This paper assumes as a general abstract norm that the specific potentialities of living beings should be fulfilled. No being has a priority in principle in the realization of its possibilities, but norms of increasing diversity or richness of potentialities put limits on the development of destructive lifestyles. Application is made to the mixed Norwegian communities of certain mammals and human beings. A kind of modus vivendi is established that is firmly based on cultural tradition. It is fairly unimportant whether the term *rights (of animals)* is or is not used in the fight for human peaceful coexistence with a rich fauna.

In recent years academic philosophers have paid increasing attention to the relations between human beings and other living creatures. One of the reasons for this is a tragic paradox. In the industrialized states the average material standard of living (measured conventionally) has reached a fabulously high level, the highest in the history of humankind. At the same time the number of animals, especially mammals, subjected to suffering and a severely restricted lifestyle in the richest countries has increased exponentially. Never have so many highly sensitive beings been cruelly treated for such flimsy reasons. The fact that the main effort against this trend has been organized by professionals engaged in lessening the economic crisis in Scandinavia has rendered it even more difficult than usual to make an impact on the political level. It is to be...
expected that cruel practices supported through economic considerations will flourish in spite of mounting public concern.

The way animals are treated is determined not only economically and politically, but also through sets of general attitudes and beliefs, some of which are philosophically relevant. Academic philosophers have here a great variety of problems from which to choose. “Do animals have rights?” is one that has been at the forefront.

In what follows I shall outline the skeleton of a pattern of argument, $T$, which concludes with a version of the maxim “Every living being should have an equal right to live and flourish.” If we wish to avoid too expensive an egalitarianism, “equal right” might be replaced by “equal right in principle.” The argument starts with “Potential ought to be maximally realized” or a similar sentence. Relying on various uses and connotations of “self,” we can also employ an expression such as “Maximal self-realization!” These formulations are (of course imperfectly) expressive of the single normative premise needed in $T$.

The potentialities of human beings in the form of achievements and lifestyles, and in other ways, are more complex and therefore greater than those of any other living beings on earth, at least at the present time. The maximal realization of these potentialities depends, however, on a vast number of conditions. Ecology (and especially human ecology) teaches us daily more about certain kinds of decencies. The manifestations of the capacity of sympathy and symbiosis teach us that there is a vast variety of ways of living together without destroying others’ potentials of realization.

Maximal realization of potentials implies the utilization of the existing diversity of life-forms and capacities. Among the factors reducing diversity are the relations of “exclusivity,” the dependence of the maximal realization of the potentials of one life-form on the non-maximal realization of potentials of some other forms. Clearly, a policy of restraining certain forms and lifestyles in favor of others is called for—in favor of those with high levels of symbiosis, or more generally, good potentialities of coexistence.

This seems to suggest a very active interference in nature: defending the hunted against the hunters, the oppressed against the oppressors. Here, though, ecology has taught us a very brutal lesson: our vast ignorance of the interdependence of life-forms and the often tragic consequences, for the hunted and the oppressed, of the elimination of the hunters and the oppressors. Interference has to be carried out with the utmost care.

There are various concepts of diversity in the ecological literature. Here I shall rely on a fairly narrow concept such that one may assert, “Maximal realization of potentials implies maximal diversity.”

Complexity, in the qualitative sense of many-sidedness of lifestyle and of manifestations of life in general, may be safely said to increase from protozoans to vertebrates. Increase of complexity makes increase of diversity possible. Maximal realization of potentials thus implies maximal development of levels of complexity and maximal diversity at each level.

In the argumentation pattern $T$, “Maximal complexity!” is derived either directly from the basic norm or indirectly through asserting “Maximization of diversity implies maximization of complexity.”

Among the classes of jointed-legged animals (anthropoda), insects may safely be said to show the most pronounced diversity. Scolopendrids are on roughly the same level of complexity, but do not show comparable diversity. The development of the nervous system is generally taken as proof of development of a capacity of joy and suffering, from vague feelings of lust or pain to extremely complex sentiments of positive, negative, or mixed kinds.

The relation of joy and suffering to self-realization is differently conceived with different philosophies. Our argument pattern makes use of Spinoza’s theories, asserting an inner relation between joy (laetitia) and increase of power of realization (potentia). Joy is not felt because of the realization of a potential but is part of the very process of its realization. Spinozist theories are important when linking utilitarianism to
self-realization conceptions of ethics.[1]

In spite of what has been said about the elimination of hunters and oppressors, we may safely assert as general maxims that “Exploitation reduces realization potentials” and “Subjection reduces realization potentials,” and derive “No exploitation!” and “No subjection!” Strict application of such slogans is, of course, utopian in the worst senses of the term. The formulation of the slogans may be said both to point to possibilities of argumentation and to suggest impasses and absurdities.

Diversity implies self-determination in one important way: the more each particular being acts out of its own particular conatus—to use Spinoza’s term—the greater is potential diversity. On the other hand, self-determination at high levels of complexity implies complex societies with complex relations. (I presuppose that the ecological difference between complexity and complication is taken into account. Complicated social relations reduce many-sidedness.)

To the maxims already introduced we now tentatively add “Maximum self-determination!”

The way in which I have talked about life-forms and lifestyles suggests that it is species and other collective units, not particular living beings, that realize potentials. I do not rule out the possibility of self-realization of collectivities but prefer to think only of particular beings, particular human beings, frogs, hookworms.

Many ecologists lament the preoccupation of ethics with particular specimens instead of populations. They demand a greater ethical concern for populations, for animal and human societies, and less preoccupation with the fate of individuals. Some add that the highest concern should be for ecosystems, not individuals, societies, or species. What is most needed is system ethics, especially strict ethical norms concerning the destruction of ecosystems. I presuppose in what follows that the arguments of these ecologists are taken seriously, but I nevertheless persist in thinking of the realization of the potentials of particular living beings.

So much for argument pattern $T$. Many contemporary authors reason along similar lines, as, for example, the author of “The right not to be eaten,” in evaluating diversity, symbiosis, and other factors. One of his conclusions is that

The natural telos is a diversified environment in which organic beings are capable of symbiosis as well as spontaneity (localized autonomy) and . . . any practice which inhibits the development of this type of environment ought to be discontinued. Since meat-eating is a conspicuous example of a human practice which has this effect, it should be discontinued, and a right not to be eaten should be ascribed to animals.[2]

Auxter’s ought-sentence may be derived from the basic norm of argument pattern $T$. The general ascription today—for example, by a resolution of the United Nations Assembly—of a right not to be eaten would, I think, elicit considerable mirth and some ire. Our author surely did not, however, have such a possibility in mind. More informal declarations of animal rights might well contain the ascription.

The assertion that “It is wasteful to sacrifice a more highly organized being when a lesser being will do” might be taken as a guideline indirectly derivable from the slogan “Maximize complexity!” Completely to destroy a highly organized being’s possibilities of realization is to eliminate more possibilities than when a less organized, and therefore on the whole less complex, being is sacrificed.

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1. From the above use of “realization of potentials” it is clear that the concept is wider than most concepts of self-realization in Western philosophy and psychology—for example, that of Maslow. It is more closely linked to concepts of life fulfillment and Eastern conceptions, among them Gandhi’s concept of self-realization. For more about this, see my Gandhi and Group Conflict (1974) and Ecology, Community and Lifestyle (1989). The concept is linked to capability (posse), that is, capacity to act with oneself as adequate cause. I do not pretend that these remarks are more than initial formulations in a dialogue on self-realization.

If the highly organized specimen is old and sick, people would tend to sacrifice it rather than the young, healthy, but somewhat less complex specimen. At this point I hope that most readers will feel a certain disgust at suddenly seeing the implication of a rigid application of such “measurements” of possibilities within the framework of human societies. Social Darwinism is just around the corner!

The relations of the “potentialities of realization” guideline to Donald VanDeVeer’s criterion of “two factor egalitarianism” are rather complicated.\(^3\) Let us, for example, take the relation of bears to sheep and to human beings. The eating of sheep flesh is not taken to be of a high “level or importance of interest” to bears in general. To some bears, however, it clearly is. Unfortunately, we are not able to help a bear give up that interest. Sheep owners, on the other hand, have a strong economic interest in keeping their sheep alive. Even if the compensation they receive for the loss of a sheep is enough to buy two new sheep, and they thus make a profit out of the killing, sheep owners have an interest in avoiding the killing. This has to do with local sheep owners’ personal relations to their sheep, their rejection of cruelty, and many other factors. They also attribute intrinsic value to bears, and thus, letting bears live is an interest in favor of maintaining intrinsic values. So much for adapting the terminology of “interest” to my own analysis. The transition to “potentialities of realization” terminology is not very problematic. Damage to interests corresponds to reduction of potentialities. Thus, severe threats to economic interests correspond to possibilities of severely reduced self-realization.

It belongs to the special capacities of human beings to recognize similarities and differences between themselves and other life-forms. Some differences elicit feelings of strangeness, fear, or dislike and favor attitudes of hostility, avoidance, or indifference. Similarities, like sensitiveness to pain or to behavior as if in pain, elicit sympathy and attitudes of identification. Relying on accounts of human nature like that of Spinoza, especially his account of free human beings in the later parts of part IV of the *Ethics*, I favor high levels of realization of human potentialities in terms of both intrinsic values and equal right (in principle) to live and flourish. Upon this general attitude, however, is superimposed a vast differentiation according to which form of life or which lifestyle is under consideration or—better—met with in action.

Remaining at the rather abstract level, I assert as part of argument pattern $T$: “the higher the level of realization of the potentials of a living being, the greater the dependence of further increase in level upon the increase of the level of other living beings.” What this says, in its extreme form, is that the absolutely highest level of self-realization cannot be reached by anyone without all others also reaching that level. (It is a kind of parallel to *mahāyāna* theories of highest levels of freedom.)

The view that human nature is such as ultimately to demand a sort of egalitarianism of life-forms in the biosphere may, of course, be judged simply wrong without disturbing the other arguments of the argument pattern. The view is mentioned here simply because, if tenable, it lends support to the ultimate normative premise stated at the beginning of this article.

**HOW, IF THE ABOVE IS ACCEPTED,** are we to implement or give expression to the norms stated? How are our policies toward animals to be stated and carried out in particular cases?

There are many ways of approaching these vast problems. I shall confine myself to mentioning, in order to illustrate one approach, the procedures of wild-animal “management” in Scandinavia, particularly in Norway, and I shall limit myself to considering two not very important species, the brown bear and the wolf.\(^4\)

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3. “Two Factor Egalitarianism assumes the relevance of two matters: (1) level or importance of interests to each being in a conflict of interests, and (2) the psychological capacities of the parties whose interests conflict” (VanDeVeer, 1979, p. 68).

4. What follows is inspired by the practical work of the bear inspector, and ecophilosopher, Ivar Mysterud.
Bears and human beings live in overlapping territories in southern Norway. Conflicts arise because some bears develop a habit of killing sheep. No sheep owner thinks that all bears in his area should be killed. The cultural pattern is such that bears are considered to have a right to live and flourish. They are considered to have a value in themselves. The problem is one of coexistence with human beings and with sheep.

When sheep are killed in southern Norway and a bear seems to have been responsible, an expert is called in. He investigates closely how the sheep have been killed and notes all signs of the presence of the bear. Knowing the various habits of practically all the bears of the area—even if he has not actually seen them—he is generally able to tell not only whether a bear has been there, but also which bear.

The sheep owner is paid an indemnity if the expert decides that a bear is responsible. If that bear has been guilty of similar “crimes,” a verdict may be reached that it has forfeited its right to existence. An expert bear hunter is given license to kill it, but if he does not succeed, a whole team of hunters is mobilized. (Somewhat inexplicably, bears are able under such circumstances to hide for years, which is deeply embarrassing as well as mystifying for the hunters.)

Many factors are considered before a bear is condemned to death. What is his or her total record of misdeeds? How many sheep have been killed? Does he or she mainly kill to eat, or does he or she maim or hurt sheep without eating? Is particular cruelty shown? Is it a bear mother who will probably influence her cubs in a bad way? Did the sheep enter the heart of a bear area or did the bear stray far into established sheep territory?

Even if the terminology of the argumentation for or against the death warrant differs from that of human trials, the social and ethical norms invoked are similar. One may speak of the area’s life community, a community comprising wild animals, domesticated animals, and human beings.

The use of the term community in this way does not satisfy the strong requirement proposed by Passmore (1975), but it satisfies that of Clark.[5] I myself accept broader senses of the term as perfectly legitimate.

The interaction among the members of the community is not systematically codified. How to do that, and in what terminology, is an interesting philosophical problem.

Sheep owners and others are interested in clarifying the norms because of an increasing friction between bears and human beings. For economic reasons sheep are no longer tended; the norm that sheep be protected against wild animals by the presence of a shepherd is invalidated through higher norms of profitability. The economy is capital-intensive, not labor-intensive.

As a result of the norm to make Norway more “self-reliant,” there is also now a government-supported norm to increase the number of sheep and the area of their grazing. Very old, established bear territories are being invaded. Added to this is the further complication that the number of bears is increasing.

If our current economic crisis does not worsen, a modus vivendi comparatively favorable to bears may ensue. If the crisis deepens, however, the bear territories will probably be “developed.” It will be found “necessary” to introduce more sheep. Bears will meet sheep more often—with bad consequences for both.

Ecologists who assess the destruction caused by bears, and who give advice to both sheep owners and representatives of the public, try to fulfill the wishes of sheep owners fully enough to ensure that the latter do not begin breaking the law by killing bears without a warrant. As professional students of bears and of impressive, old ecosystems, the ecologists think it would be wise for the public to give greater support to the interests of the bears than at present. The realization of such a policy presupposes that the public become better informed and that the economic crisis does not deepen.

Comparing Regan’s approach[5] to my own, I see mine as more a posteriori and less elitist. The ascription of rights to animals frequently occurs among “ordinary” people, that is, people without special formal education. It is their use of the term rights, rather than that of people versed in law or philosophy, that guides my own. Philosophers might find inconsistencies and obscurities in ordinary ways of using rights and similar terms, but I think that this is mostly because they do not acknowledge the intricacies of everyday usages.

A widely read Norwegian book on the rights of animals (Dyrenes rettigheter, 1974) and a pamphlet called Universal Declaration of Animal Rights (1978) elicited counterarguments, not complaints, that the key terms (rett, rettighet) were meaningless when applied to animals. Thousands subscribed to the declaration contained in the pamphlet. Others found its sweeping character utopian in the sense of completely unrealistic. Empirical, semantic analysis would, I think, make it plausible that rett as used in the texts and debates had fairly definite connotations. On the basis of such empirical work, I think philosophers may tentatively introduce conceptual frameworks incorporating the concept of animal rights.

It may be wiser, however, not to introduce the term right in codifications of norms covering animal-human interaction, or only to assert conditionals: “if we recognize that there are rights (at all), then . . .”[6]

We will mention wolves only briefly. Their cultural setting is very different from that of bears. There is a great respect for bears, whereas wolves are more dreaded than respected. A bear’s character traits are considered more sympathetic. Some people consider wolves dangerous: hungry wolves may attack human beings. (Most or all stories of such attacks in the last hundred years, however, have been found false or extremely doubtful.)

The very right to live is brought into the debate. In recent years, however, wolves have not been guilty of a single verified misdeed. They are rarely seen and very careful to keep out of trouble. There is, therefore, a reasonable chance that the life communities comprising a (fairly small) number of wolves will persist.

In referring to animals here, I have used the terms responsible, guilty, misdeed, crime, cruelty, and careful. They belong, together with the term right, to the vast number of words with connotations mostly found in debates on purely human behavior but also found in fairly precise argumentation involving the attitudes and behaviors of other species. It is sometimes important to be strict in keeping the two uses apart, but never wise to try to eradicate the wider ones.

People speak of the right of certain animals to hunt within certain territories, to drink at certain places along rivers, and to use certain trails. Thus, if the human use of such trails or the cutting of a road prevents the animal from using them, those actions are forbidden. There is also talk about the right to light and to movement, to free air, and so on, in mechanized agricultural societies. Instead of rejecting the possibility of there being such rights, I would recommend arguing for the same goals without using the terminology of rights.

McCloskey argues very carefully that animals cannot have rights if they do not have the relevant moral capacities:

Although there is limited evidence in respect of certain animals of a capacity for seeming “self-sacrificing,” “disinterested,” “benevolent” actions in limited, somewhat arbitrary areas, there is no real evidence of a capacity to make moral judgments, morally to discriminate when self-sacrifice, gratitude, loyalty, benevolence is morally appropriate, and more relevantly, to assess their moral rights and to exercise them within their moral limits. However,
further research on animals such as whales and dolphins, although seemingly not in respect of monkeys, apes, chimpanzees, may yet reveal that man is not the only animal capable of being a bearer of rights.\(^7\)

What seems to be lacking is a noncircular, convincing argument for the conclusion that animals must have certain moral capacities in order to have rights. In fact, I do not find any pro-arguments in McCloskey’s paper. Here, as in the case of Regan, I would study occurrences of the term *right* among ordinary people and inspect with interest its possible connotations, some of which seem non-contradictory and useful within certain limits.

Favoring a Spinozist ethics without a separate realm of morals, I would adhere to views expressed by ordinary people who ascribe rights to bears without attributing moral capacities to them.

I do not see any inconsistency in maintaining both the general maxim of species egalitarianism in principle (“the equal right in principle of all species to live and flourish”) and the norms that make it more difficult for a wolf than for a bear to be accepted as a member of a mixed community. The general maxim is a vague abstract guideline that has to be embedded in a philosophy of culture. This philosophy is again to be embedded in a social (including economic) framework connecting philosophy with daily life.

The codification of interrelationships between large, wild mammals and human beings is an interdisciplinary task calling for intimate cooperation among people from many walks of life. The same holds for other areas of present-day conflict between animals and human beings. Sprigge stresses that “the details of an acceptable code” of a certain kind “cannot be worked out solely on the basis of philosophical first principles” and requires the “combination of appropriate expertise with a developed moral sense.”\(^8\) I, too, would like to underline the importance of layman participation.

It is a good sign for those of us who represent academic philosophy that people seek an opportunity to talk over the problems from a wide perspective, including the religious and the philosophical.

REFERENCES


