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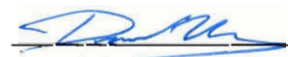
Status of Animals in Swiss and American Society Using Canis Familiaris as a Model

A comparative case study between the United States and Switzerland focusing on the concerns over dog breeding practices and what is being done to address these concerns.

Project Members



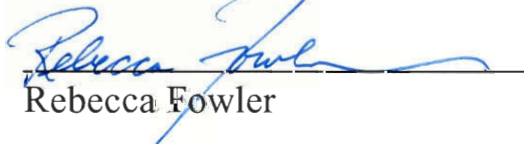
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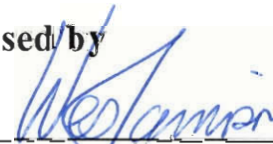
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ABSTRACT

Sponsored by the Foundation for the Wellbeing of the Dog in Switzerland, this project evaluated societal concerns over dog breeding and ownership and methods to address them. By comparing laws, interviews and interest groups' published materials from Switzerland and the U.S. we determined that the two countries are substantially the same, with the exception of conflict versus concordance based government. We further conclude that in both countries concerns are due primarily to a subjective view of dogs' place in society.

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Chapter 1

INTRODUCTION

As evidenced by a number of articles about puppy mills in American popular publications such as the *New York Times*, *Life*, *Reader's Digest*, *Teen*, *People Weekly* and *Atlantic Monthly*, many people are concerned that puppies today are raised in less than perfect conditions. This concern most readily expresses itself as an outrage over the practices dog breeders currently use. It can be argued that these dog breeders have no incentive to use better practices, whether judged from a humane standpoint or from a scientific basis.

The Foundation for the Well-being of the Dog is one of the groups that are expressing concerns over how animals (in the Foundation's case, dogs) are treated. Currently, they are addressing these concerns with their Certodog® labeling system in Switzerland, which certifies that a dog was bred to the Foundation's standards. They were interested in what impact, if any, such a labeling system would have in the United States. To this end, they sponsored us to produce a report investigating the differences in concerns and incentives between the United States and Switzerland.

Concerns and incentives can be seen as coming together in a six-point web of influence. *Scientific facts* about dogs' behavior and physiology, as well as differing *perceptions and beliefs* about dogs' place in society are the foundation that individuals, and the groups they consequently form, base their positions on. These *groups*, from their positions, affect both the *legal framework* and the *voluntary programs* that exist. *Dog breeders* are affected not only by these laws and voluntary programs, but also by their own personal views of dogs. In order to fully understand the differences between the United States and Switzerland, it is important to understand how this framework functions and where in the framework these differences are.

The scientific facts addressed in this report include the process of breeding dogs and the genetic ramifications that dog breeding programs can have. The theoretical background on dog breeding from the literature was complemented with the reality of actual breeding practices obtained from interviews with breeders. Breeder interviews also helped us to ascertain peoples' perceptions and beliefs about dogs as pets.

There has been a change in peoples' views from dogs as objects to the view that dogs are living beings in need of humane consideration. We verified this trend through our interviews with veterinarians by asking what changes they have seen in their clients' views over the years. These changing views, along with scientific aspects, strongly influence the opinions upon which groups base their positions.

The four types of groups covered in our literature were welfarists, pragmatists, fundamentalists and dog fanciers. The first three of these groups are animal protection organizations, which, with varying degrees of vehemence, seek the improved treatment of animals. Dog fancier groups, although they may include welfarist and pragmatist individuals, have a fundamentally different purpose from the animal protection organizations. Their primary aim is maintaining and improving breed integrity. Through our literature review we discuss the development of all of these groups, their current status and any conditions of membership which they have. This discussion supplemented analysis conducted to determine the concerns espoused by each group. These concerns address such topics as lack of breeder and owner education, pet overpopulation, and the abolishment of breeding in any form.

The two major paths a group can take if they wish to address these concerns are legislation and voluntary regulations. The former requires both the knowledge of a jurisdiction's law making process and the means to enact changes in that legal

system. If this approach for addressing concerns succeeds, the changes then become mandatory for all involved parties. In this report we discuss existing legal incentives that occur in both countries, as well as the ways and the reasons these laws have changed over time. In the United States, all federal laws concerning dogs and breeding are covered in the *Animal Welfare Act*, and further regulations are covered on state and local levels. In Switzerland, all federal laws concerning dogs and breeding are covered in the *Tierschutzgesetz* and the *Tierschutzverordnung*, and further regulations are covered on the cantonal and municipal levels.

Voluntary regulations do not force change through legal means, but instead use desire or need to motivate involved parties. These desires can include the wish to please people, the wish to create the best possible product by meeting set standards, the desire to be part of a group, or the desire not to lose sales. The usual method employed to bring about these incentives is consumer driven activism, which serves to create desire through voluntary labeling systems that convey the concept that a product is in some way superior.

Both mandatory and voluntary incentives influence the final frame of our study, the dog breeders themselves. Concerns will only be addressed if dog breeders have incentives to change the practices that are causing concern. However, these incentives can only address concerns if they have value to the breeder. If the value of the incentives is not great enough, then the incentives will be ignored and meaningless. This happens both for legal and voluntary incentives. If laws are not strictly regulated, then there is no need for breeders to follow them, except possibly for personal gratification. If the voluntary regulations do not instill enough desire, then breeders will not follow them. They will not go through the extra time, effort, and money of obtaining certifications for their puppies if the public does not want or

care about that certification. Finally, breeders have the incentive of matching their actions to their personal viewpoints of dogs. These viewpoints are probably the hardest to influence, but are possibly the most effective incentive.

The research on these six areas was conducted in three ways. To begin, extensive background research on each of these topics was carried out. This was followed with interviews of veterinarians and dog breeders. From the veterinarians, information about their views on dog breeding practices, how their clients view pets, and how well groups and laws address these concerns was sought. From the breeders we sought their views on current breeding practices and on existing incentives. The final technique employed was analysis of published statements of groups and organizations. From these statements, we determined the groups' concerns and views. This information allows us to discuss the differences between the United States and Switzerland regarding the concerns and incentives over dog breeding.

Education, and more concisely the lack thereof, was a recurring theme found throughout our research. Educational concerns appeared in several forms. First, there was an evident concern over uneducated breeders. Veterinarians, breeders, and interest groups alike felt that most problems in dog breeding come from breeders lacking knowledge. Further, it was felt that such breeders want knowledge regarding breeding practices, but that there is currently no easily accessible source of quality information available to them. Second, there was a concern over undereducated dog owners and buyers. It was felt that buyers lacked knowledge about general dog care and the responsibilities that ownership entails.

If breeders and buyers are to be induced to accept education, it is important to know what incentives motivate them. Three incentives that were apparent in the breeder interviews were enjoyment, reputation, and monetary incentive. Most

breeders tend to enjoy working with dogs, and to them, creating good puppies is a reward in itself. Second, using practices that do not raise public concerns allow breeders to maintain a good reputation, which was felt to be very important by all breeders. Finally, such a reputation can increase monetary gains, introducing a third incentive.

In our final analysis we examined the practical issues of these concerns and incentives by making suggestions for how such concerns can be further addressed, while taking into consideration existing incentives.

Chapter 2

LITERATURE REVIEW

2.1 Creating a Case Study: Methods and Goals

We have created a case study between the United States and Switzerland focusing on the concerns over dog breeding practices and what is being done to address these concerns. A case study serves two purposes: to describe a pattern of behavior and to describe how something is done. The main types of case studies are disconfirming evidence and exploratory case studies. A disconfirming evidence case study seeks to back up or disprove a popular hypothesis, for example, "Dogs are the favored American pets." An exploratory case study, on the other hand, would look in depth into why dogs might be the favored American pet, along with statistics and public opinions to back this up (Blum & Foos, 1986). There are three types of exploratory case studies: behavior examples, method demonstrations, and rare phenomena descriptions. Behavior examples are "written to illustrate a particular pattern of behavior" (Blum & Foos, 1986, p.209). They look into a specific topic and then categorize from that topic any patterns therein. A case study on method demonstrations, however, seeks "to describe *how* something is done" (Blum and Foos, 1986, p.212). The last subunit of exploratory case studies, the rare phenomena descriptions, seeks to study "an unusual, unexpected, but significant event" (Blum & Foos, 1986, p.214).

For our purposes, we used two of these four types: the behavior example and the method demonstration. Through this case study, we sought to answer three questions: why is there a concern for dog breeders to use humane and scientifically based breeding practices, what incentives currently exist for breeders to use such practices, and what can be done to address these concerns.

In order to create a case study, one must define the unit and any subunits therein. The unit is the primary subject of the case study, and the subunits are sub

categories within that subject. Defining these helps to set boundaries to the study and research, and to discard any irrelevant data (Yin, 1998). The unit of our study was dog breeding practices in the U.S. and Switzerland, with subunits defined as the science of dog breeding, views toward dogs, groups and organizations that have a stake in these practices, laws pertaining to dog breeding and ownership, voluntary regulation systems, and the dog breeders themselves. It was also important to understand how these subunits interacted. To understand interaction between interest groups and laws, we researched legal activism. To understand the interaction between interest groups and voluntary regulations, we researched consumer activism. Figure 1 shows these five subunits and their interactions.

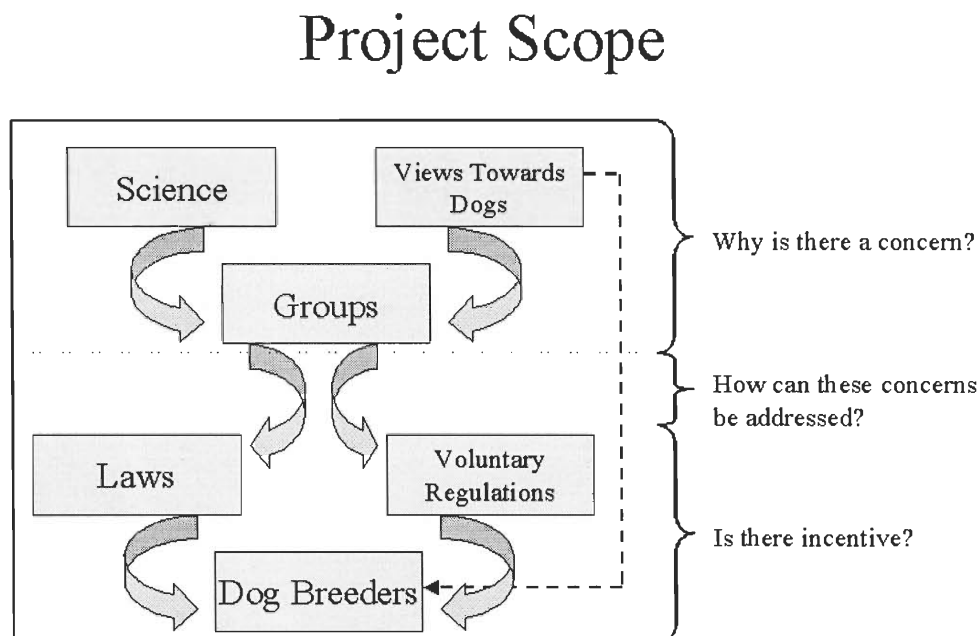


Figure 1: Project Scope

In order to research these subunits, it was necessary to utilize various methods of collecting data. One source of data was interviews. A professional and scientifically sound interview must have relevant questions that match up with the

survey objective and the topics related to it (Frey & Oishi, 1995). We were studying concerns for dog welfare and incentives for dog breeders, so our questions remained within those areas and did not, for example, ask about the genetic characteristics of a particular breed. In addition, the questions were carefully worded so that they clearly related to the respondent the topic we wished to explore. This was done by running a test interview and obtaining feedback. The wording of questions avoided the use of inflammatory words, slang, technical terms and abbreviations. In our case this meant avoiding such terms as puppy mills, dog lovers, fur huggers, etc. This was particularly important since approximately half of our respondents did not have English as a native language.

An important portion of an interview is the introductory statement. This statement must convey to the respondent the purpose of the study and establish trust.

The introductory statement, as short as it may be and with constraints of interviewer appearance and/or voice, has the major responsibility of building immediate rapport and trust with the respondent. A great deal of attention must be paid to the formulation of the introductory message (Frey & Oishi, 1995, p.44).

Once conducting the actual interview, there is the necessity of using transition statements.

[Transition statements] alert the respondent that a topic change is occurring and that the next set of questions is not dependent on the previous set. A good transition statement identifies the change of context for the respondent by giving information about the next set of questions (Frey & Oishi, 1995).

An example of this is “Now I am going to ask you about your professional opinion of sound dog-breeding practices.” This could provide a change from discussion of any group’s opinion on the topic to a discussion of their own opinion.

At the end of the interview it was necessary to check data quality to ensure three things: the accuracy with which the target information of the study was gathered, the consistency of specific answers from interview to interview and the

extent to which the conclusions about the sample were true about the survey group in general (Frey & Oishi, 1995).

After collecting information, including the interview data and publications of organizations, the next step lay in analyzing that data. When evaluating information gathered, it was necessary to create relationships within the evidence from which to generate possible theories. Some techniques for analysis were extracting patterns from within the interviews and performing content analysis of official public opinions of the major dog breeding related organizations (Yin, 1998). Using all the collected and extracted data, we then created a theory as to what was considered humane and scientifically sound dog-breeding practices in both the U.S. and Switzerland. The final task was then to write up our case study report.

Writing our case study report was an ongoing process. This allowed us to build on findings and conclusions throughout the research process. A finished case study report should start broad by defining the issues studied, narrow to include the methods and data in the study, and then broaden again to cover interpretations, conclusions, and implications (Yin, 1998). Now that we have discussed the generalities of an unspecific case study, let us go more in depth into the research of our subunits.

2.2 The Science of Dog Breeding

In our interviews with veterinarians and dog breeders, it was necessary for us to have a basic understanding of dog breeding. This enabled us to more completely understand responses and also to get background information on the science of dog breeding. To reach this end we researched the process of breeding, as well as views on the genetic aspects. This background information combined with the data gathered

from interviews aided in answering if there was a concern over the lack of incentives for dog breeders to use humane and scientifically based practices.

2.2.1 Reproductive Cycles of Dogs

The reproductive cycles in domesticated female dogs is characterized by four stages. It begins with proestrus, moves into estrus, then to diestrus, and finally into anestrus

The first stage, proestrus, is "the period immediately before estrus in most female mammals, characterized by development of the endometrium and ovarian follicles" (Webster's Dictionary, 2001). It is the start of the reproductive cycle in a female dog, similar to the pre-menstrual cycle in female humans. It is characterized by a change in both behavior and anatomy, including a release of hormones that attracts male dogs. This period can last anywhere from 2 to 15 days, with a 9 day average for most females (Faulkner & Pineda, 1979).

The second stage is known as estrus. Estrus is "the periodic state of sexual excitement in the female of most mammals, excluding humans, that immediately precedes ovulation and during which the female is most receptive to mating, also known as heat" (Webster's Dictionary, 2001). During this phase, the bitch will shed her eggs around the third day. The phase will last for as long as the bitch is willing to accept a male dog—usually 6 to 10 days (Faulkner and Pineda, 1979).

The next stage, diestrus, is "a state or interval of sexual inactivity or quiescence between periods of activity" (Webster's Dictionary, 2001). During this time, the pregnancy will begin to show if the female is pregnant. The beginning of this stage is distinguished by the female's refusal to mate, and is usually labeled after the second day that she refuses to mate. During this time, the female becomes quieter

and more docile. This stage does not end with birth and can last an average of 79 days, sometimes as long as 120 days. Pregnancy only lasts an average of 61 days (Faulkner & Pineda, 1979). The average litter of pups among female dogs is six pups, but can range from 1 to 15 pups, varying from dog to dog.

The last stage of the female's reproductive cycle is anestrus. Anestrus is "an interval of sexual inactivity between two periods of estrus in female mammals that breed cyclically" (Webster's Dictionary, 2001). During this stage the reproductive organs rest anywhere from 4 to 12 months (Faulkner & Pineda, 1979).

Breeding sources agree that domesticated female dogs should not be bred until after the second year, at which time they are mature enough, both physically and mentally, to handle the process of bearing a litter. Additionally, before breeding a female, she should have required health checks, conducted by a veterinarian, to ensure that she is healthy enough to be bred and does not carry any known diseases that might be transmitted to her puppies or endanger the pregnancy (Moore, 1995 & Miller, 1996).

The reproduction cycle of male dogs is much less complicated. Ejaculation can occur frequently with no significant down time. However, a resting period of one day is recommended. More than four ejaculations in 4 days can lead to a reduced sperm count in male dogs (Faulkner & Pineda, 1979).

2.2.2 The Genetics of Purebreds

In order to create a purebred, dogs that contain the desired mix of traits are selected. The chosen dogs are bred together without regard for their relationship to one another. Family to family breeding of dogs increases the chance that the specified traits within the group will be prevalent in the offspring. The founding

breed is then isolated genetically from other breeds of dogs. In this way, no outside genes are introduced to alter the breed, and the new breed is given the chance to establish itself as different and unique (Bragg, 2001).

Most breeds registered with the large kennel clubs are less than a hundred years old, and kennel club regulations require that, once registered, the dogs are kept as a separate breed. This means the dogs can not be bred to dogs outside their breed – hence the term purebred (Bragg, 2001).

To understand the consequences of breeding pure breeds, background knowledge in population genetics is needed. In the absence of selection, the probability of mating is the same regardless of genetic makeup, and the number of each type of allele (type of any particular gene) in the population is constant. If mating is random, a simple recessive trait will stabilize with a certain ratio of homozygous normal (unaffected) to heterozygous (unaffected) to homozygous recessive (affected) animals in the population (Crow, 1963).

Inbreeding is defined as “mating between individuals that are more closely related than the average pair chosen at random from the population” (Crow, 1963). Unstated in that definition is what constitutes the population. If the entire group of domesticated dogs is considered, any mating between two dogs of the same race would be considered inbreeding. However, if one only considers members of that pure breed to be the available population, the mating would not necessarily be inbreeding. Purposeful inbreeding is called line breeding and is defined as “selective inbreeding to perpetuate certain desired qualities or characteristics in a strain of livestock” (Webster’s Dictionary, 2001).

The effect of inbreeding on population genetics is to decrease heterozygosity, and to increase homozygosity, both normal and recessive (Crow, 1963), thus changing the previously stable ratio.

[Inbreeding] increases the probability that the two copies of any given gene will be identical and derived from the same ancestor. Technically, the animal is homozygous for that gene. The heterozygous animal has some differences in the two copies of the gene... If the father and mother are related, there is a chance that the two genes in the offspring are both identical copies contributed by the common ancestor. This is neither good nor bad in itself. Consider, for instance, the gene for PRA (progressive retinal atrophy), which causes progressive blindness. Carriers have normal vision, but if one is mated to another carrier, one in four of the puppies will have PRA and go blind. Inbreeding will increase both the number of affected dogs (bad) and the number of genetically normal dogs (good) at the expense of carriers. (Bowling, 2000).

In addition to the lack of agreement regarding what constitutes inbreeding, the question of whether inbreeding is morally acceptable also lacks consensus. On one side of the debate, there are the groups that are for line breeding, in a quest for the perfect dog. On the other side of the debate, however, there are groups that argue that even though line breeding may have desirable short-term benefits, the long term effects of this practice are detrimental to the health of dogs and should therefore not be practiced.

Complicating the matter is that dog breeding does not occur under conditions with no purposeful selection of dogs. Indeed, breeding is mostly conducted with heavy selection, both positive selection, where individuals are bred because they show desired traits, and negative selection, where individuals are not bred due to unwanted traits or genetic diseases. Selection against recessive genes serves to decrease the number of recessive alleles in the population, increasing the number of normal homozygotes, and decreasing the number of heterozygotes and recessive homozygotes (Crow, 1963). "Inbreeding can thus bring these undesirable recessive genes to the surface, where they can be removed from the breeding pool" (Bowling,

2000). Inbreeding can be used to improve the breed by reducing the number of carriers, allowing the recessive alleles to be removed more completely by selection. This applies to both traits which cause disease, and to those that cause superficial changes, such as floppy ears.

Breeders choose line breeding combined with heavy selection as a rapid way of achieving desired traits in dogs, by increasing the proportion of alleles for desired traits and reducing undesired alleles. The necessity of getting the desired traits is often promulgated by the wish for the qualities necessary to win dog competitions, such as symmetric hips, shiny, full coats of a color specified for that breed, and good posture, which is affected by the muscle formation.

In purebred livestock ... we want homozygosity for those genes that create a desirable similarity to the breed standard... However, inbreeding tends to remove those heterozygotes which are beneficial (e.g., the MHC) as well as increasing undesirable as well as desirable homozygotes. The practice is most dangerous in the potential increase of homozygous health problems which are not obvious on inspection, but which shorten the life span or decrease the quality of life for the animal (Bowlings, 2000).

As Bowlings indicated, the tendency for inbreeding to decrease the heterozygous condition is true even in cases where the heterozygous case is beneficial. This is evident in the case of hybrid vigor in corn. Highly inbred corn strains do not grow as well as progeny from crosses between inbreds, or even randomly breeding corn strains (Crow, 1963).

One further issue to consider with regard to breeding practices is that of reduction in the diversity of the gene pool. Breeding with preference for descendants of a particular animal with selection against the descendants of others reduces the total amount of genes possible. One manifestation of this is the popular sire effect, where one animal (usually male) is used for a large number of matings. Usually this is due to the dog being a highly awarded winner or possessing some other greatly

desired trait. Assuming no corresponding increase in the number of matings, the popular sire obtains more than his share of matings at the expense of other males, whose genes are no longer represented, or are represented at a much lower level in future generations, reducing the variety in the gene pool. A lack of diversity within a gene pool lessens the chance of there being new genes to counteract bad genes that cause defects and hereditary disease. Some documented hereditary diseases are cancer, immune system deficiencies, blindness, deafness, skin diseases, blood disorders, and impotence. Further, when the popular sire contains hidden genetic defects, along with his desired traits, the effect is an increase in the proportion of defective genes in the gene pool.

Due to the conflicting points and counterpoints on multiple levels of this debate, no conclusion as to the overall acceptability of line breeding has been established. However, both sides of the argument agree that any form of breeding that is conducted must carefully consider the traits of the pair to be mated.

2.3 The History of Views toward Dogs as Pets

Another aspect that is important in understanding the views that people hold toward dog breeding is the more basic concept of how people view domestic dogs. This overall view toward dogs is important for investigating why there is a concern about dog breeding; that is, why do people care that dogs are bred in a humane and scientifically based manner? Through research on the culture surrounding dogs as pets, it was possible to discern the roots of any concern. However, to understand the current views of pets we needed to also understand how these views had changed through time. As a result, we studied the capacities dogs serve in society, as well as the history of these functions.

Understanding the impact of pet ownership on society-at-large, the problems thus created, and devising appropriate solutions must begin with an appreciation of pet-owner psychology and the owner pet relationship... They originally served humans as co-hunters, as protectors of fields and granaries, and as meat. Today the human-pet relationship includes many psychosocial elements such as sentimentality, pathos, cruelty, neurosis, or psychosis (Feldmann, 1979, p.15-16).

The type of needs that pets satisfy in human lives has been classified into four groups. These groups are friend and partner, self-identity and self-esteem, facilitation and catalysis, and childhood development. An owner-pet relationship is not limited to any one of these areas (Feldmann, 1979).

Dogs, as a giver and receiver of affection, become both friends and partners in their owner's lives. They present a low risk relationship compared to human interactions. There is little fear of sexual arousal or sexual tension, or of committing a mistake that might lead to social disapproval. "Pets permit almost total freedom to relate without the need to inhibit impulses" (Feldmann, 1979, p.16). Signs of this can be seen in abuse from the owner venting anger, or obesity in animals due to an affectionate owner's overfeeding. A pet can be seen as a loyal and solitary friend to owners lacking other, more significant human interaction, or to those afraid of a high level of intimacy in human relations. "A pet is a faithful, intimate, noncompetitive, and nonjudgmental friend" (Feldmann, 1979, p.16). Some roles that pets may play in an owner's life are as a replacement of a lost loved one, a stress relief in the form of a sympathetic listener, a form of physical contact and affection, a source of comfort and security, a workout partner, or even a working partner such as a guide dog or a police dog (Feldmann, 1979).

Dogs can also provide a sense of self-identity and self esteem. The fast pace of many peoples' lives leads to a lack of time to spend in touch with nature, especially if they live in an urban setting. Pets provide a link to nature through their very being, and help people identify with the basic animal functions: feeding, exercise, rest,

breeding, and even death. Pets can also be seen as an extension of the owner's view of himself, or how he would like to be seen. Some of the traits that an owner may identify with in a pet are strength, intelligence, or athleticism. A pet, through its dependency and perhaps worshipful attitude toward its owner, also leads the owner to feel important and needed, a feeling that might be lacking elsewhere in his life. Finally, a dog may provide any owner that wishes to be a parent with a sense of parental responsibilities. Through its needs, such as feeding, exercise, medical attention, training and even need of affection, a parent-to-be can get a more accurate perception of all the responsibilities that will be entailed in parenthood (Feldmann, 1979).

The next group of needs that pets may satisfy is facilitation to activity and catalysts in social situations. "A pet may encourage its owner to get out and around, a particularly important influence for the lonely, isolated, and elderly" (Feldmann, 1979). Dogs also help serve as an icebreaker between strangers. Take the example of two joggers at a park. If one or both joggers have dogs, it can serve as a harmless conversation started with the simple statement of "That's a beautiful dog. Do you mind if I pet him?" From this area, other conversational topics can be broached, such as the question of other pets or likes and dislikes. Pets are a neutral and safe topic of discussion and also a common interest, thus serving as a facilitator. Conversely, pets may also serve to destroy interpersonal relationships by serving as a replacement for human interaction (Feldmann, 1979).

Finally, childhood development may be aided through pet ownership. Dogs can provide not only a source of emotional development but also a form of socialization. Through observation, a child may learn from her dog traits such as assertiveness, independence, and the desire to explore and roam. A pet can also serve

as a playmate and companion for a child and through this stimulate physical activity and even spontaneity. Having a pet teaches a child responsibility and the necessity of humane treatment, such as controlling anger and giving affection. Pets can also be a learning aid by demonstrating the basic life functions that are inherent in all animals - sex, elimination of waste, and even death (Feldmann, 1979).

2.3.1 Animals, Anthropomorphism, and Rights

In addition to understanding how people view pets, it is important to understand how people view animals in general in order ascertain possible sources of concern. One such possible source of concern over animal treatment may be the extension of human concerns to animals; that is, the anthropomorphism of animals. Anthropomorphism is defined as "an interpretation of what is not human or personal in terms of human or personal characteristics" (Webster's Dictionary, 2001). Throughout the history of mankind, animals have been humanized in this way.

For example, folk tales often include animals that can walk and talk. In these folk tales, the animals are clearly portrayed having human characteristics. However, the animals appear here as metaphors, describing particular human traits. The animals are not meant to represent complete humans, but instead are meant to teach a lesson about a particular aspect of humanity. Used in this way, personified animals can be a powerful teaching tool (Strang, 1996). For example, in the classic painting *Dogs Playing Poker* it is clear that the artist wasn't making a statement about the poker skills of canines, but rather using dogs as a metaphor for particular human tendencies.

However, often it is not clear if personified animals in stories are meant to represent people or real animals. In modern cartoons, for example, animal characters are often presented with complete personalities, appearing as "little people" in animal

bodies. When this distinction between metaphors and reality becomes unclear, people can become confused and problems can arise.

A consequence of anthropomorphism is often mistreating or misunderstanding real animals. Don McCoy, PhD, in his article “Why Dogs Have Owner Problems,” describes one common problem regarding the treatment of dogs that results from this personification of them. In applying human values to their dogs, owners want to treat their dog with love and equality. Owners often feel that if they show superiority over their dog, then the dog will not love them. However, as McCoy explains, dogs are pack animals and are accustomed, in nature, to having a leader of the pack, an alpha dog. Showing superiority over a dog allows that dog to take a low ranking position within the family. An example of showing superiority is through obedience training. Alternatively, if a dog owner does not display signs of leadership to a dog then that dog is forced to take on the pressure and responsibility of the alpha dog position. As the alpha dog, the animal may claim privileges, objects, or territorial space, and become aggressive to protect these things. This explains why dogs who are loved and treated right, in the human terms of the words, can often act out these traits (McCoy, 1999). This is just one example of what can happen when human values are placed on animals.

In other cases it is not quite as clear whether placing human values on animals is beneficial or harmful. The application of the human idea of rights to animals has been a controversial topic for the last 30 years. Although throughout history animals have been used by humans, their use has come under public scrutiny only in very recent years, when the question was asked, “can animals have rights?” The animal rights movement kicked off in 1970, but its ideological roots started long before.

In 1789 Jeremy Bentham, an English theorist, asked why human moral regard could not be extended to animals (Mukerjee, 1997). Bentham is known as one of the founders of Utilitarianism, a moral philosophy suggesting that what is morally good is that which brings the greatest happiness to the greatest numbers (Fried, 2001). Bentham believed humans are motivated by pleasure and pain only, and measured happiness thus as the balance between pleasure and pain (Sweet, 2001). In his book “Principles of Morals and Legislation,” Bentham stated: “The question is not, can they reason? Nor can they talk? But, *can they suffer?*” (Bentham, 1789). If animals can feel pleasure and pain, then, according to Bentham, when humans are making moral judgments they should take animals into consideration.

Darwin’s theory of evolution, published in 1859 in his book “On the Origin of Species,” raised more questions about the distinctions between humans and animals (Mukerjee, 1997). If we ourselves evolved from animals, then at what point did we become distinct enough to be considered separately? And certainly if we can feel pain, then there is a good chance that our not-too-distant relatives, the mammals, can feel it also – leading a utilitarian like Bentham to believe that animals should be considered in moral judgments.

In 1975, Australian Philosopher Peter Singer published his book “Animal Liberation,” which marked the beginning of a movement for animal concern (Mukerjee, 1997). Although this movement is sometimes broadly defined as the Animal Rights movement, Singer himself did not believe in *rights* for animals, but instead in the intrinsic value of animals. The idea of animals having rights came mostly from Tom Regan’s book, “The Case for Animal Rights,” published 8 years later. The Animal Rights movement as a whole takes ideas from both Singer and Regan, but there still remain two distinct factions of the movement: one that follows

the ideas of Singer more closely, and one that follows those of Regan (Animal Rights FAQ, 1999).

Those who follow Singer believe that the use of animals can be morally justifiable in those cases where greater good can be achieved through their use; thus taking a utilitarian standpoint. In contrast, followers of Regan believe that animal use under all circumstances should be abolished, taking on a more absolutist view (Animal Rights FAQ, 1999; Jasper & Nelkin, 1992).

Animal Rights supporters claim that treating animals cruelly infringes on the *rights* of the animals. To support this claim, supporters first note that humans have rights, and then ask the opposition to answer: what could be so fundamentally different in animals that they can be denied rights? After all, “morality requires that we treat like cases alike” (LaFollette & Shanks, 1996). Without a *morally relevant* difference between humans and other animals, supporters believe those who ignore animal rights are guilty of *Speciesism*, comparable to racism or sexism (LaFollette & Shanks, 1996).

The opposition claims that animals cannot possibly have rights. This view was publicized by Carl Cohen in an article titled “The Case for the Use of Animals in Biomedical Research” in the *New England Journal of Medicine* in 1986. Cohen, citing works from philosophers such as Hegel and Immanuel Kant, says that a right is a “claim... that one party may exercise against another,” and exists only “within a community of moral agents” (Hegel, 1821). A moral agent is a being that can understand moral agreements. In this light, rights are seen as contracts between conscious beings. Because animals cannot understand the concept of morals, they are not moral agents, and thus cannot sign into such a contract (Hegel, 1986; LaFollette &

Shanks, 1996). This, as Cohen sees it, is the *morally relevant* distinction between people and other animals.

In response to Cohen, Animal Rights supporters point out cases where this contractual view of rights fails to correctly explain the reality of morals. For example, they point out cases where we extend rights to those incapable of forming contracts, such as infants, the senile, and mentally ill people. Cohen's response is that "the capacity for moral judgment that distinguishes humans from animals is not a test to be administered to human beings one by one" (Cohen, 1986). A typical human can make moral judgments, thus we include all humans in the contract (Cohen, 1986). Animal Rights supporters believe these conditions of the contractual theory of rights are simply "ad hoc adjustments to a deficient theory" (Animal Rights FAQ, 1999).

It is important to note that Cohen does not believe that we are free to do anything we please with animals. Instead, Cohen explains that we can have obligations to other beings even if they hold no rights. "Few will deny," He says, "that we are at least obliged to act humanely" (Cohen, 1986).

It does appear that in recent years, perhaps in response to the Animal Rights movement, more people feel obliged to treat animals humanely. There is a clear trend in the reduction and refinement of the use of animals in science. Between the 1970s and 1990s, the use of animals in research in the UK, Netherlands, Germany, and several other countries fell by half. In the United States, although the use of primates remained mostly constant, the use of dogs and cats also dropped by half. In addition, many institutions have created guidelines for detecting and minimizing animal suffering by the use of anesthesia or euthanasia (Mukerjee, 1997). Most scientists are adopting the 3 R's (published by William Russel and Rex Burch in "The Principles of Humane Experimental Technique" in 1959) of replacement (replacing the use of

animals with alternative techniques, such as in vitro methods), reduction (reducing the use of animals in experiments), and refinement (altering experiments to minimize the pain and suffering endured by the animals) (Mukerjee, 1997).

The Animal Rights movement took the scientific community by surprise; the question of whether animals have rights had never been raised before in such a widely publicized and resonant way. This new view raised concerns in the minds of many people who previously had no concern. As a result, many laws were passed to quench these concerns. The next chapter examines the various interest groups involved in the debate between animal rights, animal welfare, and animal science.

2.4 Groups, Clubs, and Organizations

Groups, clubs, and organizations are formed by people with common interests or goals. In our case, these frames are influenced by the science of dog breeding and views toward dogs and animals. Their positions indicate what concerns exist about dog breeding. These groups also have an impact on what incentives exist, both legal and consumer based, and additionally, researching them gives indications on how they address their concerns. These groups may be classified generally as animal protection organizations and dog fancier groups, which include kennel clubs and breed clubs.

2.4.1 Animal Protection Organizations

Along with the rise in concern over the treatment of animals and their place in society, there has been an increase of those groups who wish to put their philosophy to practice, both through legal action and with public influence campaigns. To understand how such groups affect regulation, we should first understand the groups.

For convenience, we can separate these organizations into two general categories: those who would like to see stricter regulations and those who think that current regulation is adequate or should be relaxed. This, of course, is a gross simplification, as groups may have differing opinions on different regulations, and different members within the same group may even have differing opinions on the same regulation.

Subdivision of those groups who would like stricter regulation has classically been between animal welfarists and animal rightists (Varner, 1994; Jasper & Nelkin, 1992). Jasper & Nelkin (1992) subdivide those who have been classically lumped together under animal protectionists into pragmatists and fundamentalists.

Summary of Animal Protection Groups in the United States			
Type	Beliefs About Animals	Major Goals	Primary Strategies
Welfarist	Objects of compassion, deserving of protection. Clear boundary between species.	Avoid Cruelty. Limit unwanted animal population.	Protective legislation. Humane education. Shelters
Pragmatist	Deserve moral consideration. Need to balance human and animal interests. Hierarchy of animals.	Eliminate unnecessary suffering. Reduce, refine and replace animal uses.	Public protest. Pragmatic cooperation and negotiation. Acceptance of short-term compromises.
Fundamentalist	Have absolute moral rights to full lives without human interference. Equal rights across species.	Total and immediate elimination of all animal use.	Moralist rhetoric and condemnation. Direct action and civil disobedience.

Figure 2: Summary of Animal Protection Groups in the United States

(Chart adapted from Jasper & Nelkin, 1992)

Welfarists have had the longest history of activity. United States animal welfare organizations trace their origins to their British counterparts of the 1870's. Such organizations were organized primarily to change individuals' attitudes toward animals, extending Victorian sensibilities on how to behave toward other humans to animals as well. One rationale for this extension of gentility was that those who were mean toward animals would also show hostilities toward other humans. However,

another reason for the movement was a desire by the urban upper class to civilize the lower class (Jasper & Nelkin, 1992).

Originally, animal welfare organizations focused efforts on eliminating sports such as bull baiting, cock fighting and the like, and on reducing cruelty toward carriage horses (Jasper & Nelkin, 1992). These sports and the handling of carriage horses were activities primarily practiced by the lower class. Upper class activities such as horse racing and fox hunting for the most part escaped scrutiny. With the reduction in use of carriage horses, and the successful elimination of animal fighting sports, welfare organizations turned toward other urban animal issues such as pet care, pet overpopulation, and leash laws. Modern welfare organizations include the American Society for the Prevention of Cruelty toward Animals (ASPCA), the Humane Society of the United States (HSUS), the American Humane Association (AHA), and other local Humane Societies, which, for the most part, are fully independent organizations not part of any national group. Despite the emergence of pragmatist and fundamentalist groups, the welfarist groups remain the largest and most influential of the three divisions.

Jasper and Nelkin (1992) differentiate the welfarists from pragmatists and fundamentalists in that welfarists see a clear line between animals and humans. A dog is not the moral equivalent of a boy, but despite this inferiority, animals are still creatures that can experience pain and suffering, and this pain and suffering should be minimized, if not eliminated. Pragmatists and Fundamentalists base their views not only on the belief that animals can experience pain and suffering, but more so on the belief that animals have a full and valuable cognitive and emotional life as well.

Pragmatists do not see any distinct moral line between animals and humans. For them, we all exist on a continuum. Backed by the finding from Darwin's theory

of evolution, which states humans descended from apes, pragmatists can find no reason to separate the two. Thus, as humans are creatures with desires, goals, and feelings, so too are apes and dogs. As it is inappropriate to kill another person for selfish means, it is thus inappropriate to kill another creature with the same attributes, that is, a non-human animal (Jasper & Nelkin, 1992).

That is not to say that pragmatists do not allow the use of animals. Rather, the pragmatists say that unless there are compelling reasons to the contrary, there is a need to reduce animal use. Although we are on a continuum, with no division between humans and other animals, it is still a continuum, and humans are still considered to be of more value than other animals, and thus get preference in forced choice situations. The classic example of this is the scenario of three men and a dog in a life raft, which can only hold a total of three. The pragmatist holds that in such situations, the lives of the humans outweigh the life of the dog, and the dog should be the one to be tossed overboard (Jasper & Nelkin, 1992).

Although undercurrents can be seen even earlier (Pringle, 1989), the pragmatic viewpoint was first solidified in 1975 when Peter Singer wrote *Animal Liberation*. By some accounts, this was a primary impetus for the animal rights movement (as opposed to the preexisting animal welfare movement). Although sometimes called “the acknowledged Bible of the animal rights movement” (Varner, 1994), Singer presents a utilitarian philosophy that is not shared by everyone in the animal rights movement. Although well adopted by the pragmatists, the utilitarian philosophy to maximize overall happiness is grating to the fundamentalists when the greater good calls for animals to die. Groups that hold the utilitarian philosophies, and as such would be considered pragmatists, include the Animal Legal Defense Fund (ALDF) and Animal Rights International.

The call in Singer's work to maximize overall happiness strikes some as too analytical. In the words of one activist "[T]here's no emotion, no feeling ... He's cerebral, not an animal lover" (Jasper & Nelkin, 1992). People sharing this view may tend to agree with Tom Regan, whose 1983 book *The Case for Animal Rights* is to the fundamentalist viewpoint as Singer's work is to the pragmatist (Jasper & Nelkin, 1992).

Fundamentalists hold that there is nothing that should set humans above other animals, and thus reject the pragmatist's continuum. Instead, they see each living creature as being morally equivalent to any other living creature, with a full, conscious life. This is neatly summarized by the catch phrase originally spoken by PETA's Ingrid Newkirk: "A rat is a pig is a dog is a boy" (Jasper & Nelkin, 1992, 46). Fundamentalists categorically reject all uses of animals, in that to be used implies affronting the characteristic rights inherent in all living things. It is this call for people to respect the inherent rights of animals that gives the animal *rights* movement its name.

The use of the term rights implies that no amount of utilitarian argument can justify breaching those rights. This corresponds to the common sense notion that there is only so much we can be forced to do for the common good (Varner, 1994). If animals have rights, such as the right to life, then no benefit to humans or other animals from research or animal use can be justified. The animals need not be suffering either physically or psychologically, as animal use is simply wrong because it violates the rights of animals (Jasper & Nelkin, 1992).

Groups such as the People for the Ethical Treatment of Animals (PETA) and the Animal Liberation Front (ALF) are examples of fundamentalist groups. Fundamentalists, like the ALF, are likely to approve of, or at least not likely to

condemn, violent measures in promoting their agenda. Violence in this context is violence against property, such as forcible entry, destruction of equipment, and vandalism. Violence against animals is, of course, condemned, as is violence against people, although some in the movement admit that it is only a matter of time before people are injured (Jasper & Nelkin, 1992).

It must be remembered that categorization systems such as welfarist, pragmatist and fundamentalist are matters of convenience. The true philosophies of people in these categories are more nuanced than such labels would at first lead us to believe, and these people may only agree with portions of the stereotypical philosophies, e.g. fundamentalist, pragmatist and welfarist. It is not uncommon for the leaders of groups to have views that are different from those of its members (Jamison & Lunch, 1992). These groups may appear to the public to speak with a single unified voice because the outspoken leaders get the primary attention in the media (Pringle, 1989). Additionally, the official views of the groups themselves may drift. John McArdle of the Humane Society of the United States said of that group, "The HSUS is definitely shifting in the direction of animal rights faster than anyone would realize from our literature" (Jasper & Nelkin, 1992, 136). He has since been dismissed from his position at HSUS due to his statements (Jasper & Nelkin, 1992).

One area in which the different philosophies manifest themselves is the realm of pet ownership. Animal welfarists see their supporters as pet lovers. They view pets as humanized objects of care and affection. Pet ownership is only bad if the pet suffers. Animal rights groups tend toward disapproval of pet ownership (Jasper & Nelkin, 1992). A 1985 Animals' Agenda survey found that only half of the staff and leaders of animal rights groups approved of pet ownership (Jasper & Nelkin, 1992, page 52). This view may not be initially apparent, as animal rights groups tend to

downplay their distaste for pet ownership to increase donations and support. However, their views may tend to surface in word choice, such as the use of “companion animal” instead of “pet” (Jasper & Nelkin, 1992). Although their official position may change to accommodate the less radical, the leaders’ personal views do not. An example of this is PETA’s Ingrid Newkirk’s view that pet ownership is “an absolutely abysmal situation brought about by human manipulation” (Jamison & Lunch, 1992).

Not only do the groups have a different view of pets, they have different tactics for improving the condition of animals. Welfarists concentrate primarily on public education, practical measures such as animal shelters, and gradual steps in legislation. Pragmatists look toward strict regulation of animal use. Fundamentalists want all out abolition of animal use, particularly those cases where the animal dies. They reject regulation as a compromise, as it does little to abolish the use of animals. In cases where organizations such as Proctor & Gamble and the University of California, Berkeley have made efforts to reduce animal usage and improve animal conditions, animal rights fundamentalists have not welcomed the change, but rather protested in spite of it (or in the case of UC Berkeley - because of it) (Jasper & Nelkin, 1992).

Fundamentalists do not want compromise. As Tom Regan said, “We don’t want larger cages. We want empty cages” (Jasper & Nelkin, 1992, page 51). They feel that they are morally superior, and will not listen to counter arguments, as they know they are right (Herzog, 1993). This superiority is evident in the response by Michael W. Fox of the Humane Society of the United States when asked under what circumstances he would accept animal experimentation: “Just to ask that question

indicates you are a speciesist and probably a sexist and a racist” (Jasper & Nelkin, 1992, page 46).

Indeed, animal rights activists tend to compare the current situation of animals to oppression and subjugation of human beings. Animal ownership is compared to slavery, intensive farming is compared to concentration camps, and working animals is compared to child labor (Jasper & Nelkin, 1992). Additionally, it is often noted that the arguments that supporters of animal use offer are reminiscent of the arguments that slave owners used in justifying slavery (Plous, 1993).

Activists are on a moral crusade and don't mind using radical tactics to further their cause. A popular tactic in protests is to use shocking photos of animals and made-for-TV sound bites illustrating the animals' plight (Jasper & Nelkin, 1992). Since humans believe we know what animals are feeling, we don't need to be told an animal in a cage is suffering (Jasper & Poulsen, 1995). As one university veterinarian said, “People see animals in cages, and they assume they're suffering. It could be the happiest animal in the world, but it will look bad on television if it's behind bars” (Jasper & Nelkin, 1992, page 132). Fundamentalist activists use this to their advantage to direct outrage at large corporations and make them seem wealthy, powerful, and dangerous, thus creating the illusion of two sides separated by a vast divide (Jasper & Nelkin, 1992). This reduces the desire for compromise, and increases support for the fundamentalist viewpoint.

2.4.2 Dog Fancier Groups

Although it may be tempting to extend the continuum of welfare, pragmatist and fundamentalist to incorporate breeder and owner groups, such reductionism would be incorrect. Although unlikely to be fundamentalists, there is nothing

prohibiting dog breeders and owners from being considered animal welfarists, or even pragmatists. The pet owning pragmatist would likely justify pet ownership with arguments that the animal companion relationship is mutually beneficial for both the pet and the pet owner. It is for these pet owners that vegetarian dog food and cat food is created (Jasper & Nelkin, 1992).

Organizations with a stake in dog breeding in the United States are varied and diverse, taking on ranges of overlapping authority. At the national and most general level are national all-breed registries such as the American Kennel Club (AKC) and United Kennel Clubs (UKC) as well as numerous other national clubs with various levels of participation. These organizations maintain breed standards, a written description of the characteristics held by each breed, sponsor dog shows, and maintain registries of purebred dogs (those dogs conforming to the breed standard). Affiliated with the national all-breed clubs are national single-breed clubs. These are practically the same as the all-breed clubs, except that they serve as a focus for interest in one particular breed of dog. Completing the picture are local all-breed and single-breed clubs, normally affiliated with a national organization. These serve primarily a social and educational role in the dog breeding community, as regulatory issues are left mainly to the national organizations (Strand, 1993).

Classification of breeders themselves is also diverse. Generally, four types of breeders can be distinguished. First, there are those that breed dogs for show. Show breeders' aims are to produce a few dogs that will excel in competition. Hobbyists breed purely for enjoyment, not in the pursuit of any particular gains. Similarly, there are the backyard breeders who breed a few animals for the little extra cash it brings in, without any long term breeding goals. Finally, there are the commercial breeders who breed dogs on a large scale for profit. Whereas show, hobbyist and backyard breeders

tend to sell their puppies themselves, commercial breeders sell their dogs through retail and wholesale outlets such as pet stores (Paddock, 2001; Strand, 1993).

2.4.3 AKC Regulations

Registering properly documented dogs from any breeder, the American Kennel Club (AKC) is the largest dog registrar in the United States. Like most registries, the AKC employs a closed book breed standard. That is, in order for a dog to be considered a member of a particular breed, both parents must also be of that breed (Budiansky, 1999).

All facilities that breed dogs registered with the AKC are subject to inspections from the AKC or its representatives.

The American Kennel Club or its duly authorized representative shall have the right to inspect the records required to be kept and the practices required to be followed by these rules and by any regulations adopted under them, and to examine any dog registered or to be registered with The American Kennel Club (American Kennel Club, 2001, chapter 4, section 4).

Currently, there are 14 inspectors employed with the AKC for the entire United States. They conduct about 4000 inspections per year and randomly check on breeding facilities. These checks are random to get a more accurate view of typical conditions, but they are only done on breeders who produce seven or more litters per year (Paddock, 2001).

During these inspections, five main areas are checked. These areas are the dogs themselves, the housing of the dogs, the whelping areas, the litter raising areas, and the identification (ID) requirements. The dogs, housing, whelping and litter raising areas must all be clean and healthy. The ID requirement ensures that the records of parentage are accurate and “will preclude any possibility of error in identification of any individual dog or doubt as to the parentage of any particular dog

or litter” (American Kennel Club, 2001, chapter 4, section 3). Some ways in which this requirement is met are through tagging, tattooing and micro chipping the dogs (Paddock, 2001).

To more accurately ascertain a dog’s parentage, and thus preserve the integrity of the AKC registry, the AKC has recently instituted DNA checks on registered dogs. These checks are done by taking a cheek swab from the pup, sire, and dam once the pup is over 4 weeks of age. Many large-scale breeders have backed out of the AKC because of this, rather than being found non-compliant. The repercussions of this are that puppies without a certification sell for less than those with one (Paddock, 2001).

Non-compliance with AKC regulations can have severe consequences. Some of these consequences are fines, removal from AKC registration and, in serious situations, the initiation of USDA inquiries. Some forms of non-compliance are incorrect parentage of two or more litters, refusal of inspection, refusal of DNA tests, and unsatisfactory health/environment conditions (Paddock, 2001).

Although the AKC registration certifies the bloodlines of all registered dogs, it does not indicate any other factor. According to the AKC, registration was never intended to be a certification of quality. In fact, the AKC is worried about imposing health and temperament requirements on registered dogs for fear of legal trouble (Lemonick, 1994). Additionally, the AKC’s regulations sometimes go against the principle of ensuring the quality of the dogs. Dogs with genetic defects are not disqualified from the show ring, and when a breeder out crossed Dalmatians to a different breed to eliminate genetic disease, the AKC refused to register the progeny, even though they had been backcrossed into Dalmatians to the extent that they were physically and genetically (aside from the disease trait) indistinguishable from other Dalmatians (Derr, 1990).

2.5 Legal Aspects

To explain why there was a concern over the lack of incentives, we needed to look into the incentives that already exist. We broke these incentives down into two groups, legal and consumer related. This breakdown allowed for two types of incentives: mandatory (legal) and voluntary (consumer related). Before we could begin looking into the first group, the existing legal incentives, it was also necessary to know how these laws were created. To accomplish this we researched the Swiss and U.S. legislative processes, as well as other factors that play a role in the creation of laws, such as the Popular Initiative in Switzerland and lobbyists in the United States.

2.5.1 Swiss Legislative System

The Swiss constitution allows for three branches of government: judicial, legislative, and executive. However, “the Swiss system conforms less with the classical concept of separation of powers than with an idea of mutual cooperation and control that is partly comparable to the checks and balances of the U.S. constitution” (Linder, 1994, p. 8). This means that even though each of the branches have separate areas of control within the government as a whole, they still serve to check on their counterparts to ensure that they are carrying out the purpose for which they were intended.

The Swiss prefer proportional representation to majority systems. Their institutions reflect their desire for what they call ‘concordance’ and their dislike of conflict. Whereas the British and American systems produce winners, the Swiss prefer to protect the losers. Where other systems strive to generate a powerful majority which can govern, the Swiss opt for complex formulae that produce coalitions. All political machinery in Switzerland has a provisional quality because the ‘Sovereign’, ‘the people’, is really sovereign and may exercise its power to change this or that instrument of its will (Steinberg, 1996, p. 75).

In this system at the federal level, the judicial power lies in the Federal Supreme Court, which is made up of 39 full-time judges and 40 substitute judges elected by the Federal Assembly. This body is the final court of appeal for cantonal cases involving federal law. As further explanation of the purpose stated in the latter paragraph, the judicial branch

is empowered to review legislative and executive acts of the cantons and guarantees the constitutional rights of the citizens... However, the Court does not have the power, either directly or by implication, to rule on the constitutionality of federal laws (Linder, 1994, p. 10).

The executive power is held by the Federal Council, seven councilors which are also elected by the Federal Assembly. This council's makeup represents the four different political parties that exist in Switzerland. It acts as a collegiate body although it is headed by a President of the Federation. The presidential position is customarily occupied by a different councilor every year that enjoys no special privileges, but simply formal duties (Linder, 1994).

To this day, the Swiss seem less interested in the power of offices and the personality of officeholders than the citizens of other less direct democracies. The collegial federal executive with its anonymous rotating presidency continues to embody this predilection of direct democracy for treating the citizenry as the real government and the elected government as powerless attendants (Barber, 1973, p. 176).

The legislative power is held by the Federal Assembly, which is made up of two bodies, the National Council and the Council of States. The National Council is made up of 200 members that are elected using proportional rule, as in the U.S. House of Representatives. The purpose of the National Council is to represent the people, while the Council of States represents the cantons. The Council of States, like the U.S. Senate, contains two members from each canton that are appointed through a popular election (Linder, 1994).

2.5.1.1 Creating Laws

As in the United States government, the bicameral makeup of the Swiss legislative branch places equal amounts of authority in each chamber. The result of this is that both chambers must pass a bill in order for it to become a law. If a bill does not pass in one chamber, then it is sent to committee to work through the differences. After committee, the bill is then voted on again by both councils. If it does not obtain the majority in either house then it fails. If the majority of each chamber passes the bill it becomes a parliamentary proposal, and it can then become a law. However, the will of the people may stop this process through the referendum (Linder, 1994).

Referendum in this context concerns a popular vote on parliamentary decisions, with the citizens having the last word; they decide whether a parliamentary proposal becomes law or is rejected. In Switzerland there are two types of referendum. First, all proposals for constitutional amendments and important international treaties are subject to an obligatory referendum... The obligatory referendum is relatively frequent. Since Article 3 of the constitution leaves all powers to the cantons unless specifically delegated to the Federation, the authorities have to propose an amendment for every major new responsibility undertaken by the federation. Second, most parliamentary acts and regulations are subject to an optional referendum. In such cases a parliamentary decision becomes law unless 50 000 citizens, within 90 days, demand the holding of a popular vote. If enough signatures are collected within the stipulated period a popular vote must be held, and a simple majority of the people decides whether the bill is approved or rejected, the wishes of the cantons being irrelevant (Linder, 1994, p. 85).

Unlike the U.S., Switzerland ultimately leaves the final vote on any law up to the citizens themselves (Linder, 1994).

2.5.1.2 Popular Initiative

Another form of legislative action that is a direct enactment of the power held by Swiss citizens is the Popular Initiative. Through this, “100 000 (sic) citizens can, by signing a formal proposition, demand a constitutional amendment as well as propose the alteration or removal of an existing proposition” (Linder, 1994, p. 87).

Since it is drawn up by the citizens, a Popular Initiative does not have to be in precise amendment form, but only a general guideline. If 100,000 signatures are obtained, then the Federal Assembly will create the proper text to support the concern of the initiative. After it is discussed by the Federal Council and parliament, “initiatives and their eventual counterpropositions are then presented simultaneously to the popular vote. As with all constitutional changes, acceptance requires majorities of both the individual voters and the cantons” (Linder, 1994, p. 87).

2.5.2 United States Legislative System

The founders of the U.S. government wanted to create a strong central government, but also wanted to ensure that no one small group within that government would become excessively powerful. This became a subject of much discussion by the founders of the United States. Although they sought to create a democratic union, they did not want the overall public good to be sacrificed to the will of a majority. As written in Federalist Paper 10, James Madison states that when division arises, the will of the majority may not be in the best interests of the people (1787). In order to prevent the subjugation of the interests of the people, it was necessary to consider alternative forms of government other than a simple democratic majority.

When a majority is included in a faction, the form of popular government ... enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. To secure the public good and private rights against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed (Madison, 1787).

These inquiries led the founders to the realization that the form of government they sought to create was a republic, and not a pure democracy. To come to this conclusion it was necessary to discuss the ways in which a republic – “this [means] a

government in which a scheme of representation takes place” (Madison, 1787) – differs from a pure democracy.

The difference between a democracy and a republic lies in two main points. First, in a republic, the government is made up of “a small number of citizens elected by the rest” (Madison, 1787). Second, a republic can be extended to govern a “greater number of citizens, and greater sphere of country” (Madison, 1787) than a pure democracy can.

The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country... Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose. On the other hand, the effect may be inverted (Madison, 1787).

In order to assure that the positive effects of a republic are not lost, it is necessary to consider the size of the body of representation. This requires having a sufficient number of representatives to guard against the plans of a few outspoken members. However, the number of representatives must also be restricted “in order to guard against the confusion of a multitude” (Madison, 1787).

To further keep the majority from suppressing the minority, the founders separated the federal government into three branches, each branch containing distinct responsibilities and powers, as in the Swiss government. Each branch was crafted to act as a check and a balance against the excesses of the others. These three branches were legislative, executive, and judicial. Article 1 of the U.S. Constitution states that “All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives” (Constitution of the United States, Article 1, Section 1). This gave power to Congress to create or pass laws.

Legislation refers to the preparation and enactment of laws by a legislative body through its lawmaking process. The legislative process includes evaluating, amending, and voting on proposed laws and is concerned with the words used in the bill to communicate the values, judgments, and purposes of the proposal. An idea becomes an item of legislative business when it is written as a bill. A bill is a draft, or tentative version, of what might become part of the written law. A bill that is enacted is called an act or statute (Legal Information Institute, 1998).

Article 2 of the U.S. Constitution states that “The executive Power shall be vested in a President of the United States of America” (Constitution of the United States, Article 2, Section 1). This established the executive branch that has the power to enforce the laws of the United States. Finally, Article 3 of the U.S. Constitution states that “The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish” (United States Constitution, Article 3, Section 1).

Like the Swiss government, the United States legislative branch is bicameral. This two-house makeup is a compromise between the larger and the smaller states. The larger states wanted representation based on population, but the smaller states, realizing that this would lessen their pull in the government, wanted an equal representation for each state. Hence the compromise in which one house is population based, while the other embodies equal state representation.

Delegates to the Constitutional Convention from larger and more populated states wanted congressional representation to be based upon population. Fearing domination, delegates from smaller states wanted equal representation. The Great Compromise resulted in the creation of two houses, with representation based on population in one and with equal representation in the other (Ben’s Guide, 2001).

The population-based house is the House of Representatives, and the equal state representation based house is the Senate.

Charles W. Johnson concisely describes the makeup of these two houses and their relative power in his document How Laws are Made as follows:

As constituted in the 106th Congress, the House of Representatives is composed of 435 Members elected every two years from among the 50 states, apportioned to

their total populations... the Constitution requires that “as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's”... The Senate is composed of 100 Members -- two from each state, regardless of population or area -- elected by the people... Of the two Senators from a state serving at the same time the one who was elected first... is referred to as the “senior” Senator from that state. The other is referred to as the “junior” Senator... Both the Senate and the House of Representatives have equal legislative functions and powers with certain exceptions. For example, the Constitution provides that only the House of Representatives originate revenue bills. By tradition, the House also originates appropriation bills. As both bodies have equal legislative powers, the designation of one as the "upper" House and the other as the "lower" House is not appropriate (2000).

2.5.2.1 Creating Laws

The main function of Congress is to create legislation; however, ideas for legislation may come from a variety of sources, and proposed drafts of bills begin in many different places. “Primary among these is the idea and draft conceived by a Member or Delegate” (Johnson, 2000). Some of these ideas may be promises made during the campaign process, as well as matters that came to attention after the member took office. These matters may include amendments to existing laws, or even the repeal of an existing law (Johnson, 2000).

Ideas for legislation can come from legislators who have experience in a particular field, or legislators can copy legislation because an idea that works well in one jurisdiction can be useful to its neighbors. Legislators also receive proposals from the National Conference of Commissioners on Uniform State Laws; a conference of 250 lawyers appointed by governors to represent the states. The Council of State Governments, the American Law Institute, the American Bar Association, and numerous other organizations all produce model acts for legislatures. Protection and promotion of social and economic interests of particular groups also motivate legislation (Legal Information Institute, 1998).

Most legislation begins in the form of a bill. Bills can be created in both public and private form. A bill that affects the people in general is known as a public bill, while a bill that only affects a specific individual, organization, or other entity rather than the general public is known as a private bill. The member that introduces the bill into Congress is known as the sponsor. In the House, only one sponsor is

allowed on a bill, but an unlimited number of members may co-sponsor a bill. However, in the Senate, multiple-primary sponsorship is permitted.

Once a bill is introduced in the House, it is assigned a legislative number and printed in the Congressional Record. The Speaker of the House then refers the bill to the related committee or committees, and the bill is printed up and made available to the public. There are 20 committees and 3 joint committees in the House, with an indefinite amount of subcommittees, and they are made up of the members of Congress. Many of these members, as well as staffers employed by members, are nationally recognized experts within the area of their specific committee or subcommittee (Johnson, 2000).

One of the first actions taken by a committee is to seek the input of the relevant departments and agencies about a bill. Frequently, the bill is also submitted to the General Accounting Office with the request for an official report of views on the necessity or desirability of enacting the bill into law. These reports are not binding on the committee in determining whether or not to act favorably on the bill. Reports of the departments and agencies in the executive branch are submitted first to the Office of Management and Budget to determine whether they are consistent with the program of the President (Johnson, 2000).

The committees and subcommittees then read and propose amendments to the particular bill, “to accommodate interested and affected groups and to eliminate technical defects” (Legal Information Institute, 1998). These proposed amendments are subject to acceptance or rejection by the House itself. Once the committee is satisfied with the proposed bill, they report the bill to the House. If it is reported to the House without amendments, it is referred to as a clean bill. As stated in How Laws are Made;

The report to the House describes the purpose and scope of the bill and the reasons for its recommended approval. Generally, a section-by-section analysis is set forth explaining precisely what each section is intended to accomplish. All changes in existing law must be indicated in the Report and the text of laws being repealed must be set out... Committee reports are perhaps the most valuable single element of the legislative history of a law. They are used by courts, executive departments, and the public as a source of information regarding the purpose and meaning of the law (2000).

Each report also must contain an estimate, made by the committee, of the costs which would be incurred in carrying out that bill or joint resolution in the fiscal year reported and in each of the five fiscal years thereafter or for the duration of the program authorized if less than five years. The report must include a comparison of the estimates of those costs with any estimate made by a government agency and submitted to that committee (Johnson, 2000).

Then, as the Legislative Information Institute of Cornell University states:

If the committee recommends that the bill be passed, the bill is placed on the agenda for action by the full legislative body, or floor action. After a lengthy and complex procedure of deliberation and debates, legislators vote on the final passage of the bill. In bicameral legislatures (legislatures that are divided into two bodies as Senate and House in the United States government) the bill must be passed through both houses in exactly the same form to become the law. When the two houses cannot agree on a final form for the bill, a complex procedure of compromise is attempted. Once the bill is approved by both houses and is put into final form, it must be signed by the executive. An executive can refuse to sign a bill and can return it to the legislature with a veto message explaining why. If the executive signs the bill, it is filed and becomes law (1998).

2.5.2.2 Lobbyists

Interests groups usually become involved in the legislative process through lobbyists, which are a result of the First Amendment to the Constitution, which states "Congress shall make no law....abridging the freedom of speech....or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

Simply put, lobbying is advocacy of a point of view, either by groups or individuals. A special interest is nothing more than an identified group expressing a point of view--be it colleges and universities, churches, charities, public interest or environmental groups, senior citizens organizations, even state, local or foreign governments. While most people think of lobbyists only as paid professionals, there are also many independent, volunteer lobbyists--all of whom are protected by the... First Amendment (American League of Lobbyists, 2001).

The primary function of a lobbyist is to persuade legislators. In order to accomplish this, a lobbyist must be educated and attentive. A lobbyist must be informed and up-to-date on the current proceedings and laws of the government. To this end, a lobbyist must research and analyze legislation and regulatory proposals, monitor and report to his employer on developments, which may include activities such as attending congressional hearings, and also work in conjunction with other organizations that have the same interests. Along with these tasks, lobbyists educate government officials and their employers as to the potential implications of the changes in their area of concern.

As stated by the American League of Lobbyists:

Government decisions affect both people and organizations, and information must be provided in order to produce informed decisions. Public officials cannot make fair and informed decisions without considering information from a broad range of interested parties. All sides of an issue must be explored in order to produce equitable government policies (2001).

In the United States, most lobbyists are required to register with the government in accordance with the Lobbyist Disclosure Act of 1995. This Act requires each lobbyist to register under the name of his employer, in order to clarify the interests of each lobbyist and to prevent companies from declaring lobbyist expenditures as tax deductions.

2.6 Legislation

In order to better comprehend the current laws, it was necessary to investigate the evolution of these laws. To this end, we researched both the federal and state laws in the U.S., and the equivalent federal and cantonal laws in Switzerland. In the United States, the main federal body of legislation is the *Animal Welfare Act*, while the corresponding Swiss federal body of legislation is the *Tierschutzgesetz* (Swiss Federal Act on Animal Protection) and the resulting *Tierschutzverordnung* (Swiss Animal Protection Ordinance). In this section we will go more in-depth into their creation and the causes behind the laws.

2.6.1 Swiss Federal Law: *Tierschutzgesetz* and *Tierschutzverordnung*

It wasn't until 1978 that Switzerland had an encompassing federal law concerning the protection of animals. On 19 March 1978 the Federal Assembly enacted the *Tierschutzgesetz* (SR 455 or TSchG or "Animal Protection Law"). Within the TSchG numerous implementation details were left for the Federal Council to decide. As a result of this fact, on 27 May 1981 the Federal Council passed the *Tierschutzverordnung* (SR 455.1 or TSchV or "Animal Protection Regulations"), implementing the details left open by the TSchG.

As general concepts, the TSchG requires that all animals should be provided for, that their needs should be considered, that their welfare be safeguarded, and that they should not be subject to unnecessary pain, suffering, or fear. For the purposes of this law, animals are defined as all vertebrates and only those invertebrates that are specified by the Federal Council. The Federal Council currently specifies Decapod crabs and Cephalopods as those invertebrates protected. Together, the TSchG and the

TSchV serve animal protection in a wide range, from general principles stating that animals must not suffer pain, to details such as what collars can be used on dogs that are tied (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

The TSchG and the TSchV regulate all aspects of animal handling, but do not supersede the Bundesgesetz of 10 June 1925 on hunting and bird protection (SR 922.0), the Bundesgesetz of 1 July 1966 on preservation of nature and landscapes (SR 451), the Bundesgesetz of 14 December 1973 on the fisheries (SR 923.0) or the animal epidemic laws of 1 July 1966 (SR 916.40) (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

With respect to general principles, the TSchG bans abuse, gross negligence or unnecessary overexertion of animals, as well as killing animals cruelly or for amusement. Procedures which cause animals pain (and are not regulated by the animal experimentation laws) must use either general or local anesthetic, except if exempted by the Federal Council. Staging animal fights or showing animals in films, plays, or advertisements when the animal is obviously in pain, suffering, or being injured, is prohibited. Modification of animals, such as de-clawing cats, docking dog's ears, cropping dog's tails, or destroying vital organs (with the exception of spaying and neutering for population control) is prohibited, as well as striking or crushing animals on the eyes, genitals, or tail. Slaughter of mammals is only allowed if they have been stunned prior to bleeding. The stunning should take effect immediately, and may not cause pain if the effect is delayed (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

Animals must be kept as is appropriate for their kind, as determined by the most recent research concerning physiology, animal behavior and hygiene. Exemptions to the housing provisions are permitted only to treat or control diseases.

The size and layout of where the animals are kept must provide freedom of movement appropriate to the species of animal. The total enclosures where the animals are kept must be built such that risk of injury or escape is minimized (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

Any flooring in the enclosure should minimize the chance of injury, and should be non-slip and easy to keep dry. Animals that are lying down should be able to keep warm. Slatted or gridded floors are permitted only if firm, and only if appropriate for size and weight of the animal housed (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

Enclosures for more than one animal need to accommodate normal grouping behavior. In particular, they must provide animals the ability to withdraw or avoid contact with another. Individual accommodation needs to be provided for independent or unsociable animals (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

Dogs kept in the open must be provided with shelter. Shelter for any animal is to be constructed in such a manner that it does not interfere with normal bodily functions or behavior, and does not overtax the animal's capacity to adapt. It should be easy to enter and large enough for the animals to stand up or lay down normally, and constructed so as to minimize the risk of injury (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

If the animals are not able to accommodate to prevailing conditions, the housing should provide a suitable climate. The ventilation system needs to be constructed in such a way that fresh air is provided, even in the case of breakdown. For domestic animals (including dogs), lighting must be provided at a minimum of 15 lux (the SI unit of illumination), preferably natural sunlight. However, the period of

illumination may not be artificially extended to be longer than 16 hours (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

Each animal must be provided free movement, and may not be continuously tied. Any tied dogs must be allowed free movement in an area of not less than 20 m², and may not be tied with a choke collar. The tethering system may not be constructed as to cause the dog harm, and must be tested at regular intervals. Dogs that are held in rooms or boxes must be allowed to move freely, preferably with the ability to exercise in the open (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

Animal housing systems which are mass produced may not be advertised or sold without prior authorization by the Federal Council. The items subject to approval are all items that the animals frequently come into contact with. The Federal Department for Public Economy (parent organization of the Federal Veterinary Office) appoints an Advisory board of not more than 15 members consisting of representatives of the confederation and the cantons, leading scientists and specialists in animal protection, the keeping of animals and animal housing construction to handle enclosure approvals (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

Animals need to receive food and water in appropriate quantities and type for the type of animal. Animals housed in groups must be fed and watered in a way that each animal gets sufficient food and water (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

Facilities handling domestic animals (including dogs) on a professional level must employ *Tierpfleger* (animal nurses) in a number which is sufficient for the number and type of animal being handled, except when science and past experience indicates that such animals are easy to keep without specialized knowledge. The *Tierpfleger* must be licensed and registered on the national level. Animal caretakers

must prevent disease and injury, examine the animals frequently for disease and injury, and repair the conditions when disease and injury are found. If sick or injured animals cannot be adequately treated, they must be put down (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

During dog training and dog trials, displays of undue severity or the firing of shots to punish dogs is prohibited, as well as the use of needle collars, electrical, chemical, or acoustical devices, excluding training whistles, or professionally installed electrical fencing systems. Training instruments of any type may not cause injury or major pain to the animal, provoke it, or cause it great fear. Exceptions to this for therapeutic purposes may be granted by the cantons. This is one of the numerous items the TSchG and TSchV leave for the cantons to enforce. Each canton is left to implement the regulations as they see fit. For all the cantons surveyed, implementation is taken care of by the cantonal veterinary office (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

The cantonal authorities must be informed of any facility that wishes to keep or breed domestic animals on a professional level. The announcement must include the name of the responsible person, the breed and number of animals to be kept, the size and condition of the housing, and the number and training of the persons employed in caring for the animals. The cantonal authorities must also be notified of (and cantonal permission obtained for) animal shelters, professional animal trade, use of animals in advertisements, small animal markets, and animal exhibitions in which animals are sold, excluding local meetings. Authorization is to be given if appropriate accommodation is provided and the animals are protected from harm and injury. Those who have received the aforementioned authorization must keep adequate records of the animals in their possession, and are subject to inspection at least once

every two years. As with the other sections which pass control onto the cantons, it is the cantonal veterinary office to which requests for authorization are to be addressed (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

In transportation, the animals must be protected from conditions which would cause suffering or injury. The Federal Council is responsible for the regulations regarding the conditions employed in transport. Upon receiving the animals, the handlers are responsible for their accommodation and care, including housing, watering, feeding and caring for them. Animals must be appropriately fed and watered before, during and after transport, and animals cannot be transported unless they can be expected to survive the journey without harm. Only competent and adequately trained personnel may be charged with feeding and watering the animals during the journey years (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

The containers in which the animals are transported must be constructed of materials that are non-harmful and designed to minimize the risk of injury. The construction should be sturdy, and such that the animals will not damage it or escape. They should be designed such that the animals can be fed, watered, inspected and, if necessary, receive attention. The animals must have fresh air, be protected from excrement, inclement weather and ill effects of exhaust, and have enough space such that they can be transported in a normal posture (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

The carrier is to complete the journey quickly and with due consideration of the animals. This includes driving the vehicles in such a manner that the animals are considered. Provided that the animals are neither suffering nor are being injured, exceptions to the transport regulations can be made for postal and air transport (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

All animal experiments are subject to authorization by the cantonal authorities. The cantons are instructed to form a committee in charge of approving animal experiments. Approval is contingent on having goals which cannot be obtained through other methods, and having appropriately trained personnel to conduct the experiment. Higher animals (such as mammals) can only be used in animal experiments if lower animals are unsuitable to the purpose. The cantons must also appoint a committee of specialists for animal experiments independent of the committee which authorizes the experiments. This committee includes representatives from societies for the prevention of cruelty to animals. The committee of specialists is responsible for the conditions for the keeping and handling of the experimental animals (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

All animals used in experiments must be kept, fed, and receive medical treatment before, during, and after the experiment according to the latest information available. Before the procedure, they must be expertly cared for and accustomed to the condition of the experiment, including human interaction. They must be sheltered from excessive or startling noise, and dogs, cats, and primates must be kept with members of the same species (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

Dogs used in animal experiments must be bred for that purpose, and indelibly marked before being weaned. The law does not specify which methods of marking are acceptable, but tattooing and microchipping both appear to be adequate for the purpose. Those persons or organizations who breed, obtain, or trade in animals destined for experiments must inform the cantonal authorities (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

Any experiment that causes pain, suffering, injury or intensive fear should be limited, and any animal that does suffer substantial pain or great fear in an experiment

may not be reused for another experiment. The Federal Council determines what criteria are used for judging pain, suffering, injury or intensive fear. If, after the experiment, the animal can only live in severe pain, it must be euthanized (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

Animals should only be subjected to pain, suffering or injury when the purpose of the experiment can be obtained in no other manner. When the experiments inflict more than slight pain, it must be done under general or local anesthetic, unless the purpose of the experiment makes this impossible. The Federal Council regulates exceptions to the use of anesthesia. Anesthesia is not necessary with procedures causing only slight pain, such as marking of animals, and removal of the dew-claws in puppies up to five days old, or in situations where a competent veterinary surgeon proclaims the use of anesthesia is inadvisable or impractical (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

All persons and institutions conducting animal experiments or dealing with experimental animals must keep records of the animals in their possession and then submit those records to the cantonal authorities. The cantons forward this information to the Federal Veterinary office, who then publishes this information along with any other information needed to ascertain the implementation of the Tierschutzgesetz (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

The Federal Council appoints a committee to advise the Federal Veterinary office. The Federal Committee on Animal Experimentation is comprised of no more than nine members including representatives of the cantons, specialists in animal experiments, specialists in the keeping of animals for experiments, and specialists in animal protection (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

The Federal Council and Confederation are to promote development and dissemination of techniques to replace experiments using animals with other methods, reduction in the number of animals used, and refinement of experimental procedures to reduce distress to the animals. They must also encourage scientific research on animal behavior and welfare by allocating grants for that purpose (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

The Federal Council is responsible for issuing enforcement orders, but may authorize the Federal Veterinary office to issue regulations of technical character. The cantons are responsible for the enforcement of the TSchG and the TSchV, and enactment of any necessary regulation for their enforcement. Cantonal regulations must first be approved by the Federal Council before being valid. The penalty for breaking the TSchG is a fine of up to CHF 20.000, imprisonment, or both. Persons who have repeatedly broken the TSchG or who, due to mental illness, feeble-mindedness, alcoholism or other causes are incapable of keeping an animal may be prohibited from keeping or trading in animals (Tierschutzgesetz, 1978; Tierschutzverordnung, 1981).

2.6.2 United States Federal Laws: Animal Welfare Act

Before 1966, few federal laws existed in the United States to protect animals. Legislation to regulate animals in laboratories was proposed in Congress in 1880, following the lead of the 1876 British Cruelty to Animals Act, but the established medical community rejected these proposals. During the next 80 years, no other legislation for the protection of animals was proposed (Stevens, 1996).

In July of 1965, a Dalmatian named Pepper disappeared from the backyard of its owner's property. Later, the dog was spotted by the owner in a photograph of a

group of dogs being unloaded from a Pennsylvania animal dealer's truck. The family later discovered that their dog had been sold to a dog dealer in New York. Unable to persuade the dealer to return their dog, the family contacted the Animal Welfare Institute (AWI) in Washington. Congressman Resnickis, getting word of the event through a telephone call, tried himself to retrieve the animal from the dealer, but was unsuccessful. Through pressure from the Pennsylvania State Police Department, it was eventually learned that Pepper had been sold to a hospital, used in an experiment, and then euthanized. Frustrated by the events, Resnickis decided he would introduce a bill to prevent such wrongdoings from recurring. Although the bill faced much opposition, it was Resnickis' work that led to the *Laboratory Animal Welfare Act* (7 USC 2131-2157) in 1966 (Animal and Plant Health Inspection Service: The History of the Animal Welfare Act, 2001).

2.6.2.1 Enactment & Amendments

Passed in 1966, the *Laboratory Animal Welfare Act* (7 USC 2131-2157) was designed for two purposes: to protect pet owners from the theft of their pets and to assure that animals in the hands of dealers would be humanely treated (Animal and Plant Health Inspection Service: The History of the Animal Welfare Act, 2001). The Act gave the United States Department of Agriculture (USDA) the authority to enforce the new regulations (United States Congress , 1990).

The 1966 *Laboratory Animal Welfare Act* allowed the USDA to regulate those whom purchased or sold animals for research purposes. However, like Switzerland, the powers of the United States federal government are limited by its constitution. It can only exercise powers that are given to it by the constitution, all others being reserved for the states. One of these areas is the regulation of Interstate Commerce. It

is for this reason that the act was limited to regulate only those individuals and organizations that purchased, sold, or transported their animals across state borders. Because the act was designed to protect pets, it limited the animals that the USDA could regulate to dogs, cats, non-human primates, guinea pigs, hamsters, and rabbits. In research facilities, the USDA could only enforce humane care and use standards in the area in which the animals were kept. Their authority did not extend into the laboratory area. The USDA was also authorized to regulate animal dealers and the treatment of their animals at their facility and on their trucks, but had no authority to regulate how the animals were put onto the trucks. Because Congress noticed shortcomings such as these, the act was amended in 1970 to increase the USDA's jurisdiction. First, the name of the act was changed from the *Laboratory Animal Welfare Act* to the *Animal Welfare Act* (AWA), to reflect the addition of non-research facilities to the USDA's jurisdiction. The AWA no longer depended on animals crossing a state line, but instead stated that the use of animals must simply affect interstate commerce in order to require registration. It also required the USDA to deliver an annual report to Congress detailing the use of animals in research. Finally, the new amendments extended the regulations to include more breeds of animals. This stated that "all warm-blooded animals that were going to be used for research, exhibition, or as pets at the wholesale level" (Schwindaman, 1996), unless otherwise dictated by the Secretary of Agriculture, were to be regulated (Schwindaman, 1996).

It should be noted that agricultural animals are not included in this definition. Certainly animal welfare and rights supporters would like to see protection of farm animals too, so why were they not included in the act? The answer may be in the structure of the U.S. political system. The U.S. political system was designed to be an interest group based system. In this system, economic and influential interest groups

often win out (Berry, 1997), and in this case, the agricultural interest groups were strong enough to avoid regulation.

In 1976, public exposure to animal suffering in two areas sparked the call for another amendment. First, several graphic incidents of animal death during transportation were found to be caused by lack of ventilation and extreme temperatures. Second, mangled and dead animals which were the result of organized dog fights angered veterinarians and concerned citizens. These incidents led to the 1976 amendments of the *Animal Welfare Act*. These amendments regulated the transportation of animals, and prohibited staged animal fights by enacting a stiff penalty for violation (Whiting, 1996).

In October 1981, hearings were held in the Science Subcommittee of Congress to review the current practices of laboratory animal care and treatment. The hearings were a result of an individual's claims to police of mistreatment of animals at a research facility in Silver Spring, Maryland – claims that led to the arrest of a researcher and his animal caretaker on charges of mistreatment of 17 monkeys. The hearings focused on testimony from representatives from federal agencies, animal welfare societies, and research and educational facilities. Additional hearings followed, focusing on the *Animal Welfare Act*. Although all charges were eventually dropped, the testimony presented at these hearings was by and large the basis for the 1985 *Improved Standards for Laboratory Animals Act* (S. 2353 of 100th Congress), which again amended the *Animal Welfare Act* (Brown, 1996). Among other changes, this introduced a requirement for exercise of dogs in facilities regulated by the AWA, and also established the Animal Welfare Information Center (AWIC) at the National Agriculture Library, which has since become a valuable source of animal welfare information (Schwindaman, 1996). The final amendment took place in the form of

the *Pet Theft Act* of 1990 (S.657 of 98th Congress). It required that pounds, shelters, and dealers hold dogs and cats for at least 5 days before being sold. This holding period was meant to give pet owners a chance to claim their animal before it was sold to research (Beasley, 1996).

Figure 3 sums up the amendments to the *Animal Welfare Act*.

Amendments to the Animal Welfare Act					
Year	Act Passed	Amended Act	Regulated Body	New Regulations	Other Changes
1966	Laboratory Animal Welfare Act	---	Dogs, cats, primates, rabbits, hamsters, and guinea pigs intended for research	- Minimum standards for care, treatment, and housing, and transport - ID requirements for cats and dogs	---
1970	---	Laboratory Animal Welfare Act	All warm blooded animals designated by the Secretary of Agriculture	- Appropriate use of anesthetics	"Laboratory Animal Welfare Act" renamed to "Animal Welfare Act"
1976	---	Animal Welfare Act	Unchanged	- Improved standards for animal transportation - Staged animal fights prohibited	---
1985	Improved Standards for Laboratory Animals Act	Animal Welfare Act	Unchanged	- Strengthened care standards - Increased enforcement - Training of animal handlers required - Required exercise for dogs - Relief of pain and distress required	Established Animal Welfare Information Center (AWIC)
1990	Pet Theft Act	Animal Welfare Act	Unchanged	- Record keeping requirements for dealers - 5 day holding period for dogs established	---

Figure 3: Amendments to the Animal Welfare Act

2.6.2.2 Enforcement

The *Animal Welfare Act*, as amended, has three goals:

- (1) To insure that animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment.
- (2) To assure the humane treatment of animals during transportation in commerce; and
- (3) To protect the owners of animals from the theft of their animals by preventing the sale or use of animals which have been stolen?

It accomplishes this by requiring all people who meet its selection criteria to register with the USDA. It defines five regulated groups: research facilities, dealers, exhibitors, intermediate handlers, and carriers (United States Congress, 2001).

Research facilities include “any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments” (United States Congress, 2001). The facility must also purchase or transport live animals in commerce, and must receive funds from a grant, award, loan, or contract from the United States Government to be considered a ‘research facility’ under the act (United States Congress, 2001).

Dealers are any persons who, for compensation or profit, buy, sell, negotiate the sale of, or transport any animal, alive or dead, for use in research, for use in teaching, for exhibition, for use as a pet, for use in hunting or security, or for breeding. Excluded from the criteria are all retail pet stores, except those that sell animals to researchers, exhibitors, or dealers, and any person who generates less than \$500 gross income from the sale of animals in a year (United States Congress, 2001).

Exhibitors are any persons who exhibit animals that were purchased in commerce or that will affect commerce, as determined by the Secretary of Agriculture. This includes carnivals, circuses, and zoos, but excludes retail pet stores and persons participating in state and county fairs, livestock shows, rodeos, purebred

dog and cat shows, and any other show intended to advance agricultural arts and sciences, as determined by the Secretary (United States Congress, 2001). Once again, the exclusions may be due to the power of interest groups and lobbyists in the United States.

Intermediate handlers include any person who is not part of a research facility, who is not a dealer or an exhibitor, and who “is engaged in any business in which he receives custody of animals in connection with their transportation in commerce” (United States Congress, 2001). Carriers mean “the operator of any airline, railroad, motor carrier, shipping line, or other enterprise, which is engaged in the business of transporting any animals for hire” (United States Congress, 2001).

The *Animal Welfare Act* describes its areas of regulation as “the transportation, purchase, sale, housing, care, handling, and treatment of animals by carriers or by persons or organizations” (United States Congress, 2001). Although the act outlines these areas, it allows for the details of the regulations to be decided on by the Secretary of Agriculture of the United States (United States Congress, 2001).

The USDA’s Animal and Plant Health Inspection Service department (APHIS) is in charge of enforcing the laws resulting from the Act. This is accomplished by conducting unannounced inspections of facilities, using a risk-based system to determine when to inspect a facility. The risk-based system increases the inspection frequency of organizations determined to be at high risk of non-compliance, and decreases the inspection frequency of those who are not. Prior to 1997, APHIS’ inspection strategy focused on the quantity of inspections. The goal was to perform as many inspections as possible each year. In 1997, in an effort to improve compliance, APHIS changed its inspection strategy to one that focused on the *quality* of the inspections. This move resulted in a reduction of the total number

of inspections per year, but allowed more time for in-depth inspections at each individual facility. To support this new quality oriented inspection strategy, a risk-based selection system was put in place (United States Department of Agriculture, 2001).

The risk-based system uses objective criteria such as past compliance history and the type of animals involved to determine the inspection frequency of each facility. Facilities marked as low risk are inspected only once every 2-3 years, where facilities deemed a high risk are subject to inspection every 6 months. Those in the middle are inspected about once per year. In addition, all *research* institutions are inspected a minimum of once every year. If, during an inspection, conditions or records are found that are not in compliance with regulations, APHIS establishes a deadline for correction. If after the established deadline the facility still does not comply, the conditions are documented for possible legal action. APHIS reported in their 1999 Report to Congress that the “new inspection strategy and other factors have resulted in a decrease in overall number of inspections since FY 1997 but a significant increase in the amount of time spent inspecting individual facilities” (United States Department of Agriculture, 1999). And, in their 2001 Report to Congress, APHIS reported that the new risk-based inspection system has allowed them to “provide more in-depth inspections and improve the agency’s interactions with licensees and registrants” (United States Department of Agriculture, 2001).

2.6.2.3 Regulations

The specific regulations that the *Animal Welfare Act* promulgated are documented in the Code of Federal Regulations Title 9 – Animals and Animal Products, in parts 1 through 199. Title 9 defines *minimum standards* for the

conditions of the facilities, the conditions of the animals' primary enclosures, the care of the animals, and the transportation of the animals.

The minimum standards for the condition of the facilities state that a facility must have proper drainage, such that waste and water are rapidly eliminated and the animals stay dry. This drainage system must also be designed to minimize pest and vermin infestation, harmful odors, and disease hazards. Next, they must have sufficient lighting. The lighting must be uniformly distributed, permit observation of the animals, and provide for the animals' well-being in an appropriate way for each species. For dogs specifically, the lighting must provide them with a regular diurnal lighting cycle (light during the day and dark at night), either naturally or artificially (9 CFR 3.1-3.142, 2001).

Next, they must provide animals with adequate shelter from the elements. Shelter is defined as adequate if it protects the animals' health and well-being, allows all animals in the enclosure to be sheltered at the same time, and protects the animals from adverse weather conditions. For dogs specifically, the dog must be able to sit, stand, lie down, and turn around freely in the sheltered area. The sheltered area must have a roof, floor, and sides, must provide protection from wind at the entrance, and must provide the animal with a way to keep warm (9 CFR 3.1-3.142, 2001). In addition, the facility must store food, bedding, and toxic substances in an appropriate manner, must be structurally safe and in good repair, must contain surfaces made only of materials that do not cause injury to the animals, must be kept clean and well maintained, and must protect the animals from extreme temperatures. For dogs, extreme temperatures are defined as temperatures below 45 degrees Fahrenheit and above 85. Temperatures must not exceed these extremes for more than four consecutive hours (9 CFR 3.1-3.142, 2001).

Finally, the facility must be physically separated from other businesses, using a wall, fence, or another means of separation, provide water and power for husbandry needs, have proper ventilation, provide washing facilities for the personnel, and dispose of animal wastes properly (9 CFR 3.1-3.142, 2001).

The minimum standards for the primary enclosures state that the enclosure must be cleaned as often as necessary to ensure the animal's health and well-being. This should prevent contamination of the animal, minimize disease hazards, and reduce odors. For dogs, waste must be removed daily from the enclosures. During the cleaning process, the dogs must not be harmed or distressed. Next, it states that animals stored in the same primary enclosure or near other enclosures must be compatible. Incompatible animals include sick animals with contagious diseases housed with healthy animals, animals that are aggressive toward each other or animals that prevent other animals from accessing food or water. Next, it states that the enclosures must be sanitized as often as necessary to minimize disease hazards. For dogs, enclosures and food receptacles must be sanitized before being used by another animal. Finally, enclosures must be structurally sound and in good repair (9 CFR 3.1-3.142, 2001).

To care for animals, a facility must have a sufficient number of trained employees. A sufficient number is determined by the number and types of animals at a facility. As an exercise requirement, all dogs greater than 12 weeks of age must be given the opportunity for exercise, and the methods for this must be outlined in an exercise plan. Acceptable methods of exercise include housing a dog in an area with at least 200% of its required floor space (defined as twice the space needed by the dog to stand up, lie down, and turn around comfortably), giving a dog access to a run or open area, or positive interaction with humans (walking on a leash, playing ball, etc).

The next requirement in animal care states, “animals must be fed an adequate diet to support their natural condition and weight” (United States Department of Agriculture, 2000). A diet must be discussed with and approved by a veterinarian, and must be fed in sufficient quantity. Next, it is stated that animals must be “handled as expeditiously and carefully as possible” (United States Department of Agriculture, 2000).

Handling of the animals must be done in such a way as to prevent trauma, overheating or excessive cooling, behavioral stress, physical harm, or unnecessary discomfort. Next, a “safe and effective program for the control of pests must be established and maintained” (United States Department of Agriculture, 2000). Pests include mammalian pests, such as rats and mice, avian pests, such as pigeons, ectoparasites, such as fleas, ticks, and lice, arthropods, such as flies and mosquitoes, and arachnids such as spiders. A dealer must also “establish and maintain a program of adequate veterinary care” (United States Department of Agriculture, 2000). The program must include use of appropriate methods to prevent and treat disease and injury, a daily assessment of the animals’ health by observation, and a mechanism for frequent communication between the facility and the attending veterinarian. The facility must consult the veterinarian on issues that effect the animals’ well-being and health. Next, animals in the facility must be given an adequate amount of potable water. The water must be clean and uncontaminated (9 CFR 3.1-3.142, 2001).

Many of the same regulations that exist at the facility exist when the animal is in transit. The animals must be provided adequate food and water, must be transported in a container that is structurally sound and provides adequate ventilation, and that provides adequate space for the animal. In addition, animals within the same enclosure must be compatible (9 CFR 3.1-3.142, 2001).

2.6.2.4 Successes and Failures

In its latest Animal Welfare Report to Congress, the USDA and APHIS reports that in the 2000 fiscal year the percentage of regulated facilities in full compliance was 58% out of a total of 8,773 facilities. This figure is about the same as the 1999 figure of 59% (United States Department of Agriculture, 2001).

One area of significant improvement over the last several years has been in the number and accuracy of dealer trace backs. The *Animal Welfare Act* requires that all dealers keep accurate records of their animals and the original source of those animals. Efforts in recent years have been put toward ensuring the accuracy of those records. The result of these efforts can be seen by the fact that 95% of animals at registered dealers can now be traced back to their original source, where as in 1993 this could be done with only 40% of animals. Tracing animals to their source is important to ensure that the animals are not acquired through theft, and also helps to locate unregistered dealers (United States Department of Agriculture, 2001).

In the 2000 fiscal year, the USDA reported from its registration database 4,612 dealers, 1,265 research facilities, 2,508 exhibitors, 302 in-transit handlers, and 86 in-transit carriers – a total of 8,773 facilities. On these facilities, 11,090 inspections were conducted over the course of the year. From these inspections, 329 legal investigations were initiated and 70 ended with judicial decisions, resulting in \$343,301 in fines collected (United States Department of Agriculture, 2001).

One area of limitation for the *Animal Welfare Act* is the scope of organizations it regulates. It does not regulate retail pet stores or breeders that sell their dogs directly to the public (United States Congress, 2001). This limitation exists for several reasons. First, the original 1966 *Laboratory Animal Welfare Act* was focused only on laboratory facilities. As such, the *Animal Welfare Act* as it stands today is

still heavily focused on protecting research animals. Secondly, small breeders that sell their dogs locally are not regulated. One reason for this may be because APHIS regulates *interstate* operations only.

2.6.2.5 Animal Rights & the Animal Welfare Act

The recent amendments to the *Animal Welfare Act* – namely the 1985 amendments – may be attributed to the success of the animal rights movement. The amendments followed accusations from the newly formed animal rights groups of laboratory animal cruelty (Groves, 1994). Among the amendments was the requirement for the relief of pain and distress – a somewhat vague and hard to define condition.

The regulations added after the 1985 amendments did not, according to many scientists, help to enforce healthier conditions for their animals. In fact, they made it harder for some scientists to treat their animals in ways they felt were appropriate.

In 1994, Julian Groves interviewed 20 scientists and 20 animal rights activists. From his findings, he argued that these problems are caused by “incongruities between the public image of animal cruelty and the everyday situations faced by those who enforce regulations surrounding laboratory animal care” (Groves, 1994). The scientists interviewed felt that the public’s view of animal cruelty was an anthropomorphic view – they wanted animals to be treated like humans. “A major premise underlying the public image of animal cruelty was that animals would suffer in conditions in which humans would suffer” (Phillips and Sechzer, 1989 as cited in Groves, 1994).

Groves gives an example of a bat facility where the bats were kept in filthy, stinky conditions. However, an employee of this facility and a recognized expert on

the echolocation of bats says that this is the way that the bats need to live. Whenever inspectors made him clean the living area, his bats died. The employee told Groves, “My whole career is involved and I don't want to be cruel to them, but that's the way bats live” (Groves, 1994).

The result has been that many scientists have had to break the USDA's regulations to be able to treat their animals in ways they feel are appropriate. This in turn generates public scrutiny of the scientists for breaking these rules and for not treating animals in ways that the public feels are ethical (Groves, 1994). Although both groups have apparent concern for the well-being of the animals, in the end the animals haven't been helped as much as either group would have liked.

2.6.3 Swiss Cantonal Laws

The purpose here is not to understand each canton's laws in detail, but instead provide an overview of the range cantonal laws cover and their prevalence. Due to time limitations and the difficulties of translating laws from three different languages, only a sample of the cantons was covered. These were selected on a geographical basis.

As shown in Figure 4, the cantons surveyed are Bern (BE), Graubünden (GR), Neuchâtel (NE), Schwyz (SZ), Solothurn (SO), Thurgau (TG), Tessin (TI), Valais (VS), Zug (ZG) and Zurich (ZH). Also shown in Figure 4 are the shaded regions that each selected canton is considered to be representative of.

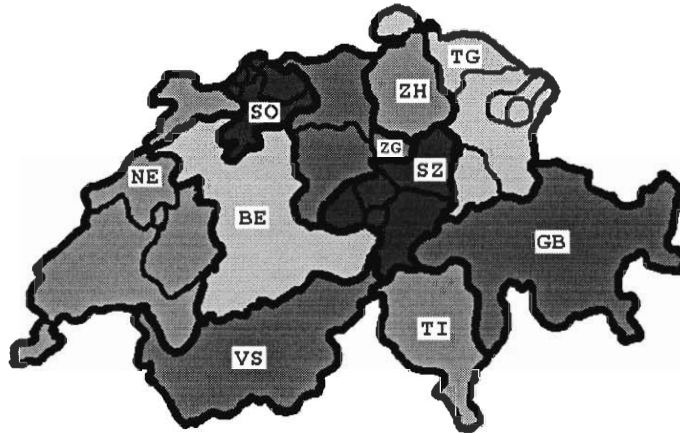


Figure 4: Map of Swiss Cantons

Every canton has regulations which implement the cantonal portions of the federal animal protection laws. Some cantons (Solothurn, Thurgau, Tessin and Zurich) have additional laws regarding dog ownership. Those that do not have dog specific laws are likely to leave those laws to the municipalities. For a complete table listing cantonal regulation numbers, see appendix 2.A.1.

The cantonal portions of the federal animal protection laws are mainly administrative details, such as reconfirmation of the relevant portion of the federal law, the makeup of oversight committees, and repeal of previous animal protection laws. The cantons uniformly and without exception designate that implementation of the cantonal portions of the law is primarily the responsibility of the cantonal veterinary office (Bern, 2001; Graubünden, 2001; Neuchâtel, 2001; Schwyz, 2001; Solothurn, 2001; Thurgau, 2001; Tessin, 2001; Valais, 2001; Zug, 2001; Zurich, 2001).

Those cantons with dog specific laws all implement the requirement that owners pay a dog-licensing fee, and that all dogs must wear identity tags. Dogs under 3-6 months (varies by canton) are exempted, as are seeing eye dogs, police dogs or

dogs in military service (Solothurn, 2001; Thurgau, 2001; Tessin 2001; Zurich, 2001). Tessin also exempts those dogs held for commerce, but the statute does not specify how to determine if a dog is held for commerce, except to say that breeding (*'riproduttori'*) males and females are subject to the licensing fee (Tessin, 2001). Thurgau makes provisions that registered breeders can pay a lump sum based on average numbers of dogs instead of the per dog fee (Thurgau, 2001).

Solothurn specifies that all animal shelters and those dog breeders with more than two female dogs or more than five litters a year must register with the cantonal veterinarian (Solothurn, 2001). Thurgau passes the implementation of the law to the municipalities, and specifies that they should work with both animal protection and veterinary organizations in this implementation (Thurgau, 2001). Canton Zurich gives blanket permission to those implementing the animal protection laws to have access to stalls, spaces, mechanisms, enclosures and vehicles as required for enforcement (Zurich, 2001).

Aside from the licensing requirements, the canton of Tessin makes no further prohibition regarding keeping dogs. The other three cantons implement further restrictions. As an example in Thurgau, the dogs must have appropriate care and tidy accommodations. Both canton Zurich and Solothurn prohibit setting dogs upon humans and animals. In Solothurn, it is forbidden to let dogs run freely or harass others, and in Thurgau, dogs are to be held such that humans and other animals are not to be harmed. In all three, you may not allow dogs to contaminate strangers' gardens, playgrounds, farming fields, paths, sports and training sites. Nor are you allowed to bring dogs in locations such as cemeteries, public baths, churches, hospitals, school buildings, playgrounds and athletic fields, theaters, and grocers' shops (the exact list varies with canton). In Thurgau and canton Zurich, the

environment is to be protected from barking and howling (Solothurn, 2001; Thurgau, 2001; Zurich, 2001).

Dogs that bite must be muzzled and leashed in all three cantons. Dogs prone to running in canton Zurich and Solothurn must be leashed, as well as those that are ill. Leashing requirements also apply to dogs in such places as parks, busy streets, public restaurants, forests, playgrounds and sport site (the exact list varies by canton). Thurgau specifies that the municipalities can specify further locations where dogs must be leashed, but these areas must be clearly marked. Strays can be caught by the police in all three cantons, and must be held for 5 days in canton Zurich and 6 days in Solothurn before they can be reassigned or disposed of (Solothurn, 2001; Thurgau, 2001; Zurich, 2001).

In Solothurn, dogs over five months must be vaccinated for rabies, and this vaccination must be repeated every two years. In all three cantons, dangerously ill dogs are to be eliminated, and the owners are not entitled to compensation in Solothurn and Thurgau (Solothurn, 2001; Thurgau, 2001; Zurich, 2001).

The close similarity of these laws between cantons is not surprising. In the text of the laws, numerous sections are verbatim copies between the cantons.

2.6.4 State Legislation

In addition to the federal laws created through the *Animal Welfare Act*, State and County governments have created laws to regulate dogs and dog breeding. Every state has an anti-cruelty statute defining what is considered cruel treatment of animals and what the punishments are for acting cruelly toward an animal. In most states, cruel treatment is defined to include overdriving, overloading, overworking, torturing, tormenting, depriving of sustenance, beating, mutilating, killing, and other similar

actions. Penalties for breaking these laws range from severe consequences, such as California's punishment of a felony conviction (considered a serious crime and punishable by substantial jail time) and/or up to \$20,000 in fines, to simple misdemeanors (a less serious, petty crime). Several states do not have defined punishments (Rutgers University School of Law, 2001). Although these laws don't explicitly regulate breeders and sellers of dogs, they provide general minimum requirements that every person must fulfill when handling animals.

The states of California, Connecticut, Delaware, Florida, Kentucky, Louisiana, Maryland, Missouri, New Hampshire, Oregon, Pennsylvania, and Washington all have semi-severe punishments, most including a felony conviction. The states of Illinois, North Dakota, Ohio, and South Dakota, have no defined punishments, and the states of Iowa and Wisconsin have very little or no cruelty statutes at all. Most other states have moderate punishments, including conviction of a misdemeanor, small fines, and jail sentences (Rutgers University School of Law, 2001).

2.6.4.1 Sample of State Laws

To get a better idea of the state laws that exist, this section will look at a number of state laws. The purpose is not to understand each state's animal laws in detail, but instead to provide an overview of the topics state laws generally cover, the range of state animal laws that exist, and how prevalent each type of law is. Because there are many states and time was limited, we looked at only a sample of states. To make our sample geographically representative, we split the country into several regions and included laws from one state within each region.

Included in the sample of states were Alabama (AL), Florida (FL), Illinois (IL), North Dakota (ND), Ohio (OH), Rhode Island (RI), Utah (UT), Washington

(WA), Texas (TX), New Jersey (NJ), Kansas (KS), California (CA), and Pennsylvania (PA). The following figure (Figure 5) shows the geographic divisions that were used, with the sampled state labeled within each area.

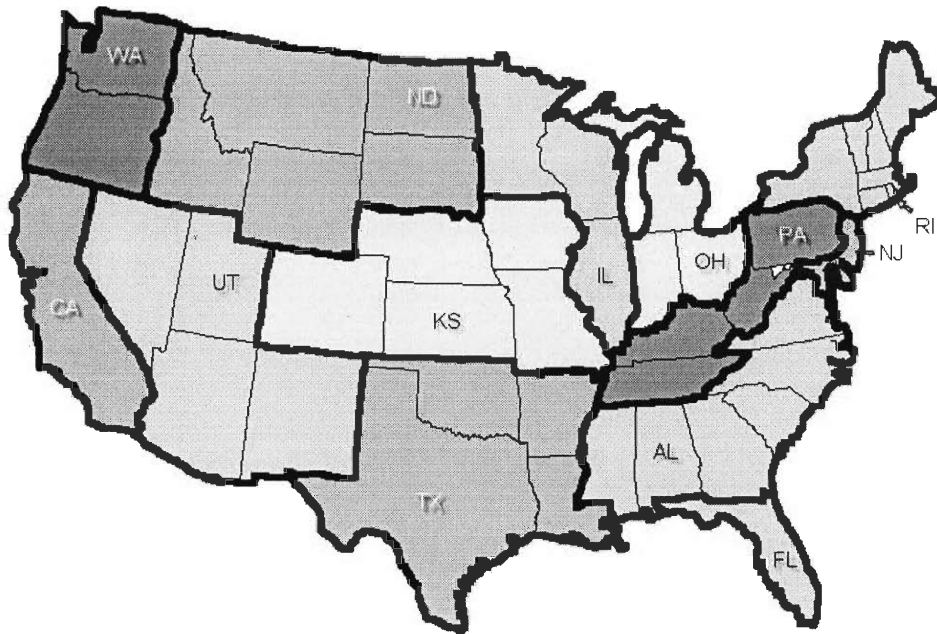


Figure 5: Map of U.S. States

Some laws exist in every, or almost every, state sampled – for example, animal cruelty laws – those prohibiting cruelly torturing, abusing, or neglecting an animal. Other laws that exist in most of the states include animal fighting laws (prohibiting even attending animal fighting events), animal control officer laws (allowing officers to be appointed in charge of enforcing animal laws), and rabies control laws (allowing the state to quarantine a neighborhood to control the spread of rabies).

Laws that existed in more than half of the states include personal defense laws (allowing a person to kill a dog that is attacking him or his animals), animal liability

laws (making a dog owner liable for all damages caused to others by his dog), animal transportation laws (regulating the way animals can be transported), animal poisoning laws (making it illegal to poison animals), neglected animal seizure laws (allowing officers to take custody of animals that appear to be abused or injured), and dog dealer licensing laws (requiring those who deal professionally with dogs to obtain a license, and conform to some minimum standards).

Laws that existed in less than half of the states include emergency care laws (allowing any person who sees an animal confined without food or water for an extended period to enter the enclosure and feed the animal, and expect payment from the owner), population control laws (encouraging spaying or neutering dogs to control the population growth), and animal purchase guarantees (requiring animal dealers to include health guarantees with their animals).

The dog dealer license laws were found in the states of Illinois, Ohio, Rhode Island, New Jersey, Kansas, California, and Pennsylvania. These laws often mandated minimum standards for the dog dealers, breeders, or pet stores, similar to the standards mandated by the *Animal Welfare Act*. These laws often targeted dealers that the *Animal Welfare Act* does not. In Pennsylvania, for example, state inspectors inspect any dealer that has not been visited by a USDA inspector in the last year.

Perhaps the most interesting laws, and the most relevant to this study, are the health guarantee laws, seen in California, Pennsylvania, and Florida. These laws directly affect the practices of breeders.

California has dog guarantee law defined in its *Polanco-Lockyer Pet Breeder Warranty Act*. The act first specifies minimum standards that breeders must adhere to, similar to the USDA standards. It states that breeders must maintain facilities in a sanitary condition, must provide dogs with adequate nutrition and water, must provide

adequate space for the dogs, wash hands before and after handling dogs with contagious diseases, and provide adequate veterinary care. Next, the act defines the conditions of sale and warranty. The breeder must give written statements with each dog sold either verifying that the dog is free of all diseases and hereditary conditions that could adversely affect the dog's health, or listing the conditions the dog has. If the dog has any conditions, the breeder must suggest treatment and certify that the conditions do not put the dog at any serious health risk that requires or will require hospitalization. Penalties are defined for a breeder selling a dog with a known threatening condition. These start with a \$1000 fine or prohibition from selling dogs for 30 days and increasing in severity with each repetition of the crime.

Next, the act states actions a buyer may take if a dog purchased does become seriously ill or a hereditary condition is found. If the dog becomes seriously ill within 15 days after purchase due to a condition existing at the time of the purchase, or a hereditary condition is found within 1 year after purchase, the buyer may return the dog for a refund, exchange the dog for one of equivalent value, or collect reimbursement for veterinary fees. This law defines a breeder as anyone who breeds, sells, or gives away 50 or more dogs in a year. Current legislation proposes to amend the act to cover any breeder that breeds, sells, or gives away all or part of three or more litters or 20 or more dogs. The *Lockyer-Polanco-Farr Pet Protection Act* defines the same warranty requirements for pet dealers in the state (California Health and Safety Code, 2001).

Pennsylvania's dog guarantee law is known as the Puppy Lemon Law, and is defined in the *Dog Purchaser Protection Act*. This law guarantees the health of a dog purchased from a USDA or state licensed kennel or pet shop for up to 30 days. If within 30 days after the date of purchase the dog is determined to have a hereditary

disease, or if an infectious disease is found within 10 days after the purchase, the dog seller must accept the dog back for either a full refund, an exchange, or must pay the veterinary bills to bring the animal back to health (Pennsylvania Online, 2001).

In Florida, a dog purchased may be returned, exchanged, or the owner may receive reimbursement for medical expenses if a licensed veterinarian certifies within 14 days that the animal was unfit for sale due to an infectious or contagious disease, or if the veterinarian certifies within 1 year that the animal was unfit for sale due to a hereditary disorder (Florida State Government, 2001).

These laws give dog breeders and sellers direct incentive to raise healthy puppies through negative reinforcement – the breeder is punished for doing otherwise. Other sources of incentive for dog breeders are consumer incentives. These kinds of incentives often use positive reinforcement as a means to improve conditions. The next section describes how consumer based activism works.

2.7 Consumer Driven Activism

As stated previously, in order to answer the question about what incentives already exist, we broke those incentives down into two groups, mandatory and voluntary. After we looked at what mandatory legal incentives existed and how they came about, we researched what impact voluntary consumer related incentives have and how they can be created.

2.7.1 History of Consumer Driven Activism and Social Labels

Consumer driven activism is the desire to change an existing state of production by altering the consumer's perception of that production process. By

changing the consumer's perception, the producer will be enticed to better his practices in an effort to satisfy his existing customers and to attract new customers. The result of consumer driven activism is often the placement a social label on a product.

“Social labels are words and symbols associated with products or organizations which seek to influence the economic decisions of one set of stakeholders by describing the impact of a business process on another group of stakeholders” (Zadek, Lingayah, & Forstater, 1998). These labels provide information to both producers and consumers, as well as creating incentive to improve the impact, both socially and environmentally, of production and trade (Zadek, Lingayah, & Forstater, 1998).

These social labels have two effects on consumers, called the “window effect” and the “mirror effect” by Zadek, Lingayah, & Forstater (2001). The Window Effect is so termed because it provides a window into how the product was produced. That is, it provides the customer with knowledge about the different methods that companies employ to create a product. Through this presentation of methods, the label also identifies which process is acceptable, and which processes are not. For example, for a label promoting dolphin safe tuna, consumers may be shown the horrors of dolphins being caught with tuna and then being packaged with the tuna. Then, consumers would also be shown how the labeled product ensures that no dolphins are being caught and being packaged for consumption.

The mirror effect is so termed because the label acts as a mirror for consumers, allowing them to see themselves as they wish to be seen. This empowers the consumer to use the label as a form of self-expression and a reflection of personal

awareness. The mirror effect enables people to associate with certain characteristics through the products they buy.

In economic terms, [social labels] change consumption patterns by shifting consumers' balance of costs and benefits of finding, buying, and using goods and services. As one study by the National Consumer Council concluded, "...use of 'green' detergents and cleaning products was almost a credential for judging environmental awareness" (Zadek, Lingayah, & Forstater, 1998).

Although it is obvious that these labels directly impact the participating producers, what may not be obvious is the impact that social labels can have on non-participating producers in one particular area. This impact may be negative or positive, as shown in Figure 6.

How Labels Can Impact Producers		
Impact	Explanation	Conditions
Positive	Label provides market Leverage to improve Standards in the supply chain	- Label's standards are higher than current practice, <i>and</i> - Labels succeeds in conferring market advantage
No Impact	Label makes no difference to producers/workers	- Label standards do not exceed current practice, <i>or</i> - Label is ignored, <i>or</i> - Label is not financially viable
Negative	Label has negative Effects on participating producers/workers	- Label leads to lowers standards not covered by criteria e.g. minimum wage may be offset by forced overtime, <i>or</i> - Beneficiaries displaced e.g. child labor from inspected factories, <i>or</i> - Label leads to fall in market share (e.g.: if it undermines consumer confidence through scares or confusion), <i>or</i> - Compliance with criteria is an unmanageable burden

Figure 6: How Labels Can Impact Producers

(Adapted from Zadek, Lingayah, & Forstater, 1998)

Social labels can also be referred to as value based certifications. "A value based certification is an independent certification or verification of the social and/or environmental practices of a company's products or services for the purpose of communication to consumers or other stakeholders" (Skov, 2001). The most

commonly recognized examples of this phenomenon are seals of approval. The main focus of a value-based certification is the production characteristics for a product instead of the characteristics of the product itself. These certified products seek to meet environmental and social standards, thus creating desired changes by way of the market, as opposed to the legislative approach. In order to implement a value-based certification, Skov states that there are three necessary components: “a framework of credible knowing; an authentic brand; and resources for ongoing operation and autonomy” (2001).

2.7.2 Creating a Value Based Certification

A framework of credible knowing communicates correct and meaningful information through the entire production process, from producer to consumer. This initial component begins with gathering the correct information and then discerning how to implement that information. Through these two steps a “form of right conduct” (Skov, 2001) is created. This form is then applied to the production process. Effective indicators and meters must be introduced so that progress feedback can be measured. This will also provide the producer with information on the production process. These indicators can help to maintain and mark performance standards. The final element necessary in this framework of credible knowing is a chain of custody (Skov, 2001). Through this chain of custody, integrity of the performance standards is ensured by a series of checks throughout the supply chain (Skov, 2001).

The second component of a credible value based certification, an authentic brand, “serves to communicate [to consumers] the adherence to the framework of credible knowing” (Skov, 2001). This creates in the consumer a sort of mental shorthand that allows them to associate the product with certain values and standards.

This also allows the consumer to make a decision based on values at the time of purchase, and expresses to the consumer knowledge as well as trust (Skov, 2001).

Finally, the third component that is necessary for a value-based certification is the resources for on-going operation and autonomy. These resources are necessary in order not only to create the standards, but also to periodically revise those standards, to monitor the production, and to track the chain of custody. This requires financial resources and as well as manpower. The financial aspect is most commonly taken care of through a fee-for-service model or with outside funding provided by foundations (Skov, 2001).

In order to have an effective social label, you must have several factors present. These factors are relevance, clarity, trust, accessibility, accuracy, financial and legal viability, and impact (Zadek, Lingayah, & Forstater, 1998). These factors and their meanings are set out in Figure 7.

Characteristics of an Effective Label	
Relevance	Is the issue important to the consumers and intended beneficiaries ?
Clarity	Do consumers understand the label?
Trust	Do consumers, producers and beneficiaries believe in the legitimacy of the label and the way it operates?
Accessibility	Can consumers buy labeled products? Can willing producers participate in the initiative?
Accuracy	Can producers participating in the initiative be assured that the label's claims are verified?
Financial Viability	Is the label consistent with the financial goals of participating producers ? Does it add additional assurance to that contained in the brand? Are consumers able to afford labeled products?
Legal Viability	Will participating producers be acting within national and international regulations?
Impact	Does the labeling initiative have a 'positive' effect on beneficiaries ? Do these outweigh potential negative side effects?

Figure 7: Characteristics of an Effective Label

(As adapted from Zadek, Lingayah, & Forstater, 1998)

2.8 Summary

We have created an exploratory case study regarding concerns over dog breeding practices and what is being done to address these concerns. Through this

case study we have sought to answer three questions: why are there concerns for dog breeders to use humane and scientifically based practices, what incentives currently exist for breeders to use such practices, and what can be done to address these concerns. These questions could not be fully answered without extensive background information, and this information came from six areas: scientific facts, perceptions and beliefs about dogs, laws and legal framework, voluntary programs, and dog breeders.

Dogs' behavior and physiology is affected from the earliest stages of development. Because of this it was important to look at the physical aspects of reproduction in dogs and what it entails. The four stages of the reproductive cycle, as detailed in this literature review, include proestrus, estrus, diestrus, and anestrus. These stages encompass times that a female dog can become pregnant, changes that are evident therein, and the physical down time that a female needs in order to recover from pregnancy. However, before a dog even becomes pregnant, there are genetic ramifications that need to be considered. One side of the genetics debate emphasizes the potential of achieving desired results in puppies through the practice of inbreeding, while the opposition sites potential hazards that are inherent in this practice. The level to which line breeding is acceptable was not determined through the literature.

Perceptions and beliefs about dogs' place in society are also a cause of concern. How dogs are viewed has changed from objects and tools to the current perception of dogs as companions and extensions of self. This change led to the roles that dogs serve in today's society, such as friends and partners, sources of self-identity and esteem, facilitators of human interaction, and sources of childhood development. This view of dogs contains decidedly human and personal characteristics, which has

led to the anthropomorphization of these animals. One human notion that is often applied to animals is the concept of rights. Animal rights stem from the Darwinian premise that we are all descended from common ancestors, and consequently there is no basis for stating that humans are the only living beings that have intrinsic rights. Many animal protection groups have formed around these concepts.

Animal protection groups form a continuum of three groups. Fundamentalists that believe in absolute rights of animals, pragmatists that believe animals deserve moral consideration, and welfarists that believe that animals are capable of feeling pain and thus deserve protection, but that also draw a distinct line between humans and animals. The extremists of these animal protection organizations are against dog breeding for any purpose, because they believe ownership of pets violates the rights of the animal. Both the scientific facts and the views toward dogs strongly influence these groups' positions.

These groups, through their positions, affect the incentives that exist. There are two types of incentives: mandatory and voluntary. Voluntary incentives include consumer preferences, profit, personal views toward dogs, and breed club regulations. Mandatory incentives are those that are introduced through legislation. Knowledge of the legislative processes in both the U.S. and Switzerland was necessary to gain an understanding of how these legal incentives were created. Although the composition of both governments is fundamentally the same, the premises that underlie the governmental workings are entirely different. While the United States employs a system based on conflict, where small interested factions can effect the passing of laws, Switzerland employs more of a compromise based system.

Once an understanding of these systems was reached, it was possible to use the existing animal welfare laws and the history of these laws to ascertain how groups

affect the legal incentives. In the U.S., specific events have, through the years, induced more regulations and extensions to the federal *Animal Welfare Act*. These changes to the AWA included additions made to the specific bodies covered and to the types of animals protected. In Switzerland, the federal animal welfare laws, the *Tierschutzgesetz* and the *Tierschutzverordnung*, have remained relatively consistent since its enactment. Instead of covering only specific groups and animals, it encompasses everyone and all vertebrates in Switzerland, with special clauses relating to specified groups.

Another aspect of legal incentives is laws on the state and cantonal level. In the U.S., many states enact further restrictions in addition to those mandated by the AWA. However, since these laws are decided on a state by state basis, they are varying in their degrees of strictness. Some states, such as Pennsylvania or California, have laws that require a puppy warranty. These laws mandate that sellers must address the issue of puppies with health defects, even after a sale is completed, whereas other states have no apparent laws regulating breeders and sellers. On the cantonal level in Switzerland, there are relatively few additional regulations complementing the federal animal welfare laws, aside from a few licensing requirements.

As opposed to mandatory incentives, voluntary incentives are presented in programs stemming from consumer driven activism, which employ tactics such as social labels that seek to influence economic decisions by elucidating the acceptability of production processes. In short, consumer activism can be implemented through a value based certification which establishes that a product has more value because it was produced through practices which are better than the standard.

Chapter 3

METHODOLOGY

Our project goal was the completion of a comparative case study between the United States and Switzerland focusing on the concerns over dog breeding practices and what was being done to address those concerns. In order to attain this goal we employed two techniques. These techniques were content analysis of group publications as well as interviews of veterinarians and dog breeders.

3.1. Content Analysis of Published Opinions

Groups, clubs, and organizations are formed by people with common interests or goals. Those relevant to this study are influenced by the science of dog breeding and views toward dogs. To understand what topics those interested in dogs and dog breeding were concerned about and how these groups acted to address those concerns, we studied the opinions of various interest groups.

There were several advantages to studying these opinions. Published group opinions are readily available and easy to obtain. Additionally, since interest groups represent a large spectrum of views, through them we were able to incorporate the full range of views into our report.

Through researching the published material of these frames we examined the concerns of each one, to assist in answering the question “why is there a concern?” Since these frames also affect laws and consumer driven programs, researching them added complementary information to answering the question of what incentives already existed. In addition, understanding the motives of these bodies allowed us to realize how these groups might respond to changes – information important in answering the question of “what can be done to address these concerns?”

The analysis proceeded by first ascertaining what types of groups existed that might have concerns about dog welfare, and particularly dog breeding practices. The

categories that we chose to study were fourfold. These categories were dog fanciers, federal humane organizations, local humane organizations, and extremists. In each of these 4 categories we picked two groups, one from Switzerland and one from the United States, to analyze. Figure 8 shows the chosen groups in each category for both Switzerland and the United States.

Groups and Organizations Chart		
Category	Switzerland	United States
Fanciers	Swiss Kennel Club (SKG)	American Kennel Club (AKC)
Federal Humane	<i>Schweizer Tierschutz</i> (STS)	American Society for the Prevention of Cruelty to Animals (ASPCA)
Local Humane	<i>Zürcher Tierschutz</i> (ZTS)	Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA)
Extremists	<i>Verein gegen Tierfabriken</i> (VGT)	People for the Ethical Treatment of Animals (PETA)

Figure 8: Groups and Organizations Chart

For each of these groups we obtained their official public views on dog breeding, position statements directed toward dog breeders and dog buyers and views on dog breeding legislation. This information was gathered from brochures and websites.

The method we employed to analyze this information was content analysis. Content analysis is systematically and objectively identifying themes within communications and literature. Formal content analysis consists of collecting data, reducing that data on the basis of relevance to the project, validating of the data by testing for correspondence in information between different gathering methods, and creating and testing hypotheses in regards to other data. In order to do this, a set of rules must be created to be applied when analyzing the literature. From these rules, another researcher should be able to apply them and come to the same conclusions (Frankfort-Nachmias & Nachmias, 1996).

3.1.1 Rules for Content Analysis of Published Materials

In order to have a valid method for analysis of these published opinions, we needed to create a set of rules that any researcher could follow to achieve the same conclusions we did. To accomplish this we first defined exactly what published material we would analyze and then the process we would follow to obtain and utilize this information.

The material that we sought to analyze was broken down into two categories, *position statements* and *advice*. Out of the first category, we searched for material pertaining to animal related laws or dog breeding practices. For the advice category, we searched to see if these groups published advice for dog breeders or potential dog owners or buyers. After we obtained this information from the designated group's website and published brochure, we began the analysis. The analytical technique we applied to accomplish this was *thematic analysis*.

Thematic analysis consists of discerning what themes appear in each category and the frequency with which those themes occur. With position statements we looked primarily at the reasons they gave for being *in favor of* or *opposed to* a particular law or breeding practice. For advice, we looked for what topics they addressed and what objections they made to dog breeders and buyers. We then looked to see if the reason why they gave this advice was evident.

This content analysis of published opinions may not be entirely effective because a group's concerns may not match the concerns that are truly prevalent within their country. We were able to account for this by using the additional method of interviewing as well as by gathering extensive background information on this subject. By asking both breeders and veterinarians what they felt the dominant concerns were we could ascertain which concerns were truly prevalent.

3.2 Interviews

We complemented the information we received from content analysis through interviews with dog breeders and veterinarians. Interviews allowed us to obtain a large amount of in-depth information from particular people. By wording the questions carefully, we obtained the specific information we required, with relatively little unnecessary information.

Veterinarians are a valuable source of information since they treat and see many different types of dogs, and interact with many different dog owners. Their professional opinions are therefore not only medically founded but also relate to experience with a wide range of people and animals. Questions asked of veterinarians related to their medical opinions of dog breeding science, their opinions on laws and organizations, and the attitudes of their clients. This aided in answering the question of whether there was a concern over the lack of incentives for dog breeders to use humane and scientifically based practices by illuminating what “humane and scientifically based” was, as well as what others were concerned about.

Interviewing breeders provided us with information regarding what influences breeders to use particular practices. Questions asked of dog breeders related to breeders’ attitudes toward dogs, their breeding practices, their motives in breeding dogs, their opinions toward organizations, how much consumer desires affected their breeding practices, and how well breeders knew and followed the current laws and regulations. This gave us a realistic view of the incentives that already exist for breeders, and how valuable these incentives are. If there were no incentives, or the incentives lacked value, the concerns over the lack of incentive had basis in fact.

In order to have an effective study, we needed to choose interviewees such that our sample group had relevance to our topic. In order to accomplish this, we

employed convenience sampling, which consisted of contacting guides within both the veterinary and breeder communities of both countries. These guides then put us in contact with potential respondents in their particular community. The benefit of convenience sampling is not only the ability to gather information, but the ability to obtain depth of meaning within the information. However, the drawback is that the sample group is not representative of the population interviewed, and over accounts for extremist views.

The interview type we conducted was the semi-standardized interview:

This type of interview involves the implementation of a number of predetermined questions and/or special topics. These questions are typically asked of each interviewee in a systematic and consistent order, but the interviewers are allowed freedom to digress; that is, the interviewers are permitted (in fact expected) to probe far beyond the answers to their prepared and standardized questions (Berg, 2001, p. 70).

The semi-standardized construction provides a consistent set of responses, but freedom to pursue topics of interest in depth.

The finalized list of interview questions came about after an extensive revision process. In order to create these questions, we had to first decide what specific information we wanted. We then had to word the questions so that they were not offensive to avoid creating tension between the respondent and the interviewer. This was done through pre-testing the questions on our sponsor, who is a member of the Swiss veterinary community. See appendix 3.A.1 and 3.A.2 for a complete list of interview questions.

As with any type of interviewing, the negative aspect of our sampling method is primarily that it provided us with only a small sample of opinions. However, we minimized the drawback of small sample size by triangulation with content analysis of group opinions and correlation between interviews. We correlated the interviews

by having questions of overlapping scope; both the breeders and the veterinarians answered questions on similar topics during the interviews.

Within qualitative studies, the two forms of error inherent in interviewing are measurement error and coverage error. Measurement error occurs when the interviewer misinterprets what the respondent is saying. This was accounted for by repeating answers back to the respondent after each question. Coverage error is failing to contact all the subsets within the interview frame, thus getting a biased view of the frame as a whole. Because we employed convenience sampling, the people that we interviewed wanted to talk to us, which meant they had opinions that were manifest, stable, and active. This means that our respondents had definite opinions that they had already thought about. These opinions are not changing and the respondents are willing to act upon them. Due to the sampling method, we were not able to interview those people with latent, changing, or inactive views, and because of this we have coverage error within our study.

Interviews may also contain error due to misrepresentation or to interviewer-introduced bias. Misrepresentation is outright lying or failure to give the complete truth, primarily due to failure on the part of the respondent to see a compelling reason to answer completely and truthfully. This was avoided by developing a rapport with the respondent through our introductory statement as well as digressions into subjects of interest of the respondent. Interviewer-induced bias is the tendency for the interviewer to subtly prompt the respondent to give an answer that conforms to the perceived opinion of the interviewer. By pre-testing the questions, we saw where we were leading the respondent, for example with questions which were written in a way which were biased toward a particular answer.

Chapter 4

RESULTS AND DISCUSSION

4.1 Legal Comparison

The laws that have been enacted in the United States and Switzerland give an accurate picture of the legal incentives that dog breeders have. Additionally, these laws serve as a record of the concerns that people have had in the past, as laws are enacted when people are concerned enough about an issue to gain the attention of their legislative body. However, before comparing the legislative differences between the two countries, it is best to understand the different legal structures underlying them so as to understand the foundation on which these laws were built.

4.1.1 Legal Structure

The governmental systems of Switzerland and the United States are substantially the same. Both are composed of three branches of government, namely legislative, executive and judicial. However, the relationship between these divisions is fundamentally different between the two systems. In the United States, there is a clear division of powers between the three branches of government. These powers are constructed to serve as a check against another branch of government exercising power beyond its bounds. Switzerland has less separation of powers, relying more on cooperation between the branches of government. It is instead the referendum which serves to keep the government from exceeding its authority.

In both countries the legislative branch is composed of two houses. One house is based on popular representation, while the other is based on equal representation of the member states. The reason for this split is different in each country. In the United States this division was a result of the conflicting desires of the large states that wanted power proportional to their size, and the small states, which feared not having a voice due to their small population. To accommodate both, the two types of

representation were employed, each in separate houses with equal power. Switzerland's two-house representation is bicameral not only to balance the power of small and large cantons, but also to satisfy a conflicting desire. The cantons are treated as sovereign entities, and as such should have equal representation in the federation. However, the Swiss view power as stemming directly from the people, and as such require that each citizen should have equal representation in the federation.

There is also a significant difference in the way Switzerland and the United States elect members to their proportional legislative body. The United States divides each state down into congressional districts and elects one representative from each district in a winner-take-all contest. The Swiss instead employ direct proportional representation within each canton. For example, instead of creating ten districts within a canton and electing a member from each district, the canton would elect ten representatives from within the whole canton. Each party would be represented among the ten in proportion to the percentage of votes the party received. This proportional representation system opens up the government to smaller parties that may not have the density of population within a particular area to receive a majority vote in that area, but do have sufficient numbers within the canton to elect a representative.

There is also a substantial difference in the judicial branches of both governments. The United States Supreme Court's primary purpose is to review the constitutionality of laws. This serves as a final check on all laws, and ensures that the legislative branch has not overstepped its bounds in passing a law. The Swiss judiciary has no such power. Instead, the popular initiative and referendum serve as a

final check to excesses in legislation. This corresponds to the Swiss ideal that the true power rests with the citizens, and does not come from the government.

4.1.2 Federal Laws

The Swiss Federal *Tierschutzgesetz* and *Tierschutzverordnung* (TSchG/V), as well as the United States *Animal Welfare Act* (AWA), regulate conditions that are employed in keeping animals. Both sets of laws require that animals that are kept in the open have a means of protecting themselves from the elements. However, the TSchG/V emphasizes that the shelter should not harm the animal or over-tax it in any way, whereas the AWA stipulates specifics such as the existence of a roof, sides, and protection from wind. Both specify that the shelter should be large enough that dogs can stand up and lie down, and the AWA further specifies that dogs must be able to sit and turn around as well.

Both regulate the environmental conditions dogs can be exposed to, including items such as lighting, temperature, ventilation, and warmth. The construction of the enclosures must be appropriate to the type of animal, be structurally sound, be constructed in a manner as not to cause injury, and have adequate drainage. Animals kept in groups must be kept such that all members are considered. Specifically, separate housing is required for those animals which are aggressive toward each other. They also specify that animals must get enough of the appropriate type of food and water.

In both countries, facilities need to provide sufficient numbers of trained employees, sufficient being determined by the number and type of animals in the facility. These employees need to prevent, examine for, and correct any disease or injury. In Switzerland, there is a nationwide licensing system for the animal

caretakers, but licensing is not required in cases where the animals are easy to take care of.

The two countries are quite similar with regards to transportation, requiring much the same treatment as in other situations. Adequate food, water and ventilation must be provided, and transport must happen in structurally sound containers that provide adequate space. Handling is to take place with consideration of the animals such that excessive trauma, behavioral stress, physical harm or unnecessary discomfort does not result. Switzerland specifies that animals cannot be transported unless they can be expected to survive the journey without harm.

Although similar, the two laws do have major differences. They each emphasize particular issues which are not covered in as much depth in the other country. The AWA has a significant amount of regulation relating to the cleanliness of the facility. It requires that food, bedding, and toxic substances be stored appropriately, and that facilities are constructed to minimize pest and vermin infestation, with a detailed list of which pests and vermin need to be controlled. Waste must be removed from dog enclosures daily, and the enclosures need to be sanitized to prevent disease before another animal uses it. Facilities must have wash areas for personnel and must dispose of waste properly.

In contrast, Switzerland concentrates more on activities that cause animals suffering, such as abuse, neglect, and torment. For example, the TSchG/V regulates what collars can be used on dogs, and prohibits docking dogs' ears and tails. The TSchG also bans animal fights, portraying animal fights in films or movies, and striking or crushing animals on the eyes, tails or genitals. In the United States, these types of laws are not covered by the AWA, but rather left to the individual states.

This change in focus is most likely due to the differences in the way the laws came about. The United States legal structure is such that regulations are strongly influenced by interest groups. The AWA was passed because certain interest groups (animal rights and animal welfare groups) seized upon specific events like the cases of Pepper and the Silver Springs monkey incident. The use of graphic pictures was employed to create outrage in the public over these events. In response to this outrage, the United States government was pressured into passing laws. Other interest groups (animal researchers, breeders, agricultural dealers) opposed these stricter regulations, and worked to minimize their effects. The laws were thus reduced to the minimal implementations possible which would quell public and interest group indignation.

The range of animals that are regulated by the laws is also substantially different. The AWA regulates specific classes of animals. These are “all warm blooded animals that [are] going to be used for research, exhibition, or as pets at the wholesale level” (Schwindamn, 1996). On the other hand, the TSchG regulates all vertebrates, both warm blooded and cold blooded, in *all* uses, and allows the Federal Council to add additional animals to the regulated body at their discretion.

The people that are regulated are also different between the two countries. The AWA only applies to five categories of people:

- (1) Research facilities receiving grants from the United States government
- (2) Dealers who buy, transport, or sell animals for teaching, exhibition, hunting, security, breeding, or as a pet, but excluding retail pet stores
- (3) Exhibitors in commerce, but not local fairs and livestock or pet exhibitions which are intended to promote the agricultural arts and sciences
- (4) Handlers concerned with animal transport in commerce, and

(5) Commercial carriers such as airlines

In contrast, the basic principles of the TSchG/V apply to all people who have animals. Additional requirements apply to research and transportation any time such activities take place. In the text of the TSchG/V there are exceptions for local fairs and exhibitions, but this is merely an exception to the requirement for registering the event with the Cantonal Veterinarian, not an exemption from the remaining requirements of the TSchG/V.

Again, this is likely a result of how the two laws were enacted. As was discussed in the history of the AWA, the laws in the United States were enacted in a piece-meal fashion as the result of specific incidents. The case in Switzerland was much different, since the TSchG/V was enacted in fundamentally the same form it is in today. The AWA was never intended to be an all-encompassing animal protection bill as the TSchG/V was. Instead, its intent was to enact specific regulations to stop certain events from recurring. This expresses itself most clearly in whom it covers. The TSchG/V covers everyone, unless specifically exempted, whereas the AWA intrinsically covers no one; it is only through the legal inclusion of a specific group in a particular circumstance that someone becomes regulated by the AWA.

4.1.3 State and Cantonal Laws

Upon examination, it is evident that state laws regarding dogs are more extensive than their Swiss counterparts. Specifically, the state laws deal much more with both anti-cruelty statutes and dog licensing issues. The sampling method employed, along with the difficulties in locating the relevant cantonal laws, does not allow us to examine this trend in-depth. However, a guess as to the cause of the difference can be made. It is likely that the cantons do not legislate this issue

extensively because such regulations are taken care of at different legal levels. Specifically, the TSchG/V, unlike the AWA, deals with cruelty to animals and acceptable treatment of all categories of animals. The cantonal laws therefore do not have to repeat these basic standards, since they already are covered at the federal level. Some cantons may enact further ordinances to increase the level of protection afforded to animals, but most will see the federal laws as sufficient. If the majority did not, the federal laws would likely change to accommodate the majority opinion.

The dog licensing laws are not present at the cantonal level for the opposite reason. In this case, the cantons have likely passed the implementation of the licensing restrictions on to the local municipalities. For example, the canton of Thurgau passes the implementation of the canton-wide dog owning regulations on to the municipalities. Even in cases where the dog licensing laws are enacted and enforced on a cantonal level, the cantons pass the revenues from the dog licensing fees back to the municipalities. Other cantons may simply leave the municipalities to enact and enforce licensing laws on their own.

4.1.4 Laws in the United States and Switzerland

Upon examining the laws and governmental systems in both the United States and Switzerland, a substantial difference became clear. The United States and Switzerland have the same mechanisms for enacting laws, but have fundamentally different philosophies behind legislative enactment. Switzerland is a system based on compromise, whereas the United States bases its legislative system on conflict. The effects of this difference are the scope of laws and whom the laws cover.

As a result of the Swiss system of compromise, once a general agreement is reached a law can be made to support that agreement and to cover the whole country.

This is why the animal welfare laws in Switzerland stipulate regulations regarding all dog ownership and treatment within the country. In the U.S., the basis of conflict results in a constant volley between opposing parties, allowing only the most salient points to achieve fruition. The result of this is that the animal welfare laws cover only specific people and do not make sweeping stipulations as in Switzerland.

4.2 Content Analysis of Published Group Opinions

Not only do interest groups play a significant role in influencing the United States legal system, but the views groups express are also an indicator of concerns present in society. Due to this fact, we looked into both U.S. and Swiss interest groups and then used the information gathered to aid our comparison of the two countries. The results in this section cover four groups in each country, each belonging to a different category. These categories are dog fancier groups, national humane societies, local humane societies, and extremist groups. The U.S. groups included the American Kennel Club (AKC), American Society for the Prevention of Cruelty to Animals (ASPCA), the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA), and People for the Ethical Treatment of Animals (PETA). The Swiss groups included the *Schweizerische Kynologische Gesellschaft* (SKG), *Schweizer Tierschutz* (STS), *Zürcher Tierschutz* (ZTS), and *Verein gegen Tierfabriken* (VGT).

4.2.1 Dog Fancier Groups

For the analysis of dog fancier groups, we looked at the American Kennel Club (AKC) in the United States, and the Swiss Kennel Society (*Schweizerische Kynologische Gesellschaft*; SKG) in Switzerland. The AKC literature we analyzed

included position statements on various laws and breeding practices, an advice brochure to breeders, and three pamphlets giving advice to dog buyers. The SKG literature analyzed included a pamphlet directed at dog buyers, an article on the history and future of purebred dogs, and a position statement on pending legislation regarding the Swiss animal rights initiative.

Both the AKC and the SKG emphasize the point that dogs should be bought from responsible breeders by responsible owners. They also emphasize the point that responsible breeders breed solely to improve the breed and *never* for profit. To improve the breed, breeders must be knowledgeable about dogs and breeding, and must consider the genetic ramifications of breeding. The AKC considers their breed standard to be the soul objective when improving the breed. However, the SKG mentions that in the past, and also in some cases currently, the breed standard has been unrealistically extreme. The knowledge of genetics should be used to correct the defects incurred by those misguided breed standards.

This difference may be due to several factors. One possibility is the social environment of each group. The AKC has to deal with extremist groups, such as PETA, which dislike all dog breeding and will view any admission of past error on AKC's part as a sign of weakness. The SKG is not confronted with such extreme attacks, and as such does not need to be unequivocal in their position. This willingness to compromise may also be related to cultural differences. As we have seen before, the Swiss prefer compromise and concordance. For compromise to work, all parties must be willing to accept that the opponents have valid concerns, even if they view them as incorrect. In a *winner-take-all* conflict based system, it is advantageous to be absolute, belligerent and uncompromising, as those who are uncompromising the longest will be the ones who get their way.

A final reason for this difference may be due to who has authority over the breed standards in the different countries. The SKG is a member of FCI (*Fédération Cynologique Internationale*), the international kennel club. Within the FCI, breed standards are the responsibility of the country designated as the origin for the breed. Although there are 300 breeds recognized by FCI, only eight are the responsibility of the SKG. The AKC is not a member of the FCI. Its breed standards were created by the national breed clubs, which make up the AKC. Therefore, the AKC cannot simply state that breed standards are a problem, because doing so would, in the eyes of their opposition, show weakness and would be another point against them.

According to the AKC and the SKG, responsible breeders must also ensure that dogs go to homes with responsible owners. The responsibilities of breeding include personally selling the dogs, and not marketing them through retail pet stores or auctions. There is a strong implication in both groups' literature that responsible breeders are always members of the AKC or SKG. Both groups oppose "random large scale breeding for commercial purposes" (AKC, 2001).

The two fancier groups state that responsible owners only buy dogs from responsible breeders. These owners seek out education before buying a dog and inform themselves regarding the requirements for owning a dog. According to the AKC and the SKG, the main characteristic defining responsible owners is the recognition that ownership is a long-term commitment requiring a large amount of time and effort. The AKC stresses the fact that dogs are individual creatures and that no general recommendations can be made as to which breed of dog is most suitable for a particular owner.

Neither the AKC nor the SKG are in favor of mixed bred dogs. Both refer to the uncertainty that comes with a mixed breed as opposed to the predictability of

purebred dogs. However, the AKC gives a strong negative impression of mixed breeds, bluntly calling the belief that mixed breeds are healthier than purebreds a “myth” (AKC, 2001), whereas the SKG instead merely states that the health of mixed breeds is an undetermined issue due to the lack of any health registry for them.

This is a subtle difference. Both clubs prefer purebreds, and dismiss the idea of mixed breed vigor, but the way in which they dismiss it is substantially different. The AKC takes on a more absolutist stance, unequivocally calling the idea of mixed breeds being healthier a myth. The SKG tempers this disapproval by saying that there is no proof to support the assumption that mixed breeds are healthier. Again, this may be indicative of differences in the cultural attitude of the two countries. The Swiss ideal of compromise requires the SKG to permit discussion about the issue. The U.S. ideal of conflict opposes that flexibility, instead requiring an immovable absolutist position that protects against an opening for attack by an antagonistic group.

From the literature analyzed, the AKC and the SKG have differing views toward legislation. The AKC supports laws that are reasonable, enforceable, and not breed specific. In particular, they are in favor of laws that help dogs and buyers, and promote responsible pet ownership, such as leash laws, clean-up laws, and puppy lemon laws. They are opposed to laws that restrict the freedom of responsible breeders and owners to breed and own dogs of their own choosing. These laws include breeding permits, breed bans and spaying and neutering laws.

The SKG does not go into much depth in their published material as to their positions on laws. However, the SKG advocates that Swiss law be changed to recognize that animals are sentient creatures. Animals should not be subject to the same laws as inanimate objects, but rather should be afforded protection as living beings. However, the limited scope of this position more likely reflects the scope of

the analyzed materials. The only reference to the SKG's opinion on laws was its positive position on a particular piece of legislation, the popular initiative: *Tier sind keine Sachen*, translated as "animals are not objects."

4.2.2 National Animal Protection Societies

In the analysis of national animal protection societies, we looked at the American Society for the Prevention of Cruelty of Animals (ASPCA) in the United States, and the Swiss Animal Protection Society (*Schweizer Tierschutz*; STS) in Switzerland. The ASPCA literature analyzed included position statements on legislation, advice to potential dog owners, and certain advice on dog breeding. The STS literature analyzed was a pamphlet directed at dog buyers, a checklist on the how well dog owners keep their dogs, and a brochure directed at dog buyers.

Both the STS and the ASPCA agree that the preferred method for obtaining a dog is through a local animal shelter or rescue league, and suggest buying from a breeder only after obtaining a dog from a shelter is considered. If a dog is purchased from a breeder, the purchaser must make sure it is a responsible breeder. As with the breed registries, both national humane organizations agree that responsible breeders only breed to improve the breed, and not to make a profit. STS goes on to specify that responsible breeders care about the health and living conditions of the dogs, and are not afraid of inspection because they employ acceptable conditions.

Both groups state that responsible breeders do not mass-produce pets, but rather breed only a few pedigreed dogs. A responsible breeder also seeks to answer any questions the owner may have, and only places the puppies in good homes with follow-up checks to see that the puppy is doing well.

Both organizations imply that ownership is not for everyone, and should only be undertaken by responsible owners. A responsible owner knows that they should only obtain pets from responsible breeders, and not through pet stores, roadside vendors, or as contest prizes. The ASPCA explicitly states that buying a pet on impulse does not encourage responsible pet ownership. Both groups mention that the needs of the family should be carefully considered before getting a pet, as well as the needs of the dog. The STS further mentions that buyers should be willing to pay extra for a quality pet.

Both the ASPCA and STS point out the disadvantages of having a dog, such as the time, effort and monetary costs, and emphasize that owning a dog is a long-term commitment. The STS further emphasizes three things: that education is an important component of dog ownership, that dog owners should seek out information through owner and pet training programs, and that dog owners should visit multiple breeders before buying a dog. Both of the humane groups state that breeding is a responsibility which requires vast amounts of knowledge.

The ASPCA and the STS insist that the well-being of the animal should be considered and unnecessary pain or suffering must not be inflicted on animals. The ASPCA maintains that the custodians of the animals must be held responsible for the well-being of their animals. This includes reporting abuse, handling animals humanely, and refusing to support commercial breeding facilities as they are “inevitably substandard and cruel in demands they make on their breeding stock” (ASPCA, 2001). Causing dogs to fight is unacceptable, and dogs must never be trained or used for this purpose.

The ASPCA feels that the most important problem facing domestic animals in the United States is pet overpopulation. To address this problem, they emphasize

obtaining a pet through an animal shelter, since breeding adds to the current overly large population. However, if a person is going to breed dogs, they should be knowledgeable about the subject and seek to improve the breed. This includes taking into account the genetic welfare of the dog and potential offspring. Mixed bred dogs should never be willingly created because there are already enough of them in the animal shelters.

Other ways of addressing pet overpopulation are spaying or neutering programs and the euthanasia of shelter animals. Prevention of excessive breeding can be done by encouraging spaying and neutering pets through differential cost licensing programs. The ASPCA does not encourage euthanasia for unwanted pets, but recognizes it as a last resort to address the problem. When euthanasia does occur, it should be done painlessly.

From the literature analyzed this seems to be the only appreciable difference between the two organizations. The ASPCA's primary concern is that of pet overpopulation, whereas the STS seems more concerned with the well-being and humane treatment of pets. This is more evident in the reasoning behind the suggestions than in the suggestions themselves. For example, both the ASPCA and the STS recommend obtaining dogs from animal shelters. However, the ASPCA's recommendation is based primarily on giving homes to existing pets and not fueling the demand for breeders to make more. The SKG is instead concerned with the purportedly deplorable conditions that some dogs are raised in, and encourages buying a dog from the animal shelters rather than supporting breeders who employ unacceptable conditions by buying their dogs. As was indicated by our interviews, this is likely a result of the fact that there simply isn't a problem with dog overpopulation in Switzerland. It is reasonable to assume that if Switzerland had

more unwanted pets, or if the United States succeeded in reducing the number of unwanted pets, then the two welfarist societies would be practically identical in their views.

4.2.3 Local Animal Protection Societies

In the analysis of local animal protection societies, we looked at the Massachusetts Society for the Prevention of Cruelty of Animals (MSPCA) in the United States, and the Zurich Animal Protection Society (*Zürcher Tierschutz*; ZTS) in Switzerland. The MSPCA literature we analyzed included legislative position statements as well as advice to potential dog owners. The ZTS literature analyzed included a brochure on a pending Swiss popular initiative.

The MSPCA agrees with the ASPCA in that the most important problem facing domestic animals is overpopulation. Pets should be obtained from animal shelters and rescue leagues, and prospective pet buyers should be educated as to the commitment required in owning an animal. This can be done through reading books on the topic and by taking training classes. The MSPCA believes that funding should be provided for low cost spaying and neutering programs to reduce the chances of unwanted litters.

Both the ZTS and the MSPCA believe that animals need legal protection. The MSPCA firmly believes that dog fights need to be stopped and that it should be prohibited for dogs to be trained for this purpose. The MSPCA wants more funding to keep up its inspection program, and would like the ability to seize paraphernalia related to dog fighting. The ZTS supports a pending Swiss popular initiative to give animals a higher legal status than inanimate objects. It believes that animals are feeling creatures capable of suffering and that it is important to protect them. The

ZTS mentions that in other European countries animals already have legal status distinct from that of objects, and advocates a corresponding change in Swiss law to help reduce animal suffering.

The MSPCA continues by saying that the custodians of animals must be held responsible for the well-being of the animals in their care, and handlers must treat the animals humanely. Any abuse should be reported to the appropriate authority.

4.2.4 Radical Animal Rights Groups

In the analysis of radical animal rights groups, we looked at the People for the Ethical Treatment of Animals (PETA) in the United States, and the Association against Animal Factories (*Verein gegen Tierfabriken*; VgT) in Switzerland. The PETA literature we analyzed included legislative position statements, position statements regarding general pet related topics, and advice to potential dog owners. The VgT literature analyzed regarded feeding dogs or cats vegetarian food.

PETA expresses concerns on a wide variety of topics, including overpopulation. They agree with the ASPCA and the MSPCA that owners must realize the commitment of owning a companion animal so that they do not later end up giving the animal to a shelter. However, PETA believes that all types of breeding are unacceptable due to the sufficient number of animals available as pets from animal shelters. They feel that puppy mills and animal dealers are unacceptable since they breed and handle dogs without any concern for their welfare. PETA also believes that pet shops are undesirable, as they support the puppy mills by buying animals from them. “Only when people refuse to support pet shops, puppy mills, and breeders will this chain of misery be broken” (PETA, 2001).

As an extremist group, PETA wants the immediate end to all mistreatment of animals, and therefore calls on society to punish puppy mills, dog dealers, and pet shops. To this end, animal custodians must be held responsible for the well-being of their pets. This includes handling animals humanely, avoiding pet shops which sell dogs and cats, reporting any abuse seen, and having pet product suppliers take responsibility for any harm that their products cause. PETA advocates that people become educated on these subjects by joining animal welfare and animal rights groups and by reading books on the subjects. With regards to those legally responsible for ensuring animal welfare, PETA approves of the USDA restrictions, but feels that there needs to be better enforcement of these regulations.

The VgT discusses feeding dogs and cats in a vegetarian manner. They promote this because it protects pets against Bovine Spongiform Encephalitis (Mad Cow Disease), makes the dogs smell better, and does not harm other animals in order to get food for the dogs. However, the VgT is primarily concerned with stopping factory farms in Switzerland, and as such does not have as much information on the topic of dogs and dog breeding, as is the case with wide ranging organizations like PETA. The document describing feeding animals a vegetarian diet was the only one found that dealt directly with dogs.

4.3 Interviews

The second method we employed to complete this case study was interviews. These interviews included veterinarians, breeders, and one commercial distributor. From these interviews we identified themes regarding views toward dogs, veterinary and owner concerns, and breeder incentives.

4.3.1 Veterinarian Interviews

Veterinary science, like any other science, is built on theories, ideas, and practices that are shared internationally. For this reason, it is not surprising that veterinarians in the United States and in Switzerland had similar things to say.

The veterinarians interviewed agreed that there has been an increase in the amount of scientific knowledge available in the field during the last twenty years. The amount of equipment available has also increased, as well as the number of specialized veterinarians available. In conjunction with this, owner awareness regarding the care of pets has increased; animal owners are now more concerned about the health of their animals, and are willing to spend more money on them. As one respondent said:

I think that veterinary medicine is becoming more and more adapted to human medicine. In both the things that we are able to do, the knowledge that we have, and also the attitude of the owners...

From the perspective of this new knowledge, veterinarians spoke about advice they would give to breeders, how well they felt breeders followed good practices, concerns of their clients, and their opinions of organizations and laws.

4.3.1.1 Advice to Breeders

Veterinarians were asked to speak about advice they would give to new breeders. This advice varied from veterinarian to veterinarian. Several veterinarians stressed the importance of good nutrition for the dogs, while others mentioned the importance of the temperament or socialization of the dog. However, certain themes came up consistently.

The most frequent theme was that of education. Veterinarians repeatedly stressed the importance of breeders having the correct knowledge about breeding.

This included both knowledge of breeding practices and also knowledge about their particular breed of dog, including all the problems the breed is susceptible to.

Where to get this knowledge was not widely agreed upon. Some vets merely said that breeders should get advice from experts. Others said they should get information from veterinarians. One Swiss vet believed that breed clubs were the best place to get information, describing how such clubs had very specific information for the breed club's particular breed.

What was agreed upon was this: information about breeding is specific to each breed, and sometimes to each dog. There is not one general set of practices or rules that works for all dogs. Instead, a breeder must know the dogs he works with to the point where he can make educated decisions for each individual dog.

Another theme that was brought up by all the U.S. veterinarians was the breeder's motives for breeding. All U.S. veterinarians interviewed agreed that only certain reasons for breeding are legitimate. Among the illegitimate reasons was the desire to make quick profits. Most U.S. veterinarians interviewed mentioned that wanting to breed simply to show children "the miracle of birth" was also an unacceptable reason. They argued that the best reason for breeding is being a part of the dog-fancier world.

One final piece of advice that was echoed by all veterinarians was that breeders should have their dogs checked regularly by veterinarians for health problems. This is especially important for breeding dogs, since health problems can be passed on to their offspring.

4.3.1.2 Veterinarians' Views of Breeders

After gathering information about what each veterinarian believed were good breeding practices, the veterinarians were asked if they felt current breeders followed such practices. Most agreed that the majority of hobby breeders do a good job, or at least *try* to do a good job. These veterinarians felt that the biggest problem was a lack of education. They felt hobby breeders have good intentions and want to treat their dogs well, but often lack the best knowledge. Several veterinarians specifically pointed out the misperception of breeders who believe that experience makes them an expert. According to one respondent:

There are real dummies around ... who think that they do a good job just because they breed for twenty years already, but they do not know more than twenty years ago, you know.

Two veterinarians, one from the United States and one from Switzerland, felt that there is a problem with the lack of easily accessible, quality information available for breeders. They feel that the information that is easily accessible, such as that found on the Internet, is often inaccurate.

Although veterinarians felt that hobby breeders were doing a fair job, most acknowledged the existence of substandard breeders in both the U.S. and Switzerland. However, they also said that these were the same breeders who don't often bring their dogs to veterinarians. Because of this, the veterinarians admitted that they do not see many bad breeders.

In the U.S., substandard practices were often linked with commercial breeders. In general, U.S. veterinarians said that commercial breeders did not do as good of a job because their motivation was profit. Several veterinarians also mentioned "puppy mills" in the discussion, stating that facilities where puppies are kept in bad conditions and bred too often are a problem.

However, throughout all the interviews, more emphasis was put on breeders being *uneducated* than on breeders being fundamentally bad.

4.3.1.3 Client Concerns

Veterinarians were asked to describe the types of questions that clients asked of them when they brought their dogs in. Among the questions asked of veterinarians were concerns about feeding, exercising, dental care, bathing, grooming, disease prevention, house training, vaccinations, and spaying and neutering.

The veterinarians indicated that clients also expressed concern about the care that the veterinarians provide. In particular, clients were often concerned about their dog suffering during veterinary operations. This could be related to differences in perception between how a client perceives veterinary care and the veterinarian's view of that same care. One respondent stated that mistrust between the client and the veterinarian can lead to this difference in perception. When this mistrust is present, a veterinarian can do a medically perfect job but the client may still view the care as substandard.

A few respondents mentioned that clients are concerned about the physical appearance of their dogs. The Swiss veterinarians interviewed spoke about possible reasons for this, which agree with the literature we found on the topic. These veterinarians described how people often see their dogs as extensions of themselves; a person will often times get a dog that he feels fits his own personality. When viewing a dog in this way, any physical oddities about the dog become personal issues for the owner. As one respondent said:

I think the dog for the dog owner is like a personal enlargement... when you say to somebody, your dog is silly, for example, they feel personally... offended.

Lastly, all veterinarians interviewed believed that behavioral problems were a significant concern of dog owners. One veterinarian stated that this is especially true because behavioral problems can easily break down the pet-owner relationship. Another veterinarian indicated that behavioral problems require patience and effort on the part of the owner through remedies such as training classes. These are not problems that can be easily solved by a doctor through a prescription or surgery.

4.3.1.4 Purebreds and Mixed Breeds

When speaking about the issue of purebred vs. mixed bred dogs, all veterinarians felt the same way: each type of dog has its place and the choice is mostly a matter of owner preference. All veterinarians interviewed believed that purebred dogs are good because they are predictable. When a breeder breeds purebred dogs, he knows approximately how large it will be, how it will look, and what its temperament will be. Mixed breeds can have more variability, especially with regard to behavior.

Despite their preference for purebreds, most veterinarians admitted that some purebred dogs can have genetic problems. Genetic problems are especially likely when breeding takes place between closely related males and females: for example, brother to sister. However, they countered this with the argument that mixed breeds can have problems too. One Swiss veterinarian gave a reason for why mixed breeds are not much healthier:

Of course, crossbreds are a little healthier than purebreds, but not that much, because they are crosses of purebreds as well...

Several veterinarians stated that when dealing with genetic problems, it is important to look at “the big picture” – the dogs as a species, not just as a breed. One

veterinarian spoke about phenotypic excess, the breeding of a particular trait to an extreme. An example of this would be breeding a dog to have an extremely short nose. Concentrating too heavily on that particular breed having a short nose could be damaging to the well-being of that breed. One has to consider the dogs' welfare when evaluating practices.

In general, the theme throughout the purebred vs. mixed breed discussion was that healthy purebred dogs can be created, but one has to be careful to use the proper practices. Genetic problems can be reduced through well-planned breeding techniques or they can be perpetuated through uneducated or unplanned breeding.

4.3.1.5 Laws and Organizations

On the subject of laws, most veterinarians in both Switzerland and the United States pointed out that there aren't many laws that regulate breeding. The laws that do exist regulate how dogs can be kept and treated. Those interviewed said that these laws are good for minimum standards, but aren't enough and lack proper enforcement.

Opinions varied on which laws should be changed or added. However, one theme that was repeated was that breeding should not be controlled with one universal set of standards. One U.S. veterinarian stated that numerical standards are not helpful to breeders, since each dog is an individual case. Imposing numerical standards can often limit the breeder's freedom to make decisions for the good of the dogs. Another U.S. veterinarian felt that universally true statements could not be made about dogs since each breed or dog is its own case. These statements applied to organizations' regulations as well as to laws. Many veterinarians, especially in the United States, said that groups often impose these numerical standards on their members. The

veterinarians felt that these groups often have good intentions, but are going about things in the wrong way. They felt the most positive influences come from groups that do not enforce regulations, but that simply promote better practices and animal welfare through education.

Some veterinarians also had concerns about the focus of dog organizations. One Swiss veterinarian felt that breed groups were often too focused on their particular breed:

And sometimes they, in my opinion at least, they lose the overview of dogs as a species. They are focused very narrowly on their breed.

This same veterinarian felt that these groups often focused too much on the exterior look of the dog, and not enough on health.

The last theme that was echoed by several veterinarians was that breed groups don't always have the most accurate or up-to-date information. To encourage current information, there should be more emphasis on education. One Swiss veterinarian suggested the creation of a law requiring breeders to have a certain level of knowledge before being allowed to breed.

4.3.2 Breeder Interviews

Breeder interviews contained many of the same themes as the veterinarian interviews. However, where veterinarians put emphasis on breeder practices and education of breeders, breeders talked more about the education of dog buyers and owners.

Breeders were asked questions about the conditions of their facility, the practices they employ, their opinions on line breeding, incentives that motivate them, and laws and organizations.

4.3.2.1 Dog Qualities and Buyers

While speaking about qualities which they felt are important in their dogs, breeders mentioned three areas. First, breeders mentioned that the temperament of their puppies is very important to them. Breeders want to produce friendly puppies that interact well with their owners. Health was another concern of the breeders. They want their puppies to be free of health problems. Finally, breeders want their puppies to be well socialized. Socialized dogs are well adapted to various social environments. Socializing the dogs involves exposing them to differing stimuli early in their lives. This can include exposing them to people and to other dogs. Several U.S. breeders stressed the importance of socializing the puppies with dogs of other breeds to get them used to such diversity.

Interestingly, breeders often felt that the issues they are concerned with are not the same issues customers are concerned with. One breeder gave an example of a customer focusing too much on the appearance of the dog:

Actually, the color isn't that important, and still some say, "no I don't want [that color], I'll wait till you have [a different one] ..." Actually it's more important [to them] than how they grew up. It's disappointing to me.

Others felt that buyers don't know what is important: in other words, buyers do not know how to choose a puppy that is right for them. Because of this perceived buyer ignorance, breeders often help customers find the right dog. One Swiss breeder, speaking through a translator, preferred to make the dog selection for the customer:

Then he invites the ... possible puppy buyers and tries to figure out which one of the puppies is the right one for him, and he [the breeder] will decide. They don't pick a puppy; he will pick it for them.

Other breeders let the customers choose the puppies, and then check up on the puppies in their new home to make sure they fit in with the family.

Breeders not only felt that buyers are uneducated about choosing a puppy, but that they are also uneducated about general care of dogs. Further, breeders felt that buyers often blame the breeder for problems which are the result of poor care. As one respondent said:

They take the puppy home with them and they don't take care of it and they call back complaining. They say the puppy is bad.

4.3.2.2 Breeding

Like veterinarians, breeders had differing views about what the best breeding practices are. However, although the details differed in the practices each breeder used, the same general themes were present in each breeder's program.

Again, like the veterinarians, breeders tended to prefer purebred dogs because of their predictability. When breeding purebreds, breeders varied on how closely related the two dogs being bred can be. Several breeders stated that they simply avoid breeding dogs that are too closely related, but did not specify how close is too close. A U.S. breeder specified that he breeds within bloodlines, but not direct relatives. One Swiss breeder uses dogs only if they come from lines that have a problem free history. As the breeder said through a translator:

If he finds a line that ... is stable, that has been bred for a while and not showing any problems, he will [breed that line]

Breeders also talked about how problems can be minimized while line breeding. One Swiss breeder stated that the negative effects of line breeding can be minimized if there is a large population to line breed from. Another Swiss breeder said that in order to inbreed safely, the dogs must both be in excellent condition. Like veterinarians, breeders admitted that line breeding can have good effects if it is done carefully and certain rules are followed. However, it can also lead to health problems in the dog if it is done irresponsibly. As one respondent said:

The rule of thumb, though, is that if you are going to line breed ... you can either bring out the best of traits or the worst.

4.3.2.3 Incentives

Although some of the breeders interviewed did make a profit from the practice, all of the breeders still felt that breeding solely for money can be a bad motive. The breeders felt that dog breeding should not be used as a way to make quick money. If a breeder wishes to make a profit from dog breeding and still be a responsible breeder, a large amount of time and effort must be invested in the venture. According to one breeder:

You can make a living, but it's a seven day, twenty-four hour day job, because you are here with your animals, and they are live animals.

Other breeders thought that profits should not be made at all from breeding. Every breeder interviewed found breeding to be an enjoyable past time, and most felt that enjoyment is a better reason for breeding than profit.

While speaking about incentives for breeding good dogs, several breeders mentioned that reputation is very important among breeders. They said that much of their advertisement comes from word of mouth. As one breeder stated:

Word of mouth is a good thing – people can make or break you. And in this business it has helped us a bunch. Because we try to treat people fair.

In a United States interview, one breeder spoke about pet stores' repulsion to inbreeding. Pet stores dislike seeing that the parents on a dog's pedigree are related.

As the breeder said:

[The puppies] go to the pet stores... when they see the name repeated more than once on the pedigree... the stores really have a fit about that. And it's too bad because sometimes they really are great puppies...

The breeder felt that people make too strong a connection between incest in humans and inbreeding with dogs. The breeder felt that, in some cases, inbreeding dogs may produce the best puppies.

4.3.2.4 Laws & Organizations

Breeders spoke of dog organizations positively in several regards. First, most breeders from both countries stated that breeding organizations are a good place to meet other breeders and are an important source of information. Several breeders, from both the United States and Switzerland, spoke highly of the useful services that a club can provide, such as discounted veterinary services.

The major criticism of breed clubs was with regard to the restrictions they impose on breeding. One Swiss breeder gave an example of a dog that was very healthy and had normal breathing, which is something very rare for that particular breed. However, the breed club would not allow the dog to be bred because it was missing teeth. This same type of situation was echoed by several other breeders. In general, breeders felt that regulations that prohibit the breeding of particular dogs can be harmful in certain cases.

On the topic of laws, most of the breeders felt that a law is needed which requires dog owners to be licensed to own pets only after receiving education.

[Speaking about dog owners] I think a license or just that they have a course. A meeting where they go to learn about the need of a dog... but they have to prove that they understood...

This idea was also applied to breeders. One Swiss breeder felt that a similar law should be made for breeders requiring them to go through such a licensing process before being allowed to breed.

4.3.3 Commercial Distributor Interview

Included in our data was an extensive interview with an advising veterinarian at a large commercial dog distribution center in the United States which, until recently, was also a breeding facility. This interview included a tour of the facility.

4.3.3.1 Views & Media Criticism

This veterinarian had many of the same views as the other veterinarians interviewed. The themes that came up were the importance of considering facts when raising dogs, the education of breeders and owners, the interest that breeders have in acquiring accurate knowledge, and the lack of quality information available to breeders and owners.

During the interview, the veterinarian also spoke on several topics concerning commercial breeding and distribution. A latent theme throughout the interview was media criticism. As the respondent said:

One of the things I feel is always challenging is overcoming the media criticism that is always feeding into the whole – I don't even like to use it, and you won't hear me use it hardly ever – is the whole puppy-mill thing. Certainly the media and the United States tie... the word puppy-mill to the numbers.

What the veterinarian felt is important is *how* one goes about breeding or distributing, and not *how many* dogs they deal with. He felt it is unfair to assume that quantity and quality are inversely related:

I'm not really concerned about how many. I'm concerned about how you do it. If you raise one puppy a year or you raise a hundred. I really don't care how many you raise I'm interested in how you do it. I'm interested in what methods you use. I know people who raise one litter a year who shouldn't raise any. I also know a lot who have several hundred breeding animals and do a phenomenal job...

The veterinarian also spoke about a misconception that the media has created regarding mistakes. He said that the media has portrayed people who make mistakes

in the industry as uncaring. He thought that most mistakes are made not because people lack concern, but because they simply don't know any better. As he stated:

I think the other thing the media has been very successful at selling is the whole concept of ... people making mistakes because they don't care. What we have found is that most people making mistakes are making mistakes because they don't know any better or don't know any different.

The veterinarian discussed some ways in which the facility that he works at is trying to change their public image. One specific example involved getting rid of old cages in favor of new ones. He felt that both the new and the old cages are equally suitable for the dogs, but that the new cages look better to the public:

What we are trying to do is change some of the public perception, the image ... as far as the puppies' perception I don't think the puppy has a better environment in either.

It is clear from the rest of our research that public perception of practices and the actual appropriateness of practices are often very different. This point was also mentioned in the other veterinarian interviews, where veterinarians discussed the difference between the quality of actual veterinary care and perceived quality of veterinary care.

In speaking about the quality of breeders, the veterinarian felt that most breeders do have a legitimate concern for their puppies and want to do a good job. He gave an example of breeders showing this concern:

It's not uncommon to have a breeder come in here and sell their puppies and walk out of here with tears and apologizing [because their puppies did not meet the company's standards]. I just... I wish every single one of them did that, because I truly know that person cares.

He felt that, because these breeders are concerned, educating them is easy since they want to be educated. However, the veterinarian also mentioned breeders' tendency to stick with old techniques, under the assumption that practices used in the past are still the best. He suggested a better philosophy that addressed the need for

ongoing education. This philosophy accepts current standards but does not discount the possibility of future advances:

We want the bar to keep on rising year after year. The philosophy of successful people is you do it the best way you know how to today, but tomorrow's a new day.

The last topic addressed was the necessity of showing concern for the well-being of the puppies. This statement admitted that the place where puppies belong is in homes, and not in a distribution facility. Because of this, he emphasized getting the puppies in and out of the facility as quickly as possible:

Puppies don't belong here... even if we sell the puppies at a little bit of a loss... I would rather get that puppy into a home than keep it here.

4.3.3.2 Laws

With regard to USDA laws, the veterinarian again echoed what veterinarians in the other interviews felt: that the USDA regulations are good *minimum* standards. However, he does not feel that more legislation would necessarily be a good thing. Mentioning a particular piece of pending legislation, he indicated that the politicians that make the laws are not knowledgeable about the subject of dogs and dog breeding:

They are really great minimum standards. I wouldn't say all of them, but pretty much across the board our standards in general are all higher than AKC or USDA, because we want to raise the bar... One of the things that is in the works now in the legislature is a bill that is designed to regulate some of the breeding – In terms of how many times who is bred to who, socialization and various areas that politicians have no business being, because, and I say this respectfully, they are ignorant to the subject... their intentions are good...

As we've seen in other areas of our research, there can be problems in applying laws created by outside forces to practical, real world situations. This was true of some USDA standards, as we saw in the literature concerning the cleaning of bat cages. In addition to being regulated by USDA regulations, the veterinarian felt

that the industry is somewhat self-regulating. He admitted that some substandard breeders exist, but believed that they weed themselves out through profit loss. The respondent mentioned:

Most of those breeders [substandard breeders] on our system weed themselves out ... On a substandard facility's puppies our reject rate will be 3 out of 4, probably higher, so you kind of weed yourself out because of the business.

Understandably, if all pet distributors maintained high standards of selection, then commercial breeders would have a strong incentive to improve the quality of their dogs. The veterinarian talked about an association called the American Professional Pet Distributors that attempted to unify the industry standards. This organization failed, however, because the businesses under it could not agree to what those standards should be. The veterinarian believed that this problem was caused by the individual companies that could not put business matters aside to make a decision that would have improved the industry as a whole.

The responses of the respondent indicated that he feels his company is caring for the animals appropriately. Specifically, he felt that the company was doing a good job at balancing business concerns with concerns for the animals. He implied that the media has unjustly labeled commercial pet providers.

4.4 Summary

The results discussed in this chapter covered a variety of themes such as increased education for both breeders and buyers, the need to address pet overpopulation in the U.S., the enforcement and effect of laws, and concerns related to commercial breeding. In general, these themes could be categorized as concerns and incentives. The evidence presented relating to these themes led us to a discussion

about ways to address these concerns and the effectiveness that various recommendations might have, taking into consideration current incentives and views.

Chapter 5

CONCLUSIONS

5.1 Morality and Dog Breeding

This report attempts to address the concerns that people have over dog breeding and what is being done to address these concerns. Intrinsic to this task is the question of why people and organizations have these concerns in the first place. We have broken the cause of concerns into the two categories of objective scientific evidence and subjective views toward dogs.

The major scientific issue that people are expressing concerns over is that of line breeding and inbreeding. As was discussed in the literature, this is a complex issue and no definitive conclusions have been made. Upon closer examination, it is evident that the conflict over line breeding is not a scientific one, but rather a philosophical one. The science, though complex, is clear: inbreeding increases the proportions of homozygous puppies (both normal and diseased), and reduces the proportion of carriers. This is a fact, but it does not address the issue of the *acceptability* of line breeding. The interviews indicated that the public dislikes line breeding because it reminds them of human incest. Those who do not mind inbreeding mentioned the benefits to the dog population as a whole. These views are not scientifically different, but instead dwell on how dogs (and humans) are viewed.

The people who accept line breeding may do so because it can be used to improve the gene pool. They accept that some dogs will have genetic diseases, but are not concerned because the dog population as a whole is improved. This is similar to the view of animal evolution. It can be argued that society accepts as fact that weak non-human animals in the population need to be selected against to improve the species; in layman's term, this is survival of the fittest. This contrasts with the view of incest in humans. In this case, humans are judged and protected on an individual level. Prevailing social norms deem negative effects for one person as unacceptable,

despite what benefits it may have for society in general. This dichotomy of viewing individuals versus populations is at the heart of the controversy over inbreeding. An individual suffers, although the population as a whole may benefit.

This same dichotomy is present within the organizations advocating animal protection. The utilitarian philosophy, advocated by Peter Singer, looks to maximize aggregate happiness for a population. This is different from the fundamentalist philosophy of Tom Regan, which states that each animal must be considered as an individual being. In some cases, fundamentalists even advocate stopping predators from killing prey in the wild, arguing that predation harms the individual prey animal.

When these views conflict it is difficult to objectively say which one is correct. Such philosophies rely largely on the concept of morals—the source and scope of which are not widely agreed upon. In order to form a moral argument for their case, each interested party makes their own assumptions about where morals originate from and to whom they apply. It is not uncommon for such parties to then appeal to their moral views as though they were universal, *ethical* views— in other words, the concept of ethics is often used to present *subjective* ideas in a distorted, self-serving way so that they are perceived as *objective*. In this context, ethics are understood as *universal* views about what *ought* to be. In reality, such ethics cannot offer an objective basis upon which legal and social appeals can be made, since they are not, in fact, universally agreed upon.

Although there is nothing that is unanimously agreed upon, consensus can be reached among *most* people on *some* issues. Again, this consensus is not a *universal* agreement, but it is the closest thing to it that can be achieved. This consensus, with regard to what other people *ought* to do, manifests itself in the social norms. Since

there is not consensus concerning which moral argument is correct, the best we can do is to apply the subjective criteria of prevailing social norms.

In our investigation, our impression from the research was that both the United States and Switzerland have the same prevailing social norms. The welfarist perspective is the prevailing view in both countries. This is evident from the lack of groups that are anti-welfarist. Groups that disagree with the welfarist principles are not found because they are viewed by society as being incorrect, and receive strong disincentives, such as demonization, for stating their views.

The reason why animal rights groups do not receive the same disincentives is that their views are often perceived as an extension of animal welfare principles. Both animal rights and animal welfare groups are concerned with treating animals well, and in so doing define good treatment with human criteria. The differences between the groups arise because of the extent to which they carry out these principles. The welfarist groups enact a small set of human analogies to animals, whereas the fundamentalist groups argue that animals should be treated analogous with people. However, groups which carry this to extremes, like the terrorist actions of the ALF, stray too far from the prevailing social norms and are ostracized like the anti-welfarist groups.

Furthermore, the simple fact that animal rights groups need to advocate their views to the public serves to show that these views differ from the norm. If such groups believed that their opinions were widely accepted, then they would most likely choose the more effective legal path. However, these groups instead resort to voluntary systems of promoting change. This is a possible indicator that their opinions are not in agreement with the social norms.

However, it must be stressed that societal norms are *subjective* criteria. These norms can and do change over time. As an example, most civilized nations now look back upon slavery with distain and disgust, but the ancient Romans believed that slavery was natural, and would have been shocked or even appalled at a nation without it. Likewise, a thousand years hence our descendants may look back upon the use of animals with the same disgust we have for slavery.

This is not to imply that social norms evolve to a higher, more enlightened status. It could as easily be the case that in a thousand years we will view animal rights protesters as extreme lunatics. Unfortunately, we do not have an example from history where we are less enlightened than at some point in history. This is primarily due to the fact we view such developments in light of today's social norms. We are unlikely to view today's social norms as unacceptable, as the criteria which would be used to judge the acceptability would be today's social norms themselves!

5.2 Puppy Mills

According to one key respondent, the media in the United States have been highly successful in creating a public perception about large commercial breeders, or, as the media have labeled them, puppy mills. According to this respondent, the media have ingrained in the minds of the public a connection between the concept of a large commercial breeder and the concept of substandard breeding facilities. Although there very well may be large commercial facilities in the United States that are substandard, and there may be problems inherent in large facilities, this perceptual link between *large* and *substandard* may not be completely justified. We have seen other cases where perception is much different from what actually *is* – for example, the veterinarian who believed that client perception of the quality of veterinarian

services and the actual quality of those medical services are often completely different.

Concerns should be re-evaluated to focus attention on breeders that need attention, not on the whole industry. As we have seen, blanket statements can be damaging. The underlying basis of the concern is over the treatment of animals, so that is what should be evaluated in each case – how the animals are treated. Not, for example, how many animals are kept at the facility. We cannot accurately make broad generalizations like “bigger is worse” unless we make room for exceptions.

According to the same source, the media have also implied that such substandard facilities are that way because they are motivated by profit *only*, and have no regard for the animals. In general, the media say that commercial breeders don't *care*. We have seen one example of a commercial facility where the management appears to be motivated by profit *and* concern for the animals. They believe they are doing the best they can to treat the animals well while still maintaining high profits. We have also seen from conversations with veterinarians that they feel most breeders make mistakes because they don't *know*, not because they don't *care*.

Again, the point is that we need to be careful not to make broad generalizations, such as *commercial breeders don't care*, or *large breeders are substandard*. Instead, we need to judge “*does this breeder care?*” or “*is this breeder substandard?*” We have seen through our interviews that even small breeders can lack concern, and that those that are concerned with their animals' well-being can still be substandard.

Next, we must make sure that when evaluating the treatment of animals, we use terms that are appropriate to the canine species, not to our own. We have seen problems that can be caused by anthropomorphizing animals. Dogs are not human,

and in some cases, things that would be good treatment for humans may be bad treatment for dogs. This was illustrated with anecdote about the bats. However, that judgment must be made on a case-by-case basis and the argument that such treatment would be best for *people* should not be the sole basis of the decision.

5.3 Practical Recommendations

The aim of our research was to find what concerns are most prevalent in relation to dog breeding. We now take this opportunity to talk about some recommendations as to what can be done to address these concerns, and their likely effectiveness. In our interviews and analysis of groups it became clear that, while there was a range of concerns, a few main themes came up frequently. The primary concern was a lack of education of both owners and breeders. Other concerns that came up with relative frequency were people breeding for money, people not buying pets from shelters, pet overpopulation (in the U.S. only), hereditary diseases in dogs, and the fact that laws have worthy aims, but lack enforcement.

With the objective of identifying main themes within our research, it could be argued that the issues of pet overpopulation, obtaining pets from shelters, and hereditary diseases in dogs have, as their root cause, ignorance in breeders and buyers. The groups analyzed, as well as some of the respondents interviewed, seemed to believe that these issues would either disappear or reduce in severity if the majority of the population was educated in the issues and their potential solutions. A similar argument can be made with the concern over breeding dogs for monetary gains. If a sufficient number of people are convinced to refrain from purchasing from such breeders, the market would dry up and such breeding would no longer be profitable.

5.3.1 Addressing Concerns within the U.S. and Switzerland

Our research did not indicate a potential reason that the existing laws are not being enforced. However, there is in practice only one way to address this concern. Increased enforcement of existing laws can only be enacted through legislative and judicial means. The existing legal framework must be leveraged to allow enforcement agencies to fully complete their task, and to obtain court decisions when individuals or groups attempt to block enforcement. An example of this is a recent United States court decision. The Doris Day Animal League (DDAL), along with four other organizations, won a legal suit against the USDA on July 31, 2001. The contention was that the USDA, in enforcement of the *Animal Welfare Act*, defined an exempted class, retail pet stores, too broadly. The court ruled that breeders who sell from their own premises do not constitute a “retail pet store,” forcing the USDA to enforce the AWA for those breeders as well (Doris Day Animal League, 2001).

The concern over uneducated owners has two primary causes. First, uneducated owners are more likely to buy a dog impulsively, and do not take time to consider all the ramifications of owning a pet. Second, many dog buyers are content with just getting a dog and do not consider the importance of buying from a responsible breeder, or even the problems that can arise from dogs that were raised inhumanely. These concerns can potentially be addressed through four different options. These options include the legal options of mandatory owner licensing programs and a mandatory waiting period before buying a dog, as well as the voluntary options of educational campaigns, and sales contracts between breeders and buyers.

Whereas owners may not have a desire to be educated, our interviews led us to believe that breeders truly want information about breeding but do not realize when

the information they receive is incorrect or lacking. Veterinarians gave instances where potential breeders will look on the Internet and obtain inaccurate information. Some breeders assume that since they have been breeding for an extended period of time the practices they employ must be right, when in reality they may be very outdated. Three options for educating breeders are discussed, a mandatory licensing program for breeders which is similar to the owner licensing program, and two voluntary options: creation of a breeder information center and the implementation of a voluntary labeling system.

5.3.2 Issues with Implementing Proposals

A mandatory dog owner-licensing program would be similar to driver's license programs in that it would require education and demonstration of competence before a person may purchase a dog. Requirement of a license would affect all potential buyers, and should reduce impulse buying, and increase the knowledge possessed by dog owners. One difficulty is that, as with a drivers' license, people may ignore what they learned in the classroom. You can give dog owners knowledge, but you cannot make them employ it. Additionally, this would cause a short term spike in the number of unwanted dogs, as people who would otherwise get a dog may be driven off or delayed from purchasing by the licensing requirement. It would also cause additional administrative overhead, as there would need to be an agency designated to ensure that only licensed buyers purchase dogs.

A mandatory breeder license program, although similar to an owner license program, has a few key differences. Although the breeder license would also require breeders to attend educational classes, the classes would be ongoing education, instead of one-time instruction. Only with ongoing instruction would breeders be

informed of any changes in the field of breeding field. There are three main problems with this approach. In addition to the same problems of administrative overhead and disregard of instruction as with owner licensing, there is also a question regarding the origin of the information taught to breeders. An agreement concerning what exactly is to be taught would require consensus and support.

The final legislative option, a mandatory waiting period to address owner ignorance, would require a potential buyer to go to a dog seller, fill out paperwork, receive information about pet care and needs, and then return in a few days to claim their new pet. Introducing a delay between when a person decides to buy a dog and when they actually receive it would allow them to more fully consider the purchase of a dog and how a dog would fit into their life. This should reduce impulsive buying of dogs, but would not necessarily make up for the lack of education. However, it would also cause an increase in workload for animal shelters and rescue leagues, as they would be obligated to keep the animals for longer than they currently do, reducing the space available for other animals.

Given our research of both Switzerland and the U.S., we concluded that legislative measures such as these would never be enacted. In Switzerland, these measures may be passed by the federal parliament, but they would most likely be challenged by an optional referendum, given the number of dog owners that would be opposed to being regulated. In the U.S., these measures would not even pass Congress. This program would have adverse effects on a great number of influential groups in the governments. These groups and the lobbyists they employ, although they might be overcome when taken on singularly, would be impossible to overcome when united against this program.

Of these measures, the breeder-licensing scheme would have the best chance. Our research led us to believe this type of program would be more readily accepted in Switzerland than in the U.S. In Switzerland, if the breeder licensing law goes before an optional referendum, it is less likely than owner licensing to be rejected. This is due to the fact that since the majority of people do not breed dogs, there will be fewer votes against it. If this program becomes a bill in the United States, the groups adversely affected by it will seek to dismiss, alter, or filter its interpretation and implementation, through their lobbyists. This is possible because the United States is a republic and therefore based on the premise of representation. The larger fraction of representatives will be against the program than those representatives that are for it, due to the influential power of the dog-breeding lobby.

However, these programs might be possible to enact on the state level in the U.S. Since some state laws already cover topics that are similar to this recommendation, it would not be a stretch to extend those laws to include a licensing program. However, this would likely only be possible in certain states, such as California and Pennsylvania that are already favorable to strict dog breeding and owning statutes, while other states which are less favorable, such as Kansas and Missouri, would be unlikely to pass the law.

The difficulties with enacting legislative change are not an issue with voluntary programs, such as educational campaigns for owners. These programs would likely consist of a method for addressing the problem through the media. This could potentially encompass dual-purpose advertising, such as a billboard that says, "Dogs require time, commitment, and the opportunity to love someone," and is accompanied by the name of a breeder. This serves to raise awareness about the responsibility of dog ownership, as well as demonstrate that the particular breeder

responsible for the advertisement is a responsible breeder. Although this would remedy the ignorance of owners, it might be ignored and would require an ongoing commitment of time, money and effort on part of campaigner. This program would be possible in both the U.S. and Switzerland, but it would require an extensive commitment and is not guaranteed to be effective.

The education campaign for dog owners would best be coupled with the creation of a breeder information center. This center should contain easily accessible, up-to-date information for breeders. One problem lies in determining who will be responsible for the information contained in this center. This difficulty would be present because of the complexity of getting any large group of people with varying opinions to agree to a set of standards. Our suggestion would be a veterinary association, or a collaboration of veterinary associations. These veterinarians hold in-depth knowledge concerning the current conditions of dog breeding and also the scientific background to make decisions that would benefit breeders and their dogs. Lack of publicity could also be another problem, as there can be an outstanding source of accurate and complete information, but if the intended users of that source were unaware of its existence, then it would not be very helpful.

Dog sales contracts might be a method to induce dog owners to seek education. This would take the form of a voluntary campaign by breeders to try to educate owners by requiring them to attend training classes. However, since this is a voluntary effort on the part of breeders, only responsible breeders will implement it. As such, impulsive or uninformed buyers will just go elsewhere to buy a dog. In order for this program to work, there would have to be a recognizable reason why the owners should buy those dogs.

This could potentially be done through a voluntary labeling system. Using the principles of consumer driven activism, this labeling system might induce buyers to seek out labeled dogs because they are viewed as better than other dogs. However, this view would soon waiver unless backed up with observable proof of the dogs' superiority. This would require regulation of the breeding conditions used to ensure good quality dogs. However, as seen in our interviews, breeders dislike having to follow rigid standards, as they do not allow for a case specific basis. That is why we feel the system might be more widely accepted by breeders if, instead of imposing rigid standards and guidelines, it allowed the breeders to submit their intended breeding programs to the labeling system for approval or revision.

There are significant problems with this system in getting breeders to want this label and getting buyers to recognize the value of the label. Inducing desire in buyers would involve a public relations campaign to show buyers the desirable aspects of puppies with the label. Crucial to this effort is need to show that the labeled puppies are somehow better than unlabeled puppies and therefore worth paying more for. Incentives through consumer driven activism only work if enough consumers know to seek out the labeled products.

Consumer demand for the labeling system is worthless without a tangible incentive to the breeders for employing it. To some extent, the increased price that can be charged for a labeled dog is one incentive, but would likely be insufficient to compensate for the demands of participating in the program. Free advertising of participating breeders within the public relations campaign could help to increase the benefit. More directly helpful to the breeders would be an information resource on breeding. This educational center would give the breeders the information they have indicated a desire for.

However, requiring membership within the voluntary labeling system to access the breeding information may conflict with the goal of reaching the widest possible audience in the education campaign. There are many breeders who would potentially value the information, but may not be interested in the extra work and commitment that the certification program would require. To reach the widest possible audience, the information provided should be available to anyone who wants it, not just member breeders. It must be noted that this reduces the incentive of joining the labeling system. A potential way to mitigate this is to provide general information to the public and individual assistance to members only, for example with 24-hour veterinary assistance telephone number.

Our research indicates that this solution seems to be the most potentially effective method for addressing the concerns about dog breeding in owners and breeders in both the U.S. and Switzerland. Since it would not require any legal action, resources could be spent in improving and advertising the label. However, this method would best be started small, by working with the supposed good breeders that would have an inherent interest in such a program. Incentive for other breeders to follow suit would increase as public awareness of the program grew.

5.4 Final Thoughts

In our conclusions we have discussed both the philosophical and practical aspects of judging and addressing concerns over dog breeding. The decision of whether it is necessary or appropriate to address each concern and of how to address them is left up to interested parties (although we have made several suggestions). If, in the future, societal norms converge with the interests of those parties, then those groups may be seen as having been ahead of their time.

AUTHORSHIP STATEMENT

As project members, we share joint responsibility for this project, and each section therein. The completion of this project would not have been possible without the efforts of each member.

GLOSSARY OF TERMS AND ACRONYMS

AKC	American Kennel Club
ASPCA	American Society for the Prevention of Cruelty to Animals
AVMA	American Veterinary Medical Association
AWA	Animal Welfare Act
BVET	<i>(Bundesamt für Veterinärwesen)</i> Swiss Federal Veterinary Office.
FCI	<i>(Fédération Cynologique Internationale)</i> International Federation of Kennel Clubs
MSPCA	Massachusetts Society for the Prevention of Cruelty to Animals
PETA	People for the Ethical Treatment of Animals
SKG	<i>(Schweizerische Kynologische Gesellschaft)</i> Swiss Kennel Club
STS	<i>(Schweizer Tierschutz)</i> Swiss Animal Protection Society
TSchG	<i>(Tierschutzgesetz)</i> Swiss Federal Act on Animal Protection
TSchV	<i>(Tierschutzverordnung)</i> Swiss Animal Protection Ordinance
VGT	<i>(Verein gegen Tierfabriken)</i> Association Against Animal Factories
ZTS	<i>(Zürcher Tierschutz)</i> Zurich Animal Protection Society

APPENDICES

2.A.1 Cantonal Regulation Numbers

Cantonal Regulation Numbers		
Canton	TSchG Implementation	Dog Specific
Bern	916.812	--
Graubünden	497.100	--
	497.200	
Neuchatel	465.0	--
	465.01	
Schwyz	740.111	--
Solothurn	926.711	614.71
	926.712	614.72
Thurgau	450.41	614.2
		614.21
Tessin	8.3.1.1	10.2.8.3
	8.3.1.1.1	
Valais	455.1	--
	455.104	
Zug	436	--
Zurich	554.1	554.5
	554.11	554.51

2.A.2 State Law Survey

The following appendix shows the results of a state law survey of 13 states: Alabama, Florida, Illinois, North Dakota, Ohio, Rhode Island, Utah, Washington, Texas, New Jersey, Kansas, California, and Pennsylvania. The laws are divided into five categories: laws that protect animals, laws for controlling animals, laws controlling the spread of disease, laws protecting personal property, and licensing laws. Each type of law is titled with an appropriate name and then is described briefly. In parentheses under each law type is a list of the states that include a law of the particular type in their statutes.

ANIMAL WELL-BEING LAWS

Animal Cruelty Laws – These laws define what is considered to be cruel treatment toward animals and what the punishments are for acting as such. Cruel treatment usually includes injuring, causing suffering to, neglecting to care for, or abandoning an animal.

(Alabama, Florida, Illinois, North Dakota, Ohio, Rhode Island, Utah, Washington, Texas, Kansas, California, Pennsylvania)

Fighting Animal Laws – These laws prohibit raising or keeping fighting animals or hosting or attending animal fighting events.

(Alabama, Florida, Illinois, North Dakota, Ohio, Rhode Island, Utah, Washington, Texas, Kansas, California, Pennsylvania)

Animal Suffering Laws – These laws state that an officer (or sometimes citizen) may put to death any animal that is injured or sick beyond hope of recovery.

(Florida, Rhode Island, Washington, Kansas)

Neglected Animal Seizure Laws – These laws state that an officer (or sometimes humane society agent) may seize animals that are being mistreated or neglected, care for that animal, and expect payment from the owner for the expenses of the care.

(Alabama, Florida, Illinois, Ohio, Utah, Washington, California, Pennsylvania)

Animal Emergency Care Laws – These laws state that any citizen may enter an animal's enclosure to feed it if it is apparent that the animal has not had sufficient food or water for an extended period, and that the citizen may expect reimbursement from the animal owner.

(Ohio, Washington, Texas, California)

Animal Poisoning Laws – These laws define punishments for poisoning an animal or causing an animal to become poisoned.

(Florida, Illinois, North Dakota, Ohio, Washington, Kansas, California, Pennsylvania)

Animal Pelt Laws – These laws prohibit certain types of animal furs to be used in garments.

(Florida, Pennsylvania)

Animal Transportation Laws – These laws define the minimum conditions that animals must be transported in, and how often they must be fed and exercised.

(Florida, Illinois, North Dakota, Rhode Island, Washington, California, Pennsylvania)

Animal Coloring Laws – These laws prohibit selling of artificial coloring of animals.

(Florida, Illinois, North Dakota)

Animal Prize Laws – These laws state that living animals may not be given away as prizes in raffles or contests.

(Illinois, North Dakota)

Motor Vehicle Confinement Laws – These laws state that animals may not be left in motor vehicles in a way which jeopardizes their health.

(Illinois, North Dakota)

ANIMAL CONTROL LAWS

Dangerous Dog Laws – These laws define requirements to keep dangerous dogs confined or leashed.

(Alabama, Ohio, Texas, New Jersey, Kansas, Pennsylvania)

Animal Control Officer Laws – These laws state that counties may appoint animal control officers to deal with all animal related laws. Some states allow officers to be appointed from humane societies.

(Alabama, Florida, Illinois, Ohio, Rhode Island, Washington, New Jersey, Kansas, California, Pennsylvania)

Animals At Large Laws - These laws define where animals cannot run at large and the punishments for an owner allowing his animal to run at large.

(Rhode Island, Washington, New Jersey, Kansas, California, Pennsylvania)

Animal Population Control Laws – These laws offer incentives to owners of pets to get their animals sterilized in an attempt to control animal population growth.

(New Jersey, Kansas, Pennsylvania)

DISEASE CONTROL LAWS

Rabid Dog Laws – These laws define requirements to report rabid dogs, to not let dogs thought to be rabid out of confinement, and to inoculate dogs against rabies.

(Alabama, Illinois, North Dakota, Ohio, Washington, Texas, New Jersey, Kansas, California, Pennsylvania)

Diseased Animal Laws – These laws define punishments for knowingly allowing diseased and contagious animals to run at large or be exposed to other animals.

(Florida, North Dakota, Washington, Kansas, Pennsylvania)

PERSONAL AND PROPERTY PROTECTION LAWS

Animal Property Laws – These laws define domestic animals as personal property and protect them from theft and damage as such.

(North Dakota, Ohio, Kansas, Pennsylvania)

Personal and Property Defense Laws – These laws state that animals that are attacking people, attacking domestic animals, or trespassing on property may be killed. Some states require the killer to reimburse the owner for the value of the animal.

(Ohio, Rhode Island, Utah, Washington, Texas, New Jersey, Kansas, Pennsylvania)

Animal Research Facility Protection Laws – These laws define punishments for disturbing work at animal research facilities, including but not limited to letting animals from these facilities loose.

(Alabama, Florida, Illinois, North Dakota, Washington, Kansas)

Animal Liability Laws – These laws make the owner of an animal liable for all damages that the animal incurs.

(Alabama, Illinois, Ohio, Rhode Island, Utah, Washington, Kansas, Pennsylvania)

Pet Theft Laws – These laws prohibit the left of pet animals, injuring or killing pets, or hiding the identity of a pet animal

(Washington, Pennsylvania)

Animal Purchase Guarantee Laws – These laws guarantee to a person purchasing an animal that the animal is healthy and free of disease, and allow the buyer to return the animal or receive reimbursement for medical costs if it becomes sick or health problems are found within a defined time period.

(Florida, California)

LICENSING LAWS

Dealer License Laws – These laws state the animal dealers, pet shops, or breeders must obtain a license to operate

(Illinois, Ohio, Rhode Island, New Jersey, Kansas, California, Pennsylvania)

Dog License Laws – These laws state that dog owners must obtain a license for each dog they own

(Ohio, Rhode Island, Texas, New Jersey, Pennsylvania)

3.A.1 Veterinarian Interview Questions

Tell me about how you became a vet?

- How long
- Education
- Type of animals
- Why a vet?

I see you've been a vet for ___ years. What have you done since you became a vet?

- Currently practicing?

What changes have you seen in the veterinarian field?

- How is now different from when you started?

How would you advise someone who wants to breed dogs?

- How often can dogs be bred?
- What conditions?
- Which dogs bred together?
- When consult a vet?
- What problems to look out for.
- Do other vets agree?

Do you feel most dog breeders are following these practices?

- Certain types of breeders?
- What areas are lacking?
- Do other vets feel this way?

What issues do your clients show concern about?

- Money?
- Welfare?
- New dogs-
 - Parentage?
 - Birth place
 - Where do most dogs come from?

I want to get your opinion on different types of dogs. What's your opinion on the purebred vs. mixed bred issues?

- Definition of purebred
- Clients' dogs – mostly purebred, or mixed?

What kinds of problems do you see the most in dogs?

- Which dogs
- Where dogs come from
- How to improve

In your opinion, how are various organizations affecting the dog breeding?

- Are you a member
- What are groups' focuses
- Are groups doing a good job
- What impact do they have
- Regulations?

How do you feel about the current laws?

- Strict enough, too strict?
- Are they effective?
- Are any areas lacking?

3.A.2 Dog Breeder Interview Questions

Please tell me about how you got into dog breeding.

- How long ago
- Why started
- What breeds
 - If change, how come?
- Why continue to breed
 - Competition?
 - What type of competition
 - Under what organization
 - Effects on you as a breeder
 - Money?
 - How profitable
 - Sole source of income?
- Any personal dogs (Ones which sleep on your bed, for example.)

Take me on a verbal tour of where your dogs live.

- How many dogs / how many breeding
- Kennel size / construction
- Cleaning (frequency / how)
- Exercise areas
- Extra Help
 - Vets
 - Laborers
 - Other?

Say you would like a litter. How do you choose which dog to breed to another?

- Traits looked for
- Source of technique
- Origin of studs
 - Number of contract studs used
- Origin of females
- Frequency of mating
- Breeding closely related dogs (Line breeding)
 - Views
 - How close is acceptable
 - DNA tests?

Take me through the life of the puppies while they are in your care.

- Where kept
- Average number per year
- Human interaction
 - Type
 - Time
- Inoculations
- Weaning practices
- If you have puppies that you are going to sell, how do you find homes for them?
 - At what age
 - Where
 - Any criteria for owners
 - Pre-selling training
 - Cost
 - Under any organization certifications
 - Does certification increase the price people will pay?

When selling the pups, what do the buyers look for in the puppies they choose?

- What questions do they ask about the puppies?
 - Parentage
 - Genetics
 - Health
- What questions do they ask about you?
 - Warranty
 - Additional help

Which laws affect you as a breeder?

- Perceived purpose of the laws
 - Accomplish this?
 - Feel they insure dog's welfare?
- Ever Inspected
 - Strictness
- What should they regulate that they aren't now?
- What are they regulating which they shouldn't?

What are your feelings about dog clubs and other organizations?

- Registered with any
 - Reason for joining
 - Requirements to join
- Benefits
- Opinion of regulations
- Animal Protection / Tierschutz groups

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