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BIOETHICS AND *PAIDEIA*

Abstract

The process of spreading scientific and technical achievements is an anthropological phenomenon that is difficult to stop, because this is, as it were, the ontological determinant of modern man. Societies, especially over the past two centuries, have been facing the challenging task of balancing between the scientific freedom of research and preservation of social norms and values. The authors are of the opinion that the existing predominantly heteronomous constraints, although necessary, are not sufficient if the scientists themselves do not develop the awareness that they should follow the general humanistic moral principles and principles of scientific criticality. Finally, in the ambivalent period of strengthening the social and technical-technological effects of science, it is necessary to bioethically codify the issue of social responsibility of scientists which, due to its adequate internalisation, should be an integral part of their upbringing and education from the earliest days.

Keywords: science, technique, freedom, responsibility, society, values, bioethics, upbringing, education

“Studies flourish, minds are awakening, it is a joy merely to be alive!” (Ward, 2018: 67) said the famous humanist and a friend of Desiderius Erasmus Roterodamus, Ulrich von Hutten, already in the 16th century to depict the intellectual excitement of people of the New Age. Almost a century after Hutten, a great English philosopher, Francis Bacon, moderately, but in line with the optimism of the epoch, notes that the happiness of his time is that little vessels, like the celestial bodies, should sail round the whole globe, and that these times may just use *plus ultra* where the ancients used *non plus ultra*. Bacon claims that the true purpose of any science is the practical use. In *The New Organon*, he states that the true and legitimate goal of sciences is nothing else but to endow human life with new discoveries and resources. In other books, Bacon will vary the same idea, and as the goal of science he states “to serve human welfare”, “to succeed in helping to eliminate the difficulties of human life”, or “continually enriching humanity with new deeds and forces”.

The practical benefit that he stands for is the dominion of man, i.e. mankind over nature. Unlike some of his contemporaries who wanted to regulate the relations with nature by means of mysticism, magic, or astrology, Bacon was at a position that the dominion over nature can only be achieved by the scientific knowledge of nature’s causality: “Human knowledge and human power meet at a point; for where the cause isn’t known the effect can’t be produced.” (Bacon, 2017: 4)

The dominion over nature, i.e. practical benefit, he considered to be the basic and ultimate, and not the immediate and current, goal of science. Intending to dissociate himself from the interpretation of his philosophy in the sense of harsh practicality and pragmatism, Bacon has even argued that “the acts should be made more like pledges of truth than as contributing to the comforts of life”, and that contemplating things as they are, without superstition or imposture, error or confusion, is in itself worthier than all the practical upshots of discoveries.

The German physicist and philosopher Werner Heisenberg in *Physics and Beyond*, more than three and a half centuries after Bacon, wrote: “Science is made by men, a self-evident fact that is far too often forgotten. If it is recalled here, it is in the hope of reducing the gap between the two cultures, between art and science. ... Science rests on experiments; its results are attained through talks among those who work in it and who consult one another about their interpretation of these experiments. Such talks form the main content of this book. Through them the author hopes to demonstrate that science is rooted in conversations. ... Human, philosophical or political problems will crop up time

and again, and the author hopes to show that science is quite inseparable from these more general questions.” (Heisenberg, 1971: XVII)

Most often we lose sight of this self-explanatory fact, although it represents a crucial point in the approach to the phenomenon of science and scientific creation, and generally in the scientific attitude of man to the world. Warning and insisting on an almost trivial matter probably would not make any sense at all, had it not been generally forgotten, although it is fundamental in the entire scientific development and its overall role and meaning. Tracing Martin Heidegger, it could be said that the oblivion of the essential is a precondition and the assumption of any opinion (Heidegger, 1969: 42-74), and probably in that sense, Heisenberg warns of the necessary oblivion of the most understandable fact that science is made by humans. This oblivion is the assumption of the entire scientific and technical¹ progress, that is, of all models of scientific approach to life, i.e. reality. Without it, there would probably be no intense progress as recorded in the last few centuries in European history. Science, therefore, is an ambivalent and ambiguous phenomenon, which is its characteristic that is both inherent in the European culture and civilization, and at the same time allows it to expand and rise to a planetary and universal level.

Ambivalence is noticeable in almost every scientific act and every scientific result.² It could be said when genetics, atomic physics, or some other contemporary discipline is concerned that, to a significant extent, mankind as a community of a single kind of beings depends on them, or furthermore, that the fate of the planet itself, or its survival actually depends on its results. The achievements of these disciplines facilitate development in both directions almost to the same extent: namely, the results of scientific achievements, although they primarily tend towards progress and achievement of the highest human values, at the same time, they may generate adverse, even catastrophic, consequences.

1 Today, the phrase scientific and technical is often used, although it should not be forgotten that only the modern epoch has enabled and established this commonality of “science” and “technique”. In earlier times, this almost implicit blend of science and technique was not self-evident. Although, for example, the invention and use of a steam engine caused the first industrial revolution, it was not the result of scientific discovery, but rather a technical invention created with a very clear practical application in crafts, agriculture and mining. It can be assumed that science will return to its source in the future, i.e. to the search for the truth, while the technique will focus on the correction of the world in terms of creating adequate assumptions and conditions for the improvement of human life.

2 Albert Einstein used to say that science is a powerful instrument. Whether this instrument is used in the glory of mankind or for its ruin depends on mankind, and not on the instrument. See: Infeld, 1983.

Herbert Marcuse, at one stage, even though that the scientific and technical process almost completely got out of the human control, and that the dilemma whether the planet would survive or fail will be decided by pure coincidence (Marcuse, 2002). Closer to the truth, according to the authors, is the fact that despite all ambivalence, scientific achievements are still under the control of men, and that, in different modes, this control can be more efficient and more differentiated in the future. That is why the issue of responsibility of the scientist is of crucial importance, it is a fundamental issue of their actions and not an auspicious issue that can but needn't be linked to what is happening in the field of science. In other words, this issue must be the starting point of any scientific act, with full awareness of possible abuses and negative consequences that could follow from almost any result. The lack of full awareness of responsibility can be illustrated by disproportionately high investment in scientific programs and projects that have a practical application, and significantly less funds in the so-called pure science, i.e. fundamental research, or in social and humanistic sciences which do not generate immediate benefits but allow the development of science as such.

On the wave of complacency with the technical and technological progress which the XX and the XXI centuries have brought, it is as if it has been forgotten that science and philosophy began with wonder or admiration.³ At first, wonder was related to the unusual phenomena that stood before people's eyes, and then transferred to larger things, such as celestial bodies, and reached the wonder about the creation of the whole universe. Wonder, of course, also contains in itself a dimension of ignorance, which, again, is most often related to the ignorance of the cause. People have always been amazed when they see a consequence and cannot find the cause of its occurrence. The awareness of this ignorance often occurs when a person concludes that something is happening in a way that is opposite to the usual one. An example that Aristotle presents are the marionettes which no one expects to move or dance according to an appropriate tune (*Met.*983a12-15). Then it becomes clear that there is some hidden cause. Man's natural aspiration for knowledge, assisted by some sort of

3 See in particular: *Metaphysics* 982b11-21 (Aristotle, 1991: 1554). About wonder as something that initiates philosophizing, Aristotle writes in the manuscript *On the Heavens* 294a11-28, as well as in other places (Consult: Bonitz, 1975: 323a45-59). Plato also writes about the same topic, for example, at *Theaetetus* 155d and *Philebus* 14c-e. For Plato, the wonder is, primarily, oriented to ideas (*Parmenides* 129c), while for Aristotle this is the case with the sensuous world (as can be seen from his note at *Parts of Animals* 645a5-17, where at the end of the passage (PA645a16-17) he states: *Every realm of nature is marvellous* (ἐν πᾶσι γὰρ τοῖς φυσικοῖς ἔνεστί τι θαυμαστόν). (Aristotle, 1991: 1004)

fear of ignorance, as well as by the necessary amount of boldness, urges people to look for the causes of these phenomena.

Similar processes occur when solving geometric, astronomical, or microbiological problems. Undoubtedly, the dramatic changes in the world over recent decades have been the result of scientific developments, but it should be borne in mind that this is not the primary goal of science. The significant motive for people to start dealing with science was, and it undoubtedly should also be today, the search for the truth. In Stagirites' words - knowledge for the purpose of knowledge. In this connection of motives that are related to the truth and search for it, as well as its practical pretensions, the essential dual value of science and scientific development can be detected. The modern world is undoubtedly marked by the prevalence of the latter, practical aspect of science, or the efficiency of applying its results in everyday life of people, so the attention of science and scientists is most often focused on achieving as good a result as quickly as possible.

Another German physicist and philosopher, Carl Friedrich von Weizsäcker, is right in saying that as long as concern and consideration are not equally applied both to the results and negative consequences of a scientific experiment, the human race will not be mature enough to live in a technical civilization (Weizsäcker, 1986). The utilitarian moment, of course, has not been an eternal feature of science and scientific development. It has acquired that aspect through certain historical circumstances and conditions which characterize the spirit of the time, especially in the last hundred years. The search for truth, wonder, and curiosity,⁴ as indicated, represents a permanent feature of scientific activity, something without which science simply cannot exist. The practical side, on the other hand, is on the margins of science, while the questions about the essence of man and the human world are its permanent preoccupation. These specific human questions play a major role in any scientific process, research,

4 See also concluding considerations of Immanuel Kant's *Critique of Practical Reason: Two things fill the mind with ever new and increasing admiration and awe, the oftener and the more steadily we reflect on them: the starry heavens above and the moral law within. ... The former view of a countless multitude of worlds annihilates as it were my importance as an animal creature, which after it has been for a short time provided with vital power, one knows not how, must again give back the matter of which it was formed to the planet it inhabits (a mere speck in the universe). The second, on the contrary, infinitely elevates my worth as an intelligence by my personality, in which the moral law reveals to me a life independent of animality and even of the whole sensible world, at least so far as may be inferred from the destination assigned to my existence by this law, a destination not restricted to conditions and limits of this life, but reaching into the infinite.* Kant. (<https://www.gutenberg.org/files/5683/5683-h/5683-h.htm>)

and experiment. Their presence certainly influences the results of contemporary sciences.⁵

In that sense, Edmund Husserl wrote the following in *The Crisis of European Sciences and Transcendental Phenomenology*: “The specifically human questions were not always banned from the realm of science; their intrinsic relationship to all the sciences – even to those of which man is not the subject matter, such as the natural sciences – was not left unconsidered. As long as this had not yet happened, science could claim significance – indeed, as we know, the major role – in the completely new shaping of European humanity which began with the Renaissance. Why science lost this leadership, why there occurred an essential change, a positivistic restriction of the idea of science – to understand this, according to its deeper motives, is of great importance for the purpose of these lectures.” (Husserl, 1970: 7)

It could be said that the original idea of science in its form of wonder and curiosity is more beneficial for a man than all practical discoveries that undoubtedly radically change the world and establish often an unexpected reality for the man himself. The trouble is that the newly established reality can never satisfy human nature, that the scientific and technical universe has expelled precisely that which this nature is searching for and what it feels like its original domestication. On the other hand, all technical and technological achievements with a practical application are the result of purely theoretical, purely scientific research, and not of some sort of rational plan of the scientists themselves. The basis is the effort to discover the marvelous order in nature, and practical pretensions would only disable these great scientific ambitions.⁶

The modern civil era is based on the logocentric and homocentric image of the world, the meaning of which, on Aristotle's trail, is derived from high trust in human understanding and reason abilities. The Stagirites, moreover, emphasizes that *logos* abilities can only be attributed to people. By affirming that only man has a gift of speech (λόγος) among all living creatures (λόγον δὲ μόνον ἄνθρωπος

5 Including genetics. Starting from the first researches by Gregor Mendel in 1865, through the explanation of DNA molecule structure by James Watson and Francis Crick in 1953, cloning of sheep Dolly in 1997, until the project of sequencing the human genome that was launched at the end of 1990 and the drawing up of the human genome map in 2003. About these and some other significant breakthroughs in genetics consult: Kaluderović, 2018: 31-44.

6 British physicist Ernest Rutherford, who defined the nuclear nature of atoms in 1932, said that physicists were not seeking for new energy sources or new and usable elements. The real reason for what they did lies in the impulse and fascination of research and the discovering of the deepest secrets of nature.

ἔχει τῶν ζῴων, *Pol.*1253a9-10), he emphasizes the difference between humans and other living beings also in the segment of the organized community for life.⁷

By defining man as the only living being who has speech, Aristotle, at the beginning of *Politics*, in fact, exhibited one of his three known original definitions of man. The second definition of man is that he is the only living being able to differentiate between good and evil (ἀγαθοῦ καὶ κακοῦ), i.e. just and unjust (δικαίου καὶ ἀδίκου) (*Pol.*1253a15-18). The third, and certainly best known, Stagirites' definition of man is that he is by nature a social animal or a political animal (ἄνθρωπος φύσει πολιτικὸν ζῷον, *Pol.*1253a2-3). Man is "by nature", i.e. by his original structure, which distinguishes him from other natural species, a being that can realize its own humanity only in a community with other people. This communality of people is not identical with the communality of ants, bees or some other animals that also live in organized forms of living. According to Aristotle, people base their own communality on *logos* in the community as a community, by regulating it according to agreed and accepted rules, customs, and laws.

The anthropocentricity of this and such *Weltanschauung* is an important reason why our dominant technical civilization did not develop in harmony with nature, but much more often in opposition to it. No human act in the past was able to substantially affect the spontaneity of the existence of our planet. As much as man was changing the natural environment in which he lived, this did not leave a greater trace on Earth itself. The rapid development of technique in this as well as in the last century put man in a completely new moral situation. The new situation is reflected in the fact that modern man must assume responsibility for the effects that are not the result of the actions of any individual, but represent the collective act, an act, in Husserlian terms, "of anonymous functioning subjectivity" (Husserl, 1970: 111-114).

The effects of modern technique suggest a completely new situation for traditional social and humanistic sciences, since the postulate of an anthropocentric image of the world is essentially derogated in the sense that people as species are unquestionable in their existence on the Earth. Ensuring the survival of the human species in the foreseeable future is a task to the

7 Denial of *logos* abilities of animals is not an incidental thing in various Aristotle's writings, but a fact of crucial importance in his observations. It was conducted in the Stagirites' *corpus* in two ways. Directly, by denying animals the ability to have any of these abilities, and indirectly by emphasizing that logical abilities can be attributed exclusively to humans. See: Калуђековић, Миљевић, 2019: 105-131.

achievement of which new knowledge in some of them should contribute, especially in ethics⁸ or bioethics. In order for this fact to be confirmed, they need to re-examine the power of the technique, the deeds of which thus acquire a philosophical sign, given the importance they have in the lives of the human species.

In the meantime, nature has begun to vigorously “protest” against excessive human activity by changing the climate on Earth (“global warming”), but also by increasing the number of diseases and plagues in humans and animals. Burning stakes during the crisis of so-called “Mad Cow”, “Bird Flu”, “Swine Flu” diseases, or the latest “African swine fever”, to name some, are just a warning to people and a hint of much more serious problems they may face. As an imperative, a new order in life is introduced, where one will become aware that the Earth can no longer tolerate man’s often ruthless acts, but requires the cooperation of man with the world surrounding him.

The usual behavior of a typical scientist, especially in natural and technical sciences, until recently was characterized by simplified utilitarian reasoning and scientific reductionism, thinking and decision making on science in its narrowest part, excluding or faintly mentioning the cooperation between different areas and the compatibility of their methods. Fortunately, there are more and more scientists who change this original attitude. This could also be attributed to the holistic approach of certain social and humanistic sciences. They begin to look at problems more comprehensively, taking into account knowledge from multiple disciplines when making conclusions on the use or non-use of certain methodology and technique. The smallest common denominator of all people should or, in fact, would have to be the attitude of Hans Jonas in his paper *The Imperative of Responsibility*: “We should not compromise the conditions for an indefinite continuation of humanity on earth” (Jonas, 1990: 28).

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The dominant anthropocentric image of the world, and the ensuing consequentialist relation of man to nature and animals, has been questioned over the last decades by a non-anthropocentric expansion of ethics, and by the ever louder posing of (bio)ethical demands for a fundamental and new settlement of relations between humans and animals.⁹ If one attempts to summarize the basic views of the leading authors’ Peter Singer (Singer, 2011; Singer, 2001), Tom Regan

8 About ethics as a philosophical discipline on morality consult: Kaluđerović, 2016: 135-147.

9 A shorter and, to some extent, different version of this article has been published in: Kaluđerović, 2020: 18-31.

(Regan, 2004; Regan, 1982), and Klaus Michael Meyer-Abich (Meyer-Abich, 1997; Meyer-Abich, 1984), which are representative of present discussions of the new regulation of human-animal relationships, then the main views are as follows:

- 1) Animals are beings that are capable of suffering, with their own interests and needs that are similar to the basic needs of people.
- 2) If there is such similarity, the principle of equality requires that the interests of animals are respected as well as the similar interests of humans.
- 3) Animals have their own value, which for some (Singer and Regan) stems from their consciousness, while others (Meyer-Abich) attribute additional importance to the affinity of animals and humans.

Singer talks about animals – “personalities”, and Regan about “subjects of life”. Both of them derive from that the “rights” of animals on the basis of their type of treatment and protection of their lives, which is why it is forbidden to kill them for the purpose of eating.¹⁰ Meyer-Abich speaks of the “dignity” of animals, and from that derives the “rights” of animals, which prohibit the keeping of animals in massive farming, but not the killing of animals after a life that was suitable for an animal, for the purpose of feeding people. It is noted that these basic thoughts are partially overlapping, but also that the results diverge at the central point of killing of animals.

Is it enough if Meyer-Abich, in order to explain his opinion, indicates that the condition of our existence to live from the rest of our lives, and that, in the end, vegetarians also eat life by eating plant foods (Meyer-Abich, 1997: 426)? Is it advisable when Regan, in order to explain his contrary opinion, indicates that all mammals have an “inherent value” (Regan, 2004: 243) that makes them “subjects of life” because of their consciousness, thereby providing them with “rights” in which man should not interfere, with the exception of severe cases of conflict like the necessary defence?

In order to ensure that the demands for higher or lower own “rights” of animals would not remain only calls without any prospect of success, it should be clarified to what extent they are compatible with the usual thinking about (bio)ethics, and to what extent they can be realized in practical and political

10 J. R. Des Jardins states critical views on Singer’s and Regan’s views. (Žarden, 2006: 193-200) See as well: McMahan, 2002: 194-203.

frameworks. In other words, what is lost and whether anything is lost, if the “dignity” of animals and the corresponding animal “rights” are also recognized in addition to human dignity and human rights.

From the philosophical aspect, at first glance, an understandably tense situation greatly diminishes, since most Western philosophers have believed and/or believe that, as already mentioned, only human beings have moral dignity, given that the required legal equality of men and animals does not mean that life is equal to life in any case. Regan explains this with his famous example of a packed lifeboat in which there are several people and one big dog.¹¹ It is assumed that the boat could be kept afloat only if one of the passengers would be thrown from the deck into the river or the sea. To the regret of all animal lovers and to the joy of all anthropocentrists, Regan “throws” the dog from the deck - surely with a heavy heart, but with the justification that the damage that death brings with it for one individual consists in the loss of its opportunities for life, and that these are greater for a man than for a dog. If a collision occurs, the value of the lives of different individuals must be measured, and individuals with more modest possibilities of experience should be sacrificed in favour of the individuals with a wider life horizon and a higher value of life that goes with it. A common hierarchy of values that stems from the primacy of man remains unchanged if a disputable case arises.¹²

The circumstance that animals cannot take responsibility and cannot make autonomous decisions, from the point of view of non-anthropocentrists, does not have to necessarily be an obstacle to the approval of the appropriate “rights” to them. However, according to the anthropocentric concept of rights, a legal subject may only be a being that, at the same time, may be the subject of duty, which can therefore be conscious of its duties and which can fulfill them.

The German philosopher Leonard Nelson, in regards to the symmetry of the law and duty that reflects upon Kant, already at the beginning of the last century warned that for a certain legal subject it is less constitutional to have the interests that could be injured than for some subject of duty. Following this, Nelson develops a maxim that speaks of Kant’s categorical imperative, in the

11 Regan. <http://www.nybooks.com/articles/1985/04/25/the-dog-in-the-lifeboat-an-exchange/>.

12 This does not mean that the notion of conflict can easily stretch to cases where a person wants to kill an animal to eat it, although he could be fed in another way. In other words, according to this interpretation, the basic right of the animal to life should have priority over the mere interest of man to eat with the greatest possible pleasure. A similar assessment can also be found in Singer, who condemns the killing of animals for the purpose of eating, unless it is necessary for the survival of man.

sense that one never acts so that he cannot approve of his method of action, and even if the interests affected by his actions are his own (Nelson, 1972: 133). This philosopher, by broadening Kant's concept of law, does not proceed towards the mind-governed person as the sole proprietor of rights but introduces also all individuals that are governed solely by interests. All holders of interest are, according to Nelson, at the same time, personalities. Then, he states that each person, as such, has a dignity that is equal to the dignity of any other person. From this, the person's subjective right is exercised to respect its interests. According to this fundamental approach to personal dignity, any being who has interests, that is, every person has the right to respect their interests. This right is the right of personality. Every person is a subject of law because it is by its notion one subject of interest, it could be said on Nelson's trail.¹³

Such clauses of the opening of an order on the equal treatment of human and animal interests make it acceptable and possible to recognize the "dignity" of animals and to install the "rights" of animals, without violating human dignity and human rights. Nevertheless, the acceptance of animals into the circle of right-holders leads to possible restrictions on the freedom of man, by a certain legal subject who, within the philosophical hierarchy of values, is placed below men.

For this reason, certain experts in legal science (Johannes Caspar) discuss the issue of the moral acceptability of animal "rights" in a culture that so far has not considered animals as "moral subjects of comparison" (Caspar, 1999: 154). In other words, it should be seen on the basis of which legal - (bio)ethical reasons, a man allows to himself to be bound to the living beings that he has left behind in the history of the development of life.

In this context, Caspar speaks of the modern concept of human dignity, which includes responsibility and empathy for creatures. A man who is capable of acting has brought animals into dependence to himself and is therefore obliged to take care of their interests and the rights that arise from them. Man's autonomy has a mutual relationship with responsibility for his conduct. Without this responsibility, there is no human dignity either. The greater the dependence

¹³ Nelson explicitly states that there is no general, philosophically grounded order that, because of the interests of animals, one should ignore one's own interests. Thus, it may very well be permissible to hurt the interests of an animal if it would be harmed by some prevailing interest of people. This, consequently, also applies in the case when it is not possible otherwise to preserve an interest in one's own life, or to maintain one's own spiritual and physical strength, but by destroying the life of an animal (Nelson, 1970: 174).

of animals from the powerful-acting capable for self-determination man, the more actual becomes his responsibility.

Another element of human dignity, which, according to Caspar, recommends the denial of freedom in favour of the animal “rights”, exists in the quantum of compassion towards the weak, without pursuing own motives. They establish the conditions and contents of personal responsibility and lead the inner motive to overcome the egoism of individual needs and instincts, through the limitations of belonging to the group and beyond the boundaries of one’s own species. Thus, they are the driving power of a type of ethics of solidarity, love for the neighbour, mercy, and that form of humanity that does not ask much for the price, but works.

As an intermediary result of the digression on the consent of the new so-called “animal ethics” with the usual anthropocentrism, it is possible to postulate this:

- a.) Animal “rights” at the expense of humans do not represent any contradiction to the symmetry of rights and duties in the usual (bio) ethics. Nelson’s concept that any personal holder of interest can be a right holder whose interests should be treated the same as own interests is a single systematic bridge between Singer’s and Regan’s views.
- b.) There are (bio)ethical reasons to give animals the “right” to a treatment that is appropriate to them. Some would add to this the basic “right” to life, whereas in the disputable cases man’s right to survive is more valuable.
- c.) Restrictions on the action of man for the benefit of animals can rather be (bio)ethically justified as a fulfillment of responsibility and compassion for the weak.¹⁴

The question may be raised as to how this “dignity” of animals, which is being increasingly (bio)ethically required by non-anthropocentrists, and the resulting animal “rights” are regulated, and whether they are aligned with the consideration of the “moral status” of animals.

According to the „Zakon o dobrobiti životinja Republike Srbije” (“Law on Animal Welfare of the Republic of Serbia”),¹⁵ Article 4, the basic principles of the

¹⁴ These examples and parts of comments have been taken and paraphrased from: Zajler, 2006: 9-15.

¹⁵ The Law was posted on the website of the „Ministarstvo poljoprivrede, šumarstva i vodoprivrede Republike Srbije” (“Ministry of Agriculture, Water Management and Forestry of the Republic of

protection of animal welfare¹⁶ are based on the so-called pathocentric concept, since it focuses on the “universality of pain”, and Article 2 states that the welfare of animals, that is regulated by this law, refers to the: “Animals that can sense pain, suffering, fear and stress.”¹⁷ When the second point of Article 4 of the Law stipulates that the principle of caring for animals: “implies a moral obligation and the duty of man to respect the animals and take care of the life and welfare of animals”¹⁸ it only shows that it is the obligation of man to protect animals, and it does not entitle the animals the “right” to that protection. This, therefore, refers to the moral duty of man, and not to the “right” of the animals (Protopapadakis, 2012: 279-291). The rights holder can only be a man, because he alone has the dignity of personality, which is an attitude that is in accordance with the usual anthropocentric theses, and it does not differ much from the majority of similar norms in other European countries.¹⁹

Article 7, paragraph 1, of the “Law on Animal Welfare” states that it is forbidden “to abuse animals”, while in paragraph 3 of the same Article it is prohibited to: “Deprive an animal of life, except in cases and in the manner prescribed by this Law.”²⁰ Such argumentation is substantially getting closer to the recognition of the “dignity” of animals. Of course, the trouble with such regulations is an animal is not a legal subject pursuant to the laws of the state, and therefore it cannot even sue anyone, despite the law on their welfare being adopted in the Parliament. Lawsuits cannot be filed on behalf of injured parties

Serbia”) on 19 January 2009 and became effective on 10 June 2009. „Zakon o dobrobiti životinja Republike Srbije”: http://www.paragraf.rs/propisi/zakon_o_dobrobiti_zivotinja.html. For more details consult: Kaluđerović. *Animal Protection and Welfare - Contemporary Examinations*. (Forthcoming)

16 Animal welfare is usually, however, estimated based on internationally accepted concept of the so-called “Five Freedoms”. (http://www.aspcapro.org/sites/pro/files/aspca_asv_five_freedoms_final_0_0.pdf) In London, for example, already in 1824 the first society for the prevention of cruelty to animals was established, whereas a regulation pertaining to animal welfare in the UK was adopted in 1911, and, including numerous amendments, it is still in force today.

17 http://www.paragraf.rs/propisi/zakon_o_dobrobiti_zivotinja.html.

18 http://www.paragraf.rs/propisi/zakon_o_dobrobiti_zivotinja.html.

19 For example, “Zakon o zaštiti životinja Republike Hrvatske” (“Law on Animal Protection of the Republic of Croatia”) (https://narodne-novine.nn.hr/clanci/sluzbeni/2017_10_102_2342.html), “Zakon o zaštiti i dobrobiti životinja Bosne i Hercegovine” (“Law on Animal Protection and Welfare of Bosnia and Herzegovina”) (http://vfs.unsa.ba/web/images/dokumenti/Zako_o_zastiti_i_dobrobiti_zivotinja.pdf), or “Zakon o zaštiti dobrobiti životinja Crne Gore” (“Law on Animal Protection and Welfare of Montenegro”) (<http://www.sluzbenilist.me/PravniAktDetalji.aspx?tag=%7B92A63CC4-3155-49BD-BB32-EC9624638EB3%7D>).

20 http://www.paragraf.rs/propisi/zakon_o_dobrobiti_zivotinja.html.

that are pigs or hens, since they are animals, and animals cannot participate in any court proceedings.

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

Regardless of the fact that the Law is “a matter of general interest”, in itself it does not prohibit any injury or damage to animal health, but only prohibits: “Stunning, or depriving the animal of life contrary to the provisions of this Law.”²¹ After all, Article 15 of the Law sets out the nine bases on which an animal may be deprived of life “in a human manner”. These include points 3 and 4, according to which an animal can be slaughtered if it is to be used for food, and if it is used for scientific and biomedical purposes. In the collision of rights, traders of cattle and scientific institutions are favoured, since they can rely on their basic rights to freely exercise their own profession, as well as to the freedom of scientific research, namely to the rights guaranteed to them by the highest legal act of the state, the Constitution,²² while the “Law on Animal Welfare” is an act of a lower ontological rank, that is, a derived act.

If a (bio)ethical right should be legally perceived as well, it must be possible for it to be sought by court, i.e. the owner of the right must either personally, or if he cannot do so, through a guardian or other legal representative, file a lawsuit before the court for violation of his rights, and possibly procure an exemption. For animals, this is not currently foreseen,²³ although, for example, Article 1 of the “Law on Animal Welfare” states: “This law regulates the welfare of animals, rights, obligations and responsibilities of legal and physical persons, i.e. entrepreneurs, for the welfare of animals, treatment of animals and protection of animals against abuse ...”²⁴

21 http://www.paragraf.rs/propisi/zakon_o_dobrobiti_zivotinja.html.

22 See: „Устав Републике Србије” (“Constitution of the Republic of Serbia”), 2006: 19, 22, 26.

23 Consult: https://www.washingtonpost.com/archive/politics/1988/08/07/european-seal-herd-perishing/232cfffdb-9d38-4fee-b710-bf371965ad06/?noredirect=on&utm_term=.9408f6d6c3f6; <https://www.cbsnews.com/news/chronology-of-mad-cow-crisis/>.

24 http://www.paragraf.rs/propisi/zakon_o_dobrobiti_zivotinja.html

If there is an intention to really take care of the protection of animals, it is certainly not enough to devote them a one-state goal that protects them only indirectly; instead, according to non-anthropocentrists, they should be given the “rights” that are similar to basic rights, to which a lawyer could refer to on their behalf when filing a lawsuit, and which can directly compete with the basic rights of scientists, meat producers and those who carry out the transport of animals. What could these basic “rights” of animals look like?

Firstly, they should be granted the “right” of respect for their animal “dignity”,²⁵ “the right” that will protect them from abuse in experiments.²⁶ The conflict between monkeys, dogs, and cats harassed in experimental laboratories, on the one hand, and the interests of medicine, pharmaceutical industry, and researchers, on the other hand, could induce people to finally seriously assess whether animal suffering is in a proper relationship to the benefit for a man that comes out of it. In this assessment, it will be also significant whether the dignity of man justifies depriving other living beings of their “dignity” in order to carry out sometimes suspicious experiments on them, the results of which can often not even be applied to man.

Animals should, furthermore, be guaranteed the basic “right” to life appropriate to their species, the view that is based on the parts of the fourth and fifth articles of the “Universal Declaration of Animal Rights”: “Wild animals have the right to live and reproduce in freedom their own natural environment ... Any animal which is dependent on man has the right to proper sustenance and care.”²⁷

This also applies to the fundamental “right” of animals to life. As long as modern societies are meat-eating societies, it will be possible only to gradually implement this basic “right” of animals and, therefore, anchor it only in the vicinity of closer legal regulations. This basic “right” would primarily prohibit the excessive production of animals for slaughter, which then also leads to their destruction. Then, in order to gradually achieve the protection of life for the benefit of animals, a different programming of eating habits of new generations of people would have to occur.

25 Justified care of the protection of non-human living beings does not mean that the authors of this paper consider that some kind of “moral status” should be recognized for animals, that would be in conformity to the human moral phenomena. Taking care of all current and future “rights” of animals, in the end, is essentially a human task.

26 See the new book of one of the authors of this article. Kaluđerović. *Bioethical Kaleidoscope*. Chapter “Early Greek Anticipations of Non-Anthropocentrism”. *Forthcoming*.

27 <http://www.esdaw.eu/unesco.html>

In guaranteeing the basic “rights” to animals, which, in addition to determining the state’s goal, should also enter into the Constitution,²⁸ all of this could be taken into consideration together with the statement that any vertebrate has the right to have its dignity respected, and to a life that is suitable to its species. According to this interpretation, man would be permitted to intervene only for reasons of public interest, certainly within the framework of the law.²⁹

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

All this can seem utopian, but time will show if people are mature enough for such a step-in evolution. The present ecological, and not only ecological, crisis urges mankind to, among other things, determine in a new way its attitude towards animals. *Homo sapiens* is the first species that has ever been able to freely decide whether they will give up eating other living beings. The first step has been made - people have ceased to eat each other for a long time, and cannibalism is barely present in the so-called “primitive” nations. Whether man will soon make a second step by stopping to eat animals, to respect the fundamental “right” of an animal to life? It is highly unlikely that this will happen in the foreseeable future, but this does not mean that we should not continue to work on strengthening the protection and welfare of non-human living beings.

28 On the basis of the 1992 plebiscite, in Switzerland, the “Constitution” guarantees the inherent value of animals, i.e. it already speaks of “dignity of Creature” (“die Würde der Kreatur”). See also the latest version of the “Federal Constitution of the Swiss Confederation”, Article 120, paragraph 2 (“Non-human gene technology”). (<https://www.admin.ch/opc/en/classified-compilation/19995395/index.html#a120>)

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

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BIOETIKA I *PAIDEIA*

Sažetak

Proces širenja znanstvenih i tehničkih dostignuća antropološki je fenomen koji je teško zaustavljiv, jer je to, takoreći, ontološka odrednica kojom nastupa suvremeni čovjek. Pred društva, naročito u proteklom i ovom stoljeću, postavlja se zahtjevan zadatak balansiranja između znanstvene slobode istraživanja i čuvanja socijalnih normi i vrijednosti. Autori su stajališta da postojeća pretežno heteronomna ograničenja, iako potrebna, nisu dovoljna ukoliko kod samih znanstvenika ne bude razvijana svijest da treba slijediti opća humanistička moralna načela i načela znanstvene kritičnosti. Konačno, u ambivalentnom dobu snaženja socijalnih i tehničko-tehnoloških učinaka znanosti neophodno je bioetički kodificirati pitanje društvene odgovornosti znanstvenika, koja zbog njene primjerene interiorizacije treba biti integralni dio njihovog odgoja i obrazovanja od najranijih dana.

Ključne riječi: znanost, tehnika, sloboda, odgovornost, društvo, vrijednost, bioetika, odgoj, obrazovanje