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Animal Ethics and the Problem of Direct Conflict

Why Current Theories Can't Offer Solutions

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ABSTRACT

Contemporary theories on animal ethics, particularly utilitarian and deontological accounts, can provide clear answers to questions of how animals should be considered ethically when humans and animals have different interests at stake. However, both accounts are unable to provide solutions in cases where both parties have a similar basic interest at stake; for example in direct, unavoidable conflicts for the same food, land or resources, seen when elephants destroy crops, baboons raid farms etc. By exploring Singer's utilitarian view and Regan's deontological accounts in detail, I will demonstrate that these approaches cannot solve conflicts of this kind since both parties are weighted equally. This will serve to highlight the importance of reconceptualising animal ethics in terms of an ethically relevant quality that can be held in degrees, and that an individual can have more or less of.

Keywords: animal ethics; deontology; direct conflict; ethical consideration; human-animal conflict; inherent value; sentience; speciesism; subject-of-a-life; utilitarianism.

1. INTRODUCTION

In this paper I begin my discussion with an account of what constitutes a direct conflict between humans and non-human animals, and how it differs from indirect conflicts. I then outline the basic tenets of utilitarianism as exemplified by Peter Singer, since it has arguably had a profound impact on the animal rights movement (Francione 1997, 76), and recognises that animals, as sentient beings, can experience pain and this should be avoided. I will also outline deontological approaches, particularly the

view proposed by Tom Regan, who places the importance on the individuals themselves and not only in their ability to feel pain, as is the case in the utilitarian argument.

I will demonstrate that both approaches have a number of potential weaknesses, particularly in solving cases of direct conflict, since both share the fundamental characteristic of basing ethical consideration on singular qualities that an individual either possesses or doesn't. I will demonstrate that they cannot offer solutions when both parties have the same ethically relevant quality, and the same interests at stake in a particular conflict. I will then conclude that while these approaches are successful generally (despite some problems in the underlying logic or application), they are not suitable for cases of direct conflict: here animal ethics needs to be reconceptualised in terms of a quality that can be present in larger and lesser extents, depending on the individual in question.

2. CONSIDERING CONFLICT: DIRECT AND INDIRECT CASES

When we speak of "direct conflict", we mean a conflict between interests that have more or less the same value, for example where the continuation of life is of interest to both parties. If we make the distinction between basic interests and peripheral interests, as VanDeVeer does (1979), there are basic interests, ones where the presence or absence of something makes it impossible for that individual to function as it normally would, and peripheral interests, which are not vital to these functions (*ibid.*, 153). Direct conflict, using this terminology, is then when a basic interest conflicts with another basic interest, not when a basic interest conflicts with another individual's peripheral interest. In other words, in an indirect conflict, the conflict can be resolved without leaving either party significantly worse off, for example an animal's interest in its own continued existence outweighs a human's desire to eat it purely because she finds it pleasurable. But in a direct conflict, there is no way to resolve the situation without one of the parties being harmed in some way. Examples of this will mostly be found in places where animals and humans share the same space and resources.

Sometimes direct conflict arises when animals cause harm to property and so indirectly to people's livelihood, for example elephants trampling crops or jackal killing livestock. The most striking examples of conflict, however, are when people and animals are in direct, physical conflict with each other. Hyenas often occupy the same living space as

humans, and in 2002 six people were killed by hyenas in less than a month in Malawi, where people often sleep outdoors (BBC 2002). Similarly, the capital of Ethiopia, Addis Ababa, is host to between three hundred and a thousand hyenas, who are known to attack people sleeping on the streets or digging up graves to eat corpses (Fletcher 2014). Current approaches to animal ethics do not give easy solutions to these types of conflicts.

The problem arises that any view of animal ethics that puts humans and animals on the same ethical footing, by giving them both the same ethically relevant qualities as Singer and Regan do, cannot make ethically relevant distinctions when the same interests are at stake for both parties. Singer himself acknowledges the following: “What, for instance, do we do about genuine conflicts of interest, like rats biting slum children? I am not sure of the answer” (Singer 1973, 15). We can be sure Singer is not advocating that the rats’ interests override those of the child, but that cases of direct conflict need more complex approaches. If all that is taken into consideration ethically is a singular quality that cannot be had in degrees, that we share with animals, then cases of genuine conflict cannot readily be resolved.

In the above example, the child’s interests are no more important than the rats’, and neither’s interests would get preference (of course assuming that both of these are basic interests). I will argue that neither Singer nor Regan’s approaches give ethically acceptable solutions, and that an account of animal ethics that allows for gradations of ethical status is imperative. Consider the previous example again; the child has an interest in not being bitten, and the rat has an interest in biting the child’s finger. If both these interests were considered basic, there is no obvious solution to this problem, as both human and rat are granted the same ethical consideration. The following two sections will explore this problem, both in utilitarian and deontological accounts, to more concretely demonstrate why a different approach is needed for these cases.

3. UTILITARIANISM

Peter Singer, in his book *Animal Liberation* (2009), creates a case for direct duties towards animals through a utilitarian argument, where ethical consideration is directly related to the ability to feel pain or pleasure, which in turn allows for the possibility of having interests, or preferences. I will briefly outline how this ability gives rise to equal consideration, and why not acting in accordance with this principle constitutes speciesism,

especially when looking at marginal cases. I will then consider possible objections to or shortcomings of a utilitarian argument, especially in relation to how it proposes to solve direct human-animal conflict.

Singer derives ethical obligations towards animals from what is generally called the sentience view, sentience described as “a convenient if not strictly accurate shorthand for the capacity to suffer and/or experience enjoyment” (Singer 2009, 8-9). He uses a utilitarian argument taken from Bentham, where suffering is the main criterion for ethical consideration. “The question is not, Can they *reason*? Nor Can they *talk*? But, Can they *suffer*?” (Bentham [1789] 1948, 311). Singer argues that, given that nonhuman animals experience pain and pleasure, we cannot ethically justify regarding their pain or pleasure as any less important than the pain or pleasure of humans (2009, 15). Singer justifies this argument by stating that it is precisely the capacity for suffering that is the “vital characteristic” that bestows equal consideration (*ibid.*, 7).

He further defends his principle of equality (which based on the above does not necessarily mean equal treatment) with the argument from marginal cases. According to this argument, if language, or the ability to express pain or pleasure through language, were the basis of ethical consideration, then humans without this ability would not qualify. Singer mentions marginal cases where humans, such as children or brain damaged adults, have less “awareness, self-consciousness, intelligence and sentience” (*ibid.*, 239-240) than other animals. If we would not treat those humans the same way we treat animals, for example performing experiments on them, then by the same logic we should not treat non-human animals in similar ways. In Singer’s view, refusal to follow this reasoning makes us speciesist.

Speciesism (analogous to racism or feminism) is defined as “a prejudice or attitude of bias in favour of the interests of the members of one’s own species and against those of members of other species” (*ibid.*, 6). Singer claims that, if we were to accept the argument from marginal cases, the only reason why we have less consideration for animals that are not human is because they do not belong to our species. The argument from marginal cases serves to demonstrate that human beings do not have a claim to their ethical status because of higher levels of intelligence or self-consciousness or awareness, but rather because of their species membership. For Singer, this is an unjustifiable basis for excluding animals from ethical consideration, just as race and sex are not justifiable bases for discrimination.

4. SHORTCOMINGS

Regarding the shortcomings of this view, I will start with a general critique of utilitarianism, before looking at shortcomings that arise particularly as it is applied to animal ethics, and to cases of direct conflict between humans and animals. Firstly, utilitarianism leads to generally unacceptable conclusions when answering questions of what is considered ethical. Secondly, one can argue that the ability to feel pain is not an adequate foundation for ethical status. Finally, the utilitarian argument falls short in offering solutions to human-animal conflict, and is in fact a type of argument generally used to justify cases where peripheral interests of people override direct or basic interests of animals.

Regarding the conclusions that follow from a classic utilitarian account, a lifeboat example is often used. In the example of an overcrowded lifeboat, where one must be thrown overboard, a person and a dog have the same basic interest at stake, and the same amount of utility is lost whether the dog or the person is thrown overboard (VanDeVeer 1978, 157). This claim is based on the view that an animal has exactly the same ethical status as a person, if they both roughly experience the same amount of pain in a given situation. This example of the lifeboat also illustrates a hypothetical example of direct-human-animal conflict, where a basic interest of an animal and a basic interest of a human being are in conflict, if it is the case that either the animal or the human must be thrown overboard and there is no difference between the two interests – not dying. If we focus on the amount of suffering though, Singer can provide a more adequate response, since we can argue that the death of a human, who can anticipate and dread the event, can experience more suffering than a dog, who cannot dread the event in a similar way. But still, we run into the problem that without any inalienable rights beyond the ability to experience pain and pleasure, individuals remain receptacles of value only. Thus, even if a human were to suffer more greatly from this death, that suffering could be outweighed if more dogs were involved and their suffering combined. The simpler suffering of two dogs in this scenario might be more than the more complex suffering of one human, and justify throwing the human overboard.

Furthermore, the ability to feel pain as a criterion for conferring ethical status is also problematic. Utilitarian thinkers try to find a characteristic for ethical status that is universal, and the ability to feel pain and pleasure seems to fulfil this difficult criterion. However, even this ability is not necessarily a universally shared characteristic. When someone loses

the ability to feel pain, such as in the rare condition known as “congenital universal indifference to pain”, or when persons are under the influence of anaesthesia or in comas (Fox 1978, 110), we do not automatically assume that they therefore no longer have any ethical status. However, if we follow utilitarian logic this is precisely the conclusion we are forced to make, since the ability to suffer and to enjoy is the foundation for ethical consideration.

Finally, if we consider the specific case of inter-species conflict, utilitarian accounts, such as Singer’s, where human pain and animal pain are weighted the same, do not seem to offer ready solutions. Singer himself acknowledges it when he considers the above-mentioned example of rats biting slum-children’s hands. If all that is taken into consideration is the ability to feel pain, then cases of genuine conflict cannot readily be resolved.

And while Singer’s utilitarian argument is intended to promote the ethical treatment of animals, in many cases, such as when animals are used in scientific experiments, utilitarianism is also the theory that forms the foundation for the justification of such experiments. The use and the results obtained from animal experimentation may be very beneficial to humans, making at least some animal experimentation a case of direct human-animal conflict, and here utilitarianism is often applied to see if the harm caused to animals through these experiments outweighs the potential benefits for humans. Utilitarianism also allows for peripheral interests to override basic interests so long as the utility received from those basic interests is less than the utility received from peripheral interests, so even experimentation that is not necessary could be justified in this way. Again, as long as a single scale of value is used, utilitarianism will always be subject to this criticism.

To give a concrete example, the South African Medical Research Council aims to only support “studies which contribute to the understanding of biology and environmental principles and to the acquisition of knowledge that can reasonably be expected to benefit humans, animals or the environment” (South African Medical Research Council 2004, 1). In this case the benefits are of a different type than the harms, experienced by a different type of species, with the benefits going to a different species as well. A common critique against utilitarianism in general appears here again; the difficulty of measuring harms and benefits on a single scale. Here we also see the trouble with predicting future results and accurately knowing whether the benefits will outweigh the harms, as we can only “reasonably” expect beneficial results of such experiments.

In general, the amount of human clinical utility during these cost-benefit assessments of animal studies appears to be overestimated widely (Knight 2012, 291).

To conclude, we see that a utilitarian approach, based on sentience, namely the ability to experience pain or pleasure as ethically relevant factor, manages to avoid speciesism by attaching the same value to the pain and pleasure of humans and animals. The conclusions it leads to are however problematic. Utilitarianism also fails to offer solutions to cases where humans and animals are in direct conflict with each other, since both parties are considered to have the same basic interests, and in practice, utilitarianism ends up being used to justify cases where peripheral interests override basic interests such as in the case of animals used for research, which is precisely what Singer's argument tries to prevent. It cannot tell us who's interests should be valued more (all other things being equal), nor can it attach any value to an individual beyond their ability to experience pain or pleasure. A deontological approach, where individuals have inherent value and cannot be treated as merely a means, manages to avoid some of these problems.

5. DEONTOLOGY

Tom Regan advocates a deontological theory of animal rights. He makes the argument that animals get their status from rights, not from utility as Singer maintains. On Regan's view, a "subject-of-a-life" (defined below) has inherent value and requires respect. He says (2004, 245) that if we ascribe value to all humans regardless of their ability to be rational, we ascribe this value to them because they are subjects-of-a-life. To be consistent, this value needs to be ascribed to every subject-of-a-life, whether they are moral agents or moral patients. He also accounts for when these moral statuses are in conflict or overlap, via what he calls the miniride and worse-off principles, which claim respectively that if we have to override rights, we should choose those of the smaller group, and that the lesser of two harms should always be chosen. Both these concepts will be elaborated on shortly.

Regan's argument states that any subject-of-a-life has inherent value and rights, which forbids others from treating them as a mere means. Entities or beings that are subjects-of-a-life have equal value, and share the same categorical status as each other (*ibid.*, 245). Being a subject-of-a-life is determined by the following factors:

[it] involves more than merely being alive and more than merely being conscious. [...] individuals are subjects-of-a-life if they have beliefs and desires; perception, memory, and a sense of the future, including their own future; an emotional life together with feelings of pleasure and pain; preference- and welfare-interests; the ability to initiate action in pursuit of their desires and goals; a psychophysical identity over time; and an individual welfare in the sense that their experiential life fares well or ill for them, logically independently of their utility for others and logically independently of their being the object of anyone else's interests. Those who satisfy the subject-of-a-life criterion themselves have a distinctive kind of value – inherent value – and are not to be viewed or treated as mere receptacles. (*Ibid.*, 243)

Regan looks at multiple justifications for certain animals satisfying this subject-of-a-life criterion, such as primates using sign language to communicate with humans and each other (*ibid.*, 12) and evidence from evolution that claims that consciousness has an adaptive advantage (*ibid.*, 18) which combines in a cumulative common-sense argument for animal consciousness (*ibid.*, 25). He takes this argument further through arguing that certain animals have beliefs and desires guiding their actions, based on evolutionary links and behavioural similarities between these animals and humans (*ibid.*, 36). Thus it is sufficient to say that there are justifiable reasons for assuming some animals can meet the requirements needed to be a subject-of-a-life.

Any animal, human or otherwise, possessing the above-mentioned qualities (having beliefs, memory etc.) is considered a subject-of-a-life, but what is then required of, or owed to, a certain individual might be different, dependent on whether they are moral agents or moral patients. Moral agents are individuals who have the ability to choose between acting morally and immorally by the use of a variety of mental abilities. Moral agents can be held morally accountable for what they do in most cases. Moral patients, on the other hand, do not possess the qualities necessary to control their actions in such a way that they could be held morally accountable for them (*ibid.*, 151-152). These individuals cannot do right or wrong, or be held morally accountable for their actions, but can be subjected to right and wrong treatment. This also means that we have duties to protect others from moral agents, for example protecting animals from human mistreatment, but we do not have duties to protect animals from moral patients, such as animals preying on other animals.

Finally, Regan takes into account that sometimes the right not to be harmed overlaps with the same right in someone else, especially in inter-species situations. Harm here refers to inflictions and deprivations,

which either diminish a subject-of-a-life's welfare by causing suffering, or by preventing them from pursuing their own welfare (*ibid.*, 187). He proposes two principles to deal with this overlap; *the minimum overriding*, or *miniride*, principle and *the worse-off principle*. The miniride principle is as follows:

Special considerations aside, when we must choose between overriding the rights of many who are innocent or the rights of the few who are innocent, and when each affected individual will be harmed in a *prima facie* comparable way, then we ought to choose to override the rights of the few in preference to overriding the rights of the many. (*Ibid.*, 305)

Secondly, the worse-off principle:

Special considerations aside, when we must decide to override the rights of the many or the rights of the few who are innocent, and when the harm faced by the few would make them worse-off than any of the many would be if any other option were chosen, then we ought to override the rights of the many. (*Ibid.*, 308)

This principle takes into account that not all harms are equal but can be compared, even when the same harm is inflicted on different individuals (*ibid.*, 303), for example a woman who is in the prime of her life when she dies creates more harm than if her senile mother were to die. Even though both suffer the same type of harm (losing their lives), the younger woman's loss is greater because she has more life (living years) to lose, thus making her harm greater.

6. SHORTCOMINGS

Regan's account manages to overcome many of the difficulties raised by a utilitarian argument. By introducing a subject-of-a-life criterion, it does not force us to weigh all animals equally, but rather, for example in the lifeboat case, we can say that a person is a subject-of-a-life whereas a different animal might not be; we could argue that it does not have all the criteria required for being a subject-of-a-life. And even if we argue that the other animal is a subject-of-a-life, Regan argues "the magnitude of the harm that death (of the animal or the person) is, is a function of the number and variety of opportunities for satisfaction it forecloses for a given individual" (*ibid.*, 351). Therefore the person can justifiably get preferential treatment over say a dog, since it has fewer opportunities for

satisfaction and fewer types of them, coming to the same conclusion (and as we will see, from the same logic) as the utilitarian argument. Secondly, it seems to offer solutions to direct conflict where utilitarianism cannot, through the miniride and worse off principles. Finally, it considers other mental qualities, not just the ability to experience pain and pleasure, as ethically relevant.

However, the deontological argument has its own shortcomings. Firstly, Regan's miniride and worse-off principles, which give us possible solutions to direct human-animal conflict, are difficult to reconcile with his notion of inherent value. Secondly, the notion of inherent value itself is not adequately explained, and drawing the line between those that have this value and those that do not also leads to some problematic conclusions.

Firstly, his worse-off principle commits us to choose in every situation the action that will leave the worst-off member the least worst-off. Jamieson gives the example of John being crippled and Mary is not. If we must either cripple Mary or give John a slight headache, it would advocate that we cripple Mary, because John would be worse off if he were crippled and had a headache than Mary who would only be crippled (1990, 361). The worse-off principle, in this case, is also in conflict with the miniride principle, for example blinding six people or blinding one (*ibid.*, 361). The miniride principle would advocate blinding only one, but if that one person were also deaf, the worse-off principle would say the six must rather be blinded. These examples are hypothetical, but they serve to show possible inconsistencies in the argument, and differences in outcome when applying the miniride or the worse-off principles.

Secondly, when he considers inherent value, Regan states that utilitarian views hold that individuals are "mere receptacles" for value. For him, individuals are inherently valuable, and this value is not dependent on the value of their experiences (such as how much pain or pleasure they can experience) nor in how much they are worth to others (how much pain and pleasure others can gain from them). Yet in his version of the lifeboat example, a human would get preference precisely because a human has a larger capacity for satisfaction – a fallback to utilitarian logic. Furthermore, inherent value is not necessarily reserved only for subjects-of-a-life:

the claim has not been made [...] that satisfying this criterion is a *necessary* condition of having inherent value. It *may* be that there are individuals, or collections of individuals, that, though they are not subjects of a life in the sense explained, nevertheless have inherent value [...], a kind of value that is

conceptually distinct from, is not reducible to, and is incommensurate with such value as pleasure or preference satisfaction. (Regan 2004, 245)

This view of inherent value is problematic, mainly because it does not give us a clear conception of what is required for a being to have it. While Regan does supply us with a criterion to be a subject-of-a-life, if non-sentient things can also have inherent value, as he alludes to in the previous paragraph, it is not clear what makes inherent value based on being a subject-of-a-life more important than that value possessed by a non-sentient thing.

We see when it comes to his solutions to solving direct conflict between humans and animals, his miniride principle turns out to be based on utilitarian instead of deontological foundations, and his worse-off principle leads to inconsistencies in his argument as a whole. This is why an approach that allows for degrees, or ethical qualities that can be held in greater or lesser degrees, is essential for cases of direct conflict.

7. SOLUTION

Both the aforementioned approaches create definite distinctions between who is deserving of ethical consideration and between those that possess a certain quality and those that do not. Because of this, neither can provide consistent solutions to cases of direct conflict. I argue firstly that a successful approach needs to allow for gradations, or levels of ethical consideration, since it can offer better solutions in direct conflict than approaches that draw a distinction between individuals that possess a certain quality and those that don't. Secondly, it needs to not focus on certain capacities only, such as the ability to feel pain or being a subject-of-a-life, because individuals might still be deserving of ethical consideration even if they lack these qualities.

Firstly then, an approach to animal ethics that can successfully resolve direct conflicts, needs to be able to allow for gradations, or levels of ethical consideration. Both the utilitarian and deontological approaches draw clear distinctions between those who receive ethical consideration and those who do not, in Singer's case those that can feel pain and those that cannot, and in Regan's, those who are subjects-of-a-life and those who are not. So in cases of direct conflict, where the two individuals or groups both possess the relevant quality, there is no way of making the decision without resorting to weighing numbers of individuals involved. With

Singer, this can be taken even further to the amount of pain and pleasure involved overall, instead of individuals. Regan does acknowledge that direct conflict between subjects-of-a-life poses a problem, but neither his miniride nor worse-off principle can offer consistent solutions.

What this means then, is that a successful approach will have to rely on a quality that can be had in degrees, and options such as intelligence, or the level of biological complexity of an animal, though potentially difficult to identify in different animals, could serve as useful indicators. A very oversimplified version of this could be that in a direct conflict (between humans and hyenas for instance), the smarter of the two (humans) should clearly be given preference. This might seem intuitively more acceptable and reasonable, and avoids the problems associated with accounts that create definite cut-off points for ethical consideration. However, this type of reasoning could very quickly become speciesist if the capacities chosen are those that are valuable to humans, and commonly or exclusively human capacities, and brings us to our second consideration, that of determining which qualities are truly ethically relevant.

There is the problem, here, of deciding which factors are ethically relevant in the first place, and secondly the conclusions it might lead to. If intelligence is considered ethically relevant, then we can argue that an unintelligent individual deserves less ethical consideration than a more intelligent one. For example, a chimpanzee might be more intelligent than a retarded child, which would force us to conclude that the chimpanzee deserves more ethical consideration than the child, and should they be in conflict, the chimpanzees' interests would be preferred over the child's. Or even more concerning, it could lead to the conclusion that amongst humans themselves, a highly intelligent individual is somehow more deserving of ethical consideration than a less intelligent one. Thus having only one specific characteristic or quality, even one that can be had in degrees, to form a basis for ethical consideration, is better than having a characteristic that an individual either has or does not have, as we can make distinctions. But if that quality ends up being speciesist, or discriminatory because it is based on factors that are not ethically relevant, it will remain problematic.

To return to Singer and Regan then, their approaches could also greatly be improved were they to present their ethically relevant qualities in a graded fashion; for example individuals could have more or less of a capacity to feel pain, or be more or less subjects-of-a-life. This would no doubt make their approaches more capable in cases of direct conflict. But again, consider the case of pain asymbolia: the absence of the abil-

ity to feel pain in an individual does not mean that we consider him/her ethically less deserving, hence pain on its own cannot be a justifiable foundation for ethical consideration. For Regan on the other hand, his argument is deontological, that is to say dependent on intrinsic values. It is precisely this intrinsic value that makes sure that certain other animals have the same consideration as humans, so we cannot treat them as less ethically relevant simply because we are a different species. Again, this is a good foundation for indirect conflicts, but struggles with direct ones. But were Regan to allow for gradations in his account this problem would be alleviated somewhat, but such an approach would very much contradict his view of value as intrinsic.

On our second point again, characteristics such as complexity or intelligence are in themselves not good enough to place one individual above another ethically, a smarter individual is not somehow entitled to more ethical consideration than a less smart one, otherwise we could use this same basis to discriminate between members of our own species. A quality needs to be found that is both something that can be had in degrees, and ethically relevant either in its own right, or because it either serves as an indicator of an ethically relevant quality. While this article merely aims to illustrate that an approach to animal ethics needs to be graded and the qualities focused on need to be refined, I will briefly mention here a strong contender for this ethically relevant quality: experiential consciousness, as the ability to be aware of yourself and your environment, and be able to respond to that environment based on that awareness, to greater and lesser degrees, and have even a vague sense of a self or "I" that this matters to. Both Singer and Regan value this ability to some extent: for Singer, being able to experience pain or pleasure is ethically relevant, but it is consciousness allows for an experiencer of these feelings, and even in cases where people cannot feel pain or pleasure, this does not take away their ethical status. There is still an experiencing subject that can be wronged, not just a receptacle for value. Regan also considers consciousness important in his subject-of-a-life, as an individual that is aware of and concerned for themselves. But he sees this as a quality that one either has or does not have, creating an unnecessary distinction.

When it comes to cases of direct conflict, experiential consciousness would be successful, particularly because it happens along a continuum, it allows for variations in how much ethical status it can confer, which is essential for any case of direct conflict. A certain animal might have very little sense of itself, and experience harms in less intense ways than an animal that has a well-developed sense of self.

Regarding the ethical relevance of the quality as well, experiential consciousness holds up. Generally we can agree that individuals would rather be conscious, to have their experiences *feel* like something (for example not simply eating a good meal, but having an experience of *what it is like* to eat the meal) than lose their conscious awareness, hence it must hold some value in itself. At the same time, consciousness allows for other features that we find valuable; being able to experience pain requires an individual conscious of that pain, being a subject-of-a-life involves awareness of oneself as a thing that can desire and try to meet those desires. Even in this brief consideration, we see that an approach such as this seems superior. Compared to approaches where you either have the quality that bestows ethical consideration or you do not, such as Singer or Regan's, cases of direct conflict seem quite unresolvable. Both parties are weighted equally, and solutions, where possible, will have to come down to utilitarian logic and numbers.

8. CONCLUSION

In conclusion, we see that most current and dominant views of ethical consideration of animals struggle with providing consistent and justifiable solutions to direct human-animal conflict. Utilitarianism is open to the criticism that it only considers pain as ethically relevant factor, and therefore, as long as both parties in a conflict situation have the ability to feel pain, there is no way to decide between the two. Deontological approaches do much to overcome these shortcomings, since they place the importance on the individuals themselves and not only in this ability.

Deontological theories, however, create a sharp line between those that have ethical consideration and those who do not, and do not allow for gradations, again making it unclear how to solve matters of conflict if both parties are subjects-of-a-life. Regan, who defends a deontological approach, does propose the miniride and worse-off principles, but as shown these invite their own problems.

This clearly demonstrates that when it comes to solving cases of direct conflict, we need an approach that is based on a quality that can be held in degrees, as well as one that is based on qualities that are truly ethically relevant, or can serve as foundations or indicators of qualities that are ethically relevant, a likely candidate being experiential conscious awareness.

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