

Presentation of Volume 11/3 (2020)

Marita Giménez-Candela
Professor
Director of ICALP and Animal Law and Society Master UAB
ORCID: 0000-002-0755-5928



Received: October 2020
Accepted: October 2020

Cita recomendada. GIMENEZ-CANDELA, M., Presentación del volumen 11/3 (2020), dA. Derecho Animal (Forum of Animal Law Studies) 11/3 (2020). - DOI <https://doi.org/10.5565/rev/da.541>

Abstract

Volume 11/3 (2020) finalises the regular work of the review throughout some months led by the uncertainty of the pandemic. Consistent with the agreement to reach many readers, we offer a selection of authors and themes of high quality and on-going interest.

Key words: 2020; editorial; bullfighting; animal transport; Criminal Code..

Resumen – Presentación del Volumen 11/3 (2020)

El volumen 11/3 (2020) culmina el trabajo ordinario de la revista a lo largo de unos meses presididos por la incertidumbre de la pandemia. Coherentes con el compromiso de llegar a muchos lectores, ofrecemos una selección de autores y de temas de alta calidad y permanente interés.

Palabras clave: 2020; editorial; tauromaquia; transporte de animales; Código penal.

Vol. 11/3 (2020) begins with three articles that investigate two human creations in which animal blood is spilt without any justification or use: bullfighting and war.

For the first time we are publishing an investigative article on a topic that has been little investigated: the legal treatment of animals involved in armed conflicts.¹ In effect, International Humanitarian Law, which is the set of regulations applicable to armed conflicts and to the protection of the victims of such conflicts, continues to forget that animals suffer and die in events that they have certainly not caused. In the article “Trans-species warfare: Animals in human conflict”, Professor Joaquín David Rodríguez Álvarez (Autonomous University of Barcelona), after describing the use and abuse of animals in military conflicts and

¹ The legal literature is not abundant. Vid. esp. NOWROT, K., Animals at war: the status of “animal soldiers” under international humanitarian law, in *Historical Social Research* 40/4 (2015) 128-150; HEMPTINNE, J. de, The Protection of Animals during Warfare, in *AJIL*, 111 (2017) 272-276, <https://doi.org/10.1017/aju.2017.69>

terrorist activities, draws attention to the need to adopt legal regulations that prohibit the use of animals as combatants or weapons in themselves. Professor Rodríguez also touches one of the nerves discovered by the issue: the recognition that animals can be ‘victims’ of conflicts or terrorism, a consideration that has until now only been enjoyed by humans. Again, the law has a long path ahead of it and the academy² can make its contribution towards the adoption of new regulations for protecting animals against this form of cruelty, or at least stimulate debate on this topic.

This number returns to a topic that the journal has dealt with extensively during its eleven years of activity: the political, legal and cultural debate on bullfighting, in which those in favour of bull shows and their opponents have always come face to face.³ In her article “The instrumentalization of animals for the achievement of political objectives: the parliamentary debate on bulls in Spain”, Professor María José Bernuz Benítez (University of Zaragoza) explains this contrast through the reconstruction and analysis of the parliamentary debates that took place before the passing of “Law 18/2013 for the regulation of tauromachy as cultural heritage”, which reflects the existence of the issue of Spanish identity and the absence of a univocal position on this divisive reality. This debate in favour of or against such shows is not new, dating back to the CXIII and spanning Spanish history. Doctor Juan Ignacio Codina Segovia (Observatorio Justicia y Defensa Animal) takes us back in time with his article “Civil and religious legislation against bullfighting: historical prohibitions of bullfighting spectacles in Spain between 1567 and 1936”, enabling us to discover the measures adopted for prohibiting or reducing these blood shows.⁴

Since its creation, this journal has also been an open door to the Latin-American legal world, due to the shared language, culture and the ties woven by investigators from many universities regarding animals in law and other sciences that deal with them.⁵ In this number we publish a commentary by Professor Rosa María de la Torre Torres (Michoacán University of San Nicolás of Hidalgo, Mexico) whose title “Animal welfare as an implicit constitutional principle and as a proportional and justified limit to fundamental rights in the Mexican Constitution” refers to an important ruling for Mexican jurisprudence on the topic of interpreting animal welfare from a constitutional perspective. This commentary critically and deeply analyses the history of the petition for injunctive relief and the writ of appeal, as well as offers reflections on the legal context in which the decision was reached. Chile is another country that has adopted reforms to improve the regulation of animal mistreatment. In the commentary “Animal abuse in the Preliminary Draft of the Criminal Code of Chile in 2018”, lawyer José Ignacio Binfa Álvarez presents the current legislative situation through a critical and exhaustive analysis of the sources and literature. The journal also publishes an interesting legal and cultural excursus on the treatment of animals in another Latin-American country that has more widely been developing the debate on nature for many years: “Animal Rights: An approach to the Rights of Nature in Ecuador” by Professor Mauro Leonel Fuentes, Ms. (University of Guayaquil).

Additionally in this number, the journal answers the calling to promote the investigations made by the Alumni of the Animal Law and Society Master (UAB) that provide ideas and strong proposals so that the promotion of animal interests through legal regulations is concretised in our democratic societies.⁶ For this, the role of the press is essential for relaying the lives of animals to the public impartially and without prejudice. This is what Rebeca García Rodríguez (MA Animal Law and Society, Journalism graduate) rigorously and accurately analyses in the piece “The power of discourse in the media: press analysis of the representation of farm animals in Spain”. It mustn’t be forgotten that farm animals are transported for long journeys before arriving at their final destination: the slaughterhouse. Silvia Meriggi (MA Animal Law and Society, investigator at the NGO Animals’ Angels), in her piece “The harmonization of animal protection during transport in the European Union - Analysis of the sanctioning systems in Italy, Romania and Spain”, analyses how these three countries apply Council Regulation (EC) No 1/2005,⁷ which punitive system each of these

² Vid. the “Animals in the International Law of Armed Conflicts” project, Max Planck Institute for Comparative Public Law and International Law / University of Geneva (2018-2020): <http://www.mpil.de/en/pub/research/areas/public-international-law/global-animal-law.cfm>

³ Vid. for an overview, GIMÉNEZ-CANDELA, M., Cultura y maltrato animal, dA. *Derecho Animal* (Forum of Animal Law Studies) 10/3 (2019) 7-14. DOI: <https://doi.org/10.5565/rev/da.453>; VERICAT TORNÉ, El patriarcado en la corrida de toros, dA. *Derecho Animal* (Forum of Animal Law Studies) 10/4 (2019) DOI: <https://doi.org/10.5565/rev/da.447>; CANO HERRERA, M., Tauromaquia e identidad moral de Cataluña, in dA. *Derecho Animal* (Forum of Animal Law Studies) 1/3 (2010) 1 ss. DOI: <https://doi.org/10.5565/rev/da.221>. Vid. también GIMÉNEZ-CANDELA, M., Transición animal en España (Valencia 2019) 29, 77-79, 83, 88-90, 95, 96, 100-103, 139-141, 147.

⁴ The author has already published a book on this topic. CODINA SEGOVIA, J.I., *Pan y Toros, Breve Historia del Pensamiento antitaurino español* (Madrid 2018), rec. de ALÁEZ CORRAL, B., in dA. *Derecho Animal* (Forum of Animal Law Studies) 10/1 (2019), DOI: <https://doi.org/10.5565/rev/da.391>

⁵ Consult the Archives of the dA. *Derecho Animal* (Forum of Animal Law Studies) Journal: <https://revistes.uab.cat/da/issue/archive>

⁶ Ibid.

⁷ Council Regulation (EC) No 1/2005 of December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97, <https://eur-lex.europa.eu/legal->

countries has, and what could be done to improve harmonisation of European Union legislation. This investigation has the strength of being carried out with direct knowledge of the topic at hand, as the author collaborates with Animals' Angels: a German NGO that develops reports that show how legal regulations can tackle the reality of animal transport.

What use are laws if there is no respect? What point is there in fighting for great causes if vulnerable beings are forgotten? A lot has been said of the ethics of the relations between man and animals, but animal suffering continues and this is not dignified. From this perspective, words that have already been said must be repeated, and new ideas must be added. Reality must always be questioned, discussed.⁸ In this way, the reflections by Professor Georges Chapouthier (Emeritus Director of the National Centre of National Investigation in France, neurobiologist and philosopher) are stimulating. His contribution "Respecting Animals in Order to Respect People" should touch the conscience and encourage respect from the strongest for the weak and vulnerable. Respect is something that can be taught and learned.⁹

Vol. 11/3 (2020) closes with a critical review of my latest book "Transición Animal en España". Written by Iván Fructuoso González (lawyer at the Administrative Office of the Courts), this review contains a description and assessment of this work that, I hope, helps to make a mark that didn't used to exist in our country, of the efforts made, of the hopes and disappointments, of the clear determination to not abandon this necessary legal struggle for animals.

References

- Archives of the dA. Derecho Animal (Forum of Animal Law Studies) Journal: <https://revistes.uab.cat/da/issue/archive>
- CANO HERRERA, M., Tauromaquia e identidad moral de Cataluña, en dA. Derecho Animal (Forum of Animal Law Studies) 1/3 (2010) 1 ss. DOI: <https://doi.org/10.5565/rev/da.221>.
- CODINA SEGOVIA, J.I., Pan y Toros, Breve Historia del Pensamiento antitaurino español (Madrid 2018), rec. de ALÁEZ CORRAL, B., en dA. Derecho Animal (Forum of Animal Law Studies) 10/1 (2019), DOI: <https://doi.org/10.5565/rev/da.391>
- GIMÉNEZ-CANDELA, T., Educar para la convivencia. Educar para la paz, en dA. Derecho Animal (Forum of Animal Law Studies) 1/3 (2010) 1-2. <https://doi.org/10.5565/rev/da.310>
- GIMÉNEZ-CANDELA, M., Cultura y maltrato animal, dA. Derecho Animal (Forum of Animal Law Studies) 10/3 (2019) 7-14. DOI: <https://doi.org/10.5565/rev/da.453>
- GIMÉNEZ-CANDELA, M., Transición animal en España (Valencia 2019)
- HEMPTINNE, J. de, The Protection of Animals during Warfare, in AJIL, 111 (2017) 272-276, <https://doi.org/10.1017/aju.2017.69>
- NOWROT, K., Animals at war: the status of "animal soldiers" under international humanitarian law, in Historical Social Research 40/4 (2015) 128-150
- POLLO, S., Umani e animali: questioni di etica (Roma 2016)
- Project: "Animals in the International Law of Armed Conflicts", Max Planck Institute for Comparative Public Law and International Law / University of Geneva (2018-2020): <http://www.mpil.de/en/pub/research/areas/public-international-law/global-animal-law.cfm>
- VERICAT TORNÉ, El patriarcado en la corrida de toros, dA. Derecho Animal (Forum of Animal Law Studies) 10/4 (2019) DOI: <https://doi.org/10.5565/rev/da.447>
- Council Regulation (EC) No 1/2005 of December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97, <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32005R0001>

[content/en/TXT/?uri=celex:32005R0001](https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32005R0001)

⁸ POLLO, S., Umani e animali: questioni di etica (Roma 2016)

⁹ In this sense, vid. also GIMÉNEZ-CANDELA, T., Educar para la convivencia. Educar para la paz, in dA. Derecho Animal (Forum of Animal Law Studies) 1/3 (2010) 1-2. <https://doi.org/10.5565/rev/da.310>