What Piece of Work is Man: Frans de Waal and Pragmatist Naturalism

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Frans de Waal has questioned a central premise of liberal theory, i.e. that human beings are primarily defined by selfishness and rationality. This does not conform to what we know about primates — namely that they are gregarious and guided by sympathy and empathy. De Waal argues we should return to Adam Smith's moral theory and his focus on sympathy and empathy. We believe a return to pragmatism would be more appropriate. Pragmatism largely conforms to the view of human nature that De Waal's research now supports. We argue that pragmatism can provide a more sophisticated framework to integrate recent insights about primate sociality into political and legal theory.

The intelligent acknowledgment of the continuity of nature, man and society will alone secure a growth of morals which will be serious without being fanatical, aspiring without sentimentality, adapted to reality without conventionality, sensible without taking the form of calculation of profits, idealistic without being romantic.


1. Introduction

At the core of much present-day, liberal, legal and political theory there is a notion of human nature defined in terms of individualism, rationality and self-interest.¹ This definition is central to most forms of contract theory. People are assumed to be calculating and self-regarding loners, reluctant to join the bonds of social union. An autonomous individual can only be asked to suffer the burdens of community, many legal and political theorists suggest, if certain preconditions are met and individual freedoms are guaranteed.

Primatologist Frans de Waal has become increasingly vocal in his criticism of these presuppositions of modern liberal thought and the bleak view of human nature implicit in them. Liberal theory, De Waal believes, would benefit from a better understanding of the gregarious and intensely social nature of human beings. Nature
has an undeserved bad name in political and legal theory. What is central in the life of our nearest cousins, the social primates, is not individualism and self interest, but sympathy and empathy. To accommodate this insight, De Waal suggests a return to Adam Smith’s theory of moral sentiments. Adam Smith intuited the central importance of sympathy and emotion for the development of morality, according to De Waal, and managed to construct a moral theory that is much more in tune with the embryonic morality that can be observed among primates.

There is much to be said for this return to Smith. Smith is a highly original thinker who can still suggest new directions for legal and political theory. Yet, in this article we will argue that for the reconstruction of legal and political theory that De Waal proposes, pragmatism would be a more suitable framework than Smith’s moral sentimentalism. For the project that De Waal wants to pursue, i.e. the reconnection of political and legal theory with their moral roots in primate sociality, there seems to be a great deal more overlap with the classical pragmatists, than with Smith. Smith’s theory of moral sentiments predates Darwin and eschews many of the central premises of evolutionary theory. In the end it is a theory primarily inspired on classical virtue ethics, not on a naturalistic recognition of the mammalian origins of our morality. The pragmatists, on the other hand, fully integrated the implications of evolutionary theory into their philosophical thought and drew on the best scholarship of their day to ground their perspective on a scientifically mature understanding of “man in nature”.

In an earlier work De Waal argued for the development of a Darwistotelian view; a view which fused the evolutionary insights of Darwin with the virtue ethics of Aristotle — in many ways a precursor of Adam Smith (2001, p. 81-82). Our suggestion would be to develop not a Darwistotelian, but a Darweyan perspective, which fuses Darwin’s insights with the philosophical and moral theories of John Dewey and other pragmatists.

There are a number of reasons why an association with philosophical pragmatism would be more fitting than a return to Smith and Aristotle. First, De Waal does not only base his claims on his observations of primate behavior, but also finds support in a number of other fields. There is a growing body of evidence, not only from primatology, but also from psychology, social science, neurobiology and cognitive science that human beings are predisposed towards social connection. Indeed, there is such cross support in different fields, that De Waal suggests a “co-emergence hypothesis,” which “offers a nice, tidy story tying together ontogeny, phylogeny and neurobiology” (De Waal 2009, p. 139). This rich body of interrelated insights into how empathy has evolved among primates, how it is facilitated by so-called “mirror neurons” and how it emerges in the development of “theory of mind” in
young children, is largely continuous with a pragmatist perspective. It chimes with the broad naturalistic understanding of human beings as shaped in considerable measure by their biological make-up and evolutionary history. The common ground with Adam Smith is much narrower. Instead of a shared Weltanschauung it would be more accurate to call it a shared focus on the importance of empathy and sympathy for morality. Smith’s moral theory does not necessarily imply De Waal’s naturalistic understanding of morality. The claim that morality is rooted in the emotions also informs the work of moral psychologist Jesse Prinz. Prinz, however, explicitly rejects De Waal’s claim that morality is natural, that it is an innate universal of human beings. For Prinz such emotional dispositions are the result of social conditioning. Morality consists of the contingent emotional responses that communities condition their children to have. It is cultural, not natural; it is learned behavior, not an innate inclination (Prinz 2007, p. 272-273). Smith’s moral theory, in other words, suggests alternatives that are diametrically opposed to De Waal’s naturalization of morality.

Secondly, De Waal’s concerns about the underpinnings of today’s liberal thought have more than a little in common with pragmatism’s concerns about the basic presuppositions of 19th century liberal thought. De Waal echoes many pragmatist arguments and engages with central concerns of classic pragmatist philosophy. The neo-classical liberalism that De Waal calls into question is a direct heir to the classical 19th-century liberalism that the pragmatists heaped criticism on. Many 19th century thinkers subscribed to a grim social Darwinist view of the world in which life was an endless struggle of all against all and social evolution involved a mindless process of adjustment to the static circumstances of life. This was all deeply misguided, according to the pragmatists. For one thing, in the struggle for life human beings had bonded together in social groups and learned to depend on cooperation. For another, human beings had developed intelligence to find answers to life’s challenges and had learned to modify their life circumstances creatively to suit their ends. It is exactly these two facets that De Waal stresses when he calls into question the premises of the neo-liberal vogue of the last three decades. Primates are primed for social connection, not for a solo career in pursuit of their self-interest. Moreover, much of what the great apes do is not instinctual, but culturally contingent.

These resemblances, thirdly, point toward another commonality between De Waal and pragmatism: i.e. a self-consciousness about the social, cultural and historical biases of knowledge, including the biases of their own theories. The social construction of knowledge is a basic assumption of pragmatism, of course. Pragmatists have always acknowledged that people are situated, that they are locked in a frame of reference. Our view of nature is not exempt. Indeed, the debate the
pragmatists had with their Social Darwinist contemporaries was on how views of nature and social and economic theory were interlocked and mutually supportive. The pragmatists would not have objected to Donna Haraway observation that the ways in which nature is constructed in primatology and in social theory are deeply intertwined; i.e. that the “sciences that tie monkeys, apes, and people together in a Primate Order are built through disciplined practices deeply enmeshed in narrative, politics, myth, economics, and technical possibilities (1989, p. 1-2).”

De Waal is also fully aware of this problem. He has explicitly drawn attention to the significance of the historical, political and cultural context for research in primatology in his writing. “Science is not entirely neutral,” he claimed:

Thus, in the postwar years, students of behavior, dismayed by the human capacity for evil, were fascinated by the inborn nature of aggression. And during the revival of free-market ideologies and the decline of communism in the 1970s and 1980s, Neo-Darwinists elevated the pursuit of self-interest to nature’s leading principle (De Waal 1997, p. 134).

There are many such remarks in De Waal’s work. Time and again he fixes attention on the way the historical, social and cultural background of the researcher informs the research: Whether it is on the tendency of male observers to stress conflict, status, and tool-use rather than care and connection (2001, p. 128); or whether it is on the propensity of Japanese researchers to discover strict social hierarchies among apes, rather than the freewheeling individualism that western observers tended to observe (2001, p. 188-195).

Yet, for both the pragmatists and De Waal this context dependence of scientific understanding does not mean they can no longer search for a “fact of the matter” in their scientific endeavors. Even though we are culturally primed to take a certain view of our primate cousins, we can still assess our initial assumptions critically. Indeed, De Waal does not believe Japanese primatology should be disregarded simply because it was biased towards social connections. On the contrary, empirical research showed it made invaluable contributions to our understanding of the social primates. Many male primatologists, however, were proven wrong to underplay the importance of empathy, care and social bonds.

This brings us to the forth and last commonality. The fear of socio-cultural bias does not lead De Waal to ditch attempts to empathize with primates. He does not opt for a detached behaviorist approach that focuses solely on observed behavior
patterns, but draws on his own human experience to understand the behavior of social primates. For both the pragmatists and De Waal human beings are continuous with nature. To look for commonalities between humans and primates, to attempt Verstehende primatology, should not be vilified as anthropomorphism, but embraced as the most parsimonious method of generating explanations and hypotheses — explanations that subsequently need to be tested empirically. Hence, very much in the spirit of pragmatism, De Waal embraces hermeneutical sensibilities even in his study of primates. Instead of the austere methodological individualism of the behavioral approach, he is committed to a view of primates as social and cultural animals that transmit habits and behaviors culturally within their group and develop their own traditions

In this article we will bring De Waal and pragmatism together. We believe both these bodies of work can reap benefits from such a confrontation. For De Waal, pragmatism offers a more robust and comprehensive philosophical framework. Smith’s moral theory can provide inspiration, but it is too much a product of the 18th century to account for all the things we have learned about human beings since. Pragmatism provides a more current perspective on the issues that concern De Waal. For pragmatism, in turn, De Waal can contribute much more sophisticated insights into primate and social behavior. His research presents a strong case for the innate gregariousness and natural social virtue of human beings, things that the classical pragmatists assumed without much empirical evidence. As a result, they can flesh out pragmatism with a more robust substantive conception of life in groups. This could make a considerable contribution to pragmatism as a substantive theory. Pragmatism has been criticized for being banal, for merely providing a framework for research and understanding, but leaving everything as it is and lacking any substantive content (Rorty 1991). What De Waal shows is that the naturalism of pragmatism provides much more of a substantive theory than just an acceptance of contingency.

The article consists of three parts. To begin with, we will describe De Waal’s recent critique of the contract tradition and the view of human beings implicit in it. Secondly, we will describe the continuities of his work with classical pragmatism and suggest how De Waal’s critique can be subsumed in a pragmatic framework. Finally, we will address some of the theoretical consequences of bringing together classical pragmatism with De Waal’s insights. Three themes will be discussed in this final section. First, the consequences of replacing selfishness and individualism as basic premises of legal and political theory will be elaborated upon. If methodological individualism is replaced with a broader understanding of human nature that embraces such notions as sympathy, kindness, and need for companionship, then
this will obviously militate against the formulation of a single, coherent ideal theory. Moreover, it will raise the question of the scope of our moral obligation to others. If the basic assumption is that people pursue their self-interest, the scope is clear. In the end people just fend for themselves. If the basic assumption is that people act out of sympathy and fellow feeling, this raises the question of how far this sympathy extends and what the scope of our obligations is. Second, both De Waal’s work and pragmatism seem to turn on the rejection of such dichotomies as the one between nature and culture, or fact and value. Again this favors the substitution of the transcendental style of theorizing characteristic of contract theory, with a more hermeneutic, comparative approach rooted in reality. The third and last theme is what pragmatism has to offer De Waal. Tracing the methodological similarities between De Waal and pragmatism raises the question how close De Waal’s primatology is to the naturalist methodology of the pragmatists. Combining nature and culture the way De Waal does also calls for reflection on the proper methodology to study the combination. Here, a pragmatist hermeneutics may serve De Waal well.

2. Frans de Waal

In his most recent book on the importance of primatology for legal and political theory the focus of De Waal is on the neo-liberal consensus that has dominated economic, political and legal theory in the last three decades. This consensus hinges on a set of basic premises about human nature and human psychology. The basic unit of analysis is the individual. This individual is characterized fundamentally by rationality and by self-interest. In the market, according to mainstream economic theory, we can let this self-interest rip. Private vices are public virtues. If everybody pursues their own self-interest, then this will lead to optimal prosperity for all. In the public sphere, however, people are caught in a prisoner’s dilemma — pursuit of their own narrow self-interest will lead to suboptimal solutions for all. Hence, in this context self-interest needs to be enlightened. Here, people need to cooperate to reach the most optimal solutions. As a result, it is in everybody’s self-interest to relinquish a bit of their freedom and autonomy to the state, so that the state can provide everybody with the benefits of a secure existence. Hence, the “social contract” the imaginary bargain struck between free, self-interested individuals that define the conditions under which such a group of self-seeking loners are willing to pool their resources.

De Waal believes this is all deeply misguided. Society is not some artful contrivance of a naturally solitary species. It is thoroughly mistaken to believe that our ancestors led uncommitted lives without a need for anybody else and that their “only
problem was that they were so competitive that the cost of strife became unbearable.” Nevertheless this “myth” underlying contract theory, De Waal argues: “remains immensely popular in political science departments and law schools, since it presents society as a negotiated compromise rather than something that came naturally to us” (2009, p. 20). Legal and political scholars remain enamored to the view of our ancestors as “ferocious, fearless and free,” and keep clinging to such macho myths as the belief “that humanity will be waging war forever, and that individual freedom takes precedence over community” (De Waal 2009, p. 25). None of this is in keeping with what we know, for instance, about the life of hunter-gatherers, De Waal contends, which is an existence “of reliance on one another, of connection, of suppressing both internal and external disputes, because the hold on subsistence is so tenuous that food and safety are top priorities” (2009, p. 25). Hence, there is a mismatch, between the things we know about human beings as social animals and the assumptions about human nature that are foundational for our legal and political theories. “Every debate about society and government makes huge assumptions about human nature, which are presented as if they come straight out of biology,” De Waal claims: “But they almost never do” (2009, p. 4). When they think about society, De Waal contends, legal scholars, economists and political scientists rarely consult the vast body of knowledge that has been accumulated in anthropology, psychology, biology and neuroscience about human behavior. These disciplines teach, in short, that human beings are group animals: “highly cooperative, sensitive to injustice, sometimes warmongering, but mostly peace loving” (De Waal 2009, p. 5).

The picture of human beings as fundamentally solitary and selfish, and morality and law as cunning tricks of human reason to check our natural impulses, originates from Thomas Huxley — an early popularizer of the theory of evolution — rather than Darwin himself. In his explanation of Darwin, Huxley presented humanity as a gardener controlling and modifying the unruly forces of nature. Huxley was a dualist. He treated morality as a victory over the brutish evolutionary process. Huxley’s gardening metaphor was a clear departure from Darwin’s ideas and seriously curbed the reach of evolutionary theory. De Waal puts it succinctly: “Huxley was in effect saying that what makes us human could not be handled by evolutionary theory. We can become moral only by opposing our own nature” (2006, p. 7). For Darwin evolution and morality were not separate but continuous. Morality was grounded in the necessities of care for the young and the exigencies of group life. This is a view that De Waal much prefers: “Since Darwin saw morality as an evolutionary product, he envisioned an eminently more livable world than the one
proposed by Huxley and his followers, who believe in a culturally imposed, artificial morality that receives no helping hand from human nature” (2006, p. 16-17).

While a naturalistic approach is at odds with much mainstream political and legal theory, it is not a view, De Waal contends, that is entirely absent from these fields either. In the Scottish Enlightenment, and especially the work of Smith, De Waal recognizes a conception of morality that can be squared with the insights of primatology. Smith is most famous for his economic theory, of course, and has become synonymous with exactly the view of human beings as rational and self-interested agents that De Waal rejects. Yet, Smith’s reputation as the creator of the *homo economicus* is an aberration. His moral theory largely agrees, in fact, with the kind of moral and empathic alternative that De Waal supports. Smith claimed in the opening statement of *The Theory of Moral Sentiments* that however selfish man is believed to be: “there are evidently some principles in his nature, which interest him in the fortune of others, and render their happiness necessary to him, though he derives nothing from it, except the pleasure of seeing it” (2006 (1790), p. 3). Smith’s view of human beings as innately moral fits in nicely with De Waal’s evolutionary perspective.5

What makes Smith’s approach so amenable to De Waal is primarily his emphasis on sympathy. Central to Smith’s moral theory is the idea that we can take another person’s point of view. If we see other people in distress, we can imagine what it would be like to be in their place. We “can feel their pain,” to adopt Clinton’s famous catchphrase. This forms the basis for Smith’s moral theory. When this sympathy becomes reflexive, i.e. when we realize that other people realize that we realize that they are suffering, this moves us beyond the several parties involved and towards the point of view of Smith’s famous *Impartial Spectator*, i.e. the disinterested, general judgment of what would be fair for all. This is the point of view that Smith employs to address our moral dilemmas, and it is a point of view that is quite compatible with what in psychology is called “theory of mind.” Theory of mind refers to the ability to understand what goes on in the mind of another actor. It is the ability to read what the needs, desires and goals of others are. It is a capacity that is often claimed to be distinctly human, but that De Waal and others have also observed among apes, dolphins and elephants. Moreover, there is growing evidence for a neurological basis for empathy. So-called “mirror neurons” have been shown to evoke the emotional states in us that we witness in others and to facilitate emotional contagion. These mirror neurons are not unique to human beings, but are probably a mammalian universal.6
Understanding another person’s perspective and emotional state is essential for the development of morality. In combination with personal emotions such a theory of mind provides us with the basic ingredients of morality. De Waal sums it up succinctly: “From humble beginnings noble principles arise. It starts with resentment if you get less, then moves to concern about how others will react if you get more, and ends with declaring inequity a bad thing in general. Thus, the sense of fairness is born” (2005, p. 220). For De Waal this is a much more plausible explanation for fairness than one that relies on human artifice and explains fairness as “an idea introduced by wise men (founding fathers, revolutionaries, philosophers) after a lifetime of pondering right, wrong, and our place in the cosmos” (2005, p. 221).

Nature’s struggle for survival, however, suggests that self-interest should be ubiquitous. Hence, should the apparent acts of altruism among our primate cousins not be greeted with skepticism? De Waal disagrees. He admits that altruism may once have evolved for the benefits it rendered to an altruistic animal. Yet, among the social primates, over thousands of generations, this initially selfish motivation has turned into an intrinsic motivation to help others in need. In other words, altruism has become a spontaneous inclination and has ceased to be a calculated form of self-interest. Acts of altruism among the social primates are not mere appearance, but the real thing. Social primates are truly altruistic altruists, and not just apparent altruists. There are many observations to support the existence of such altruistic altruism. Altruism for altruisms sake does not seem to be a uniquely human capability. De Waal sums up the main argument in five points:

1. An evolutionary parsimonious account of directed altruism assumes similar motivational processes in humans and other animals.
2. Empathy, broadly defined, is a phylogenetically ancient capacity.
3. Without the emotional engagement brought about by empathy, it is unclear what would motivate the extremely costly helping behavior occasionally observed in social animals.
4. Consistent with kin selection and reciprocal altruism theory, empathy favors familiar individuals and previous cooperators, and is biased against previous defectors.
5. Combined with perspective-taking ability, empathy’s motivational autonomy opens the door to intentionally altruistic altruism in a few large-brained species (2008b, p. 292).

The story De Waal tells is one in which an aptitude that may once have developed to gain direct pay-offs in the struggle for survival, evolved into a general attitude of altruism that no longer needed direct self-interest as a cue.
The ability of “a few large-brained” social animals to behave altruistically remains fairly abstract and generalized claim about the capacities of primates, of course. These natural inclinations, De Waal suggests, need to get expressed in learned behaviors. For a full understanding of De Waal’s claims about the moral nature of primates it is important to introduce his notion of “cultural naturals”. “Cultural naturals” are behaviors for which it is well-nigh impossible to disentangle what is natural instinct and what is learned, culturally transmitted behavior. This notion of “cultural naturals” (which would fit seamlessly into any Deweyan argument against dichotomies) blurs the distinction between biological drives and cultural proclivities:

Cultural naturals defy the traditional dualism between culture and nature. They are not cultural products in the strict sense; nor do they conflict with biology. Thus, the matrilineal hierarchy of macaques arises naturally out of natural tendencies, such as the inclination to support kin, but these tendencies need to be supplemented with learning; otherwise a stable structure can never emerge. Similarly, the human incest taboo, long held as a prime example of our ability to subjugate nature, is now considered a cultural fortification of a natural tendency. (De Waal 2001, p. 291)

The social primates do not come into the world kitted out with a comprehensive behavior module that fully determines their behavior. Just like us, apes have to go through an extensive period of education to become well-adjusted members of ape society. Even though they lack language, our primate cousins learn a great many techniques, practices and social skills from their family and group members before they are proficient in acting out their natural inclinations.

De Waal is fully aware that his notion of “cultural naturals” tramples on another common criterion — next to our moral faculty — to distinguish our species from the rest of the animal kingdom. The cultural dimension of human existence is one of the cornerstones of our sense of unicity vis-à-vis the natural world:

When divine sparks fell out of fashion, the widely accepted key to our special success became culture. It was culture that let us push the envelope, break out of it, and start a new life totally unlike the ape’s. Culture became a magic, reified concept disconnected from and even antithetical to nature. Culture was seen as something that we produce at will, yet that at the same time produces us. No matter the
monumental circularity of this argument, it soon permeated all of the social sciences and humanities (De Waal 2001, p. 360).

De Waal likes to stress the continuities between the learned behaviors of the social primates and the cultural habits of human beings, rather than focus on the differences that may set them apart. These differences are differences of degree, for that matter, not differences of character. For such a rejection of the dichotomies between culture and nature, value and fact, pragmatism offers the most sophisticated philosophical framework, even today.

3. The Pragmatist Tradition

The critique of liberal contract theory articulated by De Waal echoes many elements of the critique the pragmatists leveled against the orthodoxies of 19th century liberalism. Long before De Waal, the pragmatists rejected formal and abstract models of human behavior and argued against such disembodied concepts as the rational actor in economics and legal theory (De Been 2008, p. 3-4). Instead, they saw human behavior in a nonteleological, naturalistic framework characterized by change and chance. In the pragmatist approach, absolutes were treated as superstitions and behavior was primarily understood as adaptive and experiential. Even though this pragmatist perspective was explicitly inspired on Darwin’s theory of evolution, it should not be confused with the Social Darwinism of the age. The pragmatists were highly critical of many of the leading exponents of Social Darwinism — theorists like Herbert Spencer, Thomas Huxley, or William Graham Sumner — who stressed the immutability of our life-world and its unforgiving demand on competing individuals to adapt to its unchanging conditions, or perish.7 The pragmatists understood human beings primarily as cooperative and sympathetic, not as competitive and mutually hostile. Moreover, people were not passively and helplessly fitting in with the static demands of their existence, they were social and intelligent beings involved in a collective struggle to change their environment and control their life circumstances (De Been 2008, p. 44-45). Hence, their naturalism did not support the harsh individual struggle and survival of the fittest of Social Darwinism, but the cooperation and care of the modern welfare state. Much like De Waal their rejection of liberal orthodoxy was closely related to their program for a kinder, gentler society.

Moreover, their understanding of society was informed by a loose functionalist adaptationism. Faced with the necessities of social life, human beings had developed a wide variety of contingent cultural habits and practices. Hence, their understanding of social life always involved a motley assortment of approaches and tools that
expressed their unique cultural response to the ever-changing life-circumstances. That this cultural multiplicity can be an outcome of the evolutionary process is still a startlingly fresh and counterintuitive idea. It combines recognition of both the functional necessities of human life and the freedom and cultural creativity of human beings to formulate answers to those necessities. William James noted in his Principles of Psychology, that body and mind are continuous. Yet, even though this basic assumption seemed to embrace materialism and to put “the Higher at the mercy of the Lower,” he claimed it was only materialistic in its emphasis on the roots of our intellectual life in the human brain and in the human body. For James this did not imply a thoroughgoing reduction of thought to material causes. Indeed, he rejected the claim that “the nature of thought” could be explained “by affirming this dependence” and he stressed that “in that latter sense our proposition is not materialism” (James 1981 (1890), p. 6). What ruled in human behavior were not mechanistic responses to life’s problems, but what Hans Joas has aptly termed “situated creativity,” the bounded freedom of human beings to formulate creative solutions to life’s problems (1996, p. 132-3).

The notion that mind and world “evolved together, and in consequence are something of a mutual fit,” was a basic assumption of James’ pragmatism. Yet, it was a notion that received only little empirical corroboration in his day. He roundly admitted that the exact nature of this relationship remained unclear and had been “made the subject of many evolutionary speculations” (James 1981 (1890), p. 4). This has since changed. Research in evolutionary biology, cognitive science and primatology allow for much more conclusive assertions about the continuities of body and mind, nature and culture. George Lakoff and Mark Johnson, for instance, have developed their empirical research around notions like the “embodied mind” and “embodied philosophy” to capture the importance of bodily experience for human meaning and thought (1999). These concepts resonate closely with the insights the pragmatists expressed.

Such an extension of evolutionary theory to culture and morality can also be found in the work of John Dewey. In an early essay, Dewey argued for the inclusion of ethical processes in the evolutionary framework (1972 (1898)). Taking issue with Huxley’s idea that our moral practices were opposed to our natural instincts, Dewey claimed that both were part of human nature: “Man does not set himself against the state of nature. He utilizes one part of this state in order to control another part” (1972 (1898), p. 37-38). Inescapably our lives were structured by a set of habits that guided our behavior. These habits already provided qualitative direction and infused human existence with value:
Thus our purposes and commands regarding action (whether physical or moral) come to us through the refracting medium of bodily and moral habits. Inability to think aright is sufficiently striking to have caught the attention of the moralists. But a false psychology has led them to interpret it as due to a necessary conflict of flesh and spirit, not as an indication that our ideas are as dependent, to say the least, upon our habits as are our acts upon our conscious thoughts and purposes. (Dewey 2007 (1922), p. 32).

Social life and moral principles were both products of the struggle for existence, Dewey believed, and both integral part of the evolutionary process (1972 (1898), p. 41).

In *Human Nature and Conduct* Dewey even likened people who believed that morals owed nothing to our natural origins to believers in the occult. Cultivated people might “smile contemptuously” about people who believe in occult explanations. Yet, Dewey remarked: “They might smile, as the saying goes, out the other side of their mouths if they realized how recourse to the occult exhibits the practical logic of their own beliefs. For both rest upon a separation of moral ideas and feelings from knowable facts of life, man and the world (2007 (1922), p. 11). An understanding of morality cut loose from its roots in our biological past was literally supernatural. However, “a morals based on study of human nature instead of upon disregard for it,” Dewey argued, “would find the facts of man continuous with those of the rest of nature and would thereby ally ethics with physics and biology” (2007 (1922), p. 12). This is not to say that the cultural dimension of human existence was unimportant. On the contrary, even though natural adaptation and social adaptation were part of the same process, in our present world social adaptation shaped our lives to a much greater extent.

The Darwinian streak in pragmatism was also present in Dewey’s emphasis on variation and flexibility. Dewey argued that the Darwinian notion of fitness was relative, not absolute. The qualities that were necessary to survive were highly variable. The strategy human beings adopted to deal with life’s challenges was not so much that of the hedgehog, the focus on one single survival strategy, but rather that of the fox, the development of a general ability to deal with a variety of problems as they arose. Hence, for human beings fitness was provided by social adaptability. This process was not deterministic, Dewey argued. On the contrary, the main feature of human evolutionary development was the emergence of flexibility (1972 (1898), p. 41). Human beings were successful precisely because they could react quickly to changing circumstances.
De Waal’s view of ethics and morality as phenomena that arise out of our natural state are predated by Dewey’s naturalist arguments. In *Experience and Nature* Dewey presented the ontological basis of his naturalism: the idea that we found ourselves in the middle of our own experience, in the middle of a world in which fact and value, natural and social factors, humans and other beings, were not distinct nor neatly categorized (1997 (1929), p. 351-2). An important consequence of this view was that the human subject was not separate from an objective natural world. The interaction between individual and environment was the key to understanding the relationship between human beings and the world, because every individual existed within the natural world, as part of it. If this experience of the world was taken as the starting point for epistemology, the world appeared as a whole. Distinctions were only made for special purposes but did not reflect ontological truths. In the realm of value and morality this led Dewey to make a distinction between the immediately valued and the well-considered valuable. Our appreciation started with “the first dumb, formless experience of a thing as good,” but through our reflection and criticism this appreciation could be transformed into something more solid, a considered, real and justifiable good (1997 (1929), p. 324).10

Methodologically, there is also a clear parallel between Dewey and De Waal. Key to Dewey’s pragmatism was the rejection of dichotomies.11 The naturalist argument that the social and ethical were an integral part of the natural world for Dewey was part of a broader conceptual argument. Conceptual categories were tools that enabled human beings to make sense of, and interact with, their environment but they did not directly reflect a pre-existing reality. The world in which we found ourselves was not in itself organized in neatly distinct concepts such as ‘nature’ or ‘culture.’ These were distinctions we had to create and apply ourselves. This meant that the value of a conceptual distinction was always instrumental: Did it help us to cope with the problems we encountered (Dewey 1988 (1920), p.169)? A similar approach can be found in De Waal’s work. Separating natural and social instincts, self-interest and group interest, humans and other animals, is not a fruitful way to approach research into human or primate behavior. If the aim is to understand behavior, possible hypotheses should not be ruled out simply because they display, for example, anthropomorphism (De Waal 2006, p. 63).

A final feature of pragmatism important here is the role played by intelligence. Human beings did not interact with their environment blindly. They applied their intelligence. Pragmatist philosophy put such intelligent interactions in the key of problem solving. Encountering a problem, something that interrupted your activities and needed to be taken care of, gave rise to intelligent inquiry. Finding a solution for a
problem was not merely a question of trial and error. It involved analyzing the
text problem, thinking about the possible consequences of a particular solution and thus
choosing a solution, methodically, and intelligently. Human beings had perfected
intelligent inquiry in the realm of science, but that did not mean the operations
involved were irrelevant outside of science. One of the continuities stressed by Dewey
was that between science and everyday experience.\textsuperscript{12} It would be entirely in keeping
with pragmatist thought, therefore, to see intelligence as a feature present in the
context of animal life. Even though human intelligence had evolved to generate much
more complicated processes of inquiry than other animals were capable of and our
intelligence did set us apart, with respect to apes this was not a qualitative difference,
but a difference of degree. This is entirely consistent with what we know about apes,
according to De Waal: “With their slow development (they reach adulthood at around
sixteen) and ample learning opportunities, apes are really not that much more
instinctual than we are.” Indeed, De Waal believes that when we compare humans
and apes, we compare “the ways in which humans and apes handle problems
through a combination of natural tendencies, intelligence and experience” (2005, p.
40).

To sum up, there is much continuity in the work of De Waal and the writings of
the classic pragmatists. The philosophical arguments that James and Dewey made
against the dualism between nature and culture, body and mind were still quite
speculative at the end of the 19\textsuperscript{th} and the beginning of the 20\textsuperscript{th} century, but the type of
research done by De Waal among primates now supports them. Indeed, De Waal’s
research vindicates James’ and Dewey’s conclusions in an even stronger form,
because it shows that social and moral tendencies are not uniquely human,\textsuperscript{13} but
shared with primates and other animals. The intelligence and adaptability
characteristic of human beings has not reached anywhere near the same level in
apes, of course, but De Waal is concerned to emphasize that human characteristics
are continuous with more rudimentary traits recognizable in other primates (2009, p.
209). The pragmatists did not deny the “animal inheritance” visible in human
impulses, but they focused primarily on the possibility of change and social adaptation
to which human beings had evolved (1972, p. 42). De Waal has since provided
evidence with his research that primates are perhaps closer to us in this respect than
Dewey and James might have suspected. This is not to say that there are not also
clear differences of emphasis. Whereas De Waal is primarily interested in criticizing
contemporary legal and political theory for having strayed too far from its primate
origins, Dewey and James are mainly focused on the critical evaluation of inherited
habits and customs that may no longer be functional in present circumstances. James
and Dewey, finally, offer a much more sophisticated and persuasive account of how human beings could have moved from pre-conceptual notions of well being to fully conceptual systems of morality.\textsuperscript{14}

4. Implications

A departure from the methodological individualism characteristic of liberal legal theory and an embrace of the insights into human nature supplied by the life sciences can have a number of theoretical implications. In the final part of this article we will focus on three of these consequences. Abandoning the unifying abstraction of rational individual self-interest, to begin with, will not only stymie the development of a univocal ideal theory, but will also lead to interminable questions about the scope of our moral obligation. If we drop the presumption of self-interest and start out from other considerations like sympathy, peaceableness, or benevolence, then the question becomes: To whom do we owe these moral commitments; to family and friends, to fellow citizens, or to strangers across the globe? Pragmatism can suggest a resolution of those questions. Secondly, the rejection of dualism, of the dichotomies between body and mind, nature and culture, or fact and value is central for both the pragmatists and De Waal. This militates against the transcendental tradition of contract theory, and favors a more hermeneutic, comparative approach rooted in reality. Thirdly, this importance of hermeneutics is not only significant for the field of legal and political theory, but also has consequences for the approach of the life sciences. Hence, we will draw out some of the implications of a pragmatist hermeneutics for De Waal’s approach to primatology.

4.1 From Empathy and Sympathy to General Morality

When social scientists do empirical research to see whether people really do behave like selfish wealth maximizers, De Waal contends, they rarely live up to their image as cynical egotists. Even though many economists might prefer the conceptual clarity of a world driven solely by self-interest, De Waal notes, this is not the world we live in: This world does fit some members of the human race, who act purely selfishly and take advantage of others without compunction. In most experiments, however, such people are in the minority. The majority is altruistic, cooperative, sensitive to fairness, and oriented toward community goals. The level of trust and cooperation between them exceeds predictions from economic models (2009, p. 162).
According to De Waal we are not only more altruistic and cooperative than economists assume, we are also intensely social: “We belong to a category of animals known among zoologists as ‘obligatorily gregarious,’ meaning that we have no option but to stick together” (2005, p. 231).

The problem with the ubiquitous sober-and-tough views of human nature, De Waal argues, is that they often become self-fulfilling prophesies: “The danger of thinking that we are nothing but calculating opportunists is that it pushes us precisely toward such behavior. It undermines trust in others, thus making us cautious rather than generous” (2009, p. 162). It is a misconception to think that such unsentimental self-regard holds the best promise for success. Trust and long-term emotional commitment are absolutely essential for our cooperative ventures and have served human beings well for millions of years. Human civilization would never have gotten started without it: “If we truly were the cunning schemers that the economists say we are, we’d forever be hunting hare, whereas our prey could be stag.”

The view of human nature as self-interested, in short, is misconceived. De Waal provides empirical evidence for the claim that human beings are inherently social empathic and capable of altruistic and cooperative behavior. This evidence for the social and cooperative nature of intelligent animals mainly consists of observations of helpfulness among members of primate groups. Clearly, individuals do not care solely about their own needs in isolation. In most of their activities they are concerned with the reactions of the other group members, even if this only shows in jealousy. A good example of such a negative sense of fairness is an experiment carried out with capuchin monkeys. They were perfectly happy to be rewarded with a slice of cucumber for a task, until they saw that another capuchin monkey received grapes (a much more popular food) for the same task. The monkey receiving cucumber would then stop cooperating (De Waal 2009, p. 187). In a similar test on chimpanzees there have even been observations of apes that get grapes occasionally refusing the better deal. They seem to be driven by a basic sense of fairness and only accept the grapes, if the other chimp also gets grapes (De Waal 2010). In many instances, monkeys and apes are seen to prefer the more social option. If they have a chance of keeping food for themselves, or sharing it with companions, they generally prefer the latter (De Waal 2009, p. 112-113).

These instances of sharing and manifest acts of fairness among apes and monkeys should not be mistaken for a general disposition of charity, however. These acts of fairness are typical for members of the in-group, but do not usually extend to outsiders. To be sure, such an “orientation to the own group,” De Waal argues, is not an unreasonable moral position to take, because: “a moral system can possibly
give equal consideration to all life on earth” (2006: p. 163). Indeed, De Waal does not only believe that we are biased towards our closest circles of companions behaviorally, but also that we ought to be morally:

Loyalty is a moral duty. If I were to come home empty-handed after a day of foraging during a general famine and told my hungry family that I did find bread, yet gave it away, they would be terribly upset. It would be seen as a moral failure, as an injustice, not because the beneficiaries of my behavior did not deserve sustenance, but because of my duty to those close to me (2006, p. 165).

Nevertheless, however admirable loyalty to close companions may be, it also generates a serious moral problem. Such a narrow focus on the small community seems to bar genuine moral attention to outsiders. In-group solidarity and morality, De Waal admits, are unfortunately related to out-group hostility (2006, p. 54-55). Here, it seems that De Waal's naturalism reaches its moral limit: it cannot provide an adequate argument for moral obligations towards strangers.

This is not a problem, moreover, that presents itself only to our primate cousins. De Waal notes that human beings also show more empathy for humans that are part of their own group, than they do for humans belonging to different social groups. In experimental set-ups human beings registered bigger emotional responses for the suffering of people who are more similar to them: “During transcranial magnetic simulation (TMS) human subjects watched videos of needles penetrating the hand of ingroup and outgroup members, also defined by race. The subjects showed a greater empathic response (in the form of resonant corticospinal inhibition) to the ingroup than outgroup stimuli” (Campbell and De Waal 2011, p. 1). Our empathic concern is clearly directed mainly to our peers. Moral rules, however, are generally considered to have a general scope and validity.

De Waal realizes that this is a problem. To arrive at universal moral conclusions, we need the unique human capacity of judgment and moral reasoning (De Waal 2006, p. 174). Supporting people in desperate circumstances on the other side of the globe is not something you do simply out of a natural feeling of empathy and sympathy: we argue that it is unfair to keep one’s wealth completely to oneself. Such an argument is based on moral reasoning that leads to the conclusion that unequal treatment simply because of a physical distance is indefensible.16 Supposing that we want to make such moral claims, this seems to lead to two kinds of ethical arguments: a naturalist argument for inner circle sympathy and moral obligation and a non-naturalist argument for general moral obligations.
However, we can avoid such a separation between naturalism and general moral arguments, if we draw on Dewey's ethics. Like De Waal, Dewey builds his ethical arguments on human psychology, arguing that our moral sense is continuous with natural habits and impulses. Dewey resists the idea that a rational decision is something different from an emotional choice: rationality is a matter of choosing among your impulses and desires intelligently, not a matter of disregarding them (1988 (1922), p. 136-137). For Dewey, intelligent moral choices follow neither from fixed natural impulses nor from rationalistic abstract arguments. They involve a methodical inquiry into the conditions and consequences of possible conduct. In this respect, moral conduct is no different from any other problem to be solved intelligently (Dewey 1988 (1920), p. 173-174).

The most important aspect of Dewey's ethical thinking is its openness. There are no fixed moral ends, no ultimate moral values; these are to be discovered in an inquiry into a specific problem (Dewey 1988 (1920), p. 175). The openness of moral inquiry and the stress on its methodical nature make it possible to connect the naturalism of unconscious impulse and ingrained social habit to intelligent moral choices that go beyond these impulses and habits. Because human beings are capable of reflecting upon their own habits intelligently, they are also able to understand their limitations and to devise ways to change these habits. As human beings we can resist our natural impulse to protect only our group members. We can recognize the adverse consequences of such an impulse and consider alternatives to our inclinations, which may overcome them. In the present world, it is abundantly clear that most of our actions have consequences beyond our local community: economic transactions or political choices have a global dimension. In Deweyan pragmatism, this feature of contemporary society means that we also need to consider the consequences of our actions on a global scale. Such changing features of the world in which we act, need to be taken into consideration in our moral deliberations.

Where does this leave the animal core of our human nature, so important in De Waal's research? The link between nature and morality should not be taken as things that correspond closely, according to De Waal. The fact that the moral capacity of human beings “evolved out of primate group life, […] should not be taken to mean that our genes prescribe specific moral solutions. Moral rules are not etched in the genome.” The link consists rather in a natural ability to adopt a morality: “We are not born with any specific moral norms in mind, but with a learning agenda that tells us which information to imbibe” (De Waal 2006, p. 166). Nevertheless, De Waal is convinced that “all of human morality is continuous with primate sociality” (2006, p.
167.) The higher levels of morality achieved by human beings cannot exist without the foundations of the lower ones that we share with the social primates. Hence, morality cannot stray too far from the givens of our mammalian biology: “A viable moral system rarely lets its rules get out of touch with the biological imperatives of survival and reproduction” (De Waal 2006, p. 163). The lower levels of morality we can observe in the social primates, values like empathy, sympathy, reciprocity and fairness, are essential for their collective success and survival and remain essential for us.

De Waal provides an important check on too optimistic a view of intelligent moral thinking. In human evolution, traits have developed that are deeply ingrained in human nature, and although we can reflect upon them intelligently, we cannot deny their existence. Some tendencies, which served a purpose at an earlier stage of existence, are now obsolete. Our craving for sugar and fat served a purpose when these foodstuffs were a scarce resource. Our ancestors had to make the most of any opportunity to eat such energy-rich food. Now that these foodstuffs are readily available and cheap these, cravings are detrimental. They have caused an epidemic of obesity. De Waal shows that we cannot deny that such natural features exist: we have to find a way to live with them. A morality that strays too far from our natural tendencies will be impossible to live by. Fortunately, as De Waal has also shown, many of these tendencies are benign and have served us well: sociality, empathy and sympathy are as natural as selfishness and jealousy and can therefore be used as the building blocks for a more sophisticated morality.

4.2. Who Is Afraid of Values? Moving Beyond the Fact/Value Dichotomy

De Waal is deeply pragmatic when he questions the “Western dualistic tradition that pits body against mind and culture against instinct” (2006, p. 17). This is one of the central notions that animated pragmatism. To be sure, De Waal continues to pay lip service to the fact/value dichotomy. You cannot move from the way things are to the way things should be. “All that nature can offer” De Waal argues, “is information and inspiration, not prescription” (De Waal 2009, p. 30). Does this mean that there is no point in contemplating the social nature of human beings and its relevance to legal and political theory? This is not what De Waal argues. Information about the way we are, he claims, is of critical importance:

If a zoo plans a new enclosure, it takes into account whether the species to be kept is social or solitary, a climber or a digger, nocturnal or diurnal, and so on. Why should we, in designing human society, act as if we’re oblivious to the characteristics of our species? A view of
human nature as “red in tooth and claw” obviously sets different boundaries to society than a view that includes cooperation and solidarity as part of our background (2009, p. 30).

The facts about who we are and what makes us flourish cannot simply be equated with what would be good morally, but these facts do have a strong bearing on the issue.

The similarity between De Waal’s suggestions and pragmatism is striking. Putnam notes that pragmatists “have always emphasized that experience isn’t “neutral,” that it comes to us screaming with values.” Values are implicit in our most basic life experiences:

In infancy we experience food and drink and cuddling and warmth as “good” and pain and deprivation and loneliness as “bad”; as our experiences multiply and become more sophisticated, the tinges and shades of value multiply and become more sophisticated. Think, for example, of the fantastic combinations of fact and value in a wine taster’s description of a wine (Putnam 2002, p. 103).

From a pragmatic perspective it is a mistake to think of human beings as disinterested observers who are first faced with a number of facts in the world around them and then have to deal with the question how they value those facts. Human beings are part of the world right from the start and deeply entangled in the way it functions. They cannot avoid valuing certain circumstances over others. “We are never in the position imagined by the positivists,” Putnam contends, “of having a large stock of factual beliefs and no value judgments, and having to decide whether our first value judgment is ‘warranted’ of having to infer our first ought from a whole lot of ‘ises’” (2002, p. 104).

This does not mean that for pragmatists values are simply implicit in the nature of things. Putnam here ties in with Dewey’s distinction between the valued and the valuable, which was already referred to earlier. The valued is a fact or circumstance in the real world that is experienced as something good. These experiences are then subjected to our criticism, i.e. they are held up to critical reflection. When you subject valued experiences to criticism and decide they are warranted, they then become valuable (Putnam 2002, p. 103). The valued turns in the valuable, in other words, when you “mix” your intelligence and critical powers with it, to paraphrase a classic proposition from political philosophy.

The story that pragmatism tells about the way that human morality starts out from what is valued in the experiential setting of human existence and then evolves through “criticism” into a full-blown morality of what is valuable, is quite close to the “building blocks” model of morality that De Waal presents. De Waal argues that
human morality can be divided into three distinct levels. The building blocks of the first level consists of basic moral sentiments like empathy, sympathy, reciprocity and fairness, which are necessary to, and continuous with, group life. We share these elementary building blocks with the other primates. They are foundational and absolutely essential. The higher levels cannot exist without these lower ones. The second level involves so-called community concern. It is made up of such building blocks as the power to take a more general perspective and the capacity to take group welfare into account. It involves social pressure to contribute to the welfare of the group and to stick to its rules. This is a capacity primates have only a limited measure of. Human beings go much further in compelling others to fit in and to stick to the rules. The third level, finally, involves building blocks such as the internalization of another person’s point of view, self-reflection and judgment. The judgment and reasoning characteristic of this third level is comparable to Dewey’s notion of “criticism.” Such reflexivity is predominantly a human trait and has almost no parallels among the apes. Nevertheless, such reflexivity is tied to the basic social tendencies of the first level, much like the valuable is tied to the valued (De Waal 2006, p. 166-175).

Hence, for De Waal the basis of our morality in primate sociality is not something that we can get away from. “To deny the evolutionary roots of human morality,” he argues: “would be like arriving at the top of a tower to declare that the rest of the building is irrelevant, that the precious concept of “tower” ought to be reserved for its summit (2006, p.181).

There are also more contemporary versions of pragmatism that are continuous with De Waal’s insights into primate morality. In his final book the late Philip Selznick drew on his life-long experience in sociological jurisprudence to argue for a humanist science in social inquiry. For Selznick this humanist science involved a spacious naturalism. “We must be able to count, as part of nature,” he contended, “all the ideals and forms of thought, all the feelings and social arrangements that arise without design in the course of collective life.” Selznick’s humanist science, manifestly predicated on the pragmatist tradition, rejected “the view that there is an unbridgeable gap between fact and value.” Indeed, it took the interdependence of fact and value as a given and recognized “the continuity of what is subjectively desired and objectively desirable” (2008, p. 31). Selznick pointed out that both Dewey, who believed values were grounded in people’s “natural social relationships”, and Santayana, “who found clues to excellence in the urgencies of organic life”, thought that “the idea of man in nature is a right image.” This organic, evolutionary account of values should not be understood in a deterministic framework, however. Naturalist explanations do not “ease the anguish or diminish the complexity of personal choice” (2008, 41). Indeed,
Selznick’s humanist naturalism involves a critical relationship with respect to the ideals and standards grounded in nature: “A natural disposition […] is not judged good just because it is ‘natural.’ We expect societies to promote or restrain natural tendencies, depending on whether they enhance or damage well-being, advance or retard the transition from immediate gratification to a deeper and more lasting satisfaction” (2008, 42). Approaching from a well-considered pragmatist position informed by a long career in sociological jurisprudence, Selznick arrives at roughly the same position as De Waal working from his analysis of primate life in groups.

The same fuzzy mix of is and ought, of fact and value, that characterizes the pragmatic perspectives above is also present in De Waal’s notion of “cultural naturals” alluded to earlier. The things that human beings or apes must do to flourish, are not provided by nature in a detailed script. Nature provides only rough guidelines and sets only broad demands, which human and primate groups in different times and places express in different ways. These demands of nature do not determine human cultures, but they do keep them on a leash: “Cultural naturals are not to be taken lightly. Although the role of learning may create the illusion of flexibility, it is impossible for our species to get around certain cultural institutions. In the same way that communism floundered because it went against human economic nature, rules against stable family arrangements tend to backfire” (De Waal 2001, p. 291). Many of these “cultural naturals” are so basic that they are often overlooked in studies of human cultures, “they are obvious to the point of being boring” (De Waal 2001, p. 275). These pedestrian aspects of human existence make up an immense common ground among cultures. Hence, as De Waal points out “even the most naïve visitors feel at home in cultures across the globe. Rather than having landed on Mars, they are among people very much like themselves. The issue of culture always needs to be placed in this larger context of how it builds upon rather than replaces universal human tendencies” (2001, p. 276-7).

4.3. Naturalism and Hermeneutics

“In the meantime, the chief task for ethologists and zoologists is to show that dual inheritance is not limited to our species. Apart from the already mentioned studies of cultural learning, which concentrate on the individual and its habits, a second major approach has been to compare entire groups or communities. Since this approach resembles ethnography, or cultural anthropology, the field is increasingly referred to as cultural primatology.”
(De Waal 2001, p. 266-67)
“...viewed from the towering cultural heights achieved by the human race in art, cuisine, science, and political institutions, other animals seem nowhere in sight. But what if we change perspective, and don’t measure them by our standards? This is what Kinji Imanishi proposed in the early 1950s by defining culture, not by technical achievements or value systems, but simply as a form of behavioral transmission that doesn’t rest on genetics.”

(De Waal 2001, p. 214)

Once the pragmatist rejection of dualisms in general, and the fact value dichotomy in particular, is fully incorporated in De Waal’s understanding of primate research, we think other, more specifically methodological, connections are worth exploring as well. For Dewey, the naturalist connections between natural science and ethics are part of a broader interconnection of what are traditionally the separate topics of the natural sciences and the humanities. Dewey’s focus on method in natural science, social science, pedagogy, ethics and art opens up a line of questioning concerning De Waal’s methodology. Since De Waal rejects the dichotomy of nature and culture, should he not also accept continuities between in the methods to study nature and culture? We want to argue that De Waal’s work displays certain features of the hermeneutical approach of the humanities and could benefit from incorporating hermeneutics in his scientific approach more extensively.

De Waal’s research depends partly on the standard methodology of natural science: experimentation as a way to gather data in order to corroborate hypotheses, and partly on sustained observation and recording of primate behavior in group settings, mainly in captivity. De Waal gives these methodologies a new twist. Experimentation seems to fit most neatly in a paradigm of behaviorism: especially when it involves the manipulation of conditions in order to provoke responses in test persons or animals. The hypotheses tested in this manner are hypotheses predicting certain behavior. However, De Waal is not a behaviorist: he attributes mental, intentional, states to primates, which are not in line with standard behaviorism. To phrase it in terms of the standard opposition, De Waal is not interested merely in explaining behavior; he also wants to understand it. As the title of one of his books puts it revealingly, he wants to get in touch with his “inner ape”.

The idea of understanding (or more aptly in German: Verstehen) is the key to the hermeneutical tradition in the humanities. Because De Waal is engaged in bringing down the wall between nature and culture, it is worth exploring what a hermeneutical approach, the core method of the study of culture, might bring to his
type of research. In line with the previous arguments, we will argue for a pragmatist hermeneutics.\textsuperscript{18} Hermeneutics can be regarded as a philosophical method for understanding and interpreting the meaning of both texts and actions. Hermeneutics has been used in the domains of theology, law and literature for centuries. And, ever since Max Weber it has been one of the main traditions in sociological and anthropological inquiry. The move from the humanities to the social sciences is a crucial step towards a hermeneutic approach in the life sciences more generally: there is in principle no reason to restrict hermeneutic inquiry to human action.

The possibilities for a hermeneutical version of primate research can be grasped when we consider the interactive aspects of such research. Trying to make sense of an ape’s actions as a researcher means bringing your own understanding of the world to bear upon an observation you do not understand. This requires a construction of the context of the action in question by combining observation with knowledge of primate activities and practices, which was gained in previous research. De Waal’s work is full of examples of experiments that failed because they did not approach apes in a way that was appropriate. If you want to understand ape behavior you have “to design experiments that engage them intellectually and emotionally” (De Waal 2005, p. 190). One way to contextualize primate behavior is by drawing on the insight that “humans are animals” and bringing knowledge gained in the study of human beings to bear upon primates (De Waal 2006, p. 65).

The potential limits of a hermeneutical naturalism also become apparent in De Waal’s own discussion of anthropomorphism. De Waal defends a scientific anthropomorphism, by which he means using human reasoning and intentionality to generate hypotheses about primate behavior (2006, p. 63). However, he stresses time and again that he merely uses human terms as a heuristic tool, as one option any serious scientist needs to include as a possible explanation of animal behavior. Understanding animal intentions is not a research goal in itself; it is a means to understand behavior. De Waal still measures the viability of the hypothesis by its success in predicting animal behavior (2006, p. 65). The question is whether the hermeneutics of understanding animal actions can be used in a more significant role than as a heuristic. Can hermeneutics be combined with a scientific methodology of experiments and systematic observations? This would mean giving hermeneutics a place in the whole of the empirical cycle of research, not only at the level of (speculative) theory.

A more pragmatist version of hermeneutics is helpful to suggest ways in which this might be done. One of the marks of pragmatism is an emphasis on human beings as organisms dealing with their environment, which means that pragmatism puts
humans in the same context as other animals. This framing makes the actions, the active interference with the environment, of any organism the central object to study. Pragmatist hermeneutics relates action, the behavioral-performative dimension, both to words, the symbolic-discursive dimension, and to the body’s expressions, the somatic-affective dimension. When you include the body as one of three equally significant dimensions that together constitute meanings, the connection to primatology is made easier, because it is to a large part the bodily dimension that gives us insight in the meaning of primate conduct. Thinking of meaning as the result of three interacting dimensions of an organism’s activities is also responsive to criticisms of the mind-body dualism. Another of the dualisms rejected by the pragmatists, the mind-body distinction is subject to similar criticism as the nature-culture distinction. Indeed, empirical studies do not warrant seeing mind as a separate entity (Johnson 2006, 50).

Looking at De Waal’s research methods, he seems least hermeneutic in the way he conducts his experiments. To a large extent, he respects the standard methodological requirements of the sciences: experiments should be replicable; it should be possible to predict behavior. However, he also makes much use of qualitative studies of specific incidents that occur spontaneously, in which he gives detailed descriptions of social context and interactions involved in, for instance, targeted helping by chimpanzees. In such qualitative studies, meaning of behavior can be constructed by paying close attention to significant action and emotional reaction. The interesting challenge from a hermeneutic point of view is to find an animal equivalent of symbolic or discursive signification. Although less conspicuous than actions and emotions, there are indications that apes communicate symbolically as well. Recent examples are observations of orangutans engaging in a form of pantomime: reenacting events in communication with others. One observation was of an orangutan taking a stick and pretending to cut open a coconut, as if the stick were a machete, all the while looking at her caretaker. The orangutan herself would never use a stick to tackle the coconut, but her caretaker would. The orangutan seems to communicate that she would appreciate some help. Although these events are not decisive by themselves, they do raise the question whether people denying symbolic signification by non-humans are not being overly strict. From a hermeneutic perspective, there seems little reason to deny it. As De Waal himself says: "Single events can be incredibly meaningful" (2005, p. 190). Moreover, there is also a great deal of evidence that Chimpanzee communities develop cultural conventions that are arbitrary and specific only to some groups, but not others. In other words, groups
develop traditions through social transmission and pass on their arbitrary conventions to the next generation (Bonnie et al. 2007).

A second avenue towards an animal-friendly hermeneutics can be found in the interpretive framework of cultural anthropology. Clifford Geertz formulates the essence of interpretive social sciences as “attempts to formulate how this people or that, this period or that, this person or that makes sense to itself and, understanding that, what we understand about social order, historical change, or psychic functioning in general” (1983, p. 22). Geertz advocates an open, pluralistic conception of hermeneutic method, urging researchers to approach their investigations with a method they deem worthwhile (1983, p. 21). Although the construction of the meaning of an ape’s action to the ape itself is more difficult than the construction of the meaning of human action, because the species barrier has to be crossed, there is nothing in primates’ social life that makes it impossible in principle. The way De Waal uses his observations of primate groups and his central concern with empathy, is already very close to anthropology’s hermeneutic method. De Waal pays particular attention to the context; not only of the species in question, but also of the specific group he is studying. His understanding of specific actions by a particular chimpanzee or capuchin monkey is always a careful reconstruction incorporating knowledge about the social structure of the group in question, the place and character of the individual ape or monkey, and minute observations of the interactions between that individual and his fellow group members. In the context of this effort, De Waal is keenly aware of the tension between scientific method and the centrality of the concept of empathy in his research. Until very recently “empathy” was not considered a proper topic for science. “Even with regard to our own species,” he notes, “it was considered an absurd, laughable topic classed with supernatural phenomena.” It was seen as “ill-defined, bleeding-heart kind of stuff, more suitable for women’s magazines than hard-nosed science.” Yet, this aversion of taking the ape’s point of view kept many researchers in primatology to declare what they witnessed in their observations, many instances of empathy, sympathy, fellow-feeling and consolation (De Waal 2009: p. 90-1). The difficulty lies in reconstructing subjective meaning from the ape's perspective, of course, the observer not being an ape himself. As De Waal says in relation to testing apes' theory of mind: “All that most of these experiments have done is test the ape's theory of the human mind. We better focus on the ape's theory of the ape mind” (2005, p. 189).

Like the classical pragmatists, De Waal is constantly engaged in combining two objectives: finding general, natural, inclinations, shared between species or within one species, and recognizing the specifics of a particular context. Like human beings,
apes have shared social histories with their group and they develop cultural patterns within that group. Thus, apes resemble humans in so many ways that research methods used to study human nature and culture are equally useful for understanding primate nature and culture.

5. Conclusion

Frans de Waal makes a forceful argument about the social nature of human beings and the importance of empathy and sympathy for human and animal life. By relating De Waal’s thought to John Dewey’s pragmatism we have sought to show the deeply pragmatic character of De Waal’s work: much like Dewey, he opposes dichotomies between nature and culture and he sees human sociality as an evolved character trait. De Waal's research is to be welcomed by pragmatists as creating an empirical base for pragmatist theory, showing how morality can be based on the empathic and sympathetic nature of primates. De Waal's theory, in turn, can benefit from the connection to pragmatism as well. Especially, Dewey's theory of moral conduct as open, contextual and adaptable makes it possible to argue that human beings can, naturally or socially, adapt to changing moral circumstances. In addition, the pragmatist rejection of dichotomies such as between fact and value and between the sciences and humanities make it possible to see De Waal as a pragmatist scientist who shows how values are based in natural fact and who applies hermeneutical methods in scientific observations.

6. Literature:


For an extensive discussion of the importance of individualism, rationality, and self-interest for liberal legal and political theory, see Strong Democracy: Participatory Politics for a New Age (Barber 1984, p. 26-92). Barber contends that much contemporary theorizing in political and legal theory proceeds within the realm of three pretheoretical frameworks: (1) the preconceptual frame of Newtonian politics characterized by materialism and atomism, (2) the epistemological frame of Cartesian politics with its focus on first premises and general and universal principles, and (3) the psychological frame of apolitical man, which views people as self-interested hedonists in a never-ending struggle for scarce resources. These are exactly the pretheoretical notions and assumptions, challenged by the work of De Waal.

Indeed, in his work The Idea of Justice Amartya Sen recently also tried to move political and legal theory away from the absolutes of the social-contract tradition on the basis of Smith's moral theory (2009, 2010).

Not surprisingly, the cognitive scientists George Lakoff and Mark Johnson rank the classic pragmatists among the very small group of “empirically responsible philosophers” (1999, p. 551-2). According to Johnson, pragmatism “appreciated the critical importance of modern evolutionary theory for our understanding of human nature,” and is “the most scientifically and philosophically sophisticated naturalistic, nondualistic approach to mind available to us even today” (2006, p. 48).

In the preface of The Age of Empathy, he notes that the global financial crisis produced a “seismic shift in society.” Avaricious greed is out, and empathy and social care are in (De Waal 2009, p. ix).

This should not come as a great surprise. In Descent of Man, Darwin himself draws on Adam Smith to inform his discussion of morality (2007 (1871, 1879), p. 167-8).

There is mounting evidence for a neural mechanism for empathy. So-called mirror neurons facilitate an automatic matching of emotional states, which produce shared representations and emotions: “Mirroring mechanisms permit one individual to resonate with the emotional state of another, thus priming this individual for the actions appropriate to the other’s state, such as when a mother is distressed at hearing the distress calls of her young resulting in comforting behavior.” (De Waal and Suchak 2010, p. 2712)

“There is something pitifully juvenile in the idea that ‘evolution,’ progress, means a definite sum of accomplishment which will forever stay done, and which by an exact amount lessens the amount still to be done, disposing once and for all of just so many perplexities and advancing us just so far on our road to a final stable and unperplexed goal. Yet the typical nineteenth century mid-victorian conception of evolution was precisely a formulation of such a consummate juvenilism” (Dewey 2007 (1922), p. 285).

See e.g. Baeten 2007.

Indeed, George Lakoff, manages to flesh out the pragmatist intuitions with persuasive detail. For Lakoff all moral reasoning is basically metaphorical. As a rule, moral reasoning involves conceptual metaphors that are rooted in basic human experiences of well-being. These basic experiences inform and structure our understanding of wider domains of the social world. The manifold metaphorical systems of morality, in other words, are all rooted in our fundamental nonmetaphorical experiences — basic notions like it is better to be healthy than sick, clean rather than filthy, warm rather than cold, up rather than down, in a community rather than alone, or cared for rather than uncared for. Such basic notions structure most of our moral imagination (Lakoff, 2002 (1996), p. 43). According to Lakoff, a fundamental aspect of this nonmetaphorical “experiential morality” — note the pragmatist connotations — “concerns promoting the experiential well-being of others and the avoidance and prevention of experiential harm to others” (2002 (1996), p. 41).

Dewey, in other words, already alluded to the way our preconceptual experiences of well-being could give rise to the conception of our moral systems in all their diversity, in much the same fashion as Lakoff (see: note 4).


An idea that Dewey still adhered to, see Dewey 1972 (1898), p. 41.

This account is still current and quite close, for instance, to the way Lakoff suggests non-metaphorical morality has developed into a plethora of metaphorical moral systems.
De Waal 2009, p. 163. This is not true for all economists. If you treat people as profit maximizers primarily interested in getting ahead, then this approach may very well crowd out any charitable motivations people have. This is the central lesson to be drawn from Bruno Frey’s work on crowding theory. Frey argues that introducing market incentives into a practice “crowds out” the intrinsic motivation that was the underlying mainspring of people’s actions before. If people suddenly get paid for donating blood, for instance, then the mere fact that it becomes a market transaction and ceases to be a charitable thing to do, may actually lead to a reduction of the amount of blood donated, for instance. The problem with market incentives is that they change the nature of the practice. There is a great deal of empirical proof that crowding-out effects are all too real and that efforts to improve performance through market incentives can often have opposite effects (See: Frey 2000; Frey and Jegen 2001; and Bohnet, Frey and Huck 2001.)

A well-known example is Peter Singer 1972.


Terminology derived from Shalin 2007, p. 198.

See e.g. the experiments done to establish the existence of cultural conventions among chimpanzees (Bonnie et.al. 2007).

The case of Jaky and Krom is described by De Waal (2006, p. 31-32). A similar approach to targeted helping by elephants is also recounted by De Waal (2009, p. 132-134).

According to a recent article by Anne Russon and Kristin Andrews (2010), ‘Orangutan pantomime: elaborating the message’.

See e.g. De Waal 2005