

## Study of Agriculture Law in United States

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### ABSTRACT

This research article discusses about the agriculture law and the study of agriculture law in United States of America. The main focus of this study is to examine and out the ways USA is using and implementing in their agriculture in context of law. This article also focuses on the education, health, and these kinds of activities that has some effect on agriculture law in USA. We Study the review of literature to explore our study. We discussed legal contributions to American agriculture and related study.

**KEYWORDS:** Agriculture law, United States

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### INTRODUCTION

Agriculture is the broadest concept used to describe the various ways in which crops and livestock provide food and other goods to the world's population. Agriculture is derived from the Latin words *ager* (field) and *colo* (farm) (cultivation). It means Latin agriculture: field or ground farming when put together. However, the word already covers a broad variety of agricultural practises that have their own descriptive terms, including breeding, domestication, gardening, arboriculture, and vegetable cultivation, as well as modes of livestock management, such as mixed crops-Animal husbandry, grazing, and supernatural phenomena. Agriculture is often represented using words like "early," "primitive," "modified," "extensive," and "intensive," with the exact meaning being self-evident. Many different characteristics, such as soil type, cultivation frequency, and main crops or animals, are often used to describe particular types of agriculture. The word agriculture is often limited to crop cultivation but does not involve livestock raising, despite the fact that it typically applies to both activities. Agriculture is described as "the science and art of cultivating property, including activities related to collecting crops and cultivating livestock (sic); planting, breeding, agriculture (in the broadest sense) Speaking" by the "Oxford English

Dictionary" (1971). We use the word in the broadest and broadest sense in this entry.

The development and acceptance of so-called agricultural law was a significant development in American law and jurisprudence in the 1980s. The most common response from lawyers to this label is, "What is farm law?" In a nutshell, this is an analysis of how laws influence the agricultural sector's ability to grow and sell food and fibre in the economy. The relationship between law and agriculture is the most apparent among the types of questions typically used in agricultural law study. The Federal Commodity Plan, for price support and output management, is one of them. Taxation, industrial, and real estate planning for more than 2 million farms and ranches in the United States, each farm and ranching project costing more than 20 billion dollars annually in the mid-1980s. It is a stand-alone corporation that sells and leases one billion acres of arable land in the United States, with more than 300 million acres actively cultivated, half of which is done under a lease agreement; corporations and non-resident foreign countries are based in more than a dozen states. People's constraints on agricultural land ownership and management; the activities of over 5,000 agricultural cooperatives operated by its members, which handle more than 30% of agricultural purchases and sales; increased from US\$120 billion in 1980 to annual production costs and revenues;

Usage of 140 billion dollars in US agricultural debt to buy farmland; foreign trade of agricultural goods, with exports reaching 40 billion dollars in 1988; agricultural environmental concerns, such as soil conservation, groundwater protection, pesticide registration and use, and protection of major agricultural land. The problem sample demonstrates the scope and pervasiveness of agricultural law, as well as the economic and social significance of the legal problems that make up the law. It can be seen that the legislation has a significant impact on how American agriculture and society operate. In several ways, the experience of the growth of agricultural law in the United States in the 1980s shows that the legal community's recognition of the law plays a significant role in the formulation of agricultural law. This conclusion leads to the conclusion that, in order for the legal department to represent society, it must resolve specific legal issues related to food and fibre production. The aim of this article is to keep track of the most recent developments in American agricultural law and to address their significance and possible directions.

The accessibility of broad regular assets of soil and water is basic to the development of agribusiness in the United States. A great environment; a huge number of cultivating families' abilities and difficult work; huge rural instruction and administration area that has considered, created, and marketed critical advances in food creation innovation; and an administration that upholds agricultural networks' arrangement. The energetic and dynamic food and fiber enterprises in the United States are the results of this blend. Likewise, impermanent mishaps, (for example, the 1988 dry season or the mid 1980s monetary emergency) have exhibited strength and profitability. Improve the agrarian economy's steadiness. The job of the general set of laws in the activity and execution of American agribusiness is an essential piece of its chronicled development and a significant factor in its prosperity. Without appropriate lawful and institutional constructions set up to furnish ranchers with the information sources they need to develop and sell their merchandise, American agribusiness will experience the ill effects of a significant number of the very authoritative blemishes and shortcomings that obstruct non-industrial nations and a market-less economy. Production of food. A short assessment of the American general set of laws' critical commitments to farming may clarify the

meaning of this relationship. All the more explicitly, recognizing the significance of law in forming the fate of American horticulture makes way for pondering the job of law in molding the eventual fate of American agribusiness.

### Literature Review

The 20th century was the first-time agricultural law was specifically coming to be accepted as a legal area of study distinct from all other disciplines, because of the passage of the Hawley-Smoot Tariff Act. In reality, it's only in the last few decades that the impact of agricultural legislation has become more apparent. Banking problems triggered the Great Depression, and increasing debt troubles in the agricultural sector at the same time, the early 30s, which necessitated the use of the legal department to deal with. Additionally, the government response to the long-to long-term economy of the agricultural sector draws attention to the law's positive influence on that sector. Land statute books were published as early as this, some of the first works on agricultural law were appearing in journals of law. In an article written under the title "Law and Agriculture," Hannah, a professor, observed that the correlation between law and agriculture is far greater than any difference one would initially suspect.

"Insofar as its enforceable laws affect the activities of people who can be broadly defined as "agriculturalists," law is a concomitant of agriculture. The adequacy of its rules is determined not only by their wisdom in formulation and implementation, but also by agriculturalists' perceptions of such rules prior to their application in specific cases, as well as the legal profession's perceptions of the agricultural economies and technology involved."

Professor Hanna's challenge was met with a sluggish response from the legal profession from the late 1940s to the mid-1970s. Several books and legal magazine articles on the role of law on farms were published in the late 1940s. Agricultural law research, on the other hand, was primarily conducted by agricultural economists who had obtained legal training or were interested in agricultural issues during this time period (such as the organisation of agricultural companies or agricultural leases). The establishment of the Agricultural Law Centre at the University of Iowa School of Law in the early 1960s was the first step

in coordinated agricultural law study. The programme was a collaboration between the US Department of Agriculture and the US government. It houses the Iowa State University School of Agriculture's economics department as well as the University of Iowa Law School's administrative offices. It is made up of law professors and US Department of Agriculture economists who work in law schools. It is responsible for a number of excellent agricultural monographs. And then there's economics. Several people, including Neil E. Hall and John C. Obion, who will hold excellent careers as professors of agricultural law, used the programme as a place for legal training or start-up work. Regrettably, after economist Marshall Harris (Marshall Harris) retired from the United States government, Department of Agriculture, this ground-breaking initiative succumbed to a law school's study on "farm" law, which can be characterised as anti-intellectual hostility, and was phased out in the early 2000s. Events in the late 1970s, such as the rapid increase in the value of agricultural land, the subsequent demand for farmers' taxes and inheritance planning, and the rise in agricultural export sales, all increased demand on the legal profession and farmers' needs. Agriculture is a large industry.

As a result, interest in the study of land law resurfaced in the late 1970s and early 1980s. In the introduction to the 1976 South Dakota Law Review Farm Law Symposium, Drew Kershen, an agricultural law professor at the University of Oklahoma, explained the reasons for this revival. Professor Kesen identified three powers that are most important to the agricultural sector and have the highest demand and interest in agricultural law research: (1) The agricultural sector's political power has waned, resulting in a greater regard for other legal means. And economic dimensions, such as the courts, to articulate the department's position; (2) The agricultural sector is becoming increasingly important as a source of economic support for the national economy and a means of influencing international relations, and the role of agricultural trade policy as a means of influencing international relations is growing. (3) Large-scale agricultural product development and commercialization are becoming more concentrated, placing pressure on established legal and institutional structures. Professor Kelson said that the power is extremely strong, and that it led to the early 1980s

comprehensive growth and development of agricultural law.

When looking at agriculture law, many lawyers and professors may wonder how this discipline differs from any other research field? Agriculture has several characteristics which makes it particularly suitable for independent research and legal practise without prejudice to other areas. The key features are the critical nature of the human food supply, the wide utilisation by this sector of natural resources and the size of the economic transactions. The cultivation, processing, distribution and consumption of food and fibre produced in the agriculture sector accounts for more than 20 percent of work and economic activity in the United States. There is no industry that allows such extensive and active use of natural resources such as land, water and energy as agriculture. There is no role that will sustain human life more importantly. Similarly, some agricultural characteristics make it a unique feature of the legal areas of concentration. It is particularly important to distinguish between agriculture law and conceptual issues such as ownership rights, violations or evidence. As a departmental analysis, agriculture law begins with agriculture's economic activities and then faces unique legal problems in relation to agriculture. There may be many areas for legal questions in the agricultural sector, including matters of property law, contracts, torts, administrative procedures and taxation. Some legal professionals find it difficult to consider issues as different areas of law, because of the various issues involved with a typical agricultural relationship. This undoubtedly also challenges agricultural law research and practise. The versatility of land legislation increases organisational difficulties from an educational point of view. This can, however, make this subject especially valuable for students, as it offers the opportunity of investigating real-life legal problems in an integral and multifaceted way. Students who have studied agriculture frequently comment that this is the first course in a law school to summarise their experience in a freshman course and to use it to answer practical legal issues. The students often say that this is their first course.

Other factors make land legislation a unique field of study. John Davidson! John Davidson! Six factors that contribute to the peculiar nature of agriculture legislation have been defined while researching social, economic and political

influences: (3) the regulations of government are of the utmost importance for deciding the industry's working conditions; (4) exceptional economic competitiveness in agriculture; (5) offer "family farms" 2 great cultural, functional, social and political importance, and (6) the importance of and impotence for agriculture. The legal issues associated with each issue are evident and explain the presence of agricultural law and their impact on agriculture and society. The role of law in shaping agriculture needs to be considered in order to understand the essence and substance of agriculture law.

Several fundamental factors help government policies that differentiate agricultural producers from other businesses. Professor Grace Krogstad characterised the dual rationale centred on "special interests and needs of farmers" and "broader national interests and priorities" related to food production in relation to agricultural exceptionalism in the United States and the European Union. The possible balance between these variables is implicit in. Farmers' interests must be protected by the basic services they provide to society by producing food that is needed for survival. However, political fact is not always the basis of this balance. Despite the fact that this is the most unappealing understanding of special agricultural rules, agriculture's political influence as a driving force in the production of agricultural laws is undeniable, and it sometimes tilts the balance in favour of special agricultural interests. Agriculture, agriculture, agriculture. Industry pays less attention to national concerns in general. Jim Chen, dean of jurists, tells the storey. "Chen argues that the founding fathers' drafting of the Constitution is the oldest example of preference for American agriculture since they guarantee Each state has two senators, regardless of population, and defend them from slavery," according to his controversial article "The First Agricultural Disobedience and Its Consequences."

## Study

### American Agriculture's Legal Contributions

The American legal system provides for the following in terms of the private dimension of agricultural production (that is, the legal arrangements that enable an individual farmer to engage in the efficient production of food):

1. Credit and financing: Agriculture cannot work without a system that allows producers to borrow money to purchase land, produce inputs, and animals. Via land mortgages and personal property mortgage guarantees, the legal framework offers a mechanism for borrowing and repaying loans, as well as a mechanism for involuntary debts in the event of default. Around the same time, the legal system safeguards borrowers' and society's legitimate interests.

2. Expropriation and land transfer: Farmers must own land in order to grow crops and livestock. The land ownership scheme in the United States offers a process for obtaining, selling, and recording property rights.

3. Farm use rights: In the United States, more than half of the land is farmed by individuals other than the owner. The evolution of landlord and tenant law allows for the temporary use of land by another individual while still ensuring that the rent is paid and the lease contract is commonly used.

4. Crop sales: Farmers would be unable to continue producing unless they have a source of income. These earnings are derived more directly from the selling of farm-grown food and fibre. The American marketing system is basically a contract formulation and execution system that allows farmers to optimise farm income by using existing marketing mechanisms. Futures markets, forward trading, and cooperative schemes are examples of special trading mechanisms that aid in this process.

5. Farm management succession: Since most farms are a unique type of small business, their natural life cycle represents the owner's life and interests. The legal structure facilitates the transfer of agricultural activities to others, whether through intergenerational transfers to farm operators' heirs or through the selling of farms and their properties.

6. Purchase and selling of required inputs: As the use of purchased seeds, feed, fertilisers, chemicals, and equipment has become increasingly critical in recent decades, American agriculture has become more capital-intensive. Guarantees and contract agreements are used to sell these inputs to the agricultural sector, and these inputs must be secure and reliable. The agricultural service industry must also consider developing new payment mechanisms and ensuring debt repayment schemes.



7. Encourage the creation of businesses: Although most farms and agribusinesses in the United States are managed as sole proprietorships, many farms and agribusinesses are organised as partnerships or corporations. The ability to shape and operate agriculture-related companies by various legal entities allows the sector to benefit from the versatility of corporate types in terms of funding, transparency, and operations. State and federal regulations represent how the department works in relation to the public interest when it comes to the public aspect of agriculture in the United States. In agriculture, the legal system allows for the application of different types of legislation, such as:

8. The Federal Agricultural Program has been in effect since the 1930s, and it has successfully introduced a range of price support and output management initiatives in the agricultural sector. These proposals are intended to keep prices stable and farm income steady. They work on a short-term loan, direct income transfer, and output management scheme (all of which are provided through specific legal agreements between individual producers and the government).

9. Protect the country's land and water supplies—The key aim of federal and state agricultural policies has always been to ensure the country's agricultural resources' continued survival and health. Laws that encourage soil and water conservation, as well as those that regulate water use and pollution, are examples. Furthermore, new legislation governs the use of pesticides and other pesticides.

10. Protect national farms' health and safety: Federal and state plans also protect the agricultural sector from negative consequences. Efforts to protect animals and plants from diseases and plagues, as well as legislation and standards governing the production and selling of essential agricultural inputs, are examples of such initiatives (including seeds, feed, fertilisers and pesticides).

11. The agricultural sector's most important role is to produce healthy, reasonably priced food to feed our own people, export it to other countries, and use it in domestic and nationwide food aid programmes. Foreign American legal systems play an important role in this regard. Congress enacted legislation aimed at ensuring the safety and security of food supplies. For example, the Food and Drug Administration and the Food Safety and Inspection

Service have approved food additives for chemical contamination inspection of meat and vegetables.

### **The Law's Impact on Agriculture**

A critical factor in American agriculture's prosperity is an essential piece of its recorded development. Easy-going eyewitnesses regularly miss or disregard it. This is a characteristic component of the overall set of laws in our agrarian area's action and results. Ranchers can't procure the information sources they need to produce or sell their merchandise without lawful and institutional game plans. Numerous hierarchical deformities and failures in American farming would obstruct food creation in created and non-industrial nations. To fabricate a short investigation of the American overall set of laws' critical commitments to agribusiness may delineate the estimation of this relationship. The US general set of laws makes the accompanying benefits and ideas conceivable by thinking about the private part of agricultural creation, that is, legitimate plans that empower singular ranchers to participate in effective food creation:

#### ***Access to credit and financing***

Agriculture cannot work without producers borrowing money to buy land and produce inputs or animals. The legal framework includes a lending process, a mechanism for ensuring loan recovery by land mortgages and personal property protection rights, and a system for protecting debts in the event of default, as well as borrowers' and society's rights and interests.

#### ***Land transfers and acquisition***

To succeed as farmers, one must have a piece of land. The American property system of property gives individuals the opportunity to obtain and sell property and record property rights and interests.

#### ***Farm tenancy***

Approximately half of the land in the country is being farmed by people who don't own the land. Farm lease provisions provide others with access to property, as well as security of tenure, which brings to the general public domain the benefits of paying rent on time and providing that the expected payments, and thus facilitates lease use in American agriculture.

#### ***Marketing of commodities***

Farmers cannot continue to produce unless they raise money from selling food and fibre grown on the farm. The US sales method is essentially a contract formulation and execution process that allows farmers to optimise farm income by using available marketing mechanisms. Futures trading, forward trading, and cooperative schemes are examples of marketing mechanisms that assist in this process.

### ***Transfers of farm operations***

Since most farms are small businesses, their natural lifespan represents the owners' lives and interests. The legal system recognises agricultural operations as a continuous mechanism that can be passed on to heirs by intergenerational transfers such as wills and trusts, or through the selling of farms and their properties.

### ***Buying and selling necessary inputs***

As seeds, feed, fertilisers, chemicals and machinery have become increasingly important production factors in recent decades, American agriculture has become an increasingly capital-intensive company. American agriculture. The commercialization of such inputs in the farm sector can be promoted and ensure their performance, protection and legal instruments such as contract agreements and guarantees. In addition, it is necessary for the agriculture service industry to develop various payment methods and obtain debt.

### **Education at the Nation's Law Schools**

Solely after the legitimate schooling local area has acknowledged lawful themes as an essential piece of law understudies' schooling and preparing will they proceed to develop and advance. A few graduate schools, essentially in the Midwest, begun offering fundamental homestead law insightful courses in the last part of the 1970s and mid 1980s. Educators who are particularly intrigued by land law ordinarily show these courses, however they don't have the institutional opportunity to have some expertise in the subject. In 1980, when the University of Arkansas started an alumni program and acquired a graduate degree in law, it was a milestone second. Regarding rural law. Educator J.W. Looney, who was utilized at the time in Kansas State University's Department of Agricultural Economics, was recruited to coordinate the program and set up agricultural law courses. Agricultural land enactment, government

agrarian guidelines, food and medication laws, woodland laws and arrangements, rural duties, global rural exchanges, rural ranches and marketable strategies, farming cooperatives, and rural credit and financing were among the courses set up and authorized. The top notch of the program graduated in 1982, and it currently creates legal advisors prepared by farming legitimate specialists consistently. Alumni of the program have filled in as law and financial matters educators, government legal counselors in Congress and the presidential branch, private lawyers, and in-house legal advisors in rural organizations and banks. A few other graduate schools were keen on agrarian law instruction in the mid 1980s. Agricultural law courses are offered at Washburn University in Topeka, Kansas, and Lamin University in St. Paul, Minnesota, as a component of their standard graduate school educational program. The Agricultural Law Center was established in 1983 at Drake University School of Law in Des Moines, Iowa. The middle is a diverse program that permits understudies to find out about agricultural law subjects while additionally giving information and schooling to rehearsing legal counselors and rural networks.

The middle distributes "Iowa Agricultural Law Journalist," offers a yearly proceeding with legitimate instruction program, and has the yearly summer rural law foundation, which unites farming law specialists from around the country. Uncommon courses on agrarian law issues like biotechnology and animals, government agricultural activities, agribusiness and the climate, and rural banks' commitments have been held. The Drucker Agricultural Law Student Association, which is the AALA's first graduate school understudy bunch, upholds the middle's exercises. "Agricultural Law: Cases and Materials," distributed by the West Publishing Company in 1985, significantly supported the instructing of farming law examination courses. Keith G. Meyer of the University of Kansas, Donald B. Pedersen of the University of Arkansas, Norman W. Thorson of the University of Nebraska, and J. H. Davidson, Jr. of the University of Nebraska composed the case assortment. The University of South Dakota is a state funded college in South Dakota. The farming law division of the American Association of Law Schools was set up in 1984 by these rural law educators and others (AALS). This segment puts together instructive meetings at the AALS yearly

gathering and is committed to advancing the appropriation and improvement of rural law courses. As indicated by a study directed by the office in 1986, 25 of the 100 graduate schools that reacted are presently or expect to convey rural law courses. These various practices, like the distributing of scholastic examination and materials, the formation of expert affiliations, and the appropriation of scholarly courses, have all added to the progression of agricultural law. They give freedoms to instructors and specialists in the area to communicate as "rural legal advisors." All of these occasions together gave ranch law the authenticity it expected to acquire proficient regard. With the proceeded with development during the 1980s, the significance and materialness of land law acquired consideration, which assisted with legitimizing it and make it a commendable scholastic and expert exploration zone.

## CONCLUSION

According to Peter Bergen, in the rule of law and lawyers in agriculture, the rule of law will not be lost soon. It will also be crucial to investigate numerous other problems surrounding agriculture, many of which are not currently under legal oversight, and will have tremendous legal implications. The importance of trade and the global economy to the United States' economies and its ties with other countries will increase, while national laws and policies related to agriculture will play a greater roles in controlling these aspects of our agricultural sector. It is imperative that the legal system, professionals, courts, and policymakers accept the fact that they must assist in the evolution of agriculture if it is to have a bright future.

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