

# What is the effect of legal work on improving animal welfare standards?

Brett Mills | Animal Charity Evaluators | January 2022

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## Summary

Many [animal welfare organizations](#) engage in work to persuade legislators and policymakers to introduce laws that will improve animal welfare. The success of this work requires i) that such laws have a positive impact on the welfare of animals, and ii) that the work those organizations do contributes to the introduction of those laws. In this research brief, we will examine the evidence for both of these assumptions using findings from specific examples of animal welfare legislation, as well as broader research on the effectiveness of lobbying and legal work.

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## Our assessment

The law, as a set of enforceable frameworks against which actions can be held accountable, can be a powerful tool for changing behaviors that affect animal welfare. However, due to the multiple factors and parties involved, it is difficult to find empirical evidence that lobbying routinely and directly leads to the introduction of new laws or the modification of existing laws. Furthermore, animal welfare laws may not be fully implemented or enforced once enacted. The fact that laws are largely nation-based also makes it difficult to find evidence for the large-scale, international effects of lobbying. However, available evidence suggests that legal work by animal welfare groups can contribute to changes and modifications in the law, help ensure law enforcement, and motivate cultural shifts in societal attitudes toward animal welfare. For this reason, we believe that legal work is a capable tool to contribute to improvements in animal welfare.

## The purposes of animal welfare law

Animal welfare law is a relatively new field that has arisen in response to global increases in factory farming. The suffering and cruelty caused by factory farming practices necessitates the need for legal protections.<sup>1</sup> Public concerns over such practices are growing, and consumers in industrialized countries are increasingly expecting legislators to treat animal welfare seriously.<sup>2</sup> The law is a useful tool for responding to those expectations because of its status as a system of societal rules enforceable by penalties.<sup>3</sup>

Animal welfare groups often see legal work as vital because “[many animal advocates feel] that success in the form of greater prosecution is the gateway to mobilizing grand social change [for animals].”<sup>4</sup> Members of such groups may also view the law as a particularly effective tool for achieving animal welfare improvements compared to other practices (i.e., marches, protests).<sup>5</sup> While animal advocacy groups have often succeeded in securing animal welfare commitments from industries that typically use and sell animal products, such as restaurants and supermarkets, the voluntary nature of these

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<sup>1</sup> [Anderson \(2011\)](#); [Bollard \(2017\)](#)

<sup>2</sup> [Peters \(2020\)](#)

<sup>3</sup> [Rees \(2018\)](#)

<sup>4</sup> [Marceau \(2019\)](#), p. 273

<sup>5</sup> [Galvin & Herzog \(1998\)](#)

commitments makes them difficult to oversee and enforce, meaning that legal frameworks are necessary.<sup>6</sup> Animal advocacy groups also lobby for legal frameworks to protect animals because there is evidence that they influence public attitudes toward animals and foster cultural shifts that contribute to animal welfare.<sup>7</sup> The methods available to animal advocacy groups are affected by the legal system they work in; for example, California’s initiated state statute system—which enables citizens to directly propose laws for public ballot—was successfully used to pass the Prevention of Farm Animal Cruelty Act (2008) and the Farmed Animal Confinement Initiative (2018).<sup>8</sup>

## Challenges for global law

Legal systems are typically nation-based, and there are significant differences in animal welfare standards around the world.<sup>9</sup> This causes organizations and campaigners to shape their activities around specific national contexts and can make it difficult for them to pursue global or multinational campaigns. Even when multinational organizations such as the European Union create “area[s] of shared competence”<sup>10</sup> that aim to eliminate inconsistencies between member states, nation-based exceptions are routinely allowed. Similarly, international laws related to fishing are a complex web of global conventions and national regulations, rendering it difficult to maintain international standards.<sup>11</sup> Globalized farming practices also present a challenge to national and regional legal systems because they require extraterritorial frameworks to ensure that welfare remains consistent as animals are moved across countries.<sup>12</sup>

## Effectiveness of advocacy work

It is difficult to assess how lobbying and advocacy groups contribute to specific legal changes for animals due to the large number of factors involved and the lengthy, complex processes by which laws are developed and adopted.<sup>13</sup> That said, evidence suggests that animal rights interest groups can be successful

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<sup>6</sup> [Scrufari \(2016\)](#)

<sup>7</sup> [Silverstein \(1996\)](#)

<sup>8</sup> [Horback \(2021\)](#); [Lulka \(2011\)](#)

<sup>9</sup> [Cao and White \(2016\)](#); [Evans \(2010\)](#); [Rollin \(2019\)](#)

<sup>10</sup> [McMahon \(2019\)](#), p. 1

<sup>11</sup> [Couvillion \(2017\)](#)

<sup>12</sup> [Blattner \(2019\)](#)

<sup>13</sup> [Amenta et al. \(2018\)](#)

when they engage in political activity aimed at social change via state legislation.<sup>14</sup> For example, the development of current animal welfare protections in Australia can be traced to successful lobbying by advocacy groups in the 1970s and 1980s.<sup>15</sup> Evidence also suggests that celebrity campaigning and non-academic publications may have helped shift public attitudes about animal welfare, enabling the E.U. to introduce directives to improve housing conditions for hens.<sup>16</sup> In addition to lobbying for the introduction of animal welfare laws, animal advocacy groups can be effective in ensuring those laws are appropriately implemented (e.g., through judicial review).<sup>17</sup> Such groups can also be more successful when they work together and establish larger networks that are able to exert greater influence.<sup>18</sup> A potential unintended benefit of lobbying work is that it may give animal advocacy groups “legitimacy”<sup>19</sup> in the eyes of policymakers, enabling more productive, longer-term relationships to be built.

In terms of assessing the effectiveness of organizations’ legal work, it is unclear whether animal welfare law is typically a response to lobbying by organizations or whether policymakers explicitly seek out evidence needed to support the legislative changes they already intend to make.<sup>20</sup> There is some evidence of a correlation between broader societal attitudes towards animal welfare and legislators’ willingness to develop relevant laws and court rulings in legal challenges.<sup>21</sup> This means that in legal systems where citizens are able to vote on animal welfare laws, voters appear to consider external contexts—e.g., their pre-existing politics, opinions of politicians who support such laws, and perceived accuracy of information being presented—when deciding how to vote.<sup>22</sup> Political advertising also has a measurable effect on voters’ views,<sup>23</sup> suggesting that campaigners should engage in lobbying work alongside public outreach activities, especially when aligned with public voting.<sup>24</sup> For improvements to farmed animal

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<sup>14</sup> [Allen \(2005\)](#)

<sup>15</sup> [Villanueva \(2018\)](#)

<sup>16</sup> [Appleby \(2003\)](#)

<sup>17</sup> [Duffield & Rodriguez Ferrere \(2021\)](#)

<sup>18</sup> [Tallberg et al. \(2015\)](#)

<sup>19</sup> [Dillard \(2002\)](#), p. 48

<sup>20</sup> [Bock & Buller \(2013\)](#)

<sup>21</sup> [Vogeler \(2019\)](#); [Waldman et al. \(2015\)](#)

<sup>22</sup> [Bovay & Sumner \(2019\)](#); [Tonsor & Wolf \(2010\)](#)

<sup>23</sup> [Richards et al. \(2013\)](#)

<sup>24</sup> [Lutz & Lutz \(2011\)](#)

welfare standards, appealing to concerns about environmental issues and climate change might be a useful tool for strengthening public support.<sup>25</sup>

## Limitations of legal frameworks

A problem with assuming a straightforward causal relationship between the introduction of animal welfare laws and improvements in animal welfare is that laws may not be adequately implemented or enforced.<sup>26</sup> Farmers may be unaware of relevant laws and fail to implement them,<sup>27</sup> or workers might find enacting them too difficult.<sup>28</sup> Laws are often complex, preventing their successful implementation and enforcement,<sup>29</sup> and the administrative work required of farmers to demonstrate their compliance with laws can inadvertently result in them seeing paperwork as the goal of such laws rather than improved animal welfare.<sup>30</sup> Prosecuting breaches of animal welfare laws can also be difficult due to problems gathering evidence.<sup>31</sup> This implies that laws either do not necessarily improve animal welfare or may improve animal welfare to a lesser extent or in a different way than was intended.

Furthermore, it is possible that new laws do not significantly improve animal welfare because laws are either limited in their scope or are a compromise resulting from competing interests. For example, the E.U. law on pre-stunning animals for slaughter contravenes other existing E.U. laws, and has been challenged on cultural grounds.<sup>32</sup> Similarly, while there is a growing interest in developing animal welfare laws in China, these laws will likely take the form of “strategic, pragmatic compromise”<sup>33</sup> to ensure that they do not inhibit economic activity. As animal welfare laws are typically a result of the categorization of living beings as “production animals”,<sup>34</sup> such laws will inevitably aim to mitigate negative consequences for human economic interests.

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<sup>25</sup> [Laestadius et al. \(2013\)](#)

<sup>26</sup> [Morton et al. \(2020\)](#); [Nalon & De Briyne \(2019\)](#)

<sup>27</sup> [Soriano et al. \(2021\)](#)

<sup>28</sup> [Medaas et al. \(2021\)](#)

<sup>29</sup> [Servièrè \(2014\)](#)

<sup>30</sup> [Escobar & Demeritt \(2016\)](#)

<sup>31</sup> [Lockwood et al. \(2019\)](#)

<sup>32</sup> [Lottini & Giannino \(2019\)](#)

<sup>33</sup> [Sima & O’Sullivan \(2016\)](#), p. 1

<sup>34</sup> [O’Hara & O’Connor \(2007\)](#)

An additional context to note is that some laws may hinder the improvement of farmed animal welfare. For example, “ag-gag” laws in the U.S. and Australia limit campaigners’ ability to report on the treatment of animals.<sup>35</sup> Similarly, laws may place animal welfare commitments on citizens rather than organizations, thereby placing responsibility on individuals.<sup>36</sup> Lobbying tactics used by groups campaigning for improved animal welfare standards can also be successfully employed by industry groups determined to protect their interests.<sup>37</sup> As such, all aspects of animal law are intertwined with “judicial ideology” and “political factors”,<sup>38</sup> both of which may hinder or help the introduction and implementation of animal laws.

## Generalizability

The nation-based nature of most legal systems makes it difficult to generalize the effects of legal work on animal welfare standards. Generalizations that can be made must be sensitive to local contexts. That said, the law is a fundamental framework for all nations, and is therefore a powerful tool for changing and enforcing behavior and contributing to animal welfare standards.

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<sup>35</sup> [Gelber & O'Sullivan \(2021\)](#); [Lin \(2015\)](#)

<sup>36</sup> [Forsberg \(2011\)](#)

<sup>37</sup> [Silva et al. \(2011\)](#); [Verbora \(2015\)](#)

<sup>38</sup> [Tauber \(2010\)](#), p. 69

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