Book Review

Accepted author manuscript for publication in *Studia Philosophica*

van den Brandeler, E. (2023)

Blattner, C. E. (2019).*Protecting animals within and across borders: Extraterritorial jurisdiction and the challenges of globalization.* Oxford University Press.

Substantive animal law does not appropriately protect the lives of animals and—according to Blattner—it cannot. Namely, substantive animal law refers to the rights and obligations that the state can enforce to protect its domestic animals. Blattner warns that even with improved substantive animal law, state protection will not suffice because of “high levels of cross-border investment, manufacture, transport, and trade” (p. 401). In particular, she considers four cases in which animal welfare normally evades domestic jurisdiction: i) outsourcing, ii) trade, iii) migration of animals and iv) trophy hunting. Worryingly, what happens to animals in these cases falls largely through the cracks of the law. In response to these governance gaps in animal law, Blattner considers the law of jurisdiction, which defines the limits of when and how states can use their authority (p. 12). She argues that jurisdiction must be considered and sets out to show its potential to offer robust animal protection within and across state borders. Blattner tackles two tasks: first, to offer a comprehensive framework of indirect and direct, intra- and extraterritorial jurisdiction to protect animals within and across borders. Secondly, she questions under what circumstances these regulations would be legitimate, or whether they would violate international law.

Her project is both novel to scholars who study the law of jurisdiction, as well as to animal rights scholars. Questions about the state’s legitimate scope of jurisdiction are emerging in the field of environmental law (p. 18), and are already prominently discussed in human rights law and labor law (p. 68). The same cannot be said about the field of animal law, however, which makes Blattner’s book an inspiring and impressive project.

With great detail and care, she exhausts virtually every legal possibility with which states could protect animals under intra- and extraterritorial jurisdiction. The *lex lata—*i.e. the law as it exists*—*is discussed in chapters three through six and considered for its efficiency, and legitimacy for indirect and direct regulations in animal law. She considers regulations such as import regulations, trade restrictions (in the form of labels, taxes, quantitative restrictions), investment rules, export credits, codes of conduct, CSR policies, best practices, reporting duties, impact assessments, (import) prohibitions, and so on. From chapter seven onwards, she ventures into the *lex ferenda—*i.e. what the law should be*—*andbravely argues that even direct extraterritorial regulation—which is the most invasive type of jurisdiction—could be enforced in accordance with international law. Namely, it need not threaten the principle of sovereign equality, the right to territorial integrity and the duty of noninterference, thereby limiting legal conflicts that may emerge. She presents a convincing argument, and inspires animal and legal scholars alike to reconsider whose responsibility it is to protect animal welfare across borders.

Clearly, the book discusses a large scope of legal possibilities which are crucial to consider for effective animal protection. Given the lengthy lists of legal cases, abbreviations used throughout the book and the general amount of detail and detective work, Blattner’s book has proven to be a useful reference to both legal and animal scholars alike. The drawback of Blattner’s enthusiasm is that, at times, the thesis loses its focus by taking detours on substantive law, history on animal law and on unnecessary detailed biological explanations of what an animal actually is. However, most importantly, she inspires the reader to consider all legal possibilities to protect animals within and across borders, that might be considered too radical at first glance. Indeed, achieving justice for animals will require such extraordinary measures.

In particular, Blattner suggests to embrace a legal pluralism and cross-comparison of animal laws to inspire a race to the top. She reassures that overlapping jurisdiction is the best bet for animal protection. Namely, according to Blattner, the success and legitimacy of enforcing such jurisdiction significantly increases when more states would do so. Instead of accepting current governance gaps where lawless areas cannot protect animals at all, instead, in the legal pluralism that she proposes, multiple states would bear responsibility for animal welfare issues; i.e. positive competency conflict. Arguably the biggest hurdle to instating extraterritorial jurisdiction is to ensure that its regulations do not introduce a new “form of ethical, social, or cultural value imposition, imperialism, hegemony, parochialism, [or] neocolonialism.” (p. 366). Blattner recognizes the validity of such worries, and the dangers of appropriating animal regulations to perpetuate other forms of oppression of social minorities (Cordeiro-Rodrigues & Mitchell, 2017). Still, it remains unclear to what extent her proposal actually aids to settle this imperialist objection. I discuss two worries.

First, creating overlapping jurisdiction and legal pluralism only works legitimately when indeed all states take seriously a commitment to protect animals. Somewhat problematically, this requires an international commitment to protect animal welfare. To date, no such international agreement or treaty on animal welfare exists, and Blattner herself points out that it is unlikely to happen (p. 403). Without such an international commitment the question remains how states can best navigate the legal extraterritorial landscape without overstepping their legitimate regulatory claims.

Secondly, it remains up for debate whether the fact that positive competency conflict is best for animal welfare, is sufficiently strong to risk imperialist jurisdiction and oppression of human minorities. It should be clarified when exactly concerns about animal protection sufficiently overrule imperialist risks. It is questionable whether embracing the proposed three pillars to i) listen to other perspectives, ii) strive for systemic avoidance of racialization of animal exploitation, and iii) to consult and collaborate in good faith (p. 372-373), is sufficient to legitimize use of extraterritorial means with imperialist risks. Especially since it is very likely that concurrent jurisdiction between states will act as a tool to oppress minorities (p. 372). Although Blattner’s different types of jurisdictional conflict help determine the *severity* of jurisdictional conflicts, additional guidelines or desiderata are required that determine *under what conditions* those conflicts may legitimately be introduced.

Blattner does indicate when extraterritorial jurisdiction would be most successful and least likely to risk oppressing minorities. Namely, the predicted success and validity of extraterritorial jurisdiction depends on a social and political climate that is already protective of animals. On its own, an extraterritorial jurisdiction framework may not be as revolutionary in terms of the moral standing of animals. Since states seem to prefer jurisdiction that uses value-neutral (i.e. non-animal-related) anchor points, essentially the validity of their jurisdiction is based on other values than animal protection (e.g. economic or social values) (p. 270). In addition to the foreseeably unchanged property status of animals (Kymlicka, 2017), this makes it unlikely that extraterritorial jurisdiction will pave the way toward interspecies justice.

Indeed, Blattner admits that extraterritorial jurisdiction is only as strong as the animal laws across the border (p. 409). And so, she elegantly places her research in line with current efforts to improve substantive animal law while remaining critical of them. For instance, by arguing that even the most progressive animal laws in the world fall short as animal protection laws (p. 353 and chapter 8 and 9). Moreover, throughout the book she vigilantly questions the motives of regulatory bodies that supposedly protect the interests of animals (e.g., p. 360), and emphasizes that human interests remain systematically (and unfairly) prioritized over animal interests. Her book perfectly exemplifies why substantive animal law and the law of jurisdiction must be considered simultaneously to ensure an absence of governance gaps and to provide animals with robust protection around the globe. As such, her work is especially well-suited to support a globalized or cosmopolitan view of animal rights (Cooke, 2014). Although Blattner herself defends a strong animal rights position, her deliberation on the promise of extraterritorial jurisdiction applies to both animal welfarists as well as animal rights scholars. Because of this, her work could be meaningful to many animal ethicists.

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**References**

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