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In the Trap of Tradition Analysis of Ethical Arguments in the Discussion on Sport Game Hunting in Polish and British Culture

W sidłach tradycji

Analiza argumentów etycznych
w dyskusji nad sportowym polowaniem
na zwierzynę w kulturze polskiej i brytyjskiej

Abstrakt

W artykule dokonano przeglądu argumentów używanych w debatach wokół myślistwa rekreacyjnego. Poddano analizie postulaty, do których odwołują się myśliwi i zwolennicy polowań (jak kultura narodowa związana z historią, tradycją, rytuałami); przywołano też kontrargumenty wskazujące na dezaktualizację twierdzeń wysuwanych w obronie myślistwa oraz ze względów moralnych potępiono myślistwo.

Słowa kluczowe: myślistwo, zwierzęta, etyka, przyroda, Wielka Brytania

В ловушке традиции

Анализ этических аргументов в дискуссии
о спортивной охоте на животных
в польской и британской культурах

Абстракт

В статье рассматриваются аргументы, используемые в дискуссиях вокруг любительской охоты. Автор анализирует постулаты, на которые ссылаются охотники и сторонники охоты (такие как народная культура, связанная с историей, традициями и обрядами); приводятся также контраргументы, указывающие на то, что доказательства в защиту охоты устарели, и ведущие к осуждению охоты с нравственных позиций.

Ключевые слова: охота, животные, этика, природа, Великобритания

This article will examine various arguments that arise in the dispute over recreational hunting in Poland and Great Britain. After Joanna Wysocka-Andrusiewicz, I suggest recreational hunting to mean those hunts “which are not necessary for survival (such as killing in self-defense or in extreme situations, when it is the only way to obtain food and survive).”¹ The hunter is in this case a person who knowingly and intentionally “kills animals for pleasure.

In England, fox hunting—a tradition already present in the 16th century—enjoyed high esteem for a long time; moreover, over the centuries, hunting participation was considered an ennoblement. Proponents of this cruel entertainment point to a variety of reasons, arguing that the ban on traditional hunting should not be introduced. They refer, above all, to the centuries-old tradition, which is followed through numerous rituals. What kind of rituals are those? Characteristic costumes, horse riding, the use of a hound pack of a particular breed to enclose a terrified fox, the gesture of marking the face of the youngest participant in the blood, a specific language—hunting dialect,² and a range of behaviors celebrated by hunters also associated with the cult of patrons, collecting and displaying hunting trophies create a special kind of tradition, and the latter, according to hunting enthusiasts, is of exceptional importance for national identity. English culture is a series of rituals, among which fox hunting, especially among the upper classes, reveals its integrative function, connects the community, which is reflected in the cultural texts (e.g., stories and legends) and works of art in which hunting motifs appear. One can also recall that hunting is, after all, a constant component of the history of the British crown, the elite entertainment of the royal family and aristocracy. The Windsor family organizes traditional pheasant hunting in Sandringham, among others. Every year on December 26, all major members of the British court celebrate Christmas this way. Women are not allowed to use weapons in the presence of the queen, so they only collect birds that have already been killed. Children also participate in the hunt—the heated discussion was caused by the participation of barely five-year-old Prince George in the hunt for pheasants in August 2018. The British League for the Protection of Animals consistently demands a full ban on practicing this bloody sport, also by the royal family. Even over two thousand beaters and almost two hundred horsemen are involved in hunting with their participation (like in 2001 in Badminton). These pheasants come also from Polish farms. Shortly after transport they are released in the places of these “hunts” directly under the barrels of hunters. Poland is one of the leading suppliers of pheasant to Great Britain.

¹ Joanna Wysocka-Andrusiewicz, “Zwierzęta w oczach myśliwych, myśliwi w oczach internautów. O etycznych aspektach polowań rekreacyjnych (dla sportu) i ich obrazie w mediach społecznościowych,” in *Poznańskie Zeszyty Humanistyczne*, vol. XXX (2016): 28.

² This, of course, applies to hunters in different countries. See, For example, Zygmunt Józwiak and Kazimierz Biały, *Słownik podstawowych terminów łowieckich i ekologicznych* (Warszawa: Wydawnictwo Łowiec Polski, 1994).

Moral Opposition

There are more and more voices that the centuries-old tradition and authority of those who cultivate it cannot outweigh the suffering of animals. There is no reason to cultivate an ethically reprehensible tradition, even if it was deeply rooted in a given culture. Throughout history, morality and its assessment have been subject to historical volatility. For many centuries, women did not have the right to vote, they could not study at universities, today things are different. For centuries, the customs of the working class and peasants have been using children as a free labor force. In the past, not only women were discriminated against, but also people with disabilities and the economically poor, as part of national eugenics programs involving forced sterilization.³ These types of activities today are ethically condemned and penalized. Legislation penalizing violence against animals has also appeared relatively recently, before that there was no threat of punishment for the torturer. But there are some attempts to legitimize the acts of abuse by, as in this case, referring to tradition. It is like convincing that physical punishments against children or racial segregation, which value people due to their ethnicity, are fair because they are rooted in the long history of a given nation. Meanwhile, no tradition can justify violence, humiliation and suffering if we are able to prevent them, and intellectual, artistic or political elites should be especially vigilant regarding ethical standards. Members of the royal family, prominent citizens, distinguished as scientists, artists, journalists, outstanding people constituting moral and intellectual authorities must be aware of the influence on the way of thinking of those who listen to their voice and strive to imitate them. If they want to promote sadistic entertainment solely because their ancestors did so, there is undoubtedly something important missing in the field of ethics—there is a lack of moral reflection. We have the right to demand from the elites to proclaim and cultivate high ethical standards, deeper reflection, empathy and sensitivity.

The subsequent arguments invoked by the defenders of hunting are pragmatic. It is believed that farmers and breeders would be helpless in the face of foxes or martens breeding without any hindrance. Do the foxes attack poultry, sheep and lambs *en masse*, exposing the hosts to considerable damages? This happens very rarely. The vast majority of fox food consists of rodents, the rest are insects, carrion, plants. Foxes should be protected because they reduce the number of rodents which consume enormous amounts of grain, and are thus a great ally of farmers.⁴ The sup-

³ About the ways in which the ideology of “breed hygiene” was implemented, dividing people into “useful” and “low-value” on the example of Sweden, Germany, Japan, Great Britain, USA, France and Italy extensively reports Maciej Zaremba Bielawski in his monograph entitled *Higieniści. Z dziejów eugeniki*, trans. Wojciech Chudoba (Wołowiec: Wydawnictwo Czarne, 2011).

⁴ I would like to thank to Mr. Zenon Kruczyński for valuable comments.

porters argue that hunting guarantees less losses for breeders. And if the majority of individuals can be killed in a given area—it will not be necessary to compensate farmers for the damage. However, it is also possible to demand breeders to protect their animals more effectively, or possibly subsidize them systemically in this area (to build better pens, use dogs to protect herds, electric pasture fences or shooting firecrackers to scare off predators).

Hunting defenders often use the naturalistic argument that hunting eliminates the weakest individuals, that is, the slowest, the least agile, possessing inferior reflexes, while those that manage to escape and survive are biologically stronger, which has a beneficial effect on the genetic pool of the species. This argument is built on false premises. Man has long deeply interfered with nature, the natural environment and the population of forest inhabitants (e.g., feeding them artificially, stimulating hyperfertility and reproduction in periods when this is limited in natural conditions, drastically transforming the landscape and living space of animals). In a situation where our entire natural world is deeply subordinated to man, an attempt to convince that in this particular issue (natural selection), nature decides and shows its advantage, seems to be little but rhetorical manipulation. Man, controlling the Earth in every aspect, justifies the idea of hunting by referring to the wisdom and autonomy of nature itself, which allows the strongest individuals to survive. Hunters are not able to kill animals selectively in terms of their health and condition. The thing is that they first deregulate the population size by feeding practices, and then cynically state that their goal is species control.

Another argument, though quite shallow and easiest to refute, is appealing to the need for entertainment and pleasure that hunters desire. The presence of this reasoning in the debate is quite telling. In this case, British hunters are especially honest. It is obvious that in the modern Western world the problem of hunger is almost non-existent, as is the problem of effectively protecting people from frost and bad weather. To survive we do not have to wear fox fur or eat meat. Hunting is primarily about the perverse pleasure of killing a helpless, scared and hounded creature. However, as the English ethics Peter Vardy and Paul Grosch accurately point out: “An event which involves fear, pain and ultimately the death of an animal cannot be considered a proper entertainment form.”⁵

Turning back once again to Great Britain, hunting, due to cruelty to animals constituting its essence, lost its popularity even among the English aristocracy and have become the subject of increasing criticism as the development of awareness and sensitivity of increasingly wider social groups progressed. Since 2002, a ban on hunting foxes has been introduced in Scotland, and in 2004 also in England and Wales (Tony Blair was the prime minister at that time). The fox, for centuries regarded

⁵ Peter Vardy and Paul Grosch, *The Puzzle of Ethics* (London: HarperCollins Publishers, 1996), 195.

as a hated pest and, at the same time, an animal from which exclusive fur clothing was made of, has finally become a symbol of the fight against barbaric practices. For decades, the second day of Christmas, the so-called Boxing Day, was a day of traditional fox hunting. Over time, these practices began to be supplanted by Christmas fairs, sales and horse races during which no animal suffered or died. The change in mentality meant that in many places of the United Kingdom no one is considering restoring the old way of “celebrating,” when some perpetrated a murder of foxes that were transported specially for the day and then released into the woods, while others (poorer) cheered on them. Recreation can have a humane, not a bestial face. In Australia, as part of Boxing Day, cricket matches and the famous Sydney-Hobart regatta are held; generally, in recent years in the countries belonging to the British Crown sport games (mainly football) are dominating during Christmas time. Currently, the law in England and Wales allows the use of up to two dogs to scare away the fox to be shot. It is unlawful to use the whole pack, which would tear the animal to shreds. From time to time, however, there are voices at a high political level (like the statement of former Prime Minister Theresa May or former London Mayor Boris Johnson) expressing ambivalence towards changing the regulations in favor of restoring the earlier, cruel formula of “sport” hunting. The matter is still being discussed, and the problem has not only a legal or political dimension, but, first and foremost, an ethical one. How could modern philosophers help us understand the ethical basis of the ban on recreational hunting? Here are some examples.

Tadeusz Ślipko in the book *Bioethics. The Most Important Problems* appeals to our sense of responsibility for a dignified way of treating animals, as well as to adhere to humanitarian ideals in the relationship between man and animal, although he also emphasizes that by issuing a moral assessment of specific actions towards animals we remain on the basis of situational ethics, when we have to take into account the whole spectrum of factors making up the context of this relationship. However, in terms of the ethical assessment of hunting purely for sport and recreational purposes, Ślipko speaks unequivocally and very critically. In his opinion, deep-rooted cultural traditions may distort the actual ethical sense of this form of entertainment, while, objectively, recreational hunting activities cannot be considered morally justifiable. As he writes: “One can probably say with a certainty that they violate human dignity as a person and, for this reason, qualify them to the category of morally reprehensible actions.”⁶ Thus, by participating in them, man denies his dignity as a rational, free, sensitive being, capable of realizing values such as good, truth or beauty, replacing them by following primitive lust, the desire for violence, a brutal, blood dripping spectacle, the victory of death over life and, therefore, a radical reversal of ethical and aesthetic evaluations.

⁶ Tadeusz Ślipko, *Bioetyka. Najważniejsze problemy* (Kraków: Wydawnictwo PETRUS, 2012), 80, trans. Anna Szklarska.

Hunters justify their “passion” not only with the need to protect the natural environment, including allegedly rational management of the population of individual species (regulation of the number of animals in a given area), the need to protect property, and in special cases also people’s lives, preserving hunting traditions, but also providing ecological education. It seems reasonable to ask whether in order to carry out these tasks is it necessary to kill animals? Undoubtedly, ecological education can be still carried out while completely abandoning hunting, similarly the protection of property (and reconciliation with certain losses resulting from Earth’s biodiversity and the right to life of other beings). Hunting associations conduct educational activities, but profiled to justify the necessity of hunting. Ecological education alone from an ethical perspective is more valuable without the use of drastic exhibits of stuffed animal bodies. The fact that hunters operate with such measures when children are involved is disgraceful to them. The alternative is to teach children to observe nature using cameras.

Of the tasks mentioned above, which hunters so eagerly invoke, only cultivating traditions and celebrating historical hunting rituals seems difficult to imagine without practicing hunting. This is important because of all the reasons that are mentioned in favor of hunting, it is this element of “preserving tradition” in the debate in Great Britain that turns out to be significant and is particularly exposed, much more than the argument from “rational hunting economy,” constituting the basis for the narrative of Polish hunters.

Disputes around the Concept of Rationality in the Context of Hunting Practices

The concept of rationality in the context of forest resource management (i.e., animals) is abused and exploited in a cynical manner by hunting enthusiasts themselves. Rational hunting economy in practice consists of feeding animals in order to selectively kill them. Feeding allows all individuals to survive the winter, including the weaker ones. Hunters also owe the effectiveness of their profession to the fact that the animal is lured with a portion of food to a place called pressure, where it is an easy target. So the purpose of feeding is to lure the animal to directly expose it to the hunter’s shot. When we juxtapose these facts with the narrative of hunters themselves, caring for “endangered species” and “rational management of living forest resources,” the hypocrisy of their thinking is evident. Hunters convince us that they protect the entire ecosystem, all species, but, after all, there is nothing to stop feeding animals, as was done in Germany. Carrying out the first stage (providing food) for subsequent

murder is duplicity. What is more, hunters are not interested in feeding species they cannot hunt, but only species from the game list.⁷ There are no endangered species there (according to International Union for Conservation of Nature criteria). Falsifying reality is also done through euphemisms that appear in the hunters' dictionary. They are usually intended to soften and obscure the real sense of the action, whose brutality and cruelty are covered by a specific language (e.g., blood is called paint, and the severed head of a killed animal is a medallion, when the animal is shot in the leg, in hunters' dialect it is said that its stick was hit). Furthermore, the education that hunters run is based on intentionally false assumptions and manipulated narrative. It is said that animals are only intruders, pests whose appearance near farms brings trouble, and that the animals feel almost no pain at the time of death, because they are killed with methods that guarantee instant death. Meanwhile, the percentage of shots that do not bring about the immediate death of the animal is very high due to the fact that we are dealing with a moving object (also pregnant females are fully functioning until the very birth, otherwise they would be unnaturally easy prey for predators). Most of the victims of hunting practices are so-called gunshots that can die in torment for hours or even days. The number of injured birds and animals is shocking. Many of the victims of hunting practices are wounded animals that can die in torment for hours or even days.

Regarding the damage caused by wild animals—it is difficult to deny the relationship between the prior feeding of selected species by hunters, which affects the number of animals and losses resulting from the search for food further in the fields or in poultry houses. We often hear that wild boars ruin crops, tramline crops, and foxes bite small farm birds. In reality, however, the scale of hunting damage is very modest, its compensation in 2018 was PLN 2.32 per one Pole.⁸ The state pays satisfactory compensation to farmers harmed by wild animals. According to the aforementioned logic, from an economic point of view, legalizing euthanasia and popularizing eugenic abortion would also bring some savings to the state budget, but we would consider such a solution to be ethically reprehensible and legally unacceptable. When it comes to protecting animal life, profit is considered more important than ethical reasons. In the event of a failed shot, hunters track the wounded animal to finish it. This kind of death is particularly painful for the victim. It is significant that this type of evil can be avoided only by giving up hunting, because otherwise we are not able to eliminate this dramatic course of events. Hunters argue that in the event of complete abandonment of hunting, some species of field birds or rodents will be threatened

⁷ https://niechzyja.pl/baza_wiedzy/dane-statystyczne-i-analazy/obwody-lowieckie-podsumowania/.

⁸ In the hunting season of 2017/2018, hunting damage according to the Central Statistical Office amounted to PLN 90 million throughout Poland—in the scale of the whole economy it is really not much. And compared to the country's crop production, the value of which is PLN 47 billion—is an amount of no economic importance.

with extinction, due to the destruction of their habitats by other species, whose growth will be uncontrolled. Scientists disagree with this opinion. The situation of endangered species should be monitored to protect them in the best way. Hunters try to convince the public that they do not hunt thoughtlessly and must conform to specific guidelines. They refer to the fact that there are approved hunting periods for individual species. However, compliance with this schedule is only an expression of compliance with the law, not a testimony to the ethics of hunters who do not want to be punished.⁹

Protecting Life, but Whose?

In light of the recent development of moral awareness, an example of which is the fight against discrimination based on race, sex, age or non-heteronormativity, we have understood that traditions are changing and not all are worth keeping. We have abandoned many of them, others have been limited or modified. There is no reason why the celebration of old rituals should be considered a matter of greater importance than ethical sensitivity, ordering us to eliminate the unnecessary suffering of living beings which do not have any chance of survival when they face a gun-wielding oppressor.

Nowadays, the danger to human lives due to the attacks of large or aggressive predators occurs so rarely that the mention of it almost does not even appear in the media which are usually hungry for sensation. In most western countries, there are no longer large predators such as bears in forests. The threat posed by wolves to humans should also be demythologized. The latter approach homes only occasionally, and when they do, they attack farm animals, not humans, despite the prevalent legends. Stories about the threat posed by wolves come from a time when heavy, harsh winters made it difficult for these predators to find food for many months, prompting them to unusual behaviors, such as attacking horses and sleds.¹⁰ According to biologist Andrzej G. Kruszewicz, contemporary attacks of wolves on people are situations

⁹ What is more, Polish law allows hunting and sanitary shots, but not in any form and for any reason. Polish law does not justify killing wild animals to obtain meat. According to lawyers, incl. attorney Karolina Kuszlewicz, author of the book *Prawa zwierząt: praktyczny przewodnik* (Warszawa: Wolters Kluwer, 2019), and spokespersons for the protection of animals at the Polish Ethical Society, this cannot be justified by Polish law. If hunters care about good quality meat, they should engage in the fight for animal welfare in industrial farms, thanks to which they will have access to such meat (according to a statement by Kuszlewicz from 09.12.2019 for the Academic Association against Recreation Hunting).

¹⁰ The treat lowered as the time went by. See: Jean-Marc Moriceau, *Sur les pas du loup: Tour de France et atlas historiques et culturels du loup, du moyen âge à nos jours* (Paris: Montbel, 2013).

caused by hybrids of dogs and wolves. There are also cases of rabies or deviations that cause a loss of natural fear of man.¹¹ They are, however, rare. Naturalist Adam Wajrak, warns against re-legalizing hunting for wolves: "A hellish circle will start in that if we shoot at them, then shooting will have to be justified."¹² In recent decades, the way of managing their population has changed drastically in Poland. In the post-war period until 1974, the so-called wolf action was carried out. This species was then fought with all available methods, from poisoning to snatching puppies from wolf's lairs.¹³ It was not until 2001 that wolves ceased to be a hunted species and began to be strictly protected throughout the country. Poland has implemented various solutions for the protection and management of the wolf population, such as the habitat conservation program under the Natura 2000 network. This is also important because the currently increasing number of wolves will reduce the population of wild ungulates (such as deer, roe deer, wild boars), without causing the risk of extinction. Nature, if it is not disturbed, is capable of self-regulation. Hunters, armed with various kinds of weapons, should be replaced by natural hunters who, fortunately, are no threat to humans. Hunting accidents involving bystanders, for example, berry pickers, do take place. Additionally, by persuading young people to take part in hunting, they familiarize them with violence for which there is no moral justification.

If we were able to stop killing wolves and bison, we should also have mercy upon foxes and deer. If we can refrain from hurting living beings able to feel pain, we should try to spare them the unnecessary suffering. It is an ethical decision that stands in opposition to sport game hunting. They are an expression of human pride and desire for domination, channeling the drive of aggression, which should be unloaded in a way that excludes cruelty. Although more and more thinkers are demanding the subjective treatment of animals, some are afraid that this will come at the expense of conservative values, especially love of tradition.

Jan Tokarski draws attention to the rigor of "biological" ethics, which he believes is constantly advancing and expanding. It is accompanied by a regression of "cultural" ethics, related to self-discipline, the sphere of morality, and life in high culture, which are in decline. Tokarski believes that contemporary ethics is not principled, that is, uncompromising and based on a solid foundation; "[it] is no longer a source of strong commands and prohibitions."¹⁴ According to the philosopher, the latter relate only to the postulate of environmental protection, caring for nature, because only in this matter moral rigor began to prevail. Has our approach to morality changed in the

¹¹ Andrzej G. Kruszewicz, "Zwierzęta dzikie," in *Hipokryzja. Nasze relacje ze zwierzętami* (Warszawa: Oficyna Wydawnicza Oikos, 2017), 99.

¹² See: Adam Wajrak, *Wilki* (Warszawa: Agora, 2015), 264.

¹³ Kruszewicz, "Zwierzęta dzikie," 99.

¹⁴ Jan Tokarski, *Czas zwyrodniały* (Warszawa: Fundacja Augusta hr. Cieszkowskiego, 2014), 71, trans. Anna Szklarska.

sense that “contemporary ethical imperatives are strictly biological in nature,”¹⁵ are mainly an expression of concern for the world we live in, for the nature with which we regained lost unity? The author, however, quite ironically speaks of the “green ecology” paradoxes. He believes that what is really threatened is life in culture. The culprit of this phenomenon is the overwhelming spirit of tolerance and, in consequence, the abandonment of *bios* in favor of *zoe*, which in fact leads to a radical reversal of the current order of concepts characterizing the human condition. Modern man feels more connected with the anonymous ape than with his great grandfather possessing a specific identity and fate. It is striking in Tokarski’s diagnosis that the ecological movement, in his opinion,

is based precisely on the criticism of the actions of a historical man, who by definition is a conqueror of nature. The post-historic conscience cannot reconcile with the idea that until quite recently unnecessary exploitation of the natural environment was allowed. [...] The moral imperative of the era of the end of history is therefore the renewal of the communion of Man with Nature, which sank somewhere in the depths of historical oblivion.¹⁶

In the spirit of Ayn Rand, Tokarski tries to emphasize the contrast between nature and civilization, in particular the severity of nature and the convenience of technology. Returning to the lost paradise of life in close proximity to nature is impossible, and the story about it is dangerous because of its utopianism. In Tokarski’s opinion, it is a mirage, phantasmagoria, a thought experiment of a bored self-denying person who is not aware that what he or she demands turns out to be impossible to fulfill. This project would entail too high cultural costs and would mean the loss of heritage.

The longing for endangered nature, for the fullness of life expressed in the richness of species should not be ridiculed. Affirmation of and care for nature in the face of the devastation to which it is exposed cannot be questioned. The negation of the current image of man as an unfettered ruler of natural reality seems to be a permanent tendency that cannot be simply mocked. Moreover, it testifies to the moral development of humanity. One should also be skeptical about dichotomous narratives, in this case referring to the contrast of apology of nature and history, which strengthen the false image of reality and human condition. Man is a unity of nature and culture, which he can reasonably reconcile, without experiencing a dramatic tear. The case of British hunts shows us, however, that in this dispute two perspectives clearly collide: animal lovers and lovers of tradition, what is alive today, and what in the metaphorical sense was alive in the past, and which, despite the ethical standards, is still being treated by some as valid. Is harmony between nature and culture possible? Yes, although

¹⁵ Jan Tokarski, *Czas zwyrodniały*, 71, trans. Anna Szklarska.

¹⁶ Tokarski, *Czas zwyrodniały*, 72, trans. Anna Szklarska.

there will always be some tension between them. In the context of hunting, the above question should be reformulated to better capture the essence of the problem and in the new version it reads: Are you for the culture of life, or are you for the culture of death? Roger Scruton, a British conservative philosopher, emphasizes the need to take personal responsibility for our planet.¹⁷ It is not true, then, that all conservatives put history and ancient customs above common sense and virtue. When we ask today how to live in order to live well, we do not only ask about a just and dignified life in relation to interpersonal relationships, mutual dependency and common affairs of our species, but we have in mind a broader context that affects specific environmental initiatives and solutions. In the United States of America, small farms run by farmers who care for animal welfare and specialize in organic food currently provide just over three percent of domestic agricultural production, but almost a decade ago, there were almost none.¹⁸ Action must be taken to make them more numerous in the future. If it is possible to persuade people to give up the use of meat from industrial farming and the use of artificial fertilizers and pesticides, the more we should convince them to give up practices that are based on the suffering of animals due to attachment to tradition, especially since we can acquire food in a different way, without the help of hunters.

Peter Singer was aware that all justifications for animal exploitation are of an extremely ideological nature: ideology is essentially impossible to refute.¹⁹ Nothing will change the fact that meat is the animal's dead body and that sport hunting of animals constituting acts of intentional cruelty is motivated primarily by the need for barbaric entertainment, which neglects the suffering of animals. The latter also has various dimensions: fear, exhausting escape, physical injuries or separation of mother and offspring. Although animals are not human, their suffering is real, which was pointed out by, among others, Jeremy Bentham, Albert Schweitzer, Ija Lazari Pawłowska, Peter Singer and Tom Regan. An animal is not an object that we can freely administer. If we expose them to the struggle for life for our own abstract, trivial and vain purposes, we commit wickedness. The slogans for defending tradition or cultural heritage, presented as ideological arguments for the preservation of recreational hunting, sound rather caricatural and can ridicule conservative ideals.

In political philosophy and ethics, the debate on the issue of equality and inherent rights concerned only man for a very long time. Peter Singer's publications were a breakthrough in this matter. Recently, other world-renowned thinkers have joined

¹⁷ Roger Scruton, *Green Philosophy. How to Think Seriously About the Planet* (London: Atlantic Books, 2013).

¹⁸ Alex Avery, *The Truth about Organic Foods* (Chesterfield: Henderson Communications L.L.C., 2016), 50.

¹⁹ Peter Singer, *Wyzwolenie zwierząt*, trans. Anna Alichniewicz and Anna Szczęśna (Warszawa: Wydawnictwo Marginesy, 2018), 320.

him: Sue Donaldson and Will Kymlicka. They propose to grant sovereignty to wild animal communities, even if this would involve their exposure to indirect damage caused by other animals, natural disasters or human presence. However, one should refrain from any intervention that would threaten the animals' loss of natural habitat. John Hadley even proposes that the right to habitats be treated in terms of the ownership of wild animals, which would protect animals from forced relocation and limit human expansion.²⁰ Tom Regan was the first to point out the obligation to protect wild animals from human hunting. He argued that in cases of hunting we are dealing with unfair activities. At the same time, we can no longer be obliged to protect wild animals from predators or suffering caused by natural factors, because in these cases we are not dealing with the results of moral perpetration—these are unfortunate but not unfair events. However, according to Donaldson and Kymlicka, when confronted with the suffering of others (people or animals), we have a moral obligation to relieve suffering, regardless of the context, we should intervene whenever it is within our power. However, caution is needed to avoid serious shocks in the natural ecosystem by over-zealous actions. One should beware of any manifestations of human despotism over wild animals, including arbitrary control of the population and the area they inhabit. Unfortunately, it happens differently. Donaldson and Kymlicka believe that wild animals are affected by an injustice analogous to that encountered by various human communities historically deprived of self-determination and sovereign control over their own territory.²¹ Donaldson and Kymlicka propose to treat forest animals as residents with the right to occupy a given territory, renouncing control over it, and that this should be settled on the basis of international standards because it is difficult to expect that bears or bison observe the applicable state borders. Man would cease to be a capricious manager of nature, and would become a nomad visiting the territory, respecting the autonomy of its native inhabitants. According to the above Canadian philosophers, respect for sovereignty should apply to both human and animal communities (ownership of nests or burrows). There is a problem of setting boundaries, especially when it comes to shared and overlapping sovereignty. It is troublesome because in establishing the conditions of coexistence a man has an undisguised advantage and the temptation to use it arises. Therefore, it should begin with a firm exclusion of direct violence against wild animals, a ban on hunting and destruction of their habitats, and distinguish these actions from inadvertent harm. Man should also be obliged to positive interventions of a purely protective nature.

²⁰ John Hadley, "Nonhuman Animal Property: Reconciling Environmentalism and Animal Rights," *Journal of Social Philosophy*, vol. 36/3 (2005): 305–315.

²¹ Sue Donaldson and Will Kymlicka, *Zoopolis. Teoria polityczna praw zwierząt*, trans. Maria Wańkiewicz (Warszawa: Oficyna 21, 2018), 295–296.

Argument of Legality

It is also necessary to give up the conviction that if an action is legal, it must also be ethical, that it is morally right by the mere fact that it is applicable law. A similar legal positivism characterized a totalitarian system, in which the criterion of distinguishing between good and evil was determined by the state authorities, not in the area of individual, autonomous conscience. As Chantal Delsol accurately notes: In this way totalitarianism literally destroyed one of the most important achievements of Western culture: Antigone's personal conscience recognized as the final instance of choice between good and evil, towering over all instances of power and all of Creon's laws."²² And yet moral law takes precedence over state law: "Every individual conscience is obliged to follow Antigone's footsteps if necessary."²³ Recognizing that these two types of rights are the same gives apparent peace and comfort, and distances us from the necessity of the trouble of thinking and making our own choices in the face of an ethical dilemma. The idea of justice, whose proper source is not applicable regulations, but reason, *daimonion*, this divine element in us, is consistently depreciated (as potentially entangling community in too much chaos and pluralism), and the problem or the final norm should be legislation or conscience—dismissed. Therefore, we do not undertake an ethical reflection on the world, if in doubt, it is enough for us to read the applicable legal code to have clarity where lies the boundary between good and evil, justified and reprehensible action. Many consider the conscience to be almost useless. However, can one eliminate the space of conscience? Socrates knew the answer is 'no' and that is why he was sentenced to die. Did the Athenians make a mistake by erecting a gold statue for him after many years? Unfair laws and customs should be changed, and their long tradition has no relevance to the ethical evaluation of the practices. Let us remember this when the proponents of hunting will refer to their centuries-old tradition, celebrated in national poems.

²² Chantal Delsol, *Nienawiść do świata. Totalitaryzmy i ponowoczesność*, trans. Marek Chojnacki (Warszawa: Instytut Wydawniczy PAX, 2017), 235.

²³ Delsol, *Nienawiść do świata*, 235.

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