***Offor, Iyan*: Global Animal Law from the Margins: International Trade in Animals and Their Bodies.** London and New York: Routledge – Taylor & Francis Group 2024. ISBN 978-1-032-22699-6 (Softcover). XV, 295 pp. €59,80

Iyan Offor's *Global Animal Law from the Margins* is a utopian work. Offor is frank about this. His program is to articulate a 'utopian vision' (p. 187). The utopian vision is ambitious, even for utopia: not merely to 'revolutionise the fundamentals' (p. 187) of animal oppression and to abolish 'trade in animals and their bodies' (p. 201), but also to dismantle other kinds of oppression, including 'coloniality', to improve the situation of all oppressed and marginalised groups both human and animal. Offor aims to progress towards this utopia by changing animal law scholarship, in particular international animal law scholarship, shifting the focus to marginalised and oppressed scholarly voices and rejecting approaches to scholarship that fail to focus on various forms of oppression of marginalised human beings that intersect with animal oppression.

Offor's book is a fresh contribution to international animal law scholarship. There is no other book-length work in international animal law scholarship I am aware of with such an uncompromisingly idealistic approach to this field. While Offor's approach in the small field of international animal law scholarship is novel, it can also be placed in a tradition of utopianism in international law, reflected in Martti Koskenniemi's dichotomy of apology and utopia in his classic *From Apology to Utopia*.[1] Apology versus utopia is an opposition that came to mind repeatedly for me as I read Offor's book. Koskenniemi understood international law as stuck between two contradictory impulses: on one side 'apology', the acceptance of the imperfect nature of human society and of international law and the tendency to explain or justify existing state behaviour and power relationships; on the other 'utopia', the aspiration to transcend politics by reaching for normative desiderata. 'Apology' and 'utopia' also map well onto the work of animal lawyers. Most of us struggle with the tension between the inherently compromised and limited work of advocating small legal reforms for animals, usually little more than crumbs from the table, and our grander but less realistic hopes of fundamental change.

From the 'apologetic' standpoint, it makes sense that World Trade Organisation (WTO) law, and in particular the 2014 *EC – Seal Products*[2] case, has a

1 Martti Koskenniemi, *From Apology to Utopia: The Structure of International Law* (reissue, Cambridge University Press 2005, originally published 1989).

2 WTO, Appellate Body, European Communities – Measures Prohibiting the Importation and Marketing of Seal Products, report of 22 May 2014, WT/DS400/AB/R, WT/DS401/AB/R.

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significant presence in international animal law scholarship. *EC – Seal Products* involved a challenge by Canada and Norway to the European Union's ban on products of commercial seal hunting, and in its decision the WTO Dispute Settlement Body interpreted a treaty provision that permits trade restrictions based on 'public morals' to be capable of applying to concerns about animal welfare. International trade law does not have that much to say about animals, but most of international law has nothing at all to say about animals. This is so although the field of international animal law scholarship has grown in recent years, a development ably covered in Offor's book. Nonetheless, at least there is something in trade law for animal law scholars to seize on. And *EC – Seal Products*, while decidedly not an animal rights case, is a rare example of international law paying some attention to animal welfare and treating it as a serious matter with legal significance. Apologists do not expect much from international law (nor do we expect much from law generally when it comes to improving the lot of animals), and will work with what they can find. Utopians expect everything and are critical when what little does exist is compromised and limited, as the *Seal Products* case was.

Offor offers strong criticism of *EC – Seal Products* and some of the scholarly discussion of it, from an uncompromisingly utopian stance. For example, he accuses the WTO Appellate Body of moral hypocrisy for evaluating the EU's opposition to seal hunting as a matter of public morals without addressing the morality of animal suffering that the EU permits, in factory farming for example (152-153).

In defence of the WTO Appellate Body, one could say that, conscious as it was of its institutional constraints both legal and diplomatic, it was in no position to comment on the morality of all human exploitation of animals, and certainly could not have abolished trade in animals and their bodies. One might also say that if the Appellate Body had accepted the arguments that were put before it about moral hypocrisy – the EU could not legitimately object to seal hunting if it was OK with hamburgers – then it would have agreed with the positions of Canada and Norway and found the EU ban to be an unjustified violation of WTO law. What the practical outcome would have been in that eventuality we cannot know, but it is likely that it would have meant more seal hunting, certainly not less factory farming – and a continuation of the pre-*EC – Seal Products* view of many WTO members that they could not adopt trade measures to protect animal welfare because it would put them offside of their WTO obligations.

But that is the kind of thinking Koskenniemi identified as 'apology,' which can be little more than a justification of power relations. From Offor's standpoint, the WTO Appellate Body's institutional carefulness is not an adequate response to the moral horror of animal exploitation (amplified, as

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Offor argues, by global trade in animals). He challenges us to name and to attack the domination of animals by humans and not just accept it: to revolutionise the fundamentals, to look for utopia.

All that said, the strongest part of Offor's book is not so much about the revolutionary march towards the abolition of trade in animals, but, rather, the minutiae of international law-making. This is the explanation and discussion of trade negotiations and committee work mainly in Chapters Seven and Nine, which is well informed and valuable. Offor has deep expertise in these processes, honed through his experience working on the frontlines of lobbying in trade negotiations. Most animal law scholars who write about trade do not have this kind of insight from inside trade law-making. Instead, scholarly writing about WTO law and animals tends to focus on the more court-like dispute settlement process, with something of a blind spot when it comes to the at least equally important practices of negotiation and committee work. Offor's explanation of these aspects is perceptive and enlightening.

The theoretical parts of the book have some weaknesses. The heart of Offor's argument is that we need a 'second wave' of animal ethics incorporating attention to intersecting oppressions. One shortcoming is that the idea of marginalised scholarship, which is central to Offor's reform program, is not clearly or consistently defined. In Chapter Four, for example, Offor evaluates the 'second wave' bona fides of teams of animal law scholars associated with certain institutions by counting which continents the contributors 'stem from' or 'hail from,' based on 'online biographies and personal connections' (pp. 101-104). There is no further explanation of the methodology here. The reader is thus left wondering whether 'stem from' means where contributors live now or where they were born or something else, whether there is any verification of the information from online biographies and personal connections, or which continental origins count as the marginalised ones. Whatever second-wave or marginal scholarship means, surely it cannot be captured in this kind of dubious demographic head-counting – and surely it should have at least something to do with the content of the scholarship. Another problem is that the overview of theoretical ideas in the first four Chapters covers a lot of territory in a small amount of space (Chapter Two, for example, is only ten pages long excluding the endnotes, although it covers an enormous sweep of history in animal law scholarship), and as a result it tends to skate over the surface of the ideas under discussion.

Furthermore, although Offor argues we should be working 'towards' a second wave (the title of Chapter One is 'Towards a Second Wave of Animal Ethics'), to a large extent what he calls for appears already to have arrived. Second-wave animal ethics is that which is not first-wave animal ethics, and

first-wave animal ethics means the work of Peter Singer, Tom Regan, and Gary Francione (p. 15). The truly important work of Singer, Regan and Francione dates mainly to the 1990s, the 1980s, and even the 1970s – half a century ago. To understate considerably, a lot has happened in animal rights philosophy and in animal law since then. Arguing that first-wave animal ethics 'has been developed exclusively by white, able-bodied, cisgendered, heterosexual men', Offor proclaims, '[t]his must change' (p. 21). It has.

Certainly Offor engages with more recent writing, including the work of postcolonial scholars like Maneesha Deckha that overlaps significantly with his own approach. But not infrequently the book reads as if the 'second-wave' program it advocates for is a new vanguard, and as if the 'first wave' remains entrenched and unchanged. There are missed opportunities to engage more with the continuing evolution of this field since the foundational 'first wave' works, and to situate Offor's own approach as part of an ongoing intellectual conversation.

There is also a missed opportunity to delve into the thorny ethical and intellectual problems that arise when principles that Offor champions in the book, notably animal rights and anti-colonialism, are not neatly aligned but in tension. *EC – Seal Products* is a case in point. One of the most difficult issues in the WTO case and in the controversy over seal hunting more generally was traditional Inuit seal hunting. There is a direct opposition between the interests of Inuit seal hunters, who want to protect their traditions and way of life, and those of animal welfare proponents who seek to reduce animal suffering. As the WTO Appellate Body observed, traditional Inuit hunting methods are not more protective of animal welfare than non-Indigenous commercial hunting. Offor argues that in the Seals dispute '[p]aying regard to Indigenous perspectives would have […] potentially led to solutions' (p. 179). But there is a difficult reality here: solutions that would have been acceptable to Inuit hunters would have meant less protection for the seals.

To minimise this trade-off is to indulge in what Will Kymlicka and Sue Donaldson have called the 'strategy of avoidance'[3] of the fact that animal rights and Indigenous people's rights sometimes do clash. As Kymlicka and Donaldson argue, the strategy of avoidance is both incoherent and unstable. It romanticises Indigenous peoples in a way that undercuts their full and complex humanity.

3 Will Kymlicka and Sue Donaldson, 'Animal Rights and Aboriginal Rights' in: Peter Sankoff, Vaughan Black and Katie Sykes (eds), *Canadian Perspectives on Animals and the Law* (Irwin 2015), 159-186.

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Offor positions himself as an intersectional scholar, describing intersectionality as 'a tool […] to identify the mutual operation and exacerbation of various inequalities' (p. 23). He analyses the connection between animal rights and anti-colonialism from that standpoint. This intersectional approach involves both an opportunity and, I would argue, a responsibility to grapple with the full complexity of different inequalities and the different interests of those who experienced them. All 'marginalised' positions cannot simply be conflated with one another, and they do not always line up conveniently on the same side.

Offor's uncompromising perspective provides a valuable contribution to international animal law. For my part I think it is very unlikely that, if we ever really change the profound tragedy of our relationship with other animals, it will be the law that solves the problem, still less international law, and even less international law scholarship. It would take far-reaching changes in social organisation, economics, and shared moral ideas – so far-reaching as to be difficult to imagine. But law does have a part to play. As Jessica Eisen has argued, law reform and public discourse about law contribute to an 'evolving ethic' where shifts in both the law and public consensus gradually and reciprocally build towards sustainable social change.[4] In that context, it matters that some voices argue for more radical change than seems likely to happen any time soon. Idealistic legal scholars like Offor help expand the boundaries of what it is possible for us to imagine by conjuring utopia.

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4 Jessica Eisen, 'Beyond Rights and Welfare: Democracy, Dialogue, and the Animal Welfare Act', U. Mich. J. L. Ref. 51 (2018), 469-547 (borrowing the concept of an 'evolving ethic' from the work of Lawrence Tribe).