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## Animals – Like Fish – Don’t Have a Say?

### Introduction

There will never be legal regulations that in themselves will cause that animal rights will be fully protected, because it is not about the law but about people and their approach to animals. What use is such law to our smaller brothers when man is not going to fulfil it. What law is it if it is not possible to implement or is a law that does not protect the interests of animals. What “increased” animal protection standards can be mentioned if a minimum protection is not met. The treatment of domestic animals, stray animals, farm animals, laboratory animals, animals used for special purposes and free-living animals can be called a paradox, although the façade policy, the façade nature of dealing with the fate of animals seems to be an even greater paradox, expressed only in a commercial attitude to animals. On the one hand, under the so-called dereification, the law prohibits cruel treatment of animals, and on the other – it allows for their slaughter, according to special methods required by religious rites, which is very cruel to the animals being killed. Should the law be this way?

The idea that animal rights and their interests should be respected in the same way as human interests and rights seems to be a pure illusion. According to the *Encyclopaedia Britannica*, animal rights are moral or legal rights attributed to animals, because of the complexity of their lives in the cognitive, emotional, social sphere, the ability to experience physical, emotional pain and pleasure.<sup>1</sup> Hence the conclusion: if an animal has interests and rights like humans do, who and in what form should

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<sup>1</sup> *Animal rights*, <http://www.britannica.com> [access: 23.08.2011].

look after these interests and rights? If an animal, like a human, due to the complexity of life in the cognitive, emotional, social sphere, the ability to experience physical, emotional pain and pleasure has moral or legal rights assigned to it, then what is the difference between these rights and the rights and morals towards people? Then: what does it mean that an animal has a moral or legal right, is animal's moral law illegal, and legal is not moral?

Despite many animal right activities undertaken, despite many differences in the subject of animals, there is a far-reaching consent – even agreement that animals should be treated as persons and incorporated into the human community. They should not be treated as objects, but as entities. They should not be killed thoughtlessly and without restrictions beyond the need for human food. They should not be used in medical experiments, entertainment for the games in a modern edition.

In the era of ever-widening penetration of the universe, dynamic development of cybernetics, digitization, genetics without secrets, it is time to sort out the affairs of those without whom the world cannot exist. Should the animals' right only include the right to live, the right to freedom and the right to suffer? This is not enough. Since a dog can see, hear and feel, reacting to external stimuli, there is no reason not to consider him a being close to man. An animal kills for survival, man – usurper – in the name of God, for imaginary claims, for pleasure, beyond the need to maintain the species.

The leading sceptic of the idea of animal rights, Roger Scruton, says: "(...) animals have no obligations, so they have no rights, they are not able to make a social contract, they are not able to make moral choices"<sup>2</sup> And how does he know that? The fact that there is no thorough research that would confirm the animal's abilities close to human does not exclude that among animals, as among humans, there are no similar solutions. A different position is expressed by the proponents of animal welfare, who believe that there is nothing fundamentally wrong in the mere use of animals as resources, unless it involves unnecessary suffering. Which one can partially agree with, because animals have the same right to the world, because they are on it and the world also belongs to them. The concept of eliminating animals from the world is not a philosophy of nature, but rather a philosophy of shame. Despite the differences between man and animal, animals should be treated subjectively, and not as a dead object. It remains open to what extent they can be killed for food, used scientifically and for entertainment. Are restrictive laws a good example of regulating this matter? A big question mark should be put here, because no law, even the most severe one, will solve this problem, will not force a man to think radically about animals in terms of human dignity and respect.

The world consisting of people is an incomplete world, the world consisting only of animals, without people, is a world closer to nature, and at the same time further from civilisation. How to reconcile the interests of people and animals – it is a challenge for many generations for today and tomorrow, as well as how to stop the deaths of millions

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<sup>2</sup> G. Reale, *Historia filozofii starożytnej*, t. 1, Lublin 2000, pp. 70–72.

of hungry people, giving up expenditure on weapons aimed at destruction of people and animals. In the stories entitled *Medallions*, Zofia Nałkowska writes: "(...) it is man who has brought this fate about for man" – and these words say it all. Man is able to create, discover, invent great things, and on the other hand, simply destroy everything. Whoever does not grow up to humanity lives away from it. And yet you need so little, it is enough to give what is divine to God and what is imperial to the emperor.

### Man, human being

In the search for examples of human behaviour, one should begin by determining who a man is, what his basic goals are and how he accomplishes them. Quite often, man realizes that he is a human and nothing else. Few people are able to undergo self-evaluation. We say that man is a secret, arrives and disappears just as secretly. But is a man really an unknown and unpredictable being?

Just as suppositions do not give certainty, it cannot be said that man is the only being who has the ability to think in abstract terms and reflect on the complexity of the world and his own being, the only rational being called to creative action. There are situations when a person is not able to even understand himself, there are also those when he notices the need for joint action and goes in that direction, but there are also situations where human action goes in the opposite direction.

What does it mean to be a man? Many things come to mind. To be human means to have reason and... use it.<sup>3</sup> According to Socrates, man is virtuous, just, brave, strives for happiness, but often errs. Antisthenes believed that it is only up to man whether he chooses material or spiritual goods. According to Aristippus, man only strives for pleasure, mainly material goods, and avoids unpleasantness. Plato claimed that man consist of a body with senses and a soul. According to Aristotle, man is mortal, but he has a thinking soul, by nature he has free will, is an individualist and is intelligent.<sup>4</sup> The activity of human reason is dualistic. Man cannot live only by theory, knowledge, spiritual matters, he also needs more mundane matters, such as food, material goods and health. According to Pascal, man is the most amazing object in nature for himself: he cannot understand what a body is and what a spirit is. A similar statement was at the heart of Socrates' philosophy, the Greek thinker remained faithful throughout his life: "know yourself". Heraclitus described the path of his thought by saying: "I was looking for myself". The question "Who is a man?" can only be asked by him. Perhaps in this skill lies the solution to the mystery of man.<sup>5</sup>

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<sup>3</sup> M. Drzewiecki, *Kim jest człowiek*, [https://opoka.org.pl/biblioteka/F/FA/kimjest\\_md.html](https://opoka.org.pl/biblioteka/F/FA/kimjest_md.html) [access: 20.12.2019].

<sup>4</sup> W. Tatarkiewicz, *Historia filozofii*, t. 1, Warszawa 2003, p. 112.

<sup>5</sup> C. Wodziński, *Filozofia jako sztuka myślenia. Zachęta dla licealistów*, Warszawa 1993, p. 76ff.

## Animal – subject or object?

According to the PWN dictionary, an animal is every living creature except man. It is also a heterotroph, multicellular organism with eukaryotic cells (genetic material), surrounded by a thin cell membrane, usually having the ability to move independently and actively.<sup>6</sup> In addition to settled sponges, coelenterate and few other invertebrates, animals have the ability to move; they all react to stimuli of the external environment, thanks to specialized receptors. More organized organisms are equipped with sense organs, transmitting stimulations to the appropriate centres of the nervous system. The nervous, cardiovascular and endocrine systems are stimulated with the help of cell organelles, tissues, organs, digestive, respiratory, vascular and genital systems. Are all these elements not a vital system close to human structure? And if they are, why are the animals treated by law as a thing? There is no rational explanation for this question.

In the literature devoted to the philosophy of human existence, a story is known in which Plato, searching for a definition of man, described him as “a two-legged, non-feathered animal”. When Diogenes of Sinop heard about this, he came to the Academy with a plucked cock, saying: “Here is Plato’s man!”<sup>7</sup> Socrates described cynics as bipedal, non-feathered animals. According to Marcus Tullius Cicero, the order of the world that subordinates living beings to the human species is justified by the uniqueness of the human species.<sup>8</sup> The vast developmental superiority of man, manifesting itself not only in the external shape, has its source in divine perfection. Man surpasses animals with the ability to abstract thinking, and descriptions of behaviour of some animals may indicate that in some sense they also have this ability.<sup>9</sup>

Aristotle believed that every being is perfect in its own kind, because it is created for a specific purpose and possesses appropriate properties for this purpose – nothing is accidental here.<sup>10</sup> He also did not deny that humans came from animals: he defined man as a political or intelligent animal with intellect. The philosopher did not deny animals the soul, the ability to feel and follow their drive. In his opinion, the dependence of people and animals is a *sine qua non* condition for important and needed beings in the society.

The cynics went even further, including Diogenes of Sinop, who recognized animals as being superior to humans, as well as representatives of the Neoplatonic school, such as Porphyry or Tire, who noticed a lot of anatomical, physiological and intellectual similarities between humans and animals. In the book of Ecclesiastes, we find the

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<sup>6</sup> *Wielki słownik języka polskiego PWN*, Warszawa 2018; A. Bogusławski, *Logiczne, nielogiczne, pozalogiczne*, „Przegląd Humanistyczny” 1996, Vol. 40(5), pp. 109–142.

<sup>7</sup> Diogenes Laertios, *Żywoty i poglądy słynnych filozofów*, Warszawa 2011, p. 331.

<sup>8</sup> Z. Danek, *Rozumne zachowania zwierząt w relacji Marka Tulliusza Cyncerona*, „Collectanea Philologica” 2017, Vol. 20, pp. 53–62.

<sup>9</sup> Cicero, *De natura deorum*, Stuttgart 1980.

<sup>10</sup> Arystoteles, *Polityka*, [in:] *Dzieła wszystkie*, t. 6, Warszawa 2001, p. 30.

words: “The fate of man is similar to the fate of animals. (...) God wants to experience them so that they know they are only animals themselves. For the fate of the sons of men is the same as the fate of animals; their fate is one; the death of one is the death of the other, and the breath of life is the same. In no way does man surpass animals, because everything is vanity”.<sup>11</sup>

Saint Augustine described the animals as “mindless flying, swimming, walking and crawling creatures, since they do not have reason that connects them with us”.<sup>12</sup> St. Thomas Aquinas claimed that man, as a perfect and intelligent being, has the right to kill animals for his own purposes, even if this is not a prerequisite for survival. Cruelty to animals is not a sin, and goodness shown to them is not a sign of generosity, because unreasonable beings do not understand the meaning of good and do not share experiences with man. Unreasonable beings can only be loved by man as a good in itself which man wishes for another man. They are therefore treated instrumentally as a means to an end.

The French humanist, Michel de Montaigne, stated that in nature there do not have to be relationships in which one will be the ruler and the other the subject. Man, despite his predispositions, should not feel distinguished from the group of animals, because he does not belong to any higher species. Animal nature often exceeds human nature when it comes to the ability to make friends or control emotions. There are clear similarities between people and animals, animals – just like people – are not free from the jealousy or drives they give in.<sup>13</sup> The theory of René Descartes seems unacceptable. He considered animals as material creations, machines, comparing animals to the clock and making the conclusion: animals do not know suffering, and the sounds the animal makes when it is deprived of life mean nothing more than the ticking of the clock.

Alexander Pope, the English poet, claimed that people deliberately and sickly use their advantage over animals, their power over them is the rule of tyranny. The more the animal is dependent on man's good will, the more he should feel his defeat when it leads to the animal's suffering.<sup>14</sup> Jean-Jacques Rousseau believed that the differences between humans and animals are not as significant as one might think – they often divide one man from another than from an animal. A man living in the wilderness takes over the behaviour of animals, who were equipped by nature with excellent mechanisms for survival, so the superiority of man over other beings is primarily his egoistic invention.<sup>15</sup>

The creator of the categorical imperative, Immanuel Kant, in the idea of consent says: “if certain acts of animals are analogous to human deeds and result from the same

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<sup>11</sup> Św. Augustyn, *O Państwie Bożym. Przeciw poganom ksiąg XXII*, Warszawa 1977, p. 170.

<sup>12</sup> F. Kwiatkowski, *Filozofia wieczysta w zarysie*, t. 1, Kraków 1947, pp. 213–215.

<sup>13</sup> M. Jakubczak, *Filozofia kultury jako filozofia kultur*, [in:] *Co to jest filozofia kultury?*, red. Z. Rosińska, Warszawa 2007, p. 104.

<sup>14</sup> G.L. Francione, *Animals as Persons. Essays on the Abolition of Animal Exploitation*, New York 2008.

<sup>15</sup> J.-J. Rousseau, *Umowa społeczna*, Warszawa 1966, p. 49.

principles, we have obligations to animals, because in this way we cultivate corresponding obligations to people. If a man kills a dog because the latter is no longer able to work, he does not violate his duty to the dog, because the dog is not capable of making moral judgments, but his act is inhuman and destroys the attitude in himself that he should show to the human society". Animals do not belong to a moral and logically thinking community, whose members can only be people with powers to each other.<sup>16</sup>

According to Arthur Schopenhauer, despite the fact that animals have the ability to understand the situations they are in, they do not have a predisposition to cause and effect thinking. Animals' lack of memory differentiates them from people. They do not suffer like people do, do not analyse or ponder the situations they found. The surrounding environment is perceived directly. Schopenhauer's views gave a solid foundation for the development of a modern trend of denying the uniqueness and perfectionism of human beings, and also highlighted the needs to protect animals not for the good of humanity, but for the good of the animals themselves.<sup>17</sup>

Jeremy Bentham argued that feelings accompany all living beings. He said: "The question is not Can they reason? nor, Can they talk? but, Can they suffer?". In a letter to the publisher of "The Morning Chronicle", he also stated that he did not consider it morally wrong to conduct animal experiments if they were to serve the good of humanity. He agreed with the necessity of using animals, but only to the extent necessary and only when the effect of animal suffering was translated into a higher good. If, however, the torments of the animals used in the experiments were to be pointless, they would be synonymous with cruelty.<sup>18</sup>

Charles Darwin claimed that animals lead a social, internal and moral life similar to human, and that between man and higher mammals there is no fundamental and significant intellectual difference: "We have seen that all these powers and feelings that man boasts with, namely love, memory, attention, curiosity, imitation, and reason and other similar things also exist in animals, sometimes even perfected, and sometimes in a state of beginning".<sup>19</sup>

Among the many theories proclaiming the greatness of man, there was also a non-anthropocentric current, and one of its most important ethics was "the ethics of honour for life" of Albert Schweitzer, who formulated the moral imperative of human responsibility for all forms of life. In his theory, man adopts a pathocentric attitude towards nature, he is not a manager, but a guardian of all living things. In his words, "I am life that wants to live, among life that wants to live", he included not only the idea of the equality of existence of man and animal, but also confirmation that all living beings feel the same way, suffer and are aware of their existence. He perceived man as one of the beings of

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<sup>16</sup> O. Höffe, *Immanuel Kant*, Warszawa 2003.

<sup>17</sup> A. Skórski, *O prawie zwierząt*, Lwów 1895.

<sup>18</sup> J. Bentham, *Wprowadzenie do zasad moralności i prawodawstwa*, Warszawa 1958, p. 418.

<sup>19</sup> A. Marek-Bieniasz, *Kategoria odpowiedzialności w myśli Karola Darwina. O pochodzeniu człowieka*, Warszawa 2009, pp. 161–162.

nature that can affect its further fate – he can either destroy it, or take responsibility for it and protect it. Schweitzer considered this direction as right and the only one that gives meaning to human existence. He claimed that listening to himself and the world allows him to discover the responsibility that lies dormant in every human being. According to the philosopher, there is no division between higher and lower life, because each has the same value. In this regard, Schweitzer adhered to the Darwinian principle of minimizing the suffering of all beings, mainly with animals in mind: “If I harm a life, I must be clearly aware of whether this is really necessary. I cannot go beyond what is necessary, even in seemingly trivial matters”. He condemned every manifestation of inflicting unnecessary pain and suffering, destroying the fundamental value that is life.<sup>20</sup>

Henry Salt, the creator of *Animals' Rights: Considered in Relation to Social Progress*, wondered about the existence of rights: do people have rights or are they only endowed with a sense of justice that sets the line between consent and resistance? Salt assumed that if people have rights, also animals can have them. He was close to Herbert Spencer's theory that everyone has the free will to do what they want to do as long as they do not violate the freedom of others. Real humanity connects all living beings with bonds of brotherhood – this relationship was also to apply to people and animals.<sup>21</sup>

Donald VanDeVeer pointed to the relationship between the perception of pain and the rights of people and animals. For if there is a person's ability to feel pain, it automatically raises his interests in not suffering. Captivity and experiments on animals harm their interest, which is not feeling the pain, which in effect causes the violation of animal rights by people.<sup>22</sup>

In Tom Regan's study *The Case for Animal Rights* it was found that the primary shared value possessed by every human being and by some animals is the so-called subjectivity of life, which consists of beliefs and preferences, desires, memory, ideas about the future, emotional life along with a sense of pleasure or pain, ideas about one's own well-being, and the ability to act to achieve one's goals. Therefore, he claims that almost every animal has a personality and its own original character, and also cares for its own fate and wants to live – therefore, each of these creatures should be subject to moral laws. Not only people, but also some animals can be right-holders, because they create special bonds and relationships with each other. As contacts with animals tend to be different, so can relationships between people be different, which in no way indicates the dominance of man over the animal. Many animals also share

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<sup>20</sup> A. Marek-Bieniasz, *Kategoria odpowiedzialności w myśli Alberta Schweitzera*, „Problemy Ekorozwoju” 2006, Vol. 1(2), p. 115.

<sup>21</sup> L. Gruen, *The Moral Status of Animals*, [in:] *Stanford Encyclopaedia of Philosophy*, <https://plato.stanford.edu/entries/moral-animal/> [access: 23.08.2017].

<sup>22</sup> A. Ganowicz-Bączyk, *Narodziny i rozwój etyki środowiskowej*, „Studia Ecologiae et Bioethicae” 2016, Vol. 13(4), p. 68.

certain types of behaviour with people, such as fear, joy, the ability to make simple decisions and make choices.<sup>23</sup>

Gary L. Francione argues with the views of Bentham, who did not believe in the developed consciousness of animals – he only recognized that they live in the present moment, so death is not a problem for them, unless they experience suffering before it. Francione argued here that the animals have sensitivity and full capacity to receive stimuli from the environment, which are the will and need for life. Hence, animals with such a highly developed instinct, focused only on preserving life, cannot be a thing.<sup>24</sup>

### Law – illusion or reality

*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.<sup>25</sup>

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.

The rules that protect animals in Europe depend largely on the national authorities. In Austria, the ban on raising livestock for fur was introduced almost 20 years ago; in turn, among others, in Italy, Spain or Portugal, these restrictions do not apply.<sup>26</sup> When

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<sup>23</sup> T. Regan, *The Case for Animal Rights*, Los Angeles 2004, pp. 17–21.

<sup>24</sup> G.L. Francione, *op. cit.*, p. 146.

<sup>25</sup> The Act on the Protection of Animals of 21 August 1997 (Journal of Laws of 1997, No. 111, item 724).

<sup>26</sup> Article 13. Principle of protection of animal welfare (Journal of Laws of 2004.90.864/2) – Treaty on the Functioning of the European Union – consolidated text including the changes introduced by the Treaty of Lisbon.

formulating and implementing the Union's agricultural, fishery and transport policy and its policies relating to the internal market, research and technological development and space, the Union and the Member States shall take full account of animal welfare requirements as beings capable of feelings, while complying with legal and administrative provisions and customs of the Member States, in particular regarding religious customs, cultural traditions and regional heritage. When establishing the common agricultural policy, the European Union and the Member States should take into account the idea of dereification. This concept was introduced to Polish law in 1997. Pursuant to Art. 1 para. 1 of the Act on the Protection of Animals, modelled on Austrian and German law, it changes the reasoning of the animal's legal status.

According to Ewa Łętowska, the criticism of animal empowerment is primarily due to the historical developments in the field of ecology, which is contrary to the current system of values, today it seems inappropriate to use the term "thing" for animals. As emphasized by Łętowska, this care for appropriateness in the use of legal nomenclature in the context of animals results from respect for animals as living beings, capable of suffering, as well as care for the precision of the language, its suitability for the described reality, and maybe even caution.<sup>27</sup>

Animal welfare has been recognized in the European Union, resulting in two strategies for the protection and welfare of animals – for the period 2006–2010 and 2012–2015, but is that enough? Both strategies were adopted in the form of a soft law act – a resolution of the European Parliament. This demonstrates that the issue of animal welfare is important for European society, and the reflections on this topic are the manifestation of constant search of a solution that satisfies both humans and animals.<sup>28</sup> Legal regulations on the transport of animals, the directive of animals used for scientific purposes are the confirmation.<sup>29</sup>

The quality of animal welfare depends not only on the quantity and quality of legal regulations, but also on the general will to improve the situation of animals and how the issues of existential protection can be reconciled with other human needs. Today it is difficult to discuss whether humanity can do without meat-based food, but it is even more difficult to discuss human needs beyond measure – using animals for entertainment. No animal will answer these questions, it is man that has to find the answer.

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<sup>27</sup> E. Łętowska, *Dwa cywilnoprawne aspekty prawa zwierząt: dereifikacja i personifikacja*, [in:] *Studia z prawa prywatnego. Księga pamiątkowa ku czci Profesor Biruty Lewaszkiwicz-Petrykowskiej*, red. A. Szpunar et al., Łódź 1997, pp. 77–86.

<sup>28</sup> Strategy for the protection and welfare of animals. European Parliament resolution of 4 July 2012 on the strategy of the European Union in the field of animal protection and welfare for 2012–2015 (2012/2043(INI)), P7\_TA(2012)0290.

<sup>29</sup> Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes (Journal of Laws of the EU L of 2010, No. 276, item 33).

## Conclusions

A world without values is a world of nothingness, a world of nothingness is a world without future. What would the world be without people and what would the world be without animals? Everyone has to answer these questions alone. The national, EU and international standards for the legal protection of animals, without which it is impossible to regulate the legal status of animal welfare, must obtain the status of a universal principle. EU and national regulations regarding animal welfare are constantly evolving, although they are still too slow. The expansion of humanitarian ideology for animal protection, ecology ethics, awareness of local, national and European communities will not help much without proper human involvement.

One could venture to say that the European legislator has recognized the need to ensure an appropriate level of animal welfare, as evidenced by the setting of minimum standards in a number of legal acts. Nevertheless, the foundation for animal welfare in European Union law seems to be the dereification of animals rule, their “de-objectification”. In the 21<sup>st</sup> century, it is inappropriate for humanity to treat animals as a thing. The consequence would be the recognition of the special legal status of animals in the European Union and the necessity to implement the principle of their welfare.

Legal protection of animals is one of the elements of the contractual whole, in which not the law itself but the upbringing, awareness and sense of value play a key role, including in the field of animal protection. A legal obligation alone is not enough, social recognition, social determination and widespread conviction of a real and not virtual need for animal protection are needed. You can create great laws, precise regulations, but can you change your human mentality and human habits overnight? According to the author, it is, next to the ritual slaughter, the main barrier of incapability and reluctance to empower animals. Until a man grants the animal's right to have a say, animals – like fish – will not have their own voice. Just look into the eyes of any animal, which eyes say it all. Sigmund Freud said you cheat on speech but you do not cheat on body. The animal's view as body language leaves no doubt. At the same time, it all depends on how we humans receive this animal signal and what are we going to do with it.

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**Abstract:** When we talk about the legal protection of animals, we need to keep in mind who the human being is and who/what the animal is. Is the animal a thing or not? If not, then who is the animal – a subject, object? You can try to create the perfect law, but can you change a man? Human approach to smaller brothers, human habits, human behaviour towards animals... There is talk of respect for animals, but not much is done in this direction. In addition to the promises of subsequent groups of politicians, the problem of animals has been and will be marginalized, because animals – like fish – don't have a say. Man has pushed animals into the background of his interests. Unfortunately, man-made reality is life without animals and without nature. In turn, the legal protection of animals is one of the elements of the contractual whole, in which the main role is played not by law itself, but by upbringing, awareness and sense of value, also including the value of animals. The legal obligation alone is not enough, social recognition, social determination and conviction about a real and not virtual need to protect animals are needed.

Discussing individual legal regulations and comments, court judgments and glosses on the legal protection of animals is invaluable, as is the attempt to approximate the spirit of the law associated with

human animal protection activities. What we say, what language we use and how we evaluate human behaviour about and in the interest of animals translates into human attitudes. The message of the thoughts undertaken by the author is directed at drawing attention to an element no less important than law – social activity or its lack in the relations: animal – human – law. All considerations were embedded within the theoretical analysis of the legal, sociological and cultural discourse, which intend to popularize the legal awareness of animal protection.

**Keywords:** animal; human; law