CHIMPANZEES IN KANT'S MORAL LANDSCAPE

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Abstract

For Kant, human beings are unique in their rationality; non-human animals are not conscious of themselves through time, hence they cannot be agents in his moral landscape. A fresh look at Kant's concepts relating to pure reason, practical reason, and judgement, will show Kant's position regarding non-human animals does not follow from his theories of cognition or morality. Using Kant's own concept of <general rationality>, chimpanzees, as an example of a non-human animal, stand firmly within Kant's moral landscape as moral agents. We are therefore bound to treat chimpanzees as ends-in-themselves.

“ … we would have a right to assume them to be constituted just as we cognise ourselves to be, that is, we would really know them”

Immanuel Kant on rational beings other than human beings

“Individuals whom I know or may some day meet”

Geza Teleki on chimpanzees

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Cover image: Medina at Ngamba Island Chimpanzee Sanctuary, Uganda. Photograph by Innocent Ampeire.

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Introduction

Western philosophy has been heavily influenced by Enlightenment thinking, which prioritises the human experience over the authority of the Church, such authority either expressed directly or via a sovereign. This prioritising of human experience means the descriptions of possible world views, and the determination of moral behaviour, becomes the responsibility of rational humans. Although Enlightenment thinking places human beings as objects in the natural world, it also separates humans from non-human animals by virtue of their rationality, often suggesting this rationality raises humans into a totally separate sphere from the rest of the natural world.

Immanuel Kant (1724-1804) is one of the most influential of the Enlightenment thinkers, describing his philosophy in publications spanning over 50 years. Kant holds that human beings are unique in their rationality, and their ability to navigate and articulate their world. He denies for non-human animals, consciousness of themselves through time, meaning they cannot be agents in his moral landscape. In his moral philosophy, only humans situate themselves in the world, having the freedom to escape the causal necessity of nature and create ethically ideal societies. Citizens in such societies abide by maxims which they would wish to become universal laws, and they act as though they and all their fellow citizens are ends-in-themselves, not means to someone else's purpose. Only humans have the volition to create civil communities which self-regulate for the common good.

In seeing moral man as 'a final purpose of creation' and in separating humanity's existence from 'the narrow life of the lower animals', Kant draws an untraversable boundary around humanity, instead of just a limit of knowledge. This move places non-human animals to the periphery of our cognitive and moral landscape, where they have no dignity, autonomy, or freedom. Those who treat animals well do so from their inclinations, or from an obligation to themselves, not through obligations to non-human animals. We might not be

able to perceive the world with any other than human senses, however, to suggest therefore that beings that have other-than-human forms of intelligence and language have no moral value, are not ends-in-themselves, is a *probatio plus et minus probans,* in this case a proof extending into misapprehension. A fresh look at Kant's theories will result in chimpanzees, as an example of a rational non-human animal, situated alongside humans in a world of self-aware beings, who, along with their communities, have moral value in Kant's moral landscape.

First, I will summarise Kant's view of the world, following the sequence of his major critiques, and I will describe problems in each of these works, arising both from within the texts, and from the prejudices of Kant's time. My summaries follow the standard interpretations of Kant's works[1]. *Part One*, *Critique of pure reason* (1781, 1787). *Part Two*, *Critique of practical reason* (1788). *Part Three*, *Critique of judgement* (1790). In *Part Four* I will discuss the importance of concepts to Kant's theory of pure reason, and in *Part Five* I will re-construct some key concepts for Kantian cognition as the first step in reconsidering Kant's moral landscape. In *Part Six* I will concentrate on chimpanzees, explaining how our concepts relating to chimpanzees are often part of the sphere of the concepts <human superiority> and <ownership>, rather than the sphere <chimpanzee>. In *Part Seven* I will look at some more key concepts; those which underpin Kant's moral theory. In *Part Eight* I will look at <language> and <imagination>, as they are crucial to rationality and morality in Kant's scheme. In *Part Nine* I will attempt to see chimpanzees from a chimp's point of view and consider their rights and duties. And in *Part Ten* I will situate chimpanzees in Kant's moral landscape.

[1] For example: (Kant & Paton, 1948), (Kuehn, 2001), (Scruton, 2001), (Ward, 2012), (Wicks, 2013).

PART ONE *Critique of Pure Reason*

Scope

Kant's *Critique of pure reason* poses the question 'What can I know?' and explores the extent and limits of human knowledge. He determines that it is rationality that gives the phenomenal world its comprehensibility, form, and limits. Although he discusses the faculty of reason in general, he concludes that of all terrestrial beings only humans are rational. In Kant's scheme non-human animals are unconscious of their own existence and driven solely by instinct. I will show Kant's conclusions are based solely on his exploration of human rationality and not on an exploration of rationality in general. In later sections I will explain how analysing the human experience and then drawing conclusions about the non-human animal experience, is a common cause of - using Kant's term - deceptions of sense. I will also show that Kant's views of non-human animal perception may not be valid within his own cognitive scheme.

1 *Critique of Pure Reason*

"There is no doubt whatever that all our cognition begins with experience; for how else should the cognitive faculty be awakened into exercise if not through objects that stimulate our senses and in part themselves produce representations, in part bring the activity of our understanding into motion to compare these, to connect or separate them, and thus to work up the raw material of sensible impressions into a cognition of objects that is called experience?" (Kant, Guyer, & Wood, 1998, p. 136 B1).

1.1 The processes of knowing

Kant asks, if knowledge begins with experience of objects in the world, how does the activity of understanding work when we perceive these objects? How do we understand the connections between them? And can we know of objects that are *not* in the world? To answer these questions, Kant describes two worlds, the noumenal and the phenomenal, and proceeds to explore the boundaries and limits of both, and how they relate to each other. The phenomenal world is the world of appearances, the noumenal the world as-it-is, populated with things-in-

themselves. For Kant, the link between these two worlds is a self-conscious observer.

The noumenal world is timeless and spaceless and has no causal links, but rational beings have *a priori* knowledge of the intuitions of time and space, and the *a priori* concept of causality, which allow observers to structure the phenomenal world of appearances. Intuitions and concepts are both representations, intuitions are presented to the mind by the faculty of sensibility, the intelligence faculty of the mind presents concepts. Intuitions are distinct, singular, and passive. Time and space are pure intuitions - we know *a priori* that all objects exist in space and time because we could not even conceive an object that exists otherwise. Time and space are not aspects of things-in-themselves but features of understanding. As well as these pure intuitions, there are sensible intuitions, which are given through sensibility, then thought through a 'spontaneity of cognition' via concepts. "Without sensibility no object would be given to us, and without understanding none would be thought" (Kant et al., 1998, p. 193 B75).

A concept is a general representation of what is potentially common to multiple objects. Concepts can be *a priori* (part of our logical understanding) or *a posteriori* (received through experience). Understanding requires the drawing together of *a priori* categories of concepts, the *a priori* intuitions of space and time, and empirical intuitions. The comparison of intuitions, and the application of concepts requires imagination, "a faculty of intuition without the presence of the object" (Kant & Louden, 2006, p. 60 §28). The 'drawing together' is apperception, "… that kind of self-conscious grasp of past and present states which requires and is required by an ability to use concepts" (Bennett, 1966, p. 136), it is "the capacity for thought to reflect on itself and so involves a certain type of self-consciousness" (Thorpe, 2015, p. 28). Pure apperception is a requirement of understanding, a point-of-view. It is that which "produces the representation **I think**" (Kant et al., 1998, p. 246 B132 emphasis in original).

Pure apperception relates to our transcendental self, which perceives the world but is outside the boundary of its own understanding.

Synthetic apperception is the processing of a unified world, and empirical apperception is the experience of such a world, including the experience of a continuing self in space and time: "For the manifold representations that are given in a certain intuition would not all together be **my** representations if they did not all together belong to a self-consciousness" (Kant et al., 1998, p. 247 B133 emphasis in original). Understanding is not the passive receiving of appearances, it is an active process - grounded in the empirical but requiring *a priori* knowledge to situate objects in space and time, and for them to be categorised and relationships between them to be determined. "Thoughts without content are empty, intuitions without concepts are blind" (Ibid. pp.193-194 B76).

There is no path from the appearance of things-as-they-are to their being experienced except by conscious use of the intellect. Kant is clear that no matter how removed from appearances, and how much a product of the intellect ideas may be, they "must continue to be regarded as sensuous" (Kant & Eckoff, 1894, p. 52). Experience comes from judgements, involving the synthesis of intuitions and concepts that is unity of apperception. Abstract ideas are still representations of the phenomenal world, as they can be judged true or false given enough experience. Nonetheless, we do arrive at judgements regarding the universe and laws of nature, which we will never have enough empirical experience to prove true or false. Kant calls these reflective judgments, as we base them on *a priori* knowledge that the world is a well-ordered simple system where all events fall under the laws of causality. We can judge these cosmological ideas as true or false according to this *a priori* knowledge.

A third important distinction for Kant, after that between the noumenal and the phenomenal and intuitions and concepts, is that between matter and form. This distinction is key to Kant's epistemology. Matter relates to the

noumenal, it is the 'real', the source of sensations, and depends upon a source outside the mind. "Appearances, as objects of perception, are not pure (merely formal) intuitions, like space and time (for these cannot be perceived in themselves). They therefore also contain in addition to the intuition the materials for some object in general (through which something existing in space or time is represented)" (Kant et al., 1998, p. 290 B 208 emphases added). Matter refers to empirical intuitions, which "stand in for the matter of (what the understanding will cognize as) an empirical, physical object in space" (Jankowiak, 2014, p. 494 emphasis added).

Matter can also be thought of as content, for example, below I will cite Kant advising of moral maxims: "… either a rational being cannot think of his subjectively practical principles, that is, his maxims, as being at the same time universal laws or he must assume that their mere form, by which *they are fit for a giving of universal law*, of itself and alone makes them practical laws"(Kant & Gregor, 2015, p. 24 5.27 emphasis in original). Matter is the content of a maxim, it is its form (potential to be a universal law) that makes it a moral maxim. Rational faculties allow observers to give form to the phenomenal world. All changes in the phenomenal world of appearances relate to form. Although matter may vary (appearances[2] are manifold) it is stable and is the source of sensations. Kant gives the example of judgements, where a 'given concept'[3] is logical matter, it is the relationships between concepts which provides the form (Kant et al., 1998, p. 370 B323).

Jonathan Bennett uses the analogy of a piano recital. The skills of pianists vary (matter), the piano will always produce piano sounds (form): "The end product arises from a transaction between a varying world or pianist and a constant sensibility or piano … we might say a recital had the formal property of consisting entirely of piano-sounds and the material property of including a

[2] Appearances are objects considered to be conditioned by space and time, but not categorised.
[3] I will be discussing given and made concepts in *Part Four*.

Beethoven sonata" (Bennett, 1966, p. 17). I extend this analogy: the sound of random disconnected piano notes would indicate a relationship between a varying world and a constant sensibility, but the sound of piano music, regardless how simple or complex, would indicate a relationship between a varying world (pianist), a constant sensibility (piano) and unity of apperception (a composition). The final element being that which brings understanding to the experience; the presence of piano sounds indicates the presence of a constant sensibility (simple cognition), the presence of piano music indicates unity of apperception (rationality).

Of things we don't know, Kant advises "All ignorance is either that of things or of the determination and boundaries of my cognition" (Kant et al., 1998, p. 653 B787). Our understanding is limited to the empirical world of appearances. There are limits within the empirical world and these can be pushed via our logical intellect; if sensible questions about the world are asked, they will eventually be answered. Metaphysical exploration can also encounter and push limits, but when asking metaphysical questions, we will eventually encounter boundaries. Boundaries are not to be found within experience, they "always presuppose a space that is found outside a certain fixed location, and tht encloses that location" (Kant & Hatfield, 2004, p. 103 4:352), a space which is beyond possible knowledge.

No *a priori* cognition is possible except by way of objects of possible experience. Yet, perception requires *a priori* cognition. Kant considers the grounds of this necessary agreement between experience and categories of concepts. Experience can't make concepts possible, as the categories are *a priori* concepts, independent of experience. Kant disagrees that categories are implanted in us in such a way that they conform exactly with our experience of the laws of nature, as the categories would then lack objective necessity, being only subjectively necessary: "I would not be able to say that the effect is combined with the cause in the object (i.e., necessarily), but only that I am so

constituted that I cannot think of this representation otherwise than as so connected" (Kant et al., 1998, p. 265 B168).

Kant concludes that *a priori* concepts make experience possible. He calls this the 'epigenesis of pure reason', "… the categories contain the grounds of the possibility of all experience in general from the side of the understanding" (Ibid.). The acquisition of knowledge is an ongoing synthesis of *a priori* and sensible intuitions, using pure concepts, which serve as 'rules' of perception. This system limits rational understanding to experience, as pure concepts are grounded in the relationship between understanding and experience, although they are not derived from experience, experience is derived from them. This scheme is called 'transcendental idealism'.

1.2 Problems with the *Critique of Pure Reason*

Kant's project is to determine how human reason is possible. His starting point in exploring 'What can I know?' is the experience of being himself: "… only what is in ourselves can be immediately perceived, and that my own existence alone could be the object of a mere perception. Thus the existence of a real object outside me (if this last word is taken in an intellectual signification) is never given directly in perception, but can only be added in thought to what is a modification of inner sense as its external cause, and hence can only be inferred" (Kant et al., 1998, p. 425 A368).

Kant infers rationality in other humans, but he makes it clear that rationality is not confined to humanity: "Empirical principles are not at all fit to be the ground of moral laws. For, the universality with which these are to hold for all rational beings without distinction - the unconditional practical necessity which is thereby imposed upon them - comes to nothing if their ground is taken from the special constitution of human nature or the contingent circumstances in which it is placed" (Kant & Gregor, 1998, p. 48 4:442). Kant is of the opinion that his descriptions of rationality as a characteristic of humans are deficient because he does not have "… knowledge of *non-terrestrial* rational beings that

would enable us to indicate their characteristic property and so to characterize this terrestrial being among rational beings in general" (Kant & Louden, 2006, p. 225 emphasis in original).

Kant writes of both rational extra-terrestrial beings and terrestrial non-human animals. He uses inhabitants of the Moon as an example of objects of experience that have never been seen but that we must admit to be those that "… in the possible progress of experience we could encounter" (Kant et al., 1998, p. 512 B521). His view of extra-terrestrial life is that it would be human-like in its rationality. In discussing the human species he states "… the human species (which, when one thinks of it as a species of rational *beings on earth* in comparison with rational beings on other planets, as a multitude of creatures arising from one demiurge, can also be called a *race*)" (Kant & Louden, 2006, p. 237 emphasis in original).

Looking at types of beings on Earth, Kant teaches that both humans and non-human animals are conscious, both have sensibility and act in accordance with representations, but of all Earth's creatures only humans are self-conscious, only humans can make judgements and choices: "For it is not merely that which stimulates the senses, i.e., immediately affects them, that determines human choice, but we have a capacity to overcome impressions on our sensory faculty of desire by representations of that which is useful or injurious in a more remote way; but these considerations about which in regard to our whole condition is desirable, i.e., good and useful, depend upon reason" (Kant et al., 1998, p. 675 B830). Kant follows the beliefs of other thinkers, his society, and his time by placing a boundary around the group 'rational beings' within which are humans, and outside of which are non-human animals:

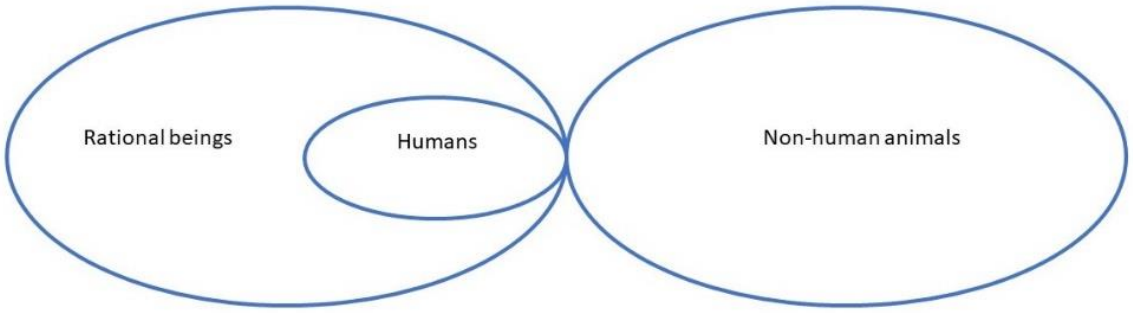


Figure 1 All living beings in Kant's scheme

In Kant's scheme non-human animals are unconscious of their own existence and driven solely by instinct. It is not surprising that an analysis of human rationality will result in the conclusion that humans are rational, but this conclusion is an example of *probatio plus et minus probans*[4] - in this case too much. Kant's scheme is to explain the scope of human knowledge, but along the way he also 'proves' that other beings who inhabit our planet are non-rational and without thought. Kant's placing of all non-human animals into an undifferentiated group and his unexplored views that all members of that group are non-rational, is an assumed premise that leads to what many would view as false conclusions, such as Kant accepting that a person was "… an entirely different being from *things*, such as irrational animals, with which one can do as one likes" (Kant & Louden, 2006, p. 15 §1 emphasis in original).

Kant's *Critique of pure reason* critiques "… the faculty of reason in general, in respect of all the cognitions after which reason might strive **independently of all experience**" (Kant et al., 1998, p. 101 Axii emphasis in original). Kant thinks we would recognise rationality in non-human beings if we

[4] A proof that proves too much or too little. Interestingly Kant illustrates this by the example of grounding the proof of the judgement against suicide in the premise that we cannot take what is not ours to give i.e., life. Kant points out this is an overreach, as that premise would mean we couldn't kill non-human animals (Kant, 1988, p. 139 §93), a consequence that he holds is obviously false, non-human animals being mere things that can be used for others' purposes: "Beings the existence of which rests not on our will but on nature, if they are beings without reason, still have only a relative worth, as means, and are therefore called *things*" (Kant & Gregor, 1998, p. 37 4:428 emphasis in original).

encountered it: “For, merely because of our not knowing rational beings other than human beings, we would have a right to assume them to be constituted just as we cognize ourselves to be, that is, we would really know them” (Kant & Gregor, 2015, p. 10 5:13). Here Kant clearly states that other forms of rationality would have to conform to the human ideal.

As we have seen, Kant distinguishes between sensibility and understanding. Cognition joins the receptive and the active faculties of the mind. Receptivity occurs both when the mind is affected by external objects or when it is affected by itself, self-affection. The intellectual faculty has the character of “… spontaneity of apperception, that is, of pure consciousness of the activity that constitutes thinking” (Kant & Louden, 2006, p. 31). Cognition of objects starts with the senses, employs imagination and understanding and results in comprehension. Cognition as a whole ends in reason in the ‘higher’ sense of reason: “… the faculty of the unity of the rules of understanding under principles” (Kant et al., 1998, p. 389 B359).

Kant describes a 7-step process of cognition (Kant, 1988, p. 71):

An object is presented as an appearance	→	All conscious beings
There is consciousness of the presentation	→	All conscious beings
The object is compared to others regarding identity/disparity	→	All conscious beings
There is spontaneous consciousness of a process of cognition – a thought	→	Only rational beings
Understanding occurs via concepts	→	Only rational beings
Reasoning and insight	→	Only rational beings
Comprehension	→	Only rational beings

Kant synthesises a complete system of cognition and comprehension out of a careful analysis of the elements of his own experience of human perception. He then claims that rationality, 'the supreme faculty of cognition', is only to be found in the human experience of cognition. This means Kant believes only humans consciously navigate and articulate their world. Using the piano recital analogy above, it is as though Kant only accepts the sound of a Beethoven sonata, in any of its 35 forms, as evidence of both a piano and a composition. Rather than accepting any other coherent sequences of piano notes as composition, he calls them random disconnected notes. Kant's conclusions are based on what he, and others, know of the matter of non-human animals, their existence as objects in the world. Kant teaches what we should revere in other humans is the form of their rationality, not the matter of their existence.

Although Kant discusses rational extra-terrestrial beings and terrestrial non-human animals, he does not explore <human rationality>[5] as a concept. A concept that is a member of the larger sphere <general rationality>, which might encompass concepts of other-than-human expressions of rationality, all of which, including human rationality, having the same form. Béatrice Longuenesse points out that "For any *analysis* leading to concepts to take place, synthesis must already have taken place. And given that analysis proceeds according to the logical functions of judgment, synthesis too must take place in such a way that what is synthesized becomes susceptible to being brought under concepts according to the logical functions of judgment" (Payne & Thorpe, 2011, pp. 592-593 kindle location emphasis in original).

Kant's conclusion, that there is an untraversable boundary between humans and non-human animals, due to the latter's lack of an inner sense[6], is an unfounded conclusion, and one with unfortunate consequences. In a letter to

[5] I have followed the convention of referring to concepts by enclosing them in angle brackets.
[6] I will explore this conclusion further in *Part Five*, looking at whether there is more than one type of inner sense, and what we can say about inner sense in non-human animals.

Marcus Herz (May 26, 1789), Kant described this lack of higher cognitive faculties and hence lack of self-consciousness thus: “I should not be able to know that I have them [data of the senses], and they would therefore be for me, as a cognitive being, absolutely nothing. They might still (if I conceive myself as an animal) exist in me (a being unconscious of my own existence) as representations ..., connected according to an empirical law of association, exercising influence upon feeling and desire, and so always disporting themselves with regularity, without my thereby acquiring the least cognition of anything, not even of these my own states” (Smith, 1918, pp. 84-85 Gutenberg EBook #43572, 2013). This is an example of describing the situation of non-human animals to enlighten the concept <human>, and then using those descriptions to define non-human animals, a common practice, as I will explain in *Part Six*.

Kant infers that no non-human animal has the higher cognitive functions to allow them to make sense of, and give sense to, their phenomenal worlds. Kant teaches that: “We draw a distinction between what is cognized immediately and what is only inferred … Because we constantly need inferences and do in the end become wholly accustomed to them, it happens that we no longer even take notice of this distinction, and often, as in so-called deceptions of sense, we take as immediate what we have only inferred” (Kant et al., 1998, p. 389 B360). I will show that Kant’s denying non-human animals the faculties to make sense of their phenomenal worlds is a ‘deception of sense’. In the next section I will summarise Kant’s *Critique of practical reason* and discuss some associated problems.

PART TWO *Critique of Practical Reason*

Scope

Kant's *Critique of practical reason* poses the questions 'What ought I to do?', and determines that rationality is the source, and ongoing author, of ethical laws. Rational humans create various formulations of The Categorical Imperative; moral laws that moral persons freely comply with and revere. And they revere the potential of others to be moral persons. Moral persons form ideal societies, where the moral law is reflected in their judicial laws. Kant follows the prejudices of his time in making racist and misogynist observations and divisions in his descriptions of ideal societies. However, it is possible to excise his prejudices and extend his moral scheme to all human beings, who should all be free to express their free will. Kant views non-human animals as lacking rationality, and therefore excludes them from his moral scheme. He teaches that humans should treat non-human animals well only to fulfil their moral duties to themselves. In later sections I will show that Kant's theories of rationality can applied to some, if not all, non-human animals, thereby giving them moral standing in Kant's scheme.

2 *Critique of Practical Reason*

" … that in the order of ends the human being (and with him every rational being) is an end in itself, that is, can never be used merely as a means by anyone (not even by God) without being at the same time himself an end, and that humanity in our person must, accordingly, be holy to ourselves: for he is the subject of the moral law and so of that which is holy in itself, on account of which and in agreement with which alone can anything be called holy. For, this moral law is based on the autonomy of his will, as a free will which, in accordance with its universal laws, must necessarily be able at the same time to agree to that to which it is to subject itself" (Kant & Gregor, 2015, p. 106 5:132).

1.2 The Categorical Imperative

Kant holds that nature is ordered and coherent, that it follows laws. If it were not ordered and coherent, we could gain no knowledge of it. We can never totally comprehend natural laws, as they are necessary and universal, but we can approach an understanding of them via our faculty of reflective judgement, allowing us to form principles of natural law. Similarly, in his study of practical reason, Kant explores how our rationality, *a priori* knowledge, and desire for the *summum bonum,* mean we can be authors of ethical laws, which give us a unified experience of ourselves as virtuous beings. Our rational faculties give rise to the matter of differing cultures, behaviours, and communities; they give form to moral laws, which are universal and apply indiscriminately to all. Moral laws don't depend on the contingent interests of individuals, nor can they be derived from our knowledge of the phenomenal world, which consists of contingent things.

We cannot judge the truth of moral laws from *a posteriori* experience, we cannot conclude what should happen by what is happening. If moral truths are universal, their validity in all contexts cannot be determined by perceiving the truth in each instance, as we can never observe all instances. Our knowledge of moral laws must be independent of experience, *a priori*. Moral laws, and our potential to abide by them, must relate to our noumenal selves. This is shown in the two things at the heart of Kant's moral system. First is the requirement for individual freedom, without freedom we cannot be responsible for our actions, so we cannot be judged by them. Freedom cannot be an ideal we strive for; it is a condition of, and therefore prior to, moral striving. As our noumenal selves recognise the necessity of the moral law, Kant holds we are justified in believing in freedom, which is a prerequisite[7].

The second thing at the heart of Kant's moral system is the question of volition; once we are free, why do we freely act? We can, and often do, act

[7] I will discuss freedom further in *Part Seven*.

through a wish to satisfy our own inclinations, our desire for happiness. But happiness is subjective, it is judged by individual feelings of pleasure or displeasure, so cannot be an aim for a universal law. We can create propositions that describe how we might achieve our desires, and these can be maxims that guide our actions. Subjective maxims can only become contenders for practical laws if they can be viewed as relating to the will of every rational being. Our rules of action that are created to ensure our happiness cannot be extended to all rational beings, as they are hypothetical given our individual circumstances, abilities, and desires. If I want A, I must do B. But not all people will want A, not all people will have the ability to do B. 'If I want A, I must do B' is a hypothetical imperative. Kant requires a Categorical Imperative, an imperative that would be recognised as a duty by all rational beings, regardless of their desires, their circumstances, or abilities.

For rational beings: "… virtue and happiness together constitute possession of the highest good in a person" (Kant & Gregor, 2015, p. 90 5:111). Virtue and happiness are not interdependent, happiness is not a valid measure of virtue, and virtue may sometimes conflict with happiness, so they cannot be predicated on each other. Moral laws relate only to virtue, and the first formulation of Kant's Categorical Imperative is about how we might judge our maxims to be moral: we should always ensure our maxims are those which we would wish to become universal laws. He sees this Categorical Imperative as universal and rationally necessary. Also, as we saw above: "… either a rational being cannot think of his subjectively practical principles, that is, his maxims, as being at the same time universal laws or he must assume that their mere form, by which they are *fit for a giving of universal law*, of itself and alone makes them practical laws"(Kant & Gregor, 2015, p. 24 5.27 emphasis in original). The form of experience is mind-dependant; it is not the matter of a maxim which makes it a universal law, but its potential to be a form that can be applied universally.

The Categorical Imperative is rationally necessary; all immoral acts are irrational. Only actions that conform to a moral law have moral worth, and we conform to moral laws through duty not personal inclination. Sometimes our natural desires or inclinations will conform to moral maxims, but any actions we take through natural desires or inclinations will be amoral. What makes an act moral is its conformation to a moral law, not the result of the action. For Kant, the measure of moral worth is the volition of the moral agent. Doing harm is regrettable but sometimes unavoidable, doing wrong is unforgiveable. Through our duty to obey the Categorical Imperative we have moral personality: "the freedom of a rational being under moral laws (whereas psychological personality is merely the ability to be conscious of one's identity in different conditions of one's existence)" (Kant & Gregor, 1996, p. 1117 kindle location).

Our moral personality obligates us to act, or refrain from acting, in the empirical world in accordance with moral laws. We have a duty to work towards bringing about the highest good, where all are happy and virtuous. But our empirical experience does not support the state of the highest good being achievable. To have the highest good grounded in the moral law, Kant allows the assumptions of immortality and the existence of a God who supports the possibility of our moral ideals. Just as we have a unified sense of nature, we have a unified sense of a moral world and our place in it. Our sense of God and immortality gives us the confidence to act as though the highest good, where we all live in a state of happiness and virtue, is possible. Happiness is a contentment with our place in the phenomenal world, virtue is found in our strength to conform to our duty in the noumenal world of morality.

Kant's view that rational beings have the freedom to create their own universal laws to which they are bound, leads to his belief that each person is deserving of equal respect, including respect for ourselves. It is not people *per se* that are deserving of respect, it is their moral character, their rationality. The

respect moral agents feel for each other's rationality leads to the second formulation of the Categorical Imperative: we must never use another rational being to achieve our own ends, but always treat others as ends-in-themselves.

1.2 The ideal society

For Kant, an ideal society would be a 'realm of ends'[8], populated entirely by rational beings who would, in accordance with the second formulation of the Categorical Imperative[9], always choose to act towards others as though they were ends-in-themselves and not the means for other people to achieve their own ends. Broadly speaking it would be a cosmopolitan realm, within which all would be citizens of the world. In the organisation of such a society, members would have the freedom to create an environment where human freedom and dignity are respected, and civil rights protected; they would be free to create laws that allow "the **greatest human freedom** according to laws that permit **the freedom of each to exist together with that of others**" (Kant et al., 1998, p. 397 B373 emphasis in original). In such a state the universal law and statutory laws are in harmony: "right consists merely by limiting everybody else's freedom to the point where it can coexist with my freedom according to a universal law, and the public law in a community is no more than state of actual legislation in accordance with this principle and combined with power" (Kant, 1974, p. 292).

Connected to the concept of people being ends-in-themselves is Kant's distinction between ownership and possession. The two concepts are quite distinct, you can own something without being in possession of it, and you can possess things you do not own. Unlike simple possession, ownership is related to moral law, not as a consequence but as a presupposition; "It is therefore an a priori presupposition of practical reason to regard and treat any object of my

[8] Kant's phrase Reich der Zwecke, has traditionally been translated as Kingdom of Ends. But Reich is also Realm, which does not have the connotation of a male monarch. Realm of Ends is becoming a more common translation of Reich der Zwecke, for example in (Payne & Thorpe, 2011) and (Wicks, 2013).

[9] There are other formulations of the Categorical Imperative, I will discuss some of them in later sections.

choice as something which could objectively be mine or yours" (Kant & Gregor, 1996, p. 1758 kindle location 6:247). In an ideal state, no person can be owned, although through servitude, marriage or during childhood, people can be partially possessed by others.

Citizens in a realm of ends obey no other laws than those to which they have agreed, and they have civil equality and civil independence. Citizens have these rights by virtue of being citizens, they are not rights granted by any other citizen. However, there is a distinction between two types of citizens in Kant's ideal society; those who are fit to vote (active citizens), and those who aren't (passive citizens). Passive citizens include women, apprentices, servants, and children. The argument is that these cannot have an active role in managing society as they depend on others for sustenance and protection; Kant sees independence as a requirement for active citizenship.

Passive citizens lack civic personality, although they have the right to be protected by society as human beings, as laws must not conflict with the natural laws of freedom and equality; passive citizens can in theory become independent and hence become active citizens.

1.3 Problems with the *Critique of Practical Reason*

1.3.1 Social prejudices

For Kant, reason is the foundation of our community laws, which should be impartial. But in his descriptions of an ideal ethical society, and the variations in human communities, we can clearly see Kant's social prejudices. As we saw above, Kant holds that all humans, as rational agents, have the potential to comply with moral requirements and are therefore deserving of respect. Kant also points out that, although all citizens should be protected by the laws of a just society, only some citizens have the responsibility to contribute to the making of such laws. Kant calls these latter 'active citizens', and describes groups of 'passive citizens', who fall under the protection of active citizens.

Having citizens who are protected by laws but have no say in their creation is not uncommon, children for example in many societies. But along with children, Kant's passive citizens include women, servants, and apprentices. In his early writing he had an unfortunately dim view of the ability of some groups of people to self-govern: "… the Negro, who is well-fitted to his climate - that is, strong, fleshy, <and> nimble, but, under the ample care [*Versorgung*] of his motherland, lazy, soft, and dallying" (Mikkelsen & Kant, 2013, p. 67). He seems to go out of his way to cast aspersions on groups that are 'other', for example when considering teleological reasons for existing: "But we do not see why after all it should be necessary that men should in fact exist (a question that might not be so easy to answer if the specimens of humanity that we had in mind were, say, the New Hollanders or the Fuegians)" (Kant & Meredith, 1952, p. 27 §6 (67)).

Kant believes that all people are ends-in-themselves no matter what their situation in society, so he does advise that passive citizens can become independent and become active in society. Although it is unlikely Kant really considers that women can ever achieve active citizenship: "Women will avoid the wicked not because it is unright but because it is ugly; and virtuous actions means to them such as are morally beautiful. Nothing of duty, nothing of compulsion, nothing of obligation!" (Kant, 1960, p. 81). Kant's belief that all people are equal: "human beings belong not merely to one and the same *species*, but also to one family" (Mikkelsen & Kant, 2013, p. 46 emphasis in original), sits oddly with his early analysis of the different 'races'.

For Kant, all white populations are mere 'variations' and all superior to the non-white populations. He describes the creation of the races from the pure blond whites of the northern regions of Germany as people spread around the globe and adapted to environmental conditions, seeing these adaptive changes as deteriorations of the pure stock (Mikkelsen & Kant, 2013). If his view of women is annoying, his descriptions of non-Caucasians are repugnant. As

Pauline Kleingeld has pointed out, “Whereas Kant attributes to women characteristics that contrast with those of men, while also asserting their equality, until the mid 1790s he explicitly describes the “yellow,” “Negro,” and “copper-red” races as having increasingly serious deficits compared to “whites” and as lacking the capacity to govern themselves” (Kleingeld, 2019, p. 7 §2.2).

One can only hope Kant’s racist views would change through experience, and that he would eventually see a conflict between his disparaging descriptions of some groups of people and his proposal that all people are ends-in-themselves. It is acknowledged by some that Kant did indeed change his mind regarding race (Kleingeld, 2007). Interestingly, in this article Kleingeld observes “Kant clearly departs from his earlier position in a number of ways. First of all, he becomes more egalitarian with regard to race” (Ibid. p.586) yet she adds in a footnote “This is not to imply that Kant became more egalitarian in all respects. His views on women, for example, did not undergo a similar development”.

Much has been written on Kant’s sexist and racist views, which most agree were due to the prejudices of his time and of his cohort, for example (Kleingeld, 2007), (Kleingeld, 2019), (Zhavoronkov & Salikov, 2018). Regardless of these problematic views of some groups of people, Kant’s scheme can in theory be applied to all humans; his social prejudices regarding some categories of humans can be identified and their impact on his scheme excised. However, his views on the superiority of humans and his placing of all non-human animals into an undifferentiated group, a group whose members are non-rational (he is usually translated as saying they are irrational), unconscious of themselves through time, merely things for human use, are of a different nature.

1.3.2 Non-human animals

Kant teaches we should act morally towards the "animate but nonrational part of creation" (Kant & Gregor, 1996, p. 5595 kindle location §17), but only to fulfil our moral duties to ourselves. To behave kindly to animals is an indirect duty to them via a direct duty to ourselves. Non-human animals do not stand as agents in Kant's moral landscape, they are on the periphery of our moral considerations. Their behaviours are assumed to be driven by instinct, lacking social connection: "… *humanity* signifies, on the one hand, the universal *feeling of sympathy*, and on the other, the faculty of being able to *communicate* universally one's inmost self - properties constituting in conjunction the befitting *social spirit* of mankind, in contradistinction to the narrow life of the lower animals" (Kant & Meredith, 1952, p. 226 §60 emphasis in original). Even today some quite tortuous explanations are devised by some philosophers, to limit the scope of non-human animal perception, to explain away what may appear to be free rational behaviour - as I will describe in *Part Seven*.

Kant's moral philosophy is based on the universal rational form of an ideal moral society. Members of such a society have a duty to obey the Categorical Imperative, and thereby have moral personality. Placing non-human animals on the other side of the human/non-human divide, Kant denies not only moral personality, but psychological personality to non-human animals. Each non-human animal is homogenous within its type. As we will see in *Part Five* and *Part Seven*, the limiting of all non-human animal cognition to the lower stages, might not in fact be feasible given Kant's cognitive theories. And similarly, we will see that it is doubtful that any being who can navigate and articulate its environment can do so solely driven by instinct.

Kant's thoughts on non-human animals are in large part based on prevailing prejudices of the time. Prejudices are "provisional judgments *so far as they are adopted as principles*" (Kant, 1988, p. 83 emphasis in original). The sources of prejudice for Kant can be imitation, habit or inclination. We can

make the error of accepting without challenge erroneous bases of judgements: "The cause of this delusion is to be sought in our taking subjective grounds falsely out of want of reflection" (Kant, 1988, p. 83). The source of such errors of judgement can be in imitation of a person, of a multitude, or an age, all of which Kant terms 'prejudices of prestige'. And deep-seated prejudices can become grounds for judgement in our cognitive processes.

Kant holds that humans are rational and non-human animals are non-rational and lack inner sense. They might have value to some humans as a species, or instrumental value, or financial value, but they have no intrinsic value as ends-in-themselves, no moral value. A moral system is structured around who has moral value, around who are rights-holders. We can hold that some inanimate objects have intrinsic value (specific art works or artifacts of value to a community or an individual) but it does not follow that those objects have rights. And there are some animate beings who have intrinsic value that constrains our behaviour towards them, for example types of animals we regard worthy of treating well and conserving for the value they hold for humans. And then there are beings who are rights-holders, who themselves constrain our behaviours.

Kant's granting non-human animals only the lower faculty of cognition, the "faculty of sensation, reproductive imagination etc." (Kant, Ameriks, & Naragon, 1997, p. 88 28:277), and not self-consciousness, productive imagination[10] or inner sense, leads to his belief that they are things, objects which lack freedom. This leads to them imposing no obligations on us regarding moral behaviour. Kant holds nature to be a teleological system, with all creatures sooner or later destined to completely develop their capacities. The capacity of reason is unique to mankind: "Only in man, and only in him as the individual being to whom the moral law applies, do we find unconditional

[10] I will discuss imagination further in *Part Eight*.

legislation in respect of ends. This legislation, therefore, is what alone qualifies him to be a final end to which entire nature is teleologically subordinated" (Kant & Meredith, 1952, p. 100 §23(84)).

Kant's human/non-human divide, between those with/without moral standing, those who are/are not rights-bearing, those who do/do not have moral duties, is grounded in his belief that non-human animals have no consciousness of themselves through time. As Kant can have no experience of the lack of an inner consciousness of another, this is a reflective judgement. Kant makes the reflective judgement that non-human animals have no inner consciousness and then concludes that an animal is either a rational human being or a nonrational non-human animal. But his reflective judgement is based on his own experience of inner processes and should be re-assessed regarding correctness given further empirical experience.

In the next section I will summarise Kant's *Critique of judgement* and discuss some associated problems.

PART THREE *Critique of Judgement*

Scope

We make judgements about the phenomenal world, utilising intuitions and concepts. We create more concepts, adding more and more details to our world. Kant's *Critique of judgement* explores this process; which judgements are objective judgements about the natural world, which relate to our sensibilities and desires, and which arise from the 'common sense' of humans? What judgements, if any, can we make about the transcendent - "what may we hope"? There are four categories of judgements, one theoretical and three non-theoretical. Theoretical judgements are part of the process of cognition described under *Part One*, where their purpose is to determine the truth about objects or states of affairs. The first non-theoretical judgements are the moral judgements described under *Part Two*, where their purpose is to determine those actions which, universally, people should or should not do. The second non-theoretical judgments are teleological judgements, and the third are aesthetic judgements. Kant's aesthetic judgements relate to our feelings of serenity, delicacy and contemplation, or our feelings of being overpowered. In this section I will look at teleological and aesthetic judgements, and I will explain how our categories of judgements can get mixed, leading to misapprehensions and inaccuracies.

3 Critique of Judgement

"We are indeed lawgiving members of a kingdom of morals possible through freedom and represented to us by practical reason for our respect; but we are at the same time subjects in it, not its sovereign, and to fail to recognize our inferior position as creatures and to deny from self-conceit the authority of the holy law is already to defect from it in spirit, even though the letter of the law is fulfilled" (Kant & Gregor, 2015, p. 68 5:83). Kant teaches we should make moral judgements in accordance with the moral law and with the humility of our being creatures in the phenomenal world.

3.1 Teleological judgements

Kant thinks that humans have the paradoxical requirement of assuming themselves to be a noumenon subject with freedom, while at the same time observing themselves as a phenomenon in the empirical world. This paradox is what leads to many erroneous beliefs, such as viewing appearances as things-in-themselves or basing a doctrine of morals on a doctrine of happiness. But for Kant such errors can be avoided by carrying on "our existence in accordance with the highest vocation of reason" (Kant & Gregor, 2015, p. 87 5:108). Although a metaphysics of morals cannot be based upon our experiences of the natural world, it can still be applied to it; the will is manifest in the physical world in accordance with natural laws.

Kant judges that the natural world, both its parts and as a whole, can be viewed as a teleological system: "*All the natural capacities of a creature are destined sooner or later to be developed completely and in conformity with their end*" (Kant & Reiss, 1991, p. 42). As we saw above, the capacity that is unique to man is reason: "Nature gave man reason, and freedom of will based upon reason, and this in itself was a clear indication of nature's intention as regards his endowments" (Ibid. p. 43). Kant believes humanity's destiny is the "progressive cultivation of its capacity for goodness" (Kuehn, 2001, p. 300).

Without human rationality, and without language as a means for the communication of natural and moral laws, and of human culture and art, the phenomenal world would be senseless and formless: "Without man … the whole of creation would be a mere wilderness, a thing in vain, and have no final end" (Kant & Meredith, 1952, p. 108 §25 (86)). Kant's realm of ends is a world grounded in agreements and relationships between self-legislating citizens who are always striving to improve themselves and their civil communities. Constitutions are always moving closer and closer to the "greatest possible perfection" (Kant & Reiss, 1991, p. 191).

Kant proposes that all people have value and dignity, and that the value of citizens as ends-in-themselves is reflected in the respect they pay to their own and to each other's rationality. This value resides in their noumenal selves; humans have value due to their being rational beings. At any one time individual actions may seem "confused and fortuitous" (Kant & Reiss, 1991, p. 41), but it is hoped that a view of human history may reveal a "steadily advancing but slow development of man's original capacities" (Ibid.). Kant believes we are forever moving towards, but never reaching, divine intellectual intuition i.e., a direct intuitive understanding of the world.

3.2 Aesthetic judgements

Aesthetic judgments are judgements of taste and are related to beauty and the sublime. Kant distinguishes between free beauty *(pulchritudo vaga)* and dependent beauty *(pulchritudo adhaerens).* The latter relates to our personal preferences; they are judgements about objects, or states of affairs, which we judge to be pleasing, beneficial, or useful to us - they are contingent. Judgements of free beauty are not contingent, and from here 'beauty' refers to free beauty. There are two types of judgements of the sublime: those which relate to the large numbers and measurements we encounter in mathematics, with the assumption of infinity, and which leave our minds at rest. And there are judgements of the sublime which are dynamic and move our minds.

Beauty is always concerned with the form of an object, and it evokes feelings of serenity, delicacy, and contemplation. The sublime can be encountered even in things without form, and evokes a feeling of being overpowered, of awesomeness, even feelings akin to pain. Judgements of taste are judgements about the subject, they are not judgements about an individual object at a specific time, they are based on our feelings, and do not make use of concepts as our cognition generally does. Ineffable ideas that reason might conceive cannot be represented by concepts, they can only be "an ideal of the imagination" (Kant & Meredith, 1952, p. 76 §17). Aesthetic judgements are not

contingent, not valid due to utility or efficiency; I can validly consider something to be beautiful even though it is not useful.

Aesthetic judgements are disinterested judgements that presuppose a common sense, for from where else does the general appreciation of beauty and the sublime come? Judgements of beauty must be valid when extended to every possible observation of the object. Common sense judgements of taste must be universally communicable, they are based on "the mental state present in the free play of imagination and understanding (so far as these are in mutual accord, as is requisite for *cognition in general*)" (Kant & Meredith, 1952, p. 58 §9 emphasis in original). Beauty and the sublime can be encountered in nature, and in works of art. Great works of art are those where the artist has employed analogy or symbolism to portray objects or landscapes, either verbally or visually, in ways that gesture to those in the real world, hence creating a flurry of activity in the observer's or reader's imagination.

There are things in common between aesthetic judgements and moral judgements: just as we can have maxims that gratify our desires, and that are therefore not moral, we can judge objects as pleasing, beneficial or useful, but these are not aesthetic judgements. Just as moral judgements entail ensuring maxims can be extended to universal laws, judgements of taste should be able to be extended to all rational beings. We make aesthetic judgments about moral laws, recognising them as universal and sublime, in the way we respond to the sublime in nature: "Two things fill the mind with ever new and increasing admiration and reverence, the more often and more steadily one reflects on them: *the starry heavens above me and the moral law within me*" (Kant & Gregor, 2015, p. 129 5:162 emphasis in original).

3.3 Problems with the *Critique of Judgement*

3.3.1 Directionality of judgements

Besides the theoretical judgements that are part of cognition, we have: moral judgements that determine those actions which, universally, people should or should not do; teleological judgements of final ends or purpose; and, aesthetic judgements, which relate to our feelings of serenity and delicacy, or our feelings of being overpowered or in awe. In each of these types of judgement I see a difference in 'directionality', a difference that can lead to a confusion between types of judgement. I will go through each type of judgement to explain these directionalities:

Theoretical causal judgements:

"… it is a universal law – even of the possibility of all experience – that everything that happens must have a cause, and hence that the causality of the cause, as **itself having happened** or arisen, must in turn have a cause; through this law, then, the entire field of experience, however far it may reach, is transformed into the sum total of mere nature" (Kant et al., 1998, p. 533 B561 emphasis in original). Causality is an example of a universal and necessary concept, one that Kant, consistent with his denying them concepts, denies non-human animals, believing they may only "expect similar cases" (Kant & Gregor, 2015, p. 10 5:13). Causality falls under our *a priori* category of relationships between objects, causality relates to events, not stationary objects. We can only understand events through time by them falling under the law of causality. Causal judgements are more than recognising a series of changes, causality is a necessary series, where one event does not just happen after another but <u>because</u> of it. Causality is where we recognise external causal relations in a change by identifying "… the cause of such a change in time with the external influence of parts of matter acting on one another in space" (Allen & Stoneham, 2011, p. 211).

Causal judgements are empirical judgements, where we seek to recognise external causal relations in a change by the application of our *a priori* knowledge of time and looking backwards.

Moral judgements:

"… consciousness of freedom of the will, whereby the will of a rational being that, as belonging to the sensible world cognizes itself as, like other efficient causes, necessarily subject to laws of causality, yet in the practical is also conscious of itself on another side, namely as a being in itself, conscious of its existence as determinable in an intelligible order of things – conscious of this not, indeed, by a special intuition of itself but according to certain dynamic laws that can determine its causality in the sensible world; for it has been sufficiently proved elsewhere that freedom, if it is attributed to us, transfers us into an intelligible order of things" (Kant & Gregor, 2015, p. 37 5:42).

Moral judgements, beliefs about how we should act, or not act, to conform to moral laws, are made by analogy. Living beings change through time, so fall under causal laws in the natural landscape. We can, by analogy, look at our moral landscape as though it obeys moral laws the way nature complies to the laws of nature. The journey to moral perfection progresses over time – the development of natural capacities takes place not in each individual but over generations. At any one time individual actions may seem "confused and fortuitous" (Kant & Reiss, 1991, p. 41). Moral judgements are made to determine behaviours that will lead to virtue and to virtuous communities. Moral non-theoretical judgements look forwards, they are judgements of hope for improvement through time and are where freedom of choice enters the phenomenal world, allowing actions which influence the progress of society.

Teleological judgements:

"Nature has placed in all living organic beings no more predispositions than what they can make use of. The faculties, their organs, are not given any larger than they can make use of. It would be absurd to assume dispositions in nature

of which no use can be made. In the animal everything is purposive" (Kant et al., 1997, p. 405 28:766). Kant sees the mechanical laws of causality as necessary for understanding the natural world, but he notes that there are aspects of living things which cannot be explained solely by causal laws. He sees that in the relationship between the parts and the whole of each living thing, cause and effect are interchangeable, the whole determines the parts as much as the parts determine the whole.

Kant says that as well as the mechanical judgements of causality, the judgements that make sense of living things are judgments of utility and purpose, teleological judgements. "… it is an equally necessary maxim of reason not to overlook the principle of ends in the products of nature. For although this principle does not make the mode in which such products originate any more comprehensible to us, yet it is a heuristic principle for the investigation of the particular laws of nature"(Kant & Meredith, 1952, p. 68 §17 (78)). Teleological judgements are not explanatory, they are, like moral judgements, a type of analogy.

We use analogy to cognise a-temporal things, "… transferring the reflection upon an object of intuition to a quite a new concept, and one with which perhaps no intuition could ever directly correspond" (Kant & Meredith, 1952, p. 223 §59). Teleological judgements feel temporal because they are constrained by causal laws: "No human being realizes a priori that there must be purposes in nature, but we can very well realize a priori that there must be a connection in <nature> between causes and effects. As a consequence, the use of the teleological principle is, in the consideration of nature, always empirically conditioned" (Mikkelsen & Kant, 2013, p. 192).

The analogy for teleological judgements is that of utility, they are judgements where analogies applied to living things are taken from the functional uses of manufactured things, for example a knife, which is manufactured for the purpose of cutting. In living things, the whole determines

the parts as much as the parts determine the whole, and the purposes of living beings arise from the things themselves, not an external agent. All the parts of living things have their own function: "What we require, therefore, in the case of a body which in its intrinsic nature and inner possibility has to be estimated as a physical end, is as follows. Its parts must in their collective unity reciprocally produce one another alike as to form and combination, and thus by their own causality produce a whole, the conception of which, conversely, - in a being possessing the causality according to conceptions that is adequate for such a product – could in turn be the cause of the whole according to a principle, so that, consequently, the nexus of *efficient causes* might be no less estimated as an *operation brought about by final* causes" (Kant & Meredith, 1952, p. 21 §4 (65) emphasis in original).

Teleological judgements relate to a present object. They are where we judge the purpose or 'end' of living beings, end as in the purpose of something, not as in the culmination of a progression.

Aesthetic judgements:

"… Kant argues that although aesthetic judgements are based on feelings, their claims to objective validity are not based on these feelings themselves but upon a priori principles of judgment that are preconditions for such feelings" (Kuehn, 2001, pp. 345-346). Aesthetic judgments are disinterested, they are not linked to desire, and they are not really linked to the existence of an actual perceived object, or event, at all. They are subjective, but not in the individual sense of individual taste, subjective in the sense of the 'common sense' of communities, of communal taste. "The judgement is called aesthetic for the very reason that its determining ground cannot be a concept, but is rather the feeling (of the internal sense) of the concert in the play of the mental powers as a thing only capable of being felt" (Kant & Meredith, 1952, p. 71 §15).

Judgements relating to personal gratification are common to both human and non-human animals, but Kant believes the disinterested feelings of the

beautiful and the sublime belong only to humans. Aesthetic judgements result in pleasure, they are immediate, and have a role in Kant's perceiving nature and the moral world as organised and fit for human cognition. Aesthetic judgements are, like teleological judgement, not situated in time, but neither are they in space, they are grounded in community sensibilities. Aesthetic judgements relate to a present subject, and are held in the 'common sense', they are situated in neither time nor space.

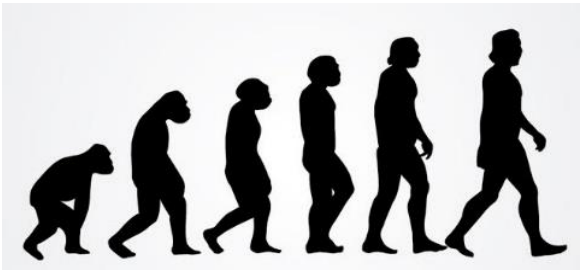
3.3.2 Problems of directionality

Firstly, Kant recognises that within all living creatures, causes and effects are interchangeable, the whole determining the parts as much as the parts determine the whole, and what emerges from this is each creature's unique teleological value. However, with a prejudice of prestige, Kant follows many in considering that we should judge the utility of all living beings not according to their uniqueness but according to their similarity to, or difference from, the human benchmark. This belief that human reason and its products are ideal is not a teleological judgement, it is the appreciation of the sublime to be found in aesthetic judgements: "… the mere dignity of humanity as rational nature, without any other end or advantage to be attained by it - hence respect for a mere idea - is yet to serve as an inflexible precept of the will, and that it is just in this independence of maxims from all such incentives that their sublimity consists" (Kant & Gregor, 1998, p. 46 4:439). And aesthetic judgements are not judgements of objects in the phenomenal world, but ones grounded in human community sensibilities – they are not objective judgements.

Secondly, Kant judges the natural world to be a teleological system and the natural capacities of all creatures to be destined to perfection - all creatures progressively improve. Non-human animals constantly increase their sensible faculties, but they will never achieve rationality, which is the natural capacity of humans alone; "Without man … the whole of creation would be a mere wilderness, a thing in vain, and have no final end" (Kant & Meredith, 1952, p.

108 §25 (86)). Teleological judgements relate to objects in the present. In notes from Kant's lectures on metaphysics, he says "All things are heterogeneous in the transcendental sense and consequently one cannot say in this sense that one thing is more perfect than another. One must therefore look for a certain similarity of things, and then the distinction can be made between the good, best, and the most perfect" (Kant et al., 1997, p. 234 29.937). How does Kant judge that human rationality raises humans above all other non-human animals, if rationality is solely an aspect of being human? What is the 'certain similarity of things' that is being judged when rational humans are judged the pinnacle of creation?

Thirdly, a consequence of humans being viewed as the pinnacle of creation, is observing current non-human species to inform palaeoanthropology, i.e. using an existing species as a mere reflection on humanity's rise to pre-eminence: " … the thought that upon major upheavals in nature this second epoch might be followed by a third, when an orang-utan or a chimpanzee developed the organs used for walking, handling objects, and speaking into the structure of a human being" (Kant & Louden, 2006, p. 238). In this observation, Kant expresses a perspective which is the foundation of much primate research, even today. As Emiliano Bruner describes in his *Zira's kiss*, "We use chimpanzees and monkeys as models of human ancestors, as primitive models, in laboratories, and in drawings in books on evolution, forgetting that a current species cannot be anyone's ancestor" (Great apes and their basic rights, 2019, p. 103).



Human Evolution Silhouettes image.

Figure 2 "If we are at the end of that progression, there are only two possibilities for the others: to be like us, or something less. Like us or worse"- Emiliano Bruner

Summary of Discussion of Kant's Three Critiques

Rational beings make sense of the phenomenal world through their unity of apperception and their sense of a continuing self. They make judgements based on intuitions and concepts, recognising the natural world as orderly and conforming to natural laws. If rational, a being desires the *summum bonum* and can be the author of universal moral laws. We have moral duties through our respect for moral laws, and for the rationality that authors them. Aesthetic judgements, disinterested feelings of the beautiful and the sublime, enable rational beings to appreciate the rightness of moral laws.

Kant teaches us to value and respect in others what "transcends the boundaries of biological humanity and attaches to all rational beings" (Neumann, 2000, p. 288). His scheme includes all rational beings, both terrestrial and extra-terrestrial, and terrestrial non-rational animals. His judgements about humans being dis-continuous from and superior to other living terrestrial beings, can be viewed as invalid within Kant's system itself: Kant's reverence for human rationality, his feelings of sublimity in the face of moral maxims, is grounded in human community sensibilities - yet he judges non-human animals to be irrational by this benchmark, not impartially as required by his scheme. Kant separates humans from non-human animals, teaching they are dissimilar. He then judges the former to be superior. But he teaches that to judge things in relation to each other there must be a similarity between the things being judged.

There is a misapprehension of objects in space and time when humans are judged to be superior to all non-human animals due to their imagined place as the pinnacle of evolution, which gives the incorrect impression that more recently evolved beings are better and earlier ones are lesser beings. We infer our own inner cognitive functions to other humans based on our experience of their behaviours. Kant doesn't extend the same logic to non-human animals based on their behaviour. This can be seen as a failure of imagination. Using the

piano recital analogy, it is accepting only a Beethoven sonata as proof of musical composition, not any other ordered sequence of notes. Key to the failure to consider non-human animals in the Kantian moral landscape, is their being relegated to being things; to their not being considered as fellow agents who use their universal rational faculties to form their experiences of the phenomenal world. In the next section I will look at some of Kant's concepts key to <rationality>, and I will consider them as part of the sphere <general rationality>.

PART FOUR The Importance of Concepts

Scope

"Thoughts without content are empty, intuitions without concepts are blind" (Kant et al., 1998, pp. 193-194 B76). A being's understanding requires their perceptions to conform to categories of concepts so they can be united into a cohesive view of the phenomenal world. The categories of the understanding are themselves pure concepts[11] that "amount to the various ways in which the human mind organizes, or binds together, the spatio-temporal manifold" (Wicks, 2013, p. 71). They are the basic logical forms that the mind necessarily employs to understand the world, necessarily because "… all synthesis, through which even perception itself becomes possible, stands under the categories, and since experience is cognition through connected perceptions, the categories are conditions of the possibility of experience, and are thus also valid a priori of all objects of experience*"* (Kant et al., 1998, p. 262 B161).

If non-human animals are to be included in Kant's moral landscape, as moral agents not just objects, non-human animals must have some form of conceptual understanding. As we saw in *Part One*, Kant teaches that non-human animals are only receptive to appearances, objects conditioned by time and space but not cognised via categories, so they are conscious in the sense of being aware of appearances, but do not have the "**spontaneity** of cognition" (Ibid. p. 193 B75 emphasis in original) that is understanding. As we saw in his letter to Marcus Herz, Kant believes that non-human animals 'disport themselves with regularity' without the least awareness of their own states. This belief about non-human animals is part of Kant's concept <non-human animal>,

[11] The pure categories are:

quantity includes the concepts of unity, plurality, totality.

quality includes the concepts of reality, negation, limitation.

relation includes inherence/subsistence, causality/dependence, community.

modality includes possibility/impossibility, existence, necessity.

or more precisely his concept <human>, for when exploring the sphere of a concept we define what something is by determining what it is not, and Kant's scheme was an examination of the grounds of human experience. In this section I will explore Kant's theory of concepts in more detail.

4.1 Concepts

Kant determines that the possibility of conscious experience depends on the combination of three things: a being's sense being affected by the appearances of unknowable things-in-themselves; an ability to synthesise and hence understand what is sensed; and the faculty of apperception to contextualise what is sensed into the experience of a coherent world. A being who can demonstrate this combination is a rational being. Key to Kant's process of having conscious experiences are concepts. Cognition is a staged process, when a presentation is first perceived, it is unconscious and obscure. When a subject becomes conscious, the presentation is at first indistinct – an intuition. There may be connected intuitions that remain indistinct; there is no pulling together in the understanding. This is where concepts are required, and the matter and form of concepts differ: "In every concept there is to be distinguished *matter* and *form*. The matter of concepts is the *object*; their form is *generality*" (Kant, 1988, p. 96 emphasis in original). Form is the discursive mind picking out general marks that objects have in common. Concepts are either 'given' or 'made', and they are either *a posteriori* (received through experience) or *a priori* (part of our logical understanding).

4.2 Given concepts

'Given *a posteriori* concepts' (empirical concepts) are experiential: "The reality of these concepts rests on actual experience" (Kant, 1988, p. 97). For example (<the colour red>, <dog>). Kant calls 'given *a priori* concepts' notions (Ibid. p. 99). For example (<causality>, <plurality>).

4.3 Made concepts

Made concepts are constructed as the result of our choices. The form of all concepts is made, as concepts are general and potentially apply to many objects: "The form of a concept, as of a discursive presentation, is always made" (Ibid.). Sophie Cote explains 'made *a posteriori* concepts' as follows: "On my reading, <essence of cinnabar = (S+P+M)+M+[(W+S)+P]+(W+S> is a made a posteriori concept. In contrast, < cinnabar = red, heavy, mineral> is a given a posteriori concept." (Cote, 2017, p. 13). And Kant gives an example "… the nature of metal is thus a concept made a posteriori" (Kant & Young, 1992, p. 357).

An example of a 'made *a priori* concept' is a mathematical form, (<triangle>). Concepts which are made up of notions (see above), with no empirical input are ideas: "A concept made up of notions, which goes beyond the possibility of experience, is an **idea** or a concept of reason" (Kant et al., 1998, p. 399 B377 emphasis in original). Ideas point beyond nature to some transcendent realm. For example, God, immortality, and freedom.

4.4 Concepts and definitions

"All definitions are either analytic or synthetic. The former are definitions of a *given*, the latter of a *made* concept" (Kant, 1988, p. 141 §100 emphasis in original). We can attempt to define given concepts analytically, as the intension of a concept is made up of a finite number of concepts falling within it. This analytical definition will always be an approximation, as we can always learn more about given concepts through scientific study, which might change the intension. Where the construction of spheres of concepts finds those concepts that fall beneath others, they are considered 'made' concepts, as they are made through synthesis.

In the process of the synthesis of concepts we expand our given intuitions by first cohering them into a concept, and then extending the concept, resulting in an infinite number of concepts falling beneath it. As the possible expansion of the sphere of a concept is endless, we can never arrive at a definition of a

made concept by synthesis. The only concepts we can define are 'made *a priori* concepts', as their construction is their definition.

As noted above, when a presentation is first perceived, it is unconscious and obscure. When a subject becomes conscious, the presentation is at first indistinct – an intuition. If a house is observed in the distance, it will remain disconnected, individual perceptions of, for example, the shape of the house, windows, doors etc. It is consciousness that makes an obscure presentation clear, via the application of the logical categories, which supply the rules of thinking. These rules connect the first intuition, a house, with the various further, still indistinct, intuitions (windows, doors etc.), to spontaneously produce the concept <dwelling furnished for men>. "For, if we did not see the parts, we would not see the house itself either" (Ibid., p. 38).

4.5 The analysis, synthesis, and formation of concepts

The analysis, synthesis, and formation of concepts determine how a subject understands and makes judgements about her world. In his rules of general logic, Kant teaches us how we move from a clear concept, <dwelling furnished for men>, whose meaning is unmistakable, to a distinct concept, where the characteristics of the concept have been more fully determined: "All our concepts therefore are characteristics and all thinking is nothing but a presenting through *characteristics*" (Ibid. p. 64 emphasis in original). We use synthesis to better understand concepts: "For all distinctness … of experiential cognition rests on expansion through synthesis of characteristics" (Ibid. p. xxv). These logical processes are part of our cognitive processes, "The principles of logic spell out what the understanding does under ideal circumstances, that is, if nothing interferes with its activity" (Schlösser, 2013, p. [1]).

Kant explains how we expand our concepts by finding further concepts that fall under them, with the first being called *genus* and the lower concepts being called *species*. These lower concepts can have further concepts in a *species* relationship to themselves, and this can continue until: "There is a genus

that can no longer be a species; but there is no species that can no longer be a genus" (Kant, 1988, p. 104). This process of endless possibility means that concepts can always be refined and reconfigured. And we can construct concepts that, through further observations of the phenomenal world, can be found to be erroneous.

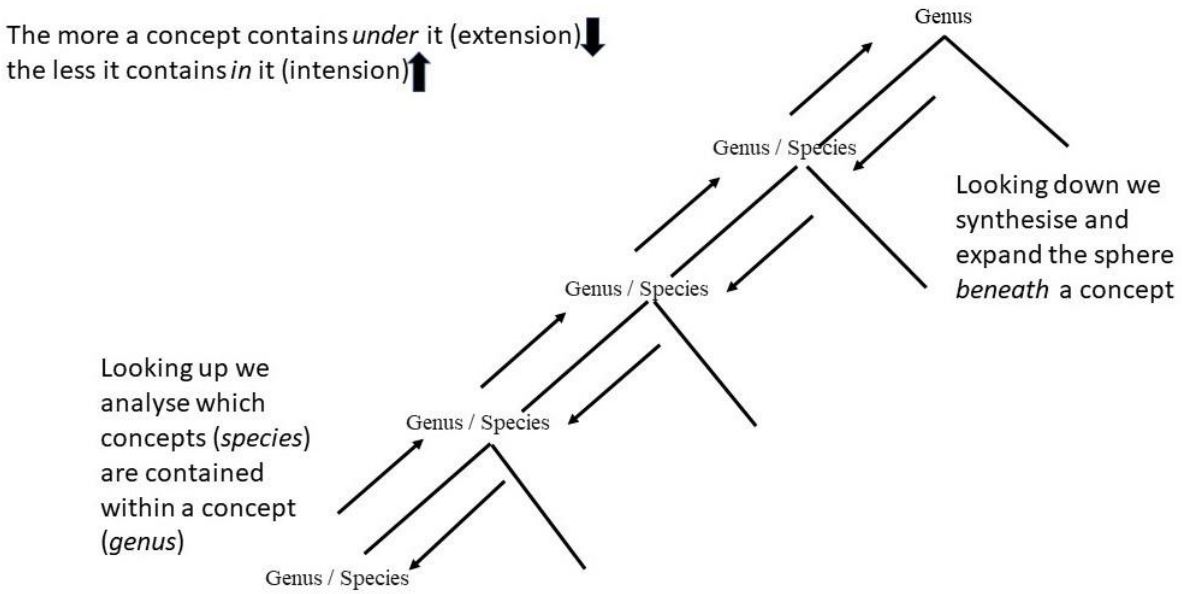


Figure 3 The analysis and synthesis of concepts

"To dissect a concept and to divide it are two very different things. In dissecting the concept I see what is contained *in* it (through analysis); in dividing it I consider what is contained *under* it. Here I divide the sphere of the concept, not the concept itself. The division, far from dissecting the concept, rather adds to it through its members, for they contain more within them than does the concept" (Ibid. p. 147 emphasis in original). Kant warns that "This schematism of our understanding with regard to appearances and their mere form is a hidden art in the depths of the human soul, whose true operations we can divine from nature and lay unveiled before your eyes with difficulty" (Kant et al., 1998, p. 273 B181). So, we are in murky territory, but one thing we can see clearly is the opportunity for prejudice to enter Kant's processes of analysis and synthesis, and to be reflected in judgements based on concepts. Kant urges

us to be constantly vigilant, “It is harmful to know some rational cognitions merely historically” (Kant, 1988, p. 26).

When exploring the sphere of a concept we judge both what it is and what it is not, what can be denied without contradiction. The *a priori* primary division is the dichotomy ‘It is A’ / ‘It is not A’: “… dichotomy is the only division out of principles *a priori* – thus the only *primary* division” (Ibid. p. 148 emphasis in original). In an example of constructing the concept <human>, Andrew Janiak (Janiak, 2020, p. para. 3.3), maps the expansion of the concept <being> as follows:

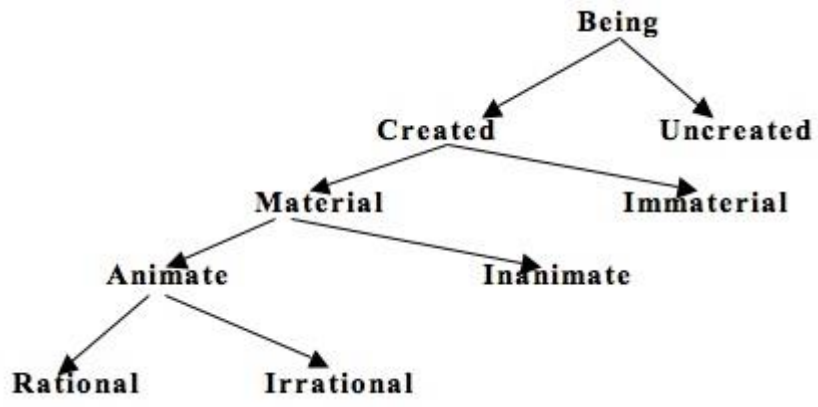


Figure 4 Constructing the concept <human>

Explaining: “To construct the concept <human>, one puts together the concepts <rational>, <animate>, <material>, <created>, and <being>. To formulate or to grasp the concept <human> just is to grasp these constituents.”

The concept <being> is a *genus* which when expanded has lower *species* concepts falling under it. The intension of a concept is made of the concepts of which it is constituted. The intension of the concept <human> is therefore of a rational animate material created being. In the following sections, I will use this process to explore some of the key concepts of Kant’s scheme. I will also expand some of our Western concepts to see what concept sphere they really define.

Summary

Intuitions are pulled together in the understanding by the application of concepts, both given and made. This necessary application of the logical forms of the mind entails that our understanding is grounded in our concepts. If our concepts are erroneous, our judgements based on our understanding will also be misguided. The technicalities of how we apply form to our experiences is "a hidden art in the depths of the human soul" (Kant et al., 1998, p. 273 B181). There is the opportunity for prejudice to enter our construction of concepts.

Part of the process of concept construction is the primary logical division 'It is A' / 'It is not A'. There is the danger of constructing some concepts through the determination of what they are not, and hence collaterally constructing the latter concept without due consideration. For example, in dividing the *genus* <being> to construct the concept <human> as rational and not irrational, thereby constructing the concept <non-human animal> as irrational.

In the next section I will look at key concepts in *The Critique of pure reason*, in *Part Six* I will look at some Western concepts in the sphere of <chimpanzee>, in *Part Seven* I will look at key concepts in *The Critique of practical reason,* and in *Part Eight* I will look at <language> and <imagination>. I will work towards constructing alternative concepts to underpin an alternative to Kant's scheme, an alternative that will include some, if not all, non-human animals.

PART FIVE Key Concepts – *Critique of Pure Reason*

Scope

In this section I will look at three concepts key to Kant's view of understanding: <rational being>, <apperception>, and <inner sense>. I will broaden them to allow the inclusion of some non-human animals as rational beings. Kant teaches that rationality is a general concept, but it just so happens, unfortunately in his view, that the only instance we know of it is in the human experience. His concepts can be generalised to give the general concept of rationality that Kant desires.

5.1 <rational being>

We have seen how important the concept <rational being> is to Kant and his philosophy: "Nature gave man reason, and freedom of will based upon reason, and this in itself was a clear indication of nature's intention as regards his endowments" (Kant & Reiss, 1991, p. 43). Kant distinguishes the teleological or purposive predispositions of all animals, from the extension of faculties which raises humans up beyond the mundane: "Nature has placed in all living organic beings no more predispositions than what they can make use of … In the animal everything is purposive. With a human being it is otherwise, for he can extend his faculties, raise himself up to the nebulae, feel himself called to ponder over them, but he can make no use of this in life, other than that he knows this" (Kant et al., 1997, p. 405 28:766). Our prevalent paradigms regarding life forms differ from that of Kant in the 18th Century. Our current paradigm is that evolution is the gradual change in organisms at the genetic level due to random genetic alterations.

Genetic alterations that lead to organisms being more adapted to their changing environments will persist, over time this can create new species. When looking at the purpose of a specific characteristic of an organism, we are asking why, in combination with the environment, that characteristic has helped

the whole organism prevail[12]. We are not asking about the design of that characteristic as an advantageous add-on to the whole. In a collection of articles, Carlo Rovelli puts it thus: "It is like asking why there are doors attached to handles. There can be no reason for attaching a door to a handle. But there is good reason to attach a handle to a door. Living things do not possess adaptable structures for mysterious reasons: it is only those that have adaptable structures that are living in the first place" (Rovelli, 2020, p. 94),

Kant saw the purpose of humans is grounded in their rationality, and that the lofty heights that the extension of rationality allows us to scale is of no use in the phenomenal world. Looking at rationality as a selected variation, we can concur with Kant that rationality gives the phenomenal world its form, comprehensibility, and limits. And that the purpose of rationality includes enabling beings to make sense of their environments; to navigate and articulate the phenomenal world of experience. We can also judge the adaptation of extended rationality allows a being to understand the motives, emotions, and intentions of others. Rationality enables beings to make sense of their environments; to navigate and articulate the phenomenal world of experience; and allows beings to form complex relationships with others - to create communities. And the more complex the communities, the more extended the potential reach of the rational faculties.

These abilities are shared by many animals; all animals need to have a sense of their environment and the limits of themselves within it. Recall from *Part Three*, Kant teaches that "One must therefore look for a certain similarity of things, and then the distinction can be made between the good, best, and the most perfect" (Kant et al., 1997, p. 234 29.937). The 'certain similarity of things' across many types of animals is their ability to negotiate and articulate their environments, and to form communities. How these are demonstrated is

[12] An exception to this is pleiotropism, where a single gene can affect more than one trait, and it is possible that only one of those has been selected for.

unique to each type of being. The matter of each type of being's rationality will vary, the form is universal. Thinking again to our piano analogy, no matter how simple a piece of piano music, it is still evidence of composition.

Janiak's concept construction for <human> above determines that <human> is <rational> and not <irrational>. By default the concept <irrational> sits within the concept <non-human animal>, with a human being "… an entirely different being from *things*, such as irrational animals, with which one can do as one likes" (Kant & Louden, 2006, p. 15 §1 emphasis in original). A Kantian analysis of the marks of <rationality> might include:

Kantian pure rationality	**Kantian practical rationality**
• Unity of apperception • Inner sense • Higher cognition • Having an "I" in representations	• Coherent phenomenal world • Ability to judge and plan • Freedom to create and abide by maxims – creation of just societies

All these marks are derived from Kant's description of human rationality. We can judge Kant's views on the possibility of experience from our own point of view. We can infer that other humans experience the world similarly to ourselves. Kant's scheme is intended to apply to all humans. We can however generalise the marks of rationality to avoid this prejudice of human inner processes, to the external marks of inner processes as in the following table:

Generalised pure rationality	Generalised practical rationality
• Apparent coherent world view enabling negotiation of environment • In relationships of some complexity with others, including communication • Apparent grasping of causal relationships enabling planning through time	• Acts independently • Structured societies • Co-operative endeavours

Ignoring any human/rational, non-human/non-rational divide, we can infer rationality for any beings displaying the marks of rationality above. The key ability, the one that displays a form of rationality and underpins co-operative communities, is an ability to negotiate and articulate an environment. We now can use Kant's scheme to re-construct the concept <rational being>, from the sphere of the concept <being>, using Janiak's model as a basis:

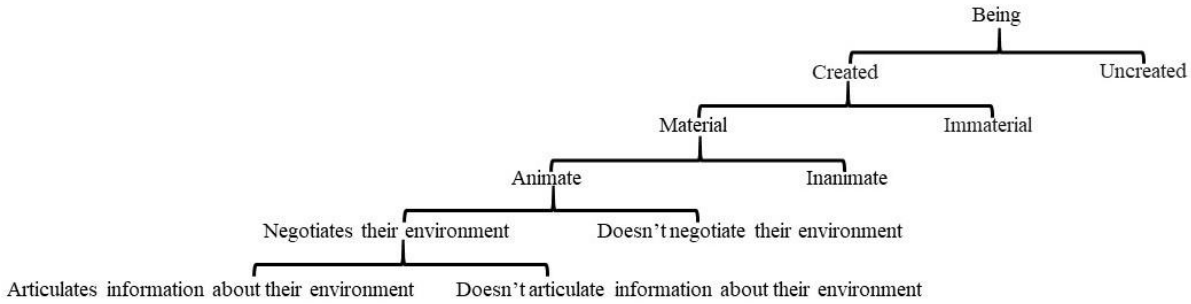


Figure 5 Constructing the concept <rational being>

To construct the concept <rational being>, we would put together the concepts <articulates information about their environment>, <negotiates their environment>, <animate>, <material>, <created>, and <being>. To grasp the concept <rational being> is to grasp that any animate material created being who can negotiate and articulate its environment is a rational being. If all beings

who negotiate and articulate their environments have their own form of rationality, those forms of rationality would be ‘nature's intention as regards their endowments’, just as Kant allows for humans: “Nature gave man reason, and freedom of will based upon reason, and this in itself was a clear indication of nature's intention as regards his endowments” (Kant & Reiss, 1991, p. 43)

5.2 <apperception>

If we accept that all living beings who navigate and communicate their environments have rationality, we must then consider that they also have the faculties required to be a <rational being>, the faculties required to understand their environments. Kant teaches that there are three original sources for the possibility of experience: “***sense, imagination*** *and* ***apperception***” (Kant et al., 1998, p. 225 B127 emphasis in original). I have already noted there are three different forms of apperception. Pure apperception “yields a principle of the synthetic unity of the manifold in all possible intuition” (Ibid. p. 237 A117), it is the *a priori* transcendent pre-condition of experience, it is the subject of experience, it is identity. Empirical apperception is the experiencing of the world.

Synthetic apperception is the pulling together of representations into understanding: “the understanding is not itself a faculty of intuitions, and even if these were given in sensibility cannot take them up **into itself**, in order as it were to combine the manifold of **its own intuition**, thus its synthesis, considered in itself alone, is nothing other than the unity of the action of which it is conscious as such even without sensibility, but through which it is capable of itself determining sensibility internally with regard to the manifold that may be given to it in accordance with the form of its intuition” (Kant et al., 1998, p. 257 B153 emphasis in original). This is consciousness.

5.3 <inner sense>

Kant describes two different types of consciousness. The first is a generalised experience of being alive: “If the representation of apperception, the I, were a

concept through which anything might be thought, it could then be used as a predicate for other things, or contain such predicates in itself. But it is nothing more than a feeling of an existence without the least concept, and is only a representation of that to which all thinking stands in relation (*relatione accidentis*)" (Kant & Hatfield, 2004, p. 86 4:334, emphasis added). This is the consciousness of pure apperception. The other type of consciousness is that of being conscious of something, an object, a feeling, a state-of-affairs. For the latter, intentionality, our cognitive processes require <inner sense>, from now on 'consciousness' refers to this phenomenal consciousness.

Inner consciousness, conscious thought, and the conscious sense of a person persisting through time is provided by the affecting of inner sense; "hence we must order the determinations of inner sense as appearances in time in just the same way as we order those of outer sense in space; hence if we admit about the latter that we cognize objects by their means only as we are externally affected, then we must also concede that through inner sense we intuit ourselves only as we are internally affected **by our selves**, i.e., as far as inner intuition is concerned we cognize our own subject only as appearance but not in accordance with what it is in itself" (Kant et al., 1998, p. 259 B156 emphasis in original). This is self-affection.

We become self-aware through self-affection of our inner sense. There is disagreement about what Kant means when he discusses inner sense and outer sense. I find Yibin Liang's interpretation convincing, where a being's consciousness of experience is experienced as inner sense: "… outer sense delivers, in addition to spatial form, the sensory content of outer experience, whereas inner sense provides, in addition to the temporal form, phenomenal consciousness that pertains to the sensory contents of outer sense" (Liang, 2020, p. 317). Inner sense is not consciousness, inner sense "contains the mere **form** of intuition, but without combination of the manifold in it" (Kant et al., 1998, p. 258 B154 emphasis in original). Inner sense is what is affected by the

understanding: “The understanding therefore does not **find** some sort of combination of the manifold already in inner sense, but **produces** it, by **affecting** inner sense” (ibid p. 258 B155 emphasis in original).

“… however much animal souls increase in their sensible faculties, consciousness of their self, inner sense, still cannot be attained thereby” (Kant et al., 1997, p. 87 28:276). Kant explains this position by pointing out, as we saw in *Part One*, appearances, objects positioned in space and time, are presented to the mind, prior to their being judged and understood. We can imagine responding to these appearances given in intuition with no recourse to an inner sense, just using the faculties of outer sensibility, “But if one wanted to introduce phenomena which can be explained merely from outer sensibilities, then one could explain the whole empirical psychology of animals quite well” (Ibid. p. 88 28:277). But, within Kant’s scheme, I don’t think we <u>can</u> explain ‘animal empirical psychology’ without reference to apperception and inner sense. This is the table from *Part One*, where Kant describes a 7-step process of cognition (Kant, 1988, p. 71):

An object is presented as an appearance →	All conscious beings
There is consciousness of the presentation →	All conscious beings
The object is compared to others regarding identity/disparity →	All conscious beings
There is spontaneous consciousness of a process of cognition – a thought →	Only rational beings
Understanding occurs via concepts →	Only rational beings
Reasoning and insight →	Only rational beings
Comprehension →	Only rational beings

We can see the two stages of consciousness here (level 2 and level 4), and one interpretation is that level 2 consciousness is that with non-conceptual content; there would be an undifferentiated consciousness of existing, but no understanding of objects in outer or inner sense. If we consider non-human animals who negotiate and articulate their environments, they need to have intentional thoughts and concepts to do so. To address Kant's view that all non-human animals lack inner sense, Yibin Liang attempts to allow non-human animals a form of understanding: "In other words, inner sense in the strong sense provides humans not only with empirical intuitive consciousness of their mental states; in such consciousness, humans are also (either clearly or obscurely) aware of these states as their own. In contrast, animals' quasi-inner-sense is detached from pure apperception and understanding. By means of quasi-inner-sense, animals can solely be sensibly aware of their inner states without being able to ascribe them to an "I." Kant's remarks only deprive animals of the sophisticated cognitive capacity of self-ascription; the sensible nature of inner sense to effectuate sensible awareness of mental states and phenomenal awareness remains preserved" (Liang, 2020, p. 36).

I think even such a 'quasi-inner-sense' is not sufficient. It is true we can imagine beings who operate effectively with no inner sense, having no concept of 'I', no thoughts. And Kant taught that as we can imagine this state of no inner sense, it must be the state of <u>all</u> non-human animals. Not only is this not necessarily true, but some commentators (for example Jonas Indregard[13]) have pointed out it may not be possible within Kant's scheme. We have seen that an appearance (an object of experience) is conditioned by the *a priori* intuitions of space and time before concepts and categories are applied. This conditioning

[13]I will describe Indregard's views of <u>when</u> inner sense must be affected to ensure understanding. Indregard excludes what he terms 'non-rational animals' from his scheme, on the grounds that non-human animals differ from humans regarding their power of choice. Saying that for humans self-affection is a contributing factor to the determination of choice, where for non-human animals it completely determines choice (Indregard, 2017, p. 636n), I will discuss this further in *Part Seven*.

results in the perceiver being cognisant of objects, but not cognising them. For the latter, our inner sense being affected by a spontaneous consciousness of the cognitive process – a thought – is required (i.e., Level 4 consciousness above).

Indregard points out that an activity of 'affecting our inner sense' is required before the pure intuitions of space and time can arise. Put very roughly: the purpose of inner sense is to allow the recognition that perceptions are the perceptions of the subject, that there is a persisting self which gives coherence to its world. The understanding, spontaneous consciousness, determines inner sense "That which determines the inner sense is the understanding" (Kant et al., 1998, p. 257 B153). The understanding's determination of inner sense is via self-affection. Indregard believes self-affection is required prior to our intuitions of space and time, which are applied prior to the application of concepts.

Only if there is self-affection prior to the intuitions of space and time, is it guaranteed that all intuitions given in inner sense will be in accord with our apperception, the 'pulling together of representations' that gives us our coherent view of the world. Indregard explains: "… the pure intuitions of space and time, like the categories, are produced by understanding's spontaneous activity – but with a crucial difference: While the categories are produced *immediately* by the understanding and hence determined solely by it, the products of self-affection are only *mediately* produced by the understanding (via its influence on inner sense), and hence also partly determined by the contribution of the inner sense" (Indregard, 2017, p. 635).

This differs from the usual interpretation that all intuitions are singular, immediate representations of objects or states. Pure concepts and categories exist inside us as conditions of knowledge, as do the pure intuitions of space and time. But Indregard is saying that while the categories are pure and applied immediately to representations, space and time in part require the mediation of understanding to ensure objects or states are accurately perceived initially, in

readiness for them to be categorised. And this accuracy of perception would be a requirement for all beings who navigate through space and time.

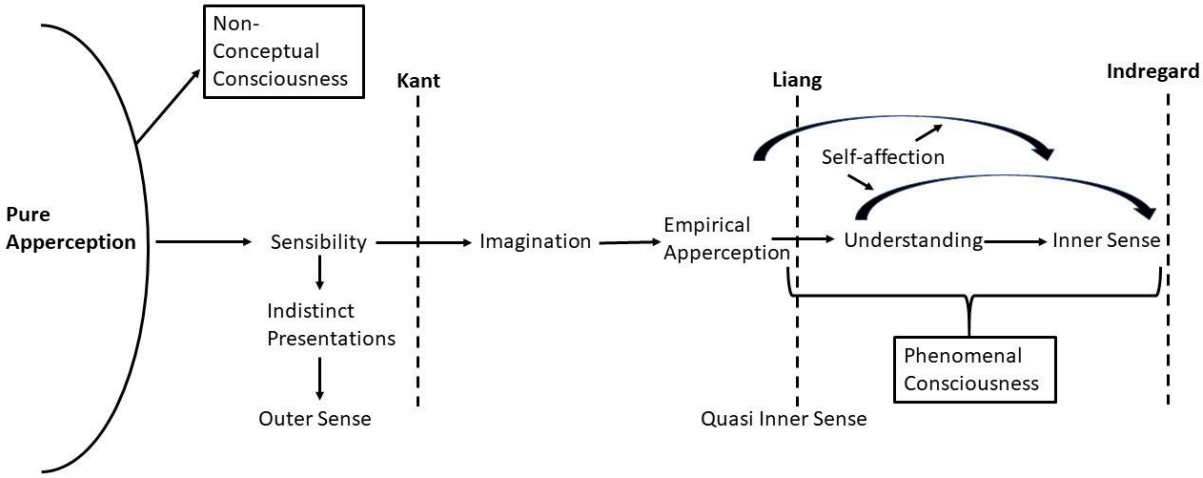


Figure 6 The human / non-human animal cognitive divide

The dotted lines on this diagram are the human / non-human animal cognitive divide according to whether you use the Kant, Liang or Indregard model of the possibility of experience.

As we saw in *Part Three*, Kant sees that in the relationship between the parts and the whole of each living thing, causes and effects are interchangeable, the whole determines the parts as much as the parts determine the whole, this applies to all living things. I reconstructed <rational being> from the realm of animate beings, as being those who can navigate and articulate their environments. To navigate and articulate their environments, beings need, at least, to have a sense of their environment and the limits of themselves within it; they need to recognise that their cognitions belong to them, and where the boundary is between themselves and the rest of the world. In other words, they need to recognise that perceptions are the perceptions of the subject, that there is a persisting self which gives coherence to its world.

Inferring from empirical observation, as Kant does for humans[14], we can say that any animate material created being that can negotiate and articulate its environment is a <rational being>. Any <rational being> has <inner sense>, as post-sensible intuition processes of cognition affect inner sense, a process that produces the feeling of personal continuity; a point of view which allows phenomena to be brought together in space and through time, as the sense of self persists, into a coherent world, i.e., unity of <apperception>. Our re-constructed concept of <rational being> would require both <inner sense> and unity of <apperception>[15]. Without this any creature would be faced with disconnected and incoherent intuitions, and they would therefore be unable to accurately negotiate and communicate their environment.

Any <rational being> requires <inner sense> and unity of <apperception>. Nevertheless, even those who allow this still attempt to explain non-human self-consciousness in human terms. One of my favourite examples is that of John Locke considering oysters: "But yet I cannot but think there is some small dull perception, whereby they are distinguished from perfect insensibility. And that this may be so, we have plain instances, even in mankind itself. Take one in whom decrepit old age has blotted out the memory of his past knowledge, and clearly wiped out the ideas his mind was formerly stored with, and has, by destroying his sight, hearing, and smell quite, and his taste to a great degree, stopped up almost all the passages for new ones to enter; or if there be

[14] We infer this for ourselves too: being rational is having the ability to "connect all appearance, actions, and receptivity of our mind to the guiding thread of inner experience **as if** the mind were a simple substance that (at least in this life) persists in existence and personal identity, while its states – to which the states of the body belong only as external conditions – are continuously changing"(Kant et al., 1998, p. 606 B700 emphasis in original). So, we infer our own faculty of rationality from our experience of having experiences.

[15] As we have seen, Kant also talks of the transcendental unity of apperception, which is *a priori*, preceding experience. He explains how this differs from empirical unity of apperception: "The 'I' of reflection contains no manifold in itself and is always one and the same in every judgment, because it is merely the formal element of consciousness. On the other hand, *inner experience* contains the material of consciousness and a manifold of empirical inner intuition, the 'I' of apprehension (consequently an empirical apperception)" (Kant & Louden, 2006, p. 32 §7 emphasis in original).

some of the inlets yet half open, the impressions made are scarcely perceived, or not at all retained" (Locke, 1690, p. para. 14 Chapter IX).

Self-consciousness arises through our interactions with the world. All creatures that exist have characteristics adapted to their environments and lifestyles. Kant teaches that "All the natural capacities of a creature are destined sooner or later to be developed completely and in conformity with their end" (Kant & Reiss, 1991, p. 42). We now consider that the attributes of creatures have been selected for their adaptive utility. Each creature has the level of rationality and consciousness required to be that creature. Kant holds that there are different levels of consciousness, even within one human being, saying: "there are infinitely many degrees of consciousness down to its vanishing" (Kant et al., 1998, p. 449n B415). Going back to Locke and his oysters, he was probably right in that there are many creatures that have minimal inner sense when compared to others, but all could have exactly the amount required to be that creature.

I suggest that the higher cognitive faculties of rationality: reason, understanding, and judgement, must apply to each of the many types of non-human animals who navigate and articulate their environments. Recall the piano music analogy: the piano is constant sensibility, the varying skills of pianists the variety of matter. The resulting material property might be a Beethoven sonata, something as simple as *Twinkle Twinkle Little Star*, or something as complex as Chopin's *Winter Wind* - each would indicate the presence of composition (unity of apperception). Non-human animals who navigate and articulate their environments will vary in the matter of their concepts, their communities, and their behaviours, but share the form of their rationality. Non-human animals, like humans, are active agents in creating the phenomenal worlds they experience.

Summary

All animals need to have a sense of their environment and the limits of themselves within it. Those who negotiate and articulate their environments need to have intentional thoughts and concepts to do so. To navigate and articulate their environments, animals need, at least, inner sense and unity of apperception. The ability to navigate and articulate environments is a mark of a <rational being>, and the extension of rational faculties allows beings to form complex communities. The more complex the community, the greater potential reach of rational faculties. The form of rationality is universal, but how rationality is demonstrated is unique to each type of being.

The example of a non-human rational being I am going to describe is the chimpanzee. I am going to be considering concepts key to Kant's *Critique of practical reason*, to further my project of placing chimpanzees in Kant's moral landscape. But first, I will look at some common Western concepts in the sphere <chimpanzee> and show that they are really in the sphere <human>.

PART SIX Human-Centred Concepts <chimpanzee>

Scope

Chimpanzees inhabit liminal places in the Western mind. They are at the edge of being human; they live, both literally and figuratively, at the boundaries of human habitation. What is often cited as the first European contact with chimpanzees is that recounted by the Carthaginian Hanno: "In the bay was an island similar to the first, having a lake, and in it was another island, full of wild human beings. The majority of these people were women with hairy bodies, whom our interpreters called Gorillai. Although we pursued the men we were unable to catch them, because they all escaped by climbing the cliffs and defending themselves with rocks; but we caught three women, who bit and tore their pursuers since they did not want to go with them. And so we killed them and flayed them and carried off their skins to Carthage"[16].

This is a modern translation of a Greek translation of the *Periplus of Hanno* (a *Periplus* is a record of a circumnavigation, in this case the Western coast of Africa), written in Punic in the fifth century BC. The Greek translation has been the source of descriptions of the incident in other narratives, for example the first century AD Spanish writer Pomponius Mela's *De situ orbis*, and the Roman naturalist Pliny's *Natural history* 77-79AD, in both these works *Gorillai* were interpreted as Gorgons[17]. More recently *Gorillai* have been thought to be chimpanzees, as their range makes chimps more likely than gorillas, and gorillas are named after the name in the *Periplus of Hanno*, not vice versa. But there is always the possibility that *Gorillai* were human beings: "For natural history writers, humanity is a much more capacious category and allows for a much greater variation in bodily appearance and cultural practice than in other genres" (Bosak-Schroeder, 2019, p. 93).

[16] Translation from the Greek by Clara Bosak-Schroeder.

[17] Three sisters of Greek mythology, who had snakes in place of their hair, and the power to turn anyone who looked at them into stone.

The speculations on what type of beings *Gorillai* were, reflect the confusion around the concept <chimpanzee> in the West, due to their having a similar form to that of humans – and now we know we have a close genetic relationship with chimpanzees - we share more than 98% of our DNA. The *Periplus of Hanno* also shows the long history of the Western assumption of ownership, and the resulting extraction of other humans[18] and non-human animals from distant countries for display (entertainment) and research (science).

I have chosen chimpanzees for my arguments for considering non-human animals in Kant's moral landscape, but the arguments like the following could be considered for any non-human animal. In this section, I will look at some of the concepts <chimpanzee> constructed in the West. Recall from *Part Four*, the primary division in the logic of concepts is the dichotomy 'It is A' / 'It is not A'. Many of our concepts relating to chimpanzees are more about what human are not than what chimps are.

6.1 *<Pan troglodytes>*

"… the Lord God formed every beast of the field and every bird of the air, and brought them to the man to see what he would call them; and whatever the man called every living creature, that was its name" (*The Holy Bible*, 1973, p. 3 Genesis 2:19). Naming rights are part of the concept <ownership>.

Chimpanzees entered taxonomic lists in 1776 when the German Physician Johann Blumenbach named the common chimpanzee *Simia troglodytes* in his *De generis humani varietate nativa liber* (On the natural varieties of the human genus). In his tenth edition of *Systema Naturae* (1758), Carl Linnaeus had

[18] Up until the mid-20th century, humans were put on display for entertainment, for example: Sarah Baartman, a Khoikhoi woman from South Africa, was an exhibit in a British freak show in the early 19th century labelled *The Hottentot Venus*; the 1958 Brussels World's Fair included a live display of Congolese men, women, and children. A village was set up, where the Congolese practiced their crafts while they were "mocked by the white men and women who stood at the edge … If there was no reaction, they threw money or bananas over the closure of bamboo" (Boffey, 2018, April 16).
And human remains were also displayed, such as toi moko, which were collected as curiosities from when Captain Cook took an example away with him in 1770. Te Papa Tongarewa / Museum of New Zealand estimates there are still 600 ancestral remains held overseas, most in European institutions. Repatriation efforts continue.

introduced the taxonomic order ‘primates’, and listed various categories of *Homo sapiens*, including *Homo troglodytes*, the description of which is partially based on myth. The genus *Pan* was first introduced by German naturalist Lorenz Oken in 1816, leading to the adoption of *Pan troglodytes* for chimpanzees.

Taxonomy is the systemic approach to naming and classification, and the imposition of limits and boundaries that typify the Western scientific model, the sort of approach that Kant applied to his own system. Taxonomic groupings are reminiscent of Kant’s logical arrangement of concepts, with its *genus* and *species*. In both cases there is a logical scheme that human rationality maps onto the phenomenal world. As we saw in *Part Four*, we expand our concepts by finding further concepts that fall under them, with the first being called *genus* and the lower concepts being called *species*. There is what Kant terms a *conceptus summus*, or what is sometimes called a *summum genus*, which is endlessly expanded through synthesis, with genera being loosely defined through analysis.

In *Part Three* we saw that this impulse to impose unity on the world can end in our judgements getting tangled. “Yet I think it captures an important lesson of Kant’s philosophy of science. Namely, that the explanatory ambition of the empirical sciences is frustrated by the inexhaustible richness of empirical experience” (Cote, 2017). This wealth of experience means that our network of concepts and our taxonomic categories are continually being revised[19]. Misconceptions can arise from the way the taxonomic system is visualised. For a long time, the most common visual analogy for taxonomic relationships was a tree. The image of a trunk leading to branches as it grows through time, is what leads to the linking of ‘more recent’ species with the idea of ‘more advanced’.

[19] As I write this a group of researchers have suggested Dire wolves (*Canis dirus)* be reclassified *Aenocyon dirus,* as they were originally classified on the basis of their having similar skeletons to wolves *(Canis lupus)*, but the groups’ DNA analysis suggests they should have their own lineage (Perri, Mitchell, & Frantz, 2021).

Stephen Jay Gould, discussing one of the first such trees of life, appearing in a work by Ernst Haeckel in 1866, notes that "we draw evolutionary trees within the outline of an inverted cone rising from a pointed apex" and remarks "The shape of the cone necessarily reinforces a view of evolution as leading inexorably upward toward better (not merely younger) things" (Gould, 1997, p. 36). And *Homo sapiens* usually take pride of place at the top of the tree.

6.2 <human superiority> <privileged elite> <ownership>

One result of the misapprehension of linking of 'more recent' species with the idea of 'more advanced', and the visualisation of humans at the top of the evolutionary tree, is, as we saw in *Part Three*, the judgement concerning non-human animals who are contemporaneous with humans - that they are less than humans in development and somehow earlier than them in time. The concept <human superiority> is assumed. The concept of humans at the top of the tree is deeply held. Even the more recent ways of visualising taxonomic relationships, making it clear that humans are just one of many contemporaneous creatures, doesn't necessarily lead to our seeing ourselves embedded in the natural world, with equal standing along with our fellow living beings.

The concept of <human superiority> is not applied to all humans, for example Rebecca Wragg Sykes points out that *Homo sapiens* disparage their fellow, but different, humans, the Neanderthals: "… many stubborn clichés about Neanderthals remain … rather than discussing them for their own sake, Neanderthals are cast as a foil for ourselves" (Wragg Sykes, 2020, p. 364). And these comparisons with *Homo sapiens* always result in *H. sapiens* coming out as superior, despite Neanderthals leading successful and complex lives for approximately 360,000 years[20]. Ernst Haeckel, mentioned above for his visualisation of the tree of life, classified Neanderthals as *Homo stupidus*. But as Wragg Sykes remarks: "… the Neanderthals were never some sort of highway

[20] Neanderthals actually live on in us: "Current data finds between 1.8 and 2.6 percent Neanderthal DNA in everyone except those of sub-Saharan heritage" (Wragg Sykes, 2020, p. 324).

service station on route to Real People. They were state-of-the-art humans, just of a different sort" (Ibid. p. 377).

This dichotomy pitching *Homo sapiens* against other single non-*Homo sapiens* creatures, embedding neither in a complex world full of other beings, affects our concepts of <chimpanzee>. Jon Cohen remarks: "Chimps ... had hit something of an evolutionary doldrums, while humans had caught a strong wind and continued to evolve a wide spectrum of unique features and capabilities" (Cohen, 2010, p. 24). Chimps are considered stationary through time whereas humans are considered dynamic through time and superior in capabilities. This is not to deny that there are plenty of non-human animals who outperform humans in tests of strength and agility, but it is usually held that in cognitive functions humans reign supreme.

However, there are chimpanzees that consistently show superior numerical memory capability compared with humans (Inoue & Matsuzawa, 2007). An example of a high performer is Ayumu, and you can download a game titled *Ayumu* and attempt to match him in the speed and accuracy of his numerical memory, which quickly becomes eye-blurring. Rather than being considered worthy of admiration, Ayumu's achievements are often seen as a threat to <human superiority>. Frans de Waal has described how frustrating this example of chimpanzee cognitive superiority has been: "The distress Ayumu's photographic memory caused in the scientific community was of the same order as when, half a century ago, DNA studies revealed that humans barely differ enough from bonobos[21] and chimpanzees to deserve their own genus" (de Waal, 2016, p. 120).

The concept <human superiority> is theoretically assumed for all human beings, but in practice co-opted by those to whom another concept applies, the

[21] Bonobos (*Pan paniscus*), once called the pygmy chimpanzee, were recognised as a distinct species in the genus *Pan* in 1933, being described by zoologist Harold Jefferson Coolidge Jr.

<privileged elite>. And the combination of these two concepts can cause great harm to less privileged humans, and to the realm of non-human animals. Backed up by Western religious dogma, the concept <human superiority> includes that humans have dominion over the natural world: "Then God said, 'Let us make man in our image, after our likeness; and let them have dominion over the fish of the sea, and over the birds of the air, and over the cattle, and over all the earth, and over every creeping thing that creeps upon the earth'" (*The Holy Bible*, 1973, p. 1 Genesis 1:26). The sphere of the concept <dominion over the natural world> includes the concept of <ownership regardless of possession>.

Recall Kant points out a distinction between ownership and possession, where you can own something without being in possession of it, and you can possess things you do not own. For Kant, the only beings you can't own are other humans - any other thing, including any non-human animal, can be owned, in fact: "It is therefore an a priori presupposition of practical reason to regard and treat any object of my choice as something which could objectively be mine or yours" (Kant & Gregor, 1996, p. 1758 kindle location 6:247). This assumption of general ownership of all non-human animals underpins the decisions many humans make on animals' behalf, whether 'good' conservation decisions or 'bad' commercial decisions. Deciding what should happen to something you don't possess is an assumption of ownership.

Chimpanzees are regarded by conservationists as an <umbrella species>, the conservation of which protects all the species that make up their ecological habitat. Conservationists draw up plans of what should and shouldn't be done to chimpanzees, both to protect them and to protect their habitat and fellow residents. I am not suggesting that many conservation decisions are not beneficial, or that they are not made with the best interest of the non-human animals and their environments in mind. I am just pointing out that conservation decisions assume ownership, or at least the right of control, on the part of humans. And this assumption of ownership can affect local conservation efforts.

Emily Otali, Field Director of the Kibale Chimpanzee Project, Uganda, told Jon Cohen it was difficult to enlist local support for chimp protection, as "People look at chimps as belonging to the white people" (Cohen, 2010, p. 309).

As mentioned above, two concepts are required here, one the concept of <human superiority>, and with it being a member of the <privileged elite>, those agents with the power to exert ownership rights. A construction of <privileged elite> might include that they are those who assume dominion over the natural world, and ownership rights over all resources and animals, unless those places and resources are already the 'property' of others who the agent considers to also be members of the <privileged elite>. These concepts underpin our conceptualising of chimpanzees, which can be seen in the following concepts.

6.3 <savage beast> / <uncanny child> / <pet chimpanzee>

For the West, chimpanzees fit into the concept <savage beast> - wild, large, and strong (compared to humans) non-human animals[22]. Chimpanzees "… remind us of an evolutionary history that it seems we would like to forget, and they are a former competitor for food and territory to boot" (Linden, 1986, p. 233). Humans evolved among savage beasts, probably first hiding from them, then competing with them, and finally hunting them. They were endemic through Europe. Eventually the West encountered exotic savage beasts, such as chimpanzees, from reports and specimens coming from foreign lands.

As we saw above., the *a priori* primary division in the logic of concepts is the dichotomy 'It is A' / 'It is not A'. <savage beast> is a concept which helps define the concept <rational human>. As in Janiak's mapping of the concept

[22] Wildlife documentaries disproportionally highlight aggression among chimpanzees, rather than focus on the peaceful aspects of their existence. For example, the recent BBC *Dynasties* episode on chimps, featuring a group of chimpanzees in Senegal. The documentary details the struggles of David, the alpha male, to retain his status in the face of challenges from his rivals. It is not an inaccurate description of events in chimpanzees' lives, but "Scientific data shows that chimpanzees spend the vast majority of their time – roughly 99% of their natural lives - in peace" (Safina, 2020, p. 323).

<being> to construct the concept <human> (Janiak, 2020, p. para. 3.3):

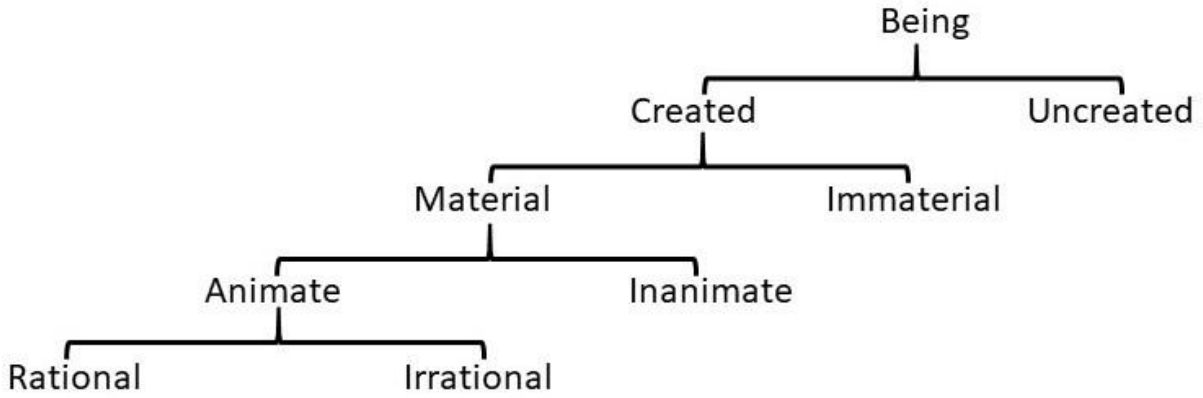


Figure 7 Constructing the concept <human>

Despite the intension of the concept <human> being a rational animate material created being, the rational / irrational dichotomy is not confined to human/non-human – the concepts <irrational> and <savage beast> are not just applied to non-human animals. 'Savages' was once a metonym for indigenous peoples. Kant calls people with no character savages: "For there are men who have no character at all, as, e.g., a savage" (Kant & Young, 1992, p. 367). We may call violent people we disagree with savage beasts, and their violence irrational, yet the violence of those we agree with is considered as rational and proportional. Rebecca Wragg Sykes says in reference to Neanderthals: "Ethnography and prehistoric archaeology positioned hunter-gatherers as 'savage', in the sense of animalistic" (Wragg Sykes, 2020, p. 364). And she points out this positioning, and the spurious pseudo-science based on it, feeds into the scientific justification for white racial supremacy, justifying slavery and colonisation (Ibid.).

Many humans only ever encounter a <savage beast> in a zoo. When they do so, the <savage beast> is always behind bars, behind glass, in pits, or across moats, to keep visitors safe. This reinforces the view that non-human animals are inherently dangerous, while giving people the confidence to safely approach them, bolstering the feeling of <human superiority>. The chimpanzee's form approximating the human form adds another dimension to

how they are conceived. The physical similarity of chimpanzees to humans is often emphasised to exploit them for entertainment purposes. Young chimps are presented as quasi-human, dressed as children, riding trikes, placed in baby carriages etc. The chimps are seen through this distorting lens, their physical characteristics appearing exaggerated and eerily human: an <uncanny child>.

We are all familiar with <uncanny child>, usually clothed and 'smiling', from movies, films, advertising, and Internet memes. Sometimes these presentations have been in spaces set aside for <savage beast>: between the 1920s and 1970s the young chimpanzees at London Zoo were displayed participating in a daily chimpanzee tea party. Sometimes dressed in human clothes, chimps were seated at a table and served tea and snacks. A similar programme was run at Wellington Zoo between the mid-50s and early-70s. The chimps were presented as a parody of children at play.

iStock image.

Figure 8 Uncanny child

One of the misunderstandings that allows this inaccurate portrayal is that a chimpanzee fear grimace can often be mistaken for a smile. This has covered up the cruel training required to make young chimpanzees act in unnatural ways.

Left is Abdul fear grimacing when being released into a new habitat for the first time.

Right Spike smiles during a play session.

Image courtesy of Save the Chimps.

Figure 9 Fear grimace versus smile

Eileen Dallaire, Executive Director of the Primate Rescue Center in Kentucky relates: "Chimps in entertainment and those privately owned often exchange hands many times as they grow older. This is especially true of those who are young, less dangerous, and relatively easy to handle … Many had survived lives devoid of any type of enrichment, companionship, or comfort. A few had endured barbaric 'training' methods, including electric shocks and beatings. Most had suffered loneliness, depression, malnourishment, and confinement in small cages after becoming too strong to handle" (Rosenman, 2019, p. 170).

The image of young chimps in human clothing indicating safety and enjoyment is a manufactured one. You can see videos and photographs of chimpanzee tea parties via the Internet[23], and it is quite easy to see the chains restraining the chimps 'enjoying' their tea; once teatime is over, the chimps would go back behind their bars, becoming again <savage beast>. Research has shown that the presentation of <uncanny child> in zoos, films, TV programmes, and commercials affects people's responses to chimpanzees and their conservation: "[Our] results firmly support the hypothesis that use of entertainment chimpanzees in the popular media negatively distorts the public's

[23] For example, (Shadbolt, 1956), in this video you can clearly see the chimps restrained by chains, and an example of a fear grimace: https://www.youtube.com/watch?v=RSrFVhoCQJs (2017, August 1).

perception and hinders chimpanzee conservation efforts" (Schroepfer, Rosati, Chartrand, & Hare, 2011) .

As we saw above, concepts are endlessly expanded through synthesis, and genera are loosely defined through analysis. What concept does the concept <uncanny child> help define, when it sits as part of the analysis of <captive chimpanzee>, whether on display in zoos or via media?

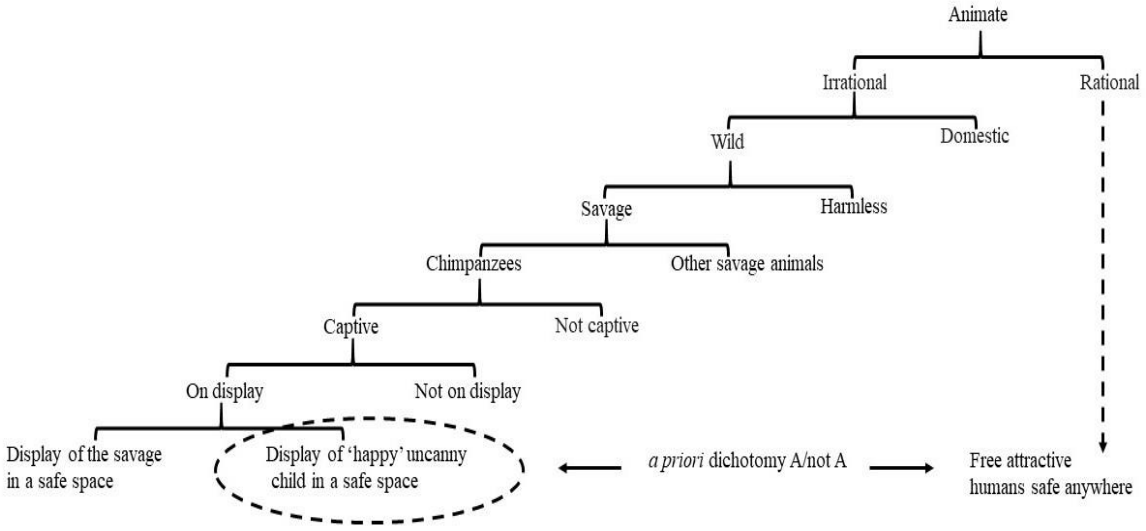


Figure 10 Constructing the concept <display of the savage in a safe space>

Rather than helping to define wild chimpanzees in captivity, the concept <uncanny child> helps define humans as free, attractive, and safe anywhere.

The myth of the funny and happy <uncanny child> is behind another closely linked concept, one which has caused immense harm to chimpanzees: the presentation of chimpanzees as the <uncanny child> makes them appear suitable as <pet chimpanzee>. In 2017, a BBC investigation found a baby chimp who had been bought from a poacher for 300 Euros (approximately NZ$500). "Once captured, these baby chimps then enter a sophisticated chain that stretches from the poachers in the jungles to middlemen, who arrange false export permits and transport, and ultimately to the buyers" where they command a price of about 12,500 Euros (approximately NZ$20,000). The BBC article points out that at the time they are trafficked, the infant chimps have

approximately 90% of their lives ahead of them (Shukman & Piranty, 2020, January 30).

Once the chimps grow up, they become too strong and dangerous to handle, so <pet chimpanzee> is a concept only relevant to infant and young juvenile chimpanzees[24]. This is a significant difference from the concept <pet>. There are exceptions, but generally <pet> refers to a non-human animal that is adopted with the intention of life-long care, for companionship or pleasure. Chimpanzees only conform to this concept for a small proportion of their lives. When they become too strong and dangerous to handle, the <pet chimpanzee> becomes a <savage beast> and is confined to a cage. Or they might be sold for research or to a zoo or given to a sanctuary. <pet chimpanzee> does not relate to the expansion of the concept <captive chimpanzees>; <pet chimpanzee> is an ephemeral concept which emphasises the concepts <human superiority> and <privileged elite>. Pet chimps are expensive, so owning one is an outward display of status, and eventually a display of power arising from safely owning a <savage beast>, a wild aggressive non-human animal.

All these concepts seem to overrule the discomfort that humans might feel over the trauma of the infant chimps being taken from their families, their being trafficked in dismal conditions across borders, then kept isolated from others of their kind and forced into an unnatural relationship with their owners. Then discarded to more dismal conditions for the rest of their long lives. Even those lucky enough to end up in sanctuaries are still confined away from their homelands.

[24] The classification of life-stages in chimpanzees varies, at Ngamba Island Chimpanzee Sanctuary it is as follows: Chimps under 8 years old are considered infants, juveniles are 9-12 years old, sub-adults are 13-18, and adults 19- (although females can be considered adult from the age of 15) (Dr Joshua Rukundo, Executive Director, Chimpanzee Sanctuary and Wildlife Conservation Trust, personal communication, 18 June 2017).

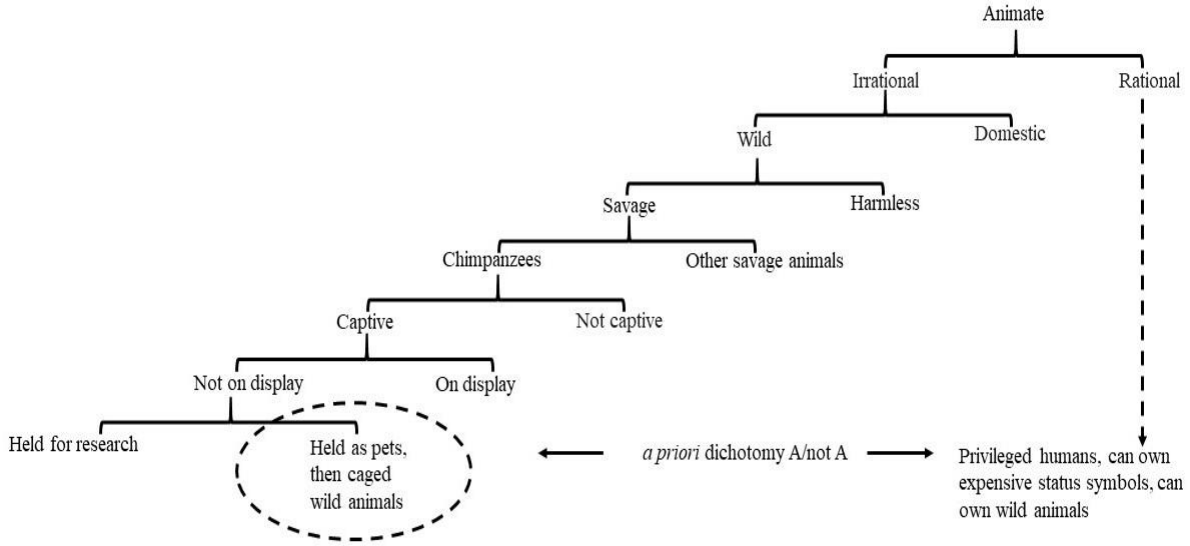


Figure 11 Constructing the concept <pseudo human>

This diagram is a construction of our next concept, <pseudo human>, and here we can see those chimpanzees held not on display (i.e., for research of one kind or another), can, for a short time, be held as pets. But the dichotomy isn't between pets and research subjects. The dichotomy is between pets and those of privilege and status who can own them.

6.4 <pseudo human> / <surrogate human>

One of the oft-related turning points leading to a lifelong dedication to the conservation of chimpanzees, is the recognition of their 'humanity'. For example Geza Teleki: "On that singular eve, which also marked the twilight of my youth, I had seen my species inside the skin of another" (Cavalieri & Singer, 1994, p. 296), Ben Garrod: "I saw something so profound in those eyes – someone capable of so much, of things I had dismissed as unscientific ramblings, yet here it was before me. This really was a thinking, feeling, emotional being, more related to me than to any other animal on Earth" (Garrod, 2019, p. 116 kindle location). This recognition can lead to work for the conservation of chimpanzees. The concept of chimpanzees as <pseudo human> also underpins the use of chimpanzees in Western research (both invasive and non-invasive).

In non-invasive research, chimps are treated as examples of early humans: of how human toolmaking; language; culture; society, etc might have emerged. Most of our knowledge of chimpanzees comes through this lens of their connection to humans, and from their being affected by humans, from observing them in captivity or in sanctuaries. “Chimpanzees are one of the most studied animals … In the past 100 years, chimpanzee behavior and ecology have been studied to provide insight into human behavior” (Matsuzawa, Humle, & Sugiyama, 2011, p. 55). We have little knowledge of wild chimpanzees living the peaceful life of forest-dwelling hunter-gatherers. Even non-invasive observation of chimpanzees in their natural habitats leads to behavioural changes in chimp communities (Hobaiter, Samuni, Mullins, Akankwasa, & Zuberbühler, 2017).

In the same sphere as <pseudo human> is the concept <surrogate human>, which has seen chimpanzees, until very recently, being used in medical research and research to test the limits of human endurance. Many other non-human animals were, and are, similarly used, but sub-adult and adult chimpanzees are large, strong, and long-lived. In medical research facilities they were kept separately in small (5’x5’x7’) cages. At the Laboratory for Experimental Medicine and Surgery in Primates, Tuxedo, New York, their cages were suspended above the floor. They had to be knocked out every time they were required for a procedure, “Even simple blood draws for routine examination caused extreme anxiety and fear because they required anesthesia be delivered by blowgun or a dart system, otherwise known as a knockdown. There are many accounts of chimpanzees in laboratories enduring more than three hundred knockdowns, each requiring numerous blowgun hits” (Rosenman, 2019, p. 10). Some chimps lived in these conditions for decades.

From the very beginning, the use of chimps in research was based on the concept of their being almost human. In 1925 the American psychologist and primatologist Robert Yerkes published a book with this name: *Almost human*.

The book argued that the similarities between humans and chimpanzees would make chimps good objects for scientific study. Yerkes said of the primates: "in the future we may come to regard them rather as valuable objects of scientific study than as pets, curiosities, or inventions of the devil" (Yerkes, 1925, p. 29). Yerkes' reason for research was well within the concept <human superiority>: "… scientific study of the primates is extraordinarily important as a means of increasing insight into the problems of life and correspondingly extending our control over it" (Ibid. p. xvi).

Yerkes established his Primate Laboratory in the early 1920s. The Yerkes National Primate Research Center was the first of many such research and biomedical research facilities in the United States that saw a chimpanzee not only as <pseudo human> but as <surrogate human>. Chimps were also used in space research at the Holloman Air Force Base[25]. As noted above, in the biomedical laboratories thousands of chimps were held in 5'x5'x7' cages, many for most of their long lives. They were "prodded, poisoned, stunned, tranquilized, irradiated, and infected with HIV, hepatitis C, malaria, typhoid, Creutzfeldt-Jacob, Ebola, and many other infectious diseases, carcinogens, and viruses harmful or deadly to humans. The experiments on chimpanzees' bodies and minds were brutal" (Rosenman, 2019, p. 9).

Biomedical and physical limits testing are the extreme results of chimps being treated as Kant termed it "irrational animals, with which one can do as one likes" (Kant & Louden, 2006, p. 15 §1). Nonetheless, it is very likely that Kant would not have approved of such treatment. Kant says "With regard to the animate but nonrational part of creation, violent and cruel treatment of animals is far more intimately opposed to a human being's duty to himself, and he has a

[25] One example was the chimpanzee Ham, who had been taken from his mother in a Cameroon forest, and who "was strapped into a space capsule and propelled 157 miles over the earth, travelling 5,857 miles per hour … he perfectly executed the tasks he had been trained to do on land, despite the extreme pressure of g-forces and the 6.6 minutes of weightlessness … after 16.5 minutes in space, his capsule touched down in the Atlantic Ocean sixty miles from the recovery ship, causing Ham to spend almost three hours … bobbing in the water" (Rosenman, 2019, p. 8).

duty to refrain from this; for it dulls his shared feeling of their suffering and so weakens and gradually uproots a natural predisposition that is very serviceable to morality in one's relations with other men" (Kant & Gregor, 1996, p. 5595 kindle location 6:433 §17).

Summary

Many of our concepts are given from the world, and others from the shared concepts of our community. And as we have seen, prejudices of prestige (in imitation of a person, of a multitude, or an age) can lead to representations of things being perceived not as they are. The concepts <human superiority>, <privileged elite>, and <ownership regardless of possession>, are among those that have led to chimpanzees being treated in ways that are a far cry from how Kant taught one rational being should treat another, and how we should treat non-human animals, if only for our own sake. As Kant teaches: "A prejudice is a *principium* for judging based on subjective causes that are regarded as objective" (Kant & Young, 1992, p. 314).

Conceptualising chimpanzees in the West has for the most part been in relation to the concept <human> - they have been considered as less than human, or as belonging to humans. In the next step towards situating chimpanzees in Kant's moral landscape, I will look at some concepts that assume rationality, and that underpin moral agency. This will be the groundwork to showing that chimpanzees are autonomous moral agents, not merely foils to ourselves.

PART SEVEN Key Concepts – *Critique of Practical Reason*

Scope

In this section I will look at some concepts relating to Kant's *Critique of practical reason*. These concepts assume rationality, and underpin a person being a moral agent. A moral system is structured around who or what has moral value. Value arises from community concepts. For an act to be moral it must be freely undertaken with intention. I will look at <value>, <community>. <freedom>, <moral act>, and <intentionality>. If chimpanzees value each other, and freely act for the benefit of others and their community, they act morally. To act freely, chimpanzees must not act purely by instinct, to act morally they must not act to fulfil their own desires - they must act intentionally and with a moral will. If chimpanzees have the potential to act morally, they will be one step closer to having standing in Kant's moral landscape.

7.1 <value>

If we accept that all living beings who navigate and communicate their environments have rationality, inner sense, and unity of apperception, does that entail that all living beings have value? As we saw in *Part Two*, the value that is relevant to a moral framework is the intrinsic moral value of rights-holders, which constrains the behaviours of others. From here on this is indicated by the concept <value>. <value> emerges through community relationships and members' shared views. This is not to deny that intrinsic moral value is centred in the rights-holders, but moral systems express themselves through the actions, or inactions, of community members.

For Kant, moral acts require actors to recognise a moral necessity, and the moral worth of fellow moral agents. As we have seen, concepts themselves are empty, in the sense of their being totally composed of further general sub-concepts, and this process of endless possibility means that concepts can always be refined and reconfigured. <value> has changed in its intension over time.

Significantly different results can be arrived at depending on where <value> is situated on the concept hierarchy:

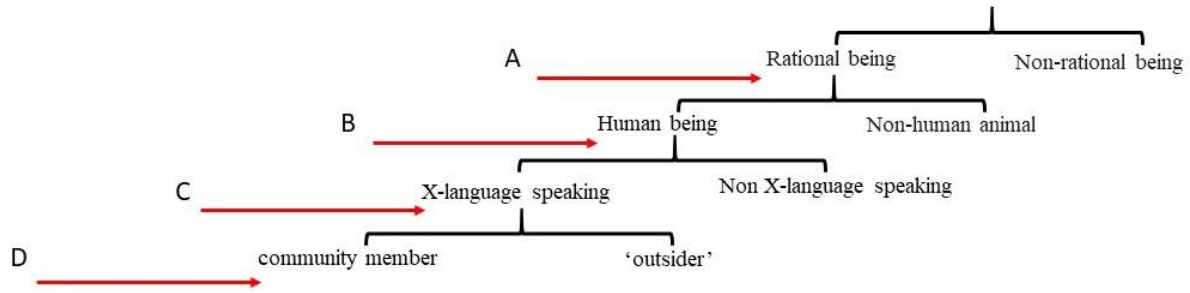


Figure 12 Situating <value> in a concept heirachy

In this example we can see what can be denied of the concept without contradiction depending on where we construct <value>:

A If we construct the concept <value> here, the intension includes <rational being>. It would be a contradiction to say a rational being has no <value>

B If we construct the concept <value> here, the intension includes <rational being> and <human being>. It would be a contradiction to say a human being was not rational, or that a rational human being has no <value>

C If we construct the concept <value> here, the intension includes <rational being> and <human being> and <X-language speaking>. It would be a contradiction to say a being who speaks X-language is not a rational human being, or that an X-language speaking rational human being has no <value>

D If we construct the concept <value> here, the intension includes <rational being> and <human being> and <X-language speaking> and <community member>. It would be a contradiction to say an X-language speaking being who is a member of my community is not a rational human being, or that an X-language speaking community member, all of whom are rational human beings, has no <value>.

Each being who negotiates and articulates their environment is a <rational being> with <inner sense> and unity of <apperception>. Kant teaches that rationality enables a being to make sense of their environments, and I have suggested the adaptability of the extension of rationality enables the formation

of communities. Moral agents and moral rights-bearers are all individuals, and their moral rules arise from community concepts. One of the key moral concepts is <value>, and it is against a backdrop of community membership that <value> emerges.

7.2 <community>

When communicating about the phenomenal world, we communicate using concepts shared by communities, otherwise we could not exchange information about things, events, or states of affairs. Kant teaches that "there is little within our experience for whose appearance we are not ourselves responsible" (Wicks, 2013, p. 85). Not all beings have to have the same phenomenal world, but to be successfully interacting, groups of beings do. It is within communities that individuals flourish; through communities that most of the (amazing and appalling) achievements of human society have been made. "Every philosophical thinker builds his own work, so to speak, on the ruins of another" (Kant, 1988, p. 29).

Since <value> is a shared community concept, we must look at <community> to answer the question, does every <rational being> have <value>? Among the judgements Kant makes about the phenomenal world are those relating to communities. Kant talks of community six ways in his writings:

- A concept under the category 'relation'
- A scientific notion of interaction, where all substances, insofar as they can be perceived in space as simultaneous, are in a community
- A metaphysical idea, a world of monads, or individuals, in interaction
- A moral ideal of a realm of ends
- A political ideal of a community governed by judicial laws
- The theological ideal of the Kingdom of Heaven

(Payne & Thorpe, 2011, pp. 2-3)

All these readings of community are modelled on the first, the concept <community> under Kant's third form of judgement, that of relation, as Kant "… thought the table of categories held a key place in his system as a whole" (Ibid. p. 2). The logic of our cognitive processes is echoed in our judgements of the world: "Kant characterizes the first stage as a synthesis of apprehension whereby we form an initial image, the second stage as a synthesis of reproduction whereby we hold together a series of images to form a composite image of the thing over time, and the third stage as a synthesis of recognition in a concept where we apply a concept to the composite image and comprehend it as a kind of object" (Wicks, 2013, p. 80).

One thing that we grasp about the concept <community>, is that members of communities are in some form of relationship with each other. The concept <causality> is not enough to capture the relationships of aggregated communities: "… when two *substances effect each other: then A and B must necessarily depend upon C*, otherwise nothing in existence could follow in B from A: but from that, that their existence depends upon a third: it does not yet follow that they that they must be in connection <*in nexu*>: their *connection still requires a special ground: a special action still* of the creator, since he connected them. Thus *the state of diverse substances that each acts on and suffers from the other* (interaction <*commercium*>) has a *special ground in God, who willed that they should depend upon one another*" (Kant et al., 1997, pp. 14-15 28:52 emphasis in original).

As we saw above, we necessarily categorise and make judgements of the world according to the logical forms. The form of judgement that relates to community is disjunctive: **a** is **b** or **c** or **d** or **e**. Béatrice Longuenesse observes that there are two different ways to interpret this rule. One is '**a** is either **b**, or **c**, or **d**, or **e**' i.e., being thought under **a** is a sufficient condition for being thought as falling under either **b**, or **c**, or **d**, or **e**. For Longuenesse, the other more interesting way, and one that corresponds to the classical inference modes of

'denying by affirming' or 'affirming by denying', is to consider the assertion of any one of (**b**, **c**, **d**, or **e**) of the divided concept **a**, as a sufficient condition for negating the others, and conversely considering the negation of all but one as a sufficient condition for asserting the remaining one. For example **a** is **b** under the condition that it be neither **c**, nor **d**, nor **e**; **a** is neither **c**, nor **d**, nor **e**, under the condition that it be **b**; and so on (Payne & Thorpe, 2011, p. 534 kindle location).

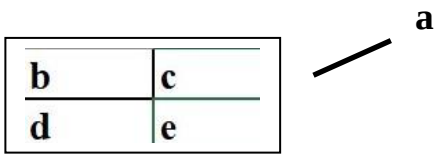


Figure 13 Kant's diagram of disjunctive judgements, from his Logic

"… in all disjunctive judgements the sphere (the multitude of everything that is contained under it) is represented as a whole divided into parts (the subordinated concepts), and, since none of these can be contained under any other, they are thought of a **coordinated** with one another, not **subordinated**, so that they do not determine each other **unilaterally**, as in a **series**, but **reciprocally**, as in an **aggregate** (if one member of the division is posited, all the rest are excluded, and vice versa)" (Kant et al., 1998, pp. 215-216 B113 emphasis in original). This logic is familiar from our consideration of the concept hierarchy. All members of the sphere are alike in that they all fall under **a**, but each differ in that each excludes the others. This means they contribute to each other's meaning, in terms of learning what each member of the sphere excludes.

Members of a community are co-ordinated and are not subordinated, they are in an aggregate, not in a linear series. From the outside communities may look simple and homogenous, but from the inside they are complex and varied. The world is comprised of multitudes <*multitudo*>, and aggregates within <*multitudo*>; "All appearances are accordingly already intuited as aggregates (multitudes of antecedently given parts)" (Ibid. p. 288 B204). It is objects in

<*commercium*>, dynamic mutual interaction, which enable the phenomenal world, and our representations of it, to cohere. From here on I will use the concept <community> in the sense of in <*commercium*>.

Each being who negotiates and articulates their environment is a <rational being> with <inner sense> and unity of <apperception>. One of the adaptive advantages of rationality is allowing creatures to form complex relationships with others - their ability to be members of a <community>. Each rational being has *a priori* concepts that determine the universal form of their rationality. The matter of local community preconceptions and behaviours could differ as, although grounded in the same universal 'real' matter, the matter of empirical intuitions could vary depending on local concepts and prejudices.

Longuenesse points out that within disjunctive judgments are infinite judgements (**a** is not-**b**); "these forms jointly contribute to the constitution of a unified logical space within which concepts delimit one another's sphere, and thus contribute to the determination of one another's meaning" (Payne & Thorpe, 2011, p. 557 kindle location). The more I know about other members of my community, the more I know about myself, and about the whole community. This leads to my behaviours being constrained for the sake of those affected; leads to them having <value>. The variety within and between communities is key to Kant's moral landscape; we respect the potential that is in <u>all</u> human beings, despite observing less than ideal behaviour and views in others, whose conceptual hierarchy may differ from ours.

Within each community, both of humans and non-human animals, members will be valued according to the shared concepts of those communities. There will be marks in all communities indicating how this value constrains behaviour: protecting/aiding members, displaying regret/forgiveness, co-operative activities etc. If we look again at Janiak's[26] mapping of the concept

[26] (Janiak, 2020, p. para. 3.3).

<being> to construct the concept <human>, and consider our range of options for inserting <value>, we can place it thus:

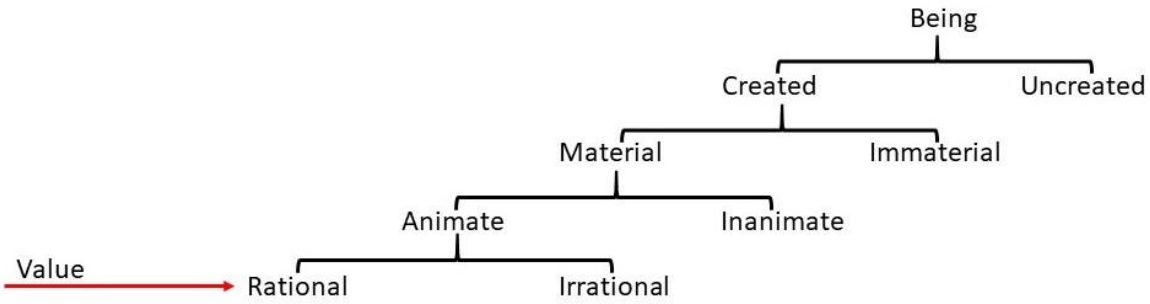


Figure 14 Situating <value> in a concept hierarchy; all rational beings have moral value

All rational beings would be included in our moral considerations.

Empirical Example of a Just Society

> In the Fouta Djallon highland region of Guinea, there are two neighbouring communities. One is a community of forest-dwellers who tend their forest by nurturing the trees that produce fruit, which are a food source for themselves and those in the second community. The second community live on the edge of the forest and cultivate crops. They always put part of the harvest aside for their forest neighbours, explaining to them they need the rest for themselves. Despite the adults of the forest community being the stronger of the two communities, they never take more crops than those given them, and they allow their weaker neighbours to take fruit from their forest. The levels of technology of the two communities differ, with the farmers having a higher level of technology and the forest-dwelling hunter-gatherers having only the technology required for harvesting wild food.
>
> Neither community poses a threat to the other, and the young of both are safe and protected when the communities encounter each other. The farmers value their relationship with the forest-dwellers and regard it as one of the things that defines their community, and that is passed down through the generations. As the tending of the forest and the cultivation of

> the crops are sustainable enterprises, the cordial relationship between the two communities has survived for hundreds of years. Members of farming community are *Homo sapiens*, while members of the forest-dwelling community are *Pan troglodytes verus*, Western Chimpanzees[27]. The descriptions of the communities above are taken from the reports of primatologist Dr. Rebecca Kormos and the documentary film *Cries of Our Ancestors* (Kormos & Mam, 2020, March 4)[28]

Kant's requirements for a just and good society are: "… the **greatest human freedom** according to laws that permit **the freedom of each to exist together with that of others**" (Kant et al., 1998, p. 397 B373 emphasis in original). The chimpanzee community and the farming community of Fouta Djallon have arrived at social arrangements and inter-community relations that conform to Kant's parameters for a just society. However, there are members of another community who feature in *Cries of Our Ancestors*. The home of our two communities, the Fouta Djallon highland region of Guinea, is an area that was supposed to be protected from bauxite mining by an agreement with two of the largest bauxite mining firms, as an offset to their mining in other areas of Guinea. But bauxite miners have started mining in the region.

This bauxite mining is a destructive non-sustainable enterprise that poisons the water sources used by both local communities and decimates the forest habitat of the chimpanzees. The miners' world view (or rather that of their bosses) reflect more the behaviours of the <privileged elite>; any human

[27] Chimpanzees play a crucial role in maintaining forest diversity, as they eat and disperse large seeds that are too big for most other animals to eat. When they bend branches to make their nests, they create an opening for sunlight, which helps the generation of the seeds deposited overnight, assisting with forest regeneration, and when they pick fruit, they prune the branches to stimulate re-growth (Ian Redmond, Ape Alliance, personal communication, PASA seminar: *African Primates: Taking Stock Across The Continent*, 4 March 2021). And in the Comoé National Park, Côte d'Ivoire, chimpanzees consume the inner bark of Kapok trees, when food such as fruit or honey are scarce. The chimpanzees are discretionary when stripping the bark, so the trees fully recover in less than two years, allowing the chimps to exploit the resource for decades (Lapuente, 2020).

[28] The film can be viewed at: https://filmfreeway.com/CriesofOurAncestors078 ([2020, March 14]).

who assumes they have dominion over the natural world and ownership rights over all resources and animals that aren't already claimed by another group they consider to be members of the <privileged elite>. The treatment of both the chimpanzees and the farmers indicates that neither community is regarded worthy of consideration. From empirical evidence we can say that the Fouta Djallon villagers and chimps see each other as having value, each interacts with the other in a non-threatening way, they share resources, and their relationship with the chimps adds to the villagers' sense of their community. Whereas the Fouta Djallon bauxite miners display no evidence of valuing the villagers or the chimpanzees.

Kant would hold that the miners and farmers are human, and all humans are rational beings. Therefore, categorically, all the miners and farmers are rational beings. Chimpanzees, according to Kant, are not rational beings as they are not human. Kant would probably think including chimpanzees in judgements regarding just and good societies as nonsensical. However, remember constructing concepts is part of the process of the mind applying categories to appearances, the divisions do not exist in the natural world. Making judgements involves "… implicit inferential patterns and their systematic arrangement" (Payne & Thorpe, 2011, p. 19) - we can be constrained by our concepts when making judgements.

In the 1600s if we saw a member of the species *Cygnus atratus*, we might judge it not to be a swan as then it was categorically believed that all swans were white, and *Cygnus atratus* are black swans. When Jane Goodall first reported to anthropologist Louis Leakey from Gombe Stream, Tanzania, that she had observed chimpanzees using tools, he famously wrote back: "Now we must redefine tools, redefine Man, or accept chimpanzees as humans". We now know that many non-human animals use tools. If we, like Kant, place humans and non-human either side of an untraversable boundary, and elevate humans due to human rationality, or any singular characteristic, we do not even consider

the possibility of those on the other side of the boundary being active agents, but that says something about us, not about non-human animals.

7.3 <freedom>

Non-human animals who navigate and articulate their environments are rational beings with inner sense and unity of apperception. Chimpanzees form communities, and in *Part Nine* I will describe behaviours that show within these communities, members are valued. Such behaviours are key to standing in Kant's moral landscape. To be moral agents, non-human animals must freely behave in a way that demonstrates that they value others. Kant regards freedom as the only original right, "*Freedom* (independence from being compelled by another's choice), insofar as it can coexist with the freedom of every other in accordance with a universal law, is the only original right belonging to every man by virtue of his humanity" (Kant & Gregor, 1996, p. 1523 kindle location).

How freedom enters the natural world of causality is through the actions of rational beings. Kant talks of inner freedom and external freedom. Internal freedom is the freedom from our empirical nature; the freedom to act according to reason alone. Recall from *Part Two* that all immoral acts are irrational, to be moral an act must be grounded in the actor's rationality, not their inclinations. Actions are events in the phenomenal world, and another formulation of the Categorical Imperative is: "So act externally that the free use of your choice can coexist with the freedom of everyone in accordance with a universal law" (Ibid. p. 1401 kindle location). This formulation refers to external actions in the spatio-temporal world.

External freedom is a lack of interference or coercion. And as moral acts are expressions of a moral will, external freedom does not just relate to freedom of bodily movement through time and space, it includes the freedom to act according to intentions. Our will determines our choices that move our bodies through the spatio-temporal manifold: "actions can only be understood and individuated as the actions they are by reference to agents' self-represented

ends, that is, to their intentions" (Uleman, 2004, p. 585). As Jennifer Uleman points out, freedom is captured by external actions when they are grounded in freely chosen intentions.

Kant holds that non-human animals are controlled by natural necessity[29], as opposed to rational humans who can act according to their will. "Will is a kind of causality belonging to living beings so far as they are rational. *Freedom* would then be the property this causality has of being able to work independently of *determination* by alien causes; just as *natural necessity* is a property characterising the causality of all non-rational beings" (Kant & Paton, 1948, p. [107] emphasis in original). Freedom is freedom from the causality that is a law of nature, it is a prerequisite for moral striving. However, as we saw in *Part Two*, moral laws, and our potential to abide by them, relate to our noumenal selves, selves which recognise the necessity of the moral law. If complying to moral laws is necessary, how can we be judged to be acting morally when we follow them?

"[F]rom a practical point of view every rational agent must presuppose his will to be free" (Kant & Paton, 1948, p. 40 emphasis added). We presuppose our freedom, the ground of our autonomy, which is the source of universal moral laws, which we obey as we presuppose ourselves to be free. This is circular. The resolution to this circularity is to remember that we experience our reality from two standpoints: from the background knowledge that there is an unknowable noumenal world, and from our representations of the phenomenal world. And we experience ourselves the same two ways, as the pure apperception of an unknowable thing-in-itself, and as the representations (both outer and inner) of ourselves as part of the phenomenal world. To break the circular reasoning, it is not only the presupposition of freedom – it is the presupposition of the idea of freedom. Freedom, like God and immortality, is an

[29] I will counter this view below under *Intentionality*.

idea which goes beyond the possibility of experience but is necessary for us to recognise our choices, or those of others, as being moral choices.

This might seem a bit illusory, but even some strict empiricists make use of the concept of free will: "… the notion of free will remains useful precisely because we *don't* know the microscopic complexity that causes our behaviour. Our behaviour is in fact unpredictable, due to the complexity, as well as to the chaotic and even quantum aspects, of our bio-chemical make-up" (Rovelli, 2020, pp. 188-[189] emphasis in original). Rovelli says the complexity of bio-chemical life is beyond our understanding, just as Kant says we cannot have knowledge of the noumenal world. But we can know there are limits to our knowledge that can be pushed (if sensible questions about the world are asked, they will eventually be answered), and we can also know that there are boundaries beyond which we can never venture. We have no knowledge of the noumenal world apart from knowing that is the case, which is knowing quite a lot.

Recall the quote from *Part Three*: "We are indeed lawgiving members of a kingdom of morals possible through freedom and represented to us by practical reason for our respect; but we are at the same time subjects in it, not its sovereign, and to fail to recognize our inferior position as creatures and to deny from self-conceit the authority of the holy law is already to defect from it in spirit, even though the letter of the law is fulfilled" (Kant & Gregor, 2015, p. 68 5:83). And the final element that gives Kant the confidence that his moral scheme is valid, is the feeling of reverence we have when contemplating the possibility of moral law.

If a law is external to us, conforming to it is grounded in fear of the consequences of infringing. But if we ourselves impose the law, the feeling it engenders should be akin to attraction – "This complex feeling is reverence (or respect) – a unique feeling which is due, not to any stimulus of the senses, but to the thought that my will is subordinated to such a universal law independently

of any influence of sense" (Kant & Paton, 1948, p. 20). Paton puts this succinctly, "The really important point is that the moral law is not valid merely because it interests us. On the contrary it interests us because we recognise it to be valid" (Ibid. p. 47). Many of us do react with the feelings of 'rightness' and 'awe' when witnessing or hearing of extreme moral acts, usually those where one person has put themselves in danger to defend the rights to freedom and dignity of another. Kant trusts these *a priori* feelings of validity, as ethical laws give us a unified experience of ourselves as virtuous beings.

Along with <inner sense>, our re-constructed <rational being> has unity of <apperception>; a sense of continuity through time. Once a being has a sense of what has occurred, what is occurring, and what would be an equally good, better, or worse situation, and an untethered ability to choose options, they have <freedom>. "**Freedom in the practical sense** is the independence of the power of choice from **necessitation** by impulses of sensibility" (Kant et al., 1998, p. 533 B562 emphasis in original). As moral agents, we must assure other moral agents the freedom to be moral, and the freedom to organise their communities according to moral guidelines.

When choices are pushed from inner will and not pulled by responding to stimuli, they are made freely. This situation is part of the expansion of the concept <moral act>, which I will now discuss.

7.4 <moral act>

We can construct the concept <moral act >:

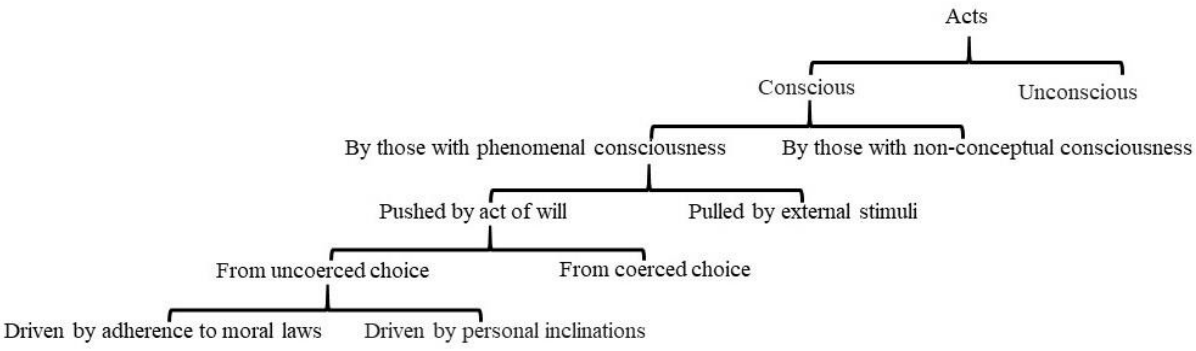


Figure 15 Constructing the concept <moral act>

Any conscious act that is performed in a unified world by an uncoerced will and in accordance with the moral law is a <moral act>. Kant's view is that we have moral personality through our freedom to abide by moral laws not connected to our personal happiness or welfare. How does this imperative guide us with our re-constructed concept <rational being>?

This is a very simple diagram of groups of beings in hierarchy around a 'self'[30]:

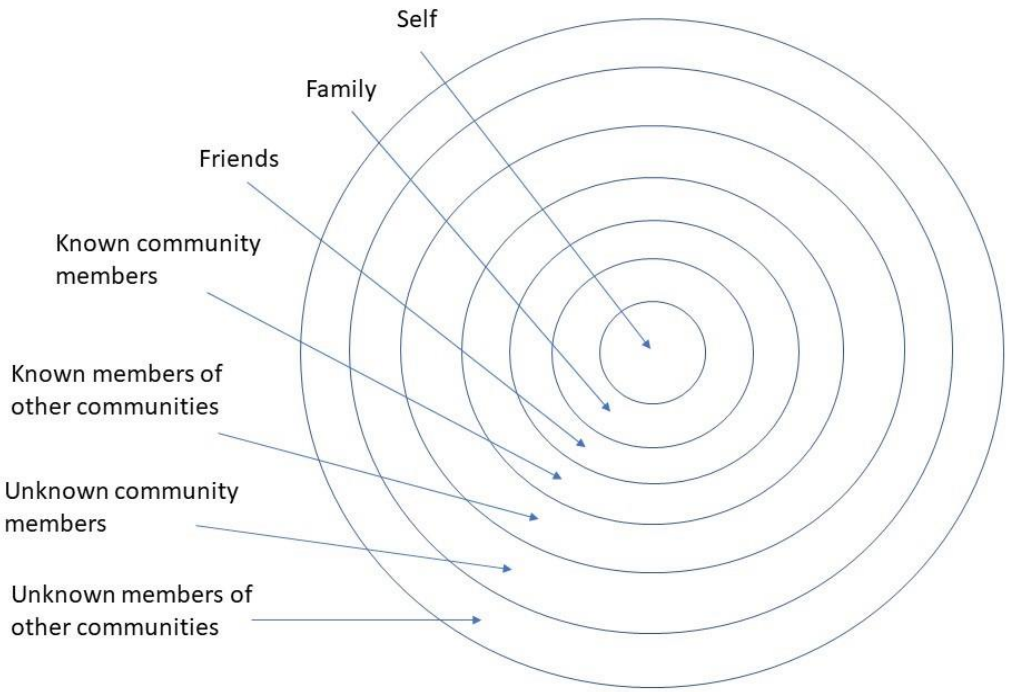


Figure 16 Groups of beings in a hierarchy

Our personal inclinations will decrease the further from the centre. The further from the centre the more the likelihood that acts that support the freedom of others will be purely moral acts. For many humans the pattern of relationships that underpin inclinations or rational decision has become quite complicated. We are often members of multiple communities. We can be members of virtual communities, not having met any of the members, but having become friends with some. We often share our lives with non-human

[30] 'Known' in this diagram means 'personally known' not 'to know of'.

animals, who may be considered by some to be family or friends. We can be involved in movements to safeguard the rights of humans or non-human animals, even where we have never met an individual of the communities concerned, yet we act because we recognise the intrinsic dignity of those individuals.

Often the determining of human moral responsibilities toward non-human animals is based on moving the non-human animals closer to the personal inclination centre: for example, "Of course, we shouldn't be dogmatic here: if it turns out that some animals have sufficiently well-developed rational capacities then we should be perfectly happy to grant that they have autonomous agency. This would be to grant that these higher animals have intrinsic value, and thus to grant that the moral obligations we have to them are very different from our obligations to other animals" (Callanan & Allais, 2020, p. 184). I think this is a mistake, I think instead we should be extending our sphere of <rational being> and <value> to include those beings who differ from us in the matter of their concepts. Whether that be other groups of humans who don't behave as we do, or to chimpanzees who, as we will see, are capable of moral acts, or any other non-human animals who navigate and articulate their environments, form communities, and freely engage in moral behaviours.

7.5 <intentionality>

Above we saw, to be moral agents, non-human animals would have to behave in a way that demonstrates the idea of freedom. Free choice requires intentionality, being conscious of something. A rational being's actions can either be grounded in reason, or in instinct. The latter aims for happiness or inclination, the former aims to produce a good that is a good-in-itself, not a good as a means to happiness or some other end. Kant teaches that a perfect being would be totally guided by reason; their unblemished will would be their guide. However, we are all imperfect, and our will appears to us as a duty, and our duty appears to us as

the Categorical Imperative. According to the Categorical Imperative we create maxims or principles to live by.

If all rational agents followed their duty and not their inclinations, we would have a perfect realm of ends. The 'ends' being not only persons as ends-in-themselves but the ends that each of those persons create in accordance with the Categorical Imperative. I think this is a persuasive take on morality, but I have an issue with it only being relevant to humans. Kant believes that all non-human animals are guided solely by instinct, they have no intentionality, and therefore fall outside the freedom required by morality. This view appears obviously incorrect to me, a view that arises from looking at the behaviours of non-human animal communities as homogenous and simple. Yet it is a view quite widely held. Recall Jonas Indregard from *Part Five.* Indregard points out that space and time require the mediation of understanding to ensure objects or states are accurately perceived initially – hence requiring self-affection and inner sense *prior* to the application of concepts. I suggested Indregard's insight would be true for non-human animals who successfully navigate and articulate their environments. Indregard claims that the choices of non-human animals would be completely determined by self-affection, whereas for humans beings, self-affection is only a contributing factor to the determination of choice (Indregard, 2017, p. 636).

Instinct indicates a spontaneous set response to stimuli, and for Kant this includes any action that isn't mediated by reason. In our piano recital analogy, we would be hearing random disconnected piano notes. But if sensible questions about the world are asked, they will eventually be answered, and empirical observation shows that not all, if any, non-human animals are completely ruled by their instincts. If any animal, humans included, instinctively ate anything that looked edible they would rapidly succumb to

food poisoning or enteric disease[31] - they must learn which foods are safe, and which medicinally beneficial. For chimpanzees the importance of learning skills is made clear when infants are taken away from their mothers, their communities, and their surroundings. Those lucky enough to end up in sanctuaries do so with no life skills. If they are taken young enough, they don't even know how to climb. Ben Garrod confirms this from his experiences at Liberia Chimpanzee Rescue and Protection: "Those baby chimps taken from their mothers, destined for the pet trade but which thankfully end up in a sanctuary such as the LCRP, are turning up with none of the skills needed to survive in the wild. It's something we need to focus on when thinking about sanctuaries and the animals they house" (Garrod, 2019, p. 727 kindle location).

Our current evolutionary paradigm is that it is the gradual change in organisms at the genetic level due to random genetic alterations, which result in organisms becoming more adapted to their changing environments. Animals evolve with the rationality to thrive in their environments, including the ability to learn appropriate skills (tool use) and social behaviours (language etc.). The actions of chimpanzees, and other non-human animals, can be those grounded in instinctive responses, those that are responses mediated by rationality, or those that arise solely from rational consideration – just as they are for human beings.

There has been a lot of effort on the part of some philosophers to limit the scope of non-human animal perception, to explain away what may appear to be free rational intentional behaviour. Some examples are given by Sacha Golob: Colin McLear suggests "[B]eings lacking concepts nevertheless possess a form of experiential consciousness. However, this form of consciousness is extremely primitive, lacking any object directed nature. All such conscious states are thus purely subjective forms of awareness. They cannot be instances of an awareness

[31] Diseases which are usually the result from eating contaminated food or drinking contaminated water. Micro-organisms such as viruses, bacteria and parasites are ingested causing intestinal illness.

of physical particulars or their properties … in this view, all sensory presentation is limited to the subject's own states" (Callanan & Allais, 2020, p. 84). And Lucy O'Brien's comments regarding animals experiencing space in egocentric terms: "Egocentric contents are…given by monadic notions such as 'to the right' and 'up ahead' in contrast to first-personal contents that are given by relational notions such 'to the right of me', 'in front of me'" (Ibid. p. 85).

Empirical Example of Chimpanzee Intentionality

> Chimpanzees in the Taï National Park, Côte d'Ivoire, transport clubs and stones for cracking two species of nut (*Coula edulis* and *Panda oleosa*), each of which require different tools for successful cracking for consumption: "The chimpanzees seem to possess an Euclidian space, which allows them to somehow measure and remember distances; to compare several such distances so as to choose the stone with the shortest distance to a goal tree; to correctly locate a new stone location with reference to different trees; and to change their reference point so as to measure the distance to each Panda tree from any stone location. They also combine the weight and the distance. The wild chimpanzees of the Tai [sic] National Park seem to possess concrete operation abilities in spatial representation" (Boesch & Boesch, 1984, p. 160).

These behaviours would be inexplicable if we accept that all non-human animals lack intentionality, objectivity, or a sense of self. Intentionality, objectivity, sense of self, and freedom of choice are not just relevant to planning and executing food foraging behaviour, they are relevant to placing chimpanzees in Kant's moral landscape. They are relevant to seeing chimps as active moral agents, not merely as recipients of contingent moral consideration. A mark of non-human animals having the idea of freedom, autonomy and making free choices, would be their acting in unexpected ways. Among the non-human animals, chimpanzees (at least) do act in unexpected ways:

Empirical Example of Chimpanzees Behaving in Unexpected Ways

> In Chimfunshi Wildlife Orphanage, in north-west Zambia, one of the chimp groups started going about their daily business with stiff blades of grass sticking out of their ears: "… the GIEB [grass-in-ear behaviour] observations may be additionally informative because the chimpanzees adopted a behaviour that is not an obviously functional manipulation of the physical world (as in the tool-use context) or the social environment (as in the grooming handclasp context)" (van Leeuwen, Cronin, & Haun, 2014, p. 1423).

Figure 17 Julie (the inventor) performing the grass-in-ear behaviour

Chimpanzees living free in their wild environments have the freedom to make decisions about their lives, their relationships, their innovations, and their preferences. They have the potential to be moral agents. In *Part Eight* I will look at <language> and <imagination>, and then in *Part Nine* I will describe moral acts carried out by chimpanzees, in both a captive and a wild setting.

Summary

Moral acts are grounded in moral laws, not personal preferences. They are acts that individuals choose knowing all other moral agents should make the same choice. Kant teaches that through being free, rational beings can have moral personality: "the freedom of a rational being under moral laws (whereas psychological personality is merely the ability to be conscious of one's identity in different conditions of one's existence)" (Kant & Gregor, 1996, p. 1117

kindle location).We have seen that chimpanzees are capable of unpredictable behaviour, but are they capable of moral behaviour? I believe we can say chimpanzees, as one example of a non-human animal, are free rational beings who make their own choices and therefore might act in ways that give them moral personality.

In an evolutionary sense, the potential for moral personality might result from the extension of rational faculties required for creatures to form complex communities. Complex communities require their members to intentionally understand the motives, emotions, and intentions of other community members. Any animal with inner sense and unity of apperception would be of value to itself, but once communities form, valuing others becomes a social phenomenon. When others are considered as valuable-in-themselves, and not just of value 'for' something, moral behaviours would be adaptations that allow for harmonious 'good and just' communities.

We can amend Kant's definition of a good and just community thus: 'where each member enjoys the greatest freedom that permits the freedom of all to exist alongside each other'[32]. It would be a community where all members are in dynamic mutual interaction. The matter of morality will differ between types of rational beings, but the form would not. As Kant teaches. "… a good man is one who acts on the supposition that there is an unconditioned and objective moral standard holding for all men in virtue of their rationality as human beings" (Kant & Paton, 1948, p. 7). If we forgive Kant's use of the universal 'man', we can arrive at a scheme where an objective moral standard can hold for all rational beings, including chimpanzees.

In the next section I will discuss two further concepts that Kant teaches are central to his concepts <rationality> and <morality>. The first is <language>, which Kant sees as a mark of rationality, the second is

[32] Kant's wording: "… the **greatest human freedom** according to laws that permit **the freedom of each to exist together with that of others**" (Kant et al., 1998, p. 397 B373 emphasis in original).

<imagination>, which Kant describes as “a necessary ingredient of perception itself” (Kant et al., 1998, p. 239 A121n). If chimpanzees have language and productive imagination, they are almost standing in Kant’s moral landscape as moral agents.

PART EIGHT Language and Imagination

Scope

Kant gives priority to human language in his arguments, "All language is a signification of thought and, on the other hand, the best way of signifying thought is through language, the greatest instrument for understanding ourselves and others" (Kant & Louden, 2006, p. 85). As Jonathan Bennet has noted Kant treats human language "as a sort of magic, rather than a sort of physical behaviour" (Bennett, 1966, p. 116). Kant sees language as a marker for the presence of thought. There are two phenomena, inner speech and thinking, which are often conflated. To think about an experience of seeing a sunset, I need not mentally add 'I am seeing a sunset'. My internal comment 'I am seeing a sunset' is not the same as a thought. There is debate about whether in fact all humans experience inner speech, whereas it is assumed that all humans think.

Researcher Russell Hurlburt believes inner speech is by no means universal, and that it is quite separate from thinking: "Thus thinking as that term is frequently used may or may not have an experiential aspect. Inner speech, by contrast, is a phenomenon, a directly (albeit privately) apprehended experience. Inner speaking must be experienced to exist" (Hurlburt, Heavey, & Kelsey, 2013, p. 1487). If I speak aloud, you may judge my ability to think by my facility with language, as Kant does, but speech is just one way I communicate my thoughts and feelings. Non-human animals also have a wide range of ways to communicate.[33] Eva Meijer puts this elegantly: "If we want to say something meaningful about the language of others, then we need to study the practices within which that language is used. If others, animal or human, are incomprehensible to us, it is not because their mind or thoughts are inaccessible. It is because we are not familiar with their habits and manners and the other

[33] For an overview of research indicating the range and sophistication of animals languages see *Animal languages* by Eva Meijer (Meijer & Watkinson, 2020).

things that lend meaning to living together" (Meijer & Watkinson, 2020, p. 150).

In this section I will look at language and chimpanzees using two different concepts of <language>. And I will also look at <imagination>, as for Kant, it is not only an integral part of conscious cognition, but it also plays a key role in morality.

8.1 Human language and chimpanzees

"There is no obvious reason why the chimpanzee and the other great apes should not talk … As the writer has studied the ideational behavior of these animals, he has persistently wondered why they have not developed speech and whether they may not be taught to talk" (Yerkes, 1925, pp. 173-174). Allen and Beatrice Gardner agreed with Yerkes' view that chimps should be able to talk, but suspected they were physically unable to do so vocally. They wondered if they might be able to speak a gestural language, such as American Sign Language (ASL). In the early 1970s articles were published detailing their success in teaching a chimpanzee named Washoe to speak ASL.

The Gardners took Washoe into their home when she was one year old, an <uncanny child>. They taught Washoe by moulding her hands, and eventually Washoe invented a few gestures of her own. "During her 51 months living under crossfostering conditions, Washoe acquired at least 132 reliable signs … and many more that had not yet met the stringent requirements to be included in the vocabulary. Her vocabulary grew as she was exposed to new situations and new people reaching over 250 signs at the time of her death" (Davis, Shaw, & Radeke, 2018). She also taught some signs to her adopted son, Loulis. Washoe is just one example of the many chimpanzees who were used in the ASL chimpanzee language experiments. As we have seen, an <uncanny child> will turn into a <savage beast>, "… the animals grew up, and as they grew up, the people in contact with them discovered that they were neither domestic animals nor people. Their great strength necessitated restrictions on

their freedom … The freedom to roam through a private house would be replaced by confinement in various forms of cages. Trips outside their cages would become more and more infrequent, and on those rare occasions, the ape would have to suffer the indignity of a leash" (Linden, 1986, p. 53).

By the late 1970s language experiments with the great apes had fallen out of favour. The results were deemed inconclusive, mainly due to what we saw above: according to Kant, our definitions are at best approximations. There was disagreement about what language, and in particular human language, is. "… whenever one encounters a theory or supposition that has the ape language as a take-off point, one has to interpolate backward to determine which reality [which definition of language] the theorist is using as his starting point" (Ibid. p. 62). The controversy about research findings meant that funding for the research dried up. In some places, guidelines were put in place that keepers and researchers were forbidden to sign to chimpanzees. "For instance, the rule that no human could sign in the presence of Washoe and her child only served to make Washoe wonder why nobody would talk to her anymore" (Ibid. p. 218).

The end of the ASL chimpanzee language research did not mean all the participating chimps were sent to sanctuaries; many went to laboratories, including to medical research laboratories. Even though the experiences of chimpanzees in the medical research facilities would be the same regardless of whether the chimps knew some ASL signs or not, there is something especially disturbing about a chimp who can express their despair in a human language.

Empirical Example of a Chimpanzee Communicating Clearly

> In 1988, as a PHD student, Psychology Professor Mark Bodamer took a job at the Laboratory for Experimental Medicine and Surgery in Primates, intent on enriching the lives of the incarcerated chimps. One of the chimps, Bruno, had been infected with hepatitis, and like the other chimps, was permanently confined to a tiny cage. Bruno had been taught ASL and often gestured to staff, who had no idea what he was doing.

> Bodamer knew some ASL signs and when he first encountered Bruno, he signed 'hello, what is your name?': "Bruno did not sign his name … Bruno had signed by bending his index finger at the first knuckle, then making contact with his knuckle in the opposite palm, followed by turning his knuckle in his palm. Bruno has signed KEY. He then signed again, pulling one hand out from the grasp of the other – the ASL sign for OUT … Of all the phrases Bruno could have signed, he signed KEY OUT. I didn't think his message was by any means random. Bruno wanted out of his tiny cage" (Rosenman, 2019, p. 228). Sadly, Bruno was still in his tiny cage when he eventually died.

8.2 Concepts <language>

There are at least two ways of constructing the concept <language>:

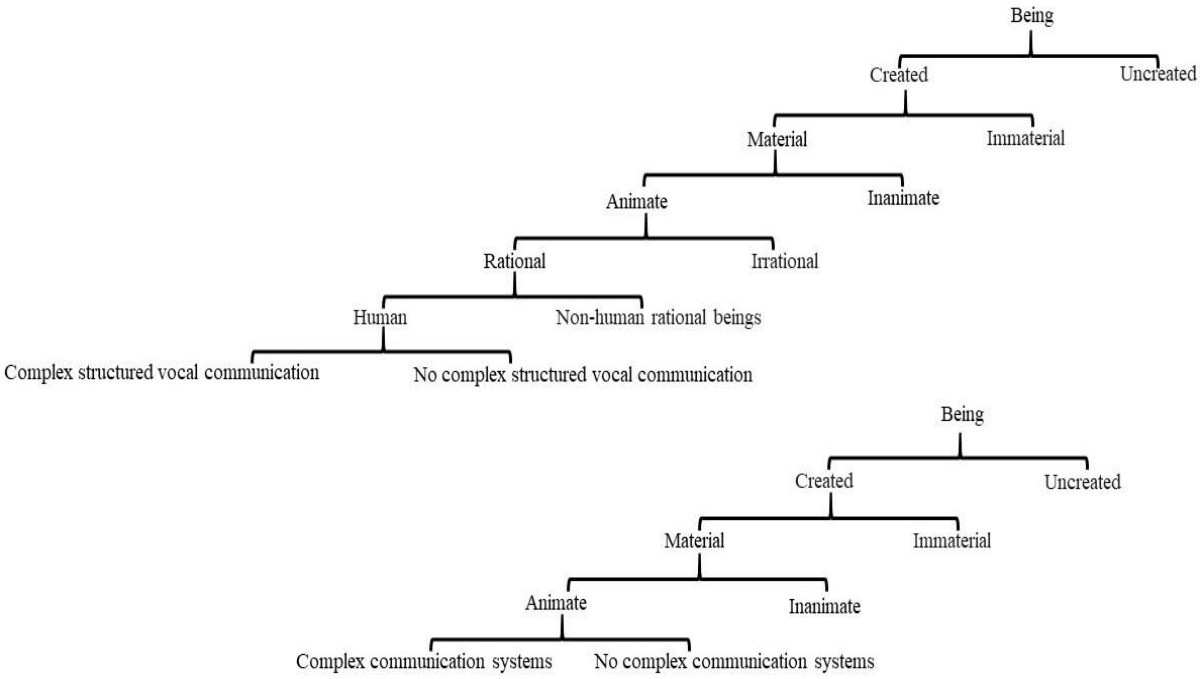


Figure 18 Constructing the concept <language>

The upper one constructs <language> as one of many forms of complex structured vocal communication of the rational animate material created being that is <human>. The lower one constructs <language> as any complex form of communication used by an animate material created being. All the sceptics of

the ASL chimpanzee language research results hold the first definition and as Eugene Linden says: "When the behavioural phenomenon being studied in creatures other than man is the same as the one which has been used to define the difference between human and animal nature, the fact that the observer is human cannot help but increase the likelihood that the act of observation will occlude what is observed" (Linden, 1974, p. 202). These are some of the conclusions about the research from the 'sceptics':

Psychologist Herbart Terrace in 1979 about his research with the chimp Nim: "In children, the mean word-length of their utterances steadily increases. Over one nineteen-month period, Nim's did not. More damning still, a close review of videos showed that Nim's signs frequently imitated what his teachers had just uttered. Plus, Nim, unlike children, never learned that a conversation required taking turns giving and receiving information" (Cohen, 2010, p. 118).

Psychologist Steven Pinker in 1994: "Even putting aside vocabulary, phonology, morphology and syntax, what impresses one the most about chimpanzee signing is that fundamentally, deep down, chimps just don't 'get it'" (Ibid. p. 120).

Psychologist David Premack to Jon Cohen in 2007 "It became clear to me that these strings of words [signed by chimps] - some of them got to be reasonably long - were going nowhere … There were no embedded phrases. They never became 'The apple that is red was eaten by Sarah late in the morning'" (ibid p. 116).

Just as Kant explored human rationality and decided only humans were rational, ASL chimpanzee language research explored human language and found chimpanzees don't speak it. It is remarkable what they did learn given that they were being taught human language[34]. Many still agree with the early

[34] Also remarkable is the amount of human language chimpanzees in human care understand. In sanctuaries, the caregivers rely on the chimps' understanding the prevailing language. At the Ngamba Island Chimpanzee Sanctuary in 2017, I witnessed chimps responding appropriately to quite complex requests. One day Boris, a

philologist Müller, who stated language was the distinguishing mark of being human, for example Jon Cohen: “Friedrich Max Müller had it right: language is our Rubicon, and no brute will dare to cross it. Granted, apes can be taught to use and recognize words and symbols, even to utter a few words. But as Pinker said, they just don’t get it” (Cohen, 2010, p. 127). The ASL chimpanzee language research places chimps as <pseudo human>, setting them up to support the concept <human superiority>.

8.3 Chimpish

There are researchers who focus on chimpanzee language, I will call it Chimpish, as an example of the second concept <language>, any complex form of communication used by an animate material created being:

Catherine Crockford and Christophe Boech analysed the barks of wild male chimpanzees in the Taï Forest, Côte d’Ivoire and found: “Signal combinations of barks with other call types or drums showed much higher signal specificity, showing for the first time that chimpanzees produce highly specific signals in specific contexts. Combining signals is a potentially powerful adaptive strategy for conveying precise, context-specific information” (Crockford & Boesch, 2002, p. 122).

Shozo Kojima, Akihiro Izumi, and Miyuki Ceugniet tested an 18-year-old female chimpanzee, Pan, at the Primate Research Institute, Kyoto University. They wondered if she could identify individual chimpanzees by their vocalisations (pant hoots, pant grunts, and screams). The recordings were of natural calls and then of acoustically-modified calls, and Pan had to match the vocalisations with images of the different chimpanzees. “[Pan] succeeded in selecting the picture of the vocalizer in response to various types of vocalizations: pant hoots, pant grunts and screams. When pant hoots by two chimpanzees were presented as a ‘duet’, she could identify both of the

caregiver, and I were standing near a fence, the other side of which was Medina, a juvenile chimpanzee. I asked Boris what was on Medina’s back, so he asked her: Medina stood up and spun around so we could see her back while craning over her own shoulder so she could also have a look.

vocalizers. These results suggest that researchers have underestimated the capability of vocalizer identification in chimpanzees" (Kojima, Izumi, & Ceugniet, 2003, p. [225]).

Primatologist Catherine Hobaiter has been studying gestural language among wild chimpanzees in Budongo Forest, Uganda for many years. She finds "Young chimpanzees are (innately) equipped with the potential to deploy a large repertoire of gestures, at least 66 different types, many with closely similar meanings … Not all gestures with equivalent meanings will be equally effective in achieving the young chimpanzee's aim in her particular circumstances: but she may not know which one will work best. The strategy of giving several equivalent gestures in a rapidly produced sequence is, therefore, effective - if rather laborious. If the sequence happens to include one or more highly successful gestures, the purpose will be much more likely to be achieved. Over time, regular use of sequences thus allows the developing chimpanzee to learn which gestures are critical for a sequence's success. Once that is learnt, however, there will be less point in using a sequence at all: using the high-success gesture alone is just as effective and less effort" (Hobaiter & Byrne, 2011, p. 836).

There is a predictable difference in chimpanzee language research results depending on which concept <language> is being used. When concepts are focussed on chimpanzees and not on how they may resemble humans, we start to find out more about chimpanzees, and we start to expand the sphere of the concept <chimpanzee> into a much richer sphere. And Chimpish is learnt in a way that would lead to local variations: "In principle, there is no reason to assume that gestures which are high-success in one chimpanzee group would necessarily be the high-success ones in all groups. Local environmental or social differences could therefore lead to a sort of 'quasi-cultural' variation in

the mature adult repertoire" (Crockford & Boesch, 2002, p. 837). The gestural language of chimpanzees includes gestures which they share with humans.

Empirical Example of a Recognisable Chimpanzee Gesture

The University of St Andrews' *The Great Ape Dictionary*, describes the gesture 'beckon' thus: "Hand moved in a sweep from elbow or wrist towards signaller [contains] Beckoning, finger curl" (Byrne et al., 2019).

Used with permission of SYCR.

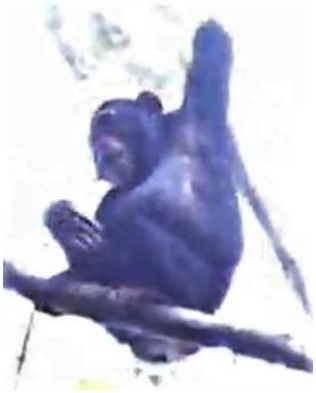
Figure 19 Jacky beckoning to Sheri Speede, founder of Sanaga-Yong Chimpanzee Rescue

This gesture is used in several contexts, it can literally mean 'come on', or more metaphorically mean 'join in', as beckoning does with humans: "it's basically a gesture to ask someone of something - whether it be to follow, chase, give, reassure, look, etc." (Sandra Casti, Assistant Manager, Sanaga-Yong Chimpanzee Rescue, Cameroon, personal communication, 25 January 2020). You can clearly see it in the video of Jacky, one of the first chimpanzees to be rescued by the Sanaga-Yong Chimpanzee Rescue Sanctuary, asking founder Sheri Speede to keep up with him[35].

'Beckon' is a natural gesture which is observed in the wild. Juan Lapuente advises that chimps in the Comoé National Park, Côte d'Ivoire use 'calling gestures' (Juan Lapuente, founder of the The Comoé

[35] (SYCR, 2019, August 11) used with permission of Sandra Casti, Assistant Manager, Sanaga-Yong Chimpanzee Rescue, Cameroon: https://www.facebook.com/sanagayongchimpanzeerescue/videos/2675710825807719 (2019, August 11).

Chimpanzee Conservation Project, personal communication, 25 March 2021). *The Great Ape Dictionary* includes a video of a wild chimpanzee beckoning another to follow, in the Budongo Forest Reserve, Uganda.



Used with permission of Catherine Hobaiter, University of St Andrews, Scotland.

Figure 20 Young wild chimpanzee in the Budongo Forest Reserve, Uganda, beckons to an adult chimp to follow

A human seeing the chimpanzee 'beckon' gesture would respond appropriately, which could lead us to thinking we could begin to learn their language as a basis of seeing the world through chimpanzee concepts. But Chimpish comprises combinations of gestures, vocalisations, and drumming[36]. Understanding one gesture does not necessarily mean we will find a large lexicon which we can translate into human words. The odd gesture which looks understandable to us could be the gesture of a far distant common ancestor, a coincidence, or an example of convergent behavioural evolution, where diverse organisms evolve similar traits or behaviours. Recall that Kant holds that even analytic definitions are approximate at best. We need conceptual context to really understand words in use, which is why translating human languages is so difficult. Hearing or seeing Chimpish, we might understand the calls or gestures for 'snake' or 'leopard', but still not know their subtleties or contextual content.

Research among the Sonso chimpanzee community in the Budongo Forest, Uganda showed the chimps "were more likely to alarm call in response to a snake in the presence of unaware group members than in the presence of aware group members" (Crockford, Wittig, Mundry, & Zuberbühler, 2012, p.

[36] Chimpanzees drum buttress roots of trees, allowing for intense close-range, and efficient long-range, communication.

[142]). This research shows that chimpanzee calls can be more than an automatic response to a visual stimulus. If a human were to learn some calls, gestures, or rhythms, they might be in a position like Nim learning ASL, where, as quoted above, Psychologist Herbart Terrace determined: the signer "frequently imitated what his teachers had just uttered … [they] never learned that a conversation required taking turns giving and receiving information" (Cohen, 2010, p. 118).

8.4 <imagination>

As we saw in *Part Three*, Kant teaches that there are three original sources for the possibility of experience: "***sense, imagination*** *and* ***apperception***" (Kant et al., 1998, p. 225 B127 emphasis in original). He describes imagination as "a faculty of intuition without the presence of the object" (Kant & Louden, 2006, p. 60 §28), and in his first edition of *The Critique of pure reason* as "a necessary ingredient of perception itself" (Kant et al., 1998, p. 239 A121n). For Kant, there are two types of imagination: "either productive, that is, a faculty of the original presentation of the object (*exhibitio originaria*), which thus precedes experience; or reproductive, a faculty of the derivative presentation of the object (*exhibitio derivativa*), which brings back to the mind an empirical intuition that it had previously" (Kant & Louden, 2006, p. 60 §28). Space and time are the only intuitions of productive imagination that don't presuppose empirical intuition. In all other cases productive imagination "is nevertheless not exactly creative, for it is not capable of producing a sense representation that was never given to our faculty of sense" (Ibid. p.60-61).

Kant grants that non-human animals have reproductive imagination, as part of their lower faculties of cognition. Their use of reproductive imagination is non-conceptual and instinctive. They might recognise via reproductive imagination that an object is appropriate for the satisfaction of an inclination: to eat; to run away from etc. - but they do not understand objects through concepts. To act morally one must value others and act for their sakes, which requires

productive imagination: "One sympathizes with others by means of the power of imagination" (Ibid. p. 134 §66). "Kant thinks the imagination's presentation of beauty as the symbol of morality '*makes possible the transition from sensible charm to the habitual moral interest without too violent a leap*' because it helps us develop the reflective capacities required for morality (KU 5:354)[37]" (Matherne, 2016, p. 65).

Empirical Examples of Chimpanzee Productive Imagination

> Tetsuro Matzuzawa has documented examples of chimpanzee pretence, in the context of the theory that the first evidence of imagination in humans is children engaging in pretend play. Matzuzawa has been studying wild chimpanzees at Bossou-Nimba, Guinea for a period every year since 1986. The villagers in the area often use circular cushions, called *minis*, to carry heavy loads on their heads. In 2011, a grass *mini* was left on the ground at an observation site after a villager had transported fruit to the area. The researchers did not notice that the *mini* had been discarded.
>
> Six chimpanzees arrived at the site and began to eat and drink. Eventually the alpha male arrived, and all seven chimps settled down to some grooming. Then three more chimps arrived, including three-year-old Flanle. "Flanle immediately found the *Mini* that had been left on the ground. At 12:37, he picked it up and put it on his head just like a laurel wreath or grass hat. He stood upright and walked bipedally while wearing the grass cushion, similar to what a villager might do before lifting a load onto the head" (Matsuzawa, 2020, p. 545). Flanle's mother was concerned, as Bossou chimpanzees have had bad experiences with things left by humans, such as wire snares. Flanle evaded his mother and continued his pretend play and his mother, once she saw he was not in

[37] The reference is to *The Critique of judgement*, in this thesis I have been referring to (Kant & Meredith, 1952), where the reference is: (Kant & Meredith, 1952, p. 225 §59).

danger, relaxed. He played until the *mini* came apart and then he joined the other chimps.

Figure 21 Flanle wearing the mini

Matsuzawa points out that Flanle could just have donned the *mini* due to its shape but notes that Flanle didn't only wear the *mini* but also stood upright and walked bipedally, which suggests imitation. And it was an advanced type of imitation, where the imitated action occurs some hours or days after the observation of the behaviour that is imitated, and in the absence of a model. Matsuzawa applies this definition to Flanle, concluding he "performed deferred imitation of a human model using the cushion to carry a heavy object on the head; no model was present … This observation represents the use of a real object for play as described in the introduction as one of the developmental stages of pretend play" (Ibid. p. 546).

Flanle used his imagination in this episode of pretend play, for "The first clear evidence of imagination in human development appears in the form of pretense or pretend play" (Ibid. p. [543]). Flanle also showed the kinaesthetic awareness and knowledge of humans to put his body into the position of humans and mimic their movements. He was playing at being human, once the *mini* disintegrated he was back to being

> a young chimpanzee. This is an example of a chimpanzee demonstrating productive imagination.
>
> Another example involves Washoe, the chimpanzee discussed above regarding her use in the ASL chimpanzee language research. When one of the volunteers who worked with Washoe became pregnant, Washoe was fascinated, as she herself had been pregnant twice and lost both babies. Unfortunately, the volunteer, Kat Beach, miscarried and couldn't visit Washoe for several weeks. When she returned, Washoe was quite cold towards her, as she had high expectations of her friends, and Beach had just disappeared. Beach apologised to Washoe and signed that her baby had died. "Washoe stared at her, then looked down. She finally peered into Kat's eyes again and carefully signed "CRY," touching her cheek and drawing her finger down the path a tear would make on a human. (Chimpanzees don't shed tears.)" (Fouts, 2000).

Summary

Language is a key indicator of rationality for Kant. But there are two ways the concept <language> can be constructed. If we take <language> to be 'any complex form of communication used by an animate material created being', then we begin to see the variety and efficacy of non-human language systems.

The construction of concepts arising from research where chimpanzees are centred as ends-in-themselves, reveal a much finer-grained appreciation of chimpanzees and their community life. The examples we have seen of the use of productive imagination in chimpanzees, along with their having inner sense and unity of apperception, give chimpanzees a sense of personal continuity. This means, according to my reconsideration of Kant's scheme, they are capable of moral acts and of being moral agents. In the next section I will describe chimpanzees demonstrating moral agency, which requires us, as moral agents, to treat them as ends-in-themselves.

PART NINE Conceptualising as a Chimpanzee

Scope

It is extremely hard, if not impossible, to conceptualise another group's concepts, to 'get' what they value, but we can try. For example, Rebecca Wragg Sykes has attempted to construct the concept <cannibalism> in the sphere of <love> and <grief> in the context of Neanderthals. Our Western concept <cannibalism> would be in the sphere of the concepts <savagery>, <*in extremis*> or <unhealthy practices>. Wragg Sykes, applying theoretical research and having studied Neanderthal artefacts, suggests: "Cannibalism is very probably a powerful means by which individuals and groups process the impact not only of killings carried out on emotional impulses, but other deaths too. In other words, it's about grieving" (Wragg Sykes, 2020, p. 306).

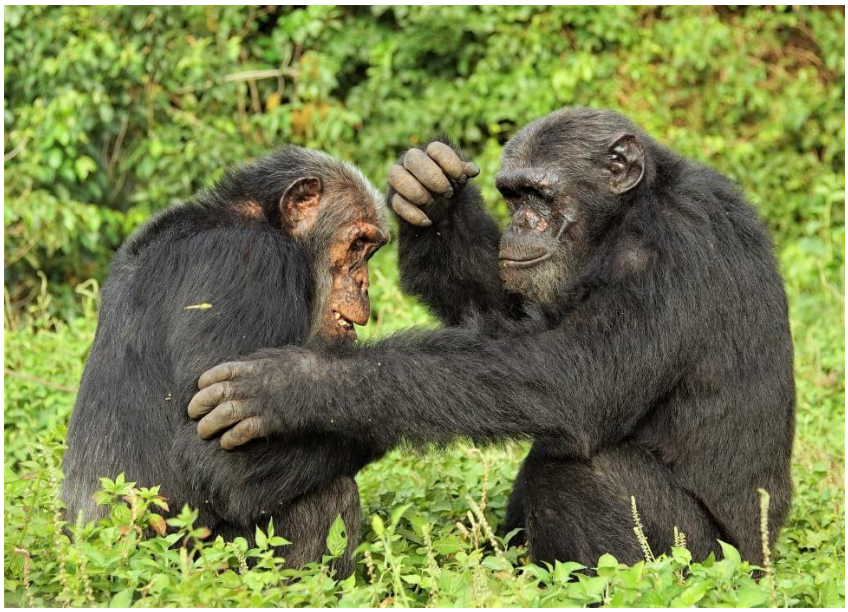
In the West, with our clear line between human and non-human animals, eating beings on our side of the line is seen as barbaric, or something a rational person would only consider in cases of extreme hunger with no other source of protein available. But Wragg Sykes places Neanderthals in a world where they are one among many species, all related, some of whom are considered food, some revered, and where eating bodies might be an attempt to take on the characteristics of the eaten in an expression of grief or respect; a world where cannibalism is about wanting to keep departed loved ones within. Wragg Sykes is attempting to conceptualise as a Neanderthal, as opposed to conceptualising them as 'the other'. She describes practices in a way that depicts recognition and respect for fellow community members, or of members of other communities – practices that when conceptualised as those of 'the other' may appear to many of us to be the extreme of disrespect.

Looking from the outside at a community, the complexity and variety it contains can be obscured and it can appear simple and homogeneous. Actions can appear instinctive and not freely considered. To try and situate chimpanzees in Kant's moral landscape, we need to try to understand the complexity of their

communities and behaviours, as Wragg Sykes did for Neanderthals. We need to see chimp practices through their own concepts.

9.1 Grooming as a moral act

Where community members value each other, there will be marks indicating how this value constrains behaviour towards others. To get anywhere near a glimpse of what it would be like to be a chimpanzee valuing other chimpanzees, we need a widespread behaviour that directly indicates that chimpanzees regard others in their community as fellow agents. A behaviour that indicates that chimps protect and aid each other, a behaviour that is used to display regret and forgiveness, and a behaviour that is an expression of co-operation. These are the conditions we listed above as indicative that in a community, members are valued, and that value constrains behaviour. Grooming is one such activity, it is universal among chimpanzees, although the expression may differ from community to community.



Photograph by Innocent Ampeire.

Figure 22 Umutama (alpha male) and Tumbo (sixth in hierarchy) in a grooming session, Ngamba Island, Uganda

There are many hygienic reasons for grooming: removing dirt and dead skin, and ectoparasites such as ticks and lice. It is also an opportunity to clean cuts and scratches. Grooming is time used that can't be used for other activities, so it has often been considered a transactional activity, where chimpanzees form

agonistic coalitions, trade access to food and resources, or access to females in oestrus. However, research carried out by extensively observing a captive group of chimpanzees at Chester Zoo, U.K. over three months, shows that the main purpose of grooming is to strengthen relationships and confirm social bonds. "Our results are consistent with the view that grooming is not always a resource per se but rather forms the part of a proximate mechanism involved in creating mutually reinforced bonds that provides the basis of reciprocated exchanges" (Fedurek, Dunbar, & Project, 2009, p. 574).

'Mutually reinforced bonds'; the dynamic mutual interactions that enable individuals to form communities, to share concepts, including the concept of the <value> of others in the community. The Chester Zoo research looked at both bi-directional (both partners being actively engaged) grooming and unidirectional (one chimpanzee grooming another) grooming. The research results supported a social bonding model. Chimps in close relationships reinforce those relationships with leisurely mutual grooming sessions, yet all members of the community are groomed. Those in distant relationships enjoy unidirectional grooming, perhaps with the intent of forming closer relationships: "Our data suggests … reciprocated grooming implies a strong relationship, whereas unreciprocated grooming implies as weak one (or, perhaps, a bid to establish such a relationship)" (Ibid. p, 573).

Grooming is important in the development and maintenance of social bonds in chimpanzee communities. And just as in human communities, individuals treat some members well through personal inclination, which is a good thing to do, but in Kant's moral landscape it is not the moral thing to do. Chimps also choose to treat well those who are more distant from them, to ensure they are consolidated into the community. The latter could be considered as a choice of 'duty' to the community, a moral choice. The Categorical Imperative is that we treat others as ends-in-themselves, not means to our own, or someone else's, purpose; the act of grooming centres on the recipient.

I am not suggesting that chimpanzees follow human moral considerations, I am rather suggesting that they make choices and display behaviours where personal cost is paid for community benefit, and that these choices and behaviours entail some chimpanzees being treated as ends-in-themselves despite their not being in a group where personal tendencies would explain the choices and behaviours. Although the choices are consistent in chimpanzee communities (form), local behaviours differ (matter).

Empirical Examples of Cultural Variations

> In the Mahale Mountains National Park, Tanzania, chimps incorporate a 'social scratch' into their grooming (Nakamura, McGrew, Marchant, & Nishida, 2000).
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> Chimpanzees in the Mahale Mountains National Park and in Kibale NP groom while clasping hands, where each of the chimpanzees holds an arm up and clasps the other's hand, and then uses their other hand to groom the other chimp (Mcgrew, 2017).
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> Leaf grooming, where a leaf is manipulated during grooming, has been observed in some communities, including those in Gombe Stream NP and Mahale Mountain NP in Tanzania and Kibale NP, Uganda. It was recently discovered that this practice is a way of disposing of insects taken when grooming (Zamma, 2002).
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> These local variations are passed down through generations, chimps learn by observation and mimicry, and by direct coaching. Toshida Nishida relates observing the teaching of handclasp grooming to juvenile chimps by their mothers in Mahale Mountains National Park: "… while I was observing an adult female and her four-year-old son, she took his right hand with her left hand, lifted it upward, shifted her gripping from the left to the right hand, and began to groom his right armpit with her left hand. The infant son did not groom the mother this time, since he was too young. In 2002, another female lifted the left upper arm of her six-year-old son with

> her right hand and then gripped his left wrist with her left hand to groom his left armpit … the son responded to her by grooming her left armpit in typical GHC [grooming hand clasp] manner" (Nishida, 2012, pp. 160-161). Nishida saw this as a possible example of chimps displaying moulding behaviour; he says it was at least scaffolding behaviour. It was "a kind of social transmission of information that is different from the usual passive observational learning" (ibid p. 162).

A scale of relationships will appear within communities: "The connection between friends is more certain than that between citizens of a state" (ibid p. 176 29:766). For Kant, moral acts require actors to recognise and respect the value of all fellow community members. Grooming is a mechanism for social cohesion and a framework for expressing care for others, but sometimes communities don't cohere. Kant makes an interesting comparison in his *Critique of pure reason*, drawing a parallel between the synthesising of spheres of concepts and the relationships of objects in space and time: "The understanding follows the same procedure when it represents the divided sphere of a concept as when it thinks of a thing as divisible, and just as in the first case the members of the division exclude each other and yet are connected in one sphere, so in the latter case the parts are represented as ones to which existence (as substances) pertains to each exclusively of the others, and which yet connected in one whole" (Kant et al., 1998, p. 216 B113). Community relations are like those within bodies where causality isn't enough to explain the cohesion, in both "the parts of which reciprocally attract yet also repel each other" (Ibid.).

Community relationships include the dynamic attraction and repulsion of its members. Communities include conflict between members, and for communities to adhere, conflict must be balanced by reconciliation. Grooming and other intimate touching is often cited in the role of post-conflict

reconciliation among chimpanzees. Examples of this are primarily, but not solely, from captive chimpanzees, in zoos or sanctuaries, as in the wild it is easier for chimps to distance themselves after a conflict, and researchers may not connect the conflict with later acts of reconciliation.

Empirical Examples of Chimpanzee Acts of Reconciliation

> "In the midst of this pandemonium, two chimpanzees kissed with their arms wrapped around each other. These two chimpanzees turned out to be the same male and female central in the previous fight" (de Waal, 2000, p. 586). This incident took place at the Arnhem Zoo, the Netherlands. De Waal points out that after a conflict in a community, it is both the winners and the losers who have something to worry about (possibly in distinction from inter-community conflicts). The resolution is sometimes brought about by another member of the community: "Females have been observed to break the deadlock by grooming one male, then the other, until she has brought the two of them together, after which she withdraws" (Ibid. p. 589).
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> Research among wild chimpanzees in the Mahale Mountains National Park tested the hypothesis that reconciliation after conflict was more frequent among chimpanzees who already share a valuable relationship than those who do not. The research found that the hypothesis was not proven, and that "neither sex combination nor association level between the opponents influenced the occurrence of reconciliation; this finding does not support the valuable relationship hypothesis" (Kutsukake & Castles, 2004, p. 161). In conformity with de Waal's comments about reconciliation in a community being beneficial to both winners and losers, the Mahale research found 37% of the reconciliation approaches were from aggressors, and 61% by victims. The research also found that "conciliatory tendencies did not differ according to other factors, such as the age combination of the opponents (adult–

> adult vs adult–adolescent or juvenile …), sex combination … initial distance between the opponents at the end of aggression … or association level" (Ibid. p. 160-161).
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> The conciliatory force of touch was also born out in the research among the wild chimpanzees, while grooming occurred most frequently in non-post-conflict situations, gentle touching occurred more frequently in the post-conflict situation than in the non-post-conflict. "This suggests that gentle touching may be a behavior that is specific to reconciliation" (Ibid. p. 162). The reconciliation also included conciliation being initiated by a third party, as was seen at Arnhem Zoo. This type of interference must have a high benefit, as it can be quite costly, with the "risk of becoming involved in renewed aggression through affiliating with, rather than avoiding, the opponents" (Ibid. p. 164).

The value of conflict resolution for a community is high for its members, allowing stability in the group. Grooming, or shorter episodes of gentle touching or kissing, allows any chimp to either show remorse or extend forgiveness. Grooming, gentle touching, and kissing, are ways that individual chimps can express themselves as part of a group of other valued individuals. As de Waal puts it, "The widespread occurrence of reconciliation, therefore, questions assumptions underlying earlier modeling and leads theorists to look at individuals as part of the larger benefit-benefit arrangements that we call societies" (de Waal, 2000, p. 589).

None of the above captures the intimate moments of grooming, the absolute focus and care of the groomer. Watching chimpanzees grooming is to watch delicacy and serenity, it evokes aesthetic judgements in the observer. Recall that aesthetic judgements do not refer to specific objects, they are situated in neither time nor space, but create a flurry of activity in the imagination. And the feeling of community-belonging and security experienced

by chimps in a grooming session might also approach this sense: “The judgement is called aesthetic for the very reason that its determining ground cannot be a concept, but is rather the feeling (of the internal sense) of the concert in the play of the mental powers as a thing only capable of being felt” (Kant & Meredith, 1952, p. 71 §15).

9.2 Rationality a necessary not contingent characteristic

Chimpanzees’ grooming behaviour is an expression of their valuing all in their community. Many of the empirical examples above have referred to the behaviour of individual, or small groups of, chimpanzees. It is not a reach though to argue that we should consider all chimpanzees in our moral deliberations. In his lectures on logic, Kant gives the following example of a partially true syllogism: “All Moors are men. The respondent is a man. Therefore he is a Moor” (Kant & Young, 1992, p. 284). A true syllogism is: ‘All humans are rational beings. The respondent is human. Therefore, she is rational.’ For the type ‘human’, being a certain ethnicity is contingent (for the individual it is not). The latter syllogism, for Kant, is a true syllogism, because rationality is part of what being human is, it is a necessary but not sufficient characteristic. Similarly, I propose rationality is a necessary but not sufficient characteristic of being a chimpanzee. Looking at any individual chimp one might question that claim, but we are talking of the potential of types of beings.

Kant often writes that it is not the individual but their type, or the societies they create, that are the focus of concern. This does not mean that individuals are not of value, quite the opposite. Although Kant sees it is their rationality, not their individual characteristics, that make each rational being deserving of respect - it is through individual actions that rationality is expressed, and through the self-consciousness of individuals that rationality is enjoyed. Although it is their ability to be applied universally that we revere in moral maxims, they are expressions of individual will. Aesthetic judgements are grounded in community common sense, but it is individuals who are

preconditioned to appreciate beauty and respond to the sublime. Even pure apperception is a 'point of view', and we are bound to respect the self-conscious point of view of each rational being who has the potential to be a moral agent.

The distinction between matter and form is important here. Each member of a community is unique, hence there is variety inside communities even though they may appear homogeneous from the outside. There is also variation between communities. Carl Safina in his *Becoming wild* suggests there is no longer a meaningful concept <chimpanzee>, as the four remaining subspecies have been separated for hundreds of thousands of years. Each chimp community in each subspecies has a culture which has emerged through generations of conservative protection of 'our way of doing things'. Occasional innovative developments will further differentiate local cultures, each with unique ways of experiencing the world, each with a unique phenomenal world.

Again, using the piano recital analogy: we should respect the universal consistency of the piano (form, sensibility), detected when it is played by a pianist (matter, the world), in a way that produces piano music (composition, apperception). There is variation in matter, both in the world and in the products of rationality, but consistency in the form of rational faculties. Defining <rational being> as any animate material created being that can negotiate and articulate its environment, we can see rationality as being part of the essence of any such being. Being rational should bring, at least, chimpanzees into moral consideration, not because they are almost human, but because they are chimpanzees with their own outlook, their own way of being ends-in-themselves.

9.3 Chimpanzee rights and duties

Kant considers that "As far as reason alone can judge, a human being has duties only to human beings (himself and others), since his duty to any subject is moral constraint by that subject's will" (Kant & Gregor, 1996, p. 5586 kindle location, §16). I suggest that his requirement that "… the constraining (binding)

subject must, first, be a person; and this person must, second, be given as an object of experience" (Ibid.) can refer to, at least, chimpanzees as well as humans. We have seen how chimpanzees form complex communities, within which the potential for moral personality emerges. Once community members act in ways that indicate that others in their community are valued, it is <value> that constrains community behaviour. The acts become requirements under community rules that give all members rights and duties. Chimps are members of complex communities, and within their communities they have moral rights and moral duties. They are moral persons.

Complex communities form when the extension of the members' rationality allows them to understand the motives, emotions, and intentions of others. We have seen that chimpanzees have the potential to extend their rationality to act morally towards others in their communities. They can also extend their rationality to beings that are other than chimpanzees. Recall the chimpanzees of the Fouta Djallon highlands and their human neighbours; Washoe reacting with empathy to the news that her caregiver had lost a baby; and Flanle observing humans so closely he could mimic them with his productive memory. And human rationality, with extremely complex and widespread communities, while the same in <u>form</u> to all other rational beings, allows for human moral duties to extend far beyond other humans to respect "… the faculty of reason in general" (Kant et al., 1998, p. 101 Axii).

In a table in *The metaphysics of morals* (Kant & Gregor, 1996, p. 1576 kindle location), Kant itemises our obligations regarding categories of other subjects. In the first category, Kant places those beings with neither rights nor duties, due to their lacking reason, saying the group of humans who are bound by such beings is *Vacat* (has no members). In the second group are those who have rights as well as duties. Kant sees this category as only holding humans, so the category of those bound is *Adest* (has members) - for this is a relation of human beings to human beings. Humans are bound by those with rights and

duties. Even those who argue for legal personhood for chimpanzees, and who argue they have rights, tend to say they do not have duties, that they are moral patients, not moral agents.

Empirical Example of Denying Chimpanzees have Moral Duties

> An opinion issued by Judge Eugene M. Fahey regarding the failed Non-Human Rights Project (NhRP) request for a *habeas corpus* hearing on behalf of two chimpanzees, Kiko and Tommy, reads: "yet no one would suppose it was improper to seek a writ of habeas corpus on behalf of one's infant child or a parent suffering from dementia. In short, being a 'moral agent' who can freely choose to act as morality requires is not a necessary condition of being a 'moral patient' who can be wronged and may have the right to redress wrongs" (Andrews, 2018, pp. 112-113).

The NhRP welcomed this opinion, but to compare chimpanzees to infants or impaired humans, misses the point that chimpanzees have the potential to be moral agents within their own communities, where, according to Kant's scheme, they have moral duties. Humans have a duty to respect all rational beings and allow them the freedom to carry out their moral duties.

Summary

Within chimpanzee communities are behaviours which are marks of intra-community value. Behaviours that are concerned with protecting/aiding members. Behaviours that display regret/forgiveness. Behaviours that mediate agonistic conflict - putting individuals in danger, but undertaken for the good of the group, and to protect other individuals. All these are marks of moral behaviour. As members of complex communities, chimpanzees have moral duties within their own communities. I have provided examples where wild chimpanzees respect and engage with their human neighbours (the chimps in the Fouta Djallon highland), where a chimpanzee empathised with a human (Washoe and her caregiver), and where a wild chimpanzee observed humans

closely enough to mimic them (Flanle in Bossou-Nimba). Chimpanzees extend their rational faculties to beings that are other than chimpanzee.

Chimpanzees have the idea of freedom, in the Kantian sense of a concept of reason that "goes beyond the possibility of experience" (Kant et al., 1998, p. 399 B377). Chimps can act freely in ways not grounded in personal inclinations. Such behaviour might only be expressed by some chimpanzees, but this indicates the potential for all chimpanzees to be moral agents with moral duties. And Kant tells us to respect the moral potential in all rational beings. Humans are in a privileged position with the reach and power of their complex communities, and they have a duty to respect 'reason in general'. Once we recognise that chimpanzees have the potential to act morally, we are bound by a duty to ensure and protect their freedom and their communities. We can now place chimpanzees in Kant's moral landscape.

PART TEN Chimpanzees in Kant's Moral Landscape

Rational beings experience objects in the world, their minds analyse them into simple parts, or synthesise them into the world. Their sensibility is affected by the presence of objects when it is presented with their representations. Initially a representation is an indistinct intuition, conditioned only with the *a priori* intuitions of space and time. Prior to the engagement of the pure intuitions of time and space, there needs to be self-affection of the inner sense, for all intuitions to be in accord with their being perceptions of the subject. An indistinct intuition becomes a distinct experience via imagination, inner sense, and the application of categories of concepts; the drawing together of intuitions and concepts that is unity of apperception. There is the "spontaneity of cognition" (Kant et al., 1998, p. 193 B75) that is understanding. The categories of concepts are *a priori*, and grounded in the relationship between understanding and experience, but they are not derived from experience, experience is derived from them. Rational beings create the phenomenal worlds they experience.

All rational beings who navigate and articulate their environments require a sense of the world and its contents, including a continuing sense of themselves in their environments. All living beings have a general awareness, pure apperception, "a feeling of an existence**"** (Kant & Hatfield, 2004, p. 86 4:334). Pure apperception is a prerequisite for understanding, it is a point-of-view, and relates to the transcendental self - that which perceives the world but is outside the boundary of its own understanding. Even unconscious experiences are the experiences of a subject, just not consciously experienced. Synthetic apperception is what is required to consciously experience a unified world, and empirical apperception is the experience of such a world, including the experience of a continuing self - synthetic apperception allows rational beings to perceive objects, including themselves, in space and time. How each type of

being's rationality is demonstrated (matter) is unique to each type of being, the form of all rationality is the same – and it is the form of rationality that Kant asks us to revere.

Kant's scheme, 'transcendental idealism', allows for the idea of freedom. The presupposition of freedom gives rational beings the autonomy to create orderly societies that conform to moral laws. Aesthetic judgements, disinterested feelings of the beautiful and the sublime, enable rational beings to appreciate the rightness of their moral laws. This respect for moral laws, and for the rationality that authors them, places moral duties on rational beings. It is not individuals *per se* that are deserving of the respect of rational beings, it is their potential to have moral personality. Our moral laws should protect the freedom of all rational beings with the potential to have moral personality.

Kant regrets that we have no other rational beings besides humans. He is sure they exist off-world and insists "… we would really know them" (Kant & Gregor, 2015, p. 10:13). But it would be the matter of their behaviour which we would 'know', as he believes "them to be constituted just as we cognise ourselves to be" (Ibid.). What we should revere are the cognitive processes of rationality which are " … a hidden art in the depths of the human soul, whose true operations we can divine from nature and lay unveiled before your eyes with difficulty" (Kant et al., 1998, p. 273 B181). And from nature we can divine rationality in the hidden depths of those non-human animals who navigate and articulate their environments.

If we think of the cognitive requirements of chimpanzee behaviour, and the form, not the matter, of their decision-making, we can indeed recognise them as rational beings. Chimpanzees have the idea of freedom, idea in the Kantian sense of a concept of reason that "goes beyond the possibility of experience" (Kant et al., 1998, p. 399 B377). They can act freely in ways not grounded in personal inclinations, but in ways that benefit others, and ways that benefit all in their communities. If we think of the potential for all chimpanzees

to be moral agents, our moral laws should protect their freedom; they should protect the 'ends' of each of the members of complex chimpanzee communities; they should protect the communities where chimpanzees organise themselves according to moral rules. Chimpanzees must be free to be moral.

Kant regards freedom as the only original right, "*Freedom* (independence from being compelled by another's choice), insofar as it can coexist with the freedom of every other in accordance with a universal law, is the only original right belonging to every man by virtue of his humanity" (Ibid. p. 1518 kindle location 6:237 emphasis in original). There is the inner freedom of having intentions based on rationality, and the external freedom of acting unimpeded and without coercion. The later not just relating to acts but to the intentions resulting in those acts. Rather than ensuring chimpanzees have freedom of movement (large cages, enclosures, freedom to choose whether they spend time indoors or outdoors etc.), we must ensure they have freedom to actualise their intentions. And just as <value> emerges in dynamic communities, <freedom> relate to community rules and laws; questions of freedom, are really questions about social relationships.

Every rational being has the potential to be a valued member of a community, and the right to have their freedom safeguarded. When unhindered, chimpanzees can choose to act as moral decision-makers, acting not from personal inclination but according to maxims which benefit all in their community, and in ways they would wish all to act. Chimps are moral rights-bearers, and they have moral duties. And this is what attracts a moral duty in us. Kant teaches the following regarding the moral concept of right: it is "the sum of the conditions under which the choice of one can be united with the choice of another in accordance with a universal law of freedom" (Kant & Gregor, 1996, p. 1394 kindle location 6:230 §B).

Humans and all non-human animals, rather than being either side of a boundary, exist together in the sphere of animate material created beings.

Chimpanzees are one of many rational non-human animals who have a sense of themselves and others, in time and space. The extension of human rationality arising from the evolving complexity of their communities, allows human moral duties to extend far beyond human communities. Our moral judgements should encompass all rational beings who exist alongside us. Our moral judgements should allow us to recognise that when dealing with endangered rational non-human animals in the wild, such as chimpanzees, we are dealing with the potential loss of not some members of a homogeneous type, but of unique constructions of the phenomenal world, unique cultures, unique ways of doing things.

Rather than viewing chimps through our inclinations, as objects of entertainment, commerce, or subjects of research to advance human projects, we have a Kantian duty to engage with them to explore 'the relation of choice on the part of both'[38]. Chimpanzees have the right to live a free and secure life in their home territories, with self-determination and autonomy. They have a right to freedom of choice, freedom of association, and privacy.[39] Many of the exploitative uses humans have made of chimpanzees have been outlawed, but many others persist, for example the bush meat trade, the pet trade, and the confinement of chimpanzees as objects for the human gaze[40]. There is ongoing

[38] Among the list of conditions to explain the concept of right, Kant includes "All that is in question is the *form* in the relation of choice on the part of both, insofar as choice is regarded merely as *free*, and whether the action of one can be united with the freedom of the other in accordance with a universal law" (Kant & Gregor, 1996, p. 1387 kindle location).

[39] Relevant legal rights should include recognition of chimpanzees as persons under the law, which would allow writs of *habeas corpus* made in their name, should the need arise where they are held in unsuitable conditions. Any proceeds from research done with chimpanzees, should in part go to benefit them. In the wild, chimpanzees have a right to remuneration for the work they do to maintain their territories. A study by the International Monetary Fund on the value of carbon capture by forest elephants, found "if the population of African forest elephants returned to its former size and they recovered their former range … [the carbon-]capture from a recovery of these elephants could be equivalent to … a total present value of over $150 billion" (Chami, Fullenkamp, Cosimano, & Berzaghi, 2020). Such calculations should be done for chimpanzees.

[40] Chimpanzees held in captivity should all be part of a 'just transition' path to either their natural habitats or to sanctuaries. Sanctuaries should ensure the rights of chimpanzee, working towards being a realm of ends in accordance with Kant's second formulation of the Categorical Imperative: always choose to act towards others as though they were ends-in-themselves and not the means for people to achieve their own ends.

harm done to chimps through the destruction of their habitats[41]. We should not address these injustices because chimpanzees are 'like us', 'our closest relative', but because they are moral rights-bearers. To place chimpanzees in Kant's moral landscape, all we must do is ensure them the freedom to flourish there.

Treating chimpanzees as foils to our concepts of ourselves, seeing them as like but less than human, blocks our viewing them as chimpanzees, As Carl Safina puts it: "We see chimpanzees by our own light. But by our own darkness we miss much" (Safina, 2020, p. 324). The accepting of a moral duty regarding chimpanzees is to accept a reconstruction of many deeply held concepts, and as Kant teaches, "Old and deep-rooted prejudices are of course hard to fight, because they are self-justifying and, as it were, their own judges" (Kant, 1988, p. 88). I agree with Sam Fleischacker when he comments in his article on *Self-deceit and moral philosophy*: "Kant himself would probably not object to the claim that I should not see myself as legislator when immersed in a push towards action, and in danger therefore of using rationalization to cover over self-deceit and avoid the demands of morality" (Fleischacker, 2013, p. 75n).

We have seen that even analytical definitions will always be an approximation, as we can always learn more about given concepts through scientific study, which might change the intension. Assertoric categorical judgements can be wrong; we once thought that all swans (the genus *Cygnus*) were white, a non-white bird couldn't be a swan. Now we know there are black swans, (*Cygnus atratus*). Kant may think that only humans are rational, that a non-human animal can't be rational, but if he were to have the evidence we have today, a chimpanzee might be his 'black swan'.

[41] As I write this a Chinese-backed consortium is building a railway through the Simandou mountains of Guinea. Guinea is home to two-thirds of the 52,800 critically endangered *Pan troglodytes verus*, Western Chimpanzees, that remain. *Pan troglodytes verus* is the species in the Fouta Djallon highlands that was discussed earlier. The Simandou mountains are home to approximately 600-700 chimps. The railway is to provide transport for a massive iron ore mine. Blasting in the area began weeks before Guinean officials met to consider the environmental impact of the project (Reid & Bavier, 2021, August 18).

"The really important point is that the moral law is not valid merely because it interests us. On the contrary it interests us because we recognise it to be valid" (Kant & Paton, 1948, p. 47). If we rid ourselves of our prejudices of prestige, become newly disinterested, as the moral law "demands of us disinterested respect" (Kant & Gregor, 2015, p. 118 5:148), we will see that chimpanzees are one of many beings who give us the experience that Kant wishes for: the experience of recognising rational beings other than human beings, living alongside us in time and space. And if we start fulfilling our moral duties toward chimpanzees, we will eventually experience another of Kant's insights: "Now. I say, the beautiful is the sign of the morally good" (Kant & Meredith, 1952, p. 223).

Figure 23 Mawa and Amos, Ngamba Island Chimpanzee Sanctuary, Uganda

Photograph by Innocent Ampeire.

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