

LVM: Session 7

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In our first hour, we will address basic legal issues in the area of “farm animals and the law.” In the second hour, we’ll address legal developments in the much more developed area of “companion animals” where concerns for cruelty have developed in detailed ways.

In both of these sessions, we will address the very special attention given to companion animals and ask what this suggests for the veterinary profession. We’ll look at basics, but also the higher level concerns about the veterinary profession as a whole expressed by Frederick Leighton in his controversial “life boat” article in the March 2004 volume of the *Canadian Veterinary Journal*—we’ll ask, what percentage of the class and what percentage of veterinarians nationally (even internationally) agree that the profession is doing the right thing by emphasizing companion animals as it now does?

Whatever your take on that issue, consider how much attention is given to companion animals and how little attention is given by the ordinary veterinarian to animals in the food or farmed animal category.

Should anti-cruelty protections apply less to farm animals? As you will discover, although these protections were originally designed to protect working animals, more than half the states in the United States have amended their anticruelty statutes to exempt farm animals from these protections.

In our companion animal discussion, we will look at a wide range of issues, including adoption and shelter issues, assistance-dog issues, and legislative developments.

1. The connection between cruelty and human violence: “Interlocking Oppressions” or “The Link”

Some basic facts about this problem:

- A 1997 national study of women's shelters found that 85% of women in the shelter disclosed that there had also been pet abuse in the home. 63% of children in these shelters talked about animal abuse at home.
- A 1983 study showed that abused animals were found in 88% of homes of families where child abuse occurred.
- Lorna Grande, an adjunct here at TCSVM, reports that, on the average, it takes an abused woman *seven attempts* to leave her home when children and companion animals are involved.

Cruelty begets not only more cruelty within the home, but also cruelty that eventually reaches beyond the home and the family and out into society generally. It also reaches across generations since children of batterers all too often go on to commit the same kind of violence.

Because there is an identifiable cycle of abuse, there are certain extraordinary benefits that accrue when health professionals of all kinds, including veterinarians, work together. The benefits include, of course, immediate relief for

the particular individuals involved. But the benefits are also long-term—if the cycle of abuse can be broken, not only existing people and nonhuman animals benefit, but future generations as well.

During your practice of veterinary medicine, you are likely to see very significant changes in reporting requirements regarding such violence. States are increasingly requiring health professionals of all kinds to report violent crimes. For those of you interested in social and legal change, note that the legal system in the U.S. now offers some significant avenues of protection if judges, lawyers, and the public regard this kind of interlocked violence as a form of family violence—for example, because we already recognize the importance of healthy families and the destructiveness of dysfunctional, violent families, judges often intervene to stop violence. If we bring cruelty to family pets into the realm of family law, we benefit not only the companion animals involved but also the humans in that family and those nearby because we give courts the power to address problems before they worsen (thus, a judge might use violence against the family pet as a basis for ordering the batterer to undergo psychiatric counseling, and thus avoid battering of other family members).

What are the different groups who might work in concert to address one or more parts of this complex phenomenon?

They include at least human medical doctors, attorneys, judges, educators, social service agencies, shelters for battered women and children, veterinarians, animal control officers, animal shelters, parole officers, police, emergency medical technicians, and cruelty investigators from groups like the MSPCA and the Animal Rescue League.

Because many of these groups are understaffed in the extreme (particularly social agencies dependent on public funding and shelters), cooperation has some otherwise unattainable benefits. Working together, groups in an effective coalition can accomplish each group's goals better than they can if working in isolation.

And there are potential legal benefits as well. Currently, there are important legal limits on what can be done in some contexts. For example, constitutional restrictions on police and the government generally may, absent the husband's or wife's consent, prevent police or social agencies from gaining entry to a household where a husband is beating his wife (many spouses will not complain because they are afraid of later retaliation against themselves, their children or their pets). Some have suggested that in such cases, cruelty investigators concerned for the family's companion animals may be able to gain access to the home in some situations where police cannot get a search warrant.

The possibilities of cooperation are, thus, remarkable, given that legal limits in one context may not apply as stringently to other contexts involving related violent acts.

Lacroix 1999 notes that there will be no reduction in family violence until all victims receive satisfactory protection from our laws—that is, leaving one kind of oppression unaddressed threatens to allow violence to raise its ugly head again

in the future. Veterinarians in local communities, as well as the AVMA nationally, can play an important role in reducing violence. **Learning to identify the symptoms of abuse in the animal you examine can be an important contribution to early identification of broader problems. A veterinarian who learns when, where, and how to respond to suspected cruelty may thereby help the rest of the family or neighbors avoid escalating violence.** [NOTE: If you are interested in a local group that deals with this, contact Link Up Education Network (sponsored by Massachusetts Animal Coalition, 978/779-9880, mac@mail.massanimalcoalition.org).

References

Ascione, Frank R., and Arkow, Phil, eds., 1999. *Child Abuse, Domestic Violence, and Animal Abuse: Linking the Circles of Compassion for Prevention and Intervention*, West Lafayette, Indiana: Purdue University Press

Ascione, F. R., C. V. Weber, and D. S. Wood 1997. "The abuse of animals and domestic violence: A national survey of shelters for women who are battered." *Society and Animals* 5(3):205-18.

Ascione, Frank R. 2000. Safe havens for pets: guidelines for programs sheltering pets for women who are battered. Logan, Utah: F.R. Ascione

DeViney, E., Jeffrey Dickert, and Randall Lockwood 1983. "The Care of Pets within Child Abusing Families." *International Journal for the Study of Animal Problems* 4:321-329 62 (reprinted in Ascione, Frank R., and Arkow, Phil, eds., 1999. *Child Abuse, Domestic Violence, and Animal Abuse: Linking the Circles of Compassion for Prevention and Intervention*, West Lafayette, Indiana: Purdue University Press, 305-313.

Lacroix, C. A. 1999. "Another weapon for combating family violence." In F. Ascione and P. Arkow, eds., *Child Abuse, Domestic Violence, and Animal Abuse*. West Lafayette: Purdue University Press.

Lockwood, Randall, and Ascione, Frank R., eds., 1998. *Cruelty to Animals and Interpersonal Violence: Readings in Research and Application*, West Lafayette, Indiana: Purdue University Press

2. Readings and Resources

2.1 First Hour

- Farmed Animals and the Law
- JAVMA News, July 15, 2006, "AVMA makes '07 farm bill a priority"
- Congressional Record, Jul 26, 2006, statement re farm animal welfare
- JAVMA News, Sep 1, 2006, "Congress holds hearing on horse slaughter ban"

2.2 Second Hour

- The Connection between Cruelty and Human Violence—"Interlocking Oppressions" or "The Link"

- “Overview of State Anti-Cruelty Statutes”
- “The Five Best States to Be an Animal Abuser” from the Animal Legal Defense Fund
- Tennessee’s T-Bo legislation (enacted in 2000) re damages available if someone harms another human’s animal - <http://tennessee.gov/sos/acts/101/pub/pc701-800.htm> (choose PC 762)
- JAVMA News, July 1, 2003, “AVMA opposes ‘pet guardianship’”
- JAVMA News, July 1, 2003, “Several factors at play when determining compensatory value of animals, AVMA says”

2.3 Recommended Reading

- Massachusetts Senate Bill 932, proposed in 2003, re compensation for wrongful injury of “animal-companions”
- Frederick Leighton’s “Veterinary medicine and the lifeboat test: A perspective on the social relevance of the veterinary profession in the 21st century”, *Canadian Veterinary Journal*, March 2004
- Additional helpful resources can be found in the American Humane Association’s *Recognizing and Reporting Animal Abuse: A Veterinarian’s Guide*, and in particular the article at 25-31 by Gary Patronek entitled “Issues and Guidelines for Veterinarians in Recognizing, Reporting, and Assessing Animal Neglect and Abuse.”