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Posted Date: 22 July 2024

doi: 10.20944/preprints2024071669.v1

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Article

Bullfights, Advances or Setbacks? A Global and Local Perspective, from Animal Law

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Simple Summary: This research delves into the controversial and exciting world of bullfighting, examining its advances and setbacks at the global and local level from the perspective of animal law. With a descriptive and documentary approach, using a non-experimental design, the study is based on the observation and interpretation of relevant documents, ranging from a global vision to a national, regional and local approach, all through the hermeneutic method. The results of the analysis reveal a growing worldwide recognition of bulls as living beings capable of feeling, which has prompted legal and ethical changes in several countries. This evolution has transformed public perception, challenging the tradition of considering bullfighting as sport, art and cultural heritage. The surveys conducted reflect a varied acceptance of these events and, although important advances have been made with the prohibition of bullfighting in several parts of the world, there is still no specific global prohibition that guarantees the protection of these animals.

Abstract: The purpose of this disquisition is to analyze bullfighting, its advances and setbacks at a global and local level in terms of animal law. It was developed as a descriptive documentary research with a non-experimental design, using the observation and interpretation of documents related to the subject, from the global level, to the local, the national, specific to the regions and communities, being interpreted through the hermeneutic method. In the analysis, results were reached such as: every day more countries are willing to assume that bulls, because they are living beings that feel, are being attended to from the legal and the ethical, propitiating changes in the way of thinking of people in terms of wanting to consider bullfighting, a sport, art and hobby considered cultural heritage of many countries. For this reason, different actions have been generated from surveys, to define the acceptance or not of these events. It is concluded that there are important advances in this regard, as bullfighting is being prohibited in different parts of the world, taking into account the protection that protects animals, but the laws do not establish specific prohibition in this regard worldwide.

Keywords: bullfighting; global; local; animal law

1. Introduction

Culture is the set of traditions, customs, habits of a group of people sharing a geographical space, defined by Mendieta and Monroy as “habits shared with the collective, achieved by the learning process of what is heard, seen, and which conditions and characterizes a social group” [1] (p.381). It is the result of the social construction and development of each community, which represents part of their identity, of what characterizes them. Therefore, each geographical space - through its history and culture - presents features that identify and distinguish it from others, creating activities as part of the traditions and customs used as elements of animation and union of the locals. They share beliefs, ideas and very specific positions that help to celebrate events celebrating certain times or seasons of the region, which serve as entertainment for many.

One of these events are the bullfights, well known festivities that bring together a group of people who are lovers or fans of bullfighting. The most outstanding feature is that humans ‘win’, beat the bull and end up finishing the bull by sticking swords in his back. This causes euphoria in the

audience that generally cheers the skills and abilities of the bullfighter, as he is prepared in his sport to demonstrate his competences. What is wrong, as Álzate puts it, “is the controversy around these, some see it as a cultural act and others as an act of violence” [2] (p.3), by ending, as a victory, with the death of the animal, who must go through moments of rage, helplessness and pain until it dies in the bullring. That action is applauded by the public, and if it does not die, its life ends inevitably in the slaughterhouse. For this reason, many people qualify these events as an act of violence.

In this vein, González considers that “Violence against animals has always existed, but only with the technologicalization it becomes an ontological and ethical issue” [3] (p.66). Before the twentieth century, there was no assumption of an impersonal or anonymous struggle against animals. Giardina explains: “We were not facing the industrial, programmed and large-scale death that prevails today in farms and slaughterhouses” [4] (p.344). It was believed that animals were at the service of the individual in a utilitarian way and were slaughtered to meet a human need. For this reason, there was no talk, as now, of the extinction of species, because human beings accepted their existence as long as it did not affect their own.

However, nowadays, says González “the extinction of species, the uncontrolled genetic manipulation, the exploitation of livestock in industrial farms and the cruel treatment of animals, reveal a problem that seems to settle in the roots of our ethical conceptions” [3]. (p 67). Therefore, there are animal advocates, who claim the rights of animals, and emphasize what is happening to generate ethical awareness about the actions of human beings. Regarding this, Ricard expresses that:

Every year we kill 60 billion land animals and 1 trillion marine animals for our consumption. This massacre is unparalleled in human history and poses a major ethical challenge. This unbridled consumption worsens the problem of world hunger, causes ecological imbalances and is harmful to our health. Moreover, we exploit animals for purely commercial reasons (wildlife trafficking), for scientific research or for mere entertainment (bullfights, circuses, zoos, etc.) [3] (p.6).

This behavior of human beings could be based on the idea that animals are inferior beings and are at their service, or are simply fungible goods that can be used, enjoyed and disposed of freely. However, that position must be changed and assume that they are planetary co-citizens, as Ricard states that there is an interdependence: “the fate of each living being is intimately linked to that of others” [3] (p.7). It is necessary to remember and stress the need to transform mind and behavior, seeking benevolence to the whole of living beings. In this way, it is possible to live in harmony without mistreating or harming, but serving each other for mutual benefit.

In fact, it has been seen so much mistreatment, violence towards nature, that the model of perceiving this individual-animal relationship was modified from anthropocentrism - based on considering the human being in the center and the rest in the periphery - to biocentrism, explaining Duque [6] that:

If instead of an anthropocentric approach that self-erects us as a privileged species with dominion over the rights of other species and forms of life, we opt for a biocentric vision, we would better understand life on the planet, we would respect it, and change our attitude that borders on the almost suicidal vocation of the human species [6] (p.2).

This scheme assumes respect for life as a holistic totality and as Gonzalez explains “drives us to enshrine life as an absolute value, to the extreme of demanding more from ourselves than we are reasonably willing to give” [3] (p.76), while there is the sensocentrism that, according to the position of Díaz [7]:

It is the ethical position that sustains the need to grant - to some degree - moral consideration to all sentient beings, that is, all those organisms capable of feeling pain, cold, heat, hunger, pleasure, etcetera. Therefore, it is a worldview that seeks to grant rights, especially of a negative type - to avoid suffering, pain, discomfort - to all sentient living beings; a category that would include the vast majority of animals, including humans [7] (p.365).

Thus, according to sensocentrism, respect is restricted only to those who can experience pleasure or pain ignoring the intrinsic dignity of beings. There is also the ecocentrist model, which leaves aside human beings for safeguarding the whole ecosystem, mentioning Castillo and Ceberios [8] (2017) that:

Placing human beings not as the center but as part of the living global planetary system is a first step for the change from an anthropocentric perspective to an ecocentric one. Thus, the relationship between human beings and their environment would flow from a belligerent and tense dimension to a more harmonious and reciprocal one, since this is the relationship that allows us to be alive [8] (p.105)

Of course, each scheme has its virtues. However, it is important to assume a holistic, integral and harmonious balance where the human being relates to everything in nature. In this way, there will be a connection and respect among all its elements, establishing a balanced way of living. In this worldview, rights of all are essential and important. A process of equality is born therefrom, thinking of the other with the wisdom of non-duality. What is intended is that the human being lives in nature assuming its important role, without obviating or minimizing the value that everything on it has: animals, plants, lakes, rivers, seas, everything.

In relation to the behavior of human beings today, in relation to everything that surrounds them, as well as the value and recognition they give to all that they use for their welfare and development, an overpowering, arrogant and even inconsiderate attitude has been evidenced. As a result, they assume that everything that nature offers them is at their service and, therefore, they carry out any behavior, without showing any consideration or respect for the other things that surround them. This situation is clearly evident in their relationships with other living beings, especially animals or sentient beings, as will be seen below. The aforementioned is embodied in bullfights, a preponderantly violent spectacle, where the bullfighter, flaunting coordinated and striking movements, seeks to encourage the animal to charge him and in turn defend itself. The spectacle combines brutality and force, generating a victory for the individual of the human species over the animal, which enraged, is dominated during the exhibition and falls defeated at the end of the bullfight, resulting in death.

For many years, bullfights have been events considered by many communities and countries as part of their cultural essence, and nowadays they have been integrated into the struggles of many activists and defenders, generating a stir about these opposing positions among fans and opponents, hence the purpose of this research is to analyze bullfights, are they progress or setbacks, interpreted from a global and local perspective from the Animal law.

2. Position on Bullfights and Animal Law

It is normal that, for people who like this kind of events, bullfights are perceived as something pleasant. People go to see the bullfighter and enjoy the moment among drinks, applause, music and so on, celebrating the action of how the bull is fought. The bull, by the way, has been cared for, fattened and maintained for its strength, fury and grace and is shown as a trophy. In fact, the fighting cattle ranches try hard to have the best bulls [9], which makes a lot of money, together with the awards that can be obtained with the animal. However, after taking care of it, they take it to a bullring to be mistreated by a human, who considers it a rival and, therefore, the one that has to be defeated. As Cabrera [10] explains:

The bull is, the base, core element of the bullfight; with its presence it dignifies and raises the bullfight, with its surrender and aggressiveness purifies the cruelty of the spectacle, with its blood even washes away the tragic destiny of its species [10] (p.180),

In fact, when the bull comes out into the ring, brave, generous, stubborn; the public surrenders generously to the creative work of the bullfighters, cheering their merits and courage; therefore, the bullfight is a joyful, exciting spectacle, where the bullfighter is worthy of the greatest awards, demonstrating his art. In this sense, according to the studies of Abellán "the Fiesta de los Toros, both in relation to bullfights and popular festivities, has not had a legal regulation of its own until the end of the 20th century, specifically in the decade of the 80's" [9] (p.62), and its roots are in rites that date back several centuries. Indeed, bullfighting in Spain dates back to the Bronze Age. Its existence itself is a cultural phenomenon.

However, despite its cultural importance, it is still criticized on animal rights grounds, because as Pitt explains, it is not really a fight as such, because the bull cannot win, even if it kills or injures

the matador, then, “one of the other matadors must replace him and complete the ritual. If the bull cannot be killed by the matador, it will be eliminated by the slaughterer that same afternoon” [11] (p.109).

Now, within the ritual, the bull will only survive according to Pitt’s explanation “if the public requests the judge of the arena (whose main function is to interpret for the public) that the bull be ‘pardoned’ because of its exceptional courage and nobility” [11] (p.110). Only if the bull has demonstrated perfection in the fight, it is pardoned, but, many times the public - who in this moment of total euphoria does not reason about it - asks for it to be finished, evidencing how human beings lose sensitivity and respect for the rights of the animal that has shown with its performance the values that the cult of the bull tries to encourage.

Therefore, bullfights are not a fight, nor a competitive sport or a game. They represent the dominant interaction of human beings with animals. The latter, after death, is taken out of the bullfighting ring by the mules and slaughtered in the same place. To make the action stronger and more brutal, Pitt states that “To honor the bullfighter who has excelled in his feat, the custom of the bullfight is to give him one or two ears of the animal as a trophy” [11] (p.109). This aspect has been highlighted by those who defend bullfighting highlighting what, in their opinion, is a democratic feature of the spectacle as it is the public who plays a leading role in the awarding of this distinction (Rodríguez) [12].

In a slightly lesser gesture of honor, the bullfighter takes a lap around the ring to receive the public’s applause. It is mentioned that the bull could be honored in the same way, recognizing his courage and struggle. This leads us to ask: Where are the rights of this animal? Because it is an animal is it believed that it does not feel pain? Because it is an animal can human beings do whatever they want to it?

The aforementioned aspects lead to an analysis of what is happening. In this framework of ideas, Plaza [13] interprets that the dogmatic or philosophical postulates sustained by Regan [14] and Wise [15] give recognition to the dignity, or ‘personhood’, of non-human animals. This recognition should be made primarily, or at least initially, to large mammals with superior cognitive qualities in relation to other animals.

Animal rights and the recognition of the legal personality of nonhuman animals are taken into account when defending their dignity, freedom and rights in favor of nonhumans. They are considered sentient beings. This approach raises a new perspective on how animals should be interacted with and treated in society.

For Ricard a sentient being is “an organism capable of differentiating between well-being and pain, between the various ways in which it is treated” [5] (p.52), hence it distinguishes between different conditions conducive or harmful to its survival.

Moreover, the animal is able to react accordingly to the way it is treated. Therefore, it can avoid or move away from what could disrupt its existence and look for what is favorable to its survival. Therefore, this is the time to question the despotic treatment to which animals are subjected. Whether it is killing them for sport, the brutality of the export trade, or slaughtering them to sell their skin, their eggs, their teeth, or any part of their body. This confronts the humanist dogma, and it is necessary to analyze whether this is right or wrong.

In this sense, Linzey [16] states that animals are not human property, nor tools, resources or merchandise. He becomes a defender of animals by considering that the domination of one species over another should not be accepted. Therefore, it is obvious that, for some people bullfights can no longer be considered a sport to their liking. They describe it as cruel, because the idea is to make the bull suffer until it is tortured to death.

This has prompted many animal rights activists and defenders to protest about this activity worldwide, especially in Spain, where this event is considered part of the culture of many communities. They express that all the danger involved is unnecessary for both, the bull and the bullfighter. However, the Lisbon Treaty [17] provides that animals are sentient beings, as stated in Article 3 of the Treaty: “a) No animal shall be subjected to ill-treatment or cruel acts. b) If the death

of an animal is necessary, it must be instantaneous, painless and not cause distress.” Regarding this, Mula [18] mentions that the same line is enunciated in the Lisbon Treaty[17]:

In formulating and implementing the Community’s policies on agriculture, fisheries, transport, the internal market and research and technological development and space, the Community and the Member States shall take full account of the welfare of animals, as sentient beings, while respecting the legislative or administrative provisions and customs of the Member States relating, in particular, to religious rites, cultural traditions and regional heritage. [17]

Therefore, within these policies, the situation of bullfights should be included. Hence, when faced with the analysis position on whether bullfights are acceptable or not, “some cities around the world where bullfights had been popular, such as Coslada (Spain), Mouans-Sartoux (France) and Teocelo (Mexico) that have already manifested to be anti-bullfights” (Ethics Unwrapped Staff) [19].

Likewise, in many countries’ bullfights were the center of attraction to celebrate patron saint festivals and fairs, which, by the way, has always been a costly spectacle. One of its purposes is to obtain profits thereof; but not for everyone, as it is a hobby of the few who can afford to pay for the tickets for the events. Other localities, including some in Catalonia and in Portugal, have stopped killing the bull; but the bullfights continue (Brandes) [20].

From that perspective, bullfighting revolves around the bull. Cabrera [10] mentions that the fiesta focuses on the essential figure of the incarnated force of nature, a sometimes demonic, evil, death-bearing force. In one passage, he states: “Death is present in the bullring from the moment the bull comes out, never corresponds to the bullfighter because it always corresponds - solely and exclusively - to the bull” [10] (p.181). This demonstrates the impetuosity of its charge, which measures it, directs it, and verifies it in a deadly manner. Likewise, he affirms that in the bullfight death corresponds only to the bull.

When analyzing the current situation in bullfights, it is important to emphasize that animals are living beings. As such, they go through the process of being born, growing, developing, reproducing and dying. Therefore, it is assumed that each stage of their life is considered by humans in order to use and take advantage of them. Humans share their lives with these beings, many of which are part of the family by being assumed as pets. Others are part of the production system, whether on farms, fincas or ranches. There are also animals that are part of the attraction and education, such as zoo and aquarium animals. Thus, the relationship between humans and animals can be evidenced. This link should not be with property status, since it reduces them to objects with an economic value.

However, despite the fact that they are living beings, Bentham asks “can they reason? can they speak? can they suffer?” [21] (p.311), considering that animals were not rational, conscious, or did not have minds similar to humans. However, adducing these cognitive differences were irrelevant to the moral significance of animal suffering, being sentient, perceptually aware and capable of feeling pain and pleasure. Francione and Charlton [22] argue that the exploitation of animals is horrible, thus suggesting a paradigm change that allows seeing nonhuman animals as nonhuman persons, as a basic, fundamental and non-negotiable commitment to justice and equity for nonhuman animals.

Regarding this, Plaza [13] expresses that the legitimization of the ‘animal abolitionist postulates’ in the predominant cultural discourses, and its inclusion in the legal discourses of our societies, would mean a substantial improvement for the quality of life and the safeguarding of the dignity and freedom of animals” [13] (p.4). This is because it would be recognizing their ownership of the inviolable right not to be the property of third parties. However, this does not mean absolute liberation of the nonhuman animal from the exercise of human power. It implies transforming certain aspects of how animals are dominated and manipulated.

It is a matter of putting an end to all those actions that are aimed at using animals as if they were the property of human beings. They use them for their satisfaction, either as food or entertainment, disregarding the quality of a living, a feeling being. Francione and Charlton expressed their position towards abolitionism. They argue that “all sentient beings-human or not-share a basic right, the right not to be treated as the property of others” [22] (p.11). Therefore, they deserve to be respected.

Indeed, Regan’s animal rights theory has a major limitation. This is mainly restricted to “mentally normal mammals of one year of age or older. This is because there would be reasonable

evidence that they are conscious" [14] (p.54). However, the possibility of the same occurring regarding other animals, such as certain birds and fish, is not ruled out. Hence, emphasis should be placed on advocating the abolition of the use of animals and postulating obligatory vegetarianism. The use of animals, as the cited author puts it, "is not compatible with the treatment of the latter as an individual that represents an end in itself" [14] (p.370). Therefore, it does not constitute a reason that justifies the subordination of the moral rights of animals to the satisfaction of human interests.

In considering the approaches outlined above, it is worth highlighting the Proclamation of the Universal Declaration of Animal Rights (Capacete) [23], considering that every animal has rights and that the ignorance and disregard of these rights have led and continue to lead human beings to commit crimes against nature and animals.

In general lines, Capacete summarizes that in reference to the 1978 text, (there is another text from 1989), the rights are collected in articles 2 to 4 (right to respect, care, protection, prohibition of cruel treatment and right to a painless death, as well as to a life in freedom for the case of wild animals), 6, 7, 8. b) and 14 (right to enjoy natural longevity in the case of pets, limitation of working time, use of alternative animal experimentation techniques, guardianship of these rights by the public administration). They are practically integrated into Spanish legislation, through the laws that protect biodiversity and natural heritage and the Criminal Code that sets out the crimes of mistreatment and death of animals [23].

In addition, Capacete [23] mentions the autonomic and municipal provisions that protect animals living in the human environment, as well as the regulations on animal health establish that human knowledge must be put at the service of animal health.

This declaration was promoted by The International League for Animal Rights in 1977 [24] and was presented to the public in 1978 as the first text of the Universal Declaration of Animal Rights. As expressed by Capacete [23], after several transformations, it was sent on several occasions to UNESCO for its approval, a matter that has not been formalized. However, this is not to detract from the validity or importance of the Declaration. Many of the rights contained in its text are already part of the legislation of various countries. Although it was not adopted by any international institution, this is a major factor that explains the limited practical effect of the Declaration and has not had a moral impact.

Arguably, if the Declaration had been adopted by UNESCO, it would have had a real moral impact. For Heuse, author of the initial 1973 text, cited by Capacete [23], such support was lacking, specifying that it should have been adopted by the UN General Assembly. However, no such process was undertaken. The text was simply read at UNESCO and was never adopted by that or any other institution.

2.1. Global Position on Bullfights and Animal Law

In different parts of the world bullfights have been considered as culture, or as activities of fairs and certain festivities, which has incited bullfighting lovers to participate and enjoy these events. This is the case in Spain, wherein bulls are immobilized, pulled with ropes, assaulted, forced to run, thrown into the sea and torches are lit on their horns during popular festivities in the communities. Animals suffer falls, blows, intense suffering and, sometimes, death. The cruelest form of feasting is when balls impregnated with a flammable substance are placed on their horns and lit to watch them run in despair (*Animanaturalis*) [25].

According to Liu [26], in the San Fermin Festival, the running of the bulls is held in July. This ends when all the bulls arrive at the bullring and enter their corrals. This is the time to end the running of the bulls, to start the bullfight in the bullring, which is considered a cultural heritage of Spain. Therein three bullfighters have to fight against six bulls: one bullfighter with the first and the fourth bull; another with the second and the fifth; and the last one with the third and the sixth. The bullfight is divided into three parts or tercios: *tercio de varas*, *tercio de banderillas* and *tercio de muerte*, with two suertes: the *capote* and the *muleta*. After an 'excellent show' (Liu), one of the bullfighters must lead the bull to death [26].

In Spain, bullfights are considered a cultural historical heritage and therefore, bullfighting is not only regulated but protected, expressing in the law 18/2013[27], of November 12 that: "Bullfighting is part of the common historical and cultural heritage of all Spaniards, as an activity rooted in our history and in our common cultural heritage", regulating it as cultural heritage. In addition, two other ordinary laws order and protect them; law 10/1991[28], of April 4, on bullfighting shows; and law 10/2015 [29], of May 26, as a safeguard of the intangible cultural heritage, and two rulings of the Constitutional Court, one of them removed the ban on bullfighting in Catalonia.

Due to many protests, Humane Society International [30], hired Ipsos MORI [31], to conduct a survey of Opinion About Bullfights, its objective was to know what the perception about the support is given to this activity. In Spain, the majority of Spaniards oppose the use of public funds for this cruel blood sport. This issue is being discussed at the same time that parliament is debating a bill to declare bullfighting a cultural heritage. The initiative is being debated by the Culture Committee, with the aim of public money being used to promote this bloody spectacle of torture to death in a bullfighting ring.

According to the Humane Society International [30], only 29% of the Spanish population supports bullfights and 13% of this sample does so 'strongly.' 75% of the population has not attended a show of these characteristics in the last 5 years; and 76% is opposed to the use of public resources to finance the bullfighting industry and urges their representatives to approve regulations in favor of animal rights.

On the other hand, a meager 7% of respondents said they attend bullfights 'about once a year,' compared to 20% who visit a museum or art exhibit, go to the theater, or attend soccer games. In addition, 67% agree that children under 16 should be denied admission to bullfights (Humane Society International) [30].

In that vein, bullfights can be considered banned in many countries. These include Argentina, Canada, Cuba, Denmark, Italy and the United Kingdom (Humane Society International, 2013) [30], since it is considered an unhealthy act that goes against animal rights. As a sample of this struggle in defense of animals, according to the information provided by El País [32], in Madrid:

Bullfights dropped almost 5% for 2018 in Andalusia, Castile and Leon, Castilla-La Mancha and Madrid monopolize 78% of the bullfighting festivities, according to statistics from the Ministry of Culture, since 2007, the number of bullfighting festivities throughout Spain has fallen by 60%, 50% in the case of bullfights) [32].

However, popular celebrations are growing exponentially. These consist of running in front of the bulls without killing the animal in the bullring. Some Spanish cities, such as Calonge, Tossa de Mar, Vilamacolum and La Vajol in the Autonomous Community of Catalonia, have banned bullfights, as stated by the Humane Society International [30]. By regions, bullfights only take place in Madrid, Andalusia and the two Castillas. Meanwhile, strong places such as the Basque Country or Murcia see how the presence of bulls is reduced year after year.

In an interview for El País, Duarte - president of Pacma, the animalist party most critical of bullfighting - expresses: "Let's not fool ourselves, bullfighting in Spain is a minority hobby that is kept alive with respirator, thanks to public subsidies and the support of the institutions" [32]. Therefore, they consider the ban as the end for bullfighting as they consider bullfighting a crime. They assume that what is done in the bullrings must be qualified as animal abuse and the law has to be applied.

Now, for Martínez "Spain is one of the countries with the most animal mistreatment in the entire European Union and where bullfighting is considered Cultural Historical Heritage" [33] (p.17). For this reason, Pacma opposes and fights to achieve respect for animal rights, considering that nature and the environment must be considered above all considering that bullfighting is a minority hobby.

Today, all these acts of mistreatment of animals should be eliminated. This is due to the need to comply with Law 7/2023, of March 28 [34], for the protection of the rights and welfare of animals. It is becoming increasingly evident in Spain that there is a growing public awareness of the need to guarantee the protection of animals in general.

In particular, the aim is to protect animals living in the human environment, as beings endowed with sensitivity whose rights must be protected. This is included in title 13 of the Treaty on the Functioning of the European Union [35] and the Spanish Civil Code [36]. This issue implies that the autonomous communities and city councils must consciously assume the development of regulations that advance in the protection of animals. The aim is to improve their welfare and reject situations of mistreatment towards them. However, the law excludes bulls.

Similarly, bullfights are legal in France. This matter was legislated in the 50's. Since then, they have it clear: those who want to go to the bullfights and the others respect them. It is considered a measure of the executive branch to protect bullfighting against the avalanche of town halls that were prohibiting them. The legislation, which considers bullfights as animal mistreatment, only contemplates an exception in the southern regions, where it is considered as a cultural tradition. This exception was backed by a court decision in 2000, which has established case law.

However, in France and Spain, despite the attacks, the law has been applied. The legal regulation of bullfighting has been shifted from public order to a matter of intangible cultural heritage, with special legislation to that effect. This is documented by Villegas [37], when considering the right of minorities as its foundation. As an anti-bullfighting argument, the issue of the impact on the environment is used. This is argued by environmental foundations, jurists and philosophers.

In Portugal bullfights are legal but bulls are not killed. However, they are prohibited for minors under 16 years of age, as UNESCO suggested in order to comply with the protection of minors from violent spectacles, assuming compliance with article 13 of the Treaty on the Functioning of the European Union. This article states that animals must be regarded as sentient beings "when formulating and applying the Union's policies on agriculture, fishing, transport, internal market, research and technological development and space..." [38].

However, Jiménez notes that "European institutions decided to delve into national law in order to investigate whether to consider bullfighting as a cultural tradition" [39] (p.47), concluding that in the Spanish State om Act 18/2013 [27] (November 12) bullfighting is regulated as cultural heritage, since its art. 2 provides:

Bullfighting, in the terms defined in Article 1, is part of the cultural heritage worthy of protection throughout the national territory, in accordance with the applicable regulations and international treaties on the subject [27].

Therefore, the European Commission, expressed its position regarding bullfights, considering them effectively, a cultural tradition. For this reason, it is assumed that they are still accepted, regardless of the rights of these animals.

However, according to what Villegas [40] stated, the harassment of anti-bullfighting, heavily organized in Spain and other European countries have leapt to the Spanish bullfighting America, have been globalized, noting that these events continue to be held in Colombia, Venezuela, Peru, Ecuador and Mexico.

According to the position of Pérez and, based on a ruling for a case presented in Ecuador, it is stated that "Modern legal systems increasingly incorporate provisions that protect the welfare of animals" [41] (p.56), however, animal protection, "based on animalist and environmentalist theories", start from incompatible philosophical axioms" [41] (p.72) Therefore, when dogmatically analyzing the provisions that aim at protecting animals, it must necessarily be clear about the philosophical current that underlies them and, if those rights are of nature, but not of the animals, thus any attempt to derive animalistic precepts from it will necessarily be artificial.

Therefore, it is argued that animals are first and foremost members of an ecosystem, so recognizing their individual rights cannot be done to the detriment of the role they play within a whole. In this way, in Ecuador, a referendum was held in 2011 to know if the citizens agreed that in the canton of their domicile, shows whose purpose is to kill animals should be prohibited. The majority rejected bullfights, but the vote was cantonal (provincial) and not national, so no law banning them was passed, and bullfights continue to be held in 94 cantons [41].

In that vein, Hernández and Fuentes [42], explain that in 2015, a bill for an Organic Animal Welfare Law (LOBA) [43] was presented to raise awareness about the defense and rights of animals

and, consequently, to reform Article 585 of the Civil Code, where animals are considered objects that move on their own and to eliminate animal abuse, ensuring that people are aware of not producing pain to them.

Hernández and Fuentes [42] explain that, in Ecuador, Nature is currently legally recognized as a subject of law by the 2008 Constitution [44]. However, animals have not yet been granted the legal status they deserve despite the fact that it has been scientifically proven that they have the capacity to express their feelings and feel empathy, while daily inhabiting an environment together with humans.

Then, it should be noted that there is currently no animal protection law in Ecuador although neighboring countries, such as Colombia and Perú, do have it. In these latter countries, although it is not expressed that bullfights are prohibited, it only seeks that animals are considered, leading to eliminate animal abuse and ensuring that people think carefully before performing any act that may cause pain to these vulnerable creatures [42].

This makes it possible to understand why bullfights are accepted in some places, while in others they are not. For instance, this is a case commented by Chapa [45], who states that, in Mexico, bullfights are legal but are prohibited in the states of Coahuila, Guerrero, Quintana Roo, Sinaloa and Sonora. 5 out of 32 states have banned bullfights. In Mexico DF, the capital city, bullfighting shows cannot be held, due to the provisional suspension of bullfights in Plaza Mexico, the largest in the world, but they are still widely available elsewhere.

For Ortiz [46] in Argentina, there have been no bullfights since 1899, after the 1891 animal protection law; Uruguay banned them completely in 1912. Recently, in December 2010 Nicaragua passed a law prohibiting bullfights in which the animal is harmed.

In Colombia, according to Hernández [47], bullfights are in 4 main cities: Manizales, Popayan, Bogotá and Cali, and also in some municipalities of the country. However, in Colombia, a bill was promoted to ban bullfights throughout the country, which was not achieved because it was not discussed in the Senate. A bill was submitted to Parliament to ban all bullfighting practices: to hurt the bull with a lance (rejoneo), fight of young bulls (novillada), other bull runs such as becerradas and encierros, bullfights with heifers and comic bullfighting festivals. Although the bill was rejected, regarding it, Uribe [48] stated that:

Animalistic laws today, in addition to protecting animals from bullfighting; because it is so, they protect the conservation of this type of fauna and prohibit absolutely its extinction or even minimal damage to the breed, as well as all the others that coexist in their fields full of biodiversity, a good fan doesn't go to see bullfighters to the bullring, he wants to see bulls and that is actually what he admires and values, so Uribe justifies to always inform about this and for the conservation of the fighting bull, an animal that deserves this protection [48].

In Peru, the bullfighting spectacle is conceived with much pleasure, and therefore, there are more than 200 bullrings, (Rodriguez) [49], but they have Act No. 30,407 of Protection and Animal Welfare [50], which places this Latin American country in great progress in accordance with the process of globalization, awareness and worldwide human sensitization towards animal life. They consider that all conduct generating cruel mistreatment towards an animal is a malicious misconduct that implies knowledge and premeditated will by the human being, but they do not consider bulls in this; thus, bullfights continue, considering that it is part of their culture and "bullfighting shows are invariably included in their patron saint festivities" [41] (p.395)

In the case of Venezuela, Villegas (2017a) [37] states that there are those who disagree with bullfights. The author mentioned above cites that, in 2015, the Ombudsman promoted a draft bill, which would ban bullfights in the country, especially in the permanent bullrings in Maracay, Valencia, Mérida, Maracaibo, San Cristóbal and Tovar, where bullfights are held during the fairs every year.

But as stated by Villegas "There is no legal regulation in Venezuela that expressly includes bullfights as intangible cultural heritage (as an art). Municipal ordinances are those that regulate this matter as a public spectacle" [37] (p.249), just as there is no national Bullfighting Law, however, a Resolution of the Ministry of Tourism was issued, No. 010, G.O. 04/03/2009, in which bullfighting

spectacles are qualified as a tourist recreational activity [37]. The current charge of the anti-bullfighting people is supported by the environment.

For Villegas it is a merciless attack of the greens and their intolerance with the excuse of protecting environmental values. Although “it is notorious that neither the Constitution, nor the laws in Venezuela prohibit bullfights, because they threaten the environment or are likely to degrade it” [37] (p.249).

In contrast to the above, it can be considered that bullfighting celebrations are banned by law in many countries, such as Argentina, Canada, Cuba, Denmark, Italy and the United Kingdom, according to Humane Society International [30], an organization that estimates the death of approximately 250,000 bulls every year in bullfights. In 1899, Argentina was the first country in Latin America to ban bullfights completely, as well as Cuba and Uruguay (Bracco) [51].

In March 2012, Panama approved the total abolition of dogfighting, animal racing, as well as bullfighting, even if the animal was not killed. After being presented, discussed and corrected in the debates that took place in the Commission of Population, Environment and Development during the past months, it was finally approved on April 27, 2011, and approved on March 15, 2012 has been voted and approved. As explained by Animaturalis [52], one of the most outstanding points of this law is stated in its 7th article, which clearly states:

It is prohibited dog fights, races between animals, bullfighting, whether they are Spanish style or Portuguese style bullfights, the setting up, entry, permanence and functioning in the national territory of any type of circus or circus show that uses trained animals of any species [52].

This law presents two exceptions for horse racing and cockfighting. AnimaNaturalis [52], considers important the decision of the Panamanian country to protect animal rights, since from now on the road will be much less difficult for animal defense groups to achieve new objectives

2.2. *Glocal and Local Position of Bullfights and Animal Law*

For Martinez and Toledo [53], glocal means the global presentation of knowledge in a local context, maintaining and respecting its behaviors (glocalising). This could be summarized as thinking globally, acting locally. In ‘glocal’, there is the transmission of an excessively traditional image, which is close to what bullfights represent to the world. This activity is marketed to the world as part of the tradition, since it is necessary to disseminate it and create what it represents in the community.

This is not only from a cultural point of view, but also in terms of socioeconomic and tourism development. It helps to make it known and to assume it as a special product of the locality. It does not remain only for the enjoyment of the people of that community, as marketing is done so that people from other places attend and participate in the cultural festivities. In these festivities, the center of attraction is often the bullfights.

This situation is evident at a glocal level, because bullfighting festivals are held in cities and communities, as part of their tradition, therefore, in any country, in their localities they are generally held to attract the attention of tourists, offering the fight of famous bullfighters, considering that this sport/entertainment allows the income of good amounts of money, which often contributes to the development and benefit of the locality.

Regarding the local level - as Martínez and Toledo [53] explain - interpersonal ties or community networks in a local area allow sharing resources among the people involved, attracting people from different urban and rural localities nearby. Thus, companies have to pay more attention to those who are close, and increase their customers’ welfare and satisfaction, and hence the dissemination of what they do, their culture, innovations, knowledge both locally (the community itself, the immediate environment) and to the rest of society (the global) [53]

At a local level, there are several links such as economic, social, interpersonal and labor interests. This contributes greatly to create an environment of consumption, necessary to generate wealth, so it is considered that bullfights are communicating values and farmers, bullfighting companies, the bullfighter, and the locality are benefiting, as well as highlighting their own beauties through tourism.

González and Sanfuentes, state that “Despite the fact that bullfighting does not exist in Chile today, and has been forgotten, bullfighting was - as in every territory dependent on Spanish power - the center of the ludic universe, with notorious social implications” [54], considering the Iberian tradition, and assuming at one time the spectacle, in the context there were factors that particularized bullfighting.

In fact, Pitt stated that “each local community (town) celebrates its patron saint with a bullfight” [11] (p.109). This is part of the patron saint festivities, when celebrating the Virgin or a saint. Therefore, he considers that “each differentiated social identity is expressed in some type of bullfighting celebration” [11] (p.109). This is part of the religious ritual, because before the bullfight, the mass, the gentle party and the fiesta brava are celebrated. All this is a way of remembering the purification of the sacrifice of the lamb, where the bull reestablishes the grace of morality in daily life.

In former times bullfights were part of religious festivities, especially according to the traditions of each community, and it was a way to attract locals and tourists, due to its social and economic relevance. However, today is necessary to analyze what these activities represent in terms of the meaning given to the rights of the animal and the behavior of the human being, a matter that has awakened actions in favor and against bullfighting.

At the forefront of Legal Sciences, Plaza [13], states that legitimizing the principles of abolition of actions such as those analyzed here - referring to bullfights - by including them in legal systems, would tend to improve the protection of animal rights. From there, the aforementioned author states the importance of making changes in human behavior regarding non-human animals, expressing the need to recognize and protect the dignity and freedom of non-human animals in the face of the exercise of human power.

Among them, animal abolitionism seems to stand as the most radical and libertarian position elucidated until today, as it advocates abolishing all forms of animal exploitation and even inserting them - or some of them - into the anthropic moral community [13] (p.87). In Plaza's position, we highlight the need to change the idea of believing that animals are the property of third parties, of others, although he considers that “an abolitionist stage of this kind would not imply the absolute liberation of the non-human animal from the exercise of anthropic power; it would only imply a modification of the nature of the relation of dominion we have over them” [13] (p.87).

Therefore, it is relevant to mention that, in Chile, the Ministry of Health; Undersecretary of Public Health, sets forth Act No. 20,380 on Animal Protection [55]. Here, the Honorable National Congress approved the bill based on a Motion of the Honorable in September 2009, and the President at that time, Michelle Bachelet, enacted the law, complying with the provisions of No. 1 of Article 93 of the Political Constitution of the Republic [56], it was approved to take effect as Law of the Republic, and was instituted in Title I: Objective and Scope of Application, Article 1°:

This law establishes rules aimed at knowing, protecting and respecting animals, as living beings and part of nature, in order to treat them properly and avoid unnecessary suffering. The regulation will define the different categories of domestic and wild animals, according to species [56].

In that line of ideas, and going back in history, Alarcón [57] comments that, in Chile, the first bullfights took place in 1555 in Santiago, from where they would have expanded to some other cities, but they did not have the effect of public support as in Peru, Ecuador, Colombia and Mexico, where the bullfights still have a loyal public. According to Alarcón, these bullfights had their particular generalities, since though there was a kind of bullfighter, it was generally a landowner, dressed in a short black cape, dagger, sword at his side and hat adorned with multicolored feathers, who performed this representative function, and the young men escorting him were the ones who finally killed the bull, whose antler tips had previously been cut off to avoid injury [57].

As Alarcón comments, bullfighting spectacles generally took place on special dates, such as the arrival of a Governor or some religious festivities, a ring was built similar to the medialuna occupied by the huasos to enliven the rodeo a la chilena. Thus, every now and then, some Spanish amateur would make a bullfighting event, with no lack of members for the cuadrilla - a task generally performed by local people who dared to face the brave bulls previously brought down from the

highlands to perform the bullfighting - and having no notions of bullfighting, which resulted in some misfortunes, so the Senate consulted to prohibit Bullfights throughout the Republic [57].

Therefore, Alarcón, describes those bullfights had their glory days in the Colony and later at the beginning of the XX century, especially in Valparaíso in spite of the explicit prohibition decreed in 1823 when the Sovereign Congress ordered and sanctioned the perpetual abolition of bullfighting in the territory of Chile, both in the towns and in the countryside. No arguments were given nor was it embellished with other words that could give rise to subterfuges to avoid it, but it did not establish any sanction for those promoting them, nor did it allude to the way of carrying out these bullfights, which is by capping the bull, stinging it, flagging it and killing it [57].

When considering a position from another century, it is important to adapt it to the approach of González [3], regarding the position that should exist between human beings and animals, pointing out that, since they are living beings, their importance is equal, and if it is assumed that these non-human beings cannot reason, it is up to humans to do so and make the most appropriate decisions to strengthen coexistence within nature.

In Chile, bullfights were banned since 1823, but only in the early twentieth century they once disappeared completely (Ortiz) [46]. According to Alarcón [57], until 1899, bullfights did not take place, but shortly after, in 1901, a society was formed by seven people, who built a wooden bullfighting ring in the style of Spain, located on the grounds of the Mapocho, in the same commune of Providencia and, despite the struggle, the ruling of the Supreme Court did not accept the request of the fiscal promoter, for prohibition of bullfighting drills.

Once the Santiago bullfighting ring was inaugurated by the Chiclanero, bullfighting rings began to be built and bullfighters began to be hired to come to Chile. In Valparaíso the Municipality granted permission and such was the enthusiasm that little by little three bullfighting rings were built and bullfights were held all year round. But, just as the Municipality gave permission for bullfights, it also prohibited them based on the same law of 1883, although bullrings continued to be built [56].

The last bullfight was held in 1903, because over time the public attendance declined, which forever removed this type of spectacles similar to those of old Spain. In the rodeos nowadays, bulls are usually present, but only for the riders, generally youngsters who want to achieve some fame by demonstrating their skills in the taming of the animal [57]. This behavior of Chilean citizens regarding bullfights is consistent to what ought to be, because of the assumption of fundamental rights, especially in relation to the welfare and protection of animals, which is why it can be argued that bullfights are violating those rights.

Regarding this, the Chilean Constitution recognizes animals as subjects of special protection and in its article 23 it states: "Animals are entitled to special protection. The State shall protect them, recognizing them as sentient beings and their right to live a life free of mistreatment" [56], therefore, the State and its agencies promote empathy regarding animals through education.

It is also pertinent to mention that, at present, in Chile, the crime of animal abuse, set forth in articles 291 bis and 291 ter of the Criminal Code [58], has been the result of a legislative evolution in the last decades. As explained by Binfa and Ugalde (2022) [59], this crime was established in the current Article 291 bis in 1989, following Act 18,859. Subsequently, it went through the amendments of Acts No. 20,380 and No. 21,020, the latter being the most significant [59].

Despite these reforms, the wording of the Criminal Code [58], article has remained almost unchanged. It is considered unlawful to "commit acts of mistreatment or cruelty to animals." In the new Article 291 ter, it is added that "any action or omission, occasional or repeated, that unjustifiably causes harm, pain or suffering to the animal" is a crime. Therefore, the criminal type of criminal offense of animal abuse is questioned whether there is action, i.e., who commits the damage, or omission, i.e., who allows it to be done, assuming it as cruelty.

This position is relevant and coincides with what is exposed in the wisdom model of non-duality. As González explains, "a vision where the human being is in the plane of symmetry regarding the other entities of the world must prevail" [3] (p.74). Therefore, De la Torre [60], expresses that to generate suffering to satisfy certain human interests is what leads to the use of sentience as the only element to be weighed. This establishes the ethical limits of the relationship between humans

and other animals. Although it is supposedly a tradition, bullfights are not admitted under this perspective.

3. Conclusions. Analysis of the Progress and Setbacks of Bullfights

It has been explained about bullfights at global, glocal and local levels. At the same time, a review of Animal law was also made to arrive at this philosophical and pragmatic analysis. The purpose is to establish a position on whether the modifications experienced result in an advance or a setback in relation to bullfights. After analyzing animals as living beings that feel, suffer, have very precise feelings and emotions according to their state of mind and adaptation to their relationship with human beings, we must consider that in many countries, with the banning of bullfights, these beings are respected, as they are no longer used for the enjoyment and pleasure of people, and are no longer considered as a means to obtain profit, when in reality they are performing an absurd act to demonstrate strength, skill and domination.

However, it is important to emphasize that everyone has a different way of thinking about bullfights and the rights of bullfights and animals in general. Such is the case of Savater [61], who defend 'Tauroethics' in his book. He argues that there are moral arguments in favor of bullfights, so that being a bullfighter is a legitimate ethical option. Meanwhile, Ortiz states that this position is "a mistake and moral arguments do not have the force he attributes to them; there may be economic, political or other reasons in favor of bullfights, but there are no moral reasons" [46] (p.228). However, there are strong moral reasons against bullfights when using bulls as objects, killing them at the whim of humans to obtain victory over the animal, without any moral consideration or respect for nature.

So it is an advance, to protest against the position that another argues as true and unique, giving it qualifiers of ethics. According to this, Ortiz [46], fervently stated that bullfights are an immoral practice and there is no justification for the laws to allow them. On the contrary, there are strong moral reasons to justify the abolition of bullfights, so the request to ban bullfights is not an act of arrogance - as Savater [61], states - but is the fully justified movement of societies that wish to progress morally, to respect the rights of animals, which must be assumed and interpreted to draw conclusions about whether bullfights are ethical or not. In this sense, it is relevant to bring up the criterion exposed by Francione and Charlton [22], who, based on the abolitionist approach, refer that:

The recognition of the right to non-ownership that every sentient being has implies that we should abolish, not merely regulate, institutionalized animal exploitation, and that abolitionists should not support reforms of welfarism or single-issue campaigns [22], (p.31).

Therefore, animal exploitation should not be regulated to make it 'more humane', as it implies legitimizing its existence. Similarly, campaigns to respect animals, whatever the species, should be supported as the right thing to do. They put forward a principle in their theory which is the recognition of the principle of non-violence as the core support for the animal rights movement.

As a colophon of the considerations exposed ut supra, without any doubt bullfights represent a triumph of barbarism, over the advance of civilization and therefore, they constitute a setback of the human being before the advances of civilization, because, what sense does it make to demonstrate strength, abilities, cunning, killing an animal? All this highlighting his ego, how superior he is, the control and dominion over that living being, which is mistakenly believed not to think, but as any other living being, has the ability to feel, and although irrational beings, - as they have been described so far - it seeks strategies to defeat the bullfighter. Therefore, it is a struggle, a bestial struggle, because in the end, the bullfighter does not show his skills when fighting, and remains so, no, in the end, he must conclude his work, killing it in an agonizing and painful way.

As Liu [26], comments, people like to infuriate the bulls to make the bullfight more interesting and dangerous, so angering these wild animals is not forbidden, but is it normal to do so? The fans of bullfighting - whether it is the running of the bulls, the bullfights or bull tailing - feel pleasure and a satisfaction mixed with fear, anguish, excitement, happiness and therefore, they do not analyze that their behavior causes suffering. Moreover, it is a challenge that implies risk, because there are many bullfighters and fans who have died, who have been incapacitated by the warlike performance of the

bull, and in spite of that, they continue to experience it in many parts of the world, as a tradition, a local custom that becomes global and global.

In support of the above, it is necessary to emphasize that there have been many advances, as a result of many struggles, in different countries of the world where bullfights have been prohibited, considering, as explained above, everything that is done and the damage caused to the animal, the risk that the bullfighter runs, the type of spectacle offered to the audience, and everything that the execution of the bullfight represents. In short, the process of accepting that it is not fair to mistreat animals just to satisfy the personal interests and intentions of some people has generated that animal rights are increasingly criticized and objected to. This depends on how each individual feels what an animal is and represents. From this arises the indifference towards the mistreatment to which a bull is subjected in a bullfight.

On the other hand, from the collective point of view as a society, it raises a reflection from the cultural or traditional approach and an examination regarding the content, meaning and value attributed to this type of ancestral practices with the maturity of each society in terms of values and morals.

For this reason, activist defenders will continue working until their purpose is achieved, which is to prohibit these practices at global and local level, since there are few logical reasons to try to defeat an animal, after obfuscating and mocking it to end in a grim and cruel death. They seek to make of this despicable 'spectacle' a pseudo-satisfactory means in relation to a minority group.

Consequently, different actions have been generated from surveys, to define the acceptance or not of these events. It is concluded that there have been important advances regarding the prohibition of bullfights in different parts of the world, taking into account the protection of animals, but the laws do not establish a specific prohibition in this regard worldwide.

Funding: This research received no external funding.

Informed Consent Statement: Not applicable.

Conflicts of Interest: The authors declare no conflicts of interest.

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