

A Practice-Focused Case for Animal Moral Agency

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ABSTRACT *Considerations of nonhuman animal moral agency typically base their reasoning and (very often negative) verdict on a capacity-focused approach to moral agency. According to this approach, an entity is a moral agent if it has certain intrapersonal features or capacities, typically in terms of conscious reflection and deliberation. According to a practice-focused notion of moral agency, however, an entity is a moral agent in virtue of being a participant of a moral responsibility practice (MRP). I argue that a practice-focused approach to moral agency, combined with empirical evidence from research on canid social play and cognition, with support from The Function Argument, makes the notion of nonhuman animal moral agency more likely than usually indicated. However, the support is not absolute, as the practice-focused approach itself may be put into question. I describe how this objection prompts us to critically assess any empirical, metaethical, or normative assumptions on these matters. These questions, in turn, raise a number of further questions of how we should conceive of, use, and evaluate whatever standards of moral agency we adopt.*

1. Introduction

Can animals other than humans be moral agents? During the last few decades, an abundance of behavioral observations and experimental data has been claimed to show that several nonhuman species display behaviors, dispositions, or capacities that indicate, or relate to, ‘morality’¹ in some way.² Despite this, most researchers within the sciences and humanities alike remain skeptical of this possibility. A common objection is, for example, that while other animals than humans might *appear* guilty (e.g. imagine a dog being scolded for chewing up the newspaper) when they have traversed social or moral boundaries, Morgan’s Canon³ urges us to look for other, simpler, explanations, like associative learning. Ascribing guilt to explain the specific expression of a red-handed dog is generally regarded to commit oneself to anthropomorphism.⁴

At the same time, there have been several books and articles published on the narrower philosophical question whether other animals can be *moral agents*.⁵ A moral agent is an entity considered to be able to do wrong (or right) and typically taken to be morally responsible for actions, omissions, beliefs, and/or character traits. Considerations of moral agency in nonhuman animals typically base their reasoning on a capacity-focused approach to (human) moral agency. According to this approach, an entity is a moral agent if it has certain intrapersonal features or capacities. A common idea is that an entity is a moral agent if and only if it is able to (morally) understand, reflect on, and evaluate potential or actual actions, omissions, or character traits of oneself and others. Because nonhuman animals are taken to lack these capacities, they are not

moral agents.⁶ Those opposing an outright rebuttal of moral agency in other animals typically argue for less ‘cognitively demanding’ conceptions⁷ and/or suggest that non-human animals have lesser,⁸ intermediate,⁹ or species-specific¹⁰ forms of moral agency. These suggestions, however, raise the question if other animals have moral agency to the same *extent* or in the same *sense* as human moral agents.

In this article, I will argue for nonhuman animal moral agency using an alternative approach than the capacity-focused one. Namely, one where moral agency is understood as the participation in certain social, interrelational practices,¹¹ rather than in terms of practice-independent capacities, mental states, or processes. According to this *practice-focused* notion of moral agency, an entity is a moral agent in virtue of being a participant of a moral responsibility practice (MRP). Using canids as a case in point, I will argue that some nonhuman animals are likely participants of some MRP. Thereby, a practice-focused approach makes the prospect of animal moral agency more probable than usually thought.

My main argument has the following form:

- i An entity is a moral agent if it participates in an MRP.
- ii Canids participate in MRPs.
- iii So, canids are moral agents.

To demonstrate that this deduction is sound and valid, I will answer three questions:

- (1) What are the key features of MRPs?
- (2) What does it take to participate in them?
- (3) Are there credible nonhuman behavioral analogs to human participation in MRPs?

The first two questions will be answered by elaborating in more detail on the practice-focused approach to moral agency. The last question will be answered by appeal to empirical evidence regarding canid social cognition and play, with extra support from what I will call *The Function Argument*.

The choice of social play among the many areas of animal behavior of potential relevance is due to its rather complex dynamic of rule following, expectations, and social cognition.¹² Some suggest that the study of canid social play and social intelligence might provide an opportunity to learn about the evolutionary roots and function of norms, social intelligence, fairness, reciprocity, and morality in general.¹³ ‘Individuals might also generalize the implicit rules of interaction (“codes of conduct”) learned in playing with specific individuals to other group members and to other situations such as food sharing, defending resources, grooming, and giving care.’¹⁴ Social play could, therefore, be viewed as a practice where individuals can develop social cognition, mentalization, and empathy¹⁵ and where ‘individuals may learn what is “right” or “wrong” – what is acceptable to others – the result of which is the development and maintenance of a social group that operates efficiently’.¹⁶

The choice of the family of canids is due to several reasons: first, wolves and especially domestic dogs are among the most well-studied animals when it comes to social play.¹⁷ In addition to this, Canidae is a lineage that is not part of our biological order, the primates, whom we are most inclined to ascribe advanced cognitive capacities. By choosing a family of mammals separated from us since almost 100 million years,¹⁸ one might be able to make a point of the benefits of an approach that favors

comparison between species based on their actual behaviors and adaptations, rather than biological kinship.¹⁹

In addition to this, we share our human societies with dogs and have done so for a very long time.²⁰ Their inclusion in some everyday blaming and praising practices indicates that at least some of us already view them as having some moral agency. Additionally, an increasing number of studies support the hypothesis that we have co-evolved traits with dogs and have some innate understanding of each other.²¹

In the following Section (2) I present the practice-focused notion of moral agency. Section 3 reviews some of the relevant observational and experimental data on social play and social cognition found in canids. In Section 4, I present the analogy argument for nonhuman MRP participation in greater detail, along with a supporting argument: the Function Argument, along with some possible objections. In the following and last Section (5), I briefly consider objections to the practice-focused approach in general and sketch further lines of inquiry that might serve to move the discussion forward.

2. The Practice-Focused Approach to Moral Agency

Moral agency is a central philosophical concept. An agent is a *moral agent* to the extent that she is, in a general sense, morally responsible for her behavior. The standard approach to moral agents has been to assume that they must possess a set of advanced mental capacities. Things like reason and being able to form moral judgments, being able to rise above one's immediate feelings or impulses, to have an inner life and a capacity for concern and remorse are a few examples of things commonly considered necessary for moral agency within the capacity-focused approach.²² Within this approach, one may then discuss what it takes for a being to have such capacities and to what extent nonhuman animals may meet such criteria.

An alternative to the capacity-focused approach to moral agency is to instead focus on moral behavioral patterns and social interactions to formulate criteria. Instead of a set of intrapersonal mental capacities, this practice-focused approach shifts the gaze and asks whether the agent is a participant of a certain kind of social practice where moral responsibility is attributed, held, and undertaken, here called a *Moral Responsibility Practice*, or MRP. The following is a summary and analysis of a few examples of practice-focused approaches to human moral agency. This section provides answers to the first two questions formulated in the previous section: what are the key features of human MRPs, and what does it take to participate in them?

All practice-focused approaches have their roots in Peter Strawson's take on moral agency in *Freedom and Resentment*,²³ where the standard approach is set aside, noting that the question of how to attribute moral agency will remain in practice, regardless of how the issues of the standard approach are resolved. According to Strawson, one is a moral agent in virtue of being a participant of a social pattern of responsibility-related reactive attitudes. Such patterns are equivalent to the practices that in this article are called MRPs. These practices consist of patterns of holding oneself and others responsible and are part of a wider set of 'reactive attitudes' expressed in human social life and relationships. As such, they are an inevitable part of human psychology. Our attitudes of holding responsible are based on our expectations of people's quality of

will, which is shown through their actions or omissions, and can be ‘good or ill will or indifference or lack of concern’.²⁴ What makes people morally responsible for actions or omissions is therefore determined in relation to our perception of their quality of will. Participant reactive attitudes, like resentment, indignation, or gratitude, are responses to how well the behavior of another person aligns with their expectations or demands of the goodwill (or absence of ill will or indifference) of that person towards themselves (personal) or towards others (vicarious). Attitudes of compunction, guilt, and shame are responses to our expectations towards our behavior.

There are excusing as well as exempting conditions. We might suspend our ordinary participatory reactive attitudes towards the *action*, if the person failing to meet our basic demand e.g. lacked relevant knowledge, lacked conscious intent, or was unable to act differently. We might have reason to suspend our participatory reactive attitude towards the *person* if they were not themselves, e.g. was under the influence of a psychotic drug. All of these are examples of excusing conditions for moral agents. Other conditions, instead, exempt someone from moral agency altogether. Being a child or a person with a cognitive disability that impairs participation are two examples. This latter type of exemption implies a lack of moral agency, while the former (when a particular action is excused) does not. The entirety of responsibility-related reactive attitude patterns in a social group, including those of excuse and exemption, makes up what in this article is called an MRP for this group.

Here follow some developed theoretical accounts in the literature that exemplify the notion of a practice-focused approach to moral agency and the notion of MRP.

Michael McKenna offers a conversational analogy to explain human practices of moral responsibility.²⁵ The actions of responsible agents are bearers of meaning in the sense of being functions of one’s quality of will. When holding an agent morally responsible, we do so as if engaging in a conversation with them. The reactive attitudes, like resentment or indignation, communicate our regard for the quality of will revealed in the agent’s actions. The agent being held responsible can then ‘extend the conversation by offering some account of her conduct, either by appeal to some excusing or justifying consideration or instead by way of an acknowledgment of a wrong done, perhaps an apology offered’.²⁶ According to this conversational approach, an agent is a participant in MRPs in virtue of being able to take part in the ‘language’ of the ‘moral responsibility exchange’. People are exempted when they, in a general sense, fail to understand what others communicate through reactive attitudes, but also because they lack the ability to themselves hold others responsible.

In *Building better beings*,²⁷ Manuel Vargas introduces the notion of a ‘responsibility system’: we hold each other responsible by participating in a ‘system of practices, attitudes, and judgments that support a special kind of self-governance, one whereby we recognize and suitably respond to moral considerations’.²⁸ Blame and praise play central roles in such a system and carry with them certain costs and benefits. If one is viewed as blameworthy, one becomes stained and may face ‘expressions of disapproval, stigmatization, and avoidance—as well as outright rebuke’.²⁹ If we are regarded as praiseworthy, we might be subjected to ‘outright exclamations of one’s excellence, expressions of enthusiasm, and the impulse to be affiliated with those marked out as praiseworthy’.³⁰ Through the practice of praising and blaming, we develop external motivations to act according to the norms, in many cases internalized. When internalized, the norms are intrinsically motivating, and the agent will both perpetuate and

enforce them. Some agents, like children, fail to be the right kind of agent and are therefore exempted from being subjected to ‘norms of praise and blame’.³¹

According to Maureen Sie’s *Traffic Participation View* (TPV),³² there is an intrinsically social aspect to moral behaviors, like blaming and praising. Sie argues that we most often navigate moral norms in an inattentive mode, similar to when we participate in traffic. Because of this, responsibility ascriptions come into play when something sudden or unexpected happens that catches our attention, like when we are involved in or observe a collision between participants in traffic. In a moral setting, this is most clearly represented by different kinds of transgressions, like failing to meet someone’s expectations. Through the practice of ascribing responsibility and giving and asking for reasons, we communicate about what we are doing, what we think is right, and why. According to the TPV ‘[b]lame, resentment, moral indignation, their equivalents, and the reasons we exchange function, in this respect, as road-marks. It is how we inform one another of the moves allowed, and the excuses, exemptions and reasons accepted within this realm’.³³ The TPV also describes how we refrain from ascribing responsibility if we have reason to believe that a person is not a ‘full-blown moral agent’, e.g. in the case of people who are ‘mentally incapacitated or morally undeveloped’.³⁴

According to these examples of practice-focused approaches to (human) moral agency, MRPs and our participation in them are characterized in the following way: we share a strong disposition to internalize norms and to participate in the attitudes, expressions, and practices that surround them. These dispositions are reflected in our expectations towards the behaviors of ourselves and of others. When a transgression occurs, we respond by expressing how well the action aligns with these expectations. Depending on if the transgression is negative (i.e. below our expectation) or neutral/positive (in line with or above what we expect), we are disposed to blame or praise, verbally or nonverbally, or to remain neutral (often the case when the conduct is in line with what we expect). Such responses can relate to transgressions directed towards ourselves, towards others, and, of course, transgressions that we ourselves are seen as responsible for. Blame can be expressed verbally as well as nonverbally, e.g. by avoidance or stigmatization. Praise can, for example, be expressed by verbal exclamations and/or ‘the impulse to be affiliated with those marked out as praiseworthy’.³⁵ The object of our ‘moral address’ can respond (as in the case of blame) by providing a ‘moral account’ which may, for example, involve excuses or reasons and/or by acknowledging the transgression, which in turn might result in further exchange in the form of e.g. asking for forgiveness etc.³⁶

Being a *participant of* such an MRP means that one is subjected to, and participate in, ordinary blaming and praising practices. Young children and others, who seem unready or unable to participate in the MRPs are exempted from ordinary blaming and praising practices. If there are circumstances that fully or partly ‘explain away’ the transgression of a participant in other terms than outright wrongdoing, that participant is normally excused. A human individual will thus, according to the practice-focused approach, be counted as a moral agent to the extent that this individual participates in an MRP. Such participation is compatible with sometimes being excused from responsibility attribution, in spite of wrongdoing. However, participation is not compatible with being entirely exempted from all responsibility attribution, as in the case of young children or some people with cognitive disabilities that impair participation.

Participation, therefore, implies certain practice-relevant dispositions and inclinations, like being able to recognize and internalize norms, react to transgressions and to understand, and intelligibly respond to such reactions.

The next section provides an overview of empirical data from observations and behavioral experiments conducted on social play behavior and social cognition of dogs, wolves, and other canids. The examples are meant to provide a starting point for making an analogy argument between human and animal moral agency given the practice-focused approach.

3. Canid Social-Play Behavior and Cognition

Canid play behavior is an area that is well studied and might prove to be a surprisingly good example of an interaction that involves social norms,³⁷ as well as expectations, censure, and sanctions that naturally follow interaction that involves such norms. Domestic dogs, as well as wolves, coyotes, and other canids, play with one another. During play, canids need to continually assess each other's behavior and intentions and to follow certain play-specific rules. When a canid wants to play, she approaches a conspecific and signals her intention by performing a so-called 'play bow', where she crouches on her forelimbs, with her hind limbs remaining upright, and she may also bark and wag her tail.³⁸ Other behaviors signaling play intention are 'face-paw' and 'open mouthed play-face' etc.³⁹

Canids will almost exclusively use visual play signals when their play partner is facing forward. If their intended partner is facing away and/or is distracted, they will use attention-getting signals, like barking, bumping into, or pawing to get their attention. These signals are modified in strength and modality to match the degree of inattentiveness and to the modality that can be perceived, indicating that dogs are attentive to the attentional state of conspecifics,⁴⁰ so-called 'attention to attention'. Some findings support that dogs show sensitivity to the present and past perceptual access of others.⁴¹ Furthermore, recent studies are claimed to show evidence for emotional recognition by dogs in others.⁴²

Attention-getting signals appear to be followed by a pause ('look pause' or 'response waiting'), where 'a signaler may seek information as to the signal's reception'.⁴³ If the invitation is accepted, the dogs start to play. During play, bows and other play signals intermit rounds of biting, head shakings, growling, and running. The bow along with other play signals appear to function as forms of punctuation or modifiers, reassuring the play partner that the canid is just playing. Play bows and other play signals are more frequently used when the play starts to get a bit more aggressive or when the canid uses behavior that is potentially more easily misinterpreted.⁴⁴ As such, play signals are means to discriminate between play and other contexts regardless of the seemingly aggressive behavior involved.⁴⁵

Social play seems to involve something akin to norms of fairness and reciprocity.⁴⁶ For example, canid (and other mammalian) play involves elements like role reversal, where a canid intentionally behaves subordinate or weaker, like rolling over on her back, and self-handicapping, where stronger individuals do not bite as hard or play as vigorously as they could have done.⁴⁷ These behaviors seem to help to reduce inequalities between the playing canids and thus to enable and promote play. Both role

reversal and self-handicapping radically increase the vulnerability of the agent and would only be sensible in a context where there is an expectation that certain rules are followed. Bekoff and Pierce have suggested these to be: ‘Ask first, be honest and follow the rules, and admit you’re wrong.’⁴⁸

Surprise behaviors are ethological cues for violated social rules. The violated and surprised canid will stop playing and ‘cock her head from side-to-side and squint, as if she is wondering what went “wrong” when a play-mate becomes too assertive or too aggressive’.⁴⁹ A canid that has violated play rules by e.g. biting too hard, might often-times perform a play bow to ensure her partner that she was and still is just playing.⁵⁰ Canids who repeatedly violate the no-hurt rule, cheaters (individuals who signal that they want to play but who then attack or try to mate), playmates who are not willing to change roles during play, or individuals who engage in play without having been invited or themselves properly signaled that they are playing, are not likely to be popular playmates, and violations are met with sanctions like being chased off or avoided⁵¹ and even suffer long-term social consequences, like a decline in reproductive fitness.⁵² Juveniles are, however, treated mildly when offending the rules of social play, ‘[t]ransgressions and mistakes are forgiven and apologies are accepted by others especially when one player is a youngster’.⁵³

Dogs and other canids have also been shown to use ‘reconciliatory behavior’.⁵⁴ These behaviors are used after escalated play fighting and/or aggressions.⁵⁵ The reconciliatory behavior consists of approaching the counterpart and making peaceful contact. Interestingly, dogs have been shown to use reconciliatory behavior towards humans as well.⁵⁶ Victims of escalated play fighting and/or aggressions are also subjected to postconflict affiliative behavior by third parties.⁵⁷ Not all dogs will show affiliative behavior when being censured or sanctioned. Some show so-called appeasement behaviors instead, like lowered ears, crouching, averting eye contact, etc.⁵⁸

4. Supporting the Argument from Analogy

I have described the practice-focused approach to moral agency, along with the elements of MRPs and requirements for participation (Section 2). I have also given an overview of the different behavioral practices that canids engage in during and in connection to social play (Section 3). I will now describe the similarities between (human) MRPs and canid norm behavior.

Canid social play seems to consist of behaviors and attitudes that involve social norms in ways that exhibit many, if not all, of the important features of human MRPs. The meeting of canid norms results in behaviors that seem to imply ‘trust’ or praise, like role reversal, self-handicapping,⁵⁹ continued play, and affiliation. Some play signals seem to modify the meaning of the actions that precede or follow the signal, a form of metacommunication.⁶⁰ A victim of a transgression might express so-called surprise behaviors,⁶¹ a sign that the behavior did not meet her expectations, akin to ‘moral address’. Repeated play signaling⁶² from the violator might save the situation and has been suggested to communicate ‘I was really playing with you, I’m sorry’,⁶³ thus functioning as an explanation, acknowledgment, or excuse.

However, providing excuses, explanations, or acknowledging the transgression does not guarantee the prevention of further reactions, like avoidance or being chased off⁶⁴

(which might be analogous to blaming). Canids who have violated rules, and who display ‘reconciliatory behaviors’⁶⁵ might be expressing a potential analog to remorse and/or asking for forgiveness. Third-party observers who show postconflict affiliative behavior towards the victim of the transgression⁶⁶ appear to be trying to console.⁶⁷ Violators who display appeasement behaviors are maybe trying to make up, apologize, and/or show remorse.

There are also examples of social-play behavior that appear to be analogous to Strawson’s ‘suspension of ordinary inter-personal attitudes’.⁶⁸ For example, juveniles are treated mildly when offending the rules of social play⁶⁹ in a similar way to how younger individuals are not viewed as being (full) participants of human MRPs.

The practice-focused analogy argument for canid moral agency can now be spelled out in more detail:

- (4) Humans have moral agency.
- (5) They have this in virtue of participating in MRPs.
- (6) MRPs are comprised of certain elements.
- (7) Participation in MRPs is determined by meeting certain requirements.
- (8) The elements of MRPs seem prevalent in some canid social interaction, and some canids appear to meet the participation requirements in such an interaction.
- (9) Therefore, some canids also participate in MRPs.
- (10) So, some canids are moral agents.

This analogy argument is open to the objection that similarities between canid behavior and human MRP participation are only apparent (premise 5). To show that canids participate in MRPs, additional arguments are needed to support the claim that canid social play is *similar in a relevant way* to human MRPs (to get from premise 3 to premise 5). Next, I will use an additional line of reasoning to produce such further support: the Function Argument.

4.1. *The Function Argument*

Similarities in ecology between humans and canids enable a bolstering argument for the analogy between canid norm behaviors and human MRP participation, namely to claim that the similarities can be explained in the same complementary ultimate *as well as* proximate senses.⁷⁰ MRPs and canid social-norm practices are similar because they are behaviors and attitudes sharing the same *evolutionary function*, realized through shared *proximate mechanisms and dispositions*.

What are the problems or challenges for which MRPs and canid social-play behavior constitute solutions? Despite our apparent differences, canids are a family of animals that share surprisingly much of our ecology. Like us, wolves and some other social canids are crepuscular or diurnal, form complex social relationships, cooperate and divide tasks, regulate food sharing,⁷¹ and even use a ‘voting system’ when making collective decisions.⁷² In short, social canids, like wolves and dogs, are highly social group-living mammals. Group living has evolved independently in numerous species, and the advantages are several: information access and transfer are much easier, larger groups of animals can locate resources or prey more easily, and it is easier to defend oneself against predators or to defend one’s territory against competing conspecifics or other species.⁷³

However, life in groups also brings with it some disadvantages. Some examples are the risk of inbreeding, an increased risk of parasite and disease spreading, and needless to say, increased competition and risk of conflict. For group living to be worthwhile, social animals have needed to adapt strategies and solutions to these problems.⁷⁴

Canid social life is immersed in rules and norms, along with expectations that these are to be followed. Dogs and wolves are sensitive to reactions towards their own behavior as well as the behavior of others towards themselves and even third parties. As mentioned earlier, canids are also sensitive and responsive to the attentional state, perceptual access, and emotional states of others.

According to the Function Argument, human MRPs and canid social-play behavior are similar not only in an apparent sense but in further ways as well. These similarities are relevant in virtue of belonging to practices that have the same function: promoting and sustaining peace and cooperation.⁷⁵ But more importantly, these practices are possible via *shared* proximate mechanisms and dispositions: the ability to recognize social norms, the disposition to internalize them (i.e. be subjectively motivated to abide by them), and the ability and inclination for norm-related communication in terms of reacting to perceived transgressions and responding and adjusting to such reactions.

Those who oppose this analogy may want to explain canid inclination to engage in norm-guided practices partly or wholly in terms that do not favor an MRP hypothesis. For example, instead of being intrinsically motivated by norms, the described behaviors may be due to merely wanting to avoid discomfort or retaliatory consequences. Canids will, as mentioned, chase off or avoid notorious transgressors. Breaking norms in canid communities can certainly be unpleasant. And observing transgressing behavior and the sequent consequences will likely influence the future behavior of young observers. However, external motivators provide a less likely (main) explanation of the consistent behavioral patterns of canid social play. An individual that is only extrinsically motivated to follow rules like 'don't hurt' or 'be honest' will find herself in situations where the negative consequences might not pose any actual risk. However, in reality, canid social play seldomly escalates into aggression or conflict, and this is true despite of size or age differences between participants.⁷⁶ It seems difficult to explain this tendency to abide by social rules using an external model of explanation. A better explanation is that, over time, a canid will internalize the norms and be intrinsically motivated by them.

This is not to question the role of self-centered drivers in normative education. A puppy, just like a human child, might of course first learn to not break the rules through observing the dreary consequences of being chased off or bitten. However, this driver to follow rules cannot explain later consistent patterns of rule adjustment and reactions to the rule following of others. This thus also allows us to view how MRPs function on a developmental level as well: they foster canids into well-functioning pack members that are sensitive and responsive to norms in a general sense. Norm sensitivity, internalization, and norm-related communicatory exchange thus have the advantage of presenting more reliable mechanisms for the functional advantages of canid norm behavior. And developmental similarities give us reason to view canid norm practices as fostering or cultivating agency in a similar sense put forward by some practice-focused approaches to human moral agency (more on this in Section 5).

What the Function Argument essentially does is to provide support for the analogy argument by appealing to shared proximate features as adaptations to a similar ecology. It makes it more likely that the similarities between human MRP participation and canid norm practices are similar in a *relevant* sense by not only pointing to a shared function of these practices and dispositions but also to shared proximate mechanisms that enable this function.

There is, however, a further objection against the analogy between human MRPs and canid norm practices worth considering.⁷⁷ According to this objection, although canids react and respond to perceived transgressions, this does not constitute a relevant analog to asking for, and giving, reasons. Moral address, like blame or criticism, as well as responses to such questions or demands, like excuses or explanations, are an integral part of human MRPs. When prompted, humans typically account for why they acted as they did. Such accounts may contain things like explanations, excuses, or apologies. If these elements, as the objection holds, are missing in canids, their norm behavior cannot be appropriately analogous to human MRPs.

While it is obvious that certain features of *human language* are absent in nonhuman animals, this is of no obvious relevance for the analogy argument is not obvious. For one, it is not uncommon for humans to participate in a ‘moral exchange’ by using only nonverbal modes of communication, like facial expression, direction of gaze, posture, gestures, vocalizations, and distance. Just imagine the characteristic bitter or pinched look of resentment or the averted gaze and lowered head conveying guilt or shame. Nonetheless, even when human MRP participation involves language, it is common to engage in such an exchange using quite simple utterances in combination with paralinguistic and nonverbal forms of communication. For example, if someone were to violently shove me in the back while I was standing in the cafeteria line, my likely reaction would be to exclaim ‘ouch’ while directing a disapproving and/or perplexed look at the perceived perpetrator. This reaction, while superficially very simple, appears to, among other things, demand some sort of recognition and/or explanation. In other words: I am asking for reasons that could excuse or justify the behavior. The perceived perpetrator may in turn respond with a candid look of surprise while lifting their open hands, thus providing me with a reason in terms of communicating that they didn’t mean to hurt me, that it was just a mistake, etc. without uttering one word.

In a similar way, and despite lacking human language, canid norm communication appears to involve relevant equivalents to human reason giving, expressed via movement, vocalizations, posture, position and direction of body parts, etc. To illustrate, consider the following observation of two playing dogs, Jethro and Zeke: ‘if Jethro bit Zeke too hard, stopping play for a moment, Jethro would then bow and show Zeke by bowing that he did not mean to bite his play partner as vigorously as he did. Jethro is apologizing and asking for forgiveness. In order for play to resume, Zeke has to trust that Jethro meant what he signaled when he bowed, that Jethro was being honest.’⁷⁸

In this example, Jethro broke the ‘don’t hurt’ rule. Zeke, by stopping play and expressing surprise behaviors (like cocking his head), communicates and reacts to what he perceives to be a transgression. This reaction signals to Jethro that his conduct falls short of Zeke’s expectations and functions like a question mark, asking or demanding a response (similar to the human nonverbal reason asking from the cafeteria example). Jethro, in turn, recognizes that the situation warrants a response. He uses play

signaling to ensure Zeke that he didn't mean to hurt him and that he was just playing. By doing so, Zeke also meets the 'admit when you're wrong' expectation (analogous to the nonverbal excuse from the cafeteria-line example).

Furthermore, the communicatory exchange that occurs when a canid transgresses social norms is not fixed or mechanic. On the contrary, canids are socially competent beings, sensitive to things like the attentional and emotional state, perceptual access, and age/competence of a conspecific, as well as the response provided by the perceived transgressor. Repeated dishonest signals or unfair play is not forgiven as easily and, as described earlier (Sections 3 And 4), individuals who continue to fail to comply with the rules are likely to be avoided or chased off. In short, the exchange that follows a perceived transgression can be seen as a form of social negotiation akin to a moral conversation about what happened *in relation to* social rules or norms, while *considering* factors pertaining to circumstance and participant attributes. This contextual flexibility and the disposition to adapt and modify responses speaks against claims that canid reactions to norm transgressions are *merely* hardwired and/or rigid (mindless) behavioral schemes.⁷⁹

A participant of canid norm practices is thus not only able to recognize moral norms and to internalize them. She is also sensitive to, at least some, emotional and attentional states as well as some aspects of the perceptual access of others. But most importantly, she reacts to perceived transgressions as well as responds to reactions toward her own conduct in an intelligible manner. These reactions and responses are, in turn, modulated in light of (some) contextual and participant attributes. As such, she is a competent participant in the communicatory practice that underpins canid norm behavior. This suggests that canid norm communication constitutes a relevant analog to at least *some* forms of moral exchange in terms of *asking for reasons, explanations, or acknowledgment* and responding by *providing explanations, excuses, or acknowledging* transgressions.

This reply to the reason-giving/moral-exchange objection might be circumvented if moral agency is assumed to have further functions or purposes which cannot be accommodated for by the practice-focused approach. I will use the next section to address this objection.

5. Questioning the Practice-Focused Approach

One further reason for dismissing canid norm practices as relevantly analogous to human MRPs is to point to ideas about *justification*. Besides being a set of behavioral dispositions that we can observe and describe, moral agency and moral responsibility, as concepts and practices, are then assumed to be meaningful and justified only in light of certain *normative* assumptions. Objections central to skepticism about animal moral agency are typically based on empirical and metaethical assumptions, assuming that conscious moral evaluation is critical for moral agency because it indicates and/or constitutes control and/or knowledge.⁸⁰ And because an agent needs to act freely and/or knowingly to be morally responsible (in terms of e.g. desert, fairness, propriety, etc.), canid norm behavior is insufficient for moral agency.

The argument developed earlier assumes a practice-focused approach, and wielding a capacity-focused objection as this one may simply seem to beg the question.

However, the objection could be seen to attack the practice-focused approach to moral agency itself. For example, one may argue that it does not matter whether canids are disposed to behave in certain ways or not. Merely acting *according to* moral norms, virtue, and/or obligation is not enough for being morally blame- or praiseworthy. One's character, beliefs, actions, or omissions need to result from the *right kind of process* and/or *the right kind of content (in terms of reasons and/or motivations)*.⁸¹

The point of the practice-focused approach is not to deny the relevance of the normative domain.⁸² On the contrary, this approach is compatible with various forms of normative justification. Most obviously with forward-looking and/or moral-influence accounts, but possibly also with some accounts of attributability/virtue.⁸³ For instance, the practices of enforcing norms and reacting to transgressions may be justified because they function as 'road-signs'⁸⁴ and/or because they foster canids into competent participants in the communicative practice surrounding norms and norm transgressions,⁸⁵ and/or because they promote a valuable form of agency.⁸⁶ Of course, this does not close the case, as such accounts may still be questioned on similar, or other, grounds, e.g. that they fail to address intuitions and judgments that seem to draw from traditional ideas about control and rationality.

However, the plausibility of any requirement for moral agency depends on the validity of any underlying empirical, metaethical, and normative claims. Traditional capacity-focused requirements, like conscious deliberation and awareness of reasons or intentions, are put into question by recent empirical findings regarding human moral practice. For instance, humans seem to do much of what we do while relying on automatic processes, rather than on conscious reasoning when making (moral) judgments, and the reasons we provide when prompted to do so often fail to successfully track the reasons, motivations, or intentions driving our actions.⁸⁷ This does not mean that concepts of moral agency and responsibility (and related practices) are pointless. Rather, such findings prompt us to reevaluate and critically assess our pretheoretical intuitions on moral agency, leading to several further questions of how we *should* conceive of, use, and evaluate whatever standards of moral agency we adopt.⁸⁸ I believe that these findings lend some further support to the dispositional, interrelational perspective inherent in the practice-focused approach.

There are, of course, several important empirical, epistemic, metaethical, and normative questions in need of further discussion, which for reasons of space cannot be undertaken here. However, I believe that by explaining something supposedly cognitively advanced in terms of social behaviors and dispositions, the practice-focused approach offers a challenge to typical assumptions taken to deny nonhuman moral agency.

6. Conclusion

I have argued that a practice-focused approach to moral agency, combined with empirical evidence on canid social play and cognition, supports the notion of canid moral agency. This, in turn, supports the idea of moral agency in other animals. The arguments I have presented leave room for reasonable disagreement as the practice-focused approach itself may be put into question. I have briefly described how such objections are challenged by empirical findings, prompting us to reevaluate and

critically assess traditional rationalist and intrapersonal ideas about moral agency, leading to several further questions of how we *should* conceive of moral agency.

Further research on the moral agency of nonhuman animals needs to probe such basic issues more extensively. But even if the case for canid moral agency is accepted, there remain questions about the practical implications, for instance, to what extent such agency could be relevant for human MRPs and to what extent canid MRPs may include human participants. Also, in this case, normative questions about how standards of moral agency should be used come into the forefront, for instance, in light of a common link between ascription of (moral) agency and moral patiency.⁸⁹

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NOTES

- 1 The term ‘morality’ refers to a broad range of features described in this literature, such as the ability to display care, empathy, or a sense of fairness, but also to comprehend and be guided by social norms, have moral reactions (like guilt or ascription of responsibility) to behave in relation to these norms, and so on.
- 2 See Marc Bekoff and Jessica Pierce, *Wild justice: The moral lives of animals* (University of Chicago Press, 2009a); Jessica C. Flack, and Frans BM. De Waal, ‘Any animal whatever’. Darwinian building blocks of morality in monkeys and apes. *Journal of Consciousness Studies*, 7(1–2) (2000): 1–29.; Kristin Andrews and Lori Gruen, ‘Empathy in Other Apes’ in Heidi Maibom (ed.) *Empathy and Morality* (Oxford University Press, 2014) 193.
- 3 Lloyd Morgan’s canon is a fundamental precept in comparative psychology and can be formulated as ‘[i]n no case is an animal activity to be interpreted in terms of higher psychological processes if it can be fairly interpreted in terms of processes which stand lower in the scale of psychological evolution and development.’ Lloyd C. Morgan, *An introduction to comparative psychology* (W. Scott, limited, 1903) p. 59.
- 4 Anthropomorphism is an unwarranted attribution of human characteristics to other animals. See Andrews, Kristin Andrews, ‘Animal Cognition’ in Edward N. Zalta (ed.) *The Stanford Encyclopedia of Philosophy* (Summer 2016 Edition), URL = <<https://plato.stanford.edu/archives/sum2016/entries/cognition-animal/>>. Those opposed to attributing mental properties traditionally deemed uniquely human to animals have been accused of being guilty of ‘reverse anthropocentrism’: Maxine Sheets-Johnstone, ‘Taking evolution seriously’, *American Philosophical Quarterly* 29.4 (1992): 343–352.; “anthropodenial”: Frans BM. De Waal, ‘Anthropomorphism and anthropodenial: consistency in our thinking about humans and other animals’, *Philosophical Topics* 27.1 (1999): 255–280.; or “anthropectomy”: Kristin Andrews and Brian Huss, ‘Anthropomorphism, anthropectomy, and the null hypothesis’, *Biology & Philosophy* 29.5 (2014): 711–

- 729.; For a critique of Morgan's canon, see Simon Fitzpatrick, 'Doing away with Morgan's Canon', *Mind & Language* 23.2 (2008): 224–246.
- 5 E.g. see Mark Rowlands, *Can animals be moral?* (Oxford University Press, 2015).; Frans De Waal, Stephen Ed Macedo and Josiah Ed Ober, *Primates and philosophers: How morality evolved* (Princeton, Princeton University Press, 2006).; Christine Korsgaard, 'Morality and the distinctiveness of human action' in *Primates and philosophers: How morality evolved* by Frans De Waal (Princeton, NJ: Princeton University Press, 2006), pp. 98–119.; Florian Cova, 'Two Kinds of Moral Competence: Moral Agent, Moral Judge', in B. Musschenga & A. van Harskamp (ed.) *What Makes Us Moral? On the capacities and conditions for being moral*. (Dordrecht : Springer Netherlands, 2013), pp. 117–130.; Simon Fitzpatrick, 'Animal morality: What is the debate about?', *Biology & Philosophy* 32.6 (2017): 1151–1183.
 - 6 Korsgaard 2006 op. cit.; Christine Korsgaard, 'Reflections on the evolution of morality', in *Amherst Lecture in Philosophy. The Department of Philosophy* (Amherst College, 2010), URL: <http://www.amherstlecture.org/korsgaard2010>; Philip Kitcher, *The ethical project* (Harvard University Press, 2011).; Francisco J. Ayala, 'The difference of being human: Morality', *Proceedings of the National Academy of Sciences* 107. Supplement 2 (2010): 9015–9022. Also see De Waal 2006 op. cit. and Frans BM. De Waal, 'Natural normativity: The 'is' and 'ought' of animal behavior', *Behaviour* 151.2-3 (2014): 185–204, who argues that some other animals, like chimps, do have 'proto-morality' or 'natural normativity' in terms of possessing the evolutionary building blocks of morality but that they seem to lack proper morality as this requires capacities for explicit normative concepts and universal rules.
 - 7 Stephen R. L. Clark, *The nature of the beast: Are animals moral?* (New York, NY: Oxford University Press, 1984).; Stephen R.L. Clark, 'Good Dogs and Other Animals', in Peter Singer (ed.). *In Defense of Animals* (Basil Blackwell, 1985).; Steve F. Sapontzis, 'Are animals moral beings?', *American Philosophical Quarterly* 17.1 (1980): 45–52.; Steve F. Sapontzis, *Morals, Reason, and Animals* (Temple University Press, 1987).; Paul Shapiro, 'Moral agency in other animals', *Theoretical Medicine and Bioethics* 27.4 (2006): 357–373.; Cova, op. cit.
 - 8 Shapiro op. cit.
 - 9 Rowlands, op. cit., claims that nonhuman animals may be responsive to, and act on, moral reasons, but that their lack of moral understanding makes them ineligible for moral responsibility attributions (moral agency). Instead, he suggests the introduction of the concept of *moral subject* to account for such beings. Also see Albert Musschenga, 'Moral animals and moral responsibility', *Les ateliers de l'éthique/The Ethics Forum*, 10, 2 (2015): 38–59.
 - 10 Bekoff and Pierce 2009a op. cit.
 - 11 Rowlands, op. cit., defends his claim in part by appealing to the idea of a moral practice. For example, dogs are capable of acting out of concern for the wellbeing of others, and while this concern is innate, *it is also* 'perfected by the examples they are set' (p. 213).
 - 12 Marc Bekoff, 'Social play behaviour. Cooperation, fairness, trust, and the evolution of morality', *Journal of Consciousness Studies*, 8,2 (2001): 81–90.; Bekoff & Pierce 2009a op. cit.; Marc Bekoff and Jessica Pierce, 'Wild Justice: Honor and Fairness among Beasts at Play', *American Journal of Play*, 1, 4 (2009b): 451–475; Marek Spinka, Ruth C. Newberry and Marc Bekoff, 'Mammalian play: training for the unexpected', *The Quarterly review of biology*, 76,2 (2001): 141–168.
 - 13 Bekoff and Pierce 2009a op. cit.; Marc Bekoff, 'Wild justice and fair play: Cooperation, forgiveness, and morality in animals', *Biology and Philosophy*, 19,4 (2004): 489–520.; Marc Bekoff, 'Cooperation and the evolution of social living: Moving beyond the constraints and implications of misleading dogma: Introduction part II', in Robert W. Robert Cloninger (ed.) *Origins of altruism and cooperation* (New York: Springer, 2011): pp. 111–119.; Colin Allen and Marc Bekoff, 'Animal play and the evolution of morality: an ethological approach', *Topoi*, 24, 2 (2005): 125–135.; Eniko Kubinyi, Zsófia Virányi and Ádám Miklósi, 'Comparative social cognition: from wolf and dog to humans', *Comparative Cognition & Behavior Reviews* 2 (2007).
 - 14 Allen and Bekoff op. cit. p. 130
 - 15 Allen and Bekoff op. cit.; Alexandra Horowitz, 'Attention to attention in domestic dog (*Canis familiaris*) dyadic play', *Animal Cognition*, 12,1 (2009): 107–118.
 - 16 Allen & Bekoff op. cit. p. 132
 - 17 Bekoff 2011 op. cit.
 - 18 Time Tree: <http://timetree.org/> (2016).
 - 19 For example, see John Tooby and Leda Cosmides, 'Adaption versus phylogeny: The role of animal psychology in the study of human behavior', *International Journal of Comparative Psychology*, 2, 3 (1989).;

- Allen and Bekoff 2005 op. cit. for similar arguments. This is an approach that has proven successful in comparative psychology. For example, research conducted on corvids (the ‘crow family’ of birds) show that they have independently (from mammals) evolved cognitive capacities that allow them to solve tasks involving tool use and planning, and they seem to remember social interactions and behaviors of individuals. E.g. see Can Kabadayi and Mathias Osvath, ‘Ravens parallel great apes in flexible planning for tool-use and bartering’, *Science*, 357, 6347 (2017): 202–204.; J. J. A. Müller, J. M- Massen, T. Bugnyar and M. Osvath, ‘Ravens remember the nature of a single reciprocal interaction sequence over 2 days and even after a month’, *Animal Behaviour*, 128 (2017): 69–78.; Nicola S. Clayton, Joanna M. Dally and Nathan J. Emery, ‘Social cognition by food-caching corvids. The western scrub-jay as a natural psychologist’, *Philosophical Transactions of the Royal Society B: Biological Sciences*, 362, 1480 (2007): 507–522.
- 20 Wolves were the first animals to be domesticated by humans and have inhabited human societies as dogs for at least 15,000 years (with some genetic studies suggesting more than 100,000 years: Per Jensen (ed.), *The ethology of domestic animals: an introductory text*. (Cabi, 2017).
- 21 Some ethologists even suggest that this gives us reason to study dogs as models for early human social evolution: József Topál et al., ‘The dog as a model for understanding human social behavior’, *Advances in the Study of Behavior*, 39 (2009): 71–116. In addition to convergent evolution, humans and dogs seem to have coevolved during the last 15,000 years, resulting in some innate understanding of species-specific communication. For example, dogs, but not wolves or any nonhuman primate for that matter, innately understand the communicative signal of pointing: Krisztina Soproni et al., ‘Dogs’ (*Canis familiaris*) responsiveness to human pointing gestures’, *Journal of comparative psychology*, 116, 1 (2002): 27. Additionally, humans have been shown to, regardless of earlier dog experience, be able to classify dog barks concerning emotionality and situation: Péter Pongrácz et al., ‘Human listeners are able to classify dog (*Canis familiaris*) barks recorded in different situations’, *Journal of comparative psychology*, 119, 2 (2005): 136.
- 22 Eshleman op. cit.
- 23 Peter F. Strawson, ‘Freedom and Resentment’ *Proceedings of the British Academy*, 48 (1962):1–25. Reprinted in Gary Watson (ed.), *Free will*, (New York: Oxford University Press, 1982): pp. 59–80.
- 24 Strawson op. cit. p. 11
- 25 Michael McKenna, *Conversation & responsibility* (Oxford: Oxford University Press, 2012).
- 26 McKenna op. cit. pp. 88–89
- 27 Manuel Vargas, *Building better beings: A theory of moral responsibility* (Oxford: Oxford University Press Oxford, 2013).
- 28 Vargas op. cit. p. 2
- 29 Vargas op. cit. p. 5
- 30 Ibid.
- 31 Vargas op. cit. p. 112
- 32 Maureen Sie, ‘Self-knowledge and the minimal conditions of responsibility: a traffic-participation view on human (moral) agency’, *The Journal of Value Inquiry*, 48, 2 (2014): 271–291.
- 33 Sie op. cit. p. 283
- 34 Sie op. cit. p. 282
- 35 Vargas op. cit. p. 5
- 36 McKenna op. cit.
- 37 Bekoff 2004 op. cit.; Colin Allen and Marc Bekoff, ‘Intentional communication and social play: how and why animals negotiate and agree to play’, in Marc Bekoff and John A. Byers (eds.) *Animal Play: Evolutionary, Comparative, and Ecological Perspectives* (Cambridge and New York, Cambridge University Press, 1998): 97.
- 38 Ádám Miklósi, *Dog behaviour, evolution, and cognition* (Oxford: Oxford University Press, 2007).
- 39 Horowitz 2009 op. cit.
- 40 Ibid.
- 41 Michelle E. Maginny and Randolph C. Grace, ‘Visual perspective taking by dogs (*Canis familiaris*) in a Guesser-Knower task: evidence for a canine theory of mind?’, *Animal cognition*, 17, 6 (2014): 1375–1392.; Josep Call et al., ‘Domestic dogs (*Canis familiaris*) are sensitive to the attentional state of humans’, *Journal of comparative psychology*, 117, 3 (2003): 257.; Márta Gácsi et al., ‘Are readers of our face readers of our minds? Dogs (*Canis familiaris*) show situation-dependent recognition of human’s attention’, *Animal cognition*, 7, 3 (2004): 144–153.; Zsófia Virányi et al., ‘Dogs respond appropriately to cues of humans’ attentional focus’, *Behavioural processes*, 66, 2 (2004): 161–172.; Juliane Bräuer, Josep Call, and Michael Tomasello, ‘Visual perspective taking in dogs (*Canis familiaris*) in the presence of barriers’, *Applied Animal*

- Behaviour Science*, 88, 3–4 (2004): 299–317.; Zsófia Virányi, et al., ‘A nonverbal test of knowledge attribution: a comparative study on dogs and children’, *Animal Cognition* 9.1 (2006): 13–26.
- 42 Natalia Albuquerque et al., ‘Dogs recognize dog and human emotions’, *Biology letters*, 12, 1 (2016): 20150883.
- 43 Horowitz 2009 op. cit. p. 109
- 44 Marc Bekoff, ‘Play signals as punctuation: The structure of social play in canids’, *Behaviour*, 132, 5–6 (1995): 419–429.
- 45 Bekoff 1995 op. cit.; Sarah-Elizabeth Byosiere et al., ‘Investigating the function of play bows in dog and wolf puppies (*Canis lupus familiaris*, *Canis lupus occidentalis*)’, *PloS one*, 11, 12 (2016): e0168570.
- 46 Bekoff 2001 op. cit.; Bekoff 2004 op. cit.; Allen and Bekoff op. cit.; Bekoff & Pierce 2009a op. cit.
- 47 Erika B. Bauer and Barbara B. Smuts, ‘Cooperation and competition during dyadic play in domestic dogs, *Canis familiaris*’, *Animal Behaviour*, 73, 3 (2007): 489–499.
- 48 Bekoff & Pierce 2009b op. cit. p. 127
- 49 Allen and Bekoff op. cit. p. 126
- 50 Bekoff and Pierce 2009a; 2009b op. cit.
- 51 Alexandra C. Horowitz, ‘The behaviors of theories of mind, and a case study of dogs at play’, (San Diego, University of California, 2002): 2992–2992.; Miklósi op. cit.
- 52 Marc Bekoff, ‘Mammalian dispersal and the ontogeny of individual behavioral phenotypes’, *The American Naturalist*, 111, 980 (1977): 715–732.; Lee Alan Dugatkin and Marc Bekoff, ‘Play and the evolution of fairness: a game theory model’, *Behavioural processes*, 60, 3 (2003): 209–214.
- 53 Allen and Bekoff op. cit. p. 130
- 54 Kristina AF Walters et al., ‘Reconciliation in domestic dogs (*Canis familiaris*): Evidence for the uncertainty reduction hypothesis’, *Applied Animal Behaviour Science* (2020): 104987.
- 55 Annemieke KA Cools, Alain J-M. Van Hout and Mark HJ Nelissen, ‘Canine reconciliation and third-party-initiated postconflict affiliation: do peacemaking social mechanisms in dogs rival those of higher primates?’ *Ethology*, 114, 1 (2008): 53–63.; Giada Cordoni and Elisabetta Palagi, ‘Reconciliation in wolves (*Canis lupus*): new evidence for a comparative perspective’, *Ethology*, 114, 3 (2008): 298–308.
- 56 Camila María Cavalli et al., ‘Post-conflict affiliative behaviors towards humans in domestic dogs (*Canis familiaris*)’, *International Journal of Comparative Psychology*, 29, 1 (2016).
- 57 Cools et al. op. cit.
- 58 Cavalli et al. op. cit.
- 59 Bauer and Smuts op. cit.
- 60 Bekoff 1977: 1995 op. cit.
- 61 Allen & Bekoff op. cit.
- 62 Bekoff 1995 op. cit.; Bekoff and Pierce 2009a op. cit.
- 63 Marc Bekoff, ‘Playful fun in dogs’, *Current Biology*, 25, 1 (2015): R4-R7. p. 3
- 64 Horowitz 2002 op. cit.
- 65 Walters et al. op. cit.
- 66 Cools et al. op. cit.
- 67 Dogs have even been observed to make third-party social evaluations: Hitomi Chijiwa et al., ‘Dogs avoid people who behave negatively to their owner: third-party affective evaluation’, *Animal Behaviour*, 106 (2015): 123–127.; James Andersson et al., ‘Third-party social evaluations of humans by monkeys and dogs’, *Neuroscience & Biobehavioral Reviews*, 82 (2017): 95–109.; Shannon Kunder et al., ‘Domesticated dogs’ (*Canis familiaris*) response to dishonest human points’, *International Journal of Comparative Psychology*, 23, 201–215 (2010). Perhaps something akin to what Strawson op. cit. would call ‘vicarious blame/praise’.
- 68 Strawson op. cit. p. 13
- 69 Allen and Bekoff op. cit.
- 70 Nikolaas Tinbergen, ‘On aims and methods of ethology’, *Zeitschrift für tierpsychologie*, 20, 4 (1963): 410–433. Tinbergen suggested four complementary categories of explanation for animal behavior, where function/adaptation and causation/mechanism are the ultimate and proximate respective explanatory categories for the *current* form of a species. Phylogeny/evolution and ontogeny/development are the ultimate and proximate explanatory categories in terms of *history*.
- 71 David L. Mech, Paul C. Wolf and Jane M. Packard, ‘Regurgitative food transfer among wild wolves’, *Canadian Journal of Zoology*, 77, 8 (1999): 1192–1195.; David L. Mech, ‘Alpha status, dominance, and division of labor in wolf packs’, *Canadian Journal of Zoology*, 77, 8 (1999): 1196–1203.

- 72 Reena H. Walker et al., 'Sneeze to leave: African wild dogs (*Lycaon pictus*) use variable quorum thresholds facilitated by sneezes in collective decisions', *Proceedings of the Royal Society B: Biological Sciences*, 284, 1862 (2017): 20170347.
- 73 Ashley Ward and Mike Webster, *Sociality: the behaviour of group-living animals* (Berlin: Springer, 2016), (pp. 149–174).
- 74 Ward and Webster op. cit.
- 75 Similarly, Bekoff and Pierce 2009a op. cit., among several others, view morality as behaviors that have evolved in many nonhuman animals to 'cultivate and regulate the complex interactions within social groups' (p. 7). Evolutionary theories of (human) morality adopt a very similar view. E.g. see Philip Kitcher, 'Biology and Ethics', in Copp, D. (ed.) *The Oxford Handbook of Ethical Theory* (Oxford: Oxford University Press, 2006a), pp. 163–85.; Philip Kitcher, 'Between fragile altruism and morality: Evolution and the emergence of normative guidance', *Evolutionary ethics and contemporary biology* (2006b): 159–177.; Kitcher 2011 op. cit.; Richard D. Alexander, *The Biology of Moral Systems* (Transaction Publishers, 1987).
- 76 Melissa R. Shyan, Kristina A. Fortune and Christine King, "' Bark Parks"-A Study on Interdog Aggression in a Limited-Control Environment', *Journal of Applied Animal Welfare Science*, 6, 1 (2003): 25–32.
- 77 I am very grateful to the anonymous reviewers for their helpful comments, which prompted me to discuss this objection as well as the following objection (see Section 5).
- 78 Bekoff and Pierce 2009b op. cit. p. 465
- 79 For example, see Bekoff and Allen 1998 op. cit. on a discussion about epistemic and conceptual questions relating to intentionality. See Susana Monsó, 'Morality without mindreading', *Mind & Language*, 32, 3 (2017): 338–357., and Kristin Andrews, 'Understanding norms without a theory of mind', *Inquiry*, 52, 5 (2009): 433–448. for discussions about theory of mind and morality, and potential implications for animal morality.
- 80 See Matthew Talbert, 'Moral Responsibility', in Edward N. Zalta (ed.) *The Stanford Encyclopedia of Philosophy* (Winter 2019 Edition), URL = <<https://plato.stanford.edu/archives/win2019/entries/moral-responsibility/>>. for an overview of discussions about moral-responsibility conditions relating to freedom, foreknowledge, control, and knowledge.
- 81 E.g. see Christine Korsgaard, *The sources of normativity* (Cambridge University Press, 1996). and John Martin Fischer and Mark Ravizza, *Responsibility and control: A theory of moral responsibility* (Cambridge university press, 1998). Also see Rowlands op. cit. who defends a sentimental and externalist account of moral content in support of moral reasons-responsiveness that does not require metacognitive capacities. Also see recent works of Frans BM. De Waal, 'Natural normativity: The 'is' and 'ought' of animal behavior', *Behaviour*, 151, 2–3 (2014): 185–204.; Laura Danón, 'Animal Normativity', *Phenomenology and Mind*, 17 (2019): 176–187., and Kristin Andrews, 'Naïve normativity: The social foundation of moral cognition', *Journal of the American Philosophical Association*, 6, 1 (2020): 36–56., who argue that (some) other animals do have mental features or capacities that may be described as 'natural normativity', 'ought-thought' or 'naïve normativity'.
- 82 Simon Fitzpatrick, 'Animal morality: What is the debate about?', *Biology & Philosophy*, 32, 6 (2017): 1151–1183., offers a similar verdict about the animal morality debate, claiming that 'the conceptual approach to animal morality might be seen as having an advantage over the natural kind approach: we do actually have to import heavy duty philosophical assumptions about the nature of moral value, normativity, and so forth, in order to determine whether morality really does exist in animals—that question cannot be rendered as a purely empirical one, if it is meant to be more than a matter of mere terminology' (2017, p. 1179).
- 83 For example, see Pamela Hieronymi, "Responsibility for believing", *Synthese*, 161, 3 (2008): 357–373, who defends an 'attributionist' account, where moral responsibility practices are described and justified as assessments of 'moral personality'. Also see Clark 1984; 1985 op. cit.; Sapontzis 1980; 1987 op. cit., and Shapiro op. cit., who defend animal moral agency/morality by arguing that acting from apparent virtuous emotional states (like compassion), or expressing intentions or motivations that are virtuous, is necessary and sufficient for the attribution of moral value, virtue, and/or areatic praise.
- 84 Sie op. cit.
- 85 E.g. see McKenna op. cit.
- 86 E.g. see Vargas op. cit., and Victoria McGeer, 'Building a better theory of responsibility', *Philosophical Studies*, 172, 10 (2015): 2635–2649.
- 87 Jonathan Haidt, 'The emotional dog and its rational tail: a social intuitionist approach to moral judgment', *Psychological review*, 108, 4 (2001): 814.; Thalia Wheatley and Jonathan Haidt, 'Hypnotic disgust

makes moral judgments more severe', *Psychological science*, 16, 10 (2005): 780–784.; Brian Leiter and Joshua Knobe, 'The case for Nietzschean moral psychology', in B. Leiter & N. Sinhababu (eds.) *Moral Psychology with Nietzsche* (Oxford University Press, 2007), pp. 83–109.; Brian Leiter, 'Nietzsche's Theory of the Will', *Philosopher's Imprint*, 7, 7 (2007): 1–15. Also see sections 2.4–2.5 in William FitzPatrick, 'Morality and Evolutionary Biology' in Edward N. Zalta (ed.) *The Stanford Encyclopedia of Philosophy* (Spring 2016 Edition), URL = <<https://plato.stanford.edu/archives/spr2016/entries/morality-biology/>>. Furthermore, skeptic arguments against traditional requirements are common in recent discussions about animal moral agency. For example, Rowlands op. cit. argues that metacognition, in terms of reflection and scrutiny, 'is not the sort of thing that can confer control over motivations' (p. 183). Cova op. cit. claims that 'reflectivist' arguments against animal moral agency fail to show that explicit evaluation or judgment is necessary for moral agency. Cova defines moral agency in terms of being morally responsible and claims that neither 'epistemic conditions' nor 'freedom conditions' seem to provide strong reasons for the necessity of metacognition. Andrews and Gruen op. cit. criticize the tendency of philosophers like Korsgaard to focus on explicit and conscious moral reasoning and that '[i]t is no surprise that when we focus on the most rarefied and linguistically mediated form of a behavior we will fail to find it in other species. Once we are able to look past the most salient examples of human morality, we find that moral behavior and thought is a thread that runs through our daily activities' (p. 14).

- 88 E.g. see Dorna Behdadi and Christian Munthe, 'A Normative Approach to Artificial Moral Agency', *Minds and machines*, 30 (2020): 195–218., and Jules Holroyd, 'Two ways of socialising responsibility: Circumstantialist and scaffolded-responsiveness' in K. Hutchison, C. Mackenzie and M. Oshana (eds.) *Social Dimensions of Moral Responsibility* (Oxford University Press, 2018) , pp. 137–162, for suggestions of outright normative or 'ameliorative' approaches to the questions of moral agency and responsibility.
- 89 The most famous account linking moral agency and patiency (or 'respect') was given by Immanuel Kant, 1785, *Groundwork of the Metaphysics of Morals*, M. Gregor (trans. and ed.) (Cambridge: Cambridge University Press, 1785/1998), pp. 434, 436 (Prussian Academy pagination). See Behdadi and Munthe op. cit. for a discussion about how *artificial* moral agency might have implications for questions concerning the moral status of artificial entities. Also see Susana Monsó, Judith Benz-Schwarzburg, and Annika Bremhorst, 'Animal morality: What it means and why it matters', *The Journal of Ethics*, 22, 3–4 (2018): 283–310, who argue that the possibility that some nonhuman animals are moral subjects (see Rowlands op. cit.) gives rise to ethical implications.