

Ethics, animals and the nonhuman great apes

Many widely held views in ethics have come under challenge in recent philosophical debates, and most of the involved challenges have deep implications for our treatment of nonhuman animals. It is thus worth offering a very synthetic presentation of how assumptions long taken for granted have been undermined by the renewed discussion.

The most general aspect of traditional ethics which has been questioned is the idea that the moral community can be structured on the basis of specific belief-systems rooted in super-scientific explanations of things – that, in other words, individuals can be treated according to their alleged place within grand general views built to explain the universe. Today, it is no longer conceivable to treat non-Western peoples as inferiors on the basis of the idiosyncratic European conception of a metaphysical hierarchy of essences; analogously, one cannot treat nonhuman beings as inferiors on the basis of idiosyncratic religious views about their place in God's plans (Corbey 2005).

Another age-long assumption that has been undermined is the agent-patient parity principle, according to which the class of moral patients – the beings whose *treatment* may be subject to moral evaluation – coincides with the class of moral agents – the beings whose *behaviour* may be subject to moral evaluation (Warnock 1971; Miller 1994). We have long assumed that (full) moral protection was only due to those beings (rational, autonomous, etc.) which can reflect morally on how to act, and can be held accountable for their actions. Beings which can be harmed but cannot act morally have instead been excluded from the moral community, or have been granted a much weaker moral protection, that allowed for their use as mere means to others' ends. Reflection on the plight of those non-paradigmatic humans who are irrevocably deprived of the characteristics required for moral agency – the brain-damaged, the severely intellectually disabled, the senile – has led mainstream contemporary ethical thinking to drop the agent-patient parity principle. But if we extend full moral protection to the members of our species who are not moral agents, we must, as a matter of consistency, do the same when it comes to nonhuman beings. True, the other animals are unable to directly claim such protection – but same holds in the case of non-paradigmatic members of our own species, who are not on this ground deprived of equal basic rights. It is worth noting that such conclusion clears away the conventional intellectual bias of Western thought, which has so long granted heavy moral weight to the possession of demanding cognitive capacities such as rationality and autonomy. It also clears away that reciprocity-based contractarian tradition which, though defensible in the case of roughly similar beings, becomes a mockery when it comes to the treatment of less endowed beings, as it clearly leaves the powerless at the mercy of the powerful (Barry 1989).

Finally, there is the question of the forms of biologism that have often infected Western philosophy. Confronted with the kinds of biological discrimination against some human groups which have marked our history, reaching their apex in the organized genocides of the first half of the twentieth century, contemporary ethics has unanimously argued that no individual can be morally discriminated against on the ground of her/his membership in a particular biological group. Stressing the moral irrelevance of purely physical characteristics such as skin colour and reproductive role, philosophical egalitarianism has openly condemned both racism and sexism. Also the discrimination based on species membership, however, is clearly a form of biologism, which appeals to a difference in genetic make-up. Accordingly, even 'speciesism' (Singer 1979) turns out to be discredited. This makes it no longer acceptable to treat nonhuman animals as second class beings on the ground that "they are not human".

While this is but a cursory sketch, it is enough to give an idea of recent changes in rational moral philosophy. We already know what this egalitarian doctrine has actually implied for the principled defense of the least among us. But where exactly can it lead us as far as the other animals are concerned? In the

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long run, this new egalitarianism clearly points to the inclusion of many nonhumans into the sphere of basic equal moral protection, and to the attendant abolition of the institutional practices in which they are treated as mere means to human ends. At present, at the very least, it points to a first practical step in this direction.

It is just in this connection that an initiative such as the Great Ape Project (Cavalieri and Singer 1993; *Etica & Animali* 1996), demanding the extension of basic human rights to some nonhuman primates – chimpanzees, gorillas and orangutans – was envisaged and launched. Though primates are our closest extant kin from an evolutionary point of view, and, accordingly, are quite similar to us in their cognitive and emotional endowment, they are routinely sacrificed to our goals, especially, but not only, in research settings. And, while all primates deserve enfranchisement, the nonhuman great apes appear as the most naturally suited for a first inclusion in that community of equals that we have till now confined to ourselves (Watson *et al* 2001).

Consider: the gestures with which they communicate are quite similar to our own, and are employed in analogous contexts with analogous meanings; they are capable of sophisticated co-operation and complex social manipulation; cultural transmission includes actual teaching; and different societies can produce distinctive traditions, particularly with respect to tool-using and tool-making behaviours (e.g. Goodall 1989; Fossey 1983; Boesch 1991; Whiten *et al* 1999). Reason – this long favoured mark of human superiority – is also clearly detectable in the other great apes in the form, e.g., of instrumental rationality, as when they solve social problems by forming coalitions over access to power or food; of inferential reasoning, as exhibited in such activities as the identification and clever use of medicinal plants; or of the capacity for making choices that are appropriately motivated by one's beliefs, as demonstrated by their application of the strategy of tit-for-tat – helping helpers and dismissing cheaters (e.g. Huffman and Wrangham 1994; de Waal 1996; Galdikas and Shapiro 1996). Finally, despite the fact that, at least from Descartes on, language was considered a uniquely human prerogative, some nonhuman great apes have recently learnt to master a human language – the American Sign Language for the Deaf –, soon developing a vocabulary of hundreds of terms, and combining them in a way that meets the fundamental criteria for being recognized as grammatical (e.g. Savage-Rumbaugh and Lewin 1994; Fouts and Mills 1997; White Miles 1993).

In the light of all this, one might suppose that chimpanzees, gorillas and orangutans not only deserve inclusion into the sphere of moral equality according to the recent moral rethinking, but can also meet the old standards for full moral status which have dominated our moral landscape. In other words, one can suggest that the other great apes are the kind of beings of which the traditional notion of person can be predicated. This may be relevant because, though liable to criticism (Cavalieri 2001), such notion – conventionally employed with reference to the protection from being used solely as a means to others' ends – still displays a significant action-guiding power in view of ethical change. For whenever history has seen the widening of the circle of rights holders, the ascription of such rights has occurred through the inclusion in the number of persons. Moreover, it is worth noting that, in contemporary bioethical debates, to say of some being that it is a person usually means to grant it the right to life.

Are, then, the other great apes persons? True, they are not human beings, but the possibility that the concept of 'person' is coextensive with the concept of "member of the species *Homo sapiens*" is prevented by the theological use of this notion – in itself, a creature of ethical theories – in connection with God (Trendelenburg 1910). Such a construal is clearly supported by the contemporary view that the facts which are ethically relevant in themselves are not biological facts, but rather psychological facts, whose specific identification is guided by moral considerations (Tooley 1983, 1998). In the case of personhood, elaborating on Locke's idea that a person is a being that can consider itself as itself in different times and places (Locke 1964), contemporary authors tend to argue that the mental trait which is central to personhood is the property of being aware of oneself as a distinct entity endowed with a past and a future – in other words, self-consciousness. It should be evident here the moral reason why a connection is often made between personhood and the prohibition of killing. For if a being is aware of itself as a distinct entity existing in time, it especially clearly has the possibility of being harmed by death, insofar as it can conceive of death as the discontinuance of its existence, and can accordingly dread it.

In this context, our initial question becomes: Are the nonhuman great apes self-conscious? According to a well-established account, self-consciousness is a multi-layer capacity (DeGrazia 1996). Undoubtedly, a

basic form of self-consciousness is a prerequisite for passing the famous test of self-recognition in mirrors. The same holds for the use of personal pronouns and self-referents. Just like human children, language-instructed chimpanzees, gorillas and orangutans begin using self-referents just at the same time that they begin passing the test. They also show direct self-consciousness when they “think aloud” by signing to themselves. Perspective self-consciousness, on the other hand, is exhibited by the nonhuman great apes both within their societies, e.g. by their formulating and carrying on plans, and in artificial settings, by their talking about themselves in situations removed in space and time. Finally, the embarrassment they show when caught in unusual situations is clear evidence of the higher level of reflective self-consciousness, insofar as it requires that they reflect on their own behaviour and compare it to standards set by society or by themselves (e.g. Fouts and Fouts 1993; White Miles 1993; Patterson and Cohn 1995; Whiten 1996).

It is plausible to maintain that these and many other evidences for the intellectual capacities of the other great apes warrant an affirmative answer to the question whether they are persons. What, then, should we do with regard to these nonhuman individuals who meet both the new egalitarian standards and the traditional perfectionist criteria? How should we alter our behaviour towards them? Consistency requires that, if they are clearly endowed with the capacities we see as morally decisive in ourselves, they be removed from the realm of property, and be granted the same basic negative rights to life, freedom and welfare we currently enjoy under the label of “human rights”. Among other things, such change implies something that is already starting to happen in some countries: that, on the basis of the deep connection between the inviolability of individuals and a respectful treatment in the biomedical setting which was firstly established by the Nuremberg Code (The Nuremberg Code 1949-1953), chimpanzees, gorillas and orangutans are covered by the international ethical codes in medicine we have till now confined to human beings.

By extending for the first time basic moral and legal protection to a group of individuals who happen not to belong to *Homo sapiens*, we shall show that a consistent application of our principles can prevent us from letting our group-loyalties overcome moral impartiality. Moreover, by thus accepting the idea that, in ethics, there are always lessons to be learned, we shall pave the way for a wider moral reform.

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