

October 7, 2003

LEVEL: 8

[Chapter 2]

***Case Study: Our Relationships with Animals and Other
Moral Patients – and Rocks?¹***

[URL: AnimalRights]

SECTIONS (& perhaps subsections):

- I Happy and Me: The Possibility of Nonlinguistic Agreements
- II More Animals: Counseling Charlie's Cat
- III More Animals: The Tellington-Touch Method
- IV Relating to Tigers: Empathy Without Reciprocity; Morality Not an Agreement
- V Anthropomorphization and Empathy: Is It All Just an Illusion?
- VI Relating to My Late Father
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Article:

“Still, I miss those baboons.”
— Sapolsky (2001:302)

[New outline of this essay:]

¹Shane Courtland and Matt Nelson developed and/or drew my attention to many of the issues raised in this section.

I Happy and Me: The Possibility of Nonlinguistic Agreements

1. My relationship with my cat, Happy Blacklacquer
 - a. Ignoring him / treating him as an object. Objectivating. I yell at him for sleeping on my bed – stimulus-response attitude; a “biological machine”: he meows; he’s hungry; etc.
 - b. Changing my perspective to performative. Treating him as *not* a machine. Spending time with him and paying attention to him and actively relating to him:
 - i. Petting in ways that show I understand what it feels like (e.g., trivially, not against the grain of his fur)
 - ii. Talking to him seriously, explaining what I am doing and how I’m feeling, etc.
 - iii. Rubbing cheeks – the cat way of being affectionate by “marking”.
 - iv. Playing, roughhousing
 - v. Trying things (e.g., rubbing his tummy) and noting reaction and responding to it. Being gentle when trying it.
 - vi. Explaining to him gently that I don’t want him to sleep [wherever].
 - c. Our interaction changes:
 - i. He lets me rub his belly
 - ii. He naps closer to me
 - iii. He pays attention to where I let him sleep.

II More Animals: Counseling Charlie's Cat

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III More Animals: The Tellington-Touch Method

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IV Relating to Tigers: Empathy Without Reciprocity; Morality Not an Agreement.

My relationship with Happy could be taken, at least arguably, as a mutual, reciprocal relationship. Even if not literally spoken, we have it unspoken – as if I were trapped on a desert island with someone who could only speak Mandarin Chinese, neither of us able to learn the other's language or knowing (initially) the cultural assumptions of relationships, but still getting along and even developing a friendship.

Tigers are a different story. No friendship there. But I can still empathize with the tiger and still act morally, as follows: [etc.]

V Anthropomorphization and Empathy: Is It All Just an Illusion?

I argue not, or at least that it is not necessarily so, and that if one pushes the question, we all can be accused of idiomorphizing, like when I project my belief onto you that you are a rational human being. One must be careful, as with all inferences, but that doesn't bar the possibility of inference itself.

[The anthropomorphism objection? No; I'm just using what I know. I have to be careful not to

anthropomorphize, of course, but this is no different than saying that I have to be careful not to assume that your sense of the Good is the same as mine. We can recognize these cautions and work to overcome them – while still recognizing that we are in the situation of having to act right now.]

VI Relating to My Late Father²

I learned that you don't stop loving someone just because they die. And you don't stop loving someone who's dead just because you start loving someone else. I know that this violates the natural law that things can't occupy the same space at the same time, but that's never been true of the human heart anyway.

– Scottoline (1993:348)

He's still inside me. I wouldn't slander him.

But I no longer have him to explain his sense of the Right or to justify it. If he supported slavery,³ all I can do is apologize to him, saying that I think he would change his mind. I'm still considering him, still taking his sense of the Good into account, but in the end it is *I* who has to decide.

VII Relating to Rocks?

The “rock” objection: I don't empathize with a rock, and if I do, I'll change.⁴

- Matt: So you're saying that we have a responsibility toward rocks?

²Some of this material arose from conversations with my colleague Eve Cole.

³Like my great-great grandfather, William Parrish Chilton, who was chief justice of the Alabama Supreme Court (and who signed both versions of the Confederacy's constitution).

⁴I appreciate Matt Nelson for raising this question and pushing me on it.

- Steve: No. Why on earth would we?
- Matt: Well, I could see that rocks wouldn't want to get smashed apart, so why doesn't your perspective mean that we shouldn't smash rocks?
- Steve: Because I don't empathize with them and, in fact, I can't imagine that anyone else capable of empathy (and expressing it) does so either, so it seems to be a norm that is valid both for me and the rock alone and for society and rocks generally.
- Matt: Isn't that just arbitrary? *You* decide you don't empathize with the rock, so you get to do whatever you like? What happened to the rock – or me – having some say-so here? And what if I decide that I don't empathize with you – is it o.k. then for me to treat you however I want?
- Steve: It would indeed be arbitrary if all I'm saying is that I choose not to empathize. That would put the cart of morality before the horse of empathy. But I don't mean that. When I say that I don't empathize, I mean that no matter how I try, I can't find a point of connection with the rock. I've never been a rock. If a rock has anything analogous to nerves or a brain, I don't know of them or what they respond to. For all I know, rocks like being smashed to bits – maybe getting smashed is like going to the chiropractor for them. Or maybe not – who can tell? I can't find anyone who can help me empathize (I mean someone with better information than me). So in the end, I just don't have anything to go on except that I want to smash the rock. I should add that I'm open to finding out about rocks' sensibilities, just as I hope that even if you don't empathize with me, you are still open to finding out enough about me to be empathetic.

- Matt: Well, why don't you simply ask how you would feel being smashed? After all, your whole perspective is about treating others as well as you treat yourself.
- Steve: As I see it, empathy means *understanding* the other's sense of the Good, not *substituting your sense of the Good for* theirs. It isn't empathy if I want a hamburger and then assume that my Hindu friend wants one too. Now, if I saw someone hungry and offered them half of my hamburger, that would be empathy, since I know what it is to be hungry, and as best I can tell, everyone feels hunger as I do. But it would only be empathy until I found out they were Hindu, at which point it would be distinctly abusive to continue to press the hamburger on them.
- Matt: Nevertheless, your perspective still demands empathy in order to grant moral standing. So it is at least arbitrary in that way. It doesn't seem right to have a morality based on the accidents of your emotional reactions (or mine, or anyone's).
- Steve: Hmm. Let's take a look at your argument. Am I right in thinking that you are seeking some rationally-determinable (or at least intersubjectively accepted) system of granting moral standing, so that morality can be based on something more than one's subjective, idiosyncratic, emotional state?
- Matt: Right.
- Steve: And that probably goes not just for determining who/what has moral standing but also how we are to figure out what is moral in the situation. It would be nice to have something more reliable than emotions. Right?
- Matt: You have nutshelled it, Socrates.
- Steve: So then the moral system we're looking for must be based on reason or fact

instead of emotion?

- Matt: As ever, your incredible intelligence and perspicacity astounds me.
- Steve: Alas, the Münchhausen trilemma basically says that no such thing exists. *Any* moral system you come up with will have some degree of uncertainty at its core.
- Matt: Hmm. [*Offstage, whispering:*] Prepare the hemlock!
- Steve: So the only question, really, is what our uncertain base will be.
- Matt: I guess so. I had hoped for something better. Those darn philosophers implied that we could find the answer through *a prioris* and reason.
- Steve: Stick with political scientists, my boy. We know nothing! We promise nothing! We glory in our ignorance! We embrace lack of reason!
- Matt [*sotto voce*]: So I'm finding out.
- Steve: What was that?
- Matt: I was saying how grateful I am for your lack of knowledge.
- Steve: And so you should be, my boy. It has been years in the making.... Let's see, where was I?
- Matt [*smiling grimly*]: You were telling me why I was wrong.
- Steve: Oh, yes – finding a foundation of morality. I'm saying that grounding morality on empathy captures the nature of morality better than any other system. In other words, I think it matches our moral intuitions the best. Since morality is necessarily contingent, as the Münchhausen trilemma shows, I would much prefer that this contingency come from our attempts to empathize with each other. After all, it seems to me that our moral intuitions derive from our understanding of how

proposed norms will affect us and others – that is, from our empathy. So if we imagine morality as being a constant, dialectical interplay between intuition and its correction by experience, that is the same as the constant, dialectical interplay between our empathy and its correction by others’ reporting of what they are in fact experiencing.

- Matt: But what if you’re wrong? How can we know that empathy gives us the best match with moral intuition?
- Steve: We can’t, at least not directly. All I can really say is that I haven’t seen a better foundation. If one were to come along, I’d use it instead.
- Matt [waking up]: So if I can capture the nature of morality better than that, you’ll have to adopt my theory?
- Steve: That’s right.
- Matt: I’m on the case!
- Steve: But in the meantime, until you create something better...?
- Matt: I guess I’ll use the ways of relating perspective. But say, Steve, why are you always winning these arguments?
- Steve: Why, it’s obvious – I get to write your dialogue. [*Whereupon Steve is dragged offstage, followed by a man carrying a beaker of dark liquid.*]

VIII The Morality of Cannibalism

Cannibalism wrong not inherently but because of empathy.

IX Empathy with the Fetus? (Or: Chilton Rushes in Where Angels Fear to Tread)

[I'm not sure I'm really ready to deal with this, however. But if I can do so, I will.]

X Conclusion

Agreements are not necessary for morality, but empathy is.

Taming horses with the power of touch⁵

She stood before me skin and bones. Paroxysmal spasms gripped her body. I don't believe I ever saw a creature so frightened in my life. Her name was Lottie.

I spent a week at the Bitterroot Ranch in DuBois, Wyo., studying Tellington-Touch from the master herself, Linda Tellington-Jones. It was one of those rare experiences forever meshed in spirit. What I discovered at the Bitterroot Ranch was separation of self. Putting oneself under a microscope and being honest about the results is a herculean task. Why? Because it is so much easier to surround ourselves in the image we aspire to rather than face bare-bone dissolution.

My intention on this journey was to learn a craft. What I found was synchronicity. The perfect blend of animal with human being.

Five Arabians, one quarter horse. Four years of age. Untouched herd horses. Our job was to gentle these horses using the Tellington-Touch method for future use on the ranch.

Tellington-Touch or T-Touch is a holistic training method for the mind, body and spirit of animals. T-Touch is comprised of well-defined finger circles and one palm (Abalone) touch, 20 in total and each named after an animal. The touches are used in non-habitual areas of the animal's body to solicit relaxation in such a manner as to impact neurological impulses. Trust is the ultimate goal. T-Touch is the key.

The first day we merely observed. Five fresh horses having no idea what these humans

⁵The following is the text of an article by Brianna Beauvair on the Tellington-Touch Method. It appeared on p. E2 of the Longmont (Colorado) *Times-Call* of July 21, 2002.

had in store. The tension, awareness, curiosity and fright were palpable. We simply stood and shared space together.

The second day, we began, painstakingly slowly to touch, but only as the horse allowed. The moment fear was exhibited, we backed off. Amazingly, the horses always returned.

There was never the supposition of who is boss, who shall dominate whom because it was simply not necessary. We were there to form a working relationship with these horses.

Then there was Lottie. Poster girl for the omega horse. A Polish Arab from fine stock, Lottie had superb lineage and by all rights should have been a top-notch horse, but she wasn't. She was terribly underweight, high-headed, irregular confirmation, clearly frightened of the other horses and shivering convulsively in the cool mountain air. If I had to describe this mare in one word? Pathetic.

Lottie was like taming a deer; so flighty, so skittish, so untrusting I could not conceive of her letting anyone touch her much less ride her.

Day Four, I was assigned to Lottie. I could not imagine what I could possibly do to help this horse. I cleared my mind, took a deep breath and looked deep into her dark brown eyes. I caught sight of something I hadn't expected to see. Willingness. This horse wanted to connect. She wanted to conquer her fears. She wanted to belong. Lottie was the poor little girl on the playground, all alone, no friends, no one to talk to, no one to lift her spirit.

By afternoon Lottie was a different horse and I, a changed woman. Together we broke through mental barriers, tore down formidable fences, and blended our hearts.

In one week our horses had on bridles and saddles, each one amazed us more than the last.

We did not hit them, we did not shank them, we did not hobble them, we did not tie them. We simply touched them.

We acknowledged their fear and gently helped them through it. It's called respect and believe it or not, it's mutual.

[What follows is just some preliminary text I had from other essays, not necessarily what will go into the final version.]

XI Animal Rights

When we examine the issue of animal rights from a contractarian position, we run into difficulties.

I will first list these difficulties, while noting that they really can be handled within the

contractarian tradition. However, the contractarian approach does finally fail, and I explain how

the ways of relating approach can overcome these problems.

The first objection to the contractarian approach is that animals aren't capable of adhering to contracts, so there is nothing to negotiate over. This is not a serious problem for contractarians, however, because we can imagine the original position in which the negotiators don't even know what species they are. They will obviously not be able to decide on principles of justice to bind them in the event that they wind up nonhuman, because they recognize animals' inability to keep moral commitments. However, there is nothing to stop the negotiators from deciding on principles governing how humans are to treat animals.

A second difficulty arises: how are we to conceive of animals' sense of the Good? The idea of a lifeplan for animals seems irrational, for example. This is not a serious objection, however, since we can be pretty clear about things animals would want (food, shelter, good health, etc.) and wouldn't want (pain, starvation, etc.). Even if we can't be certain of their sense of the Good, much less of what their sense of the Good would be if they could form lifeplans, we can still be sure enough to justify doing what we can based on our limited understanding.⁶

The third difficulty is that we are unsure what to include in this hypothetical negotiation. Must the participants consider the possibility that they might become bacteria? rocks? the Pacific crustal plate? The very idea of a contract seems to go awry.⁷

⁶And of course research will continue to provide us better understandings of animals. In We need not always settle for our current level of understanding, even if we must do so now.

⁷**Q:** I need to show more clearly why the contractarian tradition isn't the best way to conceive of this. Maybe the real distinction isn't that the contract image fails while the ways of relating perspective succeeds; maybe it's only that the ways of relating perspective is more natural. Less *post hoc*?

The ways of relating perspective has a natural way of handling the issue of animal rights. We need to respect animals to the degree that we can empathize with them. I may not know exactly what a dog wants, but I know it feels pain *as I feel pain*. As a human, I might intellectualize the pain, make a virtue of it, recognize a higher purpose for it, have kinky sex with it, but I still feel the same pain. I don't know the neurophysiology involved, but the nerve circuits are surely the same.⁸ Nor would I tear the wings off flies, even though the neurological structure differs.

Whatever the structure, it's clear that they would feel the equivalent of pain, since they could not have survived without taking care of their wings. And to argue this from the opposite direction, children who abuse animals of any sort wind up abusing their fellows; *they* don't seem to distinguish.

Note that dogs like working with people. I think they find us interesting and enjoy the sense of purpose and order we can supply. This doesn't give us the right to abuse them, but it does mean that we don't have to assume that the only just solution is to let all animals go free.⁹

⁸And if they differ, then I can refine my empathy accordingly – but the principle of empathic consideration remains the same.

⁹On the other hand, we can't assume that all animals enjoy our company.

Note the work by Adam Miklósi (Eotvos University, Budapest) in the April 29, 2003 issue of *Current Biology* on dogs paying attention to humans. Originally seen reported (second-hand) in the *DNT* of 7/27/03, p.19A, [re-]printing an article by Rob Stein in the *Washington Post*. ““The dogs gave up much earlier. They were, very quickly, looking at the humans, the owners, looking at their faces,’ Miklósi said. ‘That is what is interesting. That never happened with the wolves. They just kept pulling [on the string, which had previously been set to give them meat when they pulled]. But the dogs, what they did was basically look at the owners. If you observe this as a human, you would describe it as an asking-for-help gesture.’”

Also note the work, *Hardwired to Connect: The New Scientific Case for Authoritative Communities*, by the Commission on Children at Risk. Can be ordered via <http://www.americanvalues.org/html/hardwired.html>.