

Culture and Animal Mistreatment

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Abstract

The feasts and events calendar in Spain -especially during the summer- is stained with the blood and the suffering of animals that are used for these activities, with the excuse of keeping alive rituals and traditions justified as an expression of collective identity or as safeguarding the cultural heritage. This paper raises the attention, from a legal point of view, on the incoherence of all the arguments that allow public money to be spent in performances that degrade the society that let it happen.

Keywords: animals in entertainment; popular feasts; religious celebrations; tradition; culture; rites; bullfighting; bulls; animal sentience; sentient beings.

Resumen– *Cultura y maltrato animal*

El calendario de festejos de España -especialmente en verano-, está teñido de la sangre y el dolor de los animales que se usan en ellos para, pretendidamente continuar ritos o tradiciones, que se justifican como expresión de la identidad colectiva, o como defensa de la cultura. En este escrito, se plantea, desde un punto de vista jurídico, la inconsistencia de todo el argumentario que permite que el dinero público se use en espectáculos que degradan a la sociedad que los consiente.

Palabras clave: espectáculos con animales; fiestas populares; festejos patronales; tradición; cultura; ritos; tauromaquia; toros; sentiencia animal; seres sentientes.

Cruel shows with animals do not stop during the year. It's certain that they are more frequent during the summer and that the Spanish land is tainted with blood in the months that towns hold patron saint festivals, and the list of festivals in which animals are used has grown, especially in recent years as, an absurd corollary of the evident decline of bullfighting.¹

The time has come to calmly and collectedly ask oneself, until when? Simply, until when will a country that calls itself civilised continue to publicly mistreat, that is, in public and with public money, animals, especially bulls and bull calves, which are forced “actors” in the festivals in which they are made to run, are tethered, are thrown into the sea, their horns covered with burning hot tar, are driven with spears through the countryside, are jumped on or used for measuring the agility of the locals that celebrate these fiestas. Ultimately, they are treated in an unnatural way that results in, if not the death of the animal

¹ Vid. the statistics provided annually by AVATMA: <https://avatma.org/2019/05/25/la-decadencia-de-la-tauromaquia/>

(although for the businesses and organisers this risk is sometimes made a reality), then incurable injuries of both physical and psychological nature.

Science has more than demonstrated that animals suffer terribly during such “performances” for the joy of the public, and I won’t get into this here as I have already done so on many occasions,² but I would like to contribute towards questioning some common places where such shows are justified and continue to be celebrated with a thoughtlessness and triviality that borders on the ridiculous. One of these topics is **tradition**, which is justified by its survival, and the other is the **cultural value** that is ascribed to such shows.

The fact that in Catalonia, the *correbaus*³ were maintained as a supposed demonstration of respect for a tradition after bullfights were prohibited in 2010⁴ is a continuous reminder that a price must be paid in order to gain something.⁵ In this case, the price has allowed for the shows with animal mistreatment to continue, as well as increase in number and frequency, against all legal logic, sustained as a miscalled ‘tradition’. Every time I hear this word, which has a very specific meaning, as Eugenio d’Ors knew well (“all that is not tradition is plagiarism”),⁶ I am reminded of an incident that happened to the mayor of a town that, with all the solemnity of his recently-acquired position, dismissed his neighbours with the following phrase: “... and from today onwards, we will inaugurate a tradition”. Well, this is what has happened in a lot of towns in our country; traditions are “inaugurated” and continuously invoked as immovable bastions, defending public cruelty with the public against animals. Lethal ignorance.

This culture, which has grown from its Latin roots, has today acquired – even though it was not its one and only origin – the anthropological meaning of the manifestations of a specific group, territory, period, of all types or kinds, in a vast amalgamation that spans everything. This sense of culture, to which referential respect is attributed for which it is its own and genuine manifestation of idiosyncrasy, has acquired special relevance as a defence for the unique against a certain uniformisation imposed by globalisation. So when reference is made to culture, it can also include –as is constantly repeated – the gastronomy of a zone or region, a typical dance, a procession, a theatre festival. It seems that all deserve the same respect and care, all must remain unalterable, all repetitions must be consistent. All must be free from any criticism that could prejudice or question its existence. However, the limit of the absurd is reached when, what is presupposed to be a manifestation of life becomes a ritual for death; that is, when animals are used like totems that preserve the cultural value of a town through cruel rituals to maintain a supposed idiosyncrasy.⁷

I doubt that cultural is immovable. Culture is life and, for this reason, invariably changes. In this sense, that which had significance and value yesterday can, with no dishonour, no longer have it today. This is the case for public shows with animals on the occasion of parties or celebrations. Nowadays, despite its proliferation, they are anachronistic; they do not respond to the sensitivity or the values of a country that rejects and punishes violence in all forms, minus one; violence against animals in public shows.⁸

Because of this, the management of bloody shows with animals – specifically the bullfights in public festivities –by the Ministry of the Interior and, by delegation of competency, the Autonomous Communities, which have since 2011 been included within the competencies of the Ministry of Culture, appears to be an operation of questionable openness.⁹ In this case, the search for a cultural justification seems artificial and opportunist.

² Vid, among others, GIMÉNEZ-CANDELA, T., Seres sintientes, in dA. Derecho Animal (Forum of Animal Law Studies) 5/2 (2014) DOI: <https://doi.org/10.5565/rev/da.277>; Animales y Derecho en una sociedad global, in dA. Derecho Animal (Forum of Animal Law Studies) 5/3 (2014) DOI: <https://doi.org/10.5565/rev/da.275>; Las cosquillas del caracol, in dA. Derecho Animal (Forum of Animal Law Studies) 6/2 (2015) DOI: <https://doi.org/10.5565/rev/da.267>; Una nueva Revolución Francesa: la modernización del Code Civil, in dA. Derecho Animal (Forum of Animal Law Studies) 6/1 (2015) DOI: <https://doi.org/10.5565/rev/da.270>

³ The *correbaus* is a Catalan tradition that includes setting a bull’s horns on fire.

⁴ Art. 6.1, of Law 28/2010, of 3 August, modifying article 6 of the revised text of the Animal Protection Law, passed by Legislative Decree 2/2008, https://www.boe.es/diario_boe/txt.php?id=BOE-A-2010-13358

⁵ MULÀ, A., La abolición de las corridas de toros en Cataluña, in dA. Derecho Animal (Forum of Animal Law Studies) 2/1 (2011) DOI: <https://doi.org/10.5565/rev/da.198>

⁶ d’ORS, E., Glosari. Aforística de Xènius», XIV, *La Veü de Catalunya*, 31-X-1911

⁷ GIMÉNEZ-CANDELA, M., Transición animal en España, esp. Parte II, 1-7 (Valencia 2019) in print.

⁸ CODINA, J.I., Pan y Toros. Breve historia del pensamiento antitaurino español (Madrid 2018), offers an anthology of authors that have declared themselves against violence towards animals in bullfights.

⁹ Royal Decree 1151/2011, of 29 July, modifying Royal Decree 1132/2008, of 4 July, which develops the basic organisational structure of the Ministry of Culture, and Royal Decree 1181/2008, of 11 July, which modifies and develops the basic organisational structure of the Ministry of the Interior (BOE 209, of 31 August 2011). A paragraph ‘n’ is added to Royal Decree 1132/2008, of 4 July, article 2.2: n) “The exercise of the competencies relating to the functioning of bull registers, the promotion and protection of the tauromaquia and the secretariat of the National Consultancy Commission of Bull Matters (Comisión Consultiva Nacional de Asuntos Taurinos), granting its Presidency to the Minister of Culture or to a delegated authority”

The standard was set by two French pro-bull collectives (l'association des villes taurines and l'observatoire national des cultures taurines) that made it so that bullfights were declared as Cultural Goods of Immaterial value on 22nd April 2011 by the Minister for culture Frédéric Miterrand, on the basis that UNESCO would include them within their list. As is well known, the operation didn't come to anything in France, as the Court of Cassation rejected the declaration and UNESCO, for the time being, has taken no steps to include bullfighting in its list of Goods.¹⁰ However, this French operation created the opportunity for bullfights in Spain to go from being managed by the Ministry of the Interior to the Ministry of Culture in a clear attempt to follow the same trajectory attempted in France (Law 18/2013 of 12th November, for the regulation of bullfighting as cultural heritage).

For the moment, here there have not been any complaints about this important change in the management of bullfights and about the attempt to armour plate them as cultural, but in France there have been, and they were very effective. Moreover, a year later France declared animals to be "living beings endowed with sensitivity" in its Civil Code, breaking the traditional classification of animals as things, inherited from Roman Law, starting what I predict to be a movement that many continental Codes, both European and Latin-American, will follow.¹¹

A genuine census on in public shows, and consequently a serious and complete study that includes the true economic impact of these shows on the economy of the country and the sustainment of a sector (said to be large) of the population, is yet to be done. In this exact moment we are on our way to doing it, as animal mistreatment adopts different forms outside our borders. Spain is not the only country that upholds cruel practices with animals, but it is the country that argues less reservedly that these practices are a cultural good that we must continue to preserve.

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¹⁰ MARGUÉNAUD, J.P., La corrida aux portes du patrimoine culturel immatériel de l'humanité, en *RSDA* 1 (2011) 29; VIAL, C., De l'inscription de la corrida au patrimoine culturel immatériel à son inscription immatérielle au patrimoine culturel, in *RSDA* 2 (2013) 97

¹¹ GIMÉNEZ-CANDELA, T., La Descosificación de los animales (II), in dA. *Derecho Animal (Forum of Animal Law Studies)* 8/3 (2017) DOI: <https://doi.org/10.5565/rev/da.250>

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