

The Easy Defense of the Feathered Apes (And the Hard Problems It Raises)

Introduction

Many of us think that when we interact with apes, given the sort of creatures they are, morality requires more from us than it does in our treatment of other non-human animals (henceforth just ‘animals’). We’re likely to think that it is especially wrong to kill, torture or (perhaps) keep captive these primates. In a certain sense it is fortunate for us that it is so easy to respect the rights or duties we owe such animals. Most of us will never do anything that could directly affect one of them. They live too far away from us or, where nearby, are under the legally sanctioned control of researchers and animal trainers and are thereby effectively out of reach.^[1]

Things would be much more complicated, morally, if rather than being few in number and isolated from humans, apes lived in cities by the tens of thousands and, in addition to being ubiquitous urbanites, were prone to spreading disease, digging through our trash, killing our native fauna and being a general nuisance. Addressing the hazards such apes pose would require a sophisticated approach, one sensitive to what we owe them. It would be wrong to simply kill a gorilla for making a little more noise than you’d like or defecating on your windshield. What morality requires of us is thus much simpler given the relative rarity of apes.

Yet, we argue, the scenario just described reflects our actual moral situation. We really do live in a world teeming with animals that morally ought to be treated as rough peers of apes and yet are also persistent pests. They are, of course the various birds of the family *Corvidae*, which includes most prominently ravens and crows, but also magpies, jays and jackdaws.^[2]

This paper has two tasks. First, we argue that the prominent defenses of the high moral status of cetaceans and great apes apply equally well to many species of *Corvidae*. Second,

we illustrate with several cases that treating corvids as their status requires will be both cognitively and practically demanding.

Moral Status

An entity's moral status just is the degree to which moral agents must provide what matters for that thing.^[3] Normally functioning adult human beings have full moral status if anything does. Call such status 'personhood' and those who have it 'persons.' In contrast, cars have no moral status of their own. This is not to say that a car could never matter morally. Destroying a car might well be quite immoral. However, such cases always involve wronging some other entity that does have moral status, such as the car's owner. Most of us think that animals matter morally for their own sake—I do wrong by beating a stray dog for fun.

The past few decades have seen a flurry of philosophical work arguing that the sophisticated cognitive and emotional capacities of both cetaceans (dolphins and whales) and the non-human great apes (bonobos, chimpanzees, gorillas and orangutans) grounds their having a particularly high moral status. Philosophers and scientists working under the auspices of organizations like The Great Ape Project and its cetacean parallel, The Dolphin Project, have argued that great apes and dolphins morally matter a great deal more than dogs, frogs or birds. According to many of these advocates, animals like dolphins are non-human persons, or at least near-persons,^[4] and so should be afforded as much or nearly as much weight in our moral deliberations as we afford to members of our own species.

The case for the high moral status of non-human Great Apes and cetaceans has primarily depended on a capacities based approach to moral status: moral status is determined by the kinds of (typically psychological) capacities that an entity possesses. It is often argued that these animals possess the capacities that are necessary for moral personhood, or at least near-personhood.^[5] The preconditions for moral personhood (and even the importance of the concept) remain controversial, though there is widespread agreement on the general features of persons. Persons are sentient, capable of experiencing pleasure, pain and other

phenomenal states. A person is self-conscious, aware of herself as a distinct being in the world. A person recognizes that other beings have distinct mental states. Persons are rational, autonomous beings: they can reflect on their actions to make decisions. Persons are language users and sophisticated problem solvers. Despite (relative) agreement on these features, settling on a set of jointly necessary and sufficient criteria for personhood has proven difficult.

Whatever controversy there is over personhood is not a problem for our argument. Personhood might be a normatively redundant category: all important distinctions in moral status can be explained by differences in the capacities on which personhood supervenes.^[6] It is plausible that self-conscious organisms warrant a higher moral status than organisms that are merely sentient, even though no one thinks self-consciousness is sufficient for personhood. Because there is evidence that some corvids are self-conscious, these corvids would warrant a higher moral status even if they are not persons and even if personhood is redundant. Consequently, while we argue that corvids meet the criteria for personhood which have figured in defenses of the status of cetaceans and great apes, we are committed only to the weaker claim that these criteria are relevant for possessing a certain high moral status.

Emotions

We'll now provide an overview of how corvids demonstrate the following preconditions for personhood: complex emotional lives, self-consciousness, self-control, complicated social interactions, and more general cognitive sophistication (e.g. tool use).^[7]

Corvids have complex emotional lives. Recent evidence suggests that they display what psychologists refer to as emotional contagion, the process by which our emotional states come to mirror those of others as a result of interactions with them. In a study which exploits the playful nature of ravens, Mathias Osvath and Miriam Sima claim to have demonstrated emotional contagion in ravens. Osvath and Sima's study involved introducing a toy, food or nothing to a population of captive ravens and observing the subsequent changes in their play behaviors. Ravens exhibit a number of distinct kinds of play, including object play (playing

with small objects, like sticks) and motor play (flying or walking around seemingly for fun) and social play (doing any other kind of play with conspecifics). It was observed that the addition of a toy led, unsurprisingly, to increased play among the ravens. Importantly, however, even though the ravens started off with object/toy play, they tended to branch into motor and social play. Osvath and Sima found that these latter kinds of play actually were more common than object play, even though the ravens started with object play. Their suggestion is that the changes in raven play behavior are best explained by the spreading of a general playful mood. Had the ravens merely been mirroring behaviors it's doubtful that they would have generated so many novel methods of play.^[8]

Corvids may even mourn their dead. A range of corvids (including crows, ravens and scrub-jays) engage in what it's hard not to call "funerals." During these events sometimes hundreds of birds gather around a deceased member of their species for sessions of cawing that can last up to a half an hour in length. We even have reports of crows ringing a corpse with twigs. There are a number of explanations for these behaviors that require attributing neither a concept of death nor mourning to the birds. "Funerals" might attract crows so that there are more eyes to see predators or so the birds can learn to avoid dangerous areas—it is known that crows are less likely to revisit the site of one of these "funerals." The gatherings might also provide opportunities for birds to establish new social hierarchies. Nonetheless, researchers caution against ruling out the possibility that the birds are genuinely grieving. Indeed, a grief response might well reinforce the "funeral's" survival and social functions. We know that quail process responses to predators through their amygdala, which is also implicated in emotion and sociality. John Marzluff and Tony Angell suspect a similar activation of the amygdala at crow funerals and add that "A bird fearful or saddened by the sight of a familiar, dead individual would respond closely to the scene, and its heightened emotion would influence its perception and attention to detail. This focus enhances learning, about danger and about opportunity."^[9]

Awareness of Self and Others

Many of the latest and most exciting empirical discoveries about corvids provide evidence that the birds are self-conscious. In 2008 the Eurasian magpie became the first bird to ever pass the mirror-test, a feat only matched by eight other species. The experiment required marking five magpies with either a yellow or a black sticker. None of the birds responded to the initial placement of the sticker, but those with a yellow sticker scratched at it when placed before a mirror while those with the black sticker (which blends in with the birds' feathers) did not. The best explanation for this behavior is that the magpies were able to recognize themselves in the mirror, a feat generally thought to require a sense of self.^[10]

So far, the Eurasian magpie is the only corvid to incontrovertibly pass the mirror-test; other corvids have been tested, but the results are inconclusive.^[11] However, caching behavior in ravens, crows, magpies and jays suggests that these birds possess what psychologists refer to as a theory of mind, the ability to attribute distinct mental states to self and others. While distinct from self-consciousness, theory of mind is non-controversially an important component of personhood and (more controversially) is evidence for self-consciousness.^[12] Corvids appear to engage in caching behavior more out of competition over food with rivals than to protect a long-term food source: ravens and other corvids generally return to their stores within twenty-four hours.^[13] Competition between cache-creators and cache-pilferers is fierce and reveals remarkable cognitive sophistication. It appears that many species of corvid are capable of assuming the visual perspective of other animals. Ravens and crows prefer to break line-of-sight with other birds before caching. Members of a number of species are known to return to caches and re-hide their food—sometimes leaving behind small stones instead—but only if the caches were formed in the presence of observers.^[14] Re-caching behavior is especially noteworthy as it is evidence not only of visual perspective taking, but also of deception and knowledge attribution to observers. Consider that ravens are considerably more likely to attack a conspecific that had previously observed their caching than one that had not—which suggests a capacity not only to distinguish between different birds but also to attribute different knowledge to them.^[15] Many cache-defense and pilfering strategies appear to be a learned behaviors. In

experiments, Western scrub-jays tend to engage in pilfering only after having first been given a chance to observe other jays creating a cache. Only previous pilferers later went on to engage in re-caching, implying that the birds are capable not only of learning novel strategies but also of projecting these strategies onto other birds and working preemptively to thwart them. Taken together, these apparent instances of corvids engaging in perspective taking, knowledge attribution, deception and experience projection provide a powerful case for the claim that many corvids possess a theory of mind.^[16]

Self-Control & Sophisticated Cognition

A person is capable of reflecting on and choosing from among various options. Not only can a person choose from various represented options, she can engage in sophisticated planning on the basis of her mental representation of the causal structure of the world. As part of his defense of the moral status of dolphins, Thomas White explains that this requires “...a noteworthy ability to act independently of instinct, biological drive or conditioning.”^[17] White considers the most impressive evidence that dolphins have this kind of ability to be their problem solving capacities.^[18] The problem solving capacities in question demonstrate that the dolphins can: reflect on the contents of their consciousness, engage in abstract thinking about causal relations and then use this abstract causal model to solve novel problems of a sort that would require a certain degree of curiosity or self-motivation (White gives the example of dolphins working out how to open a container of fish).^[19]

Insofar as the ability to represent the world causally for the purposes of solving complex problems is also a marker of self-control, corvids, no less than dolphins, satisfy the self-control requirement. There have been a range of experiments that have demonstrated the problem solving prowess of corvids. One particularly noteworthy experiment recreates Aesop’s ancient fable in which a clever crow drinks from a shallow pitcher of water by dropping stones in it to raise the water. In 2014 researchers demonstrated that New Caledonian crows will drop stones, but not buoyant materials, into a water filled tube. The scientists behind the study consider this evidence that the crows have an understanding of

fluid dynamics that rivals five to seven year old human children.^[20] Further, New Caledonian crows are known as superb tool users: they have been observed in the wild creating increasingly complex hook tools out of wood and leaves. The design of these hook tools is subject to cultural evolution as the crows learn how to create the tools from one another and later designs demonstrate technical improvements over earlier tools.^[21]

Other evidence that corvids have a capacity for self-control stems from their caching behavior. Ravens will wait as long as a minute after a caching bird they were watching has left to move in for a pilfering attempt. Thomas Bugnyar considers this evidence that ravens exhibit some higher-order control over their intentions. Bugnyar claims that we should expect that the complexity of corvid caching competition and social dynamics would have created an evolutionary environment that favored the development of “...improved inhibition...”^[22]

Appropriate Responses to Others

Finally, persons recognize other persons *as being* other persons—“as ‘some one’ not ‘some thing,’” as Thomas White explains—and then respond appropriately to this status.^[23] Most robustly, this means that persons can consciously treat one another in accord with some moral ideal, though the appropriate response condition need not be understood this demandingly and is not in defenses of dolphins and gorillas. White’s evidence for these capacities in dolphins focuses primarily on how they have complex social dynamics and will play with and rescue members of their own species and other species.^[24]

While less well known than tales of dolphins saving drowning sailors, there are many stories of corvids offering aid to the injured. Corvid experts John Marzluff and Tony Angell recount a retired medical doctor’s story of a pair of crows using their wings to support a third, injured crow. In another case, a group of golfers were shocked when an (in this case poorly named) murder of crows, summoned by another crow’s call, worked as a group to right a toppled, injured crow. The injured bird was righted and later flew off with the group.^[25] Aid responses in corvids might cross species lines. Marzluff and Angell write that

corvids "...may even console people. Esther Woolfson was weeping when her pet magpie, Spike, responded to Woolfson's grief with a submissive posture and flight to her knee to nuzzle her and softly call."^[26] The epistemic value of such cases must be tempered by our known errors in memory, tendencies to anthropomorphize, project, etc. But the same is true of the use of anecdotes about dolphins and apes.

More robust empirical methods confirm that many species of corvids form complex relationships. Crows, ravens, rooks and other corvids are known to form stable, unique partnerships. Partner birds tend to: give one another food, engage in reciprocal preening, reconcile more quickly from fights with their partners, and seek out and support partners who have been targeted by aggression from other birds. These bonds are not limited to kin. Rather, birds initiate and maintain these relationships with offers of food or grooming. Corvids display awareness not only of their own relationships, but of the relationships between other birds. Rooks are known to engage in "redirected aggression," attacking the partner of a rook who has attacked them, or even ones who have attacked their ally. In these ways, corvids recognize not only the presence of other minds, but of distinct individuals that demand unique responses.^[27]

The Implications of Corvid Moral Status

We have given some highlights of the ever expanding literature on the impressive capacities of many species of the family *Corvidae*. We think this overview is adequate to the task of securing our thesis that many corvids warrant a moral status comparable to that increasingly recognized for cetaceans and the Great Apes. Working out all of the practical requirements of respecting the moral standing of corvids is beyond the scope of this paper. What is clear, however, is that showing proper respect to corvids will be an especially demanding task in comparison to doing the same for Great Apes and cetaceans. To illustrate, we briefly survey two cases where recognizing the moral status of corvids will be especially tricky.

Case #1: Living Space

Where many species have struggled with human caused habitat destruction, corvids have flourished as a result of human expansion. The population explosion of corvids has not been confined to what we think of as “wild” land, far from human dwellings. Rather, crows, ravens and magpies are common cohabitants of our cities. Dolphins, chimpanzees and apes are notably absent from human office buildings and do not frequently light upon our farms. In contrast, there are obvious strong conflicts that arise if we transfer the Declaration of the Rights of Cetaceans’ claim that dolphins have a right to “...residence within their natural environment”^[28] over to corvids. The modern crow’s place of residence might well be the tree in my yard I planned to trim or it might be the Chrysler Building. Clearly, given their residence patterns, thinking through the implications of the moral status of corvids will require a lot of care and previous work on cetaceans and great apes will not always be applicable.

Common corvid behaviors compound the ethical complexity of this case. Urban corvids are often considered nuisances for their frequent squawking, tendencies for spreading trash, causing larger scale property damage, and carrying disease. For example, between 2006 and 2008 utility companies in Japan reported over 1,400 cases of fiber optic cables severed by the country’s rapidly expanding population of urban crows. Japanese crows have been responsible for so many power blackouts in the country that power companies have taken to creating patrols to destroy crow roosts that threaten power lines. The same cognitive sophistication that undergirds crows’ claim to a high moral status also makes them well-equipped at foiling human attempts at control: crow patrols have reported finding dummy nests that distract them in their efforts to destroy the birds’ roosts. Unsurprisingly, efforts at control have turned lethal. In 2001, Tokyo began to kill captured crows, leading to the death of over 93,000 crows by 2008.^[29] The Dolphin Project’s proposed Declaration of the Rights of Cetaceans includes a right to life.^[30] Given their capacities, if dolphins have such a right to life then so might the crows that have been plaguing Japan. While the authors of this declaration likely do not think this right to life is completely inviolable, it would surely require dolphins not be trapped and killed simply doing so is somewhat more convenient at preventing power outages than non-lethal alternatives.

Case #2: Invasive Corvids

Certain species of corvid are well known as effective predators that can have dramatic effects on populations of other birds. In the past, conservationists have worked to combat such predatory corvids, at least when they were also considered invasive species. In 2006 South Africa launched a campaign to annihilate the country's entire population of invasive Indian house crows for devastating the country's native birds.^[31] In California, conservation experts have licensed the killing of American crows and common ravens "...in extreme cases where an immediate decrease in corvids is necessary to save a population of threatened or endangered species."^[32] The relevant species that were threatened included the Western Snowy Plovers and the California Least Terns.^[33] Would we be justified in killing Koko the gorilla in order to protect several California Least Terns? It's hard to say that we would be and yet American crows have a stronger claim to being morally on a par with Koko than do California Least Terns.^[34] It is not our intent to here absolutely resolve this novel problem of what to make of the morality of a case where creatures that we think are morally on a par with an ape, dolphin, or (given anti-speciesism) human children present a threat to biodiversity.

Conclusion

As our title suggests, we think the case for the general claim that corvids place moral demands on us that parallel those increasingly recognized for dolphins and great apes is relatively easy to make. The exact contours of these moral demands will, however, be rather more difficult to navigate. The public nuisance and invasive species cases are but two problems we'll need to sort through in order to give corvids their due. There are other cases to be had (e.g. what are we to make of the threat corvids pose to public health? They are known disease carriers). It is time if not for a Corvid Project, then at least for further philosophical work to clarify our duties to corvids and further advocacy on their behalf.

Works Cited

Bugnyar, Thomas. "Social Cognition in Ravens." *Comparative Cognition & Behavior Reviews*: 1-12.

Bugnyar, T., and B. Heinrich. "Ravens, *Corvus Corax*, Differentiate between Knowledgeable and Ignorant Competitors." *Proceedings of the Royal Society B: Biological Sciences*: 1641-646. Accessed electronically.

Callicott, J Baird. "Animal Liberation: A Triangular Affair." *Environmental Ethics* 2 (1980): 311-38.

Cavalieri, Paola. *The Great Ape Project: Equality beyond Humanity*. New York: St. Martin's, 1994.

"Declaration of Rights for Cetaceans: Whales and Dolphins." - *CetaceanRights.org*. Web. 8 Jan. 2015. <<http://www.cetaceanrights.org/>>.

Degrazia, David. "Great Apes, Dolphins, and the Concept of Personhood." *The Southern Journal of Philosophy* 35.3 (1997): 301-20.

Fackler, Martin. "Japan Fights Crowds of Crows." *The New York Times*. The New York Times, 6 May 2008. Web. 8 Jan. 2015.

Gallup, Gordon G. "Self-awareness And The Emergence Of Mind In Primates." *American Journal of Primatology*: 237-48.

Herzing, Denise L, and Thomas I White. "Dolphins and the Question of Personhood." *Etica & Animalia* 9 (1998): 64-84.

Jelbert, Sarah A., Alex H. Taylor, Lucy G. Cheke, Nicola S. Clayton, Russell D. Gray, and Elsa Addessi. "Using the Aesop's Fable Paradigm to Investigate Causal Understanding of Water Displacement by New Caledonian Crows." *PLoS ONE* (2014): E92895.

Liebezeit, Joseph R., and T. Luke George. "A Summary of Predation by Corvids on Threatened and Endangered Species in California and Management Recommendations to Reduce Corvid Predation." Humboldt State University Department of Wildlife, 1 Jan. 2002. Web. 8 Jan. 2015.
<<http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentVersionID=39970>>.

Marshall, Leon. "Alien Crows Targeted for Total Extermination in S. Africa." *National Geographic*. National Geographic Society, 9 May 2006. Web. 8 Jan. 2015.
<http://news.nationalgeographic.com/news/2006/05/060509_crows.html>.

Marzluff, John M., and Tony Angell. *Gifts of the Crow: How Perception, Emotion, and Thought Allow Smart Birds to Behave like Humans*. New York: Free, 2012.

Ohlin, Jens David. "Is the Concept of the Person Necessary for Human Rights?"

Cornell Law Faculty Publications (2005). Web.

<<http://scholarship.law.cornell.edu/facpub/434>>.

Osvath, Mathias, and Miriam Sima. "Sub-adult Ravens Synchronize Their Play: A

Case of Emotional Contagion?" *Animal Behavior and Cognition* 1.2 (2014): 197-205.

Prior, Helmut, Ariane Schwarz, Onur Güntürkün, and Frans De Waal.

"Mirror-Induced Behavior in the Magpie (*Pica Pica*): Evidence of Self-Recognition." *PLoS Biology*: E202.

White, Thomas I. *In Defense of Dolphins: The New Moral Frontier*. Malden, MA:

Blackwell Pub., 2007.

White, Thomas. "Dolphin People." *The Philosopher's Magazine* 49. (2010): 36-43.

[1] Of course, these research and animal trainers might be doing something morally wrong by keeping primates under their control.

[2] It is not entirely clear which specific species our thesis applies to. It's doubtful that all of the over 120 species belonging to *Corvidae* are equally sophisticated. However, not all of the relevant experiments have been done for all members of the family. Presumably, it applies fully to those like Eurasian magpies and New Caledonian crows, which exhibit some of the most remarkable traits. More than this we are not sure of.

[3] We use the phrase 'matters for' to distinguish what is at issue from two closely related ideas in ethics. First, what matters for someone is not necessarily what they think about it. Second, what matters for someone is not necessarily what is good for them. Thus, treating someone with respect need not necessarily be what's good for them (e.g. as is the case when we treat someone paternalistically).

[4] See, for example, White 2007, who argues that dolphins just are non-human persons, with the full moral status this warrants.

[5] See White 2007, 2010, Herzing and White 1998, Cavalieri et al. 1993

[6] See DeGrazia, 1997 and Ohlins 2005 for a discussion of this possibility.

[7] The choice of these particular capacities is based on Thomas White's conception of personhood. White is one of the foremost advocates of cetacean personhood which, given our thesis, is one reason we have chosen his account. A second is simply because White's list is typical. White also requires that persons be living and sentient, but I take it these do not require much defense. Obviously, all corvids are alive and it's almost

inconceivable that they exhibit the other capacities we defend and are yet insentient. We do not touch on language use as White provides arguments for downplaying its importance.

^[8] Osvath and Sima 2014

^[9] Marzluff and Angell, 139

^[10] Prior, et al. 2008

[11] Emery, 2013, 23-24

[12] Gallup 1982

^[13] Bugnyar 2013

^[14] Emery, 2013, 16-18

^[15] Bugnyar and Heinrich 2005

^[16] Emery, 2013, 21-2

^[17] White, 2007, 159-60

^[18] Ibid. 160

^[19] White, 2007, 95

^[20] Jelbert et al. 2014

^[21] Hunt and Gray, 2004

^[22] Bugnyar, 2013

[23] White, 2007, 161-2

[24] Ibid., 162-3

[25] Marzluff and Angell 145-6

[26] Ibid., 150

[27] Bugnyar, 2013

[28] CetaceanRights.org

^[29] Fackler 2008

[30] CetaceanRights.org

^[31] Marshall, 2006

^[32] Liebezeit and George, 2002, vii

^[33] Ibid. vi

^[34] Especially salient concerns with this claim might come from a variety of views in environmental ethics, views which often afford a greater importance to considerations like preserving biodiversity. For a classic statement of this kind of worry see Callicott, 1980

