

Animal Protection and Welfare: Contemporary Examinations

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Abstract: Advocates of the questioning of the dominant anthropocentric perspective of the world have been increasingly strongly presenting bioethical demands for a new solution of the relationship between humans and other living beings, saying that adherence to the Western philosophical and theological traditions has caused the current environmental, and not just environmental, crisis. The attempts are being made to establish a new relationship by relativizing the differences between men and animals, often by attributing specifically human traits and categories, such as dignity, rights and moral status to the so-called non-human living beings. According to the author, most controversies in the modern environment are caused by the intention to mix up the justifiable care for the protection of animals with attempts to include them into the area of par excellence human moral phenomenon. In this context, these are attempts to recognize a kind of their moral status, i.e. to attribute to them emotional, spiritual, and intellectual characteristics that are similar or identical to the ones that humans have. Difficulties are reflected in the fact that such a bioethics cannot set up and justify moral principles that would apply only to non-human living beings, as it is still justly claimed that man is the only living being that can act morally. In other words, the author believes that solutions or mitigation of the mentioned crisis are not in the simple Aesopeian levelling of animals “upwards,” but in an adequate paideutic approach which in humans will develop an inherent bioethical model of accepting them as creatures who deserve moral and decent treatment and respect.

Keywords: anthropocentrism; non-anthropocentrism; mankind; animals; contemporary examinations

The dignity of an individual is usually viewed from the perspective of the reasonableness of one's nature, and such nature is attributed primarily to man. Only he is considered to be liberated from the empire of goals, while the so-called non-human living beings associated to rela-

tions and relationships that exist in nature. Only men are aware of themselves and able to distance themselves from themselves in favour of higher goals, to relativize their own interests, up to self-surrender.¹ This gives him, as a moral being, an absolute status that justifies his characteristic dignity,² which entitles him not to be “enslaved” by anyone and that as a moral person he is not deprived of his own goals.

His unique dignity also generates his unique rights. In that sense, Article 1 of the “Universal Declaration of Human Rights” from 1948 states: “All human beings are born free and equal in dignity and rights.”³ And in Article 23 of the “Constitution of the Republic of Serbia” („Ustav Republike Srbije”) the constitution-maker states (trans. Željko Kaluđerović): “Human dignity is inviolable and everyone is obliged to respect and protect it.”⁴ This is not only an ontological statement, but at the same time a source of the law and therefore Article 3 of the “Constitution” stipulates (trans. Željko Kaluđerović): “Rule of law is a fundamental prerequisite for the Constitution which is based on inalienable human rights.”⁵

¹ Consult Jacques Derrida, “The Animal That Therefore I Am (More to Follow),” *Critical Inquiry* 28, no. 2 (2002): 369-418.

² Human dignity has often been linked to Immanuel Kant’s second formulation of the categorical imperative (trans. Allen W. Wood): “Act so that you use humanity, as much in your own person as in the person of every other, always at the same time as end and never merely as means.” (Original passage: Handle so, dass du die Menschheit sowohl in deiner Person, als in der Person eines jeden andern jederzeit zugleich als Zweck, niemals bloß als Mittel brauchst). Immanuel Kant, *Groundwork for the Metaphysics of Morals* (New Haven and London: Yale University Press, 2002), 46-47, also available at <https://www.projekt-gutenberg.org/kant/sitte/sitte.html>. See also Igor Eterović, *Kant i bioetika* (Zagreb: PERGAMENA, Centar za integrativnu bioetiku Filozofskog fakulteta Sveučilišta u Zagrebu, 2017), 104-110.

³ *The Universal Declaration of Human Rights*, <http://www.un.org/en/universal-declaration-human-rights/>.

⁴ *Ustav Republike Srbije* (Beograd: Kancelarija za saradnju s medijima Vlade Republike Srbije, 2006), 9.

⁵ *Ibid.*, 4.

The highest ranking legal act of Serbia seems to be written on the postulates of Kant's ethics, which strived to reach the highest ethics, while it developed the dignity of living beings and the rights stemming from it only for people, and thus indirectly contributed to the fact that until relatively recently the "dignity" of animals⁶ and "rights"⁷ of animals⁸ were never mentioned.⁹

The last around fifty years on the European continent were marked by dramatic changes in the area of ethical-moral and legal-political regulation of the protection and welfare of animals.¹⁰ They are the result of legislative activities of individual

⁶ The definition of "animal" cannot be easily or unambiguously determined. According to the *European Convention for the Protection of Vertebrate Animals used for Experimental and Other Scientific Purposes*, "Animal [...] means any live non-human vertebrate, including free-living and/or reproducing larval forms, but excluding other foetal or embryonic forms." In the Preamble of this convention it is stated that animals have capacity not only for suffering but also for memory, so therefore man has a moral obligation to respect all animals. Available at <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168007a67b>.

⁷ On the relationship of the "rights" of animals and "welfare" of animals consult *Encyclopedia of Bioethics* I, ed. Stephen T. Post (New York: Macmillan Reference USA, 2004), 183-215.

⁸ See Boris Sirilnik, Elizabet de Fontene, Piter Singer, *I životinje imaju prava* (Novi Sad: Akademska knjiga, 2018), 15-97.

⁹ Consult Hrvoje Jurić, "Životinjska duša i životinjska prava," *ARHE* VI, no. 12 (2009): 107-120.

¹⁰ Animal welfare is usually, however estimated based on internationally accepted concept of the so-called "Five Freedoms." 1. Freedom from hunger and thirst: by ready access to fresh water and a diet to maintain full health and vigour, 2. Freedom from discomfort: by providing an appropriate environment including shelter and a comfortable resting area, 3. Freedom from pain, injury or disease: by prevention through rapid diagnosis and treatment, 4. Freedom from fear and distress: by ensuring conditions and treatment which avoid mental suffering, and 5. Freedom to express normal behaviour: by providing sufficient space, proper facilities and company of the animal's own kind. See https://www.aspcapro.org/sites/default/files/ASPCA_5Freedoms_Vertical1_0.pdf.

states¹¹ as well as of the transposition into the national legislation of a large number of relevant documents adopted under the auspices of the European Council and the various decisions of the bodies of European Union, and of the standardizing of the legislations of European countries.¹²

During this period, at least seven conventions dedicated to the welfare of animals were adopted: “European Convention for the Protection of Animals during International Transport” (1968);¹³ “European Convention for the Protection of Animals kept for Farming Purposes” (1976);¹⁴ “European Convention for the Protection of Animals for Slaughter” (1979);¹⁵ “Convention on the Conservation of European Wildlife and Natural Habitats” (1979);¹⁶ “European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes” (1986);¹⁷ “European Convention for the Protection of Pet Animals” (1987),¹⁸ and

¹¹ Germany is the first country in the European Union, which based on an amendment to its “Constitution” from 2002 provided the highest standards of legal protection of animals at the federal level. See <https://www.theguardian.com/world/2002/may/18/animalwelfare.uk>.

¹² For more detailed consultations on the perspectives and achievements of bioethical institutionalization in the European Union see Iva Rinčić, *Europska bioetika: ideje i institucije* (Zagreb: PERGAMENA, 2011).

¹³ *European Convention for the Protection of Animals during International Transport*, <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/065>.

¹⁴ *European Convention for the Protection of Animals kept for Farming Purposes*, <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/087>.

¹⁵ *European Convention for the Protection of Animals for Slaughter*, <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/102>.

¹⁶ *Convention on the Conservation of European Wildlife and Natural Habitats*, <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/104>.

¹⁷ *European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes*, <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/123>.

¹⁸ *European Convention for the Protection of Pet Animals*, <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/125>.

“Convention on the Protection of Environment through Criminal Law” (1998).¹⁹ In the context of the treatment of animals, it is important to mention the “Protocol on Protection and Welfare of Animals” (1997), which recognizes animals as sentient beings, and “the Community and the Member States shall pay full regard to the welfare requirements of animals.”²⁰

The majority of the adopted laws and regulations reflect the predominantly practical-ethical or bioethical²¹ understanding of animals, i.e. the evolution of attitudes of legislators towards the environment, animal life as its integral part, and even towards animals as individual beings or creatures by themselves, their overall integrity and well-being. The meaning of such animal protection was, and still is anthropocentric in nature, since in its center are not animals as such, but different interests of man and society as a whole, such as the protection of human health, economic development and development of various economic branches, animal husbandry, hunting, fishing, protection of public morality, order and good practice and feelings of man towards animals²² as well as the economic interests of animal owners.

The dominant anthropocentric²³ image of the world, and the ensuing consequentialist relation of man to nature and animals, has been questioned over the last decades by non-anthropocentric expansion of ethics, and by ever louder posing

¹⁹ Convention on the Protection of Environment through Criminal Law, <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/172>.

²⁰ *Protocol on Protection and Welfare of Animals*, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12006E%2FPRO%2F33>.

²¹ Consult Ivana Zagorac, *Bioetički senzibilitet* (Zagreb: PERGAMENA, Znanstveni centar izvrsnosti za integrativnu Bioetiku, 2018), 155-167.

²² About what an animal is to man and what is man to animal see Nikola Visković, *Kulturna zoologija* (Zagreb: Jesenski i Turk, 2009).

²³ Aristotle's paragraph from the *Politics* (1256b15-22) is emphasized as a paradigm of the leading western tradition and its unquestionable anthropocentrism. Consult, for example Peter Singer, *Oslobodenje životinja* (Zagreb: Ibis grafika, 1998), 158. See also Жељко Калуђеровић, Ана Миљевић, „Стагиранин, Ерешанин и не-људска жива бића,” *ARHE* XVI, no. 31 (2019): 106-118.

of bioethical demands for a fundamental and new settlement of relations between humans and other living beings.²⁴ Attempts are being made to establish a new relationship by relativizing the differences between man and non-human living beings, i.e. by attributing specifically human qualities and categories, such as dignity, rights and moral status, to animals,²⁵ but also, especially in regards to plants, of the ability of sight, feeling, memory, communication, consciousness and thinking.²⁶

The question may be raised as to how this, by non-anthropocentrists increasingly bioethically required “dignity” of animals, and the resulting animal “rights” are regulated,

²⁴ Some of the leading authors, whose views are representative of contemporary discussions about the new regulation of the relationship between humans and animals are undoubtedly Peter Singer (*Animal Liberation, Writings on an Ethical Life*), Tom Regan (*The Case for Animal Rights, All That Dwell Therein*) and Klaus Michael Meyer-Abich (*Praktische Naturphilosophie, Wege zum Frieden mit der Natur*). They, to put it briefly, believe that animals are beings capable of suffering, which have their own interests and needs that are partly similar to the basic needs of men; if there is such a similarity, then, the principle of equality requires that the interests of animals are respected equally as the similar interests of humans; animals finally have their own value, which for some derives from their consciousness, while for others additional importance lies in the kinship of humans and animals. Consult Željko Kaluđerović, “The Reception of the Non-Human Living Beings in Philosophical and Practical Approaches,” *Epistēmēs Metron Logos* 4, no. 4 (2020): 18-31. See also Džozef R. de Žarden, *Ekološka etika* (Beograd: Službeni glasnik, 2006), 193-200; Jeff McMahan, *The Ethics of Killing* (Oxford: Oxford University Press, 2002), 194-203.

²⁵ About the concept of co-called “Animal ethics” consult: *Encyclopedia of Environmental Ethics and Philosophy*, ed. John Baird Callicott, and Robert Frodeman (Farmington Hills, MI: Macmillan Reference USA, 2009), 42-53; Dale Jamieson, *Ethics and Environment* (Cambridge: Cambridge University Press, 2008), 112-120.

²⁶ More elaborately on these and similar dilemmas see in the book of the prominent biologist Daniel Chamovitz. Daniel Chamovitz, *What a Plant Knows, A Field Guide to the Senses* (Scientific American / Farrar, Straus and Giroux, 2017, first published 2012).

and whether they are aligned with the consideration of the “moral status” of animals. According to the “Law on Animal Welfare of the Republic of Serbia” („Zakon o dobrobiti životinja Republike Srbije”),²⁷ Article 4, the basic principles of the protection of animal²⁸ welfare are based on the so-called pathocentric concept, since it focuses on the “universality of pain,” and Article 2 states that the welfare of animals, that is regulated by this law, refers to the (trans. Željko Kaluđerović): “Animals that can sense pain, suffering, fear and stress.”²⁹ When the second point of Article 4 of the “Law on Animal Welfare” stipulates that the principle of caring for animals (trans. Željko Kaluđerović): “implies a moral obligation and the duty of man to respect the animals and take care of the life and welfare of animals,”³⁰ it only shows that it is the obligation of man to protect animals, and it does not entitle the animals the “right” to that protection. This, therefore, refers to the moral duty of man, and not to the “right” of the ani-

²⁷ The “Law on Animal Welfare of the Republic of Serbia” was posted on the website of the Ministry of Agriculture, Forestry and Water Management of the Republic of Serbia (Ministarstvo poljoprivrede, šumarstva i vodoprivrede Republike Srbije) on 19 January 2009 and became effective on 10 June 2009. *Zakon o dobrobiti životinja Republike Srbije*, https://www.vet.minpolj.gov.rs/legislativa/zakoni/Zakon_o_dobrobiti_zivoitnja.pdf. However, the idea of a human relationship to animals and their protection was regulated in Serbia in 1850 i.e. 1860. Consult Ana Batrićević, *Krivičnopravna zaštita životinja*, http://www.prafak.ni.ac.rs/files/disertacije/Ana_Batricevic_Krivicnopravna_zastita_zivotinja_2012.pdf, 66-75.

²⁸ In Article 5, point 13 of the *Law on Animal Welfare of the Republic of Serbia*, the “animal” is defined reductively but unambiguously as any vertebrate which has a capacity to feel pain, suffering, fear and stress. *Zakon o dobrobiti životinja Republike Srbije*, https://www.vet.minpolj.gov.rs/legislativa/zakoni/Zakon_o_dobrobiti_zivoitnja.pdf.

²⁹ *Zakon o dobrobiti životinja Republike Srbije*, https://www.vet.minpolj.gov.rs/legislativa/zakoni/Zakon_o_dobrobiti_zivoitnja.pdf. Besides the pain, suffering, fear and stress, it is usually added that animals can feel panic as well.

³⁰ *Ibid.*

mals.³¹ The rights holder can only be a man, because he alone has the dignity of personality, which is an attitude that is in accordance with the usual anthropocentric theses, and it does not differ much from the majority of similar norms in other European countries.³²

Article 7, paragraph 1, of the “Law on Animal Welfare” states that it is forbidden “to abuse animals,”³³ while in paragraph 3 of the same Article it is prohibited to (trans. Željko Kaluđerović): “Deprive an animal of life, except in cases and in the manner prescribed by this Law.”³⁴

Such argumentation is substantially getting closer to the recognition of the “dignity” of animals. Of course, the trouble with such regulations is an animal is not a legal subject pursuant to the laws of the state, and therefore it cannot even sue anyone, despite the law on their welfare being adopted in

³¹ See Evangelos D. Protopapadakis, “Animal Rights, or Just Human Wrongs?” in *Animal Ethics: Past and Present Perspectives*, ed. Evangelos D. Protopapadakis, 279-291 (Berlin: Logos Verlag Berlin GmbH, 2012).

³² For example, *Law on Animal Protection of the Republic of Croatia* (Zakon o zaštiti životinja Republike Hrvatske), <https://www.zakon.hr/z/257/Zakon-o-za%C5%A1titi-%C5%BEivotinja>, *Law on Animal Protection and Welfare of Bosnia and Herzegovina* (Zakon o zaštiti i dobrobiti životinja Bosne i Hercegovine), <https://www.paragraf.ba/propisi/bih/zakon-o-zastiti-i-dobrobiti-zivotinja.html>, or *Law on Animal Protection and Welfare of Montenegro* (Zakon o zaštiti dobrobiti životinja Crne Gore), <https://epa.org.me/wp-content/uploads/2017/12/zakon-o-zastiti-dobrobiti-zivotinja.pdf>.

³³ Article 1 of the *Law on Animal Welfare* states (trans. Željko Kaluđerović): “This law regulates the welfare of animals, rights, obligations and responsibilities of legal and physical persons, i.e. entrepreneurs, for the welfare of animals, treatment of animals and protection of animals against abuse.” *Zakon o dobrobiti životinja Republike Srbije*, https://www.vet.minpolj.gov.rs/legislativa/zakoni/Zakon_o_dobrobiti_zivoitnja.pdf. For more details about the concept of responsibility consult Željko Kaluđerović, “Bioethics and Hereditary Genetic Modifications,” *Conatus – Journal of Philosophy* 3, no. 1 (2018): 31-44.

³⁴ *Zakon o dobrobiti životinja Republike Srbije*, https://www.vet.minpolj.gov.rs/legislativa/zakoni/Zakon_o_dobrobiti_zivoitnja.pdf.

the National Assembly. Lawsuits cannot be filed on behalf of injured parties that are pigs or hens, since they are animals, and animals cannot participate in any court proceedings.³⁵

Article 6, paragraph 1 of the “Law on Animal Welfare” states that the owner or holder of the animal is obliged to (trans. Željko Kaluđerović):

Treat the animal with the care of a prudent owner and to provide conditions for keeping and care of animals that correspond to the species, breed, sex, age, as well as physical, biological and production specifics and characteristics of the behaviour and health of the animal; ... The owner or keeper of the animal is responsible³⁶ for the life, health and welfare

³⁵ Consult, for instance, https://www.washingtonpost.com/archive/politics/1988/08/07/european-seal-herd-perishing/232cffdb-9d38-4feb-b710-bf371965ad06/?noredirect=on&utm_term=.9408f6d6c3f6, and <https://www.cbsnews.com/news/chronology-of-mad-cow-crisis/>.

³⁶ Ante Čović believes that most of the discussions about the responsibility of man for non-human living beings occur within the so-called ethics of animals, whose task is to determine the “moral status of animals,” and in the framework of advocacy for “animal rights.” He adds that in this context, the “absurd method of speciesistic levelling” has been established, which appears in two of its forms (trans. Željko Kaluđerović): “As the Aesopian approach of ‘levelling in ascending order,’ which consists in anthropomorphic adherence to non-human living beings specifically of human qualities and categories, such as dignity, moral status, rights, etc., and as a Singer’s approach of ‘levelling in descending order,’ which consists in zoomorphic reduction of specifically human characteristics and categories. Both methods have the same goal – to level differences between man and other living beings with the ability to sense based on the wrong assumption that this is a good way to develop moral considerations and legal obligations towards non-human members of the sensitive community.” See Ante Čović, “Biotička zajednica kao temelj odgovornosti za ne-ljudska živa bića,” in *Od nove medicinska etike do integrativne bioetike*, ed. Ante Čović, Nada Gosić, Luka Tomašević (Zagreb: PERGAMENA / Hrvatsko bioetičko društvo, 2009), 37.

of the animal and must take all necessary measures to ensure that no unnecessary pain, suffering, fear and stress or injury is inflicted on the animals.³⁷

Despite this very well-conceived and harmonized with the highest European standards text, the life of animals in the stays or their position during transport is still quite poor.³⁸ The answer to why this is so partly lies in the fact that there is no concretization of general legal norms of such laws in the legislation, and partly because the adopted regulations limit the minimum standards that are not consistent with the high goals that are postulated by such laws. The rest happens simply because the state control is weak and/or because of the logic of capital, namely these things happen because it is necessary to produce as much meat as possible with as little cost as possible.

Regardless of the fact that the “Law on Animal Welfare” is “a matter of general interest,” because the need for it is imposed by the process of integration of the Republic of Serbia into the European Union and harmonization of the regulations with the EU directives, in itself it does not prohibit any injury or damage to animal health, but only prohibits (trans. Željko Kaluđerović): “Stunning, or depriving the animal of life contrary to the provisions of this Law.”³⁹

After all, Article 15 of the “Law on Animal Welfare” sets out the nine bases on which an animal may be deprived of life “in a humane manner.” These include points 3 and 4, according to which an animal can be slaughtered if it is to

³⁷ *Zakon o dobrobiti životinja Republike Srbije*, https://www.vet.minpolj.gov.rs/legislativa/zakoni/Zakon_o_dobrobiti_zivoitnja.pdf. Consult Article 5 of the *Universal Declaration of Animal Rights*: “Any animal which is dependent on man has the right to proper sustenance and care.” Available at <https://constitutii.files.wordpress.com/2016/06/file-id-607.pdf>.

³⁸ On industrial livestock production see Tomislav Krznar, *Znanje i destrukcija* (Zagreb: PERGAMENA, 2011), 158-162.

³⁹ *Zakon o dobrobiti životinja Republike Srbije*.

be used for food, and if it is used for scientific and biomedical purposes.⁴⁰ In the collision of rights, traders of cattle and scientific institutions are favoured, since they can rely on their basic rights to freely exercise their own profession, as well as to the freedom of scientific research,⁴¹ namely to the rights guaranteed to them by the highest legal act of the state, the “Constitution,” while the “Law on Animal Welfare” is an act of a lower ontological rank, that is, a derived act.

If there is an intention to really take care of the protection of animals, it is certainly not enough to devote to them one state goal that protects them so to say indirectly; instead, according to non-anthropocentrists, they should be given the “rights” that are similar to basic rights, to which a lawyer could refer to on their behalf when filing a lawsuit, and which can directly compete with the basic rights of sci-

⁴⁰ Except in the *Law on Animal Welfare of the Republic of Serbia*, experiments with experimental animals are also regulated in the various rulebooks, such as the *Rulebook for working with experimental animals at the University of Novi Sad* (Pravilnik za rad sa ogleđnim životinjama Univerziteta u Novom Sadu). This *Rulebook* states (trans. Željko Kaluđerović): “Protected animal species, experimental procedures (ethical and non-ethical), principles of ethics of experimental work on animals, competence of researchers for such work, composition and manner of establishment of the Ethics Committee for the protection of the welfare of experimental animals at the University of Novi Sad as well as the scope of work, tasks and rules of work of the committee (hereinafter: the Ethics Committee), the procedure for obtaining an opinion on experimental work on animals by the Ethics Committee, as well as the procedure in case of non-compliance with the rules of operation of the Ethics Committee and decisions made pursuant to the Rulebook.” See <https://www.uns.ac.rs/index.php/univerzitet/javnost-rada-2/dokumenti/aktiuns/send/35-pravilnici/141-pravilnik-za-rad-sa-oglednim-zivotinjama-2>.

⁴¹ Consult AAAS Committee on Scientific Freedom and Responsibility, *Scientific Freedom and Responsibility* (Washington, DC: American Association for the Advancement of Science, 1975), 5, <https://www.aaas.org/sites/default/files/SRHRL/PDF/1975-ScientificFreedomResponsibility.pdf>.

entists, meat producers and those who carry out the transport of animals. How could these basic “rights” of animals look like?⁴²

Firstly, animals should be granted the “right” of respect for their animal “dignity,” “the right” that will protect them from abuse in experiments.⁴³ The conflict between monkeys, dogs and cats harassed in experimental laboratories,⁴⁴ on the one hand, and the interests of medicine, pharmaceutical industry, and researchers on the other hand, could induce people to finally seriously assess whether animal suffering⁴⁵ is in a proper relationship to the benefit for man that comes out of it.⁴⁶ In

⁴² Parts of explanations and comments that follow have been taken and paraphrased from: Kristijan Zajler, “Dostojanstvo životinja i zakoni ljudi,” *Sloboda za životinje* 1 (2006): 15.

⁴³ On scientific experiments on animals see Michele Aramini, *Uvod u bioetiku* (Zagreb: Kršćanska sadašnjost, 2009), 403-405; Raymond G. Frey, “Animals and Their Medical Use,” in *Contemporary Debates in Applied Ethics*, ed. Andrew I. Cohen, and Christopher H. Wellman (Oxford: Blackwell Publishing, 2005), 91-103.

⁴⁴ At the universities in the Great Britain only, around 1,300,000 animals were killed in 2012 for research purposes. A little less than one million killed animals were mice, and among other animals there were fish, rats, frogs, birds, hens, reptiles, as well as 124 monkeys, 10 dogs, 2 cats and 6 emus. See <https://www.dailymail.co.uk/news/article-2503359/British-universities-killed-1-3m-animals-research-year-including-million-mice-10-dogs-emus.html>. On the occasion of the World Day for Animals in Laboratories (WDAIL) of the associations Fenix, Hope for animals - Riska and Link Plus informed the public that every year around 150 million animals are killed in various experiments in the world. See <https://www.telegraf.rs/vesti/1537818-jezivo-150-miliona-zivotinja-strada-svake-godine-zbog-surovih-eksperimenata-uznemirujuci-video>.

⁴⁵ At the end of the well-known passage about the non-human part of animal creatures, which, as is often stated, is a departure from the mainstream of Western philosophy, Jeremy Bentham claims “The question is not Can they reason?, or Can they talk?, but Can they suffer?” See Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, 144, available at <https://www.earlymoderntexts.com/assets/pdfs/bentham1780.pdf>.

⁴⁶ Article 6 of the *Universal Declaration of Animal Rights* states: “Experi-

this assessment, it will be also significant whether the dignity of man justifies to deprive other living beings of their “dignity” in order to carry out experiments⁴⁷ on them, whose expediency is questionable at least in some situations.

Animals should, furthermore, be guaranteed the basic “right” to life⁴⁸ appropriate to their species, the view that is based on the parts of the fourth and fifth articles of the “Universal Declaration of Animal Rights:”

Wild animals have the right to live and reproduce in freedom their own natural environment [...] Any animal which is dependent on man has the right to proper sustenance and care.⁴⁹

This also applies to the fundamental “right” of animals to life. As long as modern societies are, for various reasons, meat-eating societies, it will be possible only to gradually implement this

ments on animals entailing physical or psychological suffering violate the rights of animals. Replacement methods must be developed and systematically implemented.” *Universal Declaration of Animal Rights*, <https://constitutii.files.wordpress.com/2016/06/file-id-607.pdf>.

⁴⁷ Some philosophers (Clement of Alexandria, Moses Maimonides, Tomas Aquinas, Immanuel Kant and some contemporary authors) as an argument why animals should not be experimented with, stated the subsequent potential dehumanization of man himself. In a similar way, the ‘father’ of European bioethics Fritz Jahr claims: “[...] Senseless cruelty towards animals is an indication of an unrefined character becoming dangerous towards the human environment as well.” See Fritz Jahr, “Animal Protection and Ethics,” in *Fritz Jahr and the Foundations of Global Bioethics. The Future of Integrative Bioethics*, ed. Amir Muzur, and Hans-Martin Sass (Berlin, Münster, Wien, Zürich, London: Lit Verlag, 2012), 10.

⁴⁸ Ivan Cifrić writes in detail about the right of animal species to life, different theoretical approaches, as well as the results of the research of the respondents on this subject. Ivan Cifrić, *Bioetička ekumena* (Zagreb: PER-GAMENA, 2007), 209-232.

⁴⁹ *Universal Declaration of Animal Rights*, <https://constitutii.files.wordpress.com/2016/06/file-id-607.pdf>.

basic “right” of animals and therefore anchor it only in the vicinity of closer legal regulations. This basic “right” would primarily prohibit the excessive production of animals for slaughter, which then also leads to their destruction. Then, in order to gradually achieve the protection of life for the benefit of animals, a different programming of eating habits of new generations of people would have to occur.⁵⁰

In guaranteeing the basic “rights” to animals, which, in addition to determining the state’s goal, should also enter into the “Constitution,”⁵¹ all of this could be taken into consideration

⁵⁰ The facts that vegetarianism and veganism are not types of diet that have appeared in modern times, but that they have roots in ancient Greece are well illustrated by examples from the Presocratic era. Pythagoras’ and Empedocles’ followers, for example, indicate that men are kin not only to each other or with the gods, but with living beings which do not have the gift of speech. Something common that connects them all is a breath (πνεῦμα), as a kind of soul (ψυχή), which extends throughout the entire *cosmos* and unites men with all of them. Therefore, if man would be killing or eating their flesh, they would commit injustice and sin towards deities (ἀσεβήσομεν) to the same extent as if they destroyed their relatives (συγγενεῖς). For that reason the ‘Italian’ philosophers advised man to abstain from ensouled (living) beings (ἐμψύχων) arguing that it is a sacrilege (ἀσεβεῖν) committed by “those who drench altars with warm blood of the blessed” (βωμὸν ἐρέθοντας μακάρων θερμοῖσι φόνοισιν) (DK 31B136). For more details consult Željko Kaluđerović, “Ancient Assumptions of Contemporary Considerations of Nature, Life and Non-Human Living Beings,” *forthcoming*; Željko Kaluđerović, Orhan Jašić, “Pitagorejska i arapska recepcija ne-ljudskih živih bića,” *Nova prisutnost* 13, no. 1 (2015): 25-33; Gary Steiner, *Anthropocentrism and Its Discontents: The Moral Status of Animals in the History of Western Philosophy* (Pittsburgh: University of Pittsburgh Press, 2005); Daniel A. Dombrowski, *The Philosophy of Vegetarianism* (Amherst: The University of Massachusetts Press, 1984).

⁵¹ On the basis of the 1992 plebiscite, in Switzerland, the *Constitution* guarantees the inherent value of animals, i.e. it already speaks of “dignity of Creature” (die Würde der Kreatur). See also the latest version of the *Federal Constitution of the Swiss Confederation*, Article 120, paragraph 2 (Non-human gene technology), available at <https://www.fedlex.admin.ch/eli/cc/1999/404/en#a120>.

together with the statement that any vertebrate has the right to have its dignity respected, and to a life that is suitable to its species. According to this interpretation, man would be permitted to intervene only for reasons of public interest, certainly within the framework of the law.⁵² The first of these two sentences, in which in the form of a basic “right” animals are granted the “right” to “dignity” and life appropriate to the species, would probably mean that the keeping of animals in massive farming, which is being practiced today, due to the “Constitution” would have to, at some point be abolished and replaced by keeping animals in the manner appropriate to their species. The second sentence, according to which man is permitted to interfere in the life of animals for reasons of public interest, would be a regulation between the absolute protection of the life of animals and the relative readiness of a society which to some degree tortures animals, to take care of this protection of life.⁵³ Movement of the society in that direction should represent an intention of the state which is to protect the animals, which is connected with the continuous flow of smaller and larger steps of the legislator, who will take care of that state’s goal by promoting the appropriate way of life.

All this can seem pretty utopian, but time will show if people are mature for such a step in evolution. The present ecological, and not only ecological, crisis urges mankind to, among other things, determine in a new way its attitude towards animals. *Homo sapiens* is the first species that has ever been able to freely decide whether they will give up eating other living beings. The first step has been made - people have ceased to eat each other for a long time, and cannibalism is barely present in the so-called “primitive” tribes. Whether man will soon make a second step by stopping to eat animals, to respect the funda-

⁵² In order to make this proposal be legally and dogmatically viable and practical for implementation, it would be necessary to implement a specific and serious research.

⁵³ See <https://www.worldanimalprotection.org/>.

mental “right” animal to life?⁵⁴ It is highly unlikely that this will happen in the foreseeable future, but this does not mean that we should not continue to work on strengthening their protection and welfare.

A reasonable care of the protection and welfare of animals, finally, does not mean that the author of this paper believes that to them should be entitled to a kind of “moral status,” which would be in conformity with human moral phenomenon. He, moreover, follows the traditional ethical view that moral status can belong only to man, since he is the only natural being that can act morally. After all, taking care of the “dignity” and all present and future “rights” and status of animals is basically man’s task.⁵⁵

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⁵⁴ Joan Dunayer claims that people deny the right to life, liberty, and other fundamental rights to non-human living beings for only one reason which is speciesism. Joan Dunayer, *Specijizam* (Zagreb . Čakovec: Institut za etnologiju i folkloristiku Zagreb, D. D. Čakovec, 2009), 202.

⁵⁵ Consult Peter Carruthers, “The Animals Issue,” in *Today’s Moral Issues*, ed. Daniel Bonevac (Boston: McGraw Hill 2002), 101-106.

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