

## What's left of the summer

The summertime is now falling behind us, even though we still have sunny days, and it is time to look back at what the season brought and what the “rentrée” now offers.

To begin with the improvements in the conditions for animals and the consideration they have received in these summer months from the legal perspective, it is very significant that, after the success of the citizen’s parliamentary initiative to ban bullfighting in Catalonia [\[1\]](#), a public discussion has been opened on the appropriateness and the legality of forms of public entertainment in which animals are abused [\[2\]](#). I believe I am correct in observing that never before has there been so much controversy over the acceptability of maintaining traditions at all cost, even when they involve the abuse of animals.

In Puerto de Sagunto this year, rubber balls were thrown into the water instead of live ducks, and the locals had just as much fun without harming any animal [\[3\]](#). In Tordesillas, on the other hand, a bull was killed again this year (this year’s bull was called “Platanito”) by being lanced by a great multitude on horseback and on foot, armed with pikes [\[4\]](#). I wonder if, when the Royal Decrees that centuries ago were pronounced to grant Tordesillas the privilege of holding this sort of ritual, it was anticipated that one day there would be so many horsemen pursuing an animal, cornering him and killing him cruelly without granting him the opportunity to escape or defend himself. In the Middle Ages, the Renaissance and even today it was and is expensive to own a horse. It was a privilege very few could afford. How many horsemen took part of old in the Toro de la Vega? Not that having a smaller party chase the bull to a bloody death would be a less serious matter, but it is simply nonsense to speak today of a “field of honour” that the bull has to traverse to win pardon. It is completely impossible for this to happen.

As regards popular festivities in which animals are submitted to cruel or simply unnatural treatment, therefore, the picture is an unfavourable one, as such recreations have continued throughout the country. But now we have seen this issue, which affects us all, brought to the table, and it has begun to be debated openly. This is a very positive development.

Secondly, the summertime has provided an opportunity for study, for those of us who take pleasure in reading. The “II World Conference on Bioethics and Animal Rights,” organised by the Universidad Federal de Bahía (UFBA) and the Instituto Abolicionista Animal (IAA), took place in Salvador de Bahía (Brasil) during the last week of August (25th to 28th). The event was attended by specialists from all over the world, among whom it is worth mentioning Prof. David Favre (State University of Michigan); Peter Singer (Princeton University); Steven Wise (Harvard University, The Nonhuman Rights Project); David Cassuto (Pace University); Pamela Frasch y Kathy Hessler (Lewis and Clark University); Carmen Velayos (Universidad de Salamanca); Carlos Maria Romeo Casabona (Universidad de Deusto) and a large contingent of colleagues from Brasil and other Latin-American countries. The organisers of the event, Heron Santana Gordillo y Tagore Trajano are renowned researchers and animal rights activists. They publish an influential journal [\[5\]](#) and they are both contributors to our September Animal Law edition, with, respectively, a commentary on a sentence –of which he wrote the opinion of the court- which granted a Habeas Corpus for the first time to a chimpanzee (called “Suiça”) [\[6\]\[7\]](#). I take the opportunity here to welcome these distinguished Brazilian colleagues, who have already done so much for the animals. I hope our scientific and academic collaboration will be further strengthened.

Thirdly, there has been a very good piece of news in Europe: new EU laws, passed on 8th September in

the European Parliament, with the agreement of the Council, to grant a 2 year moratorium to Member States to reduce the number of animals used in experiments, search for alternative methods that do not cause pain or suffering to the animals used in laboratories, and prohibit the use in experiments of great apes (gorillas, orangutans, bonobos or chimpanzees) [8]. This is a positive step forward in the EU's commitment to animal welfare. The Great Ape Project, proposed by Peter Singer, member of the Advisory Committee of this Web Centre, has reached one of its short term objectives with this law which recognizes the rights of the great apes. In connection with this, Fabiola Leyton, Researcher at the Bioethics and Law Observatory at Universidad Autónoma de Barcelona, deals with the bioethical problems associated with experimentation with animals in a paper published in this September edition of Animal Law [9].

I recommend Steven Wise's wonderful book "Rattling the Cage" [10]. The beginning of the book places the reader before the harsh reality of a chimpanzee devastated by years of testing in a lab, during which he was confined to a cage, motionless, with a blank gaze on his face, like a broken toy. But he is neither a toy nor an insentient being. It is important to remember this.

Classes have begun in primary and secondary schools as well as at university. This year universities have begun the academic year earlier in order to comply with the Bologna Process. The goal –which will possibly be reached satisfied– is to renew university education, to recapture the spirit of the beginnings of University education in the Middle Ages, in Bologna, the passion to learn and to teach that is characteristic of "Masters and Scholars" fellowships (diversity in unity, that is, universitas). Historical reference to the place where University was born as an institution, with the study of the works by ancient Roman jurists, inspired the name of the Process in which we now begin the new academic year.

I look critically on the road ahead, not with regard to the greater or lesser merit of the approach, but because of the real difficulties in carrying the programme out, and also because of a certain disinclination toward effort and sacrifice, not only among the students, who are always criticised for their deficient training upon entering University –which actually isn't true– and their lack of motivation, which isn't strictly true either: one has only to observe their enthusiasm on their first day of lectures. In any event, university education is going to change, and we must be prepared for this.

At UAB we have made a strong commitment in the field of Animal Law. Apart from the ordinary course on Animal Law, which is now optional for Law undergraduates, this year, in the second semester, we will set in motion our first postgraduate course on "Law, Animals and Society" [11]. For the first time in Spain we open a field of studies with which discussion on Law and Rights for and with regard to Animals enters the sphere of higher education, and will thus be analysed with the rigor and critical assessment that is demanded of all university studies. This is yet another good thing that summer has left us.

THE EDITOR

Teresa Giménez-Candela

Professor of Roman Law

Director of the Animal Law and Society Master

Director of ICALP

Universitat Autònoma de Barcelona

Follow en Facebook: <https://www.facebook.com/editora.da>

[1] BOE (Official Journal) of 23 August, Decree 28/2010, of 3 August, amending article 6 of the consolidated text of the Law for the Protection of Animals, enacted by Executive decree 2/2008; Official Journal of the Generalitat (the Government and Parliament) of Catalonia» number 5687, 6 August 2010. [Discharge](#)

[2] V. how the story was given in the international media [Discharge](#)

[3] According to the Government of Valencia, this spectacle in Puerto de Sagunto where live ducks are released so that they may be caught by the locals (as published in [Las Provincias](#)), constitutes a "serious offence against article 47.5 of the Valencian Law on Festivals" and reminds that, "in accordance with current legislation, the Town Council has one month to file a motion to set aside its decision." ANPBA (the National Association for the Protection and Welfare of Animals) pointed out that "this is the third administrative sanction given to the Town Council in two consecutive years (2007 and 2008) for organising this festival with ducks in 2006 y 2007, respectively, after Administrative Court 6 of Valencia (Sentence 214/06) and the Supreme Court of Justice of Valencia (Sentence 1078/2007) decided in favour of ANPBA, and the Generalitat Valenciana had denied permission to hold the event.

[4] Cfr. T. Giménez-Candela, Ritos Populares y Violencia Legítima, [Discharge](#)

[5] Revista Brasileira de Direito Animal. Brazilian Animal Rights Review.

[6] Cfr. Heron Santana Gordillo, Sentencia Habeas Corpus n. 833085-3/2005. The 9th Criminal Court of the State of Bahia (Brazil). [Case](#)

[Suiça vs. Zoological Garden of the City of Salvador](#) , en dA web Center, Septiembre 2010

[7] Cfr. Tagore Trajano, [Capacidade de ser parte dos Animais não-humanos: repensando os Institutos da Substituição e Representação processual](#) , en dA web Center, Septiembre 2010.

[8] [Link interno](#).

[9] Cfr. Fabiola Leyton, [Problemas Bioéticos de la experimentación con Animales no-Humanos](#), en dA web Center, Septiembre 2010.

[10] S. Wise, Rattling the Cage. Towards Legal Rights for Animals (Perseus Books, Cambridge-Massachusetts 2000), “Jerom’s Story” 1ss.

[11] [Diplomatura UAB de Postgrado en “Animales, Derecho y Sociedad”](#)