

The Changing Place of Animals in Post-Franco Spain with particular reference  
to Bullfighting, Popular Festivities, and Pet-keeping.

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A thesis submitted for the degree of Doctor of Philosophy

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October 2015

## **Abstract**

This is a thesis about the changing place of animals in post-Franco Spain, with particular reference to bullfighting, popular festivities, and pet-keeping. The thesis argues that since the ‘transition’ to democracy (1975-1982), which made Spain one of the most liberal social-democratic states in Europe, there have been several notable developments in human-animal relations. In some important respects, Spain has begun to shed its unenviable reputation for cruelty towards animals. Three important changes have occurred. First, bullfighting (*corridos*) has been banned in the Canary Islands (1991) and in Catalonia (2010). In addition, numerous municipalities have declared themselves against it. Second, although animals are still widely ‘abused’ and killed (often illegally) in local festivities, many have gradually ceased to use live animals, substituting either dead ones or effigies, and those that continue to use animals are subject to increasing legal restrictions. Third, one of the most conspicuous changes has been the growth in popularity of urban pet-keeping, together with the huge expansion of the market for foods, accessories and services - from healthy diets to cemeteries. The thesis shows that the character of these changing human-animal relations, and the resistance they encounter, can only be properly understood within the context of Spain’s historical trajectory since the 1970s. Aside from the transition to democracy, among the more important influences are the continual urbanising/modernising processes; entry into the EU and the move towards ‘Europeanism’; the rule of democratic law (after forty years of Francoism); the rise of an effective animal movement; the public rejection of political and personal violence; ongoing and vigorous debates about local, regional and national ‘identities’, and the popular desire to see Spain as ‘normal’ (civilised) rather than ‘different’ (primitive).

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## **Acknowledgements**

There are a number of people I wish to thank for their help in writing this thesis.

My supervisor Professor Ted Benton was always available to offer guidance and help, and gave very generously of his time, knowledge, experience, and ideas. I am very grateful for his constant encouragement and support. My thanks also to Professor Sean Nixon, chair of the supervisory board. I greatly benefitted from his numerous suggestions and constructive questions. I must also thank the graduate administrator Michele Hall for providing efficient and professional help with matters of university bureaucracy, and for her invaluable support and assistance - a true student advocate. I would like to thank the following people who kindly agreed to talk to me about the place of animals in Spain: Mathilde Figueroa (Fundación Altarriba), Manuel Cases (ADDA), Antonio Moreno Abolafio (CACMA), Luis Gilpérez Fraile (ASANDA), Professor Marta Tafalla (UAB), and José María Pérez Monguió (UCA). I learnt a great deal from these conversations. My thanks also to the following email correspondents who provided helpful information, suggestions, and advice: Professor Pablo de Lora, Professor Teresa Giménez Candela, Núria Sanahuja (FAADA), the Observatorio Justicia y Defensa Animal, and the Spanish Veterinary College.

And, finally, I would like to thank Harry without whom this thesis would not have been written.

## **Plates**

Plate 1 Toro de Coria

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## Abbreviations

ACTYMA	Asociación Contra la Tortura Y el Maltrato Animal (Association against Animal Torture and Abuse)
ADDA	Asociación Defensa Derechos Animal (Association Defence Animal Rights)
AEDPAC	Asociación Española de Distribuidores de Productos para Animales de Compañía (Spanish Association of Distributors of Products for Companion Animals)
AIT	Asociación Internacional de Tauromaquia (International Association of Tauromachy)
AIUDA	Asociación Inter-Universitaria para la Defensa de los Animales (Inter-University Association for the Defence of Animals)
ALBA	Asociación para la Liberación y el Bienestar Animal (Association for the Liberation and Welfare of Animals)
AMVAC	Asociación Madrileña de Veterinarios de Animales de Compañía (Madrid Association of Companion Animal Veterinarians)
ANAA	Asociación Nacional Amigos de los Animales (National Association of Friends of Animals)
ANDA	Asociación Nacional para la Defensa de los Animales (National Association for the Defence of Animals)
ANFAAC	Asociación Nacional de Fabricantes de Alimentos para Animales de Compañía (National Association of Manufacturers of Companion Animal Foods)
ANPBA	Asociación Nacional para la Protección y el Bienestar de los Animales (National Association for the Protection and Welfare of Animals)
APDDA	Asociación Parlamentaria en Defensa de los Animales (Parliamentary Association in Defence of Animals)
ASANDA	Asociación Andaluza para la Defensa de los Animales (Andalusian Association for the Defence of Animals)
ATEA	Asociación para un Trato Ético con los Animales (Association for the Ethical Treatment of Animals)
AVATMA	Asociación de Veterinarios Abolicionistas de la Tauromaquia y del Maltrato Animal (Association of Veterinarians for the Abolition of Tauromachy and Animal Abuse)
AVEPA	Asociación Especialista de Veterinarios Especialistas en Pequeños Animales (Association of Veterinarians Specialising in Small Animals)

BA	Bloque por Asturias (Coalition for Asturias)
BNG	Bloque Nacionalista Galego (Galician Nationalist Coalition)
BOA	Boletín Oficial de Aragón (Official Gazette of Aragón)
BOC	Boletín Oficial de Canarias (Official Gazette of the Canary Islands)
BOCG	Boletín Oficial de las Cortes Generales (Official Gazette of the General Courts)
BOCYL	Boletín Oficial de Castilla y León (Official Gazette of Castille y León)
BOE	Boletín Oficial del Estado (Official State Gazette)
BON	Boletín Oficial de Navarra (Official Gazette of Navarra)
BOPA	Boletín Oficial del Principado de Asturias (Official Gazette of the Principality of Asturias)
BOPV	Boletín Oficial del País Vasco (Official Gazette of the Basque Country)
BOR	Boletín Oficial de la Rioja (Official Gazette of Rioja)
BORM	Boletín Oficial de la Región de Murcia (Official Gazette of the Region of Murcia)
CACMA	Colectivo Andaluz Contra el Maltrato Animal (Andalusian Collective Against Animal Abuse)
CAS	Comité Anti Stierenvechten (Anti-bullfighting Committee)
CIMA	Comisión Investigadora Contra el Maltrato Animal (Investigative Committee Against Animal Abuse)
CIS	Centro de Investigaciones Sociológicas (Centre for Sociological Research)
CiU	Convergència i Unió (Convergence and Union)
CORA	Coordinadora para los Animales (Coordinator for Animals)
CPDA	Comisión de Protección de los Derechos de los Animales del ICAB (the ICAB Committee for the Protection of Animal Rights)
CSIC	Consejo Superior de Investigaciones Científicas (Spanish National Research Council)
D.O.C.M.	Diario Oficial de Castilla-La Mancha (Official Gazette of Castille-La Mancha)
DOE	Diario Oficial de Extremadura (Official Gazette of Extremadura)
DOG	Diario Oficial de la Generalitat de Catalunya (Official Gazette of the Government of Catalonia)

EB-B	Ezker Batua-Berreak (United Left-Greens)
EEC	European Economic Community
EMU	European Monetary Union
EQUO	Environmental and social justice party
ERC	Esquerra Republicana de Catalunya (Republican Left of Catalonia)
EU	European Union
EUiA	Esquerra Unida i Alternativa (United and Alternative Left)
ETA	Euzkadi Ta Askatasuna (Basque Homeland and Freedom)
FAACE	Fight Against Animal Cruelty in Europe
FAADA	Fundación para el Asesoramiento y Acción en Defensa de los Animales (Foundation for the Advice and Actions in Defence of Animals)
FAPAM	Federación de Asociaciones Protectoras y de Defensa Animal de la Comunidad de Madrid (Federation of Animal Protection and Defence Associations in the Community of Madrid)
FAWC	Farm Animal Welfare Council
FEBA	Federación Española para el Bienestar Animal (Spanish Federation for Animal Welfare)
FECAVA	Federation of Companion Animal Veterinary Associations
FEDIAF	European Pet Food Industry Federation
FEDNA	Fundación Española para el Desarrollo de la Nutrición Animal (Spanish Foundation for the Development of Animal Nutrition)
FIAB	Federación Española de Industrias de la Alimentación y Bebidas (Spanish Federation of the Food and Drinks Industries)
FIAVAC	Federación Iberoamericana de Asociaciones Veterinarias de Animales de Compañía (Ibero-American Federation of Companion Animal Veterinary Associations)
GAL	Grupos Antiterroristas de Liberación (Antiterrorist Liberation Groups)
GDP	Gross Domestic Product
HAS	Human Animal Studies
ICAB	Illustre Col·legi d'Advocacia de Barcelona (Barcelona Bar Association)
ICV	Iniciativa per Catalunya-Els Verds (Initiative for Catalonia-The Greens)

IFEMA	Institución Ferial de Madrid (Trade Fair Institution of Madrid)
ILP	Iniciativa Legislativa Popular (Popular Legislative Initiative)
IMF	International Monetary Fund
INE	Instituto Nacional de Estadística (Spanish Statistical Office)
IU	Izquierda Unida (United Left)
NATO	North Atlantic Treaty Organization
NSM	New Social Movement
OCV	Organización Colegial Veterinaria Española (Spanish College of Veterinary Surgeons)
PACMA	Partido Animalista Contra el Maltrato Animal (Animalist Party Against Animal Abuse)
PFMA	Pet Food Manufacturers Association
Plataforma LAY	Plataforma Leyes Animales ¡YA! (Platform Animal Laws Now!)
PNV	Partido Nacionalista Vasco (Basque Nationalist Party)
PP	Partido Popular (Popular Party)
PSC	Partit dels Socialistes de Catalunya (Socialist Party of Catalonia)
PSOE	Partido Socialista Obrero Español (Spanish Workers' Socialist Party)
RSCE	Real Sociedad Canina de España (Royal Canine Society of Spain)
SEPRONA	Servicio de Protección de la Naturaleza (Civil Guard's Protection Service for the Environment)
SEVC	Southern European Veterinary Conference
TEAAC	Terapias y Educación Asistidas por Animales de Compañía (Companion Animal Assisted Therapies and Education)
UNESCO	United Nations Educational, Scientific and Cultural Organization
WSAVA	World Small Animal Veterinary Association
WSPA	World Society for the Protection of Animals

## **INTRODUCTION**

### **How did I become interested in the question of changing human-animal relations in Spain?**

From when I was a child, having kept numerous pets and owned several horses, I have always been interested in animal welfare. During the eight years I lived in southern Spain, on and off from 1986 to 1999, I became aware of the particular nature of Spanish human-animal relationships and how they differed from those normally found in Denmark, notably in two respects. First, in the suburban/rural area where I lived (El Palo, Málaga), I was struck by the number of stray/homeless dogs and especially cats that roamed the streets (or lived in colonies, close to houses, restaurants, and public spaces), in search of food and shelter. Second, unlike Denmark, there was a far greater 'presence' of animals, not as 'pets' but as productive resources - e.g. guard dogs, hunting dogs, working mules and donkeys, free-running domestic chickens, and herds of goats roaming the olive fields in order to keep the vegetation down.

It was working in a livery stable at the outskirts of Málaga that gave me firsthand experience of how the local population related to animals in their daily lives and how different their attitudes were to what I was used to in Denmark. At the stables, for example, several dogs and cats were tolerated in their capacity as 'guard dogs' and 'mousers' respectively, but no one regarded themselves as their guardian/owner so food and health provisions were handed out randomly depending on whomever could be bothered. I also came across other utilitarian uses of animals, such as storing captured wild birds in minute cages to be used as decoys in hunting excursions, the butchering at the stables of goat kids and lambs for the weekly barbeque, and renting

a calf from the local farmer for a 'capea' to provide entertainment for horse owners at stable fiestas. The culture of the stables was pro-hunting and pro-bullfighting and these activities were frequently the topic of discussion among horse owners and stable hands. A friend of the stable proprietor was a professional *picador* who, in order to recover from an injury, used the horses to practice for his comeback. There was a kind of 'intimacy' in these human-animal relations, involving a greater number and variety of animals, which was unfamiliar to me. But it was of a kind that seemed far more exploitative than I had hitherto come across. In fact, during my time in Spain the only people I met who took their dogs for walks, cared for stray animals, ran animal sanctuaries, or expressed opposition to bullfighting were foreigners. This is not to say that everyone else supported bullfighting or was 'cruel' to animals, rather it was that by and large the Spaniards I knew appeared to be uninterested in, or unaware of, the question of animal welfare. Spanish colleagues and friends were surprised when I looked after several stray cats and dogs, arranged to have cats who had been poisoned with arsenic (a common practice intended to reduce the number of strays) euthanised, and took stray dogs and cats to local animal sanctuaries (which were all run by foreigners).

On my return to Denmark, I continued to have an interest in Spanish affairs and began to follow the campaign for the 2004 Barcelona Anti-bullfighting Declaration. This showed that contrary to my experiences in Málaga there were welfare oriented attitudes to animals in Spain, which were of social and political significance. I began to think seriously about the nature of Spanish human-animal relationships, and the possible contradictions I had earlier overlooked. This led me to start to read about the growing animal movement and to note its connections to the politics of contemporary Spain. Thus, when I came to choose the topic for my MA dissertation, I decided to

examine how the Declaration came to be formulated, the nature of the opposition it provoked, and its wider implications for animal welfare throughout the country.

### **Why is it an important topic to study?**

Put simply, this thesis is a study of the *changing* place of certain groups of animals in post-Franco Spain which, since its transition to democracy (1975-1982), has undergone ‘a spectacular transformation’ (Barton, 2009: 269). There are three significant aspects to the topic. First, the thesis raises and suggests answers to some important cultural, social and political questions concerning the nature of human-animal relations in a country that is self-consciously ‘modern’ and ‘European’ in contrast to its relatively recent Francoist past. Second, in chronicling the character and extent of changing attitudes and behaviours towards animals, the thesis gives critical consideration to the causes and consequences of cultural change (and the continuities), with particular reference to concepts of modernisation, ‘Europeanism’, the role of law, regionalism and identity politics, philosophical and moral perspectives, and the campaigning of the animal movement as a ‘new social movement’ (NSM). Third, in setting the human-animal relationship within the context of such a contradictory and, in some senses, tension-ridden society as Spain, the thesis shows how integral animals can be to a nation’s social, political, cultural and moral self-perception, which suggests that we humans are closer to animals than we might like to think (Fudge, 2006; Kean, 2012; Peggs, 2012).

A primary ambition of this thesis is to provide a Spanish dimension to the field of Human Animal Studies (HAS), thereby contributing to the historical sociology of human-animal relations. It seeks to: i) explore a hitherto neglected area of modern Spanish studies, thus broadening our understanding of certain debates and

controversies in the politics and culture of the post-Franco years; ii) elucidate the place of animals in controversies concerning modernisation, ‘Europeanisation’, and national/regional identities; and iii) examine the extent to which the current position of certain groups of animals confirms the view that Spanish society, in common with other modern cultures, is developing a ‘closer, emotional association’ (Franklin, 1999: 3) with animals *per se* (albeit not unproblematically), and also with what consequences.

The animals I focus on are bulls (in bullfighting), cattle (including bulls), chickens, geese and goats (in popular festivities), and pets (mainly cats and dogs). My intention is to describe, explain and understand the changing place of these culturally significant animals in order to show why and how, as well as the extent to which, their place has changed. In so doing, the thesis will identify the links between social change concerning animals, and those involving the other social, political and cultural developments that have characterised Spain since the post-Franco *Transición*.<sup>1</sup> I argue that one of the fundamental changes in the position of the animals concerned is that they have acquired greater legal protection over the years: i) their ‘cruel’ use in festivities has been either restricted or prohibited; ii) bullfighting has been banned in Catalonia since 2012 (as well as in the Canary Islands, 1991), and in many municipalities in other regions; and iii) pets, whose popularity has risen over the past few decades, also now have greater protection under the law. The changing place I speak of, however, is not only the result of legal developments, but also the emergence of a new consciousness of both the sentience of non-human animals and the framework of obligations that should, it is claimed, govern human-animal

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<sup>1</sup> This is the word Spaniards use to refer to the transition to democracy, 1975-1982.

relations. In short, I argue that these animals are acquiring a ‘new’ place in what is often described as the ‘New Spain’, peopled by ‘new Spaniards’ (Hooper, 2006).

In general, my broad claim here is twofold. First, the changing place of animals in post-Franco Spain can best be understood by recognising and analysing those social, economic, cultural and political components that constitute its contested identities: national, regional, cultural. Second, Spanish human-animal relations are full of contradictions, some of which can be found in any modern state, such as the popularity of pet-keeping, zoos, wild/life parks, and animal protection groups, set against the experiences of distress, pain, and death of millions of animals used in food production, laboratory experiments, and the manufacture of numerous products. Other contradictions, however, are perhaps unique to Spain, e.g. those involved in the bullfight as a violent spectacle, and the ‘abuse’ of animals in ‘traditional’ festivities. Spain appears to be one of the few European countries in which there are such stark contrasts between liberal-humanist attitudes shown to some animals and the ‘callous’ exploitation of others.<sup>2</sup> This discrepancy is yet another example of what seems to be the ambivalence commonly found in human-animal relationships.<sup>3</sup>

Of course, it takes but a moment of reflection to see that the range of Spanish human-animal relations goes well beyond bullfighting, pet-keeping, and using animals in popular festivities. I could have included several other topics: zoos, food production, vegetarianism/veganism, animal experimentation, wildlife, and hunting. But this would have made the study unmanageable within the confines of the word limit of a

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<sup>2</sup> On the difference between ‘callous’ and ‘cruel’, see Rowlands’ discussion of the debate between philosophers Rosalind Hursthouse and Roger Scruton (Rowlands, 2009: 100-113).

<sup>3</sup> On ambivalence, see Midgley (1994); Arluke and Sanders (1996); Serpell (1996); and, for a helpful summary, Charles and Davies (2011: 70-73).

thesis. With regard to bullfighting, this serves as a litmus test for many of the controversies surrounding contemporary Spanish attitudes to animals and, therefore, certainly requires analysis. Furthermore, the practice is seen by many Spaniards as being integral to their 'identity' (as it is by many foreigners), and as one of the pinnacles of their culture. Understandably, then, bullfighting is critical for any understanding of nationalism, regionalism and identity politics with respect to the processes of 'Europeanisation' (and, for many Conservatives, the suspicion of globalisation). The changing place of animals in popular and mainly rural/small town festivities is important to study not only because *thousands* of animals are used throughout the year (often illegally and clandestinely), but also because their 'abuse' illustrates the tension between continuity and discontinuity as expressed through the continual friction between *animalistas*,<sup>4</sup> the civil authorities and local opinion. Furthermore, the fact that many practices have become illegal over the last twenty years or so, and that either substitutes or dead animals are now used, shows that however 'traditional' a fiesta may claim to be, it is often open to adaptation. I have chosen pets (and pet-keeping) because these animals are now fixtures of predominantly (sub) urban life in Spain, and are associated with the emergence of mass consumerism and the emergence of modern 'lifestyle'. Furthermore, an analysis of the political economy pet-ownership provides an opportunity to explore those developments in human-animal relations apparently characterised by benevolent moral sentiment and emotional commitment.

This thesis is premised on two major historical developments, which I think of as overarching, and which are discussed *inter alia* throughout the chapters. First, the 'phenomenal' transition to democracy (Edles, 1998:4), involving (until recently) a

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<sup>4</sup> Activists, advocates and supporters (Munro, 2005a: 7).

consensual role for political parties, the official rejection of all forms of political and personal violence (at least in theory - see exceptions of ETA and GAL), the acceptance of a constitutional monarchy, and the rejection of the military as having any role in democratic politics. There was also a 'second', more controversial transition under the socialist government (2004-2008), which pursued vigorous policies such as opening up for discussion the controversial issue of the 'memory' of the Franco period, reducing the influence of the Catholic Church, advancing women's rights, redefining marriage, tackling immigration, expanding regional autonomy, developing a new and more 'Europeanist' foreign policy, and combating ETA through negotiation. The second major shift in Spanish identity, 'Europeanisation', occurred with Spain's entry into the EU in 1986. Aside from the impact of EU legislation regarding animal welfare, the principal areas of influence have been on social, economic and political life, especially with reference to social matters: gender, sexuality, abortion, divorce, contraception, and to race and immigration. But there is another sense in which the EU has influenced Spain, namely adding to, if not exacerbating, debates on whether or not Spain is 'different/'normal' and to what degree is it 'modern' as opposed to harbouring a kind of 'primitivism'. And within these debates, the subject of human obligations towards animals (and towards Nature) has often been voiced, not least in promoting 'animal welfare' as a sign of being, as the *animalistas* argue, 'civilised' and 'European'.

Within this overarching context, however, there are several other developments (processes) that have been central to changes in the place of animals, which will be considered throughout the chapters. There is, for example, the connecting of animal welfare campaigns, particularly those focussed on anti-bullfighting, to Catalan 'identity' in opposition to that of 'Spain'. As we shall see this has been a major issue.

Second has been the emergence from 1976 onwards of an ‘animal movement’<sup>5</sup> that has confronted the abuse of animals in a variety of contexts, and in so doing has challenged the prevailing moral orthodoxy, using arguments derived from ‘practical ethics’ in order to frame what the movement and its supporters see as a new morality befitting a mature, modern nation. With the birth of the ‘animal liberation movement’ around the Western world in the late 1970s, the philosophical standing of practical ethics assumed a growing degree of political, social relevance. Practical ethics, as the third process, provided the movement with a vocabulary and, more importantly, a set of moral/ethical concepts with which to structure their arguments and around which to organise their campaigns. Fourth, I have already indicated the significance of the law in changing the place of animals, but it is important to emphasise that it has performed a critical role in setting down protective benchmarks, which in effect put into practice some of the ideals of practical ethics.

One of the foundational beliefs of my approach is that the way we think about animals, our behaviour and attitudes towards them, and the ways in which we imagine and represent them to ourselves, and to others, is ‘in some very important way deeply connected to our cultural environment, and that this ... is rooted in a history ...’ (Rothfels, 2002: xi). Where Spain is concerned, the changed attitudes and behaviour should be viewed in terms of how Spaniards have been seeking to reconceptualise themselves post Franco; a creative experience that is not yet complete. My argument here, however, is not focused on the history of animals; rather it emphasises what humans have done to and thought about animals in the recent past and how this has changed and is changing in terms of human-animal

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<sup>5</sup> For terms used here, see below ‘terminology’.

relations, particularly in the present.<sup>6</sup> This is not to deny that my chosen groups of animals also have a history, since ‘the idea that historical change is a product solely of human agency or intention is ... questionable’ (Carter and Charles, 2011: 20; 2013: 322-340). For instance, as Brantz says, it is obvious that our societies could not have survived ‘without the food, materials, labor, and entertainment that animals have supplied’. Clearly, as the place of animals has changed and is changing, they to some extent at least must be participants in the process. In this respect, the animals obviously have agency of a kind, notwithstanding that they cannot ‘directly transform human structures’ (Brantz, 2010: 3).<sup>7</sup> My focus here, then, is not on some *representational* understanding of animals in the past (although this is not entirely disallowed); it is on their *materiality*: what happened to them in the past, what is happening in the present, and how this present has come to be. As Erica Fudge has written: ‘... it is in [practical] *use* ... that representations must be grounded ... it is the job ... of the historian ... to understand and analyze the uses to which animals were put’ (Fudge, 2002a: 7). I endorse her claim that ‘Recognizing the centrality of the animal in our own understanding of ourselves as human forces us to reassess the place of the human’ (2002a: 11). I incorporate it into one of the main themes of this study, namely Benton’s observations that not only do ‘Humans and animals stand in social relationships to one another’, but that this ‘implies that non-human animals are in part constitutive of human societies’ (1993: 68. Animals, then, ‘are *subjects* rather than *objects* ... *parts* of human society rather than just *symbols* of it’, Knight, 2005: 1). I have used this insight to argue that the progress of post-Franco Spain cannot be comprehended without some understanding of its developing relationship to animals.

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<sup>6</sup> On the place of animals in history, see Fudge (2002a); Ritvo (2002); Brantz (2010); Kean (2012).

<sup>7</sup> This thesis does not focus on agency in human-animal relations. For helpful discussions, see Carter and Charles (2011: 8-15, 236-241; also 2013); Cudworth (2011); Hurn (2012).

As a final thought here, despite Darwin having initiated the core challenge to the categorical opposition of animal/human, and the nineteenth century being well known for its animal welfare movements, until well into the twentieth century, popular (if not scientific) perceptions of human uniqueness and superiority over other animals tended to prevail. In the second half of the century, however, such distinctions between humans and non-human animals, with the latter being seen as a resource in the service of humanity, were increasingly eroded as their legitimacy was questioned by various philosophical, scientific, political, and cultural interests under the influence of the ‘humanitarian revival’ of the 1970s, e.g. environmentalism and animal rights (Preece, 2002: xv). According to some theorists, so, too, has the ‘categorical boundary’ between humans and animals also been eroded (Franklin, 1999: 3; for discussion, Carter and Charles, 2011:1-4; Cudworth, 2011: 8-14). I subscribe to the ‘revival’ idea, but less so to the erosion of human non-human boundaries. Nor am I convinced that the changes can be understood simply in terms of the three influences identified by Franklin and said to ‘frame the postmodern condition’: namely ‘misanthropy, risk and ontological insecurity’ (1999: 3. For discussion, see Fudge, 2008; Carter and Charles, 2011: 1-27). My interpretation, as will be shown, is less confined by such ‘postmodern’ thinking.

### **My research questions**

As I have outlined above, the purpose of my research is to fill a gap in the knowledge that we currently have regarding the *changing* place of animals in post-Franco Spain, particularly with reference to the impact of socio-cultural influences on constructions of, and debates around, modernisation, Europeanisation, and local, regional and

national identities. To guide and structure the choice of data to be collected and analysed, I have formulated the following research questions:

i) *what*, if any, are the most important and influential changes that have occurred (and are occurring) in Spanish human-animal relations, both in terms of the nature of these changes (i.e. their overall effect on human-animal relations, their character with reference to specific species, and their significance for the broader culture), and their extent?

ii) A critical question for understanding socio-cultural change is to ask *why* the human-animal relationship has changed for without some awareness of why change happens we risk not properly understanding what went before and how further change might occur. Of course, this leads onto a related question: *what* are the processes – political, cultural, historical, economic, social, intellectual - that have facilitated the important and significant changes in attitudes and behaviours toward non-human animals.

iii) Having identified the processes of change, the thesis then asks *how* these processes have worked in particular circumstances, e.g. in terms of Catalan politics and bullfighting, the ideology of the animal movement, and the influence of the law in recognising and promoting animal physical and psychological sentience.

iv) In so far as these questions will expose the contradictions in Spanish culture through the animals issue - e.g. modernisation as a force for animal protection involving the debate between those who regard bullfighting as primitive and cruel versus those who see it as integral to Spanish identity and as a cultural resource for

resisting Europeanisation and globalisation – we need to ask to what extent these changes were successfully/unsuccessfully resisted.

### **Terminology**

In the field of human-animal studies there are currently a number of terms used to describe human-animal relations, all of which have been subject to debate. In order to make clear my own position, with reasons for my choice of terms, I offer here a brief discussion of the main points at issue, noting that each term comes with a compromise.

#### ***Animals, non-human animals or other animals?***<sup>8</sup>

‘Animal’ has been defined as applicable to ‘members of the kingdom *Animalia* that are not human beings, including mammals, fish, reptiles, and birds’ (Johnson, 2012: 33). But this usage is problematic for two reasons. First, it constructs ‘humans’ and ‘animals’ as belonging to seemingly opposed categories whereas humans *are* themselves animals, and using the word ‘animal’ implies notions of ‘human’ superiority and uniqueness. Second, it fails to take into account the many physical, mental and social differences that exist among non-human animals; so to use the term ‘animal’ means little more than referring to its *otherness* (Johnson, 2012: 33).<sup>9</sup> One way of avoiding this ‘otherness’ is to refer to either ‘non-human’ or ‘other animals’,<sup>10</sup> which confirm that humans are also ‘animals’ without in theory ranking hierarchically the former above the latter. From a linguistic point of view, however, ‘human’ remains the referent for these notions. Clearly all these words: animals, other animals and non-human animals raise definitional issues. For the sake of reader

<sup>8</sup> For the way in which sociology has until recently ignored ‘other animals’, see Peggs (2012: 1-15).

<sup>9</sup> For discussion of human differences from other animals, see Peggs (2012: 115-118).

<sup>10</sup> Peggs chooses ‘other animals’ because it ‘flows better’ (2012: 14).

friendliness, I follow Bekoff (2007: xxi) in using the term animal when referring to non-human animals, without forgetting that we are all animals.

### ***Pet or companion animal?***

The term 'pet' generally refers to an animal kept for social or emotional support, as an object of pleasure, use and entertainment or as a symbol of social status. For many people in the 'animal movement', 'pet' is controversial in the sense that it prompts notions of something 'demeaning', 'inferior' and under human dominance (Fudge, 2008: 88; also Linzey and Cohn, 2011: viii). The recent term 'companion animal' refers to ambitions for a more equal human-animal relationship that emphasises the respect for, and the honouring of, the 'otherness' of the animal. The term 'companion animal' is seen to acknowledge that many human-animal relationships are based on *mutuality* - that pets are our equals, not our subordinates. But these aspirations must necessarily be either hypocritical or self-deceiving given that in most cases the animal hardly participates in the decision to become a 'companion'. Moreover, particularly cats and dogs have a long history of being selectively bred to serve human purposes, and 'companion animals' are ultimately dependent on, and controlled by, their 'human guardians' with regards to daily necessities, physical and emotional health, sexuality, and death.

It has been argued that contemporary pet-keeping patterns should be regarded as complex relationships in which we humans engage in a variety of overlapping types of relations with our pets and crucially, each human-pet bond may incorporate a number of different characteristics at the same time - for instance the social status 'pure-bred' cat may simultaneously also be its owner's best friend. Alternatively, when thinking about the meaning of 'pet' and 'companion animal' and the

relationships that are associated with these designations, we may emphasise what has been called ‘lived definitions’, i.e. a definition based on a set of behaviours toward the animal (Grier, 2006: 10).

I have chosen to use these identities interchangeably. I acknowledge that they may be associated with different types of human-animal relationships, and equally that these connotations may vary depending on particular historical, cultural and socioeconomic contexts. But it seems reasonable to say that the pet/companion animal-human relationship can involve all or at least some of the characteristics implied by the two descriptions. That is, whilst a pet in the eyes of the law *is* considered the legal personal property of the human guardian/owner, and *has* been selected amongst others by the human and not vice versa, and *does* provide entertainment and pleasure, this surely does not mean that the relationship cannot also *simultaneously* encompass more ‘complex’ relational elements, such as i) seeing the ‘pet’ as capable of sharing social and emotional states; ii) seeing the ‘companion animal’ as an individual whose ‘otherness’ is worthy of respect in its own right and as the source of learning, and iii) considering the ‘animal’ as a best friend. I choose to use terms that are based on how people behave towards their pets (‘lived definitions’). In using both terms - ‘pet’ and ‘companion animal’ - the heterogeneous nature of Spanish companion animal-human relationships is embraced without having to specify which type of relationship in each case.<sup>11</sup> I emphasise ‘Spain’ here since this study is not concerned with individual pet-

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<sup>11</sup> In this context it is worth noting that some Spanish animal protection organisations, such as ADDA, Ecologistas en Acción and Fundación Affinity, use both ‘mascotas’ and ‘animales de compañía’, while others, such as Altarriba, FAADA, ASANDA and ANDA, use only ‘animales de compañía’. According to the *On-line Pocket Oxford Spanish Dictionary: Spanish-English* (2009) ‘mascota’ translates as ‘pet’, and the *On-line Pocket Oxford Spanish Dictionary: English-Spanish* (2009) translates ‘pet’ as ‘animal de compañía’, so clearly the term ‘pet’ refers to both ‘mascota’ and ‘animal de compañía’. Neither the English-Spanish nor the Spanish-English dictionaries have entries for ‘companion animal’ or ‘animal de compañía’. This seems to suggest that there is not the same controversy in Spanish between ‘mascota’ and ‘animal de compañía’ as there is in English between ‘pet’ and ‘companion animal’, and that the terms are used interchangeably in Spanish.

human relationships as such, but rather with the overarching issue of how the place of certain groups of animals has changed since the death of Franco.

***Animal movement: Animal welfare/protection; liberation; rights?***<sup>12</sup>

Broadly speaking, there are three different ideological perspectives represented in what, following Munro (2005: 5, 6, 19, 52-63; Noske, 2009: 354), I call the ‘animal movement’ continuum: i) animal ‘welfarists/protectionists’ are the most moderate of the activists/advocates - often working through the law to seek reform; ii) ‘animal liberationists’, who take the pragmatic middle road (with some adopting Peter Singer’s utilitarian approach); and iii) animal ‘rightists’, the most radical of the three (followers of the philosopher Tom Regan).<sup>13</sup> In practice, such distinctions often become blurred as participants in the animal movement use a variety of ideological arguments in their efforts to achieve successful outcomes, just as observers and commentators often use the terms interchangeably. The important point is that not only is the general public often confused by the terminology, but also many activists/advocates/supporters do not feel represented by any one of the three different ideological strands; rather they prefer a flexible approach depending on the objective in hand. Briefly, the justification for using ‘animal movement’ is that it avoids ideological and definitional controversies and, in Spain (where reference is made to ‘movimiento animalista’), despite the different philosophical positions, it tends to be the choice of local activists/advocates (Guitérrez Casas, 2009; Díaz Carmona, 2012: 177).

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<sup>12</sup> For further discussion, see below chapter 1 ‘The animal movement’.

<sup>13</sup> I also follow Munro in referring to participants in the movement as ‘activists, advocates and supporters’ (2005a: 7).

## Conclusion

This is a thesis about animals in Spain and, therefore, it is inevitably also about Spain - its history, politics, culture. The bulk of 'Spanish Studies' to date has been concerned with economic, social, cultural and political matters. Understandably so, since as this thesis will argue, 'Spain' in many respects remains unresolved as to who or what it is. Within Europe, in many respects, Spain is both 'normal' and 'different'. However, although everyone is familiar with Spain in terms of bullfighting and a few of the more notorious uses of animals (usually bulls) in popular festivities, few scholars have bothered about the broader relationship between Spain and its animals, or that of animals and their Spain. Research on Spanish society has been sociologically blind to these relationships. This is what Kay Peggs has in mind in recounting the story of a man who each day crossed the borders of two countries with a donkey and a cart full of straw. The border guard saw that as the journeys multiplied, so the man looked increasingly wealthy. The guard unsuccessfully carefully searched the cart at each crossing, looking for smuggled goods. Nothing was ever found. Years later, the guard met the man, who was now rich. Own up, said the guard, I know you were smuggling, but what? Ah, yes, said the man, donkeys (2012: 1). Were the guard to read this thesis, hopefully he would not make the same oversight again.<sup>14</sup>

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<sup>14</sup> For an interesting discussion of whether sociology is the study of what is or what should be, see Peggs 2012: 3-10).

## **CHAPTER 1**

### **The literature review**

#### **The argument:**

This thesis argues that the place of certain groups of animals in post-Franco Spain to circa 2010 has undergone a number of significant cultural, legal and political changes. In important respects these changes reflect ‘modernisation’ as a series of processes through which the ‘New’ Spain has emerged, characterised as much by controversy, ambivalence and contradiction, as by political, social and cultural harmony. Thus, in describing and accounting for change in human-animal relations, the thesis is also concerned with continuity and resistance. I argue that despite the modernising influences which, as in other countries, parallel much of the usual human ambivalence towards animals, in Spain there are particular issues concerning the nature of its disputed national, regional and local identities and their relevance to the varying concepts of modern Europe, and that these in turn have impacted on the changing place of animals.

When I refer to the particularity of Spain, I include first, the specifically regional features, especially the Catalanian independence movement and its influence on aspects of animal welfare politics in the region and beyond. Second, there is the official abhorrence of violence - a critical political issue given Spain’s recent violent past. The imagery of violence plays out in a number of social issues, most obviously the ETA campaign, and domestic and racial violence, and is regularly drawn upon in the campaign material of the animal movement, notably in the anti-bullfighting debate on art/culture versus torture. Third, the establishment of a democratic legal framework has been crucial not only for Spain’s sense of being ‘European’, but also as a focal point for campaigns to secure regional and national animal protection

legislation. Fourth, the emergence almost from nothing of a movement that has played a major role in organising consciousness-raising debates and campaigns and in linking Spain to international concerns for animal welfare. Fifth, there are the profoundly controversial and related matters of bullfighting and the abuse of animals in popular festivities, and their much disputed place in ‘Spanish’ culture and civic life.

This thesis is a study of aspects of human-animal relations in a society whose recent history has been traumatic and whose contemporary development has been much shaped by the largely popular desire to leave that past behind and become ‘modern’ and ‘European’ - desires which, I argue, have influenced its attitudes towards non-human animals. In documenting the changes in the place of animals, I have in mind the remarks of several authors: i) Philo and Wilbert (2000) that animals are ‘placed’ by human societies in a variety of material, imaginary, literary, psychological and virtual spaces (for examples, see also Wolch and Emel, 1998); ii) Bulliet’s observation that as they are placed, so they also reflect change in respect of ‘the place of the human species among all animal species’ (2005: 204); and iii) (though much less in evidence) what some ‘postmodern’ anthropologists now refer to as ‘multispecies ethnography’: ‘Animals, plants, fungi, and microbes’ being brought in from the margins and placed in the foreground (Kirksey and Helmreich, 2010: 545; 562-66; Haraway, 2008: especially 3-42).<sup>1</sup> The key point, as Haraway says, is that animals are ‘to live with’ (albeit in a variety of forms), as opposed to merely eat or ‘think with’ (2008; also Wolch, 1998: 125-131; Kirksey and Helmreich, 2010: 552),

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<sup>1</sup> This thesis does not engage directly with postmodern theory and, therefore, is not concerned with subjectively-personal questions, such as ‘Whom and what do I touch when I touch my dog? and How is “becoming with” a practice of becoming worldly?’, Haraway (2008: 3); and it is only in the very broadest sense concerned with ‘writing culture in the anthropocene’ - circa the last two hundred years, Kirksey and Helmreich (2010: 548-549).

although whether we can ever know what ‘human and non-human animals are “really like” ’ is not pursued here (Milton, 2003: 19-20). The fact that the place of certain groups of non-human animals has changed (and continues to do so) in contemporary Spain reflects new ways in which Spaniards are ‘living with’ other animals; and as these are interwoven with the ‘old’ ways, so together they may be said to constitute a critical aspect of the interconnectedness of human-animal relations at a particular historical moment in what Latour called ‘nature-culture’ (1993).

### **The literature review.**

In order to situate the thesis within the field of human-animal relations, I discuss here some of the more important studies that have charted the development of particular forms of human-animal relations in modern societies, although I am aware that there are important differences among European countries, as well as between Europe, the United States, Australia and no doubt other areas of the world. Perhaps the overarching issue, which reappears in different forms throughout much of the literature, is the historical emergence of a new sensibility towards animals (which often extends to the broader concept of ‘Nature’). Among the reasons advanced for this development are the evolution of scientific and philosophical thought, urbanisation and industrialisation, the separation of humans from farm animals (especially familiarity with their sexuality and slaughter), the rise of pet-keeping, ruling-class concerns about the extent of violence and its influence on social and political relations, the reduced fear of animals (wild and otherwise), and the impact of what Elias famously termed the ‘civilising process’.

In many important respects the substance of this account is also applicable to Spain.

But among Spaniards there are fundamental disagreements as to how far the country should adopt 'European' (often seen as 'civilised') attitudes with regard to animal welfare where they conflict with regional and national cultural uses of animals, and these debates are in turn bound up with arguments about tradition versus the modern, the legitimacy of violence in (Spanish) culture, the seemingly different sensibilities of rural and urban populations, and the emblematic/symbolic use of non-human animals in the politics of regional-national disputes.

Where, then, does my argument sit in relation to current issues in the field of human-animal relations? In his highly influential study, *Man and the Natural World* (1983), Keith Thomas examines the making in England of the 'modern sensibility'. The broad theme of the book is that between 1500 and 1800 the older understanding of the dominance of humans over other animals and Nature ('the anthropocentric tradition') began to be challenged by the emergence of a new aesthetic and moral sensibility that just as it condemned the unnecessary suffering of humans, also condemned unnecessary suffering of animals for human pleasure. 'The explicit acceptance of the view that the world does not exist for man alone', says Thomas, 'can be fairly regarded as one of the great revolutions in modern Western thought' (1983: 166).

Thomas, however, is careful to emphasise that there was always a plurality of responses to animals and to nature, leading by 1800 to 'an altogether more confused state of mind', as humans struggled with the business of self-identification, using different kinds of boundaries to distinguish the human from the non-human. The alteration in moral outlook is attributed to developments in science and philosophy, to the Enlightenment, to radical Christian thought, and to the momentum of urbanisation and industrialisation, which gradually led to a division between town and country

with the latter, representing 'Nature', coming to be seen in romantic terms as a place of innocence as against the dirt and vice of urban areas. The new sensibility toward animal suffering reflected in part the clearing off the land of predatory animals, making the countryside a safer place (Ritvo, 1987, makes a similar point in connection with 'nature' being 'tamed' through industrialisation and urbanisation). But it also reflected the change in attitude toward human suffering under the influence of the Enlightenment and the urge for 'civilised' behaviour. In addition, from the 1700s, if not earlier, the keeping of a variety of animals as pets was becoming commonplace in upper and middle-class households. This trend proceeded with urbanisation and industrialisation as daily life (including developments in industrial technology, which made humans less dependent upon other animals) gradually separated a growing number of the population from either witnessing or even being aware of the brutalities and exploitation endured by farm animals.<sup>2</sup> Urbanisation, in conjunction with a less utilitarian view of animals and, under the influence of new scientific knowledge, the diminution of anthropocentrism, encouraged, very unevenly, a re-conceptualisation of the human-animal relationship. By 1800 pet-keeping, which was central to the developing middle class 'domestic ideal', involving the family, the home, and the garden, was a practice representing behaviour that was economically secure, socially responsible, and publicly sensitive. For Thomas, the emotional investment in pet-keeping was central to the growth of civilised attitudes towards animals.

While there are questions as to how new are the 'new' attitudes towards animals, how extensive they were, and how far feelings translated into actions, it is clear that the shifts coincided with, and were in part caused by, alterations in the social order. This

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<sup>2</sup> See also below, Bulliet (2005).

was particularly so among the rural and urban middle classes who embraced changes in public sensibility. For example, the complex promotion by the middle classes of virtue in relation to animals, in contrast to allegedly base and brutish behaviour found among the working class (e.g. animal-baiting 'sports', dog fights, and the abuse of urban cart-horses). As Thomas documents, however, the irony was that as groups of humans began to show a greater sensitivity towards (some) animals, so they intensified both their exploitation of Nature for industrial purposes and the cruelty involved in killing animals for food and material wares - practices increasingly concealed from public view. Sentiment and exploitation went hand in hand, being 'one of the contradictions upon which modern civilization may be said to rest' (1983: 303).

Thomas's account is not a Whiggish history of progress. Indeed, some critics have detected below the surface of the main argument 'a sub-plot which partly contradicts it' (Macfarlane, 1983: 15; Tester, 1991: 71). Some of these contradictions are a matter of timing as many of the shifts in attitudes, meanings, and practices found among the different social groups seem to evade a precise historical date. For instance, contrary to Thomas, it is claimed that the rise of pet-keeping 'developed long before urbanisation and industrialisation could have had much effect'; and, then, there is the 'remarkable statement' that between the fifteenth and nineteenth centuries there was 'a notable lack of historical development' (Macfarlane, 1983: 15; Cudworth, 2003: 161-162). Franklin also sees a contradiction between the 'slow, gradual nature of the change process' and the 'equal emphasis given to the fact that there were few new ideas introduced during the period'. He suggests that too much weight is given to urbanisation, saying that the distinction between rural and urban human-animal relations was less sharp than Thomas claims. He argues that Thomas gives too much

emphasis to the transformative qualities of pet-keeping, and too little attention is given to complex attitudes toward animals found among the rural and urban working classes and the lower middle class, resulting in undue focus on the educated elite as a ‘van-guard of change’ (1999: 15-16).

In writing about Spain, I am conscious of the danger in using urbanisation (and industrialisation) as a blanket term to explain social change where human-animal relations are involved. Where pet-keeping is concerned, there is a risk of overplaying the anthropomorphic elements and forgetting that animals exist both within *and* beyond human imagination (Benton, 1993). I have in mind not only Serpell’s point regarding the evolutionary ‘adaptive’ nature of pet-keeping, constituting a form of ‘mutualism’ benefitting both humans and animals (1996: 146-4; Serpell and Paul, 2011; Serpell, 2013), but also that of Yi-Fu Yuan who emphasises not merely the urban, industrial aspects of pet-keeping but the subjection of the animals to human dominance (1982: 1-2; also Fudge, 2008). In view of these considerations, as is evident from the sources detailed in my methods chapter, I situate the influence of urbanisation in relation to other significant developments in the post-Franco period: the transition to social democracy, ‘Europeanisation’, mass consumerism, ‘practical ethics’, the rule of law, and the variety of issues surrounding civic and cultural ‘identity’.

While Thomas’s account is firmly located within the modernisation tradition, it can also be read with reference to Norbert Elias’ thesis on the ‘civilising process’, which focuses on the changing nature of manners and taste through time (2000). It is true that Elias has little to say about human-animal relations (although he discusses English fox-hunting, 2008: 150-174). Nonetheless if, as Adrian Franklin claims

(1999: 17), Thomas is correct in arguing that changing attitudes and behaviours towards animals ‘have a social origin’ (as distinct from political or moral), then drawing on Elias makes it possible for us to link the growing concern for animal welfare in all its forms in Spain with the popular post-Franco desire to create a modern, democratic state, characterised by non-violence, tolerance, inclusivity, and ‘restraint’ in personal behaviour (Elias, 2000). But the matter is not straightforward since Thomas tends to present the anti-cruelty campaign in nineteenth-century England in terms of the legislation being *primarily* concerned with social reform and the prohibition of all forms of violence, with the pretext for enhancing working-class ‘civility’ being to first sentimentalise their attitude and behaviour towards animals (1983: 186-187; also Tester, 1991: 66-88). Harriet Ritvo (1987), however, in her work on the early years of the English RSPCA, says that as an organisation it was genuinely concerned to protect animals, but it needed a ‘rhetorical device’ (Franklin’s term) to give the idea of legislation (as opposed to merely sympathetic support) a chance of public acceptance, certainly among the governing class. Drawing on the particularity of time and place, Ritvo argues that in an atmosphere of concern over urban law and order, the connection between animal cruelty and raucous/violent (working class) behaviour ‘proved compelling and durable’ so that it was widely used by animal welfare reformers in their campaigns (1987:132. On animals and the creation of urban order, see also Philo, 1998: 58-67). This was the compromise the RSPCA accepted: in order to legislate for the protection of animals, it was necessary to appeal to the upper and middle-classes legislators by targeting that legislation at the working class (Ritvo, 1987:133).

This thesis shows that the spectre of violence to animals, in the sense that it either breeds or intensifies violence among humans, has often been adapted and used as a

critical theme by Spanish *animalistas* in their campaigns for animal protection. This should not, however, cast doubt on the sincerity of the reformers regarding animal welfare. Rather it is that its deployment in a campaign is seen to make organisational and strategic sense. In the Spanish situation, however, where the legacy of violence is so vivid in the political discourse, it is used much less with reference to class or gender (or any *openly*-declared party political position) than as coinage in arguments about being ‘European’/‘modern’, regional versus national identity, and who or what represents the ‘new’ Spain. My comparison of animal welfare campaigns in particular regions of contemporary Spain with those of Victorian England, adds another dimension to Ritvo’s view that a critical way of understanding human-animal relations is to work through historically specific, local and cultural variations.

In his ‘soft’ social constructionist approach, using ‘modernization and post-modernization’ theory, Franklin examines what he sees as the dramatic changes (transformations) that have occurred in twentieth-century human-animal relationships, and identifies ‘the social basis of those changes’ (1999: 160-161).<sup>3</sup> He divides the century into two parts. In the first, the ‘categorical boundary’ remained between humans and animals, with the latter being seen as a resource in the service of the former. In the second part, the late twentieth century onward, both the distinction and the exploitative relationship have been questioned and altered: ‘a highly emotional relationship with animals’ has developed. (1999: 4). In his words, ‘at the end of the twentieth century animals are thought about, used and related to in a very different manner from the beginning of the century’ (1999: 3). More precisely: i) ‘modern cultures’ are moving into ever closer emotional relationships with a

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<sup>3</sup> Franklin refers to ‘strict social constructionists’, such as Tester (1992) who claims that human relations with animals are ‘a projection of ideal relations between humans’ (p.60). Franklin’s view is that it is possible for human relations with animals to be ‘historically and culturally sensitive and, frequently, socially constructed’ (1999: 61).

increasing range of animals; ii) the ‘categorical boundary’ that modernity used to distinguish humans from other animals, has been challenged and partially eroded; iii) the ‘social cause’ of these changes is fixed in the frames of the ‘postmodern condition’ of which there are three: misanthropy, risk, and ontological insecurity (1999: 1-3).

The post 1970s ‘generalized misanthropy’ refers to humans seen as a ‘destructive, pestilent species, mad and out of control’, whereas animals are ‘essentially good’ and are victims of human greed and violence (Franklin, 1999: 3). But, says Franklin, the misanthropic mood has also created new more positive and often ‘highly emotional’ attitudes to human-animal relations. Risk, on the other hand, is now associated with the ‘modernization of animal resources’, particularly as foods – meat and livestock systems (Franklin, 1993: 4). These foods, previously conceived of as providing a healthy diet, are no longer viewed as unproblematic. This in turn connects to insecurities deriving from what is seen as human exploitation of animals and the environment, and from the late twentieth-century perception of the delicate balance between humans, animals and Nature.<sup>4</sup> Ontological insecurity describes destabilised human relationships resulting from the uncertainties created by post 1970s neoliberal economies, and from the dissolution of earlier stabilities regarding personal relationships in love, family, and friendship. Franklin stresses that there is a special connection between these insecurities and the rise of pet-keeping and, perhaps more significantly, how close human-pets relations have ceased to be regarded as ‘odd’, becoming both normative and therapeutic. In his attempt to understand twentieth-century changes in human-animal relations, Franklin uses ‘a specifically adapted

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<sup>4</sup> On how this has weakened ‘difference’ between humans and things natural, leading to a sense of optimism in certain areas, see Ingold’s review of Franklin (2001: 17).

version of familiar theorizations of modernity and postmodernity', and emphasises a trajectory 'from modernity to postmodernity' (1999: 34-61).<sup>5</sup> The 'postmodern' world is one where it is claimed that humans have to construct for themselves new kinds of identities as they experience a moral crisis in the face of the breakdown of certainty, continuity, safety, and permanence. Although theorists such as Beck (1992), Giddens (1990, 1991) and Beck *et al* 1994) have nothing to say about human-animal relations their work can be useful since these relations 'are closely tied to historically specific social and cultural conditions' (Franklin, 1999: 3-5, 34).<sup>6</sup>

Franklin also notes the central paradox of modern human-animal relations, namely that as 'tender-hearted romanticism' has become more commonplace, so, too, has the exploitation of other animals for our food and material desires, along with the continued popularity of hunting and fishing and the growth of animal experimentation (1999: 2). As a way of comprehending this problem, in place of a fruitless search for consistency, he opts (as I do) for 'differentiations': animals as food, as entertainment, as symbols, as edification, and so on (Benton, 1993: 45-57; Cudworth, 2003: 165-166). Franklin emphasises that there is no single explanation for what has and what is occurring with these differentiations and so, through a number of chapters dealing with hunting and fishing, pet keeping, the food industry, bird watching and zoos and wildlife parks, he shows how these activities and the ethical stances they involve intersect with gender, social class, region, nation, and ethnicity in accounting for the different facets of human-animal relations.

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<sup>5</sup> As to whether Franklin is either a 'reflexive moderniser' à la Beck and Giddens, or a postmodernist, or a 'sociologist', I am uncertain. He seems to adapt his position throughout his book, and in his later work. My feeling is that he leans towards reflexive modernisation. See below, note 7.

<sup>6</sup> For criticism of Beck and Giddens, and the individualisation thesis, see Charles (2014), Roseneil and Budgeon (2004) and Smart (2007). For 'contested individualization', see Howard, ed. (2007).

The principal criticisms of Franklin are, first, that his modernity/postmodernity paradigm is too confining, not least in its failure to take account of national and regional peculiarities other than in the English-speaking world (Bulliet, 2005). Second, in proposing a post-humanist human-animal relationship as a response to ‘ontological insecurity’ (Giddens, 1990), Franklin exaggerates the degree of social change and undervalues the continuity of ‘affective relationships’ (kinship) across the species (Charles, 2014). Bulliet (2005) does not disagree with Franklin’s view that nineteenth and early twentieth century society focused on consumption of animal products, blood sports and indifference to matters involving animals; he also agrees that a different and more pro-animal perspective began to emerge in the latter part of the twentieth century. What Bulliet dissents from is the proposition that ‘these two slates’ be associated with modernity and late modernity/postmodernity (2005: 202).<sup>7</sup> But even if Franklin’s terminology is ill-fitting, this does not necessarily cast doubt on the substance of his account of the shift in sentiment and action from either the early to the late twentieth century, or from the Enlightenment to the 1970s onwards, albeit within a limited geographical area.<sup>8</sup>

Nickie Charles’ critique of Franklin derives in part from her objection to his large-scale theorising in preference to small-scale empirical studies which, she claims, provides a ‘more nuanced picture’, one that questions the concept of ontological insecurity and, therefore, the view that pets are a substitute for ‘universal

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<sup>7</sup> A later study (Franklin and White, 2001; 219-238), based on a content-analysis of *one* Australian newspaper between 1949 and 1998, despite finding support for Franklin’s key claims, referring to ‘the effects of postmodernizing thrusts’ (p. 235), also found that ‘local contingencies and historical continuities’ suggested limits to his earlier ‘sweeping theorizations’ using ‘theories of reflexive modernization’ (derived from Beck *et al*, 1994), with more attention to be given to the ‘standard variables of modern sociology’ such as gender, religion, ethnicity, and occupation (2001: 235-236. On such variables, see Isenberg, 2000; Wolch and Emel, 1998).

<sup>8</sup> Of course, ‘very different stories’ may be told of the development in human-animal relations in other nominally ‘modern’ societies (Ingold, 2001: 188).

disconnectedness' (2014: 717; also Charles and Davies, 2008; and Smart, 2007: 8). Kinship across the species barrier, says Charles, is 'not something new and strange ... multi-species households have been with us for a considerable length of time' (2014: 715). I do not read Franklin as disagreeing with this last statement. Moreover, Charles admits that pet-keeping has increased, that pets have moved from outside to inside the home, and that there has been a new recognition of the positive value of close emotional relationships (2014: 726). While this may well be the 'continuation of a long-standing trend', which undermines the explanatory value of 'ontological insecurity', nonetheless, the nature of the relationships, the extent of them, and their meaning and significance in different historical and national contexts is another matter, one that cannot be encompassed simply as historical continuity. So, while Franklin should be read with care, he should not be disregarded.

Here my thesis makes a significant contribution to the literature, in respect of the development of Spanish pet-keeping, in showing that while Spain is distinctive in many important senses, several features of changing human-animal relations are also similar to those observed throughout Europe, North America and Australia and Japan. In general, although recognising Charles' caution against exaggerating the newness of contemporary pet-keeping relationships, I follow Franklin's distinction between earlier and later phases of modernisation. Within what I think of as this 'frame', I draw loosely on the idea of intersectionality (interdependences), using this concept not in its feminist sociological sense, but, within the context of Spanish human-animal relations, in order to draw attention to, and examine the significance of, the interdependences of nation, tradition, culture, 'Europeanisation', the 'modern', 'civility', and the above mentioned 'differentiations'.

Richard Bulliet's *Hunters, Herders, and Hamburgers* (2005), offers a provocatively speculative account, which is focused around two key concepts: i) 'domesticity': humans in close contact with other animals on the farm and elsewhere, and a period when animals were divided into two groups: the domestic and the wild; and ii) 'postdomesticity', where there is little contact with food animals, but intensive pet-keeping, elective vegetarianism, and animal welfare movements. These concepts are presented through four historical 'transitions': separation, pre-domesticity, domesticity, and postdomesticity (2005: 36-46). Separation refers to 'a time unknown' when humans began to distinguish themselves from 'animals'; the following 'pre-domestic' age occurred before the agricultural revolution, when human 'hunters and gathers' had a kind of anthropologically spiritual relationship with the wild world. With the coming of the 'domestic' stage during the agricultural revolution, the economic use of other animals triumphed over reverence for them and intensified the distance between the human and the non-human. The subsequent industrial revolution, bringing with it the postdomestic era, ushered in a different type of separation in that humans were no longer in such close contact with animals, particularly those slaughtered for food. However, just as this distance increased, so pet-keeping became more popular, bringing with it a new consciousness and sense of guilt about the exploitative use of animals for food and vivisection (Bulliet, 2005: 3). Yet again, we see here the 'emotional contradictions' for human-animal relations that accompany the 'civilising process' (Elias, 2000).

Bulliet's sensationalist claim, which directly links urbanisation/modernisation with fundamental changes in human-animal relations, is that the postdomestic era is marked by a fascination with fantasies of sex and blood among post-1945 Americans, which is a subliminal reaction 'to the removal of domestic animals from their lives,

and in particular the disappearance of animal slaughter and animal sex from childhood experience' (2005: 5). To understand this fascination, we are referred to the fact that in 1900, 40 per cent of Americans lived on farms, whereas by 1990, the proportion was 2 per cent (presumably, however, in 1900, 60 per cent of the population did *not* live on farms). The gist of Bulliet's argument is that the majority of people were much closer to animal slaughter and sexuality up to the 1940s, not only in terms of farming but also in the way that food was processed and sold. This was no longer so post-1950. Consequently, the 'postdomestic age' is fascinated by blood and sex (2005: 5-15).

Bulliet's account has drawn a number of criticisms, which I share, relating to his apparent ignorance of social and political developments in European countries, including their animal movements, and serious doubts have been expressed about his claim concerning the link between popular sex and violence fantasies among modern Americans and their lack of contact with rural animal life. Russell (2007: 114) says that in the rural Philippines animal slaughterers also seemed to like cinematic violence as much as urban Americans, and the claim that postdomestic societies with high levels of sex and blood pornography generally abhor real-life violence, is challenged by Sorenson (2006) who cites the Abu Ghraib torture photographs, the Mahmoudiya rape-murders by US soldiers, and their routine use of violent pornography. I argue that in Spain the link between violence and proximity to rural animal life (and death) is far more complicated than Bulliet suggests, if only because of the *cultural* place of the bullfight in Spain's regional and national life; nor is there any evidence that those who attend bullfights, and animal festivities, do not also enjoy cinematic pornography and violence. Bulliet is much too taken with biological essentialism concerning 'the human male's universal thirst for blood and killing'

(Noske, 2006: 322), to recognise the importance of cultural diversity and social change as illustrated in my thesis. Also, the lumping together of France and Germany as ‘animal friendly’ is surprising given that France is among the countries least concerned with animal welfare (it provides legal protection for bullfighting in its southern region), while Germany, with its strong Green and animal movements, has been prominent in securing EU protection for animals in farming and experimentation (Noske, 2006: 322).<sup>9</sup> Moreover, Bulliet’s designation of animal movements being a product of (postmodern) ‘guilt’ ignores the multiple interactions between animal protection groups, the desire to be ‘modern’ and European, regional aspirations, and the influence of practical ethics.<sup>10</sup> He seems to confuse ‘guilt’ with ‘conscience’, ‘empathy’, and ‘emotion’ (Milton, 2003:19-20).

Nonetheless, despite all these criticisms, and the absence of any consideration of the economic aspects of meat production, Bulliet is useful for the focus he gives to ‘violence’ (and killing), both past and present, as well as in emphasising that changing patterns of human-animal relations not only teach us about human societies, ‘they also reflect changing realities as to the place of the human species among all animal species’ (2005: 204).<sup>11</sup> This is important for my thesis in two respects. First, one of my principal aims is to show that these changes do indeed teach us something about social changes in post-Franco Spain, particularly its *civil* and *political* life. Second, with reference to the changing place of humans among all animal species, and taking into account environmental concerns, through my discussions of the

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<sup>9</sup> On humanistic and moralistic attitudes in German and American animal welfare circles, see Serpell and Paul, 1994: 167-173).

<sup>10</sup> As does Tester’s accusation concerning the ‘egotism’ of animal welfarists (1991: 48).

<sup>11</sup> On violence and killing, ‘the most common form of human interaction with animals’, see The Animal Studies Group, *Killing Animals* (2006).

animal movement, I build on Bulliet to show the importance of these ‘changing realities’ in public debates as to where ‘Spain’ is, or thinks it is, in relation to Nature.

Since the idea of being ‘civilised’ appears so often in Spanish debates on virtually all aspects of human-animal relations, not least in relation to ‘identity’ and its ‘cultures’, it is worth pausing to look at what it means. According to Stephen Mennell, ‘modern people ... like to see themselves as “civilized”’. The word has a number of connotations: polite, well-mannered, considerate of others, clean, decent, hygienic, humane, gentle and kind, restrained and self-controlled, good-tempered, reluctant to use violence, and so on - ‘To be civilized is to live with others in an orderly, well organized, just, predictable and calculable society’ (Mennell, 1989: 29-30; 34-36; also Fletcher, 1997: 6-10; Elias, 2000: 42-168). But, as we shall see later, given the tensions arising from regional nationalisms in conflict with ‘Spanish’ identity, the critical problematic for Spaniards lies in geographically and culturally locating such a society: is it, for instance, ‘Spain’ or ‘not Spain’?<sup>12</sup>

Let me now turn to the term ‘civilising process’, which I take to refer to the growth of multiple forms of self-regulation that is claimed to be a fundamental feature of modern societies. In *The Civilizing Process* (2000), Elias described a process whereby manners and tastes change over time as external restraints on individual behaviour are replaced by an internalised system of self or moral regulation. In order to explain how this change came about, he argued against functionalism and structuralism for reifying social processes, and chose instead a ‘figuration’ or ‘processional’ approach, which emphasised the continuing blend - a network - of all social relationships and, therefore, the need to consider *processes* rather than think of

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<sup>12</sup> See chapter 3 for the historical background to this discussion.

a conclusive singular, static ‘civilisation’; there may even be ‘decivilising processes’ (Elias, 2008a: 28). The key to understanding Elias’ theory, which is implicit throughout this study, are the connections between ‘changes in the structure of society and changes in the structure of people’s behaviour and psychological habitus’ (2000: xiii).

Although Elias has little to say about human-animal relations, his analysis may provide us with a link ‘between the growing set of doubts and worries about the violent and cruel treatment of animals ... and the gradual containment and control of violence among citizens of the modern state’ (Franklin, 1999: 17), which is one of the underlying themes of my thesis. Elias begins his account in the medieval period where, prior to the formation of an authoritative nation state, violence was personal and commonplace, just as it was between rival lords and kingdoms. He claims that this political and social structure created individuals who were emotionally immature, aggressive and generally unrestrained, and only with the coming of the nation state, powerful and increasingly centralised, did social relations begin to change towards a more ordered, self-disciplined and courteous manner. A critical facet of the changing relations was the growing power of the state to control violence, accompanied by the emergence of a judicial system for the settlement of disputes. Gradually, over centuries, violence was increasingly removed from public display, as in the penal system, and non-violent codes of public behaviour emerged, which were internalised as a proper and civil form of personal conduct distinguishing the refined citizen from the unrefined, the backward, the ignorant, and the brutish (Hughes, 1998: 141-142; Franklin, 1999: 17-18).

The assurances of Elias and Dunning (Elias, 2008a: 21-43; Elias and Dunning, 2008: 44-72; Elias, 2008b: 150-173; Dunning, 2008: 222-242) that the civilising process can be observed in the history of sport and leisure is especially relevant to those parts of this thesis that deal with the culture (and violence) of bullfighting and the 'abusive' use of animals in popular festivities. There is, however, a difficulty in accepting that these leisure activities count as sport, not only because the Spanish are emphatic in regarding the bullfight as a cultural activity (in the media it is reported as culture not sport), but also because the festivities appear to be a form of leisure quite distinct from sport. Franklin argues that bullfighting is a sport 'in the sense that Elias used the term because it is a physical contest, with a build-up of pleasurable excitement and a resolution' (1999: 19; also Elias, 2008a: 27; Elias and Dunning, 2008: 44-47). But I suggest that it is misleading to see bullfighting (and popular festivities) as a means of providing controlled excitement in a safe arena, where the resolution is offered through a 'result'. I tend to agree with Tester who sees more to the growing concern for animal welfare than simply reducing levels of tolerance for violence. Tester cites the example of cat burning in sixteenth-century Paris, which Elias attributes to the desire for pleasure, whereas later historical research showed it had a specific social meaning, in this case a 'profound ritual value' (1991: 68-69; Elias, 2000: 171). Given my emphasis on cultural and national identities, the idea of social meaning is central to this thesis. On the other hand, Elias's claim that over time the increasing governance of 'sport' (and leisure?) leads to a reduction in levels of violence seems to be *partially* borne out in Spain with respect to bullfighting (where since the 1930s the picador's horses have been given greater protection through padding) and the use of animals in festivities, which have become more tightly regulated in recent years regarding public health and safety issues. But the degree to which 'Sportisation' in

these areas amounts to a ‘civilising spurt’ in the ‘modernisation’ of Spain remains open to debate (Elias, 2008b: 150-151, 162-170; see also Atkinson and Young, 2009).

As if the violence/civilisation controversy were not a sufficient challenge to the meaning and pathway of Spanish civilising ‘processes’ (Elias emphasises the plural), as my thesis shows, ‘Spain’ also has to reconcile the multiple controversies surrounding several competing cultural, social and political identities (some of which still remember being violently suppressed by Francoism until the 1970s). Each of these ‘identities’ has a particular perspective on how the dualism violence/civilisation is positioned within its own understanding of what constitutes the authentic culture of its own region, the state, and the nation. Unsurprisingly, then, charting the changing place of animals requires enquiring into the complex connections between these animals and matters of cultural/national identity. Identity and human-animal relations, however, is not only a matter of individuals and their localities, regions and nationalities (Grier, 2006; Franklin, 2006; 2011; Gruffydd, 2011), it is also one of individual personal relationships with animals as pets, as food, as entertainment, and of the ways in which animals influence social constructions of masculinity and femininity, race, social class, generation, and sexuality (Ritvo, 1987; Emel, 1998; Elder *et al.*, 1998; Kete 1994; Isenberg, 2000: 5-6; Skabelund, 2008; Franklin, 2006: 48-78; Marvin, 1984; Cudworth, 2011). Thus, to speak of human-animal relations and culture and identity is to speak of multiple connections that may or may not be at odds with one another. This is well illustrated by Franklin in his examination of ‘animals and Australia’ where he discusses the ‘enigmatic’ position of non-human animals which, he says, is ‘uniquely Australian’ (2006: 3). While my study is less comprehensive, in examining the changing place of a select group of non-human

animals, it makes a distinctive contribution to the literature on how other kinds of enigmas, several peculiar to Spain, are being resolved.

While cultural ‘identity’ is implicit in much of the Spanish debate on human-animal relations, until now it has not attracted a detailed study. More generally, relatively little has been written directly on the theme of animals and national/ cultural identity, and what little there is usually ignores Europe. In this respect, my thesis will help to fill a gap in the literature. My account of the anti-bullfighting campaigns, the role of Catalan as opposed to ‘Madrid’ nationalism, and the idea of ‘Spain’ as a contested nation, gives an added dimension to Franklin’s claim that in colonial and postcolonial Australia ‘different categories of animals’ were and are used to legitimise different human groups, and that they produce serious social and political conflict (2006). Similarly, my discussion of Spanish human-animal relations and cultural identity expands on those connections made between the possum, nature and nation in New Zealand (Gruffydd, 2011), the eradication of wolves in the USA - and the framing of masculinity in the process (Emel, 1998), and the encounter between the Old and New Worlds as it affected the environment through the destruction of the American bison (Isenberg, 2000). I also develop Franklin’s observation, made with reference to an ‘improper nature’, ‘species cleansing’, and nationalism, that nation and nationalism are not *a priori* realities, but ‘imagined’ communities, and in order to be ‘*imaginable*’, the ideas of nature and nation ‘must be *represented* and given cultural form in narratives, images, symbols, rituals and customs’ (2011: 196-197).<sup>13</sup>

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<sup>13</sup> See also Zimmer (1998) for the argument regarding identities being authenticated through contact with nature, and for use of the “German” shepherd dog as a symbolic and metaphorical form of imperial and Nazi aggression in Germany and Japan, see Skabelund (2008). In chapter 6 I show that one of the major conflicts engaging the animal movement concerns the social legitimacy of both the ‘bull’ and the ‘bullfight’, as portrayed in ‘Spanish’ culture and nationalism, and held by many

Nickie Charles has provided a useful guide to theorising social movements, with the important reminder that they develop in the context of nation states - they are influenced by their structure, the power relations characterising them and their modes of production' (Charles, 2000: 54, 58-63). Charles divides the main approaches into two variants: new social movement theory (NSMT) and resource mobilisation theory (RMT) (2000: 30-53). The former emphasises cultural dimensions together with structural conditions that explain their emergence; the latter is more concerned with organisations and resources, and political processes and relations of NSM to the state (which incorporates some NSMT insights). As the authors cited by Charles suggest, all of this is subject to considerable debate, which is framed within loosely post-modern theories/paradigms. However, these theoretical approaches do not commonly include animal welfare, rights and liberation movements. With this in mind, my account of these movements has necessitated drawing on each of the approaches. My study supports the view that NSMs emerge as societies undergo periods of social (and political) transformation, and that their ideas and supporters reflect these historical shifts (Charles, 2000: 45), and particularly that they influence cultural/social perceptions - similar to Habermas's claim that they are 'concerned with cultural reproduction, social integration, and socialisation' (1981: 33, also quoted in Charles, 2000: 31).

For the Spanish *animalistas*, it is a matter of creating cultural change (Scott: 1990) in attitudes and behaviour, and ensuring related political change which, as the two interact, will facilitate social change (Castells, 2009: 300). In a very important sense for my argument the processes involve the *production* of knowledge, translating

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Spaniards to represent not only 'authentic' culture, but also to embody the (authentic) natural world of 'Nature' that they claim is to be found in 'Spain'.

‘scientific ideas into social and political beliefs’ (Eyerman and Jamison, 1999: 92).

This thesis shows that in Spain much of the translation has been from practical ethics - which is integral to the thinking of the animal movement - into praxis as the movement has tried to change people’s lives (Melucci, 1985:797; also Charles, 2000: 41-42; Singer, 1979). In this respect at least, I argue that the animal movement is a feature of the particularly Spanish historical transition from dictatorship to democracy as a development in modernisation. While it is possible to see this as a shift to a ‘post-modern’ society, my view accords more with that of Claus Offe who sees NSMs as part of the continuation of the project of modernity (1985: 850).<sup>14</sup>

Charles considers NSMT in order to assess its relevance to feminist social movements, and on a number of points she finds them wanting (2000: 45-53). One may sympathise with her critique (without completely agreeing with it), while considering some alternatives to strict NSM theoretical positions (Einwohner, 1999; Gaarder, 2008; and Peek, *et al.*, 1996).<sup>15</sup> What these contributions clearly show is the inadequacy of conventional NSM models to fully account for diverse group interests, and also for many of the geographical specifics of the animal movement.

Nonetheless, my approach differs from that of feminist care ethicists (Donovan and Adams, eds., 2007), whose ‘ethics’ are in opposition to the kind of ‘rationality’ argument found in Singer (1975), Regan (1982, 1983, 2001, and Regan and Singer, 1989). Contrary to some feminists, in discussing the animal movement’s campaigns I emphasise the value of principles, rationality *and* emotion working together (Linzey,

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<sup>14</sup> For discussion of NSM as product of ‘postindustrial era’, see Pichardo (1997: 419-425). I do not see ‘postindustrial’ as being in conflict with Offe’s position.

<sup>15</sup> On the preponderance of women in animal movements, see Peek, *et al.* (1996).

2009: 3, 5-6, and Singer, 1993: 8, 17-18; 1997: 312, 268-272), which I demonstrate is a core feature of the Spanish movement.<sup>16</sup>

On cultural, political and social change, I have taken account of Castells who distinguishes between campaigns for cultural change as appertaining to social movements, while processes for political change are termed ‘insurgent politics’ (2009: 300). Elsewhere, he discusses a range of international social movements (but not the animal movement), in terms of ‘conflicting trends of globalization and identity’ within a context that is fixed on being against ‘the new Global Order’ (2004: 71-191). Castells articulates grand theories of globalisation, ‘communication power’ and the network society, arguing that ‘Globalization and informationalization, enacted by networks of wealth, technology, and power, are transforming our world’ (2004: 72).<sup>17</sup> Moreover, his analysis of the importance of identities - cultural, religious, and national - as sources of meaning, and the implications of these identities for social movements (2004), reinforces many of the arguments presented in this thesis, particularly regarding local, regional and national cultural senses of ‘being’ when configured with a ‘European’ consciousness. Furthermore, in thinking about the Spanish animal movement, I have noted that Castells identifies the importance of a movement’s ‘own *words*, not just ideas’, and also his typology (following Touraine) that defines a social movement in terms of its identity; its adversary; and its societal goal (2004: 73-74). This thesis provides examples of these features. First, my examination of the words of the movement’s campaign materials, informed by practical ethics, shows what a critical role they have played in the changing place of animals in Spain. Second, with reference to the typology, the

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<sup>16</sup> For some ‘post-modern’ biotechnology developments that may affect the rational/emotional binary, see Noske (2009: 358-359).

<sup>17</sup> See Noske on lack of awareness in the animal movement of technology’s alienation of humans from their “animalness” (2009: 358).

identity of the animal movement is clearly fixed in the post 1960s model of being modern, European and civilised. Third, its adversary is the cruelty and death that is involved in bullfighting, the abusive use of animals in local festivities, and the abandonment and abuse of pets. Fourth, its societal goals have been to reform the legal codes to safeguard animals and, where bullfighting is concerned, to culturally redefine the association of art/culture with torture/death.

### **Modernisation, urbanisation, law, the animal movement and ‘practical ethics’**

In order to draw out the elements in this literature that are particularly important for my study and to provide further discussion on how these general arguments may be applied to the Spanish context, I have identified five principal conditions through which changes in human-animal relations may be said to have arisen: modernisation (and democracy); urbanisation/migration, Europeanisation, the Law as a facilitator, and the animal movement (as a NSM) characterised by its adoption of ‘practical ethics’.

#### ***Modernisation (and democracy)***

The key features of modernisation for post-Franco Spain have been: i) the political (democracy): parties, parliaments, the franchise, secret ballots; nationalist ideologies; ii) the legal: universal acceptance of the pre-eminence of law and its procedures; iii) the economic: neo-liberal theory, increasing ‘flexibility’ of labour, industrial technology, national transport, managerial and commercial science, scientific and industrial infrastructures; and iv) the cultural/social: secularisation, education, urbanisation, civil liberties, diverse life styles, equal rights, welfare provision, etc.

These cannot all be examined here. For the moment, however, I shall briefly consider the influence of ‘democracy’ in situating Spain as a modern state.

One of the most important reasons why we need to be acquainted with the idea of modernisation is that probably no term carries more emotional weight for Spanish culture where the term always refers to its process of democratisation, alongside advanced social and economic development, and a ‘civic culture’ claiming to embody tolerance, reciprocity, and trust. Spain, having made the transition from Franco’s authoritarian state to a liberal European democracy, is seen by many commentators as ‘the paradigmatic case for the study of democratic consolidation’ (Linz and Stepan, 1996: 108, quoted in Encarnación, 2008: 4). However, democracy could not have occurred in the absence of political actors who were needed to make appropriate choices during the period of regime change. It was not the abstraction of modernisation alone that made the transition to democracy successful, but rather ‘the expert political craftsmanship of national leaders’ (Encarnación, 2008: 29), who were ‘able to learn from and follow the public mood’ (Romero Salvadó, 1999: 161). Thus, Spain has demonstrated the truth of the maxim that democracies ‘are created and not born’ (Encarnación, 2008: 5). Indeed, so successful has been Spain’s democratic transition, that the Francoist view that ‘Spain is Different’, meaning unfit for democracy, has given way to the modernist perception of Spain having made it ‘to the ranks of being a normal country’. But, as we shall see, this is a ‘normalcy’ full of tensions and contradictions (Wiardra, 2000: 61, quoted in Encarnación, 2008: 7; also Zaldívar and Castells, 1992: 21-68; for the contradictions, Balfour and Quiroga, 2007).

It was perhaps significant that Zaldívar and Castells began their study of ‘Spain beyond Myths’ with the chapter ‘Spain is no longer so different: the modernization of society’ (1992: 21-68). Unsurprisingly, they identified the essential ingredients of modernisation as i) democracy, ‘new values’ (e.g. secularisation, individualism, changes in family ties, and sexual liberalisation), ii) changes in social, demographic, and occupational structure, iii) ‘the new Spanish woman’, and iv) Spain’s identity, both ‘modern and exotic’, which has been transformed since the 1970s so that the ‘rural and bureaucratic Spain anchored in the traditional values of honour and mysticism has practically disappeared in both substance and form’ (1992: 37-63). This is not to say that Spain has lost its ‘Spanish’ identity for despite all the changes, old cultural traditions remain alive and well, as do ‘social ways of life specific to Spain’. These authors claim that although Spain is more ‘normal’ than different within Europe, its specific culture ‘helps to preserve the myth that it is different, fed by romantic and condescending views’ on the part of Northern Europeans. They admit, however, that there is a ‘complex relationship between Spain’s traditional identity and modern Spain’, which can be seen, for example, in the bullfight, the continuing presence of which shows that ‘there are many cultural routes to modernity’ (1992: 66, 68).

### ***Urbanisation/Migration***

A key feature of modernisation has always been urbanisation/migration.<sup>18</sup> Here I have drawn on several historical, economic, and geographic sources to show that one of the distinguishing features of Spain since the late 1950s has been the dramatic growth of urban areas and the decline of agricultural labour. At the beginning of the twentieth

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<sup>18</sup> I provide a more detailed account of urbanisation and its relation to pet keeping in chapter 8. Here I merely note its importance as a condition for social change.

century 4.6 per cent of Spain's population were urban dwellers in cities of between 50,000 and under 100,000 persons; 9 per cent in cities of 100,000 and over. By 1960, the percentages were 8 per cent and 27.7 per cent respectively, and by 1990, they were 9.6 and 42.9 respectively (Tortella, 2000: 260-261). Between 1966 and 1985 the urban population grew from 61 to 77 per cent of the total, rising to 78 per cent in 2012 - with 1 per cent rate of growth estimated between 2010-2015 (Index Mundi, 2013; The World Bank, n.d; Lanaspa, *et al.*, 2002). These sources show that the expansion of Spanish city limits in recent decades has been a 'steady phenomenon', with the urbanisation process occurring 'at an unparalleled rate', affecting smaller, medium and larger cities, so that by the noughties the rural population was approximately 23 per cent of the total with only 5.3 per cent working in agriculture (López Trigal, 2010: 14; Barton, 2009: 270).<sup>19</sup> I have used these figures in support of my argument regarding the tensions created by urbanisation/modernisation in relation to the growth of leisure activities other than bullfighting, the disputes between the animal movement and locals over the abuse of animals in festivities, and to illustrate one of the influences on the growth of pet-keeping.

One of the most critical consequences of the urbanisation process for our purposes has been suggested by the geographer David Harvey, namely the creation under capitalist accumulation of the 'urbanization of consciousness' (1989: 229-255, 321-322), referring to the way urban dwellers view themselves in relation to others and to their environment. Harvey argues that there are five foci of consciousness formation: individual, family, community, state, and class, each of which is involved in an

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<sup>19</sup> It might be helpful here to briefly note that urbanisation is often said to be one of the factors driving long-term pet ownership throughout the world, leading to a greater concern for, and affection towards, animals, principally pets (Serpell, 2013. For a much more rurally oriented view, see Scruton, 2000). Urbanisation has also been claimed to lead to the breakdown of traditional support systems, which in turn perhaps leads to a greater demand for pets as substitutes for some form of loss (Serpell, 2013). For further discussion of the impact of urbanisation, see chapters 7 and 8.

interactive relationship with urbanisation: ‘Through our daily experiences of these bases we generate a matrix of conceptions, understandings and predispositions for action which in turn serve to construct the conditions which prevail in each domain’ (1989: 240). The degree to which an urban conscience may be said to prevail in the creation of new attitudes and forms of behaviour towards animals has yet to be investigated, so that we are left to speculate. However, I suggest that in addition to Harvey’s five foci, we add forms of leisure and outdoor/cafe/plaza/park ‘conversations’ (as Vincent says, ‘social life takes place on the street’, 2007: 236), through which urban dwellers may discuss animal welfare issues. In the public space that is part of the urban environment, conversation with ‘ideas’ (and the practices that follow) is meaningful, particularly in the ‘New’ Spain with its heightened awareness of its multiple identities and its desire to be European.

### ***Europeanisation***

If the modernisation associated with the *Transición* is enmeshed in Spanish culture and politics, another inescapable idea is Europeanisation/Europeanism (although I am not concerned with the entire relationship between Spain and the EU).<sup>20</sup> My focus is on how becoming a member of the EU has impacted on Spanish attitudes and behaviour toward animals. Of course, this needs to be situated more broadly, particularly since many Spaniards associate entry into Europe (1986) with having successfully completed the transition to Western-style democracy, and I am certainly keen to refer to the impact of EU membership on domestic politics. In a limited sense, this thesis draws on the concept of a ‘European Civilizing Process’ (Linklater, 2005a: 367-387), involving as it does ‘civil conversation’, which I connect to, for example,

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<sup>20</sup> For accounts of Europe and Spain, see Tortella (2000); Diez Medrano (2003), and Closa and Heywood (2004).

practical ethics and the appeals of the animal movement to the perceived values of ‘Europeanism’. The stress on ‘civil conversation’, as Linklater says, is ‘part of the civilizing or disciplining process which Elias, Foucault and others have analysed in accounts of self-control with respect to, *inter alia*, violence, speech, posture and gesture’ (2005b: 141). I take Linklater’s point that ‘the civilizing process refers to the development of social arrangements in which actors can satisfy their needs without ... harming each other’ (2005b: 142), in order to suggest that within the framework of becoming ‘European’, the animal movement has been able to appeal to the idea of this process in linking said actors to campaigning for a new moral basis for human-animal relations.

The importance of Europe for Spain’s ‘identity’ was clearly demonstrated in socialist PM Felipe González’s passionate, patriotic speech delivered on TV soon after Spain was admitted to the EU which, he said:

signifies the end of our age-old isolation ... [and] our participation in the common destiny of Western Europe ... it also signifies the culmination of a process of struggle of millions of Spaniards who have identified freedom and democracy with integration ... we are going [to leave] our children a Spain ... which in Europe and with Europe will play the role which our collective will as a people, as a nation, will be capable of forging (*El País*, 30 March, 1985, quoted in Jáuregui., 2002: 78).

Put another way, entering Europe meant leaving behind ‘*el atraso* - the backwardness’ - of the Spanish past for good (a recurring motif in animal welfare manifestos), even though by the end of the 1990s the ‘charisma of *Europa*’ had become routinized (Jáuregui, 2002: 96).<sup>21</sup> This Spanish ‘Euro-enthusiasm’ reminds us of the importance of emotion in national self-images and the significance of feelings

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<sup>21</sup> For the assertion of a more nationalist rhetoric in the mid-1990s under the Conservatives, see Closa and Heywood (2004: 242).

of pride and honour in the making of nationality and patriotism. From this standpoint, Spain's entry into Europe was a collective triumph not only of political and economic power but also of the nation's 'ethical respectability' (Jáuregui, 2002: 80-81). My argument is that debates about animal welfare, together with legal reforms for their protection, are experienced by participants along the axis of this notion of 'civilized' and 'ethical' behaviour.

### ***The law as a facilitator***

My chapter on the law argues that it facilitates animal protection not only through incorporating EU regulations into the appropriate legislation, but also as a means whereby the animal movement promotes its challenge to the old moral order governing attitudes and behaviour towards animals. It is important to see that this aspect of the law cannot be separated from its significance since the transition as a guarantor of both constitutionalism and social democratic political values. Despite being clumsy, inefficient and mistrusted by many (at least until recently), we should not underestimate the importance of law in the 'New Spain'. It is in part through legal processes that the commitment to diverse life styles, divorce, abortion, gender equality, and civil liberties, as well as to non-violent political discussion, has become an internationally recognised feature of Spain's modernity. Democratic law provides the context for rational debate in that it 'demonstrates Spain's new-found political maturity and "puts Spanish democracy at the same level as the rest of Europe's democracies that suffered from fascism"' (Barton, 2009: 274, quoting *El País*, n.d.).

Law always has to be understood in relation to 'other social institutions and social forces' (Roach Anleu, 2000: 230); it both shapes and is shaped by a variety of market relations, social inequalities, industrialising processes, cultural values, patterns of

socialisation, ideological commitments, and government structures. Consequently, the *animalistas* could not avoid looking to the law to protect animals through reforms to the national 1995, 2003 and 2010 penal codes and also through various regional regulations. In other words, law was used to degrade old norms and establish new ones. And yet, it would be wrong to give the impression that the animal movement trusts the law for there remains a large degree of scepticism as to its effectiveness and the seriousness of its intentions. Nonetheless, in so far as ‘[t]he relationship between law and social change is reciprocal, and law can be seen as both an effect and cause of social change’ (Roach Anleu, quoted in Vago, 1996: 274), law remains integral to the reformers’ campaigns.

### ***The animal movement***

We have already briefly noted the different philosophical groups within the animal movement. Given the importance of the *animalistas* in this thesis, some further description will be helpful.<sup>22</sup> According to Gary Francione (1996) the ‘animal welfare’ view accepts the instrumental use of animals as a means for human ends provided that there are certain ‘safeguards’ in place to ensure that animals are treated ‘humanely’ and not subjected to ‘unnecessary’ suffering (1996: 1). In contrast, the ‘animal rights’ view rejects the idea of animals ‘as property and the corresponding hegemony of humans over animals’ since this ‘violates fundamental obligations of *justice* that we owe to nonhumans’ (1996: 2, original emphasis). Put simply: ‘the welfarists seek the *regulation* of animal exploitation; the rightists seek its *abolition*’ (1996: 1, original emphasis). However, such neat theoretical distinctions are not to be

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<sup>22</sup> I stress, however, that my main concern has been to discuss the animal movement as a political, social and cultural force for change, rather than to examine its ideological composition. While there are no doubt tensions within the movement, these have not been obvious in any of the campaigns I have studied.

found in practice where the animal ‘rights’ movement has adopted a hybrid position whereby ‘the long-term goal is animal rights but the short-term goal is animal welfare’ (1996: 3; also Peggs, 2012: 139-141).

Lyle Munro (2005a) regards the rights/welfare binary as too constricted. It does not recognise those within the movement who take the pragmatic middle road: ‘philosophically inclined towards animal rights and programmatically towards animal welfare or animal liberation’ (2005a: 6). The umbrella term ‘animal movement’, he says, is useful in avoiding the ideological and definitional quibbles generated by the more specific terms (see also Nibert, 2002: xv). It is also the choice of activists/advocates themselves seeking not only to avoid internal disputes, but, importantly, also to convey to the public that the ‘animal movement’ is united in its opposition to cruelty (2005a: 6).<sup>23</sup> Although ideological distinctions can be useful in certain circumstances, ‘in the *realpolitik* of animal activism’, they ‘are usually blurred’ (2005a: 40, original emphasis). In other words, in their efforts to campaign against speciesism, the *animalistas* ‘have used moral, political and social problems arguments to raise anti-cruelty, health and environmental concerns within the various strands of the movement’ (2005a: 63).

Jessica Greenebaum also identifies the animal movement as comprising welfare, rights, and liberation groups. She defines the ‘animal welfare movement’ as accepting the ‘humane use of animals’ whilst campaigning for ‘reforms to improve the conditions of animals’. She claims that Peter Singer’s utilitarian position (1975), which ‘focuses on quality of life, lessening the suffering of animals, and giving animals “equal consideration of interest”, places him in the welfare camp, rather than

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<sup>23</sup> For two broad strategies used by the movement - the reformist and the non-violent confrontational, see Munro (2005b: 76-89).

the rights camp' (2009: 291). With regards to the 'animal rights movement', espousing Regan's theoretical perspective (1983), her definition corresponds with Munro's in that animal rightists advocate the abolition of animal use for food, experimentation, and entertainment, and argue 'that animals have moral rights based on their inherent value (independent from human needs)' (2009: 291). In contrast to Munro, however, who regards Singer's 'liberation' position as more moderate than that of the 'rightists', Greenebaum sees the 'animal liberationists' as the more radical section of the movement 'that rejects the ideologies of political and economic capitalism and the single-issue focus of the animal welfare and animal rights movements' (2009: 291).

Clearly there are disagreements as to where the lines of division should be placed between the different factions of the movement, not least from within where some participants feel unrepresented by the three main groups (Greenebaum, 2009: 290; also Munro, 2005a: 63). The key fact, however, as mentioned above, is that the 'movement' seeks to present a united front to the public in its opposition to all forms of animal abuse and it is in this sense that I use the term throughout the thesis.

### **The animal movement as a new social movement (NSM).**

In this thesis, I discuss the animal movement within the context of identity-oriented theory (Melucci, 1986, 1996; Della Porta and Diani, 2006). This conceptual approach locates social movements at the heart of modern 'post-industrial' societies, and presents them as centred on seeking social changes in culture and lifestyles, challenging existing cultural codes, and demanding rights to produce new meanings and identities. I follow Eyerman and Jamison (1991) in arguing for a holistic approach to understandings of social movements and their role and actions in modern

society, seeing them (always politically and historically contingent) as ‘bearers of new ideas’, which are then ‘“taken over” by the surrounding society’, thereby creating a series of new social identities for everyone involved (1991: 3).<sup>24</sup> As

Barrington Moore remarked:

any political movement against oppression has to develop a new diagnosis as a remedy for existing forms of suffering, a diagnosis and remedy by which this suffering stands morally condemned. These new moral standards of condemnation constitute the core identity of any oppositional movement (quoted in Munro, 2005a: 18).

But I do not accept a division here of the animal movement as being either a political or a social movement (Garner, 1993). Instead, I see the movement as being for social change and, therefore, as both social and political in that it ‘spreads new values throughout society’ while also seeking ‘authoritative sanctioning of these values in the form of binding laws and regulations’ (Rochon, 1998: 31, cited in Munro, 2005a: 18).

I have also been influenced by the social construction of social problems/social movements approach (Munro, 2005a: 10-11). Here ‘animal welfare’ constitutes a social movement in that its participants see the institutionalised abuse of animals as a ‘social problem’, which is ‘morally objectionable because the victims are vulnerable populations ...’ (Munro, 2005a: 2, 23-27). But not every social problem generates a social movement. What makes for a social movement is when the particular social problem resonates with the public (Eyerman and Jamieson, 1991: 56). Since the 1980s this has increasingly become the situation in Spain where the concept of

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<sup>24</sup> See also Gerlach and Hine (1970: xvi): ‘a group of people who are organised for, ideologically motivated by, and committed to a purpose which implements some form of personal or social change, who are actively engaged in the recruitment of others, and whose influence is spreading in opposition to the established order within which it originated’, quoted in Munro (2005a:17). For a critical literature review of the NSM paradigm, not least because it excludes conservative movements, see Pichardo (1997: 411-430).

‘animal abuse’ has ceased to be an ‘alien idea’. Instead, through the *animalistas*’ campaigns, it has been ‘normalised’ in that it has been successfully defined as a ‘social problem’. This, in conjunction with the ‘practical ethics’ approach of Singer, Regan, *et al.*, which has provided the movement with ‘moral ideas’, has come to form the basis for social action (Munro, 2005a: 2-3, 11). My basic claim is that through a moral discourse the animal movement challenges the ‘traditional’ view of animals by critically raising public consciousness about the nature and degree of ‘cruelty’ and ‘abuse’ in existing human-animal relations and, in common with political movements, uses the law to enshrine new values.<sup>25</sup>

The question is how the movement come to possess a ‘philosophy’ that is sufficiently coherent to be able to mount this challenge to the traditional view of animals. The answer is that in Spain previously existing specific local animal charities, such as those rescuing cats and dogs, were given an emotional, organisational, and political boost generally by the rise of the Animal Liberation Movement that followed the publication of Peter Singer’s world best-seller *Animal Liberation* (1975). The movement came later to Spain than in the UK, the USA, and other European countries, where it followed the social ferment of the 1960s, but when it came, as elsewhere, it was informed by ‘practical ethics’ (also associated with Singer through his *Practical Ethics*, 1979, and another best-seller) as a philosophy sustaining activism, and one that had a political agenda. The influence of practical ethics, a bridge linking theory and practice, is critical for understanding that the Spanish

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<sup>25</sup> It seems to me that Keith Tester’s claim that animal welfarists are only concerned with egotistically constructing pleasing identities for themselves (1991: 48) is not only partial at best and impossible to prove, but also robs the movement ‘of its sincerity, identity, ethics and politics’ (Quoted in Munro, 2005a: 5; see also Benton, 1992; Cooper, 1992). In some important respects, however, the question is not one of participants’ sincerity, but of the persuasive power of their arguments and their political effectiveness in changing attitudes and behaviour. For comments on participants as either members of the ‘new’ middle class or as being bound together by a common concern, see Pichardo (1997: 416-417), and for ‘DIY’ activism in the animal rights movement, see Munro (2005b).

animal movement, which dates from the formation of ADDA (1976), has always been self-consciously grounded in moral/ethical ideas, which are promoted through practical activities. The movement relies on practical ethics to claim that animals have a meaningful moral status of the kind that requires humans to treat them as sentient beings with mental complexity, and as having rights (Garner, 1993: 9-37). It may be thought that this is not particular to Spain. But I suggest that the peculiarities of Spanish history and culture mean that the concept of appropriate moral behaviour does have a special resonance for the country's human-animal relations.

Two aspects of practical ethics are particularly relevant for understanding the campaigning strategies of the *animalistas*. First, there is the close connection between ethical theory and practical ethical discussion, which leads to greater clarity regarding aims and objectives. Second, and critically important, there is the use of empirical data in order to guide moral reasoning (LaFollette, 2005: 3-9). Such data is a core element in practical ethics because if the discipline:

aims to say something informative about the moral appropriateness of individual behaviours and institutional structures and actions, then, on virtually any moral theory, we need adequate empirical data to know when and how the moral theory is relevant to that behaviour (LaFollette, 2005: 6-7).

A thorough and detailed knowledge of empirical data both ensures that the moral status quo is not blindly accepted and provides substance to moral considerations and principles as well.

The claim is that theory and practice are interdependent, forming a dialectical relationship in which reflections on practical issues will give rise to theoretical considerations, and in turn these enhance and expand the moral understanding and imagination ultimately increasing 'the chance that we will act appropriately'

(LaFollette, 2005: 9; see also Jamieson, 2002: 27-46). Peter Singer has famously observed that practical ethics is something everyone inadvertently is confronted with daily: 'Ethics deal with values, with good and bad, with right and wrong. We cannot avoid involvement in ethics, for what we do - and what we don't do - is always a possible subject of ethical evaluation' (Singer, 2000: v). Practical ethics, then, is inherently a campaigning philosophy. For Singer (quoted in Jamieson, 1999: 2), '[d]iscussion is not enough. What is the point of relating philosophy to public (and personal) affairs if we do not take our conclusions seriously? In this instance, taking our conclusion seriously means acting upon it'. Thus, for the *animalistas*, the appeal of practical ethics is that it deals with issues that we confront on a daily basis and provides us with guidelines for what 'we should morally do to various practical problems and which measures we should apply to reach our ethical goals' (Singer, 1993: 275). Practical ethics provides a theoretically based moral value system for altering/ questioning the status quo.

### ***Conflict and contradictions***

One of the core themes of this thesis is that it is impossible to understand the course of the human-animal relations involved in the changing place of animals in Spain (and the resistance to it) without an appreciation of the conflicts and contradictions over regional and national identities as they have been affected by post-Franco modernisation processes. This thesis will highlight two central issues. First, the overwhelming desire on the part of some regions - the Basque country, Catalonia and to a lesser extent Galicia - to be independent of the national government in Madrid. Given the violence of the Basque independence movement, this made it one of the major political issues. In recent years, however, the Catalan independence movement

has become the most important political matter, threatening various constitutional crises. I argue that the Catalan movement is particularly important for this thesis since the main opposition to bullfighting has been in Catalonia, led by the famous anti-bullfighting Barcelona declaration (2004), and where since 1988 the autonomous regional government has pioneered protective legislation for animal welfare and, unlike other regions, recognised non-human animals as ‘psychologically’ sentient beings.<sup>26</sup> The Catalan attitude to bullfighting in particular, and to animal protection in general, has made ‘animal welfare’ a point of conflict between the aspiring independence of the region and all those who wish to see Spain as a united state. Catalan politicians and animal welfare groups have used the idea of the modern, the civilised, and the European to characterise the region as a sophisticated, socially progressive, economically advanced, and educated Nation. In this respect, animal welfare has become one of the markers of how Catalonia differs from ‘Spain’. And yet, there is a contradiction in the Catalan attitude to animal protection in that where the use of animals in local festivities is concerned, the government is reluctant to interfere - since these festivities are ‘Catalan’.<sup>27</sup> This suggests, in line with the accusation from many of Catalonia’s critics, that its antipathy to the bullfight is political rather than ethical: the bull represents nationalist ‘Spain’. This is something of an oversimplification (as will be shown), but it illustrates the fact that the influences of modernisation processes are not always easily deciphered.

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<sup>26</sup> In 2010 the Catalan Parliament passed a law prohibiting bullfighting, to take effect from 2012. The first prohibition of bullfighting occurred in the Canary Islands in 1991 when, following the Catalan example, the Islands’ Parliament passed an animal protection law that omitted to exclude bullfighting from the law’s provision, thereby in practice effectively prohibiting it. This was a non-controversial decision, however, since it had been several years since a fight had been staged. See chapter 5 for further discussion.

<sup>27</sup> Just as in the Canary Islands, where bullfighting is banned, the cock fight continues to be a popular and legal sport.

Similarly with the second issue, which refers to the conflicts and contradictions surrounding the thousands of local festivities in villages, towns, and regions, all of which use animals in some form or another; some violently and cruelly, some merely as passive participants. My contribution here shows that while many of the festivities have adapted to new and more urban 'sensitivities' regarding animals, by replacing them with toy animals or removing them altogether, others have adapted to social change either by devising new ways of using animals, or introducing different species. Among the more controversial uses of animals in the bigger festivals, the question of identity is often paramount in the arguments between the animal movement seeking prohibition of the rituals and the local councils, particularly when the *animalistas* come from outside the village or town. In this way, here and in the larger controversies involving Catalonia and Madrid, the animals in question assume representational forms for debates surrounding 'old' traditions and the adaptation to new ones, as well as illustrating the conflict between 'modern (European) identities and those deemed to be 'Spanish'. But given the large number of festivities, and the fact that so many are either illegal or unregulated, apart from noting that change has occurred, it is impossible to assess the exact impact of modernisation on animal usage in these local cultures.

There is another way in which modernisation processes have had at least an indirect impact in connecting identity to human-animal relations. In his study of animals in Australia, Franklin (2006) discusses the nature and degree to which socio-political and historical changes have influenced attitudes to various groups of non-human animals and how these changes predictably reveal contradictions and conflicts in terms of which animal species are understood by certain human social groups to be 'genuine' and/or 'deservedly' Australian. Although the ambiguities and ambivalences

surrounding Australian human-animal relations generally differ from those of Spain and its regions, thinking about Australian nationalism suggests a helpful comparison for understanding some of the issues involved in the Spanish debates around the changing place of animals. For example, as mentioned above, the controversial matter of bulls and bullfighting in relation to 'Spain's' national identity on the one hand and, on the other, to the coalescence between the campaigns of the animal movement and demands for Catalan independence, are plainly visible in the public arena. In so far as both the popular concern for animal welfare and the particular form of contemporary Catalan nationalism are products of modernisation, it may be said to be responsible for the challenges these movements make to the bullfight as a traditionally core element in Spanish culture. The matter is further complicated by the fact that many Conservatives (but by no means all), regard the challenge of modernisation as having come from Globalisation (via the EU), which they see as threatening sectors of Spanish capitalism and undermining Spanish traditions and values. For the animal movement, however, together with regional independence organisations, and 'European'-minded urban dwellers, particularly the 'new' middle class, modernisation has been welcomed as confirming that Spain is a non-violent, neoliberal, socially liberal democracy, no longer held back by Francoist Catholic nationalism. In the struggle between these two 'identities', animals serve as metaphors or metonyms for a variety of conflicts and contradictions that focus around the impact of modernisation processes on the kind of 'nation' envisaged for Spain by the different parties.

### **Conclusion**

In this chapter I have discussed the principal literature in the field of human-animal relations that is most relevant to this thesis. I began by outlining the main themes of

my argument before entering into a review of the literature, where I raised some of the debatable issues normally associated with this literature. My objective here was not merely to provide the reader with information regarding the different positions, but also (and in the research methods chapter) to situate my thesis in the field of study and to point to areas where I have made a contribution. Following the substantial review, I continued by examining the different determinant contexts through which the social changes in human-animal relations have developed, which also served to further position the thesis in these specific circumstances. I concluded the review with a brief discussion of the theme of conflict and contradictions, which runs throughout the thesis, focusing generally on the hugely controversial issue of national and regional identity, and specifically on Franklin's case study of animals and the making of Australian national identity as comparison for some of the conflicts that bedevil contemporary Spain. My contribution to the literature is that I have opened up a new dimension to the study of Spanish human-animal relations, showing in particular the importance of the relationship between 'animals' and 'Spain'.

## CHAPTER 2

### Research methods

I begin the chapter with a reiteration of my research questions, after which I give a brief outline of the thesis structure before moving on to a short discussion of how I approached the research. I then provide a sustained account of my sources, why I chose one rather than another, and how I evaluated them.

### The research questions

i) *what*, if any, are the most important and influential changes that have occurred (and are occurring) in Spanish human-animal relations, both in terms of the nature of these changes (i.e. their overall effect on human-animal relations, their character with reference to specific species, and their significance for the broader culture), and their extent?

ii) A critical question for understanding socio-cultural change is to ask *why* the human-animal relationship has changed since without some awareness of why change happens we risk not properly understanding what went before and how change might occur in the future. Of course, this leads onto a related question: *what* are the processes (macro and micro) - political, cultural, historical, economic, social, intellectual - that have facilitated the important and significant changes in attitudes and behaviours toward non-human animals.

iii) Having identified the processes of change, the thesis then asks *how* these processes have worked in particular circumstances, e.g. in terms of Catalan politics and bullfighting, the ideology of the animal movement, and the influence of the law in recognising and promoting animal sentience.

iv) In so far as these questions will expose the tensions and contradictions in Spanish culture regarding the place of animals - e.g. modernisation as a force for animal protection involving the debate between those who regard bullfighting as primitive and cruel versus those who see it as integral to Spanish identity (and also as a cultural resource for resisting Europeanisation and globalisation) - we need to ask to what extent the forces of change have been successfully resisted, and through what means.

### **The structure**

The thesis is divided into three parts. Since the study is set within the post-Franco years - a period that has witnessed significant political, economic and social development - part one is a historical account of some of the major themes that have helped to shape modern Spain. The intention is to provide a context for examining the most important issues raised by the changing place of animals, as well as the resistance to those changes.

In the second part, I detail two significant determinants of the changes:

- a) the contribution of 'practical ethics' as an intellectual and practical stimulus to the creation and development of the animal movement since the 1970s, particularly in providing it with a distinctive moral language;
- b) at both the national and the regional level (autonomous regions have considerable legislative powers), the law has played a critical role in advancing the welfare of pets, combating the more egregious use of animals in festivities, and in banning bullfighting in the Canary Islands and Catalonia.

In the third part, I look at three groups of animals (fighting bulls, a variety of animals used in festivities, and pets), whose place in Spanish society has changed and continues to change - although not to the same extent for each group, or always for the same reasons. In these three 'case studies', besides describing the nature of the changes, I focus on explicating the debates surrounding the numerous and complex interrelationships between 'animal welfare' and other modernisation processes involving political and cultural issues associated with national, regional and local identities; and, where pets are concerned, I also examine the emergence of the interconnections between this particular form of human-animal relationship and urbanisation, consumerism, and evolving family relations.

### **How I approached the research**

I knew from having lived in Spain on and off during the period 1986-1999, and from majoring in Spanish Studies for my BA and MA that 'the past' was an important consideration in Spanish politics and culture: I also knew that one of the seminal divisions in modern Spanish history was between the Francoist period of 1939-1975 and the years thereafter. The post-Franco 'modern' period is defined by several developments, principally the transition to democracy; entry into the EU; the establishment of the rule of social-democratic law; neoliberal economics; continuing urbanisation; the acceleration of secularisation; and the legislation of civil and social liberties with regard to sexuality, gender equality, anti-racism, and freedom for expression of regional cultures. At the same time, I knew that despite the official shunning of political violence in the new democracy, the years after Franco had been marked, on the one hand, by the violent campaigns of ETA for Basque independence and the government response and, on the other, by the non-violent constitutional

reform campaigns for Catalan independence and the pacifist stance of the *animalistas*. In other words, that despite the ‘phenomenal’ (Edles, 1998: 4) success of the transition to democracy, Spain had serious political (and cultural and economic) problems with demands for regional independence that threatened the constitutional integrity of ‘Spain’. I was also aware that although the main political parties welcomed membership of the EU and the move towards a globalised economy, there was considerable unease on the part of many Conservatives regarding what they saw as threats from the EU (and accompanying globalisation) to the ‘purity’ of Spanish society (including economic interests), not least the pace of social change and growing secularisation. With all this in mind, I felt that if I were to understand Spanish attitudes and behaviours towards animals, besides examining current developments sociologically, my approach required a historical context *and* sensitivity to Spanish ‘memory’ of the past.

A second important consideration was to decide on which animals to include. From the beginning I concluded that to examine the changing place of *all* animals would have precluded such detailed case studies as I have provided. These, I feel, are more revealing of social change in human-animal relations in a specific national and historical setting than could be achieved by a more all-embracing overview. I wanted the thesis to be concerned with ‘facts on the ground’, rather than presenting a grand theoretical claim. Thus my selection was made both on pragmatic grounds and for heuristic reasons that would help me to examine change in contexts that were politically and culturally significant and part of an ongoing process. The groups I selected were fighting bulls, a variety of animals used in popular festivities, and ‘pets’. I wanted to highlight the fact that the ‘place’ of these animals is inseparable

from the human activities with which they are associated and, therefore, that their changing place reflects changes in human attitudes and behaviour. This may seem to be obvious, but since it is only relatively recently that social scientists have become aware of the 'natural' environment as the context of all life forms, I think the point is worth emphasising.

I also knew from my familiarity with the country's politics that the bullfight and the use of animals in festivities were controversial subjects in the debates concerning not only 'animal welfare' as such, but the layered disputes as to how they should figure in the different 'cultures' and, therefore, 'identities', of a 'modern' and 'European' Spain and its autonomous regions. Thus I chose pets as my third group of animals partly because in such sharp contrast to the imagery and the reality of bullfighting and the killing and tormenting of animals in festive rituals, pet-ownership offers a very different view of the Spanish human-animal relationship - one that appears to have much in common with that found throughout most of Europe. I also wanted to look at this area of human-animal relations because of its connections to consumerism (a defining feature of modern Spain), to the making of an urban identity, and because of its role in familial kinship.

### **Why these sources and not others, and how did I evaluate their contents**

NB: For the sake of convenient reference throughout the rest of this chapter, I have provided a summary of the main groups of sources in appendix 1.

In thinking about sources in social research, I have taken heart from Stuart Hall's remark that

Although the classic methods of ethnography are participation observation, listening and interviewing, any approach that assists the journey towards a detailed empirical knowledge of a particular “social world” can be ethnographic: wading through mounds of newspapers (primary material for the “social world” of reaction); reading masses of secondary material in the form of books, articles and commentaries; and living and working in the “social world” ... (1973/2013: x-xii).

I appreciate that Hall is referring to ethnography, but the spirit of what he says is relevant to my own work in that I have drawn on as many different sources of evidence with a bearing on my research questions as is practicably feasible given the time and resource limitations of a doctoral thesis. Since so much of my focus is on *public* debate, and the major welfare campaigns for animal protection, rather than on human-animal relations themselves among say, pet-keepers or within the bullfighting fraternity, my extensive use of newspapers, campaign materials, legal and parliamentary documents, and records of commercial interests in the pet industry has allowed me ‘indirect’ access to the ‘social world’ that is the changing place of animals in post-Franco Spain. For example, my evidence of the growth of the pet food and accessories industry (drawn from industry records, group 4), the ways in which the law is being used to protect animals in festive rituals (groups 1 and 2), and the campaign to successfully ban bullfighting in Catalonia (groups 2 and 3), all illuminate the shifts that have occurred in public and legal attitudes towards animals and their treatment.

There is a considerable amount of material in source groups 1 and 2 that both traces the ways that the Spanish state, through Parliamentary debate and the passing of animal protection legislation, as in the Penal Code (which is enacted through the Courts and the police), responds to shifting perceptions in public opinion on matters

concerning animal welfare and, in setting more exacting standards of protection, may be said to encourage new attitudes and behaviours towards animals. This has been especially significant with regard to the banning of bullfights in the Canary Islands (1991), the Barcelona Declaration (2004) against bullfighting, passed by the city's municipal council, and the banning of bullfights by the Catalan Parliament (2010). In addition, however, as is evident from the law chapter, I have used parliamentary and legal sources (groups 1 and 2) to show not only the degree to which the animal welfare issue has penetrated Spanish politics, and to identify the different political positions with regard to the matter, but also to illustrate the importance the animal movement attaches to the law and, equally important, to making sure that it is implemented. Monitoring progress in this area only really became possible following the restructuring of the Public Prosecutor's Office in 2006, when statistics regarding domestic animal abuse were recorded separately for the first time (group 1). I have also made extensive use of these sources in order to illustrate the differences between the tone of the debates in the national parliament and that of Catalonia (and Barcelona), where the claims of the region to political independence is such a controversial matter. In other words, I use the sources to illustrate the omnipresence of the politics of identity in virtually all debates on animal welfare. But none of this should make us lose sight of the fact that collectively these sources provide a major insight into the extent to which the place of animals has changed over the last thirty years or so, as well as indicating the levels of resistance to that change.

The resources of the animal protection organisations (group 3), including interviews/communications with leading figures (group 8), have been used to help in tracing the values, strategies, and objectives of several of the organisations. I decided early on in my research not to do a study of the different organisations within the

animal movement, preferring to focus on their collective presence as a NSM in a selection of public debates (notably the anti-bullfight ‘culture versus torture’ campaigns), and as activists in pushing national and regional governments and the courts and police to pass and implement animal protection. For this I made extensive use of representative campaign materials, membership magazines, newsletters, press statements, and reports (some available online, some material given to me by the animal welfare organisations) (group 3) all of which, wherever possible, I cross-referenced with other sources, mainly several newspapers (group 5), but sometimes either national or regional official papers (groups 1 and 2). In this way I sought to ‘get a feel’ for the philosophy, agenda and practice of the movement. I treated these sources as primarily objects of study, i.e. as examples of the conduct of the debates - although at times I also used them to gather information about themes and objectives. In making this close reading of the material, I learned about the extent to which the animal movement was influenced by practical ethics, and how this has informed the movement’s arguments.

A key theme of this study is that since the 1980s ‘practical ethics’ has become integral to the theory and practice of the Spanish animal welfare discourse and, therefore, has been an important contributor to public debates. In selecting the material for the chapter on practical ethics, I divided the topic into three main areas: i) explaining the background to the emergence of this sub-field of Ethics, and its philosophical stance, ii) describing its introduction into Spain, and iii) assessing its influence on the movement. The selection of sources was relatively easy since there are several standard accounts of practical ethics and its affiliations (groups 6 and 7). To introduce and explain the nature of this sub-field, I chose the work of philosophers

Peter Singer, Hugh LaFollette, and Dale Jamieson, and the theologian Andrew Linzey. To discuss its introduction into Spanish academia and public debate, I began by referring to the translations of, and public lectures by, Singer and the 'animal rights' philosopher Tom Regan, and others, and then drew upon the work of those pioneering Spanish philosophers, such as Mora and Cohn (1981) and Mosterín and Riechmann (1995) who advanced anti-anthropocentric and non-speciesist positions on human-animal relations, and who since the early 2000s have been followed by a number of other social and legal philosophers.

Evaluating their influence, however, was more difficult, as was assessing that of practical ethics - the combination of empirical data with moral reasoning - on the animal movement, and also the public debates, since much of this is implicit and indirect. In order to overcome this difficulty, I adopted two main approaches. First, I chose literary sources that showed how the aforementioned philosophers, many of whom write for a public readership, instructed the movement in the importance of connecting theory and practice. Second, I searched the campaign materials of the main animal welfare organisations (group 3), together with a wide range of newspaper (5) and legal reports (groups 1 and 2) for references to the deployment of empirical data (in this case scientific evidence relating to animal physiology and emotional sentience) in support of overtly ethical arguments against animal cruelty, and on this basis I assessed their appropriateness for this part of the thesis.

I noted above the importance of the material in groups 1 and 2 being so useful in showing the ways in which the parliamentary debates and the subsequent animal protection laws respond to public opinion, and also set new standards of human behaviour toward animals. In using legal records (contained in groups 1 and 2) to

chart the *changing* place of animals through new legislation, I looked at two categories in particular: those relating to the influence of EU membership and those dealing with the introduction of regional protection laws and reforms to the Penal Code. For these categories I drew on two main sources: i) for information as to issues, directions, problems - the writing of legal commentators and theorists, such as Pérez-Monguió, Requejo Conde, López-Almansa Beaus, and González-Morán; and ii) for the laws themselves - both parliamentary records and, more particularly, the written 'Preambles' (groups 1 and 2) that precede each law. These were hugely informative in revealing the influence of public and scientific opinion in bringing about the legal changes and, an important theme in this thesis, their awareness of Spain in relation to the modern, civilised world. For example, they referred to the 'growing ... sensibility to animal protection amongst citizens ... similar to that which exists in most advanced societies' (DOE 3/2002), the need to bring Spanish law in accord with 'the most advanced European laws' (BON 70/1994) and 'to raise social awareness ... towards more civilised behaviours which are appropriate for a modern society' (BOE 145/1992). The preambles also chart the use of language specifying the animals' 'right to a dignified life', to be treated with 'respect', and be given a 'painless death' (BOE 112/1993; BON 70/1994; and BOCYL 81/1997). These legal records, supplemented by the parliamentary debates allowed me to recognise the differences in regional animal protection laws which, as the Catalan example suggests, shows the differences in legal 'understandings of animals, and the various definitions of 'pet' and the rules of ownership. These records, covering seventeen autonomous regions, revealed to me the complex patchwork that embraces Spanish animal welfare, and in showing clearly that Catalonia is unique in its comprehensive jurisdiction for animals (DOGC 5113/2008).

The legal records were critical to me in understanding not only the principles of the legal system and its place within the relatively newly established constitutional framework, but also the importance of the national ‘Penal Code of Democracy’ (1995) within that system. This code always has pre-eminence over regional laws and, therefore, the animal movement has strived to have it enshrine animal protection provisions, hence the vigorous campaigns of 2003 and 2010 to reform the 1995 code. In combination with the official legal documents and the parliamentary debates - involving the different political and regional parties - on the reform of the code, I again used the work of the previously mentioned legal commentators and theorists to help me to at least grasp the intricacies of the issues. When I came to examine the conduct and content of the reform campaigns, I also turned to the publications of the animal welfare organisations, particularly of the Barcelona-based *Fundación Altarriba*, which I supplemented with material from several newspapers.

Given that two of my key sources for this study, apart from official documents and books and articles, have been the animal movement’s campaign material and newspapers, it is necessary to give a little more detail about what I looked for in them and how I used them. As the thesis focuses on the changing place of animals, I looked to the movement’s documentation, especially its campaigning material, to identify the nature of the change, the extent of it, and the obstacles in its way. Of course, I appreciated that theirs was a partial view, but I knew I would cross-check wherever possible their interpretation of events through national and regional official papers, legal records, and newspaper commentary and reporting. But I also considered the movement’s stance on all matters relating to animal protection, regardless of its bias, as critical - as an object of study in itself - because its *raison d’être* was not simply to

advance change in human-animal relations, as I knew from just a brief encounter with their views, it was also indirectly to debate the 'new' Spain. It was loosely part of the social liberation climate of opinion that developed post-Franco, particularly under the new socialist government, in areas such as divorce, abortion, gay/lesbian rights, multiculturalism, and so on. This aspect was clearly displayed in the debates and campaigns around bullfighting as art/culture versus barbarism/primitivism - the 'new' Spain versus 'uncivilised' Spain.

First, then, what did I look for in the campaign materials and how did I evaluate them? As I say, I sought to learn not only about the nature and degree of the changes in human-animal relations, but also how these were perceived in relation to the debate on modern Spain's identity. I see these two features as connected since I have argued throughout the thesis that both the nature and the degree of change is inseparable from the way in which 'Spain' sees itself, where it chooses to be in Europe, and how it regards the EU and globalisation. In chapter 6, for example, the campaign materials of ADDA were instructive in showing both the heritage of the slogan 'torture, neither art nor culture' and the international links of the Spanish movement, notably WSPA/IFAW. But more importantly, I saw from the campaign materials that the theme of Spain as needing to present itself as a 'civilised' society to the world was not confined to the previously mentioned parliamentary debates and legal preambles. The material also showed the political nature of the campaigns - around the slogan 'torture, neither art nor culture' - to reposition bullfighting as cruel and immoral rather than art and culture, as in 1992 when they were organised to coincide with three international cultural events held in Spain that year, and in the successful 2002-2004 ADDA/WSPA campaign - 'Culture without Cruelty' - to make Barcelona a

bullfighting free city. I evaluated the movement's material here as an instance of conduct, and so the question of verification was not of primary importance.

Nonetheless, I included the various comments from political parties and newspapers in my assessment of the campaigns' success.

Given that this thesis is concerned with public debates on the changing place of animals, it would be hard to avoid using newspapers (group 5) (I did not have access to more than a couple of television reports/documentaries) since in important respects they provide a running account of many of the main concerns governing particular topics. I drew mainly on five national dailies representing the political spectrum: *El País* (centre left, with strong European editorial line); *20 minutos* (centre left, free distribution); *El Mundo* (centre-right); *ABC* (Conservative); *La Vanguardia* (Catalonia's largest selling paper, with centre-right editorial line). In addition I used *Público* (left editorial line – since 2012 online only), *ADN* (centre-right, socially progressive), a free paper now defunct, and some fifteen regional papers. From all these newspapers combined, I have cited approximately 240 pieces. I also drew on five British national newspapers (listing 13 pieces), usually where the journalist quoted was the paper's foreign correspondent (and in the case of Giles Tremlett, *The Guardian*, who is also the author of a prize winning study of Spain). I should stress that I rarely relied on newspapers as a sole source on any topic - throughout the study they have nearly always been used in conjunction with other material. For example, in discussing popular festivities (chapter 7), newspapers were used extensively, but I also drew on books and articles for historical and anthropological contexts and other insights.

Keeping in mind Stuart Hall's remark that newspapers are a 'primary material for the "social world" of reaction' (quoted above), I looked to newspaper reports, comments, and editorials for two main reasons. First, in what was clearly a public debate about all forms of animal welfare, reading a variety of newspapers across the political spectrum provided a good way of assessing not only the 'mood' of opinion, particularly those around the reform of the penal code (chapter 5), the art versus torture campaigns and Catalan independence (chapter 6), and the numerous controversies involving the use of animals in the many thousands of local festivals (chapter 7), but also how the configuration of political and ideological positions is linked to diverse perspectives on the various human/animal practices discussed in the thesis. Second, although viewing these matters as instances of the unfolding of the debates was critical, the newspapers were also useful in providing information as to who said what in political parties, gauging the standpoints of 'Madrid' versus 'Barcelona', and in their assessments of public opinion. Newspapers were also especially useful in helping me locate many of the controversial episodes in local festivals. Wherever I treated them as sources of information about, for example, party political positions, legal details, Catalan independence, I have exercised the usual caution with regard to bias and error, endeavouring to compare the relevant details in different sources. In using several papers, each having a different political perspective and some serving different regions, I have always kept in mind i) the individual paper's political agenda and its audience, ii) attempted to 'balance' their inputs with those derived from other sources (never relying on them as a solitary voice), and iii) been cognisant of the difference between editorials, news reporting, and commentaries (Franzosi, 1987:11).

With reference to non-Spanish newspaper sources, I have made the reasonable and fairly obvious assumption that being ‘foreign’ does not prohibit one from having an informed knowledge of a country other than one’s own. This is true not only of Tremlett (*The Guardian*), but also of Clare Kane, the Madrid correspondent for *Reuters*, and especially of Mario Vargas Llosa, the Peruvian born Nobel Laureate novelist who writes opinion pieces for *El País*, lives mainly in Madrid, holds Spanish citizenship and is a prolific contributor in public debates on bullfighting. He is a member of the Royal Spanish Academy and an active supporter of the liberal party Unión Progreso y Democracia, which has a strong commitment to the unity of Spain. Where my two citations from the *New York Times* are concerned, one is to a review of Ernest Hemingway’s *Death in the Afternoon*, which is cited not simply as a reference to his well known views on bullfighting as art and culture, but to the relevance of his argument in current debates and to his status within the bullfighting fraternity. The second citation (McNeil, 2008) is used to underline the fact that the Spanish government’s support for the Great Ape Project received international attention. *BBC News* is cited for the claim that the Barcelona Declaration was interpreted internationally as a sign of the Catalan claim to a distinct identity within Spain; similarly with my references to the reports in *The Telegraph*. The reference in the *Daily Mail* to the popular and highly controversial festivity, *Toro de la Vega*, is used to show that this was of concern to a popular and politically important newspaper, many of whose readership holidayed in Spain and, therefore, the report was likely to have been unfavourably noticed by the Spanish Tourist Board given its sensitivity on these matters.

In my discussion of the growth of urban pet-keeping, in addition to sociological, historical and anthropological books and articles, I have used a number of commercial and trade documents, notably FEDIAF, ANFAAC, Fundación Affinity, AEDPAC, Euromonitor International, Alimarket (group 4). These were invaluable in providing a picture of the rapid growth of all aspects of the industry since the late 1980s. I searched out these materials because while there was no shortage of sociological and anthropological commentary on pets and pet-keeping, there was little or nothing in the way of any statistical or other information about the nature and development of relevant services from foods to designer-label clothing. With reference to Spain's particularity, apart from showing the industry's rate of growth, these materials were critical in two respects. First, they allowed me to gain some impression of how the country 'fitted' into the European pattern of pet-keeping in terms of the organisation and structure of the industry (trade fairs, exhibitions, associations of manufactures and retailers), and especially the range and development of available accessories and services. Second, they provided the basis from which to discuss the industry's cultural significance, both in reflecting and encouraging new attitudes and behaviours toward animals, and as suppliers to 'modern' urban Spain. In order to avoid slipping into the 'industry view', however, I used these sources in conjunction with the literature on the sociology and anthropology of pet ownership.

Although this study has used a variety of sources (9 different groups), as the bibliography shows, I have made extensive use of Spanish and English language books (120) and similarly articles (150). I have used this literature to varying degrees in different chapters. Since the thesis is set within the context of contemporary history, it was obvious that the main source for the historical account (chapter 3)

would be books and articles. Similarly, introducing, explaining, and situating the philosophical and political use of ‘practical ethics’ (chapter 4) necessitated using a substantial amount of literary material, in which the English and Spanish inputs were specified. The sociological/anthropological sections of chapter 8 also required use of literary material, as did similar sections in chapters 5-7. In selecting literary texts for the historical account, the choice was fairly obvious since most of the information came from standard accounts. Similarly, in the practical ethics chapter, the introductory material selected itself, and when it came to showing the extent to which Spanish philosophy has adopted practical ethics in the human-animal relations discourse, since there were relatively few authors, they also selected themselves. In the remaining chapters, where books and articles were used in particular sections, I used them both as sources of information and for analytical insights. As a rule, besides using books and articles in conjunction with other sources, the literary material was chosen on the basis that it would i) provide information; ii) offer sociological/anthropological analysis; and iii) provide commentary on controversial issues.

With regard to interviews and personal communications (group 8), I knew prior to starting my research that it would not be financially viable for me to travel around Spain doing interviews. I did, however, intend to supplement my diverse range of sources with some personal communication (interview, email, telephone conversation, and social conversation) where I felt it would add something of value. In my first year I attended the conference I Foro Mundial de los Animales 2008 (1st World Forum for Animals) in Barcelona, organised by various animal welfare organisations, with forty international presentations, and a mainly Spanish audience

of more than 1300 delegates. I attended the conference in order to familiarise myself with the Spanish movement, to make contacts, and to get a feel for, and learn about, the range of issues under debate. I was very pleased to make contact with Fundación Altarriba, one of the most influential animal protection organisations, and I benefitted from a number of informal conversations with Spanish conference presenters, some of whom I later interviewed. My choice of face to face interviews was, as I said above, partially conditioned by financial and time constraints. I also encountered an unexpected difficulty in that several organisations refused telephone interviews for fear of misrepresentations by undercover journalists. In general, I found the setting up of interviews, both face to face and by telephone, much harder than expected, and very time consuming. In some respects, I had to take what was on offer. So I chose interviewees that were geographically closer together in two of the largest regions, Catalonia and Andalucía. The former has a history of being the most advanced in animal welfare, while the latter, considered to be both the birthplace and the home of contemporary bullfighting, was one of the last regions to pass an animal protection law.

I finally managed to do five face to face semi-structured interviews, ‘conversations with a purpose’ (Burgess, 1989:102), plus one by telephone and one by written communication. These provided me with first hand information about the ideas and goals of the organisations; about why and how certain campaigns were chosen; the day to day difficulties faced by individual organisations; and what they saw as the future of animal protection. Given that I have specified the importance of practical ethics in the modern Spanish movement, it was gratifying to learn that the broader literature on the moral status of animals was of influence. Additionally, it was very

important that I also became acquainted with something of the history of the organisations for unlike bullfighting, on which there is an extensive literature (including numerous websites), no equivalent body of literature exists on the Spanish *animalistas*.

How did I come to make my choice of interviews? I had hoped to conduct interviews from GB by phone. Unfortunately, given the suspicion surrounding the work of these organisations, I found that they were reluctant to agree to anything other than personal contact. As a result, the interviews with ADDA (founded in 1976) and Fundación Altarriba (founded in 1998) were only secured through the initial contacts made at the 2008 conference. Those with CACMA (founded in 2007) and ASANDA (founded in 1990) were gained only after repeated contact via email and telephone conversations. My efforts to arrange interviews with the political party PACMA (anti animal abuse party) and the parliamentary animal protection association APDDA proved fruitless and given time constraints I was unable to pursue these any further. Likewise, I had no response to my emails to the animal activist organisations *latorturanoescultura*, ACTYMA and AnimaNaturalis from which I had hoped to gather further information on popular festivities. I chose to interview the philosophy professor Marta Tafalla because she is one of the pioneers of, and most prolific writers on, the philosophical study of the moral status of animals in Spain, and editor of two of the early essay collections (2004; 2008) on the defence and rights of Spanish animals. Dr. Pérez Monguió was chosen as one of the leading authorities on animals and the law and he proved very helpful in contextualising some of the issues raised by my legal sources.

What did I get out of them? Besides factual information about trends, personalities, objectives, obstacles, and so on, one of the most important benefits of the interviews was the almost tangible 'sense' of what was going on in the world of animal protection in Spain (at least as from the perspective of these interviewees). But more than this sense, there was also the gathering of information concerning: i) the membership in terms of gender (mainly female), social class (mixed) and age (younger activists, mixed supporters); ii) the influence of the law, whether new laws were needed or just more committed implementation; iii) the degree to which different interviewees thought attitudes and behaviours toward animals had changed; iv) the nature of the problems, present and future, experienced by the animal organisations; v) the disconnect between the views of the political establishment and the general public in terms of the latter being more 'progressive' regarding animal welfare. The interviewees also felt that in the current atmosphere of social change toward animals, the profile of the movement in general had risen and that it had more authority than in the past.

Finally, in the group 9 material, I found the websites most useful, particularly those of the pro bullfighting community - and these were so many that I could have devoted the whole thesis to studying them. Collectively, they were a veritable mine of information about all aspects of bullfighting in Spain, Portugal, South America and Southern France. The sites provided commentaries, news, reports, opinion essays, literary excursions, and biographies of fighters, and information about breeders, fan clubs, and arenas, as well as an update on those fighters who have been most recently gored. As with my interviews, I feel that looking through these sites gave me something of an insight into the taurine mindset (trying to gain personal access

proved impossible for me), and this was helpful in working my way through the debates, especially those around art/culture versus torture/barbarism, but also in relation to the extensive use of bovines in popular festivities. The sites also gave me an insight into the ‘cultural’ scale of tauromachy in Spain. By cultural here I mean the ways in which it is woven into the fabric of aspects of Spanish life, the degree of passion it excites, the fervency with which it is regarded as part of the so-called ‘Latin’ temperament. But despite its boastful character, there is also an element of the siege mentality in evidence, perhaps reflecting a sense of a tradition under threat. All in all, however, going through the sites was an instructive experience.

### **Conclusion**

In this chapter, I have shown the varied nature of my research methods, especially in relation to the nine different groups of sources used. In using such a large collection of sources, I have strived to identify, allocate and integrate them into providing a sustained and coherent analysis. I have shown here that as with probably any research method, one of the principal tasks is to use the material in such a way as to answer my research questions. Of course, some sources are more clearly applicable to one category of question than to another. I have attempted, where one source is limited or doubtful, to compensate by bringing others to bear. In drawing upon such a wide variety of sources I have sought to bring a panoramic perspective both to the specific questions and to their combination. At the same time, I have been conscious not to allow the multiplicity of material to lure me into superficial overviews. I have listened to all my sources with an attentive ear, always conscious of their ‘unwitting testimony’ (Marwick, 1989: 216, 218).

## CHAPTER 3

### Spain, Europe, and modernisation

#### Introduction

To a large degree this thesis is anchored in a socio-historical understanding of the influence of Spain's projects of modernisation and Europeanism, often referred to as an evolving 'reinvention' of Spain within Europe from being 'different' ('traditional') to 'normal' ('modern') (Balfour and Quiroga, 2007: 30-32; Encarnación, 2008: 5-7; Zaldívar and Castells, 1992: 21-68). These historical trajectories, which have been dramatic, bloody, and foundational, are critical for any understanding of the complex attitudes and practices governing human-animal relations in contemporary Spain.

This is a Spain that has emerged against the background of the transition from forty years of repressive and violent fascism to becoming a liberal social-democratic state. Spain's trajectory has encompassed economic 'miracles', a huge demographic shift from the rural to the urban, the building of an increasingly comprehensive social welfare apparatus, and profound social change in terms of education, gender equality, diverse sexualities, family life, growing secularisation and multiculturalism. It has been argued that a significant reason for the failure of the attempts at Republican politics (1873-74 and 1931-1936) was the inability of politicians, as well as a lack of resources and time, to 'articulate and sediment sufficiently within the popular imagination notions of community, common identity, tolerance, pluralism and the legitimacy of differences and otherness' (Jordan and Morgan-Tamosunas, 2000: 15). The history of post-Franco Spain has been that of overcoming this inability. In order to elucidate the main developments, this chapter proceeds through concise accounts

of i) Franco's regime, ii) the modernising process in the twilight of Francoism; iii) the transition to democracy, 1975-1892; iv) the road to modernity, 1982-1992; v) 1992: coming of age; vi) the conservative period, 1996-2004; and vii) the 'second transition', 2004-2008.

### **Franco's regime, 1939-1975**

During its long history of repeated social upheavals and totalitarian regimes, Spain has had two democratic Republican governments, both of which were overthrown by military uprisings. It was the economic and political reforms launched by these republics, the Second Republic (1931-1936) in particular, as part of their modernisation projects, which seemed to intensify existing polarisations of Spanish society. For the already aggrieved groups the reforms fell short of their expectations, while the wealthy classes regarded them as a threat to their vested interests (Romero Salvadó, 1999: 70-71; Carr, 2000: 220-221). The Civil War (1936-39), with over half a million casualties, abruptly ended the brief experience of democracy and ushered in the violent nationalist coalition, led by General Franco, comprising big business, the Catholic Church, and the military, which went on to pursue profoundly reactionary politics prioritising the Catholic Church, religious education, the patriarchal family, and unity, destiny and hierarchy (Preston, 1986, 2012; Vincent, 2007; Encarnación, 2008).

The first decade of Franco's victory was characterised by political, economic and cultural isolation, as a result of being excluded and ostracised by Western democracies. The regime made a virtue out of this international exclusion proclaiming a state of self-isolation in order to protect itself from what it considered

to be degenerate, liberal and Bolshevist European politics. Broadly speaking, Francoism signalled the application of ‘a centralist authoritarian Spanish nationalism’, which was primarily based on nineteenth century conservative-traditionalist principles’, as well as ‘a range of ideas from military nationalism, the regenerationism of the 1898 Generation and fascism’ (Balfour and Quiroga, 2007: 37). In the eyes of the Francoist elites, the justification for the military rebellion was to protect the Catholic, organic Spanish patria against the influences of left-wing, democratic and separatist European ideas, which had ‘intoxicated’ certain groups in Spain. In effect, the ideological foundations of National-Catholicism included an organicist perception of the nation; i.e. it was ‘understood as a living organism, a natural entity’, which had been under attack from the Second Republic and its ideological project of modernisation and democratisation of Spain (Balfour and Quiroga, 2007: 37).

In support of the Francoist project, ‘the vast majority of the population had to be “renationalised”, socialised in Francoist values’, whilst opponents were defined as supporters of the ‘anti-Spain’, and were demonised as the country’s ‘enemy within’. This meant that large sections of ‘the masses’: Republican parties, trade unions, the working classes, the liberal middle classes and supporters of regional, political and cultural self-determination had to be either re-educated or simply annihilated (Balfour and Quiroga, 2007: 37-38; Encarnación, 2008: 24-26; Preston, 2012: Prologue).<sup>1</sup> In view of the history of violence in Spain, it is useful to remember the historian Romero Salvadó’s verdict that the Franco regime’s ‘record of internal suppression ...

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<sup>1</sup> Much of rural Spain was staunchly Republican and remained so until the early 1950s.

surpassed that of Hitler's Germany and Mussolini's Italy' (2005: 186, quoted, Black, 2010: 11 and 13-17).<sup>2</sup> Re-education involved emphasising 'Spain is different' through educational and cultural policies, which prohibited the use of regional languages other than Castilian in the classrooms and in the public sphere, the promotion of Francoist ideology through national religious holidays, festivals, and other religious celebrations, and encouraging bullfighting, flamenco, football, and other popular customs and traditions. Conservative domesticity and patriarchal values were glorified ideals of the private sphere (Vincent, 2007: 168-169; Kelly, 2000: 30). Under the 1939 Law of Political Responsibilities, those who continued to oppose the regime were liable to be among the many thousands executed, in addition to which between 40,000-200,000 were imprisoned in concentration camps or enrolled in forced-labour battalions (Preston, 2012; Balfour and Quiroga, 2007: 38; Encarnación, 2008: 22).

### **'Modernisation and the twilight of Francoism'<sup>3</sup>**

After the initial poor economic performance and low living standards of the early years of the regime, during the period between 1960 and 1975, Spain experienced a transition from a rural to an industrialised economy - becoming the ninth most industrialised state in the world. This involved a significant transfer of the population from a rural to an urban environment - between 1960-1970, four million Spaniards

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<sup>2</sup> The debate as to the size and nature of the repression has reached new heights with the publication of Paul Preston's account of what he terms the 'Spanish Holocaust' (2012), which has been the subject of extensive and overwhelmingly favourable reviews and discussion. There seems to be general agreement that Franco's forces killed approximately 200,000 during the civil war and a further 20,000 were executed after the war, with hundreds of thousands being imprisoned in concentration and work camps. According to Preston, Franco killed more Spaniards than the Nazis killed Germans (Book launch lecture, Spanish Embassy, March 2012).

<sup>3</sup> Encarnación, (2008: 26).

moved from rural to urban areas, reducing the rural population to 25 per cent - thereby lessening the influence of Franco's 'traditional' Spain (Encarnación, 2008: 26; Tusell, 2007: 198; Heywood, 1995: 218; Longhurst, 2000: 17). During the 1950s, under American influence, the early post Civil War isolation of the country by Western democracies came to an end, as it was looked on favourably as a bastion of anti-communism. This facilitated its entry into European economic institutions, and integration into the market-based, capitalist economic system, abandoning Franco's autarky model of a planned economy, which had brought the country to the brink of bankruptcy (Encarnación, 2008: 27; Heywood, 1995: 217).

The 'economic miracle' of the 1960s (*desarrollismo* - peace and development, 1960-1975), in which per capita income between 1960-1975 increased nearly two and a half times, was not engendered or orchestrated by the regime, rather it was a reaction to developments already in motion, notably a significant growth in tourism, the development of foreign investment, and the export of Spanish workers, mainly to other parts of Europe (Black, 2010: 43-46, 50-52). With economic expansion came the development of social services, education, consumer spending, and the increase of female participation in the labour market. Indeed, in many respects, the 'miracle' occurred in spite of the regime's economic policies, and went hand in hand with emerging social and cultural emancipation. As modernisation theory would predict, with economic and social development, survey data between 1966-1976 reported a growing sympathy for more democratic government, and by the early 1970s, a pro-democratic opposition had developed (Encarnación, 2008: 27-29; Vincent, 2007: 184-186, 27-28; Tusell, 2007: 189-197; Longhurst, 2000: 17-28).

As early as the mid 1960s the gulf between Francoism and large sections of Spanish society had become evident. The events and characteristics of the last decade of the regime are closely linked to the person of Franco himself, who was now an old man with dwindling physical faculties and increasingly unable to understand the Spanish people and the reality that surrounded him. The 'social ground' beneath him had effectively shifted without him noticing it (Tusell, 2007: 187; Boyd, 2004: 102).

Within the governing Francoist coalition, the *aperturistas* or liberals, in contrast to the *inmobelistas* (those opposing even minimal reform), believed the regime, hampered by the physical decline of Franco, had become an impediment to further development. They favoured a controlled liberalisation and democratisation of the political system to facilitate extended links with the EEC (Romero Salvadó, 1999: 155-160). However, to institutionalise the state apparatus was impractical as it was a personal dictatorship embodied by Franco himself. He alone controlled and coordinated the various factions that made up the regime by means of the various high offices he held such as chief of state, head of government, head of the armed forces, and leader of the 'Falange' (Balfour, 2000: 264; Jordan, 2002: 91-92; Romero Salvadó, 1999: 127-128; Vincent, 2007: 165-166). Moreover, when ETA assassinated Carrero Blanco in 1973, the only person thought capable of keeping the internal tensions of the ruling coalition under control and guaranteeing the continuity of the regime, the possibility that Francoism could continue without Franco was obliterated with him (Romero Salvadó, 1999: 150, 156; Boyd, 1999: 102).

The crisis in, and loss of legitimacy of, the regime in the years leading up to the first stages of 'the Democratic Transition', 1975-1978, were manifest in the growth of public opposition, and the dictatorship's increasingly frequent recourse to violence to

curb this antagonism (Vincent, 2007: 203; also Preston, 1990). The different forms of public opposition, protests, strikes, and disturbances, from all social classes and strata - organised labour forces, university students, and the Church (formerly a pillar of the regime, which had officially withdrawn its support in 1971) - were categorised as sedition, and considered simply a problem of public order (Romero Salvadó, 1999: 150-154; Balfour, 2000: 270; Jáuregui, 2002: 93). Consequently, martial law and states of emergency were repeatedly introduced. The regime had no other solutions to offer than repression in the shape of police measures. The number of people incarcerated on political charges, the disappearance of prisoners and the reports of torture in prisons and police stations grew. Furthermore, the renewed use of the death penalty in 1971 was 'stark evidence of the reversion to naked force' manifested in brutality and censorship, making Spain 'a conspicuous exception to the western European norm' (Vincent, 2007: 200, 203). Simultaneously, economic recession in the mid 1970s put an additional strain on the dictatorship making it impossible to dampen social discontent with a consumerist blanket.

The disjuncture between rulers and ruled was nowhere as clearly to be appreciated as in the public space, the street, which was no longer under the control of the government (Vincent, 2007: 201). The economic miracle had gradually made Spanish society less authoritarian which, in conjunction with profound societal transformations such as increased social democratisation and changes in cultural attitudes, gave rise to repeated conflicts. As the dictatorship went into decline, democratic cultures already existed in the Spanish population as a result of the limited reformist measures of the regime: economic development, relaxation of censorship in 1966, limited de facto rights of association, labour representation and collective

bargaining. The presence of a culture of democracy within both the population and the state bureaucracy provided some of the fundamental pre-requisites necessary for the peaceful transition to democracy (Vincent, 2007: 202; Balfour, 2000: 270-273). By the mid 1970s, an anti-Francoist and pro democratic social fabric had formed encompassing all generations, regions and social classes, which created a 'parallel process of divergence and convergence, both within the state and without, that laid the ground for the transition to democracy' (Vincent, 2007: 208). An increasingly democratic society was leaving the authoritarian state behind, and in the early days of the transition the pattern thus was often one of ratifying in law the changes which had already taken place.

With regard to 'Europeanism', Franco's legacy was complex. His idea of 'Europe' and 'Europeanisation' expressed various, and, at times, contradictory, official Francoist discourses concerning Spanish identity and self-image, some of which were for the internal audience, while others were for international consumption. Internally, the slogan 'Spain is Different', which was deployed extensively at the time, portrayed Spaniards as unfit for democracy, federalism, republicanism and other liberal ideas associated with 'Europe'. According to Franco, 'every people is haunted by familiar demons, and Spain's are an anarchistic spirit, negative criticism, lack of solidarity, extremism and mutual hostility' (Quoted in Encarnación, 2008: 7). Such violent propensities, so the regime claimed, had been the cause of repeated social confrontations culminating in the Civil War. Therefore, the military uprising of 1936, the Francoists reasoned, could be legitimised as an act of national salvation from the chaos of the Second Republic, and an authoritarian hand in governing the Spanish was justified as it provided a safeguard against a reversion into the violence and

extremism of the pre-Civil War period (Encarnación, 2008: 6-7). At the same time, however, Spanish 'otherness' was constructed as positive, in opposition to negative versions of foreign otherness - many of Spain's problems were blamed on the import of foreign ideas by the country's own 'others': leftists, trade unionists, *et al.* The purpose of this discourse was to glorify Spain's 'national' culture, not least to promote a unified 'Spain' against regional nationalisms. Internationally, however, despite the attempts by Franco's ministry for tourism to represent 'Spain is different' as shorthand for a destination that was 'exotic', and 'with interesting local customs and traditions differing from the European norm', being different tended to create a negative stereotypical image of Spain throughout Europe as backward, inefficient, and traditional (Kelly, 2000: 30-31; Balfour and Quiroga, 2007: 40).

Franco's Catholic-nationalism was intended to protect Spain against what he called 'the bastardized, Frenchified, Europeanizing' doctrines of modern liberalism (Quoted in Jáuregui, 2002: 89). Franco saw himself as defending Catholic Spain against 'Europeanizers', who had been responsible for the collapse of the Spanish empire. But the Francoist discourse was not really anti Europe; rather in some respects, Franco claimed to be fighting for the 'true Europe', the preservation of its 'Christian Civilization', which was being threatened by communism and liberalism, just as in earlier centuries Spain had defended Europe against Moorish invaders (Jáuregui, 2002: 89). This was a useful discourse for domestic consumption, particularly in the early post-war period, when Spain was politically and economically isolated and excluded from the UN and the Marshall Plan until, as mentioned above, the isolation from the international community was broken by a cold war alliance with the USA. After the defeat of the Axis powers in 1945, the regime adopted a less antagonistic

position towards Europe with Spain portrayed as the ‘sentinel of the Occident’, helping to protect Europe from Soviet communism. In line with its revised position on Europe, despite failing to be admitted to the EEC, the regime maintained that Spain had a ‘European Vocation’, although it continued to regard European liberalism as ‘dangerous’ and ‘inferior’ (Jáuregui, 2002: 90-91).

However, as Franco was seeking to join the EEC his opponents urged European governments to reject the application on the grounds that Spain was neither modern nor democratic. Thus, ‘Europe’, cast as ‘Europeanism’, began to take on a different symbolic representation to that of Franco’s ‘European vocation’, and gradually became associated with democracy and political, social as well as economic modernisation. Although at the time this ‘Europeanism’ was branded by the Francoists as the work of ‘traitors’, gradually this form of Europeanised Spain began to emerge. The fear among broad sections of the Spanish population, including sectors of the authoritarian elite, was that Francoism was impeding modernisation and reform of the country, in effect perpetuating its political and cultural backwardness, and only through ‘Europeanization’ could the country redeem its national self esteem (Jáuregui, 2002: 92-95).

### **The transition to democracy, 1975-1982**

By 1975 Spain displayed the features of a sociologically and economically developed society: ‘lowered birth rate, higher life expectancy, urbanisation, technological advancements of homes and workplaces, greatly improved social mobility, improved communications and much more complex organisational structures whether

economic, political, or cultural’ (Longhurst, 2000: 27-28).<sup>4</sup> Political modernisation was to follow in the ensuing transition to democracy. Despite a general political and social consensus towards the introduction of a democratic system, and with King Juan Carlos as the dynamo, the transition was by no standards an easy and straightforward task.<sup>5</sup> The peaceful political process was a balancing act that took place with the backdrop of continued ETA terrorism and Catalan nationalist claims, as well as social unrest fanned by a looming economic crisis (Tusell, 2007: 263; Heywood, 1995: 219).

It is generally agreed that the transition was a remarkable political achievement, notable for the mood of moderation among all parties, as well as a depolarisation of historically contentious issues (Preston, 1990; Vincent, 2007: 213; McDonough, Barnes *et al.*, 1998: 3). After the law of political reform was passed by the *Cortes* in November of 1977, effectively voting itself and the Franco regime out of existence, it was accepted through popular referendum on December 15<sup>th</sup> and barely a year later, on December 6<sup>th</sup> 1978, Spain’s new constitution was instituted. The fragility of the transition was constantly evident and a ‘fear of the consequences of derailing the democratisation conditioned both elite decisions and the popular mood creating a new discourse of consensus’ (Vincent, 2007: 213; Encarnación, 2008: 2-3, 5).

Nevertheless, the transition created its own symbolic language of harmony, dialogue and *convivencia* (co-existence). The days of left-right political antagonism from the

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<sup>4</sup> The birth rate plummeted after 1975 as contraceptives became widely available and large numbers of women gained access to tertiary education and the labour market.

<sup>5</sup> Juan Carlos was nominated by Franco as his successor in 1969 and ascended the throne on Franco’s death in 1975. He was responsible for forming the first pre-transitional and reformist government in December 1975 (Tamames, 1986: 236-291).

1930s had been substituted by consensual politics and a widespread desire to see the process of democratisation succeed. This motion toward depolarisation was, in part, caused by a shift from ideological to interest conflicts. According to McDonough, Barnes *et al.* (1998: 169), '[i]dentity, ideological, and interest issues, varying in salience, cover a significant range of the concerns that shape public opinion and that influence evaluations of government'. In other words, the depolarisation taking place from 1978 to 1990 originated in the determined strategy of politicians to make the transition rest on principles of moderation, tolerance and bargaining, and this allowed for the focus of public opinion, shaped around issues such as identity, ideology and interests, to change from ideology to interest conflicts.<sup>6</sup>

By the 1970s two of the contentious issues of the Second Republic (1931-1936) – land ownership and the superior position of the Church - no longer constituted a threat to political practice. The nationalist question, however, was a much more challenging problem for the new government. A balance had to be struck between the demands from Basque and Catalan communities, whose sense of identity was still strong despite years of Franco's repression, and the refusal of the political right and the army to accept a federal state or other type of territorial structure that might jeopardise national unity. As a result, the Constitution had to be 'an acceptable founding document rather than a precise charter for government' (Vincent, 2007: 220). The vague and open-ended formulations, however, were to prove the source of future centre-periphery complications augmented by the fact that there was no clear definition of autonomy, the precise terms of which had to be negotiated between the

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<sup>6</sup> But it was only after the failed military coup by Lieutenant-Colonel Oscar Tejero in 1981, and the King's significant role in suppressing it, that democracy was assured (Tusell, 1999: 133-140).

central government of Madrid and each of the regional autonomous governments (Balfour and Quiroga, 2007: 45-60).

Furthermore, whilst the 1978 Constitution stipulated ‘equal citizenship, rule of law, freedom of association, freedom of worship [and] private property’, and was actively promoted and consented to by the Spanish electorate, it is important to stress that it was a political project negotiated and carried out by the political elites (Vincent, 2007: 216; Encarnación, 2008: 3). This was virtually inevitable since the only social and political groups who understood the negotiation process, how to broker pacts and make compromises were the same elite groups who had been managing the Francoist regime. Hence the transition did not necessarily take into account the wishes of the population, and influential issues such as territorial distribution and the demands of the historic nationalities, the failure to attribute blame for the civil war, and the continued influence of the Church and its social values were left at the periphery to be dealt with at a later time (Vincent, 2007: 216).

### **Spain on the road to ‘modernity’, 1982-1992**

In the course of the late 1970s, as European supranational institutions evolved, the vague formulations of ‘Europeanisation’, meaning only an aspiration to change, had become synonymous with joining the EEC (Vincent, 2007: 228; Black, 2010: 125-126; Closa and Heywood, 2004: 4-52). For the Spanish political elite, it was essential that Spain became a member of the European economic club (and NATO), not least in order to strengthen democracy but also to prevent the country from reverting to isolationism with dire consequences for its participation in international development (Heywood, 1995: 231). For many Spaniards membership of the EEC and NATO was

equivalent to reasserting Spain's rightful place on the world stage, which perhaps helps explain why the population remained the most pro-EU of all Europeans (Preston and Smyth, 1984; Vincent, 2007). In the words of the *El País* editorial on the day after Spain joined the EEC:

We shall finally end our interior isolation and participate fully in the construction of the modern world ... The European road responds to the imperative of reason and history. To assume it consciously and deliberately signifies one more step in the path to maturity (*El País*, 2 January, 1986, quoted in Jáuregui, 2002: 95).

In order to achieve European integration, however, Spain had to meet the set criteria for membership: 'modernisation' as a project thus became the leitmotif for the socialist government (1982-1996) and the justification for economic and social policies during the 1980s and early 1990s. 'Europeanness' was not what 'a country could *be* through mere geographical location, history or culture, but rather something that had to be *achieved* through the accomplishment of certain moral and political conditions' (Jáuregui, 2002: 95, emphasis original).<sup>7</sup>

The new socialist government (PSOE) was in a uniquely strong position to address difficult areas of reform, including the army, the civil service and the 1978 Constitution, as well as economic measures in order to improve competitiveness. The party had won an overwhelming majority in the 1982 elections; its leader, Felipe González, enjoyed unprecedented popularity and headed a stable government equipped with extensive presidential powers (Closa and Heywood, 2004; Vincent, 2007). The Socialists set out to prepare for EEC entry (1986) by introducing neo-liberal economic policies, privatisation of state-owned companies and deregulating

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<sup>7</sup> This, as we shall see, was something the animal movement repeatedly called upon in its campaigns.

the labour market in an attempt to jumpstart the economy towards recovery and simultaneously increase employment. A new fiscal system was introduced providing fixed and substantial revenue for the Spanish state, and extensive welfare services were established to provide free health care, free primary and secondary education, and state pensions.

As much as the ambiguous and vague formulations of the 1978 Constitution concerning the territorial structure of Spain had aided the transition process, they proved to be an administrative catastrophe in need of urgent reform. This was particularly due to the fact that there were no clear divisions of powers between centre and periphery and the result was a regional duplication of the state administrative apparatus leading to bureaucratic confusion. Furthermore, the deputies of the *Cortes* were left with little technical support required for the drafting of new and complex legislation. The 1984 reform of the civil service was designed to address these problems, as was further legislation in 1987. But relatively little change occurred between 1982-1991 since 'A legalistic, bureaucratic culture with a profound tendency towards corporatism proved highly resilient, even under a stable democracy' (Vincent, 2007: 226-227).

Membership of the EEC brought huge benefits to Spain. By the beginning of the 1990s the country was the largest beneficiary of all the fifteen member states under the 'Cohesion' structural funding scheme, which was designed to bring the poorer countries (Portugal, Spain, Greece and Ireland) up to the speed and level required for the economic and monetary union (EMU). According to Heywood (1995: 222, 232-233) EEC membership was largely responsible for the recovery of the Spanish

economy that took place after 1986 (the foundations having been laid in the restructuring plans of the socialist government in the early 1980s), and for numerous improvements in the public and communication (railways) infrastructures. Moreover, redistribution between regions was also an effect of EU funding and provided ‘tangible evidence’ of ‘European’ improvements, ‘providing both a symbol of modernisation and, in an entirely literal sense, a route towards it’ (Vincent, 2007: 230).

As Spain’s connections with Europe increased, the latter ‘both enabled and defined this contemporary journey of national self-discovery: the EU had become Spain’s ‘national project’ (Vincent, 2007: 230). There can be ‘no serious Spanish national project outside Europe’, proclaimed *El País*, and vivid contrasts were offered to those who travelled regionally and internationally between ‘what was Spanish and what was not’ (Quoted in Vincent, 2007: 230-231; Closa and Heywood, 2004: 240-245). EU membership had become an integral and essential part of modern Spanish identities, although this increased identification with Europe did not diminish feelings of national or regional identity, which continued to exist and to be a source of internal friction and conflict. The Spaniards’ European identity is, as in most other EU countries, to some extent pragmatic, but in contrast to other peripheral EU nations (Britain and Scandinavia) ‘European integration is perceived positively rather than antagonistically and so has been incorporated relatively easily into national and (some) regional identities, particularly given the conflation of ‘Europe’ and democracy’ (Vincent, 2007: 231).

**1992: the 'coming of age'**

The celebration in 1992 of the fifth centenary of the 'discovery' of America, officially described as the 'encounter of cultures', was the 'culmination of the modernisation process', which 'allowed politicians to proclaim...that the transition had come to an end, that Spain had "caught up" and was the very model of a modern European democracy' (Kelly, 2000: 33-34; Morgan, 2000: 59-66). This was duly celebrated in three international events to showcase the accomplishments of the Spanish state: the Seville Expo World Fair, the summer Olympic Games in Barcelona, and the celebration of Madrid as European City of Culture, 1992. Official discourses in self-congratulatory tones proclaimed the success of these events and Spain's return to her 'rightful' place in the world arena, even if Spain in effect had a very minor position and role in world politics. Nonetheless, in many ways, 1992 was 'Spain's Year' (Morgan, 2000: 58). It marked the anniversary confluence of significant events from the country's past and present history: A crossroads of mixed (often controversial) 'memories' from the country's past such as the fifth centenary of Columbus' arrival in the Americas, the fall of Granada to the Catholic Monarchs and the subsequent end to the more than 700 year-long Christian re-conquest of the Iberian peninsula from the Moors, the expulsion of the Jews, and the publication of Nebrija's Castilian Grammar, the first modern European grammar text (Morgan, 2000: 58-59). And in some respects, as it was becoming a multicultural and pluralist society through immigration, 'Spain' began to rediscover its considerable Arab heritage, in part through the major Alhambra 'Al Andalus' exhibition of Arabic art and culture, and the opening by King Juan Carlos of the Centro Cultural Islámico, the largest mosque in Europe - proof of modern Spain's tolerance and universality (Corkhill, 2000: 48).

Alongside such ‘memories’, were ‘modernities’ from the country’s most recent past. For example, the Maastricht Treaty, which finally bound Spain to Europe; the culmination of the socialist decade, which had seen much of Spain’s economy and infrastructure transformed; and the opening of the final stretch of motorway to Seville, which linked Spain to Europe, making it possible to drive uninterrupted by traffic lights from Huelva to Copenhagen (Morgan, 2000: 63). *El País* caught the mood of quiet satisfaction with being ‘European’ and ‘modern’ when it reported that the organisation of the Barcelona Olympic Games displayed a ‘Nordic dispassion’, a ‘German punctuality’, and a ‘Swiss precision’, while retaining ‘the overflowing of passionate enthusiasm of the Latin peoples’ (Quoted in Morgan, 2000: 64).

#### **The Conservative period, 1996-2004**

In the 1996 elections, the reformed conservative party with moderated Francoist views, and renamed the Popular Party (PP), gained power under the leadership of José María Aznar, thereby ending more than a decade of socialist rule, during which the last years had been marred by both corruption scandals and illegal, secret raids against ETA. In its first term in office, owing to its fragile parliamentary majority, PP policies were characterised by moderation and pragmatism, in many cases merely continuing those of the socialist administration. But this was to contrast sharply with the party’s second term in office from 2000-2004, in which its ideologically conservative agenda came to the fore, particularly with reference to education, immigration, the place of the Catholic Church and centre-periphery relations (Balfour, 2005: 154; Balfour and Quiroga, 2007: 110).

During this time, the socialist economic policy of privatisation and deregulation was extended and intensified by the PP in an effort to further liberalise and make the market more competitive in compliance with the EU Commission's minimal requirements. In the context of a period of unprecedented growth in the international markets, the range of economic measures introduced by the PP meant that Spain was able to benefit and expand sufficiently to fulfil the Maastricht criteria in 1998 and join the EMU (Balfour, 2005: 155). From 1996, however, the official Spanish discourse on Europe began to change. The heterogeneous nature of the PP, a conglomerate of Christian Democrats, liberals, Conservatives and ex-Francoists harbouring a range of ideological positions, made it difficult to find a clear and single stance on the EU project and, as Closa and Heywood observed (2004: 46), certain sectors of the Party 'do not view Spain's twentieth-century history as being traumatic ... their interpretation of Francoism sees it more in terms of economic modernisation than as being marked by isolation and so they do not subscribe to the "myth of Europe"'. Consequently, the shift was towards a nationalistic discourse exchanging the need to appeal to the EU for legitimisation of macroeconomic policies, which was practised under the socialist governments, with a discourse that put Spanish national interests centre stage when it came to European policy, with a firm emphasis on preserving the sovereignty of the nation-states within the EU (Heywood, 1995: 47). In other words, aside from its shift to the right on socio-economic, educational and cultural policies, the PP 'set out to develop a new nationalist discourse and liturgy' not least in order to regain the powers that had supposedly been taken by the autonomous regions (Balfour and Quiroga, 2007: 110).

The nationalistic discourses at EU level had a domestic variant. The revival or revamping of national values in official pronouncements included a construction of Spain that was particularly visible in the shift of programming on state television (Kelly, 2000: 35). Increased coverage was given to the monarchy, the jet-set, the Church and the more folkloric aspects of Spanish life. This return to openly Spanish nationalist values was a way to create a position from which the conservative government could deal with complex and heated matters of regional autonomy, particularly in Catalonia and the Basque Country. It was also a way of facilitating the construction of an image for internal consumption – ‘Bravo España’ - that Spain was doing well, thereby giving the impression of wealth and wellbeing, which hardly accorded with the reality of the lives of many millions of Spaniards (Kelly, 2000: 36).

#### **The ‘Second Transition’, 2004-2008 (and beyond)**

There is disagreement as to whether the PP’s poor handling of the 11 March Madrid bombing was decisive for the Socialists’ success in the election held three days later. Notwithstanding the debate, the Conservatives lost credibility with the Spanish people for a variety of reasons: the poor government response to crises such as the ecological disaster of the Prestige oil tanker, the death of seventy-two people in the crash of a military plane in Turkey, the enactment of contentious legislation including the ‘*decretazo*’, designed to reform the labour market, and Spain’s very unpopular participation in the Iraq war. There was general widespread dissatisfaction with the governing style of José María Aznar, the conservative PM, particularly in relation to the PP’s rightward turn - ‘Constitutional Patriotism’ - after its success in the 2000 election (Encarnación, 2008: 61-68; Mathieson, 2007: 13).

On taking office, José Luis Rodríguez Zapatero, the socialist PM, proclaimed the beginning of a new era in Spanish politics. However, Zapatero continued with the macro-economic management of the economy with economic deregulation and tight monetary and fiscal policies (Farrell, 2005: 232; López and Rodríguez, 2011).

Moreover, despite the success of the economy at the time, which maintained a steady rate of growth, the PSOE failed to address significant structural deficiencies of the Spanish economy related to its heavy dependency on the construction industry and cheap immigrant labour to maintain such growth, while competitiveness was hampered by the lack of investment in new technology, notably the infrastructure necessary for the Internet and other digital media (Mathieson, 2007: 21).

In so far as the debate concerning the economic policies of the PSOE versus the PP can be said to be a false one, the same cannot be claimed about the party's social and welfare policies, its plans for devolution of powers to the regional nationalities, and the modernisation of Spain in the twenty-first century. These policies, sometimes said to constitute a 'second transition' from 'a simple democracy to a more complicated, more sophisticated one', have all been the source of bitter controversy, particularly from the PP (*The Economist*, June 2004, quoted in Field, 2010: 380; Mathieson, 2007: 12-15. See also Field, 2011, and Field and Botti, 2013). Nonetheless, it has been argued that a basic feeling of democratic security is what lay behind Zapatero's willingness to challenge some of the foundational agreements of the first post Franco transition period (1975-82), including the hitherto official silence concerning the 'pact of forgetting' (*el pacto del olvido*) with reference to the Civil War, and significantly extend civil and political rights:

The decades of cautious and pragmatic political leadership that followed the demise of Francoism created a yearning among the Spanish public for bold and imaginative political reforms ... while at the same time giving new democratic institutions the capacity needed to undertake those reforms (Encarnación, 2008: 164).

To his critics Zapatero was ‘Bambi’ (meaning naivety and recklessness); to his supporters he would clear away the last vestiges of the ‘Old Spain’, including machismo, homophobia, and monuments to Francoism (Balfour, 2007: 202; Mathieson, 2007: 11; Encarnación, 2008: 150). The Spain inherited by the PSOE was an increasingly multicultural society, with 11 per cent or more of the population being immigrants (legal and illegal) mainly from Morocco, Latin America and Eastern Europe, which had become a pressing social and political concern (Mathieson, 2007: 25; Encarnación, 2008: 156-157). It was the Spain that Zapatero sought to push further along the road of civil and social rights, encased in neo-liberal economics an ambition he expressed clearly in an interview:

‘The programme of the modern left is about a sound economic management with a surplus on the public accounts, moderate taxes and a limited public sector ... together with an extension of civil and social rights. That is the programme of the future’ (Quoted in Mathieson, 2007: 14, 18).

The extent of the break with the previous administration began to be made clear when Zapatero, very soon after taking office, honoured his electoral promise and withdrew all Spanish troops from Iraq. Further evidence of the critical difference in approach between the PSOE and the PP came through the new relationship between the government and the Catholic Church. As one of its central objectives, the socialist party was determined to effectively separate the church and the state as had been envisaged in the 1978 Constitution. First, a new educational law was drafted that aimed at introducing *Educación para la Ciudadanía* (Education for Citizenship),

which in effect was the teaching of human rights, the rights and duties of citizens and the principles of democracy; while at the same time reducing the pre-eminent position of religion as a subject in schools. The opposition to such measures from pro-Catholic groups in society as well as from the Church itself was to be expected, and prompted numerous public protests around the country. These measures linked up with other official decrees designed to loosen the presence and influence of the Church in Spanish society, such as the removal of religious symbols from schools (Díez, *El País* 5 July, 2008) and recommendations that regional governments cut public funding of schools that observe gender separated teaching (which tend to be run by the Church) (Aunión, *El País* 13 June, 2008).

One of the most significant reform initiatives, aimed at changing fundamental aspects of Spanish social relations, has been in the area of gender equality. The government appointed an increasing number of women to the cabinet and to the party bureaucracy, created an Equality Ministry, introduced legislation to curtail discrimination in the work place, established the right of fathers to take paternity leave, provided welfare payments for the carers of dependents and, perhaps most importantly, as one of its first acts, passed legislation to tighten up on domestic violence as well as providing more help to women in danger (Mathieson, 2007: 27-28; Encarnación, 2008: 153-154). Also intended to civilise domestic relations, and in line with the EU Court of Human Rights, an amendment to the Civil Code was introduced in 2007, which prohibits any corporal punishment of children at home, whereas previously parents could 'discipline' their children if the measures were 'moderate' and 'reasonable'. The amendment specified that the physical integrity and the dignity of the child must be respected, which was incompatible with corporal

punishment (Pérez de Pablos, *El País* 21 December, 2007). Other fundamental social reforms included further loosening of the divorce law, first introduced by the Socialists in the 1980s, relaxing abortion laws and, most controversially, the change to the civil code recognising same-sex marriages and the adoption of children by gay couples. Unsurprisingly, at the time, this provoked a furious reaction from the Vatican and the Spanish Catholic Church (Encarnación, 2008: 151-155).

Another significant distinguishing feature of the PSOE administrations was the revisiting of controversies left unsolved during the transition. Particularly the question of the territorial distribution of Spain, on which participants in the drafting of the 1978 Constitution failed to agree, leaving the matter to be ambiguously formulated (Vincent, 2007: 218-220). The debate about regional 'identity' is a political issue that recurs throughout Spanish history to the present. An urgent reform of the centre periphery question was attempted by the first socialist governments (1982-1996) in order to accommodate and meet some of the claims from the Catalan, Basque and Galician nationalists, and undoubtedly to curtail the violent activities of ETA and their ability to mobilise support in the Basque population. But the concessions to the regional governments fell disastrously short of Catalan and, in particular, Basque nationalist aspirations. The response of the PP government (1996-2004) to regional demands that their autonomy charters should be renegotiated and the Constitution be amended on these matters could not have been less consensual. The Conservatives recognised the existence of the plural nature of Spanish nationalities, but at the same time, by treating the wording of the constitutional text as if carved in stone, closed any doors to future dialogues on enhanced self-rule for the regions (Balfour and Quiroga, 2007: 110).

After 2004, the PSOE adopted a very different approach to this bitter political debate (Encarnación, 2008: 156-157; Balfour and Quiroga, 2007; Mathieson, 2007: 32-34). For Zapatero, the democratic maturity of contemporary Spain was such that it was possible to create 'a flexible, not a centralised state' (Mathieson, 2007: 31). But no further details were forthcoming. On the other hand, the electoral promise given to the Catalan branch of the socialist party to forge a new statute or constitution (*Estatut* - Charter of self-rule) for Catalonia including more powers was fulfilled. However, the regional and national parliamentary procedures for reaching a compromise for the *Estatut* were painfully slow, which threatened to weary not only people outside of Catalonia, but more importantly Catalans themselves. In the referendum to approve the *Estatut* text, only 50 per cent of Catalans voted (Mathieson, 2007: 31; see also Mata, 2005: 95).

With respect to Basque nationalist ambitions for independence from Spain, prior to what was hoped would be a permanent ceasefire announced by ETA in March 2006, there had been contacts between a Basque socialist politician and a high ranking leader of ETA concerning ending the violence through dialogue. After the Socialists had taken office in 2004, ETA sent an official letter to Zapatero declaring themselves prepared to 'establish channels of communication which could end the conflict' (Aizpeolea, *El País* 10 June, 2007). Zapatero, with the backing of the Spanish parliament, except for the PP, declared he was prepared to initiate negotiations which were held on several occasions and had the end result of the permanent ceasefire declared by ETA. The permanent peace between the Spanish central state and ETA seemed within reach as it was based on promises of future negotiations concerning the incarcerated ETA prisoners, and legalising the political branch of ETA in return

for non-violence. But due to internal differences within the organisation and increasingly difficult demands for the socialist government to concede, the ceasefire finally broke down in December 2006 when ETA blew up the car park at the Barajas airport in Madrid, effectively putting an end to the negotiations (Field and Botti, 2013: 2; see also Aizpeolea, *El País* 10 June, 2007). Although Zapatero and his government failed to emerge with much credit from the process, the negotiations had illustrated the will of the Socialists to tackle seemingly unsolvable disputes in Spanish politics and history, challenging crystallised opinions and positions through dialogue (Mathieson, 2007: 34).

In the same vein of partly demystifying and partly attempting to depolarise old controversies, Zapatero's government ordered all public symbols associated with Franco to be removed from public and official buildings and spaces. Squares and streets named after Francoist civil war generals had their names changed, statues and monuments of Franco were dismantled all over Spain (Rodríguez, *El Mundo* 17 March, 2005; *El Mundo* 28 March, 2005; for a discussion of the struggle to recover historical memory see Blakeley, 2005). The removal of Francoist symbols formed part of the law on the '*Recuperación de la Memoria Histórica*' (Recovery of the Historic Memory) passed in October 2007 (Black, 2010: 212-213; Davis, 2005). The passing of this law appeared to have 'opened a Pandora's box of troubles'. It 'calls for the investigation of all claims of human rights violations by victims and survivors of the Spanish Civil War' and 'offers compensation for those exiled, jailed, and forced into labour camps by the Franco regime' (Encarnación, 2008: 131; see also *El País* 31 October, 2007). In addition, legislation was passed to allow descendants of emigrants fleeing the Franco-regime to apply for citizenship, making it particularly easy for

grandchildren or children of refugees who left Spain between 1936 and 1955 (Tremlett, *The Guardian* 29 December, 2008).

With regard to multiculturalism, Spain seems to be losing its hitherto tolerant attitude towards immigrants (representing approximately 11 per cent of the population). According to the Eurobarometer (European Commission, 2007) 43 per cent of Spaniards thought combating illegal immigration should be an EU priority, compared to the community average of 29 per cent. Moreover, estimates of Spain's 'intolerance' of immigrants rose from 10 per cent in earlier surveys to 30 per cent since 2000. Immigration has overtaken terrorism and unemployment as the main concerns of the electorate (Black, 2010: 216-217). The effect of multiculturalism on Spanish national identity remains to be seen. For some time, the EU has provided a sense of identity wrought through Europeanisation, modernisation, and decentralisation, developing a 'group of overlapping circles of collective identity' (Stapell 2007: 182, quoted in Black, 2010: 219). However, the 'endurance of the concept of the Moor as the alien that defines what Spanishness is not, links the nation to Christianity, and may come as a surprise in a society that has dramatically secularised its habits in the past thirty years' (Balfour and Quiroga, 2007: 118-119, also quoted in Black 2010: 219). This 'foundational myth' exemplifies much that is ambivalent in 'modern' Spain.

All in all, however, it seems reasonable to conclude that the 'second transition' occurred in a political and cultural environment in which 'Spanish democracy no longer depends for its stability or its survival upon the special political protections born with the democratic transition' (Encarnación, 2008: 164). Integral to this

security, and in opposition to the extremist, violent ‘two Spains’ of the past, during the transition to democracy, ‘Europe’ represented both a real and symbolic ideal yielding to a ‘third Spain’ - a Spain of tolerance, moderation, and dialogue, leading to what was perceived to be ‘European modernity’ (Jáuregui, 2002: 95). But at least two troubling issues remain: first, the unresolved tension involving the forgetting of the past agreed to by politicians in order to facilitate the transition to democracy;<sup>8</sup> and second, the campaigns in the Basque country and Catalonia for complete independence. Although outside Spain the Basque problem has been widely publicised owing to ETA terrorism, it is the Catalans who have most recently pursued independence, particularly through the reformed Catalan Statute of 2006, which recognised Catalonia as a ‘political and geographic space’. In 2010, however, the Constitutional Court, much to the delight of the Conservatives and the fury of Catalans, rescinded many of the provisions concerning the use of the word ‘nation’, which has led to a current standoff between the conservative government and the Catalan Parliament over the matter of a forthcoming referendum in Catalonia on complete independence.

The post 2008 economic recession has cast its long shadow over Spain’s love affair with both modernisation and Europeanisation, and the consequences have yet to unfold. On winning the 2008 election, the socialist government found itself under scrutiny for its economic policy, unlike the priority given to social policies during its

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<sup>8</sup> But in recent years this has caused problems, as is shown by the furore surrounding demands for an open investigation into Francoist repression. In 2000 the Association for the Recovery of Historical Memory was established, and in 2007 the socialist government passed the Law of Historical Memory. The matter is far from resolved. There remain political tensions surrounding the ‘the past’ and how it relates to the present, as if the ghost of Franco continues to haunt debate - what has been termed a ‘sociological Francoism’ (Preston, 2012; Tremlett, *The Guardian* 9 March 2012).

first term. By 2008, after years of spectacular growth, the Spanish economy collapsed. The warning signs had been present for years, notably a huge trade deficit, a loss of competitiveness, a relatively high inflation rate, and growing family indebtedness. With the burst of the property bubble, the GDP contracted for the first time in fifteen years, inflation rose and wages started to fall. By February 2009, Spain was officially in recession: the economic growth rate had slowed, rising prices were the norm, the economically important construction sector was in crisis, unemployment grew dramatically (reaching nearly 30 per cent in 2013), and prices rose 3.5 per cent in 2011-2012 alone. The economy contracted by 3.7 per cent in 2009, fluctuating until 2013 (by which time the PP had returned to power, having won the election in 2011) when the recession officially ended with 0.1 per cent growth, and the IMF reporting that Spain was making ‘steady progress’ (López and Rodríguez, 2011; Black, 2010: 214-215). As is clear, however, from continuing mass demonstrations, unemployment and widespread poverty remain festering reminders that Spain cannot escape the consequences of being European. The extent to which the recession has altered Spanish attitudes remains to be seen. But, unsurprisingly, there now seems to be less enthusiasm for Europe. The idea has lost some of its shine, not least as Francoism has receded into the past and a new generation of Spaniards now take ‘Europeanism’ for granted, though it remains ‘the yardstick of modernization’ (Jáuregui, 2002: 96; López and Rodríguez, 2011: 12).

## **Conclusion**

In order to prepare the reader for discussion of the changing place of animals in post-Franco Spain, this chapter has sought to highlight both the extent and the relative

speed with which Spain has been modernised and Europeanised. Few authorities would disagree that since the 1980s the pace of social change 'has been vertiginous ... from isolation to integration, relative poverty to general affluence, the country has moved an astonishing distance in a short space of time' (Mathieson, 2007: 25). As Balfour and Quiroga (2007) suggest, contemporary Spain and its national identity has been largely 'reinvented' through the new democracy, albeit that its roots lay in a series of older cultural traditions. In Spain, as elsewhere, 'nation and identity are constantly evolving ... in a rapidly globalizing, multicultural world'. What they call an 'optimistic scenario' for Spain would be that it becomes 'a postmodern, postnational state in which identities based on language, ethnicity, culture and history are less important than citizenship' (2007: 196, 203-204).

Of course, presenting these terms in this way oversimplifies to a certain extent their multiple and complex meanings within Spain as a multicultural society. Nevertheless, they do identify certain significant determining influences and creative structures. For example, the widespread desire of Spaniards to be rid of 'Franco's ghosts', and to reposition 'Spain', internally and externally (with its multiple and sometimes contradictory meanings), as civilised, modern, cultured, tolerant, liberal, advanced, and secular - Spain with a strong civil society sustained through social and political rights. Hence the emphasis not only on 'democracy', and its myriad of subtle socio-cultural implications for citizenship, but also the continuing enthusiasm for 'progressive' social reform, enacted, it should be emphasised, through the law, with respect to those fundamental areas of private life that lie at the heart of post 1960s Western democracies.

A critical theme of this chapter has been that explicit in Spain's evolution from the 'transition to democracy' (1975-1982) onwards, has been a yearning to be 'normal', mainly through a particularly 'Spanish' process of reinvention and understandings of 'modernisation'. With respect to human-animal relations, my argument is that over the years this Europeanisation/modernisation discourse came to think anew about these relations and, therefore, about the place of animals in Spanish society. It did so because in order to 'imagine' new social rights for vulnerable groups, such as abused women and children, and gay men and women, it was necessary to try to think through, to engage with ethically, a variety of power relationships involving prejudice, freedom, tolerance, rights, justice, and so on. This was realised through a dialogue - within Spain in political circles, the media, academic disciplines, popular culture - and also between Spain and the outside world, and led to the beginning of a 're-imagining' of attitudes and behaviour towards non-human animals. The idea of opposition to 'animal cruelty', ('culture with torture') and campaigning on behalf of animal protection, with its long paternity in European notions of 'progress' and 'humanitarianism' resonated with the developing Spanish-Euro consciousness, not least as it was being influenced by the animal movement who were themselves inspired and sustained by the growing popularity of 'practical ethics' in Europe and North America. It is to a consideration of 'practical ethics' that we now turn.

## CHAPTER 4

### Practical ethics and changing attitudes and behaviour towards animals

‘Morality changes over time depending on the problems we face, on the information that we gradually accumulate and also on the changing nature of our feelings, values, aims and interests’ (Mosterín in De Lora, *Justicia para los animales*, 2003: 11).<sup>1</sup>

#### Introduction

One of the overarching themes of this thesis is the influence of the campaigning role of the animal movement on the changing place of animals.<sup>2</sup> More specifically, I argue that much of the influence of the movement has been derived from its particular moral/philosophical orientation, which has informed both the content and the style of its campaigns, notably the ways in which it presents its arguments. I claim that this orientation is founded in what during the 1970s became known as ‘practical ethics’, a sub-field of Ethics. The degree to which the Spanish animal movement is itself a feature of changing human-animal relations is not as easily settled as might appear at first sight. It is tempting to follow Thomas (1983) in arguing that the animal movement is a symptom of new (and largely middle-class driven urban) sensibilities towards animals. I certainly agree to the extent that the public support given to the various animal groups in campaigns, protests, and donations *is* evidence of these new attitudes. But, without descending into a ‘chicken and egg’ argument, the question arises as to the origin of the new attitudes themselves. I argue that the movement has been a catalyst of new human-animal relations, and that in the political and social

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<sup>1</sup> La moral cambia a lo largo del tiempo en función de los problemas que nos confrontan, de la información que vamos obteniendo y también de nuestros cambiantes sentimientos, valores, metas e intereses.<sup>2</sup>

<sup>2</sup> Within the term ‘animal movement’ I include all the different organisations campaigning on behalf of non-human animals. See appendix 2.

climate that characterised the early post-Franco years, the main source for the movement's leverage has been its conscious adoption of practical ethics as an approach to theory and practice.<sup>3</sup> The focus of this chapter is not on the animal movement as such, but on arguing for the significance of practical ethics as a critical influence on the changing human-animal relations in the period. In proceeding this way, we shall see the play of ideas and their impact on practice in the processes of social change.

Given my concern with social change, it is worthwhile considering the idea that 'morality' does indeed develop along the lines suggested in the quotation above. It hardly needs arguing that Spanish 'morality' has progressed since c1970s with reference to all the 'big' social and political issues of our time: democratic values, non-violence, gender equality, environmentalism, racial equality, gay and lesbian rights, disability rights and, though to a lesser degree, children's rights. My objectives in this chapter are, first, to contribute towards an understanding of the ethical/moral issues adopted by the animal movement in Spain, in particular its emphasis on non-speciesist and anti-anthropocentric values; and, second, to identify and discuss the philosophical source of its perspectives. I follow Peter Singer (1979: 1) in using the terms 'ethics' and 'morals' interchangeably in making distinctions between what is and what is not the right thing to do with regard to *practical* issues.<sup>4</sup> In order to achieve my objectives, I have explained the nature of 'practical ethics' and how it

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<sup>3</sup> This is not to say that as a NSM the animal movement has acted alone as an influence on social attitudes. In common with all NSMs in this especially turbulent period, it has always drawn sustenance from, and worked within, a broader context of social change regarding civil liberties, women's liberation, environmentalism, anti-racism, and so on. Together, these movements embody changing attitudes and behaviours, many of which, as is shown in chapter 5 in regard of non-human animals, were translated into law. Direct convergence with other social movements, however, seems to have been marginal (Guitérrez Casas, 2009: 66-68). But there are no detailed studies available.

<sup>4</sup> Ethics 'leans towards decisions based upon individual character ... morals emphasises communal or societal norms of right and wrong'. Ethics is a more individual assessment of values; morality is a more intersubjective community assessment of what is right or wrong (Walker and Lovat, 2014). In practical ethics, as Singer shows, it is the individual action that is important.

differs from traditional moral philosophy, provided an account of its introduction into Spain, particularly with reference to academia, and argued for its influence on the thinking and practice of the animal movement.

### **The background**

Peter Singer, the philosopher who is probably most popularly associated with the founding of the ‘animal liberation movement’ (1975) and the emergence of practical ethics (1979), has remarked that the most striking development since the 1960s in moral philosophy had not been any advance in theoretical understanding of the subject, but ‘the revival of an entire department ...: applied ethics’ (Singer, 1986: 1). He referred to ‘revival’ because the concept of applied ethics was not new to philosophy since Hume, John Stuart Mill, Plato, and Christian philosophers had all dealt with ‘ethical’ matters (See also Almond, 1995; Attfield, 2012: 111). But, argued Singer, for most of the twentieth century, somewhat remarkably given its history, philosophers had remained ‘aloof from practical ethics’, limiting themselves to either the study of the nature of morality or of the meaning of moral judgements (Singer, 1986: 1-2). This was known as ‘meta-ethics’, signifying that philosophers were not ‘actually *taking part* in ethics, but were engaged in a high level study *about* ethics’. However, the 1960s changed all that (Singer, 1986: 2-4).

To understand what occurred, it is crucial to recognise the political, social, and cultural upheavals of ‘the long sixties’ - 1958-1974 (Marwick, 1998), from which even Francoist Spain was not entirely insulated. In the USA, the political agenda was revolutionised through the hugely influential civil rights movement, the anti-Vietnam war campaigns, and the ‘war on poverty’. At the same time, not only in the United States, but also in Great Britain, France, Italy, Germany, and Scandinavia second

wave feminism, gay/lesbian anti-discrimination campaigns, environmentalism, demands for sexual ‘liberation’, and greater civil liberties were restructuring the nature of micro and macro politics. These movements were part of what is sometimes referred to as the revolt against hierarchy and authority. The period was marked by the idea of an all embracing ‘counter culture’, not least within the academy, where students demanded not only more ‘democratic’ teaching structures, but also more ‘relevant’ courses, which would answer pressing social, sexual and political questions. This student demand for immediate answers to, and contact with, ‘real’ issues encouraged university departments to offer new and more relevant courses, including those in ‘practical ethics’ (LaFollette, 2005: 2).

In addition to student demand that led to the ‘heightened status’ of practical ethics, there was also ‘a significant shift in professional attitudes’ as philosophers began to conceive their role more broadly than had their colleagues in the 1940s and 1950s (LaFollette, 2005: 2). One reason for the change in attitude was that in the heady climate of the 60s/early 70s, philosophers as *citizens* found themselves drawn into the major social and political debates. In the USA, *The Journal of Philosophy* began to publish articles on racial discrimination, civil disobedience, and war and pacifism; by 1971 James Rachels edited the first anthology of such articles, *Moral Problems*; and in the same year, *Philosophy and Public Affairs* was founded with the intention of bringing philosophy ‘to bear on practical problems’. By the 1980s practical ethics was taught in a number of universities throughout the English-speaking world, and was a recognised perspective in medical and biological sciences, since when it has

expanded into a variety of new sub-fields, including law, journalism, engineering, and environmental studies (Singer, 1986, 3-4).<sup>5</sup>

### **What is practical ethics?**

Ethics, says Singer, and particularly practical ethics, is something everyone inadvertently is confronted with daily: ‘Ethics deal with values, with good and bad, with right and wrong. We cannot avoid involvement in ethics, for what we do - and what we don’t do - is always a possible subject of ethical evaluation’ (Singer, 2000: v). Practical ethics differs ‘from ethics in general by its special focus on issues of practical concern’ (Almond, 2005: 24). Or, as the philosopher Dale Jamieson notes, ‘[i]f there was any concern that was central to practical ethics it was to address specific problems in context’ (Jamieson, 1999: 4), and to make judgements on what is right and what is wrong, on ‘what we ought to do’ (Jamieson, 2008: 101). Since it is imperative to practical ethics that ethical judgments should ‘guide practice’ (Singer, 1993: 2), a core component is the use of empirical data, without which moral reasoning would lack direction. For if the discipline:

aims to say something informative about the moral appropriateness of individual behaviours and institutional structures and actions, then, on virtually any moral theory, we need adequate empirical data to know when and how the moral theory is relevant to that behaviour (LaFollette, 2005: 6).

Furthermore, in the absence of empirical details, not only do ‘our principles and considerations remain unacceptably ambiguous’, but also we are more likely to blindly accept the moral status quo (LaFollette, 2005: 7). Thus, practical ethicists are

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<sup>5</sup> In addition to university courses, between 1972 and the mid 1980s more than fifty English language ‘practical ethics’ studies had been published covering death, suicide and euthanasia; abortion; capital punishment; world poverty; optimum population; feminism, equality and reverse discrimination; war and nuclear deterrence; and, of most relevance to this chapter, animals and the environment (Singer, 1986: 259-261).

usually familiar with relevant empirical details of particular ethical issues, which in turn help them to shape their philosophical perspective (LaFollette, 2005: 6).

With regard to ‘theory’, rather than it being ‘applied’ to ethical problems, practical ethics treats theory and practice as interdependent, forming a dialectic relationship where reflections on practical issues will give rise to theoretical considerations. These in turn enhance and expand the moral understanding and imagination ultimately increasing ‘the chance that we will act appropriately’. Theorizing, then, is not ‘some enterprise divorced from practice, but simply the careful, systematic, and thoughtful reflection on practice’ (LaFollette, 2005: 9; 2002: 5).<sup>6</sup> Theoretical speculations are not ends in themselves, but function as the reference point for how we should approach the issues with which we are confronted in our daily lives (Singer, 1997; 1993). Theory is only applied to ‘gain clearer perceptions of right and wrong, with a view to embodying these insights in manners and institutions’ (Almond, 2005: 27; also LaFollette, 2002: 5).

We have noted the importance of empirical data and the interdependence of theory and practice to practical ethics. However, before examining its specific influence on participants in the Spanish animal movement, it is important to look at two further features of this ethical approach, namely the combination of reason and emotion and its urge for activism, both of which made it particularly attractive to the *animalistas*. Andrew Linzey, the theologian, recounts how a colleague always described the issue of animal welfare as ‘an emotional subject’. As Linzey says, although in one sense the statement is obviously true, the treatment of animals does arouse strong emotions, his colleague was inferring that ‘the topic was wholly a matter of emotion rather than

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<sup>6</sup> LaFollette says that the ‘old’ name, ‘applied ethics’, feeds the idea that a theory is ‘applied’ in the same way as an engineer applies a mathematical formula in designing a bridge: ‘It implies that we have a theory, and that from that theory, in conjunction with the description of the current situation, we can straightforwardly derive the appropriate action’ (2005: 8).

reason and that, by implication, there could be no rational grounds for concerning oneself with this subject, nor for objecting to our current treatment of animals' (Linzey, 2009: 1). Linzey then lays out his position, which is one of the foundational principles of the practical ethics approach. By 'rational' he means:

the attempt to locate a connected and consistent series of considerations in favour of one point of view rather than another. While not decrying the importance of emotional reactions, I judge them insufficient to determine the rightness or wrongness of a given action ... Providing an account of why an action is right or wrong is one of the key tasks of ethics. And when it comes to animal issues, providing that account is doubly important since the subject is everywhere laden with emotionally charged rhetoric (2009: 3, 5-6).

Similarly, Singer is equally adamant that reason must have 'an important role in ethical decisions' (1993: 8, 7-15): it is, he says, a 'tool' (1997: 312, 268-272). In this respect, facts are of crucial importance.

Where the urge to activism is concerned, this has been very much associated with Singer's work. To do practical ethics, he argues, requires making a difference in more immediate ways than what is achievable by writing and teaching. It is vital, 'that ethics not be treated as something remote, to be studied only by scholars locked away in universities' (Singer, 2000: v); to engage in '[d]iscussion is not enough. What is the point of relating philosophy to public (and personal) affairs if we do not take our conclusions seriously? In this instance, taking our conclusion seriously means acting upon it'. For Singer practical ethics needs to be revisionary, that is, the aim is not just to acquire an understanding of the world, but also *to change it* (Jamieson, 1999: 6-7).

What all this adds up to is a conception of practical ethics that is both activist and demanding. It requires us to find out what is going on in the world and to determine how we can change it for the better. It then requires us to act accordingly (1999: 7).

The example Singer set was to start with a detailed account of how things are. The powerful effect of this approach was evident in the public response to *Animal Liberation* (1975), where two-thirds of the book was given over to a vivid description of the treatment of animals accompanied by practical suggestions of how to change the way we live. The book is often cited as having had a profound impact not only in the USA where it transformed a fragmented and largely invisible number of animal welfare organisations into a strong social movement, but has also been a crucial inspiration to contemporary animal movements worldwide (see Jamieson, 1999: 5; Munro, 2005: 60; De Lora, 2003: 28).

### **The introduction of practical ethics into Spain**

Since I am arguing that ‘practical ethics’ has been an influence on Spanish animal welfare thinking and practice, it is important, first, to show the existence of this approach in Spain and, second, that I make some attempt to assess its influence. My argument is that by the late 1980s, practical ethics had become politically relevant in that it helped to inspire a number of philosophers and their students to become involved in practical and usually controversial issues. With respect to ‘animal liberation’, two authors in particular, Peter Singer and Tom Regan, achieved international fame through English language and foreign translations of their work. It was Singer’s writings that were far and away the most translated, widely read and discussed.<sup>7</sup> These translations suggest that over a period of nearly three decades, Singer’s writings, particularly those on ‘animal liberation’, have been familiar to

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<sup>7</sup> It is worth emphasising just how much of his work has been translated into Spanish: *Democracy and Disobedience* (1973, Spanish: 1985); *Animal Liberation* (1975, Spanish: 1985); *Practical Ethics* (1979, Spanish: 1984); *A Companion to Ethics* (1991, Spanish: 1995); *How Are We to Live?* (1993, Spanish: 1997); *Rethinking Life and Death* (1994, Spanish: 1997); *The Great Ape Project* (co-ed with Paola Cavalieri, 1993, Spanish: 1998); *Writings on an Ethical Life* (2000, Spanish: 2002); *Unsanctifying Human Life: Essays on Ethics* (2002, Spanish: 2004); *One World. The Ethics of Globalization* (2002, Spanish: 2004).

sections of the Spanish public (and, through other translations, to readers of a dozen or more countries, which is relevant if we consider cross-national debates). Tom Regan, the other most influential ‘animal rights’ philosopher, although equally well known in the English speaking world, primarily through *Animal Rights and Human Obligations* (1976, with Singer, eds.), and *The Case for Animal Rights* (1984), and translated into several languages, has had less of his work published in Spanish: a couple of essays and his book, *Empty Cages. Facing the Challenge of Animal Rights* (2006). In assessing the extent of practical ethics among Spanish philosophers and other public commentators on issues surrounding animal welfare, however, it is not only Spanish translations from English that we should see as evidence of its influence, since many Spaniards read in English, French and German.<sup>8</sup> This suggests that Spanish participants in debates and campaigns involving animal welfare are familiar with the international literature.

We should also note the extensive publicity received by international animal rights figures in Spanish academia and the media. For example, in 1999, Peter Singer visited Spain to deliver two sold out public lectures, one in Barcelona and one in Madrid, which were organised by the animal defence organisation, ADDA. The Spanish media also took advantage of Singer’s visit. *El País* (Spain’s largest national newspaper) and *La Vanguardia* (the largest Catalan newspaper) published extensive interviews with him. The popular environmental programme *El Escarabajo Verde*, dedicated an entire production to Singer and Paola Cavalieri and their promotion of the Great Ape Project. In 2006, Tom Regan spoke at the III International Conference for the Legal Protection of Animals (CIPLAE); he also gave lectures at the

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<sup>8</sup> For example, Mosterín and Riechmann (1995); Mosterín (2003); De Lora (2003); Tafalla (2004); Riechmann (2005); González *et al.* (2008); Rodríguez Carreño (2012).

conference together with Jane Goodall and Marc Bekoff, organised by the Spanish animal protection associations Fundación Altarriba, FAADA and Trifolium. In 2008, Marc Bekoff gave a paper at the IV CIPLAE conference, also organised by Fundación Altarriba, FAADA and Trifolium, in connection with the Spanish translation of his book *The Emotional Lives of Animals* (2007). In 2010, Gary Francione (founder and director of the Rutgers Animal Law Centre) delivered two keynote presentations at the University of La Rioja during the First International Forum: *Ethics, Ecology, and Animal Rights*, a series of courses and roundtable discussions organised by the university. In a number of other Spanish animal defence conferences, there have been numerous speakers from various overseas organisations: HSUS (Humane Society of the United States), SPCA (Scottish Society for the Prevention of Cruelty to Animals), HSI (Humane Society International), and BUAV (British Union for the Abolition of Vivisection).

The presence of practical ethics is clearly evident in the growing Spanish bibliography, which advocates anti-anthropocentric and non-speciesist positions. For example, Ferrater Mora and Cohn's *Ética Aplicada* (1981) pioneered the debate with reference to 'serious' philosophical inquiry, and they were followed by other authors who, while maintaining a scholarly interest in the topic, have sought to open it up for wider public debate (Mosterín and Riechmann, 1995; Tafalla, ed. 2004; Riechmann, 2005; Mosterín, 2003; De Lora, 2003; Riechmann, 2004; Lafora, 2004; Tamames, 2007; González, *et al.* 2008; Horta, 2008, 2012; Llorente, 2008, 2010, 2012, 2013; Rodríguez Carreño, ed. 2012; for a pro-speciesist, view see Cortina, 2009).<sup>9</sup> In order

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<sup>9</sup> Human-animal relations have also been discussed within the life sciences (Lacadena, 2002), and from the legal perspective (Domenech Pascual, 2004; Hava García, 2009; Requejo Conde, 2010).

to assess the scope of the arguments of these philosophers, I look now in more detail at some their works.

The title of Jesús Mosterín's book, *¡Vivan los animales!* (2003; *Long Live Animals!*), suggests its dual purpose.<sup>10</sup> First, it celebrates animals which, in his view, is tantamount to a description of ourselves for 'what we say about animals is equally true about us', because 'we are neither angels nor computers, but animals' (2003: 9).<sup>11</sup> 'Our knowledge of ourselves is based on our knowledge of animals and a harmonious and responsible relationship with the rest of the biosphere is based on the acceptance of our animality' (2003, cover jacket). Second, the book is devoted to 'denouncing cruelty and demanding a harmonious co-existence among all the inhabitants of this small planet' (2003: 9).<sup>12</sup> *¡Vivan los animales!* seeks to contribute to the rejection of speciesist attitudes which, says Mosterín, lie at the heart of a multitude of current abusive practices involving animals, based as they are on 'scientific ignorance and moral irresponsibility' (2003: 10). In his view, the problem is in our compartmentalized culture where ignorance and even mistrust is widespread with regard to what goes on beyond one's own field of interest, for example the divisions between the Sciences and the Humanities; scientific knowledge and moral concerns; environmental interests and compassion for animals. In response Mosterín seeks to provide 'a global and coherent vision, theory and practise, which will help us to lead lives guided by insight and to make responsible decisions' (2003: 10).<sup>13</sup> To reach such an insight, the reader is given detailed information about animals and vivid

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<sup>10</sup> Professor of Logic and Philosophy of Science, University of Barcelona and research professor at the CSIC Philosophy Institute.

<sup>11</sup> 'lo que decimos acerca de los animales vale también para nosotros' ... 'nosotros no somos ángeles ni computadoras, sino animales'.

<sup>12</sup> 'denuncia de la crueldad y a la reivindicación de una convivencia armoniosa entre todos los habitantes de este pequeño planeta'.

<sup>13</sup> 'visión global y coherente, teórica y práctica, que nos ayude a vivir con lucidez y a tomar decisiones con responsabilidad'.

descriptions of the ways they are used by humans (2003: 11-172, 223-247). Since the book is aimed at a wide general readership, Mosterín aspires to provide a ‘clear and entertaining’ account by means of a ‘salad of science, philosophy, documentation and moral reflection’ (2003: 9).<sup>14</sup>

As a legal philosopher, Pablo de Lora’s *Justicia para los animales* (2003, *Justice for Animals*), is clearly concerned with justice being done to animals.<sup>15</sup> De Lora’s thesis, argued with numerous examples of animal exploitation, is that because animals lack a sense of justice this does not exclude them from the moral community (2003: 77-109, 183-212, 267-305). He reasons that how we treat animals is morally relevant insofar as they are affected by our actions and to deny them moral consideration based on the fact that they belong to a different species than ours is an unjustifiable form of discrimination, and eliminating this form of discrimination would have a profound impact on our attitudes and behaviour towards animals (2003: cover jacket). De Lora describes the disparity between how we treat animals and what we say, think or proclaim our obligations to be towards them as an example of, at best, ‘moral schizophrenia’ if not hypocrisy (2003: 28-34). By way of illustration, he gives the example of Spanish animal welfare law. Introductory ‘preambles and statements’ as to the motives behind the introduction of a new law, he says, ‘declare the best of intentions, the most categorical prohibitions’, only to be followed, however, by ‘the exceptions, which really reveal the true purposes’ of the law (2003: 31).<sup>16</sup> To eliminate such hypocrisy, De Lora introduces the reader to the ethical meditations of several influential thinkers on animal welfare in order to determine if ‘indeed it is true to say that we owe justice to, at least, some animals and in what way we owe such

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<sup>14</sup> ‘claro y ameno’... ‘ensalada de ciencia, filosofía, documentación y reflexión moral’

<sup>15</sup> Professor of Philosophy of Law, Universidad Autónoma de Madrid

<sup>16</sup> ‘declaran las mejores intenciones, las prohibiciones más rotundas’... ‘las excepciones, que son las que realmente dan cuenta de los verdaderos propósitos.’

justice' (2003: 35).<sup>17</sup> With reference to our moral obligation to animals, De Lora's own position is clear: he is 'in favour of giving certain rights to certain animals' (2003: 42).<sup>18</sup> In an effort to challenge speciesist and anthropocentric ideas and attitudes grounded in tradition, inertia and faith, he not only argues in favour of reasoned, clear and unambiguous theoretical reflection on the 'animal question', but also urges that the conclusions of such reflections be taken seriously and acted upon (2003: 37-38). The book, he says, is not intended as 'a guide to moral ascent, I would instead be contented with [it] becoming a good incentive for reflection, and, perhaps, for a change in certain attitudes' (2003: 42).<sup>19</sup>

In Marta Tafalla's<sup>20</sup> words, her book is 'a compendium of articles to reflect the debate, a map of ideas to help guide readers, and, above all, a few voices united in the same demand: to re-think our relationship with other species and to initiate a radical change in the treatment that we bestow on them'. She underlines the activist objective of the book in saying that if it 'succeeds in stirring up some more discussion about the rights of animals it will have accomplished its objective; that this will happen is now up to the reader' (2004: 12).<sup>21</sup> For Tafalla it is clear that '[t]he question of how we should treat animals is not the property of experts, it concerns us all', which is why the book is dedicated to everyone who is 'concerned with the treatment of animals in our society and has an interest in the questions and possible answers that will become

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<sup>17</sup> 'efectivamente se puede decir que debemos justicia a, al menos, algunos animales y de qué manera la debemos'.

<sup>18</sup> 'a favor de que ciertos animales tengan ciertos derechos'.

<sup>19</sup> 'No son una guía para la ascensión moral sino que me conformaría con que llegaran a ser un buen acicate para la reflexión y, tal vez, para el cambio en algunas actitudes'.

<sup>20</sup> Professor of Philosophy, Universidad Autónoma de Barcelona

<sup>21</sup> 'no es ... más que un compendio de artículos como eco del debate, un mapa de ideas que ayude a orientarse a los lectores, y sobre todo, unas cuantas voces unidas en una misma reivindicación: la de pensar de nuevo nuestra relación con las otras especies, y la de iniciar un cambio radical en el trato que les conferimos' ... 'consigue encender un poco más la discusión sobre los derechos de los animales habrá cumplido su objetivo; que así sea queda ahora en manos del lector.'

clear through ethical reflections about our relationship with other species' (2004: 11).<sup>22</sup>

The 're-think' that Tafalla has in mind entails attributing legal protection to animals and changing current practices in which they are exploited and abused in various ways. To challenge the generalized conception of animals 'as mere instruments for human ends', we should remind ourselves that 'animals are living beings made of the same matter as us, they are capable of feeling pleasure and pain, fear and joy, of forming relationships and of communicating with each other and with us, in many cases of giving affection and receiving it' (2004: 16).<sup>23</sup> In other words, rather than considering ourselves to be superior and set apart from animals, we are 'nothing more than a species amongst millions', but with a preference for our own interests and ignoring those of other species; in effect 'we have reduced the majority of the living beings with whom we share the earth to being victims of our most diverse forms of selfishness' (2004: 17).<sup>24</sup> These forms of violent treatment of animals, she says, are unnecessary and no rational argument exists to support their continuation. As such they are morally inadmissible, only kept in place by speciesist attitudes. She defines speciesism as 'the prejudice that beings belonging to another species have no rights and should submit to our will, a prejudice which is comparable to that of racism or

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<sup>22</sup> 'La cuestión de cómo debemos tratar a los animales no es propiedad de los especialistas, sino que nos atañe a todos ...preocupación por el trato que los animales reciben en nuestra sociedad, e interés por las preguntas y las posibles respuestas que tejen la reflexión ética sobre nuestra relación con las otras especies'.

<sup>23</sup> 'como mero instrumento para las finalidades humanas' ... 'animales son seres vivos hechos de la misma materia que nosotros, seres capaces de sentir placer y dolor, miedo y alegría, de relacionarse y comunicarse entre ellos y con nosotros, en muchos casos de dar afecto y recibirlo...'

<sup>24</sup> 'no somos más que una especie entre millones' ... 'hemos reducido a la mayoría de seres vivos con los que compartimos la tierra a la condición de víctimas de nuestros egoísmos más diversos'

sexism'. Thus, 'it is therefore urgent that we change laws and behaviours to end an injustice which lacks any possible justification' (2004: 17-18).<sup>25</sup>

Jorge Riechmann's<sup>26</sup> *Todos los animales somos hermanos* (2005, *We Animals are all Brothers and Sisters*) has five objectives: i) to question the prejudice amongst Spanish speaking philosophers who, Riechmann claims, do not consider the 'animal question' and the place of animals in industrialized societies to be intellectually 'serious enough' as a topic for academic scrutiny; ii) to convince reluctant philosophers that animals do pose important philosophical problems, particularly for practical philosophy; iii) to stimulate a wider social debate about the place of animals in industrialized societies and the status they ought to have; iv) to provide lecturers and teachers with an educational tool useful for dealing with important practical ethical issues; and v) to contribute to a more fluid debate between the environmental/ecology and the animal defence movements (2005: 21).

Riechmann's arguments are based on the belief that the world belongs to all people, to future generations, and to the rest of the living beings with whom we share the biosphere (2005: 22). To change the status quo and achieve moral dues for all living beings, plants and future generations, it is necessary first that philosophy makes moral problems visible to fellow citizens (2005: 22); and, second, that the starting point of philosophical reflection is redirected from highlighting human beings as 'moral agents', who possess 'rationality' and 'language', to a more comprehensive realistic view of human beings, which also includes their 'corporality', 'vulnerability' and 'dependence' on others (2005: 23). What Riechmann is saying is that we should

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<sup>25</sup> 'el prejuicio de que los seres de otras especies carecen de derechos y deben someterse a nuestra voluntad, un prejuicio equiparable al racismo o al sexismo'... 'deberíamos comenzar a transformar con urgencia leyes y conductas para poner fin a una injusticia que carece de justificación posible'.

<sup>26</sup> Professor of Moral Philosophy, Universidad Autónoma de Madrid

recognise and start from the idea of human beings as social mammals rather than moral agents. He argues:

‘that in order to transform ourselves and to change society, we need the commotion, the rejection, the decentralization which will lead to a real encounter with the other: and it is here that the relationship with nonhuman animals can play a fundamental role. We should see the encounter with the nonhuman animal as one of the privileged forms of encounter with the other. If we succeed in opening ourselves up to this encounter it is possible that our unjustifiable ego-centrism will be shaken and we will be able to reposition ourselves within the cosmos changing our ethical-political relationship with the natural world’ (2005: book jacket).<sup>27</sup>

Above all, the book is concerned with making issues visible to the reader, particularly the suffering and extermination of animals. In this vein Riechmann seeks to offer ‘arguments, which will make it difficult to avert the eyes’ from this suffering. In line with the ethos of ‘practical ethics’, his arguments are based on detailed accounts and empirical data regarding practical examples of how we treat animals in the laboratory and the food industry, and in xenotransplantation and cloning technologies. Riechmann then uses these examples as the starting point for further theoretical reflection in order to demonstrate what he claims is the morally unjustifiable nature of such practices, and he points out that, contrary to other books on animals, he aims to ‘speak more to the head than to the heart of the reader’ (2005: 27).<sup>28</sup>

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<sup>27</sup> ‘que para transformarnos y para cambiar la sociedad, precisamos la conmoción, el extrañamiento, el descentramiento que induce un verdadero encuentro con el otro: y ahí la relación con el animal no humano puede desempeñar un papel fundamental. En el encuentro con el animal no humano deberíamos ver una de las formas privilegiadas de encuentro con el otro. Si logramos abrirnos a ese encuentro puede que se tambalee nuestro injustificable egocentrismo, y seamos capaces de resituarnos en el cosmos, modificando nuestra relación ético-político con el mundo natural’.

<sup>28</sup> ‘argumentos que dificulten el apartar la mirada’... ‘se dirige más a la cabeza que al corazón de quien lo lea.’

In their introduction, Marta I. González<sup>29</sup> *et al.* (eds. 2008) show that contrary to earlier anthropocentric notions of human superiority, which has had ‘terrible’ consequences (2008: 10-11), ‘Darwin taught us to look back, to remember from where we came. Thanks to his work and that of many other scientists, today we know who we are’ (2008: 11).<sup>30</sup> The knowledge that rather than being a species set apart, we humans are ourselves animals, one species among many, and are linked by our origins and history to the rest of the animal kingdom, provides the foundations for extending the moral community to include nonhuman animals. The best way in which this could be achieved, according to the editors, would be by granting them certain rights, which would also ensure their protection against injustice and abuse. As a minimum, animals should be granted ‘the right not to be tortured; the right not to be subjected to cruel and degrading treatment’ (2008: 11).<sup>31</sup>

But why should we concede such rights to animals? Gonzalez *et al.* argue that because an animal, like e.g. a baby, a mentally vulnerable person or someone suffering from Alzheimers, ‘is a being who can feel physical and psychological pain, but who lacks the use of language to give a voice to their pain, to demand justice, a being who cannot be a moral agent, [he/she] is therefore more easily a victim of cruelty’, and unable to defend him or herself. ‘And if we have the use of language and are moral agents, it is our responsibility to protect them’ (2008: 13).<sup>32</sup> Otherwise, we would be claiming that because we are moral agents and they are not, this would be a justification for abusing them. The editors claim that this is where ethics is at stake: in

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<sup>29</sup> Professor of the History of Science, Universidad Carlos III, Madrid

<sup>30</sup> ‘Darwin nos enseñó a mirar atrás, a recordar de dónde venimos. Gracias a su trabajo y al de muchos otros científicos, hoy sabemos quiénes somos’.

<sup>31</sup> ‘el derecho a no ser torturado, el derecho a no ser sometido a un trato cruel y degradante’.

<sup>32</sup> ‘Un ser que puede sufrir dolor físico y psíquico, pero que carece de lenguaje para poner voz a su dolor, para reclamar justicia, un ser que no puede ser un agente moral, es por eso mismo la víctima más fácil para la crueldad’... ‘Y si nosotros tenemos lenguaje y somos agentes morales, nuestra responsabilidad es protegerlos’.

our treatment of those beings, who are at our mercy. The collection is aimed at providing us with the ‘best reasons for acting in defence of animals’ in order that we pass this ‘real test of morality’ of how we behave towards those who are dependent on our will (2008: 13).<sup>33</sup> These essays obviously illustrate a growing interest within the academic community in addressing questions regarding ethics and animals. While seeking to encourage a proliferation of the scholarly inquiry into the ‘animal question’, the editors also aim to make academic debates engage with public opinion and political discussion in order that the ‘reasons in favour of the defence of animals will end up supporting laws and practices that put an end to the cruelty’ (2008: 14).<sup>34</sup>

The work of many Spanish moral philosophers provides textbook examples of ‘practical ethics’: i.e. applying theory to discuss current issues by using empirical data and thus bringing theory and practise closer together. However, the Spanish philosophers are unique in their focus on bullfighting. Mosterín, for example, gives a detailed description of the different stages through which each individual bullfight progresses, while also discussing the arguments of the aficionados (2003: 251-270). De Lora argues that the bullfight rests upon ‘a false awareness of the bull spectacle built on myths and half truths’ (2003: 281).<sup>35</sup> He denies that bullfighting is a typical Spanish tradition, a claim used by advocates to justify preserving it out of respect for Spanish culture, tradition and identity (De Lora, 2003: 302). According to De Lora, arguing in favour of recognizing special cultural needs implies that it would be unjust to criminalise African women in Spain for having their underage daughters circumcised (2003: 303). The time has come, he says, to ‘protect the bull against a barbaric ‘festivity’ that only persists thanks to the combination of inertia, lethargy and

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<sup>33</sup> ‘las mejores razones para actuar en defensa de los animales’... ‘verdadera prueba de la moral’

<sup>34</sup> ‘las razones a favor de la defensa de los animales acaben sosteniendo leyes y prácticas que pongan fin a la crueldad’.

<sup>35</sup> ‘una falsa conciencia sobre el espectáculo taurino edificada sobre mitos y medias verdades’

positive treatment that cultural or religious peculiarities enjoy today' (2003: 305).<sup>36</sup> Riechmann, the moral philosopher, in answer to the claim that 'no anthropologist has ever come across any society that has no animal sacrifice',<sup>37</sup> says that a sure indication of the 'civilizing process' has been the substitution of symbolic rituals for bloody sacrifices for example the Christian communion (2005: 247). Furthermore, he rejects the view that the aesthetic value of the bullfight overrides the ethical dilemma of the cruel treatment of the bull, stressing that 'beyond the sacrificial aesthetic ... there is an ethical dimension to the human-animal relationship that cannot continue to be ignored at the start of the 21 century' (2005: 248).<sup>38</sup>

### **The influence of 'practical ethics' on the perspectives of the animal movement**

There are several ways in which the animal movement has been influenced by practical ethics.<sup>39</sup> First, generally speaking, Spanish philosophers (in common with their international colleagues) have helped to provide the movement with ideas and arguments regarding not only the moral treatment of animals, but also with how to connect theory and practice. Second, their influence has not been confined to writing and individual activism. In 2006, for instance, a number of scholars established AIUDA (the Inter-University-Association-for-the-Defence-of-Animals), which by 2008 had approximately a hundred members from a variety of disciplines. The

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<sup>36</sup> 'parapetar al propio toro frente a una "fiesta" bárbara que solo por la conjugación de la inercia, la desidia y el buen rédito que en nuestros tiempos obtiene la peculiaridad cultural o religiosa persiste entre nosotros'. For a similar point of view, see Casal (2012).

<sup>37</sup> 'ningún antropólogo ha encontrado nunca sociedad alguna que prescindiera del sacrificio de animales'

<sup>38</sup> '[m]as allá de la estética sacrificial ... hay una dimensión ética en la relación humano-animal que a las puertas del siglo XXI no puede seguir ignorándose'

<sup>39</sup> Although the topic is not pursued here, it is worth noting that during the 1970s the work of ethologists on animals as conscious, sentient beings was being widely recognised, as evidenced by award of the Nobel Prize in 1973 to Lorenz, Tinbergen, and von Frisch. Singer (1973), for example, cites the work of Lorenz. See also the zoologist, Donald Griffin's *The Question of Animal Awareness* ([1976] 1981). For discussion, see Bekoff (2002) and Irvine (2004: 62-64). My point is that this awareness probably fed into not only practical ethics, but also the growing debates involving animal rights, anti-vivisection, vegetarianism, and a range of issues governing human-animal relations.

objectives of AIUDA are: i) to popularise the ‘animal question’ amongst students and the academic community in general; ii) to work for the inclusion of animals within the moral community through publishing, teaching, conferences; and iii) to produce theoretical arguments in favour of animals that transcend the academic sphere, such as through collaborations with animal protection groups in various campaigns; and iv) to present projects to the Ministry for Education and to national and regional governments in order to influence, improve, and reform legislation in favour of animals (Escartín Gual, 2008: 140-142). As to what the academic community has to offer to the animal cause, the Association says that in common with the ethos of practical ethics, and being ideologically indebted to prominent practical ethicists, it seeks to

‘change the way in which animals are seen in this country: by eliminating prejudices, providing verified and authoritative information to promote what has come to be known as a *Second Enlightenment* which (to complement the principle of equality among all human beings discovered by the first one) will defend our kinship with all other living beings’ (Escartín Gual, 2008: 144-145).<sup>40</sup>

Third, another way in which practical ethics has contributed to the public debate is through the creation of APDDA (Parliamentary Association in Defence of Animal Rights, with thirty-three members in 2013), which unites current and former members of the Spanish parliament from across the political spectrum concerned with the welfare of animals. Its goal is to create a lobby, with particular reference to media publicity and, in collaboration with other likeminded organisations, to promote legislative initiatives in favour of animal rights (APDDA, n.d.,a). APDDA also participates alongside animal advocacy groups in various campaigns, such as the

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<sup>40</sup> ‘cambie la visión que en este país se tiene de los animales: deshaciendo prejuicios, aportando información veraz y autorizada en lo que se ha venido en llamar una *Segunda Ilustración* que (complementando el principio de igualdad entre todos los seres humanos descubierta por la primera) defienda el parentesco que nos vincula con los demás seres vivos’

annual anti-bullfight demonstration in Seville, and the protest against the hugely controversial popular festivity of ‘Toro de la Vega’.<sup>41</sup> The Association received widespread national and international attention when it successfully proposed that Spain should declare its support for the Great Ape Project.<sup>42</sup> In 2013 it held its first Parliamentary Conference for the Protection of Animals in the House of Deputies, attended by over 200 representatives from numerous Spanish animal welfare groups (APDDA, n.d.,b).

Fourth, as the thesis will argue, the influence of practical ethics can be seen in the campaigns of the animal welfare movement to curtail the use of animals in cultural festivities; to improve their legal standing; and to ban bullfighting. Many of the issues are discussed in subsequent chapters. For the moment, however, we may briefly look at a few examples. In the past, while Franco sought to prohibit many popular festivities for fear of offending tourists and to keep control of public order, since the 1970s demands for restrictions on the use of animals have come from animal protection groups using ethical arguments. For instance ASANDA and ANPBA, with reference to the core component of practical ethics being the use of empirical data in order to give direction to moral reasoning (LaFollette, 2005: 6), have drawn on arguments from technical experts to declare that the act of throwing a live turkey from a church belfry causes the animal ‘unjustifiable and unnatural suffering and harm’<sup>43</sup> (*20 Minutos* 3 February, 2011). Similarly, the campaign against the ‘Toro de la Vega’ also looks to the importance of empirical data by referring to scientific knowledge regarding the biological and emotional lives of animals to argue that the

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<sup>41</sup> ‘Toro de la Vega’ is a local festivity in which a bull is released and chased by participants on foot or horseback through the village and into a nearby field where the animal is then repeatedly lanced to the death (see ch.5).

<sup>42</sup> Singer, *The Guardian*, 18 July, 2008a; McNeil, *The New York Times* 13 July, 2008; *El País* 25 June, 2008; Singer, *El País*, 11 August, 2008b; Calleja, *ABC* 26 June, 2008.

<sup>43</sup> ‘sufrimientos y daños injustificados y antinaturales’

bulls experience both physical pain and psychological torment. And where the law is concerned, campaigners strove to insure that the Catalonian animal protection law of 2003 adopted the ethical premise that animals were ‘physically and psychologically sentient beings’ (*DOGC 5113/2008*: 29666).<sup>44</sup> Similarly, the Andalusian animal protection law of 2003 also refers to the growing body of scientific studies into the ‘sensory and cognitive abilities of animals’, which demonstrated that animals were able to ‘feel emotions such as pleasure, fear, stress, anxiety, pain or happiness’ (*BOJA 237/2003*: 25824).<sup>45</sup>

Perhaps it is the campaigns for the abolition of bullfighting, particularly with reference to culture and art, in which the assumptions of practical ethics are most clearly in evidence. We can see the broad application of this approach in the ADDA/WSPA manifesto produced for the ‘Fórum Universal de las Culturas’ (2004), which specifically makes reference to the UNESCO/United Nations principles aimed at ‘forging an ethical, social and environmental dialogue’ and promoting ‘the conditions for peace’ (ADDA, 2004: 25-26). In their campaign material, ADDA/WSPA articulated not only moral condemnation, but also sought to persuade through a series of images of the three stages of a bullfight together with the tools used, emphasizing their effect on the physiology of the bull (ADDA/ WSPA, n.d.), thereby combining emotion and reason.

## Conclusion

In one critical respect, the importance of applied ethics is that it informs *individuals* in how to deal with important and usually controversial matters (Jamieson, 2002: 40).

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<sup>44</sup> ‘seres vivos dotados de sensibilidad física y psíquica’

<sup>45</sup> ‘capacidades sensoriales y cognoscitivas de los animales’ ...’ experimentar sentimientos como placer, miedo, estrés, ansiedad, dolor o felicidad’. This recognition, however, was not incorporated as an explicit article in the animal protection law.

But I have suggested that participants in the animal movement do more than constitute a collective of individual action; rather they contribute to the creation of a moral environment in which the ethics of human-animal relations may be discussed through reason (empirical data) *and* emotion, which in turn stimulates social change in human attitudes and behaviour toward non-humans, and beyond. In this way, as subsequent chapters will show, the particular contribution of practical ethics in making animal suffering visible has been to instruct the ‘New Spaniards’ in reconsidering the place of non-human animals in their culture.

Within the context of the animal movement as a feature of changing human-animal relations, the main focus of this chapter has been to argue that in Spain, in important respects, the movement has served as a catalyst for alterations in attitudes and behaviour and in this way has become an instrument of social change. The chapter has shown that the specific element in the educative role of the movement has been its conscious deployment of the new moral language (concepts and vocabulary) associated with practical ethics, a new sub-field of Ethics, as theory and practice. After providing some background information on the emergence of practical ethics as a sub-field, I explained its basic principles, in particular its urge to individual activism. I then gave an extended discussion of its introduction into the Spanish discourse, noting the translations of foundational texts, especially those by Peter Singer, and lectures from influential figures, followed by the writings of sympathetic Spanish philosophers, writers and journalists, as well as the campaign material of the *animalistas*. This, I suggested, contributed to a change in the climate of opinion regarding the concept of ‘animal welfare’. The chapter concluded by illustrating a number of ways in which practical ethics directly influenced the animal movement,

and in so doing impacted on matters that are crucial to understandings of 'culture' and 'identity'.

## **CHAPTER 5**

### **The Law and Animal Protection**

#### **Introduction**

A principal argument of this thesis is that changing human-animal relations in post-Franco Spain have to be understood not only within the context of evolving social, cultural, economic, and political circumstances, but also critically with reference to the social and political significance of the law, and the legal changes governing animal protection. I stress, however, the significance of regional variations in the law relating to animal welfare, and how these differences are intimately linked to what in Spain is the hugely controversial and complex matter of national-regional conflicts involving ‘identities’ and claims to regional nationhood. The chapter argues that the mix of these issues is particularly significant in Catalonia, the first region to legislate for animal protection in 1988, where in 2010 the regional government prohibited bullfighting, and where there has been a long-running campaign for political independence.

Since Catalonia has played such an important part in so many Spanish debates concerning animal protection and the connections it has to regional identities, conflicts with the national government, and the pace and influence of modernisation, it is worth noting here the reasons for the region’s pioneering and relatively advanced position on animal welfare. These are: i) two of the largest, oldest, and most active animal organisations (ADDA and Fundacion Altarriba) are based in Barcelona; ii) in 2002 the Barcelona College of Lawyers (ICAB) established the Commission for the Protection of Animal Rights (CPDA); iii) the desire of Catalan nationalism to repudiate everything associated with Francoism; and iv) Catalans, in that they have

long seen themselves as more ‘European’ than ‘Spanish’, look on ‘animal welfare’ as indicative of their ‘modern’ outlook. Catalonia, led by Barcelona, is less inclined to view the bloody spectacle of bullfighting as appropriate to its sophisticated taste and style. It prefers more ‘civilised’ leisure activities which, besides football and the cinema, include the gym, video games, indoor sports, ‘extreme’ sports, walking, swimming, and family shopping.

The chapter argues that with respect to animal protection, the law and social change are interdependent (Champagne and Nagel, 1983: 187, quoted in Vago, 1996: 274; Cotterrell, 1984: 70), with the precise nature of the interdependence depending on a historically contingent milieu. As Roach Anleu has written, law

cannot be understood in a vacuum isolated from other social institutions and social forces; indeed, law is an integral component of social organization. It shapes and is shaped by market relations, the structure of social inequality, the level of industrialization, cultural values, processes of socialization, governmental structures and political ideology, as well as other social phenomena (2000: 230).

On the one hand, then, law is an important source for moulding social relations and social life by means of *prescribing* the demarcation between acceptable and unacceptable behaviour. The law is thus directed towards bringing about a change in those values, beliefs and attitudes that support and endorse certain patterns of conduct. On the other hand, it is critical to remember that legal changes themselves *reflect* shifts in social and cultural opinion. With the correlation of law and social change in mind, exploring the evolution of animal welfare legislation will help to: i) identify and assess the influence of critical legislative changes; ii) account for the principal social and legal arguments in support of such developments; and iii) examine the contribution of animal welfare campaigns in bringing about reform. Before proceeding, it is important to appreciate that until relatively recently, ‘the law’

in Spain was not taken for granted as in mature democracies. The law has played a significant role since it was the legal process - ‘the Political Reform Law’ (1976) - that enabled the old regime to be dismantled and the transition to democracy facilitated.<sup>1</sup> Although much criticised, the law has a particularly potent presence in Spanish society.

Given the structural complexities of Spanish law with regard to animal welfare, I have organised the chapter as follows: i) a brief overview of the political and legal systems, noting the particular relations between the central government and regional authorities, ii) the influence of EU membership; iii) the importance of regional laws; iv) the differences between the autonomous regions; and v) the national laws. The chapter then discusses the 1995 Penal Code and the campaigns for its reform in 2003 and 2010. The concluding sections look at the response of the animal welfare lobby to the changes, and the interdependence between the law and modernising processes.

## **The Spanish political and legal systems<sup>2</sup>**

### ***Political system***

The basic principles of the political and legal systems are set out in the constitution (1978), under which Spain became a parliamentary monarchy. The constitution defines the country as a social and democratic state whose sovereignty is vested in the Spanish people. It further defines Spain as unitary and indissoluble, while at the same time recognizing and guaranteeing the principle of autonomy of nationalities and regions. Spain is divided into seventeen autonomous communities, each with its own

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<sup>1</sup> The Law - ‘Ley para la Reforma Política’ - established the principles for the democracy based on a universal suffrage to elect a two chamber parliament. It was approved in 1976 in the *Cortes* by 425 in favour, 59 against and 13 abstentions. It was confirmed in a subsequent referendum with 94 per cent in favour with a 78 per cent turnout.

<sup>2</sup> These paragraphs are drawn from Merino-Blanco (1996) and Villiers (1999).

parliament together with municipal government. Although judicial authority is retained for the state, the autonomous regions are granted legislative and executive institutions and powers, the contents of which vary from region to region - known as 'the asymmetrical devolvement of powers'. The municipalities enjoy a much lesser degree of autonomy than the communities and their functions are assigned jointly by the state and the autonomous community. Thus, as a result of the territorial division ('imperfect federalism') Spain has three levels of government, each with legislative and administrative powers: the central government; governments of the autonomous communities; and municipal governments.<sup>3</sup>

Central state power is separated into three institutions: a parliament, a government and a court system representing respectively, the legislature, the executive and the judiciary. First, the *Cortes Generales* (General Courts, usually referred to as the *Cortes*) are the parliamentary chambers, which exercise the legislative power. They are divided into two main chambers: the Congress of Deputies (*Congreso de los diputados* - the chamber of popular representation), and the Senate (*Senado* - the chamber of territorial representation). Second, the government (President, Vice-Presidents and ministers) has an executive and policy-making function as provided by title IV of the constitution. The third central state power is the judicial system, which exercises judicial authority. Although Spain is divided into autonomous communities, judicial power is unitary; the autonomous regions do not have any judicial powers as their courts are courts of the central state. The judicial power is general and extends to all matters and the entire territory. The judicial system is controlled by the General Council of the Judiciary (*Consejo General del Poder Judicial*), which establishes, operates and controls the internal administration of courts and tribunals. The structure

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<sup>3</sup> For further details, see Villiers (1999: 83).

of the different regional governments mirrors that of the central state with each having its own parliament, which governs according to the powers and jurisdiction set out in a charter of self-rule negotiated with the central state. These are, in effect, states within a state. The constitution also provides for municipal government to legislate in certain areas, usually those that are of most concern to local administration, e.g. in regard to animal welfare, managing the problem of abandoned pets and regulating the use of animals in local popular festivities.

### ***Judicial structure***

For jurisdictional purposes, Spain is divided into four territorial units, each with their own specific type of court. In addition, two courts have jurisdiction of the whole territory: The Supreme Court (*Tribunal Supremo*) and The National Court (*Audiencia Nacional*). The courts themselves are organised in four categories according to the subject matter: i) civil courts for civil or commercial matters; ii) criminal courts for violations of the penal code; iii) social courts for social security and employment contract issues; iv) administrative courts for claims based on acts performed by public administration.

### ***The legal system***

The Spanish legal system is a civil law system, meaning that the preeminent source of law is any written rule created by the state. The state ranks its laws hierarchically and, therefore, those of a lower jurisdiction cannot conflict with those of a higher one. The laws are ranked from higher to lower:

- Organic laws (*Ley Orgánica*) such as the Penal Code
- Ordinary laws (*Ley*) e.g. regional animal protection laws
- Decree-law (*Decreto-ley*)

- Legislative decree (*Decreto-legislativo*)
- Regulation (*Reglamento*)
- International Treaties and EU legislation

Legislative initiatives for national laws can be made by four authorities: i) the government, which exercises the legislative power on behalf of a bill (*proyecto de ley*); ii) the senate or congress, which exercise the legislative power on behalf of a proposal of law (*proposición de ley*); iii) the assemblies of the autonomous communities who can request the government to adopt a bill or send a proposal of law to the board of the congress; and iv) a popular initiative (ILP) - very rare and in certain areas of law only - which requires at least 500,000 signatures. Although the autonomous communities may issue legislative decrees and regulations (but not organic laws and decree laws), these are confined to those matters that fall within the devolved powers and domains of their territory.

### **The influence of EU membership on Spanish legislation**

Generally speaking, scholars and *animalistas* attribute the increasing legal protection of animals in post-1980s Spain in part to the harmonizing impulse of the European Union (EU). Indeed, according to ANDA, in their experience the introduction and implementation of EU directives has been a key to the progress of Spain in the area of animal welfare (ANDA, n.d.). However, without diminishing the significance of the EU directives, José María Pérez Monguió, a legal theorist, cautions that their integration into Spanish law reflected social attitudes that were already in evidence during the 1980s (2014). Since becoming a member state in 1986, Spain has adopted and implemented EU directives regarding animal welfare at both national and regional levels (López-Almansa Beaus, 2007: 1; González-Morán, 2002: 91-100;

Pérez Monguió, 2012: 362-363; Maresca Cabot, 1994: 153). In fact, Spain is among the EU nations with the highest implementation rate, even though in some instances, the Spanish authorities have only complied after warnings from the Commission. Interestingly, complaints made by the general public and animal welfare groups, together with warnings from the Commission itself, were the most frequent cause for the Commission to initiate examination of cases of non-compliance, which suggests that there is a high level of public interest in the implementation of EU law, and a willingness to use supranational institutions to alter national and regional legislation (Closa and Heywood, 2004: 71-72; López-Almansa Beaus, 2007: 1). Notwithstanding the occasional delays in implementing the directives, the fact remains that EU law *has* been incorporated into the Spanish legal system and, as López-Almansa Beaus, the legal commentator, has noted, as a consequence the EU principles governing animal welfare were also gradually integrated in the Spanish legal system (2007: 1; and López-Almansa Beaus, 2009: 97-119, quoted in Pérez Monguió, 2012: 363).<sup>4</sup> Given these developments, it is useful to explore what constitutes the EU judicial understanding of ‘animal welfare’ that underpins these directives.

The Council of Europe has drawn up five Conventions on animal welfare, which are often used as templates by the EU when editing the directives (*Council of Europe*, n.d.; see also *Ministerio de Medio Ambiente y Medio Rural y Marino*). Central to these conventions is the view that non-human animals are physical and psychological beings capable not only of experiencing physical pain, but also emotions such as fear, stress, happiness and pleasure. To further animal welfare, legislation must therefore aim to avoid or minimize circumstances that can cause physical or psychological

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<sup>4</sup> López-Almansa Beaus stresses the impact of the EU Commission’s ‘Action Plan regarding the protection and welfare of animals 2006-2010’ on Spanish legislation, with its potential consequences for daily operations of the legal system and its attitude towards animal protection (2007: 1).

suffering based on the specific biological and ethological nature of each species (Pérez Monguió, 2012: 361; López-Almansa Beaus, 2007: 1). The majority of the directives focus on the welfare and protection of those animals destined for human consumption and to a lesser degree those used for laboratory experiments, while only a few relate to pets, usually with reference to regulations for their transport and pet food manufacturing (*BOE 268/2007*: 45914; Castro Álvarez, 2007: 24; Pérez Monguió, 2012: 362-362, 366-367, 378-380).

Since its earliest directive in 1974, in accordance with growing popular concern, EU legislation on animal protection has evolved and expanded. Current legislation is designed to ensure compliance with the following ‘five fundamental freedoms’ of animals: 1) from hunger and thirst, 2) from discomfort, 3) from pain, injury or disease, 4) to express normal behaviour, and 5) from fear and distress (*FAWC*, 16 April, 2009). Animals are perceived as sentient beings and, therefore, humans have an ethical obligation to ‘do everything possible to avoid and minimize the circumstances that expose them to situations which cause them physical or psychological suffering’ (López-Almansa Beaus, 2007: 1-2). This EU commitment is reflected in the increasingly higher institutional level at which such notions have been incorporated. What was initially a European Parliament Resolution has now been incorporated in the European Constitution of 2004, which was amended in 2007 (Requejo Conde, 2010: 9-10; Pérez Monguió, 2012: 380).

While it would be an exaggeration to say that EU membership has been the most influential factor in the evolution of Spanish animal protection, it has been *an* influence not only in that it has obliged Spain to implement the directives, but more particularly as the law in certain autonomous regions has also come to adopt EU

perspectives. This is especially evident if we consider the historical evolution of protective legislation. Prior to 1986, animals received only minimal legal consideration, and even this was primarily intended to safeguard human interests (making animals ‘indirect beneficiaries’ of the law), rather than treating the animal as a being in and for itself (Pérez Monguió, 2012: 333-335). The earliest examples of such laws were enacted during the first three decades of the twentieth century, and were passed not in response to popular social demands but due to the concerns of those politicians who were anxious to shield humans from what was regarded as the threat of moral decline and emotional suffering as a result of having witnessed animal abuse. These concerns, which viewed animals as personal property and their abuse as a social malaise largely confined to ‘the poor’, underpinned all animal ‘protective’ legislation up to the 1980s (Pérez Monguió, 2012: 333-335, 350-355; Capó Martí and Cuadrado Aníbarro, 2006: 78; Ríos Corbacho n.d.: 9).<sup>5</sup> With Spain becoming a member of the EU, the rise of a new ‘animal liberation’ movement post 1970s, and increasing intolerance of public and domestic violence following the transition to democracy, this situation regarding animal welfare was bound to change. As will be shown below, the important legal innovations developed through two main governing systems: that of the autonomous regions and articles within the Penal Code.

### **Regional and national laws for the protection of animals<sup>6</sup>**

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<sup>5</sup> In the 1928 Penal Code those who ‘publicly mistreat domestic animals or excessively fatigue them’ faced a monetary fine. However, the penal codes of 1932 and 1944 did not even include this ‘misdemeanour’.

<sup>6</sup> It is important to appreciate that the concept of a *national* Spanish law for animal protection does not exist. Instead, prosecutions for animal abuse may be brought under specific articles within the national Penal Code (which has to refer to a particular regional law for definitional guidance) or under the animal protection law of the specific region (which does not have to refer to the national Penal Code). However, unlike the regions, only the Penal Code may punish through imprisonment (as well as fines, community service orders, etc). The reform of the Code’s articles 631, 632 and 337 is discussed below. It is also important to stress that all regional animal protection laws (*except* those of the Canary Islands and Catalonia) *exclude* bullfighting spectacles. These are regulated separately.

According to the 1978 Constitution, the legislative and executive authority with regard to the welfare and protection of animals constitutes one of the exclusive powers devolved to the autonomous communities by the central state. Since there is no national animal protection law, unless an autonomous region introduces its own provisions, this area remains unregulated, except for the punitive measures of the Penal Code and where EU directives are included in the Civil Law. In 1988, Catalonia was the first of the regions to pass its own animal protection legislation ('Llei 3/1988, de 4 de març, de protecció dels animals', *DOGC 967/1988*), followed by the other autonomous communities between then and 2003. The fact that these communities *chose* to pass such laws indicates the growing importance of animal welfare as a social issue with political repercussions. In fact, that there was growing interest and concern with this matter is explicitly mentioned in the various preambles<sup>7</sup> ('Preàmbulo'), the majority of which state that new regulations are necessary owing to the fact that there is no existing national animal protection law (*D.O.C.M. 1/1991; BOE 112/1993; BOPA 301/2002; BOJA 237/2003*).

An enlightening comparison can be made here between Catalonia and the Canary Islands whose first animal protection law in 1991 also banned bullfighting, whereas this did not happen in Catalonia until 2010. Given the latter's progressive reputation in animal welfare, on the face of it this seems surprising. An attempt in the Islands to introduce animal protection legislation in 1990 failed because it included cock-fighting. The debate in the regional Parliament, during which bullfighting was mentioned only once, polarised between those who saw cock fighting as a 'cruel tradition' and those calling for the Islands to join the 'civilised' world and ban it.<sup>8</sup> A

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<sup>7</sup> A preamble is a short introductory section to a written law, which explains why the law is necessary and what it aims to achieve.

<sup>8</sup> *Diario de Sesiones del Parlamento de Canarias*, 50/1990: 3401; 3405-3411.

year later, however, an animal protection law was unanimously passed which, in the prohibition of animals in ‘fights, fiestas, spectacles or other activities which involve abuse, cruelty or suffering’, made only one exception, namely cock-fighting.<sup>9</sup> In *not* being specifically excluded, bullfighting was thus included in the general prohibition. Significantly, the bullfighting community reacted with indifference. As Ortega Cano, a well known bullfighter commented, it was hardly surprising as in the Canary Islands there had always been ‘pocos toros’ (limited interest) (*El Pais*, 18 April 1991). Twenty years later, when quizzed by a local newspaper as to why bullfighting had never taken hold in Canary Islands culture and why there had not been a volatile debate about its prohibition, as in Catalonia, regional politicians stated that partly the geographical circumstances of the Islands (eight separate islands and situated far from mainland Spain and its stock of bulls) and the low population density (in order to see a bullfight islanders would have to travel from one island to another) meant that staging and attending a bullfight was financially unviable and hence the practise had not developed. Cock-fighting, however, they claimed was to the Canary Islands what bullfighting was to Spain (*La Voz de Lanzarote* 14 March 2010). This is perhaps evidence that geography is as much an influence on culture and identity as anything else.

Where the preambles to regional legislation are concerned, they provide evidence of a growing awareness among politicians and the legal profession that the law needs to reflect and respond to the ‘growing sensibility among ... citizens who demand the adoption of new measures designed to dissuade certain types of behaviour towards

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<sup>9</sup> ‘peleas, fiestas, espectáculos y otras actividades que conlleven maltrato, crueldad o sufrimiento’, (B.O.C. 62/1991; *Diario de Sesiones del Parlamento de Canarias*, 64/1991).

animals' (*D.O.C.M. 1/1991*; also *BOC 62/1991*; *BOE 112/1993*; *BOJA 237/2003*);<sup>10</sup> and, significantly, they also refer to a 'growing ...sensitivity to animal protection amongst citizens...similar to that which exists in the most advanced societies' (*DOE 83/2002*; see also *BOPA 301/2002*; *BON 70/1994*; *BOE 145/1992*; *BOJA 237/2003*; *BOE 194/1994*).<sup>11</sup> Frequently, the preambles refer to the need to promote animal protection in accordance with international treaties and agreements, such as the 1987 UNESCO Universal Declaration of Animal Rights (*BOPA 301/2002*; also *BOC 62/1991*; *BOE 53/1990*; *BOR 70/ 2000*; *BOE 194/1994*), as well as 'the most advanced European laws' (*BON 70/1994*; also *BOJA 237/2003*; *BOE 112/1993*).<sup>12</sup> It is worth noting that some of the regional laws claim to have an edifying purpose aiming to 'raise social awareness ... towards more civilized behaviours which are appropriate for a modern society' (*BOE 145/1992*; also *BOC 62/1991*; *BOJA 237/2003*; *BOE 194/1994*; *BOE 189/2003*).<sup>13</sup> In this respect, these preambles suggest that both regional authorities and large sections of the population are keen to enshrine in law the increasing sensibilities towards animals, which is seen as a manifestation of moral and social progress befitting a 'modern' nation within Europe.<sup>14</sup>

In terms of the legal conception of animals, the new regional protection laws signalled a considerable shift in comparison with earlier considerations. As the preambles made clear, the regional laws were *based* on international and European legislation and treaties, which no longer restricted 'animal welfare' to physical well-being, but included psychological needs (Pérez Monguió, 2012: 334-335).

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<sup>10</sup> 'creciente sensibilización de los ciudadanos ... que demandan la adopción de nuevas medidas tendentes a evitar determinadas conductas para con los animales.'

<sup>11</sup> 'creciente sensibilización de los ciudadanos...por la protección de los animales, en concordancia con la existente en las sociedades más avanzadas'

<sup>12</sup> 'las legislaciones europeas más avanzadas'

<sup>13</sup> 'aumentar la sensibilidad colectiva...hacia comportamientos más civilizados y propios de una sociedad moderna.'

<sup>14</sup> In comparison, the first animal protection laws were passed in the UK in 1822 with Martin's Act, in France in 1850 and in Germany in 1838 (Requejo Conde 2010: 17-20).

Furthermore, for the first time, animals were now seen to be worthy of protection in their own right, as opposed to in the past when their abuse was penalised because it caused discomfort to human onlookers. This legal perception of animals is clearly stated in the prescriptions made by the regions with regard to their treatment based on notions of ‘respect’ and ‘defence’ (*BOE 112/1993; BOJA 237/2003; BOA 35/2003; BOE 93/1991; BOE 124/1992; BOC 62/1991; DOE 83/2002; BOE 53/1990; BOE 165/2000*).<sup>15</sup> The preambles also guarantee that animals have a ‘right to a dignified life’<sup>16</sup> or, failing that, a ‘painless death’ (*BON 70/1994*),<sup>17</sup> and outline minimum requirements for health and sanitary conditions, which have to be in accordance with ‘the physiological and ethological needs particular to their species and breed’ (*BOCYL 81/1997; see also DOE 83/2002*).<sup>18</sup>

The legal perception of animals obviously changed with the passing of regional protection laws, two of which have been more comprehensive than others and one much more so. Catalonia is particularly notable where animal protection is concerned, not only because it was the first region to pass such a law in 1988 (‘Llei 3/1988, de 4 de març, de protecció dels animals’), but also because of the subsequent pioneering protective measures included in the 2003 amendment of the original 1988 ‘Animal Protection Law’ (*BOE 189/2003; see also Boillat de Corgement Sartorio, 2007: 81-105*). Article 2 was significant in stipulating that animals were considered to be ‘physically and psychologically sentient beings’<sup>19</sup> (*DOGCA 5113/2008: 29666*). In contrast to other regions, Catalan law explicitly recognised the need to consider the emotional well being of animals as well as their physical health. Furthermore, the

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<sup>15</sup> ‘respeto’ ‘defensa’

<sup>16</sup> ‘derecho a una vida digna’

<sup>17</sup> ‘una muerte indolora’

<sup>18</sup> ‘sus necesidades fisiológicas y etológicas en función de su especie y raza’

<sup>19</sup> ‘seres vivos dotados de sensibilidad física y psíquica’

2003 Catalan animal protection law was the first in Spain (and so far the only one) to implement a ban on killing abandoned, healthy animals in shelters and refuges;<sup>20</sup> it also prohibited the display of live animals in shop windows in order to curtail impulsive purchases of pets (Tafalla, 2006:1; Chillerón Hellín, 2005; Boillat de Corgemont Sartorio, 2005). Of course, as is well known, the Barcelona Anti-Bullfight Declaration, 2004, prepared the way for the controversial amendment in 2010 of the animal protection law (2003) whereby from 2012 bullfighting was banned throughout the region.

The Andalusian animal protection law (2003), while less specific than the Catalanian one, also recognised the growing body of scientific studies into the ‘sensory and cognitive abilities of animals’.<sup>21</sup> The preamble acknowledged that animals were able to ‘feel emotions such as pleasure, fear, stress, anxiety, pain, or happiness’, although psychological sentience was not specifically mentioned in the law’s articles (unlike in Catalonia) (*BOJA 237/2003*).<sup>22</sup> Nonetheless, the restrictions and prohibitions of certain spectacles involving animals (but excluding bullfighting and other traditional bull festivities), which were intended to ‘avoid the cruel, inappropriate or *anti-natural* treatment of animals’, showed that the region’s notion of animal welfare went beyond the prohibition of merely physical abuse. In taking this stance, Andalucía associated itself with progressive reform (*BOA 35/2003*; emphasis added).<sup>23</sup>

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<sup>20</sup> All other regions choose to solve the problems arising from the abandonment of pets by sacrificing these un-wanted animals in order to deal with the issue of saturated shelter accommodation as well as simultaneously reducing the costs involved in keeping abandoned animals (Maresca Cabot, 1994: 160-162).

<sup>21</sup> ‘capacidades sensoriales y cognitivas de los animales’

<sup>22</sup> ‘experimentar sentimientos como placer, miedo, estrés, ansiedad, dolor o felicidad’.

<sup>23</sup> ‘el trato cruel, inadecuado o antinatural para con los animales’

### *Differences in regional animal protection laws*

As the Catalan example suggests, there is considerable variation in legal understandings of animals. Since each autonomous community has exclusive authority in deciding how to regulate certain categories of human-animal relations within its territory, the result is a patchwork of seventeen different or overlapping approaches to animal protection, including categories of animals covered by the law, legal conceptualizations of the distinction between ‘pet’ and ‘domestic animal’, the minimum conditions required of owners for keeping animals, and the rules governing abandonment (Maresca Cabot, 1994: 156-159). The regional laws governing animal protection are usually quite specific in detailing which animals are covered in which provisions: pets, domestic (and ‘domesticated’) animals, indigenous wildlife, wild animals in captivity and those in laboratories (*BOCYL 81/1997*; *BON70/1994*; *BOA 35/2003*; *BOE 145/1992*). Catalonia, however, is unique among the regions in including all types of animals within its legal jurisdiction (*DOGC 5113/2008*).

There are many different conceptualizations of ‘pet’, ‘domestic animal’ and ‘domesticated animal’ - each to a large extent is determined by regional cultural elements (Requejo Conde, 2010: 44). In Murcia, a ‘pet’ is defined as all varieties of cats and dogs (*BORM 225/1990*); in Castilla-La Mancha and Asturias ‘a pet’ includes those species of animals which have been bred and reared for human company (*D.O.C.M 1/1991*; *BOPA 301/2002*); in Madrid a ‘pet’ is understood to be an animal kept for pleasure, company and non-commercial purposes (*BOE 53/1990*); in the Balearic Islands a ‘domesticated’ or ‘domestic’ animal is one that lives with humans for non-commercial purposes (*BOE 145/1992*); in Catalonia, it is an animal that is bred, reproduced and lives with humans and is not part of wildlife (*DOGC*

5113/2003); and in Navarre, a 'domestic' animal belongs to those species which humans keep for company or rear for their resources (*BON 70/1994*).

There are also considerable regional differences in the minimal requirements that owners/custodians are expected to provide for the animal, and the detail with which such responsibilities are prescribed. Andalusian and Aragonese law have very detailed regulations for guard dogs specifying the length of the lead with which the dog is tied, how many hours at most the animal can be tied up and the minimum requirements for the shelter in which the canine guard can seek refuge from the elements (*BOJA 237/2003*). In Aragon it is prohibited to keep animals in cars or spaces without sufficient ventilation, and tying them to the bumper of a moving car (*BOA 35/ 2003*). In contrast, and just across the regional border from Andalusia, in Extremadura there are no such guidelines and minimal requirements set out for guard dogs (*DOE 83/2002*). Another regional difference relates to regulations for the abandonment of animals and the system of sanctions imposed for breaches of the law. While all regional laws impose an obligation on municipalities to collect and shelter abandoned pets, there are marked differences in the definitions of what constitutes an abandoned animal, how long the shelters are obliged to keep the animal before it is either released for re-homing or, most often, killed, and which types of schemes are in place, if any, at the municipal level to re-home abandoned pets. In Asturias, abandoned animals can be re-homed or killed after eight days in the public shelter (*BOPA 301/2002*), in La Rioja, it is fifteen days (*BOR 70/2000*) and in the Canary Islands, ten days (*BOC 62/1991*). The sanctions imposed for breaching regional animal protection laws are similarly variable. Abandoning an animal in Extremadura incurs a fine of between 301 and 1,500 Euros (*DOE 83/2002*), between 150 and 300

Euros in Castilla-La Mancha (*DOCM 1/1991*), and in the Basque Country fines range between 1,500 and 15,000 Euros (*BOPV 220/1993*).

These regional variations have long been highlighted as a problem by animal advocacy groups, a claim that has been gaining increasing popular support since the beginning of the noughties, especially in relation to a series of high profile media cases of animal abuse. A particular difficulty was that the abuse occurred in regions whose provisions for animal welfare were deemed to be inadequate. Unfortunately, given the authority of the autonomous communities to regulate the norms for human behaviour towards animals, nothing could be done to improve the situation unless the regions themselves chose to act or, failing this, a national animal protection law was enacted. Thus, the core demand of the animal movement was for a *national* animal welfare law, which would establish a minimum level of protection as a means of ensuring that the legal provisions to deal with animal abuse were uniform and proportionate across Spain, and more in line with what was referred to as ‘European’, as well as popular, perceptions of acceptable human-animal relations (Montero *El País* 22 March, 2011; Ayllón *Público* 12 September, 2011).

### ***National laws***

Despite continuous campaigning by the *animalistas* for such a law, the state passed very little relevant legislation between the late 1980s and 2010 (Pérez Monguió, 2012: 365, 381; Castro Álvarez, 2007: 29). Those laws that were passed were concerned with implementing EU directives and focused primarily on animals in agriculture and laboratories as well as wildlife and endangered species. This was also true of the Animal Welfare Act, 32/2007 (Giménez-Candela, 2008: 25; Pérez Monguió, 2012: 381), which set out the principles for the ‘care of animals in farming,

during transport, in laboratories and when slaughtered' (*BOE 268/2007*).<sup>24</sup> For animal advocates this fell far short of meriting the title of a national animal welfare act for two reasons: the exclusion of numerous types of animals, which are also subject to human use such as those in hunting, fishing, zoos, taurine (bullfighting) festivities and pets, and its failure to put in place a satisfactory system of penalties (Pérez Monguió, 2012: 382-384).

Other parliamentary initiatives, however, such as the various 'proposiciones no de ley'<sup>25</sup> (i.e. an awareness raising exercise) have had pets and domestic animals as their main focus, notably those presented in 2005 by the PSOE parliamentary group for debate in the *Cortes* (*BOCG 186/2005*), the PP (*BOCG 190/2005*; see also Pérez Monguió, 2012: 382), and by the CiU parliamentary group (*BOCG 216/2005*). All three initiatives were unsuccessful in having their proposal for a national animal protection law included in the legislative agenda, despite popular support. This public pressure was clearly in evidence in 2009 through the petition with 1.3 million signatures in favour of a national law, which was presented to the Congress (Montero *El País* 22 March, 2011). The PSOE government response to both public and political (communist, Catalan nationalist and Catalan Green coalition, ER-IU-ICV) lobbying was to argue that the power to legislate in matters of animal protection had been devolved to the autonomous communities and was thus out of central governmental hands (Requejo Conde, 2012: 16-17; Ayllón *Público* 12 September, 2011). However,

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<sup>24</sup> 'el cuidado de los animales, en su explotación, transporte, experimentación y sacrificio'.

<sup>25</sup> Similar to an Early Day Motion in the British Parliamentary system. A 'proposición no de ley' can serve various purposes: e.g. to urge the government to take certain concrete action or to make public the majority view of the *Cortes* on a particular issue.

this is a disputed interpretation of the Constitution since in 1999 the *Cortes* had passed the nationally enforceable Dangerous Dogs Act, *BOE 307/1999*).<sup>26</sup>

What seemed at the time to have a greater chance of success was the approval in 2008 by the environmental committee of the Congress of Deputies of a resolution supporting the Great Ape Project. This was widely expected nationally and internationally to result in an important change in Spanish law. That it failed to progress through the *Cortes* was attributed by a representative from the Catalan Green Party to the reluctance of the socialist government to confront the continuing controversies surrounding the Project, and by Marta Tafalla, the philosopher and animal rights supporter, to a concerted conservative party media campaign to ridicule the scheme (Tafalla, 2009). Had the resolution been approved by the government, it would have entailed significant implications for the place of animals in Spanish law (Pérez Monguió, 2012: 381; *El Mundo* 25 June, 2008).

### **The New 1995 Penal Code**

The first penal code (also known as the Penal Code of Democracy, 1995) passed under democratic rule in post-Franco Spain, constituted ‘a significant political, juridical and social event’ (de la Cuesta and Varona, 1996: 226). The code preamble stated that the new law was necessary because notwithstanding post-Franco social change, the existing code dated from the nineteenth century. Since the objective of the penal code (of whatever era) was ‘to protect the basic values and principles of social coexistence’, it was argued that when such values changed so, too, must the penal code - in other words, the original 1848 code referred to a different reality from

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<sup>26</sup> Villiers points out that a number of safeguards are in place allowing the state to intervene in the powers of autonomous regions (1999: 83).

that of 1995 (*BOE 281/1995*; de la Cuesta and Varona, 1996: 227).<sup>27</sup> The code comprised what were known as three books (Articles 10-639). Book I regulated the ‘concepts of penal infraction’. Book II dealt with ‘serious and less serious offences’ or ‘crimes’ (Art.13-616). Book III (Art. 617-639) considered ‘misdemeanors (Minor Offences)’, which included references to animal abuse in Article 632 (Cuesta and Varona, 1996: 229-241).<sup>28</sup>

The code applies nationally to Spain, and while the autonomous regions are free to pass their own system of penalties to apply within their territories, it always has pre-eminence over regional laws. For instance, if a domestic animal is abandoned, putting its life in danger, the accused is liable to be fined in accordance with the code article 632 rather than with the regional animal protection law (Pérez Monguió, 2012: 371). Thus, the code attempts to ensure that what it defines as criminal behaviour towards animals will be uniformly punished irrespective of where it occurs in Spain. However, the code relies on the various and very different regional conceptualizations of ‘pet’ and ‘domestic animal’, from which judges may choose to seek definitional guidance or follow their own discretion. In some respects, this practice has added to the general confusion regarding the types of animal abuse cases prosecuted under the code (Requejo Conde, 2010: 39-44).

The 1995 code included a new article 632, namely:

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<sup>27</sup> ‘ha de tutelar los valores y principios básicos de convivencia’

<sup>28</sup> In Spanish legal terminology, the difference between ‘falta’ (misdemeanour) and ‘delito’ (crime) is one of degree of seriousness with which the law regards the criminal act. This in turn influences the type and severity of punishment that the act incurs. ‘Falta’ is not considered as serious a breach of the law as ‘delito’ (article 13 of the 1995 Penal Code, see *BOE 281/1995*: 33989).

‘those who cruelly mistreat domestic animals or any other animal in spectacles without legal authorization shall be liable to a fine of between ten to sixty days’<sup>29</sup> (BOE 281/1995: 34055)

This recognised the animal itself as the object of protection, and for the first time addressed the ill-treatment of the animal within a criminal context, irrespective of the emotional impact on humans. But, as the legal scholar Requejo Conde (2010: 26-27) has argued, the protection of animals was still connected to human interests in certain respects. We can explain the apparent contradiction as follows. The code in general organises criminal acts according to what has been referred to as the ‘legally protected interest or right’, which the act is considered to have violated.<sup>30</sup> Art. 632 was placed in the category of crimes against ‘the general interests’ (BOE 281/1995), alongside other infringements such as not safely disposing of syringes, circulating counterfeit money, destroying endangered plants or allowing dangerous or wild animals to roam free.<sup>31</sup> This broad category, it has been argued, aims to protect the ‘*objects that humans need for their free self realisation*’ (Emphasis original. Requejo Conde, 2010: 26, quoting Robles Planas, 1996: 700 ss),<sup>32</sup> which rather than focusing on the animal, has been interpreted as implicitly prioritising the collective values of society, whose infringement could impact indirectly on the individual and cause ‘an imbalance in the communication process or social interaction’ (Requejo Conde, 2010: 26).<sup>33</sup> The object of protection in this category, it been said, is human social values or collective emotions rather than solely animal interests (Requejo Conde, 2010: 26-27; also De Lora, 2003: 269).

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<sup>29</sup> ‘...los que maltratasen cruelmente a los animales domésticos o cualesquiera otros en espectáculos no autorizados legalmente, serán castigados con la pena de multa de diez a sesenta días’.

<sup>30</sup> ‘bien jurídico protegido’ (Requejo Conde, 2010: 26)

<sup>31</sup> ‘los intereses generales’

<sup>32</sup> ‘*objetos que el ser humano necesita para su libre autorealización*’

<sup>33</sup> ‘un desequilibrio en el proceso de comunicación e interacción social’

With these reservations in mind, it is worth noting that the parliamentary debates concerning the inclusion *and* scope of article 632 were especially critical (De Lora, 2003: 269; González Morán, 2002: 100; also *Diario de Sesiones*, 162/1995: 8715). As a result of PP and Catalan nationalist pressure, the socialist government (1982-1996) conceded that animal abuse was now to be addressed within the law independently of the offence it caused to onlookers: ‘ofendiendo los sentimientos de los presentes’ (*Diario de Sesiones*, 162/1995: 8715). But further demands for increased animal protection were rejected by the Socialists; for example, to remove the word ‘cruelly’ (too subjective) from the article, proposals to define abandonment as a ‘misdemeanour’, and the ERC suggestion that both animal abuse and abandonment should be classified as a ‘crime’ (De Lora, 2003: 269). Parliamentary discussions of whether certain expressions and words would jeopardize the effectiveness of the code regarding animal protection were repeatedly dismissed by the Socialists, who argued that the ‘proportionality’ of the code had to be preserved (*Diario de Sesiones*, 162/1995: 8715) and that ‘unduly stretching the scope of Penal law’ should be avoided (*Diario de Sesiones* 519/ 1995: 15936).<sup>34</sup> What the debates reveal is that in order to strengthen the article 632, the majority of opposition parties sought not only to remove ambiguous words, such as ‘cruelly’, but also misleading expressions, such as ‘spectacles without legal authorization’. As the conservative representative emphasized, such expressions would lay the law open for interpretations by the courts, and in certain circumstances (i.e. situations which are not spectacles, authorized or not) animal abuse would effectively go unpunished (*Diario de Sesiones* 162/1995: 8711; see also Ríos Corbacho, n.d.: 14-18).

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<sup>34</sup> ‘extender excesivamente el ámbito del Derecho penal’.

There are few official sources available to confirm the reasons for including the article in the 1995 Penal Code, but the perceived ineffectiveness of the regional animal protection laws may be the cause, particularly those in connection with the numerous local popular festivities. Increasingly, these popular celebrations involving animals had been the locus for confrontations between animal campaigners and local supporters (Requejo Conde, 2010: 26; Ríos Corbacho, n.d.: 17). One particularly controversial tradition in Manganeses de la Polvorosa, despite being prohibited by the provincial government in 1992, which involved the throwing of a goat from the local church belfry, continued to be held amidst growing animal advocacy protests, media attention, and critical public opinion. In the early 1990s, the confrontations between the locals and animal protectionists became so violent that the Civil Guard was dispatched to prevent the ritual from taking place (Lera, *El País* 26 January, 1992; *El País* 25 January, 1993; Campmany, *ABC* 29 January, 1992; Sáenz Guerrero, *La Vanguardia* 23 July, 1991). Consequently, it was widely felt that such a disregard for the regional law clearly warranted further legislative action, namely article 632. Less than a decade later, pressure from a combination of animal welfare groups, sections of the public and a number of political parties pushed the then conservative government (1996-2004) into making further reforms.<sup>35</sup>

### **The 2003 reform of the 1995 Penal Code: the reclassification of animal abuse**

Prior to examining how and why animal abuse was reclassified, it will be helpful to

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<sup>35</sup> The main national and regional groups are ADDA, Fundación Altarriba, ATEA, ASANDA, ANPBA, Equanimal, CACMA, ANDA, El Refugio, AnimaNaturalis, Ecologistas en Acción, FAADA, Igualdad Animal, Libera!, Amnistía Animal, and the federations FEBA and FAPAM. It is difficult to find information on the membership of these groups, but on the basis of interviews with ADDA, Fundación Altarriba, CACMA, and ASANDA, it seems that members are mainly women, of all ages to early 60s, and spread across the social classes (Figueroa, 2008; Moreno Albodalfio, 2009; Gilpérez Fraile, 2009; Cases, 2009). For a list of Spanish animal welfare organisations, see appendix 2.

briefly look at the main changes introduced by the reform.<sup>36</sup> First, whereas previously all forms of abuse were treated as a ‘misdemeanour’, as the preamble to the reform stated, the ‘abuse of domestic animals is classified as a “crime” in cases of grave misconduct’ incurring imprisonment under the *new* article 337;<sup>37</sup> while less serious misconduct would continue to warrant a fine or a community service order under article 632 (*BOE 283/2003*: 41844). Article 337 stipulated that:

‘those who cruelly and unjustly mistreat domestic animals causing their death or injuries which produce serious physical impairment shall be liable to a term of imprisonment of between three months and one year, and disqualified from pursuing a profession, occupation or commercial activity with relation to animals for between one and three years’ (*BOE 283/2003*: 41861- 41862).<sup>38</sup>

Second, the article was placed in a category designed to protect the environment, which was expanded to include the protection of domestic animals so that it dealt with ‘“crimes” relating to the protection of the flora, fauna and domestic animals’ (*BOE 283/2003*: 41861).<sup>39</sup> The removal of animal protection from the category of ‘general interests’, which emphasized *human* concerns, to one that focused on the protection of animals was significant in that it showed the law recognizing the priority of the animal interest as opposed to being merely linked to human interest (Requejo Conde, 2010: 27; also 20-21). Third, article 631<sup>40</sup> was amended to include

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<sup>36</sup> Ley Orgánica 15/2003, de 25 de noviembre, por la que se modifica la Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal (Organic Law 15/2003, November 25, which amends Organic Law 10/1995, November 23 of the Penal Code; *BOE 283/2003*: 41842).

<sup>37</sup> ‘maltrato de animales domésticos se configura como delito cuando la conducta sea grave’

<sup>38</sup> ‘los que maltrataren con ensañamiento e injustificadamente a animales domésticos causándoles la muerte o provocándoles lesiones que produzcan un grave menoscabo físico serán castigados con la pena de prisión de tres meses a un año e inhabilitación especial de uno a tres años para el ejercicio de profesión, oficio o comercio que tenga relación con los animales’.

<sup>39</sup> ‘delitos relativos a la protección de la flora, fauna y los animales domésticos.’ The Penal Code reform also included several alterations to punitive measures for causing damage to the environment and to wildlife, particularly endangered species (*BOE 283/2003*: 41861, 41869).

<sup>40</sup> ‘Quienes abandonen a un animal doméstico en condiciones en que pueda peligrar su vida o su integridad serán castigados con la pena de multa de 10 a 30 días’ (Those who abandon a domestic animal in circumstances, which may endanger his life or integrity shall be liable to a fine of between ten and thirty days; *BOE 283/2003*: 41869).

the *abandonment* of domestic animals, now criminalised for the first time and defined as a ‘misdemeanour’, punishable by a fine.

### ***The Fundación Altarriba campaign and the 2003 Reform***

In order to understand how and why the 2003 Reform came about, it is necessary to examine further some of the perceived weaknesses of article 632 in the 1995 code. The original concerns regarding the vigour of the code to adequately protect animals were fuelled in 2001 after a particularly gory case of abuse at an animal rescue shelter in Tarragona in Catalonia where, on arriving at work one morning in November 2001, the staff discovered fifteen dogs with their front paws sawn off and left to bleed to death.<sup>41</sup> The Barcelona based animal protection association, Fundación Altarriba, immediately launched a campaign to collect half a million signatures for a popular initiative law proposal (ILP) in support of a change to the Penal Code, in order to make animal abuse a ‘crime’ punishable by imprisonment (*Bú Bup*, 2002a: 12). By the time the campaign concluded in February 2002, some 600,000 signatures had been collected (*Bú Bup*, 2002a: 11). As the petition campaign gathered momentum, the pledges of support from both national and international organisations for Altarriba’s demands proliferated - in less than a month, the initial fifty organisations had increased to 1,500 (Bosch, *La Vanguardia* 3 December, 2001; Sans, *La Vanguardia* 10 November, 2001; Soler, *La Vanguardia* 1 December, 2001). The demands of the animal movement were reflected in mounting social pressure for immediate changes in the Penal Code. In fact, public furore reached such a level that the government and the judiciary repeatedly called for ‘restraint’ and ‘prudence’ during the parliamentary procedures set in motion to amend the code (Alfonso, *La*

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<sup>41</sup> This was one of several attacks on animal shelters, although none quite so horrific. No one was ever prosecuted. A psychologically disturbed drug addict made a confession, which the police discounted saying that one person could not have carried out the attack (Cambra, *El País* 30 December 2001).

*Vanguardia* 3 December, 2001; *ABC* 24 April, 2002; *El País* 19 March, 2003; see also De Lora, 2003: 274-275; Pérez-Barco, *ABC* 11 March, 2002).<sup>42</sup>

The scale and swiftness of the popular mobilisation in support of increased penalties for animal abuse surprised even Altarriba (Luque, *El Mundo* 11 February, 2002).

Although the campaign for a more punitive penal response was generated initially by the animal welfare lobby, supported by demonstrations and petitions, which were publicised through a sympathetic media (Montero, *El País* 6 November, 2001; Haro Tecglen, *El País* 6 November, 2001; Merino, *El Mundo* 11 November, 2001; Ruíz Quintano, *ABC* 14 November, 2001), only later did several political parties add their voice to calls for a reform of the code. As commentators have noted, however, there is little doubt that the successful amendments were largely due to this particularly gory incident, which was effectively harnessed by the animal welfare lobby (Pérez Monguió, 2012: 368; Muñoz Lorente, 2007: 341; De Lora, 2003: 274; Ríos Corbacho, n.d.: 20; Sordé de Uralde, 2007: 210; Escartín Gual, 2005: 16; Gutiérrez Casas, 2009: 71-73). This suggests that at certain times and in particular circumstances, public opinion, informed by animal protectionist campaigns, is ahead of party political and judicial sentiment in support of animal welfare legislation. According to Matilda Figueroa, of Fundación Altarriba, in dismissing the petition as ‘not necessary’ and ‘exaggerated’ the conservative government reflected the general party political approach in being ten years behind public opinion (2008).

Underpinning the campaign demands for a more punitive approach were the familiar claims regarding the failure of Spanish law to provide sufficient protection for

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<sup>42</sup> According to the legal theorist, José María Pérez Monguió, however, as a result of political and judicial efforts to assuage public concern, the 2003 Reform was drafted in haste, resulting in a law that was more ‘progressive than the public conscience’ at the time, which compromised the ‘penal coherence’ of the law (2014).

animals. Under the existing Penal Code for instance, a speeding offence would receive a harsher punishment than the ‘outrage’ at the Tarragona shelter, a disparity which for many people emphasised the unjust nature of the code (Montero, *El País* 30 April, 2002; see also Cambra and Blanco, *El País* 3 December, 2001; Marín, *ABC* 6 November, 2001; Sans, *La Vanguardia* 12 November, 2001). In relation to Spain seeing itself as a modern European state, it was significant that animal protectionists and the media highlighted the inadequacy of Spanish law through comparisons with the animal protection laws of other European nations, where for years animal abuse had been punished with imprisonment (Toledano, *El País* 29 November, 2002; Cambra and Blanco, *El País* 3 December, 2001; Montero, *El País* 13 November, 2001; Alfonso, *La Vanguardia* 3 December, 2001; *El Mundo* 18 November, 2001; Luque, *El Mundo* 11 February, 2002).

### ***Political proposals to regulate ‘uncivilised Spain’***

Despite their initial reluctance, several political parties were quick to draft legislative proposals reforming the code (*Diario de Sesiones 156/2002*: 7914-7920, 7926). In November 2001, both the CiU and the PP had each proposed a ‘proposición no de ley’ to the Justice and Home Office select committee. While the Catalans argued for an immediate change to the Penal Code, the ruling Conservatives advocated that the matter should be explored in the penal code reform committee as part of the general review of forthcoming alterations to the code. Given the majority of the Conservatives on the Justice and Home Office select committee, the Catalan resolution failed, while that of the Conservatives was passed (*Diario de Sesiones 389/2001*: 12743-12759). Parallel to the processing of these resolutions, the parliamentary groups of the PSOE, the IU, the ERC and the CiU had each submitted a

law proposal to the *Cortes* calling for animal abuse to be punishable by imprisonment. Unsurprisingly, all four proposals were defeated in the plenary session of the *Congreso*, owing to the Conservative majority (and the PNV Basque nationalists) voting against them (*Diario de Sesiones 156/2002*: 7914-7927). In the event, the only successful proposal was that of the PP conservative government (May 2003), which, although making certain types of ill-treatment of animals liable to a prison sentence (*BOCG 145-I/2003*: 4), was more restrictive in its scope than other parties had desired (*BOE 283/2003*: 41842).

The April 2002 parliamentary debate of the four defeated proposals provides an interesting insight into what motivated political eagerness to heed popular demands. The motivations can be grouped around three central themes. First, it was emphasized that popular sensibilities had changed in terms of what conduct towards animals was acceptable. The 600,000 signatures collected in the Altarriba petition showed the extent to which the public was ‘angered, horrified and alarmed’ at what happened at the Tarragona shelter (*Diario de Sesiones 156/2002*: 7915, 7916-7917).<sup>43</sup> Moreover, as the ERC and PSOE argued, the proposals were an important reflection of popular opinion, which had identified the need for an increased punitive response in order to deter the unacceptable treatment of animals; and, as pointed out by the ERC representative, it was the role of ‘the State, the Government and this Parliament ... to follow the instructions, the majority views in a democratic, adult and civilised society’ (*Diario de Sesiones 156/2002*: 7918).<sup>44</sup> In the same vein, in the view of the CiU, the demand of the 600,000 signatories exemplified the changing popular attitudes to how animals could be treated and in signing the petition they had voiced

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<sup>43</sup> ‘indignación, repulsa y alarma’, argued by the PSOE socialist representative, and also by the ERC Catalan leftwing separatist (*Diario de Sesiones 156/2002*: 7918).

<sup>44</sup> ‘el Estado, el Gobierno y este Parlamento... seguir las consignas, las opiniones mayoritarias de una sociedad democrática, adulta y civilizada.’

such an opinion, which represented a ‘social outcry’ and sent a ‘very clear, forceful and unambiguous message from civil society to the Parliamentary Assemblies’ (*Diario de Sesiones 156/2002: 7919*).<sup>45</sup>

Second, there was the fear that Spain stood ‘outside’ Europe in terms of animal welfare. In comparison with other European nations, understood to be ‘those countries with whom we want to align ourselves and whose cultural characteristics we believe we share’, as the PSOE spokesperson claimed, Spain was ‘not at all European’ (*Diario de Sesiones 156/2002: 7915*).<sup>46</sup> Similarly, the ERC argued that the Tarragona incident ‘would be un-heard of in any other advanced State, in countries like Holland or Britain...who have a much more sensitive legislation in terms of animal protection’.<sup>47</sup> Consequently, the ERC proposal was that ‘the existing legislation of the Spanish State is adapted to the common standards in Europe’ (*Diario de Sesiones 156/2002: 7917*);<sup>48</sup> while the CiU Catalan centre-right nationalist claimed that a ‘European standardization’ was necessary to avoid embarrassment since ‘the Spanish State cannot continue as the only country in the European Union without a general animal protection law, we cannot be at the tail end in these matters as well’ (*Diario de Sesiones 156/2002: 7920*).<sup>49</sup>

Third, the ineffectiveness of the existing laws was recognized by all parliamentary groups. With the notable exception of the PP, most political representatives stressed

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<sup>45</sup> ‘clamor social’; ‘mensaje muy claro, muy contundente y unívoco dirigido desde la sociedad civil a las Cortes Generales’.

<sup>46</sup> ‘aquellos países a los queremos acercarnos y comparados con los cuales presumimos tener los mismos rasgos culturales’ ... ‘No...del todo europeos.’

<sup>47</sup> ‘sería inaudita en cualquier otro Estado avanzado, en países que como Holanda o Inglaterra... disponen de una legislación mucho más sensible en lo que se refiere a la protección de los animales.’

<sup>48</sup> ‘la normativa existente en el Estado español se adecua a los estándares comunes en Europa’

<sup>49</sup> ‘homologación europea’ ... ‘el Estado español no puede ser el único país de la Unión Europea que no disponga de una ley general de protección de los animales, no podemos ser también el vagón de cola en estos temas.’

that what happened at the Tarragona shelter was not an isolated incident (CiU Catalan deputy: *Diario de Sesiones 156/2002*: 7919). On the contrary, such ‘barbaric and savage conduct’ towards animals was endemic in Spanish society (PSOE deputy: *Diario de Sesiones 156/2002*: 7915),<sup>50</sup> and was evident in traditional practices including the hanging of greyhounds at the end of the hunting season (PSOE deputy: *Diario de Sesiones 156/2002*: 7915; CiU Catalan deputy: *Diario de Sesiones 156/2002*: 7919) and the use of animals in numerous annual popular festivities (IU deputy: *Diario de Sesiones 156/2002*: 7921; ERC Catalan deputy: *Diario de Sesiones 156/2002*: 7917). To the Communists, calling on a long-established fear, such ‘sadistic conduct and gratuitous violence against animals, which borders on the pathological’, carried a broader social risk in that, if not successfully deterred, this type of human violence against animals could spread to interpersonal relationships as well (IU deputy: *Diario de Sesiones 156/2002*: 7921, 7922).<sup>51</sup> Adding to the pressure on parliamentarians during debates was the continuous media focus on similar cases of animal abuse throughout the country suggesting that such behaviour was ubiquitous in Spanish society (*ABC* 7 March, 2002; Pérez-Barco, *ABC* 11 March, 2002; Mas de Xaxás, *La Vanguardia* 14 October, 2003; Montero, *El País* 5 February, 2002; Montero, *El País* 30 April, 2002; Toledano, *El País* 29 November, 2002).

The debates leading up to the 2003 Penal Code reform show the extent to which popular opinion, led by animal welfare groups with the belated support of some political parties, was instrumental in encouraging the state to provide increased legal protection for animals. The Tarragona incident triggered a critical national debate about the legal protection of animals in Spain, a debate which revealed that

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<sup>50</sup> ‘conductas de barbarie y de salvajismo’

<sup>51</sup> ‘comportamientos de sadismo y producción de violencia gratuita sobre los animales que rozan lo patológico’

significant sectors of public opinion saw animal abuse as widespread and endemic in Spanish society, a situation requiring remedy through the law if the country was not to remain isolated within Europe in terms of its approach to animal welfare. Despite the initial optimism regarding the reform, its implementation and failure to secure convictions provoked a number of criticisms, leading to demands for further reform.

### **The 2010 reform of the 1995 Penal Code**

The key amendment<sup>52</sup> in the 2010 reform was the elimination of the word ‘cruelty’<sup>53</sup> from the text of article 337, which ‘had notably obstructed the application of the precept’ (*BOE 152/2010*: 54819).<sup>54</sup> The revised text of article 337 now read:

‘He who, by whatever means or method, unjustly maltreats a domestic or tamed animal causing its death or injuries that seriously harm its health shall be liable to a term of imprisonment of between three months and one year, and disqualified from pursuing a profession, occupation or commercial activity with relation to animals for between one and three years’ (*BOE 152/2010*: 54858).<sup>55</sup>

Other amendments to the article specified that the abuse may have been inflicted ‘by whatever means or method’,<sup>56</sup> meaning cruelty by omission, e.g. not feeding your dog, which was made punishable. The article now included the more detailed definition ‘domestic or tamed animal’,<sup>57</sup> in place of ‘domestic animals’,<sup>58</sup> and the

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<sup>52</sup> Ley Orgánica 5/2010, de 22 de junio, por la que se modifica la Ley Orgánica 10/1995, de noviembre, del Código Penal (Organic Law 5/2010, June 22, which amends Organic Law 10/1995, November 23 of the Penal Code; *BOE 152/2010*).

<sup>53</sup> ‘ensañamiento’

<sup>54</sup> ‘que dificultaba de manera notable la aplicación del precepto’

<sup>55</sup> ‘El que por cualquier medio o procedimiento maltrate injustificadamente a un animal doméstico o amansado, causándole la muerte o lesiones que menoscaben gravemente su salud, será castigado con la pena de tres meses a un año de prisión e inhabilitación especial de uno a tres años para el ejercicio de profesión, oficio o comercio que tenga relación con los animales’.

<sup>56</sup> ‘por cualquier medio o procedimiento’

<sup>57</sup> ‘animal domestico o amansado’

<sup>58</sup> ‘animales domésticos’

broader phrasing ‘injuries that seriously harm its health’<sup>59</sup> supplanted ‘injuries which produce serious physical impairment’<sup>60</sup> (*BOE 152/2010*: 54858).<sup>61</sup> The preamble to the code made clear that the reform was part of what it referred to as the necessary continuous adaptation of the law in order to keep up with, first, ‘Spain’s international obligations...which require adaptations – sometimes of considerable scope – of our criminal law’, not least as a result of the EU membership.<sup>62</sup> Second, the revision addressed the correction of shortcomings and inconsistencies that had become evident with the application of the pre-existing law. Third, it dealt with some of the emergent issues arising from the ‘changing social reality’ (*BOE 152/2010*: 54811).<sup>63</sup> In other words, further liberalisation of Spanish society involved reforming the Penal Code in line with ‘Europeanism’, which included enhancing animal welfare. We see something of the popularity of this issue in the response to a government survey in which the public were asked to rate their sympathy for a number of different social movements. Only human rights organizations with a score of 7.48 were higher than those involved in animal welfare, which scored 7.03 (*CIS, 2010*: 7).

### *The campaign for the 2010 reform*

But how had this further reform come about? Here again, as with the 2003 reform, there is a trail of party political alliances, pressure exerted by animal welfare groups, the mobilization of public opinion, and sympathetic coverage by sections of the media. Although there had been numerous criticisms concerning the rate of

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<sup>59</sup> ‘lesiones que menoscaben gravemente su salud’

<sup>60</sup> ‘lesiones que produzcan un grave menoscabo físico’

<sup>61</sup> This refinement of article 337 was only one of a series of amendments and modifications in the reform of the Penal Code covering a range of criminal offences, including new technologies, sex crimes (particularly the sexual exploitation of children), harassment in the workplace, illegal trafficking of human organs and increased online data protection and privacy.

<sup>62</sup> ‘obligaciones internacionales...que exigen adaptaciones – a veces de considerable calado-de nuestras normas penales.’

<sup>63</sup> ‘la cambiante realidad social’

conviction for animal cruelty under the 2003 reform, and the animal lobby had proposed further amendments, the PSOE's draft bill of November 2009 to change the Penal Code, made no provision under article 337 to accommodate the criticisms. Instead, having promised in the General Election of 2008 to draft a national animal protection law, the government merely complied with an EU directive (2008/99/CE) to offer greater protection for the environment and wildlife (*BOCG 52-1/2009*).<sup>64</sup> However, the ERC-IU-ICV coalition, the CiU and the PP each proposed amendments to the draft bill, all of which urged that the phrasing of article 337 should be changed to ensure that the law could be applied more successfully (*BOCG 52-9/2010*: 30, 83). The ERC-IU-ICV coalition defended its amendment arguing that seven years of practical experience had shown the limitations of the existing article, particularly the difficulties in achieving convictions. The main obstacle was that animal abuse would only be considered a 'crime' on condition that it was 'cruel' and 'unjustified', a condition that was both very hard to prove and open to various judicial interpretations (*BOCG 52-9/2010*: 130).<sup>65</sup> The amendments, however, were rejected by the government (in the meantime the CiU had switched sides and supported the PSOE government). But, after much public and private lobbying during the run-up to the final Bill, the government agreed to make some 'technical improvements' to the article, most importantly the elimination of the word 'cruelty' in order to make prosecution easier (*Diario de Sesiones, 522/2010*: 10-11). Although the outcome fell short of the expectations of the reformers, who had formed the 'Platform for Animal Laws NOW!' to lead their campaign,<sup>66</sup> it did strengthen the legal protection of domestic animals.<sup>67</sup>

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<sup>64</sup> For post 2010 developments with regards to the animal movement's relationship with PSOE, see *Europa Press* 25 November 2014; Sanz and Garcia *El Mundo* 14 September 2015.

<sup>65</sup> 'ensañamiento' ... 'injustificadamente'

<sup>66</sup> 'Plataforma 'Leyes Animales Ya'', is spearheaded by The Green Party and the animal protection

### *The public debate leading to the 2010 reform*

Whereas the debate surrounding the 2003 reform had been short lived owing partly to the widely perceived inadequacies of the 1995 code, which was crystallised by the Tarragona ‘outrage’, that leading up to the 2010 reform was much more prolonged. While the reform to article 337 was less than had been hoped for, the debate provides interesting insights into the outlooks of the various interests involved and, therefore, into changing attitudes towards the welfare of domestic animals. Subsequent to the passing of the 2003 reform, many legal experts pointed to several problems with the article: it was vague, ambiguous and inconsistent, resulting in a lack of harmonious sentencing, and in some cases directly blocking a conviction completely - which was unacceptable for a national law (Rodríguez Utrera, 2007: 8-9; Muñoz Lorente, 2007: 344-345; García Solé, 2010: 40). The article provided no definition of what was understood by ‘domestic animals’, leaving it to the discretion of the court to decide which animals to include (Muñoz Lorente, 2007: 345-349; Pérez Monguió, 2014). More importantly, it was difficult to determine what the term ‘cruelty’ entailed, and how to establish if the act had been committed with ‘cruelty’. Moreover, the absence of any formal guidelines from the Public Prosecutor’s Office,<sup>68</sup> which would have provided the judiciary with a homogeneous interpretation of the term, left the courts to decide what they understood by the word and whether it had formed part of the alleged animal abuse (Rodríguez Utrera, 2007: 9). As seven years of experience with court rulings had shown, lack of official guidance on the meaning of ‘cruelty’ combined with the phrasing of article 337 meant that most judges saw ‘cruelty’ as

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organisations: Altarriba, CORA, Grupo Animalista Madrid and Great Ape Project, Spain, and a further 227 animal rights groups (Fundación Altarriba, n.d.).

<sup>67</sup> There is evidence that in recent years the police are more likely to respond to reports of animal abuse and, perhaps a sign of changing attitudes, in Cádiz the local force has established a specialist unit for animal abuse (Pérez Monguió, 2014).

<sup>68</sup> ‘Fiscalía General del Estado’ set out the criteria by which laws should be interpreted and applied to ensure the uniform and appropriate implementation of the law across Spain.

conditional as to whether the accused could even be tried under article 337. In other words, if the conduct in question only sought to kill or seriously injure the animal without seeking to deliberately and unnecessarily augment its suffering or pain such conduct was deemed not to be included in article 337 (Muñoz Lorente, 2007: 349-354; García Solé, 2010: 40; Rodríguez Utrera, 2007: 8; Requejo Conde, 2010: 60-62).

When article 337 was added to the Penal Code in 2003, the *Junta de Fiscales de Sala* ('the board of public prosecutors') regarded a prison sentence for animal abuse as excessive and suggested introducing a community service order instead (*El País* 9 March, 2003; Requejo Conde, 2010: 28). By 2006, however, legal attitudes were changing. The coordinating public prosecutor of environmental and urban cases held several meetings with animal protection groups who expressed their concerns regarding the workings of the article (Fiscalía General del Estado, 2007: 447-449), and he came to concede their arguments, particularly the failure of the courts to convict persons who killed animals instantaneously, rather than by subjecting them to 'cruelty'. And, voicing the ongoing debate about 'social change', he declared that such actions 'deserve more than just a moral reproach in a society like today's Spanish society in which the respect for animals and the struggle against their abuse is increasingly becoming a primary civic value' (Fiscalía General del Estado, 2007: 448).<sup>69</sup>

To ensure that the law adequately reflected such societal developments, the prosecutor drafted a legal proposal to change article 337, which was sent to the Ministries of Justice and of the Environment and to the Public Prosecutor's Office for inclusion in the next revision of the Penal Code (Fiscalía General del Estado, 2007:

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<sup>69</sup> 'parece evidente que hechos como los señalados han de merecer algo más que un simple reproche moral en una sociedad como la actual sociedad española en la que el respeto a los animales y la lucha contra el maltrato a los mismos tiende a convertirse en un valor cívico de primer orden.'

448-449). It was publicly stated that the amendment was necessary in order to make the law influence behaviour as intended, and change deep-rooted notions that endorsed violence towards animals (Méndez and Lázaro, *El País* 1 November, 2006). Other judges and prosecutors supported the claim of animal protectionists that the phrasing of article 337 had made the law unworkable in practice (Fiscalía General del Estado, 2010: 840; Mulà Arribas, 2011: 46). Eliminating the term ‘cruelty’ would ensure juridical coherence and solve the confusion that was at the heart of the problem, namely that the legal understanding of ‘cruelty’ differed from that of ordinary daily language (Mulà Arribas, 2011: 46).

In important respects, this shows legal opinion responding to the arguments of the animal movement and its supporters in politics, the media and among the general public.<sup>70</sup> In their reactions to the sentences passed by courts in cases tried under article 337, campaigners highlighted numerous reasons why the law was failing, not least the lack of judicial awareness of the social and political importance of animal rights issues, which left judges reluctant to order the necessary tests to prove the allegations. One typical example was that of the investigating judge who found the request for a ballistic report to establish responsibility for the shooting of a dog ‘disproportionate’ (*20 Minutos* 10 May, 2006). According to ASANDA, similar judiciary reticence was the reason why it took four years for the owner of an abandoned dying dog to be convicted, despite the court possessing all the necessary information and without any denial from the accused (*ABC* 12 May, 2008b). Luís Gilpérez Fraile, the president of ASANDA, was keen to emphasize the prohibitive amount of time and resources required to bring charges, often with little result (2009).

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<sup>70</sup> As a sign of changing legal attitudes, it is worth noting that the Cádiz College of Law has pioneered a specialist course, ‘Animals and Law’, which is compulsory for all students. Similar courses are increasingly to be found in Spanish law schools (Pérez Monguió, 2014).

A frequent complaint from animal protectionists was that the law was too lenient. In most cases, anyone given a jail sentence for animal abuse would have their sentence commuted to a fine either because the judge chose to do so or because the accused had no criminal record (Visa, *El País* 6 October, 2010; *La Vanguardia* 6 October, 2010; Grados, *20 Minutos*, 8 November, 2010; *El Mundo* 10 September, 2007; Damián, *20 Minutos* 1 October, 2007).

According to campaigners, a critically important feature of the failures of the Penal Code to effectively punish violent acts towards animals, was that it reinforced the feeling that in Spain animal abuse could be perpetrated with impunity (Damián, *20 Minutos* 1 October, 2007; Sieteiglesias, *La Razón* 24 May, 2008; *20 Minutos* 3 February, 2010; Hidalgo, *ABC* 11 August, 2010; *20 Minutos* 19 July, 2010). One case in particular amongst numerous others during the period between 2003 and 2010 encapsulated the problem. In 2007, a group of ‘hunters’ shot dead seven cats and posed for ‘trophy-posture’ photographs, which were subsequently posted on various social networking sites. In response to public protest, an animal protection group, El Refugio, decided to press charges (*El Mundo* 13 July, 2008; *ABC* 12 May, 2008a; *20 Minutos* 14 July, 2008; Casado, *ADN.es* 12 May, 2008). Details of the case were widely circulated in the press and rapidly gathered momentum as it became known that the implicated individuals were affiliated to the PP’s regional youth organisation, and one of them had run for local office for the Conservatives in 2007.

Interestingly, and no doubt a sign of the value attributed to public opinion in such matters, the provincial executive committee, on learning about the events from hundreds of emails sent to their office, were swift to expel the ‘hunters’, emphasizing in a press release that it considered such conduct ‘an outrage against any minimum

form of sensibility or moral decency'; indeed, 'attacking...an inoffensive domestic animal is simply revolting' (*El País* 28 February, 2008),<sup>71</sup> particularly as many members of the organization had cats or dogs themselves 'whom we love like a family member' (*El País* 28 February, 2008; *El Mundo* 27 February, 2008; *Repiso, Público* 28 February, 2008; Casado, *ADN.es* 27 February, 2008).<sup>72</sup> The PP headquarters also disowned the perpetrators, asserting that '[a] person like that cannot be part of the organisation' (*El Mundo* 27 February, 2008).<sup>73</sup> The decision to expel two of their members before having been convicted of this offence, even before any legal charges had been brought against them, illustrates that merely being associated with such conduct raised a sensitive political issue. But in spite of the critical response to the killings and intense media focus, once legal proceedings commenced (*ABC* 12 May, 2008a; Casado, *ADN.es* 12 May, 2008; *20 Minutos* 14 July, 2008; *El Mundo* 13 July, 2008; *El País* 14 October, 2008), the investigating judge decided to close the case without bringing charges against the accused on the grounds that the killing of the cats had taken place during a 'hunt'. Even though the accused admitted to having participated in the events, the judge found nothing to suggest that they had sought to augment the suffering of the animals, i.e. there was no 'cruelty' involved, and, therefore, they could not be charged under the article 337 (*ABC* 11 October, 2010; *20 Minutos* 24 September, 2009).

The judicial decision to dismiss proceedings confirmed to animal protection groups the inherent problems with the code and article 337, not least that sections of the judiciary appeared to be lagging behind large sections of public opinion with regard to animal abuse. In their appeal of the decision, *El Refugio* claimed that it was a

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<sup>71</sup> 'atenta contra cualquier mínimo de la sensibilidad y decencia moral' ... 'atacar...a un inofensivo animal doméstico, es sencillamente repugnante.'

<sup>72</sup> 'a los que queremos como a uno más de nuestra familia'

<sup>73</sup> 'Una persona así no puede formar parte de la organización.'

question of will on the part of the magistrate who had several other legal options at his disposal had he wanted to prosecute; but, as on many other occasions, he had chosen to use the wording of article 337 to avoid mounting a prosecution (El Refugio, n.d.). El Refugio's interpretation of events was supported by Amnistía Animal, which accused the judiciary of lacking 'awareness and sensibility'<sup>74</sup> in animal rights issues and whose decision in this case would 'disappoint many people' (*ABC* 11 October, 2010).<sup>75</sup> Not only was the judiciary out of step with popular opinion, it claimed, but reflecting the widespread view among campaigners and others that cruelty to animals was not unconnected to violence in general,<sup>76</sup> it warned that '[i]f we do not legislate and convict violence against animals, there is a high risk that these persons will apply this violence to people' (*20 Minutos* 24 September, 2009).<sup>77</sup> This was a sentiment that had a particular resonance in a Spain conscious of its violent past and ongoing debates concerning racial and domestic violence.<sup>78</sup>

It is also significant that these examples of political and social mobilisation, including some elements within the judiciary, for greater legal protection for animals were not isolated events, but formed part of a wider, more complex and growing number of developments during the noughties, all of which were aimed at increasing legal protection for animals. As we have seen, there were, for example, several legislative initiatives during this period, such as the 'proposiciones no de ley' of the PSOE, the

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<sup>74</sup> 'concienciación y sensibilización'

<sup>75</sup> 'va a decepcionar a mucha gente'

<sup>76</sup> This echoed reformers' concerns in nineteenth-century Britain, France and the USA.

<sup>77</sup> 'Si no legislamos y condenamos la violencia hacia los animales, existen un alto porcentaje de que estas personas ejerzan esa violencia sobre las personas'

<sup>78</sup> For the broader issue of interconnections between different forms of violence regarding animals/people, see the anti-bullfighting debates in chapter 6. Given the priority the government attached to eradicating domestic violence, the *animalistas* easily made the link between cruelty to animals and to women and children (see Glatt, *AnimaNaturalis* n.d.; Querol i Viñas, *GEVHA* 14 November 2014). I have not, however, found any evidence of joint campaigns by women's groups and the animal movement. But almost certainly there is something of an overlapping membership since women constitute such a high proportion of animal welfare activists and supporters.

PP, and the CiU proposing the introduction of a national animal protection law (*BOCG 186/2005; BOCG 190/2005; BOCG 216/2005*), as well as the restructuring of the ‘Spanish Animal Welfare Act 32/2007’ (*BOE 268/2007*). Further legal changes were made by regional governments, including: i) a series of critical changes to the Catalan regional animal protection law providing animals with a higher degree of protection than any other region; ii) the nationally and internationally acclaimed anti-bullfighting declaration of Barcelona in 2004, and iii) various amendments to regional bull festivity regulations, which moved towards humanizing these activities (Pérez Monguió, 2012: 387). Furthermore, between 2003 and 2010, the animal protection lobby met regularly with most of the parliamentary groups in the *Cortes*, with the socialist government and with various ministers and ministry officials, as well as the judiciary (*El Mundo* 10 November, 2006; Repiso, *20 Minutos* 24 September, 2006; *Europa Press* 18 January, 2010; Casado, *ADN.es* 11 November, 2008; Rodríguez, *El Mundo* 12 November, 2010).

Reformers also sought to influence policy makers and legal institutions indirectly by means of demonstrations in central Madrid close to the national parliament and in front of the government offices, with thousands of participants in 2006 (*20 Minutos* 21 September, 22 September, 23 September, 2006; Fernández, *20 Minutos* 25 September, 2006; *20 Minutos* 1 October, 2006). A further eight demonstrations, also held in front of the government offices, were organized by the Green Party in 2007/2008, followed by four demonstrations during the Penal Code negotiations in 2009 and 2010, organized by Plataforma LAY (Los Verdes (Green Party), n.d.; Fundación Altarriba, n.d.). Surveys commissioned by El Refugio in 2006 and in 2008 showed that there was broad public support for reform. A 2006 poll found that 84 per cent of Spaniards thought penalties for animal abuse were too lenient (Méndez y

Lázaro, *El País* 1 November 2006), and a 2008 study revealed that eight out of ten Spaniards favoured the introduction of a national animal protection law to provide adequate protection for animals (Menacho, *La Razón* 26 January, 2008; *20 Minutos* 17 January, 2008). Moreover, popular support was displayed in a petition signed by 1,3 million people (organised by FAPAM, a federation of animal protection groups) demanding a national animal protection law to solve the precarious situation of animal protection in Spain (FAPAM, n.d.; Casado, *ADN.es* 11 November, 2008).

### ***The response of the animal welfare lobby to legal changes***

Despite all the legal progress regarding animal protection since the 1995 Penal Code, animal welfare groups remained sceptical as to the effectiveness of the law and its intentions, although some were more optimistic than others regarding the future. ADDA described the amendment to article 337 as a ‘tepid modification’, which failed to reflect popular opinion. Consequently, in 2011 a number of demonstrations were held in several of the largest cities in Spain demanding a clearer wording of the Article and tougher penalties (*ADDAREVISTA* 42, 2011). In a television documentary on article 337, commissioned by ADDA, although acknowledging that progress had been made, many of the participants claimed that broadly speaking neither the Penal Code nor article 337 were effective in securing convictions and even when successful, the punishment was nothing more than a small fine (*‘Artículo 337’*, 2011). Statistics from the Public Prosecutions’ Office suggest that figures for ‘legal proceedings opened’<sup>79</sup> were: 205 (2009), 181 (2010) and 309 (2011); and for convictions: 19, 28, and 32 respectively (Fiscalía General del Estado, 2010: 802-803; Fiscalía General del Estado, 2011: 888; Fiscalía General del Estado, 2012: 761-762).

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<sup>79</sup> ‘procedimientos judiciales’

As a result of the perceived legal failures, aside from abuse in general, pet abandonment continued to be a problem, and hunting dogs continued to be ‘cruelly’ treated. As Manuel Muñoz Peces-Barba, lawyer and president of a regional animal protection group, argued echoing a common charge, in comparison with the rest of Europe, the legal situation was ‘lamentable’. The Penal Code, he said, can be seen as almost trying to make ‘excuses for [animal] abuse’,<sup>80</sup> claiming that the law goes out of its way to avoid convictions; tougher punishments were required - ‘punishments that discourage’ (*Artículo 337*, 2011).<sup>81</sup> ASANDA, however, was less condemnatory in its assessments of the 2003 and 2010 reforms. While not denying the technical problems of the 2003 reform, the code did at least establish a new norm of attitude and behaviour. Moreover, it was important to note that the legal changes themselves were a sign of increasing sensibility among the public (Martín Acevedo, 2004: 2-3). With reference to the 2010 reform, ASANDA’s view was that this showed an increasing public, judicial and political objection to behaviour that infringed an animal’s right to life, and its physical and psychological integrity (Martín Acevedo, 2011: 3).

### **The interdependence of Spanish law and a changing society**

In contemporary Western societies, the question of the relation of law to social change has taken on a new form. Law is regarded as separate from the society it regulates and is recognized as an ‘agency of power; an instrument of government’, making it possible to talk about law ‘*acting upon* society, rather than law as an aspect of society’ (Emphasis original. Cotterrell, 1984: 48; see also Vago, 1996: 275). But with Spain in mind, it is worth considering that in their commentary on the 1995

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<sup>80</sup> ‘excusa el maltrato’

<sup>81</sup> ‘penas disuasorias’

Penal Code, the criminologists de la Cuesta and Varona asked to what extent was it ‘the product of actual social change or will social change be the result of the new code’; they answered ‘ ... it seems to us that cultural change can hardly be brought about by a penal code, and that cultural change ... reducing social injustices, prejudices and myopia will surely help the enactment and implementation of any penal law’ (1996: 242).

This chapter has shown that the majority of changes to the Penal Code have been in response to various campaigns on the part of the animal movement, political interests, elements of the judiciary, sections of the media, and public opinion. At first sight, this seems to confirm de la Cuesta and Varona’s opinion that cultural change does *not* follow law, but precedes it. But their view seems to ignore the role of ‘law’ (albeit propelled as it was by the demands of social movements) in influencing subsequent social behaviour and attitudes, for although it has limitations as an enforcer of policies (Piper, 2008: xii), law can be influential in bringing about social change through being both symbolic (i.e. setting standards and desired norms) and, through its process of implementation, also instrumental (Piper, 2008: 133). As I said in the chapter’s introduction, I share the view that ‘[t]he relationship between law and social change is reciprocal, and law can be seen as both an effect and cause of social change’ (Champagne and Nagel, 1983: 187, quoted in Vago, 1996: 274) and, as I have shown, despite the ‘trials and tribulations’ of the relationship, this is illustrated by the history of Spanish animal protection reform since the 1990s.

In relation to law as a tool of social change, we need to recognize the importance of distinguishing between *direct* and *indirect* uses of law, as well as the significance of how a law is put into effect rather than merely its contents. Direct attempts are fraught

with problems, as the Prohibition laws in the USA clearly demonstrated. On the other hand, '[l]aw plays an important indirect role in regard to social change by shaping various social institutions, which in turn have a direct impact on society' - for example compulsory education, which required the creation of educational institutions that had a direct impact on social change (Dror, 1959: 797-797). In a similar vein, it can be said that law entails two interrelated processes:

institutionalization and the internalization of patterns of behaviour. In this context, institutionalization of a pattern of behaviour means the establishment of a norm with provisions for its enforcement, and internalization of a pattern of behaviour means the incorporation of the value or values implicit in a law. Law...can affect behaviour directly only through the process of institutionalization; if, however, the institutionalization process is successful, it, in turn, facilitates the internalization of attitudes or beliefs (Evan, 1980: 555-556).

As the President of CACMA remarked, in an important observation, the passing of animal protection laws marks 'an essential change'<sup>82</sup> in that they encourage the public to adopt as their own ('asumir') new understandings of animals, which 'you can see happening' (Moreno Abolafio, 2009).<sup>83</sup> We need to keep this in mind. However, for law to be successful in modifying both behaviour and attitudes, certain conditions are required: the source of the new law is held to be authoritative; the new law has continuity with existing institutionalized values; and the efficacy of both positive and negative sanctions (Evan, 1980: 557-560).

The obvious examples of varying degrees of interdependence between law and social change over the last half century or so are those of civil rights, gender equality, domestic violence, gay/lesbian rights and environmentalism. We know that social movements (NSMs) have mounted successful and lengthy campaigns for reforms,

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<sup>82</sup> 'un cambio esencial'

<sup>83</sup> 'se ve que está ocurriendo'

and as these have been initially ‘settled’ in terms of legislation, the NSMs then serve as platforms for further cultural (and legal) change with respect to behaviour and attitudes. On the other hand, a critical example of law initiating change independently of reform movements would be the incorporation of EU directives into Spanish regulations with regard to the use of animals in agriculture, laboratories, slaughter houses, as well as regulations governing the protection of wildlife and the environment. These have not only enforced new patterns of behaviour, but also probably contributed to a climate of opinion whereby animal welfare has become a legitimate political and legal issue. Equally important has been the fact that EU membership, through its ‘five fundamental freedoms’ also introduced a different legal *conceptualisation* of animals into Spanish law (albeit that in comparison with other European countries, the level of compliance in rural areas was much more ‘chaotic’; Pérez Monguió, 2014). Hitherto there were only indirect provisions made for the protection of animals in Spanish law, based on the emotional distress experienced by human onlookers. Under EU legislation animals were to be considered *sentient* beings, deserving of protection in their own right.

A clear example of how the processes of social and cultural change can engender changes in the law is evident in the reforms to the 1995 Penal Code (2003 and 2010) which, as we have seen, were critically influenced by changing social, cultural and political contexts - although by no means at any time was there a single coherent consensus. With growing popular awareness of issues relating to animal welfare and protection, and as a result of accumulating experiences with what the law was able to provide in this respect, or more accurately was unable to provide, it became clear that it did not chime with what were increasingly becoming widely held values and attitudes. In this respect, popular opinion was usually, but not always, in advance of

the law in calling for greater animal protection.<sup>84</sup> The popular pressure was successfully articulated and organised by the animal welfare lobby with a specific objective in mind, namely to have these developing values enshrined in law. However, conversely, and a testimony to the reciprocal nature of the law and social change, once these interests were legally enforced, they ensured that the law then not only reflected popular opinion but, more importantly, also served to promote these interests as being desirable for the Spanish nation. Thus certain types of conduct, such as the killing of cats in Talavera, the hanging of hunting greyhounds, wanton beatings of pets, were deemed to be unacceptable forms of behaviour, ‘unbefitting of a country which defines itself as modern and civilised’ (*Diario de Sesiones 156/2002*: 7917-7918).

The debate on the nature of the relationship between law and social change is ongoing, not only among legal theorists but also within social movements, some of whose members look to law to positively effect change, while others regard it as flawed if not downright obstructive. Of course, as animal welfare reformers have long complained, usually the law does not produce the effects activists expected: ‘because legal change neither necessarily nor directly translates into changed prescriptions, practices and attitudes on the part of all the decision makers who are engaged in the application of the new laws’ (Roach Anleu, 2000: 197). Nevertheless, ‘legal change can have important symbolic functions and is not necessarily unidirectional,

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<sup>84</sup> However, according to Pérez Monguió, the law professor, what he terms the hastily passed reform in 2003 found itself in some respects in advance of the popular conscience. In his view, currently there is no need for additional laws, only for them to be enforced. And the problem of enforcement is ‘cultural’. What is needed, he says, is ‘education’, awareness raising, and making people more knowledgeable of the sentience of animals. In Cádiz, for example, he chairs a collaborative project endorsed by the government between the veterinary college and the university to offer a regionally based series of educational courses, seminars, conferences, and research activities, including visits by vets to secondary schools in order to inculcate affection and care for animals. In 2013, 20,000 children had taken part in these taught classes (Pérez Monguió, 2014).

incremental or cumulative’; it can both facilitate change and be an obstacle to change (2000: 198, citing Smart, 1986: 117).

### **Conclusion**

This chapter has argued for the significance of law in facilitating the changing place of animals in modern Spain. A critical feature of my argument has been that as with so many areas of Spanish politics and culture, in order to understand the nature of the law and its influence, it is necessary to appreciate the importance of national-regional conflicts in relation to identity and independence. Spanish law is complex and, therefore, I carefully structured the chapter accordingly. I began with an overview of the political and legal systems, drawing attention to the particular relations between the central government and regional authorities. I next discussed the significance of EU membership in terms of content of EU law and as a ‘civilising’ example with respect to animal welfare. I devoted considerable attention to the importance of regional laws, the differences between the autonomous regions, and their place *vis a vis* national laws. I then turned to a sustained examination of the national 1995 Penal Code and the campaigns for its reform in 2003 and 2010. The concluding sections look at the response of the animal welfare lobby to the changes, and the interdependence between the law and modernising processes.

In evaluating the law (and the role of reform groups) in relation to the changing place of animals, it is imperative to appreciate the peculiarities of post 1970s Spanish history: the trauma of Francoism and, until very recently, the official silence concerning the ‘memory’ of those years; the cultural, psychological and political significance of the transition to democracy; the onset of mass consumerism; increased higher education; the consequences of a relatively rapid process of urbanisation; the

emergence of a 'service' class; and the social liberationist features of the women's and the gay/lesbian movements. Despite 'Spain' becoming 'modern', however, partly under the influence of the agenda of political parties (who themselves were influenced by EU priorities), large sectors of Spanish society remain attached to various 'traditional' (cultural) fixtures which, where animals are involved, include bullfighting, bull running, and the widespread killing of animals in local festivities. As I have indicated here and elsewhere, a main theme of the thesis is that this paradox, contradiction, tension, is crucial not only to the law and animal protection, but to so many of the ongoing concerns regarding the identity of 'Spain'.

What this chapter has shown is that this context makes the relationship between law and social change regarding animal welfare particularly complex, not least since each region has its own cultural and political traditions, some of which are in conflict with Madrid. In reviewing law in this respect, I have argued that the law, nationally and regionally, however lax and half-hearted it may have been in certain circumstances, nevertheless has been vital to the repositioning of animals, and is recognised as such by the animal movement - although by itself law is only 'one component of a large set of policy instruments' among others (Dror, 1970: 554). As we shall see in the following chapters, the interplay between law and other social institutions and social forces is clearly in evidence. The animal movement, the politics of Catalan nationalism, regional and local festivities, the responsibilities involved in keeping companion animals, and subtle understandings of art/culture/identity, as displayed in the campaigns to ban bullfighting, were (and are) all features of the complex processes involved in redefining the place of (some) animals, and each one has looked and continues to look to the law and its enforcement as the final arbiter of a 'new' moral outlook befitting, a 'New Spain'.

## CHAPTER 6

### **Bullfighting: art, culture and identity - the debates around art/culture versus barbarism/primitivism.**

#### **Introduction**

At the heart of many of the controversies surrounding the identity of modern Spain, is not only the polarising issue of the demand for independence from some of the autonomous regions, and the lesser tensions between the rural and urban worlds, but also the larger and more encompassing matter of modernisation (in its many processes) versus tradition (also found in many malleable shapes and sizes). In one form or another, together with the spectre of ‘violence’, these are the substantive issues that are always present in the campaigns of the animal movement, especially those to abolish bullfighting and to legislate against the abuse of animals in festal rituals. Central to the arguments is the historical theme of Spanish ‘Europeanism’ versus ‘Africanism’ (often coded through references to being ‘civilised’), with ‘Europe’ being a symbol, not of Franco’s ‘European Vocation’, but of ‘modernity’ and liberal democratic Spain (Jáuregui, 2002: 77-100). The focus here, however, is not so much on the issues of identity and nationalism (though these are inevitably considered in some detail), as on what the debates around bullfighting, many of which are usually framed as ‘art’/‘culture’ versus ‘barbarism/primitivism’, tell us about shifting attitudes to animals. While, as I say, this is not distinct from concerns regarding identity and nationalism, it is a different emphasis. I do not, however, conceive it too narrowly, for in order to appreciate the cultural intricacies at work in relation to animals, it is necessary to keep in view Spanish attitudes to modernisation (Europeanism) and tradition.

The argument of this chapter is threefold. First, that the debates around the art/culture versus torture dichotomy, which occurred within the contest of the anti-bullfighting campaigns of 1992 and 2002-2004, were pivotal to encouraging if not compelling the public and the government to think about how Spain, with reference to human-animal relations, intended to reconcile its 'traditional' cultures with the desire across most of the political spectrum to be 'modern', 'civilised', and 'European'. Second, the chapter argues that, one way or another, these debates usually return to the tensions (and the contradictions) between those autonomous regions demanding independence and Madrid's perception of Spain as a unified, national state. In Catalonia, for example, animal welfare is often used as a metaphor to enhance the self-perception of the region, not only as economically and politically significant, but also as a liberal, sophisticated, advanced 'nation'. The third argument focuses on the animal movement, and shows that through its carefully orchestrated campaigns, combining reason and emotion, in highlighting such fundamental issues as art/culture versus barbarism/primitivism, it has played an important role in creating the climate of opinion for change in human-animal relations. In discussing the manner of the campaigns, the argument builds on chapter 4 relating to practical ethics entering the Spanish discourse, and on chapter 5, which showed how the *animalistas* used the law to further social change.

I begin with a few words about the role of the violent spectacle in the civilising process, and its relation to modernity - pervasive topics in the Spanish debate on 'Spain'. I then go on to briefly discuss the elusive terms 'culture/identity', before introducing the cultural and political importance of the bull/bullfight. I continue by turning to a more detailed discussion of the claims for and against bullfighting,

primarily as viewed through the contrasting tropes of art/culture and cruelty/barbarism. This is followed by a substantial account of the 1992 and 2002-2004 anti-bullfighting campaigns organised with international support by groups within the animal movement, which led to Catalonia banning bullfighting in 2010. The chapter concludes with a discussion of the links between events leading to the Catalan ban and the region's demands for independence. As the chapter proceeds, through examinations of the anti-bullfighting campaigns, it will become clear that bullfighting is seen by many Spaniards as an art form, one that is profoundly embedded in 'culture' (although not so much in Catalonia, the Canary Islands, Galicia, Asturias and the Basque Country). Thus, any anti-bullfighting campaign has to take heed of this perception, and this explains why campaigners have strenuously sought to dislodge taurine rhetoric from the privilege of art/culture. In pursuit of their objectives, the animal movement adopted three tactics: to graphically detail the suffering of the animals; to critique the moral orthodoxy underpinning the bullfight as art/culture; and to portray bullfighting Spain as primitive and backward.

### **The violent spectacle and the civilising process**

In accounting for change and resistance to change in the place of animals, it is hard not to see bullfighting as a violent spectacle and, given the popular desire in Spain to be European and modern, the relation of this spectacle to Elias' 'civilising process/es' (2000). One of the key aspects of Elias' theory, which I have made implicit in this thesis, through my discussions of the tensions and contradictions involved in modernisation, refers to the connections between 'changes in the structure of society and changes in the structure of people's behaviour and psychological habitus' (2000: xiii).

But this is less easily interpreted in the case of Spanish bullfighting than in ‘sporting’ activities, whether involving participants or spectators. This is because the bullfight makes no secret of its violence, which encompasses what its supporters claim is the essence of its integrity, namely the epic nature of the struggle between ‘man’ and ‘beast’ within the rhetoric of nobility, bravery, courage, and death (with very few exceptions, always that of the bull).<sup>1</sup> No other ‘spectacle’ quite captures so many of the underlying tensions that characterise contemporary Spain, some of which are examined in the following discussion of art/culture versus primitivism/barbarism. The fact that bullfighting is officially regarded as a cultural practice (and that the bull is such a totemic symbol of Spain), rather than a sporting one, is indicative of the way in which this form of violence, sadistic in the eyes of its Spanish and international critics, is interwoven into the identity of Spain as a modern *and* civilised state.

The argument that violent sport (in this case ‘culture’/leisure) serves as a release of tension through the build up of excitement and resolution (Elias, 2008a: 27; Elias and Dunning, 2008: 44-47) may be true in certain respects as an ideal, but the practice of bullfighting, I suggest, has more to do with ritual (Tester, 1991: 68-69) and the deployment of a variety of symbolic references including masculinity, eroticism, and mythic connotations of ‘Man’ and ‘Nature’.<sup>2</sup> On the other hand, Elias’ analysis does point to a link between the doubts about the place of such violence in a civilised

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<sup>1</sup> In his references to hunting and blood sports, Richard Bulliet claims that contrary to the ‘extremely dim view’ that ‘postdomesticity’ takes of animals fighting one another, the most popular scenes in nature documentaries are those showing animals hunting and killing other animals. He seems to equate this with postdomesticity wanting to conceal the brutal reality of the meat-producing industry, or the use of animal products in forms of manufacturing, while exuding a concern for animal welfare (2005: 19-20). But this is not comparable with bullfighting where the ‘spectacle’ is honoured and promoted as morally virtuous and integral to the nation’s culture. He has a single reference to bullfighting (p.182), the meaning of which eludes me.

<sup>2</sup> For further discussion of why we watch violent entertainment, see A. Guttman, ed. (1998); and Landini and Depelteau, eds. (2014).

society, and the need to contain and control violence among the citizenry (Franklin, 1999: 17). The fundamental ambivalence here is obviously not confined to Spain - one has only to think of hunting practices throughout Europe. But with a couple of partial exceptions - the bullfight in Portugal and a couple of areas in Southern France - nowhere else in Europe is the violence in question so 'cruel', so public, so central to the abolitionists' argument concerning broader debates about culture/torture, and so internationally condemned, which raises the spectre of Spain as not yet 'civilised'. In this sense, then, bullfighting (and some of the more gruesome abuses of bulls in popular festivities) is a particularly vivid and officially sanctioned violent spectacle, which is at the heart of a state that historically has been particularly anxious to claim the mantle of civilisation.

### **Art, Culture and Identity<sup>3</sup>**

A long-running and unresolved theme in debates about bullfighting is where to place it in relation to 'art' and 'culture' - although the meaning of these words is rarely clarified. Unsurprisingly, for the pro and anti-bullfight lobbies, 'art' and 'culture' are embedded in subjective and normative understandings and sociological definitions hardly do much to shed light in particular national contexts. Raymond Williams acknowledged that 'Culture is one of the two or three most complicated words in the English language' (1983: 87).<sup>4</sup> Standard definitions of the concept of culture

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<sup>3</sup> There are a number of sub-debates on bullfighting involving relations between Spain and Europe and the balance between legal uniformity and protection of cultural differences within the EU; tradition versus the place of the bullfight in a modern culture/s; relation between art and violence; and the regional conflict between Catalonia and the central state. Whilst this section focuses on art, culture and identity, it is impossible not to refer to one or more of these sub-debates as we proceed.

<sup>4</sup> See also Archer's criticisms regarding both the concept's vagueness and the often extreme interpretations of its meaning (1996: 1).

acknowledge that it can refer to a variety of meanings depending on the use to which it is put and, therefore, it is 'difficult' to define (Williams, 1981:10; 1983: 87-93). Anthropologists (among others) often use the term as a collective noun for non-biological aspects of human society (custom, language, convention). But culture can be seen as opposed to nature, or as in contrast to structure. Culture may also be explained as being in contrast to the material (culture as ideology - ideas, beliefs, and practices), as a way of life - language, dress, manners, tastes, food; or it may be expressed as 'high' culture ('the arts') and popular (mass) culture (Jenks, 2005; Hendry and Underdown, 2003; Inman Fox, 2004). But more than all these features, culture 'provides meaning' and the 'rules of social action' (Hall, 2006: 134), although interpreting these roles as practice is always historically and culturally contingent. I tend to follow Williams who distinguishes two main kinds of 'culture': 'an emphasis on the "*informing spirit*" of a whole way of life', and 'an emphasis on "*a whole social order*" within which a specifiable culture, in styles of art and kinds of intellectual work, is seen as the direct or indirect product of an order primarily constituted by other social activities' (1981:11-12, emphasis original).

This working definition is used here in conjunction with a similarly basic view of identity, which I draw on mainly in relation to the politics of bullfighting in Catalonia, including the debates leading to its prohibition in 2010. At the simplest level, identity refers to 'how we think about ourselves as people, how we think about other people around us, and what we think others think of us' (Kidd, 2002: 7; Woodward, 1997; du Gay *et al*, 2000). We shall see that this very much applies to Catalans as they conceptualise their 'identity' in their fraught relations with 'Españolismo' (Castilian-Spanish nationalism), certainly with respect not only to the

bullfighting issue, but to animal welfare in general (they are pleased to note their pioneering animal protection law in 1988). This is not to exaggerate the importance of animal welfare as a topic in Catalan politics, but it is to claim it as a factor in portraying a certain kind of ‘identity’ as ‘the process of construction of meaning on the basis of a cultural attribute, or a related set of cultural attributes’ (Castells, 2004: 6). Thus attitudes toward animals *are* an important source of meaning. Put another way, with respect to the changing place of animals in Catalonia (and elsewhere), ‘identity’ is forever being made; unsurprisingly, since, as Bauman says, it is ‘something to be invented rather than discovered’ (2004: 15).

In presenting the arguments of the pro and anti-bullfighting lobbies, the chapter frames the ‘art/culture versus barbarism/primitiveness’ debates within the particular context that is contemporary Spain, rather than with reference to a socio-historical account of culture *per se*. It will soon become clear that however much the participants may present their perspective as ‘objective’, couched in philosophical, literary, anthropological or sociological discourse, in substance their position is fundamentally one of an appeal to moral prescription. The real issue in all these matters is twofold: the importance of ‘morality’ versus often vague and politically determined notions of ‘culture’ and ‘tradition’, and the continuous argument over what it is exactly that constitutes the difference between ‘moral’ and ‘immoral’ behaviour.

### **The bullfight (and the bull) in Spain**

The arguments in favour of bullfighting range across a varied and confusing terrain that can be subdivided into at least two ‘ways of seeing’ (which are often

symbolically interpreted): i) those including art/culture, identity, heritage - the idea of bullfighting as being ‘quintessentially Spanish’ (Marvin, 1994: xv; Mitchell, 1991; Douglass, 1997); and ii) those relating to notions of masculinity, courage, self-control, dominance, sexuality, and artistry (Hemingway, 1932; Marvin, 1994; Fiske-Harrison, 2011a).<sup>5</sup> What is less spoken of is the bullfight as a ‘big business’, participating in a market economy (Pink, 1997: 198), an economy that in a globalised world (and, therefore, an increasingly globalised ‘culture’) is less and less friendly toward bullfighting as a profitable enterprise (Marvin: 1994: 189), especially during the recent recession (more than ever matadors are having to go to South America for employment).<sup>6</sup> According to Adrian Shubert’s standard account, *Death and Money in the Afternoon* (1999), rather than being something timeless in the Spanish national character, the bullfight has always been first and foremost a business, providing useful revenue for a variety of interested parties, not least local municipalities and charities, becoming from the 1870s, a ‘cultural industry’, the first commercialised spectator sport (1999: 17-52; also Vincent, 2007: 46-47). We should keep this in mind when faced with the pro-taurography socio-cultural commentary that portrays the bullfight (and the bull) in terms of ‘tradition’ and ‘heritage’, as a totem of Spain (Mitchell, 1991; Marvin, 1994; Douglass, 1997; Fiske-Harrison, 2011a).

Where the statistics of bullfighting are concerned, Inocencio Arias, retired diplomat, bullfighting enthusiast and columnist for *El Mundo* (*El Mundo*, 26 March 2015) reports that in 2015 attendances had fallen by 46 per cent in the last four years

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<sup>5</sup> For what are probably the most influential accounts of bullfighting culture in the English speaking world, see Hemingway (1926 and 1932). The concerns and interests of the taurine community are extensively covered in a number of websites. See appendix 3.

<sup>6</sup> Bullfights take place in Mexico, Columbia, Ecuador, Venezuela and Peru.

(although the extent of this decline may be explained in part by the economic recession). The percentage of people attending a bullfight declined from 9.8 per cent in 2006/7 to 8.5 per cent in 2010/11; in 2008, 3,285 *corridos* (bullfights) were held nationally, falling to 1997 in 2012, and was likely to be below 500 in 2013 (Ministerio de Educación, Cultura y Deporte, 2012: 8). A poll for *El País* found that 60 per cent of Spaniards did not enjoy bullfighting - although 57 per cent disagreed with the 2010 ban in Catalonia (Pérez de Pablos, *El País* 1 August 2010; Montero, *The Guardian*, trans. *El País* 30 March, 2011). A later Mori poll in 2013 showed that only 26 percent of the Spanish population supported bullfighting, and 76 per cent opposed the giving of public funds to support it (*HSI*, 23 April 2013). Other polls suggest that city dwellers' interest in bullfighting declined from 10.4 to 7.4 per cent between 2002 and 2006, while those with no interest in the sport increased from 68.9 to 72.1 per cent (Hardouin-Fugier, 2010: 171).<sup>7</sup> Moreover, it seems that it is mainly older people (60+) who attend the fiesta, with the majority of young people being either indifferent or opposed (Hardouin-Fugier, 2010: 171, citing *El País* 28 December, 2006). Over the years there have been numerous polls and almost all indicate that in terms of attendance, popularity and commitment, support has declined, especially among the young. Gallup suggested that the decline was from 55 per cent in the 1970s to 30 per cent in the 1990s (*ABC*, 17 April 2004). The current figure is thought to be approximately 25 per cent (Mosterín, 2010: 51; Lafora, 2004: 216; Gilpérez Fraile, 1991: 55-59).<sup>8</sup> On the other hand, outside of Catalonia, there is

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<sup>7</sup> Of course, the decline in attendance may be directly as a result of the fall in the number of bullfights staged. And, as mentioned, the impact of the recession has to be taken into account.

<sup>8</sup> According to Gilpérez Fraile, the earliest polls from the 1970s and 1980s were commissioned and publicised by pro-bullfighting magazines and the Ministry of Culture, yet still showed a declining interest in bullfighting. Even in Seville, widely considered to be the 'bedrock of bullfighting' (*la cuna*

probably no majority in favour of outright prohibition (Pérez de Pablos, *El País* 1 August 2010).

The debate on whether or not bullfighting is in decline has been under way for many decades, certainly since the 1980s when it was described as a ‘disappearing cultural phenomenon’ (Serpell, 1988: 789). In 1988, Garry Marvin thought it risked becoming ‘an anachronistic event’, while a few years later, he described it as ‘a ritual drama of considerable significance to many in modern Spain’ (1994: xiii, 189; also Douglass, 1997: 3; Shubert, 1999: 214). Antonio Lorca, however, the prestigious bullfight critic for *El País*, writing in 2006, argued that the poor quality of the bulls, the mediocrity of the modern *torero* (matador), and ignorant spectators who ‘celebrate every decadent detail’,<sup>9</sup> was an ‘omen’ (‘presagio’) of the end of the bullfighting fiesta that had been known for ‘wild’ bulls and ‘courageous’ *toreros* (*El País* 10 April 2006).

Notwithstanding such sentiments and polls that portray the bullfight as under economic, social and political pressure, the pro bullfight lobby has made the most of regional differences in attitudes to the *corrida*, of its support in the PP Conservative Party, and of the ambivalent attitude shown by the Socialists, in combating the abolitionists.<sup>10</sup> In 2010 Madrid’s local government declared bullfighting to be a protected component of the region’s cultural heritage - ‘of special cultural value’ - a move that was understood as a provocation to its great rival Barcelona (the Catalan capital), which had declared itself an anti-bullfight city and whilst the regional government was debating a possible ban of bullfighting (Bécares and Remírez de

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del toreo) interest seems to be waning. Figures from 2011 showed that bullfighting was the least favoured choice of leisure activity of the *sevillanos* (Editorial, ASANDA, 2011).

<sup>9</sup> ‘festejan cualquier detalle de decadencia’

<sup>10</sup> Taurine websites, listed in appendix 3, have been active in gathering support for the bullfight as ‘culture’.

Ganuza, *El Mundo* 3 March 2010). And soon after the Catalan parliament passed its historic ban on bullfighting throughout the region, the pro-bullfighting lobby attained some success with the announcement (perhaps in response to the Catalan ban) by the then socialist government that ‘bullfighting’ would be moved from the jurisdiction of the Ministry of the Interior to the Ministry of Culture, which immediately declared it to be ‘an artistic discipline and cultural product’ (Jiménez Cano, *El País* 29 July 2011).<sup>11</sup> Moreover, in 2013, in response to an ILP petition with 590,000 signatures, organized by the Catalan bull breeders association (Piriz, *vadebraus.com*, 13 February, 2013), the conservative government passed a bill giving bullfighting a special cultural status (Lorca, *El País* 2 October, 2013; *Diario de Sesiones, Senado*, 6 November, 2013). The success of the government (with the tacit support of the Socialists, but not the smaller opposition parties) in designating the bullfight part of Spain’s cultural heritage suggests that despite the declining appeal of bullfighting, its ‘political’ demise has definitely not yet occurred. The PP’s action, however, may well indicate not the strength of pro taurine popular opinion, but the desperation of *taurinos* in the face of continuing assaults on their ‘culture’ from *animalistas* (Gutierrez Casas, 2009: 78). It may also reflect its desire to protect ‘conservative’ Spain from a globalising Europe.

Before moving on to discuss the debates surrounding bullfighting as art/culture, here is an interesting vignette, which is revealing for what it tells us about the degree to which ‘the bull’ (and implicitly also bullfighting) is embedded in Spanish cultural life. The story concerns the legal tussle around roadside advertisements for the Osborne company’s Veterano Brandy (first shown in 1957), which then used a

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<sup>11</sup> ‘una disciplina artística y un producto cultural’

twenty-three feet, soon increased to forty-five feet high black bull. In 1988, the government banned all commercial advertisements on national roads. In an unsuccessful response the company at first covered up the text so that the billboard showed only a black bull. In December 1989, in defence of the company, an editorial in *ABC*, the conservative newspaper, bristling with nationalist resentment against ‘modernity’, and with implicit references to the need to protect bullfighting from its EU critics, argued that:

‘In this Spain, which destroys the landscape, which degrades cities ... [where] our highways increasingly appear like those of Los Angeles or Frankfurt ... In this Spain, which by jolts and haste is contributing so much to Europe, without receiving anything in return, we must preserve the Osborne bull. Just as bullfights are preserved, although in Brussels they might be upset ... lest we become a colony of Madison Avenue’

before adding, ‘Although I believe that we already are’ (Burgos, *ABC* 21 December, 1989: 21, trans. in Brandes, 2009: 782-83). Finally, after years of legal wrangling, in December 1997, the Spanish Supreme Court ruled in favour of the company, declaring that the billboard had become an integral part of the countryside and, although conceding that it had commercial implications, opined that for the great majority of people it was ‘an attractive silhouette, superimposed on the environment, which, more than influencing consumption, refreshes the view, commemorates “la fiesta”, emphasizes the beauty of the strong animal’ (Tribunal Supremo, 1997: 2, trans. in Brandes, 2009: 783-784). This seemed to say that the ‘bull’ was in effect a feature of Spain’s National Heritage.

## Claims for and against bullfighting as art/culture<sup>12</sup>

### *Bullfighting as art/culture*<sup>13</sup>

In the Spanish press, the *corrida* is always reported in the culture section, never on the sports pages, and by journalists who are ‘critics’, never ‘commentators’.

Bullfighters are awarded medals for their contribution to the Arts by the Ministry of Education, Culture and Sports alongside actors, painters, dancers, film directors, writers, and architects (Ministerio de Educación, Cultura y Deporte, 2010).

According to Francis Wolff, the French philosopher, *aficionado*, and frequent lecturer on the taurine circuit, the bullfight, while being integrated into a culture is not necessarily limited to that culture, rather it is a creator of a diversity of particular cultures, which does not mean that it is not a bearer of universal values. And, while it remains connected to popular culture, it is also an inspiration for ‘high culture’ (2010: 52, 63-65; also his 2008). He compares those who would ban bullfighting with the Taliban who destroyed ancient monuments. For Wolff, ‘the bullfight is a rare art, one that possibly connects with the very origin of art: to give human form to a natural matter ... [its] purpose is ... to create beauty’ (2010: 71-72).<sup>14</sup> Víctor Gómez Pin, also a philosopher, shares this approach, presenting bullfighting as an expression of a necessity, which is inextricably ethical and aesthetic (2002). The lower level fiestas, however, such as *vaquillas* and *encierros* (types of ‘bull games’), are deemed to be

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<sup>12</sup> In much of the campaigning material on both sides, these words are often used either inconsistently or interchangeably. The 2002 ADDA/WSPA campaign, for instance, was termed ‘Culture without Cruelty’ but the leitmotif of the campaign was the slogan ‘Torture: neither art nor culture’ (first used in 1986). And, as we shall see, *aficionados* tend to refer to the bullfight as an art form, which expresses Spanish culture. Furthermore, as is shown below, in an attempt to defend itself against animal welfare groups, the international bullfight lobby has said that it will appeal to UNESCO to include bullfighting under the protection of ‘Intangible Cultural Heritage’. For the ‘mood’ of those actively involved in bullfighting, see the websites listed in appendix 3.

<sup>13</sup> For an interesting discussion of animals, leisure and culture, see Peggs (2012: 107-126).

<sup>14</sup> ‘el toreo es un arte raro, que entronca posiblemente con el origen mismo del arte: dar forma humana a una materia natural ... consiste en...crear belleza’

part of Spanish ‘folklore’ and belonging to rural society whereas the *corrida* is seen as urban (Douglass, 1997: 81-82).

There is no doubt that for centuries bullfighting has been associated with painters, musicians, dancers, singers, film makers, novelists and poets who have utilised their poetics to glorify virtually every aspect of the *corrida* (Hardouin-Fugier, 2010; Álvarez Lapuente, 2007). Federico García Lorca described the bullfight as ‘a religious mystery ... the public and solemn enactment of the victory of virtue over the lower interests ... the superiority of spirit over matter, of intelligence over instinct, of the smiling hero over the frothing monster’ (quoted in Shubert, 1999: 1). Ernest Hemingway hinted at its mystique, its ‘poetry’ even, with the title of his seminal study *Death in the Afternoon* (1932). Bullfighting, claimed Hemingway, though ‘“a decadent art in every way,” is an art, indeed, “if it were permanent it could be one of the major arts.” Even such refined elements as the line of the matador's body at the critical instant or the “composition” of bull and man enter into the intelligent “aficionado's” enjoyment’. Bull-fighting, he said, ‘is the only art in which the artist is in danger of death and in which the degree of brilliance in the performance is left to the fighter's honor’ (1932, chapter 7; quotations in Duffus, *New York Times* 25 September, 1932).<sup>15</sup>

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<sup>15</sup> However, a recent estimate shows that since 1700 only 533 professional bullfighters have been killed, which seems to suggest that the danger may well be exaggerated (Fiske-Harrison, 2013). Other estimates vary between suggesting that an average of one torero dies every year (Pink, 1997: 23), ten in the last fifty years, and five since the mid 1990s; whereas 40,000 bulls are killed each year (Rowlands, 29 September, 2011, quoting WSPA figures; also Mosterín, 2010: 60).

More recently, Fiske-Harrison, the *aficionado* author of a well received study of the bullfight (2011a),<sup>16</sup> in answering the question ‘Is bullfighting an art?’, replies:

it is absolutely not a sport. No points are awarded, no goals are scored. Instead, it follows a script, the major parts of which are not only written down, but codified in Spanish law. This script is adhered to by a supporting cast – *banderilleros*, *picadores*, the *mozo de espada* etc. – and a lead actor – the *matador*. The audience pays for it via tickets whose price is set by the impresario of the bullring. What that price is, and how many people buy the tickets – the box-office takings – are dictated by several factors like location, size of venue, time of year etc. However, the single biggest factor is the star power of the matador. You may ask what it is that gives him this quality, given that, unlike in football, there is nothing concrete like statistics to follow. The reason is simple: his ability to excite, bewilder, sadden, uplift, stun, terrify, gladden and, in the final analysis, *to move* the audience. On this alone rests his earning power, and without it, no amount of skill with the bull, nor courage, nor good-looks will save his career. Unless there is *transmisión* from performer to audience, he is dead in the water and will soon be forced into another profession by the invisible hand of the free market (2011b).

Elsewhere, he says that ‘the thematic core of the aesthetics of the corrida ... [is] domination. Man must have dominion over Death as embodied by the bull. Man confronts it, bends it, humbles it, overwhelms it, and finally he kills it’ (2013).<sup>17</sup> The taurine art, says Wolff, expresses ‘bravery, sacrifice, beauty and grandeur’, creating order out of chaos and tracing a poetic curve out of the animal’s straight line attack (2010: 58, 72-73).<sup>18</sup> Bullfighting, unlike other art forms, brings the dimension of reality: ‘Everything is represented, as in the theatre; yet everything is real, as in life’ (2010: 74).<sup>19</sup> Thus, the killing of the bull is an aesthetic necessity as the matador’s

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<sup>16</sup> For a clear and balanced exposition, see also Marvin (1994).

<sup>17</sup> On ‘machismo’ and domination of men over men as well as over women, see Mitchell (1991: 50-52; Marvin, 1994: 43-65). For critical remarks, see Mason who describes the matador as ‘a picture of male condescension and narcissism’ (2005: 246). Interestingly, up to 2004 bullfighting was the only Spanish social activity in which none of the practitioners had publicly declared their homosexuality (Lafora, 2004: 209-210).

<sup>18</sup> ‘el valor, el sacrificio, la belleza, la grandeza...’

<sup>19</sup> ‘Todo está representado, como en el teatro, y sin embargo, todo es verdad, como en la vida’.

killing thrust is the gesture ‘that finalises the act and gives birth to the work of art’ (2010: 34).<sup>20</sup> For the novelist Carlos Fuentes, the bullfight is more than ‘art’ since it is in the bullring that ‘Spanish people find their cultural “self”’ (1999: 31-32).

These opinions provide us with a helpful guide to how the bullfight *aficionado* understands ‘art’: its formality - it is codified in law; it is theatrical - it has a written, formal script and a supporting cast; it is outside morality; most significantly, it requires a ‘star’ who, besides having the attributes of skill, courage and ‘good looks’, above all must be able to ‘move’ the audience: ‘The *corrida* must transmit emotion, if we only want aesthetics then we go to the ballet’ (Marvin, 1994: 183, quoting a famous bull breeder). But, critically, it is fundamentally about decadence, domination and death. It is this almost transcendental quality of the matador (in his relationship to the bull) that is held to embody the ‘art’ of the bullfight.

For many supporters, including the hispanist Timothy Mitchell, the bullfight is ‘a fine art’, which can only be truly appreciated ‘from an aesthetic point of view’. Mitchell is keen to present the *corrida* through a theory of aesthetics, in which ‘art’ ‘must be experienced and enjoyed on its own terms, without reference to ... rightness or wrongness ... the aesthetic attitude is independent of the moral attitude ...’ (1991: 3-4). He quotes the poet and essayist, Jose Bergamín, (writing in 1930): ‘Cruelty is an unavoidable condition of beauty because it forms part of an uncluttered sensibility ... A *corrida de toros* is an immoral spectacle, and therefore, educational’. The bullfight, says Bergamín, as a performance that is impossible to rehearse, conveys ‘the eternally

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<sup>20</sup> ‘que finaliza el acto y hace nacer la obra’

fugitive mystery of art' (Mitchell, 1991:7-8).<sup>21</sup> But the 'performance' is not entirely unrehearsed since great attention is paid to the fact that the *corrida* is regulated and structured with 'rules for style and types of performance', which have not only gained it 'a rich and aesthetic element', but have also provided the matador with 'an aesthetic structure' for the display of 'emotion' (Marvin, 1994: 74, 183). Accordingly, Marvin presents the aesthetics of the *corrida* in terms of 'form and performance'. 'Men', he says, 'should be courageous, exercise self-control and be dominant' but rather than state these characteristics the *torero* must 'demonstrate them in a particularly difficult situation', leaving the audience with 'the dramatic enactment, rather than the mere statement, of certain key aspects of their cultural ethos'. But it is the role of the audience that makes the *corrida* a different kind of art from other arts where the audience is passive; in the *corrida* it is of necessity a participant as a witness, and as part creator of the emotional atmosphere (Marvin, 1994: 170, 183).

### ***Bullfighting as cruelty/barbarism***<sup>22</sup>

Contrary to the views of *aficionados*, for the abolitionists art 'remains bound to the unstable domain of sensibility, to the natural human propensity to be carried away by emotions such as compassion, humanity and tenderness, none of which are to be

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<sup>21</sup> Or as José Barrionuevo, former Minister of the Interior, declared in 1985, bullfighting 'is not barbaric because barbarism is the negation of art.' In bullfighting 'violence is also beauty'; he continues, a violent confrontation can bring about a 'violent aesthetic which is transformed into art' (quoted in Gilpérez Fraile, 1991: 65). 'No es barbarie, ya que la barbarie es la negación del arte'... 'una estética violenta que se convierte en arte.'

<sup>22</sup> I have used basic dictionary definitions for 'cruel'/'cruelty': 'indifferent to or gratified by another's suffering; causing pain or suffering, esp. deliberately' (Concise Oxford Dictionary, 1990: 279), because this is how the words are used by the anti-bullfighting lobby. For an interesting philosophical distinction between 'cruelty' and 'callousness', see commentary from Rowlands (2009: 100-117) on debate between Hursthouse (2000) and Scruton (2000).

found in the bullfight' (Sánchez León, 2007: 73).<sup>23</sup> For the novelist Alfonso Lafora, art is only the 'capacity to manifest, create or imitate, but this does not in itself represent a moral attribute of the human species' – and, moreover, in not possessing a 'criterion of its own', it may become 'easy prey for all types of messages or ideas' (2004: 236).<sup>24</sup> Thus, despite the historical ambiguity as to what constitutes art and beauty, the bullfight has never figured in the cultivation of the human spirit in being included in the curriculum of art appreciation courses in universities, which have been used as one of the means to get close to the optimal life (Sánchez León, 2007: 77; similarly, Mosterín, 2010: 23; Bilbeny, *La Vanguardia* 15 July, 2004). Sánchez León sees the bullfight as a social act ('acto social') that is systematically repeated in all its details and inexorably abandons the realm of art to become a ritual following prescribed rules that give little option for the creative freedom of the artist (2007: 72). Bullfighters, then, cannot be considered artists as they merely limit themselves to the execution of a series of rigid and clearly defined techniques rather than aspiring to be experimental or revolutionary (Sánchez León, 2007: 78). Where the *aficionado* sees in the matador skill, courage, honour, integrity, rectitude, fused with the power to excite and move the audience, the abolitionist sees 'violence, torture, sadism, death and pain' (Sánchez León, 2007: 79; Lafora, 2004: 233). This leads the philosopher Jesus Mosterín to argue that where art is defined as representation, fiction and imagery, bullfighting, in which the pain and death of the animals is real and neither fictitious nor imaginary, cannot claim the same privileged status (*La Vanguardia* 14 April 2004).

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<sup>23</sup> "permanece ligado al dominio movedizo de la sensibilidad", de la propensión natural del hombre a dejarse llevar por los afectos de compasión, humanidad y ternura, valores todos ellos alejados de lo que constituye la Tauromaquia' (quoting Pierre Cabanne in his *Diccionario Universal del Arte*).

<sup>24</sup> 'la capacidad para manifestar, crear o imitar, sin que tal circunstancia represente en sí un atributo moral de la especie ...sin criterio propio, presa fácil para cualquier mensaje o ideario'.

This is discussed further below. For the moment, here is another vignette that illustrates the confusion surrounding art, culture and attitudes to animals, at least in Catalan Spain. The lack of consensus as to the artistic claims of bullfighting was brought to the fore in the controversy between the choreographer Salvador Távora and both the Barcelona city council and the *Generalitat* (the Catalan regional government). In 1998, Távora<sup>25</sup> applied to the council for permission to stage his outdoor dance version of *Carmen* during which the fictional fighting and killing of a bull would be substituted with a live spectacle. Despite having successfully put on his show in Tarragona, in the southernmost province of Catalonia, Távora's application was refused by the Barcelona authorities on the grounds that neither Catalan legislation nor city council regulations for public spectacles involving animals allowed this type of event (Obiols, *El País* 1 September, 1999). At the time, prior to Catalonia banning bullfights in 2010, Catalan animal protection laws divided cultural events involving animals into two categories: bullfights and certain bull festivals that had a set of norms and regulations, and those 'festivities/spectacles' in which the physical abuse of animals was prohibited. Since the bullfight in *Carmen* was not deemed to be a 'normal' event, Távora's application fell into the second category, although he claimed that his spectacle adhered to the bullfighting regulations. The issue revolved around the enforcement of the 1988 Catalan law of animal protection. In Tarragona, there had been one interpretation of the law, whereas in Barcelona there was another (Obiols, *El País* 1 September, 1999). The first outcome of the controversy was that the Catalan autonomous government, *la Generalitat*, was fined

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<sup>25</sup> Távora, an ex-bullfighter, currently applies his skills to choreography and is director of a dance company specialising in promoting Andalusian culture; in this capacity he has received numerous awards from bullfighting associations honouring him for defending and promoting the 'art' of bullfighting.

by the Supreme Court of Catalonia for censoring artistic freedom. The reasons given for the judgement were that the bullfight was to take place in the intermission and not during the performance, and that the spectacle complied with the normal regulations governing bullfights (Tribunal Superior de Justicia de Catalonia, 2001).

Subsequently, by way of countering the Court's interpretation of the law, and preventing Távora from staging his show, the socialist led Barcelona city council passed an amendment to the regulations on the use of animals in public spectacles, specifying (for the first time) that animals could not be killed or used in a way that causes them suffering during theatrical or any other types of spectacles, neither forming part of the play or spectacle nor prior to, in the intermission or after the event. The CiU, who proposed the amendment, explained it in terms of the educational function of the law, stating that 'in this way the city council of Barcelona sends out the message that it does not want the suffering of animals to be used to fill spectacles under cover of pretend artistic considerations' (Boiza, *El Mundo* 29 June, 2002).<sup>26</sup> No doubt there were various sub-texts at play here, given Barcelona's complex relationship both with bullfighting and dictates from Madrid. Even so, the episode exemplified how notions such as 'artistic freedom', 'art' and the infliction of pain and distress, as well as death, on an animal are fused together in a series of corresponding though not always acknowledged political, cultural, commercial, and

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<sup>26</sup>de esta forma el Ayuntamiento de Barcelona envía el mensaje de que no quiere que se utilice el sufrimiento de los animales en nombre de pretendidas consideraciones artísticas para rellenar espectáculos'. However, it is not only Távora who has ventured into merging other artistic activities and bullfighting. The film director Pedro Almodóvar attracted both criticisms and support as it emerged that he had omitted to apply for legal dispensation to kill six bulls during his film *Speak to Her* (*Hable con ella*) as required by Spanish law. Almodóvar had chosen to stage real bullfights for his film in order for the viewer to witness 'true pain and suffering' rather than a representation of it. Abolitionists pointed to the mixing of torture and culture by Almodóvar, seemingly without any legal consequences (Lafora, 2004:214).

ethical interests, which make it difficult to assess with accuracy the reasons for both change and continuity in the place of animals in contemporary Spain.

In thinking about the art/cruelty debate, it is important to appreciate that the ‘art’ referred to by *aficionados* is rarely as pure as they claim. Aside from what to its critics is the questionable ‘morality’ of seeing the duel between man and an imprisoned beast as an ‘aesthetic’ performance, there is the question of the integrity of the performance in the sense that as with sporting events it can be fixed and, therefore, becomes dishonest. The animal movement and, it is important to note, also many bullfight cultural critics are fully aware that the official regulations governing the *corrida* are often ignored. Prior to the performance, the bulls, it is claimed, are typically abused in various ways in order to weaken and disorient them or to give them the appearance of being wild and ferocious.<sup>27</sup> For example, the animal’s horns may be shortened by 2 to 4 inches with a hacksaw. The exposed marrow is stuffed deeper into the horns and the ends sharpened with a file. Needless to say, this kind of mutilation is extremely painful (no anesthesia is administered) and traumatic for the bull. Not only does horn shortening reduce the ability of the bull to defend itself, the animal’s coordination and spatial orientation is also impaired. Abolitionists allege that much more than horn-shaving is practiced, claiming that other common practices include:

smearing the bull’s eyes with petroleum jelly to blur his vision; stuffing cotton in his ears; stuffing his nostrils with wet newspaper to make his breathing difficult; forcing him to drink large amounts of water so that he is bloated by the time the bullfight begins; depriving him of food and

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<sup>27</sup> Not only bulls are abused, but also horses. Until 1930, horses had no protective padding so that their death toll was higher than that for bulls (Fiske-Harrison, ‘About the bullfight’, n.d). Until recently it was customary to cut the horse’s vocal cords to protect the public from hearing its distressed cries (Lafora, 2004: 204).

water for three or four days before the event; giving him large amounts of Epsom salts to induce diarrhoea and dehydration; rubbing caustic substances into his skin to impair his coordination (and to prevent him from lying down too early in the fight); shoving a needle into his testicles; and beating him in the loins with sandbags. Depending on his behavior before the fight, the bull may be given tranquilizers to slow him down or amphetamines to speed him up (*Encyclopaedia Britannica. Advocacy for Animals*, 2 August, 2010; Mosterín, 2010: 37).<sup>28</sup>

Prior to the important anti-bullfight campaigns of 1992 and 2004, the portrayal of the *corrida* as ‘barbarous’ had also been a major theme in ADDA’s campaign of 1986, with the slogan ‘Torture, neither art nor culture’. During this period (1983-86) much of the debate took up the eternal Spanish theme of Spain as Europe/non Europe, since to be ‘barbaric’ is to be the opposite of ‘cultured’; it is to be non-European (Douglass, 1997: 98). And specifically it relates cruelty to animals through the theme of primitivism (‘Black Spain’) versus metropolitan ideas (Vincent, 2007: 84-85). This explains why in 1986, in accounting for the increase in anti-bullfighting sentiment since the 1970s, the Gallup polling agency wrote: ‘This evolution could be foreseen in a society that, like the Spanish one, is arriving at indisputable heights of modernity and Western culture ... whose principles clash head on with the definition of ‘lo taurino’’ (Quoted in Douglass, 1997: 98-99).

Ultimately, however, bullfighting fans prefer to speak in amoral terms as they articulate their views through appeals to ‘tradition’ (history). Since this section has sought to give voice to the *aficionados*, we end with the view of Mitchell (the hispanist):

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<sup>28</sup> It is virtually impossible to verify these claims, apart from the shaving of the horns. Although each bullfighting ring employs a vet to ensure that the bulls are in good health and have not been tampered with, there are no independent examinations or control measures in place. The AVATMA (association of anti-bullfighting vets), however, established in 2008, is opposed to the participation of vets in any role.

Now it is entirely possible that bullfighting is immoral or unethical ... Extreme caution must be exercised, however, when applying personal or abstract moral standards to specific aspects of cultural performances. What at first sight appears to be evil may be mere brutishness ... If bullfighting is seen in terms of ethical standards of the taurine subculture itself ... then condemnation will naturally be impossible. The *corrida de toros* has been a perfectly normal and legal pastime in Spain and has been enjoyed without guilt by people of the highest moral caliber for centuries. It can be shown without difficulty ... that for many people the bullfighter exemplifies important values like honor, integrity, rectitude ... This does not place bullfighting beyond reproach. It simply means that to be legitimate and credible, any condemnation ... would have to proceed from an evaluation of the cultural complex of beliefs and behaviors that sustain it (1991: 1-2).

The almost passing reference to the immorality of the bullfight and the slightly indignant tone seem to hint at the unease that still pervades the bullfighting community. Mitchell, however, is hardly reticent in defence of this ‘art’, not only in calling on the idea of moral relativism in relation to ‘cultural performances’ and to the ‘sub-culture’ of the taurine, but also the personal morality of the audience: they are of ‘the highest moral caliber’, and the alleged virtues of the bullfighter: ‘honor, integrity, rectitude’. The onus, he says, is on the abolitionists to understand a diverse and multi-faceted ‘cultural complex’, the substance of which, however, he does not disclose. Of course, indignation and the hedging of moral bets are not confined to *aficionados*.

Before examining the campaigns, it is worth considering Katarzyna Olga Beilin’s analysis of ‘bullfighting in the times of the war on terror’, since not only does it provide another perspective on art versus barbarism, but also the events in her account parallel the *animalistas*’ campaigns (2012: 65-70). Beilin poses ‘the need to speak interchangeably’ about animals and the human right to be free of torture as a result of the revelations and photographs relating to the tortures committed by the US army in Iraq and in Guantánamo prison. She writes that during the period 2004-2011

the Spanish press discussed comparisons between human and animal experiences of similar procedures, some of which took into account the terrorist attack at the train station near Madrid in 2004. The poet Juan Goytisolo compared the attack to bullfighting:

On principle, only the others die. We contemplate bullfighting, the “artistic” torture of cattle, in comfort from behind the barrier and not from inside the ring itself. Who would have imagined ten years ago that the horror of the siege of Sarajevo would one day affect us? Or that the martyrdom of the Bosnian capital would perhaps have repercussions, through a hidden chain of circumstances, on the deadly train explosion at Atocha Station in Madrid? (Goytisolo, *El País* 27 November, 2004, translation in Beilin, 2012: 65).

In 2004, the Spanish papers constantly wrote about torture in a global and local context.<sup>29</sup> The number of articles concerned with ‘torture’ increased in *El País* from 246 in 2003 to 1195 in 2004 until declining in 2007 and falling dramatically to 86 in 2008, before rising again in 2009-2011. Similarly, in the Catalan newspaper *La Vanguardia* the peaks coincided with the Abu Ghraib scandals, the Barcelona Declaration, and the debates on the ban in Catalonia (Beilin, 2012: 64). Beilin argues that the debates on animal rights in Spain at the time provided an interpretation of the Abu Ghraib photographs (one of which showed a female soldier threatening a prisoner with a dog) that focused on human-animal relations. As Rosa Montero, the novelist, wrote, ‘everything is closely related [...]. The torture of Iraqi prisoners, the women and children killed by domestic violence, even the hundreds of thousands of seals clubbed and skinned while still half alive’ (*El País* 4 May, 2004).

What Montero and others have pleaded for is that people remove their ‘blindfolds’ to cruelty (Bru de Sala, *La Vanguardia* 24 April, 2004). Montero admitted to having

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<sup>29</sup> All the following quotations and translations are in Beilin (2010: 65-69).

been a ‘real fan’ of bullfighting until ‘I grew beyond my cultural blindness and could be aware of the carnage. Because this is growth: this sensitivity goes hand in hand with the development of civility’ (*El País* 2 February, 2010). The critics of bullfighting with regard to art, culture and identity, refuse to accept that ‘Ethical exceptionalism is sustained by a language of acceptable concepts for non-acceptable behaviours and attitudes’ (Beilin, 2012: 69). The slogan ‘torture isn’t culture’, says Beilin, ‘calls for a change that would exclude torture from all domains of human culture where it is being called something else’. The intention is to deconstruct ‘concepts which we perceive as neutral, but in fact denote realities of pain’ (Beilin, 2012: 69). In placing these concerns, it is important to appreciate that the debates regarding torture and violence occurred in an exceptionally turbulent historical period. First, that of the mood of post-Franco democracy in which violence of all kinds was being eschewed (at least between humans); second, the ‘very public, political debate on the Civil War’, unleashed by Zapatero, with its memories of death, violence and torture (Field, 2009: 379); third, the ongoing presence of ETA terrorism; fourth, the concerted attempt to counter the domestic abuse of women (and to a lesser degree also of children) and, fifth, the presence of Spanish troops in Iraq before their withdrawal in 2004 after the Madrid bombing.<sup>30</sup>

### **Anti-bullfighting campaigns**

There have been two major campaigns in the last twenty years that have focussed around the moral claim that ‘culture’ should not include ‘cruelty’.<sup>31</sup> Both campaigns

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<sup>30</sup> For the ‘Second Transition’ period 2004-2008, see special issue of *South European Society and Politics*, 2009.

<sup>31</sup> As is noted below, there had been protests in 1986 when Spain entered the EEC, which to a large extent set the tone for these two more influential campaigns.

are evidence of the challenge that the animal movement has mounted to what hitherto had been the generally accepted view that whatever the pros and cons of bullfighting, it was part of Spanish culture.<sup>32</sup> The anti-bullfighting campaign had to take heed of this perception, which explains why campaigners strenuously sought to dislodge taurine rhetoric from the privilege of ‘Spanish’ art/culture, while arguing for culture’s reciprocity: we act upon it and it acts upon us. Consequently, culture can be changed and new forms and meanings created (Peggs, 2012: 109). The campaigns adopted three strategies: to graphically detail the suffering of the animals, to critique the moral orthodoxy underpinning the bullfight as art/culture, and to portray bullfighting Spain as primitive and backward. In questioning the moral orthodoxy regarding animal welfare, the animal movement helped to redefine ‘traditional’ views of Spanish human-animal relations.

***The 1992 campaign: ‘torture, neither art nor culture’***

In 1986, ADDA organised the abolitionist campaign to coincide with the entry of Spain into the EEC, when activists put up hundreds of posters before important *corridos*, with the slogan ‘Neither art nor culture. The national shame’. The first major campaign in 1992, however, was launched jointly with WSPA to coincide with the three international cultural events held that year in Spain: the Olympic Games in Barcelona, the International Exhibition in Seville, and the designation of Madrid as the ‘European Capital of Culture’. The campaign used the same slogan from 1986 but in the context of Spain’s ‘coming of age as a fully modern western democracy’

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<sup>32</sup> Although not so much in Catalonia and the Basque Country, very little in Galicia and Asturias, and hardly at all in the Canary Islands, where prior to the banning of bullfighting, the last event took place in 1983.

(Black, 2010: 119). In contrast to this emphasis on modernity, the campaign material featured an image of an exhausted, agonizing bull towards the end of a bullfight, with ‘harpoons’ hanging from its neck, and covered in its own blood. The argument, publicised in the first and at the time largest mass demonstration (approx 2,000 people) held in Madrid calling for the abolition of bullfighting, focused on a moral discourse in which the ‘torture’ of a sentient being could never be justified in terms of either artistic or cultural pretension, and where the animal acquired a moral status and ranking so that its suffering mattered - it was immoral to subject it to pain and distress in order to make it participate in the creation of an ‘aesthetic’ spectacle. In full view of the media, the thrust of the campaign was, first, to use the idea of ‘the year of Spain’ (and the extensive foreign interest being shown in Spain) to question whether bullfighting should be considered intrinsic to how the country presented itself and its culture to the world (*ADDA*, n.d.: 24-26; *ADDAREVISTA 10*, n.d.) and, second, to exclude bullfighting from the realms of art and culture, and reposition it as a cruel and immoral activity (*ADDA*, n.d.: 24).<sup>33</sup>

Clearly, the ‘neither art, nor culture’ argument was intended to disassociate bullfighting in particular from its traditional cultural and artistic alignments, and to anchor the ‘spectacle’ within the realm of the uncivilised. It appears that throughout the 1990s and beyond, campaigners were successful in making ‘torture’ (and its grizzly associations) a central feature in debates on the bullfight (Beilin, 2012: 64).

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<sup>33</sup> In support of their campaign, the abolitionists drew upon the results of an Intergallup survey commissioned by IFAW (International Fund for Animal Welfare) in 1991, showing that 87, 4 per cent of Spaniards were against making animals suffer during public shows and fiestas, and that a majority of the population did not agree with the use of animals in spectacles. Where bullfighting was concerned, 60 per cent of men and 75 per cent of women had ‘no interest’ in it (*ADDA*, n.d.: 24-26).

The campaign stressed that by insisting that bullfighting was part of culture, its supporters risked bringing Spain nothing but discredit from the rest of the world; the country would be seen as culturally underdeveloped. In this respect, as in 1986, ADDA, not for the last time, was playing on the ‘art versus barbarism’ theme and its connotations in the broader debate on Spain as ‘non-European’, with hints of older anxieties referring to ‘Black Spain’, which had long been an issue in Spanish history (Shubert, 1999: 2; Vincent, 2007: 84-85; Douglass, 1997). It was also a reminder of a long-running controversy concerning the bullfight in Spanish history, articulated by José Ortega y Gasset who, in 1948, in Shubert’s words, claimed that bullfighting ‘embodied Spain’s rejection of the modern world, and especially its rejection of the Enlightenment’ (1999: 3).

***The ‘Culture without Cruelty’ Campaign prior to the ‘Barcelona Declaration’ (2004) against bullfighting: separating bullfighting from ‘culture’***

By the time the new campaign was being mounted in 2002, ADDA/WSPA had built on its educational work throughout the 1980s and 1990s, which was helped by the support of a number of artists, intellectuals, writers, musicians, and politicians who had publicly declared themselves to be *anti-taurino*, arguing that:

tauromaquia has been a ritual of authoritarianism, symbolically connected to the structures of political tyranny, violent masculinity and an ancient way of understanding human relations with nature ... Consequently, the symbolic meaning of this ritual is incompatible with that of a democratic transformation which focuses on the elaboration of new models of masculinity, more sustainable attitudes towards nature and compassion towards others (Beilin, 2012: 63-64).<sup>34</sup>

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<sup>34</sup> It is difficult to say where the artistic/intellectual community as a whole stands on the issue. Certainly in opposition to the abolitionists, there are also a number of artists, writers and intellectuals

The new campaign, unlike that of 1992, had a much more precise objective: to persuade the Barcelona town council to declare the city ‘bull free’ to coincide with the celebration of ‘Fórum Universal de las Culturas’ (Universal Forum of Cultures) in 2004, which was to be held under the auspices of the UNESCO mandate, as a cultural Olympics celebrated every four years during five months in a new city and country each time. It is worth noting here that the massive redevelopment of Barcelona, beginning in the 1980s, which helped it to secure the Olympic Games in 1992, was one of several influences on its sense of identity as an ‘ultramodern yet human environment’ (Sánchez, 2002: 294). This was an important consideration in the ongoing debate about Catalan independence, not least because it was the projected capital of Catalonia.

The core themes of the Forum were ‘cultural diversity’, ‘sustainable development’ and ‘conditions for peace’ (*Forum Barcelona 2004*, 2004). Needless to say, ADDA/WSPA understood ‘culture’ as excluding all practices involving animal abuse and, therefore, their subscription to the theme of ‘cultural diversity’ was qualified. Thus, as one of the objectives of the campaigners was to reconfigure the concept of ‘culture’, so they wished to add a fourth theme, namely ‘Culture without Torture’<sup>35</sup> in pursuance of ‘the World That We Want’ (ADDA, 2004: 25).<sup>36</sup> ADDA/WSPA knew that there was already in existence the 1998 Barcelona municipal ordinance in which the guidelines and principles of animal-human relationships (excluding bullfighting) were set out: Article 1 stated that ‘all animals irrespective of their species have the right to be respected and not subjected to abuse, excessive efforts or violent or cruel

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who have voiced their concerns. For example, Cortina, 2009; Grandes, *El País* 8 March, 2010; Marías, *El País* 3 January, 2010; Savater, *El País* 16 March, 2010.

<sup>35</sup> ‘Cultura sense tortura!’

<sup>36</sup> ‘Por el mundo que queremos’

spectacles, which cause them physical or psychological suffering' (*Barcelona 2004 Antitaurina*, ADDA and WSPA campaign material, n.d.).<sup>37</sup> Clearly, the campaign sought to have fighting bulls included in Article 1.

In pursuit of 'Culture without Torture', the campaign material strove to separate bullfighting from 'art/culture' by presenting the spectacle as a 'chronicle of torture' (*Crónica de la torotura*). The introduction to the campaign brochure defined 'torture' as the 'serious physical or psychological pain inflicted on someone by means of various methods or instruments',<sup>38</sup> followed by a series of coloured photographs, accompanied by explanatory text, showing the three stages of a bullfight (which last for a total of approximately twenty minutes): i) (*tercio de varas*) a mounted *picador* lances the bull one to three times;<sup>39</sup> ii) (*tercio de banderillas*) three *banderilleros* each plant two harpoons into the bull's neck; iii) (*tercio de muerte*) where the *torero* kills the bull by thrusting a sword between its shoulder blades into the heart. Throughout the brochure the physiological responses of the bull to the use of the instruments are described in detail, for example: the *puya* (a lance with a metal point), which is used when the bull is lured into attacking the horse, is capable of producing wounds of up to 40 centimetre in the neck or back of the bull causing the animal to lose several litres of blood and to inflict considerable muscular and nerve damage; when the bull charges the horse, it experiences an impact equal to a force of 500-600 kilos at a speed of 40 kilometres an hour; the purpose of the *banderilleros*' use of the harpoon

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<sup>37</sup> 'Tots els animals, sigui quina sigui la seva espècie, tenen dret a ser respectats, no deuen ser víctimes de maltractaments, esforços desmesurats, espectacles violents ni actes cruels que els hi comportin patiments físics o psíquics'.

<sup>38</sup> 'grave dolor físico o psicológico infligido a alguien, con métodos y utensilios diversos'

<sup>39</sup> In the *tercio de varas* the *torero* opens with a series of passes. It is only later in this *tercio* that the *picador* comes in. His task is to pierce the neck muscle of the bull. This is to make it difficult for the bull to raise its neck and, therefore, makes the kill easier.

is to increase the blood loss thereby further weakening the ability of the bull to defend itself.

In theory, the *torero* (matador) is supposed to kill the bull with a single sword thrust to the heart but, according to the abolitionists, this rarely happens, particularly if the *torero* is second rate; usually the bull's death requires several attempts, so that in effect it drowns in its own blood through punctured lungs. Sometimes, in order to immobilise the dying animal so as to drag it from the arena (in preparation for the next fight) the *torero* severs its spinal cord by stabbing it (often several times) in the neck with a broad-bladed knife. If the matador has performed well he will be awarded the bull's ears and tail, which are cut off by one of his team.<sup>40</sup> In disclosing these details, ADDA/WASPA was portraying the bullfight, not as an exhibition of the matador's skill and courage, as an epic struggle between man and beast, but as a tightly regulated ritual, whose sole objective was to inflict systematic, premeditated and repeated pain and eventually death on an otherwise non-aggressive ruminant (ADDA/WSPA, n.d.; ADDA/WSPA, 2004).

The crux of the campaign's message was that the 'torture' of a sentient being is incompatible with 'art, and that a 'modern' ethically informed Spain should expel 'torture' from its 'culture' - again emphasising that culture evolves under human direction. Nor was it to be fetishized. The philosopher Jesús Mosterín reminded his readers that 'culture' may comprise a rich variety of ideas and customs, some that are considered 'good', 'desirable' or 'admirable', but also many widely thought of as undesirable and 'monstrous', such as female genital mutilation, foot binding, and

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<sup>40</sup> For a sympathetic detailed description of 'the *corrida*', see Marvin (1994: 1-35; also Fiske-Harrison, 2011a).

artificial cranial deformation (2010: 23; on bullfighting as an undesirable cultural practice, see Lafora, 2004: 236; Boillat de Corgemont Sartorio, 2007: 130). Referring to the evolution of cultural practice, the novelist Baltasar Porcel remarked (perhaps a little optimistically) that just as other ideas and perceptions change in time, so the bullfight was now considered a barbaric relic from medieval times (*La Vanguardia* 19 April, 2004).<sup>41</sup>

Among the activities included in the ADDA/WSPA campaign over the two year period was the launching of an international petition in support of their call on the Barcelona city council to declare the city ‘bullfight free’, advertisements in the daily newspapers, and the mass distribution of information leaflets throughout Catalonia. In addition to the petition ADDA/WSPA commissioned a survey of Catalonian opinion from Demoscopia during March 2002, which showed that in answer to the question ‘Do you think that the torture and suffering of animals as entertainment should be abolished?’, 92.6 per cent answered ‘yes’, 99.8 per cent agreed that animals feel pain when abused, and 89.2 per cent thought cruelty to animals in public entertainment was detrimental to good child rearing. The questionnaire also revealed a low interest in both national and regional festivities that include the use of bulls such as ‘*corridas*’ and ‘*correbous*’: 81.9 per cent stated that they had never participated in any such activity and 58.9 per cent supported the call for the Catalan Parliament to ban both ‘*correbous*’ (bullruns) and bullfighting (ADDA, 2002: 34-36).

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<sup>41</sup> By 2004, the idea of cultural evolution was by no means a novel claim. As we have seen (ch.1), since at least 1986, if not before, under the Socialists and the second economic boom, Spain had become increasingly keen to eradicate its macho/Latin culture in terms of outlawing domestic violence, homophobia, and racism; making abortion easier to obtain and legalising gay marriage. Moreover, secularism has also increased with only 34 per cent of taxpayers opting to contribute to the Church (Montero, *The Guardian*. trans. *El País*, 30 March, 2011). For the view that economic development is associated with cultural change in a ‘probabilistic’ rather than a ‘deterministic’ sense, see Inglehart and Baker (2000: 19-51).

The campaign culminated in front of the Barcelona city hall on 25 March, 2004, a few weeks prior to the opening of the Fórum, with a reading from a short manifesto before the presentation of the 245,000 signature petition. This appeal sought to underline what it claimed was the irreconcilability of celebrating a Fórum whose fundamental principles are those of the UNESCO and the United Nations, which ‘aim at forging an ethical, social and environmental dialogue and to promote the conditions for peace’,<sup>42</sup> with the acceptance of bullfighting, which is an ‘example of violence against beings that are sensible to pain and against the principles of moral ethics and peace’ (ADDA, 2004: 25-26).<sup>43</sup> In the following plenary session of the city council, through a secret ballot with 21 for, 15 against, and 2 abstentions, Barcelona symbolically declared itself to be ‘against the practice of bullfighting’ (*Plenario del consejo municipal*, CP 2/04 Acta, 2004).<sup>44</sup> In many respects the declaration may be said to have contributed towards confirming Barcelona not only as a ‘human environment’, but also as ‘a gigantic post-modern mirror reflecting an idealized image of itself to local and global audiences alike’ (Sánchez, 2002: 303).

### **Catalonia votes to ban bullfighting**

In July 2010, after several months of public and parliamentary debates, during which the deputies heard specially invited expert presentations for and against, by a vote of 68 to 55 with 9 abstentions, deputies in the Catalan parliament voted in support of an

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<sup>42</sup> ‘[p]retende establecer un diálogo ético, social y medioambiental y promover las condiciones de la Paz’

<sup>43</sup> ‘ejemplo de violencia contra seres sensibles al dolor, contrario a los principios de la ética y de la Paz’

<sup>44</sup> ‘contrario a la práctica de las corridas de toros’. The declaration was initiated and coordinated by ERC, the left-wing Catalan separatist party, and drafted by the three-party governing coalition: ERC (5 seats), PSC (Socialists, 15 seats), ICV-EUiA (coalition of left-wing Green group, 5 seats) and the CiU (centre-right nationalists, 9 seats) opposition party. The PP (Conservatives, with 7 seats) played no part in either the drafting or the co-ordination process.

ILP (Popular Legislative Initiative),<sup>45</sup> of some 180,000 signatures, to follow the example set by the Canary Islands in 1991, and ban bullfighting from the region, to take effect from January 2012.<sup>46</sup> The ban, which was controversial throughout Spain, including with sections of the Catalan population, was the culmination of a long and convoluted campaign on the part of the animal lobby, organised by the PROU! (Catalan for Enough!) platform, with the help of certain politicians. As we have seen, the 2004 Barcelona declaration was the successful outcome of the ADDA/WSPA campaign, and its success was not only in the passing of the declaration but also in opening up an extensive public debate on the whole question of bullfighting in relation to culture, a debate that extended well beyond Catalonia's borders to the international community. And just as the declaration had used a petition to mobilise public opinion, so, too, did the campaign in favour of the ban. However, although its significance for animal welfare should not be underestimated, securing the ban in Catalonia was by no means as significant nationally as it would have been in, say, Madrid. The fact was that bullfighting had declined in recent decades in Catalonia from its height of popularity in the early twentieth century.<sup>47</sup> By 2011 only one bullfighting ring was operational, staging just eighteen fights in 2009 compared with 284 in the Community of Madrid, with a similar population (*La Vanguardia* 28 July,

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<sup>45</sup> CiU (48), PSC (37 seats), ERC (21), PP (14), ICV (12) and 'Mixed Group' (Grupo Mixto, 3). Parties voting for the ban: ERC, ICV; against the ban: PP, 'Mixed Group'. Both the CiU and the PSC allowed a free vote: CiU – for 32, against 7, abstentions 6, 3 invalid. PSC – for 3, against 31, abstentions, 3.

<sup>46</sup> Unlike the Catalan vote, the Canary Islands ban stirred little controversy throughout either the Islands or on the mainland. There had not been a bullfight since 1983 and the practice enjoyed little popular support. The general lack of interest was explained in terms of the absence of breeding farms on the islands and that the animals had to be shipped in, which greatly weakened them, and made the promotion of bullfighting an expensive business. The more popular 'sport' of cockfighting, however, has still not been banned (Fernández, *La Vanguardia* 11 January, 2010; *La Voz de Lanzarote* 14 March, 2010; *Europa Press* 28 July, 2010). For further details, see chapter 5, section 'Regional and National Laws ...'.

<sup>47</sup> The main reason being the 1988 Catalan Animal Protection Law, which banned the building of new rings, prohibited portable rings, and banned under 14 year olds from attendance.

2010; Lorca, *El País* 25 July, 2010). Nonetheless, there is no doubt that the ban had a social and political impact, not least because with its recent history of anti-bullfighting sentiment (and, equally relevant, its political opposition to the central government), Catalonia has been seen as the spearhead of the anti-bullfighting movement, which probably explains why more than 300 national and international journalists were accredited to cover the Parliamentary session in which the vote was taken (Bernal *et al.* *El Periódico* 28 July, 2010).<sup>48</sup>

The region's antipathy to Madrid was mentioned in most of the commentaries on the ban.<sup>49</sup> As Giles Tremlett (*The Guardian's* Madrid correspondent) noted, just as in Britain foxhunting mixes animal rights with class politics, so the bullfight brings together animal welfare and Catalan identity politics (*The Guardian* 28 July, 2010).

Opponents of the ban were quick to argue that it had little to do with concern for

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<sup>48</sup> Following the ban, other anti-bullfighting initiatives were promoted, although largely without success. In 2010 El Refugio (animal protection group) collected more than 50,000 signatures for an ILP (popular legislative initiative) to ban bullfighting for presentation to the Madrid regional (conservative) government. Unsurprisingly, the government rejected the petition on the grounds that it would increase the budgetary deficit (*ABC* 12 December, 2010; *Público.es*, 20 July, 2010). In Andalucía, in 2010 CIMA, an animal rights group with Green support, obtained permission from the regional government to proceed with an ILP also to ban bullfighting, but obtained only 37,000 signatures rather than the required 75,000 (*El Sur* 22 February, 2011; Cano, *El Mundo* 5 August, 2010; *Diariocrítico.com* 5 March, 2011). The same year, the Basque parliament debated a petition from the nationalist party (EB-B) calling for a ban, which came to nothing; and in Asturias the nationalist party (BA) presented a similarly unsuccessful bill (*Público* 25 October, 2010). In 2012, however, the San Sebastian municipality (nationalist) announced that the contract with the taurine entrepreneur to stage bullfights at the publicly owned arena would not be renewed (Alonso, *El Mundo* 13 February, 2012; see also *El Mundo* 21 August, 2012) and in Galicia the regional government banned children under 12 from attending bullfights (*El País* 23 December, 2011). In 2013, in Galicia the nationalist party BNG submitted a bill to the regional government calling for a ban, but it was voted out by the conservatives: 40-32 (*ABC* 28 June, 2013). Despite the lack of success, these initiatives suggest the beginnings of a political counter to the normalcy of bullfighting. Interestingly, since the municipal and regional elections of May 2015, which ushered in political formations/groupings with a critical view of bullfighting and other festivals involving animals (most notably from Podemos; regionalist-nationalist, green coalitions; and PSOE), there have been a number of legal and political initiatives which intend to suspend public funding for and ultimately prohibit these practices (*El País* 31 July 2015a; *El País* 31 July 2015b; *El Mundo* 30 July 2015; Ribelles and De la Serna, *El Mundo* 31 July 2015; Lorca, *El País* 31 July 2015; Amorós, *ABC* 29 July 2015).

<sup>49</sup> According to Carballa Rivas and García González' analysis particularly the national broadsheets *El Mundo*, *ABC* and the Catalan newspapers made the ban an issue of national versus regional identity (2014: 976).

animals, rather that it stemmed from the desire of Catalan nationalists to distinguish Catalonia from Spanish culture. Several nationalist deputies, it was reported, only backed the ban after the Constitutional Court had struck down parts of the 2006 *Estatut* (the constitutional statute that determines the degree of self-rule of each of the regions), including Catalonia's right to call itself a 'nation'. As one deputy admitted: 'Some of our people will back the ban on the basis that if they are going to sink our charter, we will sink their bulls' (quoted, Tremlett, *The Guardian* 28 July, 2010; Toral, *El Periódico* 28 July, 2010; Dopico Black, 2010: 235-236).

A slightly more nuanced view was that of the journalist Oscar Toral who, on the basis of a series of interviews with social scientists, argued that the impetus behind the initiative was clearly animal ethics as it was for people signing the petition; on the other hand, 'identity politics' was the main factor among politicians in the parliamentary vote. In support of this interpretation, he noted that the Catalan parliament chose to protect 'Catalan' bull festivals only two months after the ban (Toral, *El Periódico* 23 September, 2011).<sup>50</sup> Unsurprisingly, animal welfare campaigners saw things differently: 'The issue is a moral one, not a nationalist one. Bear baiting was suppressed long ago and this is the same logic. Are we a modern nation, or are we going back to the middle ages?' (Salvador Gíner, quoted in Tremlett, *The Guardian* 28 July, 2010). Anna Mulà, one of the leaders of the Enough! (Prou!) campaign, also rejected the identity argument, saying that the vote responded to the 'outcry of a society that is reinventing its traditions. It is popular will which has brought us here today to seek the abolition of bullfighting; it is the desire of the

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<sup>50</sup> Carballa Rivas and García González support the view that the objective of the Popular Legislative Initiative was animal rights, a question which the Catalan papers dealt with both before and after the vote. The national newspapers, however, reflected the political debate which focussed on issues of identity and liberty (2014: 981-982).

people to abolish that which they consider morally unacceptable' (*Diari de Sessions 131/2010*: 3).<sup>51</sup> Others have argued that it was indeed 'anti-Spanish', although in more than one way; not necessarily vindicating Catalan nationalism, but because 'this Spanishness based on keep it, don't fix it even if you know it is wrong, on national Catholicism, on "because I say so", on the worship of death, on honour, on Spain is different, infuriates many people' (Porcel, *La Vanguardia* 19 April, 2004).<sup>52</sup>

Regardless of the political interests behind the ban, both its symbolic and literal significance was threefold: first, it pointed to a decidedly changing attitude towards the legitimacy of bullfighting in Spain; second, it provided the animal movement with not only a victory, but also, in addition to international publicity, gave it encouragement to continue and extend its campaigns; and, third, in combination with the campaign for the Barcelona declaration, it raised the profile of 'animal rights', moral obligations, and the relationship between 'cruelty' and art/culture in a modern democracy, provoking a wide-ranging debate among the public, politicians, and the artistic and intellectual classes. In addition, there is a fourth consideration - one that relates the ban to Catalan 'identity', although it is too early to say how this matter will evolve. Perhaps, however, rather than seeing the ban as merely an opportunity for Catalonia to snub Madrid, it should be viewed in the context of how it has altered the perception of Spain, both internally and internationally, as a country with a poor

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<sup>51</sup> 'el crit d'una societat que fins i tot es replanteja les seves pròpies tradicions. És la voluntat popular la que ens ha dut avui aquí per demanar la prohibició de les curses de braus, com a resultat del desig del poble d'abolir allò que considera moralment inacceptable'

<sup>52</sup> 'este españolismo basado en el sostenella y no enmendella, en el nacionalcatolicismo, en el "por cojones", en el culto a la muerte, en el punto de honor, en el España es diferente, indigna a mucha gente'

record for animal welfare and the consequences this holds for cultural politics.<sup>53</sup>

Notwithstanding the peculiar place of Catalonia in Spanish politics, the ban may represent a further development in the framing of ‘identity’ (what it is and how it is constituted) - both Catalan and ‘Spanish’.<sup>54</sup>

### **Reactions to the Barcelona Declaration and the Ban: culture being transformed?**

The comments made by city councillors following the passing of the declaration (6 April, 2004), which had no legal status, to make Barcelona a bullfighting free city, made clear how in their minds the *corrida* was linked to contrasting understandings of ‘culture’. A conservative councillor deemed the declaration an attack on bullfighting, or what he believed to be the same thing, namely an attack on Spanish, Catalan and Mediterranean culture by ‘imperialist Germanic and Anglo-Saxon powers’ who themselves promote violent spectacles such as boxing. According to the councillor, the agenda of these allegedly ‘imperialistic cultures’ in criticising ‘the noble spectacle of the dance between the bull and the Mediterranean man which has taken place for three thousand years’ was to ‘impose their cultural values and exterminate ours...’ (*Plenario del Consejo Municipal, CP2/04, Acta, 2004*).<sup>55</sup> The promoters of the attempt to eradicate Spanish culture, he concluded, were

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<sup>53</sup> However, for the political shenanigans to protect and regulate Catalonia’s own animal festivities, which involve ‘cruelty’, see Dopico Black (2010: 236). For a discussion of festivities, see below chapter 7.

<sup>54</sup> For discussion of how animal studies might be used to re-invigorate cultural studies, see Dopico Black (2010: 235-249).

<sup>55</sup> ‘poder imperialista, germánico y anglosajón ...el noble espectáculo de la danza entre el toro y el hombre mediterráneo que se está practicando desde hace tres milenios...con el fin de imponer sus valores culturales y extinguir los nuestros’. These claims are familiar among many conservatives and others who see the taurino as essentially ‘Spanish’. For example, the philosopher, Victor Gómez Pin, a regular contributor on the subject to newspapers, calling up the historical reference to Spain outside Europe, portrays ‘Europe’ as a colonising power, which threatens to end Spanish cultural idiosyncrasies in the name of homogenization. And perhaps not without significance, he links this to the charge that the EU has had a detrimental effect on Spanish manufacturing (2002: 22-23).

unsurprisingly hiding behind the acronym WSPA, ‘these same letters which identify the elite - white, Anglo-Saxon, and protestant - who govern the “empire” and whose aim it is to impose their culture through Hollywood as well as through the World Society for the Protection of Animals’ (*Plenario del Consejo Municipal*, CP 2/04, Acta, 2004).<sup>56</sup> These cultural crusades, the Conservatives believed, sought to impose cultural values that not only denied the Cretan and Hellenistic roots of the taurine spectacle, but also seemed to be indifferent to the infinitely larger numbers of bulls and other animals killed in slaughterhouses. The Green party coalition (ICV-EUiA) agreed with the conservative analysis of the declaration as being symbolic of a *change* in cultural practices. But rather than seeing it as a result of foreign aggression, the symbolic value of the declaration was construed as an accurate reflection of contemporary popular sensibilities of the Catalan people regarding violent practices involving animals. The Catalan nationalist and Republican Party (ERC), as well as the Catalan socialist party (PSC), agreed with the Greens in interpreting the declaration as mirroring the sentiments of the majority of Barcelona citizens towards bullfighting. But while the Socialists saw the vote as reflecting ‘modern sensibility’ (*‘la sensibilidad moderna’*),<sup>57</sup> which in its majority was opposed to bullfighting, the Republicans emphasised that Barcelona was manifesting yet again its progressive and sensitive nature, not least when it came to the protection of animals prevalent since the nineteenth century. The claim that bullfighting forms part of Mediterranean

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<sup>56</sup> ‘las mismas letras que identifican a la élite – white, anglosaxon, and protestant – que gobierna el “imperio” y pretende imponer su cultura tanto a través de Hollywood como a través de la World Society for the Protection of Animals’.

<sup>57</sup> Following Keith Thomas (1983: 173-180) I use the word ‘sensibility’ to suggest pro-action rather than ‘sensitivity’ which is reactive. I take ‘sensibility’ to be ‘the quality of being able to appreciate and respond to complex emotional or aesthetic influences’ (Oxford Dictionaries Online). See also Cambridge Dictionaries Online: ‘an understanding of or ability to decide about what is good or valuable’.

culture was dismissed by the ERC as a social construction; it no longer constituted part of contemporary life, culture and identity as it once did. Moreover, the ERC argued, popular traditions had to evolve to match the moral positions of contemporary Spanish society (*Plenario del consejo municipal*, CP 2/04 Acta, 2004).

The ‘cultural’ distance between the abolitionists and the *aficionados* was evident in another and more artistically informed comment that came from the eminent pro-bullfighting novelist Mario Vargas Llosa, a frequent contributor to the debates, who rejected what he said were the claims of the abolitionists that supporters like himself engaged in a ‘pure exercise of evil in which irrational masses express their atavistic hatred for the beast’.<sup>58</sup> Drawing on a familiar defence of the bullfight, he stressed that behind the spectacle exists a world full of traditions and local customs in which the bull lives the life of a king; a world that would vanish together with the extinction of the bull should the *corrida* become illegal (Vargas Llosa, *El País* 2 May, 2004).

Furthermore, he argued that even if he and most *aficionados* of bullfighting find the spectacle repulsive because of the blood and the violence, the:

‘fascinating combination of the grace, wisdom, fearlessness and inspiration of a bullfighter and the bravery, nobility and elegance of a fierce bull succeed [...] in eclipsing all pain and risk involved creating images which simultaneously share the intensity of the music and the movements of the dance, the pictorial plasticity of art and the ephemeral profoundness of a theatrical spectacle ...’<sup>59</sup>

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<sup>58</sup> ‘un puro ejercicio de maldad en el que unas masas irracionales vuelcan un odio atávico contra la bestia.’

<sup>59</sup> ‘la fascinante combinación de gracia, sabiduría, arrojo e inspiración de un torero, y la bravura, nobleza y elegancia de un toro bravo consiguen ...eclipsar todo el dolor y el riesgo invertidos en ella, creando unas imágenes que participan al mismo tiempo de la intensidad de la música y el movimiento de la danza, la plasticidad pictórica del arte y la profundidad efímera de un espectáculo teatral’.

which, he continued, in essence is a representation of the human condition, of life only visible because of the presence of its counterpart, death (Vargas Llosa, *El País* 2 May, 2004).

A more down to earth view was expressed by the bullfighters' association, *La Agrupación de Toreros y Rejoneadores*, which deplored the fact that the city was trying to marginalise a unique social and cultural heritage, given that the declaration was approved during the celebration of the UNESCO Universal Forum of Culture (*El Mundo* 7 April, 2004). Moreover, it had been passed without prior consultation of the parties involved in the issue and could therefore not be said to represent the opinions of the Barcelona population (*La Vanguardia* 15 April, 2004). Pro-bullfighting responses to the declaration expressed no opinion as to the atavistic nature of the practice, nor to the abolitionist claim that the spectacle was a remnant of preferences and tastes that have since moved on in favour of other types of cultural consumption. The most frequent arguments in support of the *corrida* all shared the tacit assumption that bullfighting, as a unique artistic spectacle, was an intricate part of Catalan (and Spanish) culture and tradition. The 'traditionalists' pointed to Barcelona being the only city in Spain operating three category A bullrings at the turn of the twentieth century;<sup>60</sup> to the legendary bullfighters who have come from Catalonia, and recited various anecdotes of the extent and fervour of the bullfighting tradition in the region (*ABC*, five page special on bullfighting, 18 April, 2004). As is common with much of the pro taurine argument, these references, rather than situating the bullfight in either the present or the future, tend to look to the past, to tradition.

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<sup>60</sup> In 2004, however, only one bullfighting ring remained in operation, which does seem to confirm that Catalan bullfighting tastes are a thing of the past.

Other reactions to the declaration included: the formation in 2004 of an International Association of Tauromachy (AIT) to prepare an application to UNESCO for cultural protection of the bullfight; the coming together in 2005 of various taurine interests to establish the *Mesa para la Defensa de la Fiesta* (Committee in Defence of the Fiesta); and in 2007 a group of senators established the Parliamentary Taurine Association. Amongst the declared objectives of the AIT are the defence and promotion of the ‘fiesta of the bulls’ and the taurine culture in all its manifestations (*Asociación Taurina Parlamentaria*, n.d.). Besides these new organisations, as recognised above, the counter-offensive to the prohibitionists, especially after the successful banning of bullfighting throughout Catalonia (2010), has scored some successes. In addition to a number of international conferences promoting the ‘Latin Heritage’, in 2011 the socialist government declared bullfighting to be ‘an artistic discipline and cultural product’ (Jiménez Cano, *El País* 29 July 2011);<sup>61</sup> in 2012 live bullfights returned to national television (having previously been banned by the socialist government in 2006); and in 2013 the PP government pronounced bullfighting to be part of a ‘cultural heritage worthy of protection’<sup>62</sup> (Quoted in Lorca, *El País* 2 October, 2013; also Gutiérrez, *La Vanguardia* 25 August, 2012; Pérez, *ABC* 9 November, 2013).<sup>63</sup> Aside from these developments, in response to the Catalan ban and what was termed the growing ‘political muscle’ (músculo político) of the anti-taurinos, several regions (with conservative governments) declared bullfighting to be

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<sup>61</sup> ‘una disciplina artística y un producto cultural’

<sup>62</sup> ‘forma parte del patrimonio cultural digno de protección’

<sup>63</sup> These developments could be seen as in part a response to continuing pressure from the *animalista* lobby after 2004. For example, the Green Party held a series of debates at the House of Deputies in 2007 on animal rights and the abolition of bullfighting; in 2008 ADDA/WSPA held an international conference in Barcelona; and in 2008, the Spanish parliament passed a resolution in support of the Great Ape Project advocating basic rights for primates (although this was later allowed to lapse, see chapter 5).

an ‘asset of cultural interest’ (Bien de Interés Cultural). These include Madrid, Murcia, Valencia, and Castilla-La Mancha (Ayllón, *Público.es* 25 September, 2011). With these affirmations, the door has been opened for an application to UNESCO to have the *corrida* included in the ‘intangible cultural heritage programme’ (los Patrimonios Inmateriales de la Humanidad) (Crespo, *El Mundo* 7 November, 2013).<sup>64</sup> On the other hand, despite governmental support for the UNESCO application, over the last ten years, nearly twenty municipalities *outside* Catalonia have officially (through a council vote) declared themselves to be anti-bullfighting. Many more, however, particularly during the recession, have probably just allowed bullfighting to lapse.<sup>65</sup>

On the passing of the ban, the English language edition of *El País* declared that bullfighting ‘is caught on the horns of a national dilemma ... [Spain’s attitude toward bullfighting is both] ... increasingly confused and confusing’ (Lorca, *El País* 31 January, 2011). By 2013, the question was asked ‘Is it “adios” for Spanish bullfights?’ The current recession and the animal welfare campaigns, it was claimed, ‘are casting doubt on the future of one of the country’s most emblematic pastimes’. But, as is increasingly recognised, it is not just the recession and the anti-bullfighting lobby that presents the major problem. The real issue, as many observers acknowledge, is one of growing indifference, with fewer than 30 per cent of Spaniards indicating support. Bullfighting as either art or sport, or as a business, is

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<sup>64</sup> WSPA has written to the Director General of UNESCO asking him to reject any such application on the grounds not only that bullfighting ‘glorifies the systematic torture of a sentient animal in the name of public entertainment’, but that it would undermine the endorsement by the regional office of UNESCO for Latin America and the Caribbean of WSPA’s Humane Education Programme, which promotes ‘the positive interdependency between humans, animals and the environment’ in line with the UN *Decade of Education for Sustainable Development* (WSPA, 16 May, 2007).

<sup>65</sup> Excluding Catalonia, there are, however, over 7,000 municipalities in Spain. So, at best, it could be said that in this context, progress is slow. See appendix 4 for a full list of anti-bullfighting municipalities.

finding it increasingly difficult to compete against football, movies, television, and greater personal mobility through car ownership (Sánchez Marroyo, 2003: 473-474; also Montero, *El País* translation in *The Guardian* 30 March, 2011). Perhaps the old debates that focussed on morality and/or the politics of cultural identities no longer hold much salience for a society, largely dominated by social libertarianism, neoliberal capitalism, and economic insecurity and austerity.

### **The Barcelona Declaration, the Catalan ban, and the issue of Catalan independence**

One of the reasons why the changing place of animals in Spain is of scholarly interest is that, aside from what it says about the sociology of human-animal relations, it elucidates more broadly how art, culture and identity connect with debates on nationalism and regionalism (and how these in turn impact on notions of animal welfare). Thus some consideration of the relationship between bullfighting and Catalan aspirations for independence will be helpful. First, it is important to understand that if the historic centre-periphery confrontations of Spanish politics are buoyant so, too, are the Catalan perceptions of 'being different' from the rest of Spain. It is no surprise that Catalonia promotes itself as a pioneering region in so many areas: 'modern', sophisticated, economically advanced, and European in comparison to the rest of the country (*Diario de Noticias de Navarra* 4 September, 2004).

No wonder, then, that the Barcelona declaration was seen in both the national and international media as a sign by the Catalans of their distinct identity (*BBC News* 26

March, 2004). This ‘Catalan desire to forge an identity separate from Madrid’ was specified by some Catalan politicians as a wish to promote ‘“our own, distinctly Catalan identity based not on the outdated public slaughter of animals but on the arts, music and architecture”’ (Harrison and Eden, *The Telegraph* 26 October, 2003); a choice of words that brings on connotations of a retarded Spanish culture in contrast to the refined sophistication of Catalonia. Moreover, Joan Clos, the mayor of Barcelona, was quoted at the time of the declaration stressing that the city differed from other cities of Spain in showing little interest in bullfighting: the ‘“new generations do not attend bullfights very often, at least not in Catalonia, they don’t”’, adding it had become clear that ‘“the feelings of the majority of the citizens are opposed to this practice”’ (Quoted in *El Mundo* 13 April, 2004).<sup>66</sup> Here was the chance for Barcelona to focus attention on its distinctiveness from the rest of Spain as well as to rid itself of a practise considered to be an ‘inconvenient heritage’ within the politically and business promoted project of becoming a cosmopolitan destination which promotes itself as being ‘modern’, ‘artistic’, and ‘progressive’ (Gil de Biedma, 2007: 289).<sup>67</sup> Jesús Mosterín, the philosopher saw the declaration as an opportunity for the city to ‘put itself in a spiritual avant-garde position mapping out the way that the rest of Spain will undoubtedly follow’ while at the same time gaining ‘admiration for its contribution to progress and universal values’ by not clinging to what is ‘particular, peculiar and *castizo*’ (Mosterín, *La Vanguardia* 14 April, 2004).<sup>68</sup>

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<sup>66</sup> ‘Las nuevas generaciones, al menos en Cataluña, no van tanto a los toros’...’la sensibilidad mayoritaria de la población es contraria a ésta práctica’

<sup>67</sup> ‘patrimonio incómodo’

<sup>68</sup> ‘colocándose así en una posición de vanguardia espiritual y señalando el camino que los demás sin duda acabarán siguiendo’...’admiração por su contribución al progreso y a los valores universales’...’propio, peculiar y castizo’ (*castizo* has many meanings, but usually ‘pure’ ‘pure blood’, ‘truth’).

At the same time, the largest Catalan newspaper, *La Vanguardia*'s interpretation of events was that the declaration constituted yet another step towards the final goal for the nationalist movements of Catalonia, irrespective of any concern for animals: 'restoring a Catalan Catalonia by purifying it of those elements that are considered unacceptable'.<sup>69</sup> The declaration, it continued, illustrates when considered in this context how 'Catalan nationalism collides with Spanish nationalism and, at the same time, feeds off it' (Puigverd, *La Vanguardia* 5 June, 2006).<sup>70</sup> In a similar vein, the philosopher Ongay de Felipe made the connection between the declaration and Catalan aspirations, particularly in Barcelona, to create their own modern, European, and progressive profile. Achieving such an image, he wrote, made it imperative to create a distance from bullfighting, a synecdochical representation of the problems of Spain. Once again we see a return to the centre-periphery conflict, and within this context the Barcelona declaration was set out as a 'distinctive expression of its [the city's] "anti-españolismo"' (Ongay de Felipe, 2004: 11).<sup>71</sup>

With regard to the independence movement, in November 2014, Catalonia (pop. 7.5 million) will hold a referendum with two questions: 'Do you want Catalonia to be a state?' and 'Do you want that state to be independent?' The conservative government has vowed that the poll will not be held because it would violate the Spanish constitution, but is unlikely to prevent it from taking place. Catalonia, with its own language and traditions, has a long history of opposition to the state, which was intensified through the persecution endured during the Primo de Rivera and Franco dictatorships (Romero Salvadó, 1999: 152). The current recession has fuelled this

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<sup>69</sup> 'restaurar una Catalunya catalana, depurándola de aquellos ingredientes considerados impropios'

<sup>70</sup> 'El nacionalismo catalán choca con el nacionalismo español y, a la vez, se alimenta de él.'

<sup>71</sup> 'expresión peculiar de su "antiespañolismo"'

antipathy as Madrid has imposed austerity measures on Catalonia, a traditionally wealthy region, forcing it to transfer part of its tax revenue to poorer regions. There have been several demonstrations during the last year, each with hundreds of thousands of Catalans demanding more independence, and polls indicate that around half the Catalan population will choose to be completely independent. The demand for independence is nothing new. The fact is that Catalans have a strong perception of themselves as being different (and better) than the rest of Spain. This is a perception that can in part be accounted for by the region's historical, geographical, and financial position as a dynamic trading area owing to it being situated close to the sea and to France, having a historically wealthy peasantry, and being a financially prosperous region as a result of the industrial revolution in the last quarter of the nineteenth century, which helped to give rise to a capitalist economic system in the Catalan textile industry. Understandably, then, the region sees itself as modern and affluent in comparison with central and southern Spain (Romero Salvadó, 1999: 12).

The current campaign emerged in connection with the re-negotiations of the *Estatut* between the Catalan government and the central government. According to the then Prime Minister, Rodríguez Zapatero, the result of these negotiations, endorsed by the Catalans in a referendum in 2006 (*20 Minutos* 19 June, 2006) guaranteed, that the identity of Catalonia would be better recognised by means of increased powers in levying taxes, immigration, and judicature (*Diario de Sesiones del Senado* 83/2006: 4913). Despite failing to achieve full legal recognition as a 'nation', and arousing much opposition from other autonomous communities and the PP, Catalonia was allocated other political powers of considerable symbolic significance: from this time on 50 per cent of the revenue and taxes collected in Catalonia was to be returned to

the regional government, an important increase from before the *Estatut* (on constitutional reform, see Keating and Wilson, 2009; Muro, 2009). Fearing the worst, during the re-negotiations, the PP called on old right-wing fears of the destruction of the unity of Spain, labelling the demands of the Catalans an attack against the sovereignty of Spain with warnings that the new *Estatut* heralded the ‘ “beginning of the end of the [Spanish] State” ’ thus threatening the national unity; while the Catalan socialist party underlined the Conservatives’ rejection of increased regional self determination in their referendum slogan: ‘ “PP will use your no against Catalonia!” ’<sup>72</sup> (Quoted in *El Mundo*, 31 March and 17 May, 2006).

For many observers, the Catalan *Estatut* was seen as the first step towards inevitable complete independence; an interpretation of events that General Mena clearly shared when issuing his warning of a possible military intervention in Catalonia, thereby ‘ “guaranteeing the territorial integrity of Spain” ’ (Quoted in Tremlett, *The Guardian* 14 January, 2006). Since the elaboration of the 1978 Constitution, the military has taken it upon itself to ensure this ‘territorial integrity’ is secured; nevertheless, the rash statement of the General resulted in him being dishonourably discharged. In 2010, however, after four years deliberation in response to the protests, the Constitutional Court of Spain by a 6 to 4 majority rewrote much of the Statute of 2006, squashing any idea that Catalonia was a ‘nation’ (Brunet, *La Vanguardia* 29 June, 2010). The decision brought hundreds of thousands of people onto the streets in Barcelona under the banner ‘We are a nation. We decide’ (Rico and Martínez, *El Periódico* 10 July, 2010).<sup>73</sup> Since then, public opinion seems to have become much

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<sup>72</sup> ““el principio del fin del Estado” ...”El PP usará tu ‘no’ contra Cataluña”

<sup>73</sup> ‘Som una nació. Nosaltres decidim’

more favourable towards Catalonia seeking full independence. In September 2013, polls suggested somewhere between 41 and 55 per cent of Catalans favoured independence (*El Mundo*, 10 July, 2013; Barrena, *El Periódico* 20 June, 2013).

Thus, both the socialist government's identification in 2011 of the bullfight as 'an artistic discipline and cultural product' and the conservative government in 2013 bestowing a special cultural status on bullfighting are not unconnected to the nationalist ambitions of Catalonia; these are signs that Madrid will fight to preserve the 'union' of Spain. In using the *corrida*, officially known as the *Fiesta Nacional*,<sup>74</sup> the central government is well aware that bullfighting, in being a 'mental construction' of 'Spain', triggers associations to the Spanish national state, as well as to three different perceptions of what constitutes Spanish national identity: 'Spain', 'not Spain', and 'the Spains' (Douglass, 1997: 47, drawing on de Miguel's image of 'mental constructions' of 'Spain', 1976: 311). The first understanding of the Spanish national identity, predominantly linked to the political right, is that of the country as a nation or a nationality, where regionalism exists, but where 'the existence of a series of basic characteristics that are "Spanish" is maintained'. The 'not Spain' perception, as represented by the Basque and Catalan political representatives, holds Castile and especially the central government of Madrid responsible for practising cultural and political imperialism. This means that national identity is promoted as being in accord with that of Castile, whose culture is then imposed on the other 'nations'. The third vision of the nation, 'the Spains', associated with the Left, attempts to strike a balance between the first two and was the basis for the 1978 Constitution. It seeks to

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<sup>74</sup> Everything about the *Fiesta Nacional* is dictated by the central government and Madrid: the formal structure, arena specifications, rules and regulations, and appointment of the president of each arena.

acknowledge diversity through including the seventeen autonomous communities ('comunidades autónomas') within a framework of unity. Unfortunately for the Left, the Catalans are among those who most strongly argue that they are a 'nation', unlike other 'communities', which are merely 'regions' (Douglass, 1997: 47-51).

### **Conclusion**

I began this chapter with a brief discussion of the place of the violent spectacle in the civilising process, with particular reference to 'Spain' and its quest to be modern and civilised, while also, for many Spaniards, remaining 'authentic' and loyal to its regions. After a few remarks on the elusive terms culture/identity, I introduced the importance of the bull/bullfighting in contemporary Spain as a way of emphasising to the reader the cultural significance of both the bull as a totemic animal in Spain and the bullfight as the embodiment of so much of Spanish heritage - for supporters a heritage to be proud of, while for the *animalistas* one that hinders Spain's cultural modernisation. I then turned to a more substantial discussion of the claims for and against bullfighting as viewed through the contrasting tropes of art/culture and cruelty/barbarism. In this section I showed the deep divisions that exist between 'modern' understandings of art/culture and those that rely upon tradition and heritage for their authentic status in relation to patterns of identity and nation. This was followed by an account of the anti-bullfighting campaigns of 1992 and 2002-2004, organised by groups within the animal movement. The chapter concluded with a discussion of the significance of the Catalan ban on bullfighting (2010), its link to the demands for regional independence, and reactions to the ban.

I have made three arguments in the chapter. First, I showed the significance of the debates around the art/culture versus torture dichotomy, which occurred within the contest of the anti-bullfighting campaigns of 1992 and 2002-2004. In their content and in the manner in which they were framed by the animal movement, these debates were crucial to the educative process undertaken by the movement in raising the complex of issues that asked how 'Spain' would reconcile its traditional (and cruel) cultures with the popular desire to be a civilised European state. In other words, how tradition could be reformed to suit modernisation. Second, I showed that, one way or another, all the debates usually returned to the tensions (and the contradictions) between those autonomous regions demanding independence and the current political reality of Spain as a unified state. I claimed that in Catalonia in particular, certainly with reference to bullfighting, arguments favouring animal protection were often used metaphorically in support of the region's perception of itself as more advanced, liberal, and modern than the rest of Spain. I showed that in the minds of critics, this raised questions as to Catalan 'sincerity' in its concern for animal welfare. My third argument asserted that as the animal movement orchestrated the content and manner of the debates, bringing to bear upon them its ethical references, so it contributed toward redefining the ethical and moral assumptions that underlay existing human-animal relations, and in so doing helped to change the place of certain groups of animals in the broader swathe of Spanish culture. In this respect, the movement provided 'the breeding ground for innovations in thought as well as in the social organization of thought' (Eyerman and Jamieson, 2005: 3), thereby helping to construct altered forms of human-animal relations.

## CHAPTER 7

### The place of animals in popular festivities<sup>1</sup>

#### Introduction

Each year thousands of celebrations and fiestas take place across Spain. The festivities considered here will focus on those using animals and which occur predominantly in rural locations where they are closely linked to agricultural seasons and local traditions involving the mass participation of the local community. The exact number of all types of celebrations (animal *and* non-animal) is unknown, but estimates suggest that as many as 100,000 are held during the calendar year (Christian, 2004: 15).<sup>2</sup> Those that are legal and regulated have the blessing of all the main political parties (except the environmentalist party, the anti animal cruelty party and the Catalan left-wing coalition), although there is also significant opposition within each party. The variety of festivals includes commemorations of Christian victories over the occupying Moors (Velasco Maillo, 2004: 55; Alvar, 1999: 194), re-enactments of biblical events such as the ‘Massacre of the Innocents’, and pivotal episodes in the history of a town, for example, the ‘theft of the patron Saint’. In addition, besides Carnivals with effigy-burnings and the Easter Holy Week processions, where religious images or sculptures are carried on adorned floats

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<sup>1</sup> There are three different ways of classifying ‘animals’ in festivities: i) real animals – pigs, bulls, sheep, etc; ii) unreal or fictitious animals – a) fantastic or mythical animals (dragons, Satans, devils, etc.); b) hybrids (humans dressed up with masks and body covered in animal skin/feathers to represent the uncontrolled, savage and un-domesticated – something close to the bestial and the monstrous); iii) simulated animals (the bear, the wolf, the pretend female calves, etc.). A different kind of division distinguishes between a) domestic animals characterized by their docile nature and submissiveness; and b) wild animals (e.g. the bull). Animals can also be distinguished in terms of their perceived value to humans, i.e. beneficial animals (in general, domestic animals) and those that are harmful or dangerous (Marcos Arévalo, 2002: 389). However, the fighting bull (*toro bravo*) is ‘wild’ in a cultural rather than natural sense. It could hardly be otherwise since fighting bulls are bred and raised on farms. The word ‘bravo’ is applied to animals considered ‘wild and untamed’, ‘fierce’ and ‘ferocious’ (Douglass, 1997: 17-18).

<sup>2</sup> For a detailed list of representative celebrations, season by season, see Mitchell (1991: 13-24).

through town by cone hooded and masked members of confraternities, there are also festivals celebrating gastronomic specialities such as a particular local delicacy or a certain type of food, for example the ‘fiesta of the *chorizo*’ or the ‘festival of bread’ (Velasco Maíllo, 2004: 65), as well as celebrations at the annual public pig slaughter (Mitchell, 1991: 22).

The use of animals in popular festivities raises many of the same issues as the layered debates surrounding bullfighting. There is the general complex of tensions and contradictions involving regional, local, and rural identities as they affect human-animal relations. But there is also the more specific conflict between those, such as the *animalistas*, wishing to see Spain as an advanced ‘civilised’ European state, and those emphasising the value of local tradition primarily as a badge of community in order to counter the allegedly undesirable consequences of globalisation. My overarching argument is that the use of non-human animals in festivities, and particularly the adaptations that have been made in the ways in which they are used, embodies many of the conditions that shape the changing place of animals in contemporary Spain. But my focused intention is to argue that through the combined efforts of the law and the campaigning of the animal movement, a challenge is continually being presented to ‘traditional’ festal Spain, one that is not without many successes. In effect, the confrontations between the animal groups and local populations, are manifestations of an ongoing debate between ‘modernisers’ and those who either oppose modernisation outright, or who wish to embrace it selectively. The stance of the *animalistas*, who in many respects also speak for others in the broader conversation regarding modern versus traditional Spain, is that the ‘civilising process’ cannot be fragmented: to a large degree, one is either civilised or one is not. Clearly, this resembles the argument of the last chapter, but here the focus

is less clear since the bullfight is governed by exact rules and regulations, whereas the many thousands of festivities are either subject to minimal regulation or are unregulated and technically illegal. Nonetheless, it is instructive that the fiercest controversies centre on the use of bulls in three particularly 'cruel' festal arenas. This shows that as with bullfighting, the tormenting and killing of bulls continues to occupy a privileged place in Spanish culture. I also argue that the festivals provide a connection between past and present, rural and urban, and local and regional or national, allowing individuals to move at ease back and forth, reconciling the differences to suit their needs. Furthermore, drawing on the idea of Molly Mullin (1999: 201-224), I suggest that the festivals are both a 'mirror' and a 'window' whereby participants (and 'Spain') may look *at* themselves and look *through* to a vista of the tensions between unfolding change and resistance.

While I argue that in several respects the place of animals has changed in post-Franco Spain, an examination of the use of animals in local, mainly rural, festivities, even in regions that have passed anti-cruelty laws regarding domestic and wild animals, presents a complex situation. This is mainly because in addition to excluding bullfighting from animal protection legislation, the Penal Code, and usually the laws of the autonomous regions, also exclude protection for animals used in local festivals. In *some* regions, however, *some* uses of animals have been officially banned, although the local politicians and police are often reluctant to enforce these bans for reasons of local politics. The difficulty in providing a reliable account of this subject is exacerbated by virtue of the non-collection of official statistics (see below) and the non-publication of those that are available, charting numbers and types of festivities and the extent and nature of animal usage. One reason for the sensitivity regarding these facts and figures is that during the last few decades, both the national and

regional governments have become extremely sensitive to the opposition of mainly urban animal welfare groups, both national and international, and sections of the media, to the cruelty involved in many of the festive rituals. Notwithstanding these obstacles, some account of the place of animals in the festal calendar is necessary to provide critical insights into the complex that is the changing place of animals.

The chapter has six sections: i) an historical overview of the popular festivals, with reference where appropriate to the role allotted to animals; ii) some (unreliable) elementary statistics; iii) a description of the use of specific groups of animals in different festivities; iv) a description and discussion of the opposition to the various usages; v) an account of the health and safety of spectators and human participants and their connection to animal welfare; and vi) the final section suggests that where the *fiestas* are concerned, the use of animals is particularly vulnerable to the ambivalence that characterises other sets of human-animal relations in contemporary Spain.

### **An historical overview**

In his seminal study of Spanish popular festivities, Julio Caro Baroja drew attention to how closely the rhythm of work and leisure of pre-industrial, traditional society followed the cyclical and seasonal rhythm of the calendar year (1984: 7). Spanish recreational life resembled that of other pre-industrial, rural societies in being intimately associated with the cycles of the agricultural calendar. To a large extent, this meant that festivities would be fitted into those periods of the year, where the demand on agricultural labour was low and, therefore, they were associated with the agricultural tasks of particular periods of the year (Martínez Gil and Rodríguez González, 2004: 29; Del Arco Martín *et al.*, 1994: 44). But it was not only the annual

cycle of agricultural activities, divided between periods of intense labour and periods of relaxation according to the seasons, that shaped and organised the festive calendar. So, too, did the rhythm of religious holidays by which the omnipresent Catholic Church attempted to organise and control leisure time. For Caro Baroja, the influence of the Church on popular festivities is hard to overstate:

‘...if there is a central, essential, issue in order that we may understand the fundamental nature of European societies, those of the Catholic world, it is this link between the rhythm of the physical world, set by the year, the rhythm of labour tasks, chores and festivities; and the organization which, ultimately, the Church imposed on a general scale...’ (1984: 8).<sup>3</sup>

Consequently, work, leisure, the seasons and religious festivities became intimately interconnected and enmeshed in the making of traditional Spanish society (Caro Baroja, 1984: 7; Martínez Gil and Rodríguez González, 2004: 291).

During the medieval period, the Church attempted to Christianise the already existing cycle of pagan festivities and rituals linked to the agricultural calendar (Del Arco Martín *et al.*, 1994: 286).<sup>4</sup> To ensure a successful outcome, a continuously growing number of religious holidays were introduced to be observed in addition to those of the liturgical year.<sup>5</sup> When objections arose due to the threat this posed to agricultural productivity and the damage it entailed to labour activity, the Church sought to strike a balance between accommodating liturgical and agricultural activities (Alvar, 1999:

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<sup>3</sup> ‘si hay un tema importante, esencial, para comprender los caracteres fundamentales de las sociedades europeas, del mundo católico, es éste de la conexión del ritmo del mundo físico, marcado por el año, el ritmo de trabajos, quehaceres y fiestas, y la ordenación que, en la última instancia, dio la Iglesia en forma general’

<sup>4</sup> The Church had attempted to coat pagan festivities with Christian meanings/associations since the earliest Papal Councils in the fourth century, a strategy which gained strength and momentum as the influence of the Catholic Church grew (Del Arco Martín *et al.*, 1994: 286). It has to be remembered that this fell within the period of Catholic revival or what is known as the Counterreformation – a period where the Catholic authorities were particularly keen to root out any internal dissent or external religious deviations to which end the Inquisition was established.

<sup>5</sup> In addition to Sundays and other holidays linked to either Jesus Christ, the Virgin Mary, the Apostles or a local saint, the liturgical year is made up of four cycles: Advent, Christmas, Lent and Easter (Alvar, 1999: 179).

179-180; Del Arco Martín *et al.*, 1994: 286). The Christianisation of the rural calendar was successful in imposing an annual periodic calendar of fixed dates of celebration, i.e. the important days of the Catholic year, which resulted in some sort of adaptation or coexistence of both sacred and pagan elements (Alvar, 1999:179). Catholic holidays and rituals began to coexist with an expanding number of popular festivities, including theatrical representations of religious events, processions, Nativity plays, carnival, and ‘*romerías*’ (Díez Borque, 1999: 223-234).<sup>6</sup> Moreover, festivities, despite initially being sacred celebrations, quickly evolved into more profane and entertaining activities (Izquierdo Benito, 2004: 210). It has been argued that the resilience and adaptability of popular festivities can partly be explained by the fact that they were separate from the medieval religious, genteel and civil celebrations. The participation in the latter, which was restricted to members of the Church or genteel society allowing them to show off their skills, ability, wealth and power, constituted an ‘educational spectacle’ for royal and religious subjects. In contrast, popular festivities with their emphasis on ludic activities allowed for a widespread participation of larger sections of the population during which social bonds could be established and reinforced (Díez Borque, 1999: 207-209).

The inevitable intrusion of the Catholic Church into pagan festivities led to the disappearance of some celebrations and rituals, while others were Christianised; but in the majority of cases, liturgy and profanity came to co-exist. Indeed, the ‘articulation of the sacred and the profane’ remained ‘a fundamental feature of

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<sup>6</sup> ‘A popular festivity in which the local population go to an area in the vicinity of a chapel or shrine and, as well as taking part in some type of devotional ceremony, they enjoy themselves with picnics, dances, etc.’; Moliner, 1992). These shrines and chapels are often situated on a hill-side or in the countryside.

popular festivities' (Díez Borque, 1999: 224).<sup>7</sup> That the Christianising of pagan and profane celebrations was only a partial success ensured the continued proliferation of popular non-religious festivities alongside those of a religious nature. To a certain extent, this co-existence of religious and pagan elements meant that certain popular festivities (in so far as they became sacralised), for instance, those involving bull games, became associated with the honouring of divine figures. The celebration of these games allowed Catholic subjects to believe that they could show veneration and respect for their patron saint or some other divine figure. But the Church was less enthusiastic regarding this mixing of pagan and sacred elements and sought to eliminate profane celebrations by means of prohibitions and bans (Caro Baroja, 1984: 243-249). Furthermore, much to the despair of the ecclesiastic authorities, the broad appeal of popular festivities, and bull games in particular, straddled social, generational and spiritual categories obfuscating attempts at abolition. The Church eventually tolerated the existence of profane activities whilst making sure to separate them from the divine by eliminating any confluence of the two.<sup>8</sup> This meant that celebrations, such as the patron saint festivities would be rigidly divided up into a liturgical part with sermons, solemn services, processions, dances, and chants, while the celebrations that took place outside the church would adapt to the popular traditions prevalent in that area, e.g. bull games (Christian, 2004: 22; also Alvar, 1999: 191; Martínez Gil, 2004: 298-299).

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<sup>7</sup> 'articulación de lo sagrado y lo profano ... es rasgo esencial de la fiesta popular' (Díez Borque, 1999: 224).

<sup>8</sup> See Christian (2004: 20- 22) for ecclesiastic prohibitions of animal presence in religious rituals, such as bulls brought into the church for the service or participating in religious processions. These were linked to other popular rituals and festivities in which animals are 'treated like humans' such as bringing horses into the house, taking donkeys to the bar and giving them a drink, taking bulls in vehicles, making them jump into the sea to swim.

Obviously, the culmination of the nineteenth-century urbanisation process did much to transform Spanish society (Ferando Collantes, 2007). Cities and towns, which hitherto had essentially been clusters of populations that preserved rural customs and occupations, now developed into more densely populated urban nuclei.<sup>9</sup> In a foreshadowing of post-Franco debates, these urban populations had a special interest in ideas of ‘progress’ and ‘modernity’ and rural customs and rituals of traditional festivities seemed increasingly ‘barbaric’, and out of sync with urban tastes.<sup>10</sup> Urban protests against some aspects of rural festivities led to prohibitions; while other rural customs adapted to urban activities and rhythms of life. More importantly, the burgeoning controversy between urban and rural tastes in terms of recreations revealed the increasingly irrelevant role that certain popular festivities had in urban social life (Díaz, 1999).

During the Franco dictatorship (1939-1975), leisure and recreations were used as a means of politically controlling the population (Folguera, 1995). As one of his first acts, Franco banned the very popular and widespread ‘Carnival’ (a form of festival) in an effort to tighten discipline and reduce the risk of the chaos that had always been an intrinsic part of these celebrations. Large gatherings during popular festivities caused particular unease within the Regime given that potential subversive activity could take place under cover of outdoor mass congregations (Escudero Adújar, 2007: 199). Since, the ‘“fiesta” as well as leisure ... represented to the Franco dictatorship an important instrument for socialization, indoctrination and social control’, all popular festivities were ‘the object of “aristocratization”, “Catholization”, and even militarisation, in order to eliminate any trace or memory of past collective cultures

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<sup>9</sup> In 1800, 17.5 per cent of population lived in cities of 5,000 or more persons; by 1910, the figure was 38 per cent (Bairoch and Goertz, 1986: 288).

<sup>10</sup> In Spain, the word, especially with reference to bullfighting, means more than ‘cruel’ or ‘bloody’, it also suggests being uncultured.

and traditions' (Martín García, 2008: 275).<sup>11</sup> Although officially bull games were prohibited for safety reasons to protect participants from potential serious accidents and mishaps, there is little doubt that 'political considerations' were also important (Douglass, 1997: 83; also Brandes, cited in Díaz Viana, 1982).

As the Spanish tourist industry grew during the early sixties, accompanied by allegations of animal cruelty from holiday makers and the foreign press, government officials became increasingly sensitive to their criticisms. For these reasons, at least in part, in 1963 Franco banned all traditional festivities involving animal mistreatment and cruelty.<sup>12</sup> But this did not mean that these festivities ceased for 'no Spanish mayor was going to expose himself to the wrath of the people by telling them they could no longer celebrate the fiestas ... So they either looked the other way or employed euphemisms in the official festival announcements' (Mitchell: 1991: 25).<sup>13</sup> Unsurprisingly, the attempts of the regime to both suppress and politically exploit popular festivities (and other forms of leisure pursuits), resulted in their coming to be part of 'that almost silent battle to open new spaces in everyday life free from the intrusion and the political control of the state' (Martín García, 2008: 275; Homobono Martínez, 2004: 36-37).<sup>14</sup> Consequently, towards the end of Franco's regime as the movement for democratic change gained momentum, popular festivities became

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<sup>11</sup> 'tanto la fiesta como el ocio ... representaron para la dictadura franquista un importante instrumento de socialización, adoctrinamiento y control social' ... 'objeto de la aristocratización, catolización, e incluso militarización, con el fin de eliminar la huella y la memoria de pasadas culturas y tradiciones colectivas'.

<sup>12</sup> By means of 'Circular 32/1963' (Martín Arias, 2002: 33).

<sup>13</sup> However, the Toro Júbilo and the Toro de la Vega (see below) did cease to be held between 1963 and 1977, although only with the help of the civil guard to restrain tempers (*20 Minutos* 16 November 2008; Martín Arias, 2002: 33).

<sup>14</sup> 'de esa casi silenciosa batalla por la apertura de nuevos espacios de la vida cotidiana autónomos de la intrusión y control político del Estado'.

identified with a critical and alternative culture - a 'search for identity via the recuperation of a particular culture and traditions' (Martín García, 2008: 275).<sup>15</sup>

The anthropologist Carrie Douglass (1997) has written, 'there is a consensus that the fiesta is a reflection of the society and its culture, a reflection that can be real or symbolic', which may help to explain the revitalised interest in popular festivities after the death of Franco. 'Fiestas', she says, 'have to do with a real or longed for identity, and identity has to do with keeping "traditions" alive', and to local communities the understandings of a shared (anti-Francoist and democratic) identity could be expressed through traditional and popular rituals. Towns and communities desired to 'connect to the past, as well as reconstruct the present in a familiar way' and whilst wanting to differentiate themselves from other communities and 'emphasizing a unique identity, they also wanted to identify themselves as members of a particular region, *nacionalidad*, or culture, thus emphasizing a shared identity' (1997: 121; also Mitchell, 1988: 24).<sup>16</sup> The previously banned popular festivities were reinstated by the socialist government (1982-1996) and, significantly in cultural and political terms, throughout the regions long-lost so-called 'authentic' local or regional elements were added to already existing traditions as some towns 'invented' totally new 'traditions' or expanded patron saint celebrations, which surpassed all other minor festivities (1997: 85; Homobono Martínez, 2004: 37).<sup>17</sup> Douglass observes that such 'arbitrary social construction of "culture" is always done in the name of "historical essence" - for towns "to be themselves again" ' (1997: 122).

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<sup>15</sup> 'búsqueda identitaria a partir de la recuperación de una determinada cultura y tradiciones'

<sup>16</sup> For the intricacies of Spanish 'identity' since democracy, and how the search for it gathered pace after Franco's death, see Balfour and Quiroga (2007).

<sup>17</sup> Douglass cites the autonomous region of Castilla-La Mancha, which in 1985 launched their new 'traditional fiesta' whose festive elements were selected amongst the available historic traditions, customs, etc. to which a few new activities were added (1997: 122). This is similar to what Hobsbawm and Ranger say occurs in instances where many 'traditions' which appear to be 'old' are often recently 'invented' (1983: 1-2).

### **Some (unreliable) figures**

Accounting for the number and varieties of animals used in the many festivals is easier said than done. It is important to remember that given the high profile of both the national and international animal welfare lobbies, as they have developed and expanded during the last three decades or so, regional and central governments are particularly sensitive to the image of Spain as ‘non-European’, ‘barbaric’, and ‘cruel’ and, therefore, have been predisposed to presenting a hazy picture regarding the place of animals in festivals. The majority (but not all) of figures used are derived from animal welfare organisations and, therefore, may well be open to question. Estimates for the number of festivities involving animals vary from 3,000 per annum (*OJDA*, 7 Feb. 2014) up to 16,000 (FAADA, n.d.; Máiquez, *20 Minutos* 22 September, 2013; Santa Fiesta, n.d.). Of the estimated 60,000 animals used, 90-95 per cent are either adult bulls or some type of bovine, i.e. young cows or bulls, calves, etc. (Fernández, *20 Minutos* 10 July, 2006, using figures from ANPBA). According to insiders in the bull breeding industry, in certain areas of Spain during the 1990s, up to four times as many festivals were held with bovines than were registered nationally (Douglass, 1997: 218-219, note 1). However, the official figure for 2010 was 10,907 popular festivities using bovines (Ministerio del Interior, 2010: 387).<sup>18</sup> But since this information ignores ‘unofficial’ festivities, and is supplied to the Ministry by regional governments on a voluntary basis, they are hardly reliable. As to the exact number of non-bovine animals - chickens, turkeys, ducks, geese, pigs, rats, donkeys, ants - neither official nor animal lobby statistics are available, but estimates suggest somewhere between 10,000 and 55,000 animals are used each year (Lafora, 2004: 182).

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<sup>18</sup> The Ministry’s figures, which date from 2009, focus exclusively on festivities using some type of bull or bovine.

One of the main obstacles to assessing both the number of festivities and of all animals used is the lack of accountability at municipal level, where towns often celebrate their local festivals with any animal they can obtain. Moreover, as the localities fail to apply for the required license from the regional authorities, partly to avoid a refusal and in some cases to bypass the requirements and high cost of obligatory health and safety measures, the animal, which is usually supplied by a local breeder or supplier, will therefore not figure in the national statistics (*FAACE*, n.d.; Alfageme, *El País* 20 June, 1993). All in all, the impossibility of making accurate estimates as to the use of animals in festivities reveals how flawed control and registration practices are at all administrative levels, as well as illustrating the sensitivity of regional and local authorities to national and international criticism concerning animal abuse.<sup>19</sup>

With the increase in demands on labour productivity, as a depopulated rural society has been forced to adapt to urban industrial labour systems (Folguera, 1995:174; Collantes, 2007), especially since the 1960s, the number of popular festivities probably fell, including the numerous religious holidays at various times of the calendar year. In contrast, the patron saint celebrations - the '*fiesta mayor*' (most important) - were extended both in duration and scope, but probably not in number, and by the 1990s the majority were held in August, the holiday month for the Spanish workforce (Douglass, 1997: 120). But with the repeal of Franco's ban on bull games by the socialist government in 1982, almost certainly the number of such festivities increased and, probably, so did the number of animals used. In the 'new' Spain, towns and villages sought to either revitalise or create 'authentic' traditions for the

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<sup>19</sup>Furthermore, OJDA, an animal protection group which specialises in monitoring popular festivities, claims local authorities often flaunt both regional animal protection laws and laws regulating public spectacles (*OJDA*, 7 Feb. 2014).

fiesta cycle, and this usually involved an animal. At the same time, countering an expansion in animal usage, since 1988 regional animal protection laws have almost certainly reduced their involvement. The laws, however, are not comprehensive and exclude the use of animals in designated 'traditional' festivities (Boillat de Corgemont Sartorio, 2007: 119-120). Moreover, many local festivals are completely unregulated, or clandestine, in which case there is often an illegal use of animals.

Clearly, it is impossible to assess the extent and variety of animal usage in popular festivities. This makes it difficult to assess the degree of adaptation, where a festival either evolves imperceptibly over time or else changes its format in response to pressure from national (and sometimes international) animal welfare groups.<sup>20</sup> It is almost certain that while in thousands of festivities the place of animals is marked by continuity, in others their involvement has either ceased to exist altogether or been substantially modified.

### **The use of animals**

With regard to the use of different groups of animals in popular festivities, the timing of the festive appearance of the animal and its function depend on its particular place in the rural categorisation of animals, which is hierarchical according to the importance, utility and value each animal has to the rural economy. There are also important regional variations to consider. In Extremadura, the animal figures as: i) food with emblematic value, e.g. the pig in the annual family slaughter; ii) a quasi-sacrificial offerings e.g. the lambs, cockerels, and pigs; iii) in celebration of saints who are advocates for certain animals; and iv) in rituals with pastoral connotations, e.g. cutting off the tails of sheep. Throughout the country as a whole, there is an

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<sup>20</sup> Lafora, the prize winning novelist and journalist, says that without the work of the animal movement, little would have changed (2004: 188, 193).

endless variety of uses of animals, including ‘games’ and ‘rituals’ with bulls, goats, chickens, geese, domestic birds, pigs, and rats. Moreover, the rituals also involve real or perceived moral properties of animals, such as bravery, lasciviousness, nobility, and obstinacy: e.g. the cockerel or the goose, the horse, and the mule; and, in over 90 per cent of festivals, the bull, which is always associated with strength and ferocity. Festive rituals that have animals as a focal point for their progression, generally involve real animals. Other festivities, however, may have humans dressed up to look like animals or animal effigies (Marcos Arévalo, 2002: 385-387; Christian, 2004: 22).

***Bull games (excluding the bullfight)***

If it is true that ‘The bull is the totem of Spain’ (Douglass, 1997:17-18), it should come as no surprise that there are thousands of festivals in which bulls (or bovines) are used. The most comprehensive guide to bovine involvement in fiestas is to be found in Douglass (1997: 37-45; also Caro Baroja, 1984: 263, 267-270; Diaz, 1999: 254) which, although now dated, remains an informative source for identifying the different categories of ‘bull festivals’,<sup>21</sup> which are as follows:

‘Intermediate formats’ (involving professionals):

*Toreo Cómico* - comic spectacles with clowns and young calves.

*Recortadores* - two-men teams in the ring dodge/jump over a female calf (more recently full grown bulls may be used).

‘Local formats’ (held in the street rather than a plaza, and tend to use non professionals):

*Encierros* (a generic category involving a much higher number than any other category) - bull running through the streets to drive the animals to the bull ring.

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<sup>21</sup> For a detailed guide, albeit also somewhat dated, through a year of the ‘Fiesta de Toros’ (Bull Festivities), see Mitchell (1991: 12-46).

*Capeas* (caping) - young men try to 'cape' a bovine.

*Suelta de vaquillas/toreo de vaquillas/vaquillas* (freeing of cows; fighting cows).

There is such variation between localities that it is difficult to categorise the many fiestas.

*Suelta de reses para fomento y recreo de la afición* (the release of cattle for the promotion and recreation of the public). The animals are 'played' with and chased in the streets - but unlike in many other 'games', they do not finish up in the ring.

*Toro embolado* - bulls (sometimes cows, because they are cheaper) with lighted torches tied to their horns; in theory the animal should eventually be sacrificed, but this is not usually done.

*Toro enmaronado/toro ensogado/toro gallumbo* - 'a huge rope' is tied around the horns of the animal (either bull or cow) and the young men drag it through the streets to certain areas of the town.

Miscellaneous:

*Toro de la Vega* - a bull is run through the town to a large open field where it is attacked on horseback and on foot by men with lances and spears; the objective is to kill the bull before it reaches the other side of the field.

*Toro de San Juan de Coria* - a bull is set to roam through the streets where it is attacked with knives, scissors, sharpened sticks and especially darts until it collapses, after which the testicles are cut off while it is still alive.

Clearly, there are many different categories of taurine fiestas, with each locality having its own interpretation of the 'game' so that within each region, the 'nation', as it were, vanishes and a regional or village 'identity' emerges. But, with specific reference to the bull games, it is worth thinking about Mitchell's instruction that 'only when we have grasped the entire context of animal-baiting, Judas-burning, and Moor-

killing in village festivals can we begin to understand the significance for ordinary Spaniards of the *fiesta de toros*' (1991: 12-13). In other words, its meaning is historical - a history in constant tension with modernisation processes.

***'Corridas de gallos y gansos': games with male chickens, geese and other domestic birds***

The 'running' of cockerels and geese has long been a popular recreation in rural areas. Indeed, they have been 'obligatory recreations of patron saint festivities', as well as during the carnival season, remaining more or less unaltered since the sixteenth and seventeenth centuries (Caro Baroja, 1984: 229-232; also Caro Baroja, 1965: 67; Christian, 2004: 18; Díaz, 1999: 244).<sup>22</sup> Although the community as a whole was involved in the games, (Alvar, 1999: 177; Caro Baroja, 1979), the most active participants were mainly young men (in the past those about to do their military service: *los quintos*), who were given an opportunity to test and show off valued character traits such as strength, ability and dexterity in front of the rest of the community, not least the young women (Marcos Arévalo, 2002: 393-394; Caro Baroja, 1984: 229-237; González Casarrubios, 1983: 4; Díaz, 1999: 254). The association of this ritual with a specific age group of men, testing characteristics of 'masculine' prowess suggests that it set out to govern the appropriate forms of participation of the various social groups, i.e. women, young people, conscripts, *et al.* (Marcos Arévalo, 2002: 391-392).

The games involved the sacrifice of one or more adult male chickens or geese. Live birds were either hung by their feet from a rope stretched out across the street or between two posts, or they were buried in the ground up to their neck. With or

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<sup>22</sup> 'eran diversiones obligadas de las fiestas patronales'

without blindfolds, the young men (sometimes also women) took turns to approach the immobilised birds either on foot or on horseback and attempted to behead them with a sword, sable or stick, or by separating the head from the body with their hands (González Casarrubios *et al.*, 1983: 4; for local variants, one of which involved the substitution of cats for geese, see Caro Baroja, 1965: 73-82 and 1984: 231- 234, 242; Díaz Viana, 1982). The use of live animals, however, has gradually become illegal, while many festivities have slowly ceased to exist, sometimes because the locals came to see them as excessively bloody or cruel (Caro Baroja, 1984: 229, referring to the ‘running of geese’).<sup>23</sup> Others have been modified to a lesser or greater extent, whilst still preserving the original structure. For example, often live birds have been replaced with birds killed prior to the competition (Marcos Arévalo, 2002: 393), and bicycles have replaced horses in some cases (Caro Baroja, 1984: 241-242). The level of current popularity of these games is hard to assess. Some research claims that cockerel running games continue, certainly in twenty-five localities in Western Spain, in several of which the animal is killed (Christian, 2004: 18).

Needless to say, the content of these games has always been linked to rural perceptions of animals, more specifically to understandings of their place in an agricultural animal hierarchy in which the male chicken and other domestic birds are positioned as docile, domesticated inferior animals. Cockerels and geese were only used for food, which in turn may explain why there was no ‘honour’ involved in the way they were sacrificed (strung up by their feet, head down or buried up to their neck and immobilised). The idea becomes clearer, when the treatment of these birds

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<sup>23</sup> Unfortunately, Caro Baroja does not shed any light on what caused the festivities to be considered unpalatable. Marcos Arévalo (2002: 388), writing twenty years later, attributes such developments to the emergence of new values, such as ‘sensibility’, which he says is a result of the spread of a conservationist ideology.

is compared to that of the bull (brave and ferocious), perceived as a savage animal, and the horse, which traditionally has been associated with royalty, affluence and of great utility in the agricultural economy. Even though the bull often ends up being sacrificed, unlike the birds (or goats), the animal is given the chance to 'fight' by running through the streets or charging against its human 'opponent(s)' (Marcos Arévalo, 2002: 388; Christian, 2004: 23).

### ***Other popular festivities with animals***

There are numerous other patron saint festivities and carnival celebrations where until recently an animal was the main protagonist. In the past, the 'blanketing' ('mantear': repeatedly throwing the animal into the air from a blanket) of dogs and cats was a favourite 'game'. Another was tying objects (often containing flammable materials, which were ignited) to their tails and then attacking them as they fled in terror through the streets of the village/ town. Yet another favourite torment would be for the animals to be tied together by their tails, so that they strained and pulled each other to get free. These practices continued until the 1950s, and could still be observed in large areas of the Extremadura region as late as the 1980s (Caro Baroja, 1965: 54-55; González Casarrubios *et al*, 1983: 8). The donkey has frequently been used during the carnival celebrations, primarily for carrying the mannequin/dummy representing the Carnival (often called the 'Pero-Palo') through the streets of the village. In rural communities, the donkey continues to be associated with stubbornness, stupidity, docility and humility and is only assigned secondary and subordinate roles characterised by ridicule and humour in cultural festivities. As a figure in the carnivals, the donkey faces social criticism, humour and sarcasm (Marcos Arévalo, 2002: 404), usually without being physically harmed. In the festival

of Pero-Palo in Villanueva de la Vera, however, which has been the target of animal protection groups, as a result of crowd disorder aimed at the emblematic ‘establishment’ figure riding the donkey, the animal (usually the oldest one in the village) is often maimed and killed (Casarrubios *et al.*, 1983: 5; Castañar, 2011: 18-19).

Two other ritual practices, which were very popular in their time, were the throwing of a goat from the church bell tower in the village of Manganeses de la Polvorosa in the Castilla y León region, and the throwing of a turkey from the church bell tower in Cazalilla in Jaén. Both appear to have been relatively recent ‘customs’, the inventions of the local *quintos* (conscripts) and originating from the early twentieth century (Christian, 2004: 18). Goat throwing, however, does have distant origins, probably in commemoration of a local legend about a goat whose milk fed the poor and who miraculously survived a fall from the belfry. The fall was enacted each year with some of the young men trying to catch the goat beneath the tower. The turkey throwing in Cazalilla has equally hazy origins with one theory being that the tradition celebrates the reconciliation of two local disputing families, while another is that it is a remnant of the annual raffles to raise money for the religious fraternities. The person who catches the bird is said to be blessed with good luck for a year (Brenes, *El Mundo* 3 February, 2011). Both rituals have been banned, and the *quintos* of Manganeses stopped throwing a live goat in 2002. Cazalilla, however, in choosing to flout the ban and pay the fine (*FAACE*, n.d.; *ABC* 14 January, 2002), has been the scene of demonstrations and protests by animal welfare groups.

### **Opposition to animal abuse in popular festivities**

Historically speaking, opposition to the abuse of animals in popular animal festivities has focussed mainly on bullfighting and bull games. The sixteenth century was the highpoint of Papal prohibitions against participation in and contemplation of bull festivities on the grounds that bull games were detrimental to the human and Christian soul. Nevertheless, due to the scale and popularity of the games, Rome's repeated attempts to abolish them were in vain and all prohibitions were eventually overturned (Caro Baroja, 1984: 244-247). As the Catholic Church began to lose its hold over Spanish society, the arguments against bull festivities changed. During the Spanish Enlightenment (1750-1808), the main attempts to ban the games were made by civil authorities and monarchs. Influenced by Enlightenment thought, successive Spanish monarchs attempted to modernise the country and mend its perceived economic and cultural backwardness, which even then had become increasingly evident in the comparisons with the yardstick called 'Europe'.

At the centre of reformist concerns were the critical opinions Europeans had of bullfighting, and consequently of what they thought of Spanish society for retaining it. Critics of bull games and festivities argued that they were non-European, and that Spain was considered 'barbaric' for continuing to enjoy them. The economic damage caused by the festivities - the waste of land reserved for the raising of bulls, the loss of all the sacrificed animals, and absence of labour when the workers left their jobs to attend the fiestas - was secondary. As the nineteenth century progressed, the economic arguments against bull festivities virtually disappeared. But the damning 'European' perspective remained (Douglass, 1997: 102-103; Shubert, 1999: 1-15). Critical social reform movements, which were instrumental in the founding of the first animal protection societies in the late nineteenth century, argued vehemently that

bull festivities were the symbol of everything that prevented Spain from being more like its European neighbours (Marchena Domínguez, 1996: 308, n.2).

It would obviously be a mistake to suppose that prior to the Francoist opposition to festivals up to the 1970s, the use of animals in popular festivities was unopposed. We know that opposition from within Spain in combination with pressure from tourists and the international media was a factor in officially banning certain festival practices, although many were reintroduced following the socialist election victory in 1982. Nonetheless, a number of the changes in the place of animals in Spanish society since c.1980s have been promoted by the decisive shift of the country towards 'liberal' attitudes and social policies, and by the influence of the environmental and animal liberation movements. Indeed, 'In a remarkably short period, Spain has moved from being the Western European country with the most traditional values and attitudes to one of the most liberal, tolerant and permissive (some would say even libertine) societies' (Chislett, 2008: 57; also his 2013: 157-159; Black, 2010: 192-195). But, as I argue here, the nature of this liberalism with regard to animals, though certainly present, is much less extensive. The following account of the opposition movement that has arisen since c.1980s will provide some idea of the extent of change in human-animal relations in this area.

***(Illegal/semi-legal) Popular festivities of Cazalilla, Nalda, Manganeses, and Lekeitio.***

As was mentioned above, in the small village of Cazalilla, Jaén province there has been a standoff between animal protection groups and the local inhabitants (840) who refuse to comply with the regional animal protection law (2003) that forbids them from throwing a live turkey from the belfry every year in February in honour of their

patron saint, St. Blas (Donaire, *El País* 4 February, 2010; *Europa Press* 18 August, 2010; Brenes, *El Mundo* 3 February, 2011). ASANDA and ANPBA, as well as SEPRONA (the environmental branch of the Civil Guard), have filed police complaints each year arguing that the ‘fiesta’ violates the law, which prohibits the use of animals in such festivities. The regional government of Andalusia has supported this view by fining Cazalilla town council, albeit the minimum amount for such an infringement. As the controversy grew, the local council began to publicly distance itself from the festivity, claiming to be unable to prevent it from being celebrated. But by 2009, it no longer paid the fine - instead, the individual throwing the turkey is held personally responsible (*20 Minutos* 3 February, 2009).

The animal protection groups have demanded that the village fully comply with the law, and argue that animal behaviourists have affirmed that throwing the turkey causes the animal ‘unjustifiable and unnatural suffering and harm’ (*20 Minutos* 3 February, 2011).<sup>24</sup> The villagers, on the other hand, deny that the turkey suffers because owing to the large number of people standing below the bell tower, filling the square, it never hits the ground. The bird is often shown to the media amidst assurances from the locals that it will be well looked after, ‘which is required of all those who catch the prey’ (Brenes, *El Mundo* 3 February, 2011; Donaire, *El País* 4 February, 2010).<sup>25</sup> ASANDA claim that the festivity continues because it is indirectly supported by both local and regional authorities and by the Church. The regional government, it says, shows no interest in ending the tradition, which it could were it to impose a higher fine for repeated infringements; similarly, both the local council and the local priest (or the Church authorities) could be more assertive, e.g. the Church could prevent access to the bell tower (Brenes, *El Mundo* 3 February, 2011).

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<sup>24</sup> ‘sufrimientos y daños injustificados y antinaturales’.

<sup>25</sup> ‘como es preceptivo para todos los que se hagan con la presa’.

The tradition in Manganeses de la Polvarosa in the Castilla y León region was to throw a goat rather than a turkey from the bell tower once a year in late January. The animal would then be eaten at the end of the ritual. By 2002, the throwing of the goat had been banned and the ritual involved little more than walking the animal through the village. How this came about provides an interesting if convoluted example of how cultural adaptation can occur. Although in this case the local priest had protested, it was not until the practice was exposed in the national media through the rescue interventions by English animal protection groups that opposition began to have effect. As a result of their intervention, a canvas sheet was introduced to catch the goat (Saénz Guerrero, *La Vanguardia* 23 July, 1991).<sup>26</sup> When the provincial authorities later officially prohibited the celebrations under threats of heavy fines, the locals were enraged (Campmany, *ABC* 29 January, 1992). In the event, the goat was thrown from the tower amidst general scuffles between the local population and the Civil Guard and journalists (Lera, *El País* 26 January, 1992). The same year, 1992, animal welfare groups made an unsuccessful appeal to the Minister of the Interior when, drawing on age-old arguments, they claimed that irrespective of the damage done to the goat, all such popular festivities should be banned on the grounds that they fomented a breakdown in public order, gave Spain a bad image abroad, and generated violence (*ABC* 28 January, 1992).

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<sup>26</sup> The Catalan Associació Protectora de' Animals i Plantes de Tossa de Mar worked in collaboration with the English group FAACE (Fight Against Animal Cruelty in Europe). Other British groups involved in animal welfare campaigns in Spain include the League Against Cruel Sports, and WSPA has been a major partner with ADDA in the anti bullfighting campaigns. In addition, the Dutch group CAS International has worked in Spain to prohibit bullfighting and use of animals in festivities. The long established foreign populations in Spain, especially the British, have regularly campaigned against animal cruelty and run animal rescue centres. As Spain attracts international support for bullfighting, so it has also long attracted international animal welfare campaigners. While the *animalistas* welcome international support, there is no evidence that they are unduly influenced by it, other than through practical ethics. The animal movement is by its nature an international movement, as is environmentalism and feminism.

The following year, a compromise was reached whereby the village complied with the requirements of the civil authorities and lowered the animal via a rope half way down before letting it drop onto the canvas, thus avoiding a hefty fine (*El País* 25 January, 1993). The next development occurred with a critical report in 1999, showing that the animal suffered stress during the fall, which in turn led to the imposition of a fine on the local council by the regional government under the Castilla y León regional animal protection law of 1997. Finally, under duress, in 2002 the mayor officially banned the event in order to avoid the increasing fines (*ABC* 14 January, 2002). Local residents were angry at, as they saw it, having been vilified in the media campaign, and accused the *animalistas* of presenting an erroneous interpretation of the festivity (Guerrero, *el Norte de Castilla* 24 January, 2000). The ban was eventually accepted so that now a rented goat, known as ‘Pirula’, merely walks through the village under the care of the *quintos*, while an effigy is thrown from the bell tower (Casquero, *La Opinión de Zamora* 22 January, 2011). With some justification, OJDA claimed that the prohibition of goat throwing, to which the festival adapted, shows that the social sentiment of the Spanish population has changed and that this type of behaviour is no longer tolerated (OJDA, 2014).

Less controversial was the adaptation of the ‘running of cockerels’ ritual in the Rioja village of Nalda, which had become illegal after the passing of the regional animal protection law in 1995. During the 1996 festivities, a group of locals tried to celebrate the ‘original’ ritual with live birds, but (in an unusual move) were filmed by the Civil Guard and legal proceedings were opened against nine individuals by the regional government of La Rioja (Hernández, *ABC* 14 August, 1996). Although not without some subsequent resistance, by the 2000s, when it was still the most anticipated and popular element of the festivity, rubber ducks had been substituted for live birds (*El*

*Correo* 18 August, 2008). Another example of harmonisation occurred in the Basque town of Lekeitio, where the ‘running of the geese’<sup>27</sup> ritual was first amended to use anesthetized animals before settling for dead birds in place of live animals (*20 Minutos* 5 September, 2008). A later request from ATEA, a Basque animal rights group, to the local council to use rubber animals was rejected on the grounds that the festivities had already ‘evolved’ sufficiently (Aritztegi, *El Mundo* 6 September, 2011).

### ***The Bull Festivals***

The festivals that have attracted the most serious opposition are Toro de la Vega, Toro de San Juan de Coria, and Toro Júbilo de Medinaceli (a toro embolado - a fire bull/cow). The infamous Toro de la Vega is considered in some detail below because it is looked on by *animalistas* internationally as the icon of festival cruelty. First, here is a description of the Toro de Coria as it occurs twice a day during the week’s celebrations:

a brave bull is set loose in the main plaza, conveniently ringed by boarded scaffolding. Impoverished would-be bullfighters ... show off their skill and daring ... at the same time, scores of less-daring young men behind the barricades are throwing firecrackers at the bull or using blowguns to stick darts in him ... It takes from two to three hours for the toro de coria to grow weary. When he does, a hunter fires his shotgun right between the horns. As the bull plummets to the ground, a mad rush ensues. The men trample each other to be the first to grab onto a coveted trophy: the bull’s testicles (which are subsequently chopped off by a butcher and handed over to the winner) (Mitchell, 1991: 18).

After years of controversy and pressure from national and international animal welfare groups, British MEPS, and sections of the Spanish media, in a glare of publicity in 2009 the local council finally decided to comply with municipal

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<sup>27</sup> Similar to the traditional ‘running of geese’ games, but the running is done from boats instead of horseback, and the rope with the birds is hung across the harbour.

regulations and banned the use of darts, knives, firecrackers, sharp sticks, and laser beams (but not the other activities involving the animal). The socialist mayor, who claimed that the darts ‘cause limited damage’, was forced to admit that the images of the bull covered in them hanging from its body shown around the world, was having a detrimental effect on the fiesta (Salas, *Público.es* 19 June, 2009; see Plate 1).<sup>28</sup>

This was a significant victory for the prohibitionists, given the totemic role of all bull games in Spain, and the importance of rural rituals in binding together communities through the formation of an ‘identity’ (Gómez Mardones, *El País* 23 June, 1985; Mitchell, 1991: 24-36; Douglass, 1997: 121-123; Balfour and Quiroga, 2007).



Plate 1 (Salas, *Público.es* 19 June, 2009; ‘Toro de Coria’)

Where the Toro Júbilo de Medinaceli (see Plate 2) is concerned (the oldest existing fire bull festivity), the bull is pulled into a makeshift ring where it is tied to a post while a metal apparatus that fixes the lighted flares to its horns is attached, after

<sup>28</sup> In another curtailment of the celebrations, children were no longer allowed to run with calves - the children’s version of a bull-run (Agut, *El Periódico de Extremadura* 22 May, 2009). More recently the local council has come under pressure to alter the ritual yet again. A newly amended public safety law made it possible for PACMA to press charges against the local council for allowing the shooting of the bull in a public space (Jiménez Gálvez, *El País* 6 August, 2015; *El País* 6 August, 2015; Jiménez Gálvez, *El País* 7 August, 2015; Oses and Baena, *El Mundo* 6 August, 2015).

which it is released to run wildly around the ring (in which numerous fires have been lit), while young men play dodging games with it. In some towns, rather than being in a ring, the animal is chased through the streets, before being killed and eaten (Mitchell, 1991:16; Anima Naturalis, n.d.). This festival has also aroused national and international condemnation. But, rather than offer protection to the animal, in an attempt to fend off criticism, and a threatened British tourist boycott, the local council initiated a process, so far unsuccessful, whereby the spectacle could be included in UNESCO's Intangible Cultural Heritage Programme, thereby elevating the practice from 'folklore' to 'culture' (ABC 14 November, 2011; ABC 13 November, 2011).



Plate 2 (PACMA, 9 November, 2013; 'Toro Júbilo')

Obviously, national and international criticism of the use of bovines in the festivals is not without impact. However, as we see, where one council succumbed and reduced the level of violence against animals, another seeks refuge, as it were, within UNESCO.

### The ‘Toro de la Vega’

The Toro de la Vega (bull of the meadow) is probably the one festivity that has attracted most opposition and public attention in recent years (see Plate 3). The sacrificial ritual, which supporters claim dates back to the medieval period, takes place every year in September in Tordesillas, Castilla y León, in honour of the local patron saint. A bull is released and chased towards the outskirts of town to arrive in a large open meadow where lancers (‘lanceros’), either on horseback or on foot repeatedly attack the animal in order to prevent it from reaching the other side of the



Plate 3 (*El Mundo* 15 September, 2010; ‘“Platanito’s” ten minutes in the meadow at Tordesillas’)<sup>29</sup>

field, which according to the rules of the festival would safeguard its life (*Patronato del Toro de la Vega*, n.d.). The event is hugely popular, attracting thirty something thousand visitors to the town (pop. approximately 9,000) (*El País* 11 September, 2007; Celay, *El Mundo* 17 September, 2008; Jiménez, *ADN.es* 14 September, 2010).

Despite this popularity, for animal advocates the Toro de la Vega has become ‘a kind of paradigm for the atrocious treatment that animals are subjected to in Spain’

<sup>29</sup> ‘Los diez minutos de “Platanito” por la vega de Tordesillas’

(Ortega Fraile, 2009).<sup>30</sup> Since 2005, PACMA, the animal rights party, has organised an annual protest against the ritual in the town itself and, in recent years, the protests at the festival have become increasingly well organised and co-ordinated, attracting a growing number of protesters from across the country (*20 Minutos* 10 September, 2007; *20 Minutos* 14 September, 2008). From 2008 similar protests have also occurred in Valladolid, the home of the regional government (*PACMA*, 2010).

A 2010 campaign included an on-line manifesto, signed by well-known figures from the world of arts, culture, academia, business and animal advocacy (*20 Minutos* 13 September, 2010). A year later PACMA organised a demonstration in Madrid as part of their Internet campaign, ‘Rompe una lanza’ (Break a Spear), where hundreds of activists broke a lance simultaneously to demand the abolition of the festivity (*La Vanguardia* 13 September, 2011), while websites ran a number of videos showing media personalities, actors, novelists, animal activists, *et al.* breaking a spear in support of the campaign, with each lance symbolizing a signature for a petition to be sent to the regional government (*PACMA*, n.d.; *ABC* 13 September, 2011).

Politicians have also recognized the adverse impact of the festival on public opinion at home and abroad. The Congress of Deputies asked the government to form a working party committee to look into the possibility of passing a national animal protection law with particular reference to the mistreatment of animals in popular festivities (*20 Minutos* 30 September, 2009), but nothing materialised, and when questioned by a senator in 2010, the minister responsible responded by saying that the future of the festival should be left to an investigative committee (*Diario de Sesiones del Senado*, 14 September 2010; see also report in *elnortedecastilla.es* 1 September,

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<sup>30</sup> ‘una suerte de paradigma del espantoso trato que en España reciben los animales’

2010). Despite further questioning, the government had still not established such a committee in 2011 (Ayllón, *Público.es* 12 September, 2011). Undaunted, the campaign continued in 2013 with an unsuccessful early day motion in the *Cortes* again calling for measures ensuring the protection of animals in festivals (*Público.es* 25 September, 2013; *20 Minutos* 25 September, 2013).

The growing public interest in the festivity has been reflected in intensive media coverage, including at least three television debates, where portrayals of the events have resulted in a predominantly critical public stance (Morán, *El País* 12 September, 2007; *Público.es* 9 September, 2011; *El Mundo* 13 September, 2011; Alarcia González, *El País* 24 August, 2010). Media images exposing the cruelty belie the official reports from Tordesillas municipal government as to how many stabs are given with the lance: secretly filmed footage by animal activists showed repeated neck stabbing of the bull for five minutes with a screwdriver after the lancing failed to kill it; and the front page of *El País* (Spain's highest selling national newspaper) showed a blood-drenched animal being lanced. Such images have undoubtedly contributed to the mounting controversy with increasingly entrenched positions both for and against the ritual (*El País* 12 September, 2007; Morán *El País* 12 September, 2007; Mariño, *Público.es* 15 September, 2009). The international media has been equally critical, illustrating their reports with gory photographs (Penman, *Daily Mail* 20 September, 2010). Unsurprisingly, there have been complaints from various press and television outlets of local hostility, including aggressive behaviour against television crews who attempt to film crucial scenes of the lancing (Morán *El País* 14 September, 2010; Ayllón, *Público.es* 12 September, 2011). No wonder that in recent years, the ritual has taken place in a highly charged environment, which is policed by an increasing number of security forces. In 2011, for example, the sixteen local Civil

Guard officers were reinforced by thirty security units, a helicopter and various officers from the Traffic Police and SEPRONA (the environmental branch of the Civil Guard) (*El Norte de Castilla* 12 September, 2011).<sup>31</sup>

Although primarily rooted in moral considerations for animal welfare, as numerous newspaper reports make clear, calls for the abolition of the Toro de la Vega are also based on the growing scientific knowledge showing animals have a capacity to suffer both physically and psychologically. Thus many objections to the festivity point to the fact that the animal experiences not only physical pain through ‘blows and injuries’, but also psychological torment through stress and its sense of fear (*El Norte de Castilla* 2 October, 2009; Mariño, *Público* 15 September, 2009; Morán, *El País* 12 September, 2007; Alarcía González, *El País* 24 August, 2010; Méndez, *El País* 13 September, 2011). The suffering of the animal is often portrayed in the vocabulary of torture: ‘prolonged agony’ (‘larga agonía’; Méndez, *El País* 13 September, 2011; Mariño, *Público.es*, 15 September, 2009) and ‘cruel and bloody’ (‘cruel y sanguinario’; *El Mundo* 13 September, 2011; Alarcía González, *El País* 24 August, 2010).

Abolitionists’ calls are also often couched in terms of the negative effects the ritual is said to have on Spanish society: it reflects badly on its image abroad and constitutes a ‘disgrace’ to Spain as a Nation (‘vergüenza’; *20 Minutos* 14 September, 2008); it is a ‘detestable and embarrassing barbarity’ (‘barbarie bochornosa y execrable’; Ayllón, *Público.es* 12 September, 2011); it is a ‘medieval’ remnant (‘de la Edad Media’; Arroyo, *El Mundo* 12 September, 2000); it is ‘uncivilized’ (‘poco civilizada’; *El País* 14 September, 2007); it is an ‘anachronistic, evil and bloody spectacle, which vilifies

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<sup>31</sup> In 2007, SEPRONA was awarded the ‘Fundación Altarriba Prize’ for its work in protecting the environment and animals.

all of Spain',<sup>32</sup> and only in Spain do such cruelties continue, while in the rest of the world 'they are found in the history books, which is where they should be' (20 *Minutos* 10 September, 2007).<sup>33</sup> According to Rosa Montero, the renowned novelist and journalist, the festival, and those like it, which portray the 'savage, depraved and very slow torture of an animal' as entertainment, cultivate the basest instincts of human nature and carries an implicit social danger.<sup>34</sup> Drawing on an old theme, in Spain and abroad, she argues that taking satisfaction from the pain of animals, and acquiring a lack of empathy towards them, can potentially extend to human beings as well. When the local residents of Tordesillas bring their children along, it ensures that their 'souls be made callous and they are educated in the psychopathy of enjoying the suffering of a living being' (Montero, *El País* 11 September, 2007).<sup>35</sup> According to Equo,<sup>36</sup> the environmentalist party, such festivals are maintained by a minority of Spanish society, promoted by the bullfighting industry and with support from civil authorities. In reality, it claims, 'Spanish society has evolved' and moved away from such 'customs unbecoming of a twenty first century society'; while at present, the ethical views of the majority of citizens remain unrepresented politically (*El Mundo* 13 September, 2011; see also editorial *El País* 17 September 2014).<sup>37</sup>

Supporters of the festival respond by arguing, first, that opposition is generated by ignorance of what the ritual entails (Méndez, *El País* 13 September, 2011; *Terra* 14 September, 2010) and, second, that the *animalistas* are misguided in that rather than promoting a humanist vision of society, they prefer a 'disneyfied' understanding of

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<sup>32</sup> 'espectáculo que es anacrónico, nefasto y sanguinario que envilece a toda España'

<sup>33</sup> 'están en los libros de historia, que es donde deberían estar'

<sup>34</sup> 'salvaje, perverso y lentísimo tormento de un animal'

<sup>35</sup> 'encallezca el alma y se eduquen en la psicopatía de gozar con el sufrimiento de un ser vivo'

<sup>36</sup> Equo made their political debut in the General Election of November, 2011 without obtaining parliamentary representation, but taking enough votes to become the fifth most voted national party in Spain (Ministerio del Interior, 2011).

<sup>37</sup> 'la sociedad española ha evolucionado... costumbres impropias de una sociedad del siglo XXI'

animals, which is contextualised for a society based on ‘anti-humanist neotribal’ values, i.e. hatred of other humans and the dethroning of human animals by attributing rights to animals (Martín Arias, 2009: 17-19; see also Arranz, *El Mundo* 14 September, 2010). ). Popular festivities, however, have also been opposed from within bullfighting circles (De Lora, 2004: 289; Caro Baroja, 1984: 252). There are historical disputes as to the precise link between bullfighting and bull festivities, and some enthusiasts of the former are eager to create a clear division between the nationally regulated, commercial and professionalised type of bullfighting, which they qualify as an ‘aesthetic’, ‘dignified’ and ‘elitist’ art form, and other popular festivities - seen as part of Spanish ‘folklore’ - which are considered to be ‘barbaric’ and ‘chaotic’ (Martín Arias, 2009: 14; *El Mundo* 14 September, 2010; Douglass, 1997: 81-82).<sup>38</sup>

In supporting the festivals, locals claim that they are showing pride in their ‘cultures’, and appeal to ideas of authenticity and the longevity of tradition (Celay, *El Mundo* 14 September, 2010; Méndez, *El País* 13 September, 2011). Where the Toro de la Vega is concerned, the ‘cleanliness’ with which the ritual is said to be practised refers to the strict observance of rules and regulations. Such ordered behaviour is a source of pride and allegedly demonstrates that, rather than being a chaotic attack on the animal (as indeed is the case in many unregulated local celebrations involving animals, including bulls, Lafora, 2004), the festivity constitutes a ‘dignified’ and ‘edifying’ event, as a result of which the animal does not suffer (Martín Arias, 2009: 20-23; *20 Minutos* 15 September, 2009). For the supporters, the survival of the Toro de la Vega is necessary in order to preserve a unique custom particular to the village, Tordesillas, in

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<sup>38</sup> Such divisions within what we might for the sake of argument call ‘traditional’ Spain are illustrative of the care required in allotting terms such as ‘modern’, ‘European’, ‘traditional’ and ‘Spanish’ to the different socio-cultural/political positions, not least with respect to animal welfare.

celebration of local identity; as the welcome page of the Toro de la Vega Foundation states: ‘without roots, there’s nothing’<sup>39</sup> (*patronatodelavega.com*).<sup>40</sup>

### ***Health and safety issues***

Although much of the opposition to the use of animals in festivals revolves around the core issue of their welfare, it would be a mistake to imagine that this was the only point of conflict since some of the most vociferous debates refer to health and safety matters. It is worthwhile understanding these concerns to the extent that they provide an important perspective on what is so often the peculiar ambivalence that characterises human-animal relations in contemporary Spain. The peculiarity is probably particular to Spain since no other western European country has such a large number of *fiestas* using animals, the majority of which involve the participation of spectators whose safety - both physical and ‘moral’ - is fused with that of the treatment of the animals.

Each summer as the calendar of patron saint festivities starts anew, so, too, do the debates in the media regarding the risks and dangers involved for participants and spectators at these events. It is particularly in connection with bull festivities such as *encierros* (running of bulls) that public safety issues are raised, as they seem to claim the largest number of casualties. *Encierros* originally formed part of the bullfight event, in which the animals to be fought in the arena the next day would be driven

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<sup>39</sup> ‘sin raíz... nada!’

<sup>40</sup> Interestingly, with adaptation in mind, and perhaps reflecting the socialist government’s enthusiasm for gender equality, in 2010 the local organising committee appointed the first female *lancera*, who proclaimed that with her arrival ‘ideological and historical barriers would be broken’ – ‘se romperán barreras ideológicas e históricas’ (Celay, *El Mundo* 14 September, 2010).

through the streets from the enclosure at the outskirts of town to the bullring. This usually took place at night to minimise the risk of casualties, although young men ‘sometimes tried to run with, or in front of, these animals to test their own skill and bravery’ (Douglass, 1997: 40). The running of the animals only survives today in small towns and villages, but it has become an event in itself and each local community has its own traditions.<sup>41</sup> The general safety rule is that streets are normally barricaded and iron bars put up to form the course through which the animal(s) are driven. There is a variety of different local regulations: occasionally, women are allowed to run; in some villages the men are on horseback; and in others cows or young bulls are used. Whilst children and married men generally do not run, some localities organise *encierros-chicos* (little bull runs), where boys and girls under fourteen years run yearling calves through town, often followed by the opportunity to ‘play’ with the animals in a ‘mobile’ bullring erected for the festival (Douglass, 1997: 40-41). *Encierros*, as we saw above, is a generic category; however, common to them all is the claim from an assortment of critics that despite being ‘authentic’, they are anarchic, disorderly and, ironically coming as they do from those who are bullfighting fans, ‘cruel’ and ‘barbarous’ (Douglass, 1997: 41, see Plate 4).<sup>42</sup>

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<sup>41</sup> The world famous Pamplona bull runs are an exception, as most bulls in larger cities are now transported directly to the bullring in lorries. In the majority of localities, however, the ‘run’ is no longer to the bull ring.

<sup>42</sup> Illustrative of such ‘uncontrollable’ situations in terms of public order is the following example. The civil authority of Fuenlabrada (Madrid, pop. 141,496) clashed with the local taurine *peñas* on several occasions in regards to the regulation of *encierros*. The *peña* supporters’ club attempted to lead a bull into the town hall after the councillors wanted to limit and regulate the *encierro*, because the spectacle ended with ‘an animal beaten to death after several hours’; a few years later, fans destroyed the mobile bullring in anger that the *encierro* only lasted an hour and a half instead of three. The socialist mayor claimed popular support in trying to increase safety and reduce the number of forty injuries a day, despite protests from the *peña* (Alfageme, *El País* 20 June, 1993). Other examples include the case of a bull, which had been forgotten by the organisers, left running in the streets after the festivity officially ended as people started to spill into the fenced off course oblivious to the presence of the animal. There are also numerous incidents each year, in which animals have escaped the designated route of the run (Turullols, *Noticias de Navarra* 14 August, 2011).



Plate 4 (Quesada *El País* 12 August 2011; 'Mass arrival at the Leganés bullring after one of the *encierros* of the patron saint festivities', the bulls can be seen at the back of the multitude).<sup>43</sup>

Every year, a number of people (participants and spectators) are killed and injured in the numerous *encierros* held during the summer months. Such tragedies make both the public and the media revisit debates regarding the risks involved to humans not only in the running of bulls but also more broadly in numerous other festal rituals. Critics of the celebrations direct their arguments at a number of different targets. 'Ecologistas en Acción' (Environmentalists in Action), has described the bull run as 'barbaric', one that puts 'human lives at risk', promotes 'a culture of cruelty', and includes children who witness practices that 'terrorize and mistreat an animal'.<sup>44</sup> At least, say the environmentalists, the *encierros* should be hermetically closed off spaces preventing access for the under aged (*Europa Press* 19 August, 2009; see also *El País* 15 August, 2011). Similarly, PACMA has unsuccessfully filed numerous

<sup>43</sup> 'Llegada masiva a la plaza de toros de Leganés tras un encierro de las fiestas patronales'

<sup>44</sup> 'barbaridad...se pone en riesgo la vida de las personas...una cultura de crueldad...se aterroriza y maltrata una animal'. A 2015 *El País* editorial echoed this view stating that the bull runs, apart from the animal abuse involved, generate an 'uncontrolled and uncontrollable danger' to human participants that cannot be disguised with 'warnings and insurance policies' by the local authorities. The regulation of bull festivities, the piece concludes, should be tightened, any public funding cut and ultimately they should be prohibited within a reasonable timeframe (un peligro incontrolado e incontrolable' ...'advertencias y seguros contratados'; 29 June, 2015).

police reports against the participation of children in these events, claiming that there is ‘a total lack of control’ resulting in the injury of children as well as the mistreatment of animals (Giralt, *La Vanguardia* 26 August, 2009).<sup>45</sup> The debate was reignited following the fatal goring of two boys (sixteen and ten years old) in 2009, with calls from child welfare organisations to raise the minimum age to eighteen for participants. This, said the organisations, would protect children’s physical integrity, as is done with the consumption of alcohol, cigarettes, and driving, arguing that while children were protected from such risks, ‘folkloric issues seem to be an untouchable area’ governed by medieval Spain (Cerrillo, *La Vanguardia* 26 August, 2009).<sup>46</sup>

The majority of concerns predominantly focus on how to minimise the risk to adult participants and spectators. This has led to a gradual tightening of security and safety measures in the regional regulations for taurine festivities. Most places now prohibit the participation of ‘runners’ who are under the influence of alcohol or are under sixteen years old, the number of first aid points along the route have been increased, and there is now the obligatory presence of qualified medics. But since these safety measures raise the cost of the *fiestas*, smaller municipalities with a limited budget often simply fail to apply for a license; others reduce the costs by limiting the time the animals are in contact with the public. Some localities, finding the whole business both cumbersome and expensive, have abandoned the festival altogether (Alfageme, *El País* 20 June, 1993).

When a young bull-runner was gored to death in the summer of 2011, media reports were quick to point out that this was the bull’s third mortal victim in five years, and the animal had become a popular protagonist in *encierros* of the Valencia region due

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<sup>45</sup> ‘Hay un descontrol absoluto’

<sup>46</sup> ‘un asunto folklórico parece que es un ámbito que no podemos ni tocar’

to its reputation for being particularly aggressive (*El Mundo*, 14 August, 2011). The bull, called 'Raton' (Mouse), had achieved a legendary status as 'bloodthirsty' ('sanguinario'; *ABC* 15 August, 2011) and possessing 'killer' instincts ('asesino'; Ruíz Coll, *ABC* 16 August, 2011). As so often happens, public concern for human safety clashed with the commercial interests since the appearance of 'Mouse' in a *fiesta* could mean considerable profits for both the owner and the organising municipality (Silva, *El Mundo* 22 August, 2011). Nonetheless, with mounting public and regional political pressure, steps were taken towards tightening the taurine regulations in the region with particular emphasis on the safety problems that arise when mixing alcohol consumption with confrontations with a half a tonne bull. Suggestions were also made to include new rules which would enable authorities to take 'dangerous' (i.e. bulls that have killed people) animals out of circulation (Prats, *El País* 18 August, 2011).

The subsequent negotiations between the regional authorities and the influential federations of bull breeders and *encierros* fan clubs revealed the inherent difficulties in preserving the central character of the entertainment (i.e. free participation), while at the same time ensuring the safety of the participants. Since these *encierros* are held either in the streets or in a bull ring, complete control with access is well nigh impossible unless the structure of the festivity is changed or illegal access is heavily policed. With vested interests in the continued (commercial) popularity of *encierros*, the federation of *encierros* fan clubs and breeders are wary of altering the successful formula of the festivity (Prats, *El País* 18 August, 2011). What the health and safety debates reveal is just how uneasily many rural recreational activities sit in the context of the spreading influence of 'modern' urban society and its environs as they try to

reconcile the contradictions involved in the late modern aversion to risk coupled with the desire to maximise profit.

**‘Mirrors and Windows’: continuity, adaptation and ambivalence**

A few moments attention to anthropological writing provides another and instructive dimension to festal attitudes toward the use of animals.<sup>47</sup> Where human-animal relationships are involved, Molly Mullin proposes thinking in terms of ‘mirrors and windows’ (1999: 201-224), a metaphor that in so far as it points to ‘looking at’ (ourselves) and ‘looking through’ (to view a panorama of these relationships) encapsulates many of the ambivalences in the use of animals in festivities (and elsewhere). The metaphor helps us to focus on the diverse dynamics of the rituals in the going back and forth between the (disputed) boundaries marking out human-animal relations (on boundaries, see Mullin, 1999: 215-218; Irvine, 2004). William Christian (2004) cites examples of festivities in which animals are treated like humans and vice versa: those where horses are brought into houses; donkeys are taken to bars for a drink; making bulls get into vehicles or decoying them into jumping into the sea to swim; and getting them drunk (2004: 20). When humans dress up as animals (usually during the carnival period from Christmas to Easter), this is to suspend normal behavioural conventions and allow for scandalous behaviour on their part, which is in stark contrast to when they dress up as a saint (2004: 21). This dressing up as animals, serves both to integrate the animal into the culture of the village while simultaneously emphasising that a boundary does in fact exist - otherwise there would be no need to cross it.

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<sup>47</sup> But it should be noted that, aside from the bull, the use and symbolic universe of animals within the festive ritual has barely attracted any anthropological attention in Spain (Marcos Arévalo, 2002: 383-385). On the neglect of ‘animal studies’ by anthropology, see Mullin (1999 and 2002; and Hurn, 2012: 1-3).

The anthropologist Javier Marcos Arévalo (2002) has suggested that the social function of the festivity centred on reconfirming community bonds not only by involving all members of the collective, but also as a reaffirmation of social relationships and roles which, through the ritual, ultimately ensures the continuation of the group. In a later work (2009), he makes a significant point in proposing that the rituals are acquiring new meanings and functions, which are symbolic of the resistance of local identities against the forces of globalisation/modernity/marketisation with their tendency toward cultural standardisation and homogeneity. The two characteristics that ensure the resistance of popular festivities against these forces are their ability to adapt to social changes, and the generic ability of all festive rituals to connect the past with the present and the individual with the community. The festivities, he says, entail ‘the continuity of the generation and the local social groups’;<sup>48</sup> they are ‘cultural creations, which reflect ways of life and values, they express an entire cosmo-vision of beliefs and show the social identity of each people or social group’ (2009: 1-2).<sup>49</sup> The idea of ‘creations’ is important for, as we have seen, many of the rituals involving animals have been adapted, if not banned outright, thereby ‘creating’ a different kind of festivity, one that morphs the past with the present and to this extent perhaps represents the experience of the ‘new’ Spain.

Unsurprisingly, given the pace of social change post-Franco, the festive rituals have undergone a continuous process of change and transformation because they are essentially living and dynamic phenomena. In effect, as Marcos Arévalo says, they symbolically reproduce society, acting as ‘strategic elements in the representation of

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<sup>48</sup> ‘la continuidad de las generaciones y los grupos sociales locales’

<sup>49</sup> ‘creaciones culturales que reflejan formas de vida y valores, expresan toda una cosmovisión de creencias y proyectan la identidad social de cada pueblo o grupo social.’

*collective identities*', whilst also producing a 'consciousness of belonging in the individual' (2009: 2, original emphasis).<sup>50</sup> In another example of the 'exploitation' of the animal, the letting loose of a bull in the street, which then has to be 'dominated and killed', may be seen as a temporary suspension of social order - a chaotic situation that provides an opportunity for the local community to do things they would not normally do (i.e. a bull in agricultural society has value and, therefore, needs safeguarding). The killing of a bull during a festivity could well be a financial extravagance and, therefore, its death may represent the suspension of otherwise frugal ways of life necessary for survival; as with the use of other animals, it provides a safety valve to release tensions and stresses from daily routines and worries.

In many respects, Marcos Arévalo echoes Douglass who, in 1997, referred to the anthropological 'consensus' that 'the fiesta is a reflection of the society and its culture', one that can be either real or symbolic, but always 'creates the illusion of community' (1997: 121, quoting Velasco, 1982: 7; also Homobono Martínez, 2004: 55). This illusion may be found in the emphasis placed on 'identity', which has to do with keeping traditions alive. Douglass reports that in her conversations about fiestas throughout the 1980s, informants repeatedly spoke in terms of: 'what is autochthonous and one's own ... to be oneself again ... to look for one's very own essence ... the most typical of past and present' (Her translation). Towns, she says, wanted 'to connect with the past', as well as reconstruct the present in a familiar way', but always in relation to identity - local, regional, unique and shared. Some towns continued celebrating traditional *fiestas* that had never disappeared, while others added 'authentic' elements, such as in Pamplona's *fiesta* of San Fermin when in 1985 the calf-dodging contest was added to the programme and advertised as the '

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<sup>50</sup>'son elementos estratégicos para la representación de las *identidades colectivas*' ... 'en los individuos conciencia de pertenencia'

“original form of taurine game in Navarra” ’ (1997: 121-22). Clearly, animals can help to either maintain a tradition or create a new one.

But it is also crucial to note that in some instances, in recent years the values of sensibility (‘valores de sensibilidad’), have been gaining ground in opposition to certain forms of cultural violence (instinct based - ‘instintividad’), and this appears to be contributing not only to the demise of certain rituals (Marcos Arévalo, 2002: 388), but also to their adaptation to the non-involvement of animals or to their use (often illegal) in less violent ‘games’.<sup>51</sup> Two new games are: ‘catch a pig’ (where children run around trying to catch a piglet covered in oil), and *disco capea* (a disco setting where a number of young cows are released for the audience to play with). In 2012, OJDA - which works to ensure that festivities abide by the law - launched a campaign ‘Fiestas yes, but without animals’ and encouraged the public to inform it of ‘new’ and illegal games. The problem faced by OJDA is the large number of illegal local festivities (such as ‘the battle of the rats’ in which participants throw dead rats at one another), which are difficult and expensive to challenge in court. Nonetheless, OJDA’s view is that although local authorities continue to fund and authorise the use of animals, either through ignorance of the law or in response to local popular pressure, the dominant social ethic in Spain increasingly opposes their objectification and instrumentalisation, and that progress is being made (*OJDA*, 7 February, 2014).

## Conclusion

This chapter has shown that the place of animals in *fiestas* illustrates just how tenacious is the hold of ‘traditional’ Spain on the ‘cruel’ ways in which the animals

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<sup>51</sup> Unfortunately, Marcos Arévalo does not provide a list of lapsed festivals. However, he links ‘sensibility’ to the conservationist ideology (rationality - ‘racionalidad’); whether this is meant to include the *animalistas* is unclear, although both movements often work together.

are used. And yet, as I have argued, embodied in the changing form of many of the festivals is a new human relationship with animals. If not borne entirely of a heartfelt ‘sensitivity’, it is certainly one that feels compelled to adjust local customs to respond to the economic, social and political (and ethical) demands of modernisation and the ‘new’ Spain. I have argued that the use and abuse of animals in festivities reflects important aspects of their changing place within contemporary Spain as well as the resistance such change encounters. In some senses these aspects are more illustrative of ambivalence in human-animal relations than either support for bullfighting or, as we shall see, the relatively new Spanish enthusiasm for pets.

I have shown that there are three related reasons why *fiesta* animals are representative of ambivalence. First, because animal usage is so widespread and diverse, animals can be called upon to play a multitude of literal and figurative roles that allow ‘Spain’ both to retain its ‘traditional’ relationship with animals, while simultaneously through adaptations here and there, it also nods to Europe, modernisation and the demands of ‘new’ sensibilities. Second, the continued abuse of animals in so many *fiestas* (many of which are illegal) provides an opportunity to retain the violent and bloody features of Spanish folklore (and, therefore, to resist change) while in principle adhering to the loudly proclaimed principles of Spain as a non-violent liberal democracy. Third, since the *fiestas* are overwhelmingly held in rural areas and small towns, attendance as a spectator, or much less frequent as a participant, allows individuals to be part of two Spains: the ‘traditional’ and the ‘modern’. One, a Spain of memory, the past and, for millions of Spaniards, years of Francoist oppression of regional language and culture; the other a tolerant Spain of contemporary democratic life in which the violence and piety of folklore have no place. But the tension remains in the individual psyche and in that of ‘Spain’. The bloody abuse of animals in festivities together with

bullfighting remains a critical feature of contemporary Spain, emblematic of its fraught relationship to modernisation. In the following discussion of pets and pet-keeping, we are witness to a different kind of relationship, one that clearly aspires to be 'modern'.

## CHAPTER 8

### The changing place of pets in contemporary Spanish society

All animals are equal but some animals are more equal than others  
(George Orwell, *Animal Farm*)

#### Introduction

The objective of this complex chapter is not to provide a sociology of pets and pet-keeping *per se*. Rather, the chapter's purpose is twofold. First, in focusing on pet-keeping, to add another and significant dimension toward understanding the degree and nature of the changing place of non-human animals in Spanish society during the post-Franco period, with emphasis on the contemporary situation. Second, to discuss, particularly with reference to urbanisation (in conjunction with modernisation in as much as the two are related) and, very important, consumerism, the way in which not only has the popularity of pet-keeping grown, but also to argue that the rapid and profitable expansion of the 'pet services' industry points to new and more emotional aspects of the human-animal relationship. The chapter shows that where pets are concerned, unlike those animals used in festivities and in bullfighting, Spain has become very much the modern European state. Indeed, while my study generally argues that in important respects with regard to animals, Spain, as Franco claimed in another context, is 'different', this is much less so with pet-keeping.

In making this argument, I have structured the chapter in two main parts, each with two sub-divisions. While I appreciate that this is a little cumbersome, it was necessary in order to convey many of the complexities surrounding the extraordinary multi-

faceted relationship that pet-keeping (or companion animals) involves.<sup>1</sup> In the first part of the chapter, which is divided into two sub-sections, I rely heavily on documentation from the pet industry - trade associations, exhibitions and trade fairs, and veterinary associations (Appendices 5 and 6). I use this material to provide substantial evidence of the growth of pet-keeping (in itself strongly suggestive of a change in human-animal relations), and its relation to the consumerism that has so marked the 'New' Spain. Furthermore, with the work of Thomas, Franklin, Serpell, and Charles in mind, I also use it to emphasise the emergence of more emotionally-bonded human-animal relationships in Spain, not least where pets are involved. The amount of care and concern being given to pets by their owners, and the financial cost involved, suggests that the older, 'traditional' Spanish attitude and behaviour, is evolving into something more modern, more urban, more 'European' in the sense of the relationship becoming more emotional and embedded in the family. In the second sub-section, by way of a bridging discussion, I look at urbanisation both in terms of showing the demographic influence on the political economy of pet consumerism, and its broader cultural influence on patterns and meanings of pet ownership.

In the first sub-section of the second part of the chapter, I use the political economy analysis of pet-keeping in support of the claim regarding the emergence of the new pet owning relationship. I begin with some brief comments on the nature of urban pet-keeping in modern Spain, and then move on to a discussion of aspects of several standard sociological texts to clearly situate the argument. I follow with equally brief descriptions of occasional biographical accounts of pets and their owners (high profile authors and journalists) published in the Spanish press as evidence of both an interest in the subject matter among the readership, and of the emergence in Spanish

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<sup>1</sup> For the terms 'pets' and 'companion animals', see terminology section in the Introduction where I explain that I use the terms interchangeably.

popular culture of expressions of a new kind of pet-owning relationship. In the second sub-section, I provide a detailed examination of three areas of the pet services and products industry where, with the political economy analysis in mind, this relationship is on view: i) food and health; ii) accessories and services; and iii) death and cemeteries. I include in this section of the chapter a consideration of the connection between these services and the way in which they help to make 'real' the place of the pet as a family member. I give a sustained account of these services so as to show just how important they are as evidence of the often very deep emotional attachments pet owners have to their animals, and also to suggest the degree of anthropomorphism that may be involved.

One of the core themes of the chapter is that the growth in popularity of pet-keeping, particularly those features that show the progression of strong emotional bonds between the animals and their owners, reflects the connections between attitudes and behaviours towards non-human animals and the overarching influences of urbanisation, modernisation and, in the case of Spain, also Europeanisation. This development also reflects the influence over thirty years of the animal movement and its very public campaigns for all forms of animal protection. In this respect, I refer to Thomas's claim regarding the rise of pet-keeping, the idea of animals 'rights', and urbanisation (as a key feature of modernisation) and, although I think he exaggerates the condition, also to Franklin's privileging of ontological insecurity. Accordingly, I stress that three features of modernity have been of significance in these processes: i) the animal movement (variously described as rights, liberation and welfare) as a NSM, much influenced by the social ferment of the post 1960s modernisation (practical ethics, environmentalism, and social liberation campaigns involving civil and sexual rights); ii) urbanisation and other social structural forces: demographic,

economic and political; and iii) consumerism (integral to the modernising process), reflecting both the ‘modern’ and the growth of what Franklin terms ‘the new service class’ of post-Fordism. Whether all this constitutes an ‘ontological insecurity’ or simply a series of *new* or developing relationships between the self and the social, with pet-keeping being one instance of the new relations is open to question. Contrary to Franklin, the view taken here is that the progressing human relationship with companion animals has more to do with the self making adjustments to its relationship with the social than with a clearly defined sense of the self as insecure *per se*. While I do not dismiss the role of the ‘insecure’ in contemporary society, I claim that in relation to pets it has to be seen as only one aspect of social change.

### **1 (a) Political economy of pet-keeping: numbers; trade associations; trade fairs and exhibitions; and pet products and services<sup>2</sup>**

By ‘political economy’ I mean the ways in which entrepreneurs see in pet-keeping a number of commercial opportunities for manufacturing and retailing food, accessories, and services.<sup>3</sup> We may think of this relationship in terms of ‘commodification’ as it refers to payment for a good or service through the market system. Nothing is inherently a commodity; only by participating in an exchange system for money, goods or services, does the ‘commodity’ come into being. Thus, the purchase of ‘human-like’ accessories and services through the market both

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<sup>2</sup> We get an idea of the economics involved in European pet-keeping from figures for the European pet food industry:

Number of pet food producing companies: 650.

Employment: (estimate) 200,000 vets; pet food industry, 50,000; pet specialist stores, 60,000; medications/vaccination, suppliers to pet food industry, accessories industry, trade shows, pet press, breeders, animal welfare organizations, transport ... indirect employment, 500,000.

Annual sales of pet food products: volume 8.5 million tons – turnover 13.8 billion Euros

Annual value of pet related products and services: turnover 11 billion Euros

Annual growth rate of pet food industry over past 3 years: 2 per cent (Source: FEDIAF, 2012).

<sup>3</sup> For accounts of the long historical pedigree of this relationship in Europe and North America, see Thomas (1983: 117-118); Ritvo (1990: 86-88); Kete (1994); and Grier (2006).

‘commodifies’ the animal and confirms what can be thought of as an anthropomorphic relationship between it and its owner, since the latter may well be consciously buying an identity in his or her own likeness (Mullin, 1999: 215-216; Hurn, 2012: 103-106). Many, perhaps the majority, of these purchases are unavoidable in order for the mutually supporting relationship (between owner and pet) to be created and maintained; indeed, in certain respects perhaps the accessories come to represent the basis of the companion-animal relationship.

I use the following account to show some relatively recent trends in the place of the pet in Spanish society. I focus on: i) the growth and diversity of pet ownership, which has made it economically profitable for a variety of entrepreneurs - food and accessory manufacturers, retailers, veterinarians, trainers, service providers (walkers, kennels, transporters, hairdressers and manicurists, and undertakers), breeders, publishers and authors - to invest resources in creating and satisfying market requirements; ii) the contexts (economic and social) in which the willingness of pet owners to accommodate the ‘needs’ of their pets have become a feature of the Spanish consumer culture; and iii) the nature of the goods and services, and how and why they have emerged in recent years. I pay particular attention to those goods and services that humanise or denature the animal (sterilisation, deodorants, pet toilets, etc.), those that attend to the pet’s welfare and comfort, and those that signify the more intense emotional bond between owner and pet, for example, death rituals. After a short statistical note on numbers and species of pets, I describe the chronological growth of trade associations and fairs and exhibitions, together with some indication of the shifting patterns of provision, and its significance for the nature of pet-keeping in Spain. This will provide important evidence of the expanding market and,

therefore, I suggest, also of both the relatively new economic and social importance being attached to companion animals.

*i) Numbers - a statistical note on the size of the Spanish pet population in comparison with the rest of Europe<sup>4</sup>*

At the time of doing the research for this thesis there were no government produced statistics regarding pet numbers and, therefore, it is difficult to give an accurate picture of developments, particularly as the figures that do exist are based on studies using a variety of methodological approaches and/or types of sources. The most authoritative figures are provided by *Euromonitor International*, but only its *summaries* were freely available to me.<sup>5</sup> Instead, I have drawn upon information provided by pet food industry sources (FEDIAF (2012); see also ANFAAC, 2009), which show an overall growth in the percentage of dog and cat owning Spanish households and give a general impression of Spanish pet ownership in comparison with other European countries.<sup>6</sup> We see from Appendix 5, tables 6.1-6.2, that in 2012 26 per cent of households own at least one dog, making Spain ninth in the European league table (GB was tenth), while cat ownership appears to be much less popular, with only 19 per cent of households owning at least one cat, putting Spain well down the table in seventeenth position (equal with GB). In terms of total numbers of dogs and cats within the EU, Appendix 5, tables 6.3-6.4 show that Spain is fifth and sixth respectively. What these tables do not show is the percentage of households with *more* than one pet, nor the position of Spain in this respect in relation to the rest of the EU. It does seem, however, that between 1999 and 2012, the number of dogs rose

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<sup>4</sup> A more detailed picture of pet-keeping in Europe and Spain, based on figures from FEDIAF *The European Pet Food Industry Facts and Figures 2012* (Brussels, 2012), is given in appendix 5.

<sup>5</sup> It was unavailable for free access and its price tag of £1,250 made it financially prohibitive.

<sup>6</sup> For rising pet populations elsewhere, see Franklin (1999: 89-90).

from 3.4 million to 5.4 million and the number of cats increased from 2.3 million to 3.8 million.<sup>7</sup> Over this thirteen year period, the percentage of households that had *at least* either one cat or one dog rose from 35 per cent to 45 per cent (Boixeda de Miquel, 1999: 7; FEDIAF, 2012: 9).<sup>8</sup> There are no percentage figures available for other groups of pets, such as birds, fish, small mammals, and reptiles, so comparing Spain with other European countries is impossible. But Appendix 5, tables 6.5-6.8 makes clear that in absolute numbers Spain is between fifth and sixth place. Notwithstanding the statistical uncertainties, the key fact is that in Spain pet ownership has increased, as it has throughout Europe. According to ANFAAC, in 2009 49.3 per cent of Spanish households had a ‘domestic animal’ (animal doméstico), ‘a number which has grown considerably in the last ten years’, although it remained lower than in what ANFAAC referred to as ‘the rest of the most advanced European countries’.<sup>9</sup>

## **ii) Trade Associations<sup>10</sup>**

The chronological list of pet trade associations clearly shows two developments. First, that by the end of the 1990s, having started relatively late (Veterindustria, 1977) in comparison with other European countries, the basic trade organisational framework of the Spanish pet industry was in place. In addition to Veterindustria (representing 35 companies with 90 per cent of the market in medicinal and nutritional products), there are three main organisations: ANFAAC (1980) -

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<sup>7</sup> Of course, the term ‘pet’ is vague. It is impossible to know what proportion of the dogs and cats were ‘pets’ as opposed to being guard dogs, hunting dogs, sheep dogs, etc. Similarly, cats may have been kept solely as ‘mousers’. However, whatever their role, the animal may still have been treated as a ‘pet’.

<sup>8</sup> Although comparable figures are not available, since 1965 pet ownership has increased throughout Europe, Japan, Australia and the USA (Franklin, 1999: 89-90).

<sup>9</sup> This was still higher than the UK. According to PFMA, in 2014 46 per cent of UK households had a pet (Pet population report, 2014). In Australia in 1994 the proportion was 60 per cent, and in the USA, 59 per cent (Franklin, 1999: 89-90).

<sup>10</sup> For details, see Appendix 6.

representing fourteen leading food manufacturers; Fundación Affinity - Affinity Pet Care (1987), the latter being a large food producer (25 per cent of the market) having established Fundación as a charity to promote the welfare of pets and their positive image; and AEDPAC (1996) representing more than sixty manufacturers, wholesalers and distributors of products and accessories. The second development is that as the details in the appendix show, these associations have undergone considerable reorganisation during the period, no doubt in response to the growing and diversifying market, particularly in relation to amalgamations and establishing new relationships with trade fairs and veterinary associations and, in the case of FEDNA, establishing a charity with trade and university representatives for research into animal nutrition. All these organisations have links with their European counterparts. Furthermore, as is shown below, they do much of their promotional work through trade fairs and exhibitions, which have made rapid strides recently, and with which many of them are organisationally linked.

### **iii) Trade fairs, shows and exhibitions<sup>11</sup>**

It is clear from Appendix 6 that, with a couple of exceptions, public fairs and exhibitions are a noughties phenomenon, with all the major organisations being established during 2002-2011. This undoubtedly reflects the commercial expansion of the pet market, which has grown in response to consumer demand. An examination of the list shows the very rapid development of this feature of the political economy of the industry, with the increasing success of the major participants, such as PROPET (2008), in promoting their venues. In 2008 PROPET attracted eighty-two exhibitor

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<sup>11</sup> For details, see Appendix 6. The list includes only the major national fairs. There are numerous others at the regional and local level.

companies while in 2013, the figure had risen to 224, and the number of professionals in attendance increased from 7,767 to 13,293 (Axon Comunicación, 2008; IFEMA, 2010a). Similarly, Mundopet (2008) has been very successful in targeting the general public by combining its educative programmes in responsible pet ownership with the promotion of a range of goods and services. However, the fact that the three star events of the inaugural fair were the celebration of a canine wedding, the Olympic Games for Ferrets, and the display of the world's most expensive canine jacket at 18,000 Euros, suggests something of a conflict between responsible and respectful pet ownership and commercial interests (*20 Minutos* 29 September, 2008; Obelleiro, *El País* 29 September, 2008). Responsible and knowledgeable pet ownership is also the theme of the annual fair organised through *100x100 Mascota* (2011), which is seen as being a response to the important role that pets have acquired in the family (IFEMA, 2010,c and d).

#### ***iv) The market for pet products and services***

We have only to look at the size of the pet market to see the extent of its commercial opportunities. According to AEDPAC, the *volume* of the market for pet food and accessories increased 5 per cent from 2003 to 2004 (AEDPAC, n.d.,b), and figures from 2008 (despite the beginning of the recession) indicated that sales were up an additional 6 per cent on 2007 (*Animales Domésticos*, 2008).<sup>12</sup> The *total expenditure* on pets (food and accessories) between 2004-2008 rose from 617 million to 700 million Euros (AEDPAC, n.d.,b; *Animales Domésticos*, 2008). Canine and feline food represented the largest proportion of sales. In 2007, for example, sales of dog and cat food equalled 72 per cent of the total pet care sales, the remainder being divided

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<sup>12</sup> See also comments below from *Euromonitor International*, 2013.

between food for other categories of companion animals, and accessories for all pets. In recent years the sector specialising in dog food has seen an average rise in annual sales of 10 per cent (*El Confidencial* 6 March, 2008). Industry observers estimate that the retail sector for pet related products has doubled in less than a decade, 1999-2009 (Garrido, *El Mundo* 2 October, 2009). This is a trend confirmed by the secretary general of AEDPAC, according to whom the market as a whole until 2008 experienced a 10 per cent annual growth (*Alimarket*, 1 February, 2009a).<sup>13</sup>

We can see clearly here that the combined commercial sector has been swift to appreciate the potential of the dynamic and growing pet supply-services market in Spain. While national and international feline and canine shows organised under the patronage of the Royal Canine Society and the Spanish Feline Association have taken place since 1912 and 1984 respectively, the longest running Spanish pet trade fair on a national scale, as was shown above, was SIZOO from 1992. Spanish pet trade fairs share certain common features, particularly the strong emphasis on mixing the commercial, educational, interactive and socially responsible side of pet-keeping with a variety of entertainment activities, exhibitions and demonstrations. Specialist workshops include animal protection, animal training, pet styling techniques, animal care for pet shop owners, and courses for feline breeders. All this activity indicates that i) in general the trade fairs are very much concerned to attract the general public as well as professionals (as distinct from trade associations with their more professional clientele); ii) their number and frequency illustrate both how well integrated producers, retailers, distributors, and professionals are, and the degree to

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<sup>13</sup> Comparisons of the economic value of the pet industry with other economic sectors are hard to come by. However, the official '*Household Budget Continuous Survey*' returns show that expenditure on 'articles related to pets' increased from almost 869 million Euros in 2006 to more than 1.2 billion Euros in 2011, while in the same period expenditure on 'food and non-alcoholic beverages' increased from almost 70 billion to 73.5 billion Euros. At the same time, expenditure on 'clothing and footwear' decreased from 33 to 27.4 billion Euros (INE, 2012).

which they communicate with individual pet owners and the opportunities this offers for furthering commercial relations; and iii) as previously noted, their popularity seems to have developed especially from the noughties, which points to a growing market in all respects and, as is shown in detail below, is fairly good evidence that pet owners have developed deep emotional bonds with their animals through a variety of products and services.

These commercial and professional activities, however, are not only evidence of increasing *commercial* interest in pets, but also are likely to be a response to, and a stimulant for, what is a growing interest in and concern among the public for companion animals, which in turn points to a broader social change regarding the place of animals (literal, figurative and imagined) in Spanish society. But it is unlikely that consumerism alone was responsible for the increase in pet-keeping and the expansion of the pet accessories industry. For, aside from other socio-economic forces such as urbanisation and cultural shifts in sensibilities concerning the disavowal of violence in personal and political life and the growth in tolerance and understanding of the ‘other’, since the 1980s it has also been the case that Spain has seen the growth of its own animal movement made up of several national, regional and local organisations (with the exception of ADDA, 1976, the ten principal organisations having been founded between 1989-2007). This animal lobby, through its propaganda and educational work, has almost certainly contributed towards the creation of a culture in which companion animals are increasingly the norm.

### **1 (b) Urbanisation - from commerce to emotion and *vice versa***

While the political economy framework is essential for a full understanding of the evolution of pet-keeping, before moving on to examine this new relationship, we also

need to familiarise ourselves with what is widely regarded as one of the most critical determining contexts for the changing place of animals (pets included) in any society, namely the urbanising process, which is usually seen as a feature of overarching modernisation. The Spanish urbanising process occurred most dramatically between 1951 and 1975 with the key migratory years being the 1960s/1970s, primarily to Madrid, Barcelona, Valencia, Zaragoza and the Basque country; and between 1965-1985 the urban population further increased from 61 per cent to 77 per cent, which is what it was in 2010 (González and Requena, 2008: 47- 48; Mongabay.com, 2013; World Bank. data). Currently, with Spain's population at just over 46 million people, the urban population is concentrated in four main areas, each of which has more than 1,000,000 inhabitants. Ten urban areas have between 500,000 and one million inhabitants; forty urban areas have between 100,000 and 500,000 inhabitants; and twenty-nine urban areas have between 50,000 and 100,000 inhabitants. Thus there are eighty-three urban areas in total, each with more than 50,000 inhabitants. The population, however, is unevenly distributed being concentrated along the coast and the Madrid metropolitan area, where the growth rate remains constant (Pekelsma, 21 December, 2005).

Of course, it would be very difficult to prove a causal connection between the growth of towns and cities and increases in pet-keeping. The best we can do is to speculate on the basis of the limited evidence available. Authorities such as Thomas (1983), Ritvo (1987) Serpell (2013), and Franklin (1999) (writing in terms of 'from modernity to postmodernity'), among others, either imply or specify directly one or more features of urbanisation in promoting pet ownership. Serpell (2013) looks to the influence of urbanisation, in part owing to the detached properties found in urban areas, but also because suburban populations, he claims, have more interest in

*individual* animals, unlike rural populations who tend to see animals in groups (see also Samper, 1994, 113-120). Serpell also reminds us that urbanisation (and we might add globalisation) has led to the disruption of 'traditional' support systems, thereby opening up the way to new sets of relationships among humans but also between us and non-human animals. We know from studies by Ritvo (1990), Kete (1994), Kean (1998), and Grier (2006) that there is a strong link between urban centres and pet-keeping and concern for animals in general, certainly on the part of the middle class (but also sections of the working class). Urban areas, in which the political economy of pet-keeping is most developed, have long been the focus for animal protection societies. In accordance with the value of pet-keeping as a form of moral tuition, it was mainly in such centres that the nineteenth-century 'ethic of kindness' (along with the establishment of 'shelters') towards animals developed.

In what is perhaps a contentious claim, which does not by itself suggest that urban dwellers are more likely to keep pets, Serpell (2013, 2004: 145-152) argues that compared with urban and suburban populations, rural societies tend to be less interested in and affectionate towards individual animals; less concerned about animal welfare in terms of exploitation or cruelty; and display more concern for the animals' instrumental or material value.<sup>14</sup> Proving this claim to the satisfaction of sceptics is difficult, if not impossible. For a thorough study, it would be necessary to distinguish among the rural population between those whose income was derived from farming and those employed in other occupations, and those who resided in rural areas, but worked elsewhere. There are other distinctions to consider, such as pet-keeping within the farming community as opposed to pet owners who are employed as

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<sup>14</sup> Samper, writing in 1994, suggests that besides high levels of 'abandonment' in rural areas, there was also a lack of affection and care (119). On the significance in pet-keeping of social rather than economic (instrumental) provision, see Serpell (2005: 131). On the fluidity of the role of animals, see Grier (2006: 235-242).

slaughterhouse workers and animal transport drivers.<sup>15</sup> We might say that all pet owners have some sort of ‘affective’ relationship with their animals. Moreover, country people always claim a respect for conservation and ‘nature’ - though their understandings of these concepts may be very different from those of urban dwellers.<sup>16</sup>

The critical issue, however, is the nature of the bond between owner and pet (and, in some respects, beyond the direct bond to include other animals). By itself an ‘emotional attachment’ signifies little and is certainly not a compelling indicator of either humane treatment or the absence of an instrumental perspective. With reference to Spanish attitudes, however, as we have seen, with relatively few exceptions, the rural populations hardly demonstrated much respect or affection for the animals used in festivities (chapter 7); also, as we saw above with reference to the law (chapter 5), in regard to the introduction of the EU’s ‘five fundamental freedoms’, according to one legal commentator, the level of compliance in rural areas was ‘chaotic’ (Pérez Monguió, 2014). Until very recently, the reputation of Spain for animal welfare was relatively poor, and where rural Spain is concerned with its numerous rituals involving the exploitation of animals, it seems reasonable to say that its attitude was

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<sup>15</sup> One wonders about the relationship between slaughterhouse workers and their pets, and how it differs from that between, say, farm workers and their pets - slaughterhouse workers being positioned at the most violent and bloody end of food production, as opposed to farm workers and transport drivers whose violence is more subdued and less bloody. For this and the gendered nature of slaughtering and farming, see Cudworth (2011: 114-117, 126-128, 132-135; for the ‘oppression’ of agricultural animals, and the trail between farm and slaughterhouse, 135-138); also on the agricultural industry, Franklin (1999:126-144), and Scruton (2000: 139-145).

<sup>16</sup> Anthropologists are sympathetic to the rural viewpoint: see Theodossopoulos in Knight, ed (2005: 15-35); Hurn (2012: 176-188); Fukuda (1997: 2-6); Marvin (2000, 2002); Pardo and Prato (2005: 143-155); see also Franklin (1999:105-125). For discussion of Scruton’s argument, see Hursthouse (2000); for rural attitudes to animals in GB and North America, see Mason (2005), and Yates (2009). On the apparent growth of urban ‘sentimentality’ among Dutch livestock holders, see Swabe (2005: 108).

and remains what Mason refers to as ‘dominionism’ in accordance with a ‘dominant agrarian Western worldview’ (2005: 243; also Yates, 2009: 135).<sup>17</sup>

There is one other feature of urban pet-keeping that requires at least brief consideration, especially given the violent history of modern Spain, namely, the connection between pets, social order and the matter of a peaceful settled domesticity. Domesticity, referring to home and family, contrary to the often turbulent and unsettling personal, social, economic and political developments in ‘society’, can be better controlled and structured, and here pets, as they represented a ‘fixable’ and mouldable version of the exterior natural world, have often played an important role in the construction of a civilised and harmonious order - as they did historically in the UK, France, and the USA (For relevant histories, see Thomas, 1983; Kean, 1998; Ritvo, 1987; Kete, 1994; and Grier, 2006). In this context, the ‘civilised pet’ was born. The control of the lives of pets, including manipulating their habitat, physical appearance, sexuality, diet, bodily excretions and mobility, had the effect of (in many respects deliberately so) ‘denaturing’ the animals, converting them into ‘civilised’ beings representative of the human virtues and traits so often seen to be lacking outside the family and home. Another aspect of this domesticity in its broad sense concerns the individualism promoted by urbanism and how this has led to a greater dependence on intimacy within the household that has in turn both encouraged new forms of consumerism (e.g. weekend family shopping trips), and a context in which new kinds of human-animal relationship may develop. All the more need, then, for animals to be treated with a kind of respect, which subsumes ‘domination’, and avoids behaving cruelly towards them. In effect, sensibility towards animals has

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<sup>17</sup> Despite its poor reputation, animal welfare has become an important issue. With the exception of ADDA (1976), ten major animal welfare groups have been founded between 1989-2007 (see Appendix 2).

become an important part of a broader set of ideas concerning kindness to vulnerable beings, the social importance of civility, and the civilising effect of self control.<sup>18</sup>

## **2a The new pet-owning relationship**

### *i) The nature of urban pet-keeping in contemporary Spain, c. 1980s-present.*

Broadly speaking, the theme of this section follows the zoologist James Serpell in proposing that ‘social trends influence pet ownership (and *vice versa*)’, and that much of pet ownership has to do with ‘social support’, which he defines as ‘the feeling or belief that one is cared for and loved, esteemed, and a member of a network of mutual obligations’ (Serpell, 2013; Serpell, 2003: 88-91; also Podberscek, Paul and Serpell, 2000).<sup>19</sup> Pet-keeping, then, is ‘an interspecies relationship in which both participating species benefit by associating with the other’ (Serpell, 2013). There seems to be little doubt that in recent contemporary history, in numerous countries, including Spain, there have been significant qualitative and quantitative changes in the human-animal relationship: people now seek more time with animals, engage in more activities involving animals, spend more money on their health and well being, and that ‘the nature of these relationships has changed fundamentally’ (Franklin, 1999: 188; Samper, 1994: 120). This is not to deny the validity of Tuan’s thesis of ‘domination and affection’ (1984).<sup>20</sup> We do dominate our pets, not least, as he says, through the breeding industry (Cudworth, 2011: 150-151, 178; Serpell, 194: 91-94), and also through exploiting their limited capacity for agency (Cudworth, 2011: 178-179; Carter and Charles, 2011: 9-14, 236-240). Furthermore, as we shall see, there is also a

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<sup>18</sup> As we saw in the law chapter, the same consideration was evident in framing animal protection as a safeguard against ‘uncivilised’ behaviour in what had been, and in many sense remained, a violent society.

<sup>19</sup> For what I understand as a similar position regarding pets as kin, see Charles and Davies (2008: paragraphs 7.1-7.6); and Charles (2014: 715-730).

<sup>20</sup> For critique of Tuan’s theory of domination, see Smith (2003) who argues for mutual decision-making between humans and animals.

certain amount of ‘de-naturing’ in terms of fashionable clothes, beauty treatments, and so on. But, equally, ‘domination does not always mean that the kinds of relations are the same when different social formations of human-animal relationship are concerned’ (Cudworth, 2011: 53).<sup>21</sup> In this respect, Spain offers reasonable circumstantial evidence that there has been a shift away from ‘anthropocentric priorities of human progress’ towards relations of empathy and understanding (Franklin, 1999: 188-9; also Serpell, 1996).<sup>22</sup>

Of course, the ‘sharp divisions of nature and culture’ (Haraway, 2003: 30) remain in the daily practices, but pet-keeping questions them and perhaps encourages revisions. One of the critical features of pet-ownership which may well be of particular significance in Spain with its ‘traditional’ culturally indifferent, if not ‘cruel’, attitude to animals until the last few decades, is that, aside from any other reason, living domestically with pets ‘can gradually undermine hegemonic views of them as “other”, thereby creating new and more empathetic attitudes in the animal-human relationship (Fox, 2006: 534). Furthermore, as Nickie Charles has demonstrated, this ‘other’ is not always seen as alien, but may constitute the pet positively as ‘not human’, as ‘more family than family’ - reassuring in their loyalty since ‘“Animals just love you as you are” ’ (2014: 725; quotation, 715). I have argued for such a development generally (stemming in no small part from the educative work of the animal movement) in the chapters on opposition to bullfighting and the use of animals in popular festivities, and especially in the advance of the law to recognise

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<sup>21</sup> As Hurn suggests, there are many categories of ‘pet’, and diversity is the key to describing pet-keeping relationships (2010: 110).

<sup>22</sup> On the broader theme of the rise of anthrozoology from 1991 in confirming the change in attitude to animals during this period, see Podberscek, Paul and Serpell, eds. (2000: 1).

animals as sentient beings which, in so doing, reduces the magnitude of ‘other’ bringing the species closer together.

On the other hand, there are at least two criticisms to be made of the optimistic interpretation of pet-keeping. There is, as we have seen, Tuan’s thesis of ‘dominance and affection’ whereby the dominance aspect of the relationship stands guard against complacency; and then there is the more complex matter of an anthropomorphic subordination being at work, which identifies pets as honorary family members (a largely benign status) and/or as fashion statements (exhibiting more of a dominance status). Moreover, in coming to see pets as *not* ‘other’, owners may deny them their ‘animal’ status and, therefore, (unintentionally) subject them to malign anthropomorphism. But, this is surely a matter of degree since few relationships are ‘pure’, either among or between species; everything depends on context and circumstance. Mary Midgley puts it well: ‘The barrier to sharing is already a complete one with human beings, so it cannot be made any more complete by adding the species-barrier to it’. The barrier, she says, ‘does not fall between us and the dog. It falls between you and me’ (1983: 129-130; also Midgley, 1979: 344-351). Unsurprisingly, pet-keeping, as we know from our own personal experiences, cannot avoid tensions and contradictions.

***ii) Some definitions and understandings of pets and pet-keeping***

Keith Thomas defined pets in terms of three features not shared by other forms of animal-human relations: they are admitted into the household, becoming members as it were of the family; they are usually given individual names, sometimes generic to their species, often human names; and pets are never eaten, although they are edible

(1983: 112-115).<sup>23</sup> As regards modern pet-keeping, Thomas was in no doubt that it reflected our tendency to look to our own family unit for our ‘greatest emotional satisfactions [which] has grown rapidly with urbanization’. Here, he says, the contemporary pet is ‘Sterilised, isolated and usually deprived of contact with other animals’, adding, with reference to the 1980s, ‘the fact that so many people feel it necessary to maintain a dependent animal for the sake of emotional completeness tells us something about the atomistic world in which we live’ (Thomas, 1983: 119). Pets, he comments, like flowers, are ‘wholly subservient to man’s whims’ (1983: 240-241).

Adrian Franklin is more charitable towards humans in claiming that pets ‘are also animals that have been specifically adopted by humans, rather as they might adopt a child; however, the pet never grows up, never becomes independent and never leaves ‘home’ (Franklin, 1999: 87). The old view of pet-keeping saw it as a ‘pathological substitution’ of pets for ‘real’ social relationships: or at best ‘pet keeping was normally thought of as a harmless popular hobby or pastime holding no great social or cultural significance’ (1999: 84, 95). But Franklin suggests that there is more to the huge growth in pet-keeping than merely ‘social isolation or atomism or the need for emotional completeness’. He argues that it is the trends in the social demographics of ‘late modernity’ (since the 1960s and 1970s), relating to families, communities and neighbourhoods, together with economic, personal, and social structural risks associated with post-Fordism that have encouraged a perception of pets as embodying:

a somewhat nostalgic set of old-fashioned comforts. They make long-term bonds with their human companions; they rarely run off with others;

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<sup>23</sup> Benton describes the longer-term historical ‘domestication’ of animals as the ‘deliberate segregation of sub-populations of a wild species, associated with human regulation of their social life, food supply, territorial organization, and, most significantly, reproductive activity’ (1993: 60; also Serpell, 1996: 3-5).

they are always pleased to see “their” humans; their apparent love is unconditional ... and they give the strong impression that they need humans as much as humans need them (Franklin, 1999: 85).

In other words, trends in twentieth-century pet-keeping ‘may be explained by changes in the ontological security of the individual’, which he defines as ‘knowing, almost without having to think about it, that key areas of one’s life are stable, predictable and taken for granted’ (Franklin, 1999: 85).<sup>24</sup> Significantly, Franklin is keen to show that there is more to ‘the extension of greater care and humanity towards pets’ than fulfilling human needs. We also need to take account, he says, of ‘new attitudes to animals’ (evident in zoos and wild areas) on the part of what he calls ‘the new service class’ of advanced capitalism, which has a more ‘decentred and empathetic relation, replacing entertainment objectives with the morally charged rewards of good works, paternalism and care’.<sup>25</sup> Animals do satisfy human needs relating to ontological security, but it is also the case that ‘human carers have learned to appreciate their animal pets as animals’ (1999: 86).

A similar perspective is provided by Serpell who remarks that prior to his pioneering *In the Company of Animals* (1986), pet-keeping was subject to prejudice and misunderstanding, which essentially boiled down ‘to a vague notion that there is something strange, perverse or wasteful about displaying sentimental affection for animals’ (1996: xiv). One of Serpell’s main claims is that pet owners keep their animals ‘to augment their existing social relationships, and so enhance their own psychological and physical welfare’ (1996: 147), and in this respect it is genuinely ““adaptive” in the evolutionary sense of the word, since it contributes to individual

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<sup>24</sup> Although it could be argued that ‘pets by their very nature challenge some of the key boundaries by and in which we live’ (Fudge, 2008: 19).

<sup>25</sup> On new social class groups that have emerged post Fordism under global capitalism, see Standing (2011: 7-8).

health and survival by ameliorating the stresses and strains of everyday life' (1996: 147-148). Put another way, pet-keeping (having a companion animal) is 'a form of *mutualism*: i.e an interspecies relationship in which both participating species benefit by associating with the other' (Serpell and Paul, 2011; Serpell, 2013). At the same time, Serpell warns that anthropomorphism 'has molded the appearance, anatomy, and behavior' of pets so as to adapt them to their role as 'social support providers' and, therefore, the consequences of anthropomorphism are less benign 'when viewed from the perspective of individual animals' (2003: 83). Where the growing popularity of pet-keeping is concerned, he rejects the impact of social change as an overriding causal factor, particularly the impact of technological advances. Instead, he says that 'the recent growth of the pet-keeping habit in western society is not so much a product of increasing need, but rather the *inevitable* outcome of historical changes in attitude, not only to pets, but to animals in general' (Serpell, 1996: 149. Emphasis added), which 'has been inextricably linked with the decline of anthropocentrism, and the gradual development of a more egalitarian approach to animals and the natural world' (1996: 168).<sup>26</sup> The thrust of Serpell's view is that the growth in pet ownership 'contributes to the rise in public concern for animal welfare and rights' (2013: conclusions). As our account of trade fairs and exhibitions has shown, and as the animal movement insists, there is certainly a desire to educate pet owners, making them more responsible for their animals, but to call this 'concern' perhaps gives the wrong impression (although there is concern about rates of pet abandonment). It might be more accurate to speak of a more sensitive attitude toward, or a raised consciousness of, the responsibility.

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<sup>26</sup> For the historian, there is a problem with the word 'inevitable' - nothing is inevitable, since everything has a cause of some kind. That is one of the purposes of history: to find and explain causes.

Ted Benton, the eco-philosopher, portrays pet-keeping as one of nine ‘overlapping categories of human/animal relationships’, including augmenting human labour, meeting bodily or organic needs, as a source of entertainment, for ““edificatory”” uses, for profit, to maintain social order, for their symbolic value, and in relation to ““wildness”” (1993: 62-68). He reminds us that:

Humans and animals stand in social relationships to one another ... [This] implies that non-human animals are in part *constitutive* of human societies - any adequate specification of societies as structures of social relationships or interaction must include reference to non-human animals as occupants of social positions and as terms in social relationships (1993: 68).

With reference specifically to pets, he defines them as ‘members of a household, as partners in quasi-personal or familial relationships’, adding that in addition to being named and assigned personalities, with bodily and emotional needs, they are seen as being capable of ‘reciprocity in affective bonds and in communicative interaction’, with their well-being an object of ‘direct moral obligation’ on the part of the household, an obligation that may be acknowledged through legal protection by the wider society (1993: 64).

According to Yi-Fu Tuan’s influential *Dominance and Affection: The Making of Pets* (1984), a ‘highly sentimentalized’ view of pets developed in nineteenth-century Western Europe and North America owing to the human need to find ‘an outlet for their gestures of affection [as] it was becoming more difficult to find in modern society as it began to segment and isolate people into their private spheres’ (1984: 112; for a similar view, see Berger, 2009: 12. This resembles Thomas’s reference to atomism). Less controversially, the modern pet for Tuan is largely a product of an urban, industrialised world. Tuan emphasises, however, that besides pets serving to comfort humans in their dislocation, they are also subject to human dominance which,

if it is cruel and exploitative, with no hint of affection in it, produces the victim; but if it is combined with affection, produces the pet (1984: 1-2). Nevertheless, Tuan sees no escaping the ‘fact’ that keeping a pet, rather like our ‘transformation of nature’, is always an act of dominance (1984: 2. For similar interpretations, emphasising domination and ‘dominionism’, see Mason, 2005; Yates 2009; and Clutton-Brock, 1989).

One of the most prolific writers on pets is the historian and cultural theorist Erica Fudge, whose work emphasises our conflicting attitudes to animals in so far as:

We live with animals, we recognize them, we even name some of them, but at the same time we use them as if they were inanimate, as if they were objects ... Not only are animals both like and not like us, they are also friend and foe, individualized and dissected, loved and eaten ... (2002b: 8-9).

Where pets are concerned, Fudge argues that ‘our capacity for compassion and ability to live alongside others is evident in our relationships with our pets’, defined by her as ‘paradoxical creatures who give us a sense of comfort and security while simultaneously troubling the categories of human and animal’, while also allowing us to engage in ‘notions of possession and mastery, mutuality and cohabitation, love and dominance’ (2008: back cover; 1-12). What is particularly interesting and stimulating in her perspective is her use of ‘the imagination’ in thinking about pets, especially with reference, to i) anthropomorphising them, making them into ‘pseudo-humans’ which, she says, ‘allows for a conversation between the species ... that is at the heart of the human-pet bond’, and ii) to grasping the opportunity to think about other human and non-human lives, an engagement that arouses empathy, which ‘is central to compassion and care for others, both human and animal’ (2008: 2; this theme is also forcefully evoked in Serpell, 2013).

By way of comparison with these scholarly observations, and as a prelude to the following examination, it will be helpful to read some personal and public reflections on pet-keeping. In recent years Spanish national newspapers have taken to publishing occasional biographical accounts of high profile journalists' and authors' individual experiences of sharing life with pets; usually as dramatisations reflecting on the nature of the human-animal relationship not only in familial settings, but also in terms of friendship (Cudworth, 2011; Gabb, 2008; Irvine, 2004). These testimonials are enlightening for two reasons. First, they are suggestive of the tight-knit bonds currently being forged between this group of urban humans and their animals (and, no less significant, that there is an audience interested in reading these testimonials). Second, these personal accounts reveal some of the similarities and differences between animals and humans, identified by pet owners as a result of such intimate co-existence. Several of the stories look to the ideal problem-free types of pet ownership where the animal adapts seamlessly into the owners' lifestyle, such as 'Billy, the Beagle', who is easy to educate despite the breed's reputation of being stubborn, and the bulldog 'Margarita' who happily accompanies her owner on the Harley Davidson (*La Razón* 24 May, 2008a; *La Razón* 24 May, 2008b). Other accounts highlight the negative side of co-habitation, including having to accept the uncomfortable 'animality' of the pet, for example, its hunting instincts, which result in dead birds and mice proudly presented to their owners (Grandes, *El País* 14 September, 2008). In addition, several feature the complexities of living with a previously abused pet, as it further challenges the already complicated task of human-animal communication (Montero, *El País* 18 October, 2009).

Despite the difficulties, however, sharing life with an animal will, according to some testimonies, make 'your soul complete' and bring out the 'human' side in people,

teaching them how to be ‘human’. In short, animals will make you a ‘better person’ (Montero, *El País* 24 January, 2010; Cercas Palos de Ciego, *El País* 12 July, 2009; Sánchez Dragó, *El Mundo* 1 December, 2008). The experience of living in such close relationships with animals prompts several of the contributors to confess to the strong emotional bonds they say they are forging with their pets. Bonds so strong that ‘traditional’ boundaries between animals and humans are transcended, as the pet takes up the role of a ‘person’ within the home, becoming a member of the family. Thus the grief caused by the death of the pet is equal to that of a child, a mother or a friend (Sánchez Dragó, *El Mundo* 1 December, 2008). To emphasise the similarities of animals with humans and, indeed, the more virtuous qualities of animals compared to humans, the contributors describe human-like behavioural patterns of their animals (Rigalt, *El Mundo* 14 January, 2010), notably their loyal, self sacrificing and devoted qualities, which serve as a lesson to humans in compassion (Torres, *El País* 12 September, 2010). These anecdotal testimonies offer a revealing picture of some of the contradictions involved in pet-keeping in which primacy of the human is unquestioned; however the animal achieves a kind of personhood in relation to the owner, while also reminding her or him of what it means to be human.

## **2 b. The new relationship in practice**

### ***i) Feeding the pet and keeping it healthy***

As early as 1999, it had been predicted that future consumer trends in pet nutrition would be towards the development of specialised products such as treats, ‘meals for one’ and ‘healthy foods’ (Boixeda de Miquel, 2000). At the time, pet food was largely of the dried pellet variety with little or no specialised ranges. By 2004, however, there had been a significant market shift. While the sale of dog and cat food

continued to show a healthy increase of approximately 3 per cent and 6 per cent respectively, the rate of growth in the sales of snacks, treats and individual portion food was in double digits (AEDPAC, n.d.b. Bear in mind that this trend was emulating developments in the food industry as a whole). This no doubt explains why the pet food industry has been quick to expand into new types and varieties of food products to secure and increase sales. As one of the leading figures in the industry remarked, the key to their success was knowledge of the market and of the consumer, which allowed the company to meet current needs and anticipate future trends of pet food consumption. In regards to future consumer tendencies, the company indicated that pet food developments would mirror those of human nutrition, i.e. concerns with health, tastiness and convenience, which would result in a growing consumer focus on the quality of the ingredients used, the textures of the products, and functional benefits of the increasingly specialised and sophisticated canine and feline foods produced (*Alimarket*, 1 February 2009b). Of course, demand and supply in the pet food industry is much like any other in that advertising, trade fairs, and exhibitions are constantly evoking consumer demands and attempting to gauge the direction of the market as a whole.

A study by retail market analysts, *Alimarket*, taking stock of pet food manufacturers' strategies in 2008, revealed that such predictions were well founded. The study concluded that the investments made by producers showed an inclination towards ever more refined, specialised and complex products that responded to the particular needs of the individual animal. *Affinity Pet Care*, one of the leading manufacturers, had launched a new range of foods aimed at the various life stages of dogs and cats as well as particular breeds. New products appearing for the first time in 2007 included 'Special Mini' for small breeds of dogs, 'Sterilized' for neutered or spayed cats and

‘Special Bredds’ for purebred cats. ‘Mars’, a market competitor, released its own specialist range called ‘Perfect Fit’, designed to resonate with the particular personality and age of individual dogs and cats: ‘Active’, ‘In-Home’, ‘Junior’ and ‘Diva’ (*Alimarket*, 2008). Global brands *Nestlé* and the Spanish *Iberamigo* (each with an estimated 8 per cent market share) followed the trend of expanding the range of specialist products available: their 2007 portfolios of new product launches included ‘Arion Premium Breeder Ranger’ aimed at professional dog breeders; ‘Arion Senior Light’ for the older dog; ‘Eukanuba’, a range of special breed dog food; dry dog food ‘Taste of Wild’ and ‘Bright Bites’ canine dental biscuits (*Alimarket*, 2008). Other supposedly nutritious pet foods included an ice cream with traditional vanilla flavour, as well as the more exotic taste of ham, which was low in fat and sugar and lactose free (*20 Minutos* 19 October, 2008). More recently, *Greenheart Pienso Natural*, a new producer, has introduced an organic and gluten-free range of foods and a special diet food for dogs with cancer (IFEMA, 2014).

*Alimarket* interprets the dynamic situation in pet foods as a sign of a growing preoccupation of owners for their pets, which it says was evident in the expansion of specialized pet shops; for example, ten new Spanish stores were opened in 2008 by the Dutch franchise chain, *Pet’s Place*. This does not necessarily imply greater concern for the animal’s welfare. It may well simply reflect commercial specialisation and, where the owners are concerned, an anthropomorphic approach (albeit benign) to the welfare of their pet. On the other hand, as I indicated above (‘definitions and understandings’), it is also possible to see these developments in line with emerging new attitudes to animals emphasising empathy and care (Franklin, 1999: 6; Serpell, 1996: 149; Fudge, 2002: 76).

However, regardless of the meaning we choose to read into the growth of the pet food market, a significant development in recent years has been the entry of supermarkets into the manufacture and sale of pet foods - a sure sign that the sector is growing.

Interestingly, ANFAAC figures show that the 2008 year on year fall in the volume of pet food sales happened in specialised shops such as veterinary clinics and pet stores (which are usually more expensive), whereas sales rose modestly in supermarkets and superstores (ANFAAC, n.d.,b). It seems, then, that the supermarket-superstore outlet for selling pet food increased its market share over the specialised business; perhaps their intervention also led to an expansion of the market and of their share. Certainly many products, particularly in the nutrition range, have become so popular and widespread that 'Superstore' food retailers, wanting access to these consumers, have launched their own cheaper version of the bestsellers (known as 'private labelling') - a trend that further distinguishes them from specialist pet shops. Given the financial hardship resulting from the economic crisis since 2008, many consumers opt for the more economical supermarket version of their preferred pet alimentary product, although the convenience of making all purchases in one place might also be a factor (Garrido, *El Mundo* 2 October, 2009).

According to *Euromonitor International*, however, price is the main determinant of consumer behaviour in the current economic climate, which has boosted 'demand for economy products as well as private label ones' (Euromonitor International, 2013b; Euromonitor International, 2013c). While the pet care retail sector in general continues to grow, even in financially difficult times, the industry itself recognises that consumers now have to be won over to a particular product given the increased competition from supermarket generic brands. With the volume of brand pet foods dropping in specialised shops and stagnating in shopping centres, the industry

recognised that it was necessary to offer a wide range of good quality and specialist foods if it was to compete with supermarket brands (Garrido, *El Mundo* 2 October, 2009). The conclusion of *Euromonitor International* is that although the consumer has moved towards cheaper products, 'a key trend' is 'pet humanisation: "not without my pet"'. Pet care in Spain, it says, 'is still an attractive market which draws new players and shows certain dynamism'. Pet owners are strongly committed to taking care of their animals and feed them with quality products; especially this year with the 'cocooning trend',<sup>27</sup> which encourages more time to be spent at home with them (Euromonitor International, 2013a).

Where pet health is concerned, during the last ten years there has been a steady increase in the number of registered vets and veterinary clinics. Vets: in 2000 - 21,734; in 2005 - 25,827; and in 2009 - 28,403 (INE, 2000a; INE, 2005a; INE, 2009a). A similar growth pattern can be seen in the number of businesses whose 'primary activity is veterinary': clinics: 2000 - 6,002; 2005 - 7,128; 2009 - 7,966. More than 50 per cent of the clinics are to be found in just five out of seventeen autonomous regions: Andalusia, Catalonia, Galicia, the Community of Madrid and the Community of Valencia. Unsurprisingly, an analysis of the regional figures reveals that it is the larger urban areas, cities that have experienced the greatest increase in the number of veterinarians (INE, 2000b; INE, 2005b; INE, 2009b).

Figures released by *Veterindustria* of its members' annual turnover show that the sale of health products, nutritional and medicinal products for pets grew in the period between 2001 and 2009. In 2002 the total turnover for this segment of sales was 68,3 million Euros (*Veterindustria*, 8 May 2002), which rose to 146 million Euros in 2009

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<sup>27</sup> 'Cocooning', as it refers to consumers spending more time at home, is commercially significant because it promotes 'product usage in the home environment' (Datamonitor, *Cocooning: Consumer and Innovation Trends*, March, 2013).

(*Veterindustria*, 6 April 2010). Cats and dogs had become so popular that they alone accounted for nearly 20 per cent of total sales in 2009, and warranted a separate category in the association's statistical survey (*Veterindustria*, 28 March 2006, 6 April 2010). This confirms the view that the profitability of pet health and welfare increased in importance during the noughties.

***ii) The accessories and services market***

One of the strongest themes in contemporary pet ownership is the place of the animal as a family member. A 2010 survey carried out in eight countries showed that 75 per cent of Spanish cat owners consider their feline companion to be 'one of the family', 32 per cent will buy their cats Christmas presents and/or birthday presents (in UK, 51 per cent, USA, 48 per cent, Germany, 34 per cent, France, 30 per cent, Italy, 28 per cent, Belgium, 17 per cent, Holland, 13 per cent) and 90 per cent believed the health of their cat to be as important as their own (*Bayer Hispania*, 7 January 2010; see also Charles, 2014: 715-716). In order to assess the meanings of pets as family members that can be inferred from the growth and diversification of the pet industry, it is necessary to familiarise ourselves with the different segments of the accessories market which, in common with pet foods, has experienced sustained expansion of products and increasing sales during the past seven years or so.

It seems that while dog and cat food constitutes the core segment of the pet care market,<sup>28</sup> the growth rate of pet food has not been able to match that of accessories with an increasing percentage of the total sales. Between 2003 and 2004, for example, pet accessories sales, particularly feline and canine hygiene and care products, increased by 9.4 per cent (AEDPAC, n.d.,b), while in 2006 sales totalled 166 million

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<sup>28</sup> In 2004, it accounted for 75 per cent of total sales (AEDPAC, n.d.,b).

euro and increased 7.5 per cent year on year (*El País* 1 March, 2009). AEDPAC's secretary general, speaking in 2009, confirmed that growth figures had been constant in recent years producing a 50 per cent rise in the volume of accessories sales between 2004 and 2008, with the most popular items including collars, leads, beds and toys. One particular section of the accessories sector, he said, which has impressed industry players and observers in terms of potential expansion, was the pet textiles, clothes and fashion market, which was virtually nonexistent until recently (*Alimarket*, 2009a). The sale of these accessories, which include fashion designer labels, has increased by 174 per cent between 1998 and 2007 (Fira de Barcelona, 2009a). The expansion of established Spanish fashion houses into the design of canine and feline attire complements and confirms this trend. Adolfo Domínguez, Konrad Muhr, Agatha Ruíz de la Prada and Antonio Miró are some of the designers whose creative range now includes pets. Furthermore, there are a number of newly established Spanish designers specialising in canine and feline fashion: MascotRaceClub (2002); Ginger & Marilyn (2008); DogModel; Barcelona Dogs; and Yorky's (Fira de Barcelona, 2009b).<sup>29</sup>

Propet, Fimascota and other trade fairs showcase the ever expanding range of products available to the consumer, as well as the continuous efforts of manufacturers to introduce new products to stimulate consumption. The interesting thing about the new products is the insight they can provide into the preferences, problems, fears and perceptions of pet owners regarding their animals: beds for cats and dogs that match

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<sup>29</sup> It is worth noting that MascotaRaceClub, DogModel and Barcelona Dogs are also actively involved in animal protection work especially regarding abandoned animals in refuges and shelters, and promote a social agenda at fairs towards responsible pet ownership, while raising awareness of the number of abandoned pets up for adoption by using them in catwalks to model their designs. This suggests that these designers recognise and wish to associate themselves with the broader appeal of 'animal welfare'.

the particular interior decoration of the style conscious pet owner's house; pet perfumes with coco, vanilla, strawberry or apple scent to neutralise any natural animal odours; 'Slow Down' eating bowls to give the pet its food in doses to avoid digestive problems; 'on-line' feeding and temperature control systems; and anti-stress collars for dogs and cats to wear in stressful situations (PV Argos, 26 February 2010). There has also been a recent emphasis on natural and vegan ingredients in cosmetic products for cats and dogs, as well as providing natural remedies for pet anxiety. Moreover, within the last decade or so, many new services have either emerged or rapidly developed: in 2007, for example, beauty and hair salons for pets were available in 65 per cent of all specialised pet shops, twice the number that offered this facility in 1998 (Fira de Barcelona, 2009a); in addition there are now professional dog walkers and 'pet-sitters' (Romeo, *El País* 30 August, 2010), as well as holiday boarding catteries and kennels.

The holiday market, in particular, has seen a rise in the number of hotels, self catering lets, and caravan parks that welcome guests with their pets. In 2001, *Fundación Affinity* published the first edition of what has become a yearly guide for pet owners to travel and accommodation information. According to the 2010 edition, pets were welcome in 21 per cent of hotels, an increase of 40 per cent since 2001. Similarly, 81 per cent of caravan parks in Spain now welcome pets, and the number of pet friendly self-catering rural retreats increased by 25 per cent between 2009 and 2010 (Fundación Affinity, 2010a).

Until recently, however, getting to the holiday destination with a pet could prove an obstacle as most types of public transport excluded animals, guide dogs excepted; or else there was a limit to the size, type, mobility and number of pets that each

passenger could bring in return for the purchase of a special pet ticket.<sup>30</sup> Nevertheless, within the last three to four years various regional train, metro, coach and bus services have started to relax their restrictions on pets allowing them, in some instances, to travel with their owners free of charge and unrestrained. Cases in point are plans in Barcelona to permit pets to travel on the metro and city bus network; local trains already allow pets (*ADN.es* 12 March, 2010). Since 2010 the Basque rail company, *Euskotren*, has allowed pets to accompany their owners on tramways and local rail services provided the size, smell, noise or shape of the animal does not constitute a danger or inconvenience to other passengers (*Euskotren*, 2011); and while in 2007 it was impossible for pet owners in Madrid to travel with their pet on local transport such as the metro and the urban bus network with animals weighing more than eight kilos, guide dogs excepted (*Escárraga and Castrillo, 20 Minutos* 14 May, 2007), by 2010 the Madrid metro operator, *Metro*, was considering allowing access to pets of all sizes to their services in the capital (*Gozalo, 20 Minutos* 4 February, 2010). And in Vizcaya and Bilbao pets below eight kilos have been permitted to travel on the metro services from the first of January 2011 (*Irekia*, 16 November, 2010; Barbó and García, *El Correo* 7 January, 2011). It is clear from these examples that a growing number of Spaniards wish to travel with their pets and take them on holiday. Although it is not conclusive evidence, this seems to suggest that these owners see their animals as ‘family’ members, perhaps advancing the process known as ‘pet humanisation’.

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<sup>30</sup> *Renfe*, the national train service, now allow pets to travel free of charge and unrestrained on short distance journeys, however, on long distance travel conditions apply (*Renfe*, n.d.).

*iii) The death of a pet*

How we treat the death of our loved ones is a deeply personal matter. We are familiar with the stock image of the supposedly besotted not to say irrationally sentimental pet owner lavishing time, money and emotion on a dead animal; such persons have been the source of much ridicule by those of ostensibly finer sensibilities. One has only to think of Sartre's speciesist (and ageist) comment that 'when you love children and dogs *too much*, you love them instead of adults' (Quoted in Franklin, 1999: 84).

Cemeteries and funeral services for pets are predominantly an urban and a relatively new demand in Spain (Elizari, *Diario de Navarra* 2 July, 2008). While pet owners in rural environments and/or with private gardens mostly choose to bury their animals at home or on private land, urban dwellers often do not have this option. In addition, some local authorities do not allow the burial of pets on private gardens and land, but require the dead animal to be disposed of by means of cremation either via municipal services or private enterprises that specialise in such matters. The most significant practical problem for urban pet owners when having to decide what to do with their deceased pet is the lack of accessibility to a suitable plot that will accommodate a grave. Pet owners often have no recourse but to leave the animal in a rubbish bin (Laguna, *20 Minutos* 17 July, 2007). A growing number of Spaniards seek other alternatives.

The first pet cemetery was opened in Spain in 1972, and there are currently four sites that offer equivalent services to human cemeteries (i.e. the body of the animal is buried and a personalised headstone placed on the grave). *The loved ones* cemetery began in Barcelona in 1972 (The Loved Ones, 2014); *The last park* (El Último Parque) opened in 1983 in Madrid (El Último Parque, 2006), while *Sena* in Valencia (S.E.N.A, 2004) and *The last home* (L'última llar) in Tarragona near Barcelona

(L'Última Llar, n.d.) were both established in 1997. Some animal centres which offer a plethora of products and services related to the pet world such as canine and feline boarding facilities, the breeding and selling of pets, and dog training courses, will also in many cases have a pet cemetery (but not incinerators): *Sa Roca* animal centre near Zaragoza (Centro Sa Roca, n.d.), *Green House 2000* in Lleida, Catalonia (Green House 2000, n.d.) and *Servicio Mascota* near Tarragona in Catalonia (Servicio Mascota Domingo López, n.d.) to mention but a few. However, it seems that incineration of the deceased pet is becoming an increasingly popular service with an expanding number and variety of choices on offer, and most pet crematoriums now offer the possibility of burying the urns or scattering the ashes in their grounds in purpose built cemeteries. Alongside cremation services managed by veterinary clinics and municipal authorities, there is a growing proliferation of animal shelters and refuges with their own incinerators, as well as commercial companies specialising in cremation and funeral services to suit the individual pet owner. One of the first pet crematoriums in Spain opened in 2002 and has since been followed by forty-five others throughout the country (Elizari, *Diario de Navarra* 2 July, 2008). The funeral services offered include products such as vigil chambers for owners and friends, personalised urns with photos or inscriptions, the possibility of adding a tree seed mix to the ashes to plant in a private garden, all to help the owner to overcome the loss of a pet. In addition, pet funeral companies have begun to provide a virtual cemetery or remembrance page on their internet portal where bereaved owners can post messages, photos and eulogies to their deceased pets (del Teso, *Diario Vasco* 12 October, 2007; Sieteiglesias, *La Razón* 24 May, 2008).<sup>31</sup>

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<sup>31</sup> The 'self help' book *Adiós, Toby* (2008, now in its second edition) by Gary Kowalski is recommended reading for newly bereaved pet owners.

Whichever way we choose to look at the emergence of funeral services for pets, whether as an opportunity taken by entrepreneurs to create and exploit a new market or as another way of humanising animals, the popularity of this business suggests that many pet owners feel a need to say a ‘dignified’ good bye to what is perceived as a life companion and family member. The funeral service industry itself is clear about the reason why its product has become so popular affirming that through this ritual people have found an outlet for their emotions of grief at the loss of a pet (Sieteiglesias 24 May, 2008; Varona, 10 June, 2010; *20 Minutos* 3 April, 2008). Some funeral companies saw their business triple from 2000 to 2005 (Conde and Riera, *20 Minutos* 21 February, 2005), and many undertakers have boosted their dwindling business by branching out into providing pet cremations. By 2010, thirty-five cremation ovens for pets had been installed to meet demand all over the country in premises hitherto dedicated to human funerals (*20 Minutos* 1 October, 2010). Apart from the therapeutic effects of the funeral ritual itself, a grave stone or an urn containing the remains of a pet provides the owner with a physical object by which the deceased can be remembered. Companies offer a price menu with the cheaper options within the budget of most families, although cemetery burials and gravestones are much more expensive (Olmo and Del Rey, *ABC* 4 February, 2010).

***iv) Pets as family members and abandoned creatures***

There is no doubt that Spanish pets, in common with those of other countries, are increasingly regarded as family members: they are given human names; they share the home, usually living indoors; they participate in the family’s relationships; and they often share in its recreational activities, even to the extent of being taken on

holiday.<sup>32</sup> Similarly, family health concerns are extended to the animal whose health and well being is taken seriously resulting in a growing market for refined and specialised foods and accessories as well as an increase in the number of veterinary clinics and medicinal procedures and products. As with humans, pet death often requires a ritualised farewell, which explains the growing popularity of specialised funeral services and cemeteries.

This ‘member of the family’ attitude almost certainly tends toward ‘humanising’ animals, although the range of consequences is unclear. Unsurprisingly, studies of GB and USA owners’ relationships with their companion animals suggest a tension between viewing them as ‘animals’ and attributing ‘personhood’ to them, which involves crediting the pet with subjective thought, an individual personality, emotional feelings, sharing reciprocal social relations, and looking on them not only as family members, but also often as close friends (Fox, 2006: 527; Charles and Davies, 2008; Charles, 2014; Grier, 2006). A recent Spanish survey - the first of its kind - into the bond between pets and their owners found that 63 per cent of owners ‘say that they tell their dog things that they do not share with anyone else’; 90 per cent of those questioned emphasised that their dog was always there when they needed comfort and affection, or to make them feel safe and motivated; 85 per cent of owners hug and 76 per cent kiss their animal; and 80 per cent say that their dog gives them a reason to get up every morning; 84 per cent play with their dog every day; 90 per cent watch television with their pet; and 80 per cent of children aged 9-12 years old prefer to play with their dog or cat than play video games, and seek out the family pet as much as their parents to alleviate feelings of fear, sadness and when they have

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<sup>32</sup> Re. the family identity, in 2010, in awarding joint custody over a family dog in a divorce case, the judge made clear that the law considered pets to be important figures in the family and should be treated accordingly (Pérez Monguió, 2014; *Lne.es*. 16 October, 2010; Fernandez de Vega, *Hoy.es* 14 October, 2010).

a problem (Fundación Affinity, 2013). Of course, such anthropomorphism can easily lead to the denial of the animal's 'other' status, thereby suppressing its true nature. And, no matter how much animals may possess degrees of agency in certain circumstances, it is hard to avoid the fact that humans usually control 'both the *form* and *behavior* of their nonhuman property' (Yates, 2009: 164; Cudworth, 2011: 76-79; Carter and Charles, 2011).<sup>33</sup> Nonetheless, where the well-being of the family pet is 'acknowledged to be an object of direct moral obligation on the part of human members of the household' (Benton, 1993: 64), its 'natural' nature may well be respected. In other words, if such moral obligation is taken seriously, then the family pet relationship implicitly conditions human ethical behaviour towards the animal.

And yet, for all the talk of the pet as a family member and the self-reporting of human demonstrations of affection and concern for pets, abandonment remains a major concern in Spain, as in other countries.<sup>34</sup> According to the campaign director of ANDA, the level of abandonment of pets is four times as high as that of the EU and eight times as high as Holland (Horrillo, *Hoy.es* 6 June, 2006). During the period 1998-2008, abandonment of cats rose from 16,390 to 38,631 annually; and of dogs from 94,063 to 118,227; although, between 2008 and 2010, the rate fell to 35,983 and 109,074 respectively (Fundación Affinity, 2010b: 14 and 19).<sup>35</sup> One of the main reasons explaining the high level of abandonment, apart from the lack of knowledge as to what pet-keeping involves, appears to be in the realm of 'cultural attitudes'. On the one hand, there is a reluctance to sterilise domestic animals – it is viewed as 'a barbaric procedure' - which results in an excessive number of dog and cat litters

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<sup>33</sup> I take agency to be 'socially structured - options for actors are shaped by social relations' (Cudworth, 2011: 77; Carter and Charles, 2011, and 2013: 321-340).

<sup>34</sup> This was traditionally far more widespread in rural areas (Samper, 1994: 119), and this may still be the case.

<sup>35</sup> Of course, given that the number of pets has increased, the proportion abandoned may well have remained the same.

(Lafora, 2004: 35). It may also be bound up with complex 'Latin' cultural attitudes towards sexuality and procreation. The President of ANPBA has argued that one reason for not sterilising pets can be found in the entrenched notions of machismo, which considers it contrary to the presumed 'moral del animal' (moral integrity of the animal), a view that projects onto animals an anthropocentric perception of the 'eunuco' (eunuch), referring to the 'fobias' (phobias) of those who are horrified at the thought of their male dog not having testicles (Chillerón Hellín, 2005: 56-57). ANDA have an ongoing 'sterilisation campaign to combat abandonment' in which it tries to answer the 'myths' surrounding neutering, especially that it's not 'natural'. ANDA's answer is that since both dogs and cats are domesticated, the 'natural' control of their populations has already been eliminated (ANDA, n.d.,b). There are also numerous UK websites run by English-Spanish local charities focusing on the link between abandonment and reluctance to sterilise. Whether this reluctance stems from a respect for the animal or, for example, a wish to avoid the expense is unclear.

On the other hand, as both the Presidents of CACMA and ADDA respectively claim, with reference to the 'throw away' mentality prevalent in consumerist Spain, selling pets in shops objectifies them, turning them into easily disposable consumer goods (Moreno Abolafio, 2009; Méndez, 2011). Interestingly, in an account of how the recession is reshaping Spanish consumerism, it has been noted that the country's obsession with having 'new' goods has been tempered. In the past, says the director of a spare parts company, people changed their TVs and fridges as often as they changed their clothes: ' "We're Latin, don't forget. We always wanted the latest car or television ... that's the Latin character" ' (Kane, *Reuters* 19 September, 2012). However, a contrary trend to abandonment seems to be that the public is now more willing than in the past to adopt (purchase) a pet from a shelter, rather than buy from

a pet shop: figures suggest that between 2008 and 2012, despite the recession, there was an increase in the number of dogs and cats being adopted from rescue centres (Fundación Affinity, 2013).

### **Conclusion**

This chapter has been central to my claim that not only has the place of certain groups of non-human animals changed during the post-Franco period, but that many of the most profound social changes involving animals have been around pet-keeping, and that these changes have made Spain less ‘different’ from the rest of ‘advanced’ Europe than it was in the past. The chapter has been structured in two main parts, each with two sub-sections - a structure necessitated by the complex, and often overlapping trends, issues, and influences that had to be examined if a proper understanding of the rise and nature of modern Spanish pet-keeping were to be achieved.

The chapter has charted the growth of pet-keeping during the post-Franco period, particularly with reference to urbanisation, modernisation, and consumerism. I showed that this growth was facilitated through consumerism produced by the ‘economic miracles’, and that it led to, and was encouraged by, the relatively rapid and profitable expansion of the ‘pet services’ industry. I argued that this expansion points to a developing human-animal relationship along more intimate and emotional lines, even though, according to some industry observers, Spanish pet-keeping is not as popular as in some other European countries. The chapter also stressed that where pets are concerned, unlike those animals used in festivities and in bullfighting, broadly speaking, Spain is now both ‘modern’ and ‘European’.

In order to show both the nature and the growth of human emotional attachment to pets, I examined the political economy of pet-keeping through a description of the commercial organisation of the industry. I then spent some time showing the importance of urbanisation, both as a fundamental modernising process and in terms of the attitudes and behaviours of urban dwellers. I argued that the specific schema of the political economy of pet-keeping could best be understood within the context of the urbanising environment. Thus among the many economic, ecological, cultural, and psychological factors promoting pet-keeping in Spain, one of the most crucial was urbanisation.

In the second part of the chapter, which drew on the preceding political economy analysis as the basis for its examination, in order to situate my argument I began with some brief general comments on the nature of urban Spanish pet-keeping before summarising several standard sociological texts. I then provided a detailed examination of three areas of the pet services and products industry where this developing relationship was on view: food and health; accessories and services; death and cemeteries, and I concluded by discussing these services in relation to pets as family members. I gave such a sustained account of these services because I wanted to illustrate their importance as evidence of the affective bonds pet owners have with their animals, albeit such bonding may also encourage degrees of anthropomorphism.

The principal argument of this chapter is that contrary to Franklin, the developing human relationship with companion animals in Spain has more to do with the self making a new relationship with the social through extending forms of kinship to pets than with an existentially defined sense of ontological insecurity. This is not to say that I completely dismiss the significance of the 'insecure' in contemporary society,

but *vis-à-vis* pets it has to be seen as only one aspect of social change involving human-animal relations. But, as I mentioned with reference to urban domesticity, it is worth emphasising that urban individualism has led to a greater emphasis on domestic intimacy and its consequences for 'late modern' forms of consumerism and how this creates a setting in which new forms of human-animal relations may emerge. Nor, however, do I deny both the risk and in some cases the reality of malign anthropomorphism. Drawing on historical data throughout this thesis, however, I have suggested that with regard to human-animal relations, Spain has witnessed the emergence of other and more positive relationships (and these are not entirely unconnected with social change in the realm of social politics and civil liberties). Moreover, the chapter has shown that many of these positive attitudes and behaviours have been influenced, produced even, by the opportunities afforded by the interconnections between urbanisation, consumerism, and the educative influences of the animal movement, not least as they have taken hold throughout the pet industry seeking to accommodate itself to new human-animal relations.

## CONCLUSION

The study has assessed the changing place of animals in post-Franco Spain, with particular reference to bullfighting, the use of animals in popular festivities, and pet-keeping. My aim has been to examine a hitherto ignored aspect of recent Spanish history and culture, namely the degree and nature of social change in relation to attitudes and behaviour towards these animals, and to account for what, why and how change has occurred, as well as to give due attention to the forces of resistance. In the context of the tensions and contradictions that characterise so much of modern Spain, the thesis has been particularly concerned to discuss human-animal relations with regard to notions of identity, culture, morality, regionalism, modernisation, urbanisation, and Europeanism.

I begin this conclusion by summarising the main argument of my thesis and the conclusions of each chapter. I then restate my research questions discussing the evidence with which I have answered them. I continue by discussing the originality of my research and my contribution to the field of human-animal relations. I end with some brief remarks regarding directions for future research.

### **A summary of my main argument**

One of the guiding themes of my core argument is that in so far as ‘Humans and animals stand in social relationships to one another’, this ‘implies that non-human animals are in part *constitutive* of human societies’ (Benton, 1993: 68. Emphasis original). I have also been conscious that not only do changing human-animal relations teach us about human societies, but they also ‘reflect changing realities as to the place of the human species among all animal species’ (Bulliet, 2005: 204). In

order to fully comprehend the modernisation of contemporary Spain, it is necessary to have some understanding of its developing relationship to animals, and *vice versa*. However partial, contested and ambivalent change (and continuity) may be, it reflects the priorities and values of the 'New Spain' and of the 'New Spaniards'. My argument also develops Franklin's view that for any one society 'animals' is neither 'an indivisible category', nor a morally neutral one, but is always derived from the habit humans have of 'imposing social logics, complexities and conflicts on the natural world, and particularly onto animals other than ourselves' (1999:2). Furthermore, I have argued that in Spain 'the possibilities for differentiations in meanings and practice in human-animal relations' have been multiplied by those emanating from regional politics, the revolution in post 1960s ethics, the varied responses to modernisation, urbanisation and Europeanisation, and to underlying tensions between the 'Old' Francoist psyche and that of the 'New' social-democratic Spain.

In accounting for the changed place of animals, I have identified several overlapping and interwoven developments and processes, aspects of ongoing modernisation and urbanisation in the case of Spain: i) the transition from authoritarianism to democracy and the onset of growing civil and social liberties; ii) the 'Europeanism' fostered by Spain joining the EU in 1986; iii) the emergence from the 1970s of an animal movement (one of several NSMs), expounding the principles of 'practical ethics' as a moral guide to daily living; and iv) the role of the Law as a newly established social-democratic institution, in facilitating a number of pioneering regional and national animal protection measures.

### **Chapter conclusions**

Since this thesis is focused on the post-Franco period, I began with a contextual chapter covering the period of Franco's regime (1939-1975) to c. 2010. Here I argued that modern Spain is very much the product of not only modernisation as a series of processes, as might be expected, but also of a historically shaped desire to be part of Europe - to be, as the modernisers expressed it, 'normal' rather than as Franco had claimed 'different'. Chronologically speaking, the first seminal development was the peaceful '*transición*' to democracy (1975-1982), which coincided with the European and North American 'cultural revolution' in personal beliefs and lifestyles, the emergence of a number of emancipatory movements, the growth and intensification of consumerist culture, the beginnings of environmentalism and, within the sphere of 'practical ethics', the 'animal liberation movement'. Unlike other European states, Spain advanced on two fronts: the transition to democracy and the social liberationist - civil, sexual, personal. The second critical development was Spain's entry into the EU in 1986, which was enthusiastically welcomed. I suggested that an editorial in *El País* summed up the popular mood: 'We shall finally end our interior isolation and participate fully in the construction of the modern world'. I have argued that this idea of Spain as 'modern' and taking its rightful place internationally has been an important theme in Spanish politics, and in much of the thinking within the animal movement as it tried to promote its idea of a 'civilised' Spain. The third critical development has been the threat posed to the unity of Spain by the renewed vigour of the Catalan independence movement which, to a large extent has been accompanied by the Catalan Parliament's promotion of animal protection legislation as a facet of its claim to be an 'advanced' and sophisticated liberal 'nation'.

The essence of my findings was that in respect of human-animal relations, the Europeanisation/modernisation discourse that engages Spain provoked new thinking about these relations and, therefore, also about the place of animals in Spanish society. This has occurred because in order to imagine effective social rights for vulnerable minorities, and to establish the 'New' ('normal') Spain, it was necessary to think through a variety of hitherto accepted power relationships, including those between 'Man' and 'Nature'. The idea of opposition to 'animal cruelty', with its long ancestry in European notions of 'progress' and 'humanitarianism', resonated with the developing Spanish-Euro consciousness that emphasised modernity, progress and civilised values. I showed that the animal movement had played an important role in creating this consciousness through its introduction of the concept of practical ethics.

My chapter on practical ethics argued that in significant respects the animal movement served as a catalyst for changes in human-animal relations. I showed that practical ethics (combining theory and practice) had been a crucial feature of the movement's educative anti-bullfighting campaigns, and also in those to legislate for the protection of animals used in popular festivities and for pets. In providing an extended discussion of its introduction into Spanish culture, I illustrated a number of ways in which it directly influenced the animal movement. The chapter emphasised the importance of practical ethics as a means of informing *individuals* in how to deal with important and usually controversial moral matters. But more than this, I also emphasised that in giving the animal movement both a new set of concepts and a moral language through which to express them, practical ethics helped it to contribute to the creation of a climate of opinion whereby the morality of human-animal relations could be discussed through reason *and* emotion. I argued that this gave the movement a potency that resonated with the desire of Spaniards to be modern,

educated, and rational. No amount of philosophically informed debate, however, would have been influential in the absence of a democratic legal framework, which itself was such a fundamental feature of the *transición*.

In evaluating the role of the law in affecting the changing place of animals, I argued that it was imperative to recognise the peculiarities of post 1970s Spanish history, in particular the overarching trauma of Francoism; the cultural, psychological and political significance of the transition to democracy; the consequences of a relatively rapid process of urbanisation; and the social liberationist features of the women's and the gay/lesbian movements. Although these developments had 'Europeanised' Spain, I showed that it was important to recognise how much of Spanish society remained attached to traditional cultural fixtures involving the 'cruel' use of animals, and to see that the majority of these traditions are often reflections of conflicting notions of local, regional and national identity. I stressed how the resulting tensions between the 'old' and the 'new' Spain are critical to what is often an uneasy relationship between the law and animal protection. I showed how the structure of Spanish law, divided as it is between the national Penal Code and the regional laws, adds a complex dimension to the assessment of its influence, but also how crucial regional laws have been in promoting animal protection and in popularising the concept of 'animal welfare'. As subsequent chapters showed, the interplay between law and other social institutions and social forces is clearly in evidence. The animal movement, the cultural politics of Catalan nationalism, regional and local festivities, and the multiple understandings of art/culture/identity are all aspects of the complex processes involved in redefining the place of (some) animals, each of which has looked to the law and its enforcement as the final arbiter of a 'new' moral outlook befitting, a 'New Spain'. In reviewing the law in the context of competing political and cultural

identities, I argued that however lax and half-hearted it may have been in certain circumstances, it remained critical to the changing place of animals, and was recognised as such by all concerned.

In framing the debate/s on Spanish human-animal relations, bullfighting usually occupies the central position. The opposition it attracts is truly international. Since it is such a huge subject, I chose to examine just one fundamental feature of the debate, though one that has widespread ramifications, namely bullfighting as art/culture versus barbarism/primitivism. I began with some remarks concerning the relation of the violent spectacle to the civilising process, the ambiguity of the terms culture and identity, and the role of both the bull and bullfighting as totemic representations of a particular kind of Spanishness. I then provided a detailed discussion of the claims for and against bullfighting as viewed through the dualism of art/culture and cruelty/barbarism, each of which is a complex of multiple beliefs, values, and interests. This revealed the deep divisions that exist between ‘modern’ understandings of art/culture and those that rely upon tradition and heritage for their authentic status in relation to patterns of identity and nation. In discussing the anti-bullfighting campaigns of 1992 and 2002-2004, organised by groups within the animal movement, I showed not only the differing conceptions of art/culture, but also that these differences related to understandings of what ‘Spain’ either is or should be. One of the main themes of the chapter was the connection between concepts of ‘animal welfare’ and the tensions and contradictions involved in campaigns for regional autonomy, especially that of Catalonia in its pioneering role as the first region to introduce animal protection legislation (1988).

I made three arguments in the chapter. First, I showed the significance of the debates around the art/culture versus torture dichotomy, which occurred within the context of the anti-bullfighting campaigns of 1992 and 2002-2004. In their content and in the manner in which they were framed by the animal movement, these debates were crucial to its educative process in raising the complex of issues that asked how 'Spain' would reconcile its traditional (and cruel) cultures with the popular desire to be a civilised European state. In other words, how tradition could be 'reformed' to suit modernisation. Second, I showed that, one way or another, all the debates returned to the tensions (and the contradictions) involved in local and regional identities and the determination of the national government to retain Spain as a unified state. I claimed that in Catalonia in particular, certainly with reference to bullfighting, arguments favouring animal protection were often used metaphorically in support of the region's perception of itself as more advanced, liberal, and modern than the rest of Spain, which led critics to question the sincerity of the politicians' commitment to animal welfare. Third, I argued that through its ethically focused campaigns, drawing on reason (empirical data) and emotion, the animal movement had a significant role not only in forcing a rethink of what is meant by 'culture', but also in redefining the moral assumptions that underlay Spanish human-animal relations.

Perhaps nowhere is the range of attitudes and behaviours toward animals more clearly visible than in their use in the thousands of local festivals. Here, I argued, the place of animals illustrates the tenacious hold of 'tradition' on Spanish human-animal relations. On the other hand, in hundreds, perhaps thousands, of these festivals the role of the animal *has* changed, as the festivals adapted their rituals to take account of new laws, vocal opposition from the animal movement and sections of the media, and

commercial pressures. In this respect, many local customs have responded to the demands of modernisation. I argued that in some senses, the use of animals in what are always locally authenticated festive rituals illustrates the ambivalence in human-animal relations, more so than either support for bullfighting or in the rapid development of commercialised pet-keeping. I suggested three main reasons why fiesta animals seem to embody this ambivalence. First, the widespread and diverse use of animals places them in a multitude of literal and figurative roles that allow 'Spain' both to retain its 'traditional' relationship with animals, while simultaneously through humane adaptations to gesture towards 'European' sensitivities. Second, however, and in contradiction to this trend, the continued abuse of animals in so many and often illegal fiestas provides an opportunity not only to remain loyal to local custom, but also to retain the violence that features in so much of Spanish folklore while in principle adhering to the popularly proclaimed principles of the post-Franco non-violent liberal democracy. Third, in a broader sense, but also in a similar vein of reconciliation, the festivals allow spectators (and participants), many of whom come from surrounding urban areas, to identify with two Spains. One, a Spain of 'memory' - a potent symbol of Francoist suppression of regional language and culture. The other, a tolerant civil-libertarian Spain of contemporary democratic life. But the tension remains in the individual psyche and in the collective one that is 'Spain'.

This tension, however, is less obviously displayed in the intimacies of Spanish pet-keeping. In this chapter, I argued that some of the most profound social changes involving human-animal relations have been in pet-keeping, which have made Spain much less 'different' and far more 'normal' in comparison with other European countries. I charted the growth of pet-keeping during the post-Franco period,

particularly with reference to modernisation and urbanisation, showing how growth was linked to mass consumerism in its relationship to the relatively rapid and profitable expansion of the 'pet services' industry. I stressed that this expansion was evidence of a developing human-animal relationship along more intimate and emotional lines, suggesting the importance of kinship affinities.

In order to support my conclusions, I examined the political economy of pet-keeping in terms of it being a feature of the modernising process, linking it to aspects of urbanisation, particularly in relation to the development of 'urban' (and commercial) attitudes toward animals. I provided a detailed examination of three areas of the pet services and products industry where this developing relationship was on view: food and health; accessories and services; death and cemeteries: I concluded by discussing these services in relation to the pet as a family member, keeping in mind the 'social exchange' involved, and seeing the animal as either 'almost human' or not human (or both). I argued that these services were critical because they revealed the affective bonds pet owners have with their animals.

My main argument was that the developing human relationship with companion animals in Spain has more to do with the self making a new relationship with the social than with an unmediated notion of 'ontological insecurity'. My intention was not to dismiss the significance of the 'insecure' in contemporary society, but to argue that *vis-à-vis* pets it has to be seen as only one aspect of social change. I emphasised that urban individualism has led to a greater emphasis on domestic intimacy, and that this has created settings in which new forms of human-animal relations may emerge. With my historical material in mind, I argued that Spain, under the influences of urbanisation, mass consumerism, and the animal movement, has witnessed the

emergence of positive pet-keeping in line with social change in the realm of social politics and civil liberties.

### **My research questions**

The thesis is an investigation into the *changing* place of animals in post-Franco Spain, particularly with reference to the impact of socio-cultural influences on constructions of, and debates around, modernisation, Europeanisation, and local, regional and national identities. The study has focused on three groups of animals: fighting bulls, a variety of animals (goats, chickens, geese, bulls, rats, pigs) used in popular festivities, and pets. In order to select and structure the choice of data to be collected and analysed, I formulated the following research questions:

- i) *what*, if any, were the most important and influential changes that have occurred (and are occurring) in Spanish human-animal relations, both in terms of the nature of these changes (i.e. their overall effect on human-animal relations, their character with reference to specific species, and their significance for the broader culture), and their extent?
- ii) This inexorably led onto a critical question for understanding socio-cultural change in this area, namely *why* the human-animal relationship has changed since without some awareness of why change happens we risk not properly understanding what went before and how further change might occur. Of course, this immediately took us to a related question: *what* are the processes (macro and micro) - political, cultural, historical, economic, social, intellectual - that have facilitated the important and significant changes in attitudes and behaviours toward non-human animals.
- iii) Having identified the processes of change, the thesis then asked *how* these processes had worked in particular circumstances, e.g. in terms of Catalan politics

and bullfighting, the ideology of the animal movement, and the influence of the law in recognising and promoting animal physical and psychological sentience.

iv) In so far as these questions exposed contradictions in Spanish culture - e.g. modernisation as a force for animal protection involving the debate between those who regarded bullfighting as primitive and cruel versus those who saw it as integral to Spanish identity and as a cultural resource for resisting Europeanisation and globalisation - it was necessary to ask to what extent these changes were successfully/unsuccessfully resisted.

In this section I provide a thorough discussion of the evidence I gathered to answer the questions. I regarded the first question as overarching in the sense of initially asking did change occur and, if so, what kind and to what extent. In order to ground my questions within an ordered context and draw up a reliable map to guide my research, I began by reading extensively in the published secondary sources (books and chapters/articles) in two main areas: i) the history of modern Spain with particular reference to its social, political, legal, economic and cultural developments; and ii) more specifically in socio-historical and anthropological studies of bullfighting and the festal role of animals. I supplemented this literature with three important sources: i) contemporary published commentaries on bullfighting, together with a number of bullfighting websites; ii) the literature and websites of the different groups within the animal movement; and iii) preliminary readings of newspaper reports and editorials. Although these sources were informative, with the exception of the animal movement's material, there was little about pets. In order to learn more about Spanish pet-owning, I initially used the websites of animal shelter organisations and their campaign literature.

From the evidence gathered through these sources, I reached four working hypotheses that eventually ran as threads throughout the thesis. First, that it was important to sections of the Spanish political elite and the population in general that in its treatment of animals Spain be seen as modern, European and civilised. Second, since the death of Franco, clearly the place of *some* animals had changed as a result of legislation, the animal movement's campaigning, and the influence of the socio-political revolutions of the post 1960s. Third, and very significant, the nature of the changes were often characterised by reference to the animals being both physically and psychologically *sentient* and, therefore, humans should have an ethical regard for their well being. This suggested to me that Spanish human-animal relations were not simply progressing through kindness, but significantly through greater knowledge and the reworking of moral standpoints. Fourth, there were a series of conflicts and contradictions involving regional claims for identity and nationhood in opposition to the political reality of Spain as a unitary nation state, which in the case of Catalonia had important implications for how it and 'Spain' should understand human-animal relations.

Having established that change was ongoing, my task then was to explain why this was happening and to identify the processes/mechanisms at both the macro and the micro level that facilitated significant developments. Using the knowledge obtained from consulting sources for my first research question, which had not only given me a direction in which to go, but also opened up new possibilities, I decided to examine two sets of official sources: official Parliamentary records at both the national and selected regional levels, and similarly the more limited legal records for the two jurisdictions. Through following the debates and the parliamentary Preambles to legislation, as well as the responses of the courts to implementing legislation (and

building on my acquired historical and contemporary awareness of the issues), these sources indicated the pressure put upon public and legal personnel by sections of the general public and the animal movement.

For instance, in answering the why question, the Preambles clearly showed an awareness of the historical debate regarding Spain's need to present an image of being 'normal' and 'civilised' to the outside world. This is understandable given the international view of Spain as until recently being one of the most repressive dictatorships in the world, culturally symbolised by the bullfight, the 'torturing' and killing of bulls and other animals in local festivals, and the 'gypsy' flamenco. None represented Spain as a modern European nation. What the Preambles and the law made clear officially, I knew from my growing familiarity with the animal movement's campaign materials, namely that the treatment of animals figured prominently as markers used in identifying the 'new' Spain. Additionally, I had also learned from the historical literature and contemporary newspaper sources that the symbolic use of animals in distinguishing modern European Spain from Francoist Catholic Spain was a recurring motif in the demands of Catalonia for independence, as exemplified by the campaign for the Barcelona Declaration (2004) against bullfighting.

Clearly, the evidence I was gathering showed the degree to which Parliament, the law, and the animal movement's deployment of practical ethics were critically important facilitators of change. There was another facilitator, which began to emerge as I got further into the research: the political economy of pet-keeping. From early on, however, it was obvious that there were few if any scholarly accounts of Spanish pet-keeping. I knew that if I were to answer in respect of pets the questions

identifying the most important changes, and explaining why change came about and through which processes, I would have to find an alternative research source other than books, official papers, newspapers and animal movement publications. It was true that important detail could be gleaned from looking at the law surrounding pet protection, from reading newspaper reports of pet cruelty and abandonment, and from the campaigning material of those animal welfare organisations that focused on pets. But I felt something more was needed that would provide 'inside' knowledge. I decided that commercial documents would be a valuable source of evidence, in part because I assumed, given their concern to maximise brand influence and profits, they were more likely to provide an objective picture of pet-keeping trends, and also because it was in their interest to collect up-to-date and reliable information. In reading reports, market analyses, and other records, it soon became clear that not only had there been a significant growth in pet-keeping, but also the evidence strongly suggested that Spanish pet owners were fastidious in caring for their pets and, in common with other cultures, to a large extent embraced them within their families where they were treated as companions and friends.

From this source, in addition to learning about the organisation, size and location of the industry, I gathered evidence on several topics: numbers and varieties of pets, their popularity in Spain in comparison with other EU states, the range of foods available, and extensive material on accessories and services. With this evidence I was able to make connections in relation to i) pet-keeping and the growth of consumerism, ii) the familiarisation of pets, and iii) the influence of urbanisation. But it was especially helpful that I was able to use this evidence in conjunction with many of the standard historical and sociological studies on European and North American

pet-keeping to argue for similar trends in Spain in terms of a variety of developing human-animal kinship relations.

I now move on to my third question: how the processes of change worked in particular circumstances. To discuss all the processes would take me beyond the scope of this thesis so, with interrelated features in mind, I decided to select three: i) the ideology of the animal movement, ii) Catalan politics and bullfighting, and iii) the role of law in promoting recognition of animal sentience.

#### i) The ideology of the animal movement

Once it became clear that there had been changes in the place of some animals, and I began to ask the ‘why’ questions, I recognised that the references I was coming across to Spain being modern, civilised, European, and so on were, in several respects, implicitly statements about morality - and I knew from growing familiarity with the animal movement’s campaigning material that this was a critical feature in their thinking. So I decided to investigate the impact in Spain of the international ‘Animal Liberation Movement’ that began in the late 1970s. I quickly learned that the greater influence came not from that Movement as such, but from ‘practical ethics’, a sub-field of Ethics and an outcome of the post 1960s ferment in U.S. academia. I researched the topic on two levels: the extent of Spanish philosophy publications and lectures from visiting ‘animal rights’ figures from the USA. This proved to be an invaluable source as evidence of the influence of the idea of ‘animal liberation’ in the cultural debates that occurred in Spain from the 1980s onwards. But, more significantly, I used it as evidence of the way in which the animal movement learned a new language, namely a set of socio-philosophical moral concepts and a vocabulary that distinguished empirical data from emotion, while combining them in a ‘practical’

approach to everyday matters involving moral choice. Thus the movement was able to shift the focus away from sentimental pleas for human kindness toward animals, to a rational argument (mixing reason and emotion) in favour of ethically based human-animal relations, and in so doing played a leading role in facilitating change in the place of some animals in Spanish society.

#### ii) Catalan politics and bullfighting

The importance of Catalan politics soon became obvious in my research since I knew that Catalonia had been the first autonomous region to pass an animal protection law (1988), that the animal movement had conducted several anti-bullfighting campaigns in the region, and that a campaign had taken place to persuade Barcelona city council to pass its famous Declaration (2004). I also knew from my historical and political science sources (books/chapters/articles), particularly those on European nationalisms that besides the Basque Country and Galicia, Catalonia had long seen itself as an independent 'nation' with a culture separate from that of the rest of Spain. I used this literature in conjunction with material from the regional parliamentary debates, Catalan party websites, and from an especially wide reading of newspapers as evidence of the Catalan positions (plural) on 'animal welfare', bullfighting, and independence. I argued that despite numerous conflicts and contradictions both within Catalonia, between and within the different political parties, and between Catalonia and the Madrid government, and notwithstanding Catalan hypocrisy in excluding its own 'abusive' use of animals in local festivities from its animal protection laws, through its pioneering legislation in 1988, the passing of the Barcelona Declaration (2004) and the banning of bullfighting (2010), the region led the way in promoting change in human-animal relations. Furthermore, I used these sources, combined with

the animal movement's 'culture not torture' campaign materials, to show that the debates on art versus primitivism, in being focused in Catalonia, helped to portray the region as progressive and advanced, which in turn augmented the *animalistas*' claim that being 'modern' necessitated being 'civilised' in regard to animals.

### iii) The law and the promotion of animal sentience

The law has been a central concern of this thesis. To a certain extent, the evidence I amassed from legal sources was clear and non-controversial. A law of animal protection is just that. The difficulties arose in interpreting the law and in its implementation. Nonetheless, I looked to the sources as evidence of change in the following respects. First, since the transition to democracy, beginning in 1988, all the regions have passed individual animal protection laws, the last one in 2003. But not until 1995 did the national Penal Code first specifically mention animals, and it was favourably amended in 2003 and 2010. Second, there was a comprehensive raft of legislation that Spain was compelled to adopt on becoming a member of the EU in 1986, which was more rapidly implemented in urban than in many rural areas. Third, albeit less directly, I have argued that both the theory and the *practice* of law have been influenced by the animal movement's practical ethics. The *animalistas*, in common with other NSMs, looked to the law as the main facilitator of social change, making constant reference to it and continually criticising its lax implementation. In this sense, the law might be thought of as an organic influence which, by virtue of its omnipresence, permeates culture and tradition.

In gathering evidence to answer the fourth question, the degree to which the changes have been successfully/unsuccessfully resisted, I drew together the sources for an

overview of social change during the post-Franco period. All the evidence, political, social, economic, cultural, along with various statistical indices, showed that Spain had changed in many fundamental respects since Franco's death in 1975. The best known of these changes refer to its economic and urban development, the growth of civil liberties, the sexual revolution, advances in gender equality, and the legislative amendments for increased regional autonomy. Within this context, the evidence shows that in varying degrees the place of animals has changed, after having overcome degrees of resistance. The popularity of pet-keeping, however, together with the proper care of pets, has met little opposition. The pet has been embraced both for its human qualities and being non-human. It is seen as a loyal companion and friend, a family member, a social support, and as representing a settled and stable domesticity. On the basis of the evidence of commercial sources and of regional animal protection laws, it seems that the Spanish have increasingly become a nation of responsible and caring pet owners, displaying more or less all the same positive and negative trends and tendencies as in other European countries. Having said that, abandonment remains a serious issue, perhaps reflecting, it's been said, a 'Latin' consumerist attitude of 'throw away' and buy a new one. But similar attitudes can be seen throughout Europe, and car bumper stickers still remind us that a dog is not just for Christmas.

The changing place of fighting bulls and those animals used in popular festivities, however, continues to be bitterly contested, and the changes that have occurred are far more limited. First, legal evidence makes clear the extent to which these animals are now protected. This shows that only two regions (Catalonia and the Canary Islands) have banned bullfighting, although various locations throughout Spain have declared themselves to be anti-bullfighting, without having the power to enforce a full

legal ban. Nonetheless, many local councils have refused to grant permissions, funds, health and safety provisions, and other organisational facilities required in order to stage a fight. With regard to the use of animals in the many thousands of festivities, it is impossible to gauge the effectiveness of the law since not only are thousands of them technically illegal for going ahead without the proper authorisation, but also statistics collected locally are rarely reliable. The position is that while all regional laws protect animals, they also all have exemptions for those used in what are deemed to be 'cultural' festal rituals. But legal sources confirm that while most of the major festivals using bulls have successfully resisted reform, some abuses have been either curtailed or abandoned as the festivals have adapted by using either toy animals or have ceased their mistreatment of the animal.

Legal protection, however, is not the only measure of social change. For example, evidence derived from animal movement campaign materials, websites and newspapers shows that nowadays there is hardly a major festival where there is not an *animalista* demonstration fuelled by growing popular support, often requiring the intervention of the police. Similarly with anti-bullfighting campaigns, there is relentless pressure from the animal movement (and from international bodies) to introduce either a legal ban or for local municipalities to declare themselves anti bullfighting, as numerous areas of Spain have done. But, equally significant, my evidence drawn from a variety of sources, particularly the art/culture versus torture/primitivism debates, shows that older assumptions regarding the treatment of animals have been effectively questioned and that a new moral language has established itself as socially, politically and culturally legitimate. The importance of this language is not simply what it says about 'modern' human-animal relations, but how, in emerging from practical ethics, it encompasses historical concerns about the

place of Spain in Europe, about regional versus national identities, about the recently rediscovered need for ‘memory’ in connection to Francoist violence and murder, and ultimately about the extent to which Spain is now, as Spaniards say, ‘normal’.

### **The originality of my research and its contribution to knowledge**

I should begin by admitting that through my research I came to a new appreciation of how complex human-animal relations are - they are ‘not what they seem’;<sup>1</sup> how frustratingly difficult it is to say *anything* either definite or finite about these relationships - they seem to continually slip through the fingers. Unsurprisingly, then, I was led to question some of my own assumptions, particularly with reference to i) the ways in which regional politics affected what seemed at first sight to be purely moral perspectives, ii) the realisation that ‘Spain’ constituted so many different identities affecting perceptions of animals, iii) that pet-keeping involved contradictory notions of domination and mutualism, and iv) the subtle ways in which ‘agency’ (ours and theirs) intervenes in human-animal relations, often confusing who is who. In addition, I also made what I think of as an important discovery about ‘Spain’. Although I had lived on and off in Málaga between 1986 and 1999, it was only after having researched this thesis that I realised just how elusive so much of ‘Spain’ is - and perhaps in some ways, also the ‘new Spaniards’, bound as they continue to be by their regionalism, their conflicting notions of ‘Spain’, their continuing quarrel with modernisation, their sense of being ‘different’ (or not), the ambiguity surrounding their ‘Europeanism’ and, until recently, the burden of the silence about Francoism. Contrary to my earlier perceptions, I came to think of Spain, for all its modernity, as a country unresolved as to its identity and, therefore, also to the character of its values.

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<sup>1</sup> Berger (1963: 34).

I now turn to the originality of my search and its contribution to knowledge. Broadly speaking, through my research I have shown something of the way in which animals are central to human societies, not least in contributing to ‘who we think we are and who we think we are not’ (Peggs, 2012: 145). I have provided an informed understanding of some important features of Spanish human-animal relations. These include the extent to which the place of some animals has changed, why the relations are as they are, the major influences on their recent and present development, the processes through which change has occurred, the main participants in the politics and practices of change and continuity, and the obstacles to further change.

The originality of my thesis and its contribution to knowledge is fourfold. First, in a general sense, in being the first English language study of the changing place of animals in modern Spain,<sup>2</sup> and of the resistance to such change, the thesis has opened up a new area of socio-historical research, which adds to the understanding of Spanish society at an important time in its history. Second, and more specifically, with reference to human-animal relations in Spain, it has identified a number of hitherto unknown complexes, which individually and collectively are the contexts in which dialogues about change and resistance proceed. These are: i) regional/national conflicts about identity and nationalism; ii) the connecting influences between, on the one hand, perceptions of Spain as modern and European and, on the other, its ‘traditional’ attitudes and behaviour towards certain groups of animals; iii) the critical nature of the struggle involving regional/national identities to possess ‘art/culture’ in opposition to ‘barbarism/primitivism’; iv) the particular role of the animal movement, as a NSM, in being the orchestrator of so much of the moral debate about what constitutes ‘civilised’ behaviour toward animals; and v) the interplay between

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<sup>2</sup> To my knowledge, this is the first study in either English or Spanish.

national and regional law as significant arbiters of what is both moral and just. Third, in examining the political economy of pet-keeping, and showing the extent of the concern for pet well being, borne in part from the influence of the animal movement, I have shown a counter to the extreme violence and death of bullfighting and the abuse of animals in festivities which, in being a relatively recent development, suggests further contradictions in Spanish attitudes and behaviour. Fourth, my work gives substance to Benton's remarks concerning the degree to which 'non-human animals are in part *constitutive* of human societies' (1993: 68), and to a lesser degree to Bulliet's claim that changing patterns of human relations also reflect our changing place among all animal species (2005: 204). Both these claims raise the issue of human-animal agency, what I see as a flurry of reciprocal influences between us and them. With this in mind, amidst all the contradictions and ambivalences involved in the human-animal relationship, I have shown that the social and political progress of post-Franco Spain cannot be fully understood without some awareness of its developing relationship to animals and, implicitly, also of theirs to it.

### **Future research**

Perhaps the essential question for further research is why Spain, unlike many other European countries, has yet to reach a fundamental accommodation with animals. My suggestion is that this in part at least is because, as so many commentators remark, Spain is not at ease with itself. The recession has exacerbated already existing tensions concerning regional conflicts, corruption, multiculturalism, the pace of social change, and the continuing debate about what was until recently the silence about 'memory'.

In the meantime, the following areas would be rewarding for further research:

i) More detailed work on regional differences in terms of politics, economies, religion and class in relation to their animal laws, extent of pet-keeping, and attitudes to animal abuse, especially bullfighting as culture/primitivism;

ii) an inquiry into the attitudes of pet owners to animal abuse in festivities and at bullfights, and how they relate those attitudes to their concern for pets; also, studies into whether pet owners attend violent gatherings, or does their ownership isolate them from the violence?

iii) an analysis of the different kinds of local festivity and their use of animals – how ‘authentic’ are the rituals, are there regional variations in the degree to which they have adapted to using animal substitutes, and how important are commercial interests in sustaining the festivals? Also, who are the participants/spectators - are they urban dwellers returning ‘home’ or are they mainly locals?

iv) Although I have focused on the connections between Catalan independence and animal welfare, there is a need to know far more about Madrid’s view of animals; assumptions are made regarding its commitment to bullfighting, but little is known about what underlies this position and how it connects to the broader public view.

v) It would also be interesting to know more about gender/age/class attitudes with reference to modernising tendencies in human-animal relations - in what ways do these attitudes play out *vis-à-vis* differences between the ‘old’ and the ‘new’ Spain?

Spanish human-animal relations have barely begun to be researched, either sociologically or historically. But it is clear from this study, as I have repeatedly

stated, that many Spaniards do appreciate the intricate relationship between animals and Spain, and they are aware that in imagining itself it needs to find an accommodation between what is widely seen both inside and outside Spain as its traditionally 'brutal' or at best indifferent treatment of animals and its wish to be normal. Perhaps this is the most important project for further research.

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## **APPENDIX 1**

### **Summary of main groups of sources**

#### **1. National printed official papers (1990-2013):**

The Congress of Deputies and the Senate (Journal of Debates and Official Gazettes); public prosecutor's annual reports and high court rulings; miscellaneous individual Ministry reports; and national statistics and surveys.

#### **2. Regional/municipal printed official papers (1988-2012):**

Journal of Debates (for the parliaments of Catalonia and the Canary Islands, and Barcelona municipal council); Official Gazettes for all the autonomous regions.

#### **3. Animal welfare organisations:**

Campaign materials; membership magazines and newsletters; reports and press statements; and websites (91).

#### **4. Pet industry documents:**

Market analyses and reports; trade fairs and trade organisations

#### **5. Newspapers (circa 2000-2014):**

Spanish: 5 main + 15 others (approx 240 articles, editorials, reports)

English: 5 (approx 13 articles/reports)

#### **6. Books:**

Spanish (50); English (70).

#### **7. Chapters/articles:**

Spanish (approx 50); English (approx 100).

NB: I treat these books and articles/chapters as secondary sources (i.e. as other people's research) and have subdivided them into sociological theory; histories: of modern Spain, European nationalisms, bullfighting, festivities, and pet-keeping; sociology and philosophy of animals rights and welfare; practical ethics; anthropology (bullfighting and festivities); and legal theory.

**8. Personal interviews (6) and other communications (4)**

**9. Miscellaneous television documentaries/websites/blogs (37)**

**APPENDIX 2****Spanish Animal Protection Organisations and Federations**

1976	ADDA
1985	Alternativa para la Liberación Animal
1989	ANDA
1980s?	ANPBA
1990	Amnistía Animal
1990	ASANDA
1992	ANAA
1994	ATEA
1996	ACTYMA
1996	El Refugio
1998	ALBA
1998	Ecologistas en Acción
1998	Fundación Altarriba
1998	Fundación Trifolium
1999	FEBA
1990s	Justicia Animal
2000	SOS Galgos
2003	Anima Naturalis
2004	DefensAnimal
2004	Fundación FAADA
2004	Libera!
2005	Igualdad Animal
2006	Equanimal
2007	CACMA
2009?	CORA

2000s?	Proyecto Gran Simio España
2000s?	FAPAM
2012	Observatorio Defensa y Justicia Animal

## APPENDIX 3

### Some pro-bullfighting websites

(These websites constitute only a small fraction of pro-aurine material available online)

Taurología.com: an on-line daily news outlet, specialising in providing general and comprehensive taurine information concerning current political and legal affairs, analysis and commentary on recent bullfights, information about upcoming events, interviews, reports, literary essays, opinion pieces, and detailed biographical information about individual bullfighters.

Burladero.com: featuring news, commentary and critique of bullfighting events in Spain, France and South America. It also provides a complete review of recent social and cultural bullfighting and festal events.

Mundotoro.com: editorials, interviews, general analysis and reviews of recent Spanish, French and South American bullfights. Offers details of individual bullfighters, with a video list of those gored in the last year. Also presents comprehensive information on breeders, arenas, the *peñas* (fan clubs), and the forthcoming programme.

Aplausos.es: the on-line version of a weekly taurine magazine that provides news, reports, comment, reviews and video links to bullfights in Spain, France and South America. It also gives the latest news about popular festivities involving bulls.

Portaltaurino.net: the website calls itself 'the biggest taurine wiki' providing encyclopaedic information of everything to do with tauromachy in Spain, France, Portugal and South America.

Opinionytoros.com: provides news, reviews, debate forum, commentary, interviews and reports for bullfighting fans in Spain, France and South America.

## APPENDIX 4

### Anti-bullfighting municipalities

**Total number: 89**

- Olvera (2014 – Andalusia)
- Donostia/San Sebastian (2013 – Basque Country)
- Ares (2011 – Galicia)
- Santurzi (2011 – Basque Country)
- Barakaldo (2011 – Basque Country)
- Abanto-Zieba (2011 - Basque Country)
- Cangas (2010 – Galicia)
- Vedra (2010 – Galicia)
- Dodro (2010 – Galicia)
- Pobra do Bollon (2010 – Galicia)
- Teo (2010 – Galicia)
- Mutxamel (2010 – Valencia)
- Sestao (2010 – Basque Country)
- Begues (2010 - Barcelona)
- Sopelana (2009 – Basque Country)
- Costitx (2009 – Mallorca)
- Les Franqueses del Vallès (2009 - Barcelona)
- Vacarisses (2009 - Barcelona)
- Arenys de Munt (2009 - Barcelona)
- Hostalric (2009 - Barcelona)
- Tagamanent (2009 - Barcelona)
- Santa Eulalia de Ronçana (2009 - Barcelona)
- Caldes de Montbui (2009 - Barcelona)
- Aiguafreda (2009 - Barcelona)
- Pallejà (2009 - Barcelona)
- Sant Pere de Vilamajor (2009 - Barcelona)
- Vilassar de Dalt (2009 - Barcelona)
- Martorell (2009 - Barcelona)
- Morell (2009 - Barcelona)
- Castellbisbal (2009 - Barcelona)
- Vallgorgina (2009 - Barcelona)
- Vilanova i la Geltrú (2009 - Barcelona)
- Sentmenat (2009 - Barcelona)
- Sant Esteve de Palautordera (2009 - Barcelona)
- Arenys de Mar (2009 - Barcelona)
- Basauri (2008 – Basque Country)
- Castrillon (2008 – Asturias)
- Santa Eulalia de Riuprimer (2009 - Girona)
- Palamós (2008 - Girona)
- Sant Cebrià de Vallalta (2008 - Barcelona)
- Fornells de la Selva (2007 - Girona)
- Brunyola (2007 - Girona)
- Fatarella (2007 - Tarragona)

- Morera de Montsant (2007 - Tarragona)
- Calella (2007 - Barcelona)
- La Bisbal del Penedès (2007 - Barcelona)
- Pallaresos (2007 - Tarragona)
- Cerdanyola (2006 - Barcelona)
- Sant Andreu de la Barca (2006 - Barcelona)
- Mollet del Vallès (2006 - Barcelona)
- Teià (2006 - Barcelona)
- Sant Quirze de Besora (2006 - Barcelona)
- Gironella (2006 - Barcelona)
- Cabrera de Mar (2006 - Barcelona)
- Biure de l'Alt Empordà (2006 - Girona)
- CABANES de l'Alt Empordà (2006 - Girona)
- Sant Iscle de Vallalta (2006 - Barcelona)
- Guissona (2006 - Lleida)
- Torrebesses (2006 - Lleida)
- Moià (2006 - Barcelona)
- Artesa (2006 - Lleida)
- Vilabertran (2006 - Girona)
- La Garriga (2006 - Barcelona)
- Sanaüja (2006 - Lleida)
- Torrelavit (2006 - Tarragona)
- Riudarenes (2006 - Girona)
- Bellpuig (2005 - Lleida)
- Abrera (2005 - Barcelona)
- Sitges (2005 - Barcelona)
- Sant Cugat (2005 - Barcelona)
- Banyoles (2005 - Girona)
- Coslada (2005 – Madrid)
- Barcelona (2004 - Barcelona)
- Torelló (2004 - Barcelona)
- Calldetenes (2004 - Barcelona)
- Olot (2004 - Girona)
- Ripoll (2004 - Girona)
- Tavertet (2004 - Barcelona)
- Manlleu (2004 - Barcelona)
- Granollers (2004 - Barcelona)
- La Roca del Vallès (2004 - Barcelona)
- Valls (2004 - Tarragona)
- Molins de Rei (2004 - Barcelona)
- Sant Feliu de Llobregat (2004 - Barcelona)
- Calonge (1997 - Girona)
- Vilamacolum (1991 - Catalunya)
- La Vajol (1991 - Catalunya)
- Palafrugell (1991 - Girona)
- Tossa de Mar (1989 - Girona)

Source: *Cas International*, 2010.

## APPENDIX 5

### FEDIAF tables

Table 6.1

Percentage of households owning at least one dog

Romania	45
Czech Republic	41
Lithuania	37
Poland	37
Hungary	33
Portugal	32
Slovenia	30
Slovakia	27
Spain	26
United Kingdom	24

Source: FEDIAF, 2012

Table 6.2

Percentage of households owning at least one cat

Romania	45
Latvia	40
Hungary	36
Slovenia	33
Lithuania	32
Austria	29
Poland	29
Estonia	27
France	27
Belgium	26
Netherlands	24
Finland	23
Czech Republic	22
Bulgaria	20
Italy	20
Portugal	20
Spain	19
United Kingdom	19

Source: FEDIAF, 2012

## Spain's position within the EU

Table 6.3 Dog population (numbers)

United Kingdom	8.500.000
Poland	7.430.000
France	7.421.000
Italy	6.947.000
Spain	5.400.000

Source: FEDIAF, 2012

Table 6.4 Cat population (numbers)

France	11.412.000
United Kingdom	8.500.000
Germany	8.200.000
Italy	7.482.000
Poland	5.740.000
Spain	3.800.000

Source: FEDIAF, 2012

Table 6.5  
Ornamental bird population

Italy	12.928.000
France	6.429.000
Netherlands	4.450.000
Germany	3.500.000
Spain	3.248.000

Source: FEDIAF, 2012

Table 6.6  
Ornamental fish: number of aquaria

Germany	2.000.000
Italy	1.663.000
France	1.500.000
United Kingdom	1.388.000
Spain	420,000

Source: FEDIAF, 2012

Table 6.7  
Small mammal population

Germany	5.300.000
United Kingdom	2.900.000
France	2.655.000
Italy	1.840.000
Netherlands	1.660.000
Spain	1.555.000

Source: FEDIAF, 2012

Table 6.8  
Reptile population

France	2.745.000
Italy	1.368.000
Germany	1.350.000
United Kingdom	1.000.000
Netherlands	460,000
Spain	220,000

Source: FEDIAF, 2012

## APPENDIX 6

### Trade associations, trade fairs and exhibitions.

#### *Trade associations*<sup>1</sup>

**1964. AVEPA** (Spanish Association of Veterinaries specialising in Small Animals). In 1990 it was instrumental in establishing FECAVA (Federation of Companion Animal Veterinary Associations), and in 2003 FIAVAC (Panamerican Federation of Veterinary Associations of Companion Animals). Besides being a member of WSAVA, the World Small Animal Veterinary Association, AVEPA is active in organising conferences, meetings, etc., through SEVC (Southern European Veterinary Conference) in order to provide vets with the best scientific and ‘human’ educational tools to improve animal welfare. It currently has 3.600 veterinary members out of a total of 8000 (AVEPA, 2014).

**1977. VETERINDUSTRIA** (Spanish Business Association of the Animal Health and Nutrition Industry). The association has thirty five associated companies and represents the interests of 90 per cent of Spanish manufacturers and distributors of veterinary medicines, health and nutritional products and supplements (Veterindustria, 2000). It collaborates with various veterinarian organisations to publish a newsletter for veterinary professionals (‘Cuaderno Informativo Medicamentos veterinarios para animales de compañía’) with various veterinary associations: AMVAC, OCV (Spanish Veterinary College) and AVEPA (Veterindustria, n.d.). It was represented at the PROPET fair, 2008, to inform professionals in the veterinary industry of products (Veterindustria, 2008: 15).

**1980. ANFAAC** (National Association of Pet Food Producers) represents fourteen of the leading pet food manufacturers in Spain in the development of the pet foods and accessories industry. In 1987 ANFAAC joined the European Pet Food Industry Federation, FEDIAF and,

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<sup>1</sup> For the Spanish names of all associations and trade fairs, see Abbreviations.

as the sole Spanish representative, continues to play an active role in its various executive organs and working committees. In 1996, ANFAAC also joined the FIAB, the Federation of the Drink and Food Industry (ANFAAC, n.d., a).

**1981. AMVAC** (Madrid Association of Veterinaries of Companion Animals) currently has 700 members and assists with the organisation of 100x100 Mascota trade fair (AMVAC, n.d.).

**1987. Fundación Affinity**, a private non-profit entity founded by leading Spanish pet food producer Affinity Pet Care (approx. 25 per cent of the market share in 2008). Fundación Affinity's board of trustees includes vets, biologists, lawyers, doctors and other professionals as advisors. The objective is to improve the welfare of companion animals and to promote their positive role in society. The foundation works with 20,000 'friends' to end the abandonment of pets, and to raise public awareness, particularly among children, regarding a respect for animals. In 1990, through *Companion Animal Assisted Therapy and Education* (TEAAC), it initiated a new area of activity, through manuals, to research the contribution of companion animals to the health and well being of humans, e.g. its programme in eighteen prisons (Fundación Affinity, n.d.; Fundación Affinity, 2011).

**1989. FEDNA**. A non-profit foundation established by representatives from industry and the universities for research and development regarding animal nutrition (FEDNA, n.d.).

**1996. AEDPAC** (the Spanish Association of Distributors of Products for Pets) is an association of sixty (2007) manufacturers, distributors and wholesalers of products and accessories for pets, which also represents importers of live animals. It lobbies politicians, the media and other professional organisations on behalf of its members and cooperates in the organisation of Iberzoo. The association maintains a wide network of contacts with other

national and international professional organisations working in the pet industry, as well as local, regional and national government bodies and the media. AEDPAC is also a member of EPO, the European Pet Organisation (AEDPAC, n.d., a).

### ***Trade fairs, shows and exhibitions<sup>2</sup>***

**1911. RSCE** (Royal Spanish Canine Society). Established to preserve, promote and improve pure breeds of dogs for herding/hunting/defence/guard/etc. It holds and manages the national register for pedigree dogs, and is active in organising dog trials, agility competitions, obedience trials, exhibitions, etc., some of which are held in connection with pet trade fairs (RSCE 2009b).

**1982. ASFE** (the Spanish Feline Association) aims to promote, defend and improve feline pure breeds as well as represent the interests of breeders, owners and *aficionados* (ASFE, 2014); it also holds and manages the register for pedigree cats (ASFE, n.d.). While some cat exhibitions and shows are held separately from trade fairs, others take place in connection with commercial events.

**1992. SIZOO** organized by Fira de Barcelona (Trade Fair and Exhibition organiser) and ANFAAC with the collaboration of AVEPA, the Royal Canine Society, and Veterindustria (Amimascota, 2005). In 2009, however, it was amalgamated with Festival de la Mascota (Pet Trade Fair) and ceased to exist in 2011 when Fira agreed with AEDPAC to end SIZOO in exchange for transferring the Iberzoo fair (see below), organised by AEDPAC, from Zaragoza to Fira's venue in Barcelona (Ventura García, 28 December 2010).

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<sup>2</sup> Only the largest national trade fairs have been included here, since a comprehensive listing of all regional and local fairs is beyond the scope of the present work.

**2002. *Festival de la Mascota***, organised by Fira de Barcelona and for the general public. The trade fair included canine and feline shows, demonstrations, and exhibited commercial trends in pet care and pet services. In 2007 it was one of the most popular pet trade fairs in Spain with 40,000 visitors (Fira de Barcelona, n.d.).<sup>3</sup> In 2009 it was amalgamated with SIZOO and eventually ceased to exist in 2011.

**2005. *Iberzoo*** is an international biannual trade fair aimed at professionals (vets, shop owners, purchase managers, small and medium sized distributors), which is organised by trade fair specialists G3 International/mag.MA and sponsored by AEDPAC. It exhibits the latest trends in equipment and services for aquaria, birds, cats, dogs and terrarium (Iberzoo, n.d.; Expo Database, n.d.)

**2007. AVEPA-SEVC** (Southern European Veterinarian Conference), is aimed at vets and focuses on every aspect of companion animal veterinary care in order to ‘present the latest advances in animal care to the veterinary community in a professional, but fun environment’ (SEVC, n.d.).

**2008. *Fimascota*** - jointly organised by Feria de Valladolid (an organiser of trade fairs) and Sociedad Canina Castellana, and is tailored for both professionals and the general public (attracting 25,000 visitors in 2010 (Feria de Valladolid, 2010)). It focuses on canine, feline and bird exhibitions and competitions, and the display and demonstration of the latest trends in pet care products and services. It also provides a venue for various animal protection groups (Fimascota, 2014).

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<sup>3</sup> The original on-line information about the Festival de la Mascota 2007 is no longer available on the organiser’s (Fira de Barcelona) website. It was removed when Fira de Barcelona launched the International Pet Week in 2011.

**2008. PROPET**, organised by **IFEMA** (one of the largest conference and exhibition fair organisers in Spain), in collaboration with AMVAC, is aimed at professionals in the pet care and services sector. In its first year, PROPET attracted eighty-two exhibitor companies, 189 brands, and was visited by 7,767 professionals (Axón Comunicación, 2008); in 2013, the number of participating businesses had risen to 224 and the fair welcomed 13,293 professionals (IFEMA, 2010a). The products exhibited included toys and foods, pharmaceutical, sanitary, hygiene and beauty items, equipment for pet shops and vet clinics, and the latest trends in pet-related services. The visitors of the trade fair included retailers, vets and veterinary assistants, pet stylists and groomers, breeders, animal trainers, and personnel from shelters, zoos, boarding kennels and catteries, pedigree clubs, adoption centres and protection agencies (IFEMA, 2010b).

**2008. Mundopet**, is organised by Carlos Cubeiro y Asociados, and is targeted at the general public. Its focus is twofold: to educate the public in responsible pet ownership and to display the latest products and services for pets. However, in contrast to most other fairs, MundoPet has a social agenda to which the exhibitors have to subscribe. The declared objective of the fair is to ‘raise general awareness of the need to provide pets, our life companions, who absolutely depend on their owners for their care, with a respectful and affectionate treatment’ (Mundopet, 2008).<sup>4</sup>

**2009. Salón Mascota** is a pet food and pet care trade fair for pet owners. It was formed by an amalgamation of two existing fairs: Sizoo and Festival de la Mascota, also organized by Fira de Barcelona.

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<sup>4</sup> ‘concienciar a todo el mundo de la necesidad de tratar con respeto y cariño a todos aquellos animales, compañeros de vida, que dependen absolutamente del cuidado de sus dueños’

**2011. Iberzoo** was relaunched in Barcelona instead of Zaragoza. AEDPAC, the sponsors of the trade fair moved it as a trade off for Fira de Barcelona agreeing to close Sizoo (i.e. the part of Salon Mascota which was aimed at professionals). In being relaunched, Iberzoo is celebrated at the International Pet Week, which also hosts two other independent events: the international veterinary conference, AVEPA-SEVC, and Salon Mascota (Iberzoo, n.d.,b).

**2011. 100x100 Mascota** (100 per cent Pet), is an annual fair organised by IFEMA, sponsored by the RSCE, for the general public. IFEMA presents the fair as a response to the increasingly important role that pets have acquired in Spanish families in recent years, accompanied by the growing demand for products and services. The fair's inauguration was set to coincide with the annual celebration of the international dog show, organised by the Spanish Royal Canine Society, to mark the first centenary of the Society. The fair is intended for the general public with the aim of promoting knowledgeable and responsible pet ownership (IFEMA, 2010c; IFEMA, 2010d).

**2011. International Pet Week** (held biannually in Barcelona) during which Iberzoo and Salon Mascota put on their trade fairs and AVEPA-SEVC (vets) holds its conference.

## APPENDIX 7

### Interviews and personal communications

Personal interview (2008) with Matilde Figueroa, head of communications, Fundación Altarriba. 12 December.

Personal interview (2009) with Manuel Cases, vice president of ADDA. 26 March.

Personal interview (2009) with Marta Tafalla, Professor of Philosophy, Autonomous University of Barcelona. 31 March.

Personal interview (2009) with Antonio Moreno Abolafío, president of CACMA. 3 April.

Personal interview (2009) with Luís Gilpérez Fraile, president of ASANDA. 7 April.

Telephone interview (2014) with José María Pérez Monguió, Professor of Law, University of Cádiz. 13 January.

Personal communication (2014) with *Observatorio Justicia y Defensa Animal*. Fiestas populares en las que se utilizan y maltratan animales en España. 7 February.