

ANCIENT GREEK ROOTS OF MODERN ADVOCATING FOR ANIMAL PROTECTION AND WELFARE

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REZUMAT. Protecția animalelor și starea de bine. Cei care își pun întrebări referitoare la percepția antropocentrică dominantă a cosmosului devin din ce în ce mai vocali în creșterea cerințelor (bio)etice pentru o nouă rezoluție a relației dintre ființele umane și alte viețuitoare, susținând că tradiția filosofică și teologică occidentală a cauzat prezenta criză ecologică, și nu pe cea doar ecologică. S-au făcut tentative pentru a stabili o nouă legătură prin relativizarea, de multe ori, a diferențelor dintre om și ființele non-umane, atribuindu-le acestora proprietăți și categorii specifice umane, precum demnitatea, statutul moral și drepturile. În acest studiu, autorul investighează opiniile care deviază de la filosofia occidentală dominantă, în sensul expansiunii non-antropocentrice al eticii și le găsește fundamente în scrieri ale primilor filosofi ai naturii, unde se găsește un tip de mixtură de elemente corporale, i.e. rudenia tuturor formelor de viață. Pitagora, Empedocle, Anaxagora, și Democrit, în acest context, considerau anumite animale ca fiind sacre i.e. Ei credeau că animalele sunt responsabile pentru ceea ce fac și că au suflet, inteligență, conștiință, abilitatea de a gândi, minte și rațiune. Autorul, în final, crede că soluția pentru criza menționată nu rezidă doar dintr-o simplă reconsiderare a animalelor, i.e. prin atribuirea de caracteristici emoționale și intelectuale similare sau identice tuturor ființelor vii, ci din abordarea paideutică adecvată care ar trebui să dezvolte în oameni un model bioetic inerent al acceptării animalelor ca niște ființe ce merită un tratament moral, respect și comportamente adecvate.

Cuvinte-cheie: antropocentrism, non-antropocentrism, anticipare, presocratici, om, animale, înrudire, responsabilitate, protecție, stare de bine

ABSTRACT. The advocates of questioning the dominant anthropocentric view of the cosmos are becoming increasingly louder in raising (bio)ethical requirements for a new resolution of the relation between humans and other living beings, by claiming that the following of western philosophical and theological tradition has caused the present ecological, and not merely ecological crisis. Attempts are being made to establish a new relationship by relativizing the differences between man and non-human living beings often, by attributing specifically human properties and categories, such as dignity, moral status and rights, to non-human living

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beings. In this paper the author investigates the antecedents of the views deviating from the mainstream Western philosophy, in the sense of non-anthropocentric expansion of ethics, and finds them in the fragments of the first philosophers of nature, in which a kind of mixture of corporeal and psychical elements, i.e. the kinship of all varieties of life is emphasized. Pythagoras, Empedocles, Anaxagoras and Democritus, in this context, considered certain animals as sacred, i.e. they believed that animals are responsible for what they do and that they have a soul, intelligence, consciousness, ability to think, mind and reason. The author, finally, believed that the solution for the mentioned crisis does not lie in a simple levelling of animals upwards, i.e. in the attribution of similar or identical emotional and intellectual characteristics to all living beings, but in the adequate paideutic approach which shall develop in people an inherent bioethical model of accepting animals as being that deserve moral treatment, respect and adequate treatment.

Keywords: *anthropocentrism, non-anthropocentrism, anticipation, pre-Socratics, man, animals, kinship, responsibility, protection, welfare*

The basis of modern civil epoch is founded on logocentric and homocentric image of the world, the meaning of which, in Aristotle's trail, originates from the high level of confidence in human *logos* abilities. Logocentrism, in other words, represents the view that the principle of understanding and reason is the basis of man's world but also the universe as a whole. Homocentrism, on the other hand, as a modern worldview is based on Stagirites' vision of man as a separate being among other natural beings. Such an understanding comes from the belief that the ultimate basis of our world is not determined by nature, god, accident or coincidence, but that man, as a free individual, with his powers is the basis of human historic world.

By claiming that only man, among all living beings (λόγον δὲ μόνον ἄνθρωπος ἔχει τῶν ζώων, *Pol.*1253a9-10), possesses ability of speech (λόγον) Aristotle emphasizes the difference between humans and other living beings also in the segment of organized community for life (*Pol.*1253a8-18).² By defining man as the only living being which possesses speech, the Stagirites at the beginning of the *Politics* in fact presented one of his three known authentic definitions of man. The speech, also, expresses something that is useful and something harmful (τὸ συμφέρον καὶ τὸ βλαβερόν), as it also tells what is just and what is unjust (τὸ δίκαιον καὶ τὸ ἄδικον). Another definition of man is that he is the only living being which is capable of distinguishing good from evil (ἀγαθοῦ καὶ κακοῦ), i.e. just from unjust (*Pol.*1253a15-18). Third, and certainly most well known Stagirites' definition of man is that he is by nature a

² For more details see: Ž. Kaluđerović, „Aristotelovo razmatranje *logosa*, „volje” i odgovornosti kod životinja”, u: *Filozofska istraživanja*, 122, god. 31, sv. 2, Zagreb 2011, pp. 311-321.

social or political animal (ἄνθρωπος φύσει πολιτικὸν ζῷον, *Pol.*1253a2-3). Man is “by nature”, i.e. by his original constitution, which distinguishes him from other natural species, a being that can realize its own humanity only in a community with other human beings. Men base their own communality on *logos* in the community as a community, organizing it according to agreed and accepted rules, customs and laws.

Anthropocentricity of this view of the world was an important reason why our dominant technological civilization has not been developing in harmony with nature, but more often in opposition to it. None of man's acts in the past could essentially affect the spontaneity of the being of our planet, since the changes in the natural environment initiated by it left no significant mark on the Earth itself. The rapid development of technics and technology in this as well as in the last century placed man into a completely new moral situation. The new situation is reflected in the fact that modern man needs to accept the responsibility for the effects which are not the result of action of any individual, but represent a collective act, an act, in Husserlian terms, “of anonymous functioning subjectivity”. The effects of modern techniques and technology therefore imply a completely new situation for the traditional ethics, because to a certain extent the postulate of the anthropocentric view of the world that humans as a species are unquestionable in their existence on the Earth is thus being derogated. Ensuring the survival of the human species in the foreseeable future is a task whose realization should be contributed by new knowledge in ethics³, i.e. bioethics⁴. In order for this fact to be confirmed bioethics should review the power of technics and technology, whose effects are thus gaining a philosophical indication considering how significant they are to the life of the human species. Meanwhile, nature has begun to “revolt” strongly against uncontrolled human activity in the form of changing the climate on Earth (“global warming”), but also by increasing the number of diseases and plagues in humans and animals. The burning pyres during so called “mad cow”, “bird flu” or “swine flu” crises, represent a kind of warning to men and an indication of more serious issues they could be facing. As a commandment a new order of life is imposing, in which man will become aware that the Earth can hardly tolerate his often reckless acts, and which requires the cooperation of man with the world that surrounds him.

³ It would be possible therefore, on the trail of H. Jonas, to establish a new imperative: “We should not compromise the conditions for an indefinite continuation of humanity on earth”. H. Jonas, *Princip odgovornosti*, V. Masleša, Sarajevo 1990, p. 28.

⁴ F. Jahr coined the original term Bioethics and formulated a Bioethics Imperative: ‘Respect every living being on principle as an end in itself and treat it, if possible, as such!’. F. Jahr, “Reviewing the ethical relations of humans towards animals and plants”, p. 4, in: A. Muzur, H.-M. Sass (Eds.), *Fritz Jahr and the Foundations of Global Bioethics. The Future of Integrative Bioethics*, Lit Verlag, Berlin – Münster – Wien – Zürich – London 2012.

The advocates of questioning the dominant anthropocentric view of the cosmos by non-anthropocentric expansion of ethics, are becoming increasingly louder in raising (bio)ethical requirements for a new resolution of the relation between humans and other living beings.⁵ Attempts are being made to establish a new relationship by relativizing the differences between man and non-human living beings, i.e. by attributing specifically human qualities and categories, such as dignity, moral status and rights, to non-human living beings, but also of feeling, memory, communication, consciousness and thinking. It seems just as inspiring today as it was in ancient times to ask and to look for the answer to the question of whether the animals⁶ are able and to what extent to develop their feelings. Can animals memorize, and if so, which forms of memory they possess? What is their communication like and how sophisticated it is? Ultimately, are animals' conscious beings which can think distinguishingly, and can it be said to have a neurology?

If some of the answers to these questions are positive or positively inclined, we usually talk about a discovery of a surprising world, of animals as complex beings that live rich and sensual lives, of their relation and analogy with humans, i.e. about a revolutionary concept that is not older than half a century. Leaving aside, for the moment, a deeper discussion about the meaning of certain terms, such as "communication", "consciousness" and "opinion", in order to be able to talk about their truthfulness in regards to animals, the author of this paper believes that the departure from mainstream Western thought and philosophy is not a novelty of the second half of the XX century. Namely, different animal rights movements were organized in Europe much earlier. 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. In

⁵ Some of the leading authors, whose views are representative of contemporary discussions about the new regulation of the relationship between humans and animals are undoubtedly P. Singer, T. Regan and K. M Meyer-Abich. They, to put it briefly, believe that animals are beings capable of suffering, which have their own interests and needs that are partly similar to the basic needs of men; if there is such a similarity, then, the principle of equality requires that the interests of animals are respected equally as the similar interests of humans; animals finally have their own value, which for some derives from their consciousness, while for others additional importance lies in the kinship of humans and animals.

⁶ According to "European Convention for the Protection of Vertebrate Animals used for Experimental and Other Scientific Purposes", "animal" means any live non-human vertebrate, including free-living and/or reproducing larval forms, but excluding other fetal or embryonic forms. In the Preamble of this convention it is stated that animals have capacity not only for suffering but also for memory, so therefore man has a moral obligation to respect all animals (<http://conventions.coe.int/treaty/en/treaties/html/123.htm>). In Article 5, point 13 of the Law on Animal Welfare of the Republic of Serbia, "animal", for example, is defined reductively but unambiguously as any vertebrate which has a capacity to feel pain, suffering, fear and stress: (http://www.paragraf.rs/propisi/zakon_o_dobrobiti_zivotinja.html).

a classic passage that J. Bentham wrote even earlier, namely in 1780, it is asserted: “The day may come, when the rest of the animal creation may acquire those rights which never could have been [withheld] from them but by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may come one day to be recognized, that the number of legs, the luminosity of the skin, or the termination of the sacrum bone, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or, perhaps, the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose the case were otherwise, what would it avail? [T]he question is not, [“c]an they reason?”, nor, [“c]an they talk?”, but [“c]an they suffer?”⁷

The search of antecedents of levelling the differences between humans and other living beings, stems from the very origins of science i.e. from the first philosophers of nature, on the basis of whose extant fragmentary manuscripts it can be established that they anticipated most of the latter modalities of non-anthropocentric approaches. In order to understand the views of philosophers of nature who were active in the so-called cosmological period, it is necessary to leave aside dualistic conceptions, especially those that on the Cartesian trail emphasize the sharp distinction between matter and spirit. For early *physicists*, in particular, there was no inert matter that due to the logical necessity would require the division of the first principle into the material and efficient element. When accepting any principle as the sole source of origin, automatically, at least to the same extent, its inherent mobility was borne in mind as well. In short, the standing point of the first philosophers still belonged to the age when there was no serious distinction between body and soul, organic and inorganic.⁸ In their minds rather figured some kind of obfuscation of corporeal and mental elements, as this is the time when it was difficult to imagine the body without a soul or the soul without matter. The first philosophers, consequently, understood thinking as something corporeal similar to sensation and generally understood that like is understood as well as perceived by like. The expected consequence of such approach is the assertion of some Pre-Socratic that not only man but also all other beings have consciousness, thinking and practical wisdom.

⁷ J. Bentham, *An Introduction to the The Principles of Morals and Legislation*, pp. 4-5. Website: <http://www.mesacc.edu/~barsp59601/text/105/notes/read/bentham.pdf>.

⁸ As it is evident from Aristotle's claim that Thales thought that the stone (magnet) has a soul because it can cause movement. Diogenes Laertius (I,24), relying on the authority of Aristotle (*De An.* 405a19-21) and of Hippias (DK86B7), claims that Thales and ascribed to non-ensouled beings, i.e. to non-living beings (ἀψύχοις) to have soul (ψυχάς) as well, repeating the example with stone magnet and adding the amber.

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Indirectly preserved Pythagoras' views confirm a universally known fact that he was the first to bring to Greece the doctrine that all living beings that were born are kindred (ὁμογενῆ). The idea that all forms of life are kindred brought into connection not only humans with animals and plants, but also indicated that human soul, however the truth is only after purification, can achieve melding with eternal and divine soul, to which it belongs by its own nature. This kinship of all varieties of life was a necessary prerequisite for the Pythagorean doctrine on the transmigration of souls (παλιγγενεσία). Xenophanes reports about *palingenesia* as the Pythagoras' doctrine by a well known statement that once when Pythagoras saw some people beating a dog and advised them to stop, since in the yelping of the dog he recognized the soul of his friend (DK21B7).⁹ This fragment shows that the Pythagorean belief in renewal or rebirth of the soul was already so widely known in the sixth century BC that it got parodied. Pythagoras' recognition of his friend's soul embodied in a dog illustrates, on the other hand, the transfer of personal identity on the *psyche*, which means that a personality somehow survives in the migrations of the soul and that there is a continuity of identity. The conclusion that can be derived, at least implicitly, is that ensouled beings, therefore animals, but also certain plants, in a sense, are conscious beings.

A structural difficulty of such a view is how to fit the kinship of entire nature with logical implications that thus plants should not be consumed either since they, according to Pythagoreans, are living beings and a part of the communion of nature. As Diogenes Laertius (VIII, 28) reports Alexander Polyhistor notes that in the *Memories of Pythagoras* he found the solution to the paradox. Pythagoreans believed that all things live which partake of heat, and this is why the plants are living beings (ζῶα), but not all have a soul. The soul is a detached fragment of

⁹ From this fragment (DK21B7) it is evident why kinship of all beings which is associated with the doctrine of the transmigration of souls is at the basis of the Pythagorean ban on the eating of animal flesh. Since the topics discussed in the Pythagorean fraternity caused great controversy, and that they themselves are very difficult to systematize and interpret consistently, it is not surprising that attitudes about (non) use of animal meat are not uniformly understood in the latter times. In short, the views of Pythagoreans ranged from the belief in a complete ban on the use of animal meat in the fraternity, through refraining from eating just certain species of animals, to a categorical denial of any bans on meat consumption. For more details see: W. K. C. Guthrie, *A History of Greek Philosophy I*, Cambridge University Press, Cambridge 1962, pp. 182-195; J. Burnet, *Early Greek Philosophy*, The World Publishing Company, Cleveland and New York 1962, pp. 93-96; B. Pavlović, *Presokratska misao*, ΠΛΑΤΩ, Beograd 1997, pp. 101-103; J. F. Mattéi, *Pitagora i pitagorovci*, Jesenski i Turk, Zagreb 2009, pp. 19-28.

either, the one hot and the one cold. The soul is different from life¹⁰, it is immortal because immortal is also that from which it separated. Plants, therefore, have a life, but not all of them have souls which means that some of them are suitable for consumption.¹¹

Subsequently Ovid presented Pythagoras as an author who emphasized that even if someone had the right to kill a dangerous animal, it did not mean he may not eat it (*Metamorphoses* 15.110). Some animals were considered sacred, and it was deemed that if eaten they could lessen man's closeness to gods. That is why the fraternity was forbidden to eat white roosters because they are dedicated to the Moon, as it was not allowed to touch the sacred fish, i.e. red mullet and blackmail because it was sacred to the terrestrial gods.

According to the testimonies of Aristoxenus (**DL**, VIII,20), Pythagoras reportedly also forbade to eat plough oxen. This assertion, actually, less likely suggests the kinship of men and oxen and rather speaks of the pragmatic reasons for abstaining from eating draft animals.¹² By putting human beings into the same rank with animals, Pythagoras demanded they must be viewed as kins and friends and not to be harmed under any circumstances.¹³ He thought that this promotes peace, because if men started to abominate the slaughtering of animals as something illegal and unnatural, they would not regard killing of a human being as an honourable act either, and therefore would not initiate wars. This "indirect" duty towards animals was later recognized by Clement of Alexandria,

¹⁰ W. Jaeger makes a similar conceptual distinction interpreting Anaximenes. He says that Anaximenes uses the word ψυχή in the sense of "soul" and not in the sense of "life", and this he explains by the fact that the air (ἀήρ) is bearer of life. For Anaximenes the basic substance, according to Jaeger, is already alive and it refers to the visible corporeal world as the soul to the human body. W. Jaeger, *The Theology of the Early Greek Philosophers*, Oxford University Press, Oxford 1967, p. 79.

¹¹ Plants that were not acceptable as food were broad beans and mellows. For the detailed reasons why Pythagoreans abstained from eating bread beans and mellows see: Jamblich, *Pitagorin život*, DERETA, Beograd 2012, p. 69.

¹² Pythagoras, however, believed that food helps in education of men, if it is of good quality and regular, so he consented to eating everything that leads to a healthy body and a keen mind. He was also convinced that adequate food favors the skill of prophecy, purity and chastity of the soul, i.e. of practical wisdom and virtue.

¹³ Pythagoras was the first philosopher who sometime after 530 BC practiced the use of barley cakes, honey and olive oil instead of animal sacrifice (Iamblichus, in the part when he is talking about everyday life of Pythagoreans says that before dinner they used to make sacrifice of "*fumigations and frankincense*", and adds that "*flesh of sacrificial animals, as they rarely fed on fish*" was also placed before them. Jamblich, *Pitagorin život*, DERETA, Beograd 2012, p. 63. Earlier in the book Iamblichus notes that it is incorrectly attributed to Pythagoras that he instructed athletes to eat meat instead of dried figs (Ibid, p. 17; this story is also repeated by Diogenes Laertius. D. Laertije, *Životi i mišljenja istaknutih filozofa*, BIGZ, Beograd 1973, p. 270). This practice, of course, did not include ordinary citizens but only members of the fraternity. The founder of the fraternity also prescribed that ensouled beings are not to be used for nutrition, since they are kindred to humans by means of community of life, identical elements and relationships between them, as well as by unified breath that pervades them all.

Maimonides, Thomas Aquinas, Kant, and some modern philosophers, and is still today used as an argument why we should not carry out experiments on animals. The reason is potential subsequent dehumanization of man himself.¹⁴

Empedocles, a century later, says that all beings have thought (πεφρόνηκεν), i.e. that they have understanding or consciousness, and adds that this is so by the will of Fortune (DK31B103). Related to this is Empedocles' claim from the end of fragment 110 (DK31B110) that everything can have practical wisdom and have its share of thought.¹⁵ In the introduction to this fragment it is even possible to find the thesis that all parts of fire, whether they are visible or not, can have practical wisdom (φρόνησις) and the ability to think (γνώμη), rather than a share of thought (νόματος). Sext Empiricus adds that it is even more astounding that Empedocles holds that everything has a discernment facility (λογικά), including plants.¹⁶ This view shows that according to Empedocles as well, who even more explicitly ascertained it than Pythagoras, the idea of kinship of all living not only has a vital-animal meaning but to a certain extent the mental meaning.

In his verses Empedocles is also telling about the sacrifice by using water, honey, oil and wine, i.e. he sings about old times when love and compassion for the kin were above everything else, about absence of killing and the treatment of other living beings as one's own household members. Instead of living beings i.e. animals, people, according to him, tried to propitiate the queen Kupris by sacrificing¹⁷ myrrh, frankincense and honey, statues and "with pictures of animals" (γραπτοῖς τε ζώιοισι). In these times, according to the philosopher of Akragas, everything used to be tame and gentle towards man, including birds and wild animals. The sacrificing which Empedocles mentions did not include destruction of plants either, which also is probably due to the fact that in fragment 117 (DK31B117) he recorded that he had been a boy and a girl, a bird and a fish, even a plant i.e. a bush.¹⁸

¹⁴ Similarly writes already mentioned "father" of European bioethics F. Jahr: "... Senseless cruelty towards animals is an indication of an unrefined character becoming dangerous towards the human environment as well". F. Jahr, „Zaštita životinja i etika u svom međusobnom odnosu”, p. 214, u: I. Rinčić, A. Muzur, *Fritz Jahr i rađanje europske bioetike*, PERGAMENA, Zagreb 2012.

¹⁵ Empedocles' view, from the fragment 110 (DK31B110), that "that everything has practical wisdom and has its share of thought" can be relatively easily correlated with Parmenides' view that "all things have some kind of cognition" (DK28A46). As far as Parmenides is concerned, i.e. the relevance of his views for subsequent establishment of non-anthropocentrism, paradigmatic is fragment 16 (DK28B16). For more details see: Ž. Kaluđerović, „Presokratsko razmatranje φρόνησις-α i αἴσθησις-α", u: *Filozofska istraživanja*, 135, god. 34, sv. 3, Zagreb 2014, pp. 394-396.

¹⁶ That this is not so unusual view as Sextus Empiricus writes, confirm quoted paragraphs of Pythagoras and Parmenides as well as the fragments following Anaxagoras and Democritus.

¹⁷ The very idea of sacrifice is often regarded as a morally mediated communication of people with gods or deities.

¹⁸ Empedocles obviously, as well as Pythagoras, held the view that one's soul may transmigrate both among humans and among animals and plants.

Empedocles says (DK31A70) that trees represent a primordial form of life (“first living things” (πρῶτα τὰ δένδρα τῶν ζώων), which had survived even to his time. Moreover, they had existed even before the Sun spread and the day and night were distinguished.¹⁹ Doxographer Aetius, who reports the thoughts of the Sicilian, indicates to the analogy of plant and animal life, confirming it by using the term life (ζῶα) for the trees, the word that was usually restricted to animals. Empedocles, just as Pythagoras, if we use modern terminology, was convinced that there was no sharp genetic difference between plant and animal worlds. Therefore, without any hesitation he makes comparisons and analogies that today may seem strange, at least. For example, that “tall olive trees ... bear eggs first”, i.e. that the nature of seeds is equal to the nature of eggs. Or, that hair, leaves, scales and thick feathers of birds are the same, while an ear the philosopher from Sicily calls a fleshy sprout. When in the fragment 140 (DK31B140) Empedocles records that one should abstain from laurel leaves, what he actually had in mind was its consumption, and possibly the same is implied by his addressing the “Wretches, utter wretches”, in the next fragment 141 (DK31B141), telling them not touch the beans with hands. Laurel, Apollo’s sacred plant, according to Empedocles, is a kind of the “king” of plants such as the lion is the king of animals. In fragment 127 (DK31B127) he says that, within their own species, laurel and lion are the best habitats for the human soul.

Empedocles urges his disciples to abstain from eating all ensouled (living) beings (ἐμψύχων), since eaten bodies of living beings (ζώων) are where penalized souls reside. He believes that he himself is one of them, the one who has killed and eaten, and that it is by purification that prior sins in connection with food should be treated. Sacrificing a bull and eating his limbs, as this philosopher from Sicily says in part of the original fragments entitled as “Purification”, was “the greatest abomination” for man. Anyone who gets his hands dirty by murder shall experience the fate of “evil demons”, that is for 30,000 years²⁰ he shall wander outcast far away from the blissful, leading a hard life and shall incarnate in the forms of many creatures. That is exactly what Empedocles claims about himself, that he is “banished by the God and a wanderer”. Subject of man’s exile from the divine home is taken, then, by Plotinus and Porphyry, repeated in different contexts in the works of Aurelius Augustine, and used by Plutarch as a consolation for political persecution. Basically, according to Empedocles the sin that broke the golden era of tranquillity and general leniency was killing and eating animals.

¹⁹ In the Bible, in the first book of Moses (“Genesis”), for a comparison, it is said that the night and day, were distinguished and named on the first day and the Sun on the fourth day of creation, while grass, plants and trees were created not earlier than on the third day. For more details see: *Biblija, Sveto pismo Starog zavjeta*, „Prva knjiga Mojsijeva”, Sv. arh. Sin. Srp. prav. crk., Beograd 2007, pp. 9-10.

²⁰ That is three times ten thousand years, while one *myriad* according to Plato (*Phaedr.* 248e) is the time required for the soul to return to the place it came from.

Empedocles' case shows that men are living beings that make mistakes and that they owe to animals the justice that is based on the mutual kinship. When Aristotle in *Rhetoric* (1373b6-17) talks about the special and general laws, the general laws he simply called natural laws. The explanation of natural laws is linked with general understandings of the just and unjust in harmony with nature, which, according to him, has been recognized by all nations. The Stagirites believes that with Empedocles it is just that very kind of law, i.e. that the philosopher from Agrigento referred to that right when he was forbidding to kill living beings, since it is impossible for ones to do that justly and the others to do that unjustly. Empedocles (and Pythagoras) claims (DK31B135) that for all living beings applies only one legal norm, and that those who had hurt a living creature shall receive punishments that cannot be redeemed.

Empedocles' (and Pythagoras') followers repeat that men are kin not only to each other or with the gods, but with living beings which do not have the gift of speech. Something common that connects them all is a breath (πνεῦμα), as a kind of soul (ψυχῆς), which extends throughout the entire cosmos and unites men with all of them. Therefore, if man would be killing or eating their flesh, they would commit injustice and sin towards deities (ἀσεβήσομεν) to the same extent as if they destroyed their relatives (συγγενεῖς). For that reason the Italian philosophers advised man to abstain from ensouled (living) beings (ἐμψύχων) arguing that it is a sacrilege committed (ἀσεβεῖν) by "those who drench altars with warm blood of the blessed" (DK31B128). Transmigration, thought Empedocles, means that men are literally killing their relatives, i.e. that the man who eats meat can eat his son, as well as the son can eat his father, or that children can eat their mother because they changed form.

Anaxagoras, then, often cited the reason as the cause of what is good or right, while in other places he asserts that soul is the cause. The philosopher from Clazomenae asserts that the reason exists in all living beings (ζώοις), both large and small, in both the valuable and in those less valuable.²¹ Anaxagoras did not always consider reason (νοῦς) as something that corresponded to practical wisdom (φρόνησις). Aristotle, however, believes that the reason is not equally inherent in all living beings, not even in all of the men, while in some

²¹ *De An.* 404b1-5. Aristotle probably has in mind the parts of Anaxagoras' fragment 12 (DK59B12). The Stagirites wondered whether Anaxagoras identified *Nous* and *psyche*, or he made the difference between them (About this dilemma writes H. Cherniss. H. Cherniss, *Aristotle's Criticism of Presocratic Philosophy*, OCTAGON BOOKS INC., New York 1964, p. 293). The burden of decision-making about this issue is not reduced by reference to Anaxagoras' fragment 11 (DK59B11), in which he asserts that in everything there is a share of everything, except reason, but there are some things in which reason, too, is present. Archelaus, imitating Anaxagoras, held (DK60A4) that reason is equally peculiar to all living beings, i.e. that every living being uses reason and that the difference occurs only in the speed of its use.

Anaxagoras' fragments νοῦς simply means ψυχή in general. Somewhat later (*De An.* 405a13-14) the Stagirites cautiously repeats that it seems to him that the philosopher from Clazomenae still distinguishes between the soul and the reason. The objection placed at the expense of Anaxagoras is that he treats soul and reason as having the same nature, regardless of the fact that he sets reason as a principle.²²

W. K. C. Guthrie said that in Anaxagoras the degrees of reality showed that the soul at its lowest level is that what gives the living beings power of self-motion, while the ability of cognition of beings is at higher levels. When he postulated reason as the principle of all movement Anaxagoras linked all the layers of reality. For animate beings reason is an internal faculty but for inanimate things it is an external force.²³ Implicitly present in Empedocles, the idea of degrees of reality will be further elaborated by somewhat older philosopher, Anaxagoras, perhaps the first on in the long line of the history of theory of levels from Antiquity to N. Hartmann. It is not, therefore, surprising to find the places where it is stated that the plants also possess a certain degree of sensation and thought. In addition, Anaxagoras (and Empedocles) says that plants are driven by desire, that they have feelings, joy and sadness (**DK59A117**).

Anaxagoras also asserts that plants are animals (ζῶα εἶναι), and as evidence of his claim that plants can feel "joy and sorrow", he mentions the changing of leaves. Despite the arguments of other ancient philosophers that plants and many animals do not breathe, the philosopher from Clazomenae was of the opinion that plants do breathe (πνοήν).²⁴ Anaxagoras, moreover, in the (Pseudo) Aristotelian manuscript *De plantis* was presented, together with Empedocles and Democritus, as the proponent of the thesis that plants have reason and ability to think. The reason is, according to Anaxagoras, present in all living beings (humans, animals and plants) and it is the same in all of them. The differences between these beings are not a consequence of essential difference among their souls, but a consequence of differences among their bodies, which either facilitate or hinder fuller functioning of *Nous*.

²² The Stagirites probably best expressed his disappointment with Anaxagoras' use of reason in *Met.*985a18-21. Theophrastus says (**DK62.2**) that Kleidemos does not hold, as Anaxagoras, that reason is the principle of everything. Probably the *Nous*, according to Kleidemos, may not be different from the rest of the soul. In the following fragment (**DK62.3**), Theophrastus writes that Kleidemos thinks that plants (τὰ φυτὰ) consist of the same elements as living beings (ζῴσις), and if they consisted of more opaque and colder elements, they would be further from being living beings (ζῶια).

²³ W. K. C. Guthrie, *A History of Greek Philosophy II*, Cambridge University Press, Cambridge 1965, p. 316.

²⁴ *De plantis* 816b26. From such a perspective the attitude Diogenes of Apollonia (**DK64B4**) that Men and all other animals (ζῶα) live upon air by breathing it, and this is their soul (ψυχή) and their reason (νόησις), while, when this is taken away, they die, and their reason (νόησις) fails, seems very "common".

The idea of kinship of entire nature was not an exclusive Italian paradigm but its traces can be found in the Ionian tradition as well. Anaxagoras adopted a widely spread notion that life was originally generated out of moisture, heat, and earth. He actually says that living beings were first created “in the humidity” (ἐν ὑγρῶι) and later from one another. Air for Anaxagoras contains seeds of all things, and they were brought down from *air*, together with water, and they generated plants. To this Theophrastus’ statement on Anaxagoras, a Christian thinker Irenaeus adds that previously said applies to animals as well, i.e. that “animals resulted from seeds that fell from heaven to earth” (DK59A113). Irenaeus says about Anaxagoras that he was nicknamed an atheist (*atheus*), perhaps because for him the heaven is no longer the father who needs to fertilize the mother Earth by rain, in order for the rain, as his seed, then to grow in the warmth of the bosom of the Earth. Pericles’ friend explains things by mimicking to a certain extent mythological forms, however in a rationalized discourse of his viewpoints the seed simply descends to Earth from heaven by rain and germinated with the aid of heat.

At the end of the series of pre-Socratics, whose views are relevant for the latter attempts to establish non-anthropocentrism, there is Democritus, who was about forty years younger than Anaxagoras. He is mentioned together with Empedocles as a proponent of the viewpoint that it is necessary to identify φρόνησις with αἴσθησις.²⁵ In the manuscript *On the Soul* (404a27-29) it is said that for the philosopher from Abdera soul and reason are the same things, since the phenomenon (φαινόμενον) is the truth.²⁶ In the following part of this manuscript the thesis about the identity of soul and reason in Democritus is repeated, together with the claim that he does not consider the reason as a kind of power to achieve the truth.²⁷

Democritus (and Parmenides and Empedocles) argued that animals have a kind of ability to think (DK28A45). He believed that animals are responsible for what they do, and that they can be the subject of a just punishment. In fragment 257 (DK68B257), the Abderite writes that only some i.e. certain animals may be killed. The following fragment specifies that unpunished shall remain the one who kills the animals that cause harm and which want (θέλοντα) to cause harm. Now the question is raised what are these “some” animals that may be killed? What are the animals that cause harm and can act intentionally? Democritus may have

²⁵ *Met.* 1009b12-31. In the part of fragment 105 (DK68A105) Philoponus, in Aristotle’s footsteps, asserts that Democritus says that the soul is not divided into parts and that it has not many abilities, adding that thinking and sensation are the same. Aetius confirms (DK67A30) that for atomists thinking and sensation have to depend on the physical mechanism. Leucippus and Democritus, according to his interpretation, consider that sensations (αἰσθήσεις) and thoughts (νοήσεις) are only changes of the body.

²⁶ See also *GC* 315b9-15. The clues for not making a distinction between νοῦς and ψυχή Democritus, except in Homer, could also find in Herodotus (ἐκ παντός νόου, *Istorija*, VIII,97.2).

²⁷ Aristotle similarly records in *De An.* 405a8-13 and in *De Resp.* 472a6-8.

invoked the distinction, which was attributed to Pythagoras, among wild animals like foxes, reptiles, lions or wolves that could be killed without any fear and farm animals, cattle or horses, which should not be killed, because they probably belonged to someone and were subject to standardized care. Wild animals are *ἀδικεῖν* which means “behave badly” or simply “harm”, while the term *δίκαιος* implies that domestic animals are “as they should be”, or that they behave “appropriately” and “trained”. In the following fragment 258 (DK68B258) Democritus said that everything that unfairly (*παρὰ δίκην*) causes harm should be killed. Are there any creatures that do harm fairly (*κατὰ δίκην*)? A potential positive answer lies in the early understanding of the noun *δίκη* as “something normal”, what is “normal”, and therefore also “right”. Wolves and foxes which ravage forests do not behave *παρὰ δίκην*. They do it when they break into corrals with sheep or yards with chicken, so they should be killed at all costs because then they “cause unjust harm”. The fragment 259 (DK68B259), finally, refers to the fact that the ferocious beasts and reptiles should be killed because they are enemies in any framework.²⁸

Democritus, on the other hand, was convinced that humans in some of the most important skills were “disciples” of animals. He scoffs at the characteristic of humans who tend to praise the animals that are capable of learning something easily (DK68B154). Democritus, on the contrary, argues that the observation of spider activity gave man an idea of weaving and mending, by mimicking swallows man, according to him, came to realize how houses are built, while singing they learned by imitating a swan and nightingale.

The philosopher from Abdera believed (DK68A117), similarly to Parmenides and Empedocles, that there is a small part of the soul in all things, and therefore in plants as well²⁹. Given that he derived thinking (*φρονεῖν*) from the composition of the body, Democritus (DK68A135 (58) simply says that it occurs when the soul is in a suitable condition with respect to its mixture. Plutarch reports that Democritus’ disciples thought that a plant is an animal that grows from the soil (*ζῶα ἔγγεια*).³⁰ Unnamed disciples of the philosopher from Abdera believed, in other words, that there was no substantial difference between plants and animals, except that the plants are rooted in the soil.³¹

²⁸ For more details see the book of the author of this article. Ž. Kaluđerović, *Presokratsko razumevanje pravde*, Izdavačka knjižarnica Zorana Stojanovića, Sremski Karlovci-Novi Sad 2013, pp. 235-252.

²⁹ Following the trail of Parmenides, Democritus in the same fragment 117 (DK68A117) argues that dead bodies have a share in a kind soul, and that they have ability of sensation as well.

³⁰ The same thought Plutarch attributed (DK59A116) to Anaxagoras’ and Plato’s disciples. Plato in the *Timaeus* (77a) says that the plant is “another kind of animal” (*ἕτερον ζῶον*) and that “a nature akin to that of man” (*τῆς γὰρ ἀνθρωπίνης συγγενῆ φύσεως φύσιν*). Somewhat later (*Tim.* 90a), the Athenian says that man is “a plant not of an earthly but of a heavenly growth” (*φυτὸν οὐκ ἔγγειον ἀλλὰ οὐράνιον*).

³¹ In the part of the paper on the philosopher from Clasomenae paraphrased is also the manuscript *On plants* (815b16-17), in which the view of three post-Parmenidian philosophers is stated that plants have both *voûn* and *γνώσιν*.

Some pre-Socratics were, if we would review what was previously stated, convinced that there was an intrinsic affinity of the entire nature, so without a lot of normative acts but on the basis of a deep belief in their own closeness with other living beings they refused to harm them and use them as food. By levelling animals “upwards”, i.e. by attributing similar or identical emotional and intellectual characteristics to all living beings, the first Greek philosophers paved the way for subsequent attempts at scientific, philosophical but also legal modifications of their status, which culminated in the last century.

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The last around fifty years on the European continent were marked by dramatic changes in the area of ethical-moral and legal-political regulation of the protection and welfare of animals. They are the result of legislative activities of individual states³² as well as of the transposition into the national legislation of a large number of relevant documents adopted under the auspices of the European Council and the various decisions of the bodies of European Union, and of the standardizing of the legislations of European countries.³³ The majority of the adopted laws and regulations reflect the predominantly practical-ethical or bioethical understanding of animals, i.e. the evolution of attitudes of legislators towards the environment, animal life as its integral part, and even towards animals as individual beings or creatures by themselves, their overall integrity and well-being. The meaning of such animal protection was, and still is anthropocentric in nature, since in its centre are not animals as such, but different interests of man and society as a whole, such as the protection of human health, economic development and development of various economic branches, animal husbandry, hunting, fishing, protection of public morality, order and good practice and feelings of man towards animals as well as the economic interests of animal owners.

In contrast to the Pre-Socratic concepts, modern legislations most commonly establish the basic principles of the protection of animal welfare on the so-called patocentric concept, because they speak of the “universality of pain”, and besides the pain, suffering, fear and stress, it is usually added that animals can feel panic

³² Germany is the first country in the European Union, which based on an amendment to its Constitution from 2002 provided the highest standards of legal protection of animals at the federal level.

³³ Serbia adopted its Law on Animal Welfare in 2009. Animal welfare is usually, however estimated based on internationally accepted concept of the so-called “Five Freedoms”. 1. Freedom from hunger and thirst: by ready access to fresh water and a diet to maintain full health and vigor, 2. Freedom from discomfort: by providing an appropriate environment including shelter and a comfortable resting area, 3. Freedom from pain, injury or disease: by prevention through rapid diagnosis and treatment, 4. *Freedom from fear and distress*: by ensuring conditions and treatment which avoid mental suffering, and 5. Freedom to express normal behaviour: by providing sufficient space, proper facilities and company of the animal’s own kind.

as well. The truth is, however, that these conventions, protocols and laws, still do not recognize the fundamental “right” of animals to life. Regardless of the fact that the laws on the protection and welfare of animals are a “matter of public interest”, the majority of them, actually, do not prohibit any harm or damage inflicted to the health of animals, including their killing, but only forbid if it is done contrary to the provisions of the law. Article 15 of the Law on Animal Welfare of the Republic of Serbia, for example, lists nine grounds according to which animals can be deprived of life “humanely”, and in accordance with the law. This list includes item 3, according to which an animal may be killed for the purpose of being used as food. As long as modern societies remain largely associated with the consumption of meat, this basic “right” of animals may be only gradually implemented, and therefore anchored to the very fence of more specific legal regulations, of course with different programming of dietary and other habits of the new generations of man. It is highly unlikely that in the foreseeable future man will stop eating animals, i.e. that he will accept a fundamental “right” of animals to life, however that does not mean that we should not continue to work on deepening the protection of non-human living beings.

In other words, in order for the sensibility of animals to be adequately internalized it should become an integral part of the education of all from the earliest days. It is very important that the different authorities and the citizens themselves in their knowledge and insights do not go below achieved civilized standards of ethical-moral culture and to reflect on different topics concerning the relationship towards animals with due caution and awareness about the dilemmas they may encounter in their professional work and life. A suitable multi-perspective approach, as well as awareness about responsibility, should result in a more delicate and responsible treatment of animals by all mentioned. Finally, a reasonable care of the protection and welfare of animals does not mean that the author of this paper believes that animals should be entitled to a kind of “moral status”, which would be in conformity with human moral phenomenon. He, moreover, follows the traditional ethical view that moral status can belong only to man, since he is the only natural being that can act morally. After all, taking care of the “dignity” and all present and future “rights” and status of animals, as well as of deepening of their protection, is basically man’s task.

