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EXTENSION EDUCATION IN AGRICULTURAL LAW

*M. L. Upchurch
Professor, Food and Resource Economics
University of Florida*

Laws are the containers in which public policies are packaged and delivered. A policy to protect our natural environment is packaged in the Environmental Protection Act. A policy to control uses of land is packaged in zoning enabling acts and ordinances. A policy to enhance the income of farmers is packaged in the Emergency Agricultural Act of 1978. And so on; the illustrations need not be multiplied. Laws define how we live and work as a society, and public policy without law would be nothing more than blank ammunition.

“Law” as used in this context includes the entire realm of public pronouncements that guide our lives and conduct. It includes statutes by legislatures at all levels of government. It includes judicial law, again at all levels from the local justice of peace to the U.S. Supreme Court. More importantly for our purpose, perhaps, it includes the rules of administrative agencies at all levels that increasingly define what we do and how we do it in virtually every aspect of our day-to-day lives. Law demands or bans, it encourages or inhibits, it induces or restrains. It creates the environment within which we, as a society, flourish or languish. It sets the stage on which we act out our lives from birth to death.

For nearly a thousand years our system of law developed in a society that was largely rural. English parliaments and English courts defined property rights, contracts, master-servant relationships and dozens of other aspects of society that became the foundations of our own legal system. More often than not, English lawmakers were farmers or rural land owners and their influence on the rules of society predominated. It was eroded only gradually by the Industrial Revolution and growing urbanization of England.

Our own early lawmakers also were largely rural people because society itself was largely rural. If they were not actual farmers, they at least had strong farm and rural influences in their constituency. Even people who lived in towns and cities were still close to farm life. Parents or grandparents farmed, and their businesses served farm and rural life in some way.

But during the past 30 years, the historically strong rural influence on our laws and legal system has changed substantially. When the U.S. Supreme Court ruled that all people must be represented equally in state legislatures, it greatly altered the character of such bodies. The alteration was more drastic in some states than in others. In the Southern states especially, the character of state legislative bodies are very different today than they were 20 years ago.

In addition to the equal representation rule, the country as a whole has become more urbanized. As late as 1930, one-fourth of our population lived on farms. Now it is less than 4%. No congressmen, and very few state legislators, represent districts where farm people constitute more than a small fraction of the voters.

For these and other reasons, legislative bodies at all levels of government are increasingly preoccupied with, and responsive to, urban oriented interests. Perhaps Don Paarlberg oversimplifies a bit when he says that farm interests no longer write the agenda for farm policy, but it is certainly true that legislators concern themselves with the problems of their constituency and their support rarely is dominated by farm or agricultural interests.

One result of the changing character of our lawmaking institutions has been a spate of laws that did not originate in a rural dominated society. Laws relating to protecting or enhancing the quality of our natural environment, laws defining or restricting uses of land, laws defining access to water in the humid states, laws prescribing the quality of food and many other products available to consumers, laws dealing with working conditions and wages of hired labor—these and dozens of other topics increasingly stipulate how we live and how we conduct our businesses.

Changes in our legal environment have been rapid and drastic in recent years and the trend promises to continue. Thus, it is increasingly important for farmers, rural people and people in the agricultural industry generally to know something about the law that increasingly governs their lives. A half century ago farmers did know pretty well the laws that governed their lives. They knew that when they had a warranty deed to a piece of land they could do about what they pleased with it so long as they did not harm their neighbors. They knew that the water under such land was theirs and they could pump it as they pleased. They knew that when they hired a hand they could tell him what to do, how to do it, and pay him an agreed wage without some third party defining the rules. They knew that they could grow a load of tomatoes and sell them for any price a buyer might pay without thought of quality standards specified by a marketing order or the EPA.

I believe farmers now know relatively less about the laws that govern their lives and businesses than farmers did a half century ago. Not that today's farmers are more ignorant than their grandfathers, but there is simply a much greater body of law affecting

the lives of present farmers and others in the agricultural industry. Today, knowledge of the law has become as important for a successful agricultural business as knowledge of economics or knowledge of agronomy or animal husbandry.

All too often a farmer resents the imposition of new rules that intrude on his methods of doing business, even when they may be for his own good. When OSHA says his tractor must have a roll bar, when the state says he must have a specified number of privies for his picking crew, when a county says he cannot subdivide and sell a tract of land, when the state says he cannot let the drainage from his dairy barn run into a nearby creek—when these things happen, a farmer all too often says “they can’t do this to me”. “They” can do these things, “they” are doing them, and “they” will continue to write the rules that govern all our lives.

In view of the rapidly changing legal environment within which we live, it seems increasingly important that farmers and others in the agricultural industry know something about the law. They need to know more than the statutes, administrative rules, and court decisions affecting a particular issue. They should know something about how our legal system has developed, how it works, how it is changed, and how best to live within it or to change it in the future. This is the rationale behind an Extension education program in agricultural law being developed in Florida.

This program began a couple of years ago with a short course on agricultural law for a few of our county Extension personnel. It awakened an awareness of their own need for knowledge and considerable enthusiasm for fulfilling this need, as well as an appreciation of the opportunities for service to the people in their counties.

Early in our efforts, the need for effective teaching materials became obvious. At this point we applied to the Federal Extension Service for a grant to help finance the development of suitable material for Extension education in agricultural law. In the application for the grant we promised to develop material on water law, land use law, labor law, environmental law, and perhaps other topics as may be mutually agreed, and as time and funds permit. You will note that these are all what I call “social issue” topics; we do not plan to emphasize the more ordinary business law aspects of an agricultural business—although the distinction between these points of emphasis is admittedly vague.

The plan was to produce initially 16 mm films and video tape materials on each topic with an accompanying study guide and supplemental written materials that would help people dig even deeper into the topic if they wished.

The first of the films—the one on water law—has recently been completed. We started with water law because of the urgent concern over water issues in Florida at the present time. Since this film has

been partly financed by a federal grant, we have tried to make it applicable and interesting to audiences beyond the boundaries of Florida. Copies will soon be available for distribution. I am sorry that I cannot tell you now precisely what they will cost or how to get them. I think this film makes an impressive introduction to any serious discussion of water problems and water law for a wide range of audiences—urban or rural, 4-H clubs or mature audiences. When accompanied by appropriate written materials which may be available in, or developed for, different states and individual situations, you have the basis for an education program on water law.

Water law becomes the package to enunciate and carry out water policy. In my view, the policies themselves cannot be fully understood or altered without knowledge of the packages.