadays agree that there are two types of cognitive processes or 'reasoning systems'. Roughly, one system is associative and its computations reflect similarity and temporal structure; the other system is symbolic, and its computations reflect a rule structure (Sloman 1996). Stanovich and West labelled these systems or types of processes 'System I' and 'System II' (Stanovich and West 2000). There is now considerable agreement on the characteristics that distinguish the two systems. The operations of System I are fast, automatic, effortless, associative, and difficult to control or to modify. System I is cognitively impenetrable. The operations of System II are slower, serial, effortful, and deliberately controlled; they are also relatively flexible and potentially rule governed. The perceptual system and the intuitive operations of System I generate *impressions* of the attribute of objects of perception and thought. System II is uniquely human. Recent studies show that

[5]The correct spelling of the name of Dostoevsky's prince in *The idiot* (1868) is 'Mysjkin', but I will follow Rowlands's spelling. After a long stay abroad, prince Myshkin returns to Russia where he finds people under the spell of money. Myshkin is called the idiot because of his epileptic seizures.

most of human judgments are not simply the outcome of conscious – System II – reasoning. To a large extent, they are intuitive and automatic – System I – responses to challenges, elicited without awareness of underlying mental processes (Bargh 1996; Bargh and Chartrand 1999).[6]

6.8 Disapproval and Punishment

In their article 'Evolutionary precursors of social norms in chimpanzees' Claudia Rudolf von Rohr, Judith Burkart and Carel van Schaik (2011) develop a theoretical framework for recognizing different functional levels of social norms and distinguishing them from mere statistical regularities. They define social norms as behavioural regularities that are normative (i.e. entail a sense of oughtness in the moral sense) to a varying degree, and generate social expectations. These expectations do not have to be experienced consciously. This aligns with what I said about humble internalization of norms. Their satisfaction or violation might, according to Von Rohr et al., produce distinct reactions observable from the outside. Since meeting expectations is the normal situation, no reactions have to follow. But when a given behaviour violates expectations, nearly always negative reactions ensue. Most important are the negative reactions by uninvolved bystanders (Von Rohr et al. 2011, pp. 3ff.). Von Rohr et al. distinguish three types of negative reactions from bystanders on the violation of three different types of norms:

1. *Quasi social norms*. The negative reactions might simply be caused by specific cues. E.g., when an infant that is attacked, screams, bystanders flow to the scene and harass the perpetrator. This type of bystander reaction does not reflect violated social expectations, and most likely does not involve emotions such as indignation towards the perpetrator. Bystanders in this category probable do not possess any specific inference on how the distress of an infant and the behaviour of the perpetrator are linked together and thus are not able to perceive harming an infant as norm violation per se (2011, p. 16).
2. *Proto social norms.* If bystander reactions cannot be explained by simple stimulus-response mechanisms, it might be that they respond to norm violation as such. In this case, bystander reactions might also involve emotions comparable to indignation in humans. Bystander reaction on norm violation per se requires

[6]Rowlands's Mishkin is someone whose morality seems to operate completely on the subconscious level. Hubert and Stuart Dreyfus (1991) would characterize him as a 'moral expert', the product of successful moral education and training whose judgments and decisions are the product of intuitive thinking. I don't have problems with Rowlands's characterization of Mishkin as a moral subject, but his picture of Mishkin is over-simplified. Even moral experts sometimes have to reason consciously, e.g., when their intuitions conflict or are indeterminate. Moreover, it is hard to imagine that a person is never challenged to give reasons for his judgments and actions. Therefore Mishkin must be capable to reflect on his motivation. Mishkin may most of the time function as a moral subject, but he must be capable of moral agency.

the capacity to exhibit some empathetic competence because this would enable bystanders to understand the mistreated infant's and its mother's distress to some extent, and also its cause. Von Rohr et al. assume that apes but not monkeys have empathetic competence, because monkeys seem to lack the capacity to attribute mental states to others (2011, pp. 16ff).

3. *Collective social norms.* Humans are endowed with sophisticated empathetic and cognitive abilities, which enable them to grasp the full extent and far-reaching consequences of mistreating children. Moreover, they are able to reason that infants are completely defenceless and therefore highly vulnerable creatures (2011, p. 17). An important difference between the reactions of chimpanzees and humans on norm violation is that chimpanzees might experience 'indignation' in a fairly individualistic way, while humans are able to share their feelings of indignation. Referring to Tomasello and Carpenter (2007), Von Rohr et al. state that, in analogy to shared intentionality, shared indignation goes beyond simultaneous experience by different individuals and includes the awareness of a collective experience which may lead to collective protest against and condemnation of the violator. This exemplifies the collective nature of a social norm. 'It is this collectivity upon which the viability and the enforceability of a social norm ultimately rests and which on current evidence appears to be absent in chimpanzees' (Von Rohr et al. 2011, p. 18).

Negative reactions by non-involved bystanders on the deviation of a socially expected behavioural regularity, accompanied by feelings comparable to human indignation, indicate that a social norm lies at the base of the behavioural regularity. According to Von Rohr et al. this kind of negative reactions requires the capacity to exhibit some empathetic competence; a capacity which is according to them present in chimpanzees, and not in monkeys and other species which lack the capacity to attribute mental states to others (Tomasello and Call 1997). They conclude that norms might play a role in guiding the behaviour of chimpanzees; these norms are not collective social norms however. They are proto-social norms. Since in their view moral norms are collective social norms, the conclusion must be that only humans have a morality.

Although I am inclined to accept that only humans are capable of shared indignation, I am not convinced that shared indignation marks the violation of the kind of social norms we call moral norms. An important step in their argument is the distinction that Von Rohr et al. make between personal norms and social norms. A personal norm refers to a personal expectation about how an individual wants to be treated. Personal norms are precursors of social norms because it seems implausible that one would form expectations about how others should be treated before forming expectations about how one wants to be treated oneself. Moral behaviour, they say, starts when personal expectations are generalized and extended to others. It seems that they call norms personal if violation of a norm elicits a negative reaction only from the individual that is negatively affected. I find this concept of a personal norm implausible. If I punish my neighbour when he does not bow to me, because I personally expect that younger persons should bow to older ones, this clearly is

a personal norm – provided that I myself also bow to older persons. Nobody else punishes youngsters who do not bow for older persons. The norm is not shared by others. Suppose I am talking to some neighbours at the back of my house, when I see a stranger climbing over my fence. I get angry at that person and shout that he has no right to enter my garden without my consent. Although I am the only one who starts shouting, my neighbours approve of my reaction and would do the same if someone climbed over their fence. I consider a norm to be a social norm if every individual in a group reacts negatively when the violation of a norm directly affects them.

6.9 Animal Morality and Human Morality

In the previous sections I argued that there is evidence that some animal species, chimpanzees for example, display disapproval of norm-violating behaviour. I do not know of evidence proving that behaviour of higher animal species, say, the nonhuman primates, is motivated by humbly internalized moral norms. It might even be impossible to prove that the behaviour of non-linguistic animals results from following moral norms. Rowlands only showed that moral motivation is not restricted to the class of moral agents. He made it plausible that a species has a morality, if its members show – at least sometimes – behaviour that is morally motivated. If I understand him well, Rowlands argues that animals that belong to a species which might have a morality are similar to Mishkin. Like Mishkin, they are, at least sometimes, unconsciously motivated by moral reasons of which they are not aware. Also in Railton's view, guidance of human behaviour by norms largely takes place unconsciously and automatically. This type of guidance can be found with animals as well. Not only a large part of human behaviour generally, but also a large part of their moral judgments results from an embodied, unconscious, and pre-reflective morality. It is plausible to assume that this pre-reflective morality is still influenced by the human evolutionary heritage – (social) motivations, emotions, learning and other dispositions, and inhibitions. But it is also probable that the influence of this evolutionary heritage can be controlled, inhibited, modified, extended by reflective capacities. Moreover, the embodied non-reflective morality of humans contains more than what they have inherited of their evolutionary predecessors. Many of a person's intuitive judgments are the result of indirect or direct learning processes.

Railton's characterization enables us to get a clearer picture of how norm guidance with animals relates to that with humans. A large part also of human morality is non-reflective and functions in the same manner as animal morality. But there are important differences. Animals do not experience shame or guilt when they don't comply with their moral rules. Mishkin, who doesn't show moral agency, is still a different moral subject than e.g. a chimp. It is important to stress that unconscious guidance by rules doesn't imply that the guidance is irrational. It isn't rational in the sense of consciously based on reasons. It can however be rational in the sense that it conforms to standards of rationality.

Non-reflective animal morality can only engage System I-processes. Human morality can be both non-reflective and reflective, and makes use of both System I and System II processes. In contradistinction to System II cognitive processes which are rule based and computational, System I processes are said to be associative and/or heuristic based. This image is, according to Peter Carruthers (2012), wrong. He refers to research by Gallistel and colleagues on conditioning of animals that shows that the behaviour of animals involved in conditioning experiments is best explained in rule-governed, computational terms, rather than in terms of associative strengths (Gallistel and Gibbon 2001; Gallistel and King 2009). Carruthers concludes that non-human animals engage in unreflective processes that can be both flexible and rule governed. Otherwise learning by animals could not be explained.

Many of the rules and principles that guide my behaviour are 'humbly internalized', even principles such as autonomy – in the Kantian sense – and self-determination. From time to time however we are confronted by situations in which 'humble internalization' doesn't suffice, for example, a confrontation with people with diverging moral beliefs and practices. Only then the question arises whether we can accept, endorse, or identify with our internalized rules and principles. Only then conscious reflection is needed. That is when System II processes need to be activated. Reflection may lead to revising rules and principles. What distinguishes humans from moral animals is that humans are *capable* of moral agency, although they rarely *show* moral agency.

According to Carruthers, System I and System II processes cooperate. He holds that rational reflection operates in this way: action schemata are selected and activated, and mentally rehearsed, while overt action is suppressed. This gives rise to conscious images which are globally broadcast and thus made available as input to the full suite of intuitive systems. The latter draw inferences from them, activate relevant memories, and issue in emotional reactions. Thus, reflection doesn't exist alongside of intuitive systems, but is partly realized in cycles of operation of the latter, utilizing pre-existing mechanisms and capacities (Carruthers 2012, p. 8).

6.10 Animal Ethics and Animal Morality

Animal ethics works, as I said in the Introduction, with the distinction between moral agents and moral patients. Animals are moral patients if they have sentience. Lacking reflective capacities, animals cannot be moral agents. This is currently the dominant view among ethicists. I have argued that some animals can be said to have not just a 'morality', but a morality in the full sense. In this last section I only explore what being a moral animal means for the moral status of the animal. I plan to go into this issue in a subsequent article. Do humans have other duties to moral animals than to animals which only have a 'morality'? Do moral animals themselves have moral duties? I start with the first question. Only vegetarians reject killing animals for food. The more received view is that humans have a duty to withhold from all kinds of actions that cause harm to animals, but have no duty not to kill them. Thus, it is

morally permissible to kill animals, provided that it is done painlessly. This view assumes that there are morally relevant differences between humans and animals. In my opinion, moral animals do not differ from humans in morally relevant respects. Moral animals are, as are humans, worthy of our respect. Here I cannot work out this view in detail.[7]

The second question asks whether moral animals are duty bearers. The received view is that only agents are duty bearers. By speaking of proto-morality Flack and De Waal avoid difficult questions such as whether (some) animals have agency, questions which Bekoff and Pierce are forced to answer. Many people assume, they state, that by claiming that animals have morality, we are also claiming that they are moral agents (2009, p. 144). Bekoff and Pierce accept what they regard as the philosophical implications of their position: One cannot argue that (some) animals have a morality while denying that they have agency. However, they argue that it would be naïve to assert that other animals are moral agents *in the same sense* in which most adult humans are. Moral agency is species specific and context specific; animals are moral agents *within the limited context of their own community.* Wolf morality reflects a code of conduct that guides the behaviour of wolves within a given community of wolves. The predatory behaviour of a wolf towards an elk is *amoral* (2009, pp. 144 ff.).

By embracing relativism, Bekoff and Pierce avoid difficult questions. They concede that animals who are moral agents in principle deserve blame or praise for their behaviour. From a relativistic point of view, moral agents are not to be blamed for actions that are not wrong within the morality of their own group (or species). Animal moral agents can only be blamed for what they do to members of their own community. An elk does not belong to the moral community of wolves. Killing an elk is, in the view of Bekoff and Pierce, not a moral issue for a wolf. This is, of course, a very simple case. It is hard to imagine that predatory animals are to be blamed for killing their prey. A more difficult case would be that of chimpanzees who are systematically murdering the members of a rival group. Assuming that Bekoff and Pierce are consistent, they would regard the behaviour of these chimpanzees as not blameworthy, because the rival group doesn't belong to their moral community. Suppose that a subordinate chimpanzee takes food that is not seen by the dominant one. Is his behaviour blameworthy? Of course, praising and blaming is a linguistic practice which is not available for animals. They are neither capable of praising and blaming, nor of understanding praise and blame of others. Even if it doesn't make sense to blame someone, it still might make sense to ask whether the individual is blameworthy. In my view, an individual is only blameworthy if he is aware of the norm he transgressed, or can be made aware of that. Therefore, moral animals who are only unconsciously motivated by moral norms, cannot be blamed for moral transgressions. That is why Rowlands calls them moral subjects, and not moral agents.

[7] An important implication of this view is for me that moral animals cannot be used for food, nor for research purposes.

6.11 Conclusion

I argued that some animal species may have not just a morality-analogous system for the regulation of social behaviour, but a morality. These species disapprove of behaviour that conflicts with moral rules. There are also important similarities between animal morality/moralities and human morality/moralities. The moral rules and behavioural patterns of both animal and human morality can be clustered in the same categories: the anti-violence and aggression cluster, the sharing and distribution cluster, the helping and caring cluster, and the social disapproval and punishment cluster. Animal morality regulates behaviour automatically and unconsciously. However, a large part also of human morality is non-reflective and functions in the same manner as animal morality. Humans differ from animals in that they possess rational and reflective capacities. These capacities enable them to deliberate about what is right and appropriate to do and constitute the core of agency. Humans can be held accountable and responsible for what they do. In the last part of the paper I explored what being a moral animal (having a morality) means for the moral status of the animal. I argued that moral animals are worthy of the same respect that we owe to humans, which implies that we should not kill them for food or use them in medical trials that benefit only humans.

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