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Argentina: Between Animal Rights Recognition and Animal Farming Intensification

ARGENTINA: ENTRE EL RECONOCIMIENTO DE DERECHOS PARA LOS ANIMALES Y LA INTENSIFICACIÓN DE LA GANADERÍA

ARGENTINA: ENTRE O RECONHECIMENTO DOS DIREITOS DOS ANIMAIS E A INTENSIFICAÇÃO DA PECUÁRIA

Silvina Pezzetta[1]

Abstract
The intensification of animal farming is a growing trend worldwide that poses serious environmental and animal rights challenges. In Argentina, it gained public attention for the first time after the government agreed with China to install intensive pig farms in the country in 2020. Although the environmental danger raised the most important concerns among the public, the opposition also came from animal rights advocates. This paper will offer a theoretical analysis of intensive pig farming from animal ethics and animal welfare perspectives. The analysis will include how some of the most recent advances in Argentinean case law, recognizing legal personhood for some animals, could influence the path to animal farm intensification and its regulation. The work is divided into four sections. In the first, a brief discussion of the contributions of animal ethics will be presented. The second section will describe the main concepts involved in animal welfare science. In the third section, the article will describe the life and death of pigs on intensive farms. Finally, the last section will survey Argentinean animal rights case law and animal law, highlighting the contrast between the contradictory trends: animal legal personhood recognition versus animal farming intensification.

Keywords
Animal law; animal ethics; animal welfare; intensive animal farming.

Resumen
La intensificación de la cría de animales es una tendencia creciente en todo el mundo que plantea graves problemas medioambientales y de violación a los derechos de los animales. En Argentina, atrajo la atención pública por primera vez después de que el gobierno acordara con China la instalación de granjas intensivas de cría de cerdos en el país en 2020. Aunque el peligro medioambiental suscitó la mayor preocupación entre el público, la oposición también provino de los defensores de los derechos de los animales. Este artículo ofrecerá un análisis teórico de la cría intensiva de cerdos desde las perspectivas de la ética y el bienestar animal. El análisis incluirá además una revisión de cómo algunos de los avances más recientes de la jurisprudencia argentina, que reconocen la personalidad jurídica de algunos animales, podrían influir en el camino hacia la intensificación de la cría de animales y su regulación. El trabajo se divide en cuatro secciones. En la primera, se presentará una breve discusión de los aportes de la ética animal. En la segunda, se describirán los principales conceptos implicados en la ciencia del bienestar animal. En la tercera sección, el artículo mostrará la vida y la muerte de los cerdos en granjas intensivas. En la última, se hará un repaso de la jurisprudencia argentina en materia de derechos de los animales y se destacará el contraste entre las tendencias contradictorias: reconocimiento de la personalidad jurídica de los animales frente a intensificación de la cría de animales.

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Palabras clave
Derecho animal; ética animal; bienestar animal; cría intensiva de animales.

Resumo
A intensificação da pecuária é uma tendência crescente em todo o mundo e apresenta sérios desafios ambientais e de direitos dos animais. Na Argentina, ela ganhou a atenção pública pela primeira vez depois que o governo concordou com a China em instalar fazendas intensivas de suínos no país em 2020. Embora o perigo ambiental tenha levantado as preocupações mais importantes entre o público, a oposição também veio dos defensores dos direitos dos animais. Este artigo oferecerá uma análise teórica da suinocultura intensiva a partir das perspectivas da ética e do bem-estar animal. A análise incluirá como alguns dos mais recentes avanços da jurisprudência argentina, reconhecendo a personalidade jurídica de alguns animais, poderiam influenciar o caminho para a intensificação da criação de animais e sua regulamentação. O trabalho está dividido em quatro seções. Na primeira, será apresentada uma breve discussão sobre as contribuições da ética animal. Na segunda, serão descritos os principais conceitos envolvidos na ciência do bem-estar animal. Na terceira seção, o artigo mostrará a vida e a morte dos porcos nas fazendas intensivas. A última seção apresentará um levantamento da jurisprudência argentina sobre os direitos dos animais e da lei de animais e destacará o contraste entre as tendências contraditórias: reconhecimento da personalidade jurídica dos animais versus *intensificação da criação de animais.*

Palavras-chave
Direito dos animais; ética animal; bem-estar animal; criação intensiva de animais.

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Introduction[1]

The industrialization of animal farming is an expanding phenomenon that emerged in the Global North (Fraser, 2008, p. 5) to increase profitability. In peripheral countries, it advances slowly, however, steadily. Argentina is no exception to this trend, represented by the well-consolidated use of feedlots and intensive chicken farming.[2] Still, animal farm industrialization entered the public agenda and the mass media for the first time due to an agreement between the Argentine and Chinese governments in 2020 to build mega-pig farms. Much of the complaints about mega-farms focused on the significant environmental and public health impact produced by intensive animal husbandry—yet, there were also opposition campaigns from animal advocates (Pezzetta, 2022, p. 13). A protective action (*amparo*) was filed in Chaco, one of the Argentinean provinces in which the first mega-farm is set to be installed, claiming the mega-farm violates the constitutional right to a healthy environment. The opposition to the violation of animal rights does not have the same legal support as the constitutional right to a healthy environment. Defending the rights of pigs is more difficult, since there is not an easily identifiable and sufficiently protective animal rights law. Animal welfare standards—legally consecrated or not—are usually invoked to invalidate animal rights defense, making mega-farms disapproval more challenging. On the other hand, key animal ethics concepts, such as sentience, are generally unknown topics among lawyers and judges. Consequently, there is a gap between animal ethics and the law. The gap is evident, for example, in the absence of a robust legal theory of animal rights (Pezzetta, 2018, p. 166; Stucki, 2020, p. 534). But it is also ostensible, in the Argentinean contradiction, between a case law that benefited some animals by recognizing them as legal subjects and the trend towards animal farming intensification.

This article intends to narrow the gap through two different steps. The first shows how intensive pig farming could be legally assessed considering animal ethics (AE hereinafter) and animal welfare science (AW hereinafter) contributions. The second is a survey of the Argentinean legal system's reaction to the many claims of animal rights advocates (Méndez, 2020, p. 46), which ended in a progressive case law and legislation, recognizing animals' legal personhood by mixing animal ethics and animal welfare concepts. This case law, which protects animal rights, on the one hand, contradicts the intensification trend most visible in the case of the Chinese mega-pig farms, but on the other hand has the potential to influence

1 The author thanks the Consejo Nacional de Investigaciones Científicas y Técnicas (Conicet) for funding the research that led to this paper.

2 In Argentina, pig farming is mainly carried out under extensive or semi-intensive conditions. In this regard, you can see Argentina (*s.d.*).

the ongoing legal regulation of intensive animal farming. Intensive animal farming, as it will be further explained, increases animal suffering and animal rights violations. However, case law rationales, mainly based on animal sentience, can be extended to farm animals and, particularly, to the increased intensification based on the non-regression principle used in the human rights field. Furthermore, as will be further discussed, AW regulation already recognizes animal consciousness and sentience, enabling the debate about what we owe to animals to be less controversial from an empirical perspective.

The structure of this work is composed of four sections. The first one will examine the central ideas of the founders of animal ethics, Peter Singer and Tom Regan. The bibliography on the different currents of animal ethics goes beyond the limits of this paper. However, the authors and concepts conveyed herein not only will be enough to understand the background of animal rights claims, generally unknown by lawyers, but will also inform their non-speciesist normative position. The second section will describe the fundamental aspects of animal welfare science that are partially translated into legal regulation. Animal welfare is often confused with ethical positions, and this misunderstanding will be examined to clarify such misconception. The third section will describe intensive pig farming practices, as they are primarily unfamiliar to legal audiences. Understanding what happens in intensive farms is vital to evaluate which would be the fairest legal regulation. Finally the fourth section will bring a discussion of how Argentinean case law and new animal statutes have increased the protection of animals by rejecting—totally or partially, explicitly or implicitly—speciesism. The article will argue that some of these advancements could influence the legal regulation of intensive animal farming, such as future regulation of pig-farms and future litigation, aiming at reducing the contradictions in the Argentinean legal system.

1. Animal Ethics and the Rejection of Speciesism

The question of what we owe to animals strongly re-emerged (Cochrane, 2010, p. 10) after the Australian philosopher Peter Singer published *Animal Liberation* (1975). Singer analyzed the situation of the so-called "farm animals", animal experimentation, and the impact and inefficiency of transforming animals into food. This book evolved into a classic on the subject and initiated a strong criticism of animal exploitation. Primarily written for the general public, Singer made no explicit use of utilitarianism and presented his ideas in an accessible way to those unfamiliar with the philosophy. The first chapter offers a more robust theoretical analysis. This chapter explains why the interests of animals must be equally considered when we deliberate actions that may affect them. To illustrate his position, Singer introduced the term "speciesism", coined by Richard Ryder, which accounts for unjustified discrimination. Singer pointed out that, when we deliberate whether to carry out an action that will impact others, only morally relevant features should be considered.

Intelligence, autonomy, moral agency or species have no moral relevance when establishing who would suffer from physical injuries or pain because they are unrelated to the capacity to suffer.

The moral reasoning proposed by Singer states that any animal, human or not, with subjective experiences of pleasure and pain has, at least, an interest in avoiding adverse experiences and enjoying pleasurable ones. This capability is called "sentience" and represents a prerequisite for deciding if we are facing someone—instead of something—who has interests that must be respected. Speciesism is a form of unjustified discrimination whereby species is used as a criterion that displaces morally relevant capacities, such as sentience, to decide whether it is correct to cause harm or deprive an individual of a benefit. For example, faced with our desire to spend a recreational afternoon observing wild animals, which corresponds to an easily replaceable pleasure and does not constitute a non-vital activity, we end up being willing to sacrifice the interest of wild animals in captivity in a zoo to enjoy a free life. In this case, it is easy to appreciate the moral irrelevance of the species: the morally relevant feature represents the capacity of an individual to suffer harm from captivity. The same situation occurs in the face of other forms of exploitation of non-human animals. Speciesism allows humans' interests, no matter how superficial they may be, to prevail over the most fundamental interests of animals—for example, gastronomic pleasure above the interest of continuing life.

Among the views supporting speciesism (Horta, 2010, p. 11), some include selecting one or several characteristics to draw a demarcation line between humans and animals. This demarcation line would justify speciesism, legitimize human privileges, and deny rights to other animals. The problem is that such characteristics must be exclusively present in humans to function as exclusion criteria. Otherwise, we should deprive humans of certain rights or moral consideration in cases when they do not hold such criteria and assign consideration or rights to animals that actually do so. For example, if we assume that language or reason are essential characteristics for respecting interests and recognizing rights, we will note that not all human beings, throughout their lives, can use language or reasoning. At this point, the dilemma of choosing between not considering these humans or incorporating animals capable of reason—or language—into our circle of moral consideration emerges. Alternatively, other feature that does not have such shortcomings can be chosen instead. As the latter has been proven impossible, characteristics that have nothing to do with the harmfulness or benefits of the action under deliberation must be rejected.

Tom Regan, an author who defends the rights of animals from a Kantian perspective, also rejected speciesism in his book: *The Case for Animal Rights* (2016), following in Singer's steps. Regan introduced the concept of "subject-of-a-life" as the foundation of his theory. For Regan, every individual capable of having desires, beliefs, memories, perceptions, intentions, self-awareness, and a sense of future is considered a "subject-of-a-life", who must be treated with equal respect because they have inherent value. Postulating that every subject-of-a-life

has intrinsic value is the best possible explanation for our intuition that any subject-of-a-life, regardless of species, deserves to be treated with equal respect.[3] Being the subject-of-a-life is a sufficient condition—although not necessary—to have some moral rights derived from the individual's inherent worth. Unlike Singer, Regan developed a theory that revolves around animal moral rights due to his philosophical standpoint.

The works of Singer and Regan inspired the incursion of an extensive bibliography on AE. Scholars who work on speciesism usually rely on different frameworks, such as neo-Aristotelianism, critical animal studies, contractualism and the ethics of care. In addition to AE, social sciences disciplines have analyzed the "animal turn" and produced works that explore the intersection between different forms of oppression (Adams, 2010, p. 64; Anzoátegui, 2019, p. 35; González, 2019, p. 3). More recently, AE underwent a "political turn" thanks to the contributions of Donaldson and Kymlicka (2011, p. 50), Smith (2012, p. 126), O'Sullivan (2011, p. 25) and other authors. They reflect on the anthropocentric limits of the political community and the incorporation of sentient animals into it. None of these perspectives support morally intensive animal farming. For instance, in Regan's view, pigs are sentient, complex social beings, subjects-of-a-life, and go through subjective experiences. They are interested in avoiding suffering and, allegedly, continuing to stay alive. Therefore, raising pigs by targeting their meat is morally impermissible. The same is true under Singer's theory. Both theories reject animal farming as long as we do not need to eat animals to live. In other words, that is the normative position I defend in this work.

In short, what we owe to animals is a normative matter. However, there is a need for reliable scientific information to answer certain normative questions, such as how they should be treated, whether they can be moral and legal rights holders or not, and which rights belong to which animals. After all, terms such as "sentience", "interest", "suffering", and "subjective experiences of pleasure and pain", among other critical concepts of AE, originated in disciplines such as biology and AW. In fact, AW consists of a relevant discipline to examine the issue of intensive pig farming. AW concepts have a more direct impact on the legislation of different countries than animal ethics do. For example, in Argentina, the National Service for Health and Quality of Agricultural and Animal Products (Senasa hereinafter)—under the purview of the National Ministry of Agriculture, Livestock and Fisheries—issues standards based on AW science. Therefore, the following section will refer to AW as a scientific discipline based on biology and veterinary medicine, which describes measure indicators.

3 One of the meanings of being treated with equal respect offered by the author is to not be used as a means or instrument.

2. Animal Welfare Science

AE's foundations are the identification and rejection of speciesism and the emphasis on sentience—or some similar concept, such as "subject-of-a-life"—as a morally valid benchmark. Based on these precepts, Singer and those who follow his ideas have examined how different human practices affect animals' interests or rights. However, a decade before Singer's *Animal Liberation*, Ruth Harrison published a book called *Animal Machines* (Harrison, 1964), which was also highly significant in igniting the discussion about what we owe to animals. Her work caused a stir in the UK due to its documentation of how farm animals were actually treated: like machines. This book prompted such outrage among the public that the British government decided to commission an investigation, led by Professor Francis Brambell, to examine the new industrial conditions of animal husbandry and to establish standards for AW.

The investigation committee produced the Brambell Report in 1965 (Brambell, 1965), which achieved international notoriety and is considered the origin of the scientific discipline currently known as AW. The Brambell Report made two relevant scientific contributions beyond the development of the *five freedoms*. As Mench (2020, p. 308) points out, although it is now apparent, the report asserted that animals have "innate behavioral urges" that have been "little, if at all, bred out in the process of domestication" and that animals do "have feelings". In fact, the report (Brambell, 1965, p. 9) refers to animal welfare as:

> A wide term that includes both the physical and mental well-being of the animal. Any attempt to evaluate welfare, therefore, must take into account the scientific evidence available concerning the feelings of animals that can be derived from their structure and functions and also from their behavior.

In the report, the sentience of domesticated animals not only is acknowledged in the definition mentioned above but also in describing that animals can feel fear, pain, frustration, exhaustion, and other emotions. For example, in point 26 of the Brambell Report (1965, p. 9), it is argued that: "our understanding of their feelings is not different in kind, but rather in degree, from that which we form of a fellow human being. Animals show unmistakable signs of suffering ranging from pain, exhaustion, fright, frustration". Likewise, in point 27, it is maintained that:

> There are sound anatomical and physiological grounds for accepting that domesticated mammals and birds experience the same kinds of sensations as we do: the structure of a mammal's nervous system is essentially similar to that of a man and the function of the ductless glands is known to be comparable (Brambell, 1965, p. 9).

Although the Brambell committee did not properly define "AW", it did propose that AW exists when an animal is in harmony with nature or with its environment (Brambell, 1965,

p. 126). This concept has been criticized because it cannot be measured. What can be actually measured is a scale on how much harmony there is concerning the environmental challenges that the animal faces. Then, the concept of AW gradually ranges from very poor to very good animal welfare conditions. The gradualness is measured in specific situations, such as transport or slaughterhouse conditions.

The report established the relevant "five freedoms" that legal regulations worldwide further considered as standards. For example, at the international level, the benchmark institution in animal health, the World Organization for Animal Health (OIE), develops its standards based on the five freedoms. According to the OIE, animals under human control must be: 1. Free from hunger and thirst; 2. Free from fear and anguish; 3. Free from physical and thermal discomfort; 4. Free from pain, injury, and disease; 5. Free to manifest their natural behavior (Animal Welfare, *s.d.*). Nevertheless, this way of measuring AW has proven to be insufficient. It is no longer used in scientific studies due to its ambiguity and lack of precision in measuring the status of animals. In fact, the OIE only refers to them superficially while developing its handbooks in greater detail.

Although AW is a scientific discipline, there is still no agreement on defining AW beyond a gradual and measurable state of affairs. We can then start with Broom's definition and research different AW schools. For Broom (1986, p. 524), "the well-being of an individual is his state concerning his attempts to deal with his environment". Broom later enriched his definition and explained that "coping with the environment" means having "mental control and physical stability" that involves more than a mere adaptation and is not limited to biological functioning. Attempts and strategies to deal with the environment include behaviors, as well as physiological and immunological responses. Feelings can be part of strategies and represent central aspect of measuring animals' welfare. Under poor AW conditions, for example, the individual who cannot deal with the environment will suffer physical or psychological damage that can even lead to death.

These variables, and their relevance in the concept of animal welfare, have given rise to different schools of AW. The first distinction occurs between AW schools that use objective or subjective theories of AW. For example, the former identifies a condition or series of conditions that objectively determine if the animal can deal with the environment in which it is found—it does not get sick—or perform typical behaviors of the species. Thus, if these conditions are met, AW is still positive even if the animal is experiencing negative affective states. For their part, subjective theories hold that AW depends on the absence of negative feelings and the existence of positive ones.

This diversity of focuses has led some authors to develop comprehensive theories that include the parameters of the schools mentioned above. However, discussions about which variable has more importance—biological functioning, affective states, or behavior—to measure AW are still in progress. In turn, the theoretical disagreement converts into a practical conflict. For instance, if pigs, in an intensive farm, cannot feed themselves but are not

actually ill, how can their welfare be evaluated? What about early weaning? Hundreds of studies have been conducted on the everyday practices of intensive farming to assess their impact on AW. Nevertheless, studies and their results vary according to the AW theoretical framework used. The research on AW is not intended to solve moral problems, even if AW science arose from a moral concern for animal suffering. For example, Broom (2011, p. 122) explains that AW and AE consist of distinct issues:

> Animal welfare is an expression that describes a potentially measurable quality of a living animal at a particular time and is, therefore, a scientific concept. Much of the discussion about animal welfare refers to what we humans do or should do about it. The scientific study of animal welfare must be separated from ethics, but there is no possible application of science without understanding the arguments of the different ethical positions.

The aforementioned does not imply that AW scientists do not assume moral positions—generally welfarist views (Eisen, 2018, p. 488). Welfarism is AW's most common ethical standpoint, perhaps the most widespread moral position, consistent with common sense. Welfarism asserts that it is incorrect to cause unnecessary suffering to non-human animals. However, welfarism consists of a speciesist position, as what is considered to be necessary or not is exclusively defined on "human interest" grounds. Moreover, the impact of the welfarist position on AW research questions has been pointed out by many authors (Donaldson; Kymlicka, 2016, p. 2; Haynes, 2011, p. 106) in relation the frequent justifications AW scientists make for animal exploitation.

The standards and concepts of AW are often used to delegitimize any criticism of an ethical nature under the alleged superiority of science to address the matter. Consequently, it is suggested that animal exploitation is a scientific problem instead of a moral issue. However, AW cannot answer questions about what we should do about this; it can only measure a state of affairs. As previously noted, there is no agreement regarding what should be actually measured. Science describes phenomena and, hopefully, provides causal explanations for them. This information is of great importance but cannot guide us on how to act in the face of moral conflicts about which science can only provide us with quality data and explanations. To "translate" these data into ethical and legal standards, we should remember the differences between AW and AE. In other words, we need to recognize that AW offers no answers to questions such as whether killing animals is acceptable and what kind of restrictions and damages are permissible to inflict on them. These answers will further affect legal regulations. However, before analyzing how much AW and AE concepts and contributions impact legal regulation and case law, it is vital to provide a complete description of "pig" life and death on intensive farms and its legal regulation. Otherwise, it would not be easy to assess the impacts mentioned above.

3. Birth, Life, and Death of Pigs on Intensive Factory Farms and Its Legal Regulation

Papers on animal rights or animal ethics usually omit a description of painful and harmful practices inflicted upon animals (Peters, 2019, p. 176). It may seem that such descriptions are unnecessary after 40 years of study on AW and AE. However, lawyers and judges know very little about these practices, and any legal analysis requires a detailed description of them. Otherwise, it would be impossible to understand the AE criticisms of animal agriculture or how animal rights are systematically violated on a large scale in intensive animal farming—contradicting the progressive case law and animal rights statutes that will be further analyzed. Lack of knowledge about practices also makes it difficult to understand the contributions and limits of the AW science, as well as how the law can and should address such issues. However, before describing the lives of farm animals, it is necessary to recall that both AE and AW assume that pigs are sentient. In other words, they presuppose that pigs are individuals with the capacity to have subjective experiences of pain and pleasure. AW science and AE understand that pigs respond sophisticatedly to environmental and physical *stimuli* and experience feelings such as fear, frustration or pleasure (Broom; Sena; Moynihan, 2009, p. 1038). As this paper defends a non-speciesist normative position, it is important to evidence that a pig's right to life, its integrity and freedom, end up being violated by animal farming, mainly when they are raised in intensive farms.

All AW handbooks or papers describe each species' biological traits and history to comprehend the reason why AW sciences and regulations focus on specific practices and conditions: they are particularly harmful because of their biological characteristics. Pigs are domesticated animals that have been selectively bred for 9,000 years. In this process, they have acquired certain physical and behavioral traits to benefit humans. Often, these traits can cause damage to the animal. Developments in genetics have further expanded the ability to manipulate pigs by allowing for the selection of some features that are not easily inherited or that may cause certain problems, such as a low percentage of dorsal fat (Baxter *et al.*, 2018, p. 33). The most notable effects of domestication in pigs and other species are docility and the ability to reproduce under suboptimal conditions. On the other hand, other traits inherited from wild ancestors could not be eliminated with domestication, such as being a social species, pre- and postpartum isolation behavior and searching or foraging activity.

As pigs are social beings, they must satisfy their need to live in groups just as their ancestors used to do. In other words, isolation, alteration of groups or overcrowding have negative consequences that turn into aggressiveness, behavioral stereotypes and stress conditions that impact the animals' health. As for pre- and postpartum behavior, the sows isolate themselves two days before farrowing in nests they build for this purpose. After giving birth, they spend two more weeks in isolation before returning to the group. Weaning takes place at three or four months after the phase in which piglets learn from their mother to look for food while they are still breastfed. All of this constitutes needs that are not met on industrial farms.

Lastly, foraging and exploratory activities comprise a large percentage of the day of a non-domesticated pig. Domesticated pigs also need to forage and explore. Such unmet needs generate significant physical and mental problems in environments devoid of *stimuli* and suitable substrate, such as is the case of an industrial farm.

The life of domesticated pigs begins with artificial insemination (Pedersen, 2018, p. 4). Artificial insemination is used to achieve greater efficiency in pregnancy rates, semen use and genetic selection. In intensive farming, it is usual to use a hormone to regulate estrus—the female's fertile period—and thus achieve greater efficiency. Artificial insemination occurs once a day during the two or three fertile days. During such days, females are confined in cages where they cannot turn around—they can only stand up and lie down. The cage has a slatted floor, an inappropriate substrate for this species due to the anatomy of its feet. After this period, they will spend the rest of their pregnant days in a gestation pen with other sows or in the same cage before being transferred to a farrowing pen. The farrowing pen is slightly larger and prevents the sows from moving and crushing their piglets, since they are separated by bars.

A farrowing pen is for human comfort and control over the sow but offers no advantage for the animal. As previously mentioned, sows move away from their social group to the farrow and choose an isolated place to birth. They walk many kilometers to find a suitable location and build their nest. They can neither display this behavior in the farrowing pen nor isolate themselves. Unable to satisfy these needs, the sows redirect their behavior towards the components of the farrowing pen, such as biting the bars, for example. Frustration of needs and lack of control cause stress. After giving birth, wild sows make nose-to-nose contact with their pups and inspect them before lying down again, something that is not possible in the farrowing pen. In the wild, sows remain in their nest for two weeks, leaving for periods ranging from 20 to 40 minutes to forage. In contrast, lactation occurs in the farrowing pen until the piglets are weaned between 21 and 28 days after birth. If the sow is still "useful"—because the cycle of up to eight farrowings has not yet ended or the sow has not shown any inappropriate behavior as a mother—she will be sent back to the insemination section. Otherwise, she will be sent to the slaughterhouse if she is not productive anymore.

As for the piglets, before being weaned, they are subjected to three practices that generate pain and suffering: the castration of the males, tail docking and teeth clipping of all of the newborns. Castration, as recommended by Senasa, must be performed within seven days of birth and is performed without anesthesia and subsequent analgesia (Argentina, 2015, p. 51). It can be done later, but it is more comfortable to handle in smaller animals. It has been demonstrated that it is one of the practices with the most significant impact on animal welfare. Castration prevents the animal from producing a hormone that would otherwise give the meat a flavor which Western consumers reject. In addition, castration lowers the males' aggressiveness and improves the conversion rate—the amount of food transformed into meat. Regarding tail docking, it is a practice that Senasa recommends as a last resort in cases

of cannibalism (Argentina, 2015, p. 51). Crowded pigs or those without cognitive *stimuli* develop aggressive behaviors and stereotypies. Among the aggressive behaviors, tail biting stands out. Tail biting harms productivity because bites can cause infections. So, as preventive practice, pigs' tails are docked. Lastly, a typical stereotyped behavior is nose belling, resulting from early weaning. Wild pigs stop suckling at three or four months while they learn to eat with their group. Instead, for productivity reasons, domesticated pigs are weaned early. This is a stressful event; one possible consequence is pigs snuggling into the stomachs of other pups to nurse. Nuzzling can cause injuries, so piglets' teeth are clipped a few days after birth.

Once weaned, the pigs are grouped by sex and weight until they reach 15 kilos for the rearing stage. Because they are social animals, they must establish a hierarchy, which implies aggression. If the environment is not appropriate, aggressiveness can reach worrying levels. This situation is aggravated because the social groups are modified again for "completion", which represents the last stage. Pigs are regrouped by weight and sex until they are sent to the slaughterhouse at five or six months old. The process of loading, transportation and unloading at the slaughterhouse is complex due to the stress and suffering these activities cause. The movement from a known to an unknown environment impacts the animals, especially if their interactions with humans have been previously negative. The human staff use prods, blows, or shouting to move the pigs toward the truck or get them off it, even though these practices are discouraged by the protocols.

Before transportation, pigs are made to fast to prevent vomiting and diminish intestinal spillage during evisceration, with the consequent risk of bacterial contamination. Fasting, which Senasa (2015, p. 81) regulates, must last a minimum of 12 hours and a maximum of 24 hours, resulting in another stressful factor that increases aggressiveness. When they arrive at the slaughterhouse, the animals are placed in a rest area to recover from the journey and drink water. Transportation is one of the most stressful and damaging moments in the life of an animal used for human consumption, leading to intensive concerns. For example, in the *Senasa Animal Welfare Handbook*, counting dead and injured animals upon arrival at the slaughterhouse is highly recommended to remedy problems.

After arriving at the slaughterhouse and going through the resting period, the animals are transferred to the slaughtering sector, which causes fear and stress. Like many other animals, pigs suffer from "emotional contagion" (Pérez-Manrique; Gomila, 2022, p. 2). They will try to escape if they hear the fearful vocalizations of the animals that entered before them. In Argentina, as in most Western countries, desensitization is mandatory. According to Resolution 46/2014, stunning or desensitization is a legally required step (Argentina, 2014). Clause 18 of the Resolution states that stunning consists of "a state of insensitivity and unconsciousness". This step aims to achieve the loss of consciousness of the animal and prevent it from feeling pain and fear when being killed. Different methods are used depending on the species. In the case of pigs, there are three methods approved by Senasa. They are stunning by carbon dioxide-induced anoxia (gas chamber), electronarcosis (electrocution)

and mechanical penetrating bolt stunning. The last one is of scarce use because the anatomy of the pig's head makes it difficult to effectively apply it. The most used method in the country is electronarcosis. To place the electrodes for electronarcosis, it is necessary to immobilize the animal. This always generates fear and suffering and the consequent restraining of the animal's escape movement. If the electricity is not correctly applied, the animal will reach the throat-cutting step while still conscious. Likewise, the loss of consciousness is only temporary—a few seconds—so if there are delays in the slaughtering process, the animal will recover its senses again. The slaughtering also requires expertise to be effective and cause death before it regains consciousness.

The problems presented in the final stage of the life of animals are numerous, from transportation and the damage it causes—injuries, stress—to the violence used in unloading, animal handling leading to desensitization and the frequent ineffectiveness of desensitization. For example, studies show (Gallo *et al.*, 2003, p. 160) how training and correct equipment maintenance decrease the recovery of consciousness from 4.5% to 0.5%. These numbers are applied to millions of animals; hence it is not a minor issue. In short, the life and death of pigs on intensive farms are affected by actions that cause pain, fear, frustration and deprivations, harming their physical and mental health. In other words, human interests guide these practices to make animal farming more efficient and productive.

The agreement with China involves the installation of intensive pig farms throughout Argentina. On these farms, all the practices described above will take place on a daily basis. AW science and AE contributions allow us to rethink the fairness of how we treat pigs on intensive farms—and, more generally, the raising of animals for food. Animal rights advocates base their opposition to animal exploitation on those foundations. For example, they criticize animal farming, especially when it is done under intensive methods, in addition to campaigning against this agreement without much success. The Argentinean animal rights movement has previously succeeded in other areas, especially in obtaining legal personhood court recognition for animals. How could this case law influence the intensification of animal farming trends and cases, such as mega-pig farms? What role could it have in the current AW legal regulation process? What about the influence of other progressive animal laws recently passed? In the following section, advancements will be explored and some answers to these questions will be proposed.

4. The Judicial Recognition of Legal Personhood for Animals in Argentina: Possible Impacts on the Legal Regulation of Intensive Animal Farming

In recent years, Argentina has passed laws and administrative regulations representing significant advances in recognizing some animal rights. In addition, recent animal rights rulings are encouraging. The most relevant, which also gained international recognition, is the orangutan Sandra case. Therefore, it is essential to start this last section by briefly analyzing the case

law, acts and regulations. Their significance is, above all, that they suppose a weakening of the speciesism of Argentinean law. These advancements are a contradicting force against the undergoing animal farming intensification trend, such as the Chinese agreement to install pig mega-farms. In addition, by analyzing the foundations of these acts, regulations and case law, it is possible to understand how the AE and AW concepts interact to produce inspiring legal results. The section will start with an analysis of the Sandra case and then briefly describe some relevant statutes and events that account for social and legal changes that have improved animal legal status and lives. Second, it will review the specific administrative regulation regarding pig exploitation and animal agriculture, considering the advances and the impact of AW concepts on these animals. Finally, there will be an analysis of how AE can help us revise the pitfalls of AW and the relevance that it could have in the legal field regarding the legal recognition of animal rights, even for farmed ones.

As previously mentioned, the Sandra case is the most notable ruling regarding animal rights so far. The case has come a long way in court, beginning with a writ of *habeas corpus*. It led to a discussion of the possible commission of the crime of animal cruelty (art. 3, sub. 7, Act No. 14,346 [Argentina, 1954]) and ended in an *amparo* proceeding (Argentina, 2015-2016). Sandra was declared a non-human legal person twice and finally released from her captivity in the former Buenos Aires Zoo. Two issues were discussed in Judge Liberatori's ruling. The first was related to whether Sandra had rights or not and, consequently, if she was considered a non-human legal person; the second was about what kind of treatment should be given to her. Regarding the first issue, the ruling was based on the decision by Chamber II of the Criminal Cassation Chamber in the case "Orangutan Sandra s/Recurso de Casación s/*Habeas Corpus*", ruled on December 18th, 2014. In that ruling, judges stated: "[…] based on a dynamic and non-static legal interpretation, it is necessary to recognize the animal as a subject of rights since non-human subjects (animals) are subjects of rights, so their protection is imposed in the corresponding field of competence" (Federal Chamber of Criminal Cassation, 2014).

Liberatori's ruling sustained that the Sandra case falls under article 2 of the 2014 Civil and Commercial Code, which prescribes: "The law must be interpreted taking into account its words, purposes, analogous laws, provisions that arise from treaties on human rights, legal principles, and values, in a manner consistent with the complete legal system" (Argentina, 2015-2016). Next, the ruling resourced to Act No. 14,346, which criminalizes mistreatment and cruelty against animals and expressly recognizes them as "victims". According to the decision, Act No. 14,346 puts into crisis the status of "things" that the Argentinean Civil Code refers to animals. Finally, judge Liberatori underlined that a right could not be abusively exercised under the Civil and Commercial Code provisions in Article 10. Given that, Sandra was declared a non-human legal person, and the ruling further discussed which rights she should have. The decision provided extensive reasoning, considering Sandra's characteristics as a sentient and wild animal. It first established that: "[…] it is necessary to recognize Sandra's rights

as part of the obligation to respect life and her dignity of sentient being, a novel categorization that has been introduced by the reform of January 2015 of the Civil Code in France and to which we will refer later" (Argentina, 2015-2016).

It is worth remarking that Judge Liberatori inferred a right to life and dignity from sentience. Regarding the case of Sandra, the right to life was not considered. Sandra was an animal which used to be exhibited in a zoo. Although this institution does not rule out killing their animals if, for example, it has more individuals of a species than it needs, this was not relevant to the case of Sandra. Unfortunately, the recognition of dignity in the ruling is only mentioned in passing. Perhaps, the judge considered that dignity is violated by being exhibited as a thing, although there are no subsequent specifications. Moreover, the ruling unravels which other rights and treatment should be assured to Sandra. It is recognized as her primary right not to be a victim of mistreatment and cruelty under the terms of Act No. 14,346. Concerning more specific rights derived from being born in captivity, the ruling relied on the *Amici curiae* filed by experts. In this sense, the contributions of experts in primatology, biology and AW played a central role.

Héctor Ferrari, biologist and AW expert, introduced the concept of "behavioral needs" into the *amparo* proceeding. Following Ferrari's contributions, Judge Liberatori pointed out that Sandra "has the right to enjoy the highest quality of life as possible in her particular and individual situation" (Argentina, 2015-2016). As we have seen before, the needs of animals and their frustration or satisfaction were the focus of the Brambell Report and the subsequent development of AW science. In this decision, it is possible to evidence that the contributions of AW science concerning the establishment of captive wild animals needs supported the measures to improve Sandra's enclosure and assure her the right of freedom according to her situation: the right to be free in a sanctuary. Undoubtedly, this ruling sets a fundamental precedent and will have promising future effects.

One year later, among the immediate effects of the Sandra case, Cecilia, a chimpanzee that lived in the Mendoza Zoo, was sent to a sanctuary thanks to a successful writ of *habeas corpus* (Third Court of Guarantees of Mendoza [Argentina], 2016). There are references to the Sandra case and environmental legislation in the decision regarding Cecilia. Cecilia's ruling oscillates between maintaining that all animals, or only great apes, should be recognized as non-human legal persons. Beyond a general argumentative weakness and mentioning contradicting acts, rulings and doctrinal positions, the decision elucidated that Cecilia's case puts common sense knowledge regarding who can be considered a person into crisis. This knowledge often permeates without translation to the law, however, Cecilia's case revealed how inappropriate it could be. The ruling stated that Cecilia is a non-human person and further discussed which rights should be assigned to her. Finally, the judge sustained that it is not up to the judiciary to develop a catalog of rights: "I insist, it is not a question of assigning the great apes the rights enumerated in Civil and Commercial Code. Nor is it the function of this control body to create a catalog of rights of the great apes. It is about framing them

in the category of non-human legal persons where they really belong" (Third Court of Guarantees of Mendoza [Argentina], 2016).

The Sandra and Cecilia rulings consistently relied on AW references. In fact, the rulings mentioned Sandra and Cecilia's AW status several times as an essential standard, which their lawyers also cited. However, such an appeal to the data provided by the experts in AW did not displace, as often happens in other discussions on the matter, the most AE aligned considerations. For this reason, in both rulings, concepts such as "sentience", "interests", "non-human legal personhood" and "dignity" coexist with "animal welfare", "environmental enrichment" and "needs". In short, as previously seen in the second section on AW, their measurement indicators represent more than mere data. AW standards, commonly used in normative discussions, such as those regarding who is a legal person, do not inevitably lead to welfarism.

In addition to these rulings, other promising legal advances for animals have occurred in recent years. The sanction of Criminal Act No. 27,330, for instance, banned dog racing in 2016 (Argentina, 2016). Act No. 27,330 resulted from a long campaign, led by different activist groups, that ended the practice of greyhound racing. Along the same lines, the anti-zoo movement, introduced around 2015, made the debate over the justice of this institution public. After years of activism, the Mendoza, Luján, and La Plata zoos were finally closed, and the Buenos Aires Zoo was reconverted into an eco-park. In addition, the enforcement of Criminal Act No. 14,346, from 1954, became more common. This Act, used as part of the foundations in the Sandra ruling, which criminalizes mistreatment and cruelty against animals and refers to animals as "victims", was generally unknown to legal operators. The work of animal advocates and lawyers has also achieved rulings recognizing animals as subjects of rights[4] or members of multi-species families in criminal trials under Act No. 14,346.[5] Finally, the agreement between the Argentinean and Chinese governments for installing pig mega-farms also generated a significant reaction from animal rights advocacy groups.[6]

4 In 2018, a sentence was passed in the case of the Gitana mare and her offspring. Gitana was a mare victim of mistreatment under Criminal Law No. 14,346 (Argentina, 1954). In the ruling, they were both recognized as subjects of rights. The judge denied the restitution to the defendant, who have claimed his right of "ownership" over the animals. Correctional Court 4 of San Isidro (Argentina), (2018), Case 4285-P (Argentina, 2018).

5 On a trial for acts of intimidation, violence, and threats against a woman committed by her ex-husband, which included the retention of two dogs that were part of the family, the magistrate established that the animals were part of the multi-species family and ordered the restitution. Judgment on the occasion "B., NA c/ P., RJ s/ Family Violence", File No. 10022/2021-1 (Argentina, 2021).

6 The agreement was signed during the COVID lockdown, so the opposition was mainly held online and in social media.

4.1. Administrative Regulation of Animal Farming: Legalization of Harm and Recognition of Animal Consciousness

Is it feasible to think that the previously mentioned advances may have implications in the case of intensive animal farms? The fact that rulings and regulations have recognized that certain animals—great apes and wild animals in zoos, dogs or horses—are subjects of rights goes against the pervasive idea that legal personhood and rights are not suitable for animals. However, these were cases with very different social impacts from that of pig mega-farms. For example, even if the zoos in the cases of Cecilia and Sandra represented legal institutions, Judges Mauricio and Liberatori sustained that society has changed and that the legislation responsible for authorizing the keeping of animals in captivity is no longer acceptable. Raising animals for consumption, however, enjoys social legitimacy and consists of an economic activity involving thousands of people in the country. Therefore, appealing to the "dynamic" interpretation of the law considering social advances would not be appropriate. There is no conflict between positive law and social evolution concerning animal farming, as there is for animals in zoos.

Changing social attitudes towards animal farming will take time; however, the legal system can contribute to this (Andreatta, 2017, p. 51). In this work, the idea that the law is not a mere reflection of the beliefs and values prevailing in a society is endorsed. Not only does the Law represent a set of norms, practices and social values, but also ideals and principles, such as equality, non-discrimination and justice, that guide legal interpretations (Dworkin, 1978, p. 150; Nino, 2003, p. 245).[7] Furthermore, in the case of animal rights, values, ideals and principles play a central role—especially speciesism. However, it could be postulated that the intensification of farming would go against the principle of no cruelty against animals, which has arisen from the many acts designed to criminalize such actions or regulate the amount of suffering in our legal system—e.g., Act No. 14,346 quoted above. It is possible to appeal to the idea of progressivity of human rights law in order to apply it to animal rights and legislation and to oppose the intensification in animal farming. In fact, the recognition of animal rights in the aforementioned case law and statutes is a new benchmark that should guide future legislation. Since intensification means imposing more suffering on a larger number of animals, it would represent a regression in animal rights recognition at its

7 It is beyond the scope of this paper to get into a discussion over the concept of the law. It is still a controversial topic in legal philosophy, but I assume here the aforementioned position. After the rise of inclusive positivism and critical legal studies, even if different in every respect, it is hard to deny that legal systems, moral values, and political ideologies are intertwined. Speculations about whether it is possible, necessary or desirable to define what law actually means, without resorting to values, will probably not set definitive resolutions, similarly to several other philosophical problems. However, for the purpose of this work, I hope that such clarifications and assumptions are enough.

more basic level: the unnecessary cruelty principle. Most importantly, farm animals are all sentient beings, and the case law, especially that of Sandra the orangutan, has recognized that rights are derived from such capability.

Interestingly, the current legal framework for animal agriculture that AW assumes, without questioning, is that farmed animals are sentient beings who can suffer. In contrast to the debates that preceded the rulings and the new legislation that closed zoos or banned dog racing, the Argentinean legal regulation of animal farming—based on AW science—recognizes animals' morally relevant capabilities, according to AE, and presents it on the foundations of progressive animal case law and revised acts. This regulation is mainly issued by Senasa and is constantly evolving. In this sense, in 2014, an AW Chapter was added, through Senasa Resolution No. 46 (Argentina, 2014), which regulates products, by-products and derivatives of animal origin (Decree No. 4,238/1968 [Argentina, 1968]). However, the chapter only refers to slaughtering. At point 32, the chapter defines animal welfare by collecting variables that respond to the schools of functioning and natural behavior, leaving aside affective states: "Animal Welfare is understood as the state in which animals' needs concerning the habitat are satisfied so as not to affect the physical and behavioral integrity of the animals. Therefore, adequate accommodation, responsible treatment, and humane sacrifice must be guaranteed".

The Senasa regulations regarding animal exploitation, in general, and slaughtering, in particular, affirm that animals feel pain, stress and frustration. It is particularly relevant to note that the regulation which requires stunning before killing recognizes that animals are conscious beings. In point 32.18 of Decree No. 4,238/68, it is determined that:

> Only slaughter methods that reach a state of insensitivity and unconsciousness as quickly as possible can be used, using equipment authorized by SENASA for that purpose, which must be subjected to a daily maintenance plan. Each establishment will have a stunning team prepared for the slaughtering, a second replacement auxiliary team to define incomplete stunning, and another portable stunner for those cases that require slaughtering in the emergency room or involve sick or injured animals, fallen in alleys, pens, or transport vehicles.

Therefore, these regulations authorize activities that impose large amounts of pain, stress and frustration on animals, while recognizing that they are sentient beings with multiple needs. These contradictions reflect the gap between scientific knowledge about pigs and how the legal system regulates their lives and deaths, as well as how distant such regulations are from the new case law which recognizes animal rights. For example, the contradiction between what pigs need and how they are treated can be seen in the guidelines established by the *Senasa Animal Welfare Handbook*. These guidelines and recommendations are provided for all stages of animal exploitation and are adjusted to each species' needs, implying the recognition of animals' capacities, urges and emotions. The handbook, which uses the five freedoms, in

addition to other standards, sustains that: "[...] animals—including those destined for food production—have a brain structure that allows them to feel fear and pain in a similar way to humans. This feature is one of the most important causes of stress, generating lower production levels and quality of the products" (Argentina, 2015, p. 5).

Likewise, the handbook includes variables of the three schools of AW: the functionalist, the one that focuses on affective states and, finally, the one that advocates respecting the animal's natural behavior. Thus, the handbook elaborates 12 AW criteria, including indicators of the three AW schools. These criteria contain recommendations such as: "Negative emotions such as fear, anguish, frustration or apathy should be avoided, and positive emotions such as security and satisfaction should be promoted" (Argentina, 2015, p. 4). Moreover, in the case of pigs, it is described that the species has a predisposition toward stress. It also underscores that pigs have specific needs for "limited and separated space for resting, eliminating their waste and avoiding permanent contact with them, or humidity to maintain the suitable temperature, in addition to the adequate substrate to express their natural rooting behavior, or nest building in the case of females" (Argentina, 2015, p. 50). Finally, there is an explanation of the importance of proper nutrition, environmental enrichment, and care in grouping individuals to avoid aggression and stereotypies. According to the description of the life and death of pigs in intensive farming, it is hard to believe that compliance with these recommendations can be met.[8]

Oddly, Senasa resolutions often mention Criminal Act No. 14,346, in which stress is a mandatory application in animal farming. Resolutions emphasize that the Act does not distinguish among animal species. Such an aspect differs from the case of many countries where anti-cruelty animal laws do not include farm animals—for example, the US. However, it is suggested that the *Senasa Animal Welfare Handbook* advises against cruel practices—such as beating animals, yelling at them, not providing enough food, water, shelter from climatic conditions or using dogs against them—which could fall under Criminal Act No. 14,346. It can be inferred, from all these recommendations, that those practices are usual. Along the same lines, the foundations of Senasa Resolution 25/2013, which regulates and limits the application of prodding, demonstrate that the acts of cruelty described in Criminal Act No. 14,346, article 3, subsection 7, those "causing unnecessary suffering", are frequently perpetrated (Argentina, 2013). For example, in article 3, the Resolution prohibits

8 While the paper concentrates on intensive animal farming, it should not be inferred that extensive or semi-extensive systems are necessarily better for animals. As Mench points out, there are strong debates regarding how good or bad animal welfare is in different systems. Not all standards are worse in intensive farming. However, from an ethical perspective, they are all condemnable (Mench, 2020). Also, for a detailed study of animal welfare on extensive systems see Delsart *et al*. (2020).

using prods on the "eyes, mouth, ears, anus, belly and genital region". Nevertheless, Criminal Act No. 14,346 has not yet led to any criminal cases against livestock handlers.

Both in the Resolution incorporating Clause XXXII of AW into Decree No. 4,238/1968 and in the *Senasa Animal Welfare Handbook*, the justifications emphasize the importance of establishing standards to guarantee acceptable AW levels using different motives. In Decree No. 4,238/1968, the following are mentioned:

> 1) regulatory reasons, "because it is the foundation of the multilateral trade system (WTO), national legislation must be harmonized with the international reference standards of the OIE, and in this way exports of products of animal origin become legitimized"; 2) commercial reasons, because "it is a basic condition demanded by consumers, mainly from developed countries"; 3) productive reasons, because good AW increases productivity; 4) ethical reasons, "the proper treatment of animals as living beings is an intrinsic value of the human race that must be respected individually and collectively".

It is possible to evidence that the exclusive mention of ethics does not include the rights of animals, their intrinsic value or their interests. According to the regulation, ethics encompasses a predictable human behavior derived from the benefits of animal exploitation, and, from that, appropriate behaviors are expected to safeguard moral values. In other words, the impact of AE on the specific regulation regarding animal exploitation is non-existent. However, the importance of this regulation lies in the recognition regarding animal consciousness, animals' capacity to suffer physically and psychically, and the detailed description of the needs of each species. This recognition was absent in the legal regulations applied to solve the Sandra and Cecilia proceedings. In those cases, the judges relied on the experts called to inform the courts about the same aspects Senasa and AW science recognize as facts. In summary, it will be up to the lawyers to interpret and evaluate our legal system in future litigation cases and legislation proposals. While doing so, it is well worth noticing its internal inconsistencies and the gap between the progressive case law and the treatment of animals in agriculture, prompting the recognition of animal rights for all sentient beings, including farmed animals.

Conclusions

Developing a robust animal law requires integrating knowledge from different areas: AE, AW, the current legal regulation and pioneering case law. This work presented a review of the critical concepts of AE and AW to evaluate the project for installing mega-farms for intensive pig farming in Argentina. In addition, it described the life and death reality of pigs raised on those farms to make the analysis more straightforward. Finally, the case was examined in light of advances in the case law, current regulations and legislative consecration of

rights for some animals. Contrary to what happened in the Sandra and Cecilia rulings, in which certain discussions about the animals' capacities to have positive and negative conscious experiences were evidenced, the same is not under discussion in the case of farm animals. As previously reviewed, the AW science and the national regulation, which gather contributions from this field, recognize that these animals experience conscious affective states. Therefore, future interpretations of the current regulations and future legislation on animal farming, especially regarding its intensification, should take into consideration the new rationales expressed in the case law.

In addition to the criticism of the legal regulation of intensive pig farming, founded on the repudiation of speciesism as a violation of the principle of equality, and as a contradiction of the newest legal perspective on animals as rights bearers, it is worth exploring a more practical objection to animal farming, particularly in the case of intensive systems. It is the apparent impossibility of controlling compliance with standards that should be applied to thousands of animals distributed in a territory as large as the Argentinean one. The practices involve a massive number of individuals and occur in private spaces. The victims cannot report by themselves, and the human beings involved have interests that prevent them from reporting—from not losing their jobs to maintaining their regular income. All these variables render it almost impossible to effectively control animal farming. On the other hand, the sanctions for non-compliance with the regulations analyzed range from fines to closure. Nevertheless, these sanctions are not aimed, like Criminal Act No. 14,346 or Criminal Act No. 27,330, at protecting the integrity of animals, but rather at human health. A study of compliance of these Acts has not been done yet; therefore, their impact cannot be evaluated. Finally, looking to other regions with much more regulation and national resources, it does not prove that such controls lead to compliance (O'Sullivan, 2011, p. 669), nor that they reduce or end painful practices such as tail docking.

In short, animal rights are increasingly recognized in current animal law, and there is still a long way to go. As in other historical cases of recognizing and expanding rights for excluded groups, the law will play an essential, but not exclusive role. Along these lines, going to court or seeking legal reforms must be goals that belong to a broader agenda. The law must include understanding the contributions of AE and AW science on legal regulation, their scope, and providing a best interpretation in favor of expanding animal rights. It is possible to learn from the long tradition of struggles for human rights in our country and region. Speciesism is the last legal barrier to overcome, to make it possible to build more just societies and seek inspiration from past experiences in the search for greater fairness. The legal field must take speciesism seriously as an unjustified form of discrimination. It will allow us to interpret the law to continue on the revised case law path that benefits animals. Still, in a country that promotes animal farming and its intensification, ending the exploitation of animals for the purposes of consumption will undoubtedly be one of the most significant challenges for the consecration of animal rights.

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