

CAN WE SEE NON-HUMAN ANIMALS ARE AGENTS?

A Master's Thesis

by

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To Paspas and Loras

CAN WE SEE NON-HUMAN ANIMALS ARE AGENTS?

The Graduate School of Economics and Social Sciences
of
İhsan Doğramacı Bilkent University

by

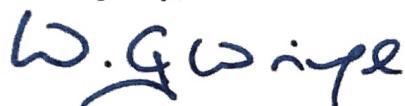
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June 2020

I certify that I have read this thesis and have found that it is fully adequate, in scope and in quality, as a thesis for the degree of Master of Philosophy.



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ABSTRACT

CAN WE SEE NON-HUMAN ANIMALS ARE AGENTS?

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In this thesis, I investigate non-human animal agency and I question whether we can see non-human animals are agents or not. I shall adopt a Moorean approach to animal agency and argue that we can see animals are agents just as we can see human agency because non-human animals are kind of entities that have the capacity for agency. There is a close connection between rights and agency and agents have inviolable rights that protect them. In order for animals to have rights, it is necessary for them to be agents. I claim that a theory of animal rights needs a theory of animal agency. Thus, the main argument is that we can in fact, see animals are agents which implies that we can actually see animals are agents when we look at them, just like we can see human agency.

Key words: Animal Ethics, Deliberation, G. E. Moore, Non-Human Animal Agency, Seeing Agency

ÖZET

İNSAN OLMAYAN HAYVANLARIN FAİL OLDUĞUNU GÖREBİLİR MİYİZ?

Pamukcu, Efsun İlayda

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Bu tezin amacı insan olmayan hayvanların failliğini araştırmak olup, hayvanların fail olduğunu görüp göremediğimizi sorgulamaktır. Hayvanların failliği konusuna Moore'cu bir yaklaşım getirerek, aynı insanların fail olduğunu görebildiğimiz gibi hayvanların da fail olduğunu görebildiğimiz savunulacaktır. Bunun sebebi ise, insan olmayan hayvanların fail olma kapasitesine sahip varlıklar olmasıdır. Haklar ve faillik arasında yakın bir bağ vardır ve bu bağ failleri koruyan, çiğnenemez hakları beraberinde getirir. Hayvanların hakları olabilmesi için, fail olmaları gereklidir. Bu tez, bir hayvan hakları teorisi oluşturmak için, bir hayvan failliği teorisine ihtiyaç olduğunu savunmaktadır. Bu nedenlerle, bu tezin savı, hayvanlara baktığımızda aynı insanların failliğini görebildiğimiz gibi, hayvanların da fail olduğunu gerçek anlamıyla görebildiğimiz yönündedir.

Anahtar Kelimeler: Failliği Görebilmek, G. E. Moore, Hayvan Etiği, İnsan Olmayan Hayvanların Failliği, Seçim Yapabilme Kabiliyeti

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CHAPTER I:

WHY DOES IT MATTER NON-HUMAN ANIMALS ARE AGENTS?

1.1. Introduction

In this chapter, I will start off from explaining why it is important to be able to defend the idea that non-human animals are agents. After clearly explaining why it is important to claim animals are agents, I will examine two different point views regarding animal rights and criticize them while stating my own ideas about them. Lastly, I will answer the question why a theory of animal rights needs a theory of animal agency. It is crucial to indicate the importance of this matter and show it, to be able to claim that whether it could possibly be true. In order to do that, it is necessary for me to start with emphasizing the significance of this issue.

There are two prominent approaches that someone who cares about animals may adopt. One of them is Peter Singer's (2015) approach and the other one is Sue Donaldson and Will Kymlicka's (2011) approach. Singer's view is welfarist while Donaldson and Kymlicka's theory is rights based. First of all, I believe there are some good reasons for preferring a rights based approach when compared to a welfare based one. We should choose Donaldson and Kymlicka's view on animal rights rather than Singer's. However, I defend, in order for that to work, it is necessary to see animals are agents. I will explain why I think that and also why I find Donaldson and Kymlicka's view more plausible and suitable for defending animals in the following sections.

1.1.Singer and Donaldson & Kymlicka Debate

To start with Singer and Donaldson & Kymlicka debate, I will now explain the reasons behind their claims. Peter Singer suggests that there is a wall we put up between us humans and non-human animals. The former is perceived as having rights and dignity and the latter is a mere thing. However, if we take a close look at animals, starting from the ones who are the closest to humans such as apes, it is observed that “the difference between us and non-human animals are... matters of degree not of kind” (Singer, 2015: xiii). His conception of equality and his intentions to extend it to animals while predicated on the principle of equality is appealing. Especially, the term speciesism which refers to “the prejudice or attitude of bias in favor of the interests of members of one’s own species and against those of members of other species” is a great contribution to the animal ethics literature (Singer, 2015: 6). His work was revolutionary in 1970’s because he raised concern about groups of sentient living beings, namely non-human animals, who suffer in large scale due to humans’ lack of understanding and indifference towards them. However, we believe that utilitarianism and welfare based approaches are not the right way to defend these great ideas. As a utilitarian, Singer’s view is inadequate in theory and when applied to practice, it fails to protect all non-human animals from all different kinds of suffering which may make his view implausible according to some critiques (Cavalieri, 2001; Donaldson & Kymlicka, 2011; Francione, 2000; Regan, 2003). It is because he adopts a welfare based approach towards theory of rights which is typically aggregative. Welfarist views are insufficient to ensure the rights of all non-human animals because traditional utilitarianism can spare a small group in order to save a great number of individuals which can be ineffective and unfair. Although equality is important as Singer highlights, it does not guarantee being just and we

should put emphasis on that. Since the issue of protecting basic rights and lives is not about negotiating or allowing some small amount of great injustice to achieve justice for majority, in that sense, some are opposed to Singer's view as am I.

Accordingly, Donaldson and Kymlicka (2011) are among those who disagree with Singer. They suggest that not everyone who is concerned with animal welfare, is necessarily an animal rights theorist. The basic requirement for being an animal rights theorist is not just being concerned about the welfare of animals, one has to do more than that. Thus, they criticize welfarist animal rights theories for not being animal rights theorist views because they are utilitarian which regards only the welfare of non-human animals. They fail to protect animals because they allow slaughtering animals while encouraging animal industries to be less cruel (Donaldson & Kymlicka, 2011: 5). In their view, this is not the way to protect animals and it is not well-qualified to construct an animal rights theorist view. They claim that inviolable rights are about having a selfhood and it is not unique to humans (Donaldson & Kymlicka, 2011: 30). They believe that "recognizing animals as persons or selves with inviolable rights" is acknowledging that animals are not entities to be used as a means to an end (Donaldson & Kymlicka, 2011: 40). Their own subjective existence requires to attain inviolable rights to them which protect them from abuse, torture, death, being treated unjustly and simply just being used by human beings as mere things. Non-human animals have selves and they are persons, or I think, a more suitable word to use here is individuals, and every individual's life is equally important. Therefore, Donaldson and Kymlicka (2011: 40) argue that we must respect animals for these reasons and this respect should outweigh our pleasure and profit.

They also suggest that since there is an unavoidable relationship between animals and humans, it is necessary to conceptualize our coexistence and interdependency (Donaldson & Kymlicka, 2011: 65). They put forward some original proposals about how to conceptualize this relationship such as theories of co-citizenship, sovereignty and denizenship. They offer to extend our conception of the rights of individuals and self-determining communities to animals (Donaldson & Kymlicka, 2011: 167). According to them, different types of animals have different kinds of rights. They are different not only biologically but also in terms of our relationships with them. For instance, wild animals are capable of living by themselves; thus, human intervention should be prevented. Therefore, sovereignty theory deals with our relationship with wild animals.

On the other hand, domesticated animals have lost their ability to live by themselves and they are fully dependent on us. So, it is necessary to construct a different theory than sovereignty theory such as co-citizenship theory for domesticated animals, recognizing that they are a part of the society as selves or individuals with subjective experience so that we should include them to our political decision making process and look after their rights while we are making them (Donaldson & Kymlicka, 2011: 63).

Lastly, they consider a third different group of animals regarding their relationships with us who are liminal animals. Liminal animals are the wild animals who live in human settlements such as raccoons, squirrels, pigeons and even foxes, eagles, deer so on and so forth. Thus, they offer a model of denizenship, drawing from human denizenship, for liminal animals to determine their rights and our responsibilities towards them accordingly with their individual needs and well-being (Donaldson & Kymlicka, 2011: 210).

Taking all of these points into account, welfare based views are not enough to protect non-human animals and also, they focus on sentience, not inviolability which is unlike what we pursue in this thesis. Tradeoffs about welfare of some group with another group is not acceptable because where there are rights, there are no trade-offs. That is why Donaldson and Kymlicka suggest that not every view about animal rights theory is an animal rights theorist view. A genuine animal rights view should defend inviolability of animal rights along with more concepts other than just adducing sentience. It seems as though, a rights based theory is more suitable for defending and making sure to protect non-human animals than a welfare based theory. That is why it is important to talk about inviolable rights of non-human animals and animal agency.

1.2. The Inconsistency with Singer's Utilitarian Account

Let's take a closer look at the problem with Singer's account and explain why his utilitarian and welfarist approach is problematical. His view seems to suggest that it doesn't matter if lots of animals suffer, provided that there are even more animals that don't suffer or suffer less. This matters because it might be an inconsistent view to support. I think there is something fundamentally wrong with that view. Singer might say, actually animal agriculture may never sufficiently be humane to give those animals happy lives but we should do as much as we can do to make the conditions of factory farming more humane. Or it might be enough to be satisfied with the way how we treat animals if they live peacefully and they are instantly killed without any suffering. It seems to me, that notion really misses a crucial point. The problem with slaughtering and eating animals is not that the farming process isn't humane enough, it is the fact that killing them itself is a terrible way to treat creatures that have rights, sentience, value and subjective experience. Thus, Singer's

theory about why we should be good to animals, doesn't really have the kind of consequences that neither him nor I want it to have since we want to liberate and protect non-human animals.

It is important to recognize traditional utilitarianism and other alternative utilitarian approaches or more sophisticated versions of it. To clarify, there aren't only two options such as utilitarian view or rights based view to approach animal rights. There are different versions of utilitarianism where it changes what you want to maximize and where there are different ways of maximizing them. It might change from version to version whether we always maximize pleasure or whether there are other kinds of things that we want to maximize which we can also talk about. There are also different kinds of rights based views as well.

However, the utilitarian view which I am opposed to, has some distinct characteristics and I think it is important to clarify which kind of utilitarianism I disagree with. The key is the aggregative theories and non-aggregative theories. Aggregative means that one can trade off one creature's welfare against another (Rosen, 2003: 134). Singer's view is an aggregative view which is one of the reasons why I reject his thesis. The aggregative views are problematic according to me and that is what I really object to, rather than being opposed to all versions of utilitarianism. Utilitarianism has three main features which are hedonism, aggregation and consequentialism (Rosen, 2003: 5). Hedonism refers to valuing pleasure and pain the most while making moral analysis. Moreover, utilitarianism is aggregative which means you can trade off losses from one person against losses to another person and it is also consequentialist which means that the outcome is the most important thing while evaluating an ethical issue. My reasons for objecting to

Singer's view and other versions of utilitarianism, focus on the aggregative features because I reject the idea that we can trade off one individual against the other.

Singer's utilitarian view is aggregative which I think, he is wrong about. An example where we can see Singer's aggregative approach is the factory farming case. He calls improved conditions of factory farming a "victory" and "success" (Singer, 2015: 16):

The most significant victory of all... came on November 4, 2008, a day that is memorable... because Californians approved, by a whopping 63-37 margin, a ballot initiative giving all farm animals in their state the room to stretch their limbs and turn around without touching other animals or the sides of their enclosures. In 2015, not only veal and sow crates but also the standard battery cage will become illegal in California, and nineteen million hens will have more room to walk around and stretch their wings. The egg industry poured \$9 million into fighting the initiative, but found itself matched by a coalition of animal organizations, led by the Humane Society of the United States, the largest animal welfare organization in the nation, and one which under the presidency of Wayne Pacelle has turned its attention to farm animals with remarkable success.

It is a positive improvement that the US starts to raise awareness about the horrible treatment to animals; however, I would not call this a victory or a success because at the end of the day, according to the global animal slaughter statistics (Sanders, 2018) "more than 70 billion animals are killed" each year and this only includes land animals that are consumed. Fish and wild animals and other animals who are killed for other purposes are excluded. There is no such thing as humane slaughter and humane meat. Improved conditions that Singer talks about do not provide neither happiness nor health. Killing is wrong and it is also wrong when you harm or kill living, sentient beings and individuals who can do things for reasons by choosing between different options, other than humans, even though one does not need to kill to survive. It is morally wrong to legitimize murder or slaughter with any reason other than self-defense. It is clearly not self-defense when you hang a cow from its leg and slit her throat or smash male chicks in a grinder in order to dispose them

because they cannot produce eggs or knock a dog's head off then slit its throat or skin crocodiles alive for their skin which is the most obvious thing that belongs to them (Last chance for animals, n.d.). So, no, I would not call it a victory to have a little room to stretch one's limbs, live a short, miserable, isolated life then get killed to be eaten or used as a means to an end just like an object. Therefore, factory farming is about the aggregative aspect of utilitarianism and Singer's view allows to tolerate harming lots of animals in exchange of some 'humane' treatment which still does not bring more happiness because they still live in captivity throughout their lives before they are killed which I believe, is the biggest harm that one can do to another.

1.3. The Problem of External Preferences

The problem of external preferences is introduced by Ronald Dworkin (2013) as a criticism of utilitarianism. Dworkin (2013: 493) states that:

...if we examine the range of preferences that individuals in fact have, we shall see that the apparent egalitarian character of a utilitarian argument is often deceptive. Preference utilitarianism asks officials to attempt to satisfy people's preferences so far as this is possible. But the preferences of an individual for the consequences of a particular policy may be seen to reflect, on further analysis, either a personal preference for his own enjoyment of some goods or opportunities, or an external preference for the assignment of goods and opportunities to others, or both.

So, Dworkin proposes an argument against utilitarianism and it is in favor of rights based views when we are dealing with human beings which is why we touch on the problem of external preferences. Although, utilitarianism has this egalitarian approach towards humans which suggests that we should treat people impartially since everybody's welfare counts equally, the problem of external preferences can actually lead us to favoritism. If there are some people whose happiness or welfare is more valued by other people, they may choose those people's welfare over others

when they have to choose between them. This is called the problem of external preferences. If nobody had any preferences about other people's preferences or nobody's happiness made a difference to anybody else's happiness, these kinds of problems wouldn't arise.

From Dworkin's point of view, external preferences shouldn't count when we are talking about human beings because one's preference can be a racist preference and it is a morally wrong action which should not be counted equally with other reasonable preferences. On the other hand, I think it is problematic to claim that there is nothing wrong with external preferences when we are talking about non-human animals. There is something wrong with that claim and the aim of this section is to show that utilitarianism is inconsistent because of the problem of external preferences among other reasons and it is inconsistent for both human beings and non-human animals.

Consider a case where a doctor favors her own relative and gets him at the top of the organ donor list to save him because he needs immediate care or else, he will die soon even though he is on the waiting list. From a utilitarian point of view the doctor should do what makes her happy. She is happy that her relative is safe and well. What makes this case problematic is that once we start to count preferences about preferences. The doctor would be depriving other people from happiness by taking someone else's right to get an organ. This is sometimes called preferences about preferences as well as external preferences. The problem of external preferences supports the idea that utilitarianism is quite controversial when applied in practice. I believe, this problem also applies to non-human animals.

One might say, it is shown that there is a problem with utilitarianism when applied to human beings, but one might still think that utilitarianism is the right way

to think about our relationships with animals and the problem of external preferences does not apply to non-human animals. One can agree that it would be wrong for the doctor to favor their own relative while one does not agree that it would be wrong for a vet to prioritize saving their own companion animal over somebody else's companion animal for instance. We argue that there is a problem with that view due to a confusion of perspectives of vet and the owner.

Also, saving your own pet is not exactly equal with favoring your relative. A more useful analogy would be saving your child for the example of saving your pet because we value them as if they are our children. Since utilitarianism allows that you should be able to favor your own child over other people's children, these cases are quite similar and not much distinct to think that this wouldn't apply to animals, according to me. Also, intuitively if it is acceptable to save your own children when you need to choose between someone else's life, it is also acceptable to favor your own companion animal against another. This again raises concern about the problem of external preferences. Your happiness is more important to you than the preferences and happiness of others; therefore, you save your own pet rather than someone else's pet, just like you would do the same with your child. I cannot see any difference with these two cases. So, this vet example is not the same with favoring your relative.

To make it clear, let's look at a famous objection to William Godwin. As Mark Philp (2017) says "Godwin's moral theory is often described as utilitarian" even though Godwin's work predates Bentham's and Mill's works on utilitarianism. Godwin puts forward a thought experiment to illustrate how we should morally act while maximizing utility. He states that suppose there is a fire in your house and there are two people in the house (Godwin, 1918: 82). One of them is your mother

and the other one is a great philosopher. He asks whether who you should save. The immediate answer would most probably be choosing one's mother. However, counter intuitively, he argues that obviously one should save the philosopher because the philosopher is going to bring greater enlightenment and happiness to the world through affecting many people's lives (Godwin, 1918: 83). But majority of people would respond to that as one should be able to save their mother or at least it should be permissible to do that. Therefore, considering that we love our companion animals as they are our children, it is most likely expected to favor your own beloved companion animal over another animal following the same train of thought.

Another objection which support the idea that animal and human cases are different regarding the compatibility of utilitarianism, might be a comparison between a doctor and a vet. Suppose there is a doctor, and there are two people whom he can operate on and one is a really popular and famous person and the other one is a beggar. It seems like it feels morally wrong for the doctor to say that he is going to save the popular person other than the beggar just because she is popular. I think, most probably, one would think that would be horrible. On the other hand, there is a vet who needs to make a choice to save either a family cat or a stray cat. One might claim that it does not seem as bad if the vet saves the family pet instead of the stray animal. It might not seem as morally wrong as the former or it might not even seem morally wrong at all.

However, I think that the comparison between the doctor and the vet is not right. Intuitively, it seems acceptable to save your pet rather than the street animal for the same kind of reason that it would morally permissible for you to save your own child rather than another child if you can only save one of them. A utilitarian would agree with that but I do not think that it is right because of utilitarian reasons. I think

it is right because you have special duties to your pet. Your relationship with your pet is like your relationship with your child. By taking this pet into your life, you have established a relationship between you having particular duties to your pet. Yet, the crucial point here is the vet's point of view. It is intuitively right to save your own child or your own companion animal however in this case the family cat is not the vet's cat. If I take my cat to the vet then what I'm doing is, I'm asking the vet to work on my behalf. So, if I go to the vet then there is a quite good reason for the vet to put my cat before the street cat.

As opposed to what Singer would think, I think when the vet's deciding what kind of career to have, one possibility is to be a family vet and one possibility is to look after street animals. It looks as though, Singer is going to say that the vet should become a family vet but what I think is that when you think about it from the vet's perspective and think about what the vet should do, we do not have the kind of intuition that we would suppose in Singer's view. When we are thinking about the vet, maybe the vet is going to decide to work for the street animals. We wouldn't think that the vet is doing something obviously wrong if we hear that. But on Singer's view, it seems like we presumably should think that. Therefore, this objection confuses two different things and the way the intuition was originally presented when the objection presented it, was misleading.

The two things that are confused here are, the perspectives of the pet owner and the vet. In other words, what one as the person who has the pet would think about and what the vet should do or what the vet might think. This can be an intuition that one has but I think they are confused because they are not distinguishing these two different perspectives that one might have which are the perspective of the person who has the relationship with the cat and the perspective of

the vet deciding on what kind of career to have. I might say in the doctor case, we certainly think that a doctor who chooses to go work for the street children in India for example, is doing something morally right. Certainly, he would not be doing something morally wrong. If this is the comparison we are making, the appropriate question to ask is what about when we think about the vet deciding on whether she should work for street animals or she should go into a veterinary practice that puts her in special relationships with people who have companion animals. I claim that it is not obvious that the vet who decides to work with street cats is acting morally wrong. It is more likely that it would be considered morally right. Therefore, if we make the right comparison, then the intuitions do not seem to be telling strongly against my view.

1.4. How to Avoid Singer's Utilitarian Problems

A way to solve those problems that arise from Singer's welfarist approach might be having a rights based view. If we think about animals as having rights, then none of these problems will arise. In this section, I will explain why the rights based view is better than Singer's view.

First, I claimed that we need a rights based view but it seems to presuppose we have a theory of agency. Since I believe it is possible to see animals are agents, this is suitable to our case and we should adopt a rights based approach. Thus, we want a rights based theory but I would like to consider a possible objection about agency. One might object to my idea by pointing out that I cannot have a rights based theory unless I think animals are agents which does not pose a threat to my argument because I think animals are agents and Chapter II and III present an argument based on that idea.

To clarify, I do need to think that non-human animals are agents in order for them to have rights and my reasons for believing in animal agency are independent of that. The argument that I give for thinking that non-human animals are agents does not depend on us agreeing that rights based theory is the right way to go.

A utilitarian still might object to this by claiming that we can solve this problem by excluding external preferences when we indicate preferences. When one aims to maximize preference satisfaction, one would not consider the external preferences. This would lead to maximize preferences that people have for how their own lives go. If this is the case, then why do we need to adopt a rights based theory while we can avoid the problem of external preferences following this argument?

One worry with that objection is that discounting external preferences seems arbitrary. It seems particularly arbitrary once one starts discounting people's preferences with respect to animals. We don't think that a utilitarian has to discount those preferences. Besides, even if we can deal with the problem of external preferences, there is still the problem of consequentialism. The preferences are going to be on consequentialist grounds for accepting factory farming which poses a threat towards animals and might violate their rights avoiding their preferences.

If we can believe that animals have rights, then we wouldn't have these problems. Because thinking about animals as individuals with inviolable rights, protects them from the aggregative consequences of utilitarianism. It seems as though, adopting a rights based approach regarding animal rights issue is quite plausible. But as we stated, if you have a rights based approach, you need to think

about animals as agents. There might be a problem with issues about agency for the ones who do not think that animals are agents. I will make a case for animal agency to show how we can see non-human animals are agents and how we can form a well-constructed argument in favor of seeing agency in the following chapters. First, let's focus on why we need a theory of animal agency in order to construct a theory of animal rights.

1.5. Why Does a Theory of Animal Rights Need a Theory of Animal Agency?

There are two important views about the nature of rights. The will theory of rights and interest theory of rights. The relationship between these theories of rights and agency is that we need to evaluate and explain which one we find more compatible with our theory of agency since we do not want to pursue a welfarist way.

Moreover, both theories explain the function of rights from different perspectives. Wenar (2020) states that “a will theorist asserts that the function of a right is to give its holder control over another’s duty”. The whole purpose of rights is to protect the capacity of agency of beings. If one has rights, it only makes sense to think of one as an agent. If it is thought that this is the correct view of rights while at the same time one thinks that animals have rights then they need to be agents.

The other important view of rights is interest theory of rights as we mentioned above. This theory claims that the purpose of rights is to protect important interests, things that matter to one (Wenar, 2020). Joseph Raz (1988: 191) explains that rights are fundamental with interest theory:

All rights are based on interests. Some rights may be based on an interest in having those same rights. No vicious circularity is involved in the claim that X has a certain right because it is his interest to have it. It is no more circular than

the statement that Jack loves Jill because she needs his love. In many cases an individual's interest in a right does not justify holding him to have it unless it serves some other worth-while interest of his (or of others). My son's interest in a right to education justifies holding him to have it only because the right will serve his interest in education.

Therefore, according to interest theory of rights, our interests determine which rights we should have. Even if one is not an autonomous agent, one still may have interests and rights. Some of those interests might be about agency as well. For example, interest for developing a capacity for agency. This theory is useful to answer the children case which is mentioned above. Children may not be autonomous agents yet they have a right to education because it is in their interest to get education.

Furthermore, people who are severely cognitively impaired are not also be able to reflect on reasons. Donaldson and Kymlicka state, “most theorists today... endorse the alternative 'interest theory' of rights, according to which (in Joseph Raz's influential formulation) to say that X is a rights holder is to say that his or her interests are sufficient reason for imposing duties on others either not to interfere with X in the performance of some action, or to secure him or her in something” (as cited in Donaldson & Kymlicka, Raz, 1984). Therefore, those groups mentioned above can have inviolable rights if their interests are pursued.

I think the will theory of rights is rather problematic. Some kinds of rights do not seem to have to do with autonomous agency. For instance, children are not the right kind of agents according to this view because they are not autonomous agents. They are bound to their parents, they are not “sovereigns” as right holders and yet they have rights (Hart, 1982: 183). But the kind of agency that is mentioned here, namely autonomous agency, is the kind of agency that matters according to the will theory of rights. Are animals autonomous agents? It is possible to give an affirmative answer

to this question for example some higher animals like chimpanzees can be considered autonomous agents. Even though, we add autonomy to equation, it is not possible to support the will theory of rights because of rational choice requirement which might cause a problem for animals. Donaldson and Kymlicka (2011: 264) evaluates the two theories and state that the will theory of rights is mostly rejected because it excludes many groups such as animals, children, temporarily incapacitated, cognitively impaired and future generations. This is because of the requirement that is set, is to have rational choice so that the right holder is able to tell how one wants others to treat them.

However, I think it is possible to decide how one would want others to treat them without that individual telling us how to treat them. This can be achieved by observing their nature, finding out what makes them comfortable and empathize with them so that we can understand how one wants to be treated in their circumstances.

Some kinds of rights are well covered by the interest theory and some kinds of rights are well covered in the will theory. Yet, the will theory of rights excludes animals, children and mentally impaired and does not recognize their agency. It makes rational choice a requirement for agency and if one does not fully have this capacity they are not considered as the right kinds of agents. That is why we will reject the will theory of rights. On the other hand, although, interest theory does not emphasize on agency, one's interest might be about their capacity of agency. That is why the latter is more compatible with animal agency. The relationship between interest theory of rights and agency is that if we were to choose between the theories of rights to support our thesis since we reject a utilitarian approach, interest theory is the one to go with. If we think that interest theory of rights is correct but we also want to include the concept of agency, it is possible to propose that one of our

interests is the interest in being an agent and having the capacity for agency. Just as we care about the agency of human beings, the agency of non-human animals is also important and we should care about it as well. Therefore, agency is important and so is animal agency. Whether the agency of animals is the right kind of agency to care about or not, will be addressed in the following chapters.

To clarify, we believe agency is a necessary and sufficient condition for having rights. The relationship between having interests or the sort of interests that are relevant for rights is related with being an agent and having reasons of your own. That is why the interest theory is more compatible with our view.

Moreover, one might say that there are things which are not agents and yet have rights. Anyone who is an agent has rights but not anything that has rights are agents. The things which are not agents but they are protected by the law because of their relationship to beings who are agents. In a way, their protection is a consequence of other beings or agents having rights. Whereas, animals fall in the category of having the capacity of being the kinds of entities who are agents, then that is why they have rights, not because they are objects or properties and their relation with human beings or as a consequence of any relationship. They have rights because of the kinds of beings that they are, not because they are approximations to human beings.

Non-human animals are sentient living beings who are individuals and selves with subjective experience, doing things for reasons by making choices between different preferences. There are some things that have rights without being agents but there is a difference between protection laws and inviolable fundamental rights. The things which are protected by the law without recognized as agents are dealt with protection laws. That is neither a reason nor it shows that a theory of animal rights should avoid claiming that non-human animals are agents. Since they are the right

kinds of beings to have a capacity for agency, they should be protected by the law through inviolable fundamental rights. They shouldn't be protected by the law because of their relationship with human beings or because they are the property of human beings. Non-human animals should have inviolable rights and they shouldn't be protected by property rights.

Let's consider an example. For instance, babies have rights and babies are not agents. Does this case apply to non-human animals as well? One thinks that babies have rights because even if they are not agents, they are related in the right way to beings who are agents. They have rights because fully mature human beings have rights. It is possible to say that their way of having rights is kind of parasitic on the case of mature human beings. If mature human beings hadn't had rights, babies wouldn't have rights. This also applies to temporarily incapacitated and cognitively impaired as well. This is what separates the agency of non-human animals and other cases of autonomous agency debate. We shouldn't deal with animals as we deal with babies for example. I aim for a theory of animal rights which is different than that. I want to construct a theory which suggests that the rights of animals are not parasitic on the rights of mature human beings. Although, babies are not autonomous agents, they are going to become one or they are at least the kind of beings that are able to become autonomous agents in the future. In other words, babies have rights not because of their own properties but the way they relate to a wider class of beings who are autonomous agents. Unlike babies, if animals should have rights, it should be because of the kinds of things that they are, not because of their relationship with other agents.

2. CHAPTER II:

AGENCY, DELIBERATION AND DAVIDSON'S BELIEFS AND DESIRES

2.1. The Connection Between Rights and Agency

There is a strong connection between rights and agency and it is important that agents have rights to assure their inviolability. I will make a case for agency of animals, entitling them inviolability via rights. In order to examine the connection between rights and agency, I will first explain what it is to have a right and what it is to be an agent. Following that I will take these two concepts and their definitions, which are in accordance with my purpose into consideration and argue for animal agency.

Agency is the capacity of a being to act. While performing an act, it is also necessary to do things for a reason in order to be an agent. Thus, more specifically, agency is acting with reason. Actions have an effect on others and others have an effect on others by their actions too so agents are alleged to have rights. Rights are the kind of things which restrict or allow some certain acts that may harm or benefit the agents. Therefore, it is possible to claim that the connection between rights and agency is inviolability. With the entitlement of rights, for instance right to life, agents become inviolable.

The view of agency which will be adopted in this chapter is a more basic kind of agency as indicated above. If we modify the standard theory of agency, it allows us to argue for a basic kind of agency so that it is possible to extend it to non-human animals. It is not necessary to argue that agents have mental states which are only causally decent and agents have intentional actions, in order to construct a theory of

agency as standard theory of agency suggests. We may possess these features yet it is not crucial to assign mental states to agents as human beings do. Animals can deliberate which refers to make decisions between different choices. They have a capacity to act with reasons and they are sentient beings who have emotions and can feel pleasure and pain. Thus, the standard theory of agency will not be relevant for other species and it will exclude them if we limit the theory with standards which are only unique to humans. In order to extend agency to non-human animals, it is crucial to adopt a more basic kind of agency and take the constitutive or relevant capabilities of other species into account.

2.2. The Connection Between Agency and Deliberation

We emphasized that there is a strong connection between agency and rights. It is important that agents are entitled to rights in order to assure their inviolability. I argue that animals are right holders and this is because they are agents. I also argue that it is possible to see animals are agents. Since the aim of this thesis is to make a case for agency of animals, this section is focused on the concept of agency and deliberation. But how do we attribute agency? What is the connection between agency and deliberation and why is it important? I will explain why these two concepts are crucial to answer these questions and how they fit in animal case. Seeing animals as agents also guarantees the protection of their rights and to be an agent is to have the right to be treated properly without violating their fundamental rights. Therefore, if we can see that animals are agents it is quite obvious that we need to change the way we treat them.

To start with agency, it is the capacity of an entity to act. In other words, it is to do things for reasons. Thus, it can be said that agency is acting with a reason. As it is stated in the previous section, I adopt a basic kind of agency which enables us to

extend the theory of agency to non-human animals. It is not necessary to associate agency with the capacity of language and thought and limit it to only human beings. To embrace a simpler form of agency, is to enable to extend the theory of agency to animals. In my view, it is unfair and it does not make sense for us to put standards to agency which are only suitable for humans. In order not to anthropomorphize our standards of agency, it is crucial to adopt a more general and simple account of agency. So, deliberation seems to be more suitable for the definition of agency which allows us to extend agency to animals because they can deliberate and make decisions between different choices. Non-human animals act with reasons via deliberation. They act with reasons because they have a capacity to choose between different options, namely the ability to deliberate. The other crucial feature they have to answer the requirements of agency is sentience. Non-human animals have emotions and they can feel pleasure and pain which is another important feature they have which makes them eligible for agency. They also have a capacity to act with reasons which seems to be enough to ascribe them agency. Therefore, to show that claim I will give an account of what agency and deliberation are and how they are related to one another in the next section. Following that, it will also be examined whether these two involve belief or not.

2.3. Agency and Deliberation

I argue that we can see non-human animals are agents. How we see this, is linked with how they react to things. They deliberate which means doing things for reasons as we stated above, and they also have feelings and emotions. It is observed that they have emotions similar to human beings. It is a property that both human beings and non-human animals possess. Therefore, animals are living beings who are sentient and act for reasons of their own. In a way, it is possible to claim that they are

subjects of experience. These qualities provide a basis for agency. But how are features such as deliberation and sentience enough to satisfy the requirement for agency?

This section questions how agency and deliberation are connected and why we need deliberation to construct an account for agency. According to me, agency is closely related with being able to act for reasons and having the capacity of deliberation is a necessary condition to be able to act for reasons. If one can deliberate then one can also make a choice between two different options. I think, this is a valuable property of non-human animals which makes them eligible for agency. So, if one possesses emotions and can choose how to act, then they have their own personality and they deserve to be respected and not to be restricted or used as a means to an end. Since animals answer to this description and they can deliberate, it is possible to see that they are agents.

Let's consider some examples to support that claim. If one is in a close relationship with a domesticated animal, one can easily see that the non-human animal in question is able to make his own decisions, has feelings and even a character. For instance, one of the most common non-human companions of ours are dogs. When a dog wants to chase his tail, he chases it or when he wants to sit on someone's lap he sits and waits to be petted. If he wants to eat, he eats. If he needs to go outside, he lets you know by his body language or via barking. He does not want you to leave the house for work and feels sad which can be obviously observed by his wining. Every dog, every cat has a different character, they have likes and dislikes. Even in the same species this is the case. If you are living with two dogs in your house you can definitely see that some activities or objects are more interesting for one of them than the other. Thinking about other higher animals, they are not

much different. They also want peace, a safe environment, a place to sleep, food to eat, may be to be petted (depending on the animal in question), security for their offspring and definitely not to be subjected to violence or to die. Considering all these, one can claim that non-human animals can deliberate and they have desires. Therefore, if we require deliberation and sentience while forming our theory of agency, animals meet the criteria. Animals are agents as well, in their own sense. It is not to say that they are same with human beings or they should have all the same rights but it is to say that they are qualified to be agents and they need to be protected by some rights which are relevant and important for them. Rather than equality, justice or equity is the crucial element that is missing in animal rights debate.

On the other hand, if we consider Donald Davidson's (2001) analysis regarding reasons to act, which we call deliberation, then it may pose a problem for our thesis. Davidson associates acting for reasons with beliefs and desires. Therefore, in the next section I will analyze his theory and it will be rejected since he sticks with beliefs and the concept of truth and it does not help our case considering our knowledge about the nature of non-human animals.

2.4. Davidson's Beliefs and Desires

Davidson (2001) investigates whether there can be thought without speech in his essay "Thought and Talk". He looks into thought and language and their connection in order to make his case. He claims that explaining thought and language in terms of each other is not possible since none of them is prior to the other conceptually (Davidson, 2001: 156). These two concepts are linked in such a way that we need one to understand the other, however, separately one of them cannot fully explain the other. Therefore, thought and language are interdependent (Davidson, 2001: 158). He accepts the notion that we cannot speak without the ability to think. Yet, he dwells on

the other way around. He asks the question does thought depend on language? Thus, Davidson mounts his argument around this question. He argues when we consider thought, belief comes first amongst other verbs that report states (Davidson, 2001: 157). Our thoughts are explained by a system of beliefs according to him. However, Davidson does not argue that language is about speaking. He asserts that language is about being an interpreter. In other words, it is to understand one's utterance. So, Davidson (2001: 157) defends that “a creature cannot have thoughts unless it is an interpreter of the speech of another”.

Furthermore, Davidson refers to teleological explanation of action which is to explain action by attributing to beliefs and desires. So, he also claims that behavior is explained by our beliefs and desires. Davidson (2001: 159) states that “..there is a clear sense in which attributions of belief and desire, and hence teleological explanations of belief and desire, are supervenient on behavior more broadly described...the belief and desire that explain an action must be such that anyone who had that belief and desire would have a reason to act in that way”. He emphasizes that teleological explanation and explanation in general derives from each other in the sense that teleological explanation has a connection with reason. In other words, if one has a certain belief and desire while acting in a certain way, then they have a reason to act in that way. Anyone in that situation with the same beliefs and desires could act the same way because they have a reason to do so. Belief and desire explain actions to that extend. Moreover, to be able to have beliefs, one needs to be aware of the concept of truth. It points out to the rationality of action which indicates a coherent pattern (Davidson, 2001: 159). Just like thought and language, desire and belief are not prior to one another either. According to Davidson (2001: 160), they are equally important to describe behavior.

Following that he also examines the theory of preference or in other words, decision making. Davidson discusses Ramsey's interpretation of the theory which suggests that beliefs and desires explain the choices one makes. There are patterns of preferences when one acts and there is a system of beliefs and desires which explain those preferences. If one's actions have a coherent or rational pattern, they can be explained by a number of systems of beliefs and desires (Davidson, 2001: 160). He concludes that "All this strongly suggests that the attribution of desires and beliefs (and other thoughts) must go hand in hand with the interpretation of speech, that neither the theory of decision nor of interpretation can be successfully developed without the other" (Davidson, 2001: 163). He presents an analogy to show that non-human animals cannot interpret speech so that they do not have beliefs and desires which is to say that they cannot think. He states that dog "...knows that its master is home. But does it know that Mr. Smith (who is his master), or that the president of the bank (who is that same master), is home?" (Davidson, 2001: 163).

I think it is only fair if we try to make sense of what is going on a dog's head regarding dog's nature. The concepts which attribute meaning to humans such as having a profession does not make sense to a dog. It is difficult to say what the content of dog's thoughts are however, looking at dog's nature could justify to attribute certain kinds of concepts rather than the others. For instance, rather than knowing his owner's profession he knows that his owner is the alfa in their house and he can distinguish when someone calls his owner's name. Also, the fact that Davidson accepts the dog can know things is contradictory. In order for one to know, one must believe somethings. Just because dogs do not possess a sense of language as ours, does not entail that they do not think or not believe or not know. It is obvious that something is going on in their minds and whether we can prove or make sense

out of it or not, does not change this fact. Otherwise, we would be trying to anthropomorphize dogs on irrelevant grounds. Regarding non-human animals, having the characters of human languages or having the concept of truth are not necessary to have beliefs and desires or reasons to act.

However, this objection does not seem to be enough to argue against Davidson's idea which defends that thought depends on having beliefs and desires and one's ability to interpret each other's speech. Let's see if other examples help to support that animals can do things for reasons in parallel with Davidson's approach. The purpose of that is to show that there is inconsistency with Davidson's claim about having thoughts with the condition of being interpreters of another's speech and the concept of truth. I am not eager to claim that non-human animals have the concept of truth or language or they have thoughts as facts. I just argue that Davidson's argument of beliefs and desires are implausible and there might be many reasons to believe that actions are not only explained through beliefs and desires and the presence of the concept of truth and through interpreting the speech of one another. If we accept that notion then Davidson's argument about beliefs and desires do not pose a threat to my thesis. There are three examples I will consider.

2.5. Examples of Deliberation and Communication Observed in Non-Human Animal Behavior

The first one is about sperm whales. They have the ability to create patterns of clicks which are also known as codas. Researches show that each coda has a different reference and whales are able to identify the members of their community from the sound features of their codas (Welsh, 2011). It is quite similar to us to think about it, we recognize the voices of our family or friends based on the sound

properties of their voices or speech. These whales can also create the same codas; however, they have different accents. The whales who inhabit in Pacific have a distinct coda repertoire than the ones inhabit in Caribbean. This is similar to have different regional dialects. Besides, it is observed that while they migrate from one ocean to another if different whales from different regions encounter each other, they pick up their different dialects. They can interpret not only their codas but also different regional dialects too. Sperm whales have an international pattern of clicks which have a five evenly space between them. This coda is called five regular and it is believed that it is a universal element of individual identity. The reason of that is every sperm whale that is encountered makes this coda which is a common trait among them (Welsh, 2011). Thus, this shows that non-human animals have language like structures and they use them to interpret each other and communicate in their own ways.

Second example is given to support the idea that non-human animals can interpret human language. Koko the gorilla was the first animal that could speak sign language. Penny Patterson is an animal psychologist who taught Koko GSL, Gorilla Sign Language, when she was a baby gorilla. She could express her feelings and desires through using her body language “with a vocabulary of more than 1,000 signs and the ability to understand 2,000 words of spoken English” (Main, 2018). Moreover, Washoe the chimpanzee was the first non-human animal to speak ASL, American Sign Language. She knew 350 different signs and could communicate through those signs. There is also another chimpanzee named Nim Chimpsky who learnt ASL, could create sentences to explain what he desires and understand what humans who speaks ASL tell him. His longest sentence was “Give orange me give eat orange me eat orange give me eat orange give me you” (Aitchison, 2015: 33).

These examples suggest that humans are not the only creatures to interpret another's speech which is possible to infer that non-human animals can also think and have capacity for deliberation.

Lastly, there is the example of a dog who learns to communicate through a soundboard which is another example of interspecies communication. Stella's owner Christina Hunger (2019) is a speech pathologist who taught her dog to talk with a soundboard. This is a method which she also uses to teach children to communicate. Stella can tell what she wants and what she knows by tapping the buttons which all makes the sound of a different word such as outside, walk, eat, no, help, Stella, Christina, mad, happy etc. When Stella wants to express herself, she goes to her soundboard and taps the word she wants to use. She tells "help no no help help" when she sees an unfamiliar object and it startles her (Hunger, 2019). When she is hungry, she says "Stella eat" and when she does not want her owner to go as she sees her preparing, she taps the words "bye no". When she wants to go to the beach she taps "outside beach" or one day when they came back from the beach so that her owner can prepare dinner, she wanted to go back so she tapped "water good. No eat. Play" (Hunger, 2019). These sentences can be thought as non-human animals have thoughts in a different, basic sense yet it seems possible that they can interpret another's speech both in their communities and both with humans through using different methods because they make sense of the world differently than humans.

These examples of linguistic behavior in animals are quite interesting. However, Davidson could respond to them saying that may be its right in a sense to call this language but what do we really say when we call it language? Parrots only repeat the words we say but do they assert things? McFarland and Hediger (2009: 1) claim:

recent scientific studies argue that some other species do have higher- level cognitive functions similar to those of humans. For instance, Alex the parrot and his human companion, Irene Pepperberg, proved convincingly that interspecies communication using verbal language is possible and that it reveals that even an animal with a brain the size of a pecan can think and use higher-level cognitive abilities.

So, it is plausible to argue that some parrots do not just imitate the sounds they hear, Alex the parrot could communicate with a human being through verbal language. Considering that a non-mammal animal can also have higher level cognitive abilities, means that a significant range of animals can deliberate and definitely there is something going on in their minds which both support our case for animal agency.

However, Davidson could put forward that in order to intend something, to understand that it is true, one needs to have the concept of truth. Only that way, one can interpret another's beliefs. Therefore, making sense of the words following the idea that animals have their own relevant concepts which are more basic to humans, will not go to work if we don't say anything about truth. One way to object this notion is to argue that animals have the concept of truth but this is quite hard to prove and it is not obvious. Another way, is to claim that in order to have language, one does not necessarily need to have assertions. Considering we make sense of language through assertions; this way also will be quite problematic to wrap one's mind around it and it is not clear how to prove the opposite. Thus, this leaves us with the last approach which is choosing to proceed with the argument that one does not necessarily need to have the concept of truth in order to act for reasons.

I argue that animals act for reasons and that is what enables them to have the capacity to be agents along with being sentient. Since Davidson thinks, in a sense, reason is a combination of belief and desire and belief is to think something is true, one cannot have beliefs without having the understanding of truth. However, I

disagree with Davidson at this point because I do not believe that having a reason is necessarily connected with beliefs and desires as the way he defends. To be able to deliberate is enough for one to act for reasons.

I believe that non-human animals have a different sense of agency which requires different kinds of rights. Non-human animals are agents in a simple sense. They act for reasons and for the animal case when we talk about reason, we do not talk about beliefs but we talk about deliberation. It is possible to observe desire in animal behavior but it is not clear how to show that they have beliefs since they cannot tell themselves. On the other hand, it is quite obvious that there is something going on their minds and I do not want to explain them in human terms and call them beliefs. So, it is possible that Davidson's theory may be compatible with humans but I strongly disagree with the idea that it can be applied to animals which compels us to leave this approach and adopt another compatible one for animals. This suggests that his idea is inconsistent. If we want to include non-human animals to the theory of agency, we should abandon Davidson's approach towards acting for reasons.

Therefore, we need a different conception of agency because another approach such as a Moorean one can help us to show how we see that non-human animals are agents. If we end up with a theory that says animals aren't agents then can this be a sign that something is wrong with our theory of agency? Can we see animals are agents? Is seeing the agency of human beings obvious? How would the Moorean approach help us solve these obstacles? The next chapter will try to answer these questions and construct a new sense of agency which can also be applied to non-human animals.

3. CHAPTER III:

A MOOREAN APPROACH TOWARDS SEEING NON-HUMAN ANIMAL AGENCY

3.1. Can We See Non-Human Animals Are Agents?

It is possible to see that animals are agents. I will give some examples of animal agency in order to make my point. I think there are some cases where it is absolutely clear that we can see non-human animals are agents. Here are some examples as follows. I believe almost everyone has heard the story of a cat parent and their cat which involves a dispute over some nonsense like the parent would not let him knock a glass full of grape juice on her snow-white tablecloth. Following that, the cat deliberately urinates on his owner's clothes or their bed even though he knows exactly where the litter box is. Or if we think about a dog, it is certain that he acts with reasons and he evaluates them in his mind and chooses whichever way he wants to act. We can see that when he brings his toy to you, it is because he wants to play with you by bringing the toy of his choice.

Moreover, another example that I can give in order to point out the agency of animals is, animals escape when they are abused and they do not want to be slaughtered or to be kept in captivity. For instance, pigs run away in order to resist human power and act in order to make a change when they are in an unpleasant situation that they do not want or they are forced to be in. There is a video of a pig who wants to escape from the maltreatment of a slaughterhouse and obviously she is not happy to be carried in a crowded truck full of pigs on top of each other which

they defecate and step on each other causing open wounds and infections. So, this pig decides to jump from an approximately 10-12 feet long dumper truck even though it is too high for her to easily jump and land on tarmac. However, this pig chooses to jump from that high in order to avoid the painful, stressful and terrifying situation that she is compelled against her will.

The last example is a striking one which can be shown by drawing attention to Frans De Waal's observation of chimpanzees. As cited in Carter and Charles (2013: 325), he states that "... chimpanzees engage in 'politics', forming alliances to topple unpopular leaders, scheming against one another and using violence as a means of bringing about change". These are all evidence and clear examples of animal agency. In cases like these we can just see that non-human animals are agents because they act with reasons, they feel pleasure and pain and they have their own characters. Reasonably, this claim may seem odd to ones who have never thought it over or there might be those who find this philosophically mysterious. Therefore, in the next section, I will explain why the argument that we can see non-human animals are agents, is plausible to argue for.

3.2. A Moorean Approach Towards Seeing Agency

To make this clear, I want to emphasize there is no figurative meaning in seeing agency. On the contrary, I literally mean that we can see non-human animals are agents. It is not to say that we can know or learn that they are agents once it is explained to us. What I am claiming is that we can actually see animal agency when we look at them. Hence, I shall first show how we can see agency in a broad manner. If we can see human beings are agents, then at least it leaves open the possibility of seeing non-human animal agency since we would come to the conclusion that agency is something that we can see. Yet, how do we see agency?

In order to answer that question, G. E. Moore's (2013) response to skepticism is a quite helpful analogy to point out here. In Moore's "*A Defense of Common Sense*", he criticizes the skeptical arguments philosophers like Descartes propose which suggest that somehow, they are in doubt whether one knows that there are physical objects. He finds those who support these arguments self-contradictory (Moore, 2013: 116). He tries to debunk their claims by simply pointing out to what we see and how they question whether they know anything if there is nothing to know and how they could doubt their existence without being exist. Moore (2013: 117) states that:

...it is making a proposition about human knowledge in general, and therefore is actually asserting the existence of many human beings, whereas philosophers of group A in stating their position are not doing this: they are only contradicting other things which they hold. They seem to me constantly to betray the fact that they regard the proposition that those beliefs are beliefs of Common Sense, or the proposition that they themselves are not the only members of the human race, as not merely true, but certainly true; and certainly true it cannot be, unless one member, at least, of the human race, namely themselves, has known the very things which that member is declaring that no human being has ever known.

These skeptic approaches towards belief and knowledge are erroneous since the ones who doubt that human beings have never known a thing, know things to express this argument and they are members of the human race. Thus, they contradict with themselves by doubting that we can ever know or believe things while they know and believe things to construct that argument. Moreover, the skeptic arguments about doubting whether the earth or other human beings had existed before them which are examples of physical facts are composed of two incompatible propositions. Moore claims that there is evidence to support that the earth and other humans had existed before us and if we know that there is a 'we' who question the existence of those, know directly that other human beings exist. To claim that we don't know it, entails contradiction. We, in fact, know for certain that other humans had existed, was born

and died on earth according to Moore. He thinks that there is no good reason not to believe whether we know this or not (Moore, 2013: 121). Other than physical facts, he also talks about the existence of mental facts. He states that being conscious and having experiences are intrinsic properties which show that there are mental facts. (Moore, 2013: 122). Since physical facts and mental facts are not causally dependent, the existence of earth does not depend on any mental facts of ours which makes it pointless to doubt the existence of physical facts (Moore, 2013: 126). Moore defends that (2013: 127):

Many seem to hold that there is no doubt at all as to their analysis, nor, therefore, as to the analysis of the proposition 'Material things have existed', in certain respects in which I hold that the analysis of the propositions in question is extremely doubtful; and some of them, as we have seen, while holding that there is no doubt as to their analysis, seem to have doubted whether any such propositions are true. I, on the other hand, while holding that there is no doubt whatever that many such propositions are wholly true, hold also that no philosopher, hitherto, has succeeded in suggesting an analysis of them, as regards certain important points, which comes anywhere near to being certainly true.

This quote points out to the fact that the analysis of skeptics is problematic. If I see a human hand when I look down to see my hand for instance, I know or believe that the proposition that I have a hand is true which leads to my knowledge about my hand. Moore does not see how the proponents of skepticism can doubt material or physical objects while they perceive physical objects, therefore; one knows the propositions such as "There is a hand", "There is the moon" etc. are true. Moore (2013: 128) accepts that we can doubt our senses sometimes however he claims that we cannot doubt that there are sense data. He supports his argument with a quite simple experiment that is easy to conduct. The existence of sense data can be easily shown by looking at your hand right now and perceiving that it is there (except if one does not have hands for instance, due to amelia which is a birth defect or due to an accident or medical condition).

How does this relate to seeing agency? Moore's response to skepticism is useful in a sense that we can see agency by just looking at an agent and seeing that they are agents. In the next section, I will analyze how we see human beings as agents before analyzing non-human animal agency. The reason of that is, if we can actually see human beings are agents then it is also possible to see animals are agents. So next section will deal with the question whether we can see human beings are agents or not.

3.3. Seeing Human Beings are Agents

First of all, I will define what is agency only regarding human beings. It is to have the capacity to act with reason. Intentionality, causation and mental states are thought to be important for agency in common-view. The philosophy of action is interested in agency since it is closely connected with action. It proposes two different theories to explain agency which are standard conception and standard theory of action (Schlosser, 2019). Standard conception is focused on intentionality when dealing with action. The standard theory of action links intentionality with causation which is provided by the mental states of agents and events that occur. It puts intentional action before the concept of action. In this theory, intentionality explains action. In other words, action is derived from intentional action of the agent. The standard conception also claims that intentionality and acting for reasons are linked with identity which means that intentional action is acting for a reason. Acting for a reason indicates that reasons why one performs an intentional action are rationality and being supported by sound premises which explains the goal of the agent. In the previous chapter as we evaluated, according to Davidson these intentions are formed by our beliefs and desires which also compose a reason to act.

After explaining what is agency in common-view, we can move on to the question of how do we see human beings are agents? When I see a human being, I see that she is an agent because she acts in a certain way for a certain reason. It is how we perceive the world or events around us. Grace Helton (2017) explains how we perceive things visually and attribute agency to things we see as a direct response. She evaluates Heider and Simmel's experiment to show it. It tests the responses of a group of subjects when they watch a video of moving geometric shapes. They observe how the subjects describes the movement of the shapes after they watch the video. The data Heider and Simmel collected shows that the subjects explain the movement of the shapes with agential terms. Helton (2017: 249) highlights that:

It is essential to my argument that subjects who view the Heider and Simmel movie represent the figures as performing actions, not merely as moving. Actions necessarily involve agents and, at least very often, aims. Recall that subjects describe the figures' movements in richly agential terms, such as fleeing, hiding, fighting, and chasing. Recall further that subjects struggle to describe these movements in purely geometric terms, such as moving to the right or moving in front of.

When the subjects explain the movements of the geometric shapes as fleeing mental states they come to this conclusion from their visual experience. To see someone as fleeing is to attribute intention to them which “is an easily conceptually accessible fact” (Helton, 2017: 248). She compares seeing agency to perceive any other object. For example, I see human beings are agents as I see grass is green. Helton (2017: 244) emphasizes that “just as we can visually perceive something as blue or as moving to the left, so too can we visually perceive the intentions of others”. Her explanations and the experiment she examines are helpful to show how we see someone is an agent. Therefore, when I see a human being, I also see that human being is an agent because I see that she does things for reasons or intentionally in Helton’s words. If we can show that agency is a property that can be seen, then it is

at least possible for us to see non-human animals are agents. Yet, one could ask that maybe we can see human agency but does it necessarily follow that we can see non-human animals are agents? In the next section, we will examine whether we can also see non-human animals are agents.

3.4. Seeing Non-human Animals are Agents

Up to this point, the features of human agency and how we can see human beings are agents are discussed. If that is the case, we can see human beings are agents, I argue for the claim that we can see non-human animals are agents. In other words, if we can see it in human beings then it seems very odd not to see it in animals. It is not to claim that humans and non-human animals are the same, I want to highlight that they are different but this is not a reason for us to not seeing that they are agents. Human being and non-human animals have their differences but also it is obvious that they have somethings in common which are the features that matter for agency. Rather than putting ourselves above everything in the universe and act like we are entitled to own and use everything as we have a right to do so, we should question ourselves and be open to treat other beings more kind and fairly by being empathetic. For instance, let's consider factory farming and dairy industry. I do not believe that human beings have a right to artificially inseminate a cow and separate her from her calf, steal her milk which was meant for her 100 pounds baby to drink so that she could be nourished and grow up fast. Unfortunately, the torture does not end here. After that her baby is sent to the slaughterhouse if he is male and, in the case that the baby is female, she will share the same faith with her mother for five years until she is no longer efficiently produce milk due to infections, wounds and abuse so that she is exhausted. Following that she is sent to slaughter as well. I would

like to add that a cow's lifespan is approximately 25 years. So, when human beings drink cow's milk which she produced in her own body for her own baby, she and her calves suffer and have miserable short lives which is full of pain and agony because animals are living, sentient beings who can feel pain and enjoy life just as human beings are sentient and just as they want to avoid painful events and death.

It is clear to me that as the way we can see humans are agents, we can see animals are agents as well by embracing a basic version of agency. It is not to claim that animals and humans have the same kind of agency. The properties of non-human animal agency differ from which humans have because some of the concepts which have significance to humans. For instance, it is constitutive of being a human that have a profession or suffrage while it does not make sense to non-human animals. It is not important to them yet rather than that, there are other concepts which are crucial to them such as the right to life, being happy, having pleasure, being free and avoiding pain. This relevancy can also be observed in human agency as well. For instance, human beings who do not have a female reproductive system do not have a right to abortion because they do not need it and it does not make sense to give this right to human beings who do not possess the features of a female reproductive system since they cannot get pregnant and so will never need to have an abortion.

Furthermore, there are also agential concepts such as reason, concept of language, beliefs, causation and mental states which are unique to humans yet not necessarily are the properties that belong to animals. So, looking for agency in non-human animals with human-specific qualities does not make sense in my view. It is only anthropomorphizing non-human animals. Despite these, if we end up with a theory that says non-human animals are not agents then that is a sign that something is wrong with our theory of agency but not our conclusion that indicates non-human

animals are agents. What I claim is that, it does not matter whether non-human animals have beliefs or not and it also does not matter that I cannot say what they got instead because it is just obvious that they are agents. I can see animals are agents when I look at them. There is a sense of agency regarding animals that is sort of primitive and basic than any theoretical view of what agency is like. The reason of that is, they are all constructed on a human-oriented basis. Thus, I prefer a simpler account of agency which is consistent with the argument for animal agency and inclusive of non-human animals. However, what if one does not see that animals are agents? Then in that case, adopting a Moorean approach to answer that worry is quite useful.

While responding to skepticism, Moore points out to our hands as it is mentioned in previous sections. In short, he simply asks that whether you see your hands or not when you look down. Following that if you see your hands (except if you were born without your hands, lost them after you were born due to any accident, sickness or other events or if you are under the influence of any substances which can deceive your sense data) then there is no reason to doubt that you do not have hands. Therefore, any argument you had which has a conclusion that you don't have two hands even though you see that they are there, is self-contradictory. The premises of an argument like that is much more certain than the claim that you don't have two hands. In a way, Moore uses modus tollens to explain his thesis. In other words, if you see your hands it is more certain that you have hands rather than the conclusion you arrived that you don't have two hands. So, something must have gone wrong with the second claim which is the notion that you do not have hands. If one has a theory of knowledge which concludes to doubt the existence of one's hands even though one perceives them, then what one should do is that one should not end

up thinking one does not have two hands. Instead, one should end up thinking their theory of knowledge is wrong.

Thus, Moore's analogy is useful to argue for animal agency and answering the skeptic arguments against animal agency. Similarly, if one has a theory of agency which has a conclusion suggesting that non-human animals are not agents, it should not lead one to conclude that non-human animals are not agents, that should lead one to conclude that something is wrong with one's theory of agency and their analysis because we can see animals are agents. Just like how doubting the existence of your hands does not make theory of knowledge wrong, doubting that non-human animals are agents does not necessarily entail that animals are not agents. Thus, what should be done is to construct a new theory of agency which is compatible with animal agency or to make a more basic general description of agency and recognizing subcategories or kinds of agencies which have different definitions such as human agency and non-human animal agency. So that there is no contradiction and theory of agency would be inclusive of other species.

4. CHAPTER IV: POSSIBLE OBJECTIONS

4.1. An Objection About Intention and Deliberation

It is possible to object my argument about deliberation on the grounds that I do not talk about intentions. One might claim that without intention it is unclear how a creature is capable of acting for a reason and I need to show that animals have intentions in addition to beliefs and desires if I want to argue that animals are agents. There maybe even empirical evidence to argue that animals have intentions.

Intention is a humancentric concept and I think that it is relevant to human agency. It involves cognitive abilities and it is constitutive of being a human that have higher cognitive capabilities. The idea that there might be empirical evidence to show that animals have intention supports my claim because I think that they act for reasons and choose between different options. However, I do not think that it is necessary to use the concept of intention in animal agency because it is not relevant for animals to have intentions. The nature of these two kinds of agency, human and non-human animal, are quite different; so that, we need to use a different terminology while thinking about animal agency. According to me, it seems enough to use the concept of deliberation rather than intention because I think it serves the purpose of showing agency. It is relevant for animals to deliberate and it is relevant for human beings to have intentions when we think about agency. It also suits my definition of agency which is acting for reasons and

in order to do that one needs to have the capacity of deliberation and sentience and deliberation is choosing between different options. Therefore, I believe it satisfies the condition of agency for animals without getting into intention and the expectation of higher cognitive abilities which are unnecessary to have in order to have the capacity for agency regarding non-human animals.

4.2. Objections Directed Towards the Moorean Approach

One can respond to my Moorean approach by claiming that Moore's argument is not convincing to begin with, so that it is not a good analogy to defend animal agency either. However, I find Moore's criticism quite plausible when I look at my hands and see that they are there, so that I know I have two hands. I cannot see any reason to doubt that I know that this proposition is true. Therefore, I would disagree with such objections for the same reasons why Moore rejects arguments of skepticism.

Moreover, another objection might be that it is necessary to show evidence while making the statement that we can see non-human animals are agents clearly, in order to make it similar to Moore's method just as he makes it clear the fact that I have two hands. So, one can object my approach towards animal agency by arguing that it is less obvious to show animal agency physically. It is a theoretical concept and outside philosophical debate; people might not have a pre-theoretical concept of agency.

To answer this worry, I will propose something which is analogous to Moore's example. I will now describe some non-human animal behavior that do things for reasons which can be shown as evidence for their agency. A vivid description will suffice to say that we got something here as basic and obvious as comparable to Moore's proof. Think about all different toys in a pet shop. Why are

there different kinds of toys? Because even though they are the members of the same species, for instance dogs, they all have different preferences. There are some common things that they are more inclined to like such as squeaky or furry toys. However, for example my dog hates squeaky toys and he only likes bouncy balls, dental sticks or his precious toy bone. If animals did not have characters there would be only one type of toy, food or bed for each species of domestic animals, yet there are many.

Thus, animals deliberate when they choose a toy or when one's dog wants to eat one's ice cream and knocks it over and eats it. Non-mammals also act with reasons. For instance, crows and ravens use tools to eat larvae inside holes in which their beaks cannot reach and to defend their territories. Another example is about lions. Lions sometimes smother cubs of other lions if they take over a pride of lionesses because they want them to give birth to their own cubs and sometimes another reason might also be that lionesses are not receptive to mating if they recently gave birth. So, these examples show that a wide range of animal species are capable of acting with reasons, they feel and they have desires which according to me, satisfies the requirements of agency. Therefore, I think these instances of animal agency can answer to the worries of the second objection which demands clearance and proofs that correspond to Moore's method.

Moreover, regarding the second part of the objection, the concept of agency seems pre-theoretical. Although one does not need to engage in philosophy in order to have the concept of a hand, one needs to do philosophy about agency. However, in fact, I think there is a non-pre-theoretical word for agency and we do not need to engage with philosophy to have that concept in ordinary life which is the concept of individuality. I think, individuality or selfhood represents agency, and it is something

we can directly see without going into deep discussions. This can be a potential empirical question that can lead to experimental philosophical research. It is possible to empirically investigate the question whether we have a pre-theoretical conception of agency which can be pursued in another research.

4.3. Objections About Seeing Agency

Another worry might be that one can see agency in humans because we evolved that way but maybe we are not evolved to see agency in animals or it is not that clear whether we are evolved in such way or not. So that might be a reason not to see animal agency.

I obviously object to that claim since my thesis rejects any kind of argument which denies seeing animals are agents. I think, we are capable of seeing animal agency however, some of us do not pay attention to them, do not care about them, do not take the issue seriously or have not given it some thought.

One could also ask me that what if human beings are capable of seeing animals are agents but it does not make them believe it. So, if it is something we see then why there are people who do not believe it?

Seeing that someone is an agent does not necessarily guarantee that people would treat them right. People commit crimes, violates the rights of other agents even though they are obviously aware of the fact that human beings are agents. Some people choose not to act nice to others even though they know those people have feelings and should freely act for reasons they choose. So, I would expect that some people won't believe animal agency and continue to harm them but this does not change the fact that when they see animals and think about some of the vivid examples, they see that animals are agents.

4.4. Kantian Objections

In various points of Kant's moral philosophy, one has to take access to aspects of moral realities instead of more basic than one subject being undermined by what theoretical reason says (Rohlf, 2016). This happens in determinism. He says you might think that determinism is a really significant threat to morality. Because it can only be true that one ought to do something if one can do it. If you think that determinism is true, the only things that you can do are the things that you actually do. It is unsatisfactory if we end up in a morality that says if you did not do it, you couldn't have done it so it wasn't something that you ought to do. However, Kant claims that there are certain things that we ought to do and certainly we are capable of being determined by reasons and considerations in favor of something ought to be more basic than our belief in determinism (Rohlf, 2016). Determinism and moral realities seem to conflict with one another; therefore, he states that first thing one needs to do is try and solve this conflict. That is also a little similar to the relationship between mechanism and agency when we talk about animals. We can't use the presumption that animals are mechanisms to undermine what we are required to believe on moral grounds about their capacity for agency. So, either we have to abandon mechanism or we have to find a way of making the claim that animals are agents, compatible with the claim they are mechanisms. This response is a bit Kantian. The idea that we will try to make these two things compatible.

One might wonder whether the kind of agency that animals have is morally important and if it is, why is that the case? In other words, is the kind of agency that animals have is the same with the kind of human agency? One can assume that it is not so obvious that animal agency is morally valuable. Kant believes that animal agency does not involve reflective choice (Kant, 1998; Rohlf, 2016). Even if we can

see that non-human animals are agents, is the agency that they have necessarily the right kind of agency for attributing rights?

If one is not an agent, one would not have rights at all. It is not to say that everything that has rights is not an agent in the sense that animals and humans are. For instance, there are environmental rights; however, environment is not a sentient living being with a capacity to act with reasons and choose between different options. Also, environmental rights are protection laws. Unlike animals, environment does not have a right to life, right to be fed or right to have shelter. The laws about environment depends on the protection of the environment just like property and environment is a place where beings live on. So, it is not an entity with a capacity to act with reasons; therefore, pointing out to environmental laws does not support the idea that everything which is protected by the law are agents. Only the entities which have a capacity for agency can be agents and since animals are both have this capacity and have rights; it is plausible to claim that the kind of agency they possess is the right kind of agency for attributing rights.

Also, one might wonder whether my theory of agency applies to robots, insects or plants. I think it is obvious that robots and plants lack the second necessity for agency, namely sentience even though robots can act with reasons and may be some plants like the Venus fly trap. Also, even though it looks as though robots act for reasons, they still do not act for reasons of their own or they do not have characters of their own. They are simply doing what they are programmed to do and what the person wants it to do. It is not robot's decision but the decision of the human being who designed it. Since human beings are agents there is no inconsistency here. The problem with Venus fly trap is that it is like a reflex or a natural response to a stimulus rather than making a choice between different options.

Lastly, I do not see any problems to include insects to our theory yet with a minimal sense of agency. Just regarding the relevant interests of them such as the right to life or conservation of habitat. But my theory is open to discussion of where to draw the line and which species to include. For instance, it is reasonable to argue whether mussels are agents or not if we agree on my thesis about non-human animals are agents and we can see agency. If we agree that higher animals are agents then the scope of non-human animals can be decided. Yet, I am inclined to include all species of animals to my argument.

As a response to Kant's view that agency must involve reflective choice, I would like to point out to cognitively impaired. Some of the severe cases of cognitive impairment, those agents with this condition do not reflect on choice either. This does not seem to deprive them from their right of agency.

4.5. Example of the Cognitively Impaired as a Response to Kantian Objections

Cognitively impaired are the members of the species of human beings. They could potentially have reflected on choices but something they cannot so you have to respect their humanity. What distinguishes them from other beings which cannot reflect on reasons is that they are in the species which can reflect on reasons.

On the other hand, agency of animals depends on something about their interest not for the kind of things that they would have been. If we consider them as right holders then we can consider them agents. Different kinds of agencies capacities are also valuable. Kant argues that having the capacity for his kind of rational agency is so unequally valuable that nothing else can be valuable (Rohlf, 2016). But if really is that valuable, things that approximate to that may be are the kinds of things that we

can value as well. If you value rational agency, you need to value many other similar things. For instance, why do we value children's artwork? Because it makes them happy and they are engaging with an activity that helps understanding the world and emotions around them and enables them to express their feelings and opinions, which develops their point views and help them thrive. But if we ask an art teacher why did she become an art teacher? And if she answers that it is because one of those children can become a great artist then we can conclude that she is not a good art teacher. The reason should be she values the artists and their artworks and she also values the imperfect attempts of the things that manifest some of their qualities. The reason why a child's artwork is important even though he will never develop into Leonardo Da Vinci is parallel with why we value agency. The agency of cognitively impaired is also valuable in this sense and so animals.

4.6. Questions About the Value of Animal Agency

In Chapter I, I stated that my reasons for believing animals are agents doesn't depend on my thinking that they have rights. What about the other way around? Does it follow from the fact that animals are agents that animals do have rights? I believe the answer is positive.

Why should we value animal agency? What is important about that? Things that we can empathize with are the things that are valued and capacity for being agents. Let's consider Plato's dialogue Euthyphro. Socrates analyzes the concepts of piety and impiety over a discussion between him and Euthyphro about leaving a slave to die. In short, pious refers to the kind of thing that god loves (Woodruff, 2018). But, does god love that thing because it is something to be loved or valued, in other words, is it pious because god loves it or is it pious and that is why god loves it or is

it valuable or lovable so that god loves it? Woodruff (2018) explains the dialogue as follows:

...(being loved by a god) would make the same things both reverent and irreverent; one god's love would make an action reverent, while another god's hate would make the same action irreverent (8ab). Socrates helps Euthyphro to a better answer (reverence is what is loved by all the gods), but this succumbs to the requirement that a definition state the essence of its subject (11ab). The essence of reverence cannot be conferred on reverent actions by the gods' approval of them; their approval, rather, must follow on their partaking of the essential nature of reverence. So, actions are made reverent not by pleasing a god, but by satisfying the definition of reverence—or so most modern readers have inferred.

So, it is possible to interpret the answer of Socrates as piety comes from its essence and because it is something to be valued or loved, god loves it. Similarly, when we empathize with animals, we see that animals are the kinds of things that are valuable. They are the kinds of things that are valuable and we can see because we empathize. Even though we do not empathize and realize that they are the kinds of things that are valuable, this wouldn't change the fact that they are valuable or this wouldn't degrade their value.

5. CHAPTER V:

CONCLUSION

To sum up, I explained why it matters that non-human animals are agents and analyzed different views on animal rights such as Singer's and Donaldson and Kymlicka's. I defended that welfarist approaches tend to be aggregative which is why we adopted a right based approach. Therefore, I concluded that the right way to construct a theory of animal rights is to have a theory of animal agency.

Moreover, we examined that there is a connection between agency and deliberation so that we could explain how we see someone is an agent when we see them. Davidson's objection to our thesis is also evaluated and we argued that Davidson's thesis is contradictory. We concluded that it is necessary for my thesis to embrace a view which is dissimilar to what Davidson suggests about beliefs and desires and deliberation. We put forward examples to emphasize animal agency and how they deliberate. Showing how we see humans are agents was helpful to comprehend how we can see non-human animals are agents since no one seems to object human agency.

Following that, I argued that if we can see human beings are agents then we can see non-human animals are agents as well. The similarities between the two were emphasized and a Moorean approach that I have adopted is used to help strengthen my case for animal agency in terms of showing how our analysis may be wrong rather than doubting that non-human animals are agents. All these remarks could lead us to another question which is, what would be the consequences of recognizing the

agency of animals and seeing non-human animals are agents? This is a question to be analyzed in a further research.

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