

Fish as fellow creatures—A matter of moral attention

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Abstract

Up against capacity-based approaches to animal ethics, Cora Diamond has put the idea of animals as our *fellow creatures*. The aim of this article is to explore the implications of this concept for our treatment of fish. Fish have traditionally been placed at the borders or even outside of the moral community, although there is growing evidence that they have perceptual and social capacities comparable to animals that are considered morally significant. Given that a fellow creature's approach is not primarily concerned with capacities, fish may pose a challenge: Can fish be seen as our fellow creatures, and if so, on what grounds? In exploring these questions, we defend Diamond against Jeff McMahan's critique of her account and its implications that the fellow creature-concept is reducible to either capacities or special relationships and leaves no room for argument-based moral reform. We suggest that moral attention is key to grasping the moral significance of fish and discuss how scientific research can support such attention. In so doing, we demonstrate how Diamond's approach to animal ethics provides a viable alternative to the dominant animal ethics approaches. Finally, we indicate how this approach can be useful for discussions on industrial fish farming.

1 | INTRODUCTION

Fish have not been at the center of animal ethics. While monkeys, horses and dogs are wont to decorate introductory textbooks and figures as examples, fish have often seemed to escape our concern. Due to their

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apparent difference from humans and land-living animals, many tend to place fish in a different category. Fish lack facial and audible expressions, they are cold and slimy, have scales instead of skin or fur, and live hidden lives underneath the surface (Børresen, 2007, p. 223). In Norwegian aquaculture, fish are often referred to as biomass and their loss of lives is frequently measured in tonnes rather than numbers. Tom Regan's exclusion of fish from the morally significant category of subjects-of-a-life (Regan, 2004, p. 417) captured a still widely shared point of view.

Recent years have seen a significant change, however, with growing evidence that fish do feel pain and display advanced psychological and social behavior (Brown, 2015). Even if some still hold that the evidence is indecisive, a precautionary approach to the matter seems reasonable (Knutsson & Munthe, 2017). According to the dominating approaches to animal ethics, defended by philosophers like Peter Singer and James Rachels in addition to Regan, such evidence about the abilities of fish settles the matter of moral status, which is established on the basis of capacities. The interests of animals who display characteristics like the ability to feel pain or intelligence ought to be given the same consideration as humans who display the same characteristics, since capacities are more fundamental to moral status than species membership (Singer, 2015). The moral status of fish, on this account, becomes a question of establishing to what extent they have these capacities.

In this article, however, we will follow Cora Diamond in her rejection of the moral individualism described above, based on her argument that this approach fails to account for the complexities of our moral relationships with animals and deflects from the real difficulties of life. Diamond suggests instead working with the concept of animals as our *fellow creatures*, a notion which is derived from human practices. We argue that this approach avoids the deflections typical of moral individualism and gives a more accurate understanding of our moral relationships with animals, providing resources to understand and handle our competing moral intuitions regarding fish. Jeff McMahan has, however, formulated a powerful critique of her approach, implying that the fellow creature concept is reducible to either capacities or special relationships and, furthermore, leaves no room for argument-based moral reform. We argue that McMahan's critique fails, but he is right that there are some inherent challenges and unanswered questions in Diamond's approach. For example, in common morality some animals are not readily seen as fellow creatures, but dismissed as vermin, and some are placed on an uncertain borderline, such as insects and—arguably—fish. Does her approach enable us to go beyond the mere description of such relationships and abandon practices that we recognize as morally wrong? Unlike capacity-based approaches, the fellow creatures-approach apparently has no workable criteria for moral reform, and the accusation of subjective or cultural relativism seems justified.

To explore the potential of Diamond's approach, we apply the concept of fellow creatures to fish.¹ By drawing on Iris Murdoch's concept of attention, we argue that subjective experiences are inescapable aspects of moral perception, and that this provides us with resources for recognizing fish as fellow creatures. This is not due to their capacities, although research on their capacities may play an important role in this reassessment. Seeing animals as fellow creatures is an active form of moral perception, a source of arguments and revisions. In so doing, we demonstrate how Diamond's approach can counter McMahan's critique and provide a viable alternative to the dominant animal ethics approaches. Finally, we briefly indicate how this approach can be useful for discussions on industrial fish farming.

2 | THE DIFFICULTY OF REALITY AND THE DIFFICULTY OF ANIMALS

Before we unpack Diamond's fellow creature-concept, we will discuss what she finds unsatisfactory with moral individualism. What is at stake for Diamond is not the implications—she will probably agree with Singer that we should abstain from eating animals and has herself been a vegetarian since the 1970s. However, moral individualists reach this conclusion on a basis that Diamond finds misleading, failing to provide appropriate resources for thinking about and challenging our moral relationships to animals.

For Diamond, human relationships with animals are instances of what she calls a *difficulty of reality*. Such difficulties are “experiences in which we take something in reality to be resistant to our thinking about it, or possibly to be

painful in its inexplicability, difficult in that way, or perhaps awesome and astonishing in its inexplicability” (Diamond, 2008, pp. 45–46). Interactions with animals present a prime example of this kind of struggle. We share many likenesses with animals, and yet they are completely different from us—“We are mysteriously like them, mysteriously unlike them,” as Diamond writes (Diamond, 1991a, p. 44). They are pets and pests, friends and food. How do we reconcile these different ways of seeing them, and the fact that we share similar fates while still experiencing the divide between us and them?

When moral individualists respond to this difficulty, Diamond argues, they tend to *deflect* from it. This is described as a maneuver where “we are moved from the appreciation, or attempt at appreciation, of a difficulty in reality to a philosophical or moral problem apparently in the vicinity” (Diamond, 2008, p. 57). In other words, the actual difficulty is replaced by a set of easier questions, where we ask instead about how we differ from or are similar to animals, and what kind of rights animals ought to have based on these similarities and differences. By doing this, we have made the difficult problem more manageable (Morag, 2020, p. 195).

A non-deflectionist account must be able to retain the complexities of lived morality. Diamond's suggestion of how to avoid deflection when trying to handle the difficulty of how to relate to other animals is to recognize them as *fellow creatures*.

3 | FELLOW CREATURES

The term “fellow creatures” has a long history, with obvious roots in religious literature, but is also meaningful in a secular context. Immanuel Kant used the term in a rewriting of the Genesis myth of the Fall to describe the relationship between humans and animals prior to the awakening of human self-consciousness after gaining knowledge:

When [man] first said to the sheep, “the pelt which you wear was given to you by nature not for your own use, but for mine” and took it from the sheep to wear it himself, he became aware of a prerogative which [...] he enjoyed over all the animals; and he now no longer regarded them as fellow creatures, but as means and instruments to be used at will for the attainment of whatever ends he pleased

(Kant, 2007, p. 167).

“Fellow creature,” then, is a term that signifies our moral relationships to other beings. A minimum requirement in the Kantian conception is that fellow creatures should not be used as mere means. This is in line with Diamond's view that a fellow creature should not be treated as a stage in the production of meat (Diamond, 1978, p. 475).

Beyond this requirement, Diamond's definition of fellow creature is difficult to get a grasp of. She writes that:

[i]t does not mean, biologically an animal, something with a *biological life* – it means being in a certain boat, as it were, of whom it makes sense to say, among other things, that it goes off into Time's enormous Nought, and which may be sought as company

(Diamond, 1978, p. 474).

There is an obvious sense in which we can think of animals as our companions, namely in the sense that we keep them as pets. On this account, Diamond is sometimes interpreted as defending a relationalist approach to animal ethics, similar to philosophers such as Elizabeth Anderson and Clare Palmer, who hold that moral commitments arise through specific relationships (May, 2014). Although Diamond probably agrees, her argument draws attention to the fact that we make our moral judgments based on an already given moral difference between humans and animals. When Diamond writes that our response to animals as fellow creatures “depends upon a conception of *human life*” (Diamond, 1978, p. 474), she means that our treatment of animals is derived from our understanding of what is

significant in human life. She denies that this is anthropomorphic in the usual understanding of this word, rather, it means that in our relationships with animals that are recognized as fellow creatures, we extend to them moral concepts such as charity, justice, dignity and pity, which are modes of thinking characteristic of our responses to human beings. Seeing something as a human and seeing something as a fellow creature come with particular sets of moral attitudes.

The central and notorious example of this is Diamond's point that it is unacceptable to eat other humans, even after they have died (Diamond, 1978, p. 467). When dead humans are not something to eat, this is not due to respect for their interests or ability to suffer—any ability to feel or care has already ceased to matter. Respect for interests or capacities does not capture what is at stake in the question of eating humans, just as it is not at stake in our not eating our pets.

That pets are not usually animals we eat is shown in a news story that gained much attention in Norway about an 18-year-old girl who received hate messages and death threats after posting a picture on Instagram of a meal she had prepared out of her horse, Drifting Speed. Drifting Speed had an incurable disease and the girl thought she might as well put the meat to good use. The action was ill perceived, however, with people calling her a cold-blooded murderer and sending death threats, resulting in her only being able to buy new horses under a pseudonym (Børstad & Kringstad, 2019).

This illustrates Diamond's point that obligations toward animals are not based on capacities, but given through the forms of life people participate in. As Diamond puts it, “there is not a class of beings, pets, whose nature, whose capacities, are such that we owe it to them to treat them in these ways” (Diamond, 1978, p. 469). Diamond points instead to the moral significance of our concepts: It is not “morally wrong” to eat pets, but people who eat their pets “do not have pets in that sense of the term” (Diamond, 1978, p. 469). A central point in Diamond's argument which we will return to below, is that fellow creature is *not* a biological concept, but “an extension of a non-biological notion of what a human life is” (Diamond, 1978, p. 474). What Diamond wants to point to here, is that people engage with concepts imaginatively in a variety of ways that are not exclusively determined by, in the case of animals, their biological capacities. Those who reacted to the use of Drifting Speed for food saw the horse as a pet, not as a working animal fit for consumption like cows and pigs. This is one effect of deflection: moral individualism says that this deeply felt moral controversy is simply a mistake. This is not to say that deeply held views are always right and should not be challenged, but it is unhelpful merely to dismiss concerns based on simplified principles that fail to capture the nuances in different moral practices.

A leading proponent of moral individualism, Jeff McMahan, has taken Diamond's challenge seriously, but ultimately finds her account unsatisfactory. In the following, we will consider his critique of Diamond, both in order to defend her against this criticism and to elucidate her position further.

4 | McMAHAN'S CHALLENGE

McMahan finds that there is little substance in the idea of fellow creatures, and that appeals to the idea of a shared humanity serve as a “rhetorical ornament that takes over the function of persuasion when the argument runs out” (McMahan, 2005, p. 379). Diamond is hard-pressed, McMahan argues, to explain concepts such as “human” in a way that does not involve an appeal to capacities, which is precisely what moral individualism is based on. Furthermore, McMahan takes issue with Diamond's claim that concepts carry with them moral commitments, and argues that this leaves no room for disagreement. He raises a fair demand for clarification of these central ideas in her thought, and we will attempt to deliver that in what follows.

McMahan's main question to Diamond is what it means to say that “human” and “fellow creatures” are not biological concepts, and what is meant by the idea of a shared humanity. McMahan takes issue with Diamond's claim that our response to animals “depends on a conception of *human* life,” and asks:

[W]hy should our recognition of animals as fellow creatures be a mere echo of our notion of human beings as fellow creatures? Why cannot our sense of commonality be a product of our recognition of the importance of what we share with all beings that have a life to lead, for whom things matter, who suffer, and who will ultimately share our fate in death?

(McMahan, 2005, p. 369).

A first thing to note about this quote is McMahan's description of recognition of fellow creatures as a "mere echo" of our notion of human beings, hence being less important. This is not Diamond's view, as we will show below. McMahan's second question is curious, because the notion of fellow creatures is precisely a recognition of what we share with all beings that have a life to lead. This may suggest that McMahan misunderstands what "depending on a conception of human life" means for Diamond, something which we will return to below.

McMahan raises a good point, though, in that it is difficult to understand what is distinctive about a shared human fate, that can be shared by someone who is severely mentally disabled, but not by a dog. Diamond does not seem to explain what it means to be human other than being biologically human (McMahan, 2005, p. 371), although she says these concepts should be understood "imaginatively." How can one make sense of the idea that our imaginative conception of human life is the basis for seeing animals as fellow creatures, and that removing that fundamental distinction undermines the basis for seeing that we share fate with animals?

Diamond offers two examples: We do not eat our dead, and we hold funerals for dead newborns but not for dead puppies. This observation is developed into an argument that moral differences should be explained in term of practices (Diamond, 1978, p. 468). This, however, seems to lead us into the dangerous land of relativism and conservatism. McMahan concedes that moral individualists are hard pressed to give satisfactory explanations of our funeral practices, but answers with a counterattack: "The question is whether the practices challenge moral individualism or whether moral individualism challenges the practices" (McMahan, 2005, p. 373). He adds that practices are not consistent across cultures. While eating the dead has been understood as a way of paying respect to them in some historic cultures, it has evoked repugnance in others (McMahan, 2005, p. 374). Diamond also seems to ignore the fact that many do hold funerals for puppies, rabbits, hamsters and wild birds who have met their fate flying into a window. Even fish are sometimes buried in backyards rather than being flushed down toilets. As McMahan writes, "it is clearly possible for people to be mistaken about the extension of the class of being whose corpses respect is owed" (McMahan, 2005, p. 373).

McMahan finds little support in Diamond for realizing that moral practices are based in prejudice, and ought to be revised. He quotes "Eating meat and eating people," where Diamond states that:

We learn what a human being is in – among other things – sitting at a table where *we* eat *them*. We are around the table and they are on it

(Diamond, 1978, p. 470).

It is easy to read this passage as McMahan does and take it to mean that such practices are beyond argument. As he puts it:

[T]he passage suggests that because her view is implicit in the very concepts in terms of which we must conduct our thinking, those of us who think we disagree are simply impervious to the conceptual instruction we received as children at the dinner table

(McMahan, 2005, p. 376).

This is a conclusion McMahan rightfully rejects—as he points out, the fact that we can have meaningful disputes about various practices shows that our concepts do not commit us to specific moral views, and that even if they did, they could be disputed. But as Craig Taylor has noted in his response to McMahan, it does not follow from what

Diamond says that there can be no revision of our concepts: “It is part of our understanding of what it is to be a pet that we do not eat them. But we could in time form a different concept, or we could do away with the concept, with pets, altogether” (Taylor, 2019, p. 226). Such conceptual revision is quite simply an ordinary part of our lives, and we will elaborate on Diamond’s understanding of this practice below.

In short, although McMahan tries to read Diamond attentively and charitably, he finds little substance in her appeals to moral imagination and human practices. He concludes that:

Indeed, all the claims by [...] Diamond [...] about our common humanity, our common life, our common fate, our fellow creatures, and the importance of being human seem, when we press for clarification or elucidation, either to be translatable into claims about morally significant intrinsic properties or else to dissolve into empty notions of a moral status that is created by imagination or by some form of caring that is dubiously attributed to ‘us’

(McMahan, 2005, p. 379).

We will argue that there is more to Diamond’s account than McMahan concludes, but his demand for clarification is not unreasonable. In the following, we attempt to offer one on Diamond’s behalf.

5 | RESPONDING TO McMAHAN WITH DIAMOND

Part of the reason why a constructive conversation between Diamond and McMahan is difficult is that they have two fundamentally different ways of approaching ethics. This is revealed both in their style of writing and their understanding of argument.

Above, we suggested that McMahan gets on the wrong path in his analysis of Diamond because of his failure to understand her idea about what it means for the concept of fellow creatures to depend on a conception of *human* life. When Diamond writes that “human being” is not a biological concept, she means that when we think about what it means to be human, we do not establish the biological basis and then add an evaluative extra (Diamond, 1988, p. 265). Diamond writes:

What life is, what death is, what a human being is, what an animal – these things are not given to ethics by biology or metaphysics understood as external and prior to ethics but are rather ‘understood through moral thought’

(Diamond, 2010, p. 59).

We have ethically salient conceptions of humans and animals prior to recognizing any properties, and our practices display these distinctions prior to any consideration of properties. Ethics, in this conception, is not a branch of philosophy but a fundamental aspect of human experience which is logically prior to all kinds of philosophical activity. This way of approaching ethics is something she is indebted to Iris Murdoch for. In Murdoch’s account, concepts are conceptual configurations, meaning that they structure our understanding of the world. In other words, when Diamond writes that concepts such as “human” and “animal” are not given prior to ethics, but are rather understood through moral thought, she is making the argument that it is impossible to address concepts and practices from a standpoint that is non-moral. McMahan, however, takes for granted some biological, non-moral, facts as a basis for saying that the moral distinctions usually drawn between humans and non-human animals cannot be upheld.

Diamond evokes Murdoch’s criticism against a specific context: the fact/value distinction and the conception of morality that was pervasive in Anglo-American philosophy in the 1950s. Diamond has shown that conceptions and frameworks from that time still have an impactful legacy in contemporary moral philosophy—McMahan’s argument is an instance of that—and Murdoch is still pointing toward better ground (Diamond, 1996). The distinction between

facts and values carries with it, Murdoch argues, an unrealistic understanding of consciousness (Diamond, 1996, p. 106). It assumes that we can first establish the facts, and then project our freely chosen values onto them. Although few to none subscribe to a clear-cut distinction between facts and values anymore, this way of thinking is still inherent in the moral individualists' approach to animal ethics. It is founded on a standard, namely capacities, and presents this standard as morally neutral. It is this move that Diamond wants to question, as our consciousness is always morally colored, and we are perpetually engaged in some sort of moral activity (Diamond, 1996, p. 106). The moral individualism defended by McMahan and others seems to presuppose a world of facts, where some of them—capacities—are accorded moral significance, disregarding the moral concepts and practices shaping this world of facts.

On Diamond's view, moral individualists undermine the basis for their own arguments. Morality is a human practice, existing prior to the analytic work in moral philosophy. Her main accusation against moral individualists is that they are “turning summersaults to make a single theory cover too many kinds of moral response” (Diamond, 1991a, p. 59). When the analysis is fixed on just one particular aspect, for example pleasure, and it is claimed that we should orient our moral practices toward the preservation of pleasure, our moral vision is distorted. Applying one such principle across all cases avoids real engagement with the complexities of moral dilemmas (Anscombe, 1958). The same would be the case when the significant aspect is cognitive capacity as a basis for drawing moral distinctions, as McMahan holds.

Accepting the pervasiveness of morality means that understanding “human being” in its biological, classificatory sense is also a way of engaging with this concept imaginatively, and it is a way of engaging with it which may reasonably be challenged. For McMahan, “human being” is a morally irrelevant property, and moral status rests on properties like self-consciousness, sentience, and rationality. But Diamond argues that our moral experience enables us to see that “human being” in fact does play a role in moral thought. McMahan's criticism partly rests on the argument of marginal cases, pointing out that the capacities of many animals are equal to or exceed those of some mentally impaired human beings. A fundamental moral insight, however, is that animals lead perfect lives as animals, whereas the impaired human beings have suffered an unfortunate fate. When someone is deprived of a distinctively human capacity like reason, Diamond states, “we may perfectly well think of that as a particularly terrible human fate” (Diamond, 1991a, p. 40). McMahan questions Diamond's point here. How can we understand why this would be a terrible human fate if we don't have some biological understanding of what a human being is? This, McMahan argues, raises questions about his dog's life and fate:

My dog, like a radically cognitively impaired human being, lacks the distinctively human capacity of reason. He is deprived of that capacity by his individual biologically determined nature. Is my dog's life without the capacity for reason his human life? Is that his terrible human fate? Diamond would of course say that my dog cannot have a human life or a human fate. But why not if the relevant sense of ‘human’ is not biological? What exactly does a radically cognitively impaired human being have that my dog lacks that is not just a matter of biology?

(McMahan, 2005, p. 372).

The answer to this question is that what a human life is, is given prior to analyses of capacities or other biologically given characteristics. We learn what a human is or what a dog is by interacting with usually well-functioning individuals of both types, leading full lives. One way of living is not better than the other; they are different. A cognitively impaired human being is not like a dog, even if they are—under particular conditions—comparable in some capacities. Impaired functioning is unfortunate, be it for humans or dogs, but that is relative to what would be a full life for that kind of being. So, a dog is not unfortunate for not leading a full human life, whereas the cognitively impaired human is. Clearly, a well-functioning dog would not be better off if it were gene modified so that it achieved the mental capacities of “normal” human beings. A mentally impaired human being may be perfectly happy, but it is morally

significant that most others consider them to have suffered an unlucky fate, being unable to experience the fullness of human life.² The dog is not unlucky in this moral sense.

McMahan's argument seems to imply that animals would be better off sharing human capacities in the same way that impaired human beings would be better off having normal functioning, and shows why the capacity-focus is insufficient. It implies that animal lives are less valuable than human lives as they lack certain capacities. But we may assume that dogs would not agree. They do not lack any capacities. We can merely recognize that animals are part of our moral sphere as mortal beings who may have fulfilling lives like us, but also unfathomably different from what are fulfilling lives for us.

We share a human life with all other human beings in a moral community, but we are fellow creatures with all animals, making them part of our moral sphere. They are mortal beings with a range of experiences believed to be more or less similar to human experiences. This is of course based in some shared capacities, but their *moral significance* is due to them being our fellows in destiny, and is not reducible to these capacities. When we reduce the experience of fellowship, be it with humans or other creatures, to a matter of capacities, we remove the very experiences from which our awareness of moral significance stems. However, if we agree with this account, what about those animals where we fully or partially lack this experience of fellowship? What about fish?

6 | CAN FISH BE OUR FELLOW CREATURES?

There is an increasing amount of evidence that fish are far from the dull and mindless creatures they have been taken to be, which has reached the surface over the past few years, showing that fish can feel pain and have social lives (Børresen, 2007). As Clemens Driessen has shown, however, such findings have little impact on our perception of fish. In a series of workshops, he found that the reason why people have a hard time taking fish into account is not actually a lack of knowledge about fish sentience. It is rather a result of the fact that we cannot have meaningful relationships with them and that they are perceived as fundamentally different from us. As he puts it, they are “quintessentially non-cuddly animals, cold, slimy, and with their unblinking and sideways directed eyes they don't have a ‘face’ to us” (Driessen, 2013). In other words, fish are difficult to form any relationship to, and although there is increasing knowledge about their capacities, this seems to matter little for how they are morally appreciated by most people.

If capacity-based approaches have problems making an impact on most people's moral perception of fish, Diamond seems to have trouble ascribing them moral significance. If we consider the examples Diamond gives of fellow creatures—titmice and mice, pets and pigs—they have in common that humans can communicate with them in some sense of the word. She mentions being surprised that the idea of “friendship” could be extended to include even whales, but that is as close as she gets to animals living in water. Recall that when Diamond tries to describe what it means to be fellow creatures, she uses the metaphor of a boat in which we are all together. This evokes the story of Noah's Ark, where Noah saved a pair of each species from the great flood. But fish did not make it to the Ark—a boat is the last place a fish wants to be (Sandvik [Winther] & Myskja, 2021). This illustrates that fish are fellow creatures to a lesser extent than, or in a different sense from, the animals usually discussed in the animal ethics literature. The difficulty of reality seems to be even more challenging considering these partly alien beings.

Fish are not the only animals at the boundaries of the moral sphere. Some animals are excluded from being considered fellow creatures, Diamond observes. For example, rats are called vermin, at least in some specific contexts. Calling an animal “vermin” is conceptually placing them as an unwanted element. Rats are an interesting example given that while they may be vermin in most situations, they are also loved and appreciated as pets and serve as research animals subject to strict welfare regulations. This shows that these categories are unstable and context dependent.

In her argument that concepts such as “animal” and “human” are not mere biological categories, Diamond encourages us instead to ask what people have *made* of the difference between human beings and animals. How are these notions taken up and developed in culture, in practices, and in ethics? (Diamond, 1991b, p. 351).

In the case of fish, the various practices and rhetoric have reinforced and emphasized their alien nature. The aquaculture industry regularly uses the word “biomass” when talking about the live fish in their facilities. The words used to denote something have implications for how those things are viewed. The technological mediation in feeding, surveillance and disease treatment contributes even more to prevent this kind of extension. The fish are turned into what Diamond calls a stage “in the production of a meat product” (Diamond, 1978, p. 475), which means that they are placed outside the range of what can be considered fellow creatures in a shared moral world. The same happens with other animals in industrialized food production, but the alienness of fish makes it easier to conceptually remove them further from the fellowship.

But the fact that such strategies and practices contribute to distance and alienation does not mean that one must take them as given. As shown above, Diamond does not argue, as McMahan assumes, that we are bound “to the conceptual instruction we received as children at the dinner table.” This is an objection she raises herself in “Eating Meat and Eating People,” where she writes that her views might seem to commit her to having to justify slavery, and stresses that this is precisely not her view (Diamond, 1978, p. 470). She also discusses it at length elsewhere (Diamond, 2017). Besides, as we will show below, there are already resources in the existing fish related practices for a different way of seeing them.³

Although our moral conception of animals as fellow creatures is not derived from regarding them as having moral status-giving properties, knowledge about their properties may provide resources for understanding what a fellow creature is and lead to ethical change, according to Ground and Bavage (2021). It is not biological similarities and differences that form our moral conceptions, but they are still relevant for our moral perceptions of animals. A science like ethology is relevant for seeing animals as fellow creatures. This is not because there are significant similarities between human and animal psychologies. Humans already have a conception of animal psychology prior to any scientific studies, and this conception forms the basis for understanding the scientific studies. As Wittgenstein points out, we understand intentionality by watching animals, seeing that they “*have a say in their own lives and with each other*” (Ground & Bavage, 2021, p. 160). There is a pre-existing moral conception of animal psychology forming the basis for how to understand the ethological data, because “our moral concepts do not *start off* being limited to the human case” (Ground & Bavage, 2021, p. 157). This is not a matter of properties or capacities. Research in how animals experience the world, how they react to physical stimuli and interact with others of their own and other species, and so forth, is deepening an understanding of them as fellow creatures. Ethology research makes it possible to alter the initial perception of animals and see their behavior in a new light. The point of Ground and Bavage's argument is that while such research deepens the understanding of fellow creatures, it is not the end of that understanding. Rather, it can lead to the realization that:

Human and non-human animals alike are vulnerable, liable to damage, disease, decay; we compete for resources in the world, reproduce flourish and decay. It is not a matter of common capacities but of a common predicament. We are together, alive, in a shared world

(Ground & Bavage, 2021, p. 165).

This is arguably particularly evident for fish. Research has shown that they do feel pain and stress and suffer when the salmon lice parasites gnaw through their skin. They enjoy free movement and the company with fellow salmon, and get stressed when the shadow of humans is seen above the water surface. Scientific research enables us to see something else than expressionless faces with staring eyes on each side of the head; scaly, cold and slimy bodies. But what is seen is not primarily live beings that have properties making them morally considerable in the same way as human beings, but with reduced cognitive capacities. They are perceived as fellow creatures that have lives that may be good or poor, beings that cherish their own lives like humans do, but at the same time in a totally alien way. They are “beings so like us, so unlike us, so astonishingly capable of being companions of ours and so unfathomably distant” (Diamond, 2008, p. 61). Except that fish are difficult to imagine as companions. Or is that right? If we pay

attention to the practices of people who interact with fish, it quickly becomes clear that the conception of them as being outside of the scope of meaningful relations is not accurate. If we consider sports fishermen, researchers and fish farm workers, for example, we can find a variety of examples of expression of admiration, descriptions of interactions and concern for well-being and welfare (Lien, 2015), and the same is reported by people who have them in home aquariums. Dan Barry writes about the dying fish of his daughter, which is “the size and color of a Dorito.” Although cognisant of the fact that fishbowl fish are usually treated like “disposable toys, mysteriously animated by a power other than batteries,” Barry dreads the imminent death of the fish:

[W]hy have I become emotionally attached to a pocket-size creature that lives in a cocoon of water? It does not sleep in my lap. We do not play fetch. Never once have I taken it for a walk or even a swim. A satisfactory answer evades me. But in its BB-size eyes I see, or I think I see, the panic before acceptance. I've seen that before, in other eyes, and ... never mind

(Barry, 2009).

Diamond's account of how moral attitudes can be revised is based in another idea which she is indebted to Murdoch for, namely her understanding of moral attention. For Murdoch, attention is the key concept in morality. She in her turn traces the concept back to Simone Weil, and defines it as “a just and loving gaze directed upon an individual reality” (Murdoch, 2001, p. 33). With this concept, Murdoch wants to describe the way we take in and engage with our surrounding reality as a fundamentally moral endeavor.

Attention, then, is a faculty that is cultivated over time and that involves continuous efforts to take in our surrounding reality and determine the appropriate route of action. Facts are relevant here too, but not because the facts themselves show how we ought to act. This captures the idea that someone can be wronged even though they are not subject to any harm. Leaving the question of fish pain aside, in many fishing communities, it is simply considered wrong to leave them in a bucket gasping for air—it is part of knowing how to fish to know that the kind act in this case is to kill them immediately. This practice is not dependent on the recognition of the fish as possessing a moral status it has been granted on the basis of its capacities, but rather on an attentiveness toward the fish and knowledge about what constitutes a kind act in this case. Just like the taboo against eating people is not based on a recognition of their capacities, but rather on an understanding that respectful treatment of fellow human beings, dead or alive, is not consistent with eating them, so humanely killing fish is based in an understanding of fish as both something humans can eat and a living creature which deserves care and due respect. Certainly, the case can be made that true care and respect would be leaving the fish alone, but in this article, we refrain from the more radical question of whether the concept of fellow creatures is compatible with eating them. We settle for saying that the approach requires some attitudes that could be translated as virtues.

Diamond indicates that a good way to relate to animals can be captured in terms like charity, fairness, respect for independence and pity (Diamond, 1978, pp. 474, 475). Although she does not explicitly ascribe to a virtue ethical approach, these terms are most aptly described as virtues. We understand these virtues through the way they play out in interactions between humans, as aspects of a shared moral vision of the world. There is a biological basis for distinguishing between humans and other animals, but the distinctions themselves are conceptual, not biological. It is not biological similarities that make animals morally considerable. The conceptual distinctions carry with them a moral understanding of the differences and similarities between humans and other animals.

By recognizing fish as fellow creatures, the moral perception of them is altered. According to Diamond, we realize that they have lives of their own to live and are mortal beings, like humans and other animals. We share something with them, although they remain alien to us. Becoming aware of this fellowship includes awareness of them as part of our moral sphere. We ought to treat them with charity and fairness because they are individual creatures with a life of their own. This means that attention is an active rather than passive form of perception, constantly reinterpreting the moral world we inhabit.

This altered moral perception includes a realization that we can no longer use concepts like “biomass” to describe living fish. This word belongs to a cruel form of aquaculture, and is in itself an element in making and sustaining these cruel practices.

7 | CONCLUSION

The dominant literature on animal ethics assumes that moral status is based in the possession of certain capacities. By neglecting that morality is not derived from facts of the world but is an intrinsic part of human practices, moral philosophers engage in what Diamond calls deflection—replacing a genuine difficulty in human practices with an apparently related and more structured philosophical problem. Her alternative is to develop the notion of animals as fellow creatures, sharing mortality and potential companionship with us, both mysteriously similar to and different from us. Any description of capacities is derived from moral practices and based in a fundamental conceptual distinction between humans and animals. This may sound vague and speciesist, and that is the gist of Jeff McMahan's critique, who argues that any consistent account has to refer to capacities or special relations to justify the moral considerability of a being, human or not. There is an implicit degradation of the value of animal life as less than perfect in capacity-based approaches such as McMahan's. Our practices and conceptual configurations distinguishing humans from animals are logically prior to our understanding of capacities. It is only by disregarding this basis, which gives meaning to words like “capacity,” that it is possible to think of cognitively challenged humans and well-functioning animals as having the same capacities.

Growing knowledge about animal lives justifies revisions of established moral judgments, which is often considered a difficulty for the approach to morality advocated by Diamond. A telling example is fish, which seem to fall at least partially outside the moral fellowship we have with other, more companionable animals. Diamond's claim that moral practices and conceptual configurations form an inescapable basis for moral judgments does not imply that there is no room for revision. When we learn more about animals through scientific research, we learn to see them differently. This is not a matter of realizing that fish have moral status-giving properties, but seeing that we have a “common predicament,” as Ground and Bavidge formulate it. Thus, seeing fish as fellow creatures is a matter of attention to moral reality. This means that fish can and should be included in our moral vision of the world. In practice, this means that we must fundamentally alter the way current fisheries and fish farming practices are conducted. One cannot treat fellow creatures as mere things.

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ENDNOTES

- ¹ Our argument could be relevant for other creatures of uncertain moral significance, such as crustaceans, insects and other arthropods, but we must leave that for a later occasion.
- ² Eva Kittay has an extended argument for the social relations basis for this judgment (Kittay, 2008).
- ³ For a different defense of Diamond's account as non-conservative, see Deininger et al. (2022).

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