

The Place of Animals in Politics: The Difficulty of Derrida's "Political" Legacy

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Review Essay

THE PLACE OF ANIMALS IN POLITICS

THE DIFFICULTY OF DERRIDA'S "POLITICAL" LEGACY

Nathan Szaza

Two books appearing in 2012—Élisabeth de Fontenay's *Without Offending Humans: A Critique of Animal Rights* and Cary Wolfe's *Before the Law: Humans and Other Animals in a Biopolitical Frame*—highlight a particular difficulty in the now widespread reception of Jacques Derrida's writings on animals. Fontenay's essays survey the history of Western metaphysical reflection on the animal—and some overly simplistic attempts to break from that tradition—with a razor-sharp focus on moments when writers in that tradition (including even Aristotle) engage with animals in ways largely ignored by the increasingly influential interpretation of this tradition circulating within critical animal studies. Wolfe sets out to "radicalize" philosophical accounts of biopolitics by attempting to rethink its axioms and central concepts, beginning with the bodies, lives, and institutional capture of nonhuman animals. Significantly, both Fontenay and Wolfe build their central arguments around Derrida's writings, and both take up the question of the place of animals in his politics, but Fontenay's and Wolfe's approaches could hardly be more different, especially in the ways they distance their positions from the dominant strand of animal rights discourse, which preaches legal status for animals through utilitarian philosophical argument.¹

Even as Derrida's engagements with "the animal" (a term he deconstructs and replaces with *animot* to signal the discursive and conceptual violence at stake in placing all "animals" under the same sign) have become a de rigueur point of reference in contemporary writing on animals, the specific conceptual and political legacy of his writings could not be less certain.² In an interview with Elisabeth Roudinesco, Derrida writes:

However much sympathy I may have for a declaration of animal rights that would protect them from human violence, I don't think this is a good solution. Rather, I believe in a slow and progressive approach. It is necessary

to do what one can, today, to limit this violence, and it is in this sense that deconstruction is engaged: not to destroy the axiomatics of this (formal and juridical) solution, nor to discredit it, but to reconsider the history of law and the concept of right. (2004, 74)

For Derrida it is too simple to seek the insertion of animals into an already-existing framework of legal “rights.” What is required is something much more difficult and “slow”: the reconceptualization of “right.” And yet Derrida insists on not “destroying” or “discrediting” the existing juridical solution; animal rights are not a “good solution,” but perhaps their support is warranted under the circumstances.

I would like to draw out two crucial differences between Fontenay and Wolfe in this context. First, despite a certain shared political thinking with Wolfe signaled in the phrase “a community of the living,” Fontenay’s direct statements on the place of animals in politics rely on the logic and institutions of rights.³ Wolfe turns to biopolitics, in part, to articulate a political framework that mobilizes an entirely different vocabulary, one that is far more skeptical of rights and all the political concepts and institutions supporting them.⁴ That is, Wolfe and Fontenay differently emphasize the two distinct predicates of Derrida’s “it is necessary,” one negative and one positive. Second, both take up the human’s animality differently, and one can see this difference in relation to the title of Derrida’s *The Animal That Therefore I Am*. Fontenay’s entire project is committed to distinguishing between the human and the animal, even as the vast majority of her attention is spent on demonstrating how that difference is nowhere near as simple or certain as a hasty reading of metaphysical and humanist philosophy would have it. For Wolfe, the human *is* an animal, and the human’s difference from other animals is of no greater magnitude than the difference between *any* two animals.

In order to situate Derrida’s thought, and therefore the difficulty it bequeaths to contemporary attempts to theorize the place of animals in politics, it is necessary to briefly trace both the emergence of what might be called the ongoing deconstruction of the concept of “rights” and the heretofore hegemonic utilitarian position on animal rights. While for some time the questions posed in these two threads of discourse have had virtually no interaction, Derrida concatenates them.

Just three years after the ratification of the Universal Declaration of Human Rights, Hannah Arendt published *The Origins of Totalitarianism*.

In the chapter “The Decline of the Nation-State and the End of the Rights of Man,” she analyzed the curious “power vacuum” (271) surrounding stateless persons and refugees beginning with the first world war, going so far as to refer to how the nation-state is “incapable of providing a law for those who had lost the protection of a national government” (287). Human rights law, because it presupposes the power of nation-states for enforcement, runs aground when confronted with what Agamben calls “the pure human in itself” (20). At the very same moment that human rights law becomes the globally hegemonic framework for political relations among human beings and nation-states, Arendt’s reflections on this aporia might allow us to think about the “Declaration” as something of a melancholic epitaph for human rights, one that represses the loss of its own object. In the intervening decades, a split has emerged between those who see human rights law as the final telos of Western juridical rationality (one that awaits its perfect application) and those who have begun to seek out “a renewal of categories” (Agamben, 23), an alternative framework for conceptualizing and enacting global politics: “The refugee should be considered for what it is, namely, nothing less than a limit-concept that at once brings a radical crisis to the principles of the nation-state” (23).

In light of this “crisis,” which is more and more at the center of contemporary theoretical reckonings with global politics, the urgent problem of the place of nonhuman animals in the political order is a fraught one. The problem has largely and most famously been addressed at the intersection of jurisprudence and utilitarian philosophy. There are those—such as Peter Singer, Gary Francione, Paula Cavalieri, and Tom Regan—who insist that extending “rights” to animals, rights that are at least modeled on human rights, “provides more concrete guidance for incremental change than other views relied on by animal advocates” (Francione, 4). For philosophers such as these, the framework of human rights itself is not called into question, they merely force a series of questions about why humans reserve such rights to themselves while denying them to other sentient beings. Singer writes, in *Animal Liberation*:

We may legitimately hold that there are some features of certain beings which make their lives more valuable than those of other beings; but there will surely be some nonhuman animals whose lives, by any standards, are more valuable than the lives of some humans. A chimpanzee, dog, or pig, for instance, will have a higher degree of self-awareness and a greater

capacity for meaningful relations with others than a severely retarded infant or someone in a state of advanced senility. So if we base the right to life on these characteristics we must grant these animals a right to life as good as, or better than, such retarded or senile humans. (20–21)

Given this, anyone who still insists on regarding the human life as “more valuable” is “speciesist” on analogy with sexism and racism, an analogy Singer elaborates across the first chapter of his book. To act “ethically” for Singer is to act according to the utilitarian goal of the greatest good for the greatest number in a non-speciesist way. For Fontenay, Singer’s gesture is “offensive” to humans in the way it disposes of human singularity, even as she has sympathies with Singer’s political aim of seeking legal protections for animals. Seeking a less “offensive” means of pursuing this aim leads her to challenge utilitarian philosophy’s hegemony with regard to the question of the animal. She writes: “It is first and foremost the style and the method, the empiricist and logicist way of proceeding, the lack of consideration, and the misanthropy of these authors that is saddening” (57). Offense, here, signifies two distinct, but ultimately related, things. On the one hand, it means to go against the rules of polite or proper discourse, in this case, the discourse of Western metaphysical humanism and the political apparatus it has authorized. Fontenay insists that we must work from within that discourse, an axiom (as much as an ethics of reading) that she inherits from Derrida, even as she also insists that this discourse is far less monolithic than even Derrida allows. On the other hand, it means to fend off, to keep at bay. Fontenay does not think *la cause animale* (a phrase from the original French subtitle, one that is considerably more appropriate than “a critique of animal rights”) has much traction if humans are not able to approach it and embrace it. This meaning, for her, is intimately connected with a double meaning of “human” as both a particular being and a certain capacity for “good.”

Fontenay had previously published an imposing study deconstructing the Western metaphysical tradition’s presuppositions about what is “proper” to the human in *Le Silence des Bêtes. Without Offending Humans* collects seven essays, six of which were written after *Le Silence*, and the first is a chapter that provides what might be the single best summary of Derrida’s writings on animals yet to appear in English. As the preface notes, her encounter with Derrida’s writings on animals was belated, and this book sketches her thinking in “asymptotic” relation

to Derrida's (2). Governing Fontenay's account is a passage like this one from *The Animal That Therefore I Am*:

[It] is not just a matter of giving back to the animal whatever it has been refused [by Western metaphysics]. . . . It is also a matter of questioning oneself concerning the axiom that permits one to accord purely and simply to the human or to the rational animal that which one holds the just plain animal to be deprived of. (95)

While Derrida does indeed put critical pressure on how this tradition—ours, perhaps—has constructed the animal as a deprived being, his concern is more directed to the *bêtise* inhabiting its conceptualization of the human. Before letting Derrida have the last word in her first chapter, Fontenay refers to “be[ing] capable of troubling the humanism of those who give themselves the name of ‘men’” (18).

The rest of her book—which takes up utilitarian animal rights philosophy, nineteenth-century zoology texts, *Dialektik der Aufklärung*, and “bio art”—follows from Derrida's “troubling” of humanism. Indeed, the single most direct statement of Fontenay's critical project is this: “Only a patient and prudent deconstruction of the theoretical humanism proper to the metaphysics that . . . underlie most philosophies can lead to a respect for animals in their lives and in their deaths without offending humankind” (64). Throughout her engagements with this metaphysical humanism—including detours through Aristotle, Descartes, Nietzsche, Husserl, Heidegger, Merleau-Ponty, and others—Fontenay demonstrates how, despite a certain agreement on a macro-level about the deprivation of nonhuman animals, the tradition is, at the micro-level of its textual elaborations, far from monolithic. Hence, the demand for patience and prudence: if we rush to free ourselves from the anthropocentrism of Western metaphysical humanism, we miss the fact that this tradition is always already split from itself around “the animal.” Here she goes further than even Derrida, who declared:

All the philosophers we will investigate (from Aristotle to Lacan, and including Descartes, Kant, Heidegger, and Levinas), all of them say the same thing: the animal is deprived of language. Or, more precisely, of response, of a response that could be precisely and rigorously distinguished from a reaction; of a right and power to “respond,” and hence of so many other things that would be proper to man. (2008, 32)

Here, Derrida draws attention to how a certain dogmatic distinction between human and animal—couched as a distinction between response and reaction, a distinction that is central to Descartes’s analysis of the animal in his *Meditations*—is repeated by philosophers who are otherwise vastly different. At stake in this distinction is not only the use of language, but the *considered*, responsive use of language (even Descartes acknowledges that animals and automata can be made to utter the sounds of human language). These philosophers are thus at pains to preserve the uniquely human ability to reflect, an ability that would “rigorously” distinguish a response from a reaction. Although *The Animal That Therefore I Am* interrogates this tradition and its vicissitudes in painstaking detail, Derrida nevertheless flattens its claims in order to call attention to the persistence and ubiquity of this particular postulation of deprivation. Fontenay is suspicious of *any* use of the logic of “sameness,” especially when it comes to how philosophers have engaged the animal, even in the name of an anti-anthropocentric rhetoric.

Although her most venomous remarks are reserved for Peter Singer, Paula Cavalieri, and “bio artists,” the attempt to break with Western anthropocentrism with which Fontenay has the least patience is signaled in the phrase “human animal.” Indeed, while she spends the majority of her text engaging *la cause animale*, she does so while insisting that there is a “rupture” separating the human from the animal. Given that she has spent her career interrogating this distinction in all its propriety, we should not wonder that her manner of distinguishing them is somewhat idiosyncratic. She concedes a great deal of ground to contemporary animal sciences but insists that “one cannot allow the intersections of research from paleo-anthropologists and primatologists, or discoveries in molecular biology and in genetics to destroy *without remains* the affirmation of the rupture constituted by anthropological singularity” (21). At stake in the first instance, for Fontenay, is a linguistic doubling in the signification of the word “humanity”: “the sense of *humankind*, but also the sense of an unlimited *goodness*” (xi). This is the same doubling at work in the name of the organization the Humane Society; and, for Fontenay, to insist on the animality of the human without attention to this “rupture” destroys the very ground of possibility of an ethical, responsible relation. For to be “human” is to be at once a particular kind of being, and to be capable—alone among all beings—of the “goodness” that anchors responsibility.

Before getting to the particular ethic—or, perhaps more accurately, responsibility—Fontenay recommends, it is worth dwelling on how she attempts to salvage this “human singularity.” She concedes that some animals, probably many of them, “have” language and even “culture.” But she then performs a sort of emergency surgery on language in order to track down and preserve what part of it is “properly” human. Her answer, ultimately, is the capacity for metaphor. Surrounded by assertions that it is the “rhetorical” (102), or rather the “ethico-rhetorical” (40), that is unique to the human, she ponders “whether it is not in metaphorical power that the difference [between humans and animals] may be situated” (40). Setting aside that this sounds eerily like Lacan’s insistence in *Écrits* that animals are incapable of a feint of a feint, an assertion that Derrida has no trouble deconstructing in the final chapter of *The Animal That Therefore I Am*, this is a peculiar way to pitch human singularity in a book that devotes several pages to Nietzsche (and many more to Horkheimer, Adorno, and Derrida, all of whom are at their most Nietzschean when in sight of animals). In “On Truth and Lies in a Nonmoral Sense,” a very early essay, Nietzsche takes *metaphorein* (trans-fer) to be the basic quality of *animal thought*, one that is again subjected to an additional “carry over” into human, anthropomorphic, conceptual language.⁵ While she castigates analytic philosophy for ignoring Nietzsche, her own reading is motivated by a specific and rather limited project of tracing his “Darwinism” in a “nonbiological way” (34). She cites no fewer than eight different texts by Nietzsche from various moments in his writing career, including a number of the posthumously published fragments, but curiously doesn’t engage the essay that revolves around “anthropomorphism” and its relations to “truth,” an essay that Sarah Kofman managed to place near the center of the French engagement with Nietzsche beginning in the early 1970s.

This encounter manqué with Nietzsche’s notion of metaphor reveals the fragility of Fontenay’s recuperation of human singularity in the face of both what could be called a growing posthumanist science and disavowed parts of the very tradition she, for the most part, reads with incredible subtlety. From the unsteady ground of her insistence on the “rupture” between animality and humanity, she traces the metaphysical tradition’s hesitations and ambivalences confronted with animal life. It is therefore unsurprising that this same ambivalence structures

her call for ethics, one that appears in the book's final paragraph. She writes: "The time is ripe for the status of animals . . . to find a place in international law that facilitates the existence of a community of the living that can counter human omnipotence and the horrible fraternity of contamination" (132). She begins with a call for a "place" in international law, a call that—whatever her antagonisms toward "offensive" utilitarian philosophers of animal rights—resonates persistently with their politics. She hopes that this "place" will "facilitate" "a community of the living," a phrase that also appears, with minor variation, throughout Wolfe's *Before the Law*, a book whose subtitle makes the very gesture that Fontenay is at pains to stave off ("humans and other animals") and which locates its politics elsewhere than international law.

Coming after three previous theoretical engagements with animals—*Critical Environments*, *Animal Rites*, and *What Is Posthumanism?*—*Before the Law* is Wolfe's best book by a considerable margin, a stunning tour de force in which he takes up the major thinkers of biopolitics—Foucault, Agamben, and Esposito above all—and demonstrates with a mixture of ethical urgency and philosophical rigor that "paying attention to the question of nonhuman animal life has the potential to actually radicalize biopolitical thought beyond its usual parameters" (51). Wolfe's most compelling intervention may be most apparent in relation to Esposito's *Bíos*, a book that Wolfe engages in considerable detail throughout *Before the Law* and against which he builds his own position.

Bíos traces the prehistory of the term "biopolitics" into its now canonical articulation in Foucault's texts and then interrogates its career in Foucault's wake. Especially important for Wolfe is the manner in which Esposito challenges the formal symmetry Agamben gives (throughout his political writings, but in *Homo Sacer* in particular) to the figures of the sovereign and *vita nuda* (bare or naked life.) On Esposito's reading, this symmetry leads Agamben into all manner of historical confusions that prevent him from confronting the specific biopolitics of Nazism. Esposito is also concerned with a growing schism in biopolitical theory between an affirmative concept of "biopower" (best known in English through the texts by Hardt and Negri) and a negative conception of "thanatopolitics."⁶ In order to be able to think both within the same conceptual matrix, Esposito argues for an "immunitary" paradigm: "In this perspective no power exists external to life, just as life is never given outside of relations of power" (46). In brief,

the “bíos” and the “power” in the term *biopower* are not separate things sutured together, but are mutually constitutive: “Just as in the medical practice of vaccinating the individual body, so the immunization of the political body functions similarly, introducing within it a fragment of the same pathogen from which it wants to protect itself, by blocking and contradicting natural development” (46). On this reading, Nazi politics can be understood as a kind of autoimmune disorder where the immunitary system turns on itself and becomes lethal to the entire “political body.”

The point at which Wolfe departs from Esposito is the moment of imagining an alternative form of politics. According to Wolfe, the problem “is rather that the only alternative that Esposito seems to be able to imagine to this indexing of biopolitical norms is simply its other extreme, a sort of neovitalism that ends up radically dedifferentiating the field of ‘the living’ into a molecular wash of singularities that all equally manifest ‘life’” (2012, 59). Wolfe, then, will insist on differentiation. As he put it in an essay published in *PMLA*: “[The] problematic of posthumanism . . . return[s] us precisely to the thickness and finitude of human embodiment and to human evolution as itself a specific form of animality, one that is unique and different from other forms but no more different, perhaps, than an orangutan is from a starfish” (2009, 572). The human is not “the same” as all other animals, just as no two animal “species” are alike.⁷ The human is not a being separated from animality by a “rupture,” unless one adds that every animal is thus separated from every other animal. Any politics that takes human and nonhuman animals as subjects will have to engage these differentiations.

Sharing most of Esposito’s critique, Wolfe builds his argument around what some might regard as a risky hypothesis: what if biopolitics were to base its political investigations not around the Shoah, but around factory farms? This conceptual metathesis allows Wolfe to reread the biopolitical tradition—in which he, contra Esposito, includes Heidegger and Arendt—with careful attention to its anthropocentrism, an anthropocentrism that frequently leads to what we might call a forgetting of *the body*. Wolfe argues that “the being in common of embodied beings . . . cannot be limited to *Homo sapiens*, either philosophically or . . . pragmatically” (2012, 58). The specific politics that follow from this attention to the bodies of humans and other animals are radically

“pragmatic.” In relation to Matthew Calarco’s call for “ethics without a priori content,” and working through Deep Ecology’s difficulty with trying to articulate an ethics built on recognizing all forms of life—including microorganisms lethal to humans—as deserving the same ethical status (the point of his divergence with Esposito as well), Wolfe proposes that in all matters of ethics, “We *must* choose, and by this definition we *cannot* choose everyone and everything at once. But this is precisely what ensures that, *in the future, we will have been wrong*” (103).

That this specific formulation of his ethics borrows so heavily from the writings of Derrida marks one of the major differences between *Before the Law* and Wolfe’s previous writings.⁸ Going back to at least *Critical Environments: Postmodern Theory and the Pragmatics of the Outside*, Wolfe has always sought to supplement “poststructuralism” and “deconstruction” with systems theory in a way that granted priority to cybernetic concepts like Maturana and Varela’s “autopoiesis,” a term that plays a significant role in almost every essay in *What Is Posthumanism?* Autopoiesis refers to the “closure” of any system that paradoxically links it to its environment even though the system itself is entirely self-referential. This leads, for Luhmann as for Wolfe, to a recognition of the facticity of multiple systems and exposes the system to an “openness” in which political or ethical acts take on meaning: “All observations, then, may be carried out only on the basis of self-referential closure, but that closure, because it produces both environmental complexity and semantic overburdening, produces more possibilities for connection, more *openness*” (2010, 114). This focus on operational closure and self-referentiality is still apparent in *Before the Law*, but in a page-long summary of the “advances” in biopolitical thinking he has mapped in the book, he ends with Derrida. “What Derrida adds to this already impressive list of advances is . . . the *direct address* he gives, alone in this group [which also includes Foucault, Agamben, and Esposito] to . . . nonhuman animals as potential subjects of justice” (102–3).

Of course, at the level of politics, Wolfe has always insisted that systems theory could benefit from an engagement with poststructuralist and deconstructive theory. But throughout *What Is Posthumanism?*, Derrida’s writings seem like a convenient reference point for readers who know little of systems theory, its problems, and its vocabulary: “To put this schematically, Derrida and Luhmann approach many of

the same questions and articulate many of the same formal dynamics of meaning (as self-reference, iterability, recursivity, and so on), but they do so from diametrically opposed directions" (2010, 13). This opposition of directionality with respect to meaning leads Wolfe to declare that the two even "need" each other (24).

What is interesting about the way Wolfe mobilizes Derrida in *Before The Law* is that Derrida becomes not just a fellow traveler with systems theorists in an attempt to break from the Western metaphysical tradition's enclosures of "communication." Rather, Wolfe rather subtly builds the case that the importance of Derrida's entire corpus becomes more clear when one recognizes that animals and animality—and the problems they pose for Western thought—have been a constant concern. In other words, we should not understand the burgeoning interest in Derrida's writings on animality as a belated attempt to find yet another way of mining an already well-worn set of texts and critical engagements: rather, acknowledging the constitutive role that the patient deconstruction of "the animal" has always played in Derrida's thought reveals, perhaps for the first time, the full *political* import of deconstruction.⁹

Deconstruction does nothing less than throw into question the entire "carnophallogocentric" conceptual and theoretical *lexicon* of Western ethics, politics, and law. Early in *Before the Law*, Wolfe's reading of Foucault hits on the idea that "the entire vocabulary must give way to a new, more nuanced reconceptualization of political effectivity" (2012, 34). This focus on the lexicon, or "vocabulary," of Western thought is legible in Wolfe's rejection of Agamben's symmetry between the sovereign and *vita nuda* (since evoking "sovereignty" stays well within the orbit of the traditional metaphysics of power) and it reveals his political debts to Derrida. On this axiom, *Before the Law* begins by recounting, much more patiently, the problems with "human rights" I noted at the start of this essay. The necessity of rethinking "right" is urgent even without taking into account nonhuman animals, and so this other—equally urgent—question, the question of *la cause animale*, cannot be answered with calls for the expansion of *any* existing legal framework. The major thrust of *Before the Law* is that a biopolitics "radicalized" by including nonhuman animals offers the most promising avenue yet available for articulating a new framework and a new vocabulary.

Wolfe ends his book with this claim: “The biopolitical point is a newly expanded community of the living and the concern we should all have with where violence and immunitary protection fall within it, because we are all, after all, potentially animals before the law” (105). Above and beyond the fact that the phrase “community of the living” also anchors Fontenay’s ethics—an ethics that is staked on a diametrically opposed approach to the human/animal relation and which seizes on Derrida’s injunction not to “destroy” or “discredit” juridical solutions more than his call to “reconsider” them—it is worth asking about this adverb “newly.” Although one could understand Wolfe to be here saying that there is something about the present moment that *newly* situates humans and animals within the same networks of bodily capture and control, this strikes me as missing the point. Indeed, even though (as Wolfe himself says directly in *Before the Law*) humans have had a relatively easy time pretending that cosmetic testing, animal experimentation, and factory farming are not properly “political” issues, the importance of biopolitics—once “radicalized”—lies in how it forces us to reckon with the fact that the human relation to nonhuman animals has *always already* been political. At issue is not a “new” relation, but a “new” way of taking a very old and enduring relation into account: a new “vocabulary” that, unlike the metaphysics of sovereignty, rights, and subjects, does not disavow the material being-in-common of humans and other animals.

Fontenay’s and Wolfe’s respective evocations of a “community of the living” have very different logico-temporal relations to law. Fontenay very clearly posits this community of living as something that can only be “facilitated” by animals acquiring a place in international law. In other words, this community will come into existence as an aftereffect of law’s expansion to include animals. On her reading, Derrida’s famous “democracy to come,” if it could include humans and animals, would follow upon a seismic change in the existing institutions of rights. For Wolfe, this community is always already “before the law,” understood in a double sense following Derrida and Kafka. Humans and other animals were in real, material communal relations “before” the emergence of law in the human sense.¹⁰ But also humans and other animals are all potentially *subject* to the law; they appear before it. Wolfe would have Derrida’s “democracy to come” existing both in a future community of humans and other animals, and in the

“prehistory” of humanity.¹¹ In this doubling, Wolfe opens the possibility that this community exists both *before* and *after* the law and the state.

Thus, Wolfe’s argument joins a stream of critical writing that attempts to theorize forms of community—and, hence, politics—at a remove from state apparatus. If, as the critique of human rights law insists, the nation-state is declining or withering, the task of imagining new political forms is an urgent one. Although these new forms are differently imagined by various writers—including Agamben, Bataille, Blanchot, Clastres, Deleuze, Derrida, Hardt and Negri, and Nancy—what they all share is a commitment to affirming the materiality and finitude of the experience of community, an affirmation that lets us imagine forms of political relation that are immanent to the social itself. Against traditional formulations of community that stressed common being (national, religious, linguistic, etc.), they emphasize “being-in-common,” the facticity of being-with. What matters is not that everyone in a community is “the same,” but that they are always already together in specific, material ways. The state, for these writers, functions as a kind of transcendent parasite on the social, siphoning off its energies, productions, and affects. While this writing has become an important touchstone for contemporary critical theory, Wolfe’s book makes the case that *any* attempt to theorize new forms of political relation that cannot account for the material imbrication of human and nonhuman animal life is at best incomplete, at worst setting out on a path that will inevitably generate enormous bloodshed. While some of these writers have gestured toward the idea that any new political community cannot be restricted to “humans” (since that is already a form of common being), Wolfe makes this the major current of his book.

Wolfe is able to do this, in part, by drawing on an increasingly impressive body of work being done in the fields of critical animal studies and posthumanism. For those of us concerned with *la cause animale*, this is an important development; and yet one may worry that the vogue for the “question of the animal” is symptomatic of something else entirely.¹² After all, almost thirty years ago Donna Haraway—who remains a major figure in this critical project—proposed the concept of the “cyborg” as a way of displacing anthropocentric politics and its dogmatic insistence on neat “boundaries” among human, animal, and machine. While this concept was taken up with great fervor by theorists of “the posthuman condition,” most of them focused on problems of

cybernetics, digital environments, and biotechnologies, while the role of animality in discourses of posthumanism was peripheral at best. Perhaps this owes to the fact that utilitarian philosophy seemed to have an undisputed lock on matters of how animals and law relate, but the reason may lie elsewhere. While in a certain way it has been on the horizon for decades, the contemporary “crisis” of the humanities—including the closely allied theoretical social sciences—has also reached a fever pitch (as evinced by the fact that Michael Bérubé can write for CNN that studying literature and languages can even be useful in military and business careers). As the justification for studying literature, philosophy, anthropology and so on—namely, that it helps us reflect on what it means to be “human” and in doing so makes us “more human” and thus better equipped to participate in national and global public culture—begins to ring hollow, the voice of the animal is seemingly being heard more and more. Here, the full difficulty of inheriting Derrida’s patient deconstruction of “the animal” takes on its meaning. For at the same time as Derrida and those who inherit his thought take up *la cause animale* and begin the patient and prudent re-treat of Western metaphysics’ diminishment of animality, they are also always concerned, perhaps even narcissistically, with *themselves*, with humans. When one uses animals simply to question one’s own assumptions about what it means to be human, animals are treated as mirrors, not distinct beings gazing back at us. There are sound ethical and philosophical reasons for this renewed questioning of what it means to be “properly” human, but one may wonder, then, if the theoretical turn to animal studies, to biopolitics, and to the posthumanities is anything but a symptom of the crisis of the humanities and the self-reflexive anxiety it produces in academics.

Even if this worry is founded, the most interesting development here might be that academics who find themselves in the currents of animal studies, biopolitics, and posthumanism for reasons having to do with their own institutional/existential anxieties should find themselves following Derrida into what Wolfe calls a “direct address” to animals. Whatever the specific theoretical and philosophical commitments of texts like *Without Offending Humans* and *Before the Law*, it is impossible to read such books without thinking about the billions of animals killed and tortured every year for human use. This fact, which is undoubtedly obscured and indeed justified by our entire political

vocabulary deserves to be given the kind of attention Fontenay and Wolfe give it. In terms of immediate impact on academics, seriously questioning how the human/animal distinction has played out in philosophy, politics, and law forces us to reckon with the ways this distinction governs the disciplinary and institutional divisions of our intellectual labor: distinctions among humanities, social sciences, and the “hard” life sciences make little or no sense without the presupposition of a rupture between humans and other animals. But it should also force us to examine the ways we who work at universities dwell *with* animals, something that not only occurs in laboratories where experiments on animals take place. We are also with an enormous number of animals in our dining halls, formal receptions, and sporting events—but the animals participate only on condition of their own deaths, often without us even consciously noting it.

These books may, at the same time, provide a new set of philosophical and ethical parameters to nonacademic animal advocacy efforts. For decades, the utilitarian position has anchored the political projects of groups like People for the Ethical Treatment of Animals. Although it would be possible to point to some important shifts in human/animal relations that have followed these projects (such as the increased popularity of vegetarian and vegan diets and some changes in cosmetic testing practices), such animal advocacy is in need of a serious renewal. The kind of political framework offered by biopolitics, for example, opens up a very different set of options for insisting on our “being with” animals in the struggle for a less oppressive world. Beginning with the recognition that animals are not even ours to protect,¹³ political action has to experiment with less paternalistic modalities of being and acting. While these experiments will no doubt take time to yield a new direction in “politics” no longer understood in simply human terms, as long as utilitarianism is the unquestioned philosophical horizon, they are not even possible.

What Fontenay’s and Wolfe’s texts enable is a patient, even Derridean attention to animals (and, for Wolfe, human animality) that is as alien to traditional Western metaphysics as it is to contemporary animal advocacy efforts. Out of this attention, perhaps, comes the recognition that we are always already exposed to “a community of the living,” one that humanism and its metaphysical vocabulary has taught us to disavow. While both follow Derrida in arriving at this formulation,

Derrida's explicitly ethical statements are resolutely ambivalent. While he calls for the articulation of a new politics and political vocabulary, he always cautions patience, since the only way to retreat from Western humanism is to re-treat it. While the notion of a "democracy to come" that may include humans and other animals is an attractive one, the question becomes: until then, in the meantime, how are we to act? Do we, with Fontenay, call for using human international law to protect animals by giving them a place? Or do we, with Wolfe, begin the slow process of articulating an entirely different "frame"?

While Fontenay highlights the importance of Derrida's tendency to expose the subtleties and fissures of this tradition from the inside, her final insistence on a "rupture" between the human and the animal leaves her *political* argument in danger of collapsing into the utilitarian politics she otherwise rejects. Wolfe's encounter with the animal recognizes no such rupture, and opens up the possibility for working from within our given tradition *toward* a different politics, with different concepts and different practices. Whether this encounter will enable a retreat from the lexicon and politics of a carnophallogocentric tradition and its refusal of any place for animals in "politics" has yet to be seen, although Wolfe would insist with Derrida that however well we can propose an alternative that opens onto "a community of the living" (or, rather, pragmatic alternatives), "*in the future, we will have been wrong.*"

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Notes

1. Fontenay's book, in English, is part of the Posthumanities series published by the University of Minnesota Press, edited by Cary Wolfe. So are Wolfe's own *What Is Posthumanism?*, Esposito's *Bíos*, and the books I mention below in notes by Bogost, Pettman, and Smith. The series also includes more recent books by Hara-way and Morton.

2. This is especially evident with *The Animal That Therefore I Am* and two volumes of seminars bearing the title *The Beast and the Sovereign*. But as Derrida

himself explains in *The Animal That Therefore I Am*, this engagement goes back to his earliest writings and continues throughout his career.

3. I return to the importance of the term “community” below. A relatively new development within posthumanist writing—called object-oriented ontology—is driven by questioning this vitalist or organicist restriction. Community may turn out to be something that cannot even be limited to the “living.” See Timothy Morton’s *Ecology without Nature* and Ian Bogost’s *Alien Phenomenology; or, What It’s Like to Be a Thing*.

4. Wolfe affirms the project of Singer et al. differently than does Fontenay, but he also places considerable distance between them and himself. This is taken up throughout section 2, especially pages 14–15.

5. I take up this claim of Nietzsche’s and its relation to the place of animality in politics and philosophy in “The Human Animal *Nach* Nietzsche: Re-Reading *Zarathustra’s* Cross-Species Community.” See also Vanessa Lemm’s *Nietzsche’s Animal Philosophy* and Sarah Kofman’s *Nietzsche and Metaphor*.

6. For reasons that are not clear, Mbembe’s notion of “necropolitics” seems to be entirely absent from these discussions.

7. On the “speciousness” of the word “species” in posthumanist theory, see Dominic Pettman’s *Human Error*.

8. Two signs of Derrida’s influence are the *futur antérieur* and the modal “must” in relation to choosing. On the latter, see *Specters of Marx* and its deconstruction of “inheritance.”

9. Given the role Agamben’s *Homo Sacer* plays in contemporary biopolitical theory, it is worth remembering that he goes out of his way to distance his own accounts of language and politics (and the relations between these) from Derrida’s. This disavowal, and its repetition in later biopolitical thought, is something Wolfe’s book implicitly rejects.

10. One may note that many very “early” laws concern dietary restrictions that formalize human/animal relations. Totems function to designate which non-human animals are part of the community and which, by virtue of being *outside* the community, may be killed, worn, eaten, etc.

Even the taboo on cannibalism, a taboo supposedly equiprimordial with human culture’s emergence, plays a role in governing the human/animal distinction (humans may eat all animals except human animals). In short, the originary function of law is precisely to trace a border between human and animal where no clear boundary exists.

11. Wolfe discusses the fact that posthumanism has happened twice in both *What Is Posthumanism?* and his introduction to the new English edition of Serres’s *The Parasite*.

12. One might cynically note that at conferences devoted to “the animal” there is often a lack of vegan food and a wide variety of meat.

13. This formulation plays on PETA’s slogan: “Animals are not ours to eat, wear, experiment on, use for entertainment, or abuse in any way.” I note that in distancing itself from “ab-use,” they open up the possibility for an ethical “use.”

The slogan foregrounds the human dominion over animals, something that disables the kind of “being with” at stake in Wolfe’s radicalized biopolitics. On dominion, see Mick Smith’s *Against Ecological Sovereignty*.

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