ANNUAL REVIEWS

Annual Review of Law and Social Science

Law's Underdog: A Call for More-than-Human Legalities

Irus Braverman

School of Law, University at Buffalo, The State University of New York, Buffalo, New York 14260, USA; email: irusb@buffalo.edu

Annu. Rev. Law Soc. Sci. 2018. 14:127–44

The *Annual Review of Law and Social Science* is online at lawsocsci.annualreviews.org

https://doi.org/10.1146/annurev-lawsocsci-101317-030820

Copyright © 2018 by Annual Reviews. All rights reserved

ANNUAL REVIEWS CONNECT

www.annualreviews.org

- Download figures
- Navigate cited references
- Keyword search
- Explore related articles
- Share via email or social media

Keywords

animal law, nonhumans, more-than-human legalities, posthumanism, animal geographies, multispecies ethnography, legal pluralism, blue legalities

Abstract

Questions pertaining to the role of nonhumans in law shed light on some of the most fundamental assumptions and constructions of contemporary modern law. I start by reviewing the traditions of animal welfare and animal rights in legal studies and by discussing the constitutional frameworks that contend with the animal. Then, I move beyond the individual-based discourse of much existing animal law to contemplate ecological traditions that consider nonhuman populations and species as well as land ethics and ecosystem management. Next, I review the rich literature that has emerged in the last two decades in critical theory, mainly posthumanism and its subtraditions of animal geographies and multispecies ethnography. Finally, I sketch visions of more-than-human legalities that push beyond the limitations of existing (neo)liberal legal traditions, pausing to consider what ocean, or blue, legalities might look like. Throughout, I argue that we need to move toward a dynamic and pluralistic approach that acknowledges the myriad ways of being in the world, their significance to law, and, in turn, law's significance to these other modes of existence.

INTRODUCTION

In March 2017, legal scholar Steven Wise argued in front of the New York Supreme Court Appellate Division for the freedom of two captive clients. As the *Washington Post* reported, it is not abnormal for lawyers to file writs of habeas corpus to demand release of their clients from detention. But Wise's clients were different: They were chimpanzees. The chimpanzees, Tommy and Kiko, belong to private owners in New York. Wise's organization, the Nonhuman Rights Project (NhRP), has been hoping to endow these animals with legal personhood and, consequently, win their right to be free (Brulliard 2017a). By filing writs of habeas corpus and through utilizing legal argumentation, the NhRP has placed itself in the lineage of eighteenth- and nineteenth-century abolitionists to argue that common-law courts should do the same for nonhumans as they did for slaves (Wise 2018). Their first lawsuits, in 2013 and 2015, filed on behalf of captive and privately owned chimpanzees, were ultimately rejected by the courts. In June 2017, the New York State Court of Appeals finally ruled that chimpanzees "are not legal persons who have a right to be free" (Brulliard 2017b).

For scholars concerned with the legal and ethical treatment of animals, the questions brought to the limelight by the NhRP bear critical importance. What is the role of nonhumans, and of nonhuman animals in particular, in the constitution of law? How should legal systems account for societies that include not only humans but also nonhuman entities? What are the intersections between law and nonhuman life? And how do we overcome the anthropocentric biases of modern legal systems, which are tightly interwoven with the postcolonial and neoliberal approaches of many contemporary political regimes? Despite the richness and complexity of these investigations, the law and society community has typically disregarded the "question of the animal" or, at best, relegated this question to the discourse of animal rights and shunned it in comparison to what it considered to be more serious and consequential inquiries.

I argue, alternatively, that sociolegal scholarship could greatly benefit from a serious consideration of nonhumans. Questions pertaining to the role of nonhuman animals in law in particular could shed light on the most foundational assumptions and constructions of contemporary modern law. I start by reviewing legal work in the tradition of animal welfare and rights as well as existing constitutional frameworks that contend with the animal. Then, I move beyond the individual-based discourse of most existing animal law to contemplate ecological traditions that consider nonhuman populations and species, as well as ecosystems and land ethics more broadly. Next, I review the rich literature that has emerged in the last two decades in critical theory, mainly posthumanism and its subtraditions of animal geographies and multispecies ethnography. Finally, I sketch visions of more-than-human legalities that push beyond the limitations of existing (neo)liberal legal traditions, pausing to consider what ocean, or blue, legalities might look like.

This article is an invitation to inquire into the largely invisible roles that animals have long performed in regulatory frameworks and to include them in our jurisprudential deliberations and practices. Through the lens of the nonhuman animal, we open up fundamental questions that speak to the meaning of being human, as well as to the ethical and political concerns that emerge in the project of governing human and more-than-human life. This inquiry also promotes an understanding of law that moves away from sovereign power toward pastoral and biopolitical forms of governance (Foucault 1975, 1990, 2007). By acknowledging the myriad ways of being in the world, their inherent interconnections, and their manifestations in and constitutions of law, more-than-human legalities extend the advocacy-oriented scholarship of animal rights to highlight how both animality and humanness are deeply embedded in the construction of law and, reciprocally, how law is acutely relevant for constituting the animal. Indeed, while nonhumans render law's operations—in fact, its very existence as such—possible, law also constitutes animal life and renders it meaningful in a variety of ways.

Although my article centers on nonhuman animals, more-than-human legalities encompass a much broader range of nonhumans, including nonanimal forms of life and even nonliving matter. Initial explorations of inorganic legalities that draw on science and technology studies have already taken place, albeit sporadically (see, e.g., Braverman 2008, 2010, 2011; Jasanoff 1996; Latour 2009; Philippopoulos-Mihalopoulos 2013, 2016; Riles 2006). Though not further expanded upon in this review, such explorations are nonetheless vital components of more-than-human legalities.

LEGAL BIASES: THE RIGHTS–WELFARE DEBATE

Animal law is taught at more than 90 law schools in the United States and is also offered at law schools in Australia, Canada, China, Portugal, Israel, New Zealand, and the United Kingdom, among others (Otomo & Mussawir 2013, p. 1). The vast majority of these courses are manifestations of the animal welfare or animal rights paradigms, which remain inescapably humanistic and thus tend to disregard "lower" life-forms. Furthermore, such paradigms typically use liberal assumptions of rationality, agency, and suffering as the grounds for extending rights only to those nonhumans who are closest to humans (Wolfe 2009, p. 62). Indeed, the animal rights discourse extends legal rights to certain nonhuman animals through the same limited liberal framework that has afforded humans' rights in the past. Vertebrates, invertebrates, microbes, and nonliving entities must first cross Western law's threshold of personhood to obtain rights. Because of this narrow ideological entry point, the study of animal law has remained largely rhetorical and its agenda decidedly reformist (Otomo & Mussawir 2013, p. 1).

Typically, animal law texts identify two central modern approaches to the legal status of animals: welfare and rights. This section reviews these two approaches, the heated debates between them, and some of their factions in the existing legal scholarship on animals. Broadly stated, the welfare–rights debate pits those who believe in incremental legislation for the improved well-being of animals (welfare) against those who believe that all instrumental use of animals must cease (rights). Tom Regan (2004, p. 78) has famously explained the difference between the welfare and rights approaches this way: Whereas welfarists advocate for larger animal cages, animal rights proponents push for dismantling those cages altogether. Constituting a subset of the animal rights tradition, abolitionists such as Gary Francione reject animal use of any sort and maintain that "all sentient beings, human or nonhuman, have one right—the basic right not to be treated as the property of others" (Francione & Charlton 2015, p. 11).

Contemporary welfarists typically cite late-eighteenth- and nineteenth-century English philosophers Jeremy Bentham and John Stuart Mill as the early architects of the animal welfare theory. Although both based their advocacy of the abolition of slavery on the assumption that humans have more reason than animals, they also believed that animals should be used humanely (Francione & Garner 2010, pp. 7–8). Often known as the father of utilitarianism, Bentham [1988 (1789), p. 310] is famous for his statement, "The question is not, Can they reason? nor, Can they talk? but, Can they suffer? Why should the law refuse its protection to any sensitive being? . . . The time will come when humanity will extend its mantle over everything which breathes." At the same time, Bentham also argued that "[animals] have none of those long-protracted anticipations of future misery which we have" (quoted in Francione & Garner 2010, p. 8).

Taking up Bentham's question of suffering, Peter Singer (2009), an iconic figure in both the animal rights and welfare traditions, has argued that the capacity to "enjoy life" should determine the attribution of moral value to human and nonhuman animals. Like many other animal rights philosophers, Singer, too, suggests that as sentient beings, certain animals (at least) should be granted legal rights (Cavalieri & Singer 1994; see also Regan 1983; Singer 1990, pp. 10–11; Varner 2012). At the same time, he contends that sentience is not the only marker for rights. For

example, he highlights the importance of self-awareness in this context: "A being who is aware of its own existence over time, and is able to have desires for the future," is more worthy "than a being who may be conscious, but is not self-aware and lives in a kind of eternal present" (in Raha 2006, pp. 18–19). Singer's willingness to consider a cost-benefit analysis that equally evaluates the interests of humans and animals follows his argument of taking a "graduated view" toward moral status. He nonetheless clarifies in an interview, "I'm not a biological egalitarian. I do not think that all nonhuman animals have the same claim to protection of their lives as humans do" (Raha 2006). Finally, Singer is a strong supporter of reforming animal welfare through regulation and industry practices and has been advocating for the imposition of higher standards for slaughterhouses. He speaks about such standards as "the first hopeful signs for American farm animals since the modern animal movement began" (Singer 2003; quoted in Francione & Garner 2010, p. 37). For these reasons, Singer's approach has largely been rejected by many animal rights advocates, including by abolitionist Gary Francione.

Francione sees utilitarianism in the vein of Bentham, Mill, and Singer, which is a central aspect of the animal welfarist position, as the main reason for the animal–human problem. But Francione also criticizes ethicist Tom Regan, often referred to as the "father" of the animal rights movement. Despite Regan's rejection of utilitarianism and welfarism, Francione claims that he shares the same assumptions because at times of direct conflict, Regan ultimately elevates human life over animal life. This, to Francione, implies that Regan believes humans possess a higher moral value than animals (Francione & Garner 2010, p. 18). The abolitionist view, by contrast, argues that humans have no moral authority to use animals at all, irrespective of purpose and no matter how humanely. Laws that call for the humane treatment of animals are meaningless, according to proponents of this worldview, because of their underlying assumption that animals are property (p. 20).

Similarly, in a response to American thinker Maxim Fetissenko's (2011) welfare-oriented arguments, Stockholm University's political scientist Per-Anders Svärd (2011) argued that the animal rights movement should aim to "abolish speciesist oppression." Following Francione and citing writer Joan Dunayer's argument that welfarism is a form of speciesism, Svärd contends that it therefore carries no hope of dismantling systemic speciesism. Italian philosopher Paola Cavalieri (2001), too, advocates for full rights for animals, insisting that animals have interests in staying alive and that these interests must be considered equal to our own. Finally, philosopher Gary Steiner (2007) argues against considering animals as morally inferior, taking a view of animal cognition that eschews ideas of intentionality for what he views as "cosmic holism," in which animals have the same moral status as humans (see also Wheeler & Williams 2012). In Steiner's (2007, p. 5) words,

> key tenets of the liberal model of individual autonomy stand in conflict, or at least in an uneasy tension, with the sense of cosmic kinship between humans and animals that provides the motivation for acknowledging the moral status of animals . . . . The task for contemporary legal and moral thought about animals is to confront and seek to resolve the tension between liberal individualism and cosmic holism.

A major point of contention between the animal rights and welfare approaches concerns the animal's status as property.

ANIMALS AS PROPERTY, LEGAL PERSONHOOD, AND ANIMALITY

The abolitionist approach to animal rights argues that nonhuman animal rights cannot be established so long as animals remain the property of humans (Francione 1995, 1996). They also

contend that animal welfare measures cannot be effective when they must defer to the rights of property owners (Francione & Garner 2010, p. 127).

In the United States, many nonhuman animals are owned and thus "in principle no different from a parcel of land, a T-bone steak, a teddy bear, or a steel mill" (Delaney 2003, p. 220). By contrast, recognition of our inherent dignity as a species has, at least formally and quite recently, removed humans from the property regime altogether (Otomo & Mussawir 2013, p. 5; on the hybrid status of the human corpse as "quasi-property," see Stroud 2018 in this volume). As a formal legal system, property establishes power not only over the owned objects but also in relation to the owning subjects (Delaney 2003, p. 222). Attempts by animal rights advocates to physically enter zoos and liberate their captive animals have reconfigured such powerful legal meanings. In response to accusations of trespass violations, animal rights advocates asserted that, "If we are trespassing[,] so were the soldiers who broke down the gates of Hitler's death camps" (Animal Liberation Front; quoted in Delaney 2003, p. 220). These narratives highlight the perceived uniqueness of animals as objects of governance and the ethical problems that arise when humans own sentient life.

Alongside their challenges to the property status of animals, animal rights and welfare advocates as well as animal studies scholars have also contemplated the relationship between legal personhood and animality. Both the bifurcation between, and the interconnections of, property and personhood are central in this context:

> Animals are property, not legal persons, and thus they do not possess the basic rights and freedoms of legal persons, such as freedom of movement and protection from harm. Human beings do not treat animals harshly because they are classified as property; animals are classified as property so that human beings can legally treat them harshly. (Adams 2009, p. 29)

In *The Law Is a White Dog*, English scholar Colin Dayan (2011) claims that the formation of legal personhood has nothing to do with a human personality. Rather, persons, whether human beings or anything else, prove the absoluteness of law's power (Dayan 2011, p. 25). She explores "how law encapsulates, sustains, and invigorates philosophies of personhood," treating the legal history of dispossession as a "continuum along which bodies and spirits are remade over time" (p. xii). Once placed outside categories of personhood, Dayan writes, legal claims become inconsequential (p. xi). Dayan also examines how the logic of slavery both depended on and tried to evade the consequences of the comparison with animals (p. 137). "Animals and slaves: forms of unfreedom depend on such inexact but nevertheless effective parallelism," she argues (p. 124). Specifically, Dayan demonstrates how animalization serves as a technology of dehumanization, illuminating the fuzziness of interspecies boundaries and showing that they are ontologically and politically fraught. I would argue, moreover, that the project of humanizing law and dehumanizing nature and animality demarcates the boundaries of law: law's sovereignty as dependent on its states of exception, what Jacques Derrida (2009) refers to as the beast-sovereign relationship. Dayan goes on to explore the burdens that the beast has borne for legal thought (see also Braverman 2016, 2017; Delaney 2003, pp. 235–70). Could this beast be released, or at least repositioned? And what are the stakes of such a repositioning for law?

My own work on captivity in Gaza documents how hierarchy-forming processes of animalization, humanization, and dehumanization have played out in the perilous landscape of the Israeli occupation. I closely track such "zoometrics"—the detailed calculations of biopolitical worthiness that occur within and along the animal-human divide—and point to their inherent dangers (Braverman 2017). By contrast, others have insisted that the blurring of the human–animal divide is what has enabled the dangerous practices of dehumanization in the first place: "Whenever the

radical heterogeneity between humans and animals is erased, the door is open to brutally eugenicist arguments advanced under the guise of biological necessity. . . . It is necessary to stop humanizing animals for fear that we start predicating animal attributes on humans" (Klein 1995). I should note in this context that alongside the animalistic form of dehumanization, the other dehumanization technology takes on a mechanistic form. From the *Annual Review of Psychology*:

> Dehumanization can occur in two registers with distinctive psychological content. In Haslam's model, the animalistic form is defined by the contrast between humans and animals, occurring when people are directly associated with animals or denied uniquely human attributes. The mechanistic form is defined by the contrast between humans and inanimate objects, occurring when people are likened to objects or denied human nature. (Haslam & Loughnan 2014, p. 405; citations omitted)

Acknowledging that property is a "fundamental organizing point" for legal systems, David Favre (2000) proposes using the trustee–trust relationship to establish personhood and thus to challenge animal ownership. Specifically, Favre argues that by distinguishing between title and possession, and by separating ownership into legal and equitable title, we can transfer the equitable title of the animal from the legal (human) owner to the animal. The human owner would hold the legal title just like a trustee would, but the animal would be the equitable owner of herself. The human owner, then, would act like a guardian with obligations to the animal, who could in turn access certain rights.

And yet, as Lori Gruen (2017) notes, although the argument that calls for replacing the property status of animals with that of personhood makes sense, it runs the risk of flattening experiences and perpetuating exclusions deriving from human-centered definitions. Instead, her work argues for ways to "respect similarities while embracing differences." Gruen suggests more broadly that historically, legal arguments have evolved in a similar manner as ethical arguments—namely, radiating outward from the center: the center being white, Christian European men, after which rights are extended outward to nonwhites, non-Christians, and women, for example. To be moving animals along that radius means to show how animals are "more like" the center, which has been the NhRP's strategy in filing writs of habeas corpus on behalf of chimpanzees.

Tackling the question of personhood from a more corporeal standpoint and criticizing the personhood model altogether, anthropologist Ciméa Bevilaqua (2013, p. 85) emphasizes that "[b]ringing nonhuman forms of agency into (legal) existence seems to depend not only on acknowledging animals as nonthings, as European legal systems are gradually doing, but also as nonpersons, in the sense of being something other than the person defined according to the model of human agency." The question, broadly construed, is that of legal boundary making: When does a relation turn into an object and, vice versa, an object into a relation?

My own work on zoos explores the variability of ownership models across spatial and temporal contexts. The zoo's ownership of its animals is arguably different from the ownership of pets by private individuals, which in turn differs from the ownership of wild animals by the state. Furthermore, ownership models are dynamic even within themselves. Zoo animal ownership evolved from an individual- and institution-based model to a more collective and collaborative one, as accredited zoos in certain countries are required by their industry associations to conform with transfer recommendations even when those collide with their immediate institutional interests. Nonetheless, formal contracts signed among zoos still define the ownership status of the offspring of such transferred zoo animals (Braverman 2012, pp. 137–39). These hybrid arrangements question the fixity of traditional ownership regimes to enable other, less conventional, possibilities—for instance, public trust or common ownership that take place on the scale of species or populations rather than on that of the individual.

The common ownership model is prevalent in wildlife conservation practices. For example, the United States Fish and Wildlife Service owns, on behalf of the American people, certain endangered species, such as black-footed ferrets, red wolves, polar bears, and Gila trout, and the Brazilian government owns all specimens of the golden lion tamarin species, wherever they may reside (Braverman 2015, pp. 90–92). Such legal orientations toward common ownership have emerged in response to the pragmatic challenges of practicing conservation across multiple geographies and among diverse institutional entities, and have thus been essential for the success of recovery programs for some threatened species. Although formally still referred to as ownership, these orientations could also be perceived as expressions of a gradual transition toward custodian and stewardship models. Conceivably, such models of stewardship and care not only would supplant the current property paradigm for particular nonhuman animals, populations, and species (those deemed valuable enough to be owned) but also would apply to "lower" forms of life and other-than-living entities. These are just some of the ways in which focusing our attention on the nonhuman animal can help us think beyond the limitations of traditional property models.

CONSTITUTIONAL CONVERSATIONS, ANIMAL CITIZENS: RECENT DEVELOPMENTS

In the first paragraph of his *Rattling the Cage: Toward Legal Rights for Animals*, Steven Wise (2000) outlines the common-law foundations of legal personhood. By taking small steps that build off of existing legal precedence in the common-law system, Wise (2004) attempts to gain more comprehensive constitutional protections for specific animals.

The move to expand constitutional protections so that they include animals is occurring not only in the United States but also internationally. Since the 1970s, Switzerland, Brazil, India, and Slovenia have enacted laws that ascribe a constitutional obligation to place limits upon human use of their animal "properties." This "animal turn" in constitutional protection, as legal and animal scholar Jessica Eisen (2017) identifies it, has been motivated by several, sometimes competing, ethical orientations. She provides detailed examples from across the globe. In Brazil, legislation against cockfighting has brought to the fore their appalling living conditions. In Germany, the Federal Constitutional Court "affirmed that the *welfare* of animals—not simply their value to present or future persons—is now a constitutional objective that may in some cases justify limits on the fundamental rights of human persons." Finally, India has asserted that their constitution imposes a "fundamental duty" on every citizen and on the state to "have compassion for living creatures." Eisen (2017) argues that these laws, and a handful of additional laws drafted in the last several decades, reflect a shift from the traditional human-centered definition of constitutionalism toward a "constitutionalism for animals" that will dramatically alter the legal landscape.

Although many of the recent advancements in animal rights have emerged as a result of the ongoing debates among the various animal law traditions and the ensuing heightened public awareness of animal-related issues, some have nonetheless concluded that these debates have failed to lead to the political changes they had hoped for. One of the more well-rounded articulations of this point is in Canadian political philosophers Sue Donaldson and Will Kymlica's book, *Zoopolis*. The animal rights movement is "at an impasse," they assert up front (Donaldson & Kymlica 2011, p. 1). The political marginalization of the animal rights discourse, they suggest, is a result of the fact that it has been concerned with a limited list of negative rights (e.g., the right not to be killed, confined, or tortured) rather than with the positive obligations humans may owe to animals (the obligations to respect an animal's habitat, design our cities in ways that consider animals, or care for animals under our management). Although they draw on the human rights

framework in a broad sense, Donaldson & Kymlica (2011, p. 14) insist on crafting a more nuanced political and legal discourse that involves "a complex integration of universal human rights and more relational, bounded, and group-differentiated rights of political and cultural membership." Their proposed platform consists of three political statuses: full or co-citizenship for domesticated animals, denizenship for "liminal opportunistic animals" who choose to move into areas of human habitation, and independent sovereignty for those animals in the wild who are vulnerable to human invasion and colonization (p. 14).

Despite its introduction of a welcome nuance to current animal policy discourses, the fact that Donaldson & Kymlica's approach remains fundamentally wedded to a liberal human rights discourse that relies on existing regulatory structures also defines its limits. In the words of posthumanist American scholar Cary Wolfe (2003, p. 8),

> As long as this humanist and speciesist structure of subjectification remains intact, and as long as it is institutionally taken for granted that it is all right to systematically exploit and kill nonhuman animals simply because of their species, then the humanist discourse of species will always be available for us by some humans against other humans as well.

Canadian legal scholar Maneesha Deckha (2008, p. 249) points out, similarly, that "experiences of gender, race, sexuality, ability, etc . . . . take shape through speciesist ideas of humanness vis-à-vis animality." It is precisely from this standpoint that certain feminist animal scholars have felt uneasy about employing the human rights discourse for animal-related conversations, arguing that this discourse frustrates ethics of care, relationality, and compassion (Donovan & Adams 1996).

ECOLOGICAL APPROACHES TO NONHUMAN LAW

American ecologist Aldo Leopold is one of the founders of the modern environmental movement. In his landmark conservation text, *A Sand County Almanac: And Sketches Here and There*, Leopold (1949) articulated the moral values necessary to protect the entire "biotic community," rather than fragments of it such as soil, water, plants, and animals. This "land ethic," as Leopold called it, is essentially a moral code of conduct that grows out of the care between humans and the land they inhabit. Drawing heavily on the land ethic idea, philosopher J. Baird Callicott (1980, p. 337) reconfigured the debate over animal liberation as "triangular, not polar, with land ethics or environmental ethics [being] the third and, in my judgment, the most creative, interesting, and practicable alternative." According to Callicott (1980, p. 337), environmental ethics "locates ultimate value in the 'biotic community' and assigns differential moral value to the constitutive individuals relatively to that standard." He finally argued that the pursuit of animal liberation by proponents of animal rights would have "ruinous consequences on plants, soils, and waters." Tom Regan (1983, p. 362) countered in 1983, when his influential book *The Case for Animal Rights* labeled environmentalism as "environmental fascism."

Translating philosophy into action, in the 1970s the Norwegian philosopher Arne Næss coined the terms "deep ecology" and "ecosophy" to articulate a "paradigm for ecological reasoning anchored in a genuine philosophical framework directed toward practical action, both through political engagement and everyday action" (Levesque 2016, p. 512). Ecosophy calls us to understand the globe as a holistic system and advances a radical change in human views and beliefs, starting with the overturning of anthropocentricism. The ecological focus advocated by Callicott and Næss sets up a conflict between proponents of individual animal rights and those who promote the broader outlook of ecosystem management. Environmental philosopher Ben Minteer and ecologist James Paul Collins highlight the differences in how both groups define and extend

moral status to nonhumans and ecological systems. Whereas animal welfarists focus on individual animals, they explain, environmental ethicists are concerned with systems, species, and populations (Minteer & Collins 2017). The culling of excessive, or surplus, animals within a particular population is an example of this divide: What animal rights or welfare proponents will object to because of the harm to individual animals, environmental ethicists will find necessary to maintain a functional ecosystem that can sustainably support many such individuals.

The tensions between the individual and ecosystem paradigms are further exacerbated by the rapid environmental and climatic changes in what is increasingly referred to as the Anthropocene: a term coined by Paul Crutzen in 2000 and characterized as the time in which the collective activities of humans have substantially altered the earth's surface, atmosphere, oceans, and nutrient cycles. Sensitive to the extreme challenges of our perilous times, Minteer & Collins (2017, p. 604) have called for a research and conservation approach that is responsive to "rapid climate change, extensive habitat fragmentation and destruction, and related forces threatening the distribution and abundance of wildlife around the globe." They conclude that "[u]navoidable animal welfare impacts produced as a result of high-priority and well-designed conservation research and conservation activities involving captive animals will in many cases have to be tolerated to understand the consequences of rapid environmental change for vulnerable wildlife populations in the field."

Scientists, legal scholars, and philosophers alike are increasingly stressing the importance of bridging the gap between animal rights and ecological conservation in the Anthropocene. In "Animal Welfare and Conservation: An Essential Connection," anthrozoologist Paul Waldau (2011, p. 13) argues that the dismissive attitude by certain conservationists toward animal rights stands in the way of the natural alliance between the two movements, which share many concerns. Legal scholar Jonathan Lovvorn (2016, pp. 63–64), formerly Chief Counsel for the Humane Society of the United States, calls climate activists to learn from animal rights campaigns how to work effectively to bring about meaningful change on the climate front. Relatedly, in his concluding essay to the collection *Ignoring Nature No More: The Case for Compassionate Conservation*, ecologist Marc Bekoff (2013, p. 387) calls for compassion in our interactions with nature. Following what he describes as a "moral imperative," and approaching conservation on a case-by-case basis, he argues that humans will soon recognize their interdependence with the rest of the ecosystem. Along these lines, scientists Paul Paquet and Chris Darimont call for a "wildlife welfare" ethic in conservation (Paquet & Darimont 2010). Focusing specifically on North American wildlife, they observe that the environmental destruction of habitats results in animal welfare issues such as starvation, trauma, and death, urging conservationists to more actively engage with and take on an animal welfare approach (p. 186).

The convergence of welfare, rights, and ecological discourses has resulted in the recent establishment of rights-of-nature principles. The argument here is that the existing legal classification of the world into either property or personhood no longer makes sense if we are to protect vital aspects of nature. In the words of Mari Margil (2018) of the Community Environmental Legal Defense Fund, "To make progress in this area, we must break away from legal strictures that were never intended to apply to nature, such as legal personhood, and establish a new structure that addresses what nature needs. Perhaps we can call this framework legal naturehood." In 2006, the first law recognizing the legal rights of nature was enacted in Pennsylvania. Two years later, Ecuador enshrined the rights of nature—or *Pachamama* (Mother Earth)—in its constitution, and Bolivia soon followed suit. Courts in India and Colombia have similarly ruled that ecosystems possess rights. In Mexico, Pakistan, Australia, and other countries, rights-of-nature frameworks are being proposed and enacted (Margil 2018).

Making a slightly different argument for ecological ethics, anarchist Murray Bookchin's (1980, 2000) "social ecology" concept attributes the current ecological problems to existing social ones.

Bookchin (2000, p. 226) writes, "a truly *natural* spirituality centers on the ability of an awakened humanity to function as moral agents in diminishing needless suffering, engaging in ecological restoration, and fostering an aesthetic appreciation of natural evolution in all its fecundity and diversity." Social ecology recognizes that humans produce environmental changes that are qualitatively different from those produced by nonhumans, contending that while humans act with technical foresight, they lack ecological foresight.

POSTHUMANISM IN CRITICAL THEORY: A BRIEF OVERVIEW

The question of the animal can be traced back to the philosophical tradition of the Greeks, particularly Aristotle. More recent texts include Jacque Derrida's (2008) *The Animal That Therefore I Am* and Giorgio Agamben's (2004) *The Open: Man and Animal*. The humanities' "crisis in humanism" has produced an additional flood of scholarship, usually identified as the posthuman or transhuman tradition in critical theory (Badmington 2000, p. 9). Even the *New York Times* paid recent tribute to the emerging field of animal studies, arguing that writing about animals was no longer the exclusive province of the sciences (Gorman 2012).

Scholars such as Donna Haraway (2008), Cary Wolfe (2009), and Kari Weil (2012) have taken a particular interest in redefining questions about human–animal relations. Specifically, in *What Is Posthumanism?*, Wolfe (2009) aligns his posthumanist theory with Bruno Latour's, arguing that humanism's blindness to anything nonhuman has led to the paradox at the heart of humanist modernity: Although modern innovations have resulted in a large-scale production of natureculture hybrids, the absolute dichotomy between the orders of nature and society has nonetheless remained intact. To move past the myopia and paradoxes inherent to the humanist project, Wolfe (2009, p. 38) argues, one must rethink politics itself. Here, he draws on Haraway's "cyborg world," a world consisting of hybrid identities and joint kinships between animals and machines. Haraway (1991, p. 154) writes,

> a cyborg world might be about lived social and bodily realities in which people are not afraid of their joint kinship with animals and machines, not afraid of permanently partial identities and contradictory standpoints. The political struggle is to see from both perspectives at once because each reveals both dominations and possibilities unimaginable from the other vantage point.

Wolfe's (1998, 2009) project sits somewhere between Latour's and Haraway's in that it weaves together two different strands of posthumanism: posthumanism as a mode of thought based on the parallel terrains of pragmatism, systems theory, and poststructuralism (Latour) and posthumanism as engaging directly the problems of anthropocentrism and speciesism (Haraway).

Wolfe's (2013) *Before the Law: Humans and Other Animals in a Biopolitical Frame* engages more with the latter strand of posthumanism. As the book's title implies, Wolfe (2013, pp. 8–9) is interested in what it means to be "before the law," in the sense of "that which is ontologically and/or logically antecedent to the law, which exists prior to the moment when the law, in all its contingency and immanence, enacts its originary violence." Wolfe presents two polarized examples of how nonhuman animals are currently framed with regard to both moral standing and legal protection: on the one hand, the Great Ape Project—an international organization founded in 1993 that seeks to confer basic legal rights (including the prohibition of torture) on nonhuman great apes—and on the other hand, the massive slaughter of farm animals, especially in the United States. According to Wolfe, these two examples reveal the stark difference between animals who are seen as members of the human community and those who are deemed killable. Here, the relevance of biopolitics reveals itself. It is ironic, in his view, that the Spanish Parliament decided to grant

human rights to great apes "at the very moment when the violence of biopolitics against 'the body of the world' has never been more virulent and more systematic, nowhere more so than in today's practices of factory farming" (Wolfe 2013, p. 104). Indeed, Nicole Shukin's (2009) *Animal Capital* provides a chilling testimony to the unfathomable schism between how humans treat pet animals and how we treat industry farm animals. Drawing on Agamben's biopolitical framework, Shukin (2009, p. 10) argues that the modern industrial slaughterhouse is the zoopolitical equivalent of the Nazi concentration camp in that they have both produced "bare life."

Despite its promising title, however, Wolfe's *Before the Law* falls short of presenting a complex account of the role of law in constructing nonhuman biopolitics. Certainly, *Homo sapiens* are commonly "animalized" as an act of degradation, as Wolfe notes. What my study of captivity in Gaza (Braverman 2017) adds, however, is that under some conditions a reversal may occur: Nonhumans can be "humanized" over and against certain *Homo sapiens*. Furthermore, whereas Wolfe portrays the biopolitical positioning as one between animals and humans writ large, my reflections on zoometrics in Gaza expose a more nuanced interplay among various "categories" of humans and nonhumans (Braverman 2017, p. 210; see also Hovorka 2018b). Before I move to sketch several possibilities for such complex accounts, I next review the emergence of the animal question in two specific strands of posthumanism: animal (or "more-than-human") geographies and multispecies ethnography.

ANIMAL GEOGRAPHIES AND MULTISPECIES ETHNOGRAPHY

Recently, critical theory's interest in the question of the animal has spread into new territories and disciplines. A central example of this expansion is animal geographies: an innovative subfield of human geography that has been so influential that "some hesitate now to refer to a solely 'human geography'" (Buller 2014, p. 308). The work of animal geographers has expanded in the last decade or so to encompass a vast array of inquiries that have prompted highly fertile cross-disciplinary engagements (see, e.g., Buller 2014, 2015; Hovorka 2018a,b; Lorimer 2007). Within this subfield, scholars such as Sarah Whatmore (2006) and Bill Braun (2005) have insisted on renaming posthumanism as "more-than-human" geography to stress its material and relational, rather than temporal, turn. In more-than-human geography, "animals matter individually and collectively, materially and semiotically, metaphorically and politically, rationally and affectively" (Buller 2014, p. 310).

Whatmore's move away from a solely human geography is also productive for the quest for more-than-human legalities. In her engagement of the worldly—the politically charged relations between science and society—Whatmore is concerned with how different knowledge practices correspond in the event of controversies. Specifically, she studies controversies over genetic engineering, pharmaceutical patenting, and reproductive cloning, a few of many examples that "are at once about the most mundane and intimate aspects of social life—food, health and kinship—*and* the sites of prolific inventiveness in the life sciences" (Whatmore 2006, p. 605). Whatmore argues that the society–science nexus offers rich grounds for exploring the entanglements of animals and law, which manifest in modern institutions such as the laboratory, the slaughterhouse, the zoo, nature reserves, and even the city. Which scientific practices trigger regulatory interventions and what animal bodies are deemed worthy of legal protections emerge as important questions in this regard, revealing the rich potential in studying the interrelations of "law in action" and "science in action" (Latour 1987).

In another important study of more-than-human geography, Bruce Braun (2005, p. 635) depicts the collapse of the nature–society divide to challenge the view that cities are antithetical to nature, thereby unsettling the separation between urban and environmental studies. For some,

this has meant understanding cities as part of a "metabolic" relationship between society and nature, whereby urbanization processes are producing local and global environments in new and consequential ways. For others, this collapse has made visible the many ways that nature permeates urban life, in a sense "defetishizing" the city, while extending ethical-political considerations in the city beyond the bounds of the human (p. 635). This line of inquiry is highly relevant in the legal context, whereby the extensive use of zoning laws and city ordinances serves to relegate the proper placement of certain animals (such as companion and food animals) inside the city, whereas others (such as farm and wild animals) are prohibited from entering the urban space altogether (Braverman 2013). An attention to more-than-human legalities would similarly defetishize modern law's multiple dualisms—namely, the dualisms between wild–domestic, object–subject, property–person, public–private, and rural–urban—as different manifestations of law's fidelity to the foundational nature–society divide (Braverman 2015). Sociolegal inquiries could start by envisioning what a law that embraces the entanglements of nature and society—rather than their alienation—might look like.

A parallel turn to animal studies has also occurred in anthropology, where creatures formerly in the background for ethnographic investigations have started to appear alongside humans as leading "legibly biographical and political lives" (Kirksey & Helmreich 2010, p. 545). Drawing on Eduardo Kohn's "anthropology of life," which is concerned with human entanglements with other kinds of living selves, multispecies ethnographers focus on how animal livelihoods are coproduced by political, economic, and cultural forces (p. 545). For example, critical animal geographer Kathryn Gillespie (2016, p. 117) has developed the idea that nonhuman species can engage in acts of resistance, calling to understand "their resistance on its own terms." Gillespie's (2016, p. 118) methodology of multispecies ethnography centers on the lived experiences "of individual cows in the dairy industry as a way of understanding how economic and political structures shape their lives." Drawing on the examples of an elephant attacking her abusive handlers and a Siberian tiger escaping her encasement and then killing and maiming teenagers who had taunted her, Gillespie sees animal resistance as challenging existing anthropocentric legal priorities. "Acknowledging acts of animal resistance as resistance," she argues, "creates fissures in the dominant order of human–animal relations and urges us to respond" (2016, p. 127).

Anthropologist Anna Tsing (2012, p. 144) contends more broadly that "human nature is an interspecies relationship." To paraphrase Latour's (1993) assertion that "We have never been modern," this understanding indicates that we have never been human, either. Instead, humans have always been what Haraway (2008, p. 165) calls "messmates": a "multispecies crowd" that thinks with, lives with, and eats with an abundance of others (see also Michael 2004). Such novel articulations of human–nonhuman hybridities are bound to disrupt modern law's classificatory regimes. By expanding what counts as human, we also expand our ideas of the social, thereby pluralizing our investment in society to investments in mixed and overlapping societies. These are but some of the ways in which serious contemplations of the animal question could both destabilize and enrich the law and society scholarship.

MORE-THAN-HUMAN BIOPOLITICS

In addition to technologies of personification, ownership, and classification, the project of governing nonhuman populations is performed through the institution of care and via biopolitical regimes. Although this perhaps was not his original intent, Michel Foucault's (1975, 1990, 2007) ideas of governmentality, pastoral power, and biopower are highly relevant for understanding the administration of nonhuman populations, too. In *Zooland: The Institution of Captivity* (Braverman 2012), I documented the battle between zoo experts and animal rights activists over the question

of who cares more and better for the captive animal. Foucault refers to such high-stakes conflicts as the "great battle of pastorship." Although he discusses the great battle only in the human context and at a specific historical moment, applying this term to nonhumans not only reveals the parallels between the seemingly disparate systems of human and nonhuman governance but also illuminates the fluidity between them and the arbitrariness of the species ontology more broadly.

The art of governing animal populations through their documentation, classification, and intense reproductive control, an art that is routinely practiced and perfected at the modern zoo, offers valuable insights to sociolegal scholars who are interested in problems of human governance. The governance of nonhuman animals, who are assumed to be "others" or exceptions to the human project, not only reflects but also shapes human bureaucracies that rely on such assumptions to enable the emergence of *Homo sapiens* as an exceptional species, and even as an outsider to the biological scheme altogether. Specifically, the study of governing nonhuman individuals, species, and populations can illuminate certain functions of biopolitical regimes that are not as apparent when discussed solely in the human context. Threatened species lists, such as the International Union for Conservation of Nature's Red List and the 1973 Endangered Species Act in the United States, along with their respective databases, risk assessments, and standards, inscribe a particular calculus of life that determines which species are more and most worthy of saving, or of "making live" (Foucault 1990, 2007). The acts of saving life, carried out by governments and other conservation agencies, entail rigorous recovery processes for threatened species, which are thereby elevated from "mere life" into the realm of "political life." At the same time, nonlisted species, and even those listed as less than threatened, are rendered unprotected, killable, and even executable (Braverman 2015). Indeed, the designation of an endangered and threatened status triggers direct physical consequences. Once a species is listed as threatened by US federal law, members of this species cannot be harmed without a special permit; they cannot be transferred, bought, or sold between certain spaces; and a unique set of technologies, such as the legal designation of "nonessential experimental populations" and "split-listing" procedures, are set in motion to work around their protected status to enable certain actions (particularly killing) in spite of it (Braverman 2015).

Applying the biopolitical framework to nonhumans thus opens up new questions regarding the scientific and sociolegal meaning of life and death on the individual scale and the kin concepts of viability and extinction on the population scale. It also exemplifies the values we assign to rarity and vulnerability, something we could consider reflecting on in the human context, too. Would we care if ticks, bacteria, soil communities, and other forms of life, which have mostly been invisible and nonvaluable to humans and our laws, were to go extinct? And how about threatened human practices, cultures, and communities? My own work on corals exemplifies the transformations in how we value specific organisms, documenting the processes by which the threatening coral reefs of the recent past have become the precious and threatened canary in the coal mine of the contemporary Anthropocenic moment (Braverman 2018).

Another interesting example of the biopolitical coproduction of law, science, and animality is law's deep ambivalence toward hybrids and other "impurities." One regulatory strategy developed for handling hybrids has been to construe exceptions for them outside of law's ordinary framework; another has been to outlaw such hybrids or withdraw their legal protection altogether. In the 1970s, the United States Fish and Wildlife Service enacted a policy against hybridizing endangered species, consequently phasing out the last remaining specimens of particular species, such as the dusky seaside sparrow, while permitting the crossbreeding (but not the hybridization) of others, such as the Florida panther and the peregrine falcon (Braverman 2015, pp. 165–68). Deeming an endangered species a hybrid or even a subspecies has had profound implications on the physical survival of these organisms, as in the example of the red wolf recovery program, which was phased

out for this reason (pp. 177–83). Could we envision a legal language that accounts not only for hybrid animals and plants but also for human–animal hybrids and chimeras? The collection *Law and the Question of the Animal* has already begun to articulate such a language by offering a renewed set of juridical terms that speak "to the mixture of human and animal in the earth" (Otomo & Mussawir 2013, p. 8).

CONCLUSION: A CALL FOR MORE-THAN-HUMAN LEGALITIES

Specialty journals such as the *Animal Law Review* and the *Stanford Journal of Animal Law and Policy* have long been devoted to animal law questions. Such questions, however, have generally been absent from the law and society scholarship. A survey of the two central American law and society journals, *Law and Society Review* and *Law and Social Inquiry*, reveals that of 525 articles, 278 book reviews, and 131 review essays published in the decade between 2008 and 2018, only 3 (Fernandez 2009, Swedlow 2009, Young 2014) were dedicated to questions concerning nonhuman animals.

Indeed, despite all the important advances in other disciplines, legal scholarship still largely restricts nonhuman animals to the confines of the natural sciences, embracing as truisms their scientific classification into species and subspecies; their sorting into Linnaean taxonomies; their categorization as domestic, captive, lab, or wild; and their relegation as such to particular geographical and emotional zones. With the exodus of animals from labs into the social realm, we must envision a new "parliament of things" (Latour 1993) that reorders animals beyond their dualistic classification as subjects or objects so that they may assume a meaningful voice in a new social order (Jasanoff 1996; Latour 2005, 2009). To reflect this novel vision of society, a new way of thinking about law is required—indeed, a rethinking of the interface of law and society.

Law is not simply a blank slate that reflects the changing relationship between humanization and animalization. Instead, legal texts and institutions tend toward and prescribe certain human–animal ideologies. Existing law, in other words, is already a biased affair in this context. In *Law and Nature*, David Delaney (2003, p. 220) asserts along these lines that formal law is "clearly on the side of those who position animals beyond the gap." He explains that "dominant, reductionist renderings of 'the animal' are internal to legal ideology and supported by legal forms." Deckha (2013, p. 1) argues, similarly, that "law is an anthropocentric terrain. Not only is law the product of human actors, it entrenches the interests of humans over virtually all others and centers the reasonable human person as a main legal subject." In this sense, law's relationship to animality can teach us something important about law itself. The process of dehumanizing nature and animality demarcates what lies inside and what remains outside of the law: law's humanism and civility as contingent upon its states of exception. The collection *Law and the Question of the Animal* (Otomo & Mussawir 2013) offers an important first step in deciphering this process. Situated within a broader attempt to establish a critical jurisprudence that departs from what they call the "polemics of animal rights," Yoriko Otomo and Edward Mussawir engage "with law relating animals and the question of the animal in law at a critical, creative and theoretical nexus" (Otomo & Mussawir 2013, p. 2).

Yet although the overwhelming majority of sociolegal scholarship is anthropocentric (with the notable exception of scholarship on corporations), it already contains the foundations for exploring the frontiers of human–animal law. Legal geography, which some view as a subtradition of law and society, engages space, matter, and corporeality and is therefore a particularly apt field for staking out the central concerns of more-than-human legalities. Through pursuing a posthumanist, more-than-human, and multispecies account of law, sociolegal scholars could finally point the way out of the restrictive domains of the (neo)liberal rights framework. From

the starting point of traditional law, which classifies animals into fixed categories based on their characterization as more-like-humans (such as those promoted by the NhRP and the Great Ape Project), we need to move toward a dynamic and fluid approach that makes visible and acknowledges the myriad relational ways of being in the world, their significance to law, and in turn, law's significance to these other modes of existence.

Much work still needs to be done in the context of oceans in particular, which contain what are probably the least visible forms of life in existence today. Starting in the hard sciences, a shift in attention from land to sea is under way in several disciplines simultaneously, including anthropology, geography, and history, and is referred to in some circles as the "blue humanities" (Gillis 2013). A similar shift in perspective toward wet sociolegalities not only would provide a more "grounded" historical context for terrestrial legal systems but also would reflect more accurately the present and future challenges of understanding, dwelling in, and governing a world that is primarily, and increasingly, ocean. My forthcoming collection, *Ocean Legalities: The Law and Life of the Sea* (Braverman & Johnson 2019), assembles legal scholars, anthropologists, geographers, and philosophers to consider the workings of power in this unique space. The volume's introduction argues that "our legal infrastructures and political frameworks have been made, contested, and are currently being remade in the oceans," asking,

> How might we peel back the role that the oceans and the life within them have played in crafting systems of governance on land? How are those systems of governance shifting in response to climate and other ecological changes that threaten the existence of oceans as we know them? And how does nonhuman life [in the ocean] participate in the making and unmaking of legal regimes?

According to legal sociologist Renisa Mawani (2016), a focus on maritime geographies would also provide a more comprehensive framework to consider the relationship between law and settler colonialism. She argues, specifically, that "aqueous and amphibian legalities" are ways "through which settler colonial power continues to expand and flourish" (p. 126). Reversing the continental gaze and existing practices of extending land metrics into the sea, ocean imaginaries may creep onshore, inspiring openings for flows, transformations, and relationalities. Such aquatic ontologies and their accompanying aquatic creatures and structures are increasingly manifesting in wet coalitions, resistances, and emancipatory regimes on, in, and near the sea.

The move toward blue legalities, along with many other such moves toward multidimensional and more pluralistic laws, will simultaneously lead to a recognition that we live in a mixed and messy multispecies society—an acutely relevant recognition for law and society scholars. Drawing on critical engagements with the question of the animal in other disciplines and traditions, I have flagged questions and topics that may be of interest to sociolegal inquiries, urging us to make way for an animal turn—alongside a broader nonhuman turn—in law.

DISCLOSURE STATEMENT

The author is not aware of any affiliations, memberships, funding, or financial holdings that might be perceived as affecting the objectivity of this review.

ACKNOWLEDGMENTS

I dedicate this article to my dear friend and colleague David P. Delaney.

LITERATURE CITED

Adams WA. 2009. Human subjects and animal objects: animals as "other" in the law. *J. Anim. Law Ethics* 3:29–51

Agamben G. 2004. *The Open: Man and Animal*. Stanford, CA: Stanford Univ. Press

Badmington N, ed. 2000. *Posthumanism*. New York: Palgrave

Bekoff M, ed. 2013. *Ignoring Nature No More: The Case for Compassionate Conservation*. Chicago: Univ. Chicago Press

Bentham J. 1988 (1789). *The Principles of Morals and Legislation*. Amherst, NY: Prometheus Books

Bevilaqua CB. 2013. Chimpanzees in court: What difference does it make? In *Law and the Question of the Animal: A Critical Jurisprudence*, ed. Y Otomo, E Mussawir, pp. 71–88. New York: Routledge

Bookchin M. 1980. *Toward an Ecological Society*. Montreal: Black Rose Books

Bookchin M. 2000. What is social ecology. In *Earth Ethics: Introductory Readings on Animal Rights*, ed. J Sterba, pp. 225–39. Upper Saddle River, NJ: Prentice Hall. 2nd ed.

Braun B. 2005. Environmental issues: writing a more-than-human urban geography. *Prog. Hum. Geogr.* 29:635–50

Braverman I. 2008. Governing certain things: the regulation of street trees in four North American cities. *Tulane Environ. Law J.* 22(1):35–60

Braverman I. 2010. Governing with clean hands: automated public toilets and sanitary surveillance. *Surveill. Soc.* 8(1):1–27

Braverman I. 2011. Civilized borders: a study of Israel's new crossing administration. *Antipode* 43(2):264–95

Braverman I. 2012. *Zooland: The Institution of Captivity*. Stanford, CA: Stanford Univ. Press

Braverman I. 2013. Animal mobilegalities: the regulation of animal movement in the American city. *Humanimalia* 5(1):104–35

Braverman I. 2015. *Wild Life: The Institution of Nature*. Stanford, CA: Stanford Univ. Press

Braverman I, ed. 2016. *Animals, Biopolitics, Law: Lively Legalities*. London: Routledge

Braverman I. 2017. Captive: zoometric operations in Gaza. *Public Cult.* 29(1):191–215

Braverman I. 2018. *Coral Whisperers: Scientists on the Brink*. Berkeley: Univ. Calif. Press

Braverman I, Johnson E. 2019. *Ocean Legalities: The Law and Life of the Sea*. Durham, NC: Duke Univ. Press. Manuscript in review

Brulliard K. 2017a. Chimpanzees are animals. But are they "persons"? *Washington Post*, March 16. **https://www.washingtonpost.com/news/animalia/wp/2017/03/16/chimpanzees-are-animals-but-are-they-persons/?utm_term=.da09594e351a**

Brulliard K. 2017b. Chimpanzees are not "persons," appeals court says. *Washington Post*, June 10. **https://www.washingtonpost.com/news/animalia/wp/2017/06/10/chimpanzees-are-not-persons-appeals-court-says/?utm_term=.843bd18b2db3**

Buller H. 2014. Animal geographies I. *Prog. Hum. Geogr.* 38(2):308–18

Buller H. 2015. Animal geographies II: methods. *Prog. Hum. Geogr.* 39(3):374–84

Callicott JB. 1980. Animal liberation: a triangular affair. *Environ. Ethics* 2(4):311–38

Cavalieri P. 2001. *The Animal Question: Why Nonhuman Animals Deserve Human Rights*. New York: Oxford Univ. Press

Cavalieri P, Singer P, eds. 1994. *The Great Ape Project: Equality Beyond Humanity*. New York: St. Martin's

Dayan C. 2011. *The Law Is a White Dog: How Legal Rituals Make and Unmake Persons*. Princeton, NJ: Princeton Univ. Press

Deckha M. 2008. Intersectionality and posthumanist visions of equality. *Wis. J. Law Gend. Soc.* 23:249–67

Deckha M. 2013. Initiating a non-anthropocentric jurisprudence: the rule of law and animal vulnerability under a property paradigm. *Alberta Law Rev.* 50(4):783–814

Delaney D. 2003. *Law and Nature*. Cambridge, UK: Cambridge Univ. Press

Derrida J. 2008. *The Animal That Therefore I Am*. New York: Fordham Univ. Press

Derrida J. 2009. *The Beast and the Sovereign*, Vol. I. Chicago: Univ. Chicago Press

Donaldson S, Kymlicka W. 2011. *Zoopolis: A Political Theory of Animal Rights*. Oxford, UK: Oxford Univ. Press

Donovan J, Adams CJ, eds. 1996. *Beyond Animal Rights: A Feminist Caring Ethic for the Treatment of Animals*. New York: Continuum

Eisen J. 2017. *Animals in the constitutional state*. Presented to JHI Animals in the Law and Humanities Working Group, Toronto
Favre D. 2000. Equitable self-ownership for animals. *Duke Law J.* 50:473–502
Fernandez A. 2009. *Pierson v. Post*: a great debate, James Kent, and the project of building a learned law for New York State. *Law Soc. Inq.* 34(2):301–36
Fetissenko M. 2011. Beyond morality: developing a new rhetorical strategy for the animal rights movement. *J. Anim. Ethics* 1(2):150–75
Foucault M. 1975. *Discipline and Punish: The Birth of the Prison*. New York: Random House
Foucault M. 1990. *The History of Sexuality*, Vol. 1: *An Introduction*. New York: Vintage
Foucault M. 2007. *Security, Territory, Population: Lectures at the Collège de France, 1977–78*, Houndmills, UK: Palgrave MacMillan
Francione G. 1995. *Animals, Property and the Law*. Philadelphia: Temple Univ. Press
Francione G. 1996. *Rain Without Thunder: The Ideology of the Animal Rights Movement*. Philadelphia: Temple Univ. Press
Francione G, Charlton A. 2015. *Animal Rights: The Abolitionist Approach*. Exempla
Francione G, Garner R. 2010. *The Animal Rights Debate: Abolition or Regulation*. New York: Columbia Univ. Press
Gillespie K. 2016. Nonhuman animal resistance and the improprieties of live property. See Braverman 2016, pp. 117–34
Gillis JR. 2013. The blue humanities. *Humanities* 34(3). **https://www.neh.gov/humanities/2013/mayjune/feature/the-blue-humanities**
Gorman J. 2012. Animal studies cross campus to lecture hall. *New York Times*, Jan. 3 **http://www.nytimes.com/2012/01/03/science/animal-studies-move-from-the-lab-to-the-lecture-hall.html**
Gruen L. 2017. *The Promise and Perils of Non-Human Personhood*, unpublished paper (cited with permission)
Haraway D. 1991. A cyborg manifesto: science, technology, and socialist-feminism in the late twentieth century. In *Simians, Cyborgs, and Women*, pp. 149–81. New York: Routledge
Haraway D. 2008. *When Species Meet*. Minneapolis: Univ. Minn. Press
Haslam N, Loughnan S. 2014. Dehumanization and infrahumanization. *Annu. Rev. Psychol.* 65(1):399–423
Hovorka AJ. 2018a. Animal geographies II: hybridizing. *Prog. Hum. Geogr.* 42(3):453–62
Hovorka AJ. 2018b. Animal geographies III: species relations of power. *Prog. Hum. Geogr.* In press
Jasanoff S. 1996. *Science at the Bar: Law, Science, and Technology in America*. Cambridge, MA: Harvard Univ. Press
Kirksey SE, Helmreich S. 2010. The emergence of multispecies ethnography. *Cult. Anthropol.* 25:545–76
Klein R. 1995. The power of pets. *The New Republic*, July 9. **https://newrepublic.com/article/90872/dog-cat-pet-america**
Latour B. 1987. *Science in Action: How to Follow Scientists and Engineers Through Society*. Cambridge, MA: Harvard Univ. Press
Latour B. 1993. *We Have Never Been Modern*. Birmingham, UK: Harvester Wheatsheaf
Latour B. 2005. *Reassembling the Social: An Introduction to Actor-Network-Theory*. Oxford, UK: Oxford Univ. Press
Latour B. 2009. *The Making of Law: An Ethnography of the Conseil d'Etat*. Cambridge, UK: Polity
Leopold A. 1949. *A Sand County Almanac: And Sketches Here and There*. Oxford, UK: Oxford Univ. Press
Levesque S. 2016. Two versions of ecosophy: Arne Nass, Felix Guattari, and their connection with semiotics. *Sign Syst. Stud.* 44(4):511–41
Lorimer J. 2007. Nonhuman charisma. *Environ. Plann. D* 25(5):911–32
Lovvorn J. 2016. Climate change beyond environmentalism part I: intersectional threats and the case for collective action. *Georgetown Environ. Law Rev.* 29:1–67
Margil M. 2018. Our laws make slaves of nature. It's not just humans who need rights. *The Guardian*, May 23. **https://www.theguardian.com/commentisfree/2018/may/23/laws-slaves-nature-humans-rights-environment-amazon**
Mawani R. 2016. Law, settler colonialism, and "the forgotten space" of maritime worlds. *Annu. Rev. Law Soc. Sci.* 12:107–31

Michael M. 2004. Roadkill: between humans, nonhuman animals, and technologies. *Soc. Anim.* 12(4):277–98
Minteer BA, Collins JP. 2017. Ecological ethics in captivity: balancing values and responsibilities in zoo and aquarium research under rapid global change. In *The Animal Ethics Reader*, ed. SJ Armstrong, RG Botzler, pp. 594–608. New York: Routledge. 3rd ed.
Otomo Y, Mussawir E, eds. 2013. *Law and the Question of the Animal: A Critical Jurisprudence*. New York: Routledge
Paquet PC, Darimont CT. 2010. Wildlife conservation and animal welfare: Two sides of the same coin? *Anim. Welfare* 19:177–90
Philippopoulos-Mihalopoulos A. 2013. The normativity of an animal atmosphere. In *Law and the Question of the Animal: A Critical Jurisprudence*, ed. Y Ottomo, E Mussawir, pp. 149–65. New York: Routledge
Philippopoulos-Mihalopoulos A. 2016. Lively agency: life and law in the anthropocene. See Braverman 2016, pp. 193–209
Raha R. 2006. Animal liberation: an interview with Professor Peter Singer. *The Vegan*, Autumn, pp. 18–19. **https://issuu.com/vegan_society/docs/the-vegan-autumn-2006**
Riles A, ed. 2006. *Documents: Artifacts of Modern Knowledge*. Minneapolis: Univ. Minn. Press
Regan T. 1983. *The Case for Animal Rights*. Berkeley: Univ. Calif. Press
Regan T. 2004. *Empty Cages: Facing the Challenge of Animal Rights*. Oxford, UK: Rowman & Littlefield
Shukin N. 2009. *Animal Capital: Rendering Life in Biopolitical Times*. Minneapolis: Univ. Minn. Press
Singer P. 1990. *Animal Liberation*. New York: New York Rev. Books/Random House. Rev. ed.
Singer P. 2003. Animal liberation at 30. *New York Review of Books*, May 15. **http://www.nybooks.com/articles/2003/05/15/animal-liberation-at-30/**
Singer P. 2009. Speciesism and moral status. *Metaphilosophy* 40(3–4):567–81
Steiner G. 2007. Cosmic holism and obligations toward animals: a challenge to classical liberalism. *J. Anim. Law Ethics* 2(1):1–20
Stroud E. 2018. Law and the dead body: Is a corpse a person or a thing? *Annu. Rev. Law Soc. Sci.* 14:115–25
Svärd P-A. 2011. Beyond welfarist morality: an abolitionist reply to Fetissenko. *J. Anim. Ethics* 1(2): 176–86
Swedlow B. 2009. Reason for hope? The spotted owl injunctions and policy change. *Law Soc. Inq.* 34(4):825–67
Tsing A. 2012. Unruly edges: mushrooms as companion species. *Environ. Humanit.* 1:141–54
Varner G. 2012. *Personhood, Ethics, and Animal Cognition: Situating Animals in Hare's Two Level Utilitarianism*. New York: Oxford Univ. Press
Waldau P. 2011. Animal welfare and conservation: an essential connection. *Minding Nat.* 4(1):12–16
Weil K. 2012. *Thinking Animals: Why Animal Studies Now?* New York: Columbia Univ. Press
Whatmore S. 2006. Materialist returns: practicing cultural geographies in and for a more-than-human world. *Cult. Geogr.* 13(4):600–10
Wheeler W, Williams L. 2012. The animal turn. *New Front.* 76:5–7
Wise S. 2000. *Rattling the Cage: Toward Legal Rights for Animals*. New York: Perseus
Wise S. 2004. Animal rights, one step at a time. In *Animal Rights: Current Debates and New Directions*, ed. C Sunstein, M Nussbaum, pp. 19–50. Oxford, UK: Oxford Univ. Press
Wise S. 2018. Letter #1 from the front lines of the struggle for nonhuman rights: the first 50 months. *Medium*, Jan. 29. **https://medium.com/@NonhumanRights/letter-1-from-the-front-lines-of-the-nonhuman-rights-projects-struggle-for-the-rights-of-nonhuman-b053b100af25**
Wolfe C. 1998. *Critical Environments: Postmodern Theory and the Pragmatics of the "Outside."* Minneapolis: Univ. Minn. Press
Wolfe C. 2003. *Animal Rites: American Culture, The Discourse of Species, and Posthumanist Theory*. Chicago: Univ. Chicago Press
Wolfe C. 2009. *What Is Posthumanism*? Minneapolis: Univ. Minn. Press
Wolfe C. 2013. *Before the Law: Humans and Other Animals in a Biopolitical Frame*. Chicago: Univ. Chicago Press
Young KM. 2014. Everyone knows the game: legal consciousness in the Hawaiian cockfight. *Law Soc. Rev.* 48(3):499–530