

“Dolphin People.” *The Philosophers’ Magazine*. 49: 2nd quarter 2010, 36-43.
Thomas I. White, Ph.D., Loyola Marymount University

The scientific research on dolphins has revealed that these cetaceans have a variety intellectual and emotional abilities that are so sophisticated that this raises a number of philosophical—and especially ethical—questions. Are dolphins so advanced that they should be considered nonhuman “persons”? If so, what does this say about our behavior towards them? Dolphins die daily as a result of human fishing practices, and hundreds are held in captivity. Is this morally justifiable given their unusual nature?

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“Human” versus “person”

You might be surprised to encounter the question, “Are dolphins persons?” because in everyday language, most of us use “human” and “person” interchangeably. But philosophers distinguish between the two, seeing “human” as a *scientific* concept and “person” as a *philosophical* concept. *Human* refers to any member of the biological category *homo sapiens*. *Person* refers to the combination of advanced traits by which we define ourselves—things like self-consciousness, intelligence and free will. A variety of theoretical issues are connected with personhood, but it has one especially practical implication: persons get better treatment than nonpersons do.

The existence of nonhuman persons would fly in the face of everything our species has believed about its uniqueness for thousands of years. Indeed, we’ve gotten so used to thinking that humans are the only beings with advanced intellectual and emotional traits that we use “human” and “person” as synonyms. This attitude is also reflected in how we refer in ordinary conversation to “people” versus “animals”—conveniently ignoring the fact that humans are as much a part of the animal kingdom as lions and tigers and bears. But if an “animal” like a dolphin actually has all of the traits of a “person,” it would call for as fundamental, dramatic and unsettling a shift in how we see ourselves as abandoning a geocentric view of the heavens did. In the same way that Earth no longer occupied the center of the universe, neither would humans. It would also call for a shift in how humans treat dolphins—and, very likely, many other nonhumans.

Although philosophers debate the appropriate criteria for personhood, there is a rough consensus that a person is a being with a particular kind of sophisticated consciousness or inner world. Persons are aware of the world of which they are a part, and they are aware of their experiences. In particular, persons have self-awareness. And the presence of such a sophisticated consciousness is evident in the actions of such beings.

If we translate this general idea into a more specific list of criteria, we arrive at something like the following.

1. A person is alive.
2. A person is aware.
3. A person feels positive and negative sensations.

4. A person has emotions.
5. A person has a sense of self.
6. A person controls its own behavior.
7. A person recognizes other persons and treats them appropriately.
8. A person has a variety of sophisticated cognitive abilities. It is capable of analytical, conceptual thought. A person can learn, retain and recall information. It can solve complex problems with analytical thought. And a person can communicate in a way that suggests thought.

Let's go down our list of criteria, then, and see how dolphins fare.

1. A Person is Alive

This one is easy. Dolphins are animals, so they are alive.

2. A Person is Aware

Dolphins are certainly aware of their external environments. Dolphins are universally placed high on the biological ladder, and the fact that they are aware of the external world and able to interact with it is apparent from the way that they handle the demands of living in the ocean and from the simple fact that they can be so easily trained. There's little doubt that their behavior suggests a significant level of awareness.

3. A Person Feels Positive and Negative Sensations

Most nonhumans react to cuts, bruises and broken bones as we do—with behaviors that suggest these beings feel pain. Dolphins, too, clearly act in ways that suggest they experience “positive and negative sensations.”

4. A Person Has Emotions

Among scientists and dolphin trainers, there is also little doubt that dolphins have emotions. But this is not surprising, since a growing number of humans seem willing to concede that many nonhuman species have some kind of emotional life. The dolphin brain has a limbic system—the part of the brain that generates emotions. Dolphins also show fear of predators and can become despondent after the death of a calf or companion. Perhaps the most interesting point about dolphin emotions is that the emotional traits of dolphins appear to combine into the equivalent of our “personalities.” Trainers see differences in curiosity, timidity, playfulness, aggression, speed of learning and patience. Some captive dolphins enjoy swimming with humans more than others. Some like learning new behaviors more than others. Even mothers differ; some refuse to cut the apron strings, while others encourage their young to become independent. Dolphins also seem to have what we call moods. Captive dolphins can be eager to work some days, lackadaisical on others, and stubbornly uncooperative on still others.

5. A Person Has a Sense of Self

It's one thing to experience physical pleasure, pain and a variety of emotions. But it's quite another to be aware that one is having these experiences and to be able to reflect on them. And so, we come to one of the most important requirements for personhood—self-awareness. Can a dolphin look inside and say, “I”?

There are a variety of grounds for believing that dolphins have some concept of self.

- Dolphins may have a unique whistle called a “signature whistle.” They reportedly use these whistles to initiate interaction, to stay in contact with each other when separated from a distance, and to communicate information about themselves. It could be the equivalent of a “name.”
- Most importantly, dolphins can recognize reflections of themselves in mirrors as just that, reflections. To date, only a small number of nonhuman animals have demonstrated this capability. For dolphins to join us in this group, they would clearly need the capacity to say the equivalent of, “The image in this surface is a representation of me. It is not some other dolphin.”

6. A person controls its own behavior.

By “self-controlled behavior” we mean actions that are generated from within the person, not by irresistible internal or external forces. In the case of nonhumans, this means at least a noteworthy ability to act independently of instinct, biological drives or conditioning. The capacity of a person to be the author of his or her own actions demonstrates that a being's cognitive and affective states are sophisticated enough to control its actions. Do dolphins control their actions sufficiently that we can say they *choose* them?

Scientists have uncovered important evidence that suggests that dolphins control their behavior on a number of fronts. Certain feeding strategies (the use of mud rings, hydroplaning and herding) appear to be the product of deliberation and choice. And research on how dolphins solve problems shows that they use thinking and choice.

The ability of dolphins to choose their behavior is also suggested in the actions of a community of wild Atlantic spotted dolphins that has interacted with humans since about 1980 in the Bahamas. The dolphins initiated this contact, which typically takes place in shallow waters approximately 50 miles offshore. The dolphins appear to be motivated simply by a desire for social interaction—perhaps some combination of curiosity, socializing or recreation. These dolphin/human encounters can last from 5 minutes to 4 hours involving anywhere from 1 to 50 dolphins. Given a dolphin's superior speed and agility in the water, the dolphins obviously control the duration and character of these interactions. Cetaceans are the only wild animals known to actively seek out contact with humans in the wild. It's difficult to imagine any other explanation for this behavior than conscious choice.

7. A person recognizes other persons and treats them appropriately.

Do dolphins act in ways that suggest not only that they have a sophisticated inner world, but that they can recognize it when they encounter this trait in others? That is, do they recognize other persons and then respond appropriately? Specifically, do dolphins act towards humans in ways that suggest that they recognize us as the type of beings whom we are?

We have two reasons to think that they do. First, dolphins seek out contact with humans, and they do so apparently only for the social contact. Second, they treat us appropriately, even generously.

Social interaction

Dolphins appear to be the only beings other than humans who will go out of their way to seek out social contact with another species. The community of the Bahamian wild Atlantic spotted dolphins is probably the best example of this. These dolphins began seeking out human interaction since about 1980, and they have continued, with varied levels of interest and enthusiasm, to interact with members of scientific research teams and with passengers on dive boats.

The significant issue is why these encounters take place. The interactions satisfy none of the dolphins' basic survival needs. They receive no food or protection. The dolphins aren't touched or rubbed by the humans. There's no sexual stimulation. Moreover, the interactions themselves don't seem to be that rich from the dolphins' perspective. Even the best human swimmers aren't as fast or agile in the water, so we don't represent a challenge for them to swim with. These interactions occasionally consist of playing a kind of "seaweed keep away" with humans. But it seems unlikely that humans are amusing or interesting enough as play-mates to sustain the dolphins' long-term interest. So the dolphins' primary motivation in engaging in these encounters is most likely some kind of gratification that comes solely from social interaction with humans. It's certainly possible that they recognize us as beings who are similar to themselves—that is, "intelligent"—and they're curious about us in the same way that we're curious about them.

Appropriate treatment

The second reason to think that dolphins recognize us as persons is that they behave in ways that suggest that this recognition matters to them. That is, they behave towards us in a way that's similar to how we behave towards each other.

The most basic sign that we recognize someone else as a person is that we treat that individual as "some one," not "some thing." We appreciate their intrinsic worth, and we act accordingly. Surely, one sign that we recognize other persons and treat them appropriately is that we go out of our way to help them.

Dolphins engage in a fair amount of behavior that helps one another. Dolphins also appear to limit the amount of aggression they use against each other. On balance, dolphins treat each other pretty well—probably better than how humans treat each other.

However, what's most intriguing is that, for centuries, stories have been told about dolphins helping humans who have gotten in trouble in the ocean. These tales range from dolphins helping sailors navigate through dangerous waters to supporting people who have fallen overboard. If dolphins recognize that we and they are both aware and intelligent, it wouldn't be unreasonable that they might value our lives and well-being as they do their own.

8. A person has a variety of sophisticated cognitive abilities. It is capable of analytical, conceptual thought. A person can learn, retain and recall information. It can solve complex problems with analytical thought. And a person can communicate in a way that suggests thought.

To most humans, the most important criteria for personhood are intellectual. Persons must be able to think analytically and conceptually. Their behavior must demonstrate cognitive capacities. They must be "intelligent."

There is a great deal of scientific evidence to suggest that dolphins have significant cognitive abilities.

- There is reason to think that the dolphin brain can support advanced cognitive and affective operations. It has a large cerebral cortex and a substantial amount of associational neocortex. Anatomical ratios that assess cognitive capacity place it second only to the human brain.
- Dolphins appear to have not only consciousness, but self-consciousness.
- Research that uses television screens shows that dolphins understand representations of reality—something that requires conceptual thought.
- Scientists' experiments on how dolphins solve problems are particularly impressive. The dolphins demonstrated an array of cognitive skills needed to solve new and complex problems. They also demonstrate innovative thinking, learning and cognitive flexibility.
- Research into whether dolphins can understand artificial human languages is particularly striking. The dolphins studied were able to understand and work with the basic elements of human language (vocabulary, grammar, syntax, complex sentences, etc.).
- On balance, however, the most significant evidence about higher-order abilities in dolphins comes from dolphin social intelligence—that is, the way that dolphins use their large brains in their natural environment rather than in controlled experimental conditions. Scientists have observed examples of tool use, social organization, cooperative fishing, political alliances, limited aggression, acoustic and nonacoustic communication and managing relationships.

Therefore, when we were to go down the list of criteria for “personhood” and compare it to what scientists have discovered about dolphins over the last 40 years, we’d find that a strong case can be made for the idea that dolphins are “nonhuman persons.” The idea of a “non-terrestrial intelligence” is no longer in the domain of science fiction. Such beings apparently have been living in the Earth’s oceans for millions of years.

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As I mentioned earlier, however, the question about whether dolphins are “nonhuman persons” has important practical, that is, ethical implications. Philosophers typically agree that if you’re a “person,” you have “moral standing” as an individual. That is, you’re entitled to be treated as a “who,” not as a “what.” You’re a “person,” not “property.” When we look, then, at how humans treat dolphins, we see a number of ethically problematic practices

1. The deliberate slaughter of cetaceans in places like Japan and the Faroe Islands are clearly ethically indefensible.
2. The nondeliberate deaths and injury of dolphins and the harassment of dolphin communities in connection with human fishing practices (purse seine fishing and drift nets) are also ethically indefensible.
3. Because the financial incentives provided by the offshore captivity industry are one of the primary factors that keep dolphin drive hunts going, buying dolphins from the drive hunts (even if represented as “saving” dolphins who otherwise would be slaughtered) is ethically questionable. If dolphins are the “unique individual beings” we say they are, it is ethically unacceptable to treat them as “property.”
4. Any practice that treats dolphins as “property” rather than as “persons” (captive breeding programs and captivity itself) runs into the same ethical problems.

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From a philosophical perspective, the simplest way to talk about ethics is this. Judgments about the ethical character of actions ultimately are based on two principles: “do no harm” and “treat others appropriately.” In the first, we’re looking at the tangible results that come from an action; in the second, we’re looking at the character of the actions themselves. In order to be ethically acceptable, an action can violate neither principle. Humans claim that our actions towards each other must respect these principles because of the nature of who we are—specifically, the nature of the unique, individual consciousness that each of us possesses. However, if dolphins are “nonhuman persons,” that is, if dolphins have an analogous unique, individual consciousness, these same principles need to be observed in our dealings with them. Hence, it’s wrong to treat them as objects and property. Dolphins are persons with an intrinsic worth and dignity.