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Crimes against animals – materials for lessons

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Crimes against animals - materials for lessons

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Introduction

The following handbook was written primarily for students of Criminal Justice. The handbook is addressed to students who have chosen the subject – *Crimes against animals* exercises. The exercise materials are closely related to the *Crimes against animals* syllabus. The authors intended the book titled *Crimes against animals – materials for lessons* to systematize knowledge of the subject Crimes against animals through:

- *firstly*, encouragement for discussion;
- *secondly*, developing creative thinking about the legal protection of animals, including its philosophical, ethical and psychological aspects;
- *thirdly*, developing case-solving skills.

The tasks presented in the book can be used independently, also during exercises in a student group. The content leaves room for solving individual tasks as part of students' own work. The articles included in the book, such as fragments of scientific studies, are intended to encourage readers to develop their interests in the subject of Crimes against animals. The book *Crimes against animals – materials for lessons* is supposed to show students the main problems related to the legal protection of animals, both theoretical and practical. The purpose of this book is to sensitize the reader to the situation of animals, which is influenced by views of doctrine, stereotypes, and religion.

This study is not a classic academic handbook. It is a collection of tasks, cases and texts for analysis. The book is the result of many years of teaching and scientific experience of the authors, which are related to animal rights.

Main assumptions of education for animals and their rights:

Why is it necessary to educate in respect for animals?

1. The need of ethics in the treatment of animals:
 - Human – non-human animals,
 - Tradition, culture, customs, symbolically structure our life (need to eat meat, dress in animal garments).

2. The need to promote respect for diversity (equality among humans with different skin colours, non-discrimination by sex, non-discrimination on the basis of the species).
3. The need to promote respect for life:
 - the right to life
 - the right to freedom
 - the right to not suffer
 - freedom from pain
 - freedom from hunger
 - freedom to express normal patterns of behavior.

Basic concepts:

- Animals – means all non-human animals.
- Animal health – is defined as the state of the individual regarding its attempts to cope with pathology, including physical, mental and social factors and not just the impact of sickness or ailments.
- Animal protection – includes both animal species conservation and animal welfare.
- Animal welfare – can be defined as the state of the individual animal, regarding attempts to cope with its environment including the absence of physical and psychological suffering, as well as the satisfaction of its biological, including psychological ethological and social needs.



See more: E. Barona, E. Carrio, *The need of education in respect for animals (ERA) as a subject of the social education degree at the University: An overview focused on Spain*, “Journal of Social Science Education” 2016, Vol. 15, No. 3, p. 40–46.

Survey

1. Do you think that animals should be granted rights?
 - a) absolutely yes
 - b) yes
 - c) absolutely not
 - d) no
 - e) I have no opinion

-
2. Do you know the legal acts protecting animals? If so, what are they?
 - a) absolutely yes
 - b) yes
 - c) absolutely not
 - d) no
 - e) I have no opinion

Examples of legal acts:

.....

.....

.....

.....

3. Animal cruelty is (maximum 3):
 - a) inflicting unnecessary pain
 - b) the suffering of the animal
 - c) bullying
 - d) killing
 - e) objectification
 - f) displaying aggressive behavior
 - g) violating the right of animals to their own body
 - h) poaching
 - i) taming
 - j) lack of permanent access to water
4. In your opinion, do all animals have equal rights?
 - a) absolutely yes
 - b) yes
 - c) absolutely not
 - d) no
 - e) I have no opinion
5. Should ritual slaughter be banned?
 - a) absolutely yes
 - b) yes
 - c) absolutely not
 - d) no
 - e) I have no opinion

6. Your neighbor is holding the dog on a short chain. What should you do in this situation?
7. In the fall, mice moved into your home. In this situation:
 - a) treat them humanely (humane mousetrap)
 - b) poison
 - c) use killing cages
 - d) adopt a cat
8. Do you think breeding animals for fur should be banned altogether?
 - a) absolutely yes
 - b) yes
 - c) absolutely not
 - d) no
 - e) I have no opinion
9. Is the participation of children in hunting appropriate from the point of view of their psyche?
 - a) absolutely yes
 - b) yes
 - c) absolutely not
 - d) no
 - e) I have no opinion
10. Peter Singer ignores the basic distinctiveness of the human experience of the pain the underlies morality. While nonhumans experience pain in isolation from any beliefs, it is species – specific characteristic of human suffering that is modified by beliefs concerning its aetiology. Do animals feel pain the same as humans?
 - a) absolutely yes
 - b) yes
 - c) absolutely not
 - d) no
 - e) I have no opinion
11. Abuse is about power and control whether the abuse is inflicted on a partner, child, or an animal. If an animal is being abused, it is likely another person in the household is also being abused. The link originates with the fact that women,

children, and animals have shared similar histories and characteristics – all three were considered property in the past. Do you agree with this opinion?

- a) absolutely yes
- b) yes
- c) absolutely not
- d) no
- e) I have no opinion

12. Animal abuse comes in many forms – from neglect and hoarding to outright cruelty towards a family pet or neighbourhood animal or even wildlife, to animal fighting. It is a terrible crime in and of itself and deserves our full attention and our commitment to bringing the perpetrators to justice. But it also the case that there is a large and increasing trend of troubled people who abuse animals and frequently move on to abusing, and in some cases killing people. The statistics are overwhelming. Do you agree with this statement?

- a) absolutely yes
- b) yes
- c) absolutely not
- d) no
- e) I have no opinion

13. Anthropologist Margaret Meade famously observed: “One of the most dangerous things that can happen to a child is to kill or torture an animal and get away with it”. Unfortunately, courts have had a tendency to regard juvenile animal abuse more as a youthful “prank” rather than as the crime that it is and the warning signal that it may be. In your opinion, should minors be punished for abusing animals? Justify briefly if you like.

- a) absolutely yes
- b) yes
- c) absolutely not
- d) no
- e) I have no opinion

14. Do you have any pets? How many have you had? What happened to them?

15. What happens when the family pet misbehaves? Who discipline him or her?

16. The basic hoarding syndrome is the pathological need acquire things, with an inability to discard, return, care for, or make rational decision about them, to the point that the syndrome interferes with day-to-day functions, home, health, family, work and social life. Hoarders often live without running water, light, air conditioning and heat, and grow more fearful that someone will come and take their pets away. They become isolated, blocking their windows, and remain alone with their stuff. The problem with “animal objects” is that they are alive and therefore eat, defecate, urinate, vomit, ooze, suffer, and die. Do you think collecting animals is a form of bullying? Justify briefly if you like.
- absolutely yes
 - yes
 - absolutely not
 - no
 - I have no opinion
17. Cockfighting is an inhuman blood sport that is cruel to animals and prevents communities from being safe. Adults and children who are spectators are desensitized to violence when they witness animal fighting and tearing each other apart. Do you agree with the statement that children who witness violence, including animal cruelty, are at higher risk for developing behavioral problems, failing academically, and engaging in delinquent and criminal behavior?
- absolutely yes
 - yes
 - absolutely not
 - no
 - I have no opinion
18. Choose the three most important bindings between animal abuse and domestic violence:
- Isolation: the aggressor refuses to allow the woman to take her pet to the vet and prohibits her from socializing her dog with other dogs;
 - Threats: the aggressor threatens to injure or kill the pet if the woman leaves home or becomes independent;
 - Legal abuse: custody battles involving pets. The perpetrator presses charges of the theft if the woman leaves the house with the animal;
 - Denying and blaming: the aggressor blames the women or the animal for his cruelty. He kills the pet and says that did not matter because the animal was old;

-
- Emotional abuse: the aggressor gives away, kills or disappears with the pet to take away the source of the woman's unconditional love. He also forces her to be part of sexual abuse of animals;
 - Economic abuse: the abuser refuses to allow the woman to spend money on pet food or veterinary care;
 - Intimidation: the aggressor harms or kills pets: "Next time it will be you....". The target of the abuser also covers family pets or friends who help the woman to escape;
 - Use of children: the abuser harms or kills pets to bully children. He blames the woman for the "disappearance" of the family pet to create disagreements between her and the children.
19. The Judeo-Christian tradition contributes to norms that enable humans to mistreat animals. Christianity's anthropocentric view that humans are superior to animals and have dominion over them reinforces animals' status as less powerful beings, making it easier to exploit and harm them. Do you agree with this view?
- a) absolutely yes
 - b) yes
 - c) absolutely not
 - d) no
 - e) I have no opinion
20. The context of animal cruelty is invariably a social one. Abusive treatment of animals usually results from our relationships with other humans. In families, battering husbands abuse companion animals to control and intimidate their wives. Abused children – who have learned painful lessons about power – abuse animals to satisfy their need to control and dominate others. Sexually abused children witness their abusers hurt or kill the children's pets to guarantee their silence. Committing animal cruelty is likely to distort or inhibit empathy, making it even easier to disregard the feelings and lives of other beings – animal and human. Is animal cruelty a social phenomenon?
- a) absolutely yes
 - b) yes
 - c) absolutely not
 - d) no
 - e) I have no opinion

21. Characterize the situation of animals in criminal and civil law.

Criminal law:

.....
.....
.....
.....

Civil law:

.....
.....
.....
.....

Use the given words / phrases / terms:

- autonomy of the will
- subjectivity
- property
- subject of law
- offense
- ownership
- justice
- penalty sanction
- finding as a form of acquiring an animal
- abandoning the animal
- the appropriation of an animal
- property of free-living animals
- loss of pet ownership
- humanitarianism
- inflict pain or suffering

22. In Poland, there is a dedicated governmental body, called the Veterinary Inspection, whose task is to enforce the provisions of the Animal Welfare Act. In many cases, Veterinary Inspectors are the first officials who come into contact with actual wrongdoing. The results of veterinary inspections often create a basis for future prosecutions.

Do you think that the role of the Veterinary Inspection with regard to the legal protection of animals should be greater?

- a) absolutely yes
- b) yes
- c) absolutely not
- d) no
- e) I have no opinion

23. Most of the time, animal cruelty cases are reported by nongovernmental organizations and private citizens. The police rarely engage in preventing and detecting these types of criminal offences.

What is your opinion on the role of the police in the legal protection of animals?

24. What is your opinion on the role of the courts in the legal protection of animals?

What is and what should the role of expert opinions be?

25. How do you understand the problem of willful misconduct in criminal law?

What is the difference between willful and unintentional faults?

26. Animal welfare organizations play an important role in detecting and preventing animal abuse cases. Nonetheless, some actions of animal welfare activists, such as taking away abused animals or concealing them from the police officials to provide care and protection that the activists believe the police could not guarantee, might hinder criminal investigations leading to the loss of important evidence. Do you agree with the idea that activists should always act by law?

- a) absolutely yes
- b) yes
- c) absolutely not
- d) no
- e) I have no opinion

Chapter 1.

Speciesism

Task 1

It was the Australian philosopher Peter Singer that popularized the term *speciesism*. Although, it was first used or introduced by Richard Ryder the English philosophy in the 1970s. Proponent of speciesism holds that it is similar to sexism and racism and hence represents a bias, irrational discrimination and prejudice. Consequently speciesism finds itself in the field of applied ethics and holds strong arguments in the philosophy of animal rights. Speciesism is the practice of seeing one's species as morally more important than members of the other species and justifying the practice. Defenders of animal rights see animal liberation as being directly linked to human liberation, and so will also use the concept of speciesism to refer to humans. The term speciesism is generally used to criticize a modern human-centered society. The concept was first used by Richard D. Ryder in 1970 to mirror the concept of racism. The author explains how he developed the concept as follows: "The 1960s revolutions against racism, sexism and classism nearly missed out the animals. This worried me. This politics at the time simply overlooked nonhumans entirely. Everyone seemed to be just preoccupied with reducing the prejudices against humans. Hadn't they heard of Darwin? I hated racism, sexism and classism, too, but why stop there? As a hospital scientist I believed that hundreds of other species of animals suffer fear, pain and distress as much as I did. Something had to be done about it. We needed to draw a parallel between the plight of other species and our own. One day in 1970, lying in my bath at the old Sunnigwell Manor, near Oxford, it suddenly came to me: SPECIESISM" (see: R. Ryder, *Speciesism, Painism and Happiness: A Morality for the 21st Century (Societas)*, Imprint Academic, June 2011, pp. 128).

In other words, animals are for human used and care, from a philosophical point of view, beings that lack the capacity of reason. The expressions found in sacred books mirror the philosophical discourse. Expressions that generally take the form of “God created animals and all nature to serve people’s purposes” can be found in religious texts. Scientifically speaking, animals are used in scientific processes and in research in order to heal human diseases or for cosmetic purposes.

All of these references show that in the human–animal relationship, a speciesist attitude of humans othering or ignoring animals may be seen as legitimate. Thus, in Singer’s *Animal Liberation*, which is seen as an important milestone by animal rights advocates, the philosophical approach of animal experiments may be considered legitimate only if the intended benefits exceed the damages caused can also be describe as speciesist. Indeed, Francione also criticizes Singer at this point and expresses a different opinion. Although the discussion that followed between animal welfare and animal rights theorist is worthy of note, it is the concept of speciesism alone that is addressed here. Singer thinks speciesism violates the moral principle of equal consideration of interests, which requires that we give the interests of any given being – including animals – the same weight as the “like” interests of any other being (including humans) (see: S. Kagan, *What’s wrong with speciesism?*, “Journal of Applied Philosophy” 2015, Vol. 33, doi: [10.1111/japp.12164](https://doi.org/10.1111/japp.12164), p. 5).

Singer agrees that non-human animals lack certain capacities that human animals posseses. This may justify different treatment. But it does not justify less consideration to their needs and interests. According to Singer, the moral mistake which the racist and sexist makes is not essentially the factual error of thinking that women are inferior to white men (B. Steinbock, *Speciesism and the idea of equality*, “Philosophy” 1978, Vol. 53, No. 204, doi: [10.1017/S0031819100016582](https://doi.org/10.1017/S0031819100016582), p. 247). Singer concedes the rationality of valuing the lives of normal human beings over the lives of non-human animals. People are not required to value equally the life of a normal human being and a life of an animal, he thinks, but only their suffering. B. Steinbock doubts that the value of an entity’s life can be separated from the value of its suffering in this way. If we value the lives of human beings more than the lives of animals, this is because we certain capacities that human beings have and animals do not. But freedom of suffering is, in general, a minimal condition for exercising these capacities, for living a fully human life. So, valuing human life more involves regarding human interests as counting for more. That is why people regard human suffering as more deplorable than comparable animal suffering (B. Steinbock, *Speciesism and the idea of equality*, “Philosophy” 1978, Vol. 53, No. 204, doi: [10.1017/S0031819100016582](https://doi.org/10.1017/S0031819100016582), p. 254).

In this context, speciesism is the basis of the animal ethics debate. For example, the legal protection provided to human beings but not provided to cats or dogs is described by some animal rights theorists as speciesism. From another point of view, the only reason for the societal preservation of a living being or the acceptance of its moral existence is that that society and the individuals living in that society take a speciesist attitude.

Speciesism is not suffered by species as such, but there are individual members. There is a common confusion regarding this point. In most cases, this is probably due only to linguistic expression. But sometimes it may also be due to the fact that non-human animals are usually considered not as individuals but as mere live exemplifications of a species (because of widespread speciesist attitudes). Hence individuals are frequently identified with the species they belong to. But just as the group of all triangles does not have the properties the triangles themselves have, the interests of an individual cannot be said to be the interests of his or her species. Actually, the very idea of “the interests of a species” is a highly confusing. As long as a species is not itself a being with the ability to experience suffering or wellbeing, or to have any kind of preference, it is difficult to see the way in which we would affirm that there is such thing as an interest of a species. We used the term “interest” to name something rather different from that which we mean when we talk about the interests of sentient beings. For instance, we could mean by “the interests of a species” something like its continued existence, its number of individuals or the degree of distinctiveness that its members have. But it is, unlikely that we could relate such “interests” with the rather different interests of the member of that species even if we were to accept the use of such a term as pertinent. We could argue that species conservation is a direct consequence of our concern for valuing the lives and wellbeing of animals. But even this is, to say the least, doubtful, both as theoretical and practical level (see: O. Horta, *What is speciesism?*, “The Journal of Agricultural and Environmental Ethics” 2009, Vol. 23, <https://link.springer.com/article/10.1007/s10806-009-9205-2>, p. 243–266). So, we have different definitions of speciesism, for example (see: O. Horta, F. Albersmeier, *Defining speciesism*, “Philosophy Compass” 2020, 37, Vol. 15, No. 11, p. 1–9):

- *Speciesism* is the unjustified comparatively worse consideration or treatment of those who are not classified as belonging to a certain species (or group of species) whose members are favored, or who are classified as belonging to a certain species (or group of species) whose members are disregarded (*elaborated definition*);
- *Speciesism* is discrimination against those who are not classified as belonging to a certain species (or group of species), or who are classified as belonging to a cer-

tain species (or group of species) whose members are disregarded, when carried out for reasons different from those individuals verifiable individual capacities (*moderately narrow definition*);

- *Speciesism* is discrimination based on mere species membership (*radically narrow definition*).



See: F. Jaquet, *Is speciesism wrong by definition?*, https://www.researchgate.net/publication/333910353_Is_Speciesism_Wrong_by_Definition (date of access: 15.01.2024).

Task 2

What it's like to be as a *speciesist*?

First, read the article:



L.L. Fuller, *The case of the Speluncean Explorers*, “Harvard Law Review” 1949, Vol. 62, No. 4.

The case of the Speluncean Explorers by L. Fuller – summary

The case is about five explorers by the name Speluncean who went to exploring a cave. The leader of this group was Roger Whet More. The group had suffered from imprisonment when a rock slide occurred in the cave which blocked the exit. The group was reach out to the outside to call for aid in rescuing them from the cave. A rescue party was immediately dispatched to the location of the cave. It was estimated by the rescue group that it might take around 10 days to reach them. Communication was set up between the rescue party and the explorers had less time because of the insufficient rations to last that many days. The days to reach were delayed as another rock slide occurred on the rescue team's part of the cave. From which about 10 of workers were killed. Due to the delay in rescue, the explorer leader asked whether they could survive for longer if they ate one of the members, on which physician advised they would survive. When the rescue team was able to reach them in thirty-two days, the party found out that the leader of the group Whet More had been killed and eaten. As Whet More was against cannibalising of one another, the group forced him to his part on casting a lottery in which he lost and was eaten. This was considered as an act of

murdering, and all the four explorer members had been found guilty of which a trial was conducted to seal their fate. The Chief Justice of the trial was True Penny while there were four other judges who were Tating, Keen, Handy and Foster. The trial explorers were decided, and all the four members were found guilty. The punishment was the members to be hanged till death.



Second, watch the film https://www.youtube.com/watch?v=3HAMk_ZY07g Philosophy – Ethics: killing animals for food.



1. So, is it morally permissible to kill animals for food?
 - a) Human animals and non-human animals are in desert island;
 - b) Human animals and human animals are in desert island (see: caver case by Fuller!;
2. Is it morally permissible to kill animals for food that You don't need to eat?
3. Is it morally permissible to kill people for food that You don't need to eat?
4. Human farm and animal farm?
5. There must be some differences between people and animals?

Task 3

Which views do you identify with? Justify Your choice.



History of Animal Rights | Moby's Veganniversary – YouTube

1. "As long as man continues to be the ruthless destroyer of other living beings he will never know health or peace".
Pythagorus 1400 BCE
2. "Do not injure, abuse, oppress, enslave, torment, torture, or kill any creature or living being".
Mahavira 470 BCE
3. "It is more important to prevent animal suffering, rather than sit in the company of priest".
Buddha 450 BCE

4. "I have from an early age abstained from the use of meat, and the time will come when men such as I will look upon the murder of animals as they now look upon the murder of men".
Leonardo da Vinci 1502
5. "Animals ought to partake of natural rights. I am bound to do injury to my fellow creatures".
Jean Jacques Rousseau 1758
6. "We can judge the heart of a man by his treatment of animals".
Immanuel Kant 1784
7. "The question regarding animals is not can they reason, nor can they talk, but can they suffer?"
Jeremy Bentham 1802
8. "I am in favor of animal rights as well as human rights. That is the way of a whole human being".
Abraham Lincoln 1845
9. "Non-violence leads to the highest ethics. Until we stop harming all other living beings, we are still savages".
Thomas Edison 1915
10. "Until we extend our circle of compassion to all living things, humanity will not find peace".
Albert Schweitzer 1932
11. "The greatness of a nation and its moral progress can be judged by the way animals are treated".
Gandhi 1948
12. "Because I am a civil rights activist, I am also an animal rights activist".
Dick Gregory
13. "I stopped eating meat over 50 years ago when I looked at a pork chop and thought: this represents pain, fear, and death".
Jane Goodall

14. "We know we cannot be kind to animals until we stop exploiting them: exploiting animals in the name of science, exploiting animals in the name of sport, exploiting animals in the name of fashion, and yes, exploiting animals in the name of food".

Cesar Chavez 1959

15. "To be a vegetarian is to disagree with cruelty".

Isaac Bashevis Singer 1976

Chapter 2.

Feminism and animal rights

Task 1

Feminism is one of the oldest movements in global history. There is no one single definition of “feminism”. Feminism is based on: ending gender discrimination and bringing about gender equality. We have four waves of feminism. Generally the history of feminist movements is divided into four waves. The first wave: have society recognize that women are humans, not property; focus on white women’s rights. In this part of history women could not vote and work. The second wave was inspired by the Civil Rights movements, protest against the Vietnam War; traditional gender and family roles were questioned. Feminists wanted institutional reforms, reducing gender discrimination, promoting equality. In their opinion men and women are basically the same. The third wave focused on: identity, individuality, rebellion. Many women more freely expressed their sexuality in how they spoke, dressed and acted. A woman should choose how she lived her life. The fourth wave was characterised: intersectionality, technological wave, critics of white feminism. Fourth wave of feminism is understood as a continuation of the third wave. Nowadays women can advance their career and women’s rights are important. But women were a victims of oppression. Nowadays animals are still victims of oppression.

Feminist arguments regarding animal rights:

- Animal Bodies Are Objectified, Too
- Animal Bodies Are Used to Normalize Rape Culture
- Domestic Violence Harms Animals
- Intersectionality Must Include *All* Oppressed Groups
- Our Society Spreads Lies About Animals, Too

Women and animals live in violent system.



Do you agree with feminists' arguments? Are there parallels between feminism and animal rights?

Task 2

Most of those who have been lucky enough to adopt a chook have a tendency to fall comb-over-claw for them, and if you're ever lucky to really get to know a chicken, you will understand why.



Read more: <https://animalsaustralia.org/our-work/compassionate-living/8-chicken-facts/> (date of access: 9.11.2023).

Here are a few of the reasons why chickens leave a mark on the hearts of their human friends:

1. They feel empathy
2. They dream
3. They are all individuals (just like us)
4. They are super smart
5. They nail the art of nurturing
6. They've got the gift of the gab
7. They are nose in a good way
8. They just want to be themselves



1. What's your opinion on the topic? Give your argument (legal, ethical, philosophical).
2. Do you know ways to help chickens?
3. One feminist compared the fight for women's rights to the fight for the rights of animals, specifically chickens. Do you agree with her thesis?

“The question of whether it is more ethical (and by ethical we mean produces a higher level of total ‘utils’ in a non-speciest utilitarian analysis) to eat eggs laid by hens in a cage-free production system or eggs laid by hens in a battery cage system. Many animal welfare advocates argue that hens living in battery cage system suffer, and while many contend that hens in cage-free (that is, barn or aviary) systems are

slightly better off, they assert that these hens suffer there too. Under this scenario, it would be ethical for an individual to eschew eggs altogether and become vegan (depending on the person's own welfare loss resulting from an egg-free diet relative to the 'gain' from fewer suffering chickens). However, if one is committed to eating a given quantity of eggs, it is quite possible that the ethical thing to do is to eat eggs from the battery cage system. We can ask: Why? Because it takes fewer hens to produce the same amount of eggs in a battery cage system that it does in a barn system. If hens must suffer to produce eggs, it may be better to have fewer hens suffering more intensely than many hens suffering less intensely. Of course, not everyone agrees that hens suffer in in battery cage (or cage-free barn) systems, but the point is that non-speciest utilitarianism does not automatically imply the need for tighter animal welfare regulations". (J.L. Lusk, F.B. Norwood, *Animal welfare economics, "Applied Economic Perspectives and Policy"* 2011, Vol. 33, No. 4, doi: [10.1093/aep/ppr036](https://doi.org/10.1093/aep/ppr036), p. 9).

"Animal activists have called for feminists' attention by arguing that chickens are individuals just like them. And it worked – the part about getting attention, that is.

On November 30, local media first took note of a new San Jose billboard because of its shocking claim: real feminists refuse to eat eggs. The new campaign, sponsored by animal-activist organization People for the Ethical Treatment of Animals (PETA), urged that women shouldn't contribute to the manipulation of another female's fertility – even if that female is a chicken".

"Face it – you can't claim to be a feminist and still eat eggs", the billboard's text read next to a picture of a blond woman whose face was replaced with an egg. "Eggs and dairy are a product of the abuse of females".



See: K. Yoder, *PETA claims chickens are like women. They are wrong*, 6.12.2018, <https://catholicvote.org/peta-claims-chickens-are-like-women-theyre-wrong/> (date of access: 8.10.2023).



A film to watch and discuss:
PETA's Ingrid Newkirk Is All About Girl Power! – YouTube

Task 3

Stereotypes about women and animals. The word "stereotype" derives from Greek *stereos* (tightened, hard) and *typos* (print, pattern). In the 18th century, it referred to

printer's plates and casts which were impressed with the use of the former. And even though the notion generally has a negative connotation, we often allow ourselves to be influenced by stereotypes and to many they offer a valuable (sometimes the only) source of information. Stereotypes have their own different meaning and different scope of its understanding. In social communication stereotypes is an integral part of the natural language and code of culture. Stereotypes have their own cultural dimension. Mary Wollstanecraft, an English writer, rented a room from her friend Thomas Taylor. Mary Wollstanecraft was focused on women's rights. Thomas Taylor wrote the text. His text was based on stereotype. He stated that since women are equal to men, so are animals.



See: <https://ivypanda.com/essays/are-all-animals-truly-equal-like-humans/> (date of access 11.10.2023).



Do you know any female stereotypes? And those related to animals? Can you see any connections between these stereotypes?

Chapter 3.

Animals' rights – the conceptual analysis

Task 1



Read text: Carl Cohen, *Why animals have no right*, originally published as: *The case for the use of animals in biomedical research*, “The New England Journal of Medicine” 1986, Vol. 315, No. 14, October 2, p. 865–869.

The main thesis of Carl Cohen:

- A right, properly understood, is a claim or potential claim, that one party may exercise against another;
- Rights arise, and can be intelligibly defended, only among beings who actually do, or can make moral claims against one another;
- Animals are not beings of a kind capable of exercising or responding to moral claims;
- So, animals therefore have no rights, and they can have none.
- A right is a claim that one party may exercise against another;
- Rights arise, and can be defended, only among beings who can make moral claims against one another;
- Animals are not beings of a kind capable of exercising moral claims;
- So, animals therefore have no rights, and they can have none.

What is a right?

- A right, properly understood, is a claim, or potential claim, that one party may exercise against another.

- The target against whom such a claim may be registered can be a single person, a group, a community, or all humankind.
- To comprehend any genuine right fully, therefore, we must know who holds the right, against whom it is held, and to what is a right.

Sources of rights:

- Some rights are grounded in constitution and law (for example the right of an accused to trial by jury). Some rights are moral but give no legal claims (for example my right to your keeping the promise you gave me). And some rights (for example against theft or assault) are rooted both in morals and in law.

A rights in general:

- They are in every case claims, or potential claims, within a community of moral agents. Rights arise, and can be intelligibly defended, only among beings who actually do, or can, make moral claims against one another. Whatever else rights may be, therefore, they are necessarily human; their possessors are persons, human beings;
- The attributes of human beings from which this moral capability arises have been described variously by philosophers, both *ancient* and *modern*: inner consciousness of a free will (Saint Augustine); the grasp by human reason, of the binding character of moral law (Saint Tomas); the self-consciousness participation of human beings in an objective ethical order (Hegel); human membership in an organic moral community (Bradly);
- The development of the human self through the consciousness of other moral selves (Mead); and the underivative, intuitive cognition of the rightness of an action (Prichard).



Taking Cohen's article from your starting point, try to justify the following sentences (objections). They are of a polemical nature. Write your reply:

1. Animals do not understand what rights are. Therefore, they have no rights.
2. Animals do not respect our rights. For example, lions sometimes kill innocent people. Therefore they have no rights.
3. Animals do not respect the rights of other animals. For example, lions kill wildebeests. Therefore, they have no rights.
4. If animals have rights, they should be allowed to vote, marry, file for divorce, and immigrate, for example, it is absurd. Therefore, animals have no rights.

5. If animals have rights, then mosquitoes and roaches have rights, which is absurd. Therefore animals have no rights.
6. If animals have rights, then so do plants, which is absurd. Therefore, animals have no rights.
7. Humans beings are closer to us than animals; we have a special relation to them. Therefore, animals have no rights.
8. Only human beings live in a moral community in which rights are understood. Therefore, all humans beings have rights.
9. Humans have rights, and animals do not, because God gave rights to us but withheld rights from them.
10. Animals have some rights to bodily integrity and life, but the rights they have are not equal to human rights. Therefore, human vivisection is wrong, but animal vivisection is not.

Task 2

Animal rights in the relation to case of carp

Animal rights activists have welcomed a 'historic moment' after three supermarket employees were found guilty of cruelty toward carp. In Poland, the fish are traditionally sold live in December before being killed and eaten at Christmas. A Warsaw court sentenced two employees of the Polish branch of E.Leclerc, a French supermarket chain, to ten months' imprisonment suspended for two years. The head of the sales department at the store in question received a one-year suspended sentence. Attorney Karolina Kuszlewicz took part in the court proceedings. Carp in Poland are often purchased live in the run-up to Christmas before being slaughtered fresh to eat for supper on Christmas Eve. Some families keep the animals in their bathtubs beforehand. For many Polish people carp continues to be an indispensable part of Wigilia, the traditional Christmas Eve dinner, which traditionally comprises 12 meat for dishes in honour of the apostles. But carp was more common by a Jewish tradition. Carp gained wider popularity after the Second World War because of fish shortages.



See: B. Koschalka, *Christmas comes early for carp in Poland after "historic" animal cruelty ruling*, NFP, 4.12.2020, <https://notesfrompoland.com/2020/12/04/christmas-comes-early-for-carp-in-poland-after-ground-breaking-animal-cruelty-ruling/> (date of access: 15.12.2023).



See: A. Pavlinec, *Protection of a carp – is it just a slogan or a binding law?*, “WODNESPRAWY” 2023, No. 25, <https://wodnesprawy.pl/en/protection-of-carp-is-it-just-a-slogan-or-a-binding-law/>



What do You think about the carp situation before Christmas? Find information on the legal protection of fish in Poland.

Task 3

Religion and animal rights



Please read the part of article of Peter Singer, *Speciesism and moral status*, “Metaphilosophy” 2009, Vol. 40, No. 3–4, <https://doi.org/10.1111/j.1467-9973.2009.01608.x>, p. 567–581, and then discuss the impact of religion on animal rights:

“[...] Consider this statement by Pope John Paul II: ‘As far as the right to life is concerned, every innocent human being is absolutely equal to all others. [...] Before the moral norm which prohibits the direct taking of the life of an innocent human being there are no privileges or exceptions for anyone. It make no difference whether one is the master of the world or the ‘poorest of the poor’ on the face of the earth. Before the demands of morality we are all absolutely equal’. This represents a widely held ethical position, not merely the position of a religious leader or of someone with a Christian or, more specifically, a Roman Catholic viewpoint. It express a kind of ‘official morality’ that is often applied in statements about people with cognitive disabilities. Most people pay lip service to it, though I’m not sure how many really hold it when it comes to the crunch. I will argue that this doctrine cannot be sustained in the light of the facts that I have been referring to – or at least not without a very drastic revision to aspects of our morality, which most people don’t want to make.

Here is the problem: Can we justify attributing equal value to all humans lives, while at the same time attributing to human life a value that is superior to all animal life? Of course Pop John Paul II’s statement does not say, ‘All human life is absolutely equal but all humans are superior to animals’, but obviously that is implied by the

statement, and by the fact that while popes very frequently denounce abortion and euthanasia, no pope has yet denounced the unnecessary killing of animals for food, although such killing take place on a vastly larger scale than abortion or euthanasia [...]. Clearly, Pope John Paul II and those who accept his position on this issue think not only that all humans are equal to each other but also that they are far superior to non-human animals. The philosophical problem is whether we can justify that view [...].

As Pope John Paul II's statement indicates, obviously there is a variety of religious grounds upon which people might attempt to justify the doctrine of both the equal worth of all human life and human superiority over nonhuman animals. For example, religious grounds might include the following:

1. We are made in the image of God, and animals are not.
2. God gave us domination over animals.
3. We have immortal souls, and animals do not [...].



What do you think about Peter Singer's interpretation of the words of John Paul II?

Chapter 4.

Philosophical, ethical and psychological aspects of the cruelty to animals

Task 1

John Hadley wrote: “This difference in emphasis between scientists and philosophers is important because it explains why for some moral philosophers the bare fact that the practice is widespread say nothing in itself about its moral legitimacy. For example, the fact that slavery was widespread and accepted throughout various times in history does not prove that it was justified then nor now. Similarly, the fact that using animals in research may have widespread public support is not sufficient to justify the Australian Code of Practice. Of course, the fact that a practice is widespread may be an indicator of its permissibility – society may have got the ethics right and the practice may be justified – but the point is that the mere fact that a practice is entrenched does not in itself make it morally legitimate. For philosophers, to determine whether a practice is morally legitimate we need to subject it to critical thinking, just as a scientist may apply an investigative method to test a hypothesis [...]” (J. Hadley, *Why [some philosophers think] using animals in scientific research is seriously wrong*, „anzccart” 2005, Vol. 18, No. 1, p. 2, https://anzccart.adelaide.edu.au/media/AN18_1 (date of access: 12.06.2024)). In Ben Davies’s opinion: “[...] Finally, there is the issue of status. Just as racialized slavery can benefit those whites who did not hold slaves by placing them in one or more socially superior classes, the animal industry may psychologically benefit many humans by placing them into a category – enabled only by its contrast with non-human animals – of creatures that *cannot* legitimately be treated the way we treat animals. This status may benefit those who oppose animal exploitation, and even those who are theoretically opposed to the idea of human

superiority. Our language is filled with examples of derogatory comparisons to animals, including examples where cruel treatment of animals is justified in the act of denouncing such treatment when applied to humans: ‘This company is a disgrace; they crowded us onto the train like cattle’; ‘I treat my dog better than that’; and so on. A vocal opposition to animal exploitation that made use of the idea that animals are our moral equals challenges our superiority, and unsettles reliably reassuring categories into which we place ourselves. Such arguments will, and already do, cause significant anger and distress. Many supporters of animal rights experience upset and anger from others simply for explaining their views on animal equality, even when those views are actively sought out; if, as the previous section suggested, utilitarian arguments imply that a passive refusal to eat animal products is not enough, *active* protest against the animal product industry seems likely to cause even more upset and anger, even if it is also a more effective way of convincing some people than passive refusal alone. In addition, it is important to note, in contrast with many expressions of human equality, that animals cannot benefit psychologically from the mere fact that others are fighting their corner, and expressing their right to equal treatment [...]”. (See: B. Davies, *Utilitarianism and animal cruelty: further doubts*, “De Ethica. A Journal of Philosophical, Theological and Applied Ethics” 2016, Vol. 3, No. 3, <https://doi.org/10.3384/de-ethica.2001-8819.16335>, p. 16).



1. Compare the situation of animals to situation of slaves.
2. Find moral arguments that justify the prohibition of animal cruelty.

Task 2

Do You know the conception: *Macdonald Triad*?

The idea was proposed by psychiatrist *John Macdonald* at the beginning of the second part of the 20th century. He stated from his observations that there are 3 certain behaviors that can predict whether a child in his adulthood would commit violent crimes and possibly even become a serial killer:

- abusive, cruelty towards animals
- fire-starting
- bedwetting past the age of 5/12



See: <https://www.healthline.com/health/macdonald-triad> (date of access: 15.08.2023); <https://lepageassociates.com/predicting-killer-macdonald-triad-myth/> (date of access: 15.08.2023).



Can You give examples of serial killers who were cruel to animals as children?

Task 3



Choose one of the philosophers: Immanuel Kant, John Stuart Mill, Carl Cohen, Aristotle, Peter Singer. Then try to discuss his views on animal cruelty.

Task 4

Eleonora Gullone gives us examples of definition of “animal cruelty”:

“Ascione (1999) defined animal cruelty as ‘socially unacceptable behavior that intentionally causes unnecessary pain, suffering, or distress to and/or the death of an animal’ (p. 51). Others such as Felthous and Kellert (1986) define cruelty to animals as a behavior pattern that deliberately, repeatedly, and unnecessarily causes hurt to vertebrate animals in such a way that is likely to cause them serious injury. Brown (1988) defined cruelty as ‘unnecessary suffering knowingly inflicted on a sentient being (animal or human)’. (p. 3). Brown made clear in his definition that the suffering may be of a physical type as in causing the sensation of pain or it may be suffering that causes distress or psychological hurt such as would be the case with maternal deprivation. Brown also argued that cruelty to animals can be both positive or negative such that committing an act against the animal would constitute a positive form of cruelty whereas failing to act as in neglecting to feed an animal or to care for it appropriately would constitute a negative form of cruelty. Following de-

tailed consideration of a number of definitions of animal cruelty, Dadds, Turner, and McAloon (2002) noted that most definitions comprise a number of features. These include a behavioral dimension that can be in the form of acts of omission (e.g., neglect) or acts of commission (e.g., beating). Another key characteristic is indication that the behavior occurred purposely, that is, with deliberateness and without ignorance. Another definitional criterion is that the behavior can bring about physical and/or psychological harm. Incorporating these definitional criteria, Dadds (2008) defined animal cruelty as a repetitive and proactive behavior (or pattern of behavior) intended to cause harm to sentient creatures [...]" (E. Gullone, *Animal cruelty and family violence*, [In:] C.L. Reyes, M.P. Brewster (Eds), *Animal cruelty and the Criminal Justice System*, Carolina Academic Press 2012, https://www.researchgate.net/publication/240614063_Gullone_E_2012_Animal_cruelty_and_family_violence_In_Reyes_CL_Brewster_MP_Eds_Animal_cruelty_and_the_Criminal_Justice_System_Carolina_Academic_Press) (date of access: 5.11.2023).



Find other definitions of animal cruelty in the psychological and criminological literature.

Chapter 5.

Animal welfare

Task 1

We have different opinions on animal experiments. It is an ethical, bioethical, medical and legal issue.



See: *Animals use for experimentation*, <https://www.peta.org/issues/animals-used-for-experimentation/>; (date of access to all websites: 18.11.2023).

Animals experiments are both unethical and unscientific. Animals in laboratories endure appalling suffering, such as being deliberately poisoned, brain-damaged and subjected to inescapable electric shocks. The pain and misery inflicted on the victims is enough, on its own, to make vivisection worthy of public condemnation. But animal experiments are also bad science, since the results they produce cannot be reliably translated to humans. They therefore of advancing medical progress.

Four key problems:

Batting back and forth examples of the ‘successes’ and ‘failures’ of animal use clearly won’t resolve the question. It is the case that animals and humans sometimes happen to react similarly to a drug other therapeutic intervention. But any biomedical research methodology – if it is to avoid unnecessary patient harm, missed opportunities and squandered resources – needs to be reliably predictive of human outcomes. They use of animal models for disease research and drug development and testing is simply not reliably predictive because of four fundamental factors:

1. They are key differences between species, as expressed in anatomy, organ structure and function, metabolism, chemical absorption, genetics, mechanisms of DNA repair, behaviour and lifespan.

2. A homogenous group of animals living in controlled experimental settings cannot predict the response of varied human patient living in natural conditions.
3. Artificially created diseases in animals in laboratories do not reflect naturally occurring human illness.
4. Some of the most common adverse reactions to drugs are not outwardly visible and therefore cannot be detected to animal tests. These include: nausea, mental disturbance, dizziness, fatigue, depression, confusion and double vision.

Mice and men

“That these regulatory mechanisms operate very differently in, for instance, mice, rats and human beings – despite these species having in common around 70 per of their genes – is evident not only from their vastly different appearances but also from fundamental physiological disparities. These include the ability of mice to eat scraps off the street that would make us violently ill; the fact that mice appear to have not one but two functioning thymus glands, as well as an ability – not shared by human beings – to manufacture vitamin C their bodies”.

The protection of animals was introduced through the rule of the 3R

What is 3R?



See: *Replace, Reduce, Refine – the 3Rs principle*, <https://www.dpz.eu/en/unit/about-experimental-animal-research/tierschutz/3rs-and-alternative-methods.html> (date of access: 14.12.2023).

Of mice and men: why animal trial results don't always translate to humans, 29 August 2017, <https://theconversation.com/of-mice-and-men-why-animal-trial-results-dont-always-translate-to-humans-73354>

The principles of the 3Rs (*Replacement, Refinement and Reduction*) were developed over 50 years ago by W.M.S. Russell and R.L. Burch, as a framework for humane animal research.

- Replace animal experiments with alternative methods when possible
- Refine methods and procedures so that pain and discomfort are avoided
- Reduce the number of animals used.

Today the 3Rs are increasingly seen as a framework for conducting high quality science in the academic world with more focus on developing alternative approaches which avoid the use of animals.

Implementation of the 3R policy aims to:

- Improve and consolidate the culture of care.
- Evidence-based guidelines and recommendations.
- Evidence-based humane endpoints.
- An optimized experimental design and development of the statistical evaluation.
- Transparency regarding animal experiments.
- Communicate the value and goal for each animal experiment that has to be performed in relation to the research outcome.
- Follow up the relevance of each animal experiment, that is to compare the research outcome to the animal welfare.
- Create pre-conditions to improve and standardize husbandry of research animals at KM's facilities with the aim to promote reduction and refinement.
- That only animals in good health and with a documented background shall be used in experiments. This will promote reproducibility and reduce the number of animals needed to reach statistical power (refinement).

Animal welfare

The attention of general public was first drawn to the welfare of animals kept under intensive husbandry conditions by the publication of Ruth Harrison's book *Animal Machines*. In Britain, the public outcry was so intense that the government formed a committee under the chairmanship of Professor Rogers Brambell to investigate intensive husbandry systems. Since 1964 the debate on animal welfare has spread all over north western Europe and has more recently opened in Australia and North America. Of all classes of livestock, non has generated fiercer debate than the chicken, perhaps because it has been subjected to more crowded and artificial conditions than other farm animals (I.J.H. Duncan, *Animal rights – animal welfare: A scientist's assessment*, "Poultry Science" 1981, Vol. 60, Iss. 3, <https://www.sciencedirect.com/science/article/pii/S0032579119420580?via%3Dihub> (date of access: 12.06.2024).

G.B. Taylor: "My experience has been that [...] by-and-large the standard of welfare among animals kept in the so called 'intensive' system is higher. On balance I feel that the animal is better cared for; it is certainly much freer from disease and attack by its mates; it receives much better attention from the attendants, is sure of shelter and bedding and a reasonable amount of good food and water".

B. Rollin: "[...] a much increased concept of welfare. Not only will welfare mean control of pain and suffering, it will also entail nurturing and fulfilment of the animals natures".

D. Sainsbury: “Good health is the birtright of every animal that we rear, whether intensively or otherwise. If it becomes diseased we have failed in our duty to the animal and subjected it to a degree of suffering that cannot be readily estimated” (see: D. Fraser, *Understanding animal welfare*, “Acta Veterinaria Scandinavica” 2008, Vol. 50, p. 2, <https://actavetscand.biomedcentral.com/articles/10.1186/1751-0147-50-S1-S1> (date of access: 12.06.2024)).

The animal welfare debate then moved on to animals in laboratories.

- “We should never have recourse to experiment in cases which observation can afford us the information required.
- No experiment should be performed without a distinct and definite object and without the persuasion, after the maturest consideration, that the object will be attained and produce a real and uncomplicated result.
- We should not needlessly repeat experiments.
- That it should be instituted with the least possible infliction of suffering.
- Every physiological experiment should be performed under such circumstances as will secure due observation and attestation of its results, and so obviate, as much as possible, the necessity for its repetition”. (See: <https://norecopa.no/more-resources/ethics/>, date of access: 15.12.2023).



Problems:

1. How useful are the results of animal experiments? How applicable is information drawn from animal research into, say, human cancer or neurological and cardiovascular disease?
2. Arguments *for* and *against* the use of animals in laboratories.

Task 2

Animal welfare of stray cats

In our society, cats are considered part of the family and are affectionately called ‘kitty’ and ‘pussycat’. Responsible cat owners are aware of the animals’ natural needs and care about them.

In contrast, hundreds of thousands of stray cats live on the streets – even in the middle of Poland. Many strays are ill and suffer from hunger. Where unwanted, they are often brutally killed.

The five welfare needs

All animals are protected from harm by law. In addition, animal owners are responsible for ensuring that their pets have all of their needs met. The five welfare needs are:

- to have a suitable environment
- to have a suitable diet
- to be able to exhibit normal behaviour patterns
- to have the opportunity to be alone
- to be protected from pain, suffering, injury and disease



1. Try to identify the elements that contribute to the well-being of cats. How can you help stray cats? Create your homeless cat help program.
2. Which opinion is closer to you: 1) a domestic cat should not leave the house / apartment; can only go out on a leash; windows and balconies should be secured; 2) a cat in confinement is not happy, it should be able to leave the house. Justify your opinion.

Task 3

Feral cat issues

The main issues surrounding feral cats can be categorized as follows:

- Public health and zoonotic disease,
- Spread of disease to other species,
- Spread of disease to pet cats,
- Public nuisance,
- Predation of wildlife, extinction of native species, disruption of ecosystems,
- The welfare of the cats themselves.

Feral cat control/solutions

The methods for controlling the feral cat population can be listed as follows:

- Do nothing/‘wait and see’,
- Destroy on site,

- Trap, remove and euthanase,
- Trap and relocate,
- Trap, neuter and return (TNR),
- Non-surgical contraception,
- Controlling the source of cats.

Please, read more:



Sheilah A. Robertson, *A review of feral cat control*, “Journal of Feline Medicine and Surgery” 2008, Vol. 10, Iss. 4, pp. 366–375, <https://doi.org/10.1016/j.jfms.2007.08.003> (date of access: 15.11.2023).



What do you think about the solutions presented in the article? Assess them from the point of view of the welfare of feral cats.

Chapter 6.

The animal as a victim of the human activity from the perspective of victimology and criminology

Task 1

“Why include nonhuman animals within victimology?”

“[...] Firstly, victimology is the study of victims. It seeks to increase knowledge and understanding of the nature, extent and impact of victimisation. It would clearly be beneficial to learn more about these issues with respect to harms affecting nonhuman animals. Doing so would further our understanding of under-researched crimes and harms and their targets, offenders, ‘victims’ and the inter-relatedness of these across *all* species. Secondly, victimology is concerned with the operation of the criminal-justice system as it relates to victims; and the rights of these victims. This is probably the most contentious area with respect to inclusion of nonhuman animals, most notably because only humans can (currently in most jurisdictions) be formally and legally granted the status of ‘victim’, and because of the lack of recognised protected rights afforded to nonhuman animals (as set out above). However, it is our contention that as they undoubtedly suffer harm (individually and/or as a species) from acts and omissions *already criminalised*, then there is a strong argument for at least a greater recognition of these impacts when cases do end up before the courts. Further, as Nurse (2013b) has suggested, there is a need for ‘wildlife offences’ to be mainstreamed in terms of enforcement and the wider criminal justice system. This need not require the conferment of the legal status of victimhood, rather it could take the

form of a quantification of the impact of harms on individual ('victim') animals and, where appropriate, the species as a whole. This, and other impacts of the crime, could be presented to the court in the form of 'victim' impact statements from recognised experts or accredited animal advocates, the latter of whom could also feasibly bring cases on behalf of targeted species or individual nonhuman animals suffering legally proscribed abuse (such as Antoine Goetschel, a recognised legal advocate for non-human animals in the Swiss Canton of Zurich). Such impact statements, much like existing victim impact statements in the UK (Hall, 2009), might report the physical pain and effects on natural behaviour experienced by nonhuman animals that have been physically abused or severely neglected or criminally misused (such as cases of dog fighting). They might also set out the longer-term effects of acts on (particularly endangered) species; which might be useful for sentencers who cannot be expected to be fully cognisant of these. Finally, nonhuman animals may be afforded a role in court proceedings through the consideration of some form of compensation or restitution from offenders, put towards protective or conservation efforts (as is the case for CITES-related crimes in Finland, for example (Garstecki, 2006)).

Finally, research in the field of victimology helps inform policy and activism. Both the previous endeavours should lead to more informed policy (based on how much a problem something is, what types of harms are actually being caused, who is involved, and so forth) and to awareness-raising about harms experienced by nonhuman animals. Where (activist) victimologists then wish to argue for policy change (potentially including criminalisation), this would be more informed and evidenced. [...]



Why exclude nonhuman animals from victimology?

[...] Firstly, there may be an understandable concern that expanding the scope of victimology to include nonhuman animals (or even human victims of harm, such as environmental victims) may be seen as an 'opening of the floodgates'. If victimology becomes too diverse a discipline, might this result in a loss of its focus and meaning, and in consequence its activist and policy-influencing impact? Does paying attention to victims of harm and non-traditional victims (including nonhuman animals) mean that victimology will be taken less seriously? There is no reason why this should occur, but it is possible. It may also be the case that it could lead to greater division, fragmentation and marginalisation within the discipline.

Further in relation to this issue, we have predominantly discussed nonhuman animals as one entity, yet of course there are millions of different species of animal life. We have also critically recognised the existence of what we have termed hierarchical speciesism, to which a non-speciesist, inclusive, critical victimology should take care not to fall foul. We recognise that for many people it may be easier to accept the notion of some nonhuman animals as victims than others. For example, victimhood may be more easily comprehended in relation to 'higher order' species (such as cetaceans and primates), those that can be most readily anthropomorphised and those to whom society tends to give protected status. It may be much harder to conceive of this notion for species *perceived* as dangerous or disease-carrying (for example, spiders, snakes, rodents), those constructed as food, tools, test subjects or clothing, those used for entertainment, those considered to have the least sentience (e.g. fish and insects) and even those that are thought to be 'ugly' (see O'Callaghan, 2013). Compare, for example, the outrage relating to a case in the UK of a woman who microwaved a kitten (BBC, 2014), but not over the boiling alive of lobsters for food. It is true that seeking to protect *all* nonhuman animals from *all* forms of harm, or for our purposes, classifying all nonhuman animals that experience harm as victims is a perhaps admirable but unachievable aim, but again this should not be grounds for a blanket exclusion of nonhuman animals, nor of particular species on the grounds of how they are constructed or labelled, as to do so would be speciesist.

The second issue to be addressed is that of balance, which has also been raised by Hall (2013) in relation to environmental victims. Recognizing more entities as victims, giving victims more of a voice and more 'rights' (or whatever we may refer to these as) will likely impinge on the rights and activities of other players, notably individual offenders, but also, in some cases, corporations, organisation, states and even other (potential) victims. For example, an increase in 'rights' and protections for farm animals would likely impact on the practices and profits of farmers and food suppliers (thus the pockets of consumers). Greater regulation or banning of nonhuman animal vivisection (as has occurred in the European Union for cosmetics testing) would impact on vivisection, animal laboratories, suppliers of 'test-subjects' and, if suitable alternatives were not available, potentially the safety of consumers of cosmetics, household products and drug treatments. A total ban on bushmeat trade would significantly impact on subsistence hunters. Seeking to protect the habitat of wild nonhuman animals could limit the building of much needed housing or agriculture for humans. Even spending resources, on protecting endangered species for example, may mean reducing resources available for policing of traditional crimes, thus impacting humans' safe-

ty and security. Further, offenders whose actions harm nonhuman animals could find themselves receiving harsher sentences or paying restitution if awareness of the impact their crimes had on these ‘victims’ was increased. However, we again feel that these issues, whilst important, do not preclude a nonhuman animal victimology. Firstly, we are not arguing for a nonhuman animal bill of rights. Secondly, achieving a balance between the interests of all parties is something that victimology has always had to consider. Thus, although this may raise conflicts previously not (or under-) explored, this should be part of the discipline’s contribution. That said, particularly where these conflicts antagonise human and nonhuman animal interest and where they involve economically and politically powerful groups, this will not be an easy task. Thirdly, and related to the above, a focus on nonhuman animals as victims *may* (as part of the third element of victimology: policy and activism) result in increased controls over identified harmful activities. These controls could take the form of stricter regulation and bans on the use of (certain) nonhuman animals, which would again impinge on the freedoms and profits of others (organisations and individuals alike), as discussed above. They may also result in criminalisation of previously legal activities, which may be problematic. This would lead to net-widening, drawing more people into the criminal justice system, a concern voiced by Hall and Farrall (2013) in the context of the criminogenic nature of climate change and society’s responses to it. Also, a desire to invoke the perceived moralising and deterrent effects of criminal law (and prosecution) may mask the fact that harm may be better reduced through improvements to enforcement and the use of alternative mechanisms (Nurse, 2012; Wellsmith, 2012).

Finally, there may be a very real concern that considering nonhuman animals as victims may be seen as minimising or belittling the harm experienced by ‘real’ victims of crime. Similar responses are elicited when antispeciesists equate the suffering, exclusion and prejudice aimed at nonhuman animals to that experienced by marginalised human groups (e.g. women, ethnic minorities) or compare wide-scale (legitimised) abuses, such as factory farming, with genocides or slavery (as exemplified in the title to Spiegel’s 1989 (revised in 1997) book: *The Dreaded Comparison*). The same could be said for when criminal terminology is used to describe what humans do to nonhuman animals, such as murder or rape (the latter referring to insemination of farmed animals on a ‘rape rack’). Again, from an anthropocentric (and practical) perspective, this concern is understood. However, as noted above, philosophically the notion of prioritising the suffering of non-humans is also problematic. [...]” (See: M. Flynn, M. Hall, *The Case For A Victimology of Nonhuman Animal Harms*, “Contemporary Justice Review” 2017, Vol. 20 (3), <https://doi.org/10.1080/10282580.2017.1348898>, pp. 299–318).



Should we *include* animals within victimology or *exclude* them?

Task 2



Read excerpt from the article: Peter Singer and Paula Cavalieri, *The two dark sides of Covid-19*, Project Syndicate, 2.03.2020, <https://www.project-syndicate.org/commentary/wet-markets-breeding-ground-for-new-coronavirus-by-peter-singer-and-paola-cavalieri-2020-03?barrier=accesspaylog> (date of access: 20.11.2022).

“The apocalyptic images of the locked-down Chinese city of Wuhan have reached us all. The world is holding its breath over the spread of the new coronavirus, COVID-19, and governments are taking or preparing drastic measures that will necessarily sacrifice individual rights and freedoms for the general good.

Some focus their anger on China’s initial lack of transparency about the outbreak. The philosopher Slavoj Žižek has spoken of ‘the racist paranoia’ at work in the obsession with COVID-19 when there are many worse infectious diseases from which thousands die every day.

At China’s wet markets, many different animals are sold and killed to be eaten: wolf cubs, snakes, turtles, guinea pigs, rats, otters, badgers and civets. Similar markets exist in many Asian countries, including Japan, Vietnam and the Philippines.

In tropical and subtropical areas of the planet, wet markets sell live mammals, poultry, fish and reptiles, crammed together and sharing their breath, their blood and their excrement. Scientists tell us that keeping different animals in close, prolonged proximity with one another and with people creates an unhealthy environment that is the probable source of the mutation that enabled COVID-19 to infect humans. More precisely, in such an environment, a coronavirus long present in some animals underwent rapid mutation as it changed from nonhuman host to nonhuman host, and ultimately gained the ability to bind to human cell receptors, thus adapting to the human host.

This evidence prompted China, on Jan. 26, to impose a temporary ban on wild-life animal trade. It is not the first time that such a measure has been introduced in response to an epidemic. Following the SARS outbreak, China prohibited the breed-

ing, transport and sale of civets and other wild animals, but the ban was lifted six months later.

Today, many voices are calling for a permanent shutdown of ‘wildlife markets’. What the world really needs is a permanent ban on wet markets.

For the animals, wet markets are hell on Earth. Thousands of sentient, palpitating beings endure hours of suffering and anguish before being brutally butchered. This is just one small part of the suffering that humans systematically inflict on animals in every country – in factory farms, laboratories and the entertainment industry.

If we stop to reflect on what we are doing – and mostly we do not – we are prone to justify it by appealing to the alleged superiority of our species, in much the same way that white people used to appeal to the alleged superiority of their race to justify their subjection of ‘inferior’ humans. But at this moment, when vital human interests so clearly run parallel to the interests of nonhuman animals, this small part of the suffering we inflict on animals offers us the opportunity for a change of attitudes toward members of nonhuman species.

To achieve a ban on wet markets, we will have to overcome some specific cultural preferences, as well as resistance linked to the fact that a ban would cause economic hardship to those who make their living from the markets.

But we would go further. Historically, tragedies have sometimes led to important changes. Markets at which live animals are sold and slaughtered should be banned not only in China, but all over the world”.



What do You think about wet markets? Do you think wet markets should be banned? Do you think animals are victims of wet markets?

Task 3

Animals victims of the war

“Prior to the mechanisation of warfare, armies often conscripted large numbers of animals into service to support their war efforts. Horses, donkeys, oxen, bullocks and elephants carried men, materiel and supplies; pigeons carried messages; camel-mounted troops have been employed in desert campaigns; and cavalry horses often led the charge on the front line. It is thought that 16 million animals *served* in the

First World War, the first industrialised conflict where huge numbers of animals were still in use. And between 1914-18 it has been estimated that 484,143 horses, mules, camels and bullocks were killed in British service alone. While the overall numbers of animals conscripted to directly support fighting has decreased over time, their use by militaries remains commonplace.

Dogs have been particularly widely used by the military, and remain so today. Their roles have included tracking, guarding, delivering messages, laying telegraph wires, detecting explosives and digging out bomb victims. Rats have also been used to detect mines, while dolphins and sealions continue to be trained to protect harbours from sea mines and divers. There are even reports of cats being used to hunt rats in trenches, canaries being used to detect poisonous gas and, in World War I, glow worms being used for illumination at night for reading communiques and maps.

These activities have often led to animal casualties and deaths, and the shocking death toll is covered below. But there were also untold deprivations and animal welfare issues, ranging from poor training methods, housing, overwork and exhaustion, exposure to heat or cold, starvation, thirst, disease and abandonment.

Animals have also been widely used in military research, particularly into weapons and injuries. Weapons have been tested for safety and efficacy, usually using pigs and sheep – many of which were shot and killed in testing. Rodents, rabbits and primates have also been used widely in laboratory testing in relation to the toxicity of weapon constituents, while still more animals have been used to test chemical, biological or radiological warfare, or for medical personnel to experiment on and train to deal with burns, blasts and wounds”. (See: J. Cox, *When faced with the human suffering of conflicts it can be difficult to think about their parallel impact on animals*, 18.03.2021, <https://ceobs.org/how-animals-are-harmed-by-armed-conflicts-and-military-activities/>, date of access: 21.11.2023).

“Animals can be victims of war even after the conflict has ended. It is well known that mines and booby traps can remain active for years, even decades, after a conflict is over, and it is common for both humans and nonhuman animals to accidentally detonate them and suffer painful mutilations and even death. Although humans can be warned and deterred from traversing areas in which there are unexploded munitions, nonhuman animals cannot understand such warnings and their needs might require them to enter the hazardous areas”. (See: *Animals and war*, Animal Ethics, 17.01.2022, <https://www.animal-ethics.org/animals-and-war/>, date of access: 20.11.2023).

“The Russian invasion of Ukraine has had catastrophic consequences for many people. But Ukraine’s people are not the war’s only victims. Many Ukrainians refuse to ignore the fact. The war also done unknown number of nonhuman victims (for example the zoo near Kviv). Many animals shelters have also been attacked, and animals killed. The European Union and others must recognize animals not merely as property, but as sentient beings whose capacities to suffer and to enjoy life give them moral status”. (See: P. Singer, O. Todorchuk, *The Nonhumans victims of Putin’s war*, Project Syndicate, 5.04.2022, <https://www.project-syndicate.org/commentary/ukraine-animal-victims-of-russia-invasion-by-peter-singer-and-oleksandr-todorchuk-2022-04>, date of access: 20.11.2023).



Read the indicated fragments of the articles. Do you agree with the thesis that animals are victims of war? Justify your opinion.

Chapter 7.

The legal protection of animals as a part of the family abuse protection system

Task 1

We have written an opinion about new legal regulations connected to family abuse Act of January 13, 2023 amending the Act – Code of Civil Procedure and certain other acts, https://orka.sejm.gov.pl/proc9.nsf/ustawy/2615_u.htm (date of access: 24.11.2023). Department of Justice proposed that abuser can take familie's pet with her / him. We find it dangerous and risky because someone who treats humans badly can be aggressive towards animals as well. Animal is not a thing (according to polish criminal law code and Animal Protection Act 1997). But according to civil law animals are objects, they don't have subjectivity. Animals should not be treated as things in the topic of domestic abuse.



What is Your opinion of this topic? Give Your arguments.

1. Can the perpetrator of violence look after the animal?
2. What if the victim does not want to take care of the animal?
3. How do You understand the concept: pet owner?
4. How can animals be protected from domestic violence?

Task 2

Case II K 757/14 Olsztyn

The accused abused the hedgehog with particular cruelty. He kicked the hedgehog several times and jumped on it. The defendant's behavior caused the hedgehog a number of injuries to its internal organs. He suffered a multifocal bone fracture. The hedgehog died as a result of its injuries.

The court sentenced the defendant to the following penalty: 1 year of imprisonment for a probation period of 4 years; PLN 1000 compensation for animal protection purposes; exemption from court costs.

Case II K 471/14 Krosno Odrzańskie

The accused killed the dog by putting it in a plastic bag and throwing it into the water.

The court sentenced him to 10 months of restriction of liberty (unpaid work for social purposes for 30 hours a month); PLN 500 compensation for animal protection purposes; exemption from court costs.

Case VII K 1244/12 Zielona Góra

The accused tried to kill his own dog, which had cancer, by hitting it on the head with a kitchen meat mallet. The accused tried to kill a dog in a forest parking lot. The court sentenced the accused to: 6 months of restriction of liberty (20 hours of unpaid community service per month); ban on owning animals for a period of 2 years; exemption from court costs.



Do you agree with the court rulings listed above? Find the relevant legal provisions in the Animal Protection Act. Consider the problem of willful misconduct in relation to the legal protection of animals. What sanction would be appropriate?

Task 3



See: https://www.animallaw.info/statute/poland-cruelty-polish-animal-protection-act#Chapter_11 (date of access: 12.06.2024)

<https://www.global-regulation.com/translation/poland/2986296/act-of-21-august-1997-on-the-protection-of-animals.html> (date of access: 12.06.2024)

Below we present the new text of the Animal Protection Act – selected penal provisions. Read it. Then compare it with the old regulation (texts provided in the links above).

Chapter 11

Penal Provisions

Article 35. [Killing, slaughtering, or putting down animals in violation of regulations; animal forfeiture order; prohibition of animal possession; prohibition of certain activities]

1. Whoever kills, slaughters an animal, or puts down an animal in violation of the provisions of Article 6 paragraph 1, Article 33, or Article 34 paragraphs 1–4 shall be subject to imprisonment for up to 3 years.
 - 1a. The same penalty shall apply to anyone who mistreats an animal.
2. If the perpetrator of the act specified in paragraphs 1 or 1a acts with particular cruelty, they shall be subject to imprisonment for a term of 3 months to 5 years.
3. In the event of a conviction for an offense specified in paragraphs 1, 1a, or 2, the court shall order the forfeiture of the animal if the perpetrator is its owner.
 - 3a. The court may impose, as a penal measure, a prohibition on possessing any animals or a specified category of animals in the event of a conviction for an offense specified in paragraphs 1 or 1a.
 - 3b. The court shall impose, as a penal measure, a prohibition on possessing any animals or a specified category of animals in the event of a conviction for an offense specified in paragraph 2.
4. If the perpetrator committed the offense referred to in paragraphs 1 or 1a in connection with performing a profession, conducting activities, or performing actions requiring a permit that involve the use of animals or have an impact on them, the court may impose as a penal measure a prohibition on:

- 1) performing any or specific professions,
 - 2) conducting any or specific activities, or
 - 3) performing any or specific actions requiring a permit
– that involve the use of animals or have an impact on them.
- 4a. If the perpetrator committed the offense referred to in paragraph 2 in connection with performing a profession, conducting activities, or performing actions requiring a permit that involve the use of animals or have an impact on them, the court shall impose as a penal measure a prohibition on:
- 1) performing any or specific professions,
 - 2) conducting any or specific activities, or
 - 3) performing any or specific actions requiring a permit
– that involve the use of animals or have an impact on them.
- 4b. The prohibitions mentioned in paragraphs 3a–4a are imposed for a period ranging from one year to 15 years.
- 4c. The court may order the forfeiture of items that were used or intended to be used to commit the offense, even if they do not belong to the perpetrator, if the owner or another person entitled to dispose of them could foresee or should have foreseen that they might be used to commit the offense.
5. In the event of a conviction for an offense specified in paragraphs 1, 1a, or 2, the court shall impose a compensatory payment ranging from 1,000 PLN to 100,000 PLN for a designated purpose related to animal protection.
6. When conditionally discontinuing criminal proceedings, the court may impose a prohibition on possessing any animals or a specified category of animals for up to 2 years.

Article 37a. [Violation of regulations on breeding or keeping dogs of a breed considered aggressive]

1. Whoever breeds or keeps a dog of a breed considered aggressive without the required permit,
shall be subject to arrest or a fine.
2. In the event of punishment for the offense referred to in paragraph 1, the forfeiture of the animal may be ordered.

Article 40. [Cooperation of social organizations with public institutions in the prosecution of crimes and offenses]

Social organizations whose statutory purpose is the protection of animals may cooperate with relevant state and local government institutions in detecting and prosecuting crimes and offenses specified in this Act.

The subject of the prohibited act in Article 35 of the Animal Protection Act is the life and health of the animal, as well as its freedom from unnecessary suffering. Reports of crimes committed against animals are usually filed by social organizations whose statutory purpose is the protection of animal rights. However, anyone can report suspicions of such crimes. Cases can be reported to the police, municipal guard, veterinary inspection, or the aforementioned organizations dedicated to the statutory protection of animal rights.

Chapter 8.

Vegetarianism and veganism in the philosophical approach

Task 1



Josh Milburn, *Vegetarian eating*, Chapter, 2020, https://doi.org/10.1007/978-3-030-14504-0_135, (date of access: 14.09.2023).

“1: Thinking about vegetarianism

It is difficult to find, or come up with, arguments for vegetarianism. To anyone familiar with the academic literature on the ethics of eating meats, or anyone who has ever offered sincere thought to the issue, this might sound like a silly claim. Is the philosophical literature not replete with arguments for vegetarianism? Are there not arguments for vegetarianism in the work of some of the most prominent ethicists of the 20th and 21th century? Are the reasons in favour of vegetarianism not obvious to anyone who has read about the suffering of animals in agriculture and the environmental impact of the meat industry?

In order to answer this question, vegetarianism needs to be distinguished from a range of other diets. Vegetarians are people who do not eat meat. For our purposes, ‘meat’ includes flesh or body of any animal, including fish and invertebrates. Less restrictive diets include what is often called *omnivorism*, which is a diet including a more or less ‘normal’ amount of meat. Using *omnivorism* in this sense is problematic: Strictly speaking, all humans are omnivores. Omnivory is a matter of biology, not of practice, culture, attitude, or ethics. Nonetheless, this common convention will

be followed. Precisely how much meat an omnivorous diet contains will depend on the social, economic, and cultural context. Vegetarianism must also be distinguished from various kinds of demi-vegetarian diets, including pescetarianism (like vegetarianism, but including the meat of fish) and reductarianism (which involves a conscious attempt to reduce, but not necessarily eliminate, meat – and perhaps other animal products – in one’s diet). Crucially, however, it must also be products in their diets (and likely more broadly) – not just meat. [...]

2: Arguing for veg(etari)anism

[...] Let us take Robert Nozick’s case for vegetarianism. This appears in *Anarchy, State, and Utopia*, which is one of the most-read works of 20th century political philosophy. He begins by asserting – reasonably, we might think – that ‘[a]nimals count for something’ [...]. ‘Suppose’, he says, ‘that *eating* animals is not necessary for *health* and is not less expensive than alternative equally healthy diets’. Thus, the advantage of ‘eating animals is the pleasures of the palate, gustatory delights, varied tastes’ The death of these animals, Nozick says, is surely *incidental* to the pleasure gained by eating them – but that does not prove that the eating is permissible. [...]

In this argument, Nozick talks about meat, and, in other places, speaks of his vegetarianism. [...] Eggs and milk are not necessary for human health, and alternatives are accessible to many in the West. The farming of eggs and milk involves the infliction of a great deal of death: male chicks are killed shortly after birth, while male calves are killed as unnecessary or are raised for meat (and thus killed). [...]

Nozick’s case for vegetarianism thus sounds more like a case for veganism. The same sort of observation can be made about the respective cases for vegetarianism of Peter Singer and Tom Regan [...].

3: Personal motivations for vegetarianism

[...] One reason for vegetarianism could be health. Some vegetarians may hold that vegetarianism has health advantages over omnivorism *and* veganism. Equally, of course, many vegans hold that their diet has advantages over vegetarianism and omnivorism, and plenty of omnivores hold that their diet has advantages over veganism and vegetarianism. [...] The healthfulness of a diet is not a simple matter. [...]

Some vegetarians might be motivated by religious concerns. So, for example, many Jains, Buddhists, Rastafari, Sikhs, Seven Day Adventists, and Hindus follow vegetarian diets. [...]

4: Vegetarians as a middle way

[...] Surely some arguments – in everyday dialogue, if not the philosophical literature – will point towards vegetarianism’s status as a ‘middle ground’ between veganism and omnivorism. So, we could *acknowledge* the positive arguments for veganism related to the moral status of animals, or the environmental damage associated with animal agriculture, but nonetheless hold that we are doing ‘enough’ if we switch from omnivorism to vegetarianism, and argue that an imperative to switch to veganism is too demanding.

[...] This is that vegetarianism is an established, recognised dietary identity in a way that other ‘demi-vegan’ diets simply are not. Thus, the vegetarian could say, *given that* (in a given context) veganism is difficult for them and *given that* (in the context in question) vegetarianism is a recognised identity in a way that other possible dietary identities are not, vegetarianism is the appropriate diet for them. [...]

5: Zamir’s case for vegetarianism

The only philosopher to argue at length for vegetarianism in contrast to both omnivorism and veganism is Tzachi Zamir

Zamir argues that a vegetarian utopia is a more compelling vision – for both humans and animals – than a vegan utopia. The benefits to humans include primarily, access to eggs and milk. [...]

Zamir’s conclusion is that a vegetarian utopia is able to benefit both animals [...] and humans relative to a vegan utopia, is able to avoid the qualitative harms replete in contemporary forms of industrial agriculture, and is able to avoid the theological wrongs involved in farming for meat (‘humanely’ or otherwise). Thus, the vegetarian utopia to be preferred both to the vegan utopia and the humane-farming utopia. [...]

6: Alternative cases for vegetarianism: Consuming flesh, consuming bodies

Perhaps a vegetarian seeking principled arguments should move away from appeals to the wrong of *producing* meat.

A vegetarian diet focuses on plants for food. These include fruits, vegetables, dried beans and peas, grains, seeds and nuts. There is no single type of vegetarian diet. Instead, vegetarian eating patterns usually fall into the following groups:

- the vegan diet, which excludes all meat and animal products,
- the lacto vegetarian diet, which includes plant foods plus dairy products,
- the lacto-ovo vegetarian diet, which includes both dairy products and eggs.

People who follow vegetarian diets can get all the nutrients they need. However, they must be careful to eat a wide variety of foods to meet their nutritional needs”.



1. You are a vegetarian / vegan. Convince a group of friends to a vegetarian / vegan diet.
2. You like eating meat. Find arguments for your diet. Convince the group that your arguments are valid.

Task 2

“Why are dogs special?”



See: P. Resolute, *Humanizing the non-human animal: Framing the analysis of dog’s rights movement in Indonesia*, “Masyarakat Jurnal Sosiologi” 2016, Vol. 21, No. 2, p. 149–172.

The very first worldwide animals rights movement began in 18th century England. The movement pioneered legislations on animal protection and was successfully implemented and globally expanded. Animal rights movements gained traction following Richard Rider’s introduction of the term speciesism in 1970. From the on, civil organizations began to stand against both animal violence and abuse. In 1975, Peter Singer published *Animal Liberation*, which became a milestone for the emergence of various animal rights organization all around the world. Organizations such as Soi Dog Foundation in Thailand, PETA Asia-Pacific, Animals Asia Foundation, and Chinese Animal Protection Network can trace their roots to Singer’s publication. These organizations then stimulated animal activists in Indonesia to form organizations of their own, namely AD (Animal Defender), JAAN (Jakarta Animal AiD Network), AFJ (Animal Friends Jogja), GSI (Garda Satwa Indonesia), and BAWA (Bali Animal Welfare Association). In 2014, AFJ, GSI and JAAN initiated a campaign later was known as the Dogs Are Not Food (henceforth abbreviated as DANF). Within a year, DANF has been garnered 80,000 supporters and has spread globally.

There are a number of differences in concern between Western and Eastern animal rights organizations. Animal rights organizations in the West are mainly con-

cerned with animal violence as a whole whereas animal rights organizations in the East tend to focus on individual animal species, such as dogs.

Dog meat has been consumed in Asia since the Neolithic era. In China, for example, dogs were sacrificed and their meat consumed in ceremonies.



The main question is: Why ban the consumption of the dog meat while still allowing the consumption of meat from other animals?

Chapter 9.

Freeganism

Task 1



Freeganism. Morally right, but what about legally?, J.C. Solicitors, <https://www.jcsolicitors.com/freeganism/> (date of access: 3.01.2022):

“The practice of ‘freeganism’ has been subjected to a high level of media attention of late. ‘Freeganism’ is the practice of reclaiming and eating food that has been discarded. It has been described as a philosophy, that of ‘ethical eating’ – a reaction against a wasteful society and a way of highlighting how supermarkets dump tons of food every year that is still edible. But does this moral reaction produce criminal results?

Figures from the Government’s waste reduction advisory body, Waste and Resources Action Programme, show 89million tons of food is discarded per year in the EU. (15million attributable to the UK). Clearly food waste has important economic, environmental and social implications. However, does this mean that the actions of those who unlawfully remove food from supermarket disposal units should be condoned by society?

Binned supermarket waste. Who does it belong to?

In analysing our criminal law, it can be seen that theft is defined as ‘dishonestly appropriating property belonging to another with the intention of permanently depriving the other of it’. Deliberations turn upon the phrase ‘belonging to another’, which is expanded as follows: ‘property shall be regarded as belonging to any person having possession or control of it, or having in it any proprietary right or interest...’

Under criminal law, supermarkets are still within 'possession or control' of the goods when they are placed into bins for disposal. The goods have been put there for a purpose, and that purpose is for them to be disposed by an appropriate refuse authority. Therefore, until the goods have been collected, in the manner to which the supermarket is expecting, the goods remain within their 'possession or control' and can be the subject of a theft. Only a true 'abandonment' of the goods will prevent them becoming subject to a theft, if they are taken by an unauthorised person/authority. True abandonment is rare, it does not include losing or forgetting. To abandon something is for the owner to give up control and be truly indifferent as to what becomes of it.

In 2011 a young lady in Essex was initially charged with theft following being found in possession of food, which had been given to her by a friend, who had 'freeganised' the food from bins belonging to a supermarket. The food had been discarded following the failure of the shop's freezers, and even though it had been thrown away it did not automatically follow that the supermarket no longer owned it. If it can be proven that the goods have a rightful owner, then it would be illegal to take it, as it had not been truly abandoned. The contents of the bin still belonged to the supermarket. The young lady pleaded guilty to handling stolen goods.

Last October, Police caught three men, after the men had climbed over a wall to gain entry to a supermarkets' premises, looking for 'waste' food. Initially the Metropolitan Police and the Crown Prosecution Service stated: 'We feel there is significant public interest in prosecuting these three individuals.' However, the decision was subsequently overruled, in part due to the intervention of the supermarket's chief executive.

'Freeganism' has become such a problem for one major supermarket chain that they have had to place bins behind fencing and barbed wire, as an effective way of keeping the 'freegans' out. Many supermarkets do give their leftover food to charity, in efforts to cut waste. The British Retail Consortium said, 'Cutting food waste was a top priority for all retailers, and from next year all major UK supermarkets will have to reveal the volume of food wasted in their stores every year.'

The difficulty of what happens to surplus food is clearly of significant importance, and recommendations have been put forward to the government that perhaps tax breaks could be offered to encourage supermarkets to donate edible unsold food, to food banks (which some supermarkets already do). However, if society condones the act of 'freeganism' by not prosecuting individuals for theft then do we begin to flout our criminal law as it stands? Are we abusing our criminal justice system to satisfy a current moral dilemma?"

Is freeganism legal?

Recently, an incident occurred in Poland in which an 80-year-old woman was locked in a garbage container. The rubbish bin and the waste contained in it were the property of the Biedronka store. The security guard who locked the woman accused her of stealing. Is it a crime to take waste/garbage from someone else's garbage bin?

See more:



<https://wiadomosci.onet.pl/trojmiasto/skandaliczne-sceny-przed-biedronka-ochroniarz-zamknal-staruszke-w-smietniku/3yp84d8> (date of access: 5.01.2024);

<https://finanse.wp.pl/seniorka-zamknieta-w-wiacie-na-odpady-biedronka-przeprasza-6982171040999968a> (date of access: 5.01.2024).

Task 2

How Freegans Work



By: Sarah Dowdey, *How Freegans Work*, HowStuffWorks, <https://money.howstuffworks.com/freegan.htm> (date of access: 12.01.2022):

“For most people, consumerism is an ingrained and unavoidable way of life. We work, we spend, we trash and we buy again. It’s a cycle that seems all but inescapable in an industrialized society. But a group of people that call themselves freegans think they’ve found a way out – a way to exit the consumer cycle and live off the grid. They scavenge instead of buy, volunteer instead of work and squat instead of rent. But there’s a catch – to live off the grid, they have to eat out of the trash.

[...] They’ve instead chosen to live what they believe is an ethical, unadulterated lifestyle and disassociate themselves from capitalism and consumerism.

The word freegan is a combination of ‘free’ – as in it’s free because you found it in a dumpster – and ‘vegan’, a vegetarian who abstains from all animal products. Not all freegans are strict vegetarians, however. Some would rather eat found meat, dairy and eggs than let food go to waste.

Many freegans extend their beliefs beyond the food they eat. In addition to Dumpster diving, some freegans squat on abandoned property or grow gardens on

empty lots. Some choose not to hold jobs and instead volunteer or teach repair workshops for other freegans.

Because the movement is so ideologically centered, critics accuse freegans of being hypocritical. After all, avoiding purchases in a developed nation is essentially impossible. [...] Is society really so wasteful that people can subsist safely and happily on trash alone?

In this article we'll learn about the freegan philosophy, freegan techniques and the historical precedent of gleaning.

Freegan philosophy

While the thrill of a good find is motivation enough for some Dumpster divers, freegans are usually driven by their anti-consumerist beliefs. Although freeganism is not an official organization, a Website, freegan.info, serves as the movement's hub. Many freegans use it to meet other scavengers and learn how to forage. The site advertises classes and scavenging sites and briefs newcomers on the philosophy behind freeganism.

Freegans believe that consumerism destroys the environment and degrades society. They believe that deforestation, factory farming and unfair labor practices are a natural result of a profit-centered culture. Most importantly, they think that working and buying give implicit approval to capitalism and its sometimes unpleasant side effects.

So freegans choose not to buy. They resist electronics upgrades and changing fashions. They repair what they already own. They trade amongst themselves. They scavenge for what they need. And because most industrialized societies produce a lot of waste, freegans can usually get by quite comfortably with only the occasional purchase.

Of course when you scavenge all of your food, avoid buying clothes, furniture and gadgets and maybe even squat on abandoned property, you have fewer expenses. With reduced financial dependence, freegans are able to choose jobs that harmonize with freegan ecological and social beliefs. They often find that they can work less and sometimes not at all. Freegans, however, are quick to point out that they're not lazy. Many use their spare time to volunteer, campaign for pet issues, teach repair workshops and, of course, scavenge.

Freegans also believe that society relies too much on oil. Some freegans convert their cars to run on biodiesel. Others walk or bike when possible. [Freegan.info](http://freegan.info) even suggests hitchhiking and train hopping, two unconventional alternatives to the standard green transportation solutions of hybrid cars and carbon offsets.

Freegans imagine a future of small, localized economies where people work less and spend more time together. Some even hope for a return to a pre-agricultural state, believing that gatherer cultures are the epitome of civilization.

With such lofty goals, how do freegans actually scrape by? [...]

Freeganism in Practice

Most freegans live in cities where trash is high quality and plentiful. New York City, with its density and wealth, is practically the capital of freeganism. Because freegans tend to concentrate in urban areas, most practice urban foraging. Freegans look for furniture or bags of clothing on curbsides, electronics in office Dumpsters and food behind grocery stores and restaurants.

Dedicated freegans usually establish a routine – a set of Dumpsters they visit weekly or even daily. Many learn when trash goes out and when Dumpsters are unattended. Although it's always illegal to venture behind a fenced-off area marked 'no trespassing', laws on Dumpster diving vary considerably. Oddly enough, a 1988 ruling by the Supreme Court, *California v. Greenwood*, gave tacit approval to Dumpster divers. Although the ruling originally justified the police's search of a suspected narcotics trafficker's trash, freegans use it as an excuse to scavenge food and other cast-off items. Cities with anti-scavenging laws, however, can still fine Dumpster divers.

Many stores also discourage freegans. They're usually afraid of lawsuits from divers who get sick from discarded food. Stores that donate their excess food claim they leave nothing palatable in the trash. Freegans disagree. Stores throw out large amounts of aesthetically damaged goods like bruised fruit or crushed boxes. They also discard products that have reached their sell-by date. Although sell-by dates provide a general idea of when food will go bad, they are not safety dates. Trash from grocery stores and restaurants is also different from that of the average residential 'herbie curbie'. Stores usually bag discarded food separately from other trash.

Some freegans engage in wild foraging to collect edible plants in woods or parks. Freegan.info hosts guided foraging trips to identify plants that are safe to eat. Freegans also grow their own food. Some create plots on their own property; others practice guerrilla gardening and convert abandoned lots into community gardens. And since freegans understandably do not like to throw things out, many engage in free sharing – trading at markets where no money changes hands.

Freegans usually have unconventional health care because they work unconventional jobs – if they work at all. Many refuse to support large pharmaceutical companies and HMOs. As an alternative, some freegans join health care collectives or practice holistic medicine with acupuncture, spinal adjustment, exercise and herbs.

There's more to life, however, than basic Dumpster diving [...].

Food Safety

How safe is it to eat food out of a Dumpster? Many freegans claim they've never gotten sick from properly cleaned and cooked scavenged food. Bacterial contamination, however, the cause of most food-borne illnesses, can happen at any point: at harvest, during shipping or – surprise – while sitting in a Dumpster. Bacteria multiply most rapidly in the danger zone between 40 and 140 degrees Fahrenheit.

Freegans might seem like a fairly radical bunch, but the idea of scavenging for food is really nothing new. Gleaning (collecting abandoned food from fields or other sources) has been around since ancient times. It's even mentioned in the Bible as a form of charity: Farmers would harvest their crops and allow the poor to collect the leftovers.

Most modern field gleaners collect food passed over by mechanical harvesting equipment or food that is not marketable because of minor imperfections. Large gleaning organizations like the Society of St. Andrew donate millions of pounds of food to the poor and homeless and attract tens of thousands of volunteers.

[...] Although freeganism likely has roots in the hobo subculture of the Great Depression, it's also a product of the antiglobalization movements that began in the 1960s. One charitable antiglobalization and antiwar movement, Food Not Bombs, began recovering food in 1980 to provide free vegetarian meals for the hungry.

It's not too surprising that people would eventually make the leap from charitable gleaning to foraging as a way of personal subsistence. Freeganism has spread around the world [...].



Based on the quoted text, please characterize freeganism as a philosophy.

Task 3



Freeganism in Poland: 'horror' of taking food from bins, <https://cafabel.com/en/article/freeganism-in-poland-horror-of-taking-food-from-bins-5ae005d9f723b35a145dfb3d/> (date of access: 15.01.2022):

“Freeganism, a way of life for a small percentage of the world's population, is above all an extremely anti-consumerist attitude calling for restraint. It openly expresses

opposition to corporations that only want to enrich themselves because today the sale of goods in their pure form is disappearing. Freegans demand that our needs be satisfied by recycling, by repairing products that seem at first glance to be useless, and by mutual exchange. One form of freeganism is squatting, whereby derelict land sites, mainly buildings, are managed so that they can go on to serve as residential accommodation or are converted into areas for public use. This is all in the belief that housing should be a right and not a privilege. But the thing that people find most shocking about freegans is that they don't even buy food. Supermarkets throw out en masse perfectly good, sealed or completely closed products whose sell-by date has just passed or will soon pass. Kilograms of vegetables and fruit that are only slightly decayed or simply 'look bad' also go into the bin. Freegans do not rummage through bins in search of food because their situation forces them to do so. They are trying, in fact, to show that too much perfectly good food ends up with the rubbish. A few young people proved this by gathering over 30kg of vegetables from bins over one night in Warsaw. The next day they made soup out of the vegetables and gave it to the homeless. We still cannot completely avoid shopping for food, although we regularly go to the bins around Wroclaw (and not only Wroclaw). That always results in a magnificent lunch. Our favourite place is the bins of the supermarket chain Biedronka. Biedronka throws out huge amounts of perfectly good food and usually we don't have enough space in our backpacks to carry home as much as we would like. Lately I brought home a few kilograms of melons that we used to make a delicious salad and melon cocktails. When we were in Gdynia on the Baltic coast all we needed was fifteen minutes at a market to collect enough food and make a soup that fed seven mouths over two days. People are usually filled with horror by the fact that we take food from bins. But when they eat a meal that we have prepared, and are not aware of where the food came from, they praise it to the skies. This actually happened once – my fiancée's mother was doing her shopping in Biedronka while we were rummaging in the bins out the back. We then made a tasty lunch from the bin-broccoli and a cocktail from the bin-bananas. Her mother and the rest of the family were delighted with the meal and only found out where the food came from a few weeks later. But their reaction was positive. Fast-food outlets, restaurants and cafés are another matter. My fiancée worked for a long time in an ice-cream parlour that is famous throughout Poland. Perfectly good food was thrown out on a regular basis only because it wasn't suitable for decoration. The workers were not allowed to take or eat these products – they simply had to throw them into the bin. We couldn't bear this. We sometimes smuggled home this food that was just slightly gone off or

simply unsuitable for decoration and we used it to make cocktails, desserts or just ate it as it was [...]. This obviously reduces the demand for meat from dead animals by 3–6%, thus already quite a large amount. Freegans, although they are not yet as common as vegetarians, operate with an equally powerful conviction – that their stance can change the world”.



Is freeganism popular in Poland? Describe freegan's motivations
Is freeganism good for the environment? Does it have a positive impact on the situation of animals in Poland?

Chapter 10.

Animal shelters

Task 1

Bartosz Andrzejewski (Fundacja MEDOR) + Marta Lichnerowicz (Fundacja Dobrych Zwierząt): “Our main complaints are as follows:

- extremely unprofessional supervision of Veterinary Inspection, which is at variance with the provisions of the Animals Protection Act;
- dogs have been implanted with more than one microchip, each one with a different number. Micro-chipped dogs are not registered in the database, which contributes to a situation in which several municipalities pay for the same dog;
- documents show that dogs are subjected to sterilization and castration – while verification of the facts do not confirm that statement;
- number of dogs, according to the information from municipalities is different from the data obtained from the Veterinary Inspection. There is no possibility to compare any information with the facts, because the owner does not agree to this kind of verification by officials from both sides, neither municipal officials who pay the costs, nor pro-animal organizations. He also refuses any partaking by the media representatives;
- poor physical and mental condition of the dogs staying at the facility – at first glance, dogs seem to be in good condition (good weight), but unfortunately the more detailed check-ups show they suffer from vitamin deficiency, untreated diseases such as skin and ear infections, tumours, orthopedic disorders, the vast majority of them have scars after biting;
- incompatible way of keeping dogs with their physical and emotional needs as species – too large herds, lack of shelter, lack of environmental enrichment, abuse of dogs by hitting them with whips by employees;

- difficulties in adopting dogs by pro-animal organizations and individuals;
- lack of control over the shelter by municipalities and investing public money outside their administration activity area, creating jobs outside the municipality.

These allegations are supported by detailed visual inspection of the 63 dogs transported from Wojtyszki on March 25th and 27th 2013 to the Medor Shelter in Zgierz. For about two years the municipality of Aleksandrów Łódzki tried to reclaim their dogs from Wojtyszki, facing the strong resistance from Longin Siemiński, although the agreement to hold the dogs had long expired. This resistance has become clear upon dogs receipt.

[...] Documentation provided together with the received dogs did not correspond to the gender and appearance of the animals. There were invoices discrepancies in the numbers of microchips delivered on a monthly basis by L. Siemiński to City Council of Aleksandrów Łódzki.

The dramatic situation with the ‘Polish dog death camp’ (the term often appears on the internet) in Wojtyszki has been going on for years. Many times media dealt with that subject.

Lack of response on the part of law enforcement institutions and leaks of information from police witnesses to Longin Siemiński raises serious concerns. Turning a blind eye to breaking the law by L. Siemiński and by other officials arises our suspicion that the reason for withholding from any action is not only a lack of desire, but there are also other considerations that we believe should be investigated by law enforcement agencies from outside the area of Łódź district.

[...] The shelter for years has been called a ‘dogs concentration camp’ [...].”



See: <https://www.esdaw.eu/public-shelter---poland.html> (date of access: 7.12.2022);

<https://www.change.org/p/we-demand-a-total-overhaul-of-the-dog-shelter-system-in-poland> (date of access: 7.12.22).

Your task:



1. Do you agree with the definition of the shelter in Wojtyszki as a *concentration camp* for dogs?
2. Have you heard about similar shelters in Poland?
3. What can be done to prevent inhumane treatment of animals in shelters?

Task 2

Homeless animals in Poland

“[...] Providing care to homeless animals is another issue which is regulated by provisions of the Animal Protection Act. Catching them and providing them with care is a task of communes, which must prepare a programme of care and prevention of animal homelessness every year. Every commune in Poland must have an agreement with an animal shelter, to which it will transfer all the cats and dogs caught in its area, and with a veterinary surgeon in order to provide round – the clock veterinary care in the case of road accidents with animals.

Reducing animal homelessness should include obligatory sterilisation and castration of animals which are brought to animal shelters, finding new owners for them and the possibility for putting down blind litters. Such a programme must also provide for procedure of handling homeless farm animals, to which it must provide care in agricultural farm. The cost of care provided to homeless animals is borne by the local commune”.



See: I. Babińska, E. Kurczewska, J. Konkiel, M.Z. Felsmann, J. Szarek, K. Popławski, A. Snarska, *Selected aspects of human animal protection in polish law*, “Polish Journal of Natural Sciences” 2017, Vol. 32 (2).



Assess the situation of homeless animals in Poland.

Task 3

Adoption of animals

Adoption: is it cheaper than buying animals from breeder? What is a reasonable adoption fee? How long the process of adopting take?

How to adopt?

- don't rush the decision and be patient;
- understand the pet adoption process;

- learn about the dog/cat or other animals for example guinea pigs adjustment period;
- make a plan for Your home;
- research and visit shelter;
- if you have another dog at home, be sure to bring your dog (or other animals) to the animal shelter to meet the new animal;
- get the proper pet supplies before bringing the pet home.



1. What facts and myths do you know about adopting animals from a shelter?
2. What provisions should a good adoption contract contain?

Task 4

Principles of activities of shelters for homeless animals in Poland

The first facilities in Poland, established with animal protection in mind, began operating in the 19th century as charitable institutions or, as they were otherwise known, shelters or asylums. The next ones, established in the 20th century as state units, were called animal shelters. Their name, however, was inconsistent with the role they played in practice. Their task was to catch stray animals and kill them after 14 days (in case of dogs) or 5 days (in case of cats). The law did not guarantee the life of homeless animals. Those institutions were therefore supposed to ensure order and safety in cities in relation to stray animals, but they did not have to provide them with proper shelter and looking for a new home for them. This state of affairs persisted for many years. It was only in 1996 that minor changes were included in the Act on maintaining cleanliness and order in municipalities. However, these were not changes that would significantly improve the situation of stray animals. Municipalities were to ensure cleanliness and order in their areas, and in particular to organize protection from stray animals. This did not provide a clear answer as to what should be done with the animals once they were caught. Shelters (including private ones) have become popular, providing services to municipalities in catching stray animals, often operating without taking into account any ethical principles. Such shelters, operating under the name of animal

shelters or hotels, were illegal and deprived of any control. Animals brought to such places often did not receive proper care. The main goal was to receive money from municipalities for the service, not to keep animals alive in decent conditions. There were also frequent cases of animals being caught in a given commune and abandoned in another commune. Paradoxically, in such a situation, one dog could be sent to the same shelter several times and bring profits to the entrepreneurs running the shelters the same number of times. This practice may continue for many years. The fiction of shelters as “institutions” established to care for homeless animals hides the fact that homeless animals placed there are abandoned again, this time not secretly by the previous guardian, but officially and for money. The issue of responsibility of municipalities arises in the case of a number of large shelters run by entrepreneurs (the cases of shelters in Kutno, Radysy and Wojtyszki), who popularized payment at a daily rate, gathering thousands of dogs from over a hundred municipalities in one place. The municipality continues to “take care” of the animals placed in the shelter in the sense that it pays monthly invoices with a fee calculated for each day of each dog’s stay at a specific rate. This new business model is distinguished by the fact that the average length of time a dog stays in such a shelter lasts years. Currently, shelters for homeless animals are supposed to be a permanent or temporary places for abandoned, lost and unwanted animals. The animals left there come from various backgrounds, which is why they are often neglected, sick and have not been dewormed for many years. After entering the shelter, they should be provided with good housing, adequate nutrition, proper care and an impeccable attitude of the staff. An animal shelter is an institution intended for homeless animals, mainly cats and dogs, where they are provided with care – shelter, food and veterinary assistance. The legal status of animal shelters has been clarified in the Act on Animal Protection of August 21, 1997 (Dz. U. 2020, item 638), especially after its amendment in 2012. In accordance with the provisions contained in art. 4 point 25 of this Act, an animal shelter is a place intended for the care of pets. To run a shelter for homeless animals by entrepreneurs, it is required to obtain a permit from the relevant mayor (Article 7(1) of the Act of September 13, 1996 on maintaining cleanliness and order in municipalities, Dz. U. 2020, item 1439). Before making a decision on issuing a permit, the commune head, mayor or city president may call on the entrepreneur to complete the missing documentation certifying that the entrepreneur meets the conditions specified in the law that are required to perform the activities covered by the permit, as well as carrying out an inspection of the facts provided in the application for granting the permit. Permittion in order to determine whether the entrepreneur meets the conditions for performing the activities

covered by the permit. The activity of An animal shelter must meet the conditions specified in the Act of March 11, 2004 on the protection of animal health and combating infectious animal diseases (Dz. U. 2020, item 1421). The Act specifies veterinary requirements for, among others, running animal shelters (Article 1(1)(j)). An entity conducting such activity is obliged to meet veterinary requirements specified for the given type and scope of supervised activity. This applies to location, health, hygiene, sanitary, organizational, technical or technological requirements that protect against epizootic and epidemic threats. These requirements in particular cover the health status of animals, buildings and people performing specific activities as a part of these activities and the scope of such activities (Article 4(1))(8). The district veterinarian, after receiving the notification of the entity's intention to conduct supervised activities, issues a decision to assign a veterinary identification number to this entity. In art. 4 section 1–2 of the Act of March 11, 2004 on animal protection and combating infectious animal diseases, general requirements for an entity conducting supervised activities are specified. This entity:

- is obliged to meet veterinary requirements specified for the given type and scope of supervised activity,
- is obliged to ensure location, health, hygiene, sanitary, organizational, technical or technological requirements that protect against epizootic or epidemic threats or ensure the proper quality of products, including in particular requirements regarding:
 - health status of animals being the subject of supervised activity or used to conduct it, including tests confirming this condition and specific protective vaccinations, or
 - farms, places where animals are gathered, other places where animals are kept and herds or areas from which animals come from which are the subject of supervised activities or used to conduct such activities, or
 - the method of determining the origin of animals that are the subject of supervised activity or animals from which products produced as part of supervised activity are obtained, including the scope and method of keeping an animal register, or
 - buildings or places where supervised activities are carried out, or persons performing specific activities as part of this activity and the scope of such activities, or
 - the method and scope of documentation and the period of its storage.

Legal regulations regarding shelters do not contain any indications as to the need to provide animals with environmental enrichment. In practice, the vast majority of

shelters for homeless animals do not offer dogs any environmental enrichment, and some shelters do not even provide the outdoor runs required by the regulation. This type of situation can be encountered even in institutions that have financial resources and seemingly professional knowledge about the conditions of keeping dogs, i.e. at universities. Dogs kept in concrete kennels, even if by human standards they are aesthetic and easy to maintain in good hygiene, are not provided with stimuli that allow them to meet their psychosocial needs. Unfortunately, the activities carried out by municipalities are ineffective, because care for homeless animals is carried out in a facade by ordering the capture of animals and placing them in shelters. This does not solve the problem, it only removes it from view. By locking caught animals in shelters, municipalities gain the appearance of controlling the situation, according to the principle “what is not seen is not there”. Shelters themselves are treated by public opinion as burdensome and undesirable institutions. They are therefore located on the outskirts of cities, away from human settlements and separated by various types of architectural barriers that are intended to reduce the nuisance. Neighborhood of shelters – both by hiding visual aspects that cause unpleasant emotions in outsiders (dogs/cats placed in pens/cages; vocalizing; causing stereotypes, etc.), and by minimizing the impact of sound stimuli related to the barking of dogs gathered in large numbers in a small area and the resulting odors.



Compare the rules of operation of shelters for homeless animals today with the rules in force before. What can be done to improve the fate of animals in shelters?

Task 5

Temporary adoption of a dog from a shelter due to bad weather conditions (frost)

The Krakow Animal Welfare Society asked the residents of Krakow and surrounding area for help for dogs, mainly those staying in outdoor cages/pens. The request was to take the dogs home, at least for the duration of the severe frosts approaching Poland. Operation “Frost” lasted from Friday afternoon to noon on Sunday. The main goal was to clean indoor, heated spaces for outdoor dogs. Many of them (“outdoor dogs”) are animals with behavioral problems, past traumas, and not yet suitable for adoption. For two days, there were long queues of people willing to adopt an animal at the

shelter. Detailed adoption procedures used by shelters, such as introductory walks and pre-adoption visits, have been suspended for the duration of the campaign. All you had to do was come to the shelter where an employee selected the animal. Members of Parliament from Małopolska joined in promoting Action “Frost”, with special contributions made by Left MP Łukasz Litewka.



<https://www.rp.pl/spoleczenstwo/art39665371-krakow-akcja-mrozyw-schronisku-dla-zwierzat-chetni-stali-w-kolejce> (date of access: 20.02.2024).

“Evaluating the effects of a temporary fostering program on shelter dog welfare”, published in the March 2019 took a hard look at that question. “Authors Drs. Lisa Gunter and Erica Feuerbacher did research with dogs who went on overnight sleepovers at Best Friends Animal Sanctuary”, said Dr. Sheila (D’Arpino) Segurson, a board-certified veterinary behaviorist and director of research for Maddie’s Fund. “They discovered that while on sleepovers, dogs cortisol levels – a marker of stress – decreased. When the dogs returned to the shelter, their stress increased back to baseline, but no higher than it had been before the sleepover”.



See: <https://sheltermedicine.vetmed.ufl.edu/2019/07/25/short-term/> (date of access: 20.02.2024).



Commentators have said that temporarily adopting dogs during frosts is not a good idea because it disturbs the dogs sense of security. What is your opinion on this?

Task 6

Blind litters – justification for euthanasia?

Taking the life of animals is generally prohibited under art. 6 section 1 of the Animal Protection Act, but at the same time specifying numerous exceptions to this prohibition, which in point 7 includes euthanasia blind litters. In many shelters, euthanizing blind litters is treated as a last resort, and the only panacea is castration or sterilization of animals. Poland is a country where public awareness of animal homelessness is still too low. Ani-

mals that are unneutered, homeless or released loose from homes breed beyond human control. Additionally, in the gray zone, the practice of pseudo-breeding is still flourishing, which is aimed only at the greatest possible profit, i.e. producing as many animals as possible, often at the expense of their health. Therefore, castration in the sense of general good is one of the tools used by veterinarians, animal foundations, and shelters to prevent homelessness by reducing the number of animals that will have to look for homes.



Problems:

1. Euthanasia of blind litters as a tool to combat animal homelessness.
2. Can a veterinarian refuse to give an abortion to a cat?

Task 7

Treatment of homeless animals

There are no provisions in the current Code of Ethics for Veterinarians that would directly refer to the ordering treatment for free. However, it is worth recalling Bernard E. Rollin's correct observation that the attitude of a car mechanic does not correspond to the role played by veterinarians towards animals. While a mechanic could watch a car left by a customer deteriorate and rust, a veterinarian should not pass by a suffering animal indifferently or treat it in this way. There are also no provisions in the Code of Ethics for Veterinarians that would directly refer to stray and free-living animals. This omission is symptomatic. What is important is not only what the Code says, but also what it tries to keep silent. The immediate absence of this category of animals somehow postpones the task associated with them. However, the concept of a sick animal should not only include animals with an owner or guardian. The existing provision has the advantage that it imposes an obligation both to limit the animal's suffering and to take actions aimed at "restoring its health". However, the lack of a clearly formulated postulate allows the task of treating homeless animals to be interpreted differently or even completely contradictory ways.



Should treatment of homeless animals be free? The problem of financial costs incurred by veterinarians.

Chapter 11.

Animal protection in different countries

Task 1

Subjectivity of animals

Ius est ars boni et aequi (“Law is the art of what is good and right”) – this is one of the main sentences of Roman law, which finds its reference in many European legal orders and more. The law is to safeguard justice, form a guarantee – but for whom? Only for man? And other living creatures of planet Earth? Could what was good and right only apply to the chosen? The animal protection in the Polish legal order results from the fact that the animal is a living being, capable of suffering. Man owes the animal respect, protection and care. The Act on the Protection of Animals regulates liability for the bad treatment of farm and domestic animals, but does not regulate the issue of animals used in entertainment and those on which experiments and research are conducted.

Article 1.1 of the Act on the Protection of Animals provides that an animal, as a living being capable of suffering, is not a thing. Man owes him respect, protection and care. Then, Art. 1.2 states that in matters not covered by the Act, the provisions on things shall apply to animals accordingly. What matters could these be, if the act is devoted to regulating the legal status of animals, i.e. beings capable of suffering? It is not known how to treat this inconsistency – or a mistake, or maybe the deliberate action of art for art’s sake? The responsible legislator should specify clearly: either the animals is a thing or it is not. There should be no such inconsistencies in the respectable legal order. In a democratic state of law, where there is a letter and a spirit of law, such constructions do not take place, otherwise it is neither a democratic state

nor a legal state (See: M. Boczek, *Animals – like fish – don't have a say?*, (in:) E. Kruk, G. Lubeńczuk, H. Spasowska-Czarny (editorial team), *Legal protection of animals*, Lublin 2020, p. 23–35).

Animals are used in the 21st century for various purposes. As we read in the literature there are different categories of animals, and in this place doubts may arise not only of the semantic nature. In this typology one can find the category of productive animals that are kept, bred or fished from nature for the purpose of their use, i.e. mainly for economic benefits. Stories of cruelty to animals go back thousands of years. The Romans already staged on the amphitheater or circus arena “hunting” where – just for the delight of the audience – one day thousands of wild animals died. From 1934 in the American city of Hegins, Pennsylvania, on *Labor Day shooting* to live animals took place. It was finally banned only in 1998. Five thousand pigeons were released during the event only to become a living shield. Most of the shot birds were wounded and did not die on the spot, but children were responsible for “catching” them. “At the end of each round, the children collected the wounded birds and killed them – stepping on them, tearing their heads off, hitting them against the walls of the barrels or throwing them to them, to be strangled by other dying or already dead birds”.

Noteworthy is the well-known Italian film *Mondo cane* (Dog's world) which not only focuses on hunting for young seals and whales but also on the way we treat animals before they become food. The spectator “visits” a Chinese restaurant where a consumer can choose a particular dog that will be served on his plate.

Another aspect of the human-animal relationship is the issue of industrial breeding, slaughter or transport of these beings. Farm animals often have such tight stands that they cannot turn or lie down. Slaughter animals from the time of purchase until slaughter are not fed, often not banded, and when unloaded, beaten and maimed. Chickens for roasting on a spit are grown in very cramped and dark rooms and during their lifetime their beaks are cut off because they are pecking each other outrageously. Paul McCartney said that “if the slaughterhouses had glass walls, everyone would be a vegetarian”.



However, the more important question is why is this so? Who is responsible for the fact that in the twentieth and twenty-first century, an animal is more a thing than entity? Is the consequence to be found in historical relations and the way these beings are treated? Animal subjectivity in Polish legal system?

Task 2

The slaughter of animals is a procedure of killing animals for economic reasons.

“Ritual slaughter applies to specific religious procedure of Judaism (*Shechita*) and Islam (*Dabiḥah*). It involves prescribed method of slaughtering an animal for food production purposes. The definition, according to the Jewish and the Muslim law, comes down to slaughter of a religiously acceptable species, by a slaughterman, by cutting the neck in order to sever the jugular veins and carotid arteries, oesophagus and trachea of a conscious animal, without severing the spinal cord. The legal regulation of animal slaughter is based on the rule that before the slaughter the animal must be stunned. At the same time, this method takes into account the necessity of animal protection and of providing people with food. If ritual slaughter (which is part of slaughter of animals) is allowed, it is an exemption constructed for religious purposes. When the process of integration with the European Union began, Poland had to implement European legal standards of animal protection in the internal law. In 1997, Poland enacted the Animal Protection Act. Articles 34(1) and 34(3) define that animals shall only be killed after stunning. Initially, the Act contained an exemption regulated in Art. 34(5) of APA. Pursuant to this provision, in the case of animals subjected to particular methods of slaughter used during religious rites, the requirements regarding prior stunning shall not apply. Article 34(5) was a legal basis that allowed ritual slaughter in Poland. The Art. had been repealed in 2002. However, in 2004, the Minister of Agriculture and Rural Development ordered the Regulation that allowed ritual slaughter. Paragraph 8.2 of this Regulation directly excluded stunning requirements for slaughter prescribed by religious rites. The Polish Constitution defines the hierarchy of sources of law. Regulations must be compatible with Statutes and Constitution. Paragraph 8.2 of the 2004 Regulation directly breached the statutory prohibition on the ritual slaughter (introduced in 2002). It was affirmed by the Constitutional Tribunal’s adjudication of 27 November 2012.

In Poland, the legal status of ritual slaughter is regulated by: the APA, 2004 Regulation, Act on Relations Between the State and Jewish Religious Communities (ARSJC), European Convention for the Protection of Animals for Slaughter and, first of all, by the Constitution. The ARSJC stipulates that Jewish Communities care about meat supply. This provision is not the sufficient legal basis to draw conclusions that Jewish Communities have the right to ritual slaughter. Polish Constitution is

adapted to European standards when it comes to human and citizen rights. Article 53(1) guarantees freedom of conscience and religion. Article 53(5) stipulates that the freedom to publicly express religion may be limited only by means of law and only where it is necessary for the defence of State security, public order, health, morals or the freedoms and rights of others. Public expression of religion may include such practices like ritual slaughter. The APA might limit this freedom when limitation is proportionate. The ban on ritual slaughter that had been created after legal basis in the APA was eliminated, caused a constitutional problem. Is the lack of possibility for religious communities to execute ritual slaughter compatible with constitutional freedom of religion? This dilemma was resolved by the 2014 judgment of Constitutional Tribunal. Judges decided that the regulation concerning the ban on ritual slaughter executed in specific slaughterhouses was contrary to the Constitution. This decision *de facto* allowed ritual slaughter in Poland not only for religious reasons but also for economic ones. Poland ratified the European Convention for the Protection of Animals for Slaughter This Act stipulates that animals should be stunned before slaughter (Art. 12). Each Party to the Convention may permit derogations from the provisions concerning prior stunning when slaughtering is in accordance with religious rituals (Art. 17)” (See: K. Słomiński, *The Status of Ritual Slaughter in the Multicentric Legal System*, (in:) E. Kruk, G. Lubeńczuk, H. Spasowska-Czarny (editorial team), *Legal protection of animals*, Lublin 2020, p. 71–83).



<https://notesfrompoland.com/2022/02/21/poland-among-europes-leaders-in-kosher-and-halal-meat-despite-uncertainty-around-ritual-slaughter/> (date of access: 15.02.2024).

The greatest uncertainty in recent years has been the threat of a ban on ritual slaughter as part of animal-rights legislation. This ban stunning of an animal before slaughter, which takes place through a cut to the throat after which it bleeds out – a practice which critics say is cruel.

Wojciech Pisula, a psychology professor at the Polish Academy of Sciences (PAN), says that “slaughter carried out without prior stunning is associated with extreme suffering for the animal. The agonising suffering of bleeding cows (whose physical expression is suppressed by immobilisation and cutting the vocal cords) continues even up to three minutes”. See: W. Pisula, *Aby nazwać ubój humanitarnym trzeba uszkodzić mózg zwierzęcia*, https://www.money.pl/archiwum/wiadomosci_agencyjne/pap/artykul/pisula;trzeba;uszkodzic;mozg;zwierzecia;by;nazwac;uboj;humanitarnym,190,0,1261758.html (date of access: 13.06.2024)

Judgement K 52/13

“The existing ban on ritual slaughter of animals gave rise to objections formulated by the representatives of the Union of Jewish Religious Communities in Poland (*Związek Gmin Wyznaniowych Żydowskich w Rzeczypospolitej Polskiej*). They claimed that freedom of religion, articulated by the Constitution and international law, covers slaughter of animals for religious purposes. The Community applied to the Constitutional Tribunal so as to derogate from the provisions prohibiting ritual slaughter. The purpose of the motion was to explicitly declare unconstitutionality of the APA provisions which prohibited specific forms of killing animals, provided for by religious practices of religious associations recognized by Polish law. Religious associations, business representatives, animal rights organizations and lawyers were expecting a reasonable judgment which would resolve a very complicated legal situation and determine the boundaries of freedom of religion and animal protection. The ultimate sentence disappointed these hopes”. (See: K. Słomiński, *The Status of Ritual Slaughter in the Multicentric Legal System*, (in:) E. Kruk, G. Lubeńczuk, H. Spasowska-Czarny (editorial team), *Legal protection of animals*, Lublin 2020, p. 71–83).



Read the part of scientific article by Kamil Słomiński, *The Status of Ritual Slaughter in the Multicentric Legal System*, (in:) E. Kruk, G. Lubeńczuk, H. Spasowska-Czarny (editorial team), *Legal protection of animals*, Lublin 2020, p. 71–83.

and next give Your opinion:



1. How religions affect animal welfare?
2. Should ritual slaughter be banned?
3. Do you agree with the arguments of the Constitutional Tribunal?

Task 3

Animal protection in Spain



Law 7/2023, of 28 March, on the protection of animal rights and welfare, [BOE-A-2023-7936](#) [Law 7/2023, of 28 March, on the protection of animal rights and welfare.](#)

Original text in Spanish. Translation into English is possible on the indicated website.

Article 25. General prohibitions regarding companion and wild animals in captivity.

The following behaviors or actions referring to companion or wild animals in captivity are totally prohibited:

- a) To mistreat or physically assault them, as well as to subject them to negligent treatment or any practice that may cause them suffering, physical or psychological harm or cause their death;
- b) Use invasive methods and tools that cause harm and suffering to animals, without prejudice to veterinary treatments carried out by registered veterinary professionals and other exceptions established by regulation.
- c) Intentionally abandoning them in closed or open spaces, especially in the natural environment where they may cause subsequent damage due to feralism or their status as potentially invasive alien species.
- d) Leaving animals loose or in a condition to cause harm in public or private places of public access, especially in national parks, ravines where herds or animals graze or other protected natural areas where they may cause harm to people, livestock or the natural environment.
- e) Use them in public shows or artistic, tourist or advertising activities, which cause them anguish, pain or suffering, without prejudice to the provisions of Title IV, and, in any case, in mechanical attractions or fairground carousels, as well as the use of animals belonging to species of wild fauna in circus shows.
- f) Use them on the street as a lure. This precept does not call into question the right of homeless people to be accompanied by their pets.
- g) Subjecting them to work that is inappropriate or excessive in terms of time or intensity with regard to the characteristics and state of health of the animals.
- h) The possession, breeding and trade of finches caught from the wild as long as the requirements of the first paragraph, letter f) of article 61 and 4 of Law 42/2007, of 13 December, are infringed.
- i) Feeding them with viscera, carcasses and other offal from animals that have not passed the appropriate health controls, in accordance with the applicable sectoral regulations.
- j) Use animals as a claim, reward, prize, raffle or promotion.
- k) The use of animals as a publicity stunt, except for the exercise of activities related to them.

- l) Use any device, mechanism or utensil intended to limit or prevent their mobility at a fixed point except by veterinary prescription, with a view to their well-being.
- m) Using them in fights or training them in the development of this and similar practices, as well as instigating aggression against other animals or other people outside the scope of regulated activities.
- n) Use any device, mechanism or utensil intended to limit or impede their mobility except as prescribed by veterinary surgeon in view of their well-being.

CHAPTER II

Pets

Article 26. Specific obligations with respect to companion animals.

Owners or persons who live with pets have the duty to protect them, as well as the obligation to comply with the provisions of this law and the regulations implementing it, and in particular:

- a) To keep them integrated into the family nucleus, whenever possible for their species, in a good state of health and hygiene.
- b) Animals which, for reasons incompatible with their quality of life, size or characteristics of their species, cannot live together in the family nucleus, must be provided with adequate accommodation, with rooms appropriate to their size and which protect them from inclement weather, in good hygienic and sanitary conditions, so as to provide an environment in which they can develop the characteristics of their species and breed; In the case of gregarious animals, they will be provided with the company they need.
- c) To take the necessary measures to prevent their possession or circulation from causing inconvenience, danger, threat or damage to persons, other animals or property.
- d) Adopt the necessary measures to prevent the uncontrolled reproduction of pets. Breeding may only be carried out by persons responsible for the activity of breeding pets registered as such in the corresponding Register.
- e) Prevent animals from depositing their excrement and urine in places where other people usually pass, such as facades, doors or entrances to establishments, proceeding in any case to remove or clean them with biodegradable products.
- f) To provide them with the veterinary controls and treatments established as mandatory by the public administrations.

- g) In the case of pets that, due to their characteristics and species, live permanently in cages, aquariums, terrariums and the like, they must have adequate spaces in size, naturalization and environmental enrichment for their keeping. The conditions for each species will be developed by regulation.
- h) Pass the training in responsible ownership regulated for each species of pet.
- i) Identify by microchipping and surgically sterilize all cats before six months of age, except those registered in the register of identification as breeders and in the name of a breeder registered in the Register of Pet Breeders.
- j) Notify the competent administration and its owner of the removal of the carcass of an identified pet.

The deregistration of a pet due to death must be accompanied by a document certifying that it was cremated or buried by a company officially recognised for the performance of such activities, stating the identification number of the deceased animal and the name and surname of its person in charge or, failing that, that it is recorded in the databases of the company that took care of the corpse. If it is impossible to recover the body, it should be properly documented.

Article 27. Specific prohibitions on pets.

Without prejudice to the provisions of Article 25, the following activities on pets are expressly prohibited:

- a) Their slaughter, except for reasons of human or animal safety or the existence of a risk to public health duly justified by the competent authority.

It is expressly forbidden to slaughter in animal protection centres, whether public or private, veterinary clinics and zoological centres in general for economic reasons, overpopulation, lack of places, impossibility of finding an adopter within a certain period, abandonment of the legal responsible, old age, illness or injury with the possibility of treatment, whether palliative or curative. due to behavioural problems that can be redirected, as well as for any other cause similar to those mentioned above.

Euthanasia will only be justified under veterinary criteria and control with the sole purpose of avoiding suffering due to non-recoverable causes that seriously compromise the quality of life of the animal and as such must be accredited and certified by a registered veterinary professional. The euthanasia procedure will be carried out by veterinary personnel registered or belonging to a Public Administration with methods that guarantee the humanitarian condition, admitted by the applicable legal provisions.

- b) To perform any kind of mutilation or permanent body modification; Exceptions to this prohibition are systems of identification by marking on the ear of Community cats and those required for therapeutic necessity to guarantee their health or to limit or nullify their reproductive capacity, without a functional or aesthetic reason of any kind being able to serve as justification, and which must be accredited by a report from a registered veterinary professional or belonging to a public administration, which will be recorded in the corresponding identification register.
- c) Using them in fights or training them in the development of this or similar practices, as well as instigating aggression against other pets or people outside the scope of regulated activities.
- d) Keeping them tied up or wandering in public spaces without the supervision of the person responsible for their care and behavior.
- e) Keeping dogs and cats on terraces, balconies, rooftops, storage rooms, basements, patios and similar vehicles on a regular basis.
- f) Carrying animals on a leash to moving motor vehicles.
- g) The release or introduction into the natural environment of animals of any species of companion animal covered by this Act, except those included in reintroduction programmes.
- h) The disposal of carcasses of pets without verification of their identification, where identification is mandatory.
- i) Leaving any pet animal unattended for more than three consecutive days; In the case of the canine species, this period may not exceed twenty-four consecutive hours.
- j) Carrying out genetic selection actions or practices that lead to serious problems or alterations in the health of the animal.
- k) The commercial breeding of any species of pet, as well as any type of breeding of animals whose individual identification is mandatory by current regulations, by breeders not registered in the Register of Pet Breeders.
- l) The marketing of dogs, cats and ferrets in pet shops, as well as their display and display to the public for commercial purposes. Dogs, cats and ferrets can only be sold from registered breeders.
- m) The marketing, donation or delivery for adoption of unidentified animals previously registered in the name of the transferor in accordance with the applicable identification methods according to current regulations.
- n) Use pets for human consumption.
- ñ) The use of any handling tool that may cause injury to the animal, in particular electric, impulse, punishment or choking collars, is prohibited.

Article 28. Pets in open spaces.

1. In the case of pets that must be housed in open spaces, without prejudice to the provisions of the preceding article, their owners or guardians must take the following measures:
 - a) Use rooms that protect the animals from inclement weather.
 - b) Locate the rooms in such a way that they are not directly exposed, for a long time, to solar radiation, rain or extreme cold.
 - c) Use rooms according to the dimensions and physiological needs of the animal.
 - d) Guarantee animals access to food and drink, as well as adequate hygienic and sanitary conditions.
2. The private places and spaces in which dogs that are classified as being specially handled after the tests to assess their suitability to function in the social environment provided for in Article 24.3 usually carry out their duties must have sufficient safety conditions to prevent escapes or possible aggression.

Article 29. Access with pets to means of transport, establishments and public spaces.

1. Public and private transport shall facilitate the entry of pets that do not pose a risk to persons, other animals and property, without prejudice to the provisions of public health regulations, municipal ordinances or specific regulations.

However, drivers of public taxi services or chauffeur-driven passenger vehicles will facilitate the entry of pets into their vehicles at their discretion, except in duly justified circumstances.

Short, medium and long-distance rail operators, as well as shipping companies and airlines, shall adopt the necessary measures to guarantee the transport of pets in these means of transport, provided that they are carried out under the conditions of access established by each of the operators, respecting the hygienic, sanitary and safety conditions required by law.

2. Public and private establishments, hotel accommodation, restaurants, bars and, in general, any other establishments in which drinks and food are consumed, may facilitate the entry of pets that do not constitute a risk to people, other animals and property, into areas not intended for the preparation, storage or handling of food, without prejudice to the provisions of public health regulations, or municipal ordinances or specific regulations.

If the animal is not allowed to enter and stay, they must show a badge indicating this, visible from outside the establishment.

3. Unless expressly prohibited, duly signposted and visible from the outside, pets will be allowed access to public buildings and facilities.
4. Shelters, shelters, care centres and, in general, those establishments intended to care for people at risk of social exclusion, homeless people, victims of gender-based violence and, in general, any person in a similar situation, shall facilitate the access of these people together with their pets to such establishments, unless expressly justified cause. In the event that access with the pet is not possible, agreements will be promoted with animal protection entities or animal shelter projects.
5. Persons responsible for pets who can access the transports and establishments and places indicated in the preceding paragraphs must take the animal in accordance with the hygienic-sanitary conditions and respecting the safety measures determined by the establishment or means of transport itself, as well as the specific sectoral legislation.
6. Access to means of transport, establishments and places provided for in this article, of assistance dogs belonging to the Armed Forces or Security Forces and Corps shall not be discretionary nor shall they be included in the access quotas, if any, and shall be carried out in accordance with their specific legislation. In any case, assistance dogs will be able to access any space accompanying the person they assist.
7. Without prejudice to the provisions of their municipal ordinances, the City Councils shall promote access to beaches, parks and other public spaces for those pets that do not constitute a risk to people, other animals or things. Without prejudice to their access to these and other spaces, the municipalities will in all cases determine places specifically enabled for the recreation of pets, particularly those of the canine species.

Article 30. Dog ownership.

1. Persons who choose to be dog owners must provide proof of completion of a training course for dog ownership that will be valid indefinitely.
2. Such training course shall be free of charge and the content of which shall be determined by regulation.
3. In the case of dog ownership and for the entire life of the animal, the owner must take out and maintain in force civil liability insurance for damage to third

parties, which includes in its coverage the persons responsible for the animal, for an amount sufficient to cover any expenses incurred, to be laid down by regulation.



Do the duties of pet guardians in Spain ensure the welfare of pets? What do you think about training for animal guardians? Should a similar solution be adopted in Poland?

Task 4

Fireworks in Poland

If many people enjoy the sound of fireworks as way to welcome and celebrate the New Year, for animals is instead a shocking noise that frightens and terrorizes them becoming sometimes even very dangerous.

It is not uncommon actually that frightened and terrorized animals are more inclined to run away from home gardens and courtyards getting lost or ending up hit by a car. Elderly animals or those with heart diseases can even die from heart attack.

Fireworks are not only risky for our pets, but also for wildlife (i.e. birds, squirrels, small mammals, butterflies, fishes). These animals frightened by loud noise and flashing lights could get confused and, disoriented from the terrible fear, crashed into trees, walls, windows, electrical cables or run over by a car.

Another negative consequence is that residues of fireworks contain toxic chemicals and other poisonous substances which are harmful to animals if ingested and have a devastating impact on the environment.

“Poland’s largest opposition group has proposed a law that would ban the use of most fireworks and firecrackers, in a bid to protect domestic and wild animals.

They hope to introduce the proposed ban before New Year’s Eve, when many individuals buy and set off their own fireworks. In recent years, a growing number of cities have taken measures to ban or limit displays.

According to the draft legislation, proposed by the centrist Civic Coalition (KO), fireworks are particularly harmful to dogs and cats, causing them distress, as well as to people who do not take the noise well. When used near forests, they may also frighten wild animals, thus causing ‘suffering’ and ‘even loss of health or life’.

‘There are cases of animals in the forest that died of fear from the roar of fireworks,’ according to the document, which was submitted to parliament this week. Fireworks also often wake hibernating animals, with ‘serious consequences for their survival during the winter’.

The proposal covers fireworks classified as F2 and F3, which are those often used in small displays and set off by individuals. People violating the ban would be subject to a fine. Non-dangerous pyrotechnic devices such as sparklers fall under the F1 category, and would still be allowed.

Exceptions to the ban would be made for businesses and research units. The proposal also provides for New Year’s Eve celebrations, allowing local councils to pass legislation permitting fireworks to be set off on 31 December or 1 January.

The authors of the bill justify the exemption as seeking to limit the practice of setting off fireworks days before and after New Year’s Eve, which results in a ‘chaotic cannonade that is difficult to bear’.

‘Everyone who has a dog or cat at home knows very well how they react to fireworks and firecrackers,’ said Katarzyna Maria Piekarska, one of the KO MPs backing the bill. ‘I too have pets and for a long time I’ve been spending New Year’s Eve at home, because my dogs go through hell’.

The proposed legislation will ‘end the suffering of animals,’ Piekarska added on Twitter, noting that the three-page document is intentionally short to increase its chances of being adopted before New Year’s”. (See: M. Wilczek, *Polish opposition seeks ban on fireworks to protect animals*, NFP, 23.07.2021, <https://notesfrompoland.com/2021/07/23/polish-opposition-seeks-ban-on-fireworks-to-protect-animals/>, date of access: 2.01.2024).

The human protection of animals in Poland is not a constitutional right. Legal scholars classify the principle of the human protection of animal rights as a part of environmental law. In Poland, there are no nationwide laws prohibiting the use of fireworks. In this respect, one can only refer to the provisions of Article 30 (1) (12) and Article 30 (1)(14) of the Act of 28 September 1991 on forests, which stipulates that it is forbidden to disturb animals or make noise in forests. It can be inferred from this provision that setting off fireworks in forests is forbidden. At the same time, there are no national regulations that indicate that the use of fireworks on private property is permitted. The only limitation in this area results from Article 51 (1) of the Code of Minor Offences. According to this article: “anyone who disturbs peace, public order, rest at night or causes disorder in a public place by shouting, making noise, raising an alarm or any other behaviour shall be subject to penalty of arrest, restriction of liberty or a fine”. According to this article we should respect the right to rest.

See more:



Every firework is an explosion of fear for animals. Keep them safe with 10 simple recommendations, 30.12.2020, <https://www.oipa.org/international/fireworks-10-tips-to-protect-animals/> (date of access: 5.01.2024);



D. Tilles, *Polish cities and shops shun fireworks for New Year's Eve to protect animals and environment*, NFP, 31.12.2019, <https://notesfrompoland.com/2019/12/31/polish-cities-and-shops-shun-fireworks-for-new-years-eve-to-protect-animals-and-environment/> (date of access: 15.02.2024).



1. Are you in favor of banning fireworks? What effect do fireworks have on animals (domestic, wild, farm)?
2. Should fireworks be criminalized?

Task 5

The Animal Protection Act itself is not perfect, causing inaccuracies in the understanding of its individual articles, which translates into the practice of applying the law and thus the lack of proper protection of animals under Polish law. The text of the Animal Protection Act, even taking into account its subsequent amendments, raises a number of interpretation doubts, an example of which is the open catalog of behaviors introduced by the legislator that constitute a form of animal abuse. This catalog causes linguistic and axiological ambiguities. Humanitarianism results from ethical reasons and is an expression of the adoption by a rational legislator of values that justify restrictions on human activity, or rather the interests of people for the protection of animals and their rights. Humanitarianism results from the belief that a person's duty is not to cause pain and suffering to other beings capable of feeling it. Some animal suffering is justified by human interests (e.g. use of farm animals, slaughter, breeding). Unfortunately, concepts such as "humane treatment", "suffering" or "cruelty" under the Animal Protection Act are vague expressions that have the nature of general clauses, i.e. vague phrases that leave the authority applying the law some decision-making leeway. The Animal Protection Act combines the adject-

tive “humane” with the expression “treatment of animals”. The legislator mentioned it several times in his text. In general, humane treatment of animals has been defined by the legislator as treatment that takes into account the needs of the animal and provides it with care and protection, at the same time stating that every animal requires humane treatment, although the act regulates treatment only of vertebrate animals. Humanitarianism refers to the killing of animals. The Act sets out general standards for humane killing. In turn, when regulating the prohibition of animal cruelty, the legislator used an open clause, exemplified in detail the crime of cruelty, sanctioning it with a fine, restriction of liberty or imprisonment, and providing for a qualified type of offense involving particular cruelty. The Animal Protection Act itself does not specify what unjustified killing of animals is. This definition may be derived from the provisions indicating the authorization to kill an animal. Therefore, it will be a negative definition, which indicates that in specific cases it will not be about shortening the life of a suffering animal, or about economic needs, or about sanitary reasons, or about killing an aggressive animal that poses a threat to the life or health of humans or other animals. Unjustified killing is often combined with inhumane killing. Unjustified killing of animals may involve shooting them for entertainment, to test the accuracy of the shot, or to get rid of the pet, first by abandonment, then killing it. The inhumane killing of animals is most often considered to be killing that causes the animal more pain and suffering than that which must accompany the act.



1. So, try to prepare your own text of the Animal Protection Act. Remember to *first* read the text of the Animal Protection Act in force in Poland. Maybe do you want to amend one part of the Animal Protection Act?
2. Secondly, Do You remember the information about the types of legal provisions?

Introduction to law – “small message reminder”

The concept of legal provisions

- Legal provision is an editorial unit of the legal texts.
- Generally, it is one proposition – a sentence in grammatical sense. It can be: article, point, paragraph, clause in a document.
- A legislator establishes the law in the form of legal provisions. A legal provision

is a sentence (although it is not sentence in the logical sense, because provisions do not describe reality and are neither true nor false).

Difference between norm and provision

In general, a legal norm is formed on the basis of several provisions, sometimes even included in various law – making instruments. Let us reiterate that a legal norm is a statement containing the directive of public authority ordering its addressees to behave under specific circumstances in a way that is specified in it.

Elements of legal norm

The required elements of every norm are considered to be the definition of its addressee, the definition of the circumstances, the occurrence of which results in the duty of specific conduct, and the definition of the conduct that the addressee must apply or from which he must refrain.

Legal norm isn't equal legal provisions

- Partition of legal norm in legal provisions – parts of the legal norm need to be reconstructed from different legal provisions.
- Condensation of legal norms in legal provision – more than one legal norm might be reconstructed from one legal provision.

Chosen types of legal provisions

- Legal presumption
- Legal fiction
- Referring regulation
- General clause
- meta – regulation (second-order regulation)

Factual and legal presumptions

Very often factual and legal presumptions are confused. As *the factual presumption is not a legal provision*. It is essential to see the difference between them.

Factual presumption

Process in which a court decides to treat some fact as if it has happened, despite it hasn't been proved. This act belongs to the sphere of juridical discretion, also referred to the principle of free consideration of evidence. In this case, the court makes a presumption on the basis of his own knowledge about every day life. For example:

a jealous husband is often considered to be a murderer.

Legal presumption

Is a kind of provision that obliges the court to treat some fact as if it has happened, despite it hasn't been proved. They can be divided into:

- Refutable (able to refute)
- Irrefutable

Material and formal presumption

Material: Requires a preliminary condition, something that is proven. Without it our presumption can't be applied.

If.... (fact A is proved)..... than (fact B is presumed).

We can find an example of this provision in Polish civil code, that states – if some people lost their life due to a common danger (A), it is presumed that they died at the same time(B).

Formal: Doesn't require any fact to be proven as a preliminary condition. It binds automatically and we are not obliged to prove anything.

Examples:

Presumption of innocence in the criminal law,

Presumption of good faith in the civil law.

Legal fiction

Legal provision sometimes orders to treat some situation as another one and causing the same legal consequences (despite the fact that this second situation didn't happen at all). It should be outlined that compared situations don't have to be similar). Legal fiction can be also considered to be a scheme of legal argumentation in which we decide to treat some fictional facts as existing.

Referring regulations

Reference provisions are also used to condense the legal text.

Provision that refers usually to other provisions.

They can point some other elements within the legal system or something outside the law.

Legal institution

A set of provisions bound together due to some functional links, for example an institution of legacy, of marriage, of parenthood, etc.

Blank regulation

Is another category of this sort of provisions. It refers to some regulations that don't exist (should be established in the future). In another sense a blank regulation might be also understood as regulation with too general content.

General clause

Expression that refers to extra-legal criteria, especially values, but also rules and which requires an evaluation based on some axiological assumptions. It can be done:

- indirectly, by using indefinite terms, for example: human dignity, inhuman treatment, good of child;
- directly, by indicating the non-legal system that it refers to for example humanitarianism or others.

Second order regulations

Are also called “meta-regulations”. In their substance, they don't concern any entity or it's conduct, but other regulations in the system.

Examples of the second – order regulations

- Provisions establishing a scope of validity,
- Provisions defining a date of coming into force,
- Derogating clause,
- Amendment,
- Law-making delegation,
- Intertemporals,
- Legal definition.

Derogating clause

Repealing the whole instrument or individual provisions by a new law-making instrument.

General derogative clause doesn't states explicitly which provisions are derogated, but indicates a more general group like i.e. all provisions that are in contradiction with this particular rule are derogated.

In Polish law system general derogating clause is prohibited.

Intertemporals

Regulate situations when a new statute is introduced and are applicable to the legal relation, trial, competences or duties that took their origins under the former regulation.

They indicate which provisions – new or former – should be applied.

Legal definition

- Explains terms used in law-making instruments;
- Sometimes the term that was used in a particular institution can have different meaning than we attribute to it in the everyday life.

Legal doctrine and practice

The legislator establishes the law in the form of legal provisions and tacitly assumes that legal doctrine and practice will restore (design) legal norms based on these regulations, in accordance with the legislator's will. The legislator assumes that the provisions will be translated into norms not optionally, but in line with special rules of legal reasoning, developed, consolidated and recognized as binding by legal doctrine and practice, i.e., in accordance with the rules of interpretation of law and legal inference.



See: J. Jabłońska-Bonca, *Introduction to law*, Warszawa 2013.

Task 6

Protection of animals at the moment of killing

First, recall information about interpretation of EU law:

“European law interpretation is governed by its own interpretation rules, which differ both from national interpretation rules and International Public Law. By practice of European bodies and mainly by judgments of Court of Justice of European Union was established specific set of rules (respectively of metarules) leading to specification of European legal rules (interpretation and application), which corresponds to peculiarities of European Union as an integrative society.

In terms of sequence of interpretative methods stands first grammatical method. In case of situation when the legal regulation is after using of grammatical method clear and unambiguous, this interpretation shall not be excluded by other means of interpretation attained by different methods. On the other hand other methods are suitable if the legal regulation is unclear and ambiguous and the grammatical interpretation fails. Never less exceptional could be situation when despite the unambiguous meaning it is necessary to use teleological interpretative method. The subject of interpretation is a legal rule text in all its language versions. For the each language of 25 officially used language is equal, this is relatively complicated situation. Thus it is impossible to use

majority principle, to incline to the interpretation to which leads the texts of majority of the official versions. In this case it is necessary to use other interpretative methods and mainly to find out the meaning and purpose of the specific legal regulation. It is inadmissible, while interpreting legal concepts, to be based on national legislation, but it is necessary to interpret each legal concept autonomously as European law legal concepts. In this case it can be used auxiliary legal concept interpretative rule *in dubio pro communitate*, created by European law. When the interpreted text remains unambiguous, despite grammatical interpretation, it is necessary to focus on the relations of the legal regulation. In these cases the systematical interpretation is used. By the systematical method can be guaranteed internal compliance of provisions. It consists in unitary interpretation of whole European law, the concepts of European law are interpreted in the same manner, and as a reason of autonomic interpretation they often differ from the substantive content of homonymous terms of national laws. However the decisive interpretation of European law has the teleological interpretation, focused on meaning and purpose of the European law rules. The existence and dynamical development of nature of contracts, as a constantly developing framework of the integration process, is allowed by the teleological arguments. The interpretative principle of effectiveness (effect utile) is reflective when interpreting the European law by using the teleological method of interpretation, which means not only taking into account the objective (to which leads the teleological method) but also the effort to reach the goal as effectively as possible". (See: B. Salachova, B. Vitek, *Interpretation of European law. Selected issues*, "Acta Universitatis Agriculturae et Silviculturae Mendelianae Brunensis" 2013, Vol. LXI, No. 7, p. 2717–2720).



Second, please read the judgment of the European Court of Justice 17 december 202, Case C-336/19, <https://curia.europa.eu/juris/liste.jsf?num=C-336/19>



What methods of interpretation were used by the Court of Justice of the EU? Determine the role of the principle of proportionality in the animal welfare – freedom of religion dispute. Court of Justice ruled that a decree requiring that animals undergo a reversible (temporary) stunning procedure before slaughter is not an illegal infringement of freedom of religion as guaranteed by the Charter of Fundamental Rights of the European Union. What do You think about argumentation of Court of Justice?

Chapter 12.

Values of the profession of veterinarian

Task 1

Values in the veterinary profession

The dignity of the veterinary profession
KELW – Code of Ethics for Veterinarians

A reference to the dignity of the profession as a value can be found in the preamble of the KELW: “As a veterinarian, I promise that, in accordance with my vocation, while performing my professional duties, I will act conscientiously and in accordance with current veterinary knowledge, protect the dignity of the profession, and contribute as much as I can”. opportunities to advance veterinary sciences, and also performed duties arising from legal provisions and the principles of the Code of Ethics for Veterinary Surgeons. Article 3 of the KELW imposes on veterinarians the obligation to take care of the dignity of the veterinary profession. Details of Art. 3 KELW is Art. 26 KELW, which prohibits a veterinarian from practicing his profession in conditions that, among other things, may violate his dignity. We may treat performing professional activities under the influence of alcohol, drugs or other intoxicating substances as behaviors violating the dignity of the veterinary profession (Article 18 of the KELW).

Reliability, honesty and high personal culture

According to art. 4 “A veterinarian, as a member of the professional community, should be characterized by professional knowledge, reliability, honesty and high personal culture”.

Professional solidarity

Professional solidarity means mutual support, especially in difficult situations, and the prohibition of expressing unjustified, unfavorable opinions about colleagues or using disparaging or offensive terms (22). In art. 34 KELW we can read that: Relations between members of the professional community should be based on mutual kindness, readiness to provide friendly assistance and professional solidarity. Art. 40.3, which states that: Informing the chamber's bodies about violations of the principles of ethics and deontology of veterinarians, as well as about manifestations of professional incompetence does not violate the rules of professional solidarity, constitutes *lex specialis* in relation to Art. 34 KELW.

Professional secrecy

Professional secrecy of veterinarians is defined in Art. 28 KELW: 1. Professional secrecy covers everything that a veterinarian learns about during the course of performing his professional duties. 2. The veterinarian and his support staff are bound by professional secrecy. Importantly, art. 28 KELW indicates situations when exemption from professional secrecy may occur. The indicated exemption may take place in three situations: with the consent of the owner or guardian of the animal, in the event of a threat to public health, when required by law.

Good manners/good veterinary practice

KELW from the very beginning, (in Art. 2 KELW) refers to good customs. In turn, from the first fragment of Art. 45 KELW states that: A veterinarian should act in accordance with good morals and good veterinary practice.

The authority of the veterinary profession

Art. 45 KELW prohibits a veterinarian from engaging in activities that may jeopardize the authority of the veterinary profession. Authority appears already in the earlier article. 11.1 KELW, which imposes on veterinarians the obligation to maintain the authority of professional self-government. Interestingly, research conducted by Louisiana State University on personality types among veterinarians and communication with clients has proven that the “guardian, caring” type is most common among women, while the “entrepreneur, activist” type is most common among men. Personality type has a major impact on communication and the ability to project authority. “Guardian” types are empathetic, dedicated, focused on others, but very susceptible to criticism, experiencing failure for a long time and having problems

separating work from private life. It is important for veterinarians to remember that the client is dissatisfied with the service, not with the person performing it.

Public trust

The concept of a profession of public trust is a legal concept and is a specific Polish concept. It was introduced into the Polish legal order under the Constitution of the Republic of Poland of April 2, 1997. In art. 17 section 1 of the Constitution we read: “Professional self-governments may be established by statute, representing persons performing professions of public trust and ensuring the proper performance of these professions within the public interest and for its protection”. It is indicated that the Polish legislator’s inclusion of regulations regarding professions of social trust in the Constitution proves how much importance it attaches to this category of professions.



Which value is the most important in the profession of a veterinarian?
Write a collection of good veterinary practices.

Task 2

Professional burnout of veterinarians

It is common knowledge that performing a given profession often creates a specific, thinner or thicker layer of habits in the psyche, sometimes even called professional. There is no doubt that professional work leaves a strong mark on the psyche and contributes significantly to shaping morals. Professional work has a considerable impact on the people who devote themselves to it. This is confirmed by common observations, and by scientific research. The achievements of modern sociology and psychology clearly show the importance of the influence of the social environment, and more specifically the professional group and its type of work, on human psyche, character, customs and life. It is increasingly clear that professional work develops not only specific “technical” skills useful or necessary when performing tasks appropriate to a given profession or professional specialization, but also certain dispositions that reach a deeper layer of the psyche; it shapes views and assessments, arouses theoretical interests and develops practical skills. The result of this influence is a certain spe-

cific attitude of a person towards life and action, a specific evaluation of phenomena, specific normative indications, and certain abilities.

Herbert Freudenberger distinguished three important initial components of burnout:

1. emotional exhaustion – fatigue that occurs when we worry about something too much and for too long,
2. depersonalization – loss of empathy, care and compassion,
3. decreased sense of fulfillment – an irresistible impression of the futility and pointlessness of our actions, and a general feeling that nothing we do makes much sense, a feeling of hopelessness.

A dangerous mix of emotional burnout, a negative-cynical attitude towards others and doubt in one's work is experienced by people, especially in professions that require a committed attitude towards other people. If in a profession in which work is performed for someone else, despite high commitment, there are no prospects for promotion and this is not compensated by the recognition of the other party (colleagues, superiors), the so-called gratification crisis. In such a situation – often unconsciously – an employee may come to the conclusion that his professional commitment is insufficient or that his work itself is pointless.

Unfortunately, doctors and nurses cannot be protected from the symptoms of burnout, including mental health problems manifested by emotional burnout, negative attitude towards their patients and doubts about the meaning of their work.

Prof. Antoni Schollenberger points out that the discussion on the mental health of veterinary staff has recently intensified, triggered by reports of a high suicide rate among veterinarians.



Give the causes of professional burnout in veterinarians.

Task 3

Conscience of a veterinarian

When considering the validity of the conscience clause in the case of veterinarians, obvious analogies emerge with the doctor's conscience clause, widely discussed in the bioethical discourse. It is true that the medical conscience clause is directly regulated

in positive law, but in terms of its mechanism of action there are certain similarities resulting from the fact that both cases involve doctors. However, the difference is fundamental. Namely, in the case of veterinarians, the patient is an animal that has no subjectivity under the law, despite the Act of August 21, 1997 on the protection of animals. Veterinarians also inspect animals admitted to the livestock warehouse, how they are kept before being sent to slaughter, and regular health checks of employees in terms of sanitary and hygienic regulations. Sometimes the statements of veterinarians show how difficult this profession is. Veterinary studies are most often attended by enthusiasts who want to help animals. After typical subjects such as anatomy, biochemistry and others, the program includes breeding classes: animal breeding and, later, in the fifth and sixth year, food hygiene of animal origin. For people with a humanistic soul and idealistic tendencies, this may be difficult. At some point it turns out that an animal that is close to humans is a product, a raw material and a commodity. Students learned about methods of obtaining meat and what the life of an animal is like on a farm. In the fifth year, internships in a slaughterhouse and slaughterhouse became mandatory.



A veterinarian is obliged to participate in ritual slaughter. He/she is a slaughterhouse worker. His/her duties include meat inspection and he must participate in slaughter. Can a veterinarian refuse to participate in ritual slaughter?

Chapter 13.

Hunting animals in the Polish legal system

Task 1



First, read article: M.Z. Felsmann, J. Szarek, I. Sołtyszewski, J. Karaźniewicz, *Ethical and legal bird hunting duties by Polish veterinarians*, “Medycyna Weterynaryjna” 2020, Vol. 76 (7), p. 389–393. https://www.researchgate.net/publication/340298132_Ethical_and_legal_bird_hunting_duties_by_Polish_veterinarians/link/601806e9a6fdcc071ba99d54/download?_tp=eyJjb250ZXh0Ijp7ImZpcnN0UGFnZSI6InB1YmxpY2F0aW9uIiwicGFnZSI6InB1YmxpY2F0aW9uIn19



Next, try to answer the following questions:

1. The Authors present arguments indicating the need for veterinarians to refrain from participation in certain types of hunting (hunting for game birds). According to the law, Polish veterinarians should oppose certain forms of hunting and hunting for certain species of animals. Should veterinarians participate in hunting?
2. Focus on the Veterinary Code of Ethics. Do you remember the values specific to the veterinary profession? Try to relate them to hunting.
3. The Act on the Profession of the Veterinary Surgeon and Chambers of Veterinary Medicine obliges veterinarians to protect the natural environment and public

- health. In addition this act requires that this profession be exercised with particular care and in accordance with the principles of veterinary ethics and veterinary deontology (art. 4 of this Act) (Act 1990). Another legal provision imposing an obligation on representatives of this profession to comply with the principles of veterinary ethics and veterinary deontology is provided in Article 19 of the Act (2). Therefore, abidance by the principles of ethics is a legal obligation for veterinarians. Should professional ethics limit the participation of veterinarians in hunting?
4. List the legal acts regulating hunting in Poland?
 5. The negative consequences of hunting with lead ammunition do not affect only game animals. List other negative consequences.
 6. Veterinarians are obliged to protect public health. The harmfulness of bird meat obtained by hunting with lead shot is an argument not only against this type of hunting, but also against the consumption of such meat. From the point of view of public health protection, is this behavior of veterinarians appropriate?

Task 2



Compare two points of view. Then express your position. A. Szklarska, *Why is recreational hunting a moral evil?*, “Ethics in Progress” 2020, Vol. 11, No. 2, DOI:[10.14746/eip.2020.2.7](https://doi.org/10.14746/eip.2020.2.7), p. 70–77:

“[...] Hunters themselves pretend to be ‘the guardians of animals’ who help them survive the winter, watch over the population size, and ensure the high genetic quality of forest and field species. They claim to eliminate the least adapted specimens that are not fast enough to escape. This is false message. During the hunt itself, hunters do not select animals in terms of their health condition, as do natural predators who only prey upon weaker individuals [...]. Professor Marcin Urbaniak (Pedagogical University of Cracow, Poland) interprets the Code of Hunting Ethics as a tool for masking violence, and also critically analyzes one of the hunting educative programs (‘Hunters for children, children for animals’). Many similar examples of hunters hypocrisy can be found in this book. Nevertheless, the majority of the public do not approve of the deliberate killing of wild animals for one’s own satisfaction and pleasure, rightly viewing such behaviour as unethical. This arguments of hunting enthusiasts do not convince people. The question must therefore be asked: why do we accept the barbaric hobbies of the few that harm society as a whole? [...]”

A resident of a village near Sanok noticed a problem with wolves. Wolves keep coming close to houses and posing a threat to domestic animals, farm animals and people. He gives examples of a pack of wolves attacking cows grazing in a meadow.



Could hunting wolves be a solution to this situation?

Task 3

Do You know principle: *catch and release*?

Six reasons to catch and release <https://www.fishsurfing.com/en/blog/other/1458-6-reasons-to-catch-and-release/> (date of access: 19.12.2023):

- Support native fish populations
- Encourages ecological awareness
- Encourages fishing ethics
- Allows fishes to get bigger
- Ensures tomorrow's anglers will have fish to catch
- Prevents target species from disappearing

Catch and release fishing is a practice where anglers catch fish for sport or recreational purposes and then release them back into the water, rather than keeping them for consumption. The primary goal of catch and release is to promote the conservation of fish populations and maintain healthy ecosystems. When practising catch and release, anglers take steps to minimise stress on the fish, such as handling them with wet hands or using tools like landing net, using barbless hooks to facilitate easy removal, and minimising fight times to prevent exhaustion. By releasing the fish unharmed, they have the opportunity to survive and continue to contribute to the overall health and sustainability of the aquatic environment.



See: *Minimising Fish Stress: Best Practices in Catch and Release*, Angling Direct, 27.06.2023, <https://www.fishsurfing.com/en/blog/other/1458-6-reasons-to-catch-and-release/> (date of access: 19.12.2023).



Is *catch and release* compatible with fish welfare?

Task 4

Hunting, which is closely associated with meeting death, or rather with hundreds of deaths, agony, dying. The animal is treated as an object of hunting. Many times during his work, a hunter has to face the death of an animal, he is next to it, he has it within his reach, hearing, smelling and touching it. He must be appropriately desensitized to the suffering and death of animals. The hunter cuts off his own sensitivity to death and pain, and sometimes to cruel suffering. About every fifth death involves chasing a wounded animal, reaching for and finishing off a bullet-scarred animal that is still alive, and having to look into its fading eyes. Voices that recognize the deeper meaning of face-to-face encounters with death are rare among hunters. But it is in such moments that hunters sometimes reflect on killing and elementary doubts arise. These are not safe contacts with death through a telescope, but close encounters of the third degree of vulnerability. Animals are killed to end their suffering, but primarily it is done because one cannot bear their own suffering caused by the direct experience of what one has just done. The encounter with our own human cruelty to animals is unbearable. To some extent, the justification for cruelty to animals is Christian ethics. The basis of moral principles is the Decalogue. Commandment V “You shall not kill” is intended to apply only to humans. In a broader context, he warns against mindless destruction of nature, which ultimately leads to threats to human health and life. In the Old Testament we read many times about killing animals for cult purposes (blood sacrifices) and, above all, the possibility of obtaining food. The New Testament “goes further” by abolishing the principle of kosher (eating the meat of properly slaughtered animals from permitted species). Father Witold Hyla quotes the words from Acts 10:9-16: “Kill, Peter, and eat...”. He claims that abstaining from meat has a penitential dimension. Fasting in Christianity and other religions is giving up something good and permitted for spiritual reasons (penance, remuneration, voluntary sacrifice, etc.). The absolute ban of eating meat in some religions is justified by the belief in the second incarnation of the soul (reincarnation). Therefore, Witold Hyla justifies hunting practices and the resulting suffering of animals.



See: D. Czaja, *Przefarbowany świat. Mitologie polowania*, “Konteksty” 2009, No. 4, p. 116.

W. Hyla, *Mysliwy – beneficjent aktu stworzenia*, paper presented at the 13th Conference “Etyczne i Prawne Aspekty Ochrony Dobrostanu Zwierząt. Koegzystencja człowieka i zwierząt wolno żyjących we współczesnym świecie”, Uniwersytet Przyrodniczy we Wrocławiu, 2 October 2015, p. 26–27.



Is hunting associated with the desire to dominate an animal? How does religion justify hunting?

Task 5

“Hunters ethic of fair chase necessarily raises the question: ‘fairness of whom’? Scholars note that the origin of fair chase may have been less about protecting the integrity of wildlife, and more as an anthropocentric ethos of civility for paying dues to the institution of hunting. Bag limits are followed, first and foremost, to that others can enjoy the activity. Codes are often ostensibly about not offending others’ sensibilities by inappropriate displays of the quarry. The anthropocentric character to hunting ethics may be partly attributed to the intensely social enterprise that characterizes hunting, one that has required cooperation and reciprocity to offset the hit-and-miss nature of hunting as a food procurement tactic. Scholars however observe that the extant fair chase ethic may provide a cover for a ‘ruthless efficiency’ pursued behind many trophy hunting clubs like Boone and Crocket and Pope and Young. But the ethic has also been infused with sustainability thinking, extending from proximate peers to the disembodied future generations or, even, to respect the integrity of sentient animals or the biotic community. Leopold’s *Land Ethic* provides a seminal articulation of the latter. As part of nature reconciliation, hunters appear to become more pious about the value of nature as urbanization proceeds and display ambivalence toward killing as well as an often profound respect for wildlife”. (E. Von Essen, H. P. Hansen, *Sport hunting and food procurement ethics*, Springer Science+Business Media Dordrecht 2016 P.B. Thompson, D.M. Kaplan (eds.), *Encyclopedia of Food and Agricultural Ethics*, DOI: 10.1007/978-94-007-6167-4_595-1).



A film to watch and discuss:

<https://www.youtube.com/watch?v=Zs3KYH-37Q0>



Ethical aspects of hunting:

1. Is ethical to use dogs for hunting?
2. Do You associate a hunter with a man or a woman?

Task 6

“Hunting for sport of recreation versus for meat are apparently mutually exclusive in much of the public’s mind, where the former implies killing animals for frivolous reasons, and the latter implies acceptable utilitarian purposes. This attitude is in stark contrast to those expressed 100 years ago that led to the conservation of wildlife. Utilitarianism as a prime motive for hunting was considered responsible for the decline of wildlife, whether it was fueled by the markets or the need to put meat on the table. Hunting for the challenge of the pursuit was considered to have minimal impact and Foster a desire to perpetuate wildlife”.

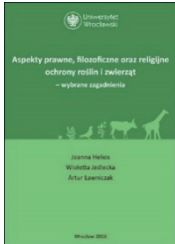


See more: J.F. Organ, R.M. Muth, J.E. Dizard, S.J. Williamson, T.A. Decker, *Fair chase and human treatment: balancing the ethics of hunting and trapping*, “Transactions of the North American Wildlife and Natural Resources Conference” 1998, Vol. 63, p. 528–541.



1. Is hunting a type of sport?
2. Is hunter a sportsman?
3. What do You think about: utilitarianism as a prime motive for hunting?

Selected publications in the field of Legal Science that have been published by e-Wydawnictwo WPAE UWr:



Joanna Helios, Wioletta Jedlecka, Artur Ławniczak, *Aspekty prawne, filozoficzne oraz religijne ochrony roślin i zwierząt – wybrane zagadnienia*, Wrocław 2016.

Dostęp online: <http://www.bibliotekacyfrowa.pl/publication/80042>



Współczesne wyzwania prawnej ochrony zwierząt, red. Joanna Helios, Wioletta Jedlecka, Wrocław 2023.

Dostęp online: <https://www.bibliotekacyfrowa.pl/publication/146896>
<https://doi.org/10.34616/146885>

Coming soon:

Rola jednostek samorządu terytorialnego w ochronie zwierząt na Dolnym Śląsku, red. Jerzy Korczak, Justyna Mielczarek-Mikołajów

This handbook was written primarily for students of Criminal Justice. The handbook is addressed to students who have chosen the subject – Crimes against animals exercises. The exercise materials are closely related to the Crimes against animals syllabus. The authors intended the book titled *Crimes against animals – materials for lessons* to systematize knowledge of the subject Crimes against animals. This study is not a classic academic handbook. It is a collection of tasks, cases and texts for analysis. The book is the result of many years of teaching and scientific experience of the authors, which are related to animal rights.

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