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MORAL AGENCY IN OTHER ANIMALS

ABSTRACT. Some philosophers have argued that moral agency is characteristic of humans alone and that its absence from other animals justifies granting higher moral status to humans. However, human beings do not have a monopoly on moral agency, which admits of varying degrees and does not require mastery of moral principles. The view that all and only humans possess moral agency indicates our underestimation of the mental lives of other animals. Since many other animals are moral agents (to varying degrees), they are also subject to (limited) moral obligations, examples of which are provided in this paper. But, while moral agency is sufficient for significant moral status, it is by no means necessary.

KEY WORDS: animals, animal behavior, moral agency, moral obligations, moral status, speciesism

Various philosophers have argued that appropriate criteria for moral status pick out human beings alone as having this status. Three criteria commonly advanced are rationality, language, and moral agency—the capacity to act morally and immorally. It is now widely accepted that many nonhuman animals have some degree of rationality, that some language-trained animals possess language, and that some humans (notably infants and severely disabled children and adults) do not. However, it is less generally accepted that some nonhumans possess the third characteristic, moral agency. Here I argue that some nonhumans do possess moral agency. This finding casts further doubt on the thesis that only human beings have moral status.

In a recent article, Tibor Machan argues that "[n]ormal human life consists of moral tasks, and that is why we are more important than other beings in nature."[1] Machan goes so far as to say that human moral agency justifies not only medical experimentation on animals, but even the use of animals for sport. Other philosophers such as McCloskey,[2] Melden,[3] and Leahy[4] also seek to use moral agency as a means of limiting nonhumans to negligible moral status.

There are two ways to rebut such arguments. First, one can argue that moral agency is not as relevant to moral status as are other characteristics, such as the ability to feel pain. Second, one can argue that at least some nonhuman animals are moral agents. While the first line of argument has been explored at length, little has been written about the second. There seems to be a near-consensus among philosophers interested in animal ethics that while many nonhumans are moral patients—bearers of moral status—none are moral agents.[5] Pluhar[6] and Rachels[7] explicitly assume that humans have a monopoly on moral agency, and Regan[8] implicitly assumes the same.

While it is understandable that animal advocates might wish to widen the circle of moral considerability to include many other animals while at the same time exonerating them from any responsibilities, we shouldn't ignore evidence that other animals are capable of moral (and immoral) action. Such evidence is impressive. And the view that nonhumans are incapable of moral agency may be based on an underestimation of the mental capacities of these animals.

There are many ways of defining moral agency, and the choice of a definition is a crucial factor in whether moral agency proves to be limited to humans. Philosophers like Pluhar set the standard for moral agency at a relatively high level: the capability to understand and act on moral principles. In order to meet this standard, it seems necessary for a being to possess linguistic capacities beyond those presently ascribed to any other species (with the possible exception of some language-trained animals). However, a lower standard for moral agency can also be selected: the capacity for virtuous behavior. If this lower standard is accepted, there can be little doubt that many other animals are moral agents to some degree.

Importantly, most adult humans satisfy the requirements for both the low and the high standards. It would be naïve to assert that other animals are moral agents *in the same sense* in which most adult humans are. As such, it will be helpful to view our issue not in terms of a black and white dichotomy between moral agents and non-moral agents, but rather as a broad continuum with acting on principle at one end, the bare ability to act virtuously at the other, and reciprocally altruistic animals who can't act on moral principles somewhere in the middle.

Moral agency is not restricted to our species, even if other animals are not capable of expressing it to the degree that we do. The sentiment of wanting to help others, which presumably requires less cognitive complexity than mastery of abstract principles, characterizes some beings who are incapable of moral abstraction or who have not yet developed it. While principles can sometimes be useful in improving moral practice, they are not necessary for moral behavior.[9]

NONHUMAN MORAL AGENCY AS POSSIBLE AND PROBABLE

As James Rachels argues, evolutionary theory forces us to abandon most notions of human supremacy. Because of Darwin, we now expect to find continuities of traits across species as opposed to clear-cut distinctions, especially among species closer in evolutionary heritage. Animal advocates have gone to great lengths to demonstrate that traits such as rationality and intelligence are present in varying degrees among many other animals, even if these traits aren't as morally relevant as sentience. So, we should not simply assume that moral behavior—or any other characteristic—will be wholly present in humans while wholly absent from other animals.

Perhaps, then, other animals can act morally, given what we know about natural selection. According to ethologist Frans de Waal, "Evolution has produced the prerequisites for morality: a tendency to develop social norms and enforce them, the capacities of empathy and sympathy, mutual aid and a sense of fairness, the mechanisms for conflict resolution, and so on."[10]

While it is sometimes assumed that natural selection simply promotes competition between individuals, the role of mutual assistance should not be underestimated. Other animals often band together in order to make ends meet in an uncertain and changing environment. For example, it would be extremely difficult, if not impossible, for wolves to survive as solitary or uncooperative creatures. Forming coalitions with one another seems to be what works best for wolves.

But we shouldn't confuse the evolutionary benefit mutual aid brings with the actual intentions of the animals who use mutual aid. By way of analogy, we often have very different motives for sex and eating than the evolutionary purposes they serve. Moreover, we should not assume a human mother's love for her child has no moral value simply because maternal love serves a biologically useful purpose. As de Waal points out, animals can perform action A for reason B, while at an evolutionary level A actually serves purpose C.[11] Animals, especially those close to us in evolutionary heritage, often act virtuously in many of the same ways humans do. The fact that there is a possible biological and ultimately self-interested account of such behavior does not preclude its having moral value. To suggest different explanations for similar behavior in closely related species is not only uneconomic; it is usually incorrect. Thus, it seems probable that some animals can genuinely care for one another, act courageously, and display other virtues, most of which have moral value even if, from an evolutionary perspective, they prove advantageous.

VIRTUOUS NONHUMANS

Before discussing why virtuous behavior ought to be sufficient for moral agency, let us consider a few instances of virtue in other animals. The point is not to give an exhaustive account of morality in the animal world, but rather to demonstrate that many other animals possess such virtues as courage, compassion, and loyalty. More examples will be cited later in the paper to justify the claim that some other animals have obligations.

As mentioned above, wolves are commonly seen to be very devoted and caring parents. Whales will place their bodies in between whaling ships and a harpooned whale, sometimes even capsizing the boat in an effort to free their fellow whale.[12] Chimpanzees are capable of understanding when another chimp is dying and will take measures not only to avoid disturbing the ailing elder, but also to caress and otherwise comfort her.[13] Dolphins will go to lengths to make sure that injured dolphins are kept afloat to prevent them from drowning.[14] Also, in many species, when an infant is orphaned, surviving adults of the group will commonly adopt the orphan and raise him with as much affection as they do their biological offspring.[15]

Perhaps most convincing, however, are not cases of other animals merely helping each other, but cases in which individuals sacrifice their own interests in order to help others. This form of altruism seems to be a paradigmatic instance of moral behavior. Perhaps unsurprisingly, this trait is not limited to humans.

In one laboratory setting, macaques were fed only if they pulled a chain which caused an electric shock to be delivered to an unrelated macaque who was in plain view through a one-way mirror.[16] If they refused to pull the chain, they starved. Once they understood the dilemma, most monkeys routinely refused to pull the chain; in one experiment only 13% chose to gain food at the expense of causing the agony of another macaque. One of the monkeys even chose to starve for nearly two weeks rather than harm another of his species. While it may be amazing that 87 percent of the macaques chose to starve in order to prevent harming another macaque, even more interesting is the fact that, in some of the experiments, it was not just a desire to avoid harming others that led the monkeys to starve, but also a sense of empathy for them. Macaques who knew what it felt like to be shocked—from prior experiments—were even less willing to pull the chain and shock another macaque. Lest we imagine that the macaques were acting solely in accordance with their social hierarchy, the researchers concluded that the relative social status or gender of the animals was irrelevant to their willingness to inflict pain on others.[17]

Even the most hardened skeptics of nonhuman moral agency would have a hard time denying that the macaques who chose to starve rather than harm another macaque were acting admirably. Yet, if we accept that their behavior was admirable, we imply that they had a choice in the matter, that they consciously selected such a selfless course of action. In what possible way could it be admirable aside from being *morally* admirable? Had the macaques been acting robotically and had no choice in whether they pulled the chain or not, certainly we would have no cause to find their behavior admirable, although it would perhaps be interesting. While the monkeys may not have been able to formulate an abstract principle related to the virtue of non-malevolence, there is little doubt that in this experiment they displayed virtuous behavior.

VIRTUE AS SUFFICIENT FOR MORAL AGENCY

The claim that other animals can act virtuously should not be very surprising to those who are relatively familiar with animals. What is more controversial is the claim that virtue is sufficient for moral agency. Opposing this claim is the assertion that ability to understand and act on moral principles is necessary for virtue. Many philosophers interested in animal ethics accept this more demanding standard, while a minority does not. While the capacity for understanding and acting on principle may be relevant in some practical matters, it is not the only way to perform moral (and immoral) actions. Being able to care about the interests of others is central to what matters in morality, and arguably more important than abstract principles regarding proper conduct. But, once again, we must remember to regard moral agency as admitting of varying degrees across a range of species.

As suggested so far, acting on principle and acting morally should not be conflated. Who seems to be more moral: a human who begrudgingly does the right thing only out of a sense of duty, or a macaque who chooses to starve for weeks rather than harm another macaque? It seems extremely implausible, not to mention unfair, to assert that the macaque is incapable of any form of morality simply because she lacks command of complex language that would allow her to engage in moral theorizing or abstraction. As Carl Sagan and Ann Druyan comment,

> [the macaque] experiments permit us to glimpse in non-humans a saintly willingness to make sacrifices in order to save others—even those who are not close kin. By conventional standards, these macaques—who have never gone to Sunday school, never heard of the Ten Commandments, never squirmed through a single junior high civics lesson—seem exemplary in their moral grounding and their courageous resistance to evil. Among the macaques, at least in this case, heroism is the norm.[18]

It may be helpful to remember that in the course of humanity's existence as a species, despite very little genetic change, the formulation of moral principles is a recent phenomenon. What are we to make of humans who existed before moral theorizing? Like other animals, their morally relevant actions did not stem from consideration of moral principles. Rather, they stemmed from sentiment, intuition, religious belief, tradition, and other resources aside from moral theory.[19] Were their actions stemming from compassion, courage, and other virtues not sufficient for them to be considered moral agents? Certainly not. Although they presumably lacked moral reasoning with principles, these humans had moral values that led them to care about the interests of others. These values (e.g., not unnecessarily harming others), were later formulated into principles. For every one of these principles, there is some general value and a corresponding virtue. One can be responsive to that value and have the virtue without grasping the more linguistically-shaped principle. The macaques seem to exemplify beings who are in this situation. So, presumably, did the pre-principle humans.

SOME OBJECTIONS CONSIDERED

In response to the preceding arguments, one likely objection is that the virtues of other animals are merely instinctual or conditioned, and thus less morally significant than the virtues of humans. But as Sapontzis persuasively argues, even conditioned and instinctual behavior can have moral value.[20] There are two types of "instinctual" behavior. One involves simply reacting on reflex without being aware of the situation around one. Other animals who act this way (e.g., insects as far as we currently know) and *seem* to express virtues would not count as moral agents. This is because they presumably are unable to care about the interests of others any more than a robot programmed to rigidly act on a certain moral principle would care about the interests of those impacted by its actions. In short, it is not morally admirable to perform action A if you couldn't possibly avoid performing action A. However, many other animals do not act this way. For example, mother wolves often adapt their care-giving to fit particular circumstances as opposed to inflexibly applying the same treatment regardless of whether it would be appropriate.

Moreover, our instilling values in our children, thereby conditioning them, doesn't entail that their virtuous actions later in life lack moral value simply because their behavior was conditioned. Then again, as DeGrazia points out, if those children *never* override instincts and conditioning, they do not qualify for moral agency.[21] The importance of this point should not be underestimated. In order for conditioned behavior to have moral value, the agent must sometimes display unconditioned behavior as well, or at least be fully capable of doing so. This is what distinguishes the robot from the mother wolf who is capable of adapting to unusual circumstances. Consequently, moral agency seems to demand at least minimal degrees of intentionality, reasoning, and responsiveness to circumstances. It seems highly unlikely, however, that we will find many "higher" animals who act as inflexibly as the amoral robot. The important point is that conditioned behavior can have moral value. While employing principles can be useful in morally complex situations, as Sapontzis asserts, "in most situations we simply perceive or feel what is the moral thing to do and, if we are moral, do it."[22]

For example, many of us would react to the sight of an injured child in the middle of a busy intersection by instantly grabbing her and bringing her to the safety of the sidewalk. Few of us would give any conscious deliberation to the action, and many people in similar situations assert "they didn't even think about it." Yet, even though the action was not the result of moral deliberation, we praise these actions and those who perform them.

Another possible objection to attributing moral agency to animals is that they primarily practice "kin altruism" and don't care about the interests of non-kin. This was certainly the most prevalent form of altruism in our species for the vast majority of our existence, and is still true for most of us today. It should not count against other animals that they feel stronger ties to their immediate kin than non-kin, when this is exactly the situation we humans face as well. This explains why we consider an American who spends $500 to send his offspring on a lavish vacation and $50 to a charity to be generous. As such, it would be unjust to hold other animals to a higher standard for moral agency than we hold humans. However, like humans, many other animals practice forms of altruism that are not reserved for immediate kin.

Reciprocal altruism is not merely banding together to survive. It involves performing an action for someone else's benefit with the presumption that at some point in the future, the kind deed will be reciprocated. As such, it requires strong memories and stable social climates. Many other animals who manifest a form of moral agency merely by caring about the interests of others while performing morally relevant action do not engage in reciprocal altruism. What is most interesting about reciprocal altruism, though, is that it requires censure of those whose reciprocity falls short, implying an expectation of fairness. Such censure may involve punishment, as De Waal observes:

> Not only do chimpanzees assist one another mutually, they add a system of revenge to deal with those who oppose them... Inclusion of negative acts considerably broadens the scope of the balance sheets they seem to keep on social affairs: not only are beneficial actions rewarded, but there seems to be a tendency to teach a lesson to those who act negatively.... [A]ltruism is not unlimited: it is bound by rules of mutual obligation.... To act negatively toward stingy individuals...suggests a sense of justice and fairness.[23]

OBLIGATIONS

I have argued that genuinely virtuous conduct in some other animals qualifies them as moral agents. This brings us to my most controversial, yet unavoidable, claim: that like human moral agents, animal moral agents are subject to some obligations. It is very common to defend seemingly inappropriate actions of other animals by asserting, "They just don't know any better." Even philosophers who argue that other animals can act morally don't always agree that they are bound by even minimal obligations.[24] However, it should be acknowledged that just as there are differing degrees of moral agency, so too are there different ranges of obligations. DeGrazia argues—and I agree—that we have responsibility only over the range of actions of which we are capable of moral understanding.[25] Thus, while it would be appropriate to hold a four-year-old human responsible for hitting his sister, it would not be appropriate to hold him responsible for publicly calling attention to a disabled person on the street (assuming he couldn't be expected to grasp the potential for hurt feelings). In short, the less mentally developed a moral agent, the fewer obligations she will have.

There are two kinds of obligations: positive and negative. While the extent of our positive obligations to actively help others is a matter of controversy, it is less controversial that we have strong negative obligations to avoid harming others when reasonably possible. Like Johnson, I believe our reluctance to maintain that other animals can have obligations to be indicative of our underestimation of the mental lives of many animals.[26] When an animal is capable of caring about the suffering of another and without good reason freely chooses to harm her, I do not think it is unreasonable to claim he acts unethically. Note that the minority of macaques who pulled the chain would not be condemned, as they had perfectly good reason to pull the chain—to survive. If a macaque chose to shock another macaque when it wasn't necessary to do so for survival (similar to the human subjects in Stanley Milgram's experiments),[27] assuming they grasped that their action would cause suffering, then they could be deemed blameworthy. It seems fairly obvious that macaques are capable of caring about the suffering of other macaques and that those who gratuitously pull the chain would be flouting an obligation not to harm other macaques when reasonably possible. While many philosophers don't think other animals can have obligations, it could be that macaques think they do!

While we can imagine circumstances in which a macaque might be deemed to be acting immorally, we need not only imagine such a circumstance. There are hundreds of examples in the ethological literature of other animals engaging in behavior we would clearly recognize as immoral if performed by humans. Immoral behavior such as domestic violence, rape, and murder are not strictly limited to our species. Perhaps one of the more famous examples of a case in which other animals acted immorally comes from Jane Goodall's research in Gombe. Godi, a male chimpanzee, was peacefully eating alone when marauding male chimps from a neighboring territory swarmed him:

> By the time he saw the eight intruders they were already at his tree. He leapt and ran, but his pursuers raced after him, the front three side by side...Humphrey immobilized him. Godi lay helpless, his face crushed into the dirt.
>
> While Humphrey held, the other males attacked. They were hugely excited, screaming and charging. Hugo, the eldest, hit Godi with teeth worn almost to the gums. The other adult males pummeled his shoulder blades and back....
>
> After ten minutes Humphrey let go of Godi's legs. The others stopped hitting him. Godi lay face down in the mud while a great rock was hurled toward him.... And Godi, slowly raising himself, screaming with fear and anguish, watched his tormentors go. There were appalling wounds on his face, body, and limbs. He was heavily bruised. He bled from dozens of gashes, cuts, and punctures.
>
> He was never seen again. He may have lived on for a few days, perhaps a week or two. But he surely died.[28]

It isn't hard to imagine the above beating being administered by a gang of teens on a rival gang member. In fact, it sounds like this very scene could have been recounted in any of the stories of pogroms or raids on neighboring villages so common in our history books. Few of us doubt that those humans who engage in gang violence or even more formalized pogroms are acting immorally. Similarly, I don't think it's a stretch to assert that Humphrey and his clan should be seen as blameworthy.

While it may seem counterintuitive to think of some other animals as having obligations, common experience shows that we often act as if they do. For example, many people are likely to feel that a cat who has been properly trained to use a litter box, but goes to the bathroom on the floor for apparently no good reason, is blameworthy. We tend to think of the cat as "knowing better." Also, a dog who knows he is not supposed to shred his guardian's shoes, but does so for apparently no good reason, is generally held responsible for his behavior. Similarly, children who we believe "know better" are punished when they've acted immorally, perhaps through stealing or bullying, when they understand the ramifications of those actions.

Perhaps reciprocally altruistic animals have greater levels of responsibility than animals who can act virtuously but are not capable of reciprocal altruism. Not only do these animals have the negative obligation to avoid inflicting gratuitous harm on members of their group (presuming animals complex enough to reciprocate altruism can also care about the interests of others); they also have positive obligation to perform reciprocal acts of kindness to those who have helped them in the past. Examples of this behavior are most often found in primates, but have surprisingly been witnessed in bats as well. Gerald Wilkinson discovered that vampire bats enter into relationships not based on kin but built around association and grooming. However, there is more to the relationship between these bats than merely reciprocal grooming. De Waal writes:

> There appeared to be a "buddy system" of food exchange, in which two individuals could reverse roles from night to night, depending on how successful each had been in finding blood. Because they are unable to make it through more than two nights in a row without food, it is a matter of life and death for vampire bats to have such buddies. Although the evidence is still meager, Wilkinson believes that these animals enter into social contracts in which each occasionally contributes part of a meal so as to be able to solicit a life-saving return favor during less favorable times.[29]

Some animals accept obligations to other members of their group. There is even evidence that when expectations for parenting are ignored, retaliation sometimes occurs. In one instance, when a mother lemur violently rejected her three-month-old infant, the infant's grandmother attacked her daughter, who subsequently allowed the infant to remount her.[30] From what we can tell, the grandmother seemed to be teaching her daughter how she ought to act toward her infant, an apparent attempt to instill virtue, or at least acceptable behavior. This and other cases suggest that some animals perceive themselves as obligation-possessing beings.

Most philosophers interested in animal ethics hold that humans have cross-species negative obligations. That is, we generally have obligations to avoid harming sentient members of other species when reasonably possible. What is less clear is whether animals can have obligations to beings outside of their group. Beings who are capable of caring about the vital interests of others have an obligation to avoid thwarting those vital interests when reasonably possible. However, many animals seem incapable of caring about the interests of those of differing species. As de Waal points out, "[a]nimals often seem to regard those who belong to another kind as merely ambulant objects."[31] But, this is not the case with all animals. Most people who have lived with a dog know that dogs often realize when we're in distress and will make attempts to comfort us. Amazingly, dolphins will help drowning sailors by keeping them afloat.[32] Providing another example, when a 3-year-old human fell into her enclosure, Binti, a captive lowland gorilla at the Brookfield Zoo, "cradled him and brought him to zookeepers."[33]

These animals seem to be capable of caring about the interests of at least some humans. Does this mean they have obligations to us? It probably means that they have negative obligations to avoid inflicting gratuitous suffering on us. For example, assuming he isn't living with an abusive family and is capable of caring about the interests of members of his adoptive family, a dog may indeed have an obligation not to attack his family members. Perhaps he has some minimal positive obligations to them as well, such as alerting his human companions to the presence of intruders.

It should be noted, however, that an animal with theoretical positive obligations may not have the mental or physical resources needed in order to provide needed aid to a human. For example, were a dog's guardian to break his leg and be rendered immobile, he may theoretically have a positive obligation to help, but because of his lack of knowledge and resources, he may be unable to provide the needed assistance. Since no one should be condemned for failing to do the impossible, the dog would not be found blameworthy. Thus, greater mental complexity and access to relevant resources leads to a wider range of positive obligations.

To illustrate this point, consider the following: You are walking down the sidewalk and see a pigeon who is clearly injured and suffering. Everyone else is indifferently walking by and one person even kicks her out of his way. Assuming you aren't in a dire rush to get somewhere, I would argue that your positive obligation to help this bird is fairly strong. This is because you know the pigeon is suffering, and with only minimal inconvenience to yourself (one phone call to animal control—and possibly a call to find their number—to let them know of her location and plight) can you reduce that individual's suffering. On the other hand, were you hiking and injured your ankle, most wild animals who would pass you—even those capable of recognizing your distress—would have no means of providing aid.

Thus, returning to the above example of the dog's positive obligations to his guardian, he is not obligated to do what is impossible for him. But, if the human guardian is depressed and the dog understands this yet freely chooses to play with a toy rather than attempting to comfort him, I would be inclined to say he is blameworthy. Similarly, consider a case in which an intruder breaks into a home. The dog perceives danger to his caretaker, but can't be bothered to alert her. The dog, I think, should be seen as acting in a morally derelict manner.

Can nonhumans have positive obligations to nonhuman animals of other species? Presumably, if a lowland gorilla like Binti can recognize need in a human, she could do the same in a chimpanzee. I am willing to venture that if a chimp toddler had escaped from his cage at the Brookfield Zoo and fallen into Binti's enclosure, she would be obligated to help him, or at a bare minimum not purposefully harm him. It may seem odd to conceive of animals as having cross-species obligations involving other animals, but it seems fair to say that if Binti could recognize the distress the chimp toddler was feeling, she ought to help him, presuming it is within reason for her to do so. As we've learned, compassion can cross species barriers.

However, only rarely might wild animals have an obligation to aid other wild animals of other species. That said, artificially constructed examples provide instances where one animal could be expected to render such aid. For example, Koko, a sign language-trained gorilla, was given a kitten as a playmate. Not only was Koko able to recognize when the kitten was in distress; she even mourned the cat's eventual death.[34] Apparently, the relationship between the two was as affectionate as many human-feline relationships, in which the human would undoubtedly have positive obligations to the cat. It does not seem unreasonable to me to think of Koko as having at least minimal positive obligations to her cat.

If there can be cross-species obligations among nonhuman animals, the question will of course be raised as to whether this leaves predators in the unenviable position of perpetually immoral behavior. Interestingly, some philosophers have held that a primary reason nonhuman predators should not be deemed blameworthy is their presumed lack of moral agency. Jennifer Everett writes that, "their lack of moral agency precludes wild animals from acting unjustly when they harm their prey."[35] A stronger argument against holding predators blameworthy is that they kill for survival, and moral agents are typically not blamed for actions required for their survival or that of their dependents.[36]

CAVEATS

This paper began with the premise that moral agency is relevant to moral status. It was then argued that many nonhuman animals exhibit nontrivial types and degrees of moral agency. This recognition removes support for one line of argument against including animals in our sphere of moral consideration.

It is worth noting, however, that there is no clear reason why moral agency should be a prerequisite for moral standing. There is no obvious connection between being a moral agent and being a moral patient (someone with moral status). Moreover, if moral agency were a prerequisite for moral standing, then this could mean that certain nonparadigm humans, such as infants and severely disabled adults, who are incapable of moral agency, would be beneath moral consideration.

When confronted with this problem, Machan's response is that, "as far as infants or the significantly impaired among human beings are concerned, they cannot be the basis for a general account of human morality, of what rights human beings have. Borderline cases matter in making difficult decisions but not in forging a general theory."[37] This does not answer the question of why Machan (presumably) believes nonparadigm humans should not be treated similarly to the way we currently treat nonhuman animals. Machan does later admit that "[t]here may be some minimal moral agency evident in some animal species and hardly any in some damaged human beings," but does not address whether or not those species should then have greater moral status than those humans.[38]

If we aren't prepared to argue in favor of using non-paradigm humans (who clearly are not moral agents) in the same ways we use the animals we presume to lack moral agency—for example, using them for sport, intensively confining them for food, and testing cosmetics on them—we shouldn't hang our argument for supremacy on the mantle of moral agency.

CONCLUSION

If the arguments of this paper are sound, many nonhuman animals manifest degrees of moral agency. Virtues such as compassion, courage, and loyalty provide the foundation of moral behavior, and are more important than mastery of abstract principles. Since many animals are capable of moral and immoral action, they are also subject to varying degrees of obligations, both positive and negative. Humans undoubtedly have cross-species negative obligations, while other animals could have cross-species obligations as well. The reluctance of many to acknowledge that some animals may be moral agents and have obligations reflects a tendency to underestimate the mental lives of nonhuman animals. However, available empirical evidence for animal morality strongly suggests that being human is not a necessary condition for being humane.

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NOTES

[1] Tibor R. Machan, "Why Human Beings May Use Animals," *Journal of Value Inquiry* 36 (2002), p. 10.

[2] H. J. McCloskey, "The Moral Case for Experimentation on Animals," *The Monist* 70 (1) (1987), p. 79. Cited in Evelyn Pluhar, *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals* (Durham, NC: Duke University Press, 1995), p. 55.

[3] A.I. Melden, *Rights in Moral Lives* (Berkely, CA: University of California Press, 1988). Citation provided in Pluhar, cited in n. 2, above, p. 55.

[4] For more on this idea see: Michael Leahy, *Against Liberation: Putting Animals in Perspective* (London: Routledge, 1993).

[5] As we will see, there are some who disagree. Sapontzis, Johnson, and DeGrazia serve as good examples.

[6] Pluhar, *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals*, cited in n. 2 above, p. 1.

[7] James Rachels, *Created from Animals: The Moral Implications of Darwinism* (Oxford: Oxford University Press, 1990), p. 192.

[8] Tom Regan, *The Case for Animal Rights* (Berkeley: University of California Press, 1983), pp. 151-153.

[9] For supporting arguments see S.F. Sapontzis, *Morals, Reasons, and Animals* (Philadelphia: Temple University Press, 1987), p. 37.

[10] Frans de Waal, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals* (Cambridge, MA: Harvard University Press, 1996), p. 39.

[11] De Waal, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals*, cited in n. 10 above, p. 28.

[12] De Waal, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals*, cited in n. 10 above, pp. 40-41.

[13] De Waal, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals*, cited in n. 10 above, pp. 56-57.

[14] De Waal, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals*, cited in n. 10 above, p. 12.

[15] Rachels, *Created from Animals: The Moral Implications of Darwinism*, cited in n. 7 above, p. 148.

[16] Jules H. Masserman., S. Wechkin, and W. Terris, "'Altruistic' Behavior in Rhesus Monkeys," *American Journal of Psychiatry* 121 (1964), pp. 584, 585; and

Stanley Wechkin, J. H. Masserman, and W. Terris, “Shock to a Conspecific as an Aversive Stimulus,” *Psychonomic Science* 1 (1964), pp. 47, 48.

[17] The account of this experiment comes from Carl Sagan and Ann Druyan, *Shadows of Forgotten Ancestors* (New York: Ballantine Books, 1993), p. 117.

[18] Sagan and Druyan, *Shadows of Forgotten Ancestors*, cited in n. 17 above, pp. 117–118.

[19] Sapontzis, *Morals, Reasons, and Animals*, cited in n. 9 above, p. 37.

[20] Sapontzis, *Morals, Reasons, and Animals*, cited in n. 9 above, pp. 32–34.

[21] David DeGrazia, *Taking Animals Seriously: Mental Life and Moral Status* (Cambridge: Cambridge University Press, 1996), p. 200.

[22] Sapontzis, *Morals, Reasons, and Animals*, cited in n. 9 above, p. 37.

[23] De Waal, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals*, cited in n. 10 above, pp.157–160.

[24] In an e-mail sent to me on March 2, 2000, the late James Rachels wrote: “I think it is clear that animals can have virtues, because all that is required for having a virtue (such as compassion, for example) is having a desire to help others and acting on that desire. Rhesus monkeys seem to qualify. Having an obligation, however, may require more—it may require having sophisticated moral concepts, the ability to reflect morally on one’s own behavior, and other things like that. Thus, a rhesus monkey may have some moral qualities but still fall short of having moral obligations.”

[25] DeGrazia, *Taking Animals Seriously: Mental Life and Moral Status*, cited in n. 21 above, p. 203, n. 107.

[26] Lawrence E. Johnson, “Can Animals Be Moral Agents?” *Ethics & Animals* 4 (1983), pp. 59–60.

[27] Stanley Milgram, *Obedience to Authority: An Experimental View* (New York: Harper & Row, 1974).

[28] Richard Wrangham and Dale Peterson, *Demonic Males: Apes and the Origins of Human Violence* (New York: Houghton Mifflin Books: 1997), pp. 5–6.

[29] De Waal, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals*, cited in n. 10 above, p. 21.

[30] De Waal, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals*, cited in n. 10 above, p. 59.

[31] De Waal, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals*, cited in n. 10 above, p. 84.

[32] DeGrazia, *Taking Animals Seriously: Mental Life and Moral Status*, cited in n. 21 above, p. 201.

[33] News Services, “Gorilla Rescues Toddler,” *Washington Post* (August 17, 1996), p. A2.

[34] Francine Patterson and Wendy Gordon, “The Case for the Personhood of Gorillas,” in *The Great Ape Project: Equality Beyond Humanity*, eds. Paola Cavalieri and Peter Singer (New York: St. Martin’s Press, 1993), p. 67.

[35] Jennifer Everett, “Environmental Ethics, Animal Welfarism, and the Problem of Predation,” *Ethics & the Environment*, 6 (2001), p. 50.

[36] This does imply, however, that most humans are obligated to avoid harming and killing other animals for food, as for the majority of us, it’s not a matter of survival, but rather one of mere palate preference, convenience, and habit.

[37] Machan, “Why Human Beings May Use Animals,” cited in n. 1 above, p. 11.

[38] Machan, “Why Human Beings May Use Animals,” cited in n.1 above, p. 12.

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