

International Library of Ethics, Law, and the New Medicine 62

Dennis R. Cooley

# Death's Values and Obligations: A Pragmatic Framework

 Springer

# **International Library of Ethics, Law, and the New Medicine**

Volume 62

## **Series editor**

David N. Weisstub  
University of Montreal Fac. Medicine, Montreal, Québec, Canada

The book series International Library of Ethics, Law and the New Medicine comprises volumes with an international and interdisciplinary focus. The aim of the Series is to publish books on foundational issues in (bio) ethics, law, international health care and medicine. The 28 volumes that have already appeared in this series address aspects of aging, mental health, AIDS, preventive medicine, bioethics and many other current topics. This Series was conceived against the background of increasing globalization and interdependency of the world's cultures and governments, with mutual influencing occurring throughout the world in all fields, most surely in health care and its delivery. By means of this Series we aim to contribute and cooperate to meet the challenge of our time: how to aim human technology to good human ends, how to deal with changed values in the areas of religion, society, culture and the self-definition of human persons, and how to formulate a new way of thinking, a new ethic. We welcome book proposals representing the broad interest of the interdisciplinary and international focus of the series. We especially welcome proposals that address aspects of 'new medicine', meaning advances in research and clinical health care, with an emphasis on those interventions and alterations that force us to re-examine foundational issues.

More information about this series at <http://www.springer.com/series/6224>

Dennis R. Cooley

# Death's Values and Obligations: A Pragmatic Framework

 Springer

Dennis R. Cooley  
Department of History, Philosophy,  
and Religious Studies  
North Dakota State University  
Fargo, ND  
USA

ISSN 1567-8008 ISSN 2351-955X (electronic)  
International Library of Ethics, Law, and the New Medicine  
ISBN 978-94-017-7263-1 ISBN 978-94-017-7264-8 (eBook)  
DOI 10.1007/978-94-017-7264-8

Library of Congress Control Number: 2015942753

Springer Dordrecht Heidelberg New York London  
© Springer Science+Business Media Dordrecht 2015

This work is subject to copyright. All rights are reserved by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

The publisher, the authors and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, express or implied, with respect to the material contained herein or for any errors or omissions that may have been made.

Printed on acid-free paper

Springer Science+Business Media B.V. Dordrecht is part of Springer Science+Business Media  
([www.springer.com](http://www.springer.com))

*To all my family and friends—whether living  
or dead.*

# Preface

Every living thing has a narrative that ends with its death. These narratives, which are merely the living thing's life story from its beginning as a living being to its end as that being, range from relatively simple to extremely complex. Found among the simpler stories are simpler living things, such as the unicellular organisms of bacteria, protozoa, and some algae. For a generally short period of time, these beings interact with their environment and then cease to exist as a living being. Their stories tend not to hold much interest for people unless they somehow affect those beings that have much more complicated narratives.

Among those with complicated narratives are, of course, human beings or persons. Their narratives are created by causes sometimes within their power and sometimes outside their control. Involuntary external forces act upon people, such as their environment, as well as internal powers, such as their genetics. In addition and perhaps most interesting is the artificial power each person has to help craft her own stories. What she chooses to be and how she lives her overall life are at least a small bit within her control, unlike the unicellular organisms which are limited to the influences of their nurture and nature. These more complicated stories hold our interests when it comes to death and dying and what it means because these are the individuals we value the most.

In this work, I will construct a pragmatic moral framework to think about intrinsically valuable individuals and their narratives. I do not claim that the framework can answer all questions that might be raised in death and dying issues, but it is useful to justify positions so that reasonable people can see that the framework's outcomes are reasonable, although they might not be universally adopted as something each person is permitted or obligated to do. In order to build the framework, I start with the same approach found in John Locke's *An Essay Concerning Human Understanding*: The ground covering must first be cleared so that a strong foundation can be laid. To remove the obscuring brush, I will address the value of using intuitions in reasoning. Although this might seem far afield in a book devoted to examining death's values, the literature is rife with the use of intuitions and "common sense" views on which many erroneous conclusions have been based. Before getting to the heart of death's values, we need to see what

should be used and what should be put aside at the most basic level of how to think about these issues.

Secondly, if we are going to have a pragmatic discussion of death's moral values, then it is vital to delve into how morality is possible in the first place. This investigation allows us to see some important limitations and requirements morality has so that a proper understanding of death's values in bioethics does not venture into the realm of the conceivable but causally impossible. These will be the building blocks of the superstructure that comes later. After the materials are identified and sorted, the pragmatic moral framework foundation is laid using them. The Practical Principle created is based upon two central truths about how we think about morality: Things with intrinsic value should be respected according to their worth, and we should make the world a better place. In order to make sense of these two sub-principles, there has to be a value theory. After all, if we cannot identify intrinsic value, then it will be impossible for us to respect things with such worth as they should be or to make the world a better place unless that happens by sheer accident. However, for morality to exist in the first place, our narratives as people are not merely accidents or fully outside of our control. I will establish a plausible, pragmatic case as to why certain entities have intrinsic value and how much they have, as well as showing how such value can be reasonably determined. The remaining chapters are devoted to explaining what is lost when someone's life narrative comes to an end, and what if anything survives the event of death.

I offer a bit of a warning to the reader: In what follows, I spend a great deal of time developing those ideas in death and dying which I think require much more depth than they are often given. The reason for this approach is that ethics and bioethics deal with the most important issues. Therefore, we need a more nuanced way of thinking about things that reflects each situations' reality and gravity. In other words, we require Fox thinking over Hedgehog thinking. According to Philip Tetlock, the Hedgehog knows one big thing and then tries to force all decisions to fit that idea or principle, regardless of whether they can be adequately accommodated by it. For example, a Hedgehog might expect standard act utilitarianism to fully answer every bioethics question without residue, even though standard act utilitarianism ignores morally relevant information, such as the facts that people deserve to be respected for their own sakes and that relationships matter in ways uncondusive to number crunching cost-benefit analysis. Although appealing because Hedgehog thinkers exhibit so much confidence in their cutting of bioethics' Gordian knots, they can be rather dangerous if we are truly interested in doing and being what we should (Tetlock 2006, 219).

Fox thinkers do not have this dynamic, harmful characteristic because of how they do what they do. First, Foxes have more nuanced views of situations, unlike Hedgehogs who try to make everything fit their too few pieces of information and rules. In addition, Hedgehogs dismiss anyone who does not fully agree with them and their beliefs, positions, and conclusions because to disagree is to challenge the one thing that they know. Any challenge to her blind certainty then becomes an attack on the Hedgehog's identity—the Hedgehog cannot make compromises since she knows one thing, and to challenge that is to attack who she is. On the other



hand, Foxes are open to re-examining and altering their views as new information becomes available. To challenge them does not attack their identity given they are willing to be wrong and to have altered one or more of the many things they know (Tetlock 2006). Finally, Foxes are unlikely to attack others with different viewpoints. For the former, it is not a dichotomy between the totally compliant and everyone else as found with the Hedgehog, who must demonize any challenge to her views lest they be also a challenge to who she is. Foxes know that the situation is complex with many different interconnected factors and relationships involved; therefore, many different stakeholders must be consulted for relevant bits of information. From these strands of moral factors, the Fox weaves a complex solution that works for many, if not most, of the stakeholders. In other words, a Fox crafts a solution to fit reality instead of forcing reality to fit the solution.

Even though a great deal more time and resources are available now for Fox thinking, and most people are in agreement that such thinking is vital in bioethics since the situations are so complicated and the moral stakes are so high, there has not been sufficient environmental pressure to abandon the Hedgehog way. The problem is that being a Hedgehog continues to work well enough in many cases.<sup>1</sup> In fact, Hedgehog thinking outperforms Fox cognition if being successful is measured by influence in one's sphere and certainty in one's position. Comfort comes from the beliefs that there is no chaos to threaten us. Any problem can be solved easily by those who are strong and powerful; we should not worry or be involved.

Of course, bioethics and ethics cannot afford to form beliefs, think about, or make decisions primarily from a desire for comfort and need for security. Its subject matter is far too important for that. Hence, in what follows it is vital to go where bioethics' gravity and need for high standards and depth understanding takes us.

## References

- Kahneman, D. 2011. *Thinking, fast and slow*. New York: Farrar, Straus and Giroux.  
Tetlock, P.E. 2006. *Expert political judgment: How good is it? How can we know?* Princeton: Princeton University Press.

---

<sup>1</sup>Daniel Kahneman's System 1 explains how a Hedgehog would think generally. System 1 "operates automatically and quickly with little or no effort and no sense of voluntary control." (2011, 20) System 1 appears to be the result of innate and deeply learned responses and patterns.

# Acknowledgments

Adam Taylor, Catherine Cater, Tony Flood, and Brad Morris were wonderful help in discussing and challenging some of my ideas and arguments.

Cheryl Barrett did a masterful job copyediting, and two of my students, Katherine Thoreson and Tyler Waltz, provided assistance editing and creating the references.

# Contents

<b>1 A Pragmatic Method</b> . . . . .	1
1.1 Introduction . . . . .	1
1.2 The Usefulness of Intuitions . . . . .	5
1.3 Natural-Evolutionary Intuitions . . . . .	9
1.3.1 What Can Trolley Problems and Neuroscience Say About Morality’s Possibility? . . . . .	21
1.4 Social and Cultural Intuitions . . . . .	25
1.5 A Very Brief Case for a Pragmatic Approach to Morality. . . . .	28
1.6 A Pragmatic Method for Developing a Value Theory. . . . .	31
1.7 An Adequate, Pragmatic Moral Code . . . . .	34
References . . . . .	37
<b>2 A Pragmatic Framework of Values and Principles: The Beginning</b> . . . . .	41
2.1 Introduction . . . . .	41
2.2 A Practical Principle . . . . .	42
2.3 A Theory of Value. . . . .	48
2.4 Beginning to Develop a Theory of Value . . . . .	52
2.4.1 Mental States . . . . .	53
2.4.2 Relationships . . . . .	67
References . . . . .	71
<b>3 Defining and Valuing Properties and Individuals.</b> . . . . .	73
3.1 Introduction . . . . .	73
3.2 What Are We in General and What Is that Worth? . . . . .	79
3.3 Individual or Personal Identity or Personality . . . . .	93
3.4 Individual Psychological Identity Over Time . . . . .	104
3.5 Socially Embedded People and Individual Identity. . . . .	110
3.6 Evaluating a Person’s Intrinsic Value . . . . .	112
3.7 The Concept of Death . . . . .	117
References . . . . .	117

<b>4</b>	<b>What Harm Does Death Do to the Decedent?</b> . . . . .	121
4.1	Introduction . . . . .	121
4.2	Individual Psychological Person Survival . . . . .	125
4.3	Immortality . . . . .	131
4.4	Priorism . . . . .	133
4.5	Cambridge Changes . . . . .	144
4.6	Is There a Psychological Need/Desire for Death to Harm the Decedent? . . . . .	148
4.7	A Pragmatic Solution: Reified Distributed Personas . . . . .	153
4.8	What Harm Does Death Do? . . . . .	159
	References . . . . .	162
<b>5</b>	<b>How Should We Feel About Our Own Death?</b> . . . . .	165
5.1	Introduction . . . . .	165
5.2	What Are Emotions? . . . . .	167
5.3	How Should We Control Our Emotions? . . . . .	173
5.4	A Pragmatic Guide to Evaluating an Emotion's Appropriateness . . . . .	177
5.5	Why Do We Fear Death? . . . . .	181
5.6	How Should We Feel About Our Own Death? . . . . .	185
5.7	Is Accepting One's Death Necessary to Happiness and Flourishing? . . . . .	189
5.7.1	What Happens if We Do not Accept Heidegger's View? . . . . .	195
5.8	Conclusion . . . . .	202
	References . . . . .	203
<b>6</b>	<b>How Should We Feel About Another's Death?</b> . . . . .	207
6.1	Introduction . . . . .	207
6.2	Pleasure and Hatred . . . . .	208
6.2.1	A Possible Solution and Problems with It . . . . .	212
6.3	Grief, Mourning, and Regret . . . . .	215
6.4	Guilt . . . . .	219
6.4.1	Objective and Subjective Guilt . . . . .	221
6.4.2	Guilty Feelings as an Inadequate Indication of Wrongdoing . . . . .	223
6.4.3	Avoiding Moral Dilemmas and Evaluating the Appropriateness of an Emotional Response to Death . . . . .	240
6.5	Preparing Ourselves for the Death of Others . . . . .	242
6.6	Conclusion . . . . .	245
	References . . . . .	245

- 7 Is There a Duty to Die?** . . . . . 247
  - 7.1 Introduction . . . . . 247
  - 7.2 Who Should Die When There Are Limited Resources?. . . . . 249
  - 7.3 Is Choosing to Die Morally Identical to Choosing Suicide?. . . . . 257
    - 7.3.1 Is It a Suicide Only if It Is Intended as a Suicide?. . . . . 257
    - 7.3.2 Suicide as Intentional but not Intended. . . . . 260
    - 7.3.3 Intentional Suicide and a Broader Standard. . . . . 263
    - 7.3.4 Different Types of Suicide . . . . . 269
    - 7.3.5 A Potential Problem and a Conclusion . . . . . 275
- References . . . . . 276
  
- 8 A Duty to Suicide.** . . . . . 279
  - 8.1 Introduction . . . . . 279
  - 8.2 A Kantian Argument for Obligatory Suicide . . . . . 282
  - 8.3 Morally Obligatory Suicide for the Soon-to-Be-Demented. . . . . 285
  - 8.4 Why Suicide Is Morally Preferable to Mercy Killing or Being Allowed to Die as a Moral Subject . . . . . 288
  - 8.5 Some Objections, Responses, and Further Development of the Obligation Argument . . . . . 290
    - 8.5.1 Women and the Suicide Duty . . . . . 290
    - 8.5.2 Harm to Others . . . . . 293
    - 8.5.3 Moral Duties, Comfort, and Power . . . . . 296
    - 8.5.4 Certainty and Consequences . . . . . 298
  - 8.6 Conclusion . . . . . 299
  - References . . . . . 300
  
- Index** . . . . . 303

# Chapter 1

## A Pragmatic Method

**Abstract** Many arguments in ethics and bioethics, especially those in death and dying, appear to be driven by intuitions or what some authors claim is common sense. Very rarely questioned, if ever, are the tools from which many arguments and positions are built, unless by a person who has a different set of intuitions or notions of common sense. In this chapter, I evaluate intuitions and common sense to determine if they can have a role in the morality of death and dying. I contend that those who most closely reflect the moral platforms developed in our brains or minds by our genetic natures and environmental experiences generally serve as the best evidence that the intuition makes pragmatic sense, and therefore may be included in our reasoning.

### 1.1 Introduction

Ethics' purpose was always to be a practical enterprise. It was intended to provide concepts, ideas, justifications, and other information and skills that would enable people to make better decisions in order to live good lives. Generally, the initial attempt was to find essential truths about the most significant matters in life that, because they were necessary, would also be true in the sense of Truth with a capital "T". In addition to ethics, epistemology, metaphysics, logic, philosophy of religion, social and political philosophy and their sub-fields examined the big questions we confront in our lives, such as what is real, how do I know it, and what type of person should I be? Each of these areas is crucial to understanding what we need to understand, including the world, ourselves, and others, and then making the best choices, especially when it comes to death and dying. If one does not have knowledge or justified belief, for example, then it becomes impossible to form and

implement solutions to questions about what type of society we should live in, how we should live or end our lives or, for that matter, what is possible at all.<sup>1</sup>

For most of ethics' existence, this is precisely what philosophers did. The ancient writers not only addressed the standard studies in our contemporary fields, but also delved into many other areas, such as the natural and social sciences and mathematics, because each area was needed to inform the other areas. That is, the interrelatedness and interconnectedness of the subject matter made ethics an interdisciplinary activity. More recently, Peirce's Critical Common-Sensism highlighted the philosophy and natural sciences connection: "It is above all the normative sciences, esthetics, ethics, and logic, that men are in dire need of having severely criticized, in their relation to the new world created by science." (Peirce 1955, 297). In addition to math and natural science, sociology, psychology, and economics all were part of ethics' realm. Hence, to do ethics well, one had to understand other areas as well.

Over time, disciplines that the ethicists initiated and developed, such as bio-ethics, departed from being ethics sub-fields as they became mature disciplines in their own rights. This was a good consequence because each field created is worthy of its own systematic study by those who are experts in it. To do an adequate job of such work requires depth, but depth in the subject matter can only be acquired through specialization by those engaged in studying it.

Ethics' generation process brought negative consequences as well. The area's increasing narrowness has too often caused it to be less sufficiently informed by the other disciplines relevant to the subject matter being studied. Peirce, for example, was concerned that philosophers were building elaborate theoretical fantasies of what the world is instead of making their ideas, principles, theories, and other work conform to scientific reality. As a result, ideologies based more on theory and abstraction rather than how things actually work became accepted as the benchmarks by which to evaluate statements and arguments. If one was a utilitarian, for example, then the only concern comes from cost-benefit analysis, and all other values and principles could be safely swept under the rug if they could not be accommodated by the theory itself. J.S. Mill, for example, unsuccessfully struggled to make sense of intellectual value, mental states, and virtues and vices by turning them into qualitative pleasures and pains rather than quantitative pleasures and pains.<sup>2</sup> The result was that the qualitative pleasures' true worth and why they have it were mangled because Mill could not account for them in their own right. In general, the values that cannot be adequately accommodated by particular ideology are corrupted to grim shadows of their former selves just so they can fit the theory rather than the theory being built to fit them.

---

<sup>1</sup>The work here sets up the pragmatic framework for the examination of death's values. The reason I spend such a great deal of time with this foundational groundwork is because of its impact on how we should think about death and dying.

<sup>2</sup>See Mill's *Utilitarianism*.

Value theory was not the only area negatively affected by the attempt to reduce morality to far simpler components and then fully explicate it. Moral principles about right and wrong, and good and bad received the same treatment. R.M. Hare's and Mill's theories of ethics are paradigm cases of impractical ethical principles with thinking about morality taking the place of the pragmatic.<sup>3</sup> Hare, for example, argues that there are two levels of moral thinking: the Archangel and the Prole. The Archangel has superhuman powers of thought and knowledge without any human weakness.

When presented with a novel situation, [this entity] will be able at once to scan all its properties, including the consequences of alternative actions, and frame a universal principle...which he can accept for the action in that situation, no matter what role he himself were to occupy in it. (Hare 1981, 44)

The Prole, on the other hand, is incapable of critical thought. Among other things, he relies upon intuitions and *prima facie* principles taught to him by others, but his mental deficit makes it impossible for him to figure out morality when his *prima facie* principles come into conflict (Ibid, 45).

For Mill, most people do not use the utilitarian principle he espouses in their daily lives because it is too complicated or there is too little time for them to make the rather extraordinarily detailed cost-benefit calculations required to know which one of an infinite number of alternatives with infinite consequences they should take to do the best they can. Saving them from continuously doing the wrong thing through no fault of their own are the normative guidelines or rules of thumb that human beings over the course of their history have developed (Mill 1972, 24). Luckily for us, these rules generally capture the same action or set of actions as that of the utilitarian principle so that we can act rightly even if we cannot know with any form of certainty that we are doing what we should.

When there is a conflict between the Prole's *prima facie* principles or the rules of thumb, then both Hare and Mill argue that their first order principles and critical thinking can solve the dilemma. In fact, first order principles *must* be appealed to in order to solve the conflict (Mill 1972, 27; Hare 1981, 45). Therefore, the Archangel's principles and utilitarianism are necessary and practical to morality; without them, we would not have the second order principles nor would we be able to find the right thing to do when secondary principles give us contradictory results.

A puzzle develops. If we value Occam's razor, then there seems to be no need for primary principles. In fact, we could eliminate first order principles in favor of the general rules of thumb and an understanding of what will work well in the situation to achieve some desired goal, which when combined together will become the moral code. That is, all we really need is a mechanism to sort out the pluralistic rules we clearly have in a way that allows us to be ethical. We do not need to abandon pluralism for a primary rule that governs all situations, such as the

---

<sup>3</sup>I contend that they are paradigmatic cases on the grounds that the two philosophers could see that there was a serious problem between ideal morality and practical morality, but chose ideal morality although it was difficult if not impossible for most, if not all, people to use.



requirement to maximize utility whenever acting, regardless of whether one can ever know or have adequate reason to believe that what one is doing is actually fulfilling the consequentialist requirement. The end result might be messier than we desire because it could state that several different, contradictory actions can each be morally right in the situation. However, this might be merely an indication that morality is not logic with the clear, indisputable answers coming after a proof.<sup>4</sup>

Perhaps the greatest cause of the movement away from the actual to idealized theory was the Enlightenment's influence. The high ideals of being able to reduce all issues to their component parts, and then the parts being fully explicable to pure reason or scientific demonstration, were nothing more than blind faith (not fully blind faith because that approach did work well in many natural science fields, such as physics). The universe and its workings can be reduced to their rational components and forces for many situations. Science did a marvelous job in its reductionist model of inquiry, and other disciplines, such as ethics, followed suit.

Despite this, even physicists find their paradigm limited. That is, not everything is capable of certainty or fully explicable, such as knowing both the velocity and position of electrons. In addition, we will be unable to have a Unified Field Theory because the universe is not capable of being explained in that way. These are just a few of the limitations to physics and attempting to reduce the universe into only explicable bits.

At times, natural scientists have to use other disciplines to advance their thinking about physics. Much of string theory is based on philosophy since we will be unlikely to establish the basic tenets of string theory given its very nature and our limitations in confirming the hypotheses.<sup>5</sup> In other words, to understand how the universe works, we have to understand different areas of study. Therefore, since morality is part of the universe and how we perceive and interact with it, we have to craft a moral code and set of beliefs and decision procedures that are useful in living our lives.

If even the most fundamental level of science requires other disciplines, then we should return to what ethics actually was to move forward with issues facing us today. In addition, we must try to combine all areas of knowledge when those areas are relevant to developing a subject. Doing so avoids the danger of creating complete and consistent systems that work only in ideal worlds that can never exist. Another benefit is that we rid ourselves of those who insist that their ideological framework is the primary or sole paradigm. Instead of having individuals competing with each other for whose paradigm wins in intuition battles, we can instead have various narratives that work well enough for those using them so that they and others, including societies and communities, can flourish.

---

<sup>4</sup>In fact, deontic logic was a short-lived attempt to create a logic for morality. The ability to constantly generate contradictions using the axioms appears to be one main reason it was abandoned; another seems to be that the loss of content through abstraction lost the essence of what morality is.

<sup>5</sup>This is why Steven Hawking's dismissal of philosophy's value is contradictory. He is only able to argue for his position by using a philosophical argument.

We should also use this pragmatic interdisciplinary approach to avoid a second pitfall into which ethicists sometimes stumble when it comes to death issues-intuition pumps and the odd certainty they bring to the minds of those who use them that they have to be correct. An intuition pump substitutes the intuitions of an individual over actual fact finding because intuitions are assumed to have some sort of evidentiary force that make them unquestionable and superior to doing empirical research.

The argument of [intuition pump] writers will not survive scrutiny, unless the scrutiny is conducted by sympathetic people – that is, by people who already share the writer’s convictions. Against those who do not, no arguments are provided. So we are bound to conclude that they are placing reliance on their ability to discern the moral truth without argument, but exercising their power of moral cognition, and then think that all who similarly exercise it will come to the same conclusions. (Hare 1989, 101)

That is, intuitions provide internal evidence that eliminates the need for external, empirical data. The results of intuition pumps in philosophy are definitions, principles, and arguments, as well as everything developed from them; generally, they merely reflect the ideological bent of the ethicist, bioethicist, or writer without guaranteeing accuracy or usability.<sup>6,7</sup>

If we assume that ethics, especially bioethics, is a practical exercise, then this consequence needs to be avoided. We should be learning and expanding our understanding of how morality works rather than remaining continually engaged in confirmation bias affirming conflicts that are all sound and fury and signify nothing.

## 1.2 The Usefulness of Intuitions

Intuitions are odd sorts of things to use for evidence in part because people do not seem to know what they are or how they work, but place great reliance on them for providing adequate evidence on the most important ethical situations, such as death. With this in mind, it is worth considering what intuitions are and whether they can play a legitimate role in moral discourse or if they merely lead to a form of moral relativism.

First, intuitions cannot be self-evident truths. A self-evident truth appears to be an analytic a priori proposition, such as “All red things are red”; “Each unicorn has one horn”; and “ $1 + 1 = 2$  in a decimal system.” If one understands the sentence,

---

<sup>6</sup>What is odd is that many folks never seem to notice that an intuition fails to bring new information to the person with the intuition; it is already what the person thinks, so why not call these biases rather than intuitions that provide some form of usable evidence? There appears to be far better evidence that they are merely what the person already thinks more than an “eureka” moment of revelation of some truth.

<sup>7</sup>I am subject to the same charge, although I am willing to change positions provided that such a change is justified on pragmatic grounds.

then one has to know that the proposition is necessarily true because of the relation of ideas.

If intuitions were a self-evident truth, as is sometimes the case, then they would be called “self-evident truths” or “a priori analytic propositions.” Intuitions cannot be self-evident truths because of a lack of universal agreement on intuitions considered to be basic moral thinking at work.<sup>8</sup> If universal agreement is possible, then the Trolley Problem, created by Judith Jarvis Thomson and Philippa Foot, and all the variations of the problem described since, would show that each moral agent has the same intuition.

In Trolley Problem cases, reasonable people are asked to decide a moral dilemma in which the only two alternatives lead to the death of one or more people. In one version, survey participants are asked to imagine that they are in charge of a run-away trolley, and are fast approaching a branch in the track. If the trolley stays on its current course, then five men will die, while changing the trolley to the side track will kill the man standing there. Most people select to change the trolley’s path to the side track. For a slightly different version of the problem, each person is asked to imagine that she is standing to the side of the track of a run-away trolley next to a very fat man. She sees that if she does nothing, then the trolley will kill five men on the track. However, if she pushes the fat man in front of the trolley, then he will be killed while the five survive as the trolley grinds to a halt.

The problem, if described in the first way, appeals to many people’s consequentialist beliefs in that they are willing to sacrifice a small number of people—usually one—in order to save a significantly greater number of individuals. If the problem is depicted in the second manner, then it becomes one that is solved primarily through deontological reasoning. For instance, the general refusal to push a fat man off a bridge to save five people who would otherwise be run over by the out-of-control trolley results in one person being saved at the cost of the lives of many more people. Regardless of the description, there is rarely, if ever, 100 % agreement on the right course of action to take. If there were self-evident responses or intuitions, then this outcome would be impossible.

Moreover, in Trolley Problems, if a person selects an alternative that runs counter to what the vast majority of individuals choose, then the person has not chosen the wrong solution.<sup>9</sup> Although it might not be something that we would do, we would not find the person choosing differently from us as blameworthy for making what appears to us as the wrong decision. This lack of blame shows why intuitions are not self-evident truths. If someone gets the number of sides to a triangle wrong, then we know that he has made a mistake, but intuitions do not prove that a mistake has been made—at least, not in the same obvious way.

---

<sup>8</sup>More complicated intuitions, of course, will have fewer adherents because there are more conditions that have to be held in common.

<sup>9</sup>If we already know which answer is the right or wrong one, then we would not need intuitions as evidence. We would merely use the principle or decision procedure that gave us the correct information.

Therefore, a variation of Locke's argument against innate ideas can be used to show that intuitions are not self-evident truths (Locke 1992).

Although intuitions are not self-evident truths, they are given a great deal of evidentiary weight by some very smart people. Perhaps it is a process we undergo that legitimizes them: "[W]hen an ethical philosopher claims to know by intuition he is claiming that there is some unique process in the world to which he refers, which entitles him to knowledge claims." (Sterling 1994, 77). That is, intuitions provide adequate or reliable evidence because they are validated through careful cognitive introspection or are innate ideas discovered when needed.<sup>10</sup> Jonathan Haidt argues that there are moral intuitions that are "the sudden appearance in consciousness of a moral judgment, including an affective valence...without any conscious awareness of having gone through steps of searching, weighing evidence, or inferring a conclusion." (Haidt 2001, 818). Although intuitions do not provide certainty, they might still be reliable information because their source produces only justified beliefs. Therefore, an intuition would be able to provide evidence for a position based on that intuition.

In order to give intuitions' reliability as much plausibility as possible, let us assume that the moral cognitive process for intuitions is much like logical cognitive processes. If rational agents know a form of logic, then each and every one of them can come to a valid conclusion by using the rules of the stipulated logic, although each might arrive at the conclusion along different pathways. Those who do not come to that conclusion may be correctly stated to have erred in their use of the logic's rules. If the moral cognitive process did not have logic's level of legitimacy to convey onto the intuitions' credibility, then they would always be susceptible to the attack that the intuitions are merely biased beliefs of the person thinking about them.

Geoffrey Scarre seems to use the careful cognitive introspection approach when he incorporates intuitions into definitions, evaluations of claims, and arguments. First, he states that "[t]hinking about death should help us identify the conditions for authentic living." (Scarre 2007, 3).<sup>11</sup> This is a strong claim to make; it requires framing authentic living in terms of death rather than thinking about authentic living in a way that might not require looking at death. The assumption is that an individual thinking about the issue will somehow bring her adequate, incontrovertible evidence to assist her in her search for the conditions of authentic living.

The justification for using individual intuitions found through introspection for defining, evaluating, and discoursing on death and other issues appear to be other intuitions. That is, it is intuitive that intuitions tell us the truth or that the processes

---

<sup>10</sup>Sterling (1994) argues that we use introspection, which cannot be checked against objective evidence, although we do check these against other people's introspections. According to Sterling, intuitions should be treated similarly.

I think that Sterling's position is too broad. The only introspections that should count as adequate evidence are the types examined by Panayot Butchvarov, viz, those in which it is impossible for the person introspecting to be mistaken about, such as being in pain or being appeared to redly.

<sup>11</sup>Scarre would be unlikely to agree with how I characterize his position.

using and validating them tell us about reality. Although we do not want to go down the path to Pyrrhonian skepticism, we need to question why “exercising [our] power of moral cognition” (Hare 1989, 101). or discovering what appears to be an innate idea is sufficient to lead us to the truth, especially since other people doing the very same thing come to different conclusions.

The other oddity from the use of intuitions is making the reality fit the intuition rather than the intuition fit the reality. For example, “[i]t is very doubtful whether it is possible to arrive at a single and univocal definition of death that will accord with our intuitions in all circumstances.” (Scarre 2007, 6). Rather than taking this difficulty as at least *prima facie* evidence that using individual intuitions might be illegitimate beyond general conclusions about how humans make ethical decisions, Scarre tries to accommodate these intuitions in a way that accounts for as many as reasonably can be incorporated. This approach is interesting because he offers no evidence for why the coherence approach incorporating the most intuitions is *the* method to use when trying to figure out issues about death, or any other issue for that matter.<sup>12</sup>

More interesting is the evidentiary weight Scarre gives to intuitions. We could delete some of the intuitions to achieve the single and universal definition, which we would have to do anyway because we cannot accommodate all of them. Deletion, however, does not seem to be a live option here, possibly because there is no method to tell which intuitions could be legitimately ignored and why that is the case. If we allow for a range from weak to powerful intuitions, then we need to identify some property or set of characteristics that would enable us to classify or grade the intuitions’ evidentiary power. We would need to know what privileges one intuition over another, and therefore justifies its inclusion over those excluded.

Why should the individual think that intuitions offer this evidence? What makes them reliable enough to justify using them to begin, support, or decide an argument? At best, intuitions are merely not irrational beliefs; they are not contradictions, deeply implausible, or defeated by available empirical evidence. Moreover, if they were rational, then the evidence for their rationality would be given and the term “intuition” would fall to the wayside in favor of the far stronger “justified belief”. Therefore, they must be beliefs that a rational person can have because they seem reasonable, but ultimately they are non-rational. When someone states that something is intuitively reasonable or plausible, what they are legitimately saying is that a reasonable person can hold this belief and still be thought reasonable by other reasonable people.

Of course, this is an extraordinary foundation on which to build critical arguments, especially if they are about life and death matters in ethics and elsewhere. Intuitions here seem to be, basically, what the speaker believes to be true without adequate evidence for the belief being justified, (it might merely be that it “feels” right to the individual). The “feel” of its rightness stems from the fact that the person already believes it, or that the belief coheres to his other beliefs, even if

---

<sup>12</sup>To be fair, the intuition evidentiary approach is so common that it has become habit; hence, there would be little reason to see a need to justify it.

those other beliefs are unexamined and unsupported. For these individuals, much like those favoring the Intelligent Design argument seeing design in local or global aspects of the universe, the intuition is one of their existing central beliefs. Rarely, if ever, does an intuition provide any new evidence that will make the person realize that she has made a mistake, and should therefore rectify her position accordingly.

If intuitions are merely existing beliefs, then using biased intuitions will result in a form of moral relativism in which whatever the person thinks is true is true and whatever the person thinks is false is false merely because the person thinks or feels that way. Intuitions would be unreliable on these grounds, and therefore, should be abandoned.

Perhaps we are making a category mistake when thinking about intuitions. Instead of being justified beliefs based on their origin, self-evident truths, or Cartesian innate ideas, they might be some form of basic instinct—created by nature and environment and influenced by each individual—that help make morality possible.

### 1.3 Natural-Evolutionary Intuitions

We still have the issue of why there appears to be a universal morality in which “all people possess conceptions of morality that include the idea that certain forms of conduct are right and wrong and that certain character traits are good and bad.” (Krebs 2011, 19).<sup>13,14</sup> Moreover, moral communities are not only universal for *Homo sapiens* with a moral code comprised of normative principles and values, but also communities have the ability to remove deviants, provide incentives for people to obey the code, and engage in information exchanges to evaluate individual adherence to the social code (Boehm 2004, 83). Universal morality and its abilities are not possible unless there is something each person shares in common to create the common system.

One hypothesis is to claim that morality is intimately linked to the human brain and its natural workings: “the human capacity for morality is fundamentally evolutionary.” (Zamulinski 2007, 4). That is, how *Homo sapiens* and sufficiently similar social animals have evolved over time through group selection has created a brain that will have the morality that we do (Richerson and Boyd 2004, 62). Some neurophysiologists, for example, appear to accept the view that “the brain...can be subdivided into a large number of portions...with different functions, which are

---

<sup>13</sup>Paul Ekman’s faculty psychology on the universality of emotions and ability of others to recognize such emotions from an evolutionary perspective might help explain the universality of morality. See, for instance, Ekman’s “A methodological discussion of nonverbal behavior.” The same sort of faculty of the mind idea is seen in Pinker’s Swiss Army Knife analogy.

<sup>14</sup>Lisa Barrett’s psychological constructivism is closer to my final position. “Psychological construction relies on a similar kind of population thinking. Emotions are not physical (morphological) types, but are cognitive categories that contain a variety of unique instances.” (Barrett 2013, 381).

independent of each other and can be isolated.” (Legrenzi and Umiltà 2011, 4).<sup>15</sup> If the area of the brain that functions in a certain way is sufficiently damaged, then the person might be unable to think or act in certain ways, including being moral.

Additionally, genes do appear to have an enormous influence on our intelligence, personality, psychological interests, and social attitude as borne out through a myriad of scientific studies, including those performed on twins raised in different environments (Bouchard 2007, 74–83). Paul Bloom argues that studies on babies show that people are born with a moral sense that is “the capacity to make certain types of judgments – to distinguish between good and bad, kindness and cruelty.” (Bloom 2013, 31).<sup>16</sup> In order to make these judgments, babies—and adults for that matter—have specific feeling and motivations, such as compassion, empathy, fairness, status, punishment, and a natural tendency to favor one’s own group and those for whom one cares over others (Ibid.). Thus, it is not an implausible leap of faith to think that morality is fundamentally dependent on mental faculties, innate ideas, or some other brain activity or structure that is the result of evolutionary forces.

Brian Zamulinski develops his ethical intuitionism based on how he thinks evolution affected the hard wiring of the human brain. Ethical intuitionism claims all of the following:

1. Moral realism is true;
2. Moral objectivism is true;
3. Moral facts are knowable: cognitivism is true;
4. Since there are knowable moral facts, our moral judgments can be true;
5. The Is/Ought gap is unbridgeable;
6. Morality exists for reasons beyond pure instrumentality;
7. Moral agents can be motivated to act in a morally acceptable manner without an extrinsic pay-off.
8. We have intuitive access to moral truths, and consequently, we can know what is right intuitively under certain conditions (Zamulinski 2007, 24).

Although all eight claims are important, the latter especially shows the thinking behind morality being genetic and therefore internal. First, there have to be moral truths that are innate; otherwise, we would not have innate access to them. Moreover, such truths are found if our innate process of introspection is working in the correct way, which means that we must have innate processing abilities. Third, it cannot only be rational to believe that something is right or wrong or good or bad,

---

<sup>15</sup>Alva Noe argues that our minds cannot be identical or reduce to our brains because consciousness is something that we do rather than something internal to us (Noe 2009).

<sup>16</sup>Although Bloom calls these capacities and rejects the notion that we cannot improve on them, there is still a concern that too strong a position is being advocated. Just as we should never anthropomorphize animals, we could agree that these capacities exist in some nascent way, but we should not believe that they are more developed than they are. The judgments are relatively complex, and make sense if we are talking about an adult moral agent making them. Where the problem arises is saying that babies are making sufficiently similar distinctions and judgments.

but also we can know it. Knowledge requires a higher evidentiary standard than rational belief, which is generally that the belief is plausible or more likely than not given the circumstances. Knowledge's standard is beyond a reasonable doubt, which means that the evidence is so valuable that it can defeat competing evidence, if any such exists.<sup>17</sup> Hence, the innate moral truth need not be self-evident, but it must carry a lot of evidentiary weight, which could mean that we virtually have to think that the moral truth is, in fact, true.

Unlike adaptive evolutionists who argue that morality is only possible because of adaptive features of the mind that helped make organisms better fit to survive and reproduce, Zamulinski claims that morality is a by-product of evolutionary forces on the pre and *Homo sapiens* populations (2007, 3 and 21). If correct, then the altruism problem faced by adaptive evolutionists—how could sacrificing one's best interests for the sake of another be evolutionarily beneficial?—drops away. Altruism is innate in the human brain as a genetic trait that came along as a “free-rider” on an evolutionary beneficial gene or set of genes which were selected for.

Regardless of the particular cause of the moral ideas or faculties that we share in common as human moral agents—adaptive or by-product evolution—the idea is that we have them as a result of evolution, and such ideas and faculties are innate in some way (Zamulinski 2007, 3; Haidt 2001, 818; Hauser 2006, 43–55; Pinker 1994, 45–58; De Waal 2006, 24; Broom 2003, Chap. 2; Krebs 2011, 10). For the moment, we will consider a naturalist or nativist theory of morality, as it is sometimes called, to understand what intuitions are as either a faculty or faculties, or innate ideas.

First, the concept of innate ideas and how they function needs some examination. Gabriel Segal defines an innate idea as one not acquired by a psychological process—it is not learned—but canalized where “a trait is canalized to the extent that its development is causally insensitive to environmental and genetic variation.” (Segal 2007, 91–2). Language, which might be able to teach us something about morality, is an innate faculty. Segal argues language can be shown to be a genetic faculty not only by the lack of data for the competing hypothesis of a general-purpose learning mechanism, but through seeing examples in which learning cannot explain the phenomenon but genetic faculties can, such as acquired aphasia in which subjects lose a learned language and cannot relearn another (Ibid., 94 and 96–7). Others have suggested a faculty of morality similar to language—such as Marc Hauser and Steven Pinker—or something less developed, such as a “sense of morality” (Krebs 2011, 204).

A sense of morality<sup>18</sup> is comprised from a sense of moral obligation, a conscience, a sense of rights, moral sentiments about others, a sense of justice, and abstract ideas about morality (Krebs 2011, Chap. 16). There might not be a faculty,

---

<sup>17</sup>This standard is controversial but pragmatically plausible.

<sup>18</sup>Krebs argues that there are four moral senses, each of which is a dichotomy: evaluative feelings and thoughts; positive and negative aspects; pertaining to self or others; and thoughts and feeling agents have before and after they make a moral decision (Krebs 2011, 204).



but there is some innate brain structure that allows us to have the common morality that we, in fact, have. According to Krebs's adaptive evolutionary account, the sense of morality evolved to solve the problem of individual behavior that violated group social order and welfare of the group and other members (Krebs 2011, 205–6). The art in Krebs's view is determining which traits are more likely to be canalized. It seems plausible to believe that the more primitive the trait is, then the more likely canalization has occurred. After all, more complex traits would require greater genetic platforms to be able to exist and function well, whereas simpler traits need fewer resources.

Then again, innate moral ideas or faculties might be a much weaker sort of thing, such as an innate instinct or reaction that can be overcome with additional information, as has been shown in a preliminary study of why babies are wary of unknown plants (Wertz and Wynn 2014, 49). It is hypothesized that a brain that is reluctant to come into contact with unknown plants was evolutionarily favored because many plants are toxic. However, the avoidance mechanism or desire can be overcome if a learning process is employed in which the infant is familiarized with the plant. The same sort of thing might happen with innate ideas that are merely moral reactions. They provide some incentive and motivation, but are not authoritative as to what morality demands.

Even though the genetics of morality are rather ambiguous and can go in a variety of directions, we can start making some headway in thinking about how naturalism could plausibly work in ethics. Instead of individual moral intuitions being thought of as adequate evidence, let us suppose that they are instincts of some sort that result from evolutionary influences on our ancestors' brains. Instincts have been understood in a variety of ways, including being a complex activity such as foraging or having a unique neural module, which can make the use of "instincts" rather confusing. Among other things, it has been proposed that instincts are:

1. Present at birth (or at a particular stage of development);
2. Not learned;
3. Developed before they can be used;
4. Unchanged once developed;
5. Shared by all members of the species (or the same sex and age);
6. Organized into a distinct behavioral system (such as foraging);
7. Served by a distinct neural module;
8. Adapted during evolution; or
9. Differentiated between individuals due to genetics (Bateson 2000, 164).

For my purposes, I will try to incorporate as many of these conditions as I can into the definition to be as inclusive as practical.<sup>19</sup> Instincts are innate fixed patterns of emotional responses and behavior in response to particular stimuli. Because they

---

<sup>19</sup>I earlier criticized Scarre for taking this approach, but will try to justify it here on pragmatic grounds. The more inclusive the definition without sacrificing intelligibility, then the more likely it is that the definition will be useful to more people.

are the result of evolution, they are shared by a sufficient number of the species to make it a general trait, which the absence of is very unusual. By instinct, I do not mean the fully developed faculty that Chomsky and others talk about for language, but more of a biological platform in the brain that allows us to develop the complicated moral system that we as moral agents have. In order to account for the commonality of ethical systems and beliefs about morality, there has to be some commonality, and for morality to exist for us in the first place, there has to be some shared mental platform based on genetics that enables us to think about ethics in the manner that we do. This is not to say that the mental platform is the full story of how ethics is possible, but just as hardware is necessary for a computer to function, the biological platform is necessary for morality to function.

When we judge that something is good or bad, that decision is based at least in part by how our brains work. If we can find these commonalities, then we can know a bit more about why our ethics are as they are and, more importantly, use the instincts to help form a guide for thinking and acting, as well as provide some evidence that can be used in judgments. To distinguish belief intuitions from these more fundamental intuitions, let us call the latter intuition-instincts.

We will begin with intuitions across species. In order to behave in similar ways, then there must be more basic motivations to perform in that manner. We can suppose that human beings feel similarly about certain very general values and principles, such as the idea that pain is to be avoided. Now, how they managed to have those values and principles could be a matter of nurture, nature, self-created, or a combination. That is, their environment taught them to have those values or their very nature provided those ideas as a form of intuition-instinct.

What would add strength to the claim that there is an intuition-instinct given to us through the evolutionary process under which our species has undergone is proof that other species appear to have the same values and principles. Of course, given the intellectual distance between more mature *Homo sapiens* and other species, these values and principles—intuition-instincts—would not be too abstract or complex, such as a consequentialist theory or W.D. Ross's Formalism. However, we should be able to see sufficiently similar value-expressed behavior in situations designed to elicit a certain response if the values and principles are present. For example, altruism requires an individual to risk its self-interest for another individual's interest fulfillment. If we can find evidence of this, then intuitions may merely turn out to be the way that a sufficient number of entities think because of social or evolutionary processes their species have undergone.

In some areas we see similarities between the workings of human and non-human animal brains. First, *Homo sapiens* share 99<sup>20</sup> and 97.7 % of their genes in common with chimpanzees and gorillas (Broom 2003, 31). In addition, Bernard Campbell argues that primates' eye and hand coordination from a large, complex

---

<sup>20</sup>Bernard Campbell states that humans share 98.4 % of their DNA with chimps (Campbell 1995, 118).

brain gave rise to humanity (Campbell 1995, 119).<sup>21</sup> Therefore, we must have shared genetic-based brain structures.

Despite this, the mere fact that our DNA and brains are remarkably similar does not establish anything about morality or how our morality is possible. What we need is to show that the physical “hardware” of brains creates a platform of some sort for morality by enabling humans to have the morality they do. We can look at emotions, desires, behavior, and other mental states and faculties associated with morality to find similarities.

First, we have some complex emotions in common with some animal species. Empathy is fundamental to our morality; without it we could not have sympathy, and therefore, would have no ability to have morality in the first place. That is, we could not care about others, so what happens to them and their needs would be of no concern to us. There is good reason to believe that we share empathy with other higher primates.

Frans de Waal argues that empathy is “the original, pre-linguistic form of the inter-individual linkage that only secondarily has come under the influence of language and culture.” (de Waal 2006, 24). However, he also believes that “emotional contagion”, which is “when an emotional state of one individual induces a matching of closely related state in another” (de Waal 2006, 26), will develop into empathy. If correct, then there is a shared emotional-motivational state more fundamental than empathy that we can find in the vast majority of human beings. In addition, De Waal sees evidence of empathy across species boundaries; non-human primates respond to distress and need for help from other individuals by exhibiting the very same behavior, including facial expressions that humans show to other humans in the same situation (de Waal 2006, 25).

Besides empathy, reciprocal altruism is necessary for the existence of morality.<sup>22</sup> It has long been known that there are some behavioral similarities between non-human primates and human beings that cannot be explained as mere accident. Cultural behavior, tool use and creation, ethical behavior, socially coordinated aggression, and infanticide are present in at least simplified forms among apes and chimpanzees (Campbell 1995, 120–1). Singling out ethical behavior, Campbell argues that bio-altruism and a simple ethical system based on punishment, which fosters and maintains a smoother running of social life, can be easily found in many primate populations (Ibid., 121–2). Of the two components of ethical behavior, the latter seems to be learned behavior, which might have its roots in evolution, but the former is considered to be an evolution-generated trait. Bio-altruism is not real altruism in the sense that it merely appears that an individual is sacrificing her interests for the benefit of another individual, but really is not. The apparent self-sacrifice actually will increase her chances of being rewarded in the long term

---

<sup>21</sup>De Waal argues that other species recognizably share relevant human abilities.

<sup>22</sup>Zamulinski argues that altruism cannot be accounted for by adaptive evolution if individual organisms are the exclusive unit of selection (Zamulinski 2007, 5). He believes that altruism is an evolutionary by-product that is a free-rider on a gene that adaptive evolution can explain (Ibid., 21).

through reciprocal altruism, when the now-benefitted entity returns the “favor.” To be able to have true altruism develop, it makes sense to hypothesize that there was at least one intermediary step between pure self-interested behavior and altruistic actions performed by moral agents. Bio-altruism can fill in part of the story on how true altruism came to be a central component in human moral codes.

The mere fact that reciprocal altruism exists entails that there must be other activities in which the brain is engaged, and if the brain for one primate works in this manner for the shared feature of altruism, then we can plausibly assume that other primate brains work in the same manner. In order to have reciprocal altruism, the entity’s brain has to function in a certain way; namely, “it is necessary to remember and evaluate who conferred the benefit, what degree of benefit it was, and what would constitute a similar benefit” as well as who should not benefit (Broom 2003, 84). That is, reciprocal altruism would not be reciprocal if there was no ability to return a favor to the entity that performed it, or if the favor was inadequately returned. For example, risking my life to save yours would merit far more than one banana from your pile.

In order to perform reciprocal altruism’s necessary functions, the entity would be able to recognize others and discriminate between individuals; have awareness and consciousness, such as perceptual, cognitive, assessment and executive awareness;<sup>23</sup> have feelings and emotions relevant to morality, such as pleasure, pain, fear, thirst, and exhilaration; and have cognitive ability (Broom 2003, Chap. 3). Although this mental function might at first appear to require a very high level of cognitive ability, natural science has shown us that we share many of these brain functions and features with primates and other non-human animals, such as pigs. This common heritage does not entail that pigs think the same way as human beings do, but only that many components of the functioning human mind are shared between animals with sufficiently developed brains, which means that we likely have very similar biological platforms for ethics.

Besides emotions such as sympathy and altruism, we share a significant number of mental or brain traits with other species based upon how our various brains work. Our biases in weighing evidence and decision making, for example, might be the result of shared mental structures, primitive though they are, that are the result of evolution (Santos and Lakshminarayana 2007, 295). “Across a number of domains, people tend to systematically ignore problem-relevant information and systematically overestimate the importance of problem-irrelevant information”, such as emotional salience to the person making the decision (Ibid.). To explain why this is the case, especially for those who have relatively little experience, it is suggested that at least some of the components that lead us astray are innately built into our brains. Non-human animals and small children, for example, will tend to make common mistakes based on bias, whereas adult humans with sufficient learning from experience will not.

---

<sup>23</sup>The latter is generally found only in humans.

Other significant shared traits include cognitive features that require higher-order reasoning, if de Waal is correct:

1. Sympathy-related traits
  - (a) Attachment, succorance, and emotional contagion.
  - (b) Learned adjustment to and special treatment of the disabled and injured.
  - (c) Ability to trade places mentally with others: cognitive empathy.
2. Norm-related characteristics
  - (a) Prescriptive social rules.
  - (b) Internalization of rules and anticipation of punishment.
3. Reciprocity
  - (a) A concept of giving, trading, and revenge.
  - (b) Moralistic aggression against violators of reciprocity rules.
4. Getting along
  - (a) Peacemaking and avoidance of conflict.
  - (b) Community concern and maintenance of good relationships.
  - (c) Accommodation of conflicting interests through negotiation (de Waal 1996, 210–1).

Cognitive empathy, internalization of rules and anticipation of punishment, moralistic aggression against violators of reciprocity rules, community concern and maintenance of good relationships, and accommodation of conflicting interests through negotiation require a higher order of thinking than those found in species that merely react to external stimuli. Accommodation, for example, requires a desire to make accommodation and do the necessary work to achieve it; recognition of interests and their conflict (that it is possible to negotiate between the concerned parties); recognition of a starting point to negotiations; and an ability to alter the potential solution based on reactions of the concerned party until a point in which accommodation between all is reached. Since the four features de Waal names are common to all primates, then it follows that they must be part of the basis for our morality, especially since the features are fundamental to what we think our morality is.

Before proceeding further in sketching out the similarities between humans, non-humans and the platform for morality, here is one caveat: although we share fundamental or rudimentary traits associated or fundamental to morality with non-human primates, that does not mean that we can legitimately claim that we share the exact same trait when it comes to degree or brain structure. “[T]he cognitive capacities shared among cetaceans, nonhuman primates, and humans – including self-recognition, symbol-based communication, abstraction, and complex social structures...are associated with markedly different brain features than mere size alone.” (Jung and Haier 2007, 136). Hence, the capacities can be shared at some level, but the brain structures for the various species need not be identical, and

are not identical, which allows for significant differences in how the cognitive capacities work and are expressed.

Moreover, even if we do share cognitive capacities, they are at best identical in kind but not necessarily in degree. In particular, Campbell has argued that language, religion, ethical behavior, and self-consciousness/awareness are without counterpart in non-human animals (Campbell 1995, 124). For example, elephants appear to mourn, but to equate their mourning with human beings neglects important cognitive and neurophysiological differences. Although animals do have a rudimentary form of language, the difference is degree, if not kind, and can be seen through what language allows *Homo sapiens* to do what animals cannot. Only humans have a:

1. Symbolic environmental reference,
2. Enlarged and classified data base,
3. Precise and rapid data transmission,
4. Thought displacement in time,
5. Discussion, bargaining, planning,
6. Enhanced reciprocity between individuals and groups,
7. Instruction,
8. Complex social organization with demarcation of individual roles,
9. Imagination,
10. Detachment from emotional level of experience, leading to reason and logic (Campbell 1995, 125).

Although it might be tempting to take one characteristic out of the ten listed, such as instruction, to show that non-human animals exhibit that behavior, human beings instantiate each of the ten, sometimes in various combinations. Moreover, not only do *Homo sapiens* have quantity on their side, they also have quality. The depth at which sufficiently mature *Homo sapiens* can bring about all 10 states makes *Homo sapiens* unique among the primates. That is, there are rudimentary or primitive levels of instruction, but they are only at the level we would expect if evolution is true. These innate ideas or structures must have existed as primitives at first, and then evolved over time to the more complicated, higher abilities that they have become. Therefore, we would expect to see common features at primitive levels across the species, especially in species closely related to *Homo sapiens*, but not to the level at which mature humans have them. After all, the capabilities to do all ten rather than fewer and in far greater depth and abstraction is what allows *Homo sapiens* to be moral agents in the first place, whereas animals are not moral agents because they do not have the ability to instantiate one or more of the ten features.

Although we share a great deal in common with animals, especially primates, significant differences remain in how the various species' brains function.<sup>24</sup> For example, how humans interact socially, gather empirical evidence for social

---

<sup>24</sup>Heim argues that imitation is possibly a unique ability in *Homo sapiens*, and might be fundamental to human culture and rationality (Heim 2004, 256).