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## **‘In the name of justice and compassion’ Animal protection in Italy during the Liberal Age (1861-1914)**

Giulia Guazzaloca\*

Department of Political and Social Sciences, University of Bologna

This essay reconstructs the emergence of a growing sensitivity towards animal welfare in Italy during the so-called ‘liberal’ years. An examination of the origins and activities of animal protection societies, the debate on use of animals for scientific experimentation, and the earliest provisions for animal protection, reveals a growing concern for animal welfare in Italy too during the course of the 20<sup>th</sup> century. This was channelled by the liberal-bourgeois values of the time: public decency, moderation, and goodwill towards animals as well as humans were all seen as signs of ‘civilization’ and ‘progress’. It was claimed that foreign influence, particularly British, was of vital importance in such developments in Italy, including both the thoughts of the anti-vivisectionists and the work and propaganda of the societies for animal protection. This essay also examines the 1913 Law, which was the first important Italian legislation governing animal welfare and protection.

**Keywords:** Animals, Cruelty, Education, Animal Welfare, Antivivisectionist Movement

### **Historians and the ‘Animal Question’**

Historians can make an important contribution to existing animal studies that examine the complex, changing relationship between humans and animals from the standpoint of the humanities and social sciences. Studies conducted in the English-speaking countries, among others, show that in order to understand the development of human affection for animals and the debate on so-called ‘animal rights’ a diachronic analysis is required, providing a historical and socio-cultural framework. By the 19<sup>th</sup> century, in the western world, the dual liberal and industrial ‘revolution’ had brought a new approach to the animal world, particularly among the urban upper classes. For thousands of years, from the domestication of animals onwards, although there was a close relationship between humans and animals in rural societies (Clutton-Brock 2012), human concerns had not been addressed to the varying uses and abuses of animals. The attitude towards non humans did not change at the start of the 19<sup>th</sup> century, but political, socio-cultural and economic modernization produced a first attempt at modifying the approach to animals and gave rise to the first movements and laws for animal protection.

From a philosophical standpoint, Utilitarianism and the Enlightenment challenged the traditional anthropocentric view of the natural order, marking the beginning of an age in which non-humans began to be ‘philosophical and ethical subjects’ (Kalof 2007, 97). This process coincided with changes in individual rights, the secularization of society and the emergence of middle class culture, as well as the very first women’s movements and those for the abolition of slavery. In Great Britain and the USA the ‘animal question’ formed part of much broader political activism against civil, political, social inequalities; it had close ties with feminism which, in challenging the traditional social order, laid the foundations for a broadening of the boundaries of the ‘community’, possibly extending to non-humans as well (Kean 1998; MacKinnon 2004; Beers 2006; Smith 2012; Bianchi 2013). Darwinian theory pointed to the evolutionary continuity between the human species and others, and in so doing weakened man’s conviction of being the sole master of the universe (Barreca 2003, 9-12). On

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\* giulia.guazzaloca2@unibo.it

the other hand, scientific and technological progress, applying productive rationalisation to animal exploitation, gave man's dominion over the animal world an even more radical, institutionalised character. In the end, therefore, animals' lives improved very little during this period, except for the increasing number of pet dogs and cats in upper and middle classes families, to the point where the pet 'cult' in England helped forge a new ideal of domesticity (Rogers 2008; McHugh 2008).

With very few exceptions (Tonutti 2007; Maori 2016), historians have not gone in for reconstruction of the origins of the anti-cruelty movement in Italy. Studies of the Italian case are plentiful and interesting thanks to the work of philosophers, legal scholars, anthropologists and sociologists (Bartolommei 1995; Battaglia 1999<sup>2</sup>; Castignone 1988<sup>2</sup>; Cavalieri 1999; De Mori 2007; Mannucci and Tallacchini 2001; Pocar 1998; Rescigno 2005), but tend to focus little on the political and cultural dynamics that by the late 19<sup>th</sup> century were bringing the problem of animal welfare to the attention of the political and institutional leaders. The present essay thus aims to offer a first overview of the timescale and manner in which Italian associations, laws and opinion began to focus on protecting animals from cruelty. I shall examine the claims and activities of the animal protection groups that emerged in many Italian cities from the 1870s onwards; after covering the debate on vivisection, I will conclude by an analysis of the 1913 anti-cruelty law which, despite its limitations, mirrored an age when pressure by animal protection organizations was increasing and a new attitude to animals was felt by the political leaders. In Italy, a country characterised by lingering Catholic and ancient cultural traditions, the cause of animal welfare advanced at a slower pace than elsewhere and the contribution of British activists and thinkers proved to be of vital importance. Often, Italian scientists dismissed this interest in animals as a brash "foreign import" for which certain "protestant spinsters" and "sentimental English old maids" were held responsible (Landucci 1997, 47. The translation of the Italian texts is by P.J. Barr). Despite this, or perhaps for this very reason, the animal protection issue captured the attention of the Italian political class.

### **The origins of animal protectionism: foreign influences and redressing public morals**

At the beginning it was the aristocratic and upper class élites who embraced the cause of animal protection, with the principal aim of enhancing public morals and combating ignorance and uncouthness. Convinced that insensitivity towards animals heralded insensitivity towards one's fellow human beings, according to the historical 'theory of cruelty' formulated by St. Thomas, and of the need to guarantee moral order in the face of the working classes' 'anti-social' behaviour, society's higher echelons saw the kind treatment of animals as a sign of civilisation and human progress. In this regard, English and American historians broadly confirm the conceptual and operative links between animal protection, reformism and philanthropy (Lansbury 1985; Pearson 2011; Smith 2012; Pearson and Smith 2014). Again, in the USA the earliest anti-cruelty legislation was to pave the way for subsequent child protection laws; American reformers, in associating the ill-treatment of animals with that of children and both with decadence and crime, helped transform 'private suffering into a matter of public concern' (Pearson 2011, 59).

Italy was no exception to this and the earliest anti-cruelty societies were set up by members of the upper and middle classes, who combined philanthropic ideals and commitment with sensitivity to the plight of animals. In certain cases, a vital contribution was made by English aristocratic ladies active among the ranks of the Royal Society for the Prevention of Cruelty to Animals founded in London in 1824 in order, among other things, to 'civilize the lower orders' (Lansbury 1985, 39). In Trieste, Isabel Burton, the wife of the

British consul, became chairwoman of the local Society for Animal Protection, set up in 1852, and a champion of the antivivisectionist cause. In Turin it was thanks to the interest taken by Anna Winter, countess of Sutherland and member of the RSPCA, that Giuseppe Garibaldi and Timoteo Riboli decided to establish the Turin Society for Animal Protection in 1871. Though there were precedents in Trieste and Gorizia, Turin's was the first pro-animal society in post-unification Italy and also one of the most important and active of such organizations. It took preventive and repressive measures to combat the ill-treatment of working animals and liaised with other such Italian associations as well as with the RSPCA and its American counterpart (ASPCA). In 1879 Queen Victoria, a keen animal lover, agreed to be honorary patron at Riboli's request, and at the National Exhibition held in Turin in 1884 the society was awarded the silver medal for merit (Maori 2016, 34).

Not only did the Turin Society constitute a model for other societies shortly to be established in various Italian cities, but its purpose and action were typical of the original campaign for animals. The 'primary and ultimate aim' was to 'educate, to ennoble the spirit' – Riboli declared; 'do not all similar associations, in every civilised country, tend towards good?' (Nigro 1902, 177). Through its local committees, it set out to monitor 'coach-drivers, citizens, carters, drivers of all types of vehicle, drawn by an animal of any kind', and award a prize to the most deserving, or conversely 'admonish them, remind them of their duties, and should they prove obstinate [...] subject them to appropriate fines and penalties' (Rostagni 1873, 31). Animal lovers, not only Italian ones, focused on individuals driving animals: people of lower social rank who, by whipping and beating their animals, violated civilized standards of decency and ran the risk of keeping foreign visitors away (Mannucci 2001, 11). This fear was one that the founders of the RSPCA had already expressed (Kean 1998, 36); in Italy it was the topic of a conference held in 1899 by Father Ignazio Lazzari, entitled *Sulla protezione degli animali in cui si dimostra perché i forestieri non vengono a Napoli* ('On animal protection and why foreigners do not visit Naples').

In general, the activism of the earliest societies was confined to the question of exploitation of beasts of burden; they did not oppose the slaughtering of animals for food, nor hunting (Garibaldi himself was a hunter) and in the beginning they did not even oppose experiments on animals. The RSPCA itself was very cautious when it came to participating in antivivisectionist campaigns or criticising practices such as hunting which were very popular among the upper classes. In Italy not even cats – which were still considered animals of the poor, half-wild beasts of little social prestige – interested the animal lovers of the age (Mannucci 2008, 132). However, what may appear extremely incongruent positions in the eyes of modern-day animal activism, such as the different importance given to wild animals compared to pets and the lack of sensitivity to animals' specific needs, stemmed in fact from the 'social order' and the sensibility of the time. A period in which the protection of animals was promoted not so much for their welfare, as for an 'eminently moralising' aim (Società protettrice 1873, 5), it being the duty 'of fair-minded people' to 'enlighten the masses against the mistaken belief that making animals suffer is not a wrong'. Thus wrote the founders of the Florentine Society, which on its inception already numbered 465 members. Whilst not challenging the belief that 'man was master over animals', they declared that 'such ferocious brutality' against animals, 'especially among the lower classes, who were more thoughtless than cruel, is the result of a mistake, crass ignorance, lack of education and a long-standing, depraved habit, constantly tolerated [...] and never, or hardly ever, curbed' (Andreucci 1873, 4-5).

The animal activists' intentions were not only aimed at the moral betterment of the working classes; their broader, more ambitious aim was to teach people goodness, love and compassion, in the belief that such virtues would ensure social harmony and strengthen people's moral urges and sense of justice. As Giuseppe Comandi, secretary of the Florentine

Society, stated, ‘if man gets used to stifling, through his brutal conduct, those natural feelings of benevolence toward the weak [...], then we cannot expect anything good, any benevolence or charity, to come out of him’ (Società protettrice 1873, 12). The links between concern for animals and philanthropy, which are evident in the lives of many activists, were openly expounded: in his work on the death penalty, Giuseppe Consolo, member of the Trieste Society for Animal Protection, wrote that ‘by preventing the ill-treatment of animals, man learns to treat his equals with greater mildness; and the history of criminal law shows that the most ferocious murderers were also those who, during their youth, treated animals in the cruellest manner’ (Consolo 1866, 9). This was not a new idea: for centuries, philosophers and social reformers had made reference to St. Thomas’ ‘theory of cruelty’, whereby people’s treatment of animals, those weak and defenceless creatures, formed a gauge of their kind-heartedness and self-control. What was new here was that benevolence towards animals was now associated with those values – self-discipline, temperance and respectability – that liberal-bourgeois society took as the basis for the progress of ‘civilisation’; there was also an attempt in practice to embed sensitivity towards animal welfare in people’s behaviour through education, in particular that of children, since ‘those feelings which most enoble man’s heart and mind gradually become deadened in a child used to acts of cruelty to animals’ (Società protettrice 1873, 5). Animal protection associations organised competitions in which those children who treated animals the best were awarded prizes, and in the Liguria region School Unions for the prevention of cruelty to animals were set up; by 1904, 33 such unions already existed, involving a total of some 2,500 children (Maori 2016, 48-50).

However, the campaign against animal cruelty also stemmed from utilitarian interests and the desire to ensure public health and hygiene. Foreign laws sometimes contained explicit provisions banning the killing of animals ‘belonging to another’ (Favre and Tsang 1993, 9); in England, Henry Salt – philosopher, social reformer and one of the first to conceive of the question of a specific *ius animalium* in modern terms – complained that, despite the important legislative gains made, ‘they have been made for the most part [...] in the interests of property than of principle’ (Salt 1894, 7). In Italy as well, frequent reference was made by animal-lovers to the individual and collective ‘utility’ of keeping animals in good condition. Given that beasts ‘are designed to provide services, people shall not inflict unnecessary pain on them which would render them less useful’; again in the case of animals reared for slaughter, Rostagni recommended that they should not ‘suffer excessively, in the interest of those who are to eat them, since the meat would prove damaging to health’ (Rostagni 1873, 25). The Florentine Society, with the aid of foreign studies ‘revealing the benefits that the benevolent treatment of animals brings to the development and quality of production’, insisted that stables be kept clean and working animals fed properly; they set up a technical committee to ‘study and understand the actual strength of animals [...], the improvements to be made to their feed, [...] current hunting, fishing and butchering practices and methods; all of which being designed to unite what is useful to man with the due justice to the lower species’. The three underlying principles of the Society’s activity were ‘Humanity-Justice-Utility’ (Società protettrice 1873, 14-23), a sign of the desire to prohibit cruelty to animals principally due to its harmful effects – moral, physical and economic – on man and society.

The Florentine Society, whose promoters included General La Marmora, Mayor Ubaldino Peruzzi, Senator Alfieri di Sostegno, as well as men and women from the local and European aristocracies, submitted a petition to the Italian Ministry of Justice demanding that the criminal code include a ban on ‘the ill-treatment of, or acts of cruelty towards, animals’ – that is, any actions that produced ‘unjustified suffering’ – as well as on organising animal fights and any abuse of animals in the name of public entertainment (Andreucci 1873, 31-32). Both the influence of English legislation and the socio-cultural foundations of anti-cruelty

activism were evident; in Great Britain, the bans or limitations on animal fighting and on sports using animals were mainly grounded in the ‘distaste for the habits of the lower orders; and middle-class opinion was as outraged by the disorder which the animal sports created as by the cruelty they involved’ (Thomas 1983, 186). Fundamentally, there was a desire to ban those sporting practices of the working classes which, as well as involving cruelty to animals, infringed the rules of social order and public interest.

Some ten societies for animal protection existed, located from Turin to Rome, Naples and Catania, when the first anti-cruelty law was promulgated in 1890. It was included in the Italian Criminal Code drafted by Giuseppe Zanardelli (art. 491) and it punished with a fine ‘anyone who treats animals cruelly, or without any need to do so treats them badly, or forces them to do work of a clearly excessive nature’ (Rescigno 2005, 162). The article made reference to similar provisions set out in the codes of Tuscany and Sardinia before unification, even though they only provided for punishment in cases of ill-treatment of domestic animals in public places: in this regard, Zanardelli said that ‘acts of cruelty to animals (there is no reason to limit such [...] to domestic animals) must be condemned and prohibited, because tormenting sentient beings in a cruel manner [...] does not cease to be an ill simply because those who suffer are devoid of human reason’. In his report to the Chamber, he also praised the animal organizations which ‘worked, with generous constancy, towards eliminating the sad, unfortunately all too common spectacle [...] of people acting barbarously and cruelly, sometimes for pure entertainment, towards those beings that support them and lighten their greatest labours’ (Zanardelli 1888, 714-16).

With its references to gratuitous ill-treatment, disgust and scandal in public the article falls within a fundamentally anthropocentric legal framework that had inspired the earliest protectionist laws in other countries. The legislator thought it important to safeguard public order and protect human sensitivity from gratuitous acts of cruelty that ‘clash with any sense of humanity, compassion or benevolence’, and ‘render [man] insensitive to the suffering of others’ (Zanardelli 1888, 715). However, if one considers that anti-cruelty reformers themselves posed as defenders of public morality and that there was at any rate an allusion to “animal suffering” from a Benthamite angle, then article 491 can be seen as a first step towards animal protection.

In the years thereafter, the societies grew in number (many of them under the patronage of the Royal House of Savoy) and gradually acquired greater weight with local authorities. While initially their members were seen as ‘priests of a brand-new misunderstood or derided religion’ (Maori 2016, 46), by the end of the century they enjoyed a more consolidated presence and status and the various associations worked closely with their respective municipal councils. In 1903, for example, the Paduan Society succeeded in getting a ban on shooting geese in the neck, and liaised with the Lombardy association to get pigeon shooting banned. In 1911, the Turin Society managed to organise an International Congress of Zoophilic and Humanitarian Societies, which was attended by delegates from around one hundred European and Latin-American associations. The programme opened with a discussion ‘of the most practical means by which to increasingly spread the idea of animal protection among peoples’; and it was clear that by now a series of problems were shared at the international level regarding the question of animal welfare. They ranged from the organisation of kennels to the problem of rabies; from restrictions on vivisection to the protection of migratory birds; and from butchering methods to the character of livestock sheds and stables (*Congresso Internazionale* 1912, 12-13). However, what failed to materialise in Italy, despite the best efforts of the Turin Society in particular, was any genuine consortium involving all the associations and concerting their strategies and actions. The Italian animal protection groups remained divided until the 1938 Fascist law introducing the

*Ente Nazionale Fascista per la Protezione Animale* and abolishing all pre-existing organizations.

### **Science and morality: the debate on vivisection**

While at the beginning the main force behind animal protection was education and the public sphere was the arena chosen for action, this was gradually changed by the animal experimentation debate which universally ‘multiplied’ the number of animal organizations. In the 1870s and 1880s the anti-vivisectionist movement, which began life in England, spread throughout the major European countries, giving rise to 26 new societies (Traïni 2014, 528-29). Furthermore, ‘feminization’ of the antivivisectionist cause, owing both to the number of women active in the various associations and to the nature of its propaganda, helped provide the animal protection movement with a sounder political and cultural basis, outmoding the original argument that cruelty to animals was the preserve of ‘uneducated people’. In England it was Frances Power Cobbe, a social reformer, feminist and animal lover, who promoted an intense anti-vivisectionist campaign through the Victorian Street Society; this campaign sought to challenge the methods of medical science and develop regarding subtler concept of relations between humans and non-humans (Hamilton 2001, 437-60; Hamilton 2010, 66-79; O’Connor 2010, 31-58). Something similar, albeit in a more limited form, was emerging in Italy at the beginning of the 20<sup>th</sup> century, although in this case it was the issue of vivisection itself that had introduced the problem of ‘animal suffering’ into public debate.

Even before the main anti-cruelty societies had been established, in the course of the 1860s Florence witnessed heated arguments over animal experiments. These arguments were sparked off by the presence of the physiologists Alexandre Herzen Jr. and Moritz Schiff: the former was the son of a famous Russian internationalist, while Schiff was a German atheist and materialist with socialist sympathies: two figures that the city’s establishment took a dim view of, in addition to the fact that they were directly involved in the great debates between materialists and spiritualists, positivists and anti-positivists, evolutionists and creationists. Thus, the use of animals in their laboratories was the pretext in 1863 for the local élite to try to rid themselves of the two men’s inconvenient presence. Since Florence was the capital of Italy at that time, the affair got considerable coverage in the national and international press and the arguments in question continued even after Herzen and Schiff had left Italy (Landucci 1997, 5-60).

This debate mainly took place within the confines of the scientific community, while the personal nature of the attacks on the two physiologists was initially counterproductive to the antivivisectionists’ cause. In 1863, 783 citizens signed a petition against Schiff, egged on by Cobbe, it would seem; it then transpired that the signatories included numerous children and many people (including the politician Sonnino) decided to withdraw their signature. Ten years later, Mayor Peruzzi and Schiff were charged with disturbing the peace due to the ‘distressing howling’ and ‘cries of pain’ of the vivisected laboratory animals (Landucci 1997, 42); but the charge was challenged by the court. Moreover, the letters and articles published in the press and collected by Herzen in a volume dated 1874 were essentially diatribes offering little real analysis of the animal conditions. At most, the complaint was raised that ‘we [...] the Athenians of Italy with our ostentation of humanity, still do not offer any protection to our poor animals, working animals, friendly animals, [...] necessary if only as an example of morality and public decency’ (Herzen 1997 [1874], 90). It was actually Schiff who put himself in the limelight: as a promoter of various different German anti-cruelty associations and of the use of anaesthetics during animal experiments, he also pledged to disseminate modern experimental physiological methods among a public of non-experts;

thanks to the use of anaesthetics, such methods enabled animals to be used ‘without even the appearance of cruelty’ (Schiff 1997 [1864], 168-69).

However, the seed of doubt had been sown and the next person to find himself at the centre of the anti-vivisectionist debate was Paolo Mantegazza, a scholar specialised in the study of pain. On the one hand, concerns were raised about Mantegazza’s links with Epicureanism and his sallies against Christianity. On the other hand, he was targeted by a number of foreign societies for animal protection due to his experiments on animals, described in great detail and conducted without using any anaesthetics. In 1883, the English anti-vivisectionists drew up a manifesto against Mantegazza’s work *Fisiologia del dolore*, subsequently translated into French and Italian and published in various countries (Landucci 1997, 47-57). Mantegazza’s reactions, both sarcastic and scathing, were directed against both those he defined as ‘incompetent experimental physiologists’ who insisted on using anaesthetics in animals – ‘hypocritical, soppy sentimentalism’ (Mantegazza 1877, 886) – and the English *Cruelty to Animals Act* (1876) governing vivisection: ‘a law steeped in puritanical hypocrisy, marked by that weak, semireligious, semi-sentimental brand of hysteria that the whole of Europe is suffering from’. Sick and tired of ‘the catarrhal whining of old women defending cats and dogs’, Mantegazza defined compassion for animals as the ‘sanctimonious abstruseness [...] of a pseudo-humanitarian school’, ‘Arcadian poetry and sopiness’, ‘saintly hypocrisies of the heart’. In other words, ‘a sentimental disease that belongs to the age of spiritualism’, and one that did not merit ‘wasting time and ink’ on (Mantegazza 1877, 884-5; Mantegazza 1880, 435-6).

Apart from his caustic language, which was not all that unusual in disputes between animal lovers and scientists, the Lombard physiologist gave an idea of the foreign origins of the antivivisection debate on the one hand and of scholars’ fear that it could spread to Italy on the other. In 1878 he wrote: ‘the reactionary movement against vivisection continues in England and threatens to spread to Germany. It’s something that humiliates and pains us: why all this theological hatred of physiology [...]?’ (Mantegazza 1878, 382). In fact, the animal protection movement was already better organised by the 1880s in Italy as well. The anti-cruelty associations had stepped up their propaganda and lobbying, and they also translated the writings of foreign anti-vivisectionists. The Florentine Society, for example, published an Italian version of *The Uselessness of Vivisection upon Animals*, papers from the conference held in 1882 by the English physician Lawson Tait. In 1906 the Turin Society gathered a collection of papers by a number of foreign antivivisectionist scientists, in an effort to set the ‘avid pursuit of intellectual progress, of so little practical value’ against ‘the true moral development of humanity’, which can only come about ‘through compassion, goodness and justice’ (Società torinese 1906, 4-5). In 1883-84 the Naples Society, which was affiliated to Cobbe’s Victorian Street Society, published the psychiatrist Biagio Miraglia’s views against vivisection. In addition to asking the government to ‘finally put a stop to such acts of cruelty that, in outraging convention and debasing science and civilisation, hinder true progress’ (Miraglia 1884, 3), Miraglia attempted to disprove the scientific premises of vivisection: ‘as scientific research not only is it worthless, but what is worse, it is false and misleading [...] deviating science from its true path’. Foreign influences were evident and openly declared: the psychiatrist cited the works of English antivivisectionists and invited Italian animal lovers to follow the example set by Great Britain and Germany (Miraglia 1883, 3-16).

In 1881 the pamphlet *Grida della civiltà e dell’umanità contro le Vivisezioni* was published in Turin, representing both the foreign influences at work at that time and the nature of the antivivisectionists’ claims. Edited by Riboli, this volume opened with an appeal to Parliament for ‘a law totally abolishing vivisection’, voicing the ‘cry of the most celebrated Scientists and Philanthropists of our century, who demand the progress of the



Sciences together with the moderation of customs, the Morality of peoples and the Fraternity of Nations' (Riboli 1881, 6). This introduction was followed by a long review of foreign works: passages from a speech by Henry Bergh, founder of the American Society for the Prevention of Cruelty to Animals; a transcription of the petition submitted to Gladstone in 1879 for 'the total abolition of Vivisection'; a 'summary of iniquities' taken from the works of vivisectionist scientists. Riboli's short essay contained the standard moral objections: 'vivisection is the most immoral, cruellest act in the life of man [...] I hereby declare acts of vivisection as being fatal to human morality, and deadly fatal to society, which tends towards moderate conventions, perfection and the likeness of souls; towards fraternity and universal charity' (Riboli 1881, 41).

While a common trait of the anti-vivisectionist propaganda of the time was the reference made to the 'theory of cruelty', Riboli's observations also reflected the theosophical-exoteric resurgence witnessed during those years. He himself was a member of the masons, just like Garibaldi and the drafters of the first two anti-cruelty laws, Zanardelli and Finocchiaro Aprile. Animal protection and antivivisectionism felt indeed the influence of Pythagoras, first vegetarian in the western world, on masonic culture (Joy Mannucci 2008, 94-106). There were many links between revolutionary theosophy, dissident religion and vegetarianism throughout Europe: in England, Edward Carpenter, a socialist, homosexual and friend of Salt, saw the theosophical, humanitarian and pro-animal movements as 'the coming of a great reaction from the smug commercialism and materialism of the mid-Victorian epoch' (Kean 1998, 134). In Italy the Catholics accused the animal defenders of paganism and 'quasi-Buddhism' (Mannucci 2001, 30) and the Jesuit journal *Civiltà Cattolica* wrote that 'freemasonry is a devoted servant of the societies for animal protection [...] in order to confound and annul the idea of true Christian charity' ('I diritti degli animali' 1904, 691).

The deep-rooted Catholic, anthropocentric, creationist tradition of Italy undoubtedly worked against the animal welfare cause; but the fact that in 1904 the Jesuits decided to publish two articles on 'Animal rights', because 'account must be taken of the philosophical doctrines in vogue', shows how the debate over the treatment of animals had broadened. Starting from the premise that 'man's complete dominance of the animal kingdom is not unjust tyranny, but the true reflection of the sovereign will of the Creator and Master of nature', *Civiltà Cattolica* made reference to St. Thomas when it stated that 'the act of cruelty towards animals, and more importantly the habit of doing so, incline the spirit to act cruelly toward our fellow men'. Two things are of interest here, nevertheless: the use of the expression 'animal rights', a sign of the changing use of language; and the fact that the Jesuits felt the need to stigmatise the 'unhealthy exaggeration of the favour shown to animals'. The exaggeration by the societies for animal protection, which through 'an eagerness to lay the foundations of due moderation towards beasts' appealed to 'biblical compassion or to universal charity'; 'the excessive zeal' of those who 'require protected beasts to be treated on a par with human beings', like 'those good Parisians who in the Year of our Lord 1903 opened a cemetery for dogs, *just for dogs*'; 'the perversion of human affections' like those of a man who looked for 'a beautiful big cat to adopt just like a child'. The 'most ungodly' exaggeration consisted in 'disapproving of and rejecting meat consumption', a practice associated with spiritualism and theosophy. All in all, the Jesuits tended to consider animal activism a waste of time given that 'the tradition in Italy is one of great kindness to animals': it was due in the excessive sensitivity of 'good ladies [...] since men rarely busy themselves with such matters' ('I diritti degli animali' 1904, 401-14, 682-95).

Nevertheless, a few voices reminding of 'man's duties to animals' began to be heard even in ecclesiastical circles; the Barnabite Father Ghignoni considered such a duty to be a 'reflection of eternal divine law' (Ghignoni 1904, 3-28). In Naples, Father Lazzari gave

various lectures between 1899 and 1901 in which he invoked compassion for animals in observance of the Holy Scripture ‘that points to all animals as the work of God’, but also as a gesture of respect for animals themselves: ‘treating animals well because they are useful to us is certainly not the noblest reason, since all creatures, useful or otherwise, require us to treat them humanely’ (Lazzari [und.], 13, 19). Salvatore Minocchi, a modernist theologian who was suspended *a divinis* in 1908, argued for the ‘moral value of protecting animals according to the Christian ideal’, and devoted himself to defending the anti-cruelty societies which were ‘of a noble religious, Christian character’, as well as vegetarianism and ‘laws moderating’ vivisection (Minocchi 1906, 25-46).

Not only had the problem of the treatment of animals spread to take in the entire Catholic world, but greater heed was beginning to be paid to their nature and interests. In 1911, Augusto Agabiti – a theosophist close to Luzzatti, the promoter of the 1913 anti-cruelty law – published a volume on animal experiments in which, going beyond the mere idea of their immorality, he reflected on the suffering of the animals themselves. ‘How can they bear [...] the agony?’ he asked himself, to which he responded in the form of a long list of episodes of ‘torture’ taken from the works of physiology. Despite not being an ‘abolitionist’ himself, he argued that anaesthetics should be used together with other ‘practical means of reducing animal suffering’. While not overlooking the usual moral arguments – vivisection ‘pollutes the conscience, it poisons the spirit’ – Agabiti suggested a new perspective, namely that of considering the utility of inflicting pain on laboratory animals and the mystery of the nature of non-human beings, since ‘we do not know (nor do science and philosophy) who animals are and what reasons there are for their existence’ (Agabiti 1911, 3-45). Just like the English anti-vivisectionists, he pondered on the possible abuses committed by medical science and on the related ‘social dangers’: since ‘in medicine, the idol displays its ferocious instincts’, there was a need to stop those instincts by law and to abandon the ‘superstitious reverence for science’ (Agabiti 1911, 48-49).

Thus in Italy as elsewhere, when the animal welfare issue combined with the debate over scientific research methods involving vivisection, the case for animal protection took a turn for the better: people began to look beyond the traditional ‘theory of cruelty’ and to consider animals as ‘sentient beings’, thus laying the foundations for an ethics of responsibility extending the scope of moral rules to non-humans as well. The work on the history of animal protection edited by Licò Nigro in 1902 began with the interpretative paradigm proposed by Jeremy Bentham more than one hundred years before, namely that ‘animals can experience both pain and pleasure’. Just as Bentham argued the need to include non-humans in the moral and political community, so Nigro wrote that ‘from the duty to treat animals well and protect them, it follows that these animals have rights, even if the possessors of such rights do not possess the means to enforce them’ (Nigro 1902, 1-3). We are now well aware how hard it is to achieve effective ‘animal rightism’ (Rescigno 2005, 120-35; Battaglia 1999<sup>2</sup>, 42-51), but the expression ‘animal rights’ did begin to circulate in Italy as elsewhere at the beginning of the 20<sup>th</sup> century, particularly in the works of the antivivisectionists: they claimed that ‘man cannot usurp the right [...] to make animals suffer for his benefit, as they have the same rights to life and health of limb’ (Minocchi 1906, 38).

Whilst not making any explicit reference to ‘rights’, the philosopher Piero Martinetti nevertheless made an important theoretical contribution to the argument of affinity between humans and non-humans. He cited Kant and Schopenhauer in order to rebut the mechanical arguments of Descartes, and proposed an ethics of compassion founded on recognising the many similarities between the human psyche and that of animals. His essay *La psiche degli animali* was published in 1926, but his main work *Introduzione alla Metafisica* (1904) had already made mention of the concept of causality in animal awareness, of ‘mutual penetration of consciences’ between humans and animals, and of ‘compassion’ as an underlying principle

of moral virtue (Martinetti 1999, 22). Rather than suggesting we humanise animals, Martinetti, like Agabiti before him, invited readers to reflect on the ‘mystery’ of animals: ‘a greater penetration into animal life would in any case lead man to act with greater morality and charity in his relations with these poor creatures. This is what the best minds feel and what the churches fail to feel’ (Martinetti 1999, 143-46).

### **Step by step towards animal protection: the 1913 law**

At the beginning of the new century the horizons of reflection on the role and treatment of animals had broadened in Italy and a different approach to the questions of humanity and animality gradually began to emerge. Understandably therefore, Agabiti proudly wrote that the animal cause in Italy had made considerable progress since the days when it had been espoused by foreign noblewomen forty years earlier in the face of an ‘indifferent and cynical’ public (Agabiti 1911, 213). However, there were still many limitations and difficulties, as reported by Nigro in his book’s preface: Italy had produced ‘very little’ in regard to this question, whereas ‘important works had already seen the light of day in other nations, in particular in England’ (Nigro 1902, vii). The main problems lay in the operational potential of the animal protection associations and the diffidence that still surrounded them. First of all, they were largely dependent on foreign initiative and funding, not so much due to lack of capital, as to the fact that in Italy, in Nigro’s opinion, ‘little or no thought is given to educating hearts’ (Nigro 1902, 187). The Naples Society, for example, with little support from Neapolitans, went through a major financial crisis at the turn of the century because the British community living there reduced the funds it gave to the Society in favour of supporting the Boer War.

Foreigners (English, French, German) were often in the majority on societies’ management committees; their leaflets would be published in different languages and distributed in hotels to raise funds from tourists (Maori 2016, 60). British leadership in the development of anti-cruelty activism was an undisputed fact in the 19<sup>th</sup> century; the English activists saw Europe as a ‘missionary territory’ (Traïni 2014, 528) and the RSPCA was a model for other European animal protection societies (Tonutti 2007, 43-49). However, in Italy such foreign contributors were not just an indirect influence: aristocratic ladies, diplomats and businessmen played an active, and especially financial, role within the associations. In addition to Winter and Burton, for example, Lady Paget, wife of the British ambassador, helped set up the Rome Society for Animal Protection, and the British-born ornithologist Joseph Spadafora Whitaker was among the promoters of the Palermo Society.

An argument used by pro-animal associations in calling for stronger anti-cruelty legislation was the fact that foreigners and the foreign press recoiled from the ill treatment of animals in Italy; ‘foreigners visiting Italy – says a 1912 note by the Turin Society on the treatment of animals in markets – [...] get a poor impression from this, and a far from favourable idea of our morals’ (Maori 2016, 65-66). In the report drafted prior to the 1913 law, Filippo Torrigiani stated that the woolliness of the Criminal Code article had met with criticism ‘damaging to national prestige in the foreign press’ (*Atti Parlamentari* 8-6-1911); two years later the government again stated that the bill was designed to offset a ‘sad pre-eminence in the ill-treatment of animals’ (Maori 2016, 78). Reporting on the stray dog killing scandal, Averardo Montesperelli compared ‘the Italy that was once a leading light of civilisation’ to the country ‘rendered barbaric and savage [...] by the shameful hordes of contemptible leprous dogcatchers’ (Montesperelli 1889, 22). Respect for animals was indeed becoming a question of ‘civilisation’ and of Italy’s image abroad; and this was one of the reasons that led politicians to broaden measures for animal protection.

The other reason was the pressure by animal protection societies to obtain more effective means of intervention. Their agents were not treated as civil servants and rarely managed to apprehend law-breakers; reports seldom led to prosecution by justice. Though they often stopped ill-treatment of animals by confiscating sticks and hoes, the animal protection officers' main limitation was that 'not being legal agents, their views counted for less than the word of those accused of the aforementioned violations' (Maori 2016, 58). The real novelty of law 611/1913 was its partial recognition of these claims in granting societies legal status (but without giving them the power to appear before the courts to defend animals) and by treating their guards as public security agents.

The parliamentary journey of the bill, which had already been drafted by Luigi Luzzatti in 1910, proved a lengthy one, and it was only passed by Parliament three years later upon the proposal of Prime Minister Giolitti and the Minister of Justice Camillo Finocchiaro Aprile. Luzzatti informed Parliament that while it was not a 'perfect project, it was the start of something good and, I would say, sacred, that is, respect for weaker creatures. [...] We affirm our awareness of this significant problem inherited from our fathers, and we are pricked by shame for what happens around us'. As well as operating in regard to the societies for animal protection, the law explicitly prohibited 'acts of cruelty to animals, the use of animals which owing to their old age, wounds or diseases, are no longer fit for work, the abandonment of animals, games involving inflicting pain on animals, the tormenting of animals during transportation, the blinding of birds, and in general the useless torture [...] of any animal species'. It governed animal experiments even more strictly, making reference to English law, and, except in the case of university teachers and vets appointed to government office, required a 'special licence' (*Atti Parlamentari* 6-6-1913).

Compared to the original proposals, the bill emerged weakened from its discussion in the Senate. Many, including Giolitti, had opposed a stricter regulation of vivisection and the physiologist Luigi Luciani said that 'anti-vivisectionist invective' should be left to 'certain English pietists who have promoted the societies for protection of animals in Europe, competing with those protecting the human species' (*Atti Parlamentari* 13-6-1911). The right of anti-cruelty societies to institute civil actions in criminal proceedings was rejected on the grounds that it implied a kind of mistrust of the judicial system. The discussion of the bill in the Chamber of Deputies, quicker than in the Senate, focused on the amendment (later withdrawn) proposed by the Parliamentary Commission, requesting temporary suspension of the provision banning the blinding of birds in order to prevent those already blinded from being killed. In the end, it was Giolitti who brought the debate to a close in an ironic manner, when he stated that 'the article bans the blinding of birds, [...] but no duty exists to give sight back to those that are blind. We can't include this in the law'. The bill was passed by 206 votes against 23, and Luzzatti was loudly applauded for offering his 'thanks to those pioneers of the charitable idea, the representatives of societies for the protection of animals throughout Italy' (*Atti Parlamentari* 6-6-1913).

The law undoubtedly had certain limitations and its 'failed aims' were quickly denounced: its reference to 'pointless torture' was ambiguous; the mild restrictions on vivisection did not prevent it being continued in practice and in the private sphere; the fact that the pro-animal societies were not allowed to institute civil actions in criminal proceedings weakened any mechanism of punishment (Parpagliolo 1913, 590-97). All in all, however, these were innovative measures that were to have long-lasting effects: they gave fairly precise details of the bans on the use of animals, they eliminated existing references to 'public disgust', and they allowed the animal protection guards to operate as public security agents, while the exhortation to 'educate people not to be cruel to animals' bolstered the action of animal welfare societies. Luzzatti himself was fairly satisfied with the outcome and grasped the main point: the law was not important so much for its direct effects, as 'for the

latent, spontaneous forces it released from among the population. The neglected, often derided efforts of our associations are today consecrated by Government and Parliament: that which previously appeared the endeavour of unheeded dreamers has now become a public virtue' (Luzzatti 1914, xi). Thanks to law 611/1913 not only did Italy come at least partly into line with other major European countries, but the existence and work of anti-cruelty societies was legitimised, thus confirming that the treatment of animals had now become a public issue, and hence a political one.

Of course, the law was still steeped in 19<sup>th</sup> century values, interests and sensitivity, namely that: treating animals better helped combat social degradation, safeguarded public morality, helped instil feelings of justice and benevolence among the lower classes, improved foreigners' perception of Italy as a country, and guaranteed a more rational and effective use of the animals themselves. In other words, the new law continued to perceive animals as *things*, as moveable property, and in fact case law in all countries continues to see them as such. Nevertheless, the reflections of intellectuals tended henceforth to reformulate the relationship between humans and animals and recognise animals as sensitive subjects. As mentioned, philosophers such as Agabiti and Martinetti considered extending a form of ethical protection to animals; there were echoes here of the long-standing debate in England in which Cobbe and Salt adopted a position that was subsequently taken up by modern-day philosophers of animal rights.

While the Italian movement for animal protection long continued to feel the influence of foreign activism, that was partly due to those political, cultural and socio-economic factors which delayed the birth of a solid urban society and any mature civic awareness. The fragile legitimisation of the nation's institutions, regional and linguistic divisions, the recent commencement of industrialisation, the persistence of peasant society and proud defence of local traditions, widespread illiteracy, the lack of a strong, organised feminist movement, the entrenchment of the Catholic Church: these were all factors that, directly or indirectly, got reflected in the approach to animals. Basically, in a country such as Italy, in which the liberal system, liberal-bourgeois culture, urbanisation and secularisation were still in the teething stage, the cause of animal protection struggled to make an impact on the collective Italian consciousness. However, the wall of indifference had been breached for the first time: initially by a few noblewomen shocked by animals being beaten along the road, and then increasingly by the awareness that abuse of animals – as Giolitti stated – 'truly demonstrates the limited civilisation of a country that tolerates it' (*Atti Parlamentari* 6-6-1913). Pleas for 'progress' and 'civilisation' would accompany campaigns for animal protection for a long time thereafter; at least until the late 1970s when the animal rights movement, throughout the western world, took on a new theoretical and operative form.

### Notes on contributor

Giulia Guazzaloca is associate professor at Bologna University and a member of the editorial board of the four-monthly journal *Ricerche di Storia Politica* (Il Mulino). Her most recent publications include: *Storia della Gran Bretagna 1832-2014* (Le Monnier-Mondadori, 2015); 'L'«animale politico»: uno sguardo interdisciplinare alla relazione tra uomo e animale', *Ricerche di Storia Politica*, XVIII, 2015, 323-334; 'La fondazione del costituzionalismo liberale (1870-1900)', in *Storia dei partiti italiani dal 1848 a oggi*, ed. by P. Pombeni (Il Mulino, 2016).

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### **Italian summary**

Il saggio ricostruisce l'emergere della sensibilità zoofila in Italia durante l'età liberale. Seguendo le origini e le attività delle società protezioniste, il dibattito sulla sperimentazione animale e le prime norme sulla tutela animale, mostra che anche in Italia l'interesse per la condizione degli animali si fece strada nel corso del XIX secolo attraverso i valori della cultura liberal-borghese: decoro pubblico, moderazione, benevolenza, anche verso i non umani, erano visti come segno di 'civiltà' e 'progresso'. Si spiega anche come in Italia furono decisive le influenze straniere, soprattutto britanniche, sia nelle riflessioni degli antivivisezionisti, sia nell'operato e nella propaganda delle associazioni zoofile. Il saggio si sofferma infine sulla legge del 1913 che costituì il primo importante intervento della legislazione italiana sulla protezione animale.