

Cluster II_Reader

- Cary Wolf, I in *Before the Law: Humans and Other Animals in a Biopolitical Frame* (2012)
- Ruth Lipschitz, *Abjection* in *The Edinburgh Companion to Animal Studies* (2018)
- Rick Elmore, *Biopolitics* in *The Edinburgh Companion to Animal Studies* (2018)
- Laura McMahan, *Film* in *The Edinburgh Companion to Animal Studies* (2018)

Cluster II_ List of supplementary films

- *The Shepards of Disorder*. Nikos Papatakis. 1967. Greece
- *A Flood in the Baath Country*. Omar Amiralay. 2004. Syria
- *Still Recording*. Giath Ayoub and Saeed Al Batal. 2018. Syria
- *The Trial*. Orson Welles. 1962. USA
- *The Turin Horse*. Bela Tarr. 2011. Hungary
- *Blood of the Beast*. Georges Franju. 1949. France
- *Bullfight*. Myriam Borsoutsy and Pierre Braunberger. 1951. France

I.

To begin at the beginning: I choose the word “frame” for my title (rather than adjacent terms such as, say, “context”) for a few different reasons that interconnect some of the subterranean conceptual passageways of this long essay. First, I want to mark a lengthening genealogy of biopolitical thought that stretches back from current avatars such as Roberto Esposito, Judith Butler, and Giorgio Agamben through the *locus classicus* of Michel Foucault’s later work (a *locus* that is becoming more and more *classicus* by the day, thanks to the ongoing translation and publication of his lectures at the Collège de France), to what we are now in a position to see as biopolitical thought *avant la lettre*, as it were, in the work of Hannah Arendt and Martin Heidegger. Directly pertinent for my title is the sense of Heidegger’s *Gestell* (“enframing” or “framework,” as it is often translated) from his well-known later essay, “The Question Concerning Technology.”¹ There, Heidegger asserts that the essence of technology is not “anything technological” but rather how it discloses the world to us as a mode of “bringing-forth” what is here for us, and how.² For Heidegger (and, as we shall see, for biopolitical thought generally), enframing is anything but a neutral concept; indeed, with the luxury of twenty-twenty hindsight, we can now see that it is deep background (as the journalists say) for what Foucault and others will call the *dispositifs* or apparatuses of biopolitics. *Gestell*, while neither natural nor human, frames the human’s relation both to itself and to nature, and in ways that are far from sanguine in Heidegger’s view.³ “Where enframing reigns,” Heidegger writes, “there is *danger* in the highest sense.”⁴ What we encounter here is a mode of revealing the world which sets it out before us in a mode of instrumentality and

utility that Heidegger famously calls “standing-reserve” (*Bestand*). As Heidegger puts it in a well-known passage,

As soon as what is unconcealed no longer concerns man even as object, but does so, rather, exclusively as standing-reserve, and man in the midst of objectlessness is nothing but the orderer of the standing reserve, then he comes to the brink of a precipitous fall; that is, he comes to the point where he himself will have to be taken as standing-reserve. Meanwhile man, precisely as the one so threatened, exalts himself to the posture of lord of the earth. In this way the impression comes to prevail that everything man encounters exists only insofar as it is his construct. This illusion gives rise to one final delusion: It seems as though man everywhere and always encounters only himself.⁵

But the self he encounters is, as Heidegger notes, fallen, inauthentic: “*In truth, however,*” Heidegger continues, “*precisely nowhere does man today any longer encounter himself, i.e. his essence.*”⁶

The effect of this enframing is thus twofold: not only are human beings cut off from a more authentic relation to the natural world, they are also cut off from an authentic relationship to themselves. Sounding notes that, as we’ll see, both Michel Foucault and Peter Sloterdijk will amplify decades later, Heidegger asserts that humanity thus comes, in fact, to be seen as a kind of standing-reserve in and of itself—a fact reflected in the contemporary reframing of individuals as “human resources” and the like.⁷ Over and against this work of *Gestell*, Heidegger sets what he calls the “saving power”⁸ of a humanity (and a humanism) not wholly subordinated to calculation and utility, one that is able to engage artistically, poetically, and philosophically, in reflection and meditation, in questioning (hence Derrida’s emphasis in the subtitle of his book on Heidegger, *Of Spirit*, on Heidegger and “*the question*”).⁹

We find here, then, not just one of the high-water marks of humanism’s familiar opposition of art and philosophy, on the one hand, to calculation and utility, on the other, but also an even deeper and more decisive determination of the proper and improper relation of the human to technology, and hence to itself: “Technology is no mere means,” Heidegger reminds us, and while it may operate improperly as calculation and resource management, it may also take on a

more edifying role in “the arts of the mind and the fine arts,” where it “belongs to bringing-forth, to *poiesis*.”¹⁰ In fact, as Heidegger’s thought develops in both “The Question Concerning Technology” and the “Letter on Humanism,” this difference between a proper and improper relationship to technology enables, in turn, a decisive ontological distinction between those who are fully human and those who are less than human, those others who have been so fundamentally distanced from Being by an improper relationship to technology that their very humanity is in question.¹¹ As Heidegger writes in the “Letter,” “For this is humanism: meditating and caring, that man be human and not inhumane, ‘inhuman,’ that is, outside his essence.”¹²

Now we know, as I have pointed out elsewhere (following well-known discussions by Derrida and others), that the primary means by which this “saving” takes place is above all through the capacity for language, which is, properly understood, not semiotic but phenomenological, and gives access to things “as such,” as opposed to language understood as “communication,” “information,” and the like.¹³ We thus find a fundamental distinction, as Timothy Campbell puts it, “between those, on one side who are mere subjects of communication; those who later will be enrolled among the ranks of *animality*; and others who, thanks to a proper writing, are seen as free, individual human beings, capable of ‘care.’”¹⁴ Precisely here, in this distinction between the proper and improper relation not just to technology but more fundamentally of the human to itself, we may locate the hinge in Heidegger’s work between the two main lines of contemporary biopolitical thought, one (associated with Foucault) focused on technology and *dispositifs*, and the other (associated with Agamben) focused on the subject’s proper relation to its own singularity and uniqueness—its “ipseity” (to use the term Derrida will later unpack in relation to the question of sovereignty). By these lights, ipseity and sovereignty are taken to be in stark opposition to the “animal,”¹⁵ and to the animality of the human when the human becomes something anonymous, either through massification (as in Foucault’s studies of the mechanisms of biopolitics, such as population sciences and medicalization) or by being reduced to an equally anonymous condition of “bare life.”¹⁶ But what I want to emphasize here is Heidegger’s opening up of a gap—a dangerous gap, as the history of biopolitics

well shows, but also one jealously guarded by humanism—between humanity and animality as ontologically opposed zones. Indeed, the “humans *and other animals*” of my title is meant as a direct challenge to this distinction, so crucial to Heidegger’s entire corpus—indeed, one of its central dogmas (to use Derrida’s characterization¹⁷).

Heidegger’s meditations on the frame and enframing will eventually be radicalized and pushed to their self-deconstructing conclusions in another famous discussion of the frame—namely, Derrida’s analysis of the *parergon* (a term he borrows from Kant) as that “which simultaneously constitutes and destroys” what it frames, paradoxically supplementing that which is already complete.¹⁸ It separates the inside from the outside, the intrinsic and the extrinsic, and yet also serves to bridge them, making them interdependent. Derrida’s analysis of the *parergon* does to Heidegger’s *Gestell* what his *pharmakon* will do to Heidegger’s distinction between the proper and the improper—and in ways, as we will see, that connect directly to what Roberto Esposito and others have identified as the “immunitary” (and, with Derrida, “autoimmunitary”) logic of the biopolitical.¹⁹ To put it this way is to remind ourselves that the question of framing is not simply a logical or epistemological problem but a social and material one, with consequences. Framing decides what we recognize and what we don’t, what counts and what doesn’t; and it also determines the consequences of falling outside the frame (in the case at hand, outside the frame as “animal,” as “*zoe*,” as “bare life”).

We are now in a better position to critically assess, however briefly, another towering figure in the prehistory of contemporary biopolitical thought, Hannah Arendt, to help clarify (against her own intentions, as it were) why talk about nonhuman animals *at all* in the context of biopolitics is not simply a category mistake. Arendt brilliantly argues in *The Origins of Totalitarianism* that the idea of “universal human rights” is dubious because it attempts to ground the standing of the subject of rights in the mere biological designation of the human being as *Homo sapiens*, whereas rights themselves are always a product of membership in a political community. They are, as she puts it in *The Human Condition*, “artificial.”²⁰ By contrast, a “human being in general—without a profession, without a citizenship, without an opinion”—belongs “to the human race in much the same way as

animals belong to a specific animal species.”²¹ And more interesting still is Arendt’s suggestion that groups founded to support universal human rights and the declarations they frame “showed an uncanny similarity in language and composition to that of societies for the prevention of cruelty to animals.”²²

Arendt is on to something here, but her humanist commitments prevent her from recognizing exactly what it is. Her resistance to what Jacques Derrida will later (and in agreement with Heidegger) reject as “biologistic continuism,” and her recourse to what we might call a formal or conventional concept of rights is perfectly correct, as far as it goes, but it is immediately pressured and complicated by the historical fact that the very call of the Universal Declaration of Human Rights of 1948 arose on the basis of the massive presence of stateless persons—persons deprived of personhood in precisely her sense—during World War II and its wake. It arose, that is, with the increasingly undeniable presence of what biopolitical thought will canonically come to call “bare life.”²³ And so the dilemma she faces is that her formal concept of rights, derived as they are from reciprocal membership in a political community, leaves her no immediately apparent way to recognize the claims of these newly stateless persons whose problem “is not that they are deprived of life, liberty, and the pursuit of happiness,” but rather “that they no longer belong to any community whatsoever.”²⁴ But when Arendt confronts the conundrum raised by this historical event—namely, how can the claim of these people be framed, or what constitutes “a right to have rights”?—she falls back on a classically humanist argument that derives from Aristotle: for the “right to have rights” consists in the ability to enter into relations of reciprocal obligation (or what she calls, a little more lyrically, “a framework where one is judged by one’s actions and opinions”).²⁵

Here, then, we find the classic opposition, already familiar to us from Heidegger, of the authentically political as a realm of freedom, choice, “artifice,” and so on versus the realm of necessity, utility, and mere “animal” or “natural” existence.²⁶ And, as in Aristotle, that opposition, like the right to have rights, is grounded in the human being’s capacity for speech and language (and a rather naturalistically conceived idea of language at that).²⁷ As she puts it in *The Human Condition* (virtually paraphrasing Aristotle’s famous passage from

the *Politics*), “speech is what makes man a political being.”²⁸ Arendt is right to claim—and we will return to these issues in much more detail later—that the designation of those who have standing, who have rights, is a matter of sheer convention outside of any naturalistic ground or biological designation. But she is wrong to claim that the problem raised for humanism by “bare life”—how do we recognize the “right to have rights” for stateless persons but not for “savages” or “beasts” (her terms)²⁹—can be solved by the gatekeeper function of speech. Indeed, the most obvious symptom of this conundrum in Arendt’s position is that speech appears to be both “natural” and “artificial.”³⁰ On the one hand, speech provides the naturalistic basis, specific to humans, of the “right to have rights”; but, on the other hand, speech alone is not enough to secure standing. It has to be “relevant” and recognized, as she puts it—has to hew, that is, to a set of artificial social conventions (indeed, that they *are* artificial and not “natural” is what makes them political).³¹

At this juncture, of course, we might question the relevance of speech for determining the rights-holding subject by means of Jeremy Bentham’s famous observation (and Derrida’s unpacking of it in *The Animal That Therefore I Am*) that the fundamental question here is not, “can they reason?,” or “can they talk?,” but “can they suffer?”³² Here, the issue would be not the paradoxical nature of a speech that is both artificial and natural, redoubled in the difference between “rights” and “the right to have rights” (a right that is, paradoxically, not one), but rather the sheer irrelevance of speech itself to the question of standing (a question we will return to shortly). But what I want to underscore here instead is a logic implicit in Arendt’s writings, particularly in *The Origins of Totalitarianism*—a logic that she doesn’t quite tease out but one that will be central to biopolitical thought in the decades that follow: the fact, as Esposito puts it, that “the category of those who enjoy a certain right is defined only by contrast with those who, not falling within it, are excluded from it.”³³

And here—to move to the main part of my title—we can begin to glimpse the many senses of what it means to be “before the law”: “before” 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 vio-

lence, installs its frame for who's in and who's out. This is the sense of "before" that is marked by Arendt's speculations on the "right to have rights," and it is against such a "before" that the immanence of the law and its exclusions is judged. And thus, "before" in another sense as well, in the sense of standing before the judgment of a law that is inscrutable not just because it establishes by fiat who falls inside and outside the frame, but also because it disavows its own contingency through violence: namely, the violence of sacrifice for which the distinction between human and animal has historically been bedrock, providing for the law the "foundation" for its exclusions that the law cannot provide for itself. As Derrida, Agamben, and others have reminded us, those who fall outside the frame, because they are marked by differences of race, or species, or gender, or religion, or nationality, are always threatened with "a non-criminal putting to death." As Derrida puts it in the interview "Eating Well," "thou shalt not kill" turns out not to be a universalizable maxim, but one that only concerns those for whom it is a "proper" imperative, those who fall inside the frame.³⁴

In this light, it is all the more instructive to recall, as Derrida points out in his essay "Before the Law," that when Freud addresses the problem of the origin of law (what is its basis? on what moral foundations does it rest?), he resorts to what amounts to a sacrifice of the animal and, more broadly, of animality, as the means by which both the human and the basis of the law are secured.³⁵ Here and elsewhere, Freud's concept of "organic repression" marks the point at which the properly human breaks free of and rises above its animal origins, and it is on that basis that moral behavior is founded.³⁶ But this is not just a "schema of elevation," as Derrida puts it; it is also a "schema of purification" — purification of the animal in "man."³⁷ Since "man" has to *already* exist to find that which is repugnant in need of repression and thus to rise above it, Freud's search for the origin of law simultaneously marks its own impossibility. Instead, the law is "an absolutely emergent order, absolute and detached from any origin."³⁸

But if Derrida is right that this sacrificial structure is fundamental to the entire canonical discourse of "Western metaphysics or religions," the work that it accomplishes is anything but academic, since it is also

of “the order of the political, the State, right, or morality,” never far from the mundane violence of everyday life.³⁹ One of the most powerful insights of biopolitical thought is thus to raise this uncomfortable question: if the frame is about rules and laws, about what is proper, and not simply a matter of a line that is given by nature between those inside and those outside, then to live under biopolitics is to live in a situation in which we are all always already (potential) “animals” before the law—not just nonhuman animals according to zoological classification, but any group of living beings that is so framed. Here, the distinction “human/animal”—as the history of slavery, colonialism, and imperialism well shows—is a discursive resource, not a zoological designation; it is, as we will discuss in more detail, a kind of *dispositif* or apparatus. It is all the more ironic, then, that the main line of biopolitical thought has had little or nothing to say about how this logic effects nonhuman beings—a cruel irony indeed, given how “animalization” has been one of its main resources. And it is to that problem that I want to devote my attention in the pages that follow.

II.

In a sense, what follows may be seen as an attempt to explore the extent to which biopolitical thought can help us understand jarring juxtapositions of the sort that I now want to offer in two examples of how nonhuman animals are currently framed at opposite extremes in relation to moral standing and legal protection, how they stand before the law.

First example: On June 25 of 2008, the Environmental Committee of the Spanish Parliament approved resolutions to grant basic rights to Great Apes on a quite traditional model of human rights. To use the language of *The Great Ape Project* coauthored by philosophers Peter Singer and Paola Cavalieri, the three basic rights outlined for this new “community of equals” are 1) “The Right to Life,” which means that “members of the community may not be killed except in very strictly defined circumstances” such as self-defense; 2) “The Protection of Individual Liberty,” which forbids imprisonment “without due process” and only where it can be shown to be “for their own good, or necessary to protect the public”; and 3) “The Prohibition of Torture,” which forbids “the deliberate infliction of severe pain on a member of the community.”¹

Second example: According to statistics provided by the US Department of Agriculture, in the previous year, 2007, about nine billion animals were killed in the United States for food—the vast majority of them raised in Confined Animal Feeding Operations (CAFOs) or “factory farms”—double the number in 1980. This figure does not include the killing of fish, crustaceans, and other farmed animals, nor does it include equines.² The National Commission on Industrial Farm Animal Production—a project of the Pew Charitable Trust and

the Johns Hopkins Bloomberg School of Public Health—concluded in its final report of 2006 that “at present, federal regulation of the treatment of farm animals is minimal,” with the two main pieces of legislation having been passed in 1873 and 1958. With one exception (regarding the slaughter of horses), the commission notes that all other attempts to upgrade federal laws governing standards for farm animal slaughter, housing, and transport have failed—a paucity of regulation that is in marked contrast to federal oversight of many other uses of animals.³

I will return to the second example, factory farming, later in these pages, and like the first, it will eventually push us well beyond the purview of current legal doctrine. But it should be noted that even within that limited purview, the commission’s assessment is, if anything, overly sanguine. The two primary laws regulating the treatment of nonhuman animals in the United States are the Animal Welfare Act (AWA) and the Humane Methods of Livestock Slaughter Act (HSA). The latter was passed by Congress in 1958, amended in 1978 and 2002, and stipulates that cattle, horses, and other livestock killed for food must be slaughtered with minimal pain and suffering. Before the 1978 amendment, livestock routinely had their throats cut while fully conscious, but now they must, for example, be stunned (or otherwise made insensible) before killing. It is worth noting, however, that 99 percent of the animals killed for food in the United States each year (namely, chickens) are excluded from protection by the HSA—a fact that is doubtless driven by the additional expense that would be incurred by the poultry industry were they to be protected by the law.

The 2002 amendment followed a front-page story in the *Washington Post* in April 2001 called “They Die Piece By Piece” which documented widespread unchecked cruelty in the US slaughterhouse industry.⁴ But even after the passage of the 2002 amendment, abuses continue on a massive scale because of one fundamental problem. The law is only as strong as its enforcement, and, as is well documented, the USDA has typically been anything but vigorous in its enforcement of the HSA, as USDA inspectors themselves acknowledge.⁵ This fact is less surprising, perhaps, when we remember that the agency itself aids in the marketing and promotion of the very food industries it is charged with regulating.⁶ (Indeed, the 2002 amendment in ef-

fect simply mandated enforcement of the laws already on the books.) And while it is true that the other main law cited by the commission, the Animal Welfare Act (passed in 1966 and amended several times since), provides more extensive protection, mice, birds, and rats are specifically excluded from the act, and—as with the plight of chickens under the HSA—they make up about 95 percent of all animals used in scientific research in the United States.⁷ At the same time, the status of “person” as defined in the AWA includes “any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.”⁸

The underlying problem is thus clear. Animals are things and not persons under United States law—things that may or may not have legal status depending on whether or not they have a property relation to an entity designated a “person,” who thus has a legal interest in, and standing to argue on behalf of, the animal in question. One obvious solution to this rather counterintuitive state of affairs—and it would be one with wide-ranging economic consequences—would be to eliminate the property status of at least some nonhuman animals by granting them some form of personhood, making them, in turn, potential bearers of rights.⁹ But even within existing legal doctrine, we find considerable disagreement about the appropriateness of the “rights” framework for recognizing and protecting the standing of nonhuman animals. On one side, we have legal theorists such as Richard Posner, Cass Sunstein, and Richard Epstein, who believe that the adaptation of the rights model to animals is fundamentally wrong-headed. Epstein, for example, believes that we should continue to treat animals as property, not persons (even in some limited sense), and argues that we should work to minimize harm to animals as long as it does not compromise human gains. He grounds his position in what he regards as a well-justified speciesism. “The root of our discontent,” he writes, “is that in the end we have to separate ourselves from (the rest of) nature from which we evolved. Unhappily but insistently, the collective *we* is prepared to do just that. Such is our lot, and perhaps our desire, as human beings.”¹⁰ And Posner holds that the most sound approach to the issue is a “humancentric” one that eschews “philosophical argument.”¹¹ “Legal rights,” he argues, “have been designed to serve the needs and interests of human beings, hav-

ing the usual human capacities, and so make a poor fit with the needs and interests of animals.”¹²

Now I agree with Epstein about a point I have argued in some detail elsewhere: that animal rights philosophy, in spite of itself, continues to rely on a speciesist (or better, perhaps, anthropocentric) model of subjectivity in its criteria for determining which beings deserve rights.¹³ And I think Posner is right that there is “a sad poverty of imagination” in thinking that the issue of animal protection can only be addressed under the rubric of rights.¹⁴ But I would also agree, and more fundamentally, with those at the other end of the animal rights argument—philosophers such as Singer, Cavalieri, and Tom Regan, and legal scholars such as Steven M. Wise and Gary Francione—that positions such as Posner’s and Epstein’s rely on a thoroughgoing ethnocentrism thinly disguised (and sometimes not disguised at all) as a hard-nosed legal pragmatism giving “straight talk” to the airy philosophers (such as Singer) or those legal scholars overly influenced by them (such as Wise).¹⁵ Posner, for example, wholly subordinates the question of rights to economic utility and political expediency, holding that “legal rights are instruments for securing the liberties that are necessary if a democratic system of government is to provide a workable framework for social order and prosperity. The conventional rights bearers are with minor exceptions actual and potential voters and economic actors. Animals do not fit this description.”¹⁶ And Epstein is even more bald in his deployment of what Regan has called the “might makes right” position: “Let it be shown,” he asserts, “that the only way to develop an AIDS vaccine that would save thousands of lives is through painful or lethal tests on chimpanzees. . . . An animal right to bodily integrity would stop that movement in its tracks. It will not happen, and it should not happen.”¹⁷

Such positions are question-begging in the extreme, I think, and are easily disposed of, as Singer disposes of Posner’s in an exchange that began in the online magazine *Slate*. Singer’s criticism makes the same point as Tom Regan’s observation that a theory such as Posner’s “takes one’s moral breath away . . . as if, for example, there would be nothing wrong with apartheid in South Africa if few white South Africans were upset by it.”¹⁸ As Singer rightly observes, Posner’s legal “pragmatism” is in fact “an undefended and indefensible

form of selective moral conservatism.”¹⁹ And as for the pragmatics of its “pragmatism,” the Posner/Epstein line fares no better. Posner, like Epstein, suggests that the property status of animals is actually a boon to their protection, “because people tend to protect what they own,” and like Epstein he suggests that what we mainly need is more vigorous enforcement of laws that prevent “gratuitous cruelty.”²⁰ In a similar vein, Epstein holds that such a position at least “blocks some truly egregious practices without any real human gain, gory lust to one side.”²¹ But Epstein’s contention only gives the lie to Posner’s insistence that few of us are “so indifferent to animal suffering, that we are unwilling to incur at least modest costs to prevent cruelty to animals,”²² for as Singer points out, anticruelty laws do not apply to the case where the largest amount of animal suffering by far takes place—namely, factory farming. Against what Posner calls, without a trace of irony, “the liberating potential of commodification,” Singer points out that “we don’t have to wonder how many animals suffer and die because they *are* someone’s property,” because we know that of the nine to ten *billion* animals raised for food in the United States each year, the vast majority—easily several billion—spend their entire short lives in the brutal conditions of the factory farm.²³ Indeed, such anticruelty laws do not even apply to the overwhelming majority of animals used in biomedical research, product testing, and the like, because (as I have already noted) the US Animal Welfare Act of 1966, as amended under the Senate leadership of Jesse Helms in 2002, specifically excludes birds, mice, and rats—that is to say, about 95 percent of the animals used in such research.²⁴

As even this brief sketch suggests, one might well conclude that we find an increasingly fraught disjunction between existing legal doctrine and our ability to do justice to nonhuman animals, even as our knowledge of what are taken to be their ethically relevant characteristics and capacities (to suffer, to communicate, to engage in complex forms of social behavior and bonding, and so on) increases dramatically year by year. And more specifically—to stay within the purview of rights discourse a moment more—we find increasing conceptual pressure on the difference between what legal philosophers call “will-based” and “interest-based” theories of rights. The former is rather baldly represented by Posner et al., and the latter grounds

the positions of not just Singer and Regan but also of renowned legal philosopher Joel Feinberg, who argues in his influential essay “The Rights of Animals and Future Generations” that it is not enough to say simply that we have (indirect) duties *regarding* animals (the familiar view made famous by Kant²⁵); rather, we have (direct) duties *to* (at least some) animals because what is fundamental here is not that they can understand or claim their rights but that—like human infants and mentally impaired people—they are beings who have “cognitive urges,” the “integrated satisfaction of which constitutes their welfare or good” that, as such, deserves protection.²⁶ Though content to remain within both analytic philosophy and rights discourse, Feinberg’s position is related in important ways to attempts to think beyond existing legal frameworks and their philosophical underpinnings in the work of philosophers such as Cora Diamond, Judith Butler, and Jacques Derrida. While Derrida, for his part, is sympathetic with those who protest against the way animals are treated in factory farming, product testing, biomedical experimentation, and the like, he nevertheless believes that “it is preferable not to introduce this problematic concerning the relations between humans and animals into the *existing* juridical framework” by extending some form of human rights to animals.²⁷ This is so, he argues, because “to confer or to recognize rights for ‘animals’ is a surreptitious or implicit way of confirming a certain interpretation of the human subject”—an interpretation (and this is demonstrated, it seems to me, in the positions of both Posner and Epstein) that “will have been the lever of the worst violence carried out against nonhuman living beings.”²⁸ So while Derrida is sympathetic with the motivations behind calls for animal rights to protect them from violence, he doesn’t support the rights framework *per se*.²⁹ And so, Derrida concludes, “For the moment, we ought to limit ourselves to working out the rules of law [*droit*] such as they exist. But it will eventually be necessary to reconsider the history of this law and to understand that although animals cannot be placed under concepts like citizen, consciousness linked with speech, subject, etc., they are not for all that without a ‘right.’ It’s the very concept of right that will have to be ‘rethought.’”³⁰

A crucial point of emphasis in Derrida’s articulation of our ethical responsibility to animals is shared by Cora Diamond, and likewise she

finds it actively evaded by the rights model. For Diamond as for Derrida, our shared vulnerability and finitude as embodied beings forms the foundation of our compassion and impulse toward justice for animals—a vulnerability that gets “deflected,” as she puts it, by the rights model and the kinds of argument it deploys (pro or con), with its emphasis on agency, reciprocity, and the like. As Diamond puts it,

The awareness we each have of being a living body, being “alive to the world,” carries with it exposure to the bodily sense of vulnerability to death, sheer animal vulnerability, the vulnerability we share with them. This vulnerability is capable of panicking us. To be able to acknowledge it at all, let alone as shared, is wounding; but acknowledging it as shared with other animals, in the presence of what we do to them, is capable not only of panicking one but also of isolating one. . . . Is there any difficulty in seeing why we should not prefer to return to moral debate, in which the livingness and death of animals enter as facts that we treat as relevant in this or that way, not as presences that may unseat our reason?³¹

From this vantage, to try to think about our ethical obligations to animals by deploying the rights model misses the point, not just because the question is thicker and more vexing than the thin if-P-then-Q propositions of a certain style of analytic philosophy but also because “when genuine issues of justice and injustice are framed in terms of rights, they are thereby distorted and trivialized.” This is so, Diamond argues, because the rights model, going back to its origins in Roman law, is concerned not with justice and compassion but with “a system of entitlement” and with who gets what within such a system. Instead, she argues, what is crucial to our sense of the injustice done to animals is our repulsion at the brute subjection of the body that they so often endure. For Diamond, the “horror of the conceptualizing of animals as putting nothing in the way of their use as mere stuff” depends on “a comparable horror at human relentlessness and pitilessness in the exercise of power” toward other human beings (in the practice, say, of torturing political prisoners).³²

To put the question this way is to modulate the discussion of animals, ethics, and law into a different register, one that does not take for granted, much less endorse, our current legal structures for

confronting such issues: namely, the register of biopolitics. Here too, the questions of the body and embodiment, and of the political and juridical power over life itself, are fundamental. Take, for example, Judith Butler's *Precarious Life: The Powers of Mourning and Violence*. In the immediate post-9/11 context in which Butler's book was written and to which it responds, the Posner version of legal pragmatism that views the law as that which insures the well-being of "us" and ours over and against "them" takes on much more ominous overtones—particularly in light of the more and more routine suspension of law by executive fiat, the increasingly regularized declaration of a "state of exception" so well analyzed by Agamben and others, that establishes a "no-man's land between public law and political fact, and between the juridical order and life."³³ Against the conjugation of law, power, and community we find in Posner's legal pragmatism, Butler asserts that the fundamental question that needs to be reopened in the current political context is this: "Whose lives count as lives? And finally, What *makes for a grievable life?*" "Is there a way," she asks, "in which the place of the body . . . opens up another kind of normative aspiration within the field of politics," to "consider the demands that are imposed upon us by living in a world of beings who are, by definition, physically dependent on another, physically vulnerable to one another?"³⁴ "From where," she asks, "might a principle emerge by which we vow to protect others from the kinds of violence we have suffered, if not from an apprehension of a common human vulnerability?"³⁵

Yet precisely here, Butler's effort (whose impulses I admire and share, of course) runs aground on the question of nonhuman animals. After all, why should the dangers and vulnerabilities, the exposure to violence and harm that accrue from the fact of embodiment be limited to a "common *human* vulnerability?" Why shouldn't *non-human* lives count as "grievable lives," particularly since many millions of people grieve very deeply for their lost animal companions? (I will leave aside for the moment the even more complicated point that at least some nonhuman animals—elephants and great apes, for example—apparently grieve over the loss of those close to them.)³⁶ Here and there, during the period in which she is working on *Precari-*

ous *Life*, Butler hints at how her approach to the biopolitical might bear on fundamentally rethinking the human/animal divide. In an interview from 2005, for example, she essentially restates in her own terms Derrida's critique of the fundamentally anthropocentric norms of humanism that require the "abjection" of alterity, whether it be in the form of the "animal," the "inhuman," or the "inorganic."³⁷ And in an interview from four years later, she suggests that the shared "precariousness" of humans, animals, and the environment "undoes the very conceit of anthropocentrism."³⁸ Making a distinction that I will develop in much more detail later, Butler is right, I think, to claim in *Frames of War* that "Not everything included under the rubric of 'precarious life'—plants, for example—warrants protection from harm."³⁹ And she is also right to criticize "an ontology of individualism" which fails to recognize that the conditions that sustain life are not isolated and limited to "the discrete ontology of the person" but rather imply "the interdependency of persons."⁴⁰ But it is not clear, however, why nonhuman animals would not fall under such a definition of "persons" understood as part of a "social ontology" of interdependency since, clearly, some nonhuman animals have their own social relations of interdependency, and still others live in relations of interdependency with human beings—not just in the case of companion animals but also (and in the other direction, as it were) in the case of service animals.⁴¹

The reasons for this lacuna in Butler's text are complex, I think, and I won't be able to explore them here, but the problem is not, in any event, the perhaps expected one: that animals have an ontologically and existentially different relationship to their finitude than we do, along the lines of Heidegger's existential of "being-toward-death" (which Derrida has convincingly critiqued, to my mind, in connection with the human/animal dichotomy).⁴² In fact, Butler is at pains to separate herself from such an ontology in many of her key theoretical and methodological commitments.⁴³ Rather, the main problems seem to be 1) that Butler's concept of ethics and of community remains tied to a reciprocity model based on a "mutual striving for recognition," and 2) that her notion of subjectivity—and this is a directly related point—remains too committed to the primacy of "agency" for ethical

standing, whereas a crucial aspect of taking “embodiment” seriously, if we believe Diamond and Derrida, is that it subverts the overly hasty association of agency with personhood.

As for the first, Butler insists “that each partner in the exchange recognize not only that the other needs and deserves recognition, but also that each, in a different way, is . . . striving for recognition.”⁴⁴ But what about those members of the community who *aren’t* striving for recognition but nevertheless clearly meet the definition of what Butler calls “grievable life”? On the second point, we might linger over Butler’s contention that “when we are speaking about the ‘subject’ we are not always speaking about an individual: we are speaking about a model for agency and intelligibility.”⁴⁵ And yet her primary examples of vulnerable subjects—newborn infants, for example—have to do (to use the language of analytic philosophy) not with moral agents (those whose *behavior* is subject to moral evaluation) but with moral *patients* (those whose *treatment* is), as in her contention that “primary vulnerability” is a “condition of being laid bare from the start and with which we cannot argue,” a “primary scene . . . of abandonment or violence or starvation,” of “bodies given over to nothing, or to brutality, or to no sustenance.”⁴⁶

To equate standing with moral agents and not moral patients is, of course, a hallmark of the reciprocity model whose most ossified form is Rawlsian contractualism (whose limitations have been convincingly critiqued, to my mind, by Singer, Regan, and Cavalieri, among others).⁴⁷ Indeed, as I have argued in some detail elsewhere, I would agree with Derrida, Zygmunt Bauman, and others that the *truly* ethical act is one that is directed toward the moral patient from whom there is no expectation, and perhaps no hope, ever, of reciprocity. Such an act is freely given, outside any model of reciprocity and exchange whose most brazen form is the economic and political template for rights enunciated earlier by Posner.⁴⁸ One might think that Butler’s invocation of Emmanuel Levinas—whose model of ethics is not one of reciprocity but rather of being held “hostage” to the other in an ethical debt that one can never meet—in the last section of her book might mitigate such a charge. But the problem with Butler’s position, as with Levinas’s, is its underlying assumption about *who can be* party to an ethical relationship. In Levinas, as we know, such relations concern

only those with a “face,” and the animal has no face because it has no awareness—no concept, if you like—of its own mortality. But if the embodied vulnerability that subtends all agency “emerges,” as Butler puts it, “with life itself,” if “we cannot recover the source of this vulnerability” that “precedes the formation of the ‘I,’”—that is to say, if our finitude is radical precisely *because* it has no concept—then it is not clear why this does not entail at least some nonhuman as well as human beings.⁴⁹

Butler is certainly right, as many philosophers have emphasized, that “dehumanization” is a fundamental mechanism for producing a “Western” idea of the “man” over and against populations considered “dubiously human.”⁵⁰ But as I have argued in detail elsewhere, as long as the automatic exclusion of animals from standing remains intact *simply* because of their species, such a dehumanization by means of the discursive mechanism of “animalization” will be readily available for deployment against *whatever* body happens to fall outside the ethnocentric “we.” So when Butler calls for “a politics that seeks to recognize the sanctity of life, of all lives,” I believe she needs to expand her call across species lines, to declare the human/animal distinction irrelevant, strictly speaking, to such a call. But to do so, she would need to move away from the centrality of reciprocity and agency to ethical and political standing that we find in *Precarious Life*.⁵¹ This is not to offer any specific advice for the moment about “line drawing” with regard to membership in the community (a point I’ll return to later); it is simply to suggest that Butler’s own theoretical coordinates ought to compel an understanding that the ham-fisted distinction of “human” versus “animal” is of no use in drawing it.

The fundamental conflict in Butler’s position is underscored all the more by her focus in *Precarious Life* on the question of Jewish identity and anti-Semitism, simply because that has been Exhibit A in the biopolitical literature of the “animalization” of a population produced as “dubiously human” by and for a political program. I’ll return to this traumatic site in some detail in the pages that follow, but to fully understand its many dimensions we need to frame out more fully the background and contours of biopolitical thought as it has evolved from Foucault through the work of Agamben, Esposito, and others. As is well known, Foucault argues in *The History of Sexuality*

that “for millennia, man remained what he was for Aristotle: a living animal with the additional capacity for a political existence; modern man is an animal whose politics places his existence as a living being in question.”⁵² Moreover, as Foucault famously defines biopolitics, it “is the power to make live. Sovereignty took life and let live. And now we have the emergence of a power that I would call the power of regularization, and it, in contrast, consists in making live and letting die.”⁵³ Foucault develops this line of investigation later in his career. In the lectures collected in *Society Must Be Defended*, for example, he argues that a “new mechanism of power” arose in the seventeenth and eighteenth centuries, one that had “very specific procedures” and “new instruments.” This new type of power, he argues, is “absolutely incompatible with relations of sovereignty,” and it is based on “a closely meshed grid of material coercions rather than the physical existence of a sovereign.”⁵⁴

Foucault thus allows us to see, as Esposito points out, that for biopolitics the fundamental mechanism concerns not sovereignty and law but rather “something that precedes it because it pertains to its ‘primary material.’”⁵⁵ (As is well known, Foucault’s main examples are medicine and the rise of the various “health” professions under the broader regime of “governmentality” and its specifically modern techniques of managing, directing, and enhancing the lives of populations via hygiene, population sciences, food sciences, and so on, the better to extend and consolidate political power.) Even more importantly for our purposes, Foucault argues that this shift from sovereignty to biopower involves a new concept of the subject, one that is endowed with fundamental interests that cannot be limited to or contained by the simple *legal* category of the person. But a trade-off is involved here. If the subject addressed by biopolitics comprises a new political resource, it also requires a new sort of political technology if it is to be fully controlled and exploited. The biosubject, you might say, is far more multidimensional and robust than the “thin” subject of laws and rights; that is both its promise and its challenge as a new object of political power.

As Foucault characterizes it, the subject theorized during this period by English empiricist philosophy is something new, defined not so much by freedom or the struggle of soul versus body but rather as

a subject “of individual choices which are both irreducible and non-transferable.”⁵⁶ Those choices and the ability to make them derive, he argues, not from reason but from the capacity to feel (and the desire to avoid) pain, which is “in itself a reason for the choice beyond which you cannot go.” It is a reason beyond reason, you might say, “a sort of irreducible that does not refer to any judgment, reasoning, or calculation.”⁵⁷ And this means, Foucault argues, that “the subject of right and the subject of interest are not governed by the same logic.”⁵⁸ (And it is here, as Diamond argues, following the work of Simone Weil, that we may locate the origins of a concept of justice that is not just different from but in fact fundamentally *opposed* to the concept of “rights.”)⁵⁹

In opposition to what Foucault calls *homo juridicus* (or *homo legalis*)—the subject of law, rights, and sovereignty—we find in this new subject, *homo oeconomicus*, “an essentially and unconditionally irreducible element against any possible government,” a “zone that is definitively inaccessible to any government action,” “an atom of freedom.”⁶⁰ The subject of interest thus “overflows” the subject of right, “surrounds” him and, indeed, is the “permanent condition” of his possibility.⁶¹ *Homo oeconomicus* thus founds a new domain of “irrational rationality” that is of a fundamentally different order from sovereignty and the juridical subject. *Homo oeconomicus* thus says to the sovereign “you cannot because you do not know, and you do not know because you cannot know.”⁶² But such a creature, of course—and for that very reason—poses a threat to power, one that will in time give rise to the regime of governmentality and its exercise of biopower,⁶³ which will in turn involve new sciences and discourses: of ratios of birth and death, fertility and mortality rates, figures on longevity—in short, sciences of “populations” whose task it is to manage this aleatory element by “a power that is not individualizing but, if you like, massifying, that is directed not at man-as-body but man-as-species.”⁶⁴ Foucault thus discloses a key element of the modern political landscape—the “radical transformation of the idea of *humanitas*,” as Esposito puts it—that escapes the very political and legal concepts inherited from modernity. “*Humanitas* increasingly comes to adhere to its own biological material,”⁶⁵ Esposito writes, and what is involved here is not so much the “animalization” of human

populations but rather the exposure of how that designation simultaneously masks and makes possible the more fundamental operations of modern politics by means of what Agamben calls “the anthropological machine, which each time decides upon and recomposes the conflict between man and animal”—a machine that depends on (to use the terms that Agamben borrows from Aristotle) the distinction between *bios* (or political “form of life”) and *zoe* (or “bare life”).⁶⁶

At this juncture, however, it is worth emphasizing an important difference between Agamben and Foucault—or rather a set of differences whose consequences I want to unfold over the next few pages. While it is no doubt true—both in Foucault’s own discourse and in point of fact—that sovereignty continues to be an important force in modern politics, Foucault’s point is that it becomes recontextualized, and finally subordinated, to a fundamental political shift. Where Foucault allows us to disarticulate sovereignty and modern biopolitics, Agamben (as Jacques Rancière elegantly puts it) “matches them by equating Foucault’s ‘control over life’ with Carl Schmitt’s state of exception.”⁶⁷ And the result is an overly formalized symmetry between the figure of the sovereign and *homo sacer*, both of whom stand at the extreme opposite limits of a juridico-political order in which they are simultaneously included and excluded, inscribed in the law either by being abandoned by it (in the case of *homo sacer*) or establishing it by extralegal means (in the case of the sovereign). As Agamben puts it, “the sovereign and *homo sacer* present symmetrical figures and have the same structure and are correlative: the sovereign is the one with respect to whom all men are potentially *homines sacri* and *homo sacer* is the one with respect to whom all men act as sovereigns.”⁶⁸

Now this exaggerated formal symmetry might seem of little moment—might seem merely academic, you might say—were it not for the fact that it leads Agamben to engage in a fundamental form of dismissal and disavowal of the embodied existence that we share with nonhuman animals—the very existence underscored, as we have seen, by Diamond, Butler, and Derrida.⁶⁹ “Agamben remains so fascinated by the hyperbolic opposition between meaningful life and mere animality,” Jonathan Elmer argues, “between power and the absolute powerlessness of ‘bare life,’ that a trace of contempt edges into his description of those who have been reduced to the latter condition”—a

fact which expresses itself in any number of odd ways in Agamben's work.⁷⁰ For example, as Elmer notes, it leads him to condemn humanitarian aid groups by hewing to a logic that would allow the space between them and the Nazi death camps to become absolutely minimal. As Agamben puts it, humanitarian organizations "can only grasp human life in the figure of bare or sacred life, and therefore, despite themselves, maintain a secret solidarity with the very powers they ought to fight. . . . The 'imploring eyes' of the Rwandan child . . . may well be the most telling contemporary cipher for the bare life that humanitarian organizations, in perfect symmetry with state power, need."⁷¹ The problem, as Rancière notes, is that Agamben subsumes under the same umbrella refugee camps, holding areas for illegal immigrants, the prison at Guantánamo, and much else besides—all of which are in turn assimilated to the fundamental paradigm of the Nazi camps as "the 'nomos' of modernity." And in this highly formalized space, "the executioner and victim . . . appear as two parts of the same 'biopolitical' body," and the polarity of state of exception and bare life "appears as a sort of ontological destiny."⁷²

The only alternative to this logic in Agamben's work appears to be what in *The Open* he calls the "suspension of the suspension" of the anthropological machine that ceaselessly reconfigures the relation between the *bios* and *zoe*, human and animal, a radical *Gelassenheit* (or "letting be of Being," to use Heidegger's term).⁷³ As Agamben writes,

In our culture man has always been the result of a simultaneous division and articulation of the animal and the human, in which one of the two terms of the operation was also what was at stake in it. To render inoperative the machine that governs our conception of man will therefore mean no longer to seek new—more effective or more authentic—articulations, but rather to show the central emptiness, the hiatus that—within man—separates man and animal, and to risk ourselves in this emptiness: the suspension of the suspension. Sabbath of both animal and man.⁷⁴

What Agamben offers us here, as Dominick LaCapra characterizes it, is a sort of "postsecular negative theology *in extremis*," an "empty utopianism" that should give us pause because of "the linkage among an extremely negative if not nihilistic conception of existing social,

political, and cultural reality” and a “desire for re-enchantment of the world.”⁷⁵

Agamben’s philologically driven formalism thus leads to a remarkable flattening of the differences between different political, ethical, and institutional conjunctures (this, essentially, is Rancière’s complaint), a homogenization that is a direct consequence of the severe delimitation of the realm of the “genuinely” political. As a result, as LaCapra notes, attempts to mitigate the legacy of slavery or apartheid, or protests against the genetic manipulation of life or the uneven effects of globalization would not be recognizable as genuine historical or political undertakings.⁷⁶ In this light, it is entirely characteristic that in the recent essay “What Is an Apparatus?” Agamben deploys a familiar form of etymological chaining—what Laurent Debreuil has called “philology for show”⁷⁷—to tether Foucault’s concept of apparatus, via the root of *dispositif* in *dispositio*, to the “theological legacy” of *oikonomia* and “the redemptive governance of the world and human history” via Providence.⁷⁸ And, not surprisingly, that same essay ends with the suggestion that the only authentic political project for “the most docile and cowardly social body that has ever existed in human history” is the “profanation” of contemporary apparatuses (cell phones, mass media, and the like) whose ceaseless work of subjectification and desubjectification are “indifferent” and “do not give rise to the recomposition of a new subject.”⁷⁹ The essay thus ends on the characteristically apocalyptic note we have been discussing:

Rather than the proclaimed end of history, we are, in fact witnessing the incessant though aimless motion of this machine, which, in a sort of colossal parody of theological *oikonomia*, has assumed the legacy of the providential governance of the world; yet instead of redeeming our world, this machine (true to the original eschatological vocation of Providence) is leading us to catastrophe. The problem of the profanation of apparatuses—that is to say, the restitution to common use of what has been captured and separated in them—is, for this reason, all the more urgent. But this problem cannot be properly raised as long as those who are concerned with it are unable to intervene in their own processes of subjectification, any more than in their own apparatuses, in order to then bring to light the Ungovernable, which is the beginning and, at the same time, the vanishing point of every politics.⁸⁰

Not surprisingly, such a view of what counts as “genuinely” political in Agamben’s work leads to a similar flattening of the category of “the animal” itself, and this in two senses. First, as LaCapra notes, animals in all their diversity “are not figured as complex, differentiated living beings but instead function as an abstracted philosophical topos”⁸¹—what Derrida calls the “asininity” of the designation “*the animal*.” And second—a consequence of the first—Agamben’s position provides no means for a politically focused questioning of “the extent to which certain animals, employed in factory farming or experimentation, may be seen in terms of the concept of bare or naked, unprotected life.”⁸² What gets lost, in other words, is our ability to think a highly differentiated and nuanced biopolitical field, and to understand as well that the exercise of violence on the terrain of biopower is not always, or even often, one of highly symbolic and sacrificial ritual in some timeless political theater, but is often—indeed, maybe usually—an affair of power over and of life that is regularized, routinized, and banalized in the services of a strategic, not symbolic, project.

But if Rancière is right that Agamben’s mode of analysis “sweeps aside the heterogeneity of political dissensus” by “infiniteizing the wrong, substituting for the processing of a political wrong a sort of ontological destiny,” he himself nonetheless shares Agamben’s scorn for humanitarian efforts—and not only for NGOs.⁸³ As Rancière writes,

the age of the “humanitarian” is one of immediate identity between the ordinary example of suffering humanity and the plenitude of the subject of humanity and its rights. The eligible party pure and simple is then none other than the wordless victim, the ultimate figure of the one excluded from the logos, armed only with a voice expressing a monotonous moan, the moan of naked suffering, which saturation has made inaudible. More precisely, the person who is merely human then boils down to the couple of the victim, the pathetic figure to whom such humanity is denied, and the executioner, the monstrous figure of a person who denies humanity.⁸⁴

As Elmer rightly notes, “there is a weird and unsettling version of blaming the victim going on here” in which “the ‘merely human’ can

be understood to have harbored and produced its own contemptuous executioner only by one who shared that contempt.”⁸⁵ While Rancière’s skepticism toward the discourse and mechanisms of “rights” is surely worth heeding, such is the poison fruit, I think, of a dogmatic confidence in the difference between the “genuinely” political and the merely well-intentioned “reformist,” as is (a corollary) scorn for an ethics that takes seriously such instances of suffering (regardless of their political context), which then gets rescripted as complicit in the very suffering whose political causes it refuses to address. Or as Rancière puts it, ethics means “the erasure of all legal distinctions and the closure of all political intervals of dissensus.”⁸⁶ I will leave aside for the moment Rancière’s remarkably wooden characterization of ethics as “the infinite conflict of Good and Evil” and simply note that such a pitched posture is shared—to take only two more examples—by both Slavoj Žižek and Alain Badiou, for whom ethics “defines man as a victim.” “[T]his ‘living being’ is in reality contemptible,” Badiou writes, “and *he will be held in contempt*. . . . On the side of the victims, the haggard animal exposed on television screens. On the side of the benefactors, conscience and the imperative to intervene. . . . Every intervention in the name of a civilization *requires* contempt for the situation as a whole, including its victims.”⁸⁷ No doubt Badiou is right, as Elmer notes, to alert us to the hypocrisies of “civilizing” discourses, but the *requirement* of contempt for this “haggard animal” is born from Badiou’s own lust for redemption and transcendence, a repudiation of “the ‘pathetic figure’ of the ‘merely human’ in favor of a principle of immortality” (or what Badiou calls “the Infinite”).⁸⁸ Badiou puts it baldly enough: if there is anything such as the “rights of man” they are surely not “rights of survival against misery” but rather “the rights of the Immortal, affirmed in their own right, or the rights of the Infinite, exercised over the contingency of suffering and death.”⁸⁹

Žižek, for his own part, finds much to admire in Badiou’s posture, and indeed endorses his “*mieux vaut un désastre qu’un désêtre*, so shocking for the liberal sensitivity: better the worse [*sic*] Stalinist terror than the most liberal capitalist democracy.” Žižek immediately adds that “of course” when one compares the “positive content” of the two, the latter is “incomparably better,” but what is important

is “the formal aspect” opened up by the former vis-à-vis “normal” social life.⁹⁰ For this reason, Žižek admires the practice employed by the Vietcong (made famous in the film *Apocalypse Now*) of cutting off all of the arms of village children that had been vaccinated by US forces the day before. And he adds, with a truly remarkable lack of irony, “although difficult to sustain as a literal model to follow, this thorough rejection of the Enemy precisely in its helping ‘humanitarian’ aspect, no matter what the costs, has to be endorsed in its basic intention.”⁹¹ “In a similar way,” he continues,

when Sendero Luminoso took over a village, they did not focus on killing the soldiers or policemen stationed there, but more on the UN or U.S. agricultural consultants or health workers trying to help the local peasants. . . . Brutal as this procedure was, it was sustained by the correct insight: they, not the police or army, were the true danger, the enemy at its most perfidious, since they were “lying in the guise of truth” —the more they were “innocent” (they “really” tried to help the peasants), the more they served as a tool of the United States. It is only such a strike against the enemy . . . that displays a true revolutionary autonomy and “sovereignty.”⁹²

Here, as in Agamben’s discussion of the “profanation” of apparatuses, we find the romance of a clean, single line between the space of “genuine” versus merely reformist politics, only here it is the space not of *désœuvrement* but of an “act” that makes no sense within the existing Symbolic order, an act that is “impossible” and for that very reason “political.”⁹³ And here, as in Agamben and Badiou, Žižek’s language is telling. In such a space, “everything is to be endorsed” including “religious ‘fanaticism’”; what is wanted is a “leap of faith,” the ability to “step out of the global circuit.”⁹⁴ Gestures of “pure expenditure,” “pure self-destructive ethical insistence, with, apparently, no political goal” are to be endorsed.⁹⁵ Though Žižek tries to finesse the point, it is clear that the genuinely political involves the subordination of strategic political interventions to this new space which, defined as it is by its pure *not*-ness in relation to the existing Symbolic structure, partakes of the logic of negative theology. Transcendence or nothing—that is “true” politics.

Now I hasten to add that I agree with Žižek’s discussion of “de-

mocracy” and his critique of the liberal knee-jerk reaction toward “fanaticism,” just as I endorse Rancière’s insistence on the importance of the specific conjunctures of political dissensus that get steamrolled by Agamben’s ontotheological procedure. But what is fascinating in all these examples is the almost hysterical condemnation and disavowal of embodied life as something constitutively deficient, something that always already has to be redeemed by its radical subordination to a “genuinely political” project for which it is merely the vehicle, merely the gateway to “the immortal” or “the infinite.” And so one has to wonder, *pace* Rancière, if the problem here is not with ethics but with *politics* now conceived as the realm of “Good versus Evil.” One might pause at this juncture to entertain any number of obvious questions: Are we not witnessing here (as even the most sophomoric psychoanalytic analysis would surely note) a nearly stereotypical disavowal of the fact of our embodied existence that links us fatefully to mortality, and thus to a domain of contingency over which we finally have less than complete control? Is it possible—to stay with that well-worn psychoanalytic motif a bit longer—that we are seeing here the “acting out” of a generation of older (white) (male) (Western) intellectuals who, embittered by the failure during their lifetimes of a “genuinely” “revolutionary” politics, cling ever more desperately to a new sort of “jargon of authenticity” (to use Adorno’s phrase), a stark Manichaeic opposition of “strong” vs. “weak,” “radical” vs. “reformist,” “true” vs. “illusory,” “inside” vs. “outside,” and so on? Do we not indeed find here, as Simon Critchley and others have observed, a tiresome posturing of heroism, machismo, and virility that ought to beg the very kinds of psychoanalytic questions that Žižek himself would be the first to call to our attention (or so one would think)?⁹⁶ Is this not indeed a rather familiar type of theology, a “keeping of the faith” in the face of the “televangelization” and suburbanization of religion in the West? In fact, as a number of critics have noted, the rescripting of various religious impulses and imperatives as part of a reclamation of Marxism as an authentic revolutionary moral legacy perhaps should give us pause in an era defined by the Manichaeic struggle between Bush’s evangelism and Bin Laden’s fundamentalism.⁹⁷

1

ABJECTION

Ruth Lipschitz

We may call it a border; abjection is above all ambiguity.

(Julia Kristeva)¹

Abjection has effects on real bodies: abjection hurts.

(Imogen Tyler)²

THIS CHAPTER ADDRESSES the question of the animal in Julia Kristeva's theory of abjection in relation to an installation by South African artist Jane Alexander, *Security* (Johannesburg 2009).³ Perhaps best known internationally for her chilling sculpture *The Butcher Boys* (1985), which was produced at the height of apartheid's repressive and brutal State of Emergency, Alexander's hybrid interspecies figures and mixed media installations are useful to think through the question of abjection in relation to animal studies, since her aesthetic locates radical alterity and ethical relating at the threshold of species difference. My aim is to set out how what is called 'Animal' is both foundational to, and at stake in, Alexander's *Security* and abjection's psychoanalytic framing and its social operation. I build on and extend Kelly Oliver's insightful analysis of the ways in which Kristevan abjection is rooted in a notion of contagion that requires the sacrifice of real animal kinship, and consider the ways in which Alexander's installation takes up Kristeva's remark on abjection's ambiguity.⁴ As Kristeva writes in her *Powers of Horror*, abjection is inextricably tied to both the setting up of a bounded limit and to its ambiguity. Yet if, as Kristeva proclaims, abjection is indeed 'above all ambiguity', then it is an ambiguity that must, too, trouble the so-called 'necessity' of sacrificial animal violence which she finds is crucial to abjection's process of identity formation. My argument takes Kristeva's pronouncement of a vexing ambiguity at abjection's core seriously, and it does so in the light of Imogen Tyler's recent work on abjection. In an article on abjection and its maternal violence, Tyler calls for a sociopolitical and contingent reading of that which Kristeva's theory of abjection elides: what it means to be made abject, or, as Tyler puts it, 'to be interpellated as abject animal (less than human)'.⁵ In this chapter, then, I explore the problematic of that which is ontologised as abject animal or, to borrow from Jacques Derrida, as that empty abstraction 'Animal', and do so in relation to the ambiguity that stalks every threshold. My reading of the animal question in abjection takes place in a South African post-apartheid context where the very question of 'necessity' turns the exclusion of that which is called 'Animal' into the exemplary site for an animalised and racialised xenophobic violence.



Figure 1.1 Jane Alexander, *Security* (2009), Johannesburg Art Fair, 2009. Professional guards; oil painted fibreglass *Bird* (2006). Components: double diamond mesh fence; razor wire; steel; earth; germinating/growing/dying wheat; 1000 machetes; 1000 sickles; 1000 used South African workers' gloves. Photograph: Mark Lewis. © J. Alexander/DALRO.

Abjection and Animal Studies

My alignment of abjection, post-apartheid xenophobia and the 'less than human', as Tyler puts it, proposes that the abject animal is the overlooked core of the nexus of race, poverty, anger and despair that fuels South African xenophobia, or what Andile Mngxitama calls 'Afrophobia'.⁶ While Mngxitama's diagnosis makes explicit the racial bias that is often denied in official accounts of xenophobic attacks, the notion of this anti-immigrant violence as African-centred is a politically controversial one.⁷ This is especially so given that the violence directed at fellow Africans (and at South Africans mistaken as 'foreigners') by impoverished black South Africans in their communities takes place against the history of support and hospitality that other African countries offered to South African anti-apartheid organisations during apartheid.⁸ More than that though, his words point towards the reason an analysis of abjection matters in a theoretical compendium about animal studies: to describe the violence done to bodies made foreign as 'Afrophobic' is, in effect, to call attention to the persistence in the present of colonial and apartheid racism's longstanding intrication of race and abject animality. What makes racism's expulsion of the abject other in order to consolidate self-identity so telling for animal studies is that the status of 'the Animal' in this operation is not simply a metaphor for dehumanisation.⁹ Rather, to reiterate my second

epigraph, 'abjection hurts', and it hurts those bodies made 'Animal', regardless of their species, precisely because of the debased, objectified and nullified mode of species-being 'Animal' encapsulates.

In *Animal Lessons: How They Teach Us to be Human*, Oliver develops her extensive oeuvre on Kristeva to address how the psychoanalytic process of abjection both disavows human animality and repudiates kinship with animals.¹⁰ Oliver's point is that Kristevan abjection ultimately recuperates the anthropocentric organisation of a human-non-human animal divide through her use of animals as placeholders for abjected human drives: primarily, the infant's or the 'not-yet' subject's dependence on the maternal body. Since Kristeva aligns the animal with the mother or the maternal body, and since human subjectivity comes into being in Kristeva's argument through the abjection of the maternal and the embrace of the symbolic Law of the Father, Oliver argues that '[i]n Kristeva's writings, animals are symbols through which humans become speaking beings'.¹¹ In other words, as Oliver so succinctly writes, in Kristeva's thinking on abjection, as in psychoanalysis more generally, 'animals become nothing more than human byproducts'.¹²

The symbolic, and thus anthropocentric, recuperation of animals' bodies is inflected slightly differently when abjection's animal other is staged in a racialised socio-cultural context. The interaction of abjection, race and animality in contemporary South Africa gains its currency, much like Alexander's art, through the slippage of the human and non-human animal hierarchy. This zoometaphoric ambiguity co-implicates literal and figurative violence so that the abject animal offers not simply a screen for the projection of a political logic of decay, disobedience and contamination, but a localised devalued corporeality upon which to exercise the violent re-institution of order: the body of the animal parasite or scavenger, conflated with and made over into 'the Animal'. For example, in the recent outbreak of anti-immigrant violence in March and April 2015, African foreigners were reportedly likened to an infestation of head lice and ticks that required removal by Zulu King Goodwill Zwelithini (a comparison he later denied).¹³

When survivors of the orchestrated, nationwide and primarily Afrophobic xenophobic riots of May 2008 reported that they were treated 'like animals'¹⁴ and 'hunted like dogs',¹⁵ they invoked not only the rhetorical trope 'the Animal' but the very embodiment of a disavowed animality upon which the active reinscription of securely masculinised national subjectivity may be written. Indeed, in the zoometaphorics and zoometonymics of South-African-style abjection, it matters which animals are made to embody 'the Animal': both parasites and scavengers feed into an imagery of plague, pestilence and contagion from which the black body of the foreigner, whether impoverished, undocumented or illegal, or documented and legal, is inextricable. As Luis Bernado Honwana's novella 'We killed Mangy-Dog' (1967) and Njabulo Ndebele's 'The Year of the Dog: A journey of the imagination' (2006) bear out, the township dog is the abject animal *par excellence*: one whose body is transferable across all modes of undesirability. Ndebele's essay recounts those instances of disenfranchisement, violation, cruelty that 'dog' the intersection of race and species in South Africa from the 1913 Land Act, through the violence of apartheid to contemporary South Africa. So potent is the 'mangy dog's' abjection and its substitutability that its body is, Ndebele writes, made dead and 'mashy' through the 'righteous brutality' of the one whose subjectivity Western racism has routinely denied: 'Bulalan'inja!' 'Kill the

dog!’¹⁶ It is against this trajectory that Ndebele undertakes a ‘journey of the imagination’ and attempts to reconceptualise an ethics and a politics in which ‘South Africans [might] reconnect with their humanity through a new and caring relationship with their dogs’.¹⁷

However, Ndebele’s is an ethics underscored by anthropocentrism rather than one rooted in interspecies relationality. The urgency of thinking abjection as an opening to ethics by way of the question of the animal is made clear by the horrifying and mediatised deaths of Mozambicans Ernesto Nhamuave, who was beaten and set alight by his neighbours in 2008, and Emmanuel Sithole, who died in a gutter after being ‘butchered’ and ‘beaten like a dog’ in 2015.¹⁸ Their deaths, and the ongoing historical echoes of a refrain of the foreigner-as-abject-animal, testify that the determination ‘other’ and ‘Animal’ are bloodily and bodily linked, and point to the imperative to think race and species as intersecting vectors in an ongoing violence of difference. This violence, acted on and through the bodies of those made ‘Animal’, is not only the symptom of an ongoing border anxiety but the corporeal manifestation of its life-and-death stakes.

It is these stakes that Oliver’s analysis of the place and function of animality in Kristevan abjection seeks to highlight. Informed by Derrida’s writing on the animal question, Oliver’s book *Animal Lessons* focuses on how the limits between human and animal are fed (in Derrida’s terms, ‘made limitrophic’) and made complicated in writers such as Jean-Jacques Rousseau, Giorgio Agamben, Sigmund Freud, Simone de Beauvoir, Kristeva and others. As Lynn Turner’s review notes, Oliver’s inclusion of women writers such as de Beauvoir and Kristeva in her book lays bare the assumption that women writers (even one so significantly tied to feminism as de Beauvoir) might trouble the ‘problematic philosophical proximity of animality and femininity . . . [and develop] a critical insight regarding “the animal”’.¹⁹ For, as Oliver argues, in using animality as the repudiated ground for human identity, Kristeva turns the bodies of real animals into symbolic substitutes for abjected (human) drives through displacing human animality onto language (by acceding to the Law of the Father) and separating edible and inedible bodies across species lines.²⁰ The threshold across which this substitution takes place is the mouth: in particular, the mouth that fills with words and replaces the infant mouth that nurses at (and simultaneously repudiates) the (all-powerful) mother. As I explain more fully below, Kristeva ultimately reinforces the phallic terms of the Lacanian Symbolic through using animals as symbolic substitutes for the maternal body. Yet her alignment of the animal and the maternal centres on the breast, on its nourishing and punishing dimensions (its being given and withdrawn), and it turns on the transfer of orality from the maternal body to the body of the animal other (thus, from ‘eating’ the mother to eating the other made abject). In separating out the mother from the animal other through language’s symbolic function (the animal body as a placeholder for the abjected maternal), Kristeva’s move not only frames human subjectivity through (absolute) exclusion of the Animal by way of resurrecting and policing the human/non-human boundary, but, as I discuss below, reifies abjection’s ambiguity in a way that consolidates ‘the Animal’ as that which must be violently expelled from human subjectivity.

The complication of this idea of absolute exclusion is at the root of Judith Butler’s reading of abjection in her *Bodies that Matter: On the Discursive Limits of ‘Sex’*.²¹

Butler uses abjection to describe what she calls a zone of inclusive exclusion, across and through which the relation between the normative and its excluded is negotiated. But, as I explain later, since what is excluded is also interior to the relation, Butler's 'constitutive outside' both sets up the performative production of heteronormativity, including the psychosocial formation of sexual identifications, and threatens the subject with what she calls 'the persistent possibility of their disruption and rearticulation'.²² Her conception of performativity draws on both Michel Foucault's thesis of the subject as produced in and through discursive disciplinary regulation, and Derrida's notion of iterability, where every performative is subject to *différance*, and is thus conditioned by an opening to an alterity that exceeds its inscription. Marrying both insights of Derrida and Foucault with the foundational incompleteness of Kristevan abjection, Butler demonstrates that the iteration or repetition required by the heteronormative materialisation of bodies is neither complete nor stable. For Butler, this citational instability opens up the critical, political and, indeed, ethical possibilities of queering that intervene in hegemonic relations of power by rescripting their codes of intelligibility. I discuss the implications of Butler's thesis of the disruptive rearticulation of a zone of inclusive exclusion for abjection's ambiguity in my analysis of Alexander's *Security*, but I want to note here that while Butler aligns this abject zone of unliveable life with the inhuman, and hence with 'the Animal', her framework for 'bodies that matter' remains, as James Stanescu points out, caught up in human exceptionalism.²³

My analysis of the animal question in abjection brings together Oliver's understanding of abjection's animal sacrifice with the potential for disarticulation that Butler exploits in abjection's unfinished status. Alexander's *Security*, I argue, offers a way to foreground the abject Animal as an operative politics of social exclusion, especially in relation to the question of the foreign/er; however, the installation also offers a way to think through the ethico-political possibilities that abjection as 'above all ambiguity' makes available. In other words, while 'abjection as ambiguity' marks, for Kristeva, the necessity of fixing animal placeholders for abjected human drives (thereby securing the Symbolic's defences against the threat of dissolution posed by an unassimilable maternal animality), ambiguity also turns the question of the animal, as Derrida might put it and Oliver's analysis begins to play out, into *the* question that maps abjection's ethical impetus, its sociopolitical materiality and philosophical complexity. This is precisely the case because, as I will show, the ambiguity in abjection puts 'the Animal' into question; it does so, moreover, across a body whose foreignness is as much within as it is without: 'contaminated', in process and foundational, or in Derrida's term, 'origin-heterogeneous'.²⁴

Since contamination-as-abjection ultimately functions in Kristeva's thesis to reassert and thereby protect the Symbolic order, abjection remains as risky a concept for animal studies as it is for feminist theory. While Kristevan abjection, as Oliver notes, makes a place for maternal authority and for animality within the Symbolic, and while, as Tyler discusses, the place of the abject has been heralded as a transgressive feminist challenge to patriarchy by writers of 'abject criticism' such as Barbara Creed, Mary Russo, and more recently Joanna Freuh and Deborah Caslav Covino, it is also, as Oliver observes, a place where the abject script of a maternal animality shores up Oedipality rather than overcomes it.²⁵ For the psychosociality that Kristevan abjection narrates and protects is a masculinist one in which, as Oliver demonstrates, separation from the maternal

legitimizes a sacrificial limit called Animal. Nonetheless, if for Kristeva ‘abjection is above all *ambiguity*’, then its violence might be rearticulated so as to subtend relationality rather than simply regulation through sacrifice.²⁶ Consequently, the animal might not, by definition, occupy a dead zone, but instead mark the human as unfinished and inhabited by an animal alterity that is, first and foremost, of the self. To claim thus is, however, not merely to attempt to reclaim abjection for animal studies and to read its death-bearing politics against the grain in the manner of the so-called ‘abject criticism’ that Tyler criticises.²⁷ Rather, the question of the animal, in effect, stakes ambiguity at the centre of Kristeva’s socio-psychoanalytic border-politics. It is a wager that opens up the abject as an originary site of contaminative heterogeneity (rather than simply one of repudiation). Bringing the animal question to bear on abjection’s status as a crisis at the threshold of self/other and human/animal not only opens up a conceptual apparatus through which to think otherwise about what Kristeva calls abjection’s ‘necessary’ violence, it also puts into focus those unassimilables who are made abject. Given the urgent and necessary retrieval of the black body from the abject history of waste and animalisation to which colonial racism and its legacy have consigned black subjectivity, this is an imperative vital tool for thinking democracy and the xenophobic politics of social exclusion in post-apartheid South Africa.²⁸

In the following sections, I first describe *Security* and provide some of its background as well as previous understandings of how abjection operates in Alexander’s works; I then outline Kristeva’s theory of abjection and its relation to the formation of the ‘subject-in-process/on trial’ and to abjection’s empty object named ‘Animal’, as well as to Butler’s spatial recasting of abjection as a ‘constitutive outside’. Finally, I return to Alexander’s work to bring together both the threat and the promise of abjection as ambiguity.

Crisis at the Threshold

Alexander’s installation *Security* (2009) was originally commissioned for *How to Live Together*, the 27th Sao Paulo Biennale (2006), and exhibited again in 2007 at *Rethinking Dissent*, the 4th Göteborg Biennial, as well as in 2009 at the Johannesburg Art Fair, where I had the opportunity to see it. More recently, *Security* was included in an exhibition curated by Pep Subiròs, *Jane Alexander Surveys (from the Cape of Good Hope)* (2011). Alexander’s instruction for its installation are specific: *Security* is comprised of a double enclosure of diamond-mesh fencing topped by coiled razor-wire; the outer perimeter of the enclosure is surrounded by five men wearing South African private security guard uniforms with the word ‘Security’ on their epaulettes.²⁹ The inner perimeter forms a passage between the two fences and its floor is covered by ‘one thousand South African machetes, one thousand South African sickles and one thousand used South African workers’ gloves’.³⁰ The inner rectangular area is covered by earth and wheat is sown into it. Over the course of the work’s exhibition the wheat germinates, grows and ultimately dies.

Set in *Security*’s central zone but situated off-centre, as if underscoring its formal discordancy, the hybrid sculpture *Bird* (2006) presents something of a taxonomic complication. Somehow unspeakably deformed or malformed, *Bird* both compels and resists descriptive clarification: the sculptural figure has a bird head, which is quizzically

cocked, a hooked beak, and a broad muscular neck that ends in stumps at the shoulders. The stumps call forth amputated wings or, indeed, arms, since *Bird*'s torso appears to be human, with a belly button but without sex. Stooped on spindly backwards-leaning legs that end in hooves, *Bird* seems the very figure of precarity, vulnerable but also off-balance, incongruous, strange, and in this strangeness, vaguely menacing. The sense of menace, of threat, of something disordered and dangerous and thus requiring containment, is heightened by the presence of the security guards, the machetes and sickles – tools of labour but also weapons of violence – and by the redness of the industrial gloves as well as their prophylactic function.

In Subiròs's exhibition catalogue for *Jane Alexander Surveys (from the Cape of Good Hope)* (2011), *Security* is thematically linked 'to forced and voluntary migration, land resources, unemployment and attendant security' concerns.³¹ Yet underpinning the very real list of themes *Security* evokes – the trouble with migrants and their relation to scarce resources – is a concern not simply with borders, but with that which threatens and disturbs their coherency, which troubles defined limits: namely, the disordered, the out of place, the displaced, the in-between, the foreign. *Security*'s visual address places the locus of this border disturbance and the seeming cause of its defensive regulation at its (off-)centre: *Bird*, a hybrid human/animal form, encapsulates a certain unregulatable strangeness that seeps into the very fabric of this work.³² While *Security* may resemble the defensive fortification of a border, the presence of *Bird* hints at a profound insecurity at the very heart of its arrangement: rather than a definable limit, *Security* offers a vision of an abjected animal other at a threshold that is less absolute than it first appears. In *Bird*, the ambiguous co-implication of human and non-human is not only a marker of the animal-made-bject, but of the possibility of a more Butlerian sense of the abject as an ethico-political interference with social and discursive norms.

My bringing together abjection, the animal and Alexander's work is not without precedent. Lize van Robbroek and Tenley Bick link Alexander's use of human animal forms and socially engaged themes to abjection.³³ However, neither writer addresses the abject's relation to the question of the animal and the attendant ethical and political dimensions this implies. Van Robbroek, for instance, reads the 'humanimal' not only in relation to the abject 'psychotopography' of South Africa's racist past, but to an apparently more universal problem: the apparent failure of the Enlightenment project.³⁴ She argues, by way of the work of Slavoj Žižek, that the abjected 'humanimal' or outsider beings that populate Alexander's work represent the 'unsymbolisable' Lacanian Real that haunts the liberal humanist subject.³⁵ For Bick, on the other hand, Alexander's mutilated human animal hybrids embody the loss of humanity that the apartheid project produced. While such a loss no doubt justifies the reproduction of Alexander's emblematic *Butcher Boys* (1985) on the cover of *Biopolitics: A Reader*,³⁶ Bick's discussion of this work poses humanity as a quality which is always already known and opposed to animality.³⁷ In both these arguments, 'the Animal' becomes a placeholder for a site of trauma that has none of the inherent ambiguity Kristeva attributes to the operation of abjection. In neither account, moreover, is abjection put to work as the performative elaboration of an ambiguity that puts the singular boundary between, as Derrida writes, he who calls himself 'Human' and that which he calls 'Animal', into question.³⁸

Abjection and the Animal

The abject, Kristeva writes, has no object but arises as an experience that haunts the subject (or that formation she calls the ‘clean and proper body’) with the trace of its founding dissolution.³⁹ Abjection constitutively troubles the idea of a ‘clean and proper body’ – that is, an intra-or inter-subjectivity defined only by that which is ‘proper’ to it – by confronting the subject with that which exceeds its sense of the proper. As Kristeva argues in *Powers of Horror*, the (imagined) ‘clean and proper body’ (of the subject and the socius) is besieged by all that it is not, but from which, in order to be, it has tried to separate, expel, ab-ject.⁴⁰ An ongoing psychosocial process of identity formation, abjection simultaneously posits a limit and traverses it; this violation both renders that limit defensively necessary and yet, impossible finally to maintain. In effect, abjection is an ambiguous practice of exclusion that both institutes and exceeds the ontological question ‘what is’, and in this, the question of the animal is foundational. For the Animal and animality as both figure and matter (or, for Kristeva, *mater*) are central to her analysis of abjection’s psychoanalytic process, its corporeal and material regulation, and as Oliver writes, its internal tension and post-Freudian compromise.⁴¹

Kristeva’s thesis establishes the centrality of animal/ity to abjection at the outset. Or rather, she argues that distance from the animal through the experience of abjection is the ontological and ontic condition of, as Rina Arya writes, ‘what it means to be human’.⁴² In a move that both exposes her human exceptionalism (language as the property of the human) and disturbs it, Kristeva argues that abjection provokes by betraying the unfinished proximity of the ‘speaking being’ to his supposed archaic, animal origins.⁴³ For Kristeva, this dangerous intimacy is tied to the pre-Oedipal infant’s struggle to provisionally separate from an all-encompassing maternal authority, but it also occurs in ‘those fragile states where man strays on the territories of the animal’.⁴⁴ In Kristeva’s terms, any ‘straying’ across the human/animal border risks an encounter with an unassimilable otherness that both delimits the territory of what is proper to the human, and imperils it. The abject, in short, is a ‘repulsive gift’ that both initiates and threatens the boundaries of the human subject, the thinkable and the tolerable.⁴⁵ Unbound by language, for it emerges prior to the subject’s entry into culture/ the Symbolic, Kristeva’s concept of abjection emerges through her rereading of Freud’s theory of taboo formation. Read through Mary Douglas’s work on the social regulation of dirt and contamination, Kristeva’s concept of prohibition draws on Georges Bataille’s key insight into the formation of taboo: that it is the essential ‘weakness of that prohibition’ that conditions its need for performative reinforcement.⁴⁶ Kristevan abjection grafts this notion of a weak prohibition onto Melanie Klein’s object-relations-rooted theory of the good/bad breast economy.⁴⁷ Kristevan abjection describes not merely the primitive process of ego formation and bodily separation from an all-powerful maternal authority, but the way in which social and psychic authority, the Law (of the Father) and the (imagined) ‘clean and proper body’ (of the self and the Symbolic) is simultaneously legitimated and put at risk.

Often incorrectly reduced to its effects (to bodily fluids, for example), the abject refers to that which disorders but also that which is cast off, expelled and repulsed. The abject threatens the very integrity and coherence of the psycho-sociopolitical body, and defines both its limits and its vulnerability. The formation of psychosocial

authority is both reliant on and menaced by that which it abjects. It is the status of the abject, as both excluded and as subject to fear and loathing, that brings it into intersection with the animal question. For although Kristeva considers the crisis of abjection to be ‘the place where meaning collapses’, the animal, as Steve Baker remarks, comes to be the objectified instrument and residue of this experience.⁴⁸ But it is an instrument like no other, for in Kristeva as in Freud, there can be no threshold moment of separation, no subject, and thus no onset of human sociality, without the sacrifice of the animal and the repression of animality; without, in other words, the erection of that abstraction, ‘Animal’.

In psychoanalytic terms, the binding of animal sacrifice to ‘the human’ and ‘the social’ is first set out in Freud’s thesis of the primal feast in his *Totem and Taboo* (1918).⁴⁹ After proposing that animal totems in so-called ‘primitive cultures’ and animal phobias in children refer to the Oedipal origins of patriarchal authority, Freud narrates the latter’s emergence through the murder of the primal father by his sons. At the primal feast, he asserts, the primal father, who alone has sexual access to his wife and daughters, is murdered by his jealous sons. The sons then eat his body. Consumed by guilt, the ‘band of brothers’ internalise an idealised version of paternal authority and reject familial murder, familial sexual contact and the eating of kin and kind, thus erecting the taboos against incest and patricide, as well as against cannibalism and bestiality. For Freud, the primal feast and the substitution of the totem animal for the primal father not only retroactively verifies his Oedipal family romance, but confirms that humanity is rooted in the ‘organic repression’ of animality.⁵⁰ This version of humanity, moreover, as Donna Haraway writes, privileges a masculinist universality.⁵¹ And it does so on the basis of what Derrida calls a ‘carnivorous virility’ that installs a ‘meat-eating, sacrifice-accepting’ or ‘carno-phallogocentric’ subject.⁵²

While Freud’s crisis at the threshold of the human is marked in an encounter with the primal father, in Kristeva’s rereading of animal phobias and primal eating, this crisis unfolds in an oral-sadistic relation to the originary and disavowed animal body, the (edible) mother.⁵³ Drawing on Klein’s account of the nursing infant in the mother-child dyad, Kristeva proposes a pre-symbolic orality in which the maternal is both nurturing and punishing. The not-yet-ego identifies with the ‘good (gratifying) breast’ as a ‘part object’ and, redirecting its own aggressive drives, projects these onto the ‘bad (frustrating) breast’ of the now persecuting maternal body.⁵⁴ Kristeva links this orality to an intensified death drive in which the infant is no longer that which feeds but the object of a maternal authority that threatens [to eat] it from within. For the pre-Oedipal yet-to-be ego caught in dyadic union, this maternal authority is both of itself and its m/other, and thus abjects that part of itself that is m/other.

Abjection sets up the boundary between self/other through a potent oral intimacy with the maternal from which each of us must separate in order to be, but to which we are inextricably bound by our needs, desires and fears. Unlike Freud, for whom a repression of animality is not only necessary but desirable, Kristeva’s abjection describes a process of impossible separation from a primary animality. As Oliver suggests, this makes space for an unfinished connection to animality, but one that both necessitates, and torments, any separation it subtends. For the animality of the maternal, Kristeva argues, both attracts and repels: unruly, drive-focused, and pre-symbolic (what she calls semiotic), it signals at once the possible return of dyadic bliss and the threat of dissolution, or in Kristeva’s terms, the loss of identity or death.

It is this death-bearing threat of the loss of self that provokes abjection's horror: a horror that is at once both affective and social, and which the (defensively) violent (re)institution(s) of the border between I and not-I, between self and other, between human and animal, seeks to contain and manage. However, since Kristeva's abjection holds that human subjectivity is caught in an unfinished relation to the animality it seeks to cast off and yet requires in order to separate, this border maintenance is performative, ongoing and processual. It is bound to an endless, unpredictable and frightening repetition that reproduces the very fragility of the border in the same moment that it demarcates it. It is this psychosocial process that Kristeva makes reference to in her notion of a 'subject-in-process/on trial', one that, born of abjection and in thrall to the abject, is forever tied to the animal alterity it harbours within.⁵⁵ In other words, Kristeva's notion of abjection proposes heterogeneity rather than an imagined purity as the foundation of the self.

Animal Objects

Although exclusion is part of every identity formation, Kristeva argues that the intra- and intersubjective drive to separate self from other must be set up through a compulsory matricide (rather than patricide). This sacrifice takes place first of all at the cannibalising mouth of the feeding infant and subsequent abjection of the devouring mother, of the animal that bites. It is a sacrifice that is, moreover, given phallic coherence at the level of the Symbolic, when the subject as 'speaking being' gives up eating the mother in order to eat the animal other. Or, as Kristeva puts it: 'I give up cannibalism because abjection (of the mother) leads me toward respect for the body of the other, my fellow man, my brother.'⁵⁶ Since every animal for Kristeva is a placeholder for the primary animality of the maternal, the abjection of the edible mother not only positions animality as dangerous to, and contaminative of, the Symbolic, it also positions 'the Animal' as the legitimate sacrificial ground for a humanist sociality that is, in essence, 'carno-phallogocentric'. Thus, Kristeva's respect for the body of the other is a respect only for the human other: in her 'fraternity of the same', this respect is won through the violent foreclosure of interspecies kinship and its consequent consolidation of the Law of the Father.⁵⁷ Wrought across the body of the now edible animal other, this is violence which, for Kristeva, is as necessary as it is sacrificial and carnivorous, as material as it is affective, and as literal as it is metaphorical.

Abjection might not have an object, but its defensive moves against an other that threatens the coherency of the same are always directed against something or some body. As the excluded ground of human subjectivity and sociality, the Animal becomes the paradigmatic abject object (at once an empty thing and a body). The ground zero of an anthropocentric, and indeed carnophallogocentric, universe, the Animal as abject shores up abjection's ambiguity and serves up instead the reductive fantasy of a singular, ontological division between what is proper to, and property of, the 'Human' and what he calls 'Animal'. Reified as Animal, Kristeva's thesis of an uncontrollable and contaminating animality that requires taboos, rituals, religion and art to sublimate and channel drive energy, translates instead into a validation of a masculinist humanist authority erected across the dead bodies of those animals made killable and eatable.

Abjection's violent expulsion of human animality thus erects the limit of the Human by way of a sacrificial economy that designates 'the Animal' as foul, debased, contaminating, abject and killable. In an interview with Jean-Luc Nancy on the 'calculation of the subject', Derrida describes this determination as 'discerning . . . a place left open . . . for a non-criminal putting to death of the other'.⁵⁸ He points out that since the biblical injunction 'Thou shalt not kill' does not prohibit the killing of every living thing, only that of fellow humans, this discernment is at once a politics and an ethics. It involves a measuring up, to paraphrase Butler, of which bodies and lives matter and which deaths do not. Since Kristeva's notion of the human subject or 'speaking being' is rooted in the sacrifice of the animal, the Animal as abject allows for what Cary Wolfe describes as the transposition of the non-criminal death of the animal other to the animalised of whichever species.⁵⁹ Kristeva's Animal abjects, in other words, not only sustain the fantasy of a single ontological division between Human and Animal, but, as an abstraction and as a devalued life, make available a cross-species politics of animalisation. The deathly implications of this politics not only form the basis of Alexander's *Security*, but structure the operation of exteriority in the sociopolitical framework of the foreign/er that it references.

Foreign Bodies

Abjection, Butler argues, functions to produce and maintain the sociopolitical structure through the exclusion of that which it cannot assimilate. Thus, as she writes, the determination of the subject requires the 'simultaneous production of a domain of abject beings' that circumscribe its intelligibility.⁶⁰ This 'exclusionary matrix' or 'zone of uninhabitability' forms what she describes as 'the constitutive outside' of the subject: that defining limit of both identification and dread against which the normative subject guarantees his claim to autonomy, to life and thus to call himself 'Human'.⁶¹ However, the exteriority presupposed by the subject's 'constitutive outside' is a radical one: as an 'abjected outside', it is, in Butler's words, 'inside the subject as its founding repudiation'.⁶² Unable to be fully cast off, this 'outside' that is constitutive of the subject is also internal to it owing to the human subject's contaminative origin in abjection – 'the consequences' of which, Butler notes, 'it cannot fully control'. It is the desire to control that fuels the abject's threat. In a move that echoes the performative heterogeneity of Kristeva's concept of a 'subject-in-process/on trial', Butler's notion of a 'constitutive outside' is neither stable nor resolved, but vulnerable to dissolution and haunted by an animal alterity it cannot erase, contain or control. Thus, in order to call itself 'Human', the boundaries of the subject require anxious renewal; hence the convulsive attempts to identify and expel what it deems foreign to itself, what threatens its imagined unity of the 'clean and proper' and disrupts its intelligibility. It is in this convulsion that the xenophobic trope of foreigner-as-animal gains its valence as foul and polluting. And it is here too, as I will show in relation to Alexander's *Security*, that the heterogeneity of 'the subject-in-process/on trial' and the performativity of the 'constitutive outside' opens onto a relation in which the designation 'animal' remains radically unfixated.

Turning back to *Security*, the installation reads as a thoroughgoing attempt to maintain the boundaries of the 'clean and proper', in this case of the social body.

The caging of the singular, strange and slightly-estranging figure of *Bird*, and the prophylactic measures of fencing, gloves and security guards, suggest that what is at stake in this work is not security, but rather a panicked insecurity about the proximity of a body made foreign and abject. The enclosure's immunising measures read as a defensive move against that which fouls the boundary between being and belonging, between a communal 'fraternity of the same' and that which is marked as its other. In fact, the used gloves that hint simultaneously at absent workers and at bloody ground, as well as the machetes that double up as weapons, suggest that this defence was waged across a multiplication of bodies too foreign to be assimilated: as if this seemingly stable border control was won through the erasure of so many other foreign bodies explicitly named 'Animal' in South Africa's xenophobic discourse. With its fixation on containment by any means, *Security* calls to mind a detention centre; one, perhaps, like the notorious Lindela Repatriation Centre in South Africa's Gauteng province, long-since accused of human rights abuses by the undocumented immigrants it holds.⁶³ *Security* speaks, in short, of a purified concept of being and belonging that seeks external renewal and authentication through the absolute separation of that which is made abject; and it does so along a purportedly inviolate division in which Other and Animal are not only held to be consonant, but also entirely normative and legible.

Yet, in light of abjection's unfinished relation to that which it expels, *Security*'s staged encounter with the foreigner-body-as-abject-animal is rooted in an impossible expulsion and an uncanny illegibility. *Bird*'s familiar-made-strange visual language confounds normative binary divisions to traverse the bounds of nature/culture, human/animal. More than a mere category error, *Bird*'s uncanniness comes to figure a radical and dangerous unintelligibility, the sequestering of which not only makes possible the fantasy of an absolute security of limits, but imperils it. For *Bird*'s ambiguity is not simply formal; it is structural, and opens onto the experience of the installation itself.

In its courtyard or museum installation, *Security* stands not as the absolute outside of the community of the same, as a defensive limit, but is pitched within it so that the work, although separated by fencing, is spatially continuous with its viewers, and not only because the fencing allows for a kind of surveillance-like visibility. Despite that spatial continuity, entry into the inner zone and passageway is barred and viewers are restricted to walking around the exterior of the installation. In effect, the installation's organisation of visibility and separation allows both for viewers to mime the so-called 'security guards' patrol of the exterior (and interact with the oftentimes foreign workers who take on the roles of the 'security guards' in the work's various installations), and to become part of the installation through the partial transparency of the wire fencing, which allows them to be visible to each other. With the viewer implicated in the viewing situation, it becomes apparent that *Security*'s sense of quarantine or inviolable separation is illusory.

This combination of proximity and inaccessibility gives *Security* a sense of precarious intimacy, and *Bird*'s strangely disorganised and unassimilable form is lodged incontrovertibly within it. *Bird* is both too readable and inscrutably other. In the installation, its concatenated human-animal form reads as socially prohibited and immersed in the violence of difference, yet the form does not offer enough legibility for it to be a repository for disavowed identifications. There remains something profoundly resistant about *Bird* that exceeds the framing of 'the Animal' as a substitute for abjected

human animality. Perhaps it is its vulnerability: its at-once abjectness and embodied woundedness. Indeed, in this affective state of embodied abjectness, *Bird*'s human-animal form cannot sustain being a placeholder for an easily consumable abstraction such as 'the Animal'. In other words, *Bird* conjures up not the guarantee of edibility, or of an interpretative consumption and assimilation within a symbolic economy of carnophallogocentrism, but a sense of embodied animality that is recognisable, mortal and shared across the space of viewing.

Vested at the installation's heart, oddly off-centre, *Bird* signals abjection's condition of possibility and the self/social body's origin in a heterogeneity it can neither master nor contain. *Security* is about the violence of difference, but this is not the absolute separation of belonging and abject unbelonging it appears to act out. Rather, *Security* enacts an uneasy relation to an animal-other that cannot be divorced from the self: uneasy because the other that is animal is both that which, as the very stuff of the 'constitutional outside', allows for the minimal separation of identities *and* insists on an embodied continuity with the body of the self/socius. Unfinished and ambiguous, *Bird*'s animal-human co-implication points to abjection's performative renewal as well as its productive possibility for a relational politics of inclusive exclusion. In *Bird*, the ambiguity of the 'subject-in-process/on trial' and 'the constitutive outside' renders the sacrificial limit of an absolute dividing line between inside and outside, native and foreign, human and animal, self and other, impossible, finally, to maintain, secure and police.

It is because the threshold of differences remains porous and in process, and hence ambiguous, that abjection sustains a relation to an animal alterity that cannot be divorced from human subjectivity and sociality. This is Kristeva's Bataillean moment, precisely the work of a prohibition weakened by the incipient possibility of otherness that is at once of the self/ or always already within the social body.⁶⁴ And it is also this contaminative and relational ethico-politics of otherness from which she ultimately retreats through her adherence to the precepts of the Lacanian Symbolic. However, to think abjection as the productive ground of an original heterogeneity that does not anchor human exceptionalism is not to deny its violence. Kristevan abjection retains its threat of dissolution, of death, but such a threat, as *Security* demonstrates, is necessary for the generative process of differentiation to occur: a process, not a fixed border between self and other, pure and dirty, native and foreign. Indeed, as the life-decay-death cycle of the patch of wheat grass on which *Bird* stands shows, an impervious border is not only undesirable but death-bearing. Trying to sustain life while forcing total and totalitarian exclusion produces only the death of possibility, the foreclosure of the future, of life itself. Both the political mechanism for the fictionalised purity of the Human and the point at which that logic unravels, the animal-abject betrays the 'clean and proper' as always already impure and, of necessity, forged in an unfinished relation to the otherness that is foundational to itself.

The Question of the Animal

The status of animality sets the border between 'man' and 'his' others. As this chapter has shown, abjection makes available a psycho-political discourse on the limit of the Human in which the abject is designated unliveable and killable and ontologised as Animal. But abjection also announces that in the formation of human subjectivity,

any final break with animality is not only illusory and impossible, but also detrimental to the maintenance of the health of the organism. To think through the question of the animal in abjection puts the violent abstraction of ‘the Animal’ into question, and makes possible non-anthropocentric conceptualisations of subjectivity and ethics, both of which haunt Kristevan abjection as its founding repression. It is a question that must remain open, and not just because what is called ‘animal’ or ‘animality’ within the relational and always already contaminated logic of the ‘subject-in-process/on trial’ and the ‘constitutive outside’ remains radically unfixed. But because as long as ‘the Animal’ sustains a notion of a Human self that can return to itself in a fullness which enforces the pretence of an absolute exclusion of difference, it remains mired in what Derrida calls ‘the worst’: the deathly and death-giving total violence of the Same.⁶⁵ As abjection’s troubling and undisclosed origin, the unfinished question of the animal is also the performative site of abjection’s ambiguity. It is a site where the figure of the animal foregrounds an uncanny querying of the limits of the ‘proper’ and the foreign, limits that it both finds and endangers. Abjection’s procedural doubling not only lays bare the socio-political reification of animal sacrifice across a politics of animalisation, but also makes available an other, non-anthropocentric thinking of the ‘necessity’ of its violence. This is a thinking that does not determine alterity through an ontological relation to death (Human or Animal, lives that matter and ones that are killable), but turns on a more foundational notion of violence that initiates, through abjection, the very possibility of relation *only* as always already contaminated by an otherness that exceeds and structures it. Thus, it is not that there is a pure formation called Human or a community of the Same that the process of abjection then compromises, but rather that the idea of a self or of a social body is only possible through abjection’s relational opening to an alterity that is originary, irreducible, and heterogeneous to itself, essentially corrupted by the deathliness that stalks all mortal life.⁶⁶ Thinking abjection across and through the foreign body made animal, and the animal as foreign body, thus locates abjection within an ethico-politics in which animal life, and hospitality to an animal other that is also the self, is central to the question of the living in general.

Notes

1. Julia Kristeva, *Powers of Horror: An Essay on Abjection*, trans. Leon S. Roudiez (New York: Columbia University Press, 1982), p. 9.
2. Imogen Tyler, ‘Against Abjection’, *Feminist Theory* 10:1 (2009), pp. 77–98, <http://www.academia.edu/427370/Against_Abjection> (accessed 28 August 2017).
3. My sincere thanks to the editors, and to Benita de Robillard, for their astute and insightful comments on this chapter.
4. Kelly Oliver, *Animal Lessons: How They Teach Us to Be Human* (New York: Columbia University Press, 2009).
5. Tyler, ‘Against Abjection’, p. 90.
6. On Afrophobia, see Andile Mngxitama, ‘We Are Not All Like That: Race, Class and Nation after Apartheid’, in Shireen Hassim, Tawana Kupe and Eric Worby (eds), *Go Home Or Die Here: Violence, Xenophobia and the Reinvention of Difference in South Africa* (Johannesburg: Wits University Press, 2008), pp. 198–205; Clive Ndou, ‘Foreigners Must Go Home – King Zwelethini’, *The Citizen*, 23 March 2015, <<http://citizen.co.za/349347/foreigners-must-go-home-king-zwelithini/>> (accessed 28 August 2017).

7. See 'South Africa Is Not a Xenophobic Nation: A Letter from Jacob Zuma', *The Guardian*, 28 April 2015, <<https://www.theguardian.com/world/2015/apr/28/south-africa-is-not-a-xenophobic-nation-a-letter-from-jacob-zuma>> (accessed 28 August 2017).
8. *Ibid.*
9. See also Christopher Peterson's chapter on 'Races' in this volume. His *Bestial Traces: Race, Sexuality, Animality* (London: Fordham University Press, 2012) makes a similar point.
10. See Kelly Oliver, 'Introduction: Julia Kristeva's Outlaw Ethics', in Kelly Oliver (ed.), *Ethics, Politics and Difference in Julia Kristeva's Writing* (London: Routledge, 1993), pp. 1–22; Kelly Oliver, *Reading Kristeva: Unraveling the Double-bind* (Bloomington: Indiana University Press, 1993).
11. Oliver, *Animal Lessons*, p. 278.
12. *Ibid.* p. 278.
13. King Goodwill Zwelithini reportedly said (in Zulu): 'Let us pop our head lice. We must remove ticks and place them outside in the sun. We ask foreign nationals to pack their belongings and be sent back.' Cited in Alexander O'Riordan, 'Zwelithini's Lice Comment Only Deflects Attention for Parasitic Royal Households', *The South African Civil Society Information Service*, 5 May 2015, <<http://www.sacsis.org.za/site/article/2365>> (accessed 28 August 2017). 'King Denies Call to Attack Foreigners', IOL, 15 April 2015, <<http://www.iol.co.za/news/politics/king-denies-call-to-attack-foreigners-1847841>> (accessed 28 August 2017).
14. Rosalind C. Morris, 'Crowds and Powerlessness: Reading //kabbo and Canetti with Derrida in (South) Africa', in Anne Emmanuelle Berger and Marta Segarra (eds), *Demenergies: Thinking of Animals after Derrida* (New York: Rodopi, 2011), p. 167.
15. 'Foreigners Tell of Being "Hunted Like Dogs"', AFP, *Leadership*, 21 April 2015, <<http://leadership.ng/news/427336/foreigners-tell-of-being-hunted-like-dogs-in-south-africa>> (accessed 16 June 2016).
16. Luis Bernardo Honwana, 'We Killed Mangy-Dog', in *We Killed Mangy-Dog and Other Mozambique Stories* (London: Heinemann, 1967), pp. 75–117; Njabulo Ndebele, 'The Year of the Dog: A Journey of the Imagination', in *Fine Lines from the Box: Further Thoughts about Our Country* (Cape Town: Umozi, 2007), p. 251.
17. Ndebele, p. 255.
18. See Trevor Ncube, 'I Fear for the Future Here in South Africa', *Mail and Guardian*, 8 May 2015, <<http://mg.co.za/article/2015-05-07-i-fear-for-the-future-here-in-south-africa>> (accessed 28 August 2017).
19. Lynn Turner, 'Animal and Sexual Differences: Kelly Oliver's Continental Bestiary', *Body & Society* 19:4 (2013), p. 122, <<http://bod.sagepub.com/content/19/4/120>> (accessed 28 August 2017).
20. Oliver, *Animal Lessons*, p. 15: 'animal flesh becomes the nourishing substitute on which human kinship ripens'.
21. Judith Butler, *Bodies that Matter: On the Discursive Limits of 'Sex'* (London: Routledge, 1993).
22. *Ibid.* p. 8.
23. James Stanescu, 'Species Trouble: Judith Butler, Mourning, and the Precarious Lives of Animals', *Hypatia* 27:3 (2012), pp. 267–82.
24. Jacques Derrida, *Of Spirit*, trans. Rachel Bowlby (Chicago: University of Chicago Press, 1989), pp. 107–8, cited in Leonard Lawlor, 'Jacques Derrida', in Edward N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (Spring 2014 Edition), <<http://plato.stanford.edu/archives/spr2014/entries/derrida/>> (accessed 28 August 2017).
25. Oliver, *Animal Lessons*, pp. 277–302. On 'abject criticism' see Tyler, 'Against Abjection', pp. 78–87. Tyler discusses Barbara Creed, *The Monstrous-Feminine: Film, Feminism and Psychoanalysis* (London: Routledge, 1993); Mary Russo, *The Female Grotesque: Risk,*

BIOPOLITICS

Rick Elmore

BIOPOLITICS, PARTICULARLY AS DEVELOPED by Michel Foucault and his Italian interpreters, has had little to say about animals or animal studies.¹ Even the work of Giorgio Agamben, which most directly addresses animal life, presents a human-oriented and ultimately anthropocentric account of such life.² Yet there has been a growing body of work that brings together the discourses of biopolitics and animal studies, most specifically in the analysis of biotechnology and the critique of capitalism's role in the exploitation of animals and the natural world.³ In addition, there has been a recent attempt to cull from the diverse array of biopolitical discourses what one might call a general account of biopolitics, an account that, as I show, identifies at the heart of biopolitics a concern for the way in which the constituting of the categories of 'life' and 'politics' necessarily involves the exclusion of some 'other' life. On the basis of these developments, and particularly this concern for the exclusion of life, I chart a common ground between biopolitics, critical animal studies (CAS) and the work of Jacques Derrida, whose thinking provides the theoretical basis for much recent work in CAS. In particular I contend that, read through the lens of this common concern for exclusion, one sees that Derrida's concept of sovereignty is fundamentally biopolitical, not just in the sense that it involves life and politics, but more specifically because it exemplifies the logic of exclusion at stake in biopolitics. Hence, this paper charts current developments in biopolitics by putting them into conversation with animal studies, mapping the deep affinity between the discourses of biopolitics, CAS and the work of Derrida.

Biopolitics, Foucault, and the Exclusion of 'Life'

Biopolitics is a difficult notion to define, in part because it has come to mark both the general question of how to 'make sense of the encounter between the concept of "life" and "politics"', and a specific series of changes, mutations and developments within modernity and the history of liberalism detailed in the work of Michel Foucault.⁴ Given these divergent uses, it should come as no surprise that biopolitics has found wide, often contradictory use in fields across the humanities and social sciences from philosophy and sociology to anthropology, political science, biotechnology, postcolonial studies, critical race theory, queer theory, disability studies, critical prison studies and beyond.⁵ Hence, the notion of biopolitics remains very much a concept in flux. This difficulty in defining biopolitics is not, however, the result of a failure to clearly trace its uses and determinations; rather, this difficulty is an aspect of the concept itself,

as the attempt to give an account of the encounter between life and politics is necessarily embroiled in the very encounter it wishes to detail. Consequently, '[e]ach answer to the question of what processes and structures, what rationalities and technologies, what epochs and historical eras could be called "biopolitics" is always and inevitably the result of a selective perspective', the result precisely of a biopolitical decision.⁶ At the heart of biopolitics is a recognition that the determination of life and politics is always already at work, a fact that undermines in advance the possibility of settling, once and for all, the limits of biopolitical discourse. Yet despite these difficulties there have been recent attempts to draw out the common elements of biopolitical discourses, tracing their various uses in order to identify a shared set of concerns, questions and techniques.⁷ Nearly all of these commentators give special place to the work of Foucault and particularly his essay, 'Right of Death and Power Over Life', which appeared at the end of the first volume of *The History of Sexuality* and outlines perhaps the most influential reading of biopolitics to date.⁸ Following Foucault, these recent, systematically-oriented commentators present biopolitics as marking a certain constitutive logic of exclusion at the heart of political life, showing that the determining of 'life' and 'politics' is made possible only through an exclusion of some 'other' life.

In 'Right of Death and Power Over Life' Foucault argues that, starting in the seventeenth century, the relationship between 'life' and 'politics' began to change, coming increasingly to be governed not by a traditional notion of sovereign power but by what he calls 'biopolitical power'. This transition is heralded by a series of shifts in the concepts life and politics, in particular a shift in the exercise of power from individuals to populations.⁹ The exercise of sovereign power, as the right to put to death violators of the law, is increasingly superseded by the exercise of powers as the 'right of the social body to ensure, maintain, or develop its life.'¹⁰ This is not to suggest that death becomes less frequent or less terrifying during this period, or that sovereign power goes away; rather, Foucault charts the changing orientation of political power towards life rather than death: 'the ancient right to *take* life or *let* live' coming to be replaced by the 'power to *foster* life or *disallow* it to the point of death'.¹¹ The concrete manifestation of this shift appears in the evolving character of power's relationship to the body and in its dual focus on what Foucault calls the 'body as machine' and 'the species body.'¹²

With the rise of the biological and medical sciences, the individual and their life increasingly come to be understood as a collection of more or less mechanical processes, processes that may be influenced, augmented, harnessed and controlled in order to maintain and increase an individual's efficiency and survival.¹³ This understanding of the body as machine allows access to bodies and the micro-processes of life on a level never dreamed of within the traditional framework of sovereign power. As Campbell and Sitze put it in the introduction to their recent biopolitics reader: '[s]overeignty with all its laws didn't fundamentally "seize" life. The knowledge-power of life, however, does – and it does so in the precise degree that scientific knowledge "grasps" the processes internal to the body.'¹⁴ While sovereign power controls the life of individuals through the threat of death and power to pardon, the notion of the body as a machine allows a far more subtle and unprecedented control of an individual's life via the manipulation of the processes that make up and determine that life. This aspect of biopolitics is at the heart of recent debates over biotechnology, genetics, GMOs

and cloning, as well as questions of genetic and biological property rights, medical surveillance, etc.¹⁵ This work indicates the degree to which the lives of individuals are no longer controlled primarily through the threat of death, but through the character, quality, duration, and manifestations of 'life'. Yet while this conception of the body as machine changes power's hold over life and the interior of individual bodies, Foucault also marks a shift towards the exercise of power at the level of populations.

Following the rise of the 'anatomy-politics' of the body as machine, Foucault sees a transposition in the exercise of power from individual biological processes to the processes of biological populations marked by an increasing interest and exercise of power over reproduction, mortality rates, health standards, life expectancy, longevity, etc.¹⁶ The developments in the social sciences of 'demography, the evaluation of the relationship between resources and inhabitants, the constructing of tables analyzing wealth and its circulation' are all sites of this interest.¹⁷ Despite the anterior development of this exercise of power over populations, these two forms of power over bodies are not opposed; instead, they represent 'two poles' in the 'explosion of numerous and diverse techniques for achieving the subjugation of bodies and the control of populations, marking the beginning of the era of "biopower"'.¹⁸ Hence at root, Foucault's articulation of biopower concerns the way in which political power comes increasingly to be exercised not only or primarily on the bodies of individual subjects as subjects, that is, as bearers of rights, freedoms, political desires, etc., but on the processes of life both anterior to and over and above these traditional sites of political subjectivity. One of the primary stakes of this shift is the expanding of political power beyond the sphere of traditional political institutions and practices, a shift Foucault sees in the growing exercise of power through norms rather than laws.

Following the increasing focus on the processes of life, control in the era of biopolitics comes not primarily through explicit force but through 'regulatory and corrective mechanisms' that 'qualify, measure, appraise, and hierarchize' individuals around a 'norm'.¹⁹ The logic of norms is one of 'distribution', a separating, categorising and circumscribing of bodies in the name of increasing their 'value and utility'.²⁰ This is why Foucault argues that biopower was an 'indispensable element in the development of capitalism'.²¹ It is only through biopolitical control that productive forces of populations could be mobilised on the scale demanded by capitalism and industrialisation: Capitalism 'would not have been possible without the controlled insertion of bodies into the machinery of production and the adjustment of the phenomenon of population to economic processes', as well as the forms of 'docility' and 'methods of power capable of optimising forces, aptitudes, and life'.²² There has been much work on this connection between biopower and capitalism and, particularly, on the transition from liberalism to neoliberalism that Foucault develops in his lectures on biopolitics.²³ In addition, the influence of this reading is particularly evident in the work of major Italian thinkers of biopolitics, who, by and large, develop their analyses via readings of Foucault.²⁴ However, the lesson of this shift from law to norms is the way in which biopower institutes forms of control that exceed the spheres of traditional politics and, consequently, seem to require new forms of political theory and analysis. This is not to suggest that there has not been significant debate about Foucault's account, nor is it meant to minimise the fissures and gaps within his account.²⁵ However, Foucault is generally read as having identified key elements in the development of biopower: the shift from individuals to populations, the unprecedented access of power to the interiority of the body and reproduction of populations, the eclipsing of law by norms, and

the profound role of capitalism and neoliberalism in defining political and social life. It is on the basis of these elements that recent commentators develop a general account of biopolitics, one in which the constitution of the categories of 'life' and 'politics' arises only with the exclusion of some 'other' life.

In his groundbreaking introduction to biopolitics, Thomas Lemke argues that Foucault's account, outlined above, shows 'the apparently stable boundary between the natural and the political . . . is less an origin than an effect of political action'.²⁶ For Lemke, the lesson of Foucault's account is that the categories of 'life' and 'politics' are necessarily co-constituting, the institutions and practices of 'politics' arising alongside a certain conception (knowledge-power) of subjects, bodies and species that transform, augment and contest one another in ways that fundamentally resist any naturalisation. The problem with many accounts of biopolitics, for Lemke, is that they naturalise these categories, using one side of the biopolitical dyad, either 'life' or 'politics', to stabilise the other, showing, for example, that the political sphere is just a mirror of biology, or that political regulations such as environmental protections can redefine our relationship to the natural world.²⁷ Yet all such accounts 'fail to explain the instability and fragility of the border between "life" and "politics"', failing to see that biopolitics names 'not a new ancillary field of politics, but rather a problem space at the heart of politics itself'.²⁸ The problem to which biopolitics points is, for Lemke, the way in which the delimiting of the political (whether in terms of space, content, principles or institutions, etc.) necessarily involves the marking of some entities or forms of life as 'political' in opposition to those that are not. This is the genius of Foucault's account, showing that biopolitics names a co-constituting and exclusionary logic at the heart of politics. One sees this logic clearly in Foucault's biopolitical account of racism, where 'the living of a certain self-identified "race" of human beings becomes identical with the goal of excluding another "race" from life itself, as if the death internal to life could be avoided . . . by creating a stark new caesura internal to species-being'.²⁹ This creation of a 'caesura' internal to life, the marking of some life as included and other life as excluded, is the biopolitical logic at work in all political founding. Hence, for theorists like Lemke, Campbell and Sitze, biopolitics is, at root, a logic of constitutive exclusion, the circumscribing of what form(s) of life will be politically viable and visible and what forms will not.³⁰ Now all of these theorists insist that Foucault's account and their reading of it are far from exhaustive, and therefore this definition is one among others, always contestable and limited. However, this emphasis on the logic of constitutive exclusion in Foucault's account fosters a connection between the discourses of biopolitics, critical animal studies (CAS) and the work of Derrida, insofar as it is precisely a logic of constitutive exclusion that not only grounds Derrida's engagement with 'the question of the animal' but also inspires much recent work in critical animal studies (CAS). Hence the following section develops this affinity between CAS, Derrida's work and the discourses of biopolitics. I begin by clarifying what I mean by CAS.

Critical Animal Studies as a Biopolitics

Like biopolitics, CAS is a contested field. Since the founding of the Institute for Critical Animal Studies (ICAS) in 2001, there has been a huge increase in work in animal studies. Yet scholars often mark a distinction between CAS and animal studies, insisting that they are not synonymous terms.³¹ The heart of this difference circles around

the question of political engagement and the insistence in CAS of a 'direct focus on the circumstances and treatment of animals'.³² In general, CAS is characterised by scholars within its ranks as more explicitly political than other forms of animal studies, an emphasis that creates tensions around issues such as conference catering, and fosters the conception (even if somewhat of a caricature) of CAS as militantly ideological and other forms of animal studies as slavishly academic.³³ In this regard, many CAS scholars see parallels between the development of CAS and that of feminism (and also critical race theory and disability studies), not only because of the explicit connections between the exploitation and domination of 'nature' and that of 'women', but also because both these fields arise at the intersection of activism and the academy, sharing worries over the conservative and repressive forces at play in the logic of institutionalisation.³⁴ Hence, given the interdisciplinary, intersectional, and social and political embeddedness of human-animal relations, one of the defining aspects of CAS is its insistence that animal studies remain attentive to the ways in which its discourses are enmeshed (sometimes in destructive and counterproductive ways) in the forces, relations and institutions they critique. One can see here a fundamental affinity between CAS and biopolitics, insofar as both these discourses recognise and attempt to address their own situatedness. Moreover, this insistence on self-critical political engagement orients CAS, like biopolitics, towards a concern for the role played by capitalism and political economy in the oppression of animals and the exploitation of the natural world.

Many CAS scholars worry that other forms of animal studies underestimate, ignore or downplay the role of capitalism and capitalist political economy in 'shaping human-animal relations and the exploitation of other animals'.³⁵ CAS scholars take it as self-evident that any serious critique of human-animal relations and exploitation requires a critique of capitalism.³⁶ In particular, there is an interest in charting the intersection between the mistreatment of human workers and the exploitation of animals through, for example, attention to the 'animalisation' of the poor and working class.³⁷ In addition, CAS scholars insist on recognising the unbelievable scale of violence done to non-human animals in the economically motivated processes of agriculture and food production, as well as research and experimentation. Hence, as in biopolitical discourses, the role of capitalism and neoliberalism is central. However, even more than biopolitics, CAS is guided by arguably one of the most far-reaching critiques of human exceptionalism in the academy today.

One might take it for granted that animal studies necessarily involves a critique of human exceptionalism, insofar as challenging and redefining the relationship between humans and animals must necessarily confront the longstanding Western chauvinism towards animals and the animality of the human. Yet many scholars across animal studies argue that traditional animal rights remain problematically humanist.³⁸ In particular, as Dawne McCance argues, the utilitarian and rights-based discourses that have dominated animal rights and environmental ethics since the 1970s retain a profoundly humanist 'like us' standard of moral inclusion.³⁹ In these models, moral consideration of non-human life is granted on the basis of its similarity, through biological structure, cognitive capacities or other abilities or traits, to human life (and often only a certain conception of human life at that). The result of this implicit humanism is that animal liberation discourses retain many of the 'speciesist, anthropocentric, subject-oriented, and dualist' categories of Western humanist discourse.⁴⁰ McCance represents

only one voice within CAS, but this critique is, as Taylor and Twine argue, ‘highly cognate to CAS’ generally.⁴¹ In particular, following the work of Derrida, theorists like McCance argue that the humanism of animal studies results in large part from a failure to address the deeply metaphysical nature of the division between ‘the human’ and ‘the animal.’⁴² On this argument, traditional animal rights discourses fail not only to see the way in which the categories of ‘the human’ and ‘the animal’ are constructed and co-constituting, ‘the animal’ coming to define the antithesis of ‘the human’, but, more profoundly, they fail to account for the way in which the power to distinguish rigorously between ‘the human’ and ‘the animal’ is itself already at play in this very distinction. Hence, like the biopolitical concern for the way in which the categories of ‘life’ and ‘politics’ are themselves products of a biopolitical decision, CAS’s critique of human exceptionalism suggests a radical rethinking of the always co-constituting limits of ‘the human’ and ‘the animal’, a rethinking nowhere more rigorously advanced than in the work of Derrida.

In both the *The Beast and the Sovereign* and *The Animal That Therefore I Am*, Derrida explores ‘the question of the animal’: the logic by which humans have substantiated and justified their difference from and supposed superiority to all other animals.⁴³ In particular, Derrida questions the confidence with which the Western philosophical tradition marks an indivisible and singular limit between humans and animals. It is on the basis of this supposedly rigorous differentiation that most of the history of philosophy (and much of Western culture) will deny animals access to an entire list of attributes (language, *logos*, history, mourning, lying, death, etc.), a denial that, for Derrida, grounds the profoundest and most violent ‘war’ against animals of ‘genocidal’ proportions.⁴⁴ Derrida’s rethinking of the limit of the human and the animal emerges in resistance to this confident, singular division, questioning on what basis ‘the human’ can be separated from ‘the animal’. However, in a move that will mark the uniqueness of Derrida’s approach and his profound influence on CAS, he contests this division by insisting on multiplying rather than reducing the recognition of the differences between living creatures.

One of the most obvious ways of contesting the subjugation of non-human animals is to argue that, in fact, they share in various capacities that ought to exempt them from such subjugation. This is, for example, the basis of traditional animal rights discourses and particularly the work of thinkers such as Peter Singer and Tom Regan.⁴⁵ Derrida certainly acknowledges that there are good reasons to doubt, on the basis of the biological and zoological sciences, the denial of various supposedly unique human attributes to non-human animals. Yet his argument proceeds quite differently. As he writes in *The Animal That Therefore I Am*, ‘[e]verything I’ll say will consist, certainly not in effacing the limit [between humans and non-humans], but in multiplying its figures, in complicating, thickening, delinearising, folding, and dividing the line precisely by making it increase and multiply.’⁴⁶ While animal rights often works to minimise the differences between humans and animals by showing how animals share some traits with humans, Derrida’s thinking works to increase and multiply the recognition of differences. This is because, for Derrida, one cannot but affirm that there are real differences between human life and all other life. It is only on the basis of these differences, in fact, that one can identify something like ‘the human’ at all, since without some differentiation there would be no way to distinguish between a human and any other creature. Derrida certainly recognises that there are many similarities between human

and non-human life, and he emphasises the ‘incontestability’ of these similarities several times. However, he insists on the multiplication of differences in order to expose the necessary and constitutive role the marking of difference plays in the establishing of the distinction between ‘the human’ and ‘the animal’: no human or human world without the marking of difference, a fact that exposes the always ideological nature of the attempt to overcome this marking of difference. Derrida’s argument thus points to the inherently ideological nature of the attempt to totally abandon or overcome the divide between ‘the human’ and ‘the animal’, showing that such attempts risk re-establishing the very human exceptionalism they claim to critique. There is thus a resonance between Derrida’s argument and Lemke’s concern for those biopolitical discourses that deny the co-constituting nature of ‘life’ and ‘politics’, since all such accounts ignore their own ideological embeddedness and risk, therefore, replicating the logic they wish to contest. Yet the affirmation of the difference between human and non-human life is, for Derrida, only the beginning of the story, since once one affirms this difference, one immediately opens up an entire set of more or less ‘abyssal’ or absolute differences not only between humans and animals, but between different species of animals, and between all individual living creatures.

Having argued for the impossibility of totally abandoning some differentiation between human and non-human life, Derrida goes on to extend radically this logic of differentiation:

In spite of this identity and this difference [between human and non-human life], neither animals of different species, nor humans of different cultures, nor any animal or human individual inhabit the same world as another, however close and similar these living individuals may be . . . the difference between one world and another will remain always unbridgeable.⁴⁷

For Derrida, the principle of difference by which one marks a limit between what is human and what is animal logically extends to every species and individual, since, for example, the differences between a jellyfish and a grizzly bear are surely as abyssal or radical as the differences between a human and a grizzly bear or even between one human and any other. Every creature, no matter how seemingly similar to another, never inhabits exactly the same world as another, since in order to recognise any creature at all requires that we mark a difference, no matter how minimal, between it and the rest of the world. What this minimal but necessary logic of difference shows is that ‘the community of the world’, the principle on which one grounds the possibility of a shared world or any commonality between entities, is ‘always deconstructable, nowhere and never given in nature’.⁴⁸ Any principle of similarity by which one would group together living entities, be it language, geographic location, knowledge, traits, capacities, or attributes, is always ‘constructed’, always determined by a decisionary ‘apparatus’ and therefore always contestable. No principle of gathering or similarity stands beyond question, no logic of grouping can overcome this deconstructability. Hence, for Derrida, the marking of the difference between humans and animals points to the inherent instability of all such markings. Here we see Derrida take the Western tradition’s commitment to an indivisible and singular difference between humans and animals and turn it on its head, showing

it to be both an unstable assertion of similarity, an inherently contestable grouping together of humans by some supposedly shared attribute(s), and, simultaneously, an ideological erasure of the multiple and unbridgeable differences between every single living creature and any other. Derrida's critique takes the concern for human exceptionalism in a radical direction, therefore, calling into question not just this or that standard of moral inclusion, not just this or that way of organising the relationships between living things, but the very logic of inclusion and exclusion as such, a calling into question that shakes to their very cores the categories of 'the human' and 'the non-human'.

Derrida's critique of the question of the animal shows that the delimiting of 'the human', 'the animal', and all determinations of 'life', in fact, require a 'decision' to determine which characteristics, elements, entities and objects will be included in these categories and which will not. This 'decision' does not merely occur on the conscious level of, for example, deciding what capacities we believe justify inclusion in the sphere of moral consideration or whether one will consume the dead carcasses of certain animals; rather, it is a decisionary apparatus built into the very logic of differentiation as such, meaning that it is not something one can simply abandon or avoid. Hence Derrida's critique raises an entire set of fundamentally different questions than those of traditional animal rights: Where does the human begin and end? What is the nature of the human world, if the category of the human is inherently unstable? What apparatuses have historically adjudicated and substantiated these differences, and for whose benefit and whose loss? How can one contest this logic without simply replicating it, given that the logic of critique itself is embroiled in this decisionary apparatus? CAS has been one of the primary sites at which these questions and the implications of Derrida's critique have been taken up. However, one will also notice the undeniable similarity between Derrida's critique and the biopolitical logic of constitutive exclusion outlined above.

Derrida's thinking on the animal shares with the discourses of biopolitics a concern for the way in which the establishing of the categories of 'life' always involves a certain inclusion and exclusion of life, a certain 'decision' on what life will be given consideration, intelligibility and attention and which will not. Interestingly, however, Derrida's work is rarely read as explicitly biopolitical, a somewhat odd fact not just in the sense that his work constantly connects the question of the animal to politics but, as I have argued, in the much more technical sense that these discourses share a concern for the logic of exclusion they see at the core of politics and human exceptionalism. In this light the discourses of CAS provide a bridge, I would argue, between Derrida's work and that of biopolitics, marking a site of potential and largely unexplored collaboration between deconstruction and Foucauldian biopolitics. However, it also indicates the growing and essential role animal studies plays in what Foucault called the 'hyper and pessimistic activism' implied by his work and, by extension, biopolitics generally.⁴⁹ In an age of climate catastrophe, the discourses of CAS challenge us to rethink the role of theory, suggesting that there is something deeply ideological in theory that would appear implicitly or explicitly to have nothing to say about non-human life, or that would claim to be political but not biopolitical. Hence in the spirit of extending this site of potential collaboration between biopolitics, deconstruction and animal studies, my chapter closes by clarifying the biopolitical character of Derrida's notion of 'sovereignty' and the deconstructive project generally.

Biopolitical Sovereignty and the Biopolitics of Deconstruction

In the first session of his lectures on the death penalty, Derrida begins with the question of whether, perhaps, ‘the death penalty is what is proper to man’.⁵⁰ He says he would be ‘tempted’ to answer in the affirmative, suggesting that it is the power to put to death, the ‘sovereign decision’ on who lives and who dies, that humans have not only reserved for themselves but, more fundamentally, that defines the very essence of humanity. No human is without this power or ‘decision’ to end life, a decision that Derrida emphasises always comes from ‘the other’ and cannot therefore be grounded or legitimated absolutely.⁵¹ Derrida associates this power of decision here not with the question of the animal, as he will a few years later in his lectures on *The Beast and the Sovereign*, but with the question of capital punishment, such punishment being a site that exposes a certain metaphysics of ‘the human’. However, the concept that bridges these discourses, not only between animals and punishment but between animals and politics more generally, is sovereignty. In fact, Derrida argues across his later work that this power of sovereignty extends beyond the notion of putting to death outlined by Foucault’s notion of disciplinary power, encompassing an essential power to mark out boundaries and limits.

In *Rogues*, Derrida describes sovereignty as ‘the act’ that ‘must and can, by force, put an end in a single, indivisible stroke to the endless discussion’.⁵² Sovereignty is the power to end discussion insofar as it is an act that proclaims the identity of a thing – an act that establishes that x is x , silencing the need for further debate. Sovereignty ‘is a circularity, indeed a sphericity. Sovereignty is round; it is a rounding off.’⁵³ A sovereign act establishes the line that separates what is inside from what is outside by circling back, recoiling around its point of departure, tracing a circle around that point, a circle that makes possible the recognition of that origin as something distinct from what is outside it. In the case of the distinction between ‘the human’ and ‘the animal’, sovereignty names not just the power to decide what characteristics or traits are included in these concepts, but the power to establish the very borders that constitute and, simultaneously, separate them. It is this marking out, this circularity, that makes possible the recognition of ‘the human’ as something distinct from ‘the animal’. Hence sovereignty names not just every ‘decision’ on who lives or who dies but, more fundamentally, the originary structure that creates the possibility for such decisions at all. In this sense, sovereignty is Derrida’s name for the logic that Foucault sees in biopolitics, the logic of constitutive exclusion that makes possible the demarcation of the categories of ‘life’ and ‘politics’. This is not to suggest that there are not important differences between Derrida’s and Foucault’s accounts – most importantly, that the defining aspect of biopower for Foucault is the management of populations, a management that would be internal to a species, while for Derrida this power always comes from ‘the other’, suggesting an externalising/excluding logic rather than an internalising logic. At stake in this difference would be the degree to which a Derridean articulation of biopower would downplay its productive aspects, a concern that is central to Foucault’s account.⁵⁴ In addition, insofar as sovereignty names, for Derrida, not just the marking out of the limits between ‘the human’ and ‘the animal’ or even between ‘the living’ and ‘the non-living’, one might be tempted to read sovereignty as only contingently concerned with questions of life or politics, and as, therefore, not essentially biopolitical. Yet Derrida will argue that insofar as sovereignty always comes from ‘the

other', the exclusionary logic of the sovereign decision also always risks not just this or that exclusion but a certain exclusion of 'life', and therefore an exclusion internal to the category of 'life'.

Derrida everywhere associates the logic of sovereignty with the risk of death, not just in the classical sense that sovereignty is the power to put to death violators of the law, but in the structural sense that insofar as the legitimacy of the sovereign decision always comes from the other, it always risks the other. In *The Gift of Death*, Derrida takes up this risk explicitly:

As soon as I enter into a relation with the other, with the gaze, look, request, love, command, or call of the other, I know that I can respond only by sacrificing ethics, that is, by sacrificing whatever obliges me to also respond, in the same way, in the same instant, to all the others. I offer a gift of death, I betray, I don't need to raise my knife over my son on Mount Moriah for that. Day and night, at every instant, on all the Mount Moriahs of this world, I am doing that, raising my knife over what I love and must love, over those to whom I owe absolute fidelity, incommensurably.⁵⁵

Entering into a relationship with the other, which is the very condition of subjectivity and ipseity, requires recourse to a logic of decision. This sovereign decision will involved demarcating who or what one will honour, who or what one will give moral consideration, and, conversely, who or what will be excluded from such consideration. This is why response and decision must 'sacrifice ethics', the logic of sovereign decision demanding that one can give consideration to some only by excluding others. Every decision is at every instance as much a securing as a sacrificing, therefore a decision on the border that will separate the considered from the unconsidered. Hence, for Derrida, sovereignty, even when it does not decide directly on the 'living', necessarily involves 'life', bringing along with it a certain risk to 'life' insofar as it always brings with it the structures of self/other, reaction/response, ethics/sacrifice. It is this inseparability that suggests the fundamentally biopolitical nature of Derrida's concept of sovereignty. However, it also highlights the orienting role biopolitical questions have generally for the deconstructive project.

What if, as Derrida argues, every decision, every marking of a border, concept, and category is a marking of exclusion, a biopolitical decision? What does this say about the deconstructive project? To begin with, it shows the degree to which Derrida's thinking is a relentless critique of the logic of sovereignty, a critique of the power to demarcate the inside from the outside, the included from the excluded. It shows that, for Derrida, the sovereign cut is more than a logical and quasi-transcendental demarcating of limits and conditions of possibility. It shows that deconstruction is, perhaps first and foremost, concerned with 'life' and 'death', concerned with whose death counts as an ethical issue and what life can be sacrificed with impunity. In short, it shows that sovereignty is a bio-decision and the deconstructive critique of sovereignty a biopolitical critique. In addition, it would also suggest, against some commentators, a certain call to activism within deconstruction.⁵⁶ For example, in the case of Abraham cited above, the decision to honour God's command at the expense of his duty to Isaac is certainly an example of the irreducibility of sovereign violence – the fact that the honouring of one relation demands the betrayal of another. Likewise, Abraham's ultimate recourse

to the sacrificing of a ram in the place of his son is also a moment of this logic of betrayal. However, these moments hardly have the same material consequences. Disobeying God, killing your son and killing a ram are not materially equivalent, even if they are all moments of decision, moments of exclusion and moments of violence. It makes a difference what Abraham does and how one understands his actions, even if his actions cannot be secured beyond violence. The biopolitical nature of deconstruction suggests that it always matters what one does because every decision is a decision on violence, a decision of who or what can be sacrificed. Hence, the aligning of deconstruction and biopolitics indicates a more concrete way to understand what deconstructive critiques, readings and engagements might offer discourses like CAS. Yet it also suggests several other possibilities.

The aligning of biopolitics, CAS and deconstruction allows us to see a much greater potential for dialogue between Foucault's and Derrida's projects, something that, until recently, has remained relatively limited.⁵⁷ In addition, it shows the greater role questions of the animal can and ought to have on the discourses of biopolitics. Derrida's careful tracing of the fundamental entanglement of the categories of 'the human' and 'the animal' suggest that non-human life is not just something that biopolitical discourses ought to be able to speak to, but, more powerfully, that biopolitics necessarily arose alongside the domination and exploitation of animals. To take, for example, the notion of the body as a machine that plays such a decisive role in Foucault's account of biopolitics, McCance shows that it was precisely animal vivisection – and particularly large-scale canine experimentation by physicians like William Harvey – that 'contributed immensely to the seventeenth-century application of mechanics to anatomy and physiology, and eventually to solidifying the view of the body as but a machine'.⁵⁸ This view of the body as machine arose only through a relationship to animal bodies, the 'animal' body coming to change radically our understanding of the 'human' body. Hence the connection between biopolitics, CAS and deconstruction challenges us to think more rigorously not only about the fundamental relationships between our concepts of 'the human' and 'the non-human', their co-constituting relations, fissures and implications, but also about the way in which the historical absence of 'the animal' in the discourses of biopolitics marks an ideological blind spot, one that appears all the worse given that the 'death penalties' that make possible our conception of 'the human' continue, at least numerically, to be exercised far more on non-human life than human life. Hence, this connection suggests that it is in the discourses of CAS and animal studies more generally that biopolitics and deconstruction come to see, perhaps more clearly, their limits, potentials and ways forward.

Notes

1. Donna J. Haraway, *Simians, Cyborgs, Women: The Reinvention of Nature* (London: Free Association Press, 1991), particularly Chapter 10, 'The Biopolitics of Postmodern Bodies: Constitution of Self in Immune System Discourse', pp. 203–30; Paul Rutherford, 'The Entry of Life into History', in Eric Darier (ed.), *Discourses of the Environment* (Oxford: Blackwell, 1999), pp. 37–62; and Thomas Lemke, *Biopolitics: An Advanced Introduction* (New York: State University of New York Press, 2011), pp. 93–6.
2. Matthew Calarco, *Zoographies: The Question of the Animal From Heidegger to Derrida* (New York: Columbia University Press, 2008), p. 98.

FILM

Laura McMahon

PERHAPS MORE THAN any other beings, animals have borne the material burden of cinema's explorations of movement and stillness, life and death. While frequently embodying liveliness, animation and motion onscreen, animals have often been treated throughout the history of film production as 'disposable subjects',¹ as lives to be expended in the service of cinema's investigations of contingency, vulnerability and death. Famously, in the hunting sequence of Jean Renoir's *La Règle du jeu/The Rules of the Game* (1939),² we witness the actual deaths of a number of rabbits onscreen, which function proleptically to signal a fictional death to come in the narrative: that of the pilot André Jurieu. As Vivian Sobchack observes, 'it is a real rabbit that we see die in the service of the narrative and *for* the fiction'.³ The deaths of Renoir's rabbits undertake a particular kind of narrative, metaphorical and aesthetic labour. Here cinema exemplifies the broader contradictory relationships that shape what Nicole Shukin describes as the 'fetishistic potency' of animals in their capacity 'to be taken both literally and figuratively, as a material and symbolic resource'.⁴

In order to probe cinema's entanglements of the material and the symbolic in relation to the 'fetishistic potency' of animals, this chapter focuses on a recent film featuring real animal death, Lucien Castaing-Taylor and Véréna Paravel's experimental documentary *Leviathan* (2012).⁵ Filmed off the coast of New Bedford, Massachusetts – a major fishing (and formerly whaling) port and Herman Melville's inspiration for *Moby-Dick* (1851)⁶ – *Leviathan* charts the daily activities of a commercial fishing boat, captured on multiple GoPro cameras often attached to the bodies of the filmmakers and fishermen.⁷ This method of filming, combined with the lack of any expository voiceover or discernible dialogue, produces a destabilised, often close-up, intimate yet dispersed perspective, which – together with the stylised, digitally edited colours and Ernst Karel's tumultuous sound design – works to create the film's experimental, hallucinatory effects. Within this aesthetic framework, the film documents the slaughter of fish vividly in close-up, in multiple scenes. While animal death in *The Rules of the Game* 'violently, abruptly, punctuates fictional space with documentary space',⁸ destabilising the fictional frame, here in *Leviathan*, conversely, animal death works to confirm the documentary frame, functioning as a particularly powerful index of the real. Thus while animals in *Leviathan* are killed primarily for extradiegetic rather than diegetic purposes – for food, rather than '*for* the fiction' – animal death still enacts a particular kind of aesthetic labour for the film by implicitly reinforcing its documentary claims.

Leviathan's proximal, visceral, embodied engagement with slaughter is striking.⁹ The film refuses the general invisibility of the slaughterhouse in both life and

art, appearing to bear witness to the material realities of industrialised killing.¹⁰ As Siegfried Kracauer writes of Georges Franju's *Le Sang des bêtes/Blood of the Beasts* (1949),¹¹ a surrealist documentary about a slaughterhouse in Paris (and a key point of reference in this chapter), such images ask us to encounter 'the real face of things too dreadful to be beheld in reality'; 'we redeem horror from its invisibility behind the veils of panic and imagination.'¹² Yet to read *Leviathan* straightforwardly as a testimonial act of unveiling that 'redeems' slaughter from invisibility would be to miss the profound contradictions that structure this film. For while making slaughter visible, *Leviathan* articulates a particular set of tensions around the 'fetishistic potency' of animal life and death. Its aesthetic approach – performatively embedded in the material, the visceral, the fleshed – threatens to convert the animal into an 'overly free-floating signifier'¹³ for the film's apocalyptic vision of the real. In this chapter, I am interested in how this process of conversion – or what Shukin calls 'rendering'¹⁴ – is in tension with dimensions of *Leviathan's* critical positioning and reception as nonanthropocentric or posthumanist.¹⁵

Thus before turning to analyse the film itself, I want to point first to a set of contradictions in its critical framing. While much attention has been devoted to *Leviathan's* sensory, immersive aesthetics,¹⁶ commentary has tended to elide questions of industrialised slaughter. This elision is striking given the (celebratory) framing of the film as nonanthropocentric by critical commentary and by the filmmakers themselves. In their 'Introduction' to a special issue on *Leviathan* in the *Visual Anthropology Review*, Mark R. Westmoreland and Brent Luvaas describe the film as an exercise in 'posthumanist ethnography'.¹⁷ In an essay in the same issue, Lisa Stevenson and Eduardo Kohn suggest that *Leviathan* 'allows the viewer to be made over by a world beyond the human', initiating 'a modality of attention that can open us to the beings with whom we share this fragile planet. As such, *Leviathan* gestures to a sort of ontological poetics and politics for the so-called Anthropocene.'¹⁸ This critical emphasis on the film's nonanthropocentrism is prompted by the positioning of the work by the filmmakers themselves, and by the approach of Harvard University's Sensory Ethnography Lab, which Castaing-Taylor directs and where *Leviathan* was produced.¹⁹ The Lab states on its website: 'Most works produced in the SEL take as their subject the bodily praxis and affective fabric of human and animal existence.'²⁰ Indeed, Castaing-Taylor and Paravel's previous works – *Sweetgrass* (Barbash and Castaing-Taylor, 2009)²¹ and *Foreign Parts* (Paravel and J. P. Sniadecki, 2010)²² – indicate 'an enduring interest in human relations to the non-human',²³ anticipating *Leviathan's* concerns. Paravel has suggested in interview that *Leviathan* is orientated towards the 'question of reducing the human, to relativize the human in a wider spectrum, a global environment'.²⁴

However, within the posthumanist or nonanthropocentric frameworks through which *Leviathan* is both positioned and received, questions of politics, power and capital are often elided. In an appreciative response to the film, drawing on models of Deleuzian assemblages and Guattarian ecologies, Selmin Kara and Alanna Thain seek to point to the biopolitical dimensions of the film:

An intensive folding of subjectivities and materialities is precisely the political feeling conveyed by Castaing-Taylor and Paravel in *Leviathan*, which enacts practice-based research grounded in an emergent critique of biopolitics. Here, the film's

biopolitical intervention lies in its blurring of the boundaries between human, animal, and machinic bodies, making them a part of a mutant and monstrous assemblage of audiovisual materialities, micro-rhythms, and micro-affects. The sensationally rich document of the social, mental and environmental ecologies held together on the ship activates a strong sense of the 'ethico-political' through aesthetic practice, which places it within a new materialist framework.²⁵

While there is much of interest in this theoretical approach – in its affinity with assemblages, taxonomical uncertainties, and in the idea of an ethical-political framework that reaches across species lines – such readings of *Leviathan* lack any sustained engagement with the industrial and aesthetic organisation of killing that lies at the heart of the film, and the particular biopolitical regimes and vectors of power that govern this. The notion of the biopolitical that Kara and Thain invoke has little ethico-political traction unless we understand it in relation to Michel Foucault's conception of biopower – that is, as a governing of what Foucault calls 'the right to make live and let die',²⁶ a form of power that not only controls but produces life, shaping it across a network of political, economic and technological domains. If for Kara and Thain, 'the film's biopolitical intervention lies in its blurring of the boundaries between human, animal, and machinic bodies', in tension with this are the scenes of killing that – while inevitably setting in play commonalities and indeterminacies between the human and non-human²⁷ – also reinstate very clearly particular limits, species divisions and hierarchies of power.

Drawing out the workings of biopower upon non-human life, Shukin seeks to track the 'semiotic currency of animal signs and the carnal traffic in animal substances', examining 'the ways that animal life gets culturally and carnally rendered as capital'.²⁸ I am interested in how the 'carnal traffic' of *Leviathan* is simultaneously exploited and disavowed – by the film and its reception – as a form of 'semiotic currency', or theoretico-cultural capital, that frames the film's immersive, visceral vision as a posthumanist return to materiality and to the real. Paravel describes *Leviathan* as 'a film that restores us, in a way, to the fabric of the world'.²⁹ Similarly, Castaing-Taylor states: 'I think we want to get to a much more embodied, a much more corporeal representation of reality that's almost a presentation of reality.'³⁰ How do such investments in 'affective, immediate communication' take place 'under the charismatic sign of animal life'?³¹ What unacknowledged labour is undertaken by animal death in *Leviathan* in order to produce a film that claims to offer 'a much more corporeal representation of reality', a film that 'restores us . . . to the fabric of the world'?

Monstration

Following the dark, disorientating opening scenes of the film – a blur of indiscernible activity and metallic noise – we witness the first arrival of a net, heaving with the weight of its catch. The net opens to dump fish on the deck. Framed at ground level and in extreme close-up, fish lie in wet, gelatinous piles. Thrust into this fleshy, viscous scene, the GoPro camera tracks the fish as they are shunted back and forth by the tipping movement of the trawler. The scene then cuts to images of fish being hacked apart. The framing ensures that the fishermen are faceless, towering, shadowy figures. Blood and viscera cover every surface as we see animal bodies wrenched

open. Such images of bodily deformation recall the scientific surrealism of *Blood of the Beasts*, and what Anat Pick describes as Franju's invocation of 'modern technoscience's cool monotony of violence'.³² But while *Blood of the Beasts* deploys a voiceover commentary, *Leviathan* refuses any such verbal exposition. As a work of 'sensory ethnography' this is a filmmaking practice that, as the SE Lab Manager Karel puts it, privileges 'the ways in which our sensory experience is pre- or non-linguistic, and part of our bodily being in the world'.³³ The 'pre- or non-linguistic' dimensions of *Leviathan's* sensory ethnography surely find their apotheosis in these visceral, deforming scenes of slaughter, but in ways that question Kara and Thain's framing of sensory ethnography's focus on 'the machinic, natural, animal, and human actors as equally powerful agents'.³⁴

In *Electric Animal*, Akira Mizuta Lippit charts the ways in which animals have been denied a relation to language in Western philosophical thought.³⁵ Expelled from the realm of the discursive, animals have been traditionally conceived, as Shukin notes in her critical engagement with Lippit, as 'eloquent in their mute acts of physical signing and their sympathetic powers of affect (in 'showing')'.³⁶ Cinema invests in the animal as a particular site of 'showing' or what Shukin calls (drawing on the film theory of André Gaudreault) 'monstration' – a form of narrativity embedded iconically, mimetically, at the level of the image.³⁷ In the scenes described above, the fish – writhing, gasping, dying – might be seen as 'eloquent in their mute acts of physical signing', generating a series of affects extracted, and put into circulation, by the film. What work is being done here by the fish in the elaboration of the film's own register of 'pre-linguistic' affect, of monstration, or of what Shukin terms 'pre-discursive mimesis'?³⁸ The question could extend to the fishermen, also 'eloquent in their mute acts of physical signing' (human speech in *Leviathan* is rare and often distorted), or to the many subjects and/or objects set in motion by the film. But the monstration, or 'showing', of violence and death highlights the particular place of the fish within the film's assemblage of affects.

For Lippit, the monstrative function of the animal connects it to the realm of the technological. From Eadweard Muybridge's photographic studies of horse motion onwards, animals become a privileged figure for what Lippit identifies as an affective, transferential relation between biological life and visual technologies.³⁹ As Shukin suggests, 'Lippit is compelled by the vitalistic notion that the electric, or affective, act of technological communication is paradigmatically animal'.⁴⁰ Shukin goes on to critique this logic – and the violence to animals that it often entails – as she turns to analyse Thomas Edison's *Electrocuting an Elephant* (1903).⁴¹ Edison filmed the execution of a circus elephant, Topsy, putatively in order to demonstrate the deadly power of alternating current electricity. Edison's film exemplifies what Shukin theorises more broadly as 'a transfer of life from animal body to technological media'.⁴² Captured during the early days of cinema, the animal body is instrumentalised in a sensory staging of the power of not only electricity but also cinema itself. As with Renoir's rabbits, animal life is 'rendered' by film technology – affectively, transferentially – as both 'material and symbolic resource'.⁴³

In *Leviathan*, the GoPro cameras become a particular conductor for what the film presents as the communicative power of 'pre- or non-linguistic' animal affect – the close-ups of fish writhing, dying, are rendered with a particular immediacy, tactility and

viscerality. But we might also ask, conversely, how – like Edison’s elephant mediating the power of electricity and of cinema – the fish in *Leviathan* become a particular kind of conductor for the communicative power of the GoPro camera, a recent technological innovation. If for Lippit, ‘[t]ransference is the means by which nonverbal energy circulates within the world’,⁴⁴ then the presence of bodies twisting in nets, on the verge of death, or of lives expired, scattered across the deck, transfer a particular affective charge to this new kind of cinematic vision. The GoPro cameras extract from the killing scene, and from the place of the animal within that scene, a particular kind of nonverbal energy that functions with ‘fetishistic potency’ to create a circuit of sensory communication. *Leviathan* finds within what Shukin describes as ‘the carnal medium of animal flesh’⁴⁵ an especially vivid conductor for the force of its ‘prediscursive’ vision.

Such a prediscursive vision had already been conceived by Castaing-Taylor in an essay entitled ‘Iconophobia’ (1996). Critiquing what he sees as ethnography’s anxiety about images, while emphasising the importance of the ‘iconic and affective properties of film’, Castaing-Taylor advocates a shift from “‘anthropological knowledge” on film – the attempt to *linguify* film – to the idea that ethnography can itself be conducted “‘filmically”’.⁴⁶ Though not mentioned in the ‘Iconophobia’ essay, the animal – deprived of language, according to the philosophical tradition outlined by Lippit – might be seen as perfectly positioned to embody a resistance to what Castaing-Taylor sees as the ‘linguification’ of filmic ethnography. His essay is often approvingly cited in critical commentary on *Leviathan*, though without any examination of the unacknowledged role of the animal within this mapping of Castaing-Taylor’s theory onto his filmmaking practice. Shukin’s analysis of ‘prediscursive’ animal mimesis prompts us to reconsider *Leviathan*’s relation to the ‘Iconophobia’ essay (and to the ‘pre-linguistic’ dimensions of ‘sensory ethnography’). It allows us to identify the particular labour of iconicity and affectivity undertaken by the fish, and by their deaths in particular: the animal’s general resistance to ‘linguification’ is redoubled by the challenge to symbolisation posed by real death onscreen. In ‘Iconophobia’, Castaing-Taylor writes: ‘But what if film doesn’t speak at all? What if film not only constitutes *discourse about* the world but also (re) presents *experience* of it? What if film does not *say* but *show*? What if a film does not just *describe* but *depict*?’⁴⁷ The ‘monstration’ of the mute, dying animal in *Leviathan* fulfils Castaing-Taylor’s theoretical fantasy of showing rather than saying, of depicting rather than describing.

Presented as an inexhaustible resource for this affective ‘showing’, the animal in *Leviathan* is seen to be killed over and over again; in sensory ethnography’s resistance to ‘linguification’, one animal death is simply replaced by another. In one scene a series of skates have their wings cut off and kept, their torsos thrown away, in an efficient conversion of animal into capital. Parts of bodies, leftovers, waste, are kicked over the side, through gaps at the edge of the deck. In the images that follow, shot from the side of the trawler, viscera streams into water, just as blood flows elsewhere in the film, signalling an incalculable excess generated by unlimited forms of production and consumption, by the infernal cycle of capital. The seriality of the production line – one skate after another – conjures forth the problematic figure of the undying animal, a figure that haunts Lippit’s thesis: ‘Undying, animals simply expire, transpire, shift their animus to other animal bodies.’⁴⁸ Lippit is referring here to a particular lineage of philosophical thought that finds its apotheosis in Heidegger, in which animals have

been traditionally denied an ‘authentic’ relation to death.⁴⁹ Shukin pulls this thesis away from the undying animal towards the ‘material politics of animal capital’.⁵⁰ Animals do die – rendered by industrialised slaughter as ‘undying’ capital, and here by *Leviathan* as infinite monstration.

The film offers up a series of images and sounds in which animal death is not only rendered as ‘affective, immediate communication’ but also converted into apocalyptic, immersive, hypnotic aesthetics. Following the scene with the skates, a hallucinatory view from underwater shows viscera and fragments of fish carcasses; the camera appears to be on a stick here, diving in and out; when it surfaces, we catch glimpses of seagulls above. The sound is loud, aqueous. The images and sounds work through an assemblage of forces – bird, fish, wind, water, camera – an affective composition in line with the posthumanist framing of the film: the position of the GoPro camera performs a transcendence of human situatedness, a de-hierarchising of vision and matter, or what Kara and Thain call ‘distributed embodiment’.⁵¹ Yet this posthumanist approach is simultaneously destabilised by *Leviathan*’s instrumentalisation of the ‘semiotic currency’ of animal death, by an aesthetic of ‘distributed embodiment’ carnally commuted through viscera in water and electrified by the scene of killing that precedes it. If categories of blood and water, and of inside and outside, no longer hold in the film, that is in part an effect of slaughter, and the violent literalisation of the ‘blurring of boundaries’ for which the film has been celebrated.

Describing such scenes, Kara and Thain refer to ‘a bestial immersion by voracious sensory stimuli’,⁵² while Cyril Neyrat writes:

The montage of sound and image produces a fluid and continuous matter, converting the fishing expedition at the ocean’s surface into a blind plunge into the beast . . . one travels through this film as through the guts of a monster, bright wet flesh of innards and the rumbling of digestive noises.⁵³

As we have seen, the film draws on animal death in order to generate this idea of ‘fluid and continuous matter’, and ‘the bright wet flesh of innards’; the animal captured by *Leviathan* is converted into mesmeric aesthetic value, making possible, fleshing out, a set of metaphors that work to communicate the ‘animality’ of the film itself, according to the transferential logic between animal and technological media that Shukin critiques. Animal death generates a non-‘linguifying’ excess converted back into the communicative power of the film’s sensory ethnography.

Massification

Neyrat’s description of ‘fluid and continuous matter’ inadvertently draws attention to the ways in which *Leviathan*’s presentation of the fish rehearses a representational trope of animal life as an anonymous mass – a trope productively pursued by Lippit in his discussion of animal death in film. Reflecting on the disclaimer that usually accompanies the presence of animals within live action films – ‘No animal was harmed in the making of this film’ – Lippit notes that there is no direct equivalent for human actors. Rather: ‘The human counterpart to this disclaimer assumes a different form: “All resemblances to persons living or deceased is purely coincidental.”’⁵⁴ Though

Lippit doesn't directly approach the biopolitical stakes of this question, the difference between these disclaimers is clearly shaped by a speciesist logic whereby animal life is disposable: animals are so often and readily harmed offscreen that – perversely, paradoxically – film audiences need to be reassured that they are not being harmed onscreen.⁵⁵ Thus, as Lippit summarises, '[d]ifferent taboos seem to restrict animal and human representation: animals cannot be harmed, individual human beings resembled.' But, Lippit argues, these taboos are also profoundly linked:

Copying the human figure amounts to a form of killing if it is seen as eliminating the singularity thought to establish human identity. Killing a particular animal suggests that animal's individuality, disturbing the frequent representation of animals as constituting packs or hordes. The two modes of violation are linked by the singularity ascribed to humanity and the multiplicity that is said to determine animality. Taking this logic one step further, to imitate another human being is to assail that individual's singularity and force it to become, like an animal, multiple; to kill an individual animal is to grant it singularity, allowing it to become unique, to become human.⁵⁶

While the possibility of this inversion (the human becoming multiple; the animal becoming individual) is fascinating and productive, there are difficulties here too. Lippit's argument depends on a strained logic that aligns copying with killing, flattening out the very different implications of those acts. And there is a troubling suggestion that the animal can only be recognised as singular by being killed. The workings of the meat industry suggest how this claim is systematically undermined – there the act of killing contributes further to the deindividuation of the animal as part of its conversion into anonymous meat.

In *Leviathan* we tend to see hordes of fish being killed rather than individual fish dying. And when we witness a particular fish being killed, it is within a scene in which other fish are killed in precisely the same manner, suggesting a sense of interchangeability through repetition, working against the granting of singularity that Lippit identifies here. Asked in interview about how '[t]he film doesn't necessarily seem so sympathetic to the fish's plight', Paravel comments, 'the way they are killed, it's disturbing and grotesque'.⁵⁷ She then goes on to say (in a remark partially cited above): 'It's also more of a question of reducing the human, to relativize the human in a wider spectrum, a global environment, rather than trying from the beginning to show how the fish are suffering. It's like trying to spread the perspective.'⁵⁸ Paravel's comments work to support the sense that the question of individual animal death and suffering is not the film's primary concern.⁵⁹ Seemingly reluctant to foreground what Jacques Derrida describes as the 'unsubstitutable singularity' of each animal,⁶⁰ *Leviathan* portrays an ongoing scene of general perishing rather than individual deaths.

This representation of the animal as monstrous horde locks the film back into an anthropocentric logic consigning the animal to anonymous multiplicity.⁶¹ The lack of narrative framework, the GoPro camera's indiscriminate attention, and the film's visual interest in abstraction all work to further this anonymity. As Adam O'Brien suggests, the fish seem 'infinitely replicated', 'almost abstract' in their sheer abundance.⁶² One might be tempted to read this, with Deleuze and Guattari, as a figure of

‘becoming-animal’, in all its liberating affirmation of multiplicity and impersonality (‘a pack, a gang, a population’).⁶³ Yet, as *Leviathan* demonstrates, this logic of impersonality is capitalised on by organised killing, suggesting ways in which strategies of industrialised slaughter – and of agricapital more broadly – figure as material points of resistance to theories of becoming-animal.⁶⁴ There is a recursivity at work in *Leviathan*, whereby the film’s aesthetic approach mimes the massifying logic of the practice of industrial fishing itself. As Sajay Samuel and Dean Bavington note, the introduction of industrial fishing technologies, such as the jigger and the seine in the second half of the nineteenth century, ‘aimed at increasing catch size’ and ‘transformed codfish into biomass’.⁶⁵ In this context, Deleuze and Guattari’s affirmation of ‘population’ assumes another dimension, risking collusion with the biopolitics of animal capital. Through its indiscriminate attention, *Leviathan* replicates these biopolitical processes of massification, presenting the fish as a monstrous horde of anonymous animality to be tamed as ‘harvestable’ biomass.

This turn away from questions of animal singularity and suffering is redoubled by *Leviathan*’s uncertainty around the event of dying itself. The moment at which each fish dies is often not clear. While death may be considered to be ontologically inaccessible in any situation for any being, in *Leviathan* death figures emphatically as a blind spot, often obscured by the fish being thrown offscreen or back into the ‘horde’ after having been cut by the fishermen. In any image of a mass of fish – caught up in a net or strewn across the deck – a number of fish may die during the duration of that shot, but it is impossible to identify which ones, particularly given the constant motion of the trawler shuttling bodies to and fro, conflating corporeal signs of life and death. Malin Wahlberg’s reading of *Leviathan* marks this ontological hesitation, referring to cameras ‘poked into the chaos of not-yet-dead creatures’.⁶⁶ The multiplicity of bodies filling and exceeding the cinematic frame is such that the singularity of each death is made radically difficult to locate in both space and time. This indeterminacy around death also relates to an indeterminacy around killing, because the act of killing is initiated far before the fish meet the knife: it begins as soon as the fish leave the water, caught by the net and pulled up onto the trawler. My intention here is not to make an abstract claim about the impossible or indeterminate deaths of the Animal (that monolithic category that Derrida critiques).⁶⁷ Rather, it is to note that the uncertain eventhood of death and killing in the film is profoundly shaped by the species-specific relations between fish and their natural habitat.⁶⁸ The multiple deaths taking place throughout the film often inhabit an indistinct realm between the visible and the invisible.

In *Leviathan*, the particular ontological instabilities around the event of death deny any easy fulfilment of what André Bazin sees as the capacity for cinema, as a durational medium, to present the transition from life to death – ‘the elusive passage from one state to the other’.⁶⁹ Bazin elaborates this view of cinema in the essay ‘Death Every Afternoon’, in which he discusses the documentary *La Course de taureaux/Bullfight* (Pierre Braunberger, France, 1951). *Leviathan* problematises Bazin’s theory about cinema’s ability to register death, while corresponding with the elusiveness that Bazin identifies – an elusiveness compounded by the species characteristics of fish, whose deaths are less ‘charismatic’, less visible, less cinematic than those of the bull to which Bazin gestures. Fish morphology renders impossible the dramatic death fall

of large mammals – of the elephant in Edison’s film or of the white horse in *Blood of the Beasts*. The bodily signs of fish are generally more difficult to read: without eyelids, their eyes remain open and unblinking in both life and death.⁷⁰ In *Leviathan*, the fish contained within the visible frame undergo the passage from life to death that foregrounds ‘cinematic specificity’ for Bazin.⁷¹ But the precise moment of death remains unseen, invisible – in ways that are specific to the cinematic medium,⁷² to species characteristics and to the massifying scale of slaughter discussed above. Here, then, the animal becomes less transparently ‘monstrative’, less mutely ‘eloquent’, than Lippit appears to suggest, and the questions of ‘showing’ and ‘depicting’ celebrated by Castaing-Taylor’s ‘Iconophobia’ essay become similarly problematised. *Leviathan* suggests ways in which such scenes of industrialised slaughter mark a particular blind spot within – and limit point for – these various theories of cinematic representation (Bazin, Lippit, Castaing-Taylor): none of them have the theoretical resources to respond to the ungraspability of multiple lives extinguished at indistinct moments within each frame.

Contributing to this confusion of the living and the dead, *Leviathan* flirts with – without strictly inhabiting – the embodied perspectives of the fish, as GoPro cameras positioned at the level of the deck enable a performance of what might be fancifully referred to as a ‘fish’s eye view’. In his discussion of ‘inhuman’ perspectives offered by the film, Ohad Landesman writes: ‘when the camera floats on the wet deck alongside dead fish, it takes the perspective of one of them, bumping into the others’.⁷³ In suggesting that the camera adopts the perspective of a dead fish, Landesman inadvertently highlights a logic of appropriation underpinning the film’s performance of embodied, ‘inhuman’ vision, and the indifference of that performance to the status of the fish as living or dead, as flesh or meat.⁷⁴ By refusing to single out individual animals and their particular deaths, *Leviathan* not only contributes to the Heideggerian logic whereby the animal is seen to be ‘incapable of proper death’⁷⁵ but exploits that logic in the service of its fantasies of technologically enabled posthuman embodiment. What Sobchack describes as technophilic fantasies of ‘beating the meat’⁷⁶ are given literal force in *Leviathan*, as the fleshed perspective of the animal-as-meat is invoked in order to be transcended by cyborgian, GoPro vision.

Animalisation

Unmoored from the rest of the world, life and death in *Leviathan* are presented as both anonymous and exceptional. We only ever see the space of the trawler and the immediate surrounding waters in the film. We know this to be somewhere off the coast of New Bedford, but, as one review observes, ‘[l]ocation and context are unimportant . . . because *Leviathan* does not “take place” anywhere, apart from somewhere aboard, overboard, aloft, and below a fishing trawler.’⁷⁷ Thus we see the practice of industrial fishing – including the events of killing – in isolation.⁷⁸ This resistance to placing the practice in a wider context – for example, by following the product, as in *Food, Inc.* (2008) – works against attempts to understand the process of industrial fishing as part of broader biopolitical regimes.⁷⁹ To some extent, the attention to industrialised production, expenditure and waste in *Leviathan* automatically places the film in a broader context: against the backdrop of ecological concerns about overfishing and species extinction, these scenes assume a particular charge, heightened by the film’s

apocalyptic imagery. In interviews, Castaing-Taylor has commented on the depletion of fish stocks, and on the governmental mismanaging of fishing in this area.⁸⁰ A form of salvage ethnography, the film is shaped by a desire to record an industry on the verge of disappearance or irreversible change. But, as Russell suggests, *Leviathan* ‘walks a fine line between aesthetic spectacle and historical specificity’.⁸¹ As ‘sumptuous visuals, enhanced by the hyper-real colors’ are ‘displaced from their documentary sources’, ‘the geo-political specificity of the footage tends to be subsumed within a mythic abstraction in which the spectacle is emptied of its radical energies’.⁸² The exceptional, apocalyptic space of the trawler – marked out as such by the mythico-religious name of the film itself⁸³ and by the film’s nod to Melville – is unmoored from any explicit articulation of broader historical and political concerns.

What are the implications of refusing to flesh out such concerns in a film featuring industrialised killing? Reflecting on ‘revelatory’ images of processes of animal slaughter in documentary film, Burt suggests:

Few films . . . actually explore the relationship between this revelatory imagery and other aspects of culture, preferring instead to reinforce its sense of separateness. Magnetised as the eye might be to the act of animal killing, whether through fascination, repulsion or a combination of the two, the sense of isolation that the act has behind the walls of the abattoir is in fact reinforced.⁸⁴

For Burt, *Blood of the Beasts* is an exception to this rule – in Franju’s film, we see both inside and outside the slaughterhouse: shots of postwar Paris prompt us to understand the animals as part of the lifeblood, the material resources, of the city.⁸⁵ And thus for Burt, ‘by moving between the invisible practice of slaughter and the highly visible city’, Franju’s film ‘follows a more transgressive course by making killing more than merely a confined act. I would say that his less “sadistic eye” reveals a far greater and more pervasive sadism’.⁸⁶ For Burt, the sadism disclosed by *Blood of the Beasts* is that of a systemically violent instrumentalisation of animal life that reaches far beyond the slaughterhouse, demonstrating ‘the extent to which the systems of modernity are built around the figure of the animal’.⁸⁷ By contrast, *Leviathan* visually confines its representation of slaughter, reinforcing the separateness to which Burt refers. *Leviathan* offers no broader view of the (unsustainable) circuits of production and commerce in which the industrial process of fishing is bound up. Following Burt’s argument, this makes the film more ‘sadistic’ than *Blood of the Beasts*: *Leviathan* ‘magnetises’ the eye to acts of killing without channelling that vision towards a broader reflection on the social, political and economic contexts of these acts.

In an essay, ‘Abattoir’, which appeared in the journal *Documents*, accompanied by Eli Lotar’s photographs of La Villette in Paris (one of the slaughterhouses filmed in *Blood of the Beasts*),⁸⁸ Georges Bataille writes of the sequestration of the slaughterhouse:

Nowadays the slaughterhouse is cursed and quarantined like a boat with cholera aboard. . . . The victims of this curse are neither the butchers nor the animals, but those fine folk [*les braves gens*] who have reached the point of not being able to stand their own unseemliness, an unseemliness corresponding in fact to a pathological need for cleanliness.⁸⁹

The imagery of the ‘boat with cholera aboard’ resonates in particular with *Leviathan’s* own slaughterhouse at sea, isolated in its abjection. For Bataille, such quarantining, and its disavowal of sacrifice and the sacred, is related to questions of class – ‘those fine folk’ – and bourgeois alienation from the dirt and mess of slaughter.⁹⁰ While Bataille’s assertion that ‘neither the butchers nor the animals’ are victims is overstated, his emphasis on class allows for a further dimension of *Leviathan* to come into view. In *Leviathan*, the dirt and abjection of slaughter is confined not only to a particular space but to a particular class – a social identity never made explicit, but signalled by the context (in this respect, relatively little has changed since Upton Sinclair’s *The Jungle* (1906):⁹¹ the labour of industrial slaughter is still typically carried out by immigrants and the working class, often in dangerous working conditions). Moments in *Leviathan* such as the lingering focus on one worker’s mermaid tattoo – and the ethnographic curiosity that the film devotes to this, recalling a history of anthropological interest in tattooing – seem telling, suggesting that the film mines the ‘fetishistic potency’ not only of its animals but also its humans.

In an implicit manner, *Leviathan’s* simultaneous abjection and fetishisation of its ‘butchers’, shored up by class difference (against the backdrop of the cultural capital of the Harvard Lab), contributes to its positioning of the human within a realm of anonymous animality that echoes that of the non-human animals in the film. As Cary Wolfe argues, ‘the animality of the human’ arises ‘when the human becomes something anonymous, either through massification (as in Foucault’s studies of the mechanisms of biopolitics, such as population sciences and medicalisation) or by being reduced to an equally anonymous condition of “bare life”’.⁹² While *Blood of the Beasts* demonstrates an interest in the lives of individual workers, revealing (through the voiceover) details of their personal histories, *Leviathan* generally refuses any individualising details, not only through the lack of verbal commentary but through its visual forms. Though there are some rare particularising moments (for example, through close-ups), *Leviathan’s* ‘butchers’ are mostly presented as interchangeable, their singularities denied by their uniform clothing and by the framing that frequently decapitates them or hides them in shadow. To return to Lippit’s logic of inversion, here in a violation of singularity, the human is forced ‘to become, like an animal, multiple’. This also recalls Julian Murphet’s reading of the ‘animalisation of man’ in the films of Robert Bresson, effected by forms of visual fragmentation and a ‘defacialized approach to the human form’.⁹³ Indeed, the red gloves on which *Leviathan* repeatedly focuses uncannily recall images in Bresson’s *L’Argent* (1983), and the dehumanising violence of economics and class privilege documented by that film. *Leviathan’s* visual strategies suggest a self-conscious attentiveness to the alienating, anonymising dimensions of industrialised labour – to the reduction of the fishermen to another kind of ‘biomass’ or ‘bare life’. This levelling effect might be seen to play into the film’s self-positioning as a posthumanist ‘relativising’ of the human. However, *Leviathan’s* aesthetic approach also risks simply confirming and quarantining, rather than questioning, this animalisation of its human subjects. This then leaves intact the humanisation, through contrast, of the viewers, ‘those fine folk’ permitted to keep a hygienic distance from this decontextualised vision of slaughter producing the meat they consume.

There is one particular scene in which the human is ambiguously ‘redeemed’ from animalisation – a scene in which a fisherman falls asleep in front of the television, filmed in a static, extended long take. Catherine Russell compares this scene with the

film's earlier focus on a decapitated fish: 'Nameless and voiceless, this man is stared at as we have earlier stared at the head of a dead fish. Both man and fish return the gaze without returning the gaze: they look back at the camera without seeing it.'⁹⁴ Russell's observations imply that the human, like the fish, has been drawn into a realm of anonymous animality. But contra Russell's assertion, this scene does not function in parallel with the earlier scene of the fish – not only because one being is alive, and one is not, but because in the television scene an individual human is granted significantly more time and attention than that given to any of the fish throughout the film. This static long take, striking within the context of *Leviathan's* generally chaotic, restless motion, works to undercut the film's apparently 'distributed' or nondiscriminating mode of attention. The scene's 'facialisation' and identificatory potency further its redemption of the human from anonymous animality – an ambiguous redemption, of course, as the scene still gestures to a certain fascination with a particular kind of object human state.

As Westmoreland and Luvaas note in their 'Introduction', this particular scene arises repeatedly in the collected essays in the *Visual Anthropology Review's* special issue on *Leviathan*, becoming the focus of theoretical reflections on the real or on self-reflexivity (an episode of *The Deadliest Catch*, the Discovery channel's reality show about fishing, is on the TV that the man is watching). Westmoreland and Luvaas point suggestively to the critical bias at work here: 'In contrast to the abstract, posthumanist fishing world that dominates the film, the contributors privileged the only scene in the film that provides an isolated human subject, composed in a recognizable manner, and rendered accessible to our observational gaze.'⁹⁵ For Westmoreland and Luvaas, this suggests that *Leviathan* points to the disciplinary limits of anthropology and visual ethnography, as critical readings cling to the most recognisable (that is, human) content. What the predominance of this scene in critical commentary suggests further to me is a preference for engaging with the fisherman when he is falling asleep in front of the TV rather than when he is killing – a preference for questions that are more familiar to visual culture studies rather than those that might challenge its anthropocentric assumptions. This points further to blind spots around questions of slaughter, biopolitics and animal capital that I have sought to address here.

Cast adrift in a sea of immersive, apocalyptic aesthetics, the slaughtered animal in *Leviathan* is converted into an 'overly free-floating signifier' – the privileged resource for, and conductor of, the film's 'bestial' performance of prediscursive affect. Though *Leviathan* makes viscerally visible the act of killing, its abstract, indiscriminate vision reduces the fish to undifferentiated matter, refusing to grant each animal death the possibility of eventhood and singularity. In its quest to produce a cinematic vision that gives us, as the film's directors put it, 'a much more corporeal representation of reality', a vision that 'restores us . . . to the fabric of the world', *Leviathan* disavows the affective labour done by animal death. To a certain extent, the film's aesthetic regime thus inadvertently mimes the logic of the fishing trade itself, in its biopolitical rendering of disposable lives. Troubling the nonanthropocentrism through which *Leviathan's* sensory ethnography is commonly framed, such a reading awakens us to the lives and deaths from which the film's technophilic assemblages are extracted, while sensitising us to the 'material politics of animal capital'⁹⁶ at work in cinema more broadly.⁹⁷ The question of the political has been extended here to include the

film's problematic decontextualisation of slaughter and its attendant 'animalisation' of the human. The material politics of industrialised slaughter has emerged as a particular limit point – its substance often elided by critical commentary on *Leviathan* and often resistant to the theories of animality (Deleuze and Guattari) and cinematic representation (Bazin, Lippit, Castaing-Taylor) invoked here. But the slaughterhouse is a key site – materially, ideologically – for any understanding of our relations to animal life. In continuing to develop the field of animals and film, we will need to learn how to look at the slaughterhouse, in the cinema and beyond, with critical rather than blinded or magnetised vision.⁹⁸

Notes

1. Derek Bousé, *Wildlife Films* (Philadelphia: University of Pennsylvania Press, 2000), p. 42.
2. *La Règle du jeu/The Rules of the Game*, film, dir. Jean Renoir (France: Nouvelles Éditions de Films, 1939).
3. Vivian Sobchack, *Carnal Thoughts: Embodiment and Moving Image Culture* (Berkeley: University of California Press, 2004), p. 245, emphasis original.
4. Nicole Shukin, *Animal Capital: Rendering Life in Biopolitical Times* (Minneapolis: University of Minnesota Press, 2009), p. 6.
5. *Leviathan*, film, dir. Lucien Castaing-Taylor and Véréna Paravel (France/UK/USA: Arrête ton cinéma/Harvard Sensory Ethnography Lab, 2012).
6. Herman Melville, *Moby-Dick* (Harmondsworth: Penguin, 1972 [1851]).
7. See Anya Jaremko-Greenwold, 'Véréna Paravel and Lucien Castaing-Taylor by Anya Jaremko-Greenwold', *BOMB Magazine*, 1 March 2013, <<http://bombmagazine.org/article/7084/v-r-na-paravel-and-lucien-castaing-taylor>> (accessed 28 August 2017).
8. Sobchack, *Carnal Thoughts*, p. 246.
9. See Nicole Shukin and Sarah O'Brien, 'Being Struck: On the Force of Slaughter and Cinematic Affect', in Michael Lawrence and Laura McMahon (eds), *Animal Life and the Moving Image* (London: BFI, 2015), pp. 187–202.
10. On images of animal death as 'a particularly complex kind of rupturing, of both an aesthetic tradition and slaughter's physical and psychical sequestration', see Michael Lawrence, 'Haneke's Stable: The Death of an Animal and the Figuration of the Human', in Brian Price and John David Rhodes (eds), *On Michael Haneke* (Detroit: Wayne State University Press), p. 69.
11. *Le Sang des bêtes/Blood of the Beasts*, film, dir. Georges Franju (France: Forces et voix de la France, 1949).
12. Siegfried Kracauer, *Theory of Film: The Redemption of Physical Reality* (Princeton: Princeton University Press, 1997), p. 306. On connections between *Leviathan* and Franju's film, see for example Cyril Neyrat, 'Blood of the Fish, Beauty of the Monster', trans. Nicholas Elliott, *Leviathan* DVD booklet (Dogwoof, 2013), pp. 2–5.
13. Jonathan Burt, *Animals in Film* (London: Reaktion Books, 2002), p. 27.
14. Shukin emphasises 'the double sense of *rendering*' as both mimetic representation and the material 'recycling of animal remains' (*Animal Capital*, p. 20, emphasis original).
15. Though the term is wide-ranging, I understand posthumanism here as necessarily involving interrogation of a humanist logic that, whether intentionally or not, 'grounds discrimination against non-human animals'. Cary Wolfe, *What is Posthumanism?* (Minneapolis: University of Minnesota Press, 2010), p. xvii.
16. For useful critiques of the celebration of 'immersion' that dominates commentary on *Leviathan*, see Ohad Landesman, 'Here, There, and Everywhere: *Leviathan* and the Digital