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The Needle and the Lance

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A simple question: what hurts more, a needle or a lance? I am asking whether if a being with nerve endings in its skin is stabbed with a needle, does it hurt? The answer is, of course, yes! But it seems bearable. If the stab is with a sharp steel lance, does it hurt? The answer is, again, in the affirmative, but with a look of astonishment from the question: how could this not hurt? So this is what it's about; that if we let ourselves be pricked with a needle to extract blood, we would likely have to conform to being stabbed with a lance, if for a socially accepted motive. This association of ideas and of instruments that cause pain - the needle and the lance - becomes a reality each September in Spain through the ritual known as the "Toro de la Vega".^[1] As I write this, this year's bull has already succumbed to a relentless pursuit in open field, chased by horsemen armed with speared lances. The regulation of this supposed fiesta establish,^[2] for the sake of maintaining the purity of the ritual, that the animal is speared in order to kill it, not to wound it - a marvel of legal balancing. If the *animus necandi* were not in the throw, then causing suffering to the animal would be punishable, but the violence exercised by the armed man is legitimate if he kills the animal, spearing it with the lance. How many participants in this act who end up wounding the bull without killing it does the fiesta Commission punish? If they are reported for spearing the bull without killing it, they should be sanctioned for failing to adhere to regulations. But they are not reported, and they won't be reported, because the legal text is a cover for violence against the bull that is considered to be legitimate, due to its being supported by two equally nebulous forces; tradition, and the ignorance of the law toward the suffering of animals.

One of the questions that legal thought is yet to consider and regulate is animal suffering. Veterinary science has contributed towards setting parameters for determining when the pain threshold is crossed, and has done this in a clear and convincing way for mammals. What isn't so clear is how the Law has regulated the suffering of animals regarding which legal consideration prevails for enforcing sanctions that reprimand intentional mistreatment or acts that produce physical suffering and stress in an animal; for this reason, they are deserving of sanctions or regulations to establish limits, whether the suffering is inevitable, or constitutes a beneficial aim that the Law prioritises, facing what nature shows the animal to reject: or do we really believe that an animal, a living being, wants to suffer, and takes pleasure in it?

I am not addressing a trivial question; it is quite the opposite. I am addressing a very important question that is systematically ignored by the Law, which is only tangentially covered when the suffering caused by animal mistreatment is 'unnecessary'. This is one of the thresholds for the legitimacy of animal suffering, as established in certain Criminal Codes. It is not without criticism, and some have questioned the contradiction inherent in the association of the two terms – mistreatment and necessary – that are nevertheless used in legal texts in this way, without further questioning, in our Criminal Code.^[3]

Another example of legal contradiction and reluctance to approach a difficult question is

in relation to animal experimentation, where animal suffering is supposedly part of and justifiable as a necessary part of obtaining results that help research; that it is beneficial to the human being that will enjoy the improvements that this research could potentially bring about. Essentially, the meticulous and abundant European legislation on animal welfare – which is anchored by recognition of the animal as a “sentient being” -[4] includes a broad section on how an animal used for experimentation should be treated. It is interesting to highlight that on this topic, legislation has set a threshold of admissible pain, in order for an experiment to be carried out – a pain that is necessary.[5] This pain threshold that is tolerable for the animal is equivalent to that produced by the prick of a needle, according to current European regulation, and backed up by Spain.

The question is, how can the difference be justified? For laboratory animals the permissible suffering is that which is produced by a needle, but for the animals that participate in shows endorsed as tradition, no limits have been established, or any that have by far exceed the pinprick. One needs to look no further than the Toro de la Vega, as I have already mentioned, or in bull shows of any kind; fights, ‘toro de fuego’,[6] ‘toros embolados’,[7] ‘toro ensogado’,[8] or to the ducks that are thrown into the sea for the ‘Puerto de Sagunto’, to ants that are sprayed with vinegar, to the horses that are grabbed by their manes in a race (“a rapa das bestas”); despicable acts that continue to be permitted by way of “tradition” and “culture”.

21st Century Law faces these lacerating issues that must be regulated. No form of animal mistreatment can be justified.

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[1] Vid. GIMÉNEZ-CANDELA, Ritos populares y violencia legítima, [Descargar](#)

[2] Regulatory bases of the development of the Immemorial Toro de la Vega Tournament, art. (adapted to the Regulation of Popular Bull Shows approved by the Assembly of Castile and León, through Decree 14/1999 of 8 February), in [tordesillas.net](#).

[3] Art. 337 Criminal Code; GIMÉNEZ-CANDELA, T., [Sin Ensañamiento pero Injustificadamente](#).

[4] MARGUÉNAUD, J.P., La promotion des Animaux au rang d’êtres sensibles dans le Traité de Lisbonne, in RSDA 2 (2009) p.14ss.

[5] On 20 October 2010, Directive 2010/63/EU on the protection of animals used for scientific purposes was published. It remains derogated that which, from 1986 until now, had served as a regulatory basis in this area (Directive 86/609/EEC). The two year moratorium for its coming into force ended in Spain on 1st January 2013, a date in which, for example, the use of animals in the cosmetic industry will be entirely prohibited. "La fin de toutes les expérimentations est prévue pour le 11 mars 2013. Voir l'Art.18 du Règlement (CE) n° 1223/2009, [Descargar](#), du Parlement européen et du Conseil du 30 novembre 2009 relatif aux produits cosmétiques, J.O. L 342 du 22.12.2009".

[6] a metal frame resembling a bull to which fireworks are attached is carried through the streets, chasing people in the streets

[7] a bull has flammable material attached to its horns, which is then set on fire before the bull is set free to chase people

[8] a bull runs the streets trying to liberate itself from the rope tied around its horns