

6-22-2016

# A Power Conflict Approach to Animal Cruelty: Examining How Economic Power Influences the Creation of Animal Cruelty Laws

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A Power Conflict Approach to Animal Cruelty: Examining How Economic Power Influences the  
Creation of Animal Cruelty Laws

by

Leonard Joseph Genco

A thesis submitted in partial fulfillment  
of the requirements for the degree of  
Master of Arts  
Department of Criminology  
College of Behavioral & Community Sciences  
University of South Florida

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Date of Approval:  
June 17, 2013

Keywords: criminology, animal cruelty, conflict theory, economic factors, interest groups,  
legislation

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## ACKNOWLEDGMENTS

This thesis would not have been completed without the guidance of Dr. Michael Lynch. Dr. Lynch, your advice and knowledge on the subject at hand has been incredibly influence in my academic development. Thank you for the time and effort put forth with this thesis. Two years ago, I had very little understanding on how to construct a study. Dr. Lynch was gracious enough to help hone my research and study. His guidance has allowed me to communicate for efficiently and more intellectually in conflict theories. I appreciate all the feedback and the opportunity to learn from you. Dr. John Cochran, your teachings has introduced a solid foundation of theoretical framework for my current and future studies. I greatly appreciated your application of your experience for this thesis. Andrew Franz, Esq., thank you for reviewing and identifying issues within the thesis. The focus on law has been difficult to study, but your approval on the operation of the study helped engendered confidence in my ability to study law.

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## ABSTRACT

The current study examines the association of macro-level economic factors and the creation or enactment animal cruelty laws across the states at a fixed time. Criminologists have postulated that economic factors influence the legal system (Chambliss and Seidman, 1971). This thesis addresses whether state-level economic and related macro-level factors influences the amount and types of state animal cruelty legislation lawmakers enact. To do so, this thesis examined animal cruelty legislation and their association with measures of agricultural and farm production, Democratic Party, Republican Party, and pro-animal interest groups across all states of the United States for the time period (2012-2013). Findings suggested that three out of the four variables had significant relationships. The Democratic Party had the strongest relationship, but only Animal interests groups had a significant positive relationship. In all, this study explores how economic influence can influence the creation of animal cruelty legislation. Furthermore, the study opened up theoretical methods for more comprehensive analyses on the creation of law.

## CHAPTER ONE: INTRODUCTION

Interest in the study of animal cruelty has grown and developed in recent years. Such studies have closely followed the green criminology paradigm and managed to provide information on the legal criminalization of animal cruelty that can be defined as paralleling green criminological literature specifically, and as an issue that is also relevant to the criminological literature more generally (Sollund, 2015; Nurse, 2013; Bernie, 2002; Allen, 2005; Tauber, 2010). These studies have explored the legality of animal cruelty and the concept of animal cruelty as a germane criminological subject (Sollund, 2015; Nurse, 2013; Bernie, 2002).

One of the issues that have yet to be addressed in the extant literature relates to the creation and application of animal cruelty laws. Relevant studies within other areas of the criminological/criminal justice research literature suggest that it is important to understand and explain factors that affect the making of law (e.g., Chambliss and Seidman, 1971). Several theoretical studies suggest, for example, that economic, social and political conflicts (ESP) can affect the making of law. Such studies have not been conducted in relation to animal cruelty laws. This limitation stems from the fact that green criminological discussions on animal cruelty have failed to acknowledge how economic conditions may influence the production of animal cruelty legislation.

Accordingly, the current study examines the association of macro-level economic factors and the creation or enactment animal cruelty laws across the states and time. Criminologists have postulated that economic factors influence the legal system (Chambliss and Seidman, 1971). This

thesis addressed whether state-level economic and related macro-level factors influences the amount and types of state animal cruelty legislation lawmakers enact. To do so, this thesis examined animal cruelty legislation and their association with measures of agricultural and farm production, political parties, and pro-animal interest groups across all states of the United States for the time period (2012-2013). Further details on animal cruelty relevant to the current study are addressed in the section below.

### *The Current Study*

As early as 1641, animals were solely perceived for human use (Iannacone 2011; Tannenbaum, 1995; Gannett). For this reason, law uses the term chattel for disputes over animals, and to demonstrate possession of an animal. Animals were valuable to farmers, more for survival than for wealth. Progressively, animals became both currency for trades and product to sell. Destruction, such as maiming, lashing, branding, and breaking of an animal decreased its value. Therefore, the owner of the animal could be monetarily compensated if his/her animals were harmed (Tannenbaum, 1995). More recently, this view of animals solely as property has been challenged. That challenge suggests that animals have rights and should not be treated solely as property. This view suggests that if animals indeed have rights independent from human systems of ownership, then those rights ought to be reflected in the law. This view, then, suggests that the law should protect animals from harm in the same way the law protects humans from harms. This raises an interesting question: should animal cruelty crimes be enforced on the same level as human violent crimes?

In this day and age, however, animals – especially farm animals and pets -- are still largely considered as chattel. This ideology causes difficulty in defining animal cruelty. Animal

cruelty is not as definitive as crimes against humans. In many jurisdictions, the enforcement of environmental and animal laws is questionable (Whiting, 2013; Franz, 2011) – that is to say; such laws are difficult to enforce and are differentially enforced across jurisdictions. While in some cases offenders have been charged with malicious violence against animals, other cases are dismissed due to the right of the owner when animals are considered chattel (Iannacone, 2011). Responses to animal cruelty complaints are easier if tethered to a more chargeable offense (Iannacone, 2011). Because animals are chattel, poor care and treatment are not considered animal cruelty, and political parties tend to avoid discussions on animal cruelty while animal owners continue to conduct questionable animal care practices.

In response to the legality of animal cruelty, scholars repeatedly have analyzed the text of the law. Some scholars studied the historical development of the laws of animal cruelty (Beirne, 1995), while others have examined how political activity has influenced of animal cruelty legislation. Legal scholars are more interested in demonstrating the seriousness of animal cruelty as human violent crimes and argued that animal cruelty is a pathway to violence against humans (Iannacone, 2011; Britton, 2006; Heide, 2003). The studies on animal welfare are so vast that scholars have conducted meta-analyses (Walker, Diez-Leon, and Maason, 2014; van der Schot and Phillips, 2012). Despite the rise in such studies, animal cruelty remains a relatively overlooked issue in the field of criminology.

Animal cruelty is a form of human violence largely ignored in criminology. Multiple studies have examined how animal cruelty at an early age may lead to future human violence. Studying the effect of animal cruelty on future violence helps address animal abuse as a factor that affects the propensity toward violence, but it does not address the gravity of the act itself. For instance, what factors define the legality of animal cruelty? Does it have legal ground to

charge criminally? In New York, animal cruelty is not considered a serious enough act of human violence to initiate an investigation. Police find it easier to charge an animal abuser if there is any other charges to allow an investigation (Iannacone, 2011). Literature defining the scope of animal cruelty is underrepresented in the criminological literature (Beirne, 2002). Hence, there is a need for examination of animal cruelty and its definition in the criminological field.

The production of laws related to the legality of animal cruelty is pluralistic in nature, meaning that the making of animal cruelty legislation is impacted by various interest groups. These interest groups include animal rights activists, animal owners, pet shelters, and farmers, who may become involved in political battles that illustrate how ESP interest play out in the political process of constructing animal cruelty legislation. In response to growing interests in protecting animal from cruelty, laws focused on animal cruelty have increased in scope but decreased in stringency (Koski, 2007). Scope is increased to give a general application, however, stringency of the law decreased to appease the animal businesses, particularly businesses that fund the law makers (Allen, 2005; Koski, 2007; Lutz and Lutz, 2011). This pluralistic nature provides fruitful grounds to study how animal cruelty is defined, using a conflict perspective. Specifically, this study tests whether economic factors have a relation to the creation of animal cruelty laws across US states.

The current study examines this pluralistic nature of animal cruelty laws. For this study, animal cruelty was conceptualized as an act of unnecessary harm to any to farm and agricultural, protected wildlife, game, and domestic animals, in regards to physical and mental health or environment. First, a theoretical framework was identified for analysis. Second, a review on previous studies was conducted. Accordingly, a methodology based off of the theoretical framework and literature review is outlined. The next section presented the statistical outputs of

the analysis and interprets the data. The study concludes with a discussion on limitations and the theoretical explanation in regards to the data.

## CHAPTER TWO: THEORETICAL FRAMEWORK

This thesis emphasizes the conflict between parties to explain the variation of enacted animal cruelty laws across the all US states. Therefore, conflict theories are the most appropriate paradigm to examine animal cruelty law. Specific emphasis is placed on Chambliss's and Seidman's (1971) conflict model. To explain the differences in law or rule enforcement and regulation, Chambliss and Seidman (1971) composed a conflict theory based on the stratification and complexity of societies.

According to Chambliss and Seidman (1971), law is normative. Law outlines what ought to be or the expected actions and behaviors, as well as prohibited behaviors. However, determining which values ought to be expressed in law is either value-consensus or value-antagonism; values are used because the majority followed or are used because a dominating group of people enforce certain values. Chambliss and Seidman (1971) argued that law involves value-antagonism. Theoretically, the state legal system is often viewed as value-neutral, meaning that the state system is a tool for individuals and groups to litigate law. According to Chambliss and Seidman (1971), conflict between groups change the system to be more value-loaded where the system's actions heavily favor more dominate groups. Thus, the normative system changes as social structure of dominate groups change.

There are two variables Chambliss and Seidman (1971) use to describe the influence of conflict on the state, the complexity of society and stratification within society. The complexity of society is conceptually the established roles of individuals (usually defined by law). There are

more norms, values, or laws defining separate roles of expected or prohibited behavior.

Stratification within a society is conceptually the spread of wealth. This measures how dominate others are in terms of wealth - economic wealth according to Chambliss and Seidman (1971).

These two variables interact to establish whether the state is used to reconcile conflicting parties, or whether it selects one party's rules over the interests of other parties to the conflict. Chambliss and Seidman (1971) describe three outcomes. Less stratified and less complex societies mainly focus on reconciliation. More complex and less stratified and more stratified and less complex societies focus on both reconciliation and rule-enforcement. More complex and more stratified societies mainly focus on rule-enforcement. According to Chambliss and Seidman (1971), in more stratified societies, dominate groups need more rule enforcement through force or threats to persuade the expected actions of conduct to assure their supremacy.

Chambliss and Seidman (1971) argued that the United States is a stratified, complex nation where the state is used to expand societal control of dominate groups and enforce rules. The states have multiple interests engaged in political conflict, such as drugs and food processing. Accordingly, Chambliss and Seidman argued that the amount of interests groups engaged in conflict does not affect the results; the more efficient groups of society control the economy and political system. Consequently, the state caters to the approval of the more economically and politically powerful groups for legislation. Therefore, studying which groups are more dominate by economic means is reasonable. However, some laws are passed to placate other lesser groups while preventing legislation from opposing the dominate group's grasp on society.

### *Previous Research*

Literature examining the application of this theoretical framework is scarce (Williams and Drake, 1980; Lanza-Kaduce, 1982; Liska et al., 1985; Chiricos and Waldo, 1975; Lizotte, 1978). Studies covered the assumption that the powerful groups have an economic influence over the legal system, but the studies are not uniformed.

Williams and Drake (1980) examined the statement by Chambliss and Seidman (1980) that, “The more economically stratified a society becomes, the more it becomes necessary for the dominate groups in that society to enforce through coercion the norms of conduct with guarantee their supremacy” (p. 33). The scholars tested whether economic inequality and arrest rates are positively correlated. That is, in more stratified societies, powerful groups are more likely to enforce their values and norms on others, and as a result, arrest rates would be positively correlated with lower class individuals. However, Williams and Drake (1980) found that only robbery and vehicle theft were significant. After controlling for population size and the incidence of crime, the correlations weakened. Thus, Williams and Drake (1980) concluded arrests were not determined by economic class power relationships.

Chiricos and Waldo (1975) tested Chambliss’ and Seidman’s (1971) assumption that the most severe sanctions are imposed on lower social class individuals. The scholars examined the influence of an inmate’s socioeconomic status on prison length across the top index crimes. However, data on certain crimes to fully test the assumption was not fully accessible (e.g. first degree murder). As well, the class stratification in prison did not vary. According to Chiricos and Waldo (1975), 96.6 percent of inmates were of the lower class. The scholars, therefore, did a partial test using inmates’ income, education, and occupation as a continuous variable, excluding designated social status groups. The findings indicated socioeconomic status does not determine

the prison length. The highest correlation of .19 was with forcible rape, but socioeconomic status only explained 4 percent of the sentencing length (Chiricos and Waldo, 1975). While the scholars found no support for Chambliss and Seidman (1971), they argued that no one, yet, has directly studied the links between specific concepts and propositions. This suggested that conflict theory still needs to develop.

In response to Chiricos and Waldo (1975), Lizotte specifically studied Chambliss' (1969) assumptions that lower class persons are disadvantaged by economic means. The study examined the inequality within court sentencing based on economic factors to explain racial disparities. Lizotte (1978) observed whether a defendant who made bail or not influenced the length of a prison sentence. After controlling for race, gender, age and crime seriousness, findings indicated that defendants who made bail had a significant reduction in jail sentencing. In a deeper analysis, Lizotte (1978) found that the amount of bail also influences the length of a jail sentence. This suggests that economic power does influence the system and is able to be observed. This relationship between bail and sentencing lengths grew stronger when race was controlled for. Lizotte (1978) found that non-white and less prestige occupations were less likely to make bail; thus, the economic factors can explain the racial disparity in sentencing lengths. In all, Lizotte's (1978) study demonstrated that economic power can influence the legal system.

Liska et al. (1985) examined Chambliss' and Seidman's economic conflict among law enforcement where the powerful enforces more law onto threats against their interest.

Specifically, the scholars examined how macro social and economic factors influence the probability or certainty of arrests (Liska et al., 1985). Liska et al. (1985) observed whether the income and percent nonwhite areas affected police size and workload, which in turn affected arrest rates. Controlling for population size and percent poor, the scholars found that workload

(crime report rates) and resources (police size) had significant positive effects on arrest rates for seven crimes (homicide, rape, assault, robbery, burglary, larceny, and auto theft). When economic conflict factors (average income and percent nonwhite of the area) were included in the analysis, resources no longer was a predictor of arrests; however, the explanatory power of the analysis increased (Liska et al., 1985). Liska et al. (1985) suggested that police size is overestimated when economic factors are ignored. As well, income did not have any significant relation to arrest rates. Thus, Liska et al. (1985) concluded that there is no support for a conflict perspective and that perceived threats of crime does not increase with economic production.

While other scholars (Liska et al., 1985; Lizotte, 1978; Chiricos and Waldo, 1975) focused on economic influences system, Lanza-Kaduce (1982) examined whether the system was value-neutral or value-laden. Lanza-Kaduce (1982) argued in opposition to Chambliss and Seidman (1971) that the system is not dominated by pragmatic legal realism and is not value-laden as described. Using capital punishment case studies, Lanza-Kaduce (1982) observed legal reasoning in nine judges. According to the study, the majority of the judges used previous legal knowledge to interpret the law and used formal opinions, the due process to present interpretations of law, to keep legitimacy of the court system (Lanza-Kaduce, 1982). Lanza-Kaduce (1982) concluded any values communicated into the judicial system have more to do with previous law rulings than private ideologies. However, Chambliss and Seidman (1971) argued that formal opinions cover private ideologies as rational legitimate decisions. Therefore, observing formal opinions would not allow a true study of Chambliss' and Seidman's models.

Among these studies, not one focused on conflict between ruling parties which Chambliss and Seidman emphasized. In other words, the literature does not study whose norms and values are used in law and the criminal justice system. This study seeks to explain and test

this model in accordance with animal cruelty laws. The literature did not account for economic dominance, which was taken for granted. Studies testing how economically dominate groups influence criminalization is lacking, and is one of the issues this thesis addresses. This thesis applies Chambliss' and Seidman's model to the conflict around animal cruelty laws. Specifically, the thesis examines the association between group economic power and animal cruelty laws. This focus will test whether economic dominate groups influence the criminalization of animal cruelty law. This brings to question the following: (1) What groups are related to animal cruelty legislation? (2) Is there an association between each group and animal cruelty laws? (3) What group has the strongest association with animal cruelty laws? (4) How does Chambliss' and Seidman's model explain the associations?

To answer these questions, the following section reviews literature on groups involved with animal legislation and how Chambliss' and Seidman's model applies to the literature. The methodology section explains the process in testing the association between the groups found in the literature. Afterwards, the finding and analysis section explains how the statistical outputs are explained by Chambliss' and Seidman's power conflict model.

### CHAPTER THREE: LITERATURE REVIEW

There is a significant body of research on animal legislation. The majority of animal legislation literature has focused on the purpose and development of animal cruelty laws (ACL) and the application of the those laws (Upadhya, 2014; Lee, 2014; Burger, 2013; Boyd and Lamparello, 2013; Whiting, 2013; Nurse, 2013; Iannacone, 2011; Wilde, 2010; Ascione and Sharpiro, 2009; Britton, 2006; Farve, 2006; Robbins, 2006; Pyc, 2002; Tannenbaum, 1995; Schmahmann and Polacheck, 1995). Among this literature, scholars focused on how physical animal abuse in familial environments, mainly in relationship to pets, constitutes a rationale for stricter ACLs (Britton, 2006; Wilde, 2010; Innacone, 2011; Burger, 2013; Robbins, 2006). Some research examines animal cruelty laws in relation to animal businesses such as farms and puppy mills, though that literature has not employed a conflict perspective to frame the analysis (Whiting, 2013; Nurse, 2013; Iannacone, 2011; Wilde, 2010; Farve, 2006; Britton, 2006; Tannenbaum, 1995). Among the research that follows the conflict paradigm, scholars have studied different party's associations with support for or the rejection of animal cruelty laws (Timoshanko, 2015; Kymlicka and Donaldson, 2014; Morris, 2013; Whiting, 2013; Lutz and Lutz, 2011; Franz, 2011 Frank, 2008; Morris, 2008; Koski, 2007; Allen, 2005). Studies on state level animal cruelty laws revealed that pro-animal interest groups, farm and agricultural groups, and political affiliations were common influences on the development of animal cruelty laws (Morris, 2013; Lutz and Lutz, 2011; Morris, 2008; Koski, 2007; Allen, 2005). Unlike other

research, these studies focus on the social presence of political interest groups. In that literature a majority of scholars agreed that “farm” states are less likely to have animal cruelty laws.

The study of animal abuse has been promoted in recent years within green criminology, but it has drawn less interest in the more general criminological literature. According to scholars, orthodox criminology tends to view the relevance of studying harms against animals as a reflection of human deviancy (Nurse, 2013; Kurse, 2002; Beirne, 1995). Beirne (1995), for example, argued that animals received recognition in criminology by acting as an outlet for violent human behavior. In addition, as Beirne noted, early in its history when criminologist used biology to explain criminal behavior, criminals were considered less developed than the general population, and were sometimes compared to animals at the behavioral level.

Beirne (1995) concluded that animals are rarely considered victimized outside their “presence [that] is entirely subservient to human needs and to human problems” (p. 24). That is, animals appear in criminology when they are an object of human agency (i.e. dog racing). This focuses on the more “inappropriate” uses of animals for human activity and does not consider animals to be violated or a victim. Animals are viewed as a tool or property not used for their intended purpose (Beirne 1995). The few times animals are considered a victim occur when animal harm is conceptualized as being analogous to human harm. Beirne (1995; 2002) argued it is more common in the criminological literature to encounter discussion that recognize animal abuse and animals as seen as victim when animal abuse is discussed as an indicator for human violence. In cases similar to domestic abuse, abused animals are stressed, because the animal abuse shows violent signs of the accused. Beirne (1995; 2002) highlights the fact that when criminologists address animal cruelty, it is nearly always in relation to their relationship to some

social harm that affects humans, as not an independent living entities with rights to be free from human imposed harms.

In recent years, legal scholars have exhibited increased interest in studying and analyzing animal cruelty laws (Upadhyya, 2014; Lee, 2014; Burger, 2013; Boyd and Lamarello, 2013; Iannacone, 2011; Wilde, 2010; Britton, 2006; Farve, 2006; Robbins, 2006; Pyc, 2002). The literature mainly addresses how the law spells out punishments and enforcement, and describes how to increase the recognition of animal cruelty within the law. For their part, green criminologists have tended to focus attention on exploring examples of forms of behavior that they argue should constitute animal cruelty (Nurse, 2013), and with exceptions on the history of animal abuse laws by Beirne (1995; 1999; 2002; 2014), have done little to address how social and economic factors potentially influence the creation of animal cruelty legislation. Accordingly, this study argues that the criminalization/regulation of animal cruelty needs to be studied in order to better understand factors that influence the codification and distribution of animal cruelty laws.

### *Pluralistic Development of Animal Cruelty Laws*

Animal cruelty laws originally protected the monetary assesses of animal owners. For this reason, animals were, and still are, seen as chattel or personal property (Tannenbaum, 1995; Wilde, 2010; Farve, 2006; Britton, 2006; Iannacone, 2011; Upadhyya, 2014; Pyc 2002). The first modern American animal cruelty was enacted in 1829 for the state of New York, and stated that, “every person who shall maliciously kill, maim, or wound any horse, ox, or other cattle, or sheep, belonging to another, or shall maliciously and cruelly beat or torture any such animal, whether belonging to himself or another, shall, upon conviction, be adjudged guilty of a

misdemeanor” (6 N.Y. R. S. §26). According to Tannenbaum (1995), animal cruelty laws were created to demonstrate humankind’s dominance over animals, mainly to give precedence to farmers. However, this ideal is slowly changing. Animals were confirmed to be sentient beings, and categorizing them with inanimate object grew inappropriate (Pyc, 2002). Courts started to consider the emotional and physical values of animals (Britton, 2006). Recently, as pro-animal interest groups started to expand, government bodies increasingly reconsidering the seriousness of animal cruelty and creating legislation to protect animals from harm. As a result, states started enacting felony animal cruelty laws with longer and harsher sentences (Allen, 2005; Pyc, 2002). According to some scholars, the evolution of ACLs happened, because the relationship between animals and humans also changed (Britton, 2006; Robbins, 2006; Iannacone, 2011; Wilde, 2010). Particularly, families started voicing that a pet is not property at all but a family member. This shift in views on animal-human relationships fueled attention towards the enactment of companion animal cruelty laws (Wilde, 2010; Britton, 2006; Ascione and Shapiro, 2009; Pyc, 2002). However, both Boyd and Lamparello (2013) and Pcy (2002) argued that the current animal cruelty laws are insufficient and still needs to evolve further. Scholars argued that animal cruelty laws should evolve to recognize the pain and suffering of animals; eventually, animal laws may evolve to be similar to humans rights (Boyd and Lamparello 2013; Pyc, 2002; Farve, 2010). Farve (2010) suggested that animal cruelty laws will eventually offer rights to own property, to have living quarters, to enter into contracts, and not to be harmed. However, the laws do not evolve to bolster the interest of animals over the interest of humans; the interests of animals are not considered in legal conflict (Pyc, 2002). This conflict of interest between ACL and animal owner interest has reflected a pluralistic conflict between government, people, and businesses. Therefore, the conflict over animal cruelty legislation can be used to test Chambliss’

and Seidman's power conflict model. The current review expands on the main parties of the conflict over animal laws and proposes hypotheses to be tested.

### *Political Affiliations*

Political parties have been associated with different positions related to the protection of animal rights. The association between the Left (i.e. liberalists and Democrats) and animal legislation is a common expectation among scholars (Allen, 2005; Lutz and Lutz, 2011, Koski, 2007). However, animal legislation is loosely associated with the Left. Lutz and Lutz (2011) found that the Democratic Party had a negative relationship with animal legislation. The scholars argued the direction of the relationship was due to a change in the party's ideology with respect to animal protection legislation (Lutz and Lutz, 2011). Other scholars would agree. Kymlicka and Donaldson (2014) argued that animal legislation is not a priority for the Left.

The main challenge for the Left supporting animal legislature included paying attention to minorities' interests. According to scholars, the hierarchy among humans can be threatened when animal right issues are considered. Specifically, animal rights undermined the significance of human status that groups fought to obtain (Kymlicka and Donaldson, 2014; Costello and Hodson, 2009; Kim, 2007). Costello and Hodson (2009) argued that dehumanization originated from the philosophy that humans are superior to animals. Responses from Costello's and Hodson's (2009) survey demonstrated that closing the gap between humans and animals, psychologically and politically, exasperated dehumanization and immigrant prejudice (e.g. perceived as barbaric or inhumane). Kymlicka and Donaldson (2014) agreed that animal advocacy lessens the importance of liberation, oppression, and enslavement of humans. In other words, some scholars noted that diminished interest in animal rights and animal cruelty

legislation appear to have been stimulated by criticisms which suggest that those laws diminished the seriousness of efforts to address forms of human injustice.

Kymlicka and Donaldson argued that the Left is known to help minorities gain equality with the majority, not reestablish status equality with animals. According to Kymlicka and Donaldson (2014), one of the problems this sometimes produces is that “animal issues will become a measuring stick that operates to signify white/Western cultures as uniquely humane and civilized while stigmatizing minorities/non-Western cultures as backward or barbaric” (p. 121). Consequently, it is possible that when resources are given to animal cruelty and justice, minority practices will be singled out for causing animal cruelty. Many minority groups that practice traditions or rituals that involve animals, for example, may expose animals to cruelty as defined by White values (e.g. indigenous people and hunting or religious animal sacrifices). Animal rights laws would deem minority actions as unlawful, stigmatizing minorities as barbaric. Any support from the Left would be perceived as supporting an Anglo-Saxon mentality (Kymlicka and Donaldson, 2014; Costello and Hodson, 2009). Therefore, the Left focuses more on the justice of minorities over the support for animal justice.

However, some scholars found that Right-leaning parties also affect animal legislation. (Lutz and Lutz, 2011; Koski, 2007; Allen, 2005). Allen (2005) found that Democratic dominated states were more likely to pass felony animal cruelty laws than Republican dominated states. Supporting Allen’s (2005) findings, Lutz and Lutz (2011) found a decrease in animal legislation in more traditional or conservative states (e.g. southern states). Accordingly, when animal legislation is going to pass, Koski (2007) found that Republicans are more likely to decrease the amount of requirements or actions within the law which firms/individuals must fulfill. These

studies suggest that there appears to be a political effect that should be considered when testing effects on the creation on animal legislation.

While studies showed that the Republican and conservative parties can affect the creation of animal legislation, there appears to be a lack of literature addressing why the Republican Party affects animal legislation. Future studies should address how the Right affects animal legislation in light of the conflicting attention from the Left. In regards to Chambliss' and Seidman's model, this analysis examines which political party has amore dominate effect on the creation of animal legislation according to their ideology. For this study, that ideology is about animal cruelty. In regards to the literature, it would be expected that state where Republicans have greater economic power, low amounts of animal cruelty legislation will be created. Accordingly, states where Democrats have greater economic power will have higher amounts of animal cruelty legislation.

### *Animal Interest Groups*

There are many different types of animal interest groups, and given the focus of the current study, attention is directed to animal advocacy or animal rights groups, and may include those that also promote farm animal interests. Animal interest groups concerning farms and agriculture businesses, however, are also unique (Whiting, 2013; Lutz and Lutz 2011; Koski, 2007; Allen, 2005), and are described in the agriculture and farm section.

Literature has focused on how animal interest groups effect the policy design of animal law. Allen (2005) found that animal interest groups did affect the enactment of animal cruelty laws; however, the study is not generalizable. Allen (2005) examined the political presence of pro-animal interest groups but focused the study on registered membership in the Humane

Society of the United States (HSUS). Allen (2005) observed that HSUS had the strongest positive effect on the enactment of state felony animal cruelty laws. While Allen's (2005) findings are empirical, the focus on HSUS membership does not reveal whether animal interest groups as a whole affect legislation, and overlooks other potentially important indicators of animal interest groups' power such as their economic resources. Scholars agreed that animal interest groups have a strong effect on the legislation of animal laws (Lutz and Lutz, 2011; Allen, 2005; Koski, 2007; Iannacone, 2007); however, the extant literature has mainly addressed the political presence of animal interest groups.

In a study conducted by Koski (2007), interest groups, in general, were found to have the most dominate influence in shaping the stringency of animal legislation (the level of violation) compared to government agencies and officials. Specifically, animal advocacy groups influence the strength of animal legislation. That is, those groups are concerned with the amount of required actions by regulated entities and the level of violation. Also, according to Koski (2007), animal advocacy groups were slightly more successful than agriculture groups in affecting animal welfare policy. This explains the trend of felony animal cruelty laws Allen (2005) described in his study; specifically, how animal interest groups increase the likelihood of a state adopting felony animal cruelty laws. The studies noted above suggest that animal interest groups are gaining more power relative to affecting animal welfare legislation.

Tauber (2010), however, disagrees with Koski (2007). Tauber (2010) argued that animal legislation literature is still novel and infrequent, and because such legislation is rare he suggests it is difficult to explain how animal interest groups affect animal welfare laws. Thus, to examine these effects, Tauber drew attention to whether animal advocacy groups affected judicial interpretations of animal welfare legislation. In Tauber's (2010) study, aggressive cases, where

courts must seek innovative interpretations of law, were found to be more likely to be litigated by animal interest groups. Tauber (2010) argued that this focus on aggressive cases that seek to overturn or redefine laws involves cases that are difficult to decide, which may explain why animal interest groups do not significantly affect the outcome of this type of legal animal case outcomes. Tauber's study indicated that animal interest groups are more likely to be concerned where cases can't be decided by the current interpretation of law. Many smaller cases of animal cruelty that can be clearly decided by the current interpretation of animal legislation are ignored which ultimately supports the current interpretation. Thus, animal interest groups only effect a small number of cases, but that impact may be significant because of the kind of legal interpretations that are affected

Prior studies, however, have failed to adequately examine whether the conflict dimensions of legal struggles that involve animal interest groups are impacted by the kinds of economic and political power those groups possess. As noted earlier, Chambliss and Seidman suggest that legal outcomes can be affected by economic interests and power. It would be expected then that states where pro-animal interest groups have more economic power, have a higher likelihood of enacting animal cruelty legislation.

### *Farms and Agricultural Businesses*

Farms and agricultural businesses have been commonly documented as the strongest lobbyists in regards to animal legislation. Recently, farm-owners voiced the opinion that pro-animal legislation hinders or limited the method of production (Luz and Lutz, 2011; Whiting, 2013; Iannacone, 2011; Morris, 2013; Allen, 2005; Burger, 2013). In opposition to animal cruelty laws, what are called "Ag-Gag" laws – which typically limit the use of undercover

recording of animal abuse without the consent of the facility's owners -- were enacted to counterbalance animal cruelty laws (Liebmann 2014; Lacy, 2013). In addition, as a result of farm opposition, the exclusion of farming practices has often been added into animal cruelty laws as exceptions to the application of animal cruelty laws.

One argument supporting the limiting effect of farm/agricultural business on animal cruelty laws relates to the long history of interaction between those businesses and the government. For example, according to Whiting (2013), farms and agricultural businesses have long used federal funding since its inception in 1933, and such funds illustrate how the state supports farming/agricultural interests. During President George W. Bush's term, over half of the senators lobbied against any substantial reduction of farm subsidies (Whiting, 2013). This long history and strong political ties indicates that government tends to comply with agricultural businesses lobbyist. Therefore, agricultural businesses will shape animal cruelty laws that harm farm production.

With a history of political funding, farms have obtain economic power that has contested other groups influence over animal cruelty legislation. To examine this issue, Lutz and Lutz (2011) studied the association between macro-economic characteristics of states and pro-animal legislation. The study used employee demographics to reveal how the domination of agricultural business across states. The scholars found that states with higher levels of employment in agricultural activities had a lower likelihood of existing pro-animal legislation (Lutz and Lutz, 2011). According to Lutz and Lutz (2011), "agricultural interest groups, in fact, have consistently been one of the more important interest groups operating in the states" (p. 263). In the study, agricultural employment was significant and had the strongest effect on pro-animal legislation enactment.

In contrast to Lutz and Lutz (2011), Allen (2005) argued that there is a growing population of animal interest groups that are becoming more politically powerful, and that these groups have been having an impact on the creation of felony animal cruelty laws. Allen examined whether the effect of this growing population of animal interest groups had a stronger effect than the historically more powerful farm communities (Allen, 2005). In the analysis, Allen (2005) found that the farm community had no effect on the adoption of felony animal cruelty laws across the states. In a deeper analysis of the study, however, the farm community was the only significant variable and had the strongest effect on judicial sanction strength. These findings indicate that the power of the farm community does not lie in the enactment of felony animal cruelty laws but in the strength of the laws measured by their application. Therefore, studying how agricultural businesses affect the frequency of the enactment of animal cruelty laws may not produce fruitful results.

Morris (2013) took a different approach to understand the relationship between farm and agricultural businesses and animal legislation enactment. Unlike Allen (2005) or Lutz and Lutz (2011), Morris tested for a Kuznets curve related to animal welfare legislation. In this view, a Kuznet's curve effect would predict a curvilinear relationship between farm production and animal welfare regulation affected by economic stratification. Based on this Kuznet's curve assumption, Morris (2013) suggested that the amount of animal welfare regulations is lowest in states with either small or large economic stratification. To calculate animal welfare impact for the analysis, the study focused on meat consumption to reflect farm production of livestock. Morris (2013) argued that farming for food should be considered a basic axiom that the animals will be inhumanely treated for food, and the empirical measure employed by Morris was meat consumption. Unlike farming, meat consumption is argued to be yield positive results in analysis

(Morris, 2013). Findings, however, yielded no support for a Kuznets's curve. According to Morris, there was no significant difference in animal welfare regulation across states related to economic stratification.

Though there seems to be little support that farm and agricultural businesses effect the enactment of animal legislation, scholars nevertheless argued that farms still have a strong influence on policymaking and the design of animal cruelty legislation (Allen, 2005; Morris, 2013; Iannacone, 2011; Lutz and Lutz, 2011; Koski, 2007; Whiting, 2013), even though many animal protection laws may be passed to placate the public (Morris, 2013; Allen, 2005). According to Allen (2005), the strength of felony animal cruelty laws was only significantly affected by the farm community population within a state. Koski (2007) found that agricultural groups had a slightly greater statistical effect than environmental groups, affected the strength of pro-animal legislation. However, there still remains a lack of literature in the conflict perspective with animal legislation and farm and agricultural businesses. Accordingly, in a conflict analysis, states where farms have more economic power are less likely to enact animal cruelty legislation.

In regards to Chambliss' and Seidman's model, this expectation seems contradictory. Chambliss and Seidman (1971) argued that the dominate group would enact laws to impose onto lesser groups. This reflects why historically, animal cruelty laws prosecute an individual for harming a farmer's livestock. However, the observation that farms oppose animal cruelty laws and wish to limit them would seem to suggest that farm owners have multiple interests in animal welfare legislation, and that they will therefore sometimes oppose legislation that directly impacts their economic interests in negative ways. In addition, as Chambliss and Seidman (1971) argued some laws will be pass to placate the public but are not in opposition of the dominate group. It would be expected then that the more economic power farms have in a state

the less animal cruelty legislation is enacted but not to a point of complete absence. Farms may allow animal cruelty laws to pass if they protect livestock from other parties or to placate the public with little opposition to farming practices. This could explain the number of farm practice exceptions in animal cruelty legislation.

### *Applying Theoretical Framework*

Previous described studies have demonstrated four main conflicting parties over animal cruelty legislation. Pro-animal interests groups have exhibited an increasing influence on the adoption of animal cruelty laws. Farm and agricultural businesses have played a historic role as the dominate influence over animal legislation, and more conservative political ideologies influence the strength of animal legislation. However, the extant literature doesn't measure the economic power of these parties in relation to one another. As mentioned before, law varies with the stratification between parties (Chambliss and Seidman, 1971), meaning, some parties have more economic power than others to afford more invocation of the government to impose a party's values or preclude other parties' values in legislation. This concept of economic power can be applied to the parties mentioned above to understand how influential they are in regards to animal cruelty legislation. From the literature, Morris (2013) has already established that the stratification across the states is not homogenous. Allen (2005) and Koski (2007) established that animal cruelty laws do vary across the US. This indicates that inputs into the system are not homogenous across the US and can be observed. Accordingly, this study seeks to explore the variation of animal cruelty law through Chambliss' and Seidman's power conflict model that suggests an examination of the economic power of participating parties in the legislative process. Therefore, this study will analyze state level data on Republican, Democratic, Farms, and Pro-

animal interest group revenue using a Poisson regression to test the explanatory power of Chambliss' and Seidman's power conflict model.

## CHAPTER FOUR: METHODOLOGY

This study examines the economic power of multiple groups on the enactment of animal cruelty laws across all states of the U.S. For purposes of this study, animal cruelty laws were conceptualized as statutes that pertain to: (1) prohibited acts, or prohibited business practices that adversely impact domestic animals (e.g., livestock, pets) and wildlife; (2) identify actions required to prevent unnecessary suffering of domestic animals and wildlife; and (3) which defined means to prevent animal cruelty (e.g. agencies or citizen reports). These laws and regulations include information concerning the: (1) legal definitions and scopes in regard to animal cruelty statutes; (2) define levels of violations for these statutes; (3) identify appropriate enforcement authorities; (4) may identify agencies that provide treatment for abused animals; (5) note exceptions to the application of animal cruelty statutes; (6) identify legal procedures regarding the enforcement of animal cruelty statutes (e.g. warrants, judicial power, investigation, or testimonies), and (7) specify legal sanctions for animal cruelty statute violations.

The present study examines enacted animal cruelty statutes by state. The data consists of enacted animal cruelty statutes passed before 2014. Animal cruelty laws for each state were extracted through an anti-cruelty statutes search in the Animal Legal and Historical Center Database of the College of Law at Michigan State University. Using the *search material* menu option, the topic of *Anti-Cruelty* and the legal material type of *statute* was search for each US state; no other terms were used. Any search results containing the following criteria were excluded from the study: (1) records of historical statutes – statutes that have been

replaced or referenced for clarification or deletion; (2) repealed statutes; (3) statutes solely regarding animal business licenses; (4) statutes on wildlife permits; (5) statutes pertaining to the business sales of animals; and (6) statutes not pertaining to animals. Subsections were considered part of the main statute and not considered their own statute, unless specified as an independent statute. Lastly, states vary in how legal definitions are presented in legal texts. Some states have separate statutes defining legal terms in regards to animal cruelty legislative text. However, this study is not focused on how economic factors influence the creation of legal definitions.

Therefore, all statutes that merely define and clarify a reference statute on animal cruelty were excluded and counted as an extension of an existing statute. This is to ensure those statutes do not inflate the count of animal cruelty laws within the data.

**Table 1. Counts of Animal Cruelty Laws per State**

<i>State</i>	<i>Amount of Laws</i>
Alabama	32
Alaska	8
Arizona	13
Arkansas	19
California	76
Colorado	26
Connecticut	21
Delaware	12
Florida	35
Georgia	38

Table 1. (Continued)

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<i>States</i>	<i>Amount of Laws</i>
Hawaii	11
Idaho	28
Illinois	42
Indiana	20
Iowa	24
Kansas	9
Kentucky	13
Louisiana	40
Maine	47
Maryland	28
Massachusetts	44
Michigan	28
Minnesota	26
Mississippi	16
Missouri	30
Montana	6
Nebraska	30
Nevada	47
New Hampshire	13
New Jersey	61
New Mexico	19

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Table 1. (Continued)

<i>States</i>	<i>Amount of Laws</i>
New York	42
North Carolina	31
North Dakota	21
Ohio	41
Oklahoma	32
Oregon	36
Pennsylvania	22
Rhode Island	53
South Carolina	19
South Dakota	42
Tennessee	18
Texas	25
Utah	11
Vermont	29
Virginia	51
Washington	30
West Virginia	13
Wisconsin	21
Wyoming	11
N	1410
Mean	28.2

The number of animal cruelty statutes (ACL) by state is the dependent variable. The statute count is operationalized on an interval scale, and each statute counted as one value. For example, the state of Alabama has 3 statutes pertaining to animal cruelty and mistreatment, so that the value for the count of animal cruelty statutes in Alabama is 3. Although the study covers economic data from 2012, to ensure economic conditions were established before the dependent variable, active animal cruelty laws in 2013 were used. That is, this study observes the laws that were active during the year 2013. Active laws are any laws passed before and during 2013 and start in effect in 2013. Any legislation implemented after 2013 or which was repealed prior to 2014 was not include in the statute count. The counts of animal cruelty laws for each state are presented in Table 1.

### *Independent Variables*

Chambliss' and Seidman's (1971) model postulated that economic power has an effect on the construction of law. That is, parties can use their political and economic power to shape law and reflect their interest. The current study measured economic power by monetary assets generated by participating parties in conflict over animal cruelty legislation. However, parties to these conflicts generate monetary assets differently. Political parties gain economic power through donations. Larger parties, such as farms and agricultural businesses, generate monetary assets through revenue of ownership. These assets can be studied to examine how these parties may be able to access forms of power that impact political decisions making related to the creation of animal cruelty legislation.

As a result, in this thesis, economic power is conceptualized and measured in three ways. First, to measure political parties' economic power, a group's monetary assets are defined by

donations (see below). Second, for political interest groups, the revenue or the monetary value from income is measured. Third, for larger interests groups such as farming and agriculture, revenue or the monetary value from sales, services, or goods is measured. To standardize economic power for comparison, each measurement is translated as a proportion of all earned business income in each state relative to state gross domestic product (GDP). Accordingly, the independent variables are animal interest groups revenue (AIGR), farm and agricultural business revenue (FABR), Republican Party revenue (RPR), Democratic Party revenue (DPR), and hunting business revenue (HBR). Specific details on each variable are provided below.

*Animal Interest Group Variable.* Animal interest groups are created to endorse animal welfare through political and social institutional support to encourage animal regulation. According to Chambliss and Seidman (1971), participants in the legal system use economic assets to accomplish these outcomes. In regards to this study, animal interest groups' economic assets provide the ability to shape lawmakers' legal perceptions on animal welfare, which in turn may endorse the enactment of animal legislation. One test of this observation related to animal interest groups' effects on animal welfare legislation can be measured using the following hypothesis:

H1: The more economic power pro-animal interest groups obtain in a state, the higher the likelihood of the expected amount of animal cruelty laws.

To test this proposition of Chambliss and Seidman's, it is necessary to obtain a measure of animal interest groups' economic power. Accordingly, economic power data for animal

interest groups was extracted from Internal Revenue Service (IRS) Exempt Organizations Business Master Files (BMF) from 2012, searched under the National Center of Charitable Statistics database (NCCS). Therefore, this study used the IRS definition of animal interest groups. Under the IRS National Taxidermy of Exempt Entities codes, D20, animal interest groups are non-profit animal protection and welfare organizations that offer humane care, protection and control of animals and which investigate instances of animal cruelty (e.g. American Society for the Prevention of Cruelty to Animals). This data included all animal interest groups who filed financial income under Form 990, 990-EZ or 990-PF within 24 months of the IRS BMF release date. Monetary assets were coded as the total revenue of animal interest groups per state recorded in 990 IRS forms. However, the IRS reports contain the last 24 months of reported total revenue and assets of interest groups. For instance, a 2009 March report will contain information for the last two years. This study uses animal interest group revenue from the 2012 Exempt Organizations Business Master File December report to calculate the economic power of animal interests.

*Farm Businesses Variable.* Scholars have accounted for the historic relationship between farm businesses and animal legislation (Allen, 2005; Koski, 2007; Lutz and Lutz, 2011). Commonly, farm businesses restrict or ensure animal cruelty legislation does not apply to farm businesses. Similar to animal interest groups and following Chambliss' and Seidman's model, farm businesses can translate monetary assets into economic power to influence political processes. The greater the economic power of farm businesses, the greater it's potential to influence animal cruelty legislation. To assess whether the economic power of farm businesses are related to animal cruelty legislation, I propose the following hypothesis:

H2: The more economic power farms obtain in a state, the lower the likelihood of the expected amount of animal cruelty laws.

One way to assess the economic power of farm business across states is to measure their economic influence in a state. This can be done using measures of farm and agricultural business economic power as a proportion of all earned business income in a state. The data for farm revenues were extracted from the 2012 Census of Agriculture, which defined farms as any establishment which produced and sold, or normally sold, greater than or equal to 1000 dollars' worth of agricultural products or more during the census year. The revenue was considered the net cash farm income of operators or a designated person who operates a farm (farm owners, hired managers, tenants, renters, or sharecroppers). According to the Census, the net cash income was operationalized by subtracting the total revenue from the total expenses for the year of 2012. The data excluded values of products made under production contracted by contract growers. The data consisted of farms with net gains, losses, and farms that broke even (NASS, 2012). This ensured that the net cash value reflected the total value of the farm community within a state. Therefore, the net cash farm income of operators are considered revenue for this study and used to calculate the economic power of farms.

*Political Variables.* Outcomes of the lawmaking process are also affected by political parties. As noted previously, political parties have different interests and prior research suggests variation in political party's support for animal cruelty legislation (Allen, 2005; Koski, 2007; Lutz and Lutz, 2011). Thus, in assessing factors that affect lawmaking in relation to animal

cruelty legislation across states, it is necessary to measure the primary political parties of influence in each state, the Republican and Democratic parties. Different measures of political party influence could be used (e.g., party membership for the population of each state; governor's political party affiliation; political party concentration of state legislature). In regards to Chambliss's and Seidman's model, it is suggested that political party influence is associated with economic power. Thus, measuring the economic power of the political parties is preferable and consistent to the model used in this study. To assess how political ideology influences animal cruelty laws, I propose the following hypotheses:

H3: Economic power of the Republican Party decreases the likelihood of the amount of animal cruelty laws expected.

H4: Economic power of the Democratic Party increases the likelihood of the amount of animal cruelty laws expected.

To calculate the economic power of both the Republican and Democratic parties, this study used data pertaining to donations received from both parties. Donations, while not direct revenue of the political parties, can be considered a measure of income revenue for government officials from the political parties. That is, the economic power ratio will demonstrate how much government economic power is derived from political parties. Searched on the Open Secrets website, data on government official incomes was extracted the 2011-2012 Election Report from the Federal Election Committee. The data covers 200 hundred dollars or more contributions of republican or democratic political action committees and individuals to government officials in the house and senate. For this study specifically, only monetary contributions from the

Republican and Democratic leadership PAC were used. Because the data is broken down by individual government officials, each registered contribution to the members of Congress is totaled in respect to the donator's political party and state. These totals acted as a proxy for political party revenue when calculating the economic power.

*Hunting Business Variable.* According to Allen (2005), hunting lobbyists were the strongest variable affecting the adoption of felony animal cruelty laws. This significant and strong finding indicated that the hunting lobbyists and businesses should be considered a variable of interest. Accordingly, the following hypothesis is proposed:

H5: The more economic power the hunting businesses obtain within a state, the lower the likelihood of the expected amount of animal cruelty laws.

Using data extracted from the 2011 National Survey of Fishing, Hunting, and Wildlife-Association Recreation, the total expenditures of people age 16 or older for fish and hunting recreation acted as a proxy for the revenue of the hunting businesses. Expenditures were coded as fishing or hunting equipment, trip-related expenses (lodging, transportation, and food), and miscellaneous expenses (magazines, membership dues, contributions, land leasing and ownership, licenses, stamps, tags and permits). This reflects the income of hunting businesses from participants in fishing and hunting recreation. Therefore, the total fishing and hunting expenditures acted as a proxy for the hunting businesses revenue to calculate a ratio for economic power.

### *Control Variables*

Prior studies reviewed in the previous chapter indicate that other factors may affect lawmaking in relations to animal cruelty statutes. As a result, the analysis must control for the effects of these factors.

*Education. (EDU).* Allen (2005) briefly mentioned that higher educated interest groups are historically influential in law making; however, education was not controlled for in Allen's study (2005). Luz and Lutz (2011) took education into consideration and found that education had a significant positive relationship with the adoption of animal legislation. Education, therefore, is controlled in this study to account for any relationship with a state's education. Education is conceptualized as the percentage of individuals, age 25 or older, with a bachelor's degree or higher for each state. Data for education was extracted from the 2012 American Community Survey. According to the survey, data are operationalized into a percentage of bachelor's degrees or higher to the total state population. While this is not controlling for economic power, it reflects the ability of the population who can obtain higher wages which can translate into economic power.

*Urban Living. (URBAN).* According to Tauber (2010) and Allen (2005), urban living affected pro-animal judicial ruling and animal legislation and was significant in both studies. The variable was operationalized as a ratio of those living in urban areas relative to the total population. The data were extracted from the 2010 U.S. Census Bureau. The data covers the total population percentage living in urban and rural housing within each state. However, it is important to note that this data are from 2010. The U.S. Census Bureau only surveys the urban and rural demographics once every decade.

### *Analysis Plans and Procedures*

To analyze the hypothesis regarding economic power and political influence, a total of two stages were included in the present study. First, a summary of descriptive statistics is conducted to address whether the data varies across states (Table 2). According to the data, majority of the variables were skewed. All variables except education and urban living should be logged. However, the population size is small ( $N = 50$ ). Taking the natural log results in a loss of observations.

**Table 2. Descriptive Statistics of Independent Variables**

	Mean	Std. Dev.
FABR	0.0097853	0.018128
AIGR	0.0001738	0.0000883
RPR	0.00000154	0.00000182
DPR	0.00000126	0.00000185
HBR	0.0085324	0.0062873
EDU	17.65	2.723087
URBAN	0.7259112	0.1811229

The data contains a number of observations with values of zeros on more than one variable of interest that is omitted when the natural log is taken. The size of the data is already small for analysis; omitting data would further cause problems. In response, the common log of the variables is taken with an added constant of .0001.

Second, a correlation matrix was estimated to establish whether independent variables have multicollinearity. Next, because the dependent variable is a count variable and is right skewed, a Poisson regression was employed. Before control variables are introduced, a baseline model is estimated with only economic factors in regards to the amount of animal cruelty laws. Lastly, control variables are introduced to the model to see if the relationships hold.

## CHAPTER FIVE: RESULTS AND ANALYSIS

Before any regression analysis is conducted, multicollinearity between variables should be explored. Table 3 presents the correlation matrix which can be employed to determine if any variables have apparent evidence of multicollinearity. Strong correlations ( $p > 0.7$ ) may indicate that correlations between independent variable could produce multicollinearity in the regression model. In assessing the correlations in Table 3, no variables were found to exhibit strong correlations with other variables. The correlation matrix still provides information that should be considered. Among these correlations, all correlations with the hunting businesses revenue have the highest correlation. Urban living had the highest correlation with hunting businesses ( $r = -0.490$ ). That is, the higher the hunting business revenue within a state, the lower the amount of urban living is to be expected within that state. Hunting had moderate positive correlations with farm and agricultural business revenue ( $r = 0.418$ ) and the Republican Party revenue ( $r = 0.370$ ). No correlation has warranted any significance that requires statistical modification. According to the matrix, all variables are sufficiently independent from one another.

Table 4 represents the Poisson statistical outputs of the variables apart from the control variables. Three variables were found to be statistically significant with respect to the distribution of animal cruelty laws: farm and agricultural business revenue ( $b = -.115$ ;  $SE = .019$ ,  $p < .001$ ), pro-animal interest group revenue ( $b = .186$ ,  $SE = .093$ ,  $p < .05$ ), and the Democratic Party revenue ( $b = -6.398$ ,  $SE = 1.865$ ,  $p < .05$ ). The Republican Party measure had no significant effect.

When control variables were added (Table 5), the relationships for the variables of theoretical interest examined in Table 4 became smaller, but remained statistically significant. The Republican Party revenue increased but remained non-significant. In Table 5, the Poisson statistical outputs with control variables supported four out of the five hypotheses. Among the factors that were found to significantly influence the amount of ACLs in a state were: farm and agricultural business revenue ( $b = -.046$ ,  $SE = .022$ ,  $p < .05$ ), pro-animal interest group revenue ( $b = .196$ ,  $SE = .098$ ,  $p < .05$ ), the Democratic Party revenue ( $b = -4.309$ ,  $SE = 1.890$ ,  $p < .05$ ), hunting business revenue ( $b = -.136$ ,  $SE = .056$ ,  $p < .05$ ), and urban living ( $b = .733$ ,  $SE = .200$ ,  $p < .001$ ).

Table 3. Correlation Matrix of Variables (N=49)

	ACL	FABR	AIGR	RPR	DPR	HBR	EDU	Urban
ACL	1							
FABR	-0.046	1						
AIGR	-0.026	0.228	1					
RPR	-0.260	0.151	0.139	1				
DPR	-0.145	0.085	0.079	0.362	1			
HBR	0.357	0.418	0.203	0.370	0.163	1		
EDU	0.238	0.048	0.119	-0.040	0.034	-0.274	1	
Urban	0.443	-0.208	-0.093	-0.167	-0.118	-.490	0.287	1

When controlling for other variables in the model, Democratic Party revenue was found to have the largest influence on the amount of ACLs. The relationship found was not consistent with the fourth hypothesis that suggested a positive relationship. The regression found that a one

percent increase in Democratic Party revenue, in relative to the GDP, decreases the expected amount of cruelty laws by approximately 4.31 units. This conclusion is consistent with political party research highlighting political ideologies with animal laws (Kymlicka and Donaldson, 2014; Costello and Hodson, 2009; Kim, 2007); however, this does not indicate the Democratic Party immediately opposes ACLs. As noted by scholars (Kymlicka and Donaldson, 2014), the Democratic Party is hesitant to support animal welfare and rights. That is, the Democratic Party's main concern is human rights, not animals. This explains the direction of the relationship.

Table 4. Poisson Regression: Regressing Economic Factors onto the Amount of Animal Cruelty Laws (N=49)

Variables	<u>b</u>	<u>SE</u>
FABR	-0.060***	0.022
AIGR	0.235*	0.096
RPR	-.801	2.397
DPR	-5.594**	1.894
HBR	-.248***	.049
Constant	-55.145	24.872

\*p<.05 \*\*p<.01 \*\*\*p<.001 (one-tailed)

LR chi2(4)=89.47 Prob>chi2<0.001 Pseudo R2=.1492

Log likelihood = -255.1032

Furthermore, support was found for the first hypothesis. The findings suggested that a one percent increase in pro-animal interest group revenue, relative to the GDP, is associated with an approximant 0.20 unit increase in the expected amount of ACLs. That is, the more economic power pro-animal interest groups obtain within a state the more likely animal cruelty legislation was to be passed within that state. Accordingly, the findings suggest that pro-animal interest

groups have a stronger influence than farm and agricultural businesses. This is consistent with Allen's (2005) proposition on pro-animal interest groups; pro-animal interest groups are growing which is affecting the amount of felony ACLs.

Table 5. Poisson Regression: Regressing Economic Factors onto the Amount of Animal Cruelty Laws with control variables (N=48)

Variables	<u>b</u>	<u>SE</u>
FABR	-0.046*	0.022
AIGR	0.196*	0.099
RPR	-2.155	2.437
DPR	-4.309*	1.890
HBR	-.136*	.056
EDU	.011	.012
Urban	.733***	.200
Constant	-77.924	23.58226

\*p<.05 \*\*p<.01 \*\*\*p<.001 (one-tailed)

LR chi2(7)=106.98 Prob>chi2<0.001 Pseudo R2=.1784

Log likelihood = -246.348

As suggested by the second hypothesis, farm and agricultural business revenue had a significant negative relationship with the expected hypothesis concerning ACLs. The findings indicated that a one percent increase in farm and agricultural business revenue, relative to the GDP, is associated with an approximate 0.04 unit decrease in the expected amount of ACLs. While farm and agricultural business are known to be a strong antagonist to ACLs (Lutz and Lutz, 2011; Whiting, 2013; Iannacone, 2011; Morris, 2013; Allen, 2005; Burger, 2013), these

findings indicate that farm and agricultural businesses have a small influence on the enactment of ACL.

Regarding the fifth hypothesis, hunting business revenue was found to have a significant negative effect. Specifically, as hunting business revenue, relative to the GDP, increases by one percent, the expected amount of ACLs decreases by an approximate 0.14 unit. The interest in this variable was warranted by Allen's (2005) study which found hunting lobbyists to have the highest effect on the adoption of felony animal cruelty laws. No literature was found to focus attention towards the significance of the hunting businesses in relation to animal cruelty legislation. Therefore, this study argues in accordance to Chambliss and Seidman's (1971) theory that states limited ACL to support the business in hunting; however, more studies are needed to fully comprehend this relationship.

Urban residency within a state was found to be positively related to the amount of ACLs. Specifically, as urban residency increased by one percent, the expected amount of ACLs increases by an approximate 0.73 unit. That is, the more people living in an urban setting within a state, the greater the amount of ACLs. Musto, Faraone, and Cellini (2014) argued that Italian urban citizens supported animal welfare for healthier and tastier products but are disconnected unlike rural citizens with a more direct, traditional means for food. Accordingly, the significance of US urban living may indicate that individuals living in urban areas support ACL based off of limited experience with farming practices. Future studies should explore this concept.

## CHAPTER SIX: DISCUSSION AND CONCLUSION

The purpose of this study was to examine the influences of different group economic powers on the expected amount of animal cruelty laws within a state. Most importantly, this study focused on introducing animal cruelty into the field of green criminology and criminology in general. Furthermore, the study examined how economic power can influence the criminality of an action. Specifically, the study examined whether the economic power of different interest groups related to animal welfare legislation affected the volume of animal cruelty laws. In other words, the nature of the data analyzed opened animal cruelty to more comprehensive analyses of the creation or enactment of animal cruelty laws.

Several conclusions can be drawn from the findings from the current research. First, the findings presented followed the theoretical power conflict model presented by Chambliss and Seidman (1971). Specifically, the findings identified whether measures of the power of specific groups appeared to affect the volume of animal cruelty legislation across states. Chambliss and Seidman suggested that the economic dimension of society affects the political dimension, specifically the lawmaking process, and in this study, it was hypothesized that group economic power could affect animal cruelty lawmaking. The data supports the idea that the economic powers of groups do in fact affect the legislation of law. That is, the economic power of interest groups in the form of monetary revenue does appear to influence the making of animal cruelty laws.

To address the research questions, the study found that farm and agricultural business, pro-animal interest groups, and political parties have relationships with the creation of animal cruelty laws. However, the Republican Party did not seem to have any significant influence with animal cruelty laws. Contradicting the extant literature (Lutz and Lutz, 2011; Koski, 2007), the Republican Party is not a group that is heavily involved with animal cruelty. As well, testing an additional hypothesis that tends to be overlooked in the literature, hunting businesses were found to have a significant influence on animal cruelty laws.

The economic power of the Democratic Party had the largest influence on the creation of animal cruelty laws. Albeit, the statistical findings are not consistent with the literature and the hypothesis that the more economic power the Democratic Party contains, the greater the expected amount of animal cruelty laws in a state increase. Scholars argue that the Democratic Party is hesitant to pass animal right laws due to the slippery slope argument with race equality (Kymlicka and Donaldson, 2014; Costello and Hodson, 2009). Therefore, the data should be interpreted as how much economic power is available to use for liberal ideals.

Hunting businesses were found to be the second highest significant negative influence in study. This is similar to Allen's (2005) study where the hunting lobbyists had the largest negative effect, but hunting businesses have yet to be a variable of interest in recent studies (Morris, 2013; Whiting, 2013; Lutz and Lutz, 2011; Koski, 2007). Literature addressing the relationship between hunting and animal cruelty legislation is scarce. Literature in regards specifically to analyzing hunting has found that hunting has a historic relationship with farmers and conservative ideology (Herman, 2014; Montgomery and Blalock, 2010; Fine, 2000; Baen, 1997). Due to the trends of hunting relations with farming in the literature, the present study argues that

future studies should examine animal cruelty and hunting to uncover a better theoretical understanding of this relationship.

Certain scholars argued that animal cruelty laws and regulations were passed to placate the growing interest in animal safety and support the agricultural community (Morris, 2013; Allen, 2005). This study found that while pro-animal interest groups and urban living as the only two significant positive interest groups, farm and agricultural, Democratic Party, and hunting businesses also are shown to decrease the expected amount of animal cruelty laws. The findings, however, do not comprehensively analyze this proposition. For more comprehensive analysis, further research is needed.

Furthermore, the findings are not completely consistent with Chambliss' and Seidman's model. The model indicates that the values and norms of the more power group are expressed in terms of law. According to the data, the Democratic Party was found to have the largest effect. Therefore, if the strongest influence on animal cruelty legislation is negative, states with strong a Democratic Party will have limited amount of animal cruelty laws. However, according to the data, some states with a large amount of ACLs have a low concentration of democratic economic resources such as New Jersey. Additionally, Table 2 presented that the mean economic power of the Democratic Party. As seen in that table, the Democratic Party' economic power is lower than the economic power of farm and agricultural businesses and pro-animal interest groups across all states. This indicates that the groups with the highest mean of economic power are not as effective as Chambliss' and Seidman's (1971) power conflict model would suggest. This finding perhaps suggests that some interests groups are more effective in translating economic power into political power, and that some other previously unidentified factors may be at work.

Accordingly, more studies are needed due to the data limitations within this study. The first limitation was that North Dakota was omitted from the analysis due to missing data. Because the sample size was small, missing data for North Dakota could affect the output. The second limitation is the coding of the variables. This study brings novel means to examine animal cruelty laws by examining how economic power affected animal cruelty legislation. Economic power for this study derived from Chambliss' and Seidman's model. Other measure of economic power might also be applied which might not have missing data for a state.

The third limitation is the outliers in the study. While there are statistical means to handle outliers, such as the natural log of a variable, omission of outliers can remove statistical explanatory power to small populations. As well, retaining outliers within a study can skew results and affect statistical findings of the actual relationship patterns between the dependent and independent variables. Therefore, results of this study should be considered with caution.

A fourth limitation of the study is the issue of overdispersion of the dependent variable. Statistically, a negative binomial model is preferred, but the population size is too small to push statistical modification. That is, modifying the population statistics alters the relationships of the actual population. Gujarati (2004) argued that when dealing with economic variables, the goal is to attain reliable estimates of the true population regression coefficients. Even with overdispersion, the regression coefficients reflect the true population. Controlling for overdispersion will no longer reflect the true population.

Lastly, the fifth limitation is the policy implications of this study. This study is strictly an exploratory study. It examines whether some interest groups and economic relationships affects the creation of animal welfare policy. As an exploratory study, the current analysis attempted to determine whether obvious indicators of prior theory might affect animal welfare legislation.

Additional studies are needed before the results of this type of research should be employed to make policy recommendations. Particularly, studies should examine animal cruelty laws through practical means to suggest any policy implications.

Subsequent research should replicate this model using time series data for a more comprehensive investigation. The present study used cross-sectional data analysis at a fix time. Time series data may reveal patterns of economic relations that affect animal legislation that may be masked by cross-sectional analysis. Moreover, time series data can be employed to determine if Allen's (2005) proposition that the 1990's growth of pro-animal interest groups influenced the adaption of animal cruelty laws. As well, a time panel can be used to establish historical trends that examine how the changes in economic power over time affect the frequency of animal cruelty laws.

The results from the present study are also limited to US states, and should not be generalized beyond the state level of analysis. Other geographical analysis may have different groups influencing animal cruelty laws. For instance, this study would be not generalizable when examining Member States of the EU. Replications of this study with other nations may, however, contribute to determining whether Chambliss and Seidman's model as it applies to animal cruelty legislation is generalizable.

Overall, this study introduces new avenues for future studies. Scholars can address the other groups that might have an effect such as dogs and cats per capita, animal test labs, and breeding centers. Due to limited availability of information of these groups, they were excluded from this study. Furthermore, future studies can examine ACLs more deeply by studying relationships with modified and repealed laws. In other words, this study open the discussion to there are other means to code ACLs for more comprehensive analyses such as coding ACLs

under criminal and civil laws. In all, the present study expands on the literature on animal cruelty for green criminology and introduces an under discussed area of criminality.

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