

# Empathy and moral agency

Master Thesis Applied Ethics

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## **Introduction**

In this thesis I will discuss the role of empathy for ethics. More specifically, I will give an answer to the question: *“Is the capacity for empathy a prerequisite for moral agency?”*

The general aim of my thesis is to learn more about the moral importance of empathy and about the ‘nature’ of moral agency. This means that the definition of moral agency at the beginning of the thesis should be seen as a working definition, because my idea is that it is not exactly clear what moral agency is, or more specifically who can be called a moral agent. I hope that exploring the significance of the ability for empathy will tell us some more about when a certain being can be called a moral agent.

In the background of this thesis you will find the old Humean-Kantian debate about the relative role of emotions and reason for moral agency. I will look at displays of empathy in other animals; specifically the great apes and I will look at the lack of empathy in certain types of human beings, specifically people with Autism Spectrum Syndrome (ASS).

I will make use of psychological and philosophical sources in this thesis. Psychology uses empirical data. Philosophy (in my opinion) has the task to guide the empirical sciences (and be itself guided by them). Philosophy is a reflective discipline. Psychologists can make assumptions about morality that philosophers may not. For instance, psychologists may seek to find ways to correct psychopathic behaviour, assuming that it is bad behaviour that needs to be corrected, just because it is established as such in society, by criminal law for instance. Philosophers are not allowed to assume these kinds of things, they need to give arguments that justify or at least make plausible why or that psychopathic behaviour is bad.

To come to an answer to the question whether empathy is a prerequisite for moral agency I will first explore the concept of moral agency. I will give a definition of action and I will distinguish it from mere behaviour. I will discuss the importance of rationality and reason in this context and I will explain that the affective component of moral agency should not be contrasted with the rational component, but rather it should be seen as part of the same package.

To explain the role of the affective component for moral agency I will introduce the concept of the ‘moral domain’ and the functions of the moral emotions and our moral sense.

I propose to see ‘empathy’ as a group of evolved capacities that have a strong relation with moral agency. I will discuss what empathy is and what dysfunction of empathy results in. I will explain why the evolution of empathy leads to the capacity of moral agency by emphasising the importance of the social context of morality.

By discussing the various ways in which empathy can show itself and by discussing empathy in other social animals as well as the lack of empathy in human adults with ASS I will come to the conclusion that empathy can indeed be seen as a prerequisite for moral agency in theory, but that the practical consequences of doing so are probably too large for society to really adopt this view.

## **1 - Moral agency**

The notion of agency is frequently associated with notions of rationality, freedom and moral responsibility. Calling someone an agent means that you are making a normative statement, it means that you are saying that certain norms apply to that being. Only agents can be held morally responsible. Understanding each other as agents makes certain interpersonal relations possible. (Kalis 2009, p. 42) Seeing the other as an agent and being seen by others as an agent are important features of our social life. These are features that are problematic for people with ASS, as we shall see later on.

Agency is the best candidate for ascriptions of moral responsibility. Agents are the least controversial class of beings that should be subjects of moral concern. Therefore, morally speaking, a lot depends on whether or not you are part of the group of agents.

It is not my aim to give a definite answer to the question who belongs to the class of agents and who doesn’t. My aim is to contribute to an understanding of moral agency by focussing the attention on another aspect that might be important in order to speak of moral behaviour in general, and that is: the capacity for empathy.

According to Rottschaefer any adequate theory of moral agency needs to answer four central questions:

1. The question of relevance: What counts as moral agency, both substantively and functionally?
2. The question of acquisition: How do we acquire our capacities as moral agents?
3. The question of action: How do we put these capacities to work?
4. The question of adequacy: What makes for justified true moral beliefs, proper moral motivations, and successful moral action? (Rottschaefer 2008, p. 2)

In this thesis I will mainly focus on the first question: the question of relevance (1). This thesis is about the question whether the capacity for empathy (in a broad sense) is a prerequisite for moral agency. Translated into Rottschaefer's terms my main question is: What is the relevance of the capacity for empathy for moral agency? I agree with Rottschaefer that it is important to also pay attention to the questions of acquisition (2) and action (3). So, I will also pay attention to how one is able to acquire the capacity for empathy and how one is able to use that capacity and translate it into certain behaviours. The question of adequacy (4), in my opinion, is another type of question. It refers to the justification of that what is established in (1), (2) and (3). With regard to empathy it would mean providing an answer to questions like: When ought one to act on the basis of empathy? On the basis of what kind of empathy ought one to act in a particular situation? Is empathy a justified moral motive?

In this thesis my aim is merely to explore the relevance of the capacity for empathy for moral agency, I will not provide justifications for proper or improper uses of the capacity for empathy.

There are two ways in which one might think about the moral relevance of empathy:

1. Empathy as a group of capabilities that are necessary to belong to the group of moral agents; a moral agent in this sense is an agent that belongs to the moral domain by virtue of his empathic capabilities (this agent can act in a morally right way or in a morally wrong way). The moral domain is opposite to the amoral domain, not to the immoral domain. The immoral domain is part of the moral domain. The moral domain refers to everything that is relevant to morality.
2. Empathy as a morally 'good' disposition, or type of behaviour, displayed by moral agents; a moral agent in this sense is an agent that acts in a morally right way, namely empathic.

I am concerned with the moral relevance of empathy in the first sense, but probably both types of the possible moral relevance of empathy cannot be as strictly separated, as theory would want. According to Rottschaefer an ordinary view of moral agency states “a person acts in a morally correct fashion when she acts on the basis of adequate moral beliefs correctly applied to a particular situation.” Rottschaefer agrees that in order to understand moral agency we need to have some idea of what belongs to the moral realm and what doesn't. We need to know whether something is amoral vs. moral or immoral. (Rottschaefer 2008, p. 11)

In this view the person already has some idea on what moral beliefs are adequate in a particular situation. My question then is: How does this person know what moral beliefs are adequate in the particular situation? How can anybody know what moral beliefs are adequate in any situation? In my opinion to know anything at all about adequate moral beliefs one has to be part of the moral realm. I cannot see how someone or something from outside the moral realm can have any knowledge about adequate moral beliefs. At least morality has to have some meaning for you, before you are able to evaluate it. You have to be able to recognise it as 'moral'. If you are able to recognise something as 'moral' (or 'immoral', vs. 'amoral') you are part of the moral realm. So, now the question is: how do you know whether something is moral or immoral vs. amoral? How do you become part of the moral realm? Notice that in this line of thought the moral realm already exists, one has only to become part of it. In order to become part of it, one must know that it exists. How do we know there exists something like 'a moral realm'? If we put aside answers that refer to revelations, which I believe we must do, it has to be because we are born with this knowledge.

One might think we are taught about this knowledge as we grow up, and in a way we are, but this is the cultivation of already existent knowledge. “A growing body of evidence [...] suggests that humans do have a rudimentary moral sense from the very start of life. With the help of well-designed experiments, you can see glimmers of moral thought, moral judgment and moral feeling even in the first year of life.” (Bloom, 2010) I consider it likely that humans are born with a 'moral sense', a sense that is a 'moral sense', because it is sensitive to the whole range of behaviours and situations we want to morally judge about (be they just or unjust). The teaching part is mainly concerned with learning about justifications for certain judgments, the reflection on judgments and learning what judgments the group favours. It is not so

much concerned with learning what instances call for moral judgment, this, I believe, we already know.

The knowledge of the existence of a moral realm in a rudimentary form has to be an integral part of who we are as human beings. Maybe that is why Kant's idea about the discovery of the categorical imperative by each autonomous individual still has such great appeal. Because it also makes use of a type of moral knowledge that we can all find within ourselves. Now, the next question is: how can there be moral knowledge that we are born with? The answer is: if it is part of our nature. That is: if it is part of the constitution of the kind of species we are. How can that be? It can, if it is a naturally evolved capacity that benefited the existence and survival of the species.

### **1.1 - Agency and action**

Propositions about agency often take the form of: "A person is an agent when they x", implying that at least you have to belong to the category of 'persons'. On the other hand 'personhood' is often defined in terms of agency. I believe this doesn't help us in trying to understand agency.

In her dissertation Annemarie Kalis defines agents as: "beings who possess the capacity to *act*." (2009, p. 41) This is a broad definition, but the advantage is that it does not exclude non-persons. The disadvantage is that it defines agency in terms of action, which makes sense, but now the question is: what is action? What do we mean by 'having the capacity to act'?

Annemarie Kalis defines acting as 'doing something for a reason'; this means that acting is a kind of behaviour that is (1) intentional and (2) characterized by control. The difference between action and (mere) behaviour is that action is goal directed. (2009, p. 44)

Generally speaking, all advocates of the different conceptions of agency would agree that to act means: to do something for a reason. This presupposes that there is a goal that is evaluated as good, because it has to constitute the reason. So, to act means: to guide your behaviour on the basis of a goal that you perceive as good. (Kalis 2009, p. 51)

This raises the question when something can rightly be seen as 'good'. Is it good if it is merely preferable or to the specific being's advantage, or does it have to be something more? Do others have to benefit from it? Or is it enough that you see it as 'good' whatever reason you have for seeing it as such? In this context, I believe

‘good’ has to be understood in the latter sense, just as something the agent values for whatever reason. The reason the agent has may be morally right, but it may also be morally wrong. Moral agency therefore refers to the moral domain in general; a moral act is the kind of behaviour that we can morally judge about. It is therefore the type of behaviour that needs justification. But this justification has to be provided; it does not lie in the mere fact that the behaviour is a moral action.

According to Kalis, it is assumed that human beings, under normal (developmental) circumstances, have the capacity to act. (2009, p. 53)

## **1.2 - Agency and rationality**

I want to focus the attention to the concept of rationality before I continue, because as I mentioned at the beginning of this first chapter, agency is frequently associated with notions of rationality. It might seem as if either there is a rational basis for moral agency, or there is an emotional basis, like empathy. Later I will elaborate more on this false dichotomy, for now I want to establish that my focus on empathy is not meant to be contrasted with a focus on rationality.

Another reason to focus on rationality before I continue is that the commonsense idea is that only human beings are rational beings, if this is so, and if agency is necessarily rational agency, then only human beings can be agents. Some authors believe that to do something for a reason means to adhere to rational requirements; to them every agent is necessarily a rational agent. (Kalis 2009, p. 54) But what is meant by ‘rational requirements’? When can we say that something is ‘rational’? There exists a lot of discussion on rationality and different kinds of rationality. Since this thesis is about agency -and therefore about action- the kind of rationality that is of importance in the context of this thesis is ‘practical rationality’.

Practical rationality refers to rational norms for action. Within the category of practical rationality one can distinguish instrumental rationality and goal rationality. Instrumental rationality refers to “acting on the basis of the desires you have (where those desires constitute your reasons)”. You act *rationally* in this sense only if you do not have stronger reasons, constituted by stronger desires, to do something else. Some authors think there also exists ‘goal rationality’ (or ‘value rationality’ as it is sometimes called). This kind of rationality refers to rational norms for action that are independent from desires of the agent; rational norms of this kind are believed to set boundaries for the desires the agent should have. These rational norms are said to be

*external* to the agent, whereas the ones that are derived from desires are believed to be *internal*. Typical advocates of this position are the Kantians, for example Christine Korsgaard. (Kalis 2009, p. 55-56)

I believe it might be possible that external rational norms exist. I believe they can exist without reference to a deity and that they can be explained from an evolutionary perspective. To understand this possibility it is important to bear in mind the difference between two perspectives a human being can take. From one perspective he can look out from the inside and take an individual point of view. From the other perspective he can look in from the outside and take a more detached point of view. The external rational norms, of which I believe that they possibly exist, are external to the agent *as an individual*; but nonetheless they can be rational from the perspective of the particular agent. The agent can discover the rationality if he sees himself not as an individual but as part of a whole: a community, a group, a species.

The agent can see himself as a representative of the community and he can see the desires of the community and the reasons that are constituted by these ‘community-desires’; he can see that since the community is something bigger than himself, the desires of the community set boundaries for his individual desires.

*External* then, is a misleading word, because it suggests it refers to reasons that have nothing to do with the agent. I believe that, psychologically, reasons for the agent that have nothing to do with the agent can never exist. Maybe that is why ‘goal rationality’, ‘value rationality’ and ‘external reasons’ are controversial concepts. But if external only means external to the *individual as individual*, but the rationality is at the same time internal to the *individual as part of a whole*, then this kind of rationality is, I believe, very plausible. And indeed one may wonder if there can exist a social species (a species that is dependant on its community) without it?

Joshua Greene claims there is evidence from neuroimaging that rationalist deontological philosophy is not much more than rationalization of evolved emotional intuition. (2008, p. 35-79) Greene’s findings are in line with my suggestion above about external rationality, because the emotional intuitions he talks about relate to the social context in which emotional animals (mainly mammals) live. Kant’s ‘Kingdom of Ends’ could be translated into what I’ve called ‘the desires of the community as a whole’.

My thoughts about the different types of rationality, the accompanying role of the agent and the kind of reasons at work can be visualised as follows:

Rationality:

Practical rationality:

Instrumental rationality

Internal to agent

Agent as individual

Reasons constituted by:

desires of individual

Goal rationality (= Value Rationality)

‘External’ to agent

Agents as part/ representative of group

Reasons constituted by:

desires of group as a whole

(= boundaries for individual desires)

### **1.3 - The capacity of reason**

Strongly related to the notion of rationality is the capacity of reason. It is heavily debated what ‘reason’ is and what its role is with regard to morality. The Humean-Kantian debate evolves around the importance of reason for morality. Hume emphasised the role of emotions in morality and Kant emphasised the role of reason.

McGeer responds to and agrees with Kennett that being a moral agent requires certain agential capacities, in particular the capacity to control one’s impulses to serve greater ends, the capacity to find value in those greater ends and the capacity to use one’s reason to try to attain those ends. Therefore she is of the opinion that reason (and the capacity to respond to the reason one has) is a prerequisite for moral agency. But, she also believes that there has to be something that explains why we are motivated to respond to the reasons we have and why we are motivated and able to reflect on the relative values of the ends we have. She believes that here affect plays an important role. (2008a, p. 245-246)

Charles Darwin, the founder of the theory of evolution, also concerned himself with the role of reason for morality. For him the question was how human reason and morality might have evolved. I think that if we want to understand what reason and morality are, it helps to know where these capacities came from. What process made it possible that we now recognise certain phenomena as ‘reason’ or ‘morality’? How

did these things come into existence? I believe Darwin can help us to come to answers to these questions.

About the capacity of reason Darwin thinks that few will doubt that animals have some capacity to reason because you can often see animals in doubt, contemplating and reaching a decision. He believes that often it will be difficult to distinguish between the force of reason and the force of instinct. (2002, i.46) Frans de Waal believes that “The notion of ‘pure reason’ is pure fiction.” (2009, p. 8)

If we take a situation to generate a reason to act in one way or another, this presupposes we must have some capacities to look ahead/ to think about the future. We must have ‘future-directed ends’ to which we are committed and that have the power to dictate to us what we ought to be doing. The strength of a reason will be dependent on whether or not there are contrary impulses. Reasons will be stronger if they pull in the same or compatible directions. A rational agent, who is structured in such a way that he responds to reasons, is thus not only interested in the particular ends he tries to achieve, but also in a coherence or harmony between the ends. (McGeer 2008b, p. 284)

#### **1.4 - Moral agency and affect**

McGeer stresses that it is not only empathy that is important in the understanding of the affective part of moral agency or moral psychology in general. (2008a, p. 248) Jan Verplaetse (2009) distinguishes five moralities, by this he means: five systems that are guided by moral forces, five moral dynamics that are at work, five different areas that humans conceive of as of moral importance, not all of them are ‘kind’ moralities:

1. Attachment morality
2. Violence morality
3. Cleansing morality
4. Cooperative morality
5. Principled morality

All five moralities have an evolutionary basis. The first four are strongly shaped by affective components. Jan Verplaetse places rational ethics within the domain of the 5<sup>th</sup> morality. The 5<sup>th</sup> morality is the morality that deals with justifications of moral norms or values. It is a reflective morality. This, I think, is also the kind of morality that most philosophers are interested in: ethics. Ethics is the reflective side of morality. But of course it’s important to bear in mind that the act of reflecting

presupposes something to reflect on. This ‘something to reflect on’ can be found in the first four moralities. (And of course also in the 5<sup>th</sup> itself: meta-ethics.)

McGeer distinguishes two projects:

1. What is a moral agent? Who counts as a moral agent? For whom does a moral theory apply?
2. What is the justified moral theory we should all support?

Arguing that only those individuals that support the right moral theory are moral agents (making the answer to 2 a prerequisite to the answer to 1) eliminates the difference between immoral and amoral. (McGeer 2008b, p. 289) Since most of us agree that the difference between immoral and amoral is a real and important difference I believe that line of thought will not hold. That means we have to follow some other route to come to an answer to the first question. That is what I aim to do in this thesis.

## **2 - The moral domain**

Before I go deeper into the question about the relation between empathy and moral agency, I want to sketch a picture of morality in general. When is an act a moral act? What does it take for something to belong to the moral domain? Since I’m interested in the relation between empathy and moral agency, I want to concern myself with the role of empathy in the moral domain. I use the term ‘moral domain’ to refer to all phenomena (thoughts, feelings, acts, arguments, interactions) that we can have moral judgments about.

Rottschaefer uses Hoffman’s view of what makes an act moral, namely that it is prompted by a disposition either to act on behalf of a person or group or to behave in accord with a moral norm or standard bearing on human welfare or justice. (Rottschaefer 2008, p. 199)

Often a distinction is made between moral transgressions and conventional ones. De Vignemont and Frith state: “Having a moral sense means being able to distinguish between a moral violation (e.g., pulling someone’s hair) and a conventional violation (e.g., chewing gum at school). The distinction is made from the age of 39 months and is cross-cultural.” (De Vignemont & Frith 2008, p. 275) People with ASS have difficulty making this distinction. One person with ASS (Temple Grandin) stated: “As I grew older I observed that it was all right to break

certain rules but not others.” It suggests she had no idea on the difference between the rules and that what she learned was that, apparently, other people do make a difference between different kinds of rules. To other people not all rules are equally untransgressable, but it seems as if she does not understand why, she doesn’t seem to share that experience. (Grandin, 1995, p. 103-104, In: McGeer 2008a, p. 243)

De Vignemont and Frith distinguish three components of a moral violation:

1. Transgression of a normative rule
2. The rule is not conventional or contextual
3. The transgression involves someone suffering without further moral justification (De Vignemont & Frith 2008, p. 276)

Note that the third component requires the ability to discover suffering in others. I believe this means that some form of empathy is needed, whether rational or emotional (cognitive or affective). Because it is the empathic abilities that enable us to discover what someone else is experiencing, thus also whether someone is suffering.

McGeer criticises this account of moral violations that was given by De Vignemont and Frith. First, because it is circular: “It doesn’t tell us how to recognize moral violations unless we already have a sense of what it is for certain acts to be morally justified. Second, because it is too limited: “If some acts that cause suffering in others are morally justified, then this means that there are concerns other than concerns about other’s suffering that are morally relevant, concerns by reference to which these acts are presumably justified.” (McGeer 2008b, p. 293)

## **2.1 - Moral emotions**

Another way to try to define the moral domain or to establish its boundaries is by focussing on what kind of concerns we call moral concerns. McGeer tries to take this route by looking at what she calls ‘our moral nature’. McGeer states: “Prima facie, our concern with particular others and our concern with social order have the most immediate moral content; but then doesn’t it seem odd that such concerns are frequently and blatantly sacrificed for the sake of some greater good? What greater good could there be? My answer is: maintaining the cosmic order.” (McGeer 2008b, p. 288)

McGeer adopts Haidt’s general scheme for classifying our emotional reactions as moral to the degree that

1. They have ‘disinterested elicitors’; i.e. provoked by events that provoke concerns that reach beyond narrow self-interest
2. They have disinterested or prosocial ‘action tendencies’; i.e. prime us to act in ways that benefit others or uphold or benefit structures that we value (such as the social order)

McGeer mentions two primary and distinct spheres of disinterested concern:

1. Concern with others’ well-being; rooted in the attachment system
2. Concern with the structure and maintenance of the social order; rooted in a system devoted to the production and distribution of social goods

Later she adds a third and distinct sphere of disinterested concern:

3. Concern with cosmic structure and position; rooted in a pattern-seeking cognitive machinery, dedicated to imposing order and meaning on our interactions with the physical world across time

Both the first and the second sphere make sense from an evolutionary point of view, because they can also be observed in other social animals. The third would also have to make sense from an evolutionary point of view, but here, according to McGeer we are dealing with something that is uniquely well developed in humans. McGeer believes all varieties of (human) moral agency are rooted in affect; therefore all three spheres are emotionally motivated. The different spheres can lead to emotional responses that pull in different directions. Individual differences and cultural differences in ‘strength of pull’ may lead to different moral outcomes. (McGeer 2008a, p. 249-251)

According to Kennett, McGeer’s third affective-cognitive system, the one concerned with cosmic order, is inextricably bound up with the capacity to be a moral agent, because it depends on the capacity to see others and ourselves in the world in which we find ourselves diachronically. And according to Kennett that is fundamental to agency and to the valuing peculiar to agents. “The process of becoming an agent is the process of both cognitively and behaviourally transcending the present moment, of grasping and acting upon reasons that extend over time.” (Kennett 2008, p. 261)

According to Maibom, the reason that concern with other’s intentions is relevant to morality is because it consists of recognition that other’s ends generate reasons for me to act. She believes McGeer transforms the contents of the categorical imperative into affective ends. (Maibom 2008, p.271) This is meant as a critique on McGeer, Maibom’s aim is to pinpoint that moral concerns are rational after all, but I

take it to be another reason to believe the distinction between affect and cognition cannot be drawn so sharply.

Recent developments in the social and cognitive sciences do not endorse the distinction between the affective and the cognitive, or the attempt to locate morality wholly in either one of those two domains. (Kennett 2008, p. 259)

## **2.2 - Our moral sense**

If morality is neither wholly cognitive nor wholly affective, maybe both the moral cognitive and the moral affective responses stem from a more primitive basis. Maybe we have something like 'a moral sense'. This is what Charles Darwin believed.

Darwin quotes the question Immanuel Kant asked about where (sense of) duty comes from. (Darwin 2002, p. i.70) Darwin believes all animals with clear social instincts would inevitably develop a moral sense or consciousness as soon as their intellectual capacities would develop (almost) to the same extent as is the case with humans. (Darwin 2002, p. i.71-72) According to Darwin the main question concerning the moral sense is: Why does a human being feel that he ought to follow one instinctive desire rather than another? He answers that evidently instinctive impulses have different degrees of force. Social and motherly instincts seem to have greater force than any other instinct; they are acted upon within an instant so that there is no time for reflection or for the experience of pain or pleasure. Darwin continues that he is aware of the fact that some people think that impulsive behaviour like this is not guided by the moral sense and that therefore we cannot call it moral. These people reserve the term 'moral' for actions that are being performed after deliberation, after a victory over opposite desires or for actions that are elicited by some high motive. But he says that it seems to be impossible to draw a clear line between instinctive and deliberated actions, although the difference can be real. An action that is performed by us repeatedly will eventually be performed without deliberation or doubt and then it will be difficult to distinguish it from an instinct, but nobody will claim that an action performed in this way stops being moral. (Darwin 2002, p. i.87-88)

Besides that, contemporary psychological work shows that behaviour can be guided by reasons, without these reasons having to become conscious, without any deliberation or judgement formation. (Kalis 2009, p. 51-52) Thus it seems that certain

behaviour can be moral, or belong to the moral domain without it being deliberated behaviour.

Charles Darwin is of the opinion that the moral sense provides for the best and the highest difference between humans and lower animals, but he believes he has shown how the constitutive element of the human moral constitution, the social instincts, when guided by active intellectual capacities and the effect of habituation naturally leads to the golden rule: 'Treat others as you'd want them to treat you.' And this golden rule, according to Darwin lays at the basis of morality. (Darwin 2002, p. i.106)

The Golden rule expresses the reciprocity principle: I'll scratch your back if you'll scratch mine. It is still often heard as a layman expression of morality. I believe the assumption is that we both (equally) like back scratching. My suggestion is that 'theory of mind' exists of 3 thoughts:

1. There are others
2. The others are like me
- 
3. The others are ones of their own; they are their own individuals. The others are not me. They are like me, but they are also fundamentally different. They are others. To themselves they are 'I'.

People with autism seem only aware of 1. The Golden rule seems only to focus on 1 and 2. I believe an advanced ethical point of view would have to include 1, 2 and 3.

First there is cognition, cognition refers to me: I know that I am. Cognition is a precondition for recognition. Re-cognition is a movement from me to the other and back towards me: I know that I am, because I know you are; you reminded me of me. I can only recognise you if I already 'cognise' me. Later we will see that people with ASS have difficulty with self (re) cognition and that there is reason to believe there is a relation between that difficulty and their failing empathic abilities.

My idea about the 3 components of 'theory of mind' is, I believe, in line with the distinction De Vignemont and Frith make between an 'egocentric stance' and an 'allocentric stance'. De Vignemont and Frith distinguish between an egocentric stance and an allocentric stance in the understanding of another person. The egocentric stance is expressed by the word 'you', the allocentric stance by 'he', 'she' or 'they'. The egocentric stance relates the other to the self. The allocentric stance relates the other to other objects independent of the self. The egocentric stance helps to know the

other and interact with her, and to locate yourself in the social world. The allocentric stance helps to understand that people exist outside their interactions with you; it helps to understand the mutual relations between other people. Normally the egocentric stance and the allocentric stance are in permanent interaction. (De Vignemont & Frith 2008, p. 278) De Vignemont and Frith suggest that people with ASS are more interested in normative rules than in emotions because of an abstract allocentrism that is disconnected from egocentric interactions with others. (De Vignemont & Frith 2008, p. 280)

I've combined my thoughts with the idea about the different stances that was provided by De Vignemont and Frith in the following table:

	<b>Knowledge</b>	<b>Aware of</b>
1	there are others	he, she, it (allocentric stance)
2	the others are like me	me, you (egocentric stance)
3	the others are like me, but they are also different; to themselves they are 'I'	I, You (interaction between egocentric and allocentric stance)

To understand the second and the third component in the table you need empathic capacities. This will become clearer once it is clearer what empathy is and what consequences dysfunctional empathy has.

### **3 – Empathy**

In this chapter I will formulate an answer to the question: “What is ‘empathy’?” In the next chapter (chapter 4), I will discuss the case of dysfunctional empathy that is present in people with ASS.

In the first chapter I've stated that agency is the kind of behaviour that is open to agents and that it is characterised by a notion of intentionality/reasons and a notion of control. I've also stated that to act means: to guide your behaviour on the basis of a goal that you perceive as good and that an act is the kind of behaviour that we can (and will) morally judge about. From the description of the capacity for moral agency it might not be clear why I would want to focus on the capacity for empathy as a possible prerequisite for the capacity for moral agency. Before we can understand

why empathy would be of any importance to moral agency, we first need to sketch a picture of what empathy is.

Empathy stems from the Greek word *empathia*, meaning passion. But now it means being able to place yourself into someone else's world of experiences, being able to follow their line of thought. Empathy is needed to be able to predict other's actions in time. (Kahn 2006, p. 209-210)

According to De Waal it is the German psychologist Theodor Lipps (1851-1914) who is responsible for our modern concept of empathy. Lipps recognised that we can't feel something that happens outside of ourselves, but by unconsciously merging with the other, the other's experiences echo within us. We feel the feelings of the other as if they are our own. This identification, according to Lipps, cannot be reduced to other capacities, such as learning, association or reasoning. "Empathy offers direct access to 'the foreign self'." (De Waal 2009, p. 65)

Rottschaefer mentions two different ways to theorize about empathy:

1. A focus on the cognitive ability to recognize and understand the thoughts, perspective and feelings of another individual.
2. A focus on empathy as primarily an affective ability, mostly the ability to feel 'empathic distress'.

These different focuses raise questions about the nature of empathy, but also about the general distinction between affect and cognition. Rottschaefer defines empathy as a specific emotional state, namely as an emotional state of the empathizer that is the same or similar to that of the person with whom he is empathising *because* that person has that state. (Rottschaefer 2008, p. 85)

"Many animals survive not by eliminating each other or keeping everything for themselves, but by cooperating and sharing." According to De Waal, Immanuel Kant praised compassion as 'beautiful', but considered it irrelevant to a virtuous life. According to De Waal Kant is of the opinion that duty is all that matters. (De Waal 2009, p. 6-7) But we need to 'know' who the 'targets' of our duties are. In order to distinguish fellow beings from other kinds of beings and objects we have to be able to perceive of them as something different. To be able to do that means you need the first elements of empathy. You have to be able to recognise others as beings with feelings and intentions, as parts of 'the kingdom of ends' if we want to use Kant's terms.

De Waal describes the distinction between sympathy and empathy. Sympathy, according to de Waal, is proactive, whereas empathy is not. Sympathy reflects concern about the other and the desire to improve the other's situation. (De Waal 2009, p. 88) Empathy is a feeling, it can be seen as 'preconcern'. It functions as follows: "If you feel another's pain, get over there and make contact." (De Waal 2009, p. 95) Sympathy then, is actual concern, it involves an attempt to understand what happened and it motivates helping, comforting and consoling. (De Waal 2009, p. 96)

In short, the capacity for empathy means that you are able to place yourself into someone else's world of experiences, and are able to follow their line of thought. Empathy has a cognitive side: the ability to recognize and understand the thoughts, perspective and feelings of another individual. Empathy also has an affective side: mostly the ability to feel distress at someone else's distress. Empathy is not the same thing as compassion, nor is it the same thing as sympathy. Empathy refers to a group of abilities that do not function properly in people with autism (ASS).

#### **4 – Autism: dysfunction of empathy**

Now that we have a broad idea about what empathy is I want to look at cases in which the capacity for empathy does not function properly. What consequences does this have for the individual that is affected? And what does that mean for their capacity for moral agency? If certain individuals lack empathy, but nonetheless can be proper moral agents, then empathy cannot be a prerequisite for moral agency. One well-known instance in which the capacity for empathy is lacking to a large extent is in the case of individuals with autism.

Autism was described for the first time in 1943 by the American child-psychiatrist Leo Kanner in his article 'autistic disturbance of affective contact'. It was based on the study of 11 children with the most central common feature that they hardly made any contact with others or refrained from it all together. It was as if they did not notice the difference between people and objects. They did not make eye contact and had a great need for immutability. They would cling to certain habits and they would display repetitive behaviours. Besides that they showed a backlog in language development, most noticeable was their use of language to make announcements instead of using it to communicate. In 1944 a similar syndrome, but

without the disturbance in language was described by the Viennese paediatrician Hans Asperger. It took until 1980 to become widely known. The syndrome was later named Asperger's syndrome. Technically speaking language use is correct in people with Asperger's syndrome, but the melody that's important for the emotional content in speech, is lacking. Their contact and use of language also misses all reciprocity, they do not anticipate the response of the other. Besides that, mimicry and motor skills are flat, not fluent and uncomfortable. (Kahn 2006, p. 206-208)

“[...] autism is a spectrum disorder with individuals varying widely in terms of abilities and disabilities, even without factoring in issues of comorbidity; and for the very disabled end of the spectrum, it seems clear that no question of moral agency sensibly arises.” (McGeer 2008b, p. 291) “Autism is a disorder of brain functioning that appears early in life, generally before the age of three. Autistic individuals have problems with learning capacity, social interaction, communication, imagination and behavior. Autistic traits persist into adulthood, but vary in severity. Some of the adults with autism become rather normal, going to college and living on their own, while others never develop the skills of daily living. The origin or the cause that leads to this neurological disorder is still unknown.” (Lupu, 2006)

Individuals with autism lack empathy, at least in some sense, but they can have strongly felt moral convictions. Their difficulty in understanding other's points of view does often impair their moral judgements. (McGeer 2008a, p.228)

To summarize: autism is a spectrum disorder with individuals varying widely in terms of abilities and disabilities. All people diagnosed with ASS will have a qualitative impairment in reciprocal social interactions, including a marked lack of awareness of other's feelings, a qualitative impairment in nonverbal and verbal communication and impairments in imaginative abilities, including lack of pretend play in childhood, highly restricted and repetitive interests, and an obsessive insistence on routine and environmental stability. (McGeer, p. 233-234)

## **5 - Evolution of empathy**

As was stated in the previous chapter, people with ASS have a qualitative impairment in reciprocal social interactions. This (and other) impairment(s) lead(s) to social dysfunction. Social dysfunction is problematic for moral functioning, because morality and ethics are thoroughly social phenomena. All the virtues in virtue ethics

refer to social dispositions. The categorical imperative of the Kantians refers to others (as ends in themselves). Utility, the key important thing for utilitarians, is measured by calculating each individual as one, thus leading to a sum, made up of a collective of individuals.

### **5.1 - The social context of morality**

The virtues that, generally speaking, have to be practised by primitive human beings in order to be accepted as part of a group are the ones that are still recognised as the most important ones here and now in our modern cultures. (Darwin 2002, p. i.93) The failure of people with ASS to become accepted in a group might be related to the absence of properly developed social instincts and the accompanying virtues that are so greatly valued.

There is a darker side to these virtues though. Darwin notes that in primitive tribes they are almost exclusively practised with regard to members of the own group and that their opposites are not seen as crimes when practised towards members of other tribes. (Darwin 2002, p. i.93) Same goes for us, modern Western people, exploiting people in Africa is not considered a crime and practised at a large scale. We try to convince ourselves that it is different but really, it is only different because they are not part of our group. Once we see the people of Africa as members of our group, say, because we consider our group to consist of all human beings, we will feel remorse on exploiting them. Our social instincts and the related virtues depend on our in-group/out-group perceptions.

De Waal formulates it as follows: “Empathy builds on proximity, similarity, and familiarity, which is entirely logical given that it evolved to promote in-group cooperation.” (De Waal 2009, p. 221) Darwin states that for primitive people acts are right or wrong depending on their influence on the wellbeing of the tribe, not on the wellbeing of the species, nor the wellbeing of any individual member. It is very plausible that our ancestors have seen it in the same way. This conclusion is in line with the view that our so-called moral sense is originally derived from our social instincts, because both originally only relate to the community. (Darwin 2002, p. i.96-97)

When I came to realise the great importance of the social nature of morality, I started to think about moral agency in its social context as well. This led me to thinking about social contexts in a more general sense. I started to think about other

social animals and I realised that those animals that we call social are also the ones we call intelligent (e.g. apes, dolphins, elephants). I started wondering whether there is a connection between intelligence and social skills. My hypothesis is that the connection between the two works via the capacity for empathy. The idea is that without empathy, without theory of mind, it would be impossible to see any other as someone like me. If I am unable to recognise others like me I will also be unable to see that the other has desires that constitute reasons for him to act. I will also be unable to share with that other. I will be unable to share emotions, but also to share other types of information. And information sharing is the key to the accumulation of intelligence.

The capacity for reason that was already mentioned in paragraph 1.3 because of its strong relation with moral agency is typically associated with intelligence. Those who believe that reason is essential to moral agency will also believe intelligence is essential to moral agency, because there cannot be reason without intelligence. I want to point out that focussing on the importance of empathy for moral agency does not mean that we are drifting away from the importance of intelligence. In fact, my hypothesis is that empathy is the basis for mammalian intelligence and thus for mammalian reason. The accumulation of knowledge that is so characteristic to our species would not have been possible without empathic abilities. Certain mammals are both social and intelligent due to their well-developed empathic abilities.

Young children start to share information spontaneously. It is typical of children with ASS that they don't. No species is as active in information sharing as us, human beings. But our closest relatives, the bonobos, do show signs of information sharing 'for fun'. They will point out something of interest to others. (De Waal 2009, p. 156)

Spontaneous information sharing is proof of the realisation that there are others that are like you in the sense that they can understand the same kind of things, but that they are also different in the sense that they do not automatically have the same knowledge as you have. Awareness of these facts is the key to human intelligence and reason. This does not mean that human intelligence or reason only functions via the empathic abilities in each individual. Some people with ASS are well known for their excellence in certain areas of intelligence, but if they excel, this is usually in abstract areas, maybe because they are so good with order and detail.

Order and detail are features that are important in abstract situations and that are usually absent or of less importance in concrete (and often social) situations.

## **5.2 - Empathy as an evolutionary capacity**

I believe a discussion of the evolution of empathy helps to gain a deeper understanding about what empathy is and what different levels can be distinguished. It also helps to find out what kind of empathy the great apes have and lack and what kind people with ASS have and lack. This, in turn, helps to find out in what way empathy might be of importance to moral agency.

Rottschaefer gives four reasons (that he found in the work of Hoffman) to believe that empathy is an evolutionary capacity:

1. It is found at all ages
2. It is an involuntary response
3. It is based in the limbic system, a part of the brain that we share with other animals
4. The first two of the four modes of empathic arousal:
  - Mimicry, due to automatic imitation and afferent feedback
  - Conditioning and direct association
  - Language-mediated association
  - Putting oneself in the place of another (Rottschaefer 2008, p. 94-95)

Other reasons to believe that empathy is at least partly an evolutionary capacity can be found in the works of Frans de Waal and Robert Plutchick, describing animal displays of different sorts of empathic behaviours. Further evidence can be found in the cross-cultural universality of expression and recognition of the basic emotions. (Rottschaefer 2008, p. 96-97) De Waal distinguishes two messages of evolutionary theory:

1. All plants and animals, including ourselves, are the product of a single process.
2. We are continuous with all other life forms, not only in body but also in mind.

(De Waal 2009, p. 207)

To understand the workings of evolved behaviour it is important to understand what Frans de Waal calls 'the motivational autonomy of behaviour'. "Seeing colors is thought to have come about because our primate ancestors needed to tell ripe and unripe fruits apart. But once we could see color, the capacity became available for all sorts of other purposes. We use it to read maps, notice someone's blushing, or find

shoes that match our blouse. This has little to do with fruits, although colors indicating ripeness – red or yellow – still get us excited and are therefore prominent in traffic lights, advertisements, and works of art. On the other hand, nature’s default color – green – is considered calming, restful, and boring.” (De Waal 2009, p. 40-41)

According to De Waal behaviour enjoys ‘motivational autonomy’. By this he means that the motives we have to engage in certain behaviour can be independent from the reason the behaviour came into existence. Our genital anatomy and our sexual urges evolved for reproduction purposes, but sexual activity is not necessarily aimed at reproduction. Animals are not even aware of the connection between sex and reproduction. They display sexual behaviour because they are attracted to one another or because they’ve learned of its pleasurable effects. (De Waal 2009, p. 41) The point here is that behaviours, once they’ve come into existence can be displayed with an amount of freedom for a variety of reasons. The ‘reason for behaviour’ only refers to ‘why it became part of our behavioural repertoire’; it does not refer to the individual instance of creature A displaying that behaviour.

If a trait evolved for reason X, in daily life it can be used for reasons X, Y and Z. For instance helping others evolved because on average and in the long run it benefits the helper. Mostly because we help the ones close to us; and they are willing to return the favour. But that does not mean helping behaviour is only displayed for that reason. (De Waal 2009, p. 42) Now that we are able to help, now that we have that capacity, we have some freedom in when we’ll use it. We may help a turtle that lies on its back by putting it on its feet again. We don’t do this because we expect something in return or because it benefits us in any significant way.

Empathy goes back far in evolutionary time. During 200 million years of mammalian evolution females that were sensitive to the needs of their offspring out-reproduced the ones that were not. (De Waal 2009, p. 67) The American neuroscientist Paul MacLean first described the limbic system in the 1950’s. Attachment became part of evolution with the appearance of the limbic system: the feeling part of the brain. There is no reason to suspect that empathy and attachment are typically human capacities. In fact, one would expect to find them in any warm-blooded creature with hair and nipples, or in other words: in any mammal. (De Waal 2009, p. 68-69)

Since we descended from a long line of mothers who nursed, fed, cleaned, carried, comforted and defended their young it will not be a surprise that gender

differences are found in human empathy. These gender differences appear before socialization. (De Waal 2009, p. 67) Males lack empathy for potential rivals. When they see a rival in pain, the pleasure centre in their brain lights up. Females remain empathic. (De Waal 2009, p. 72) An interesting fact that I tend to relate to the gender differences in empathy is that ASS is found 4 times more in boys than in girls. (Kahn 2006, p. 209)

According to De Waal we are so obsessed with what we consider new and important about ourselves that we overlook the fundamentals. If we want to understand abstract thought, conscience or morality, we have to start thinking from the bottom up. (De Waal 2009, p. 15) De Waal believes that the influence of surrounding bodies is one of the most underestimated phenomena, especially in disciplines that view humans as rational decision makers. (De Waal 2009, p. 63)

### **5.3 – Identification and imitation**

In order to empathize we need to identify with the other. Identification is a precondition for empathy. Absence of identification closes the door for empathy. We find it easiest to empathize with those like us and we lack empathy for those we do not identify with. (De Waal 2009, p. 80) People with ASS have trouble identifying with other people; this difficulty seems related to their lack of empathy. Also, I've mentioned how in males empathy disappears when they see their rival in pain. I believe that phenomena can be explained in terms of identification. The males no longer identify with the other male, they stop seeing him as a fellow being: they see him as an enemy. In the light of the strong influence of identification on empathy (being a precondition) it is also no wonder that people who empathize with other animals tend to focus on the ways in which they are like us, instead of on the ways in which they are different.

When emotionally mirroring somebody, we often focus on the face, but the whole body expresses emotion. When scientists glued an angry face on a frightened body and the other way around, subjects reaction times slowed down, but when asked to judge the emotional state, they emphasised the bodies, giving more weight to the posture than to the facial expression. (De Waal 2009, p. 81) In the light of empathy being an evolved trait, that is present, to a degree, in all mammals, this is not surprising. Humans are very visually oriented creatures; we can see a lot of detail. When you want to tell what emotion a face expresses you have to be able to see the

elements of the face clearly. If your vision is less detailed, then you might not be able to see the facial expression so clearly. But as long as you can see in general, you'll be able to see body posture and movements.

According to Frans de Waal it is not our head that gets into the other's head, it's our body that copies the other's body. (De Waal 2009, p. 9) "When our ancestors left the forest and entered an open, dangerous environment, they became prey and evolved a herd instinct that beats that of many animals. We excel at bodily synchrony and actually derive pleasure from it. Walking next to someone, for example, we automatically fall into the same stride." (De Waal 2009, p. 21-22)

We mimic those with whom we identify, and mimicry in turn strengthens the bond. (De Waal 2009, p. 61) But why do we identify with one and not the other? People with autism do not seem to identify with others as easily as we do.<sup>1</sup> Why? And why do we do so, so easily?

#### **5.4 - Mirror neurons and imagination**

In 1996 Vittorio Gallese published the article 'Action recognition in the premotor cortex' in the scientific magazine *Brain*. In it he described his discovery of the basis of empathy. Neurological research with monkeys showed that the same neurons became active while observing movements as while making those same movements themselves. Later it was found that the human brain acts in the same way. The brain mirrors the brain activity of someone else when it is observing the behaviour of that someone. (Kahn 2006, p. 210-213) This research has become known as the discovery of mirror neurons.

Mirroring is taking place constantly in the brain without us noticing it. It is the basis of learning, because we learn most easily by imitating others. Imitation is such an elementary function that it can be observed in 3-day-old infants. These very young children automatically copy facial expressions. It takes several more months for them to be able to suppress their imitations, because the frontal parts of the brain that are responsible for that ability (of the suppression of behaviour) take longer to develop.

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<sup>1</sup> Although Temple Grandin (a person with ASS) reported she identified with Spock from *Star Trek*. This is a peculiar identification, because Spock is not human and Temple Grandin is. It seems like it would have made more sense to identify with a human character from *Star Trek*. Temple Grandin's identification with Spock will be discussed in chapter 7.

The brain also mirrors emotions (not only behaviours) that are expressed by others. (Kahn 2006, p. 213-215)

Mirror neurons are responsible for the lack of the distinction between ‘monkey see’ and ‘monkey do’. The discovery provided for further arguments in favour of automatic empathy. Some scientists are against talk of automatic reactions, because they think it means that the reactions are out of our control; that we do not have the power to override them. But the only thing that is meant by ‘automatic’ in this context is that is a very quick and subconscious process. (De Waal 2009, p. 79)

The brain can also mirror imagined scenarios about what someone else is experiencing, that is: you don’t necessarily have to see the other, as long as you can imagine what the other’s experiencing. (Kahn 2006, p. 216)

Imagination is the capacity that lets you combine, independent of the will, former images and thoughts, thus creating new results. One of the ways in which it expresses itself is in dreams. (Darwin 2002, p. i.46) De Waal states that it is important to keep in mind that it is not imagination that drives empathy. Empathy requires emotional engagement. “Bodily connections come first – understanding follows.” (2009, p. 72) According to De Waal it is identification that is crucial. (2009, p. 80)

So, imagination does not drive empathy, but how then should we understand the relationship between imagination and empathy (feeling into)? Why do people with ASS have problems both with imagination (e.g. lack of pretend play) and with empathy? Are these problems related to the problems people with ASS have with their motor skills? Is it because they have problems with the ‘proper’ use of their bodies? If so: Is the problem with motor skills related to the problems with identification and thus with the problems with empathy? Are they unable to ‘map’ other bodies and is that the core of all their difficulties?

### **5.5 - The co-emergence hypothesis and the discovery of VEN-cells**

Self-recognition is usually tested using a mirror. The subject gets a little mark of rouge or paint, without knowing on which side of its face and he is put in front of a mirror. If the subject is able to make the connection between itself and the image in the mirror, it is expected that he will touch his face to remove the spot. Human babies begin to pass the mirror test when they are 18-24 months old. Around the same time they start using the words ‘I’ and ‘me’ more often and they start to show so-called pretend-play. Playing out fantasised scenarios. The fact that these abilities emerge at

the same time has led to the *co-emergence hypothesis*. Advanced empathy also belongs to the same co-emergent package. Bischof-Köhler tested this hypothesis on Swiss children and the outcome was in line with the hypothesis. This means that indeed, there is reason to believe these abilities are related and emerge at about the same time. (De Waal 2009, p. 122-123)

The co-emergence hypothesis would state that species that recognize themselves in a mirror should be marked by advanced empathy, such as perspective taking and targeted helping. Apart from humans and other apes, the best candidates are dolphins and elephants. And indeed dolphins, and at least one elephant (called Happy), seem to belong to the small group of creatures able to recognize themselves in a mirror and to show advanced empathy. (De Waal 2009, p. 125-138)

The co-emergence hypothesis would also predict that those who do not have the capacities for advanced empathy would also have difficulty with self-awareness. And indeed people with ASS seem to have problems with both.<sup>2</sup>

It turns out all mammals that are able to recognize themselves in a mirror possess a rare type of brain cell, the so-called VEN (Von Economo Neurons) cells. The cells are particularly large and abundant in human brains, but are also found in the brains of apes (not monkeys), cetaceans (dolphins and whales) and elephants. Damage to the VEN cells, in humans, leads to “[...] a special kind of dementia marked by the loss of perspective-taking, empathy, embarrassment, humor, and future-orientation. Most important, these patients also lack self-awareness.” (De Waal 2009, p. 138-139) The discovery of these VEN cells therefore also seems to support the co-emergence hypothesis. There is evidence of VEN cell abnormalities in people with ASS. (Allman et al. 2005). This is to be expected on the basis of the functions of VEN cells and the co-emergence hypothesis.

## **6 - The relation between empathy and moral agency**

As mentioned earlier there is a difference between two types of moral relevance of empathy:

1. Empathy as a group of capabilities that are necessary to belong to the group of moral agents
2. Empathy as a morally ‘good’ disposition or type of behaviour

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<sup>2</sup> See: <http://news.bbc.co.uk/2/hi/health/8407857.stm>

I am concerned with the moral relevance of empathy in the first sense.

So far I've stated that that morality is a social phenomenon and that its social nature is related to the capacity for empathy. I've also stated that not only humans have this capacity that makes the social nature of morality possible. I've stated that empathy evolved to promote in-group cooperation and I've discussed the related capacities: identification, imitation and imagination. I've also explained about the motivational autonomy of evolved behaviour, meaning that empathy evolved to promote in-group cooperation, but can now be used for other purposes as well.

On the basis of the insights of the previous chapters I come to the following relation between empathy and moral agency: Mirror neurons are the basis of empathy. The basis of empathy that works via the mirror neurons makes imitation possible. Imitation is the basis of learning. Learning is the accumulation of knowledge. We call the accumulation of knowledge through learning intelligence. Intelligence is a precondition for the capacity to reason. Reason is a precondition to moral agency.

### **6.1 - Meaningful vs. meaningless behaviour**

Seeing the other as agent means seeing the other as someone with intentions that motivate their behaviour. Acts differ from mere behaviour because acts are done for a reason and behaviour is not necessarily done for a reason.

Before the brain is able to allocate intention, it has to be able to make a distinction between meaningful behaviour (like grabbing) and meaningless behaviour (like opening and closing your hand). The area in the brain that is responsible for the recognition of (meaningful) behaviour is at a place where there is a crossroads of visual, auditory and sensory input. (Kahn 2006, p. 226)

The area in the brain that registers movement in all modalities (including eye movements, movements of the lips) is also responsible for the allocation of intention to these movements. The part of the brain that, in monkeys, mirrors the movements of others evolved to the area that, in humans, allocates intentions to others. In humans it has become the area that is responsible for us seeing others as creatures with their own intentions, their own will. It allows us to see others as people with a drive, as individuals with intentions, as persons with desires. (Kahn 2006, p. 228) In other words: it is the area that is responsible for the ability to recognise and interpret actions and agents.

People with ASS seem to be rather unable to recognise others 'like me'. Unlike 'normal' toddlers they show no signs of making a difference between subjectively animated creatures and other things in the environment. (McGeer 2008a, p. 233-235)

## **6.2 - Understanding intentions**

If a human reaches for a stick, and keeps trying, but is not able to grab it, a chimp will go over to the stick and hand it to the human. Chimps do this without training, and rewarding them does not change their behaviour. A similar test with young children had the same outcome. (De Waal 2009, p. 114) This type of behaviour can be interpreted as evidence of the ability to understand the intentions of certain behaviours or the ability to understand what the other wants. It is a display of a rudimentary theory of mind and it is a type of behaviour that people with ASS rarely display.

The problem is that people with ASS cannot feel what others want or mean, what their intentions or feelings are. They don't know how to estimate these things, because they cannot empathize with others, they lack the capacity for empathy. (Kahn 2006, p. 209)

Toddlers will imitate the intention of the person rather than the actual behaviour. When they see an adult trying to pull something apart, but letting the object slip from his hands, they will try to pull it apart and they will try to succeed. They will not copy the element of letting the object slip and fall. They pay attention to what the other wants, not what he actually does. Children of 18 months make a difference between human intentions and human or mechanical actions. Kahn mentions that it might not be a coincidence that roundabout this age (of 18 months), when the capability to allocate intentions in others develops, autistic children develop a disorder in brain development. (2006, p. 221-223)

People with ASS show less activity in the brain area that lets us allocate intentions. They do not allocate intentions to other people. Therefore another person is not perceived as an individual creature with its own intentions, but more like an object with no clear purpose. (Kahn 2006, p. 229-230)

Being able to allocate intention to someone does not automatically mean we can put ourselves in that person's shoes. To be able to do that we have to be able to recognize what emotion lies at the basis of the intention. The best source of

information about the emotions of the other is the other's facial expressions.

Numerous studies have shown that looking at faces activates the same aforementioned area in the brain that registers movements and allocates intentions. (Kahn 2006, p. 232-233)

### **6.3 - Different levels of empathy**

Taking someone else's perspective, having a theory of mind, is not limited to human adults, though the most advanced forms of knowing what others know might be. (De Waal 2009, p. 98-100) De Waal writes: "Of all the great apes bonobos seem to have the highest level of empathy." (2009, p. 91) De Waal distinguishes 'cold perspective taking' from 'empathic perspective taking'. (2009, p. 100) He uses the distinction to highlight the emotional neutrality of 'perspective taking'.<sup>3</sup>

Some species, like baboons, show signs of emotional contagion, but an inability to adopt another's point of view. This deficit is seen in many animals as well as in young children. (De Waal 2009, p. 141) Monkeys do feel the other's distress, but they are unable to step back from the situation and figure out the other's needs. (De Waal 2009, p. 143)

De Waal envisions empathy as a Matryoshka, the famous Russian doll that you can open to find a smaller one, and inside that one an even smaller one and so forth: it is a multilayered capacity. At its core is the ancient tendency to match another's emotional state. Around this core there are more sophisticated capacities, such as feeling concern for others and perspective taking. (De Waal 2009, p. 209) Psychopaths display a disconnection between perspective taking skills and the deeper regions of empathy. Their Matryoshka is an empty shell. (De Waal 2009, p. 211-212) I would say that psychopaths help us to remember the difference between empathy and compassion.

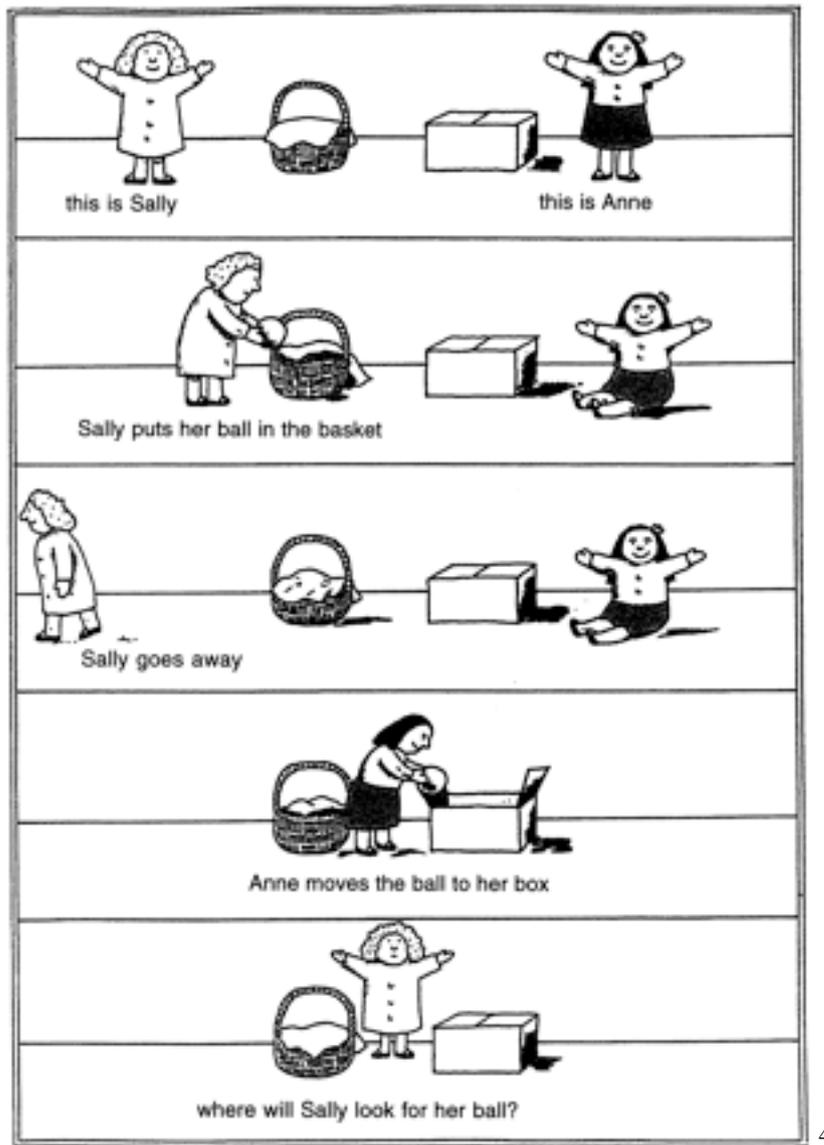
Psychopaths are remarkably adept at reading the minds of others, but use the knowledge to manipulate these others. They have no difficulty with perspective taking. The cognitive capacity is thus intact, but psychopaths do show notably abnormal affective profiles. They show lack of what we call the social emotions, such

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<sup>3</sup> For De Waal the word 'empathic' does refer to a certain kindness (morally 'good' behaviour), he uses 'perspective taking' as the morally neutral concept. This might be a bit confusing; because I use the word 'empathic' as a morally neutral concept in this thesis and to me it is an umbrella-term for all empathic abilities, including 'perspective taking'. The 'kind display of empathy' I would name 'compassion'.

as: remorse, sympathy, shame, love and grief. They also fail to make the distinction between moral and conventional transgressions of rules or boundaries. (McGeer 2008a, p. 230-231)

A classic test has been developed to test perspective-taking skills; it is called the ‘Sally-Ann test’, sometimes also called ‘the false belief test’. People with ASS typically fail the false belief test (Kahn 2006, p. 219):



Some intellectually gifted individuals with autism will eventually pass the test, thus showing some ‘mind reading’ ability, though those results do not generalize easily to naturalistic settings. The most likely explanation is that advanced reasoning skills are used to solve the puzzle of other minds, while they continue not to have immediate or natural perception of other’s mental states. Thus the moral sensibility of people with

<sup>4</sup> Source of image: <http://www.spektret.dk/images/sallyanne.gif>

autism might be structured quite differently from that of people with ‘normal’ development. McGeer suggests that people with autism have a greater need to abide by all kinds of rules, because that makes the world less chaotic and overwhelming for them. She suggest they may happily follow all kinds of moral rules without sharing our understanding about what ends those rules are meant to serve. She therefore questions how deeply their moral concerns are truly moral. (McGeer 2008a, p. 238-240)

#### **6.4 – Twofold relation between empathy and moral agency**

At the beginning of this chapter I’ve stated that there is a relation between the basis of empathy and moral agency that works via the capacity to imitate and the ability to learn and reason.

In this chapter I believe another relation has become visible, namely one that works via the ability to understand what the other wants, feels or knows. This relation works via the capacity that is referred to as having a ‘theory of mind’. It builds on the ability to take someone else’s perspective. Theory of mind is necessary to understand the intentions of others. Seeing the other as agent means seeing the other as someone with intentions that motivate their behaviour. If you do not have theory of mind, you cannot see others as moral agents.

### **7 - Empathy as a prerequisite for moral agency**

So far I believe there is reason to think there is a relation between empathy and moral agency, but is empathy also a prerequisite for moral agency? My aim is still to get a better idea of what moral agency is and whether or not we can say that having empathic abilities is a precondition to qualify as a moral agent. Maybe there are ways to express moral agency that are not related to the empathic abilities. If so, I would expect to find those other ways in people with ASS. That is why I now want to look more closely to the way in which people with ASS deal with moral issues.

#### **7.1 - Autism and morality**

McGeer quotes Temple Grandin, ‘a remarkably able individual with autism’. McGeer puts Temple Grandin forward to prove the point that people with autism can and do have “a strongly developed moral sensibility or, as Kant would say, a concept of duty

deriving from ‘consciousness of a moral law’ (Kant, 1797/1991, p.400)” (McGeer 2008a, p. 232-233)

Temple’s account makes note of how she identifies with the logical Mr. Spock from Star Trek who wants to make a rational choice, whereas the humans want to make a choice on the basis of their feelings of attachment (retrieving dead body of friend while under attack vs. leaving it behind and increasing chances of living though the attack yourself/with as many as possible). Temple states she liked Star Trek because each episode had ‘a moral point’. “The characters had a set of firm moral principles to follow, which came from the United Federation of Planets. [...] (Grandin, 1995, pp. 131-132)” (McGeer 2008a, p. 232) This, I believe, is hardly a Kantian conception of morality, because it seems very heteronomous, the source of the moral law being the United Federation of Planets. Kant’s concept of duty is derived from the free will of the autonomous subject. As far as I can say, I see, on the basis of this autobiographical account, a rather weakly developed moral sensibility (at least from a Kantian point of view) in Temple Grandin, who no doubt is a remarkably able individual with autism.

McGeer asks herself what the source of autistic moral concern is, if it is not empathy in the sense of affective attunement with other people. She mentions Kennett who suggested that the answer could be found in autistic individuals’ deep interest in the sense-making pull of reason. According to McGeer Kennett suggests that their moral feelings derive from a deeply felt practical concern to do the right thing. McGeer concludes that lack of empathy makes it difficult to act in morally appropriate ways, but it does not undermine the interest in so acting. (McGeer 2008a, p. 234-235)

Temple Grandin has classified three types of wrongdoing:

1. Really bad
2. Sins of the system
3. Illegal but not bad

Temple constructed the classification system to arrive at a “decision-making program for whether rules could be broken”. (Grandin, 1995, p. 103-104, In: McGeer 2008a, p. 243) This description is in line with the idea that people with ASS use reasoning in cases where ‘normal’ people have immediate understanding.

Temple Grandin thinks “Autistic people tend to have difficulty lying because of the complex emotions involved in deception. [...] Lying is very anxiety provoking

because it requires rapid interpretations of social cues to determine whether the other person is really being deceived.” (Grandin, 1995, p. 135, In: McGeer 2008a, p. 244) That might be, but it might also be due to their inability to ‘pretend’ in general. It makes me think of the definition of empathy that I believe Carl Rogers gave: feeling as if you are the other, while holding on to the ‘as if’. People with autism have trouble with this ‘as if’ part in all circumstances, as is also demonstrated by the absence of role taking play/pretend play in children with ASS.

De Vignemont and Frith suggest that people with ASS may have automatic emotional empathy, but just have trouble integrating cognitive and affective facets of another person’s mental states. They assume at least a subgroup of people with ASS may have this automatic form of empathy to some degree, even though they may not be able to reflect on their emotions. They suggest only the cognitive aspects of empathy are impaired in people with ASS, and not necessarily the emotional ones. (De Vignemont & Frith 2008, p. 274-275) If this were so I would expect their empathy to express itself in ways similar to how it expresses itself in for instance baboons.<sup>5</sup> And evidently this is not the case; so I presume something different is the matter with the empathy skills of people with ASS.

## **7.2 - Prerequisite or not?**

Rottschaefter argues for the claim that humans possess an evolutionary based moral capacity. This capacity functions as one of the motivational bases for the exercise of moral agency. (Rottschaefter 2008, p. 97) By this evolutionary based moral capacity he means the same thing as what Darwin called the moral sense.

It is not a strange idea that, if you accept that we indeed have, by nature, a moral sense, that this sense will be a motivational basis for moral actions. If you believe that actions can be motivated, then moral actions will be most likely motivated by some moral motivator. We want to locate this moral motivator within the individual (as opposed to outside the individual) and I think we can call it a sense, because it is sensitive to everything that belongs to the moral domain.

If empathy is a prerequisite to belong to the moral domain, it is also a prerequisite for moral agency, because moral agency can only exist within the moral domain. What about the conclusion that those who lack the prerequisite fall outside

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<sup>5</sup> See paragraph 6.3

the moral domain? I would say that they only fall outside it as instigators/experiencers of empathy, but they do not fall outside of the domain as targets of empathy. I can be empathic toward someone who is himself unable to show empathy. Those who lack the capacity for empathy can therefore still be subjects of moral concern, they can also still be nice and kind and praiseworthy people. The only thing is that they do not truly understand what morality really is about and in that sense they are amoral: their behaviour is not morally motivated.

I would like to make an analogy:

<b>Handicap</b>	<b>Results in</b>
Blind	Unable to recognise visual input
Lack of empathic abilities	Unable to recognise moral input

But, often people are not completely blind; they can ‘just’ have severe visual impairments. The case of people with ASS is, I believe, more analogous to this. They are severely empathically handicapped. Just as a person with severe visual impairments can ask: “Is that a cow?” And when I tell her: “Yes, it is a cow.” Can learn to recognise cows on the basis of repeated experience with similar blurred entities. In a similar way a person with ASS can ask if a certain situation calls for moral action or judgement. If I then say: “Yes, indeed”, the person can learn to recognise similar cases that call for moral action or judgment. Similarly also, the person with visual impairments can now only recognise that type of cows she has learned about and the person with ASS will now only recognise e.g. cases of physical violence that call for moral action or judgment and not other types of cases, until she has learned to recognise all of them.

If the person with the visual impairments made a mistake, would we say: “How could you! You’ve mistaken a horse for a cow!” I think not. Because it is not fair to expect the same level of functioning when someone is so handicapped. Therefore I also think it is not fair to expect the same level of moral functioning from people with ASS.

One way in which people who lack empathic abilities can still be moral agents is if we adopt McGeer’s third type of moral concern: that for cosmic order, because concern for cosmic order is not dependant on the capacity for empathy. If we adopt

this third type of moral concern, behaviour that is displayed to express concern for cosmic order can be called a moral action and the one displaying it can be called a moral agent even if he lacks empathic abilities. If we were to adopt McGeer's third sphere of moral concern (the concern for cosmic order), then people with ASS could still be called moral agents in so far as they concerned themselves with this cosmic order. They themselves as moral agents and their behaviours as moral actions would belong to the moral domain. If so, that would also mean they can be held responsible for the way in which they concern themselves with cosmic order. It would also mean that we all have to justify the way in which we concern ourselves with cosmic order, because the third sphere would be of moral concern to all of us, not just to people with ASS.

I believe the commonsense idea is that high functioning people with ASS are moral agents. In our society and in our legal system all adult human beings are considered moral agents unless it is 'proven' that they cannot be qualified as such. We want to be able to hold each other responsible for what we do and we do not want others to be able to escape their responsibilities too easily. For these reasons one might be reluctant to adopt the view that people with ASS cannot be called moral agents, at least not with respect to the two traditional spheres of moral concern. It would mean that in practice people with ASS could not be held responsible for the way in which they concern themselves with other's well being or the way in which they deal with social order. The implications would be that we cannot blame people with ASS for their wrongdoings and that we have no right to punish them. These are serious implications and these implications, I believe, would go too far. One way to deal with them would be to shift the responsibility we assign to people with ASS. We could say they are responsible for how well or how much they learn to recognise moral input by practising to recognise it. But the fairness and the practicability of such a use of responsibility will be debatable.

The fact though that in practice it would be problematic to say that people with ASS are not moral agents because they lack the necessary empathic abilities is not a valid reason to say that empathy is not a prerequisite to moral agency. It would just show that there are reasons not to treat empathy as a prerequisite to moral agency in practice. Probably there are also other reasons not to treat empathy as a prerequisite, for instance in the case of a male who severely injures a rival. We have seen that males lack empathy for potential rivals, but I believe we would not want this to mean

they cannot be held responsible for what they do to their rivals. Imagine: A sees B as a rival and A therefore lacks empathy for B, because of the lack of empathy A is no longer a moral agent and therefore A can not be held responsible for what he does to B. This would mean that none could be held responsible for what they do to their rivals.

## **Conclusion**

If I go back to the beginning of this thesis and recall the questions Rottschaefer believes any theory about moral agency should answer, I now come to the following answers. With regard to the question of relevance: What counts as moral agency? I believe moral agency refers to behaviour that is done for a reason that is perceived as good by the moral agent and that falls within the moral realm. With regard to the question of acquisition: How do we acquire our capacities as moral agents? We have to be able to recognise the moral realm and we have to be able to let our behaviour be guided by reasons that we consider good. Our empathic abilities enable us to recognise the moral realm and help us to develop the capacity to reason. With regard to the question of action: How do we put these capacities to work? Our empathic abilities work at different levels. The core levels seem to work instinctively and automatically. More advanced levels of empathy, like perspective taking skills, seem to require higher levels of self- and other-awareness. There may be other ways, but at least full functioning empathic abilities put the capacity for moral agency at work. With regard to the question of adequacy: What makes for justified true moral beliefs, proper moral motivations, and successful moral action? I've already stated I believe the answer to this question is the topic of another thesis.

I believe it is reasonable to state that empathy is a prerequisite for moral agency. Empathy is a prerequisite for reason, because reason is the product of intelligence and intelligence is the product of the accumulation of knowledge and the accumulation of knowledge is only possible through sharing and sharing is only possible when you are able to see others as ones like yourself that are able to understand the same kinds of things, but that do not automatically have the same knowledge. The ability to see others in this way is the result of empathy, because it requires perspective-taking skills. Reason is a prerequisite for agency and thus for moral agency, because to act means to do something for a reason. Because empathy is a prerequisite for reason it is also a prerequisite for moral agency.

Another way to see empathy as a prerequisite for moral agency is because empathy is needed to be able to recognise the moral realm and what belongs to the moral realm and moral agency can only exist within the moral realm.

Seeing empathy as a prerequisite for moral agency may have strong practical implications if followed through. Because of the relation between moral agency and moral responsibility we want as many as possible to be moral agents in as many instances as possible, because we want to be able to hold each other responsible for our moral behaviour in as many instances as possible. Seeing the capacity of empathy as a prerequisite for moral agency is probably too large a threat to moral responsibility and it would have very strong legal implications as well.

I believe my analysis helps to gain a deeper understanding of moral agency. I also believe this thesis sheds some light on the origins of the ‘counter-intuitive’/ ‘intuitively appealing’ arguments in ethics. I think there is reason to believe the intuitions that these arguments refer to are products of the moral sense that I discussed.

The nature of this thesis is very explorative, this is a strength, because it raises a lot of interesting questions and shows some interesting connections, but it is also a weakness, because it provides few answers. Also I have used rather rough definitions for crucial concepts like agency, ASS and even empathy, at some points resulting in a lack of clarity that I have accepted, because it helps to see the larger picture. Nonetheless, if my general ideas are acceptable these issues call for clearance.

I believe further research into the empathic abilities of other social animals will be fruitful and may result in a change of their moral status and a change in moral status would have to lead to a rethinking of the way we treat other social animals.

Further research and thinking on the moral functioning of people with ASS will result in a greater understanding of moral agency, empathy and ASS itself. Apart from philosophical/theoretical benefits, I believe practical benefits for people with ASS are to be expected. Greater understanding of their way of thinking, feeling and experiencing will result in greater acceptance of their inabilities in society, but it will also provide tools to develop training-programmes that may help them to learn things that to most of us come naturally.

## **Summary**

The main question of this thesis is: Is empathy a prerequisite for moral agency? Ethics is the reflective side of morality. But, reflecting presupposes something to reflect on: the moral domain. If you are able to recognise something as ‘moral’ (or ‘immoral’, vs. ‘amoral’) you are part of the moral realm. Moral agency refers to behaviour that is (1) guided by reason(s) and (2) characterized by control and (3) that takes place within the moral realm.

Empathy is a prerequisite for reason, because perspective-taking skills are necessary for the sharing of knowledge. The sharing of knowledge is the basis for intelligence and intelligence is the basis for reason. Because empathy is a prerequisite for reason it is also a prerequisite for moral agency. Empathy means being able to place yourself into someone else’s world of experiences. Seeing the other as agent means seeing the other as someone with intentions that motivate their behaviour, thus empathy is needed to see another as an agent.

There are reasons not to treat empathy as a prerequisite to moral agency in practise, mainly because of the relation between moral agency and moral responsibility.

## Literature

- Allman, J. M. et al. (2005) Intuition and autism: a possible role for Von Economo neurons. *TRENDS in Cognitive Sciences*. Vol.9 No.8 August 2005. Available via: <http://allmanlab.caltech.edu/PDFs/AllmanTICS2005.pdf>
- Bloom, P. (2010) The moral life of babies. In: *New York Times*. May 3, 2010. Available via: <http://www.nytimes.com/2010/05/09/magazine/09babies-t.html>
- Darwin, C. (2002) *De afstamming van de mens en selectie in relatie tot sekse*. Amsterdam: Uitgeverij Nieuwezijds.<sup>6</sup>
- Greene, J. D. (2008). The secret joke of Kant's soul. In: W. Sinnott-Armstrong (Ed.), *Moral psychology, volume 3: The neuroscience of morality*, p. 35-80. Cambridge: MIT Press.
- Hopman, H. (2008) Studie naar autisme in en rond technologiestad Eindhoven. *Nederlands dagblad*. 4 april 2008. Available via: <http://www.nd.nl/artikelen/2008/april/04/studie-naar-autisme-in-en-rond-technologiestad-ein>
- Kahn, R. (2006) *Onze Hersenen. Over de smalle grens tussen normaal en abnormaal*. Amsterdam: Uitgeverij Balans.
- Kalis, A. (2009) *Failures of Agency*. Utrecht: Quaestiones Infinitae. Publications of the department of philosophy. Utrecht University. Volume LVII
- Kant, I. (2005) [1785]. *Fundering voor de metafysica van de zeden*. Amsterdam: Boom. Vierde druk.
- Kennett, J. (2008) Reasons, reverence, and value. In: W. Sinnott-Armstrong (Ed.), *Moral psychology, volume 3: The neuroscience of morality*, p. 259-264. Cambridge: MIT Press.
- Lombardo, M. V. et al. (2007) Self-Referential Cognition and Empathy in Autism. PlosOne. Available via: <http://www.plosone.org/article/info:doi%2F10.1371%2Fjournal.pone.0000883>
- Lupu, A. (2006) *Autistic Males Lack Neurons in the Amygdala*. Available via: <http://news.softpedia.com/news/Autistic-Males-Lack-Neurons-in-the-Amygdala-30195.shtml>

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<sup>6</sup>The pagenumbers correspond to the pages of the original first edition (in two parts) in English (The descent of man, and selection in relations to sex. By Charles Darwin, M.A., F.R.S., & c. London: John Murray, Albemarle Street. 1871.)

- Maibom, H. (2008) The will to conform. In: W. Sinnott-Armstrong (Ed.), *Moral psychology, volume 3: The neuroscience of morality*, p. 265-272. Cambridge: MIT Press.
- McGeer, V. (2008a) Varieties of Moral Agency: Lessons from autism (and Psychopathy) In: W. Sinnott-Armstrong (Ed.), *Moral psychology, volume 3: The neuroscience of morality*, p. 227-257. Cambridge: MIT Press.
- McGeer, V. (2008b) The makings of a Moral sensibility: Replies to commentaries. In: W. Sinnott-Armstrong (Ed.), *Moral psychology, volume 3: The neuroscience of morality*, p. 281-296. Cambridge: MIT Press.
- Rottschaefer, W. A. (2008) *The biology and psychology of moral agency*. New York: Cambridge University Press
- Verplaetse, J. (2009) *Het morele instinct. Over de natuurlijke oorsprong van onze moraal*. Amsterdam: Uitgeverij Nieuwezijds
- Vignemont, F. de & Frith, U. (2008) Autism, Morality, and Empathy. In: W. Sinnott-Armstrong (Ed.), *Moral psychology, volume 3: The neuroscience of morality*, p. 273-280. Cambridge: MIT Press.
- Waal, F. de (2009) *The age of empathy. Nature's lessons for a kinder society*. New York: Harmony Books.

(2009) *People with autism 'have problem with self-awareness'*

Found on 30<sup>th</sup> of april 2010 on:

<http://news.bbc.co.uk/2/hi/health/8407857.stm>

Research project: Empathy in autism spectrum conditions

<http://www.autismresearchcentre.com/research/project.asp?id=1>

Sally-Ann test (Image):

<http://www.spektret.dk/images/sallyanne.gif>