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Business and Animal Rights: What is Anti-Cruelty Law *Really* About?

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ABSTRACT

The creation of law pertaining to animals within our country is predominately fueled by the direct correlation it has to the well-being of our society as humans rather than the animal. This comes in the form of both economic and social values that we have deemed important to our livelihood. The sentiment for animals shifts when the animal leads to money in our pockets. This theory is explored within this paper.

Keywords

Anti-cruelty law, animal rights

1 BACKGROUND

Anti-cruelty provisions protecting animals have been in effect in this country since the colonial period. The 1641 provisions passed by the Massachusetts Bay Colony include: “No man shall exercise any Tyranny or Crueltie towards any brute Creature which are usuallie kept for man’s use.”¹ Regardless, today we as a country are responsible for killing over 9 billion animals a year for consumption alone. This number, according to the U.S. Department of Agriculture, includes nearly 29 million cows and calves, 115 million hogs, 4 million sheep and lambs, 230 million turkeys, 28 million ducks, and a staggering 8.8 billion chickens.² According to Piers Bierne, an expert in the fields of criminology, sociology and human-animal relations, the 1641 provision fails the protected animals from the beginning because its enactment was focused on our dominion over animals and our dominion over other humans as well.³ Some of its failure is seen in the Liberties’ vague wording – for example, the lack of definitions concerning tyranny or cruelty, as well as whether animals being “kept for man’s use” is meant to be limited by the animal or the activity.

The following analysis of the theory proposed above will focus in on the lives of poultry. Specifically comparing the lives of chickens as produce (legal – related to business) and the lives of those trained as fighting cocks (illegal). This analysis attempts to dissect the answer to the question posed: Why have we, as a country, created explicit laws prohibiting fighting cocks while also creating statutes that are designed

to exempt commercial activities that regard animals as products from the general anti-cruelty laws? The answer to this question withdraws from the moral implications towards the animals and is instead found in the legislative’s reasoning of each activity’s benefit towards the people of society. The lives of these fighting cocks and broiler hens will be explored to highlight many misconceptions of each industry as well as the areas in which there is little public knowledge and consideration when it comes to the relevant legislation’s moral failures during its creation of laws. In the end, it will be found that very little law has been and will be created in this country on the moral status of animals alone.

2 THE LAW

Usually, with most current anti-cruelty provisions, just as with the Massachusetts Bay colony provision, there is a concern for public morals and the protection of one’s property interest in an animal. While there is a variety from state to state, there are provisions that address criminal acts ranging from neglect to aggravated cruelty and animal fighting. Prior to the enactment of animal cruelty statutes, animals were protected at common law only by the offense of malicious or mischievous injury to property of another. Animal cruelty statutes enhanced common law offenses to extend protection to animals regardless of their ownership.⁴

Today, every state has explicit laws addressing the cruel treatment of animals. Of course, these laws, addressing cruelty towards animals, is subject to quite a few exemptions. In section (b) of this statute “torture” is considered not to include the death or harm of any animal during activities such as hunting, fishing, and trapping (subsection 1), as well as the killing or alteration of an animal for any “legitimate purpose,” through defined activities such as castration, declawing, defanging, and slaughtering, to name a few (subsection 3).⁵ It should be noted that a person who violates this statute and is deemed to have committed torture of an animal is guilty of a Class 3 felony.⁶ Such a statute begs the question: When two animals, even of the identical species, must endure the same pain, yet only the torment of one animal allows for the just cause of a criminal conviction, is it really the act itself that we are criminalizing?

¹ Massachusetts Bay Colony Body of Liberties § 92 (1641).

² Humane Society of the United States (June, 2016). http://www.humanesociety.org/news/resources/research/stats_slaughter_totals.html?

³ Piers Bierne, *Confronting Animal Abuse: Law, Criminology, and Human-Animal Relationships Law, Criminology and Human-Animal Relationships* 149-150 (Rowman & Littlefield Publishers, Inc., 2011).

⁴ *State v. Bruner*, 12 N.E. 103 (Ind. 1887).

⁵ Humane Care for Animals Act 510 Ill. Comp. Stat. § 3.03(b) (2002).

⁶ Humane Care for Animals Act 510 Ill. Comp. Stat. § 3.03(c) (2002).

3 THE RUN AWAY TROLLEY

In addition to the previously mentioned statistics on the killing of animals for consumption, it is estimated that more than twenty-five million vertebrate animals are subject to biomedical experiments in which they endure all forms of physical and psychological deprivation.⁷ They are starved, blinded, burned, and poisoned. Any animals that do not die during the course of these experiments are immediately killed afterwards.⁸ The National Association for Biomedical Research suggests that all biomedical researchers seek to answer questions relevant to human and animal health so that these studies can then translate to clinical practices that ultimately cure or prevent disease.⁹ However, while we are told that this activity is for the purpose of curing human disease or the improvement of our general health, animals are also being made to endure these tests for things such as cosmetics and household products. Other animals are used in entertainment venues such as carnivals, rodeos, and racing stadiums among others. We kill even more animals to quench our appetites for fashion, and for the recreational sport of hunting.¹⁰

Ethically, people are asked to consider scenarios under which different souls must be lost. For example, the “Trolley Problem,” was first introduced by Philippa Foot as an ethical thought experiment in order to gauge where participants would draw utilitarian lines if given the opportunity.¹¹ Essentially, this experiment consists of people making decisions based on explicit scenarios where they must choose between one life over another (or over many) by deciding which track an out of control trolley will travel down. Research of this study has shown that most people take the utilitarian approach until the situation becomes more of a personally invested one through examples where one’s own brother or sister is involved in the scenario.¹² By the logics that have been proven through studies such as this, one may be continually justified in the choice to put the life of a human before that of an animal. This choice, however, is one that a person and even our society as a whole is hardly ever asked to make. We nevertheless use this logic to justify our mistreatment of so many animals year after year.

4 THE COCKFIGHTER

The existence of cockfighting is easily contemporaneous with the domestication of chickens, which occurred as early

as 3000B.C.¹³ The sport, along with the gamecock, has been known to be a symbol of adoration among the ancient Syrians, Greeks, and Babylonians.¹⁴ Over the years this sport has spread and evolved in many ways. Although this sport may seem to have dissipated in popularity over time, the amount of coverage on cockfighting “busts,”¹⁵ petitions for legalization¹⁶, and availability to watch and participate even through the means of the Internet¹⁷ show that it is still a widely practiced sport within this country today.

While cockfighting is now illegal in all 50 states¹⁸, it still occurs under a wide variety of circumstances. Fights are held in places such as barnyards, forest clearing, and remote alleys; essentially anywhere a “pit” can be drawn. Participants range from many ethnic and social backgrounds, from young boys on the streets of New York, to grown men and women in highly organized “derby” venues.¹⁹ The sport of cockfighting, like any other sport, is governed by rules. Throughout the history of the sport, different sets of rules have been followed, but since the 1950s, tournaments and derbies are generally run in accordance with Henry Wortham’s gaff fighting rules.²⁰

Before beginning a fight, the birds are matched by their weight, usually within one ounce of each other, and the fights take place in the “pit,” which can be anything from a circle drawn in the dirt to a yard high wall enclosed area within a stadium.²¹ The handlers of the birds are called “pitters.” Upon entering and before beginning the round of fighting, the pitters are allowed to “bill” their birds by bringing them close enough to the other to indulge in a few pecks while still being controlled. Upon the referee’s get ready command, the pitters place their cocks on the ground facing each other, approximately eight feet apart.²²

On the referee’s command, the fight begins and the birds “fly almost immediately at one another in a wing-beat, head-thrusting, leg-kicking explosion of animal fury so pure, so

¹³ C. A. Finsterbusch, *Cockfighting All Over the World* 17-18 (Gaffney, S. C. 1929).

¹⁴ *Id.*

¹⁵ Kathleen Miles, “1,000 Gamecocks Discovered in Massive Bust,” *The Huffington Post* (Aug 2012); “750 Roosters Found During Cockfighting Training Bust,” *The Huffington Post* (March 2012); “1,000 Roosters Killed After Cockfighting Bust in California,” *Huff Post Green* (Feb 2011).

¹⁶ Legalize Cockfighting in the U.S., *Gamefowl Breeders of the U.S.* (2012). <http://www.petitiononline.com/roosters/petition.html>.

¹⁷ *Cockfighting Today* (2011). <http://www.cockfightingtoday.com/about.html>.

¹⁸ *Cockfighting*, ASPCA (2013) <http://www.aspc.org/fight-animal-cruelty/cockfighting.aspx>.

¹⁹ Charles H. McCaghy & Arthur G. Neal, *The Fraternity of Cockfighters: Ethical Embellishments of an Illegal Sport*, *Journal of Popular Culture* 557-569 (1974) *reprinted in* *The Cockfight: A casebook* 67 (Alan Dundes ed., 1994).

²⁰ Copyright held by *The Gamecock* magazine *reprinted in* Arch Rupert, *The Art of Cockfighting* 149 (New York: Devin-Adair, 1949).

²¹ Charles H. McCaghy & Arthur G. Neal, *The Fraternity of Cockfighters: Ethical Embellishments of an Illegal Sport*, *Journal of Popular Culture* 557-569 (1974) *reprinted in* *The Cockfight: A Casebook* 67 (Alan Dundes ed., 1994).

²² Jim Harris, *The Rules of Cockfighting* 101-111 (Dallas: Southern Methodist University Press, 1987).

⁷ The Humane Society of the United States (September 28, 2009). http://www.humanesociety.org/issues/biomedical_research/qa/questions_answers.html.

⁸ Gary Francione. *Introduction to Animal Rights: Your Child or the Dog?* xxi-xxii (2000).

⁹ Research Advancing Health, National Association for Biomedical Research (2010-2011). http://www.nabr.org/Biomedical_Research/Benefits.aspx.

¹⁰ Gary Francione. *Introduction to Animal Rights: Your Child or the Dog?* xxi-xxii (2000).

¹¹ Philippa Foot, *The Problem of Abortion and the Doctrine of the Double Effect in Virtues and Vices* (Oxford: Basil Blackwell 1978) (originally appeared in the *Oxford Review* 1967).

¹² Michael Otsuka, “Double Effect, Triple Effect and the Trolley Problem: Squaring the Circle in Looping Cases,” *Utilitas*, Volume 20 (March 2008).

absolute, and in its own way so beautiful, as to be almost abstract, a Platonic concept of hate.”²³ A match can last anywhere from a few seconds to more than half an hour. In the U.S., fighting cocks are equipped with artificial steel “gaffs.” This blade has been described as perfectly round as it curves from the socket on the leg out one to three inches to an extremely sharp point.²⁴ In almost every fight, this weapon is made to cause swift and lasting damaging to an opposing bird.

Once engaged in the full on fight, when a referee calls for the birds to be handled the pitters must act immediately and retrieve his or her bird. After being called to handle and before the next pitting, twenty seconds are allowed for rest. A “Count” is one way of determining a winner and ending the fight. A pitter can initiate a Count by asking the referee to “Count me” in the event that the opposing cock is incapable or refuses to fight. The referee then begins to count to ten, this is done three times with a twenty second rest period in between each counting, and is then followed by a final count of twenty seconds. If the chicken being counted does not fight during this time then the fighting bird is declared the winner. If the cock being counted shows any sign of the desire to fight, the count is broken and an entirely new count must begin upon the next request. Furthermore, if the aggressive bird suddenly dies during the count, the non-fighting bird is declared the winner as long as he is not running away.²⁵

5 LAWS ON THE MATTER

Contemporary U. S.’ laws prohibiting cockfighting generally are based on the principle of cruelty toward or ill use of animals, and are derived from Acts of British Parliament passed in the nineteenth century.²⁶ The earliest restrictions made in the law pertaining to the sport had little to do with the welfare of the animals. In 1365, Edward III ordered that cockfighting and other amusements be forbidden in order for that leisure time to be spent on practicing shooting instead. Similarly, during the reigning years of Oliver Cromwell (1653-1658) and Charles II (1660-1685), laws were also enacted prohibiting such activity; not for humane purposes, but for political ones as cockpits were seen as meeting places of “riffraff and hence spelled potential trouble, not the least of which might be rebellion.”²⁷ Today in the U.S. there has even been a call for legislation of federal law to cover spectators, for example, through the passing of the *Animal Fighting Spectator Prohibition Act* in which it is stated that

²³ Scott Guggenheim, *Cock or Bull: Cockfighting, Social Structure, and Political Commentary in the Philippines* 26 (1982) *reprinted in* *The Cockfight: A Casebook* 158 (Alan Dundes ed., 1994).

²⁴ Charles H. McCaghy & Arthur G. Neal, *The Fraternity of Cockfighters: Ethical Embellishments of an Illegal Sport*, *Journal of Popular Culture* 557-569 (1974) *reprinted in* *The Cockfight: A Casebook* 67 (Alan Dundes ed., 1994).

²⁵ *Id.*

²⁶ Emily S. Leavitt, “The Evolution of Anti-Cruelty Laws in the United States” 13-28 (Washington, D. C.: Animal Welfare Institute, 1970).

²⁷ Charles H. McCaghy & Arthur G. Neal, *The Fraternity of Cockfighters: Ethical Embellishments of an Illegal Sport*, *Journal of Popular Culture* 557-569 (1974) *reprinted in* *The Cockfight: A casebook* 68 (Alan Dundes ed., 1994).

these activities are often associated with gang activity, drugs, gambling, money laundering, illegal guns, and other offenses.²⁸

The benchmark for contemporary anti-cruelty statutes was “An act to Prevent the Cruel and Improper Treatment of Cattle,” enacted in England in 1822.²⁹ The first such law in the U. S. was passed in N.Y. in 1829, which states: “Every person who shall maliciously kill, maim or wound any horse, ox or other cattle, or any sheep, belonging to another or shall maliciously and cruelly beat or torture any such animals, whether belonging to himself or another, shall upon conviction, be adjudged guilty of a misdemeanor.”³⁰ Both of these laws had been limited to larger domestic animals, therefore not including chickens, but the first subsequent law specifically to prohibit cockfighting in either England or the United States was an 1830 statute in Pennsylvania.³¹

Legislation concerning cruelty to animals is directed at preventing suffering from a variety of sources, of which fighting is but a minor one: lack of food, shelter, and water, trappings, and inadequate transport facilities. In the matter of fighting animals, the laws are not exclusively concerned with cruelty. There is also an underlying belief that the spectacle is demoralizing or can agitate in an undesirable way those attracted to the fights. As mentioned above, legislation has been more political than humanitarian. The laws of such states as Kansas, Alabama, and Kentucky, for many years, had only banned cockfighting on Sundays, in public places, and for profit, clearly showing other factors of motivation besides that of the suffering of animals.³²

Related to the legislature’s need to enact laws to protect the welfare of the citizens, much of the disapproval of cockfighting stems from the belief that those who observe or participate will develop, if they do not already possess, traits adversely affecting their roles in society.³³

Hal Herzog, a leading anthrozoologists and professor of psychology at Western Carolina University, searched to discover a little bit about the lives of these animals so as to better understand those condemned for taking part in such illicit activities as cockfighting. His account of what he discovered, through a friend he names as Johnny, shows an admittedly full life for many of the chickens as they are rarely even put into a pit before the age of two. He accounts that for the first eight or so months, the chickens are able to move around the yard and, upon hitting their stage of puberty, are then tethered to their cages with a seven-foot

²⁸ *Animal Fighting Spectator Prohibition Act* (H.R. 366).

²⁹ 3 Geo. IV c. 71 (1822).

³⁰ N.Y.Rev. Stat. tit.6 §26 (1829).

³¹ Charles H. McCaghy & Arthur G. Neal, *The Fraternity of Cockfighters: Ethical Embellishments of an Illegal Sport*, *Journal of Popular Culture* 557-569 (1974) *reprinted in* *The Cockfight: A casebook* 79 (Alan Dundes ed., 1994).

³² Charles H. McCaghy & Arthur G. Neal, *The Fraternity of Cockfighters: Ethical Embellishments of an Illegal Sport*, *Journal of Popular Culture* 557-569 (1974) *reprinted in* *The Cockfight: A casebook* 69 (Alan Dundes ed., 1994).

³³ *Id.*

cord so as to keep them from their naturally aggressive behavior towards each other while still allowing them to exercise. Hal reports that aside from the regularly bought organic corn, Johnny supplements his rooster's diets with fruit, salad green, pearl barley and on occasion cottage cheese.³⁴ In another account written by Nada Marjanovich for *Cockfight Chronicles*, the fighting cocks in training are witnessed to be fed tuna, apples, and bananas in their diets; and they are even given vitamins, B-12, and blankets or put in heated areas during the wintertime.³⁵ In just about all accounts on the relationship between fighting cocks and those that raise them is a sense of deep caring.

We must certainly be aware by now of the fact that history contains no form of behavior relating to humans and their animal companions which is higher in symbolic meanings, or which penetrates more profoundly into the inner recesses of the masculine psychic life than the cockfight, almost everywhere forbidden and almost everywhere practiced.³⁶

6 A BROILER HEN

Chicken as produce has gone from one of the most expensive and least desirable meats to one of this country's most affordable sources of protein. Following World War II, the poultry industry began to transform as farmers and workers were able to drastically reduce the cost of supplying America's demand for a healthy alternative to the red meats that had previously dominated the industry.³⁷ Chickens have since been an important part of our culture, not only at the industry level, but also among the domestic family, who would raise and tend to animals for personal use.³⁸

In Hal Herzog's account of the industry's transformation, he describes the modern broiler chicken as a "technological marvel".³⁹ While broiler hens are the meat producing machines of the modern day, their journey starts with the mother hen. The egg laying "meat machines," on average, produce 132 chicks by the time they reach fifteen months, at which time they are considered "depleted."⁴⁰ Over the years, chickens have been manipulated into quicker growth while consuming less food. In 1925, it would generally take ten pounds of feed and 120 days to produce an average bird of two-and-a-half-pounds. But today, chickens can be slaughtered as early as six weeks old at double the weight, and having consumed nearly a third of the amount of feed originally necessary.⁴¹ As a result of this transition, in the

late 1980s, the price of chicken was less than one-third of its cost in 1955.⁴²

From the view of the economic market, this progression seems like a positive. Less feed for more meat equals more economic growth. However, this unnatural progression of the broiler hen has created an even more dismal life for the animal. A chicken's bones, growing at a slower rate than the rest of its body, are not meant to support such disproportionate weight gain.⁴³ This excess weight causes chickens to become lame, ruptures tendons, increases heart disease, and creates a number of other metabolic disorders.⁴⁴ The lives of these chicks into chickens are sunless ones, with almost no movement. They lay, for most of the day due to their injuries, in their own excrement, which will cause breast blisters, burns, and sores.⁴⁵ These birds are contained in "growout houses," described as buildings as long as 600 feet in length and around 60 feet wide that hold as many as 30,000 hens at a time.⁴⁶ It is here these birds will live out their short lives until they are gathered up to be slaughtered.

7 PROTECTIONS UNDER ANIMAL WELFARE LAWS

The law limits our use of animals only insofar as we must use them for a purpose. It does not take long for one to realize that the only times in which we are held accountable for our infliction of suffering on animals is when actions are considered outside of the accepted institutions of animal use that our society has become accustomed to. These accepted forms of institutionalized exploitation consist of our consumption of animals for food, hunting, recreation, entertainment, clothing, or in experiment facilities.⁴⁷

The most significant use of animals by Americans is for the purpose of food. Oddly enough there is almost no set standard for the treatment of the animals raised for this purpose. The Animal Welfare Act⁴⁸ should take on this responsibility, however, the AWA has limited its protection for certain uses pertaining to research and exhibition, and expressly exempts the breeding and dealing of animals from the protections it sets. This, in turn, means that factory farmers are able to raise their animals in the smallest possible spaces with the cheapest facility structures, poorest food sources, and minimally viable levels of paid labor.⁴⁹

The National Chicken Council, the trade association of the poultry industry, includes members consisting of

³⁴ Hal Herzog, *Some We Love, Some We Hate, Some We Eat* 165 (2010).

³⁵ Nada Marjanovich, *Legend of Bianco*, *Cockfight Chronicles*, February 23, 2013 available at www.lipulse.com/trends/article/cockfight-chronicles.html.

³⁶ Page Smith & Charles Daniel, *The Chicken Book* 124 (University of Georgia Press, 2000).

³⁷ Steve Striffler, *Chicken: The Dangerous Transformation of America's Favorite Food* 16-17 (Yale University Press 2005).

³⁸ Jerry Adler and Andrew Lawler, "How the Chicken Conquered the World," *Smithsonian magazine* (June 2012).

³⁹ Hal Herzog, *Some We Love, Some We Hate, Some We Eat* 167-168 (2010).

⁴⁰ *Id.*

⁴¹ Roger Panaman, "Chickens," How to Do Animal Rights, <http://www.animaethics.org.uk/chickens-broilers-hens.html>.

⁴² Chul-Kyoo Kim & James Curry, *Fordism, Flexible Specialization and Agri-Industrial Restructuring* 67 (1993).

⁴³ Roger Panaman, "Chickens," How to Do Animal Rights, <http://www.animaethics.org.uk/chickens-broilers-hens.html>.

⁴⁴ "Broiler Chickens – Sheds of Shame?" *Animal Industry* (March 2010) <http://www.h-ed.com.au/think/13-animal-industry/8-chickens-broiler.html>.

⁴⁵ *Id.*

⁴⁶ Hal Herzog, *Some We Love, Some We Hate, Some We Eat* 167-168 (2010).

⁴⁷ Gary Francione, *Introduction to Animal Rights: Your Child or the Dog?* 70 (2000).

⁴⁸ 7 U.S.C §§ 2131-2159.

⁴⁹ Gary Francione, *Introduction to Animal Rights: Your Child or the Dog?* 10 (2000).

corporations that produce upwards of 95% of the broilers consumed in the Country.⁵⁰ These corporations have worked hard to keep enough distance between the government and the practices they implement, and as a result, they are virtually exempt from all federal animal welfare statutes including the Humane Methods of Slaughter Act⁵¹, which had been specifically enacted by Congress to ensure that animals raised for food do not suffer unjustly before being killed and consumed. There has been federal legislation specific to the processing and distribution of poultry products through the Poultry Products Inspection Act⁵² (PPIA). This act, however, does not address the issue of mistreatment of chickens due to slaughtering practices, but instead was passed to ensure that poultry is healthful and fit for human consumption. As proposed, the anti-cruelty and other animal welfare laws prove to give little protection to animals compared to the rights we have given ourselves to treat our property as we see fit. This is supported through our clear use of animals in experimentation, farming, fur production, circuses, etc. Francione eloquently summarizes how some reprehensible use of animals can be considered an accepted practice of animal exploitation within our day to day: “We may object to your giving your dog an excessive beating for your own sadistic pleasure, but we do not object if your purpose is to punish the dog for digging a hole in your back garden or to train your dog to attack intruders.”⁵³ He continues to debase societal norms by adding, “we may object to your setting your dog on fire merely because you enjoy watching her burn, but we do not object if you perform the very same action as an experimenter at your local university.”⁵⁴

8 WHY ONE CHICKEN LIVES

In looking at the situation comparatively, it becomes hard to refute that there is much more suffering caused by our demand for chicken meat than cockfighting. On a quantitative measurement of the pain, roughly ten to twenty thousand chickens have their necks slashed in a mechanized processing plant for any gamecock that dies in a derby pit.⁵⁵ To measure the pain on the qualitative level, we must not only look at the “humane” treat at the moments of death of the chicken, but perhaps the cumulative mistreatment felt by the birds throughout their lives. It is easily arguable that the life of a fighting cock is not only longer, but more pleasurable than that of its broiler hen counterpart. Still, it is rarely a question of why the law allows for billions of broiler hens to be killed each year, while imposing the possibility of hard time on those who engage in the sport of fighting chickens in a neighbor’s backyard.⁵⁶

The legislature has decided that it is not the killing of a chicken that is morally reprehensible, but the associations one makes in how we choose to go about it. The support of a blood lust sport, for instance, lends itself to further acts outside the mistreatment of animals that our society has decided are not within the scope of our moral values. The sport induces acts such as gambling or general rowdiness that the government just does not have the capacity to encourage. Factory farms, on the other hand, create a steady flow of taxable income that is beneficial to the government as well as the workers they employ. We have been told we can kill animals for sport, but only the kind of sport deemed appropriately conducive to our societal values such as fishing⁵⁷ or hunting of larger game during regulated times and areas.⁵⁸

The government is actually being pressured to taken action in the factory farming industry; however, its involvement has little to do with the well-being of the animals. The actions called for, once again, have only to do with changes that will directly benefit the human well-being.

9 CONCLUSION

So, can we please return, once again, to our run away trolley. Is it really us or the chicken? Will we freeze to death at night if we do not succumb to the throes of a mink coat? Do the cosmetics we buy imbue in us anything more than societal habits? Will we starve without our meat?

The response to these questions should be a quick and firm “no.” It is not necessary in the least bit for humans to rely on meat for survival. The U.S. Department of Agriculture and the American Dietetic Association have even recognized that a diet completely consisted of plant-based foods with supplemental doses of vitamin B-12 is more than a satisfactory diet for the human body to sustain itself. In fact, as put forth by Dr. T. Colin Campbell, author of “The China Study”, the birth of agriculture only started about 10,000 years ago “at a time when it became considerably more convenient to herd animals. Also, it is no longer even necessary, or equally beneficial, for biomedical experiments to be done on animals.”⁵⁹ A recent example of this is a study published in *Proceedings of the National Academy of sciences (PNAS)* showing that the results of sepsis and burn experiments on mice cannot be applied to human beings and was concluded to be an immense waste of time, money, and lives.⁶⁰ So while some might make the argument that cockfighting as a sport is less justifiable than our production of chicken as food, the necessity of each is minimal and therefore equally comparable.

⁵⁰ Broiler Chicken Producers/Processors, National Chicken Council, <http://www.nationalchickencouncil.org/membership/categories/#one>.

⁵¹ 7 U.S.C. § 1901-1907.

⁵² 21 U.S.C.A § 451-472.

⁵³ Gary Francione. Introduction to Animal Rights: Your Child or the Dog? 72 (2000).

⁵⁴ *Id.*

⁵⁵ Hal Herzog, *Some We Love, Some We Hate, Some We Eat* 170 (2010).

⁵⁶ *Id.*

⁵⁷ California Code of Regulations, (Vol. 18), Title 14, Natural Resources (2009).

⁵⁸ *Id.*

⁵⁹ Jeff Mackey, “Burn Experiments on Mice a Waste of Time, Money, Lives,” The PETA Files (February 2012). <http://www.peta.org/b/thepetafiles/archive/2013/02/19/burn-experiments-mice-waste-time-money-lives.aspx>.

⁶⁰ *Id.*

In order to determine whether our treatment of an animal is necessary, we must balance the interest of that animal against our own.⁶¹ And through the exploration of some of our current anti cruelty laws and general societal stigmas, the creation of law has been shown to stem from our needs as people. We do at times feel a moral obligation to species other than our own, but only insofar as that moral obligation does not interfere with the welfare of the lives we have created for ourselves.

“The assumption that animals are without rights, and the illusion that our treatment of them has no moral significance, is a positively outrageous example of Western crudity and barbarity. Universal compassion is the only guarantee of morality.”

– Arthur Schopenhauer, *The Basis of Morality*

⁶¹ Gary Francione, Introduction to Animal Rights: Your Child or the Dog? xxiii (2000).