

Animal welfare in the Polish veterinary code of ethics versus selected veterinary codes of ethics

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Summary

The practice of the veterinary profession is regulated by public law and corporate regulations. The codes of veterinary ethics are the most fundamental corporate regulations of veterinary associations, to which membership is a condition of practising the profession. The codes of ethics contain five basic rules for practising veterinary responsibilities to animals, clients, the public, the veterinary team, and the veterinarians themselves. Veterinarians are often faced with dilemmas about whose interests to protect; this is due to the tasks the profession carries out while protecting the animals of their owners and the public. Ethical principles are a guideline for veterinarians under challenging situations. Different decisions can be made depending on the hierarchy of values imposed by codes of ethics. In this article, we present the importance of the Polish code of veterinary ethics in animal welfare as an obligation of veterinarians towards animals. We compare how animal welfare is positioned in the European, American, British and New Zealand codes of veterinary ethics. In contrast to other codes, the Polish code of veterinary ethics does not sufficiently recognise animal welfare as a value to be protected in the profession.

Keywords: veterinary medicine, law, professional ethics, moral philosophy, code of ethics

The performance of the profession of veterinary surgeon in Poland is regulated by the Act of 21 December 1990 on the profession of veterinary surgeon and veterinary chambers (1). This legal act obliges veterinary surgeons to practice their profession following generally applicable legal provisions and with the resolutions of the veterinary self-government. The most important resolutions of the self-government include the Code of Ethics of Veterinary Practitioners, which was adopted by the VII Extraordinary National Assembly of Veterinary Surgeons with Resolution No. 3/2008/VII of 26 January 2008 on adopting the Code of Ethics of Veterinary Practitioners (14).

In many countries, rules of veterinary ethics and more specific fields of ethics – deontology and professional conduct are laid out according to general principles, which can be divided into five main groups: veterinary responsibilities to animals, clients, the public, the veterinary team, and finally, to the veterinarians themselves. Other minor principles are designated as well (9, 27). This article discusses the obligations of veterinarians originating from the Polish code of veterinary ethics concerning animal welfare as a part of veterinary obligations toward animals. These obli-

gations will be compared to other codes of veterinary ethics in selected representative states.

In order to carry out the analysis, methods and techniques of legal interpretation were used, as the rules of veterinary professional ethics are the legal provisions, to which veterinary surgeons must comply, and are liable for their violation, or failure to comply.

Animal welfare in the Polish code of veterinary ethics

The expression “animal welfare” occurs only once in the Polish code of ethics for veterinary surgeons, while the related concept of “animal rights” occurs thrice. Both of these phrases can be found in Chapter II of the code, covering the role of each veterinarian in protecting public health, the environment, and animal welfare. Article 30 indicates the duty of the veterinarian to respect and, as far as possible, promote “animal rights”, and respect the basic principles of zoology. Two concepts in this point need clarification, i.e. the concepts of zoology, and “animal rights”.

Zoology and environmental protection. Zoology is the branch of science which deals with the problems of nature protection and ensuring the sustainability of

the use of its resources (4, 5, 8). The veterinarians' general obligation, contained in the discussed code, to respect the basic principles of zoology can be referred to the definition of the exercise of the veterinary profession, founded in Article 1 of the Act on the profession of veterinarian and veterinary chambers (14, 20). It should be stated that the provision of the code clarifies the statutory definition, in which one of the forms of exercise of the profession of a veterinarian is the protection of the environment. The codes of ethics of the self-governments of the public trust professions should constitute an additional extended catalogue of the duties of the members of the self-government concerning the norms of behaviour established by generally applicable law. In the case of the discussed provision of the code, a narrowing of the duties of veterinarians (compared to the statutory duty to protect the environment) can be observed. The code obliges Polish veterinary surgeons to respect the principles of environmental science, whereas the statutory provision speaks of a duty to protect. "To respect" means to observe something, to reckon with something, whereas "to protect" means – to safeguard against something unfavourable or dangerous (24). As demonstrated, the concept of environmental protection is broader and more far-reaching than the concept of respect one of a multitude of scientific theories.

"Animal rights". The second concept contained in paragraph 1 of Article 30 of the analysed code (14), requiring further consideration, is the concept of "animal rights". The modern understanding of the term "animal rights" was shaped by the Animal Right Movement in the 1960s and 1970s. This social movement, also known as the "animal liberation movement", seeks to abolish the rigid moral and legal distinction between humans and "non-human persons". It strives to abolish the status of animals as movable property and to end their use in scientific research, as well as the food, clothing, and entertainment industries (13, 16, 17). The leading developers of this idea are Tom Regan and Gary L. Francione (7, 13, 16, 17). "Animal rights" is the philosophical concept according to which many (or all) animals have a moral value. This moral value is independent of their utility to humans. Moreover, coryphaei of this idea argue that essential animal interests – such as bodily integrity or avoidance of suffering – should be treated the same as the interests of humans (3). "Animal rights" refer also to the idea that many animals have fundamental rights to be treated with respect as individuals. This includes the "rights" to life, liberty, and freedom from torture, which cannot be overlooked by considerations of collective welfare (27). Animals, as defenceless and too weak to defend themselves, are covered by fundamental "rights" analogous to those enjoyed by humans, e.g. the right to life and respect for bodily integrity. It should be noted that it is not only liberal, supported by some,

while firmly criticised by the other, but – nevertheless – quite a protectionist approach. This range of "rights" granted to animals makes it practically impossible for humans to use animals in any way, whether in animal production, scientific research, or even as companion animals. Such a position is undoubtedly utopian. Moreover, understood this way, the concept of "animal rights" is incompatible with the law. In the current legal systems of different jurisdictions, humans can use animals in various ways. Used, yet with respect, humane treatment, and animal welfare protection. It should be noted that the code of professional ethics cannot violate legal norms established by the supreme normative acts, such as the constitution, the civil code, or different statutes on animal health, environmental protection, or the veterinary profession.

Animal welfare. Article 30 point 3 of the discussed code (14) states that: "The veterinarian is obliged to draw the attention of the owners, or keepers of animals, and the public authorities to irregularities in the protection of public health, the protection of animal health, and respect for animal rights, as well as to ecological risks". This is the only one in the Polish code of veterinary professional ethics explicitly referring to animal welfare. According to this legal and ethical provision, veterinarians have a duty to influence the welfare of animals. The expression "animal welfare" originated from the Animal Welfare Movement (15). It is definitely less controversial than the aforementioned concept of "animal rights".

Representatives of this movement include Jeremy Bentham and Peter Singer (11, 12, 23). Animal welfare theory places the realisation of individual preferences as a core value. The richness of these preferences is a factor in prioritising different categories of individuals. On the assumption that animals only seek to avoid suffering, and humans additionally have a consciousness of death, equal treatment of humans and animals shall occur to reduce suffering. In contrast, there is no such equality in terms of respect for life (15). Animal welfare, as opposed to animal rights, has legal significance. Welfare has been defined in international legislation and is prominent in European Union legislation. This concept is also well-established and undisputed in Polish animal protection law. The International Organisation for Animal Health (O.I.E.) defines welfare as an animal's physical and mental state concerning the conditions in which it lives and dies. A high level of animal welfare requires the prevention of diseases and appropriate veterinary care, as well as shelter, management, nutrition, suitable and safe environment, humane handling, and humane slaughter or killing of animals (28). The Polish act that regulates the issues mentioned is the Animal Protection Act (20). Even though the legislator does not use the term "animal welfare", the act's provisions implement the standards set by the O.I.E. and the European Union.

The European Union has given particular importance to the protection of animals by placing this issue in the Treaty on the Functioning of the European Union (6) and developing it in secondary legislation. Article 13 of the mentioned Treaty states that full regard must be paid to animal welfare requirements, as animals are sentient beings. Returning to the veterinary surgeons' Polish code of ethics during ongoing considerations is essential. According to this act, the task and duty of each veterinarian is to influence the welfare of animals. This regulation of the professional duties of veterinarians about animal welfare is far from sufficient and – even – incorrect. The code (14) obliges the veterinarian to “influence the welfare”. In contrast, the O.I.E. definition of welfare (21) mentions the prevention of diseases and appropriate veterinary care as the very first elements of proper animal welfare. Therefore, the definition assumed by the O.I.E. places the veterinary profession in a particular role with regard to animal welfare. Thus, the Polish ethical obligation to influence animal welfare is inadequate to the importance of the value of animal welfare and the role of veterinarians in realising this value.

The highest moral standard – or a will-o'-the-wisp? The lack of sufficient importance of animal welfare in the Polish code of ethics is also indicated by Article 1 of this code. According to this norm, the vocation of any veterinarian is to care for animal health and veterinary protection of public health and the environment. Nevertheless, the overriding aim of all his actions always shall be the good of mankind. This code norm is accompanied by the Latin motto: *Sanitas animalium pro salute homini*, animal health for the safeness, welfare, well-being, salvation, and health of men. This is the *suprema lex* of all the veterinary professional conduct and morality in Poland. The fundamental value that should guide Polish veterinary medicals is always the good of human beings. A hierarchy of values constructed in this way creates a situation in which caring for animal health is nothing more than a tool to ensure the protection of public health, the protection of the environment, and ultimately – the welfare of people. The interest of humans is to be understood in this context as the interest of the whole society. It is of particular importance when it comes to caring for the protection of public health, and the protection of the environment. This also applies to the interest of animal owners. Defining the professional vocation of a veterinarian in this way creates a situation in which the animal is treated instrumentally. It is the human interest that comes first in any case. Animal welfare will always be compromised when the veterinarian has to decide whose interest they are to pursue. Particularly when the veterinarian is confronted with the choice of a course of action concerning farm animals, where the interests of the animals and the interests of the owner often do not

coincide (10). Similar dilemmas may arise in situations involving public health decision-making. The ethical code obliges Polish veterinary practitioners to always pursue the human interest. Only such a situation may not occur when the animal's interest coincides with the human interest, primarily in relation to companion animals. Of course, one can try to derive the duty to protect animal welfare from the veterinary surgeon's obligation to care for animal health and protect public health. Still, there are treatments that leave too much room for interpretation. An analogous problem also applies to public veterinary officers dealing with, e.g. transmissible animal diseases combat. In the authors' opinion, the code of ethics should be a legal act that clearly and precisely tells every veterinarian what decision to make, yet in a general and abstract way. Rollin posed the fundamental question of veterinary ethics: “Towards whom does the veterinarian have a primary duty: the owner or the animal?” (18). Is the veterinarian to comply with the owner's demands or to advocate for the animal patient? An attempt to solve this problem will be the subject of further analysis in the current study.

Different approaches to the fundamental ethical principle for veterinary medicine

Animal welfare in the veterinary professional codes of other developed countries finds an essential place among the ethical principles guiding the conduct of veterinarians. This applies especially to Anglo-Saxon countries (common law states) (25, 30).

American approach. The American Veterinary Medical Association (AVMA), in its principles of veterinary medical ethics, sets animal welfare as the first concern of veterinarians and as the primary point of their consideration. This statement directly demonstrates a fundamental difference from the above-examined rules. Accessory duties of the veterinarian include the protection of affairs of clients and the general public interests, trust in the profession, and avoidance of conflicts of interest. These values are the only relevant ones that influence the decisions made while practising veterinary medicine. The AVMA's ethical principles oblige veterinarians to provide competent assistance to animals and their owners, considering compassion, respect for animal welfare, and human health. The veterinarians' duties towards animal welfare in the annotations ancillary to point 2 of the ethical principles are detailed: “A veterinarian should first consider the needs of the patient to prevent and relieve disease, suffering, or disability while minimising pain or fear”.

A principle of confidentiality, obliging veterinarians to respect the privacy of clients, colleagues and other healthcare professionals, is formulated. This principle can, however, be breached when it is necessary to protect the welfare of animals (2).

British approach. The code of ethics adopted by the Royal College of Veterinary Surgeons (RCVS) in the rules of practice, as well as in the introduction, indicates that the task of any veterinarian is to ensure the health and welfare of animals (19). Should a situation arise during the practice of the profession where the principles of the code conflict, and the veterinary practitioner is faced with a dilemma – then the veterinarian should discharge his/her duties with animal welfare, as a primary consideration (11). As with the AVMA's principle of confidentiality, veterinary surgeons belonging to the RCVS may breach this principle when animal welfare may be at risk. This norm is a different approach compared to the Polish legal system, according to which veterinary surgeons may be released from secrecy only by a court (or other procedural authority) or by the person directly affected by this information. The principles described in the third part of the British code of veterinary surgeons also relate to animal welfare. The veterinarian's psycho-physical condition and skills must not compromise animal welfare. If such a situation is suspected, appropriate remedial procedures should be implemented.

New Zealand approach. The code of professional conduct for veterinarians, established by the Veterinary Council of New Zealand, contains detailed rules in seven areas (28). The first of these areas relates to animal welfare (28). The veterinarian's duty is to protect animals' welfare and alleviate animal suffering. The code explicitly requires knowledge of and compliance with national common law on animal welfare in the exercise of the profession. Another duty incumbent on veterinarians is to support all those with whom they come into contact in the exercise of their profession in making decisions that affect the improvement of animal welfare. New Zealand veterinarians are, moreover, obliged to act immediately in the event of animal welfare violations by themselves or others.

European Federation. The code of professional ethics of the European Federation of Veterinary Practitioners (F.V.E.) is not a legally binding document (27). This is a fundamental difference from the all previously analysed codes. Nevertheless, this code provides a uniform model for various national and international veterinary organisations affiliated to the F.V.E. It is stated that this code (27) shall serve all those interested in the health and welfare of animals and people. Again, animal welfare is mentioned in the first line of values of veterinary ethics. Under the Core Values section, the FVE-associated veterinarians are obliged to ensure or restore the welfare of animals under their care in whichever section of the veterinary profession they work. They should consider the "5 freedoms" and promote positive welfare (27). In the entire code, many references to animal welfare as a value to be protected are made. Those concern the veterinarians' duties in connection with official

activities, benefits of the society, or the handling of medicines. As in the previously mentioned Anglophone codes, a breach of welfare may be grounds for violating professional secrecy.

Conclusions

Comparative, legal, and ethical analysis was conducted to demonstrate how adopting different basic rules of professional ethics results in adopting different detailed standards of professional conduct. It results in various structures of a veterinarian's profession and his/her legal and moral positions. It affects the position of animals as well. The increasing importance of animal protection in curricula supports future veterinarians in their decision-making regarding the fate of animals. A continuation of this approach could, or should, be to base codes of ethics on the values instilled in future and current veterinarians. Ensuring the welfare of animals should become the primary goal of every veterinarian. Animal welfare is the value of primary importance in situations where a decision is made regarding animals. Currently, the Polish Veterinary Professional Code (14) stipulates the vocation of the veterinarian as the care of animal health, public health, and the environment. The code identifies the welfare of human beings as the overriding objective of all actions. Amendment procedures of ethical and deontological veterinary codes currently underway in states such as Poland should be modeled on global-dominant, nearly-universal models.

A shift in emphasis regarding the objectives of veterinarians to the protection of welfare, which is part of the protection of public health (1), is hereby postulated. An additional benefit of formulating the value hierarchy in a pro-animal way will be to raise the profile of the veterinary profession. It undoubtedly plays a fundamental role in ensuring the welfare and legal protection of animals. The "farm-to-fork" strategy is being implemented in the European Union as the centrepiece of the European Green Deal, which aims to make food systems fair, healthy, and environmentally friendly. An essential part of this strategy is animal protection. The European Commission is currently reviewing animal protection legislation to verify whether the animal welfare standards of sustainable farming practices needed to achieve the goals of the discussed strategy are sufficient. New animal welfare standards are expected to be introduced. As defined by the European legislation, existing and new tasks should continue to be carried out by the veterinary community. This need not be self-evident, especially when ideas for a new animal protection inspectorate are floated in the socio-political space. It should be stressed that veterinarians are the people who play a key role in ensuring animal welfare because of their close contact with animals, their professional training, and their high ethical obligations. It would be, therefore, wrong to maintain the status quo demonstrated in the case of the Polish

veterinary code. The Polish code of veterinary ethics needs to be amended so that it does not diverge from the standards of other developed countries. Above all, the veterinary surgeon would know in whose interests he/she has to act. In spite of the governing rules of conduct, in many cases, Polish veterinarians take the dramatic step of refusing to comply with their clients' wishes. They do this because they believe such action is in the animals' best interests (22). If legal norms and official professional ethics do not work correctly, then veterinary medical knowledge and individual sense of equity are the moral compasses.

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