



BRILL

Society & Animals 19 (2011) 261-277

Society
& Animals Journal of
Human-Animal Studies
brill.nl/soan

Interest Groups and Pro-Animal Rights Legislation

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Abstract

The American states have demonstrated varying levels of support for animal rights legislation. The activities of interest groups, including pressures from competing groups, help to explain the presence or absence of ten pro-animal regulations and laws. This article analyzes and ranks each of the fifty states with regard to ten key areas of animal protection and welfare legislation. The analysis reveals that states with a more agricultural economic base are less likely to provide protection to animals. In addition, states with a more traditional political culture are less likely to have pro-animal legislation in place.

Keywords

animal rights, interest groups, legislation, political culture

Introduction

The activities of interest groups have previously been analyzed with respect to a wide variety of political outcomes and public attitudes. Further, there has been evidence that interest groups regularly influence outcomes at the state level. The following analyses, therefore, will look at the level of pro-animal rights legislation in the fifty American states and the possible influence of interest groups in affecting the passage of legislation. The analysis will also include a consideration of other factors that could account for the presence or absence of pro-animal rights legislation in each state, including interest group activities, state political cultures, the relative level of liberal attitudes and support for the Democratic Party, and party competitiveness.

Interest Groups and Legislation

States are obviously important in a federal system, and they could be especially relevant in the area of animal rights. National laws providing protection for animals have been few in number and weakly enforced (Ibrahim, 2006, 2007;

Braunschweig-Norris, 2005; Mo, 2005). At the national level, the strong agricultural lobby in the United States has been very effective in reducing efforts to institute reforms (Ibrahim, 2007; Matheny & Leahy, 2007). As a consequence, states have been an area of contention between interest groups in favor of greater animal rights and those opposed to increasing these rights.

Economic interest groups have been especially effective in the United States. Businesses and similar groups have usually had the most success within the system, using conventional pressure tactics (Allen, 2005). Animal rights groups, like any other public interest group, have had trouble overcoming the problems inherent in collective action involving a large number of activists (Colby, 1983; Olson, 1971). Fortunately for public interest groups, nonmaterial incentives and altruism can motivate individuals to support these organizations (Jordan & Maloney, 1996; Olson, 1971). This would not necessarily work to the advantage of the groups seeking animal rights if their activities ran counter to the views of such groups, as they often do. The power of interest groups opposed to animal rights has been obvious in a number of areas. Pro-animal rights groups, like other public interest groups, have failed to get state legislatures to consider changes in laws and have had to resort to public referenda campaigns to win over a majority of voters (Binderkrantz, 2008). In Florida, for example, it took a referendum on a constitutional amendment to ban gestation crates for pigs in 2002. The public vote on the issue was 55% in favor and 45% opposed (Sullivan & Wolfson, 2007; Videras, 2006). This ban encouraged similar efforts in other states, including a successful referendum in Arizona (Evans, 2006). In California there was a similar absence of legislative activity. It took a public referendum in 2008 to ban not only gestation crates but veal crates as well. The minimum size of battery cages for chickens was increased to require, effectively, that chickens would be free range since the cages would be so large as to be nonfunctional in a factory farming setting. Opponents of these changes were quite active in trying to keep the issue off the ballot and then to defeat it once it was on the ballot, but more than 60% of the public voted in favor of the changes.

Interest groups also influence policies in other ways. For example, one study found that state governments were more likely to institute environmental policies in response to activities by pressure groups than as a consequence of the actual severity of the environmental problems that existed in the state (Newmark & Witko, 2007). Animal rights legislation could also be influenced by the complex interaction of interest groups operating at the state level. The mix of competing interest groups at the state level does affect the types of policies that are considered (Witko & Newmark, 2005). It is very likely that the extent of activity by agricultural interest groups could be a key factor. Such

groups are large and well funded, and they can often effectively defeat the smaller interest groups interested in pursuing animal rights (Kreuziger, 2005). Corporations are of central importance in the agricultural sector. Vertical integration where one company owns the factory farms, the slaughterhouses, and the meat production facilities is common (Ibrahim, 2007). Such vertical integration, with only a few major companies, makes organizing efforts to pressure legislatures much easier.

Agricultural interests would have an incentive to oppose reforms for animals since any reform that can mobilize public opinion on behalf of animals could become a model for later reforms (Sullivan et al., 2007; Evans, 2006; Lovvern, 2006). Agricultural interest groups would be most concerned about greater rights for farm animals, but even the extension of rights for non-farm animals could result in limits on agricultural practices. Furthermore, policies do spread among the states (Lutz, 1987; Walker, 1969). A legislative defeat for agricultural interest groups in one state could have negative consequences for neighboring states. The recent passage in California of Proposition 2, requiring greater space for animals on factory farms, has led to the passage of similar legislation in other states.

Agricultural interest groups, in fact, have consistently been one of the more important interest groups operating in the states, especially the more rural ones (Ibrahim, 2006; Thomas & Hrebenar, 2004). Well-established interest groups have an advantage with state legislatures because their knowledge of the way the system works is valuable. They also have established contacts with members of the legislature (Thomas et al., 2004). In some states legislation has been used to make it very difficult for animal rights groups to use civil law suits to challenge the practices in some farming operations (Reppy, 2007). By contrast, the relative importance of agricultural interest groups would be reduced in states with mixed economies and various kinds of economic and other activities. Diversity of interest-group activity within the individual state can also affect the outcome and offer more opportunities to animal rights groups (Gray & Lowery, 1993).

It is also possible that activities could be influenced by the underlying political culture of the various states. Furthermore, it has been suggested that policy outcomes are largely determined by party activity and are related to the level of party competition in the states (Fellowes, Gray, & Lowery, 2006). Party competition obviously would have at least some effect on policies, and there is some expectation that more competitive states are likely to adopt more liberal policies (Bibby & Holbrook, 2004). At the individual level, those with liberal political beliefs have been more likely to support animal rights (Hamilton, 2006; Garner, 2003). Since there is general agreement that animal rights

groups have achieved more at the state level than the national level, state characteristics would be important for a bottom-up approach following the failure to get legislation passed at the national level.

Legislative Index on Animal Rights

An index of pro-animal rights legislation was created, based on the presence or absence of ten types of state laws. Existing statutes for the fifty states were searched for this legislation (see Appendix 1 for the list of websites used). The ten types of laws were: (1) general anticruelty laws for animals, (2) special protection for pets or companion animals, (3) special laws preventing cruelty to farm animals, (4) laws requiring the humane slaughter of animals, (5) requirements that animals being transported be given food and water, (6) laws against animal fighting, (7) laws giving legal enforcement powers to humane society officers, (8) provisions for financial support for humane societies, (9) laws exempting farm animals from animal cruelty legislation, and (10) exemptions for medical research laboratories. For the first eight laws, if the law was present, 1.0 was added to the index, and if it was absent 0.0 was added. For the last two laws, -1.0 was added to the index if the law was present. The range for the states' ratings on the index thus varied in theory from -2.0 to 8.0. There was, in fact, a great deal of variability in the types of laws that individual states had or did not have, and there was no discernable pattern in groups of states having particular combinations of these laws.

The most commonly passed laws are the first two. Virtually all states have laws that prohibit animal cruelty. Some states laws have detailed laws, while other states prohibit cruelty without providing definitions as to what is illegal. Many states provide specific protection for companion animals, especially dogs and cats. The anticruelty laws that do exist are frequently used primarily to protect dogs and cats—"animals that our society views as special and unique" (Ibrahim, 2006, p. 191). A number of states, for example, prohibit selling dog or cat hides or skins or selling any products made from cat or dog skins. Legislation providing specific protection to farm animals, on the other hand, has been relatively rare. Clearly, many states give higher priority to companion animals than to livestock. This is somewhat ironic, since many of the early animal cruelty laws were originally written with the intention of protecting farm animals such as horses and cows (Wolfson, 1996). The laws on transporting animals, for example, were designed to make sure that animals placed on a railroad siding or delayed in transit receive adequate attention, including the provision of food and water.

Most states have passed laws that prohibit animal fighting, especially dog fighting. The publicity surrounding Michael Vick's 2008 conviction for

involvement in dog fighting has focused attention on the few states that do not have adequate enforcement or meaningful penalties. The other type of animal fighting frequently mentioned is cockfighting. The stronger state laws on animal fighting not only make it a crime to train and fight the animals but also to bet on the fights or even to be present at them. On the other hand, state legislation can be weakened by court decisions, as, for example, when a judge in Oklahoma ruled that cockfighting did not violate state laws on animal fighting because chickens were not animals (Parcelle, 2001). This ruling was overturned by a voter initiative, but not all states permit such initiatives.

Many states, as well as the federal government, have humane slaughter laws, although there are some states that have no laws on the subject. Those states with laws typically exempt small operations and persons slaughtering animals for their own use, restricting the regulations to the larger slaughterhouses. In the case of states that have such laws, they typically take one of two forms. The first type of legislation requires that animals be killed by a single blow. This type of state law parallels national legislation. It is designed to limit the suffering by the animals being slaughtered but is nonspecific as to what can be used to render the blow. The second type of legislation also requires that animals be killed with a single blow, but such laws prohibit the use of sledgehammers or poleaxes or similar devices. In theory a sledgehammer or similar instrument can kill an animal with a single blow, but in practice they often fail to do so. As a consequence, some states have stricter laws that require more humane slaughter.

States with laws for humane slaughter that prohibit the use of sledgehammers and similar devices were coded 1.0 on the index. States with legislation that permits the use of sledgehammers within their humane slaughter laws were coded 0.8. States with no legislation were coded 0.0. Alaska turned out to be a special case for this item. State law requires humane slaughter only for reindeer; the law mentions no other animals. Given the limited coverage of this legislation, Alaska was coded 0.2 on this variable. In addition to exemptions for slaughter by small operations and for personal use, there were other exemptions. Many states with these types of laws make it a point to exempt slaughter in keeping with religious rites, thus permitting kosher slaughter techniques. In addition, poultry have generally been excluded from such laws—only livestock such as cattle, sheep, goats, etc. are usually covered under these laws (Welty, 2007; Kreuziger, 2005).

The next two laws are the ones whereby states provide support to humane societies such as local branches of the Society for the Prevention of Cruelty to Animals (SPCA). When legislatures are willing to delegate authority to these groups, they are providing more power to officials of agencies that by their very nature are committed to protecting the rights of animals. Some states give

powers of arrest and official status to appropriately trained officials of humane societies. This official status can be quite important, since it provides significant protection against civil suits and reduces the possibility that the officials' actions can be considered trespassing or any other type of legal violation. Such officials, of course, are much more likely to be concerned with enforcing anti-cruelty statutes and may give such statutes a higher priority than the police (given their other duties). A few states go further and provide financial assistance to these societies. The most common form of legislation permits local governments to give funds to such societies but does not require them to do so.¹ These states were coded 0.5 on the index. A few states go further and provide for more direct financial aid. The state can provide support through specific appropriations in the state budget. In other cases there is a specification that some of the fines levied in animal abuse cases will go directly to such societies, thus providing them a financial subsidy with which to conduct their activities. These states were coded 1.0 on the index.

Finally, there are two laws that were used to modify the index in a different fashion. In response to pressure from affected economic interest groups, some state legislatures have passed legislation explicitly designed to limit protections for certain animals, often in reaction to the activities of animal rights groups. Two types of laws were considered to be negative and anti-animal. Many states have passed laws specifically exempting farm animals from the anticruelty legislation as long as the actions involved correspond to customary practices in agriculture or animal husbandry (Reppy, 2007; Frasc, Otto, Olsen, & Ernest, 1999). As long as owners and farm workers can maintain that whatever practices they use in relation to farm animals constitute usual and customary practice, they can bypass claims that their actions constitute abuse or mistreatment (Wolfson, 1996). Such laws, not surprisingly, have been supported by the agricultural interest groups in these states (Braunschweig-Norris, 2005). In addition, there is legislation in place that covers the "right-to-farm" in each of the fifty states and serves to protect farms from zoning laws and even lawsuits that might limit farming operations from doing business (Donham et al., 2007, p. 319). Since these laws exist in all fifty states, there was no point in including them in the index.

The second type of legislation explicitly protects research laboratories that use animals. These labs are exempted from prosecution under the state's anti-cruelty laws (Reppy, 2007).² These laws are a reaction to the activities of pro-animal groups and clearly reflect a setback to the efforts of these groups to gain greater protections for animals. They also provide a legal defense for the labs that might otherwise be charged with animal cruelty by local animal rights organizations. As noted above, these laws represented negative additions to the index.

There were other laws that might have been included but that created complications for a valid index. Many states have specific laws protecting service animals such as seeing-eye dogs, search and rescue animals, and dogs used by police agencies. These laws, however, provide protection because the animals have a special economic value. Many states have laws relating to hunting and trapping, but it was not always possible to determine whether these laws have improved the situation for animals in the wild or not. In some cases, new laws have guaranteed the right to hunt. Popular initiatives in Virginia and North Dakota, in fact, guaranteed these rights in perpetuity (Parcelle, 2001). In other cases the laws set limits on weapons or hunting seasons, but these could either have been improvements over previous laws or could have provided for more weapons or longer seasons.

The analysis assumes that the laws are actively enforced, which is obviously not always the case (Ibrahim, 2006; Mo, 2005). It was an important precedent when employees on a poultry factory farm in West Virginia were recently convicted of animal cruelty in 2009. Penalties have seldom been imposed, however, for violating the humane slaughter act (Kreuziger, 2005). Welty (2007) could find no evidence from existing, albeit incomplete, statistics that anyone had been prosecuted for the inhumane slaughter of animals. Since his compilation of data, there has been at least one example, in Vermont, of such prosecution, in 2010, following a complaint by the Humane Society of the United States (Office of Attorney General [State of Vermont], 2010). In general, however, there is little doubt that prosecutors will not always put animal cases at the top of their lists. The presence of humane society officials with police powers helps to compensate, at least to some extent, for this lack of attention.

What is also not taken into account in the index is the fact that penalties vary from state to state. Many of the existing laws could be improved, and they need to be more comprehensive (Otto, 2004-2005). It can be difficult to determine, however, whether changes in laws are negative and positive. In 1998 and 1999, for example, North Carolina's legislature made one more type of animal cruelty a felony but exempted six more categories of practice that would now not be illegal under existing statutes (Reppy, 2007). The laws providing exemptions for agricultural operations and for research laboratories do not require enforcement because they provide legal defenses for practices that are already employed. The index still provides a basis for distinguishing between the states in terms of how much protection they provide for animals and what factors may be associated with higher levels of protection.

Results

The index provided an opportunity to test for relationships between various factors that might exist at the state level and the presence of more pro-animal

legislation. One set of factors involved the economic characteristics of the states, including the importance of agricultural activity. This set of factors suggested an adverse policy atmosphere because of fears on the part of farmers and corporations running farming operations that animal rights legislation could have a negative impact on standard farming practices. The inclusion of legislation protecting normal animal husbandry practices in the index reflects efforts by these groups to avoid such restrictions of their activities. We hypothesized that animal rights groups might have a better chance of getting legislation passed in more complex economic settings where there are multiple interest groups operating in the legislative and political arena. Measures of complexity in a state setting could include manufacturing percentages, the percentage of the population employed in professional occupations, and higher levels of education associated with higher-level manufacturing and service activities. Another factor might be the gross state product. It has been suggested, as noted above, that states that have larger economies might have more complex interest-group systems. In these more active systems, animal rights groups might be less likely to face any one dominant opposing group. While complexity could favor animal rights groups, states with more employment in agricultural activities (including ranching and forestry) might be less diverse and perhaps less favorable.

The results for economic context do not provide any support, however, for the idea that more diverse or larger state economies are associated with levels of legislation that is more favorable to animals (see Table 1). The associations are in the hypothesized directions (positively linked with the animal rights index) in the case of manufacturing and professional occupations and larger gross state product, but the associations are not significant. Higher levels of education as an indication of complexity, however, *were* marginally linked with pro-animal legislation. Agricultural percentages were negatively associated with higher scores on the index, and the association was significant. It would appear that states with more farming are less supportive of all types of animal rights. While the actual percentages of people involved in agriculture are relatively low, even in the most agricultural states, persons not directly working on farms are often dependent upon the farming sector. The multiplier effect for agricultural productions has been calculated to range from 2.5 to 4.0 (Murdock, Leistritz, & Hamm, 1988). This multiplier effect clearly increases the importance of agricultural activities and thus increases the economic and political influence of farming groups. It is clear that the level of pro-animal legislation is lower in those states with higher levels of employment in agricultural activities.

Table 1. Economic Characteristics and Animal Legislation Index

Variable	Correlations (Pearson's r) Index
Percentage Employed in Manufacturing	.176
Percentage with College Degrees	.204 ⁺
Percentage Professional	.125
Percentage Employed in Agriculture	-.283 [*]
Gross State Product (2000)	.207

⁺ $\alpha = .10$

^{*} $\alpha = .05$

Sources: Barone & Cohen (2005), Gray (2004, p. 18) for gross state product, and United States Bureau of the Census (2006) for college degrees.

Measures of liberalism in the states were another potential factor that could explain more legislation favorable to animals. A measure of state policy liberalism was available, and it was anticipated that more liberal states would have more pro-animal legislation in place. A second, related, political variable was the relative strength of the Democratic Party in each state. It was assumed that the Democratic Party would reflect a more liberal set of attitudes toward issues, including animal rights. Finally, a measure of the level of party competition at the state level was available. We hypothesized that more active competition would further the goals of animal rights groups since it would increase the likelihood that new items would be successfully introduced into the agenda of the local political system because parties would be vying for voters or seeking to retain their base support in a competitive environment. Such a competitive environment, we thought, might also further opportunities for interest groups of all types to introduce new ideas for possible inclusion on the political agenda.

None of these political variables, however, had any relationship with the index of pro-animal legislation. The associations were not significant; furthermore, they were all negative and thus in the opposite direction from the ones anticipated (see Table 2). The general level of liberalism in the states, support for Democrats, and a higher level of competition had no positive effects on the existence of pro-animal legislation. One possible reason for the lack of correspondence is that levels of liberalism, Democratic support, and competition might have been different in earlier years when at least some of the legislation regarding animals had been passed, but even in this case there should have been some residual effects; instead, the association was in the opposite direction.

Table 2. Party Variables and Animal Legislation Index

Variable	Correlations (Pearson's <i>r</i>) Index
Liberalism (2000)*	-.127
Party Control (Higher Values Democratic) (1999-2003)	-.189
Party Competition (1999-2003)	-.008

* The liberalism score did not include Hawaii and Alaska, so the *n* for this measure was 48.

Sources: Gray (2004, p. 4) for liberalism and Bibby & Holbrook (2004, p. 88) for the party measures.

A final factor that might have affected the level of pro-animal legislation was the possibility that a state's dominant political culture could influence popular attitudes and political views. The overall political culture of a state, of course, to some extent reflects some of the variables already discussed above. Liberalism, economic size or complexity, the type of economic activities, and education all have an effect on the prevailing view of political activity, the political system, and the citizen's role in the system.

Elazar (1984) divided states into what have become the classic types—moralist, individualist, and traditionalist. While Elazar's categorizations are not recent, the underlying political culture of a polity does not change quickly; thus, his characterizations are useful for the purposes of the present analysis. The index was correlated with the three types of political culture, with the cultural variables being dichotomous dummy variables. The moralist and individualist political cultures did have positive associations with animal rights legislation, but not at a significant level (see Table 3). The traditionalist political culture, however, was negatively linked with support for animal rights, and this negative association was unlikely to have occurred by chance. The states that were characterized by this traditionalist culture were southern states, border states, and some southwestern interior states (Gray, 2004). Thus, at least one type of political culture reflecting a complex of economic and social characteristics at the state level does help, in this case, to explain the absence of support for animal rights legislation.

Table 3. Political Culture and Animal Legislation Index

Variable	Correlations (Pearson's <i>r</i>) Index
Moralistic	.234
Individualistic	.112
Traditional	-.352*

* $\alpha = .05$

Source: Gray (2004, p. 24).

Table 4. Regression Analyses

Index	β			Equation Results		
	Percentage Agricultural	Traditional	Percentage College	R ²	Adj. R ²	F-Ratio
Three Variables	-.324*	-.394*	-.039	.220	.169	4.321**
Two Variables	-.309*	-.374*	–	.219	.186	6.587**

* $\alpha = .05$ for t-value for inclusion in regression equation or for significance of equation.** $\alpha = .01$ for significance of equation.

The above analyses found only a few important relationships between characteristics at the state level and the presence of legislation favorable to animals. The percentage of the workforce employed in agricultural pursuits, levels of education, and a traditionalist political culture had significant associations. Education, a dummy variable for the traditionalist culture (1 if present, 0 if moralist or individualist), and the percentage in agriculture were included in a regression equation. Only the political culture variable and agricultural employment proved to be important predictors of the existence of more pro-animal legislation (see Table 4). Apparently the regional factors associated with traditionalist culture and agricultural employment were related to education levels, making it a nonsignificant addition to the overall equation. Agricultural employment and a traditionalist political culture provided the best predictors of the presence or absence of legislation. The regression equation, while significant, only explained a portion of the total variation in state legislation.

Discussion

The above analyses indicate that the passage of animal rights legislation has followed a complex process. States in which agriculture plays a more important role are, of course, likely to have powerful farming interest groups that face less competition in the state legislature, and it is likely that these are the states that have helped to keep agricultural interest groups in the top ten across the states. Such groups in states with small populations would still benefit from support from national groups. It is noteworthy that some of the successes of animal rights groups have had to rely on public ballots and initiatives. The reliance on the public approach might reflect the fact that the long-established agricultural interest groups are more adept at dealing with state legislators than the somewhat newer animal rights groups. Familiarity and previous access to legislators are important. It is also worth noting that many of the states with traditionalist political cultures also lack laws providing for ballot initiatives and referenda for normal legislation.

It is obvious that pro-animal rights groups have not been successful in all states with higher average levels of educational attainment. Agricultural interests groups would appear to have been effective in opposing changes. Agricultural groups and others have been effective in getting their issues on the legislative agenda and preventing animal rights groups from bringing about legislative change; hence, these groups have been forced to use ballot initiatives. Interest groups do balance each other in the political arena, and agricultural interest groups have been in existence much longer and have established links with state politicians and parties and have a comprehensive understanding of the state legislative process. It seems that the agricultural groups have been quite effective in states with a traditionalist political culture. For the future, it would appear that animal rights interest groups will be more likely to be successful in states without a traditionalist political culture and ones where farming and ranching are relatively less important.

Acknowledgments

The authors would like to thank two anonymous reviewers for their helpful comments and suggestions.

Notes

1. Many states provide that such societies will receive fees for neutering animals or for providing food and shelter to animals seized by police officers. According to these types of arrange-

ments, states contract for services on a fee schedule; such provisions are therefore not considered to be direct state financial support.

2. Reppy (2007) provides information on which states have passed these types of laws.

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Appendix 1

Websites Used for State Laws [month and year accessed]

Alabama <http://alisonb.legislature.state.al.us/acas/ACASLogin.asp> [May 2008]

Alaska <http://www.touchngo.com/lglcntr/akstats/statutes.htm> [July 2008]

Arizona <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp> [July 2008]

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Appendix 2

States' Scores on Animal Rights Index

State	Index
Alabama	3.0
Alaska	2.2
Arizona	2.5
Arkansas	3.8
California	3.2
Colorado	2.0
Connecticut	4.0
Delaware	3.0
Florida	4.0
Georgia	2.8
Hawaii	2.8
Idaho	2.0
Illinois	4.3
Indiana	0.0
Iowa	1.0
Kansas	3.0
Kentucky	4.0
Louisiana	1.0
Maine	3.8
Maryland	3.0
Massachusetts	5.0
Michigan	2.8
Minnesota	6.5
Mississippi	3.8
Missouri	1.0
Montana	1.0
Nebraska	0.0
Nevada	4.0
New Hampshire	3.8
New Jersey	1.0

Appendix 2 (*cont.*)

State	Index
New Mexico	2.0
New York	3.0
North Carolina	2.8
North Dakota	4.0
Ohio	5.3
Oklahoma	3.8
Oregon	1.8
Pennsylvania	4.5
Rhode Island	6.0
South Carolina	2.5
South Dakota	3.1
Tennessee	2.0
Texas	4.0
Utah	0.8
Vermont	3.0
Virginia	0.0
Washington	4.0
West Virginia	3.0
Wisconsin	2.0
Wyoming	2.0
