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VIRTUE ETHICS AND ANIMALS**

I. THE CONCEPT OF MORAL VIRTUE

The expression “virtue ethics” denotes a relatively loose tradition of ethical thinking that, in the West, stems from Aristotle and, in the East, has identifiable roots in Chinese philosophy, particularly Confucianism. A virtue is a *character trait* that is deeply entrenched in its possessor and also, crucially, multi-factorial. To say that it is *deeply entrenched* in its possessor is to say that it manifests itself on more than one occasion – indeed on many occasions – and as more than a single type of action. For example, the virtue of honesty will manifest itself not just in the fact that I do not steal from others, but also in the fact that I will do my best to return what others have lost (rather than pocketing it for myself). And these sorts of behaviours are not ones I exhibit sporadically, but are relatively constant through time. All things being equal, I will return lost money not merely today, but on any day that I happen to find some. To say that a virtue is *multi-factorial* is to say that it consists in more than behavioural tendencies or dispositions alone, even if these are stable through time. To have the virtue of honesty, for example, is not just to possess the tendency to do honest things. It is also the tendency to deplore dishonesty in oneself and others, to feel outrage when one witnesses this dishonesty, and to make this outrage known; and so on. In order to be constitutive of a virtue, the stable behavioural dispositions must be located in an appropriate surrounding context of judgments and emotions of this sort. Implicated in the possession of a virtue, therefore, is not simply a disposition to behave in a certain way in given circumstances, but also the disposition to have judgments, emotions, thoughts, feelings and so on that are “appropriate” to these circumstances. The reason for this is pretty clear. A person can have the deeply entrenched tendency to do what is honest and refrain from doing what is dishonest because, and only because, she has the equally deeply entrenched fear of being caught. Since, in this case, the tendency to do what is honest and refrain from doing what is dishonest is not situated in the appropriate surrounding milieu of emotions, judgments

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and other evaluative acts – it is not multi-factorial – her tendency is not part of a virtue of honesty. She possesses no such virtue. Therefore, it would be unwise to attribute to a person a virtue on the basis of observing their actions – even if these actions are consistent through time – if one does not know the reasons for these actions. In the possession of a virtue, actions, judgments and emotions are bound up in an indissoluble whole. Armed with these considerations, we can define the concept of a moral virtue as follows:

A moral virtue is a (i) a morally good, admirable, or otherwise praiseworthy character trait, where (ii) this character trait consists in a relatively stable set of behavioural dispositions that are (iii) embedded in an appropriate surrounding milieu of judgments and emotions (broadly understood).¹

The corresponding notion of a moral vice can then be defined as a bad, unworthy, or blameworthy character trait, where we understand the notion of a character trait and surrounding milieu in the same way. The concept of moral virtue is, of course, correlative to the concept of moral vice. To have a moral virtue is, at the same time, to abhor the corresponding vice. Armed with this concept of a moral virtue, we can then define the morally virtuous person as one who has, and exercises, the various moral virtues – understood as defined above. Since having and exercising a given virtue precludes having and exercising the corresponding vice, a morally virtuous person is one who acts according to virtue (and so does not act according to vice). A moral virtuous person, in short, is one who acts morally virtuously. According to virtue ethics, the fundamental moral injunction is for one to be, or become, a virtuous person.

The concept of virtue intersects with philosophical issues concerning the nature and status of non-human animals (henceforth “animals”) in two different ways. Firstly, how *would* a morally virtuous person treat animals? This is a transposition, into virtue ethical terms, of a familiar ethical question: how, morally speaking, *should* we treat other animals? The second question is somewhat less familiar. Given the concept of virtue identified above, is it possible for animals other than human to be virtuous? I shall argue that the answer to the first question is: with mercy. While I think the second question admits of an affirmative answer – some animals can indeed be morally virtuous – constraints of space do not permit me to develop this case here. Instead, I shall merely identify some of the problems that this case needs to overcome – problems that I suspect proponents of this view do not

properly appreciate. The claim that they can be overcome is one I defend at length elsewhere.²

II. THE VIRTUE OF MERCY

In *The Unbearable Lightness of Being*, Milan Kundera, with characteristic sagacity, writes:

True human goodness can manifest itself, in all its purity and liberty, only in regard to those who have no power. The true moral test of humanity (the most radical, situated on a level so profound that it escapes our notice) lies in its relations to those who are at its mercy: the animals. And it is here that exists the fundamental failing of man, so fundamental that all others follow from it.³

Kundera identifies what he thinks of as the “true moral test” of humanity, and at the same time identifies a certain virtue that is crucial to this test: *mercy*. I shall argue that Kundera is correct. The answer to the question, “How would a morally virtuous person treat other animals?” is, I shall argue: *with (the virtue of) mercy*. This virtue and its corresponding vice – mercilessness – are peculiarly salient to our dealings with those who, relative to us, have no power. And, as Kundera notes, animals provide perhaps the most obvious examples of those who have no power. I shall try to show that Kundera is right to allocate to mercy this central role amongst the moral virtues.

In developing this argument, it is crucial to remember the multifactorial character of the virtues. Bound up in the possession of a virtue is far more than merely being disposed to behave in certain ways in given circumstances, even if this disposition is stable through time. Virtues are not merely dispositions to behaviour. Rather, any such dispositions must be surrounded by, and grounded in, a milieu that consists of the relevant judgments and emotions. This claim is essential to any plausible virtue ethics.

With this in mind, I shall argue that mercy is fundamental to the moral virtues in that it is required for – a necessary condition of – many of the other moral virtues. I shall not argue that it is required for possession of all the other moral virtues. I suspect that it is, but this is not required for the argument I am going to develop. To see why, consider someone who fails to exhibit the virtue of mercy. In the sense of mercy employed by Kundera, this means that the person is, let us suppose, exemplary in their dealings

with those who have power – which we can understand, in a sense that is rough but sufficiently precise for our purposes, as those who are capable of helping or hurting them. However, when they come to interacting with the powerless (i.e. those incapable of helping or hurting them), they fall short of this high standard in some or other respect. Development of this argument does not require us to say what it is for them to be exemplary in their dealings with those who have power, nor does it require us to specify the way in which they fall short of this standard in their dealings with those who do not. With this at least rough-and-ready scenario in mind, let us consider some of the more important moral virtues.

The virtue of kindness is an obvious place to start. We are to try to imagine a scenario in which a person exhibits the virtue of kindness towards those who are capable of helping or hurting him, but fails to exhibit this virtue towards those who are not. This, I shall argue, is not a possible scenario. Such a scenario is *apparently conceivable*; but it is not *genuinely possible*. It is apparently conceivable because we can imagine a scenario that seems, to us, to be one in which a person is kind only toward those who have power. But it is not genuinely possible because we have, in fact, succeeded only in imagining something else. What we in fact end up imagining is a scenario in which the person's behaviour towards those who have power bears all the hallmarks of behaviour that we would call *kind*. However, this is not, as we have seen, sufficient for the possession of the virtue of kindness. For sufficiency, we need to supply the surrounding context of emotions and judgments. However, that is precisely what is not possible in cases of this sort. The person's failure to behave in a similarly kindly way to those who do not have power – for his behaviour to fall short of whatever standard he achieves with respect to those that do have power – seems inevitably to indicate that his, as we would put it, “kindly” behaviour towards those who have power is motivated by something other than kindness. That is, it is motivated by something other than the sort of judgments and emotions that partly constitute the virtue of kindness. The motivation seems coloured by considerations of self-interest – for what else would explain the difference in his behaviour towards those who have power and those who do not? However, if the surrounding judgments and emotions are not in place, then the person's “kindly” behaviour towards those who have power is not in fact a manifestation of the virtue of kindness. All we have succeeded in imagining is a case of apparently kindly behaviour. We have not succeeded in imagining a genuine exemplification of the virtue of kindness. So, the situation in which a person exhibits the virtue of kindness in the absence of the virtue of mercy is not, in fact, a possible situation. It might be apparently

conceivable; but it is not genuinely possible. If this is correct then possession of the virtue of mercy is a necessary condition of the possession of the virtue of kindness.

The same sort of argument can be applied to cognate or closely related moral virtues such as compassion, generosity and benevolence. If one's "generosity" extended only as far as those who were able to help you or hurt you, and was markedly curtailed in the case of those who were not, then the conclusion we should draw is that this is not a "genuine" case of generosity. That is, the behaviour is not an exemplification of the virtue of generosity. It is not a genuine case of generosity because the surrounding judgments and emotions that would make it so are not in place. So, once again, we might think that we can imagine someone who is generous only in her dealings with those in a position to help or hurt her, but falls short of this in her dealings with those who are not capable of these things, but what we think we can imagine is not a possible situation. Neither can we, for essentially the same reasons, really succeed in imagining someone who is benevolent or compassionate only in his dealings with those who have power.

Consider, now, another important moral virtue: *loyalty*. Can we really imagine someone who is loyal only towards those who are in a position to help or hurt him, and falls short of this in his dealings with those who are not? Once again, this does not seem to be a genuine case of loyalty. The obvious question is: what would happen if those who are in a position to help or hurt him suddenly, perhaps through some or other misadventure lose this ability? In the scenario we are trying to imagine, the person would then, in his dealings with these people in their newly diminished circumstances, fall short of the loyalty he previously seemed to exhibit. If this were so, then we should deny that the behaviour he previously exhibited was a manifestation of the virtue of loyalty. The reason is that the surrounding context of judgments and emotions was not in place, and without this the person's behaviour, while ostensibly loyal, was not, in fact, loyal at all. That is, it was not an expression of the virtue of loyalty. One cannot possess the virtue of loyalty if one's seemingly loyal behaviour is restricted to those who have power. And this is equivalent to saying that the virtue of mercy is a necessary condition of the virtue of loyalty.

A similar argument applies, without significant revision, to the virtue of honesty. Someone who is honest only in her dealings with those who have power, but falls short of this standard when dealing with those who do not, is not, we can legitimately say, "really" honest. Their seemingly honest behaviour is not situated in a surrounding context of emotions and judgments required for it to be an expression of the virtue of honesty. We

might think we can imagine someone whose honesty is restricted in this way. But what we are not thereby imagining is a case where the virtue of honesty is restricted in this way. We are imagining a certain sort of behaviour, admittedly; and this behaviour might certainly seem to be a case of honest behaviour. But it is not, in fact, a manifestation of the virtue of honesty. The virtue of mercy is a necessary condition of the virtue of honesty. The same sort of argument applies, again without significant revision, to cognate moral virtues such as integrity.

The virtue ethical defence of animals turns on acknowledging the peculiar centrality of the virtue of mercy. The virtue of mercy is a peculiarly foundational moral virtue in that it is required for – a necessary condition of – many, and perhaps all, of the other moral virtues. As Kundera notes the most obvious candidates for those who have no power are animals. Some humans have no power, and the virtue of mercy will also underpin the virtue ethical case that can be mounted in support of them. But almost all animals are powerless relative to us. Certainly, the ones that we encounter in our everyday “civilized” dealings – the animals we eat, experiment on, and invite into our homes as companions –, are powerless relative to us. In his or her dealings with these powerless beings, the virtuous person will be guided by the virtue of mercy. And anyone who is not thus guided has little claim to being a virtuous person.

III. CAN ANIMALS BE VIRTUOUS?

Is it possible for animals – that are not human – to be morally virtuous? This is the second question I shall discuss in this paper. In recent years, the possibility of a positive answer to this question has been enhanced by work in cognitive ethology and cognate disciplines that has amassed a wealth of evidence that shows animals acting in apparently virtuous ways.⁴ In this paper I am unable to survey the large and growing body of empirical research that bears on this claim. This work sits in the background – the springboard for a discussion that is rather more abstract and conceptual. But here is a representative example of the sort of behavior I have in mind.

Eleanor, the matriarch of her family, is dying and unable to stand. Grace touches her gently and lifts her back to her feet. She tries to get Eleanor to walk, pushing her gently along. But Eleanor falls again. Grace appears very distressed, and shrieks loudly. She persists in trying to get Eleanor to stand, to no avail. Grace stays by the fallen figure of Eleanor for another hour, while night falls.⁵ If Grace were human, we might be tempted to suppose that this behavior is evidence that Grace possesses the virtue of compassion. This evidence would, of course, be defeasible. In line with the entrenched,

multi-factorial, nature of the virtues, to confirm this hypothesis we would have to look at, for example, dealings Grace has with others, and examine whether this supports the presence of the appropriate surrounding milieu of emotions and judgments. Nevertheless, if Grace were human, we would probably suppose that she was at least a “contender” – that her behavior was at least partial evidence in support of the hypothesis that Grace possesses, and acts on the basis of, the virtue of compassion.

However, voices of those willing to even entertain the idea that animals can be morally virtuous are thin on the ground, especially among philosophers. David DeGrazia finds himself in a very small minority when he writes:

These examples support the attribution of moral agency – specifically, actions manifesting virtues – in cases in which the actions are not plausibly interpreted as instinctive or conditioned. On any reasonable understanding of moral agency, some animals are moral agents.⁶

He is joined in this minority by Steven Sapontzis⁷, and also by Evelyn Pluhar, who writes:

Is it really so clear, however, that the capacity for moral agency has no precedent in any other species? Certain other capacities are required for moral agency, including capacities for emotion, memory, and goal-directed behavior. As we have seen, there is ample evidence for the presence of these capacities, if to a limited degree, in some nonhumans. Not surprisingly, then, evidence has been gathered that indicates that nonhumans are capable of what we would call ‘moral’ or ‘virtuous’ behavior.⁸

Among non-philosophers, or among those who are not primarily philosophers, similar claims, although in varying forms, can be found in the work of Vicki Hearne, Jeffrey Moussiaeff Masson, Susan McCarthy, Stephen Wise, Frans de Waal, and Marc Bekoff.⁹ Indeed, Darwin claimed that animals can be motivated by the “moral sentiments”.¹⁰

I also belong to this minority group that thinks animals are capable of acting on the basis of moral reasons – as possessors of moral virtues (and vices) broadly understood. However, defending this minority opinion is a rather large undertaking that lies well outside the scope of this paper. Here, I shall simply identify the sorts of problems this minority opinion must be

able to overcome if it is to be even a contender for the truth. This is not an unimportant task: the scope, depth and difficulty of these problems have, I think, been under-appreciated.

A. *THE RESPONSIBILITY PROBLEM*. Both DeGrazia and Pluhar express their claim in the language of agency. However, the concept of agency is inseparable from the concept of responsibility, and hence from the concepts of praise and blame. If animals are moral agents, it follows they must be responsible for what they do, and so can be praised or blamed for what they do. At one time, courts of law – both non-secular and secular – set up to try (and, subsequently, execute) animals for perceived crimes were not uncommon.¹¹ I assume few would wish to recommend a return to this practice. At the core of this unwillingness is the thought that animals are not responsible, and so cannot be held culpable, for what they do. If this is correct, then their characterization in terms of moral agency should be resisted.

B. *THE REFLECTION CONDITION*. Classic statements of virtue ethics, such as Aristotle's, closely tie possession of a moral virtue to the subject's understanding of what they do. Thus, Aristotle writes:

But for actions in accord with the virtues to be done transparently or justly, it does not suffice that they themselves have the right qualities. Rather, the agent must also be in the right state when he does them. First he must know that he is doing virtuous actions; second, he must decide on them, and decide on them for themselves; and, third, he must also do them from a firm and unchanging state.¹²

For an action to be an expression of a virtue, it must not simply be an example of what would commonly be regarded as a virtuous action (have the "right qualities"). In addition, the agent must (a) know that he is performing a virtuous action, and (b) perform the action because it is a virtuous action ("decide on them for themselves"), and (c) this decision must be an expression of a stable disposition on the part of the agent.¹³ That is, Aristotle imposes what we might call a *reflection condition* on the possession of the virtues:

For action ϕ , performed by agent A, to be an expression of virtue, V, it is necessary that A (i) be able to understand that

ϕ is an instance of V, and (ii) A must perform ϕ because he understands that ϕ is an instance of V and wishes to be virtuous.

If Grace cannot satisfy this condition, then she cannot, from an Aristotelian perspective, be regarded as virtuous.

C. *THE PHRONESIS CONDITION.* Closely related to the reflection condition is the *phronesis* or practical wisdom condition. It is common, in the tradition inspired by Aristotle, to think of the moral virtues as arising from a combination of the natural virtues – feelings or sentiments of compassion, for example – and the practical wisdom that allows these natural virtues to be directed towards the right objects, in the right way, in the right amount, and so on. As Aristotle puts it:

So also getting angry, or giving and spending money, is easy and everyone can do it; but doing it to the right person, in the right amount, at the right time, for the right end, and in the right way is no longer easy, nor can everyone do it. Hence, doing these things well is rare, praiseworthy, and fine.¹⁴

With regard to Grace, this might give rise to the following sort of objection: what evidence is there that Grace possesses anything more than a natural virtue – rather than its moral counterpart? Attributing the latter to Grace would require also attributing to her a substantial amount of practical – and it is not clear that there is any evidence for this.

I believe, although I shall not argue this here, when we dig down deeply enough into each of these objections, we find a common root. Underlying them all is the idea of *control*. We humans can be morally virtuous because, and to the extent, that we have control over our motivations. Another thing that I believe that I cannot argue here is this: the implicated idea of control is an illusion. These, however, are ideas to be developed elsewhere.¹⁵

NOTES

1. This account of virtue, and supporting considerations, owes much to Rosalind Hursthouse, *On Virtue Ethics* (Oxford: Oxford University Press, 1999). I shall take no stand in this paper on the question of what makes a character a specifically moral one – that is: one that is good, admirable or praiseworthy in a specifically moral sense. Nor shall I take any stand on the question of whether all virtues are moral virtues. For what it is worth, the claim that they are – endorsed by some – strikes me as very implausible.
2. See my, *Can Animals Be Moral?* (New York: Oxford University Press, 2012). An earlier

- version of this case can be found in my "Animals that Act for Moral Reasons", in *Oxford Handbook of Ethics and Animals*, edited by T. Beauchamp and R. G. Frey (New York: Oxford University Press, 2011).
3. Milan Kundera, *L'Insoutenable Légèreté de L'Etre* (Paris: Gallimard, 1983), 76. Translation is mine.
 4. For an excellent summary of this evidence, and a case for the moral agency of animals built on this, see Marc Bekoff and Jessica Pierce, *Wild Justice: The Moral Lives of Animals* (Chicago: University of Chicago Press, 2009).
 5. Ian Douglas Hamilton, S. Bhalla, G. Wittemyer and F. Vollrath, "Behavioural Reactions of Elephants Towards a Dying and Deceased Matriarch", *Applied Animal Behaviour Science* 100 (2006): 67-102. This case was cited by Bekoff and Pierce, *Wild Justice: The Moral Lives of Animals* (Chicago: University of Chicago Press, 2009), 103-4. For an excellent summary and systematization, see Bekoff and Pierce, *Wild Justice: The Moral Lives of Animals* (Chicago: University of Chicago Press, 2009).
 6. David DeGrazia, *Taking Animals Seriously* (New York: Cambridge University Press, 1996), 203.
 7. Steven Sapontzis, *Morals, Reasons and Animals* (Philadelphia: Temple University Press, 1987).
 8. Evelyn Pluhar, *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals* (Durham, NC: Duke University Press, 1995), 2.
 9. Vicki Hearne, *Adam's Task: Calling Animals by Name* (New York: Vintage Books, 1987); Jeffrey Moussiaeff Masson, *Dogs Never Lie About Love: Reflections on the Emotional World of Dogs* (New York: Three Rivers Press, 1997); Jeffrey Moussiaeff Masson and Susan McCarthy, *When Elephants Weep: The Emotional Lives of Animals* (New York: Delacorte, 1995); Stephen Wise, *Rattling the Cage: Toward Legal Rights for Animals* (Cambridge, MA: Perseus Books, 2000); Frans de Waal, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals* (Cambridge, MA: Harvard University Press, 1996); Marc Bekoff, *The Smile of a Dolphin: Remarkable Accounts of Animal Emotions* (New York: Discovery Books, 2000); Marc Bekoff, *Minding Animals: Awareness, Emotion, and Heart* (Oxford: Oxford University Press, 2002).
 10. Charles Darwin, *The Expression of Emotions in Man and Animals* (London: John Murray, 1872). Darwin did, however, stop short of claiming that animals are fully "moral beings". This line is also favored by de Waal, who argues that animals possess some of the building blocks of human morality but denies that they are moral agents in the sense that humans are.
 11. See E. P. Evans, *The Criminal Prosecution and Capital Punishment of Animals* (London, Heinemann, 1906) for a wealth of examples. See also, P. Dinzelsbacher, "Animal Trials: A Multidisciplinary Approach", *Journal of Interdisciplinary History* 32 (2002): 405-21.
 12. Aristotle, *Nicomachean Ethics*, translated by T. Irwin (Indianapolis: Hackett, 1999), 1105a 27-35.
 13. This, of course, does not exhaust the psychological complexity of the virtues. A more complete characterization would at least sketch the cognitive and emotional setting in which the action is embedded. The agent must deplore the corresponding lack of virtue, in herself and others, etc. For our purposes, these complications can safely be ignored.
 14. Aristotle, *Nicomachean Ethics* 1109a 27-30.
 15. See my *Can Animals be Moral?* (New York: Oxford University Press, 2012) and "Animals that Act for Moral Reasons", in *Oxford Handbook of Ethics and Animals*, edited by T. Beauchamp and R. G. Frey (New York: Oxford University Press, 2011).