

Vaquejada

Part 1: Contention, Compassion, and the Brazilian Constitution

Vaquejada, a bull-toppling competition in Northeastern Brazil, recently set those concerned about cruelty to animals against those supporting vaquejada. Because Brazil's constitution forbids cruelty to animals, the dispute centered on the constitutionality of permitting a cultural event that clearly entails cruelty to animals. A ruling was offered by Brazil's Supreme Court in October, but as this article goes to press (January 2017), the legal battle continues in Brazil's courts. Updates can be found on websites such as these: <https://vista-se.com.br/> and <http://www.anda.jor.br/>.

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A bull weighing no more than 600 pounds—small by any measure—was forced to run between two cowboy-driven horses down a long strip of dirt toward a white line. One cowboy held the bull's thin tail, forcing him forward. As they approached a chalk-line, the cowboy leaned low off the opposite side of his horse and pulled forcefully on the bull's tail, shifting the hind-quarters to the side and causing the bull to tumble to the ground with a thud, rolling, feet flailing in the air, face disappearing into the dust. The other rider stopped his horse over the bull, with the horse's agitated hooves prancing around the felled bull's legs and face.

From the bull's point of view, the dancing hooves must have been frightening, especially after being herded in from the wilds into tiny corrals, forced to run between two horses, and unexpectedly catapulted to the ground. He struggled to pull his feet under him, flailing under the agitated horse. His legs would not cooperate. He lifted his head with much effort, but his hind legs stuck straight out, unwilling to bend. He paused in his struggle to lie quietly, blowing hard, visibly distressed. The tuft that belonged at the end of his tail lay in the dirt nearby, yanked completely out by the cowboy's strong pull.

Eventually an attendant head over to roust the bull onto his feet. He again grabbed the bull's denuded tail and yanked the rear end, releasing the bull's hind legs from whatever paralysis prevented rising. The bull struggled to his feet and stiffly moved as quickly as he could for what looked like safety—a gate leading out of the arena.



A bull struggles to regain his feet during vaquejada run.

That gate channeled bulls back around for a second, third, even fourth forced exit through the shoot, wild dash between two horses, and what must have become a dreaded and demoralizing hard tumble into the dirt. Cowboys also handle their horses cruelly in vaquejada competitions. Bridle nosepieces have jagged metal nosebands that look more like part of a steel-jawed trap than anything that ought to be used on a horse. Chinstraps are similarly studded with metal teeth or grinding links of chain. Vaqueiros (cowboys) clearly control their mounts with pain. They also rake long-spiked spurs across tender bellies, digging into horse's unprotected sides. Lighter colored horses show visible scars where spurs have repeatedly torn flesh—scarring is also visible under both nosebands and chinstraps. It is not unusual for a horse to leave the arena dripping blood. The horses' wounds often have jagged, wrinkled edges from partial healing, covered with fresh blood from the day's events—wounds are never allowed to heal, reinjured at each competition.

Not surprisingly, vaquejada horses are visibly anxious, afraid to go forward and afraid to stand still—sandwiched between the pain of a bridle and the pain of spurs. Many cowboys use spurs and reins simultaneously in order to encourage their mounts to look fiery, powerful, and difficult to control, causing the horses to be frightened and in pain, agitated at all times, wild-eyed—they can find no escape from the rider's cruel control. While the little bulls have only one day of hell, the unfortunate vaquejada horses suffer for years.

History of Vaquejada

Since the mid-seventeen to eighteen hundreds, livestock has been an important economic activity in Northeastern Brazil. Cattle have rarely been fenced, allowing herds to wander through the semi-arid region, the caatinga, in search of food and water. In the first half of the nineteenth century, in the month of June (the end of the short rainy season), coronéis—the region's large landowners, who continue to hold much economic and political power—hired vaqueiros for “pegas de boi” (bringing in the cattle), which entailed rounding up the herd for shoeing and transport to greener pastures before sale. In order to accomplish these tasks, vaqueiros maneuvered through thick branches and long thorns in search of shy, reclusive cattle, many of whom had never seen a human being, and were as wild as their protective mothers.

At the end of the seventeenth century, a writer notes that in dogged pursuit, a vaqueiro would be “glued to his horse,” in search of “that stubborn ox or bull” to be “pursued and knocked down by the tail”.² Another important text about the characteristics of the vaquejada is available in the classic of Brazilian literature, *Os Sertões* (1902):

The wild bull fights against capture. . . When there is an opportunity, the Cowboy seizes the moment, shifting to the side of the saddle, putting the weight in one stirrup, with one hand holding fast to the horse's mane while grabbing the ox's tail with the other, he yanks the bull's tail to unbalance him, bringing him down heavily to the ground to be haltered and tied³

When the hard work was completed and the cattle corralled, the vaqueiros celebrated with an *apartação*, which was not just a festivity, but also part of ongoing work. During the *apartação*, cattle were inspected, counted, branded, castrated and a portion of the calves were given to the vaqueiros as payment for labor. During the *apartação* cowboys also competed to earn the title of “most skilled” with regard to knocking down cattle by pulling their tails. The first record of this type of competition dates from around 1870⁴



A bull tumbles between competitors during a vaquejada run.

No earlier than the first decades of the twentieth century, vaqueiros from the states of Bahia and Ceará began a public display of their skills in a festivity with the same name as the labor for which they were traditionally hired, pegas do boi (ox capture). Those in power recognized that this festivity might be developed into a well-attended contest of skills, held on local ranches and billed as family entertainment. They renamed the competition “corridas de morão” (morão race). Morão races emerge in the 1920s, when vaqueiros of Bahia and Ceará began to make a public display of their practice of knocking down cattle by pulling tails. During morão races, held in a ranch farmyard, vaqueiros raced behind bulls on horseback to see who was most accomplished at pulling bulls to the ground by their tails. By the 1940s, these competitions were held in parks, opened to the general public, and had been renamed vaquejada.⁵

Vaquejada does not appear to have changed much in the next fifty years, until the mid-90s, when big stakes became part of the competition. Indeed, vaquejada is now big business, complete with entrance fees (for both vaqueiros and visitors), traditional-but-updated music shows (“new forró” and “electronic forró”⁶), and high-stakes prizes.⁷ In 2014 vaquejada circulated \$185 million, provided 120,000 direct jobs, 650 thousand indirect jobs (such as auctioneers and food services), and was supported by 4,000 vaqueiros, each

paying about \$350 to compete—only 60 of whom won the equivalent of \$47,000. Vaquejada horses are also big business, worth as much \$150,000. There are also considerable profits to be made by ranchers who provide the grounds on which the competition is held, and the many unfortunate bulls who are felled in the course of the competition.

Big money is likely what led those with financial interests to seek, through the courts, to protect vaquejada as a traditional sport and as part of Brazil's cultural heritage. For example, in 2013 a Ceará law was enacted that regulated "vaquejada as sport and cultural activity in the State of Ceará."⁹ Those with big financial interests at stake believed that this ruling would pave the way for legal protection of vaquejada in other states. Instead, on October 6, 2016, this law was deemed unconstitutional in the Brazilian Supreme Court. In response, those with vested interests, including the bancada ruralista (ruralist political party) and those with vested interests in Big Ag, have been working hard to overturn the recent Supreme Court decision that banned vaquejada.

Exploring Arguments

Vaquejada supporters claim that this sport is rooted deep in Brazilian culture, and is therefore protected by the Brazilian Constitution (article 215, § 1), which declares that "the State shall ensure to all the enjoyment of cultural rights, access to sources of national culture, [and] shall support and foster the appreciation and diffusion of cultural expressions," and "the State shall protect" minorities such as "indigenous, African-Brazilian, and other[s]." Those seeking to protect vaquejada also note that the Federal Constitution promises to promote tourism and stimulate local economies by fostering temporary forms of employment—a perfect fit for vaquejada—and that the rodeo (of which vaquejada is a subset) is already protected by two federal laws: One provides general rules for rodeo, establishing cowboys as professional athletes, the other provides animal welfare guidelines for animals exploited in rodeos.

Those who oppose vaquejada also turned to federal laws. Brazil has comparatively strong animal protection laws – particularly in article 225 of Brazil Constitution, which "protect[s] fauna... [from] cruelty".¹⁰ This strong constitutional statement places moral responsibility on Brazilians, and Brazil's legal system, for protecting animals in Brazil—even from the cruelty of age old practices. Brazil has shown a singular willingness to enforce this important aspect of the constitution. For example, infamous Brazilian cockfights were exposed as unconstitutional and listed as criminal conduct in 1998.¹¹ "Farras do boi," in which a mob slaughters bulls and steers, was also deemed cruel and therefore determined to be unconstitutional—and therefore illegal—in June of 1997. In light of these historic cases, there has seemed to be much hope for banning vaquejada.



Tools of the trade: spiked nose harnesses for vaquejada competition horses.

Indeed, at the state level there was initially considerable success. For example, in 2014 in Fortaleza, the state capital of Ceará, activists used a law (10.186/14) prohibiting events that expose animals to abuse, cruelty, or exploited animals as sacrifice to prohibited vaquejada (and similar events) within the city limits.¹² Also in 2014, a judge in the city of Corumbataí, São Paulo, issued an injunction prohibiting rodeos in the city, noting that the fun of human beings must not, in any way harm or cause suffering to animals, including oxen, bulls, and horses.¹³ In 2015, in the Federal District, Brasília, the NGO Animal Protection and Adoption successfully challenged the legality of vaquejada when the magistrate (Jahsen Fialho de Almeida) ruled in their favor because, he stated, vaquejada entails the abuse of animal. He further declared that anyone brazen enough to organize a vaquejada in the Federal District would be fined R\$100,000 (US \$31,000) per day for the duration of the event, and that any employee from the Government of the Federal District who provides a permit for such cruel practices would also be fined¹⁴. A final example is provided by the Public Ministry of the State of Paraná, whose magistrate (Fernanda Orsomarzo) put forward regulations to protect animals from cruel sports in 2015, stating that sports which entail “the suffering of beings who have no defense... are a form of sadism” and that any sport “in which one of those involved has not chosen to compete is not sport, it is cowardice”.¹⁵ At the federal level, activists fighting to ban vaquejada

attacked a State law in Ceará¹⁶ that regulated vaquejada as a cultural heritage and a cultural practice, and as an asset to be preserved and maintained. They submitted a “direct action of unconstitutionality”¹⁷ exposing the Ceará law as in conflict with Brazil’s constitution, more specifically, in conflict with 225 of Brasil Constituion (mentioned above) (Brasil Constitution 127).

For two years, 2015-2016, the Brazilian Supreme Court debated the constitutionality of the Ceará Law regulating the vaquejada as a cultural activity. On October 6, 2016, a verdict was reached: six defended the constitution and five defended the status quo—the Brazilian Supreme Court thereby determined Ceará State Law 15.299/13 to be unconstitutional. They ruled that a competition that entails animal suffering cannot be classed as a cultural heritage, or even as a sport, because such a classification would conflict with article number 225 of Federal Constitution, which protects anymals in Brazil from cruelty. Based on the Brazilian Supreme Court’s October 2016 ruling, vaquejada is cruel, and any law supporting, protecting, or in any way legitimizing vaquejada is unconstitutional.



A vaquejada competition horse is washed down after a competition.
Note the nose scars and blood at horse’s feet.

Those with moneyed interests – livestock and competition horse breeders and promoters of vaquejada events – immediately moved to change this verdict, petitioning the Federal Congress and Federal Senate, the only legislative powers that can overturn a Supreme Court ruling. They are stressing the economic, historic, and cultural importance of vaquejada in Northeast Brazil, an area populated by minorities whose interests have too often been overlooked, and the strength of this argument is likely to lie in an apparent contradiction: wealthier and more powerful regions of Brazil hold rodeos, which are clearly similar in morally relevant ways (with regard to animal cruelty). Others seeking to restore vaquejada have put forward Projeto de Lei da Câmara (House Bill) 24/2016, which seeks to redefine and protect “rodeo,” “vaquejada,” and similar competitions as “national cultural manifestations” (cultural heritage) and “immaterial cultural patrimonies” (non-material cultural heritage, such as language).¹⁸ These phrases had already been approved by the Senate (November 8, 2016) and simply await presidential sanction.

The most worrisome attempt to reinstate vaquejada is titled PEC (Proposed Amendment to the Constitution 50/2016, also known as “PEC of vaquejada”).¹⁹ This legislation actually seeks to change Brazil’s Constitution—to rewrite article 225 so that this moral mandate will no longer pose a problem for those wishing to engage in cruel competitions, and these activities could then be regulated by separate “welfare” laws rather than banned by the courts. This change, which nullifies the intent of the constitution and throws animals under the bus, is moving forward with impressive speed, and could be signed into the constitution any time.

Conclusion

Vaquejada, just over a century old, has gone from obscurity to big money, and finally into legal conflict, all in a very short space of time. In the fall of 2016 animal advocates were victorious in a well-fought battle against vaquejada—ultimately resting on nothing less than Brazil’s Constitution. Instead of taking this recent ruling as a firm step forward for the nation’s moral progress, perhaps because of corruption and scandals currently plaguing Brazil as well as powerful right-wing political lobbyists (“evangelical,” “agribusiness,” “bullet”), the current legislative powers are rapidly back peddling. Focused only on economics, the corrupt powers that seek to alter the constitution to safeguard vaquejada on behalf of Big Money. So it is that, while animal advocates desperately seek to somehow protect their freshly but fairly won battle, PEC 50/2016 waits in the wings for the president’s signature. Brazil’s legal system would be right to uphold Brazil’s constitution and topple vaquejada into the dustbin of history, leaving the bulls standing.

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Banner image: Bull tumbling during vaquejada.

Photos: Lisa Kemmerer. All photos taken in September of 2015 during the vaquejada of the city of Surubim, Pernambuco State- one of the biggest vaquejadas of Brazil.

1. “Anymal” (a contraction of “any” and “animal,” pronounced just as the words “any” and “mal” are pronounced), refers to all animals who do not happen to be the same species as the speaker/author. This means that if a signing chimpanzee signs “anymal,” human beings will be included in this reference, and the chimpanzee will not. In this case, the speaker/author is a human being, so in this chapter “anymal” refers to any animal who is not a human being. Anymal avoids the fundamentally dualistic terms “non” and “other” and is therefore neither dualistic nor speciesist. See “Verbal Activism: ‘Anymals’.” *Society and Animals* 14.1 (May 2006): 9-14. Article can be accessed at <http://lisakemmerer.com/Articles/anymal%20article%20Jan%202016.pdf>
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6. Banda Calcinha Preta. “*Você não vale nada – DVD Calcinha Preta 360º – 15 Anos – Ao Vivo em Maceió*”, found at <https://www.youtube.com/watch?v=1cOrtPqI5g>
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8. ABVAQ [Brazilian Association of Vaquejada]. “A Vaquejada”, 2015 p 4. Accessed Oct. 21, 2016.
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