

First of all, there is a difference between animal rights and animal welfare. If you listen to the pure philosophy of those arguing their cause on either side of the animal rights and animal welfare debate, the positions are starkly distinct.

Animal rights advocates, embodied by such organizations as People for the Ethical Treatment of Animals (PETA) and the Humane Society of the United States (HSUS), maintain that humans and animals are equal, and both groups virtually should have the same rights. They renounce the use of animals for the benefit of humans, whether it is for food, labor, sport, clothing, research and companionship (if they are “owned” for that purpose).

Supporters of animal welfare, on the other hand, represented by groups like the American Veterinary Medical Association (AVMA) and the American Society for the Prevention of Cruelty to Animals (ASPCA) endorse the responsible use of animals to satisfy certain human needs. They work to ensure the animals’ basic needs are fulfilled in terms of food, shelter and health, and that the animals experience no unnecessary suffering in their service to humans. Animal welfare champions further argue that giving equal rights to animals will not provide for their well-being.

Some animal rights disciples go so far as to suggest that improved animal handling practices and welfare reforms lull people into thinking all is well while animal “exploitation” continues to take place.

But when it comes to winning the hearts and minds of Americans the picture gets murkier. More importantly, the efforts to garner funds to promote agendas, place initiatives on state ballots and initiate litigation have devolved into deception, chicanery and, some would say, fraud. There is also enough emotion to go around for everyone.

Overall, though, there is confusion. For example, the initial impression a lot of Americans have of HSUS is that of a vast network of animal shelters. Further, animal lovers are quick to associate (or mistake) HSUS with the ASPCA and local animal shelters and pet adoption programs. But HSUS does not own, operate or lease a single animal shelter in the country, according to Richmond University law student John Dillard writing in a piece published by the Masters of Foxhounds Association.

In fairness to HSUS, though, its 2008 annual report showed it contributed \$6.7 million to animal shelters, although that represented only 5.4% of the organization’s \$125 million budget. The HSUS budget allocated the lion’s share of funds – almost \$60 million – for litigation, campaigns, investigations and fundraising.

The Animal Legal Defense Fund (ALDF) boasts a string of landmark courtroom victories against animal cruelty. Its positions in these cases are generally beyond reproach. In April it vigorously reacted to the Supreme Court’s ruling that the 1999 Crush Act – legislating against the creation, sale and possession of depictions of animal cruelty – was unconstitutional and violated freedom of speech. The ALDF countered that depictions of animal cruelty ought to have the same constraints that apply to child pornography. All the Chief Justices except for Samuel Alito upheld the unconstitutionality of the Act.

Rather than get bogged down with the emotion of the moment, however, the ALDF rolled up its sleeves and helped Congressman Elton Gallegly (R-Calif) – who introduced the original bill ten years ago – to quickly craft a new Act that describes a more narrowly focused law. So far the bill has attracted 199 bipartisan cosponsors. And who can argue with that?

**/ ON THE COVER /**  
 The Humane Society of the United States cast the poultry industry in a bad light to ensure passage of California’s Proposition 2 that would change the standards for confining farm animals.

# ANIMAL WELFARE VS ANIMAL RIGHTS

Who’s Right? Who Means Well?

## Double-Edged Advocacy

While the ALDF is involved in a number of noble pursuits on behalf of animals, it also appears to equate or compare conventional animal agriculture or meat production carried on for generations by well-meaning, conscientious American farmers to the rare, unscrupulous factory farm operation that occasionally surfaces – and is quickly shutdown.

Meanwhile, HSUS has been involved in a flurry of state laws limiting local control in establishing animal health and welfare standards. Generally the HSUS modus operandi is to promote state and local ballot initiatives and deploy its considerable funds to frame the issues so casual voters supporting the HSUS stance feel they've acted responsibly. HSUS then pulls up stakes and moves to its next target, leaving the local agriculture industry and regional economies it just hamstringed to deal with the economic fallout.

As farm store retailers and dealers, you likely have first hand knowledge of the diligence, compassion and concern with which your customers raise their animals and prepare them for the market. So you need to be informed about groups advocating on behalf of animals. Make sure their agendas are in synch with your customers' best interests. Review the analyses of their research to see if they used the best available science to back up their assertions. Case in point: during the Proposition 2 campaigning in California in 2008, HSUS argued that concentrated animal feeding operations (CAFO) constituted an unhealthy confinement that was harsh and cruel to hens and hogs. But the AVMA said under the circumstances additional space could allow some animals to display aggressive behavior that would cause far more damage and suffering to the other animals.

You might not want to be supporting an advocacy group whose objectives run contrary to the goals of your customers and neighbors. You also might want to play a role in educating your other customers, not involved in livestock and food animal production. They might inadvertently have fallen under the spell of a group purportedly opposing animal cruelty, but who in reality represent extreme ideologies that you and your friends, neighbors and customers wouldn't support if everything were transparent.

Here's are a few questions to raise:

- Who's behind the group? Is it really as altruistic as it makes itself out to be? Is it a political action committee? How mainstream, humane or radical is it?
- Is it a business, environmental, organic or other special interest lobby looking for a marketing advantage? What other hidden agendas might there be?
- What are the ethics at stake? Does the organization raise funds for lobbying and litigation by conning well-meaning people who think most of their contributions go directly to animal shelters and pet adoption operations?
- What is the research and science based on? Is it the best available science?

Maybe the best question to ask is this: Is the eradication of animal agriculture behind the animal ethics movement? Which then opens a Pandora's box full of additional considerations:

- What is the practicality or reality of the objectives if they were to be achieved? Have the groups and their supporters really thought through what they are advocating?
- How could a small family farm or hobby farmer really be part of the supply chain that needs to feed six billion people?
- What are the public health ramifications if a protein source like meat were banned or priced out of the reach of most people?
- How will the animals actually take care of themselves if they had the same rights as humans?
- Are there economic models that take into account the disruption to the socio/political and cultural structures of global economics, the import/export markets, the energy markets, land use policy, financial/commodity markets and so on if conventional animal agriculture were to be outlawed?

### / THE IDEAL OF ANIMAL WELFARE /

Animal Welfare, as defined by the American Veterinary Medical Association, is a human responsibility that encompasses all aspects of animal well-being, including proper housing, management, disease prevention and treatment, responsible care, humane handling, and, when necessary, humane euthanasia.

- Animal welfare proponents seek to improve the treatment and well-being of animals.
- Animal welfare proponents believe humans can interact with animals in entertainment, industry, sport and recreation and industry, but that the interaction should include provisions for the proper care and management for all animals involved.
- Animal welfare proponents support self-regulation of animal sports, including rodeo, polo, three-day eventing, FFA competitions, horse racing, field trials and endurance riding.
- Animal welfare groups utilize scientific evidence on which to base animal care and handling guidelines.

### / THE IDEAL OF ANIMAL RIGHTS /

Animal Rights is a philosophical view that animals have rights similar or the same as humans. True animal rights proponents believe that humans do not have the right to use animals at all. Animal rights proponents wish to ban all use of animals by humans.

- Animal rights proponents support laws and regulations that would prohibit rodeos, horse racing, circuses, hunting, life-saving medical research using animals, raising of livestock for food, petting zoos, marine parks, breeding of purebred pets and any use of animals for industry, entertainment, sport or recreation.
- Animal rights proponents believe that violence, misinformation and publicity stunts are valid uses of funding donated to their tax-exempt organizations for the purpose of helping animals.
- Arson, vandalism and assault are common tactics used by underground animal rights groups to further the animal rights cause. Groups such as the Animal Liberation Front, which have been classified as terrorist by the FBI, routinely use criminal activities to further their cause.

# WHO STANDS FOR WHAT?

Animal law is one of the fastest growing areas in the legal profession. In the mid-1990s only two law schools offered courses focusing on animal law. Currently almost 100 schools list (or are planning to include) classes specializing in animal law. "Animal law may be the most rapidly developing field of study in legal academia," writes Richard L. Cupp, Jr., of the Pepperdine University School of Law, in the introduction to his paper "Moving Beyond Animal Rights: A Legal Contractualist Critique" published in May 2009. He also notes that the Animal Legal Defense Fund (ALDF) was relatively small in the 1990s but now has chapters in at least 124 law schools. The ALDF itself claims to have 100,000 members.

As popular interest in the humane treatment of animals has grown, media coverage tends to describe advocates as animal rights activists. News stories seem to ignore the concept of "animal welfare" and how it inherently differs from animal rights. "The popularity of the phrase *animal rights activists* – rather than something like *animal welfare activists* – reflects an increasing focus on animals as potential bearers of rights rather than on humans as bearers of responsibility for the welfare of animal they control," Cupp notes. He suggests that legal reforms regarding animals are "better suited to social contract ideals than to the creation of new rights." He suggests that a formal code of rights for animals would be "harmful both to humans and, ultimately, to animals."

*ProfitBuilder* maintains a consistent argument could made that nearly all animal production farmers – your customers and neighbors – have always taken the best interests of their animals to heart. But as society has moved from the farm to the city, it has become all the more important that a distinction between animal rights and animal welfare is made.