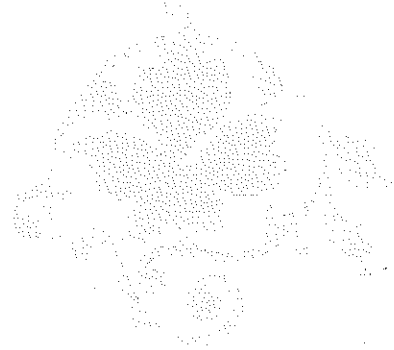


# HISTORY AND ITS LIMITS



HUMAN, ANIMAL,  
VIOLENCE

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pressing political as well as “religious” question of the role of religion and its putative return today. After alluding to the treatment of radical evil by Kant in his *Religion within the Limits of Reason Alone* (1793), he disquietingly observes:

Question, demand: in view of the Enlightenment of today and of tomorrow, in the light of other Enlightenments (*Aufklärung, Lumières, illuminismo*) how to think religion in the daylight of today without breaking with the philosophical tradition? In our “modernity,” the said tradition demarcates itself in an exemplary manner—it will have to be shown why—in basically Latin titles that name religion. First of all in a book by Kant, in the epoch and in the spirit of the *Aufklärung*, if not of the *Lumières: Religion within the Limits of Reason Alone* (1793), [which] was also a book on radical evil. (What of reason and of radical evil today? And if the “return of the religious” was not without relation to the return—modern or postmodern, for once—of certain phenomena, at least, of radical evil? Does radical evil destroy or institute the possibility of religion?) Then, the book of Bergson, that great Judaeo-Christian, *The Two Sources of Morality and Religion* (1932), between the two world wars and on the eve of events of which one knows that one does not yet know how to think them, and to which no religion, no religious institution in the world remained foreign or survived *unscathed, immune, safe, and sound*. [Derrida has traced the relations of these terms to religion and its dual or multiple meanings.] In both cases, was the issue not, as today, that of thinking religion, the possibility of religion, and hence of its interminable and ineluctable return? (41)

To Derrida’s disturbing question and demand, I would simply add the contention that the problem of interpreting Van Gogh’s painting points to a basic problem in reading Heidegger—how best to negotiate (or, in Heidegger’s terms, to circle in the circle of) the relations between a mode of thought that provocatively wants (at times in a seemingly religious, even mythological, perhaps postsecular register) to rethink traditions and traditional concepts in basic, disorienting ways, insistent contextual issues to which that thought may not be reduced but which may at times constrain and raise questions for it, and the broader problem of the nature of historical and critical analysis.

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and indeed has a performative force not reducible to a statement of empirical fact about events but still not posit such performativity as quasi-transcendental or equate it with a demand for belief as in a miracle, even though the experience to which the testimony refers may at times seem to be “beyond belief.”

## CHAPTER 6

### Reopening the Question of the Human and the Animal

For sin shall not have dominion over you: for ye are not under the law, but under grace.

—Paul, Romans 6:14

The creature itself also shall be delivered from the bondage of corruption into the glorious liberty of the children of God. For we know that the whole creation groaneth and travaileth in pain together until now. And not only *they*, but ourselves also, which have the first fruits of the Spirit, even we ourselves groan within ourselves, waiting for the adoption, to *wit*, the redemption of our body.

—Paul, Romans 8:21–23

For one believeth that he may eat all things: another, who is weak, eateth herbs. . . . For the kingdom of God is not meat and drink; but righteousness, and peace, and joy in the Holy Ghost.

—Paul, Romans 14:2, 17

Whether therefore ye eat, or drink, or whatsoever ye do, do all to the glory of God.

—Paul, I Corinthians 10:31

Only truths (thought) allow man to be distinguished from the human animal that underlies him. . . . In contrast to the fact, the event is measurable only in accordance with the universal multiplicity whose possibility it prescribes. It is in this sense that it is grace, and not history. . . . For Paul, the Christ-event is heterogeneous to the law, pure excess over every prescription, grace without concept or appropriate rite.

—Alain Badiou, *Saint Paul: The Foundation of Universalism*

Striking in its insistence and durability is the quest or desire for a decisive criterion with which to differentiate humans from other animals as well as the human from the animal in human beings. At

issue in this quest is both the nature of a judgment that distinguishes between the human and the animal, along with humans and other animals, and the consequences or implications it may have for interactions both among humans and between humans and other species. I would like to reinforce and contribute to the argument (which, despite indications to the contrary, I hope is becoming increasingly prevalent) in favor of judgment that is differential in complex, qualified ways; does not assume a decisive binary opposition or caesura between human and animal; is attentive to complex differences within what is classified as human or animal; and does not have self-serving, anthropocentric, oppressive, or exploitative functions or consequences.

The point of my inquiry is not to deny all differences or distinctions between humans and other animals. But it is to question both the adequacy of the concept of exclusively human rights and the motivation as well as the functions of the misguided quest for a kind of holy grail—a decisive criterion or conceptual Grand Canyon that divides into two the deceptively massive categories of human and animal. I would also ask whether differences that may be adduced are sufficient to serve as a criterion or divider that justifies the human practices and attitudes in the treatment of animals that presumably follow from such a criterion. In the absence of such a decisive, differentiating criterion, any attempted justification of a given treatment of animals (for example, killing and eating or experimenting on them) has to be based on considerations that are typically controversial and debatable, involving problematic normative judgments, that do not have the logical, ethical, or religious force—and conscience-calming function—of a decisive criterion or clear-cut divide in which much of importance is obviously invested.<sup>1</sup>

1. For a statement of opposed positions on the question of animal rights, see Carl Cohen and Tom Regan, *The Animal Rights Debate* (Oxford: Rowman and Littlefield, 2001). Cohen assertively argues that humans are fundamentally different from animals. This fundamental difference has far-reaching consequences, including the denial of rights to animals and the justification of their use by humans for food and experimentation, with very limited restrictions on human practices (for example, the prohibition of ill-defined unnecessary cruelty). Regan defends the inherent, noninstrumental, independent moral value of not only moral agents, such as adult humans, but also of moral patients, including animals as well as certain categories of humans (such as small children and the seriously deranged or enfeebled). He draws from this view extensive restrictions on human practices with respect to eating and experimenting on animals. He is also concerned with factory farming and the way animals are treated in captivity. Despite his pertinent concerns and important disagreements with Cohen, Regan tends to argue in rather delimited ethical terms and does not situate problems in a broader political and ecological perspective. He also has an excessively limited conception of the capacities of all other animals. For a discussion of empathy and morality, including a sense of fairness, in primates, see Frans de Waal, *Primates and Philosophers: How Morality Evolved* (Princeton: Princeton University Press, 2006). Moreover, as Richard Sorabji notes in *Animal Minds and Human Morals: The Origins of the Western Debate* (Ithaca: Cornell University Press, 1993), 216, with reference

Humanism itself has often been defended or attacked for dubious reasons: defended as the most enlightened philosophy in the history of “mankind” or attacked as a departure either from true religion or from what is taken to be an even more enlightened or perhaps suitably disabused, nihilistically accomplished theoretical perspective. Without entering into the complexities and functions of various defenses and attacks, one may recognize the basic inadequacies of humanistic idealism and argue that the most valid and ethico-politically pertinent dimension of the critique of humanism is that which points to humanism’s possible role in an anthropocentric perspective that, at least surreptitiously or unintentionally, validates whatever serves human interests and, as a consequence, projectively situates other animals, or animality in general (including the animal in the human being), in the position of bare life, raw material, or scapegoated victim. In fact the human-animal divide is often premised on a dubious comparison between an idealized rights-bearing “normal” human—usually a healthy adult in full possession of his or her faculties—and an excessively homogeneous category of the animal.<sup>2</sup> The obvious question is whether these mutually reinforcing frames of reference provide a sufficient basis for the understanding of problems or the elaboration of viable alternatives.<sup>3</sup> A related issue is whether the concept of human

to Regan’s book, *The Case for Animal Rights* (Berkeley: University of California Press, 1983), Regan believes that inherent value is equal and admits of no degrees, and he relies on a unifying principle (or theory) in terms of inherent value. See also Peter Singer’s groundbreaking *Animal Liberation: A New Ethics for Our Treatment of Animals* (New York: Avon Books, 1975), as well as the book he edits, *In Defense of Animals* (Oxford: Blackwell, 1985). My argument has implications for the question of animal rights but does not directly engage that complex debate.

2. As a result, any proximity between human and animal may well be seen as paradoxical and derive from a questionable comparison between an excessively generalized notion of human extremity if not pathology and of abused animals deranged by extreme stress or trauma. Such a notion of proximity is found in the work of Slavoj Žižek and Eric L. Santner, and it accords with the approach of Giorgio Agamben, discussed below. See Eric L. Santner, *On Creaturely Life: Rilke, Benjamin, Sebald* (Chicago: University of Chicago Press, 2006), and Slavoj Žižek, Eric L. Santner, and Kenneth Reinhard, *The Neighbor: Three Inquiries in Political Theology* (Chicago: University of Chicago Press, 2005).

3. The widespread but not universal public outcry in the summer of 2007 against the role of the star football player Michael Vick in a dog-fighting enterprise involving the brutal killing (electrocution and drowning) of dogs that did not perform with the desired brutality is a welcome indication that the issues I discuss are entering the “public sphere” in more than marginal ways. For a historical and philosophically critical survey of at least ancient Western literature that in certain ways parallels my argument, see Richard Sorabji, *Animal Minds and Human Morals*. On a moral level, Sorabji believes that a crucial problem is that of relevant differences between humans and animals but denies that one needs a unifying principle or theory to decide what differences are morally relevant. He asserts that “depression induced by caging or lighting conditions, fear induced by slaughterhouse procedures, would be agreed by many to be morally relevant. Where we do not agree on the moral relevance of an alleged analogy, we may still agree that the onus is on us to find a morally relevant disanalogy” (217). He

rights should be replaced, or at least supplemented, by that of claims that are so basic or fundamental that they are situated beyond sovereignty and should not be infringed by supposedly sovereign states (or other entities). Indeed, legitimate claims that limit human assertiveness would place the concept of sovereignty in doubt and apply in important respects to other animals or even ecological systems. Whatever the strategic necessity of an appeal to rights in the current context of law and ethical debate, the limitations of "rights discourse" suggest that one rethink the entire issue and displace the notion of rights in the direction of competing claims, in good part to take distance from predictable, conventional expectations, such as the requirement of a mutual implication or even a strict reciprocity of right and duty or obligation that prompts the question—often the rhetorical question—of whether a dog or a cat can have obligations to counterbalance putative "rights."<sup>4</sup>

A question concerning humanism is whether it has always required a radical other, perhaps even a quasi-sacrificial victim and scapegoat, in the form of some excluded or denigrated category of beings, often other animals or animality itself. As categories of humans (such as women or nonwhite "races") have been critically disclosed as the encrypted other of humanism, however universalistic in its pretensions, the other-than-human animal in its animality has been left as the residual repository of projective alienation or radical otherness. Forms of posthumanism may still divorce the human from the animal and anthropocentrically seek the differential criterion (or essence) identifying the human, even when that criterion paradoxically points to an enigma or indistinction: a traumatic split, signifying stress, or anxiety-ridden form of self-questioning that serves to set apart the human or its "post" avatars, such as *Dasein* or creaturely life.<sup>5</sup>

concludes with the "hope that what will be drawn from Aristotle is the need for a multiplicity of considerations, not the possibility of applying a single criterion" (219). I think that this multiplicity of considerations must be attentive to differences within the overly homogenizing categories of humans and other animals. And I agree with Sorabji's plea for self-critical caution and at times tentativeness in making arguments with important consequences for human and animal life. For a discussion of the way early modern thought and culture displaced or continued anthropocentric assumptions prevalent both in Christianity and in Greek thinking, see Nathaniel Wolloch, *Subjugated Animals: Animals and Anthropocentrism in Early Modern European Culture* (Amherst, N.Y.: Humanities Books/Prometheus Books, 2006).

4. There is a range of activities to which the mutuality, if not the strict reciprocity, of rights and duties or obligations applies, and perhaps should apply more fully, for example, with respect to the salary levels of CEOs or sports stars. There is also a range of cases to which it does not apply, such as the care of infants, the sick, and the disabled. It also does not apply to the care of companion animals even when they reach an age where they cannot offer the companionship and type of interaction for which they are "prized." The question is whether and to what extent the latter range of cases should be extended and the claims of other beings recognized.

5. See, for example, Santner's *On Creaturely Life* and Žižek, Santner, and Reinhard's *The Neighbor*. If, however, one grants limited validity to the notion, enunciated by Žižek, that "what

One especially dubious function or consequence of a decisive divide between humans and other animals is to situate the latter in a separate sphere that makes them available for narrowly anthropocentric uses and even exposes them to victimization as if they were simply beyond the pale of ethical and political concerns. At best, actions, including violent actions, against other animals are subject to much lesser legal sanctions than comparable actions performed against humans.<sup>6</sup> Paradoxically, the projection of other animals into a separate sphere may take two seemingly contradictory but at times conjoined forms: the reduction of the other to infra-ethical status, for example, as raw material, purely instrumental being, or mere life, and the

makes an individual *human* and thus something for which we are responsible, toward whom we have a duty to help, is his/her very finitude and vulnerability" (138), then we would in certain respects be more acutely responsible toward nonhuman animals as well as certain categories of humans such as infants. The argument I am making might also conceivably be supported by Heidegger's view that *Zusage* (trust, confidence, accord, acquiescence) is more "originary" in "thought" than is questioning. I would suggest that one might at least see them as equally significant or (in Heideggerian terms) "equiprimordial." See Derrida's discussion of *Zusage* in "Faith and Knowledge: The Two Sources of 'Religion' at the Limits of Reason Alone," in *Religion*, ed. Jacques Derrida and Gianni Vattimo (1996; Stanford: Stanford University Press, 1998), 59–63.

6. In the State of New York, for example, it is not mandatory for veterinarians to report cruelty to animals. New York State Agriculture and Markets Law section 353A stipulates that cruelty to any animal is a class A misdemeanor making a person subject to up to one year in prison, having the animal removed, and up to three years probation and a court order barring animal ownership for up to three years. "Lawful" hunting, fishing, trapping, and animal testing are not defined as acts of cruelty. A second offense is a felony but applies only to companion animals and only if the animal shows signs of aggravated cruelty. As a felony, the second crime is punishable by up to two years in prison, loss of the animal, fines up to \$5,000, and up to five-years probation and a court order preventing animal ownership for up to five years. Agriculture and Markets Law section 351 section B makes it a misdemeanor to own, possess, or keep any animal for fighting. These regulations obviously leave much room for interpretation in both judging that an infraction has taken place and in determining a penalty. And it is debatable whether penalties could be termed prohibitive. It would be important to have accurate statistics concerning enforcement and application of penalties. A recent case in Ithaca, New York (City Court case 10952), indicates what is probably a strict level of enforcement if one has a motivated district attorney, an active SPCA, and significant community outrage. A twenty-three-year-old student, taking care of another person's dog for a night, became angry with it for chewing a speaker wire. He severely beat the dog and poured bleach and laundry detergent on it, causing severe burns and impaired eyesight for life. The dog had a significant laceration one inch by two inches wide, and some of its skull was showing through. The officer in charge of the investigation said the accused acted "cocky and arrogant" and "made numerous comments that this incident meant nothing to him, that he would do it again, and that he knows how the criminal justice system works, and guaranteed that the prosecution of the case would result in an ACD [adjournment in contemplation of dismissal] in City Court." During the trial the accused indicated remorse for his actions, which he even claimed (in contradiction to the police report) that he felt immediately after the acts themselves. On a plea bargain he was convicted of felony animal abuse and sentenced to six months in jail. See *News 10 Now*, October 11, 2007, and the *Ithaca Journal*, May 11, July 6, and September 17, 2007. Information is also available online at <http://www.pet-abuse.com/cases/10952/NY/US>.

elevation of the other to a supra-ethical status as sacrificial or quasi-sacrificial victim as well as utterly opaque or enigmatic other (whether within or outside the self). One may also foreclose the issue of denigration or victimization of other animals as an ethical and political problem by restricting one's concern to humans and leaving other animals out of the equation or at best referring to them only, or predominantly, in anthropocentric ways, including their reduction to a form of radical alterity. Here anthropocentrism may serve invidious functions insofar as it ascribes certain abilities or considerations only to humans and induces an excessive generalization of the category of anthropomorphism, typically on the unexamined assumption that one has an unproblematic, clear-cut idea of what is distinctively human and that there is indeed a decisive criterion that divides the human from other animals or perhaps the human from animality in the human being. (The charge of anthropomorphism may even serve as a screen for anthropocentrism.)<sup>7</sup>

A decisive difference between humans and other animals may, in certain contexts, also be linked to the postulation of decisive differences between categories of humans based on gender, sexual orientation, race, and class. Traditionally, women were seen as closer to nature and to other animals, for example, with respect to menstrual cycles. They have also been seen as dominated by sensation, passion, and emotion, indeed hysteria and suggestibility, and, by that token, less open to reason and self-control. Their putative affinity for suffering, compassion, melancholy, and endless mourning has functioned to make them seem peculiarly suited for abjection. At times same-sex acts have been classified as animalistic. People of color and entire societies have been presented as *Naturvölker*, in the tell-tale German term, ahistorically caught or captivated in more or less compulsive cycles of repetition; mired

7. For a critique of anthropomorphism, which is self-confidently anthropocentric and follows the prevalent "us and them" format, see Clive D. L. Wynne, *Do Animals Think?* (Princeton: Princeton University Press, 2004). See also the excellent, generally nonanthropocentric, exploration of the abilities of various other animals (including language acquisition, inventing, planning, episodic memory, and even deceptiveness) in Virginia Morell, with photographs by Vincent J. Musi, "Minds of Their Own: Animals Are Smarter Than You Think," in *National Geographic* 213, no. 3 (March 2008): 37–61. The article quotes Wynne as making a comment that would place in question a decisive differential criterion separating the human from the animal: "We're glimpsing intelligence throughout the animal kingdom. It's a bush, not a single-trunk tree with a line leading only to us" (quoted, 54). One may note that theories of lyric tend to be anthropocentric and to assume that address to other-than-human others must be explained—indeed explained away—perhaps as a defense against meaninglessness, trauma, and the Lacanian "real," or as either narcissistic or projective of human relations, rather than being situated in a wide-ranging relational network that may even have ritual or ceremonial dimensions. Here there may be a place for a certain kind of "postsecular" theory of lyric, especially if the secular is correlated with the anthropocentric.

in a magical, mythical, or ritualistic "mentality"; and marked by subhuman animalistic practices such as sexual license and cannibalism.

Forms of prejudice that have been recognized and condemned with respect to humans may find a refuge in conceptions and treatment of other animals. For example, the notion of purity of breed with respect to dogs has racist overtones, including the quasi-ritual horror at mixing breeds, the prejudice against "mutts," the complementary fashioning of expensive "designer" crossbreeds, the breeding for traits that may be detrimental to the animal, and the profiling of certain breeds (including at times discriminatory legislation) when the way dogs have been handled and bred by sometimes vicious humans may be the primary source of a problem. Indeed kennel clubs, along with similar breed registries for other species, may be among the last bastions of unexamined racism, reproducing, vis-à-vis other animals, barriers and attitudes that have been challenged with respect to humans.<sup>8</sup>

There have, I think, been signs of a growing awareness that a decisive, differentiating criterion radically dividing the human from the animal or humans from other animals is nonexistent or at best phantasmatic. The putatively decisive criterion often if not typically rests on a scapegoat mechanism whereby traits causing anxiety in humans are gathered up, expelled, and projected exclusively onto other animals. Human culture nonetheless often seems to depend on the viability and strength of the opposition between humans and other animals (often along with the rest of nature) or even on the belief that humans, in some basic and not simply contingent sense, are not animals. When that decisive opposition is threatened or weakened, whether because other animals share too much of the presumed distinguishing characteristic or because humans seem to have too little of it, anxiety or even panic may set in. The very notion of human being seems typically to rely on an essentializing figuration or conception of humanity whereby the essence or very being of the human "as such" is its humanness in contrast to the animality of the animal. When the human and the animal are seen as combined, the human in the human being is often decisively distinguished from the animal, typically by postulating some fundamental quality or essence that radically separates the truly or authentically human from the animal, at the

8. Drawing on the work of Jean-Pierre Digard, Harriet Ritvo, and Mary Elizabeth Thurston, Boria Sax asserts: "The breeding of animals first produced the concepts of 'race' and 'pure blood,' later adopted by the Nazis. In the latter nineteenth century dog shows . . . featured a eugenic pursuit of moral and aesthetic perfection that mirrored the enormous emphasis on pure family lines, on 'pedigree,' in aristocratic houses." *Animals in the Third Reich: Pets, Scapegoats and the Holocaust*, foreword Klaus P. Fischer (New York: Continuum, 2000), 83.

limit, through the idea that the human is made in the image of God. The animal side is typically the inferior or lower bodily stratum that is the seat of desire, affect, dependence, and compulsion or captivity. Captivity (with cages, performing monkeys, zoos, and so forth) seems less questionable, even redundant, insofar as the animal is already captivated by its instincts or its self-enclosure. And the human may be understood not as an embodied being but as a human spirit temporarily inhabiting or even visiting a more or less inferior if not despicable animal body—a view certain Gnostics drove to an uncomfortable extreme.

It is significant to note that in Kant, there is an appeal to a presumably universalistic but discriminatory conception of ethics in the argument that morality itself is what separates “man,” as a being with access to the sublime, from the rest of nature. Here the Kantian sublime, which may perhaps be seen as a displacement of the sacred, serves in its linkage with morality as a decisive criterion separating humans from, and elevating them above, the rest of nature. Hence Kant can assert: “Sublimity is contained not in any thing of nature, but only in our mind, insofar as we can become conscious of our superiority to nature within us, and thereby also to nature outside us, (as far as it influences us).”<sup>9</sup> Moreover, the prevalent critiques, as well as the “strategic” defenses, of essentialism have typically been restricted to human groups without questioning the human–other animal divide. And when humans behave in ways that appear to be distinctively human—indeed in ways that may suggest certain differences between them and other animals of a less self-serving kind, for example, with respect to all-too-human practices of victimization, torture, or genocide—humans, in a self-serving paradox, are said to be bestial or to regress to mere animality. This would seem to be a prototypical scapegoating gesture that blames the victim. Through a form of self-fulfilling performativity, the animal must be “brutalized” to become the image of brutality that in actuality characterizes particularly vicious and humiliating human practices in the treatment of others, perhaps more than it characterizes other animals.<sup>10</sup>

9. Immanuel, Kant, *Critique of Judgment*, trans. and intro. Werner S. Pluhar, foreword Mary J. Gregor (1790; Indianapolis: Hackett, 1987), 123.

10. A recent article on elephants is noteworthy. See Charles Siebert, “Are We Driving Elephants Crazy?” *New York Times Magazine* (October 8, 2006): 42ff. Siebert discusses the way complex elephant societies have been drastically destabilized and traumatized by extensive human poaching, captures, killings, and massacres, including the disruption of generations-long family structures and even mourning rituals. The result has been aberrant behavior of improperly socialized elephants, including aggressions against people and even rapes of rhinoceroses.

Over time in Western culture, and often at one and the same time, there have been various candidates for the distinguishing characteristic or criterion, for example, soul, reason, spirit, thought, dignity, nobility, sublimity, emotion, ethical status, culture (cooking food, for example), language, expectation of (or being-towards) death, sexuality (especially perversion), or (perhaps the most laughable) laughter itself, which has also been seen as something absent in the Christ figure or “lamb of God.”<sup>11</sup> The bewildering heterogeneity of seemingly endless criteria used to arrive at the same conclusive divide attests to the force of the desire for that divide or radical separation. And the extent to which other animals share in a characteristic—but typically not enough to question its decisive role in differentiation—is estimated by an appeal to an “us and them” comparison or analogy, with the human being as the center of reference. (For example, animal symbolism is examined to determine the extent it is like a human language; an animal, say the lion, is analogically attributed dignity by comparison with a human role such as kingship; or an animal’s avid attachment to an object, especially when separated from its “master,” is compared or contrasted with shoe fetishism.)<sup>12</sup> The very idea of a constitutive lack or defect in the human, which Lacan both affirmed and related to the notion of original sin, as well as the idea that animals, unlike

11. See the especially interesting perspective on laughter in man and its absence in Christ in Charles Baudelaire, “De l’essence du rire,” in *Oeuvres complètes* (Paris: Editions du Seuil, 1968), esp. 373–75. What Baudelaire termed “le comique absolu” may be argued to unsettle the boundary between human and animal. In making a humanistic appeal to an ethic of dignity, even such an exemplary witness and thinker as Primo Levi frequently invoked the dubious opposition between human and animal, with dignity situated on the side of the human and indignity (or “inhumanity”) on the side of the animal: “The transformation from human beings into animals... was a logical consequence of the [concentration camp] system: an inhuman regime spreads and extends its inhumanity in all directions, also and especially downward; unless it meets with resistance and exceptionally strong characters, it corrupts its victims and its opponents as well.” *The Drowned and the Saved* (1986; New York: Vintage Books, 1989), 112. Why is the corrupting transformation designated as one from human to animal, with the animal, by implication and by association with the degraded victim, situated “downward”? What Nazis did to Jews and other victims would seem to have little or nothing to do with the behavior of other animals except through their treatment at the hands of humans. See also Levi’s references to animals on pp. 36, 54, 89, 99, 114, and 169, as well as the references to dignity on pp. 41, 46, 49, 128, and 132.

12. In *On Creaturely Life*, Eric Santner quotes Jonathan Lear as asserting: “It is only a slight exaggeration to say that there is nothing about human life we hold less in common with animals than our sexuality. We can imagine a bird happening to make a nest out of a lady’s shoe; we cannot imagine her getting excited about it” (quoted, 98n). This comment, which may say more about possible limitations of human imagination than about birds, is analogous in structure to Heidegger’s assertion, quoted by Agamben, that “not even the lark sees the open.” Giorgio Agamben, *The Open: Man and Animal*, trans. Kevin Attell (2002; Stanford: Stanford University Press, 2004), 57. Is not a shoe the fetishist’s womblike nesting place? In Heidegger does *Dasein* ever see the open?

humans, are unable to lie or to pretend to pretend, itself serves as another drastic divide between human and animal (as Derrida noted and radically placed in question).<sup>13</sup> If one were to play the game of seeking the elusive, decisive differentiating criterion, one might propose that the human is an animal that generates endless invidious distinctions, especially in the anxiety-ridden, self-serving quest to distinguish itself from other animals. (Or, to put the point somewhat differently, if there is a specific difference between human and animal, we cannot specify it since we “are”—or overly identify with—it in its lability and excess.)<sup>14</sup> The major problem here is not so much

13. An obvious question here is whether humans are simply able to deceive or to pretend to pretend without doing something, however unconscious, that gives them away. A supplementary consideration is put forth by Lacan himself: “What constitutes pretence is that, in the end, you don’t know whether it’s a pretence or not” (quoted by Slavoj Žižek, “Neighbors and Other Monsters: A Plea for Ethical Violence,” in *The Neighbor*, 143). Žižek himself is inclined, in a manner similar to Agamben) to identify “the *differentia specifica* which defines a human being” as “the difference between human and the inhuman excess that is inherent to being-human” (175). With respect to Lacan’s view and related issues, see Derrida’s “And Say the Animal Responded?” in *Zoontologies: The Question of the Animal in Contemporary Theory and Culture*, ed. Cary Wolfe, trans. David Wills (Minneapolis: University of Minnesota Press, 2002), 121–46. Lacan’s version of the *felix culpa* is one more reason why one should not construe lack or loss as constitutive (or as *manque à être*) and thereby conflate it with a transhistorical, anxiety-producing absence or void (*béance*)—a nonlocatable trauma of sorts or a propensity to undergo traumatization that Lacan names the “real”—that humans at a certain level share with other animals, who may also be traumatized and suffer, sometimes at the hands of humans. On this issue, see my “Trauma, Absence, Loss,” *Critical Inquiry* 25 (1999): 696–727, a version of which is chap. 2 of *Writing History, Writing Trauma* (Baltimore: Johns Hopkins University Press, 2001).

14. As an epigraph to his thought-provoking *Things Hidden since the Foundation of the World*, trans. Stephen Bann and Michael Metteer (1978; Stanford: Stanford University Press, 1987) René Girard quotes Aristotle’s *Poetics* 4: “Man differs from the other animals in his greater aptitude for imitation.” In his Socratic-style “dialogue” with his interlocutors (Jean-Michel Oughourlian and Guy Lefort), Girard proceeds to trace in fascinating intricacy the significant role in human culture of mimetic desire, including the ambivalence between model and rival, the conflict between undifferentiated doubles, and the resort to a sacrificial scapegoating mechanism. But he overgeneralizes the undoubted importance of mimetic desire in the attempt to have it reductively “explain” virtually all significant aspects of culture and society, even subordinating the repetition compulsion to it and finding literary works and social (or what he terms “interindividual”) relations to “basically say the same thing...bring[ing] all of them back to the same mimetic process” (339). He presents the autonomization of intensified mimetic desire as the very origin of “hominization,” culture, and the nexus among violence, eroticism, and the sacred, including scapegoating and sacrificialism, at times in ways that render the latter mere derivatives or appendages of mimetic desire. He also paradoxically combines an extreme variant of secular enlightenment, which presumably demystifies all other religions (and theories) as more or less blindly indentured to the mimetic mechanism, with his own prophetic-apocalyptic “revelation” that declares Christianity to be the only true religion of love that presumably transcends sacrifice, violence, and mimetic rivalry. Indeed for him there are basically in culture only the extreme options of violence and love—the total transcendence of violence in Christian love, on the one hand, and, on the other, the violence of generalized mimetic crisis with its violent (but no longer available) “resolution” in sacrificial scapegoating.

the distinctions (although many if not all of them, in their radically decisive form, might be argued to be specious) but the very desire to postulate them with their invidious functions and consequences, particularly in the attempt to reduce or eliminate the problematic or contestable dimensions of certain human practices.

The paradoxical, complex relations between figuration of the other as raw material (or bare life) and as scapegoated, quasi-sacrificial victim demand sustained attention, for they are often objects of neglect, disavowal, or confusion. They share the crucial function of placing the other-than-human animal, or animality itself, in a separate sphere or category of otherness to which ethical and political considerations do not apply, or at best apply in very reduced form, because the other is either sub- or supra-ethical in status. But they perform this operation in significantly different and seemingly contradictory ways. Without recognizing the tensions generated by this movement, one may unself-consciously oscillate or equivocate between the potentially charged and eventful language of sacrifice and the neutralized and analytically reduced, at times euphemized, language of raw material and mere life—or the comparably subdued or sanitized language of the pest and pest control. Conversely, one may foreclose one of the two discursive practices in favor of the other, at present perhaps with an emphatic, seemingly secular tendency to dismiss the sacrificial as irrelevant and to assert that the animal is (or in modernity has been made into) raw material or mere life adapted to purely human purposes. Still, within the very same sentence, the animal may be presented as sacrificed, utilized, or eliminated as a pest for the good of humans. Similarly, a discriminated-against or persecuted group of humans may be figured as other-than-human animals of an infra- or supra-ethical sort, and responses may oscillate between different linguistic, representational, evaluative, and affective registers. (Pace Giorgio Agamben, Nazi discourse about Jews pushes prevalent equivocal tendencies to contradictory extremes, with the Jew figured as a powerful, world-historical, subversive force, a phobic, ritual contaminant, a pest or vermin, and even a rag, piece of refuse, excrement, or, in Agamben’s sense, mere life.) It is, of course, on the basis of negative figurations of the animal that one may invoke it in a derogatory fashion in characterizing groups of humans. Typically, in a disavowal of characteristics that internally mark those who scapegoat, along with a simultaneous attempt to reduce internal

This variant of an all-or-nothing frame of reference obscures the role of institutions, norms, and practices that mitigate or sublimate violence without utterly transcending it.

anxiety to focalized or determinate fear of a phantasmatic other, groups of humans may even come to be projected beyond humanity and share the fate of other-than-human animals (treated “like” rats, dogs, cattle, pigs, or even wild or savage beasts).<sup>15</sup>

The reduction of the other, including the animal, to the status of raw material involves not attributing qualities to, or recognizing claims of, the other that place normative constraints on its manipulation for human purposes or interests, whether as use or exchange value.<sup>16</sup> At best any limitations are seen as unilateral gifts or (perhaps character-building) normative impositions that humans undertake on their own virtuous, creative, or performative initiative, functioning as more or less gratuitous signs of human good will, uniqueness,

15. In *Coloniser. Exterminer. Sur la guerre et l'État colonial* (Paris: Fayard, 2005) Olivier Le Cour Grandmaison observes that French colonizers in Africa saw sub-Saharan blacks (like American slaves) as comparable to the beast of burden [*bête de somme*] that is “obedient and able to endure hardship... to be domesticated... a ‘good negro’ capable of being employed inside the house,” hence part of a dependable work force (82; my translation). By contrast Arabs (like American Indians) were taken to be more intractable, like wild or savage beasts (*bêtes fauves*). (The division between black and Arab, however, was not absolute, for the “bad negro” could at times take on the traits of the wild beast, as was the putative case with the rebellious Herero [89]). The jackal, as an animal that could never be tamed, was a favorite reference point, but other beasts and the practices applied to them could also be invoked: “At times ‘smoked out like foxes,’ in the famous words of Bugeaud, ‘Arabs’ are always treated as savage animals [*animaux sauvages*] that, once killed, are abandoned after their head has been taken [as a trophy] to certify the success of a victorious tracking” (157; my translation). In metropolitan France, lower classes were also racialized and bestialized, seen as “*indigènes de l’intérieur*” (284) in terms similar to those used for Arabs, and military leaders from Algeria (such as Thomas Robert Bugeaud) were instrumental in putting down workers in 1848, resorting at times to means that had been used in the colonies. (Although Le Cour Grandmaison does not dwell on this point, I would note that assimilated elites in the colonies were termed “*les évolués*”—those who had “evolved” under French “civilizing” influences.)

16. It is noteworthy that the U.S. Food and Drug Administration (FDA) requires animal testing of new drugs (as well as testing on human volunteers) before drugs can be marketed. This requirement lessens the significance as well as the market value of alternative modes of testing drugs. For the argument that animal testing does not produce results sufficiently applicable to humans and that alternative methods of testing are both available and more effective, see Jean Swingle Greek and C. Ray Greek, *What Will We Do If We Don't Experiment on Animals? Medical Research for the Twenty-first Century* (Victoria, B.C.: Trafford, 2004). The authors conclude that “very small [genetic] differences between two species will be multiplied exponentially until the two systems are very different in the property being examined, for example drug toxicity” and that society should not continue “to waste resources on misleading experiments on animals” (214). Interestingly, this argument based on genetic difference converges with those stressing similarities, for example, with respect to suffering, to reach comparable conclusions about the undesirability of experimentation on animals. Deborah Blum reports that an analysis by Betsy Todd, citing a 1990 General Accounting Office study, indicates that “51 percent of the 198 drugs approved by the Food and Drug Administration, from 1976 to 1985, caused serious postapproval adverse reactions, including permanent disabilities and deaths.” *The Monkey Wars* (New York: Oxford University Press, 1994), 211.

or superiority.<sup>17</sup> Hence other animals are not recognized as limiting human assertiveness but instead taken as passive objects of its dominion, unilateral norms, or program of ethical self-development. What is done to animals is often seen as justified insofar as it brings actual or even hoped-for benefits to humans.<sup>18</sup> At the limit, reduction to raw material, which takes an extreme form in processed meat wherein the animal is converted into the analog of particle board, also entails the nonrecognition of any claims inhering in the other, and not simply projected, granted, or attributed by humans—claims that compete with, and may serve as countervailing forces to, human rights or claims. (I would parenthetically note that social constructivism, not in general but in the radical or extreme form of secular [or postsecular] creationism

17. For one of the more sensitive anthropocentric arguments that construes animals in terms of dependency and uses this view to argue that “the animal side of human nature” itself involves often denied or undervalued dependencies, vulnerabilities, and disabilities, see Alasdair MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues* (Chicago: Open Court, 1999). MacIntyre’s argument assists in the questioning of the rashly generalized, dehistoricized assumption that there is simply a zero-sum relation, in terms of either resources or compassion, between a concern for oppressed or dependent humans and for other animals.

18. Hoped-for future applications or benefits are often prominent in the comments of animal researchers discussed in Deborah Blum’s *The Monkey Wars*. (Uncritically replicating a common sacrificial frame of reference that in effect begs or suspends ethical questions, Blum conveys, in free indirect reportage, the views of many of her interlocutors: “The animal is being experimented on for ethical reasons, as an acceptable substitute for the human being” [205].) Blum observes that Seymour Levine of Stanford University “discovered... that if he takes adolescent squirrel monkeys—comparable to teenagers [*sic*]—and isolates them for several weeks, he gets a persistent chemical depression [apparently not common in other kinds of monkey], remarkably like the imbalances found in severely depressed humans. The possibilities for testing drugs and other treatments, he thinks, are limitless” (103). The obvious, recurrent issue in such experimentation is whether what will “cure” or work for certain other species or varieties will do the same for all, or even delimited categories of, humans. Moreover, there is the problem that animal research and experimentation, while seeming to have certain successes in the treatment of humans, may also have negative consequences, at times in the very same cases. According to Blum, animal research helped in finding a vaccine for polio as well as for measles and mumps (204), and heart transplants were developed in dogs (205). (Later in the book, she informs the reader that polio research cost the lives of hundreds of thousands of monkeys but also that monkeys not taken for research are often hunted and killed in their native habitats [250ff].) She points out that monkeys carry many viruses that may infect humans. Polio vaccine, grown in monkey kidneys, contained viruses that were suspected to have been a factor in causing AIDS but seemingly proved to be what she terms a “lucky miss” (233), although the progeny of polio-vaccinated mothers may face problems: “In the late 1980s, scientists tracking the life histories of 59,000 pregnant women, all vaccinated with the Salk polio vaccine, found that their offspring had a 13 times higher rate of brain tumors than those who did not receive the vaccine” (228–29). Moreover, serious doubts remain concerning viral transmissions to humans receiving primate organ transplants, including, among many others, Epstein-Barr and SA8 (the baboon version of the deadly B virus, a strain of herpes) (236). Thus far certain major diseases are still very much with us despite years of research and experimentation on animals (cancer, AIDS, Parkinson’s, Alzheimer’s, and so forth).



that makes the specifically human the quasi-divine “endowing” source of all meaning and value in the world, may unintentionally be an ultimate outcome as well as dubious facilitator of this reduction. And an unqualified emphasis on the excessive asymmetrical gift, pure act, or supererogatory event of grace may also induce the nonrecognition of limits to human or superhuman assertiveness or even passive-aggressive “being” with respect to other animals.)

Keeping in mind these general considerations, I would like now to focus on some figures and texts that may help to bring greater specificity to my account. Those I discuss seem to be becoming part and parcel of an emerging canon in the humanities that provides reference points for discussion and debate on the relation of the human and the animal. Heidegger provided an extensive critique of the “world picture” in which the other is enframed within a *Gestell* that makes of it an instrumentality or stock for exclusively human purposes or interests, although his valuable critique is itself jeopardized by his appeal to a sometimes exclusionary notion of a hierarchy of beings linked to language as a differential, decisive criterion whereby one may assert that the animal is constitutively lacking or at least “poor” in world (*weltarm*).<sup>19</sup> Giorgio Agamben has extended the Heideggerian critique (and overlaid it with Benjaminian motifs) in the direction of concepts of the state of exception and of naked, mere, or bare life, which he sees as crucial in understanding extreme or limit events and experiences in the modern world. In my judgment, his thought-provoking approach harbors problematic elements on which I shall exert pressure, especially since his views have had such pronounced resonance in important critical circles.<sup>20</sup> Indeed, in view of Agamben’s status as a widely recognized major modern thinker, critical scrutiny of his approach to the vital question of the human and the animal, which connects with many other dimensions of his thought, has a more general interest, especially for

19. See “The Origin of the Work of Art” in *Poetry, Language, Thought* (New York: Harper and Row, 1971), 15–87. See also my discussion in chapter 5.

20. See, for example, the approach to Agamben and his views on the animal in Santner’s *Creaturely Life* and Žižek, Santner, and Reinhard’s *The Neighbor*. Santner’s approach to Agamben, both problematic and thought provoking, should be read as a valuable counterpart and “counter-voice” to my argument. A crucial question bears on the ethical and political possibilities and limits in Santner’s triangulation of Agamben, Badiou, and Žižek, involving what Santner terms the “deanimation of the undead” as a messianic but purportedly nonredemptive act related to loving openness to the neighbor as uncanny and possibly “monstrous” other, the valorization of attentive “melancholic immersion” in “creaturely life,” and an affirmation of “miraculous” epiphanies. In brief: What is the potential of a politics of “neighborly” love and miracles? In “Miracles Happen: Benjamin, Rosenzweig, Freud, and the Matter of the Neighbor,” Santner’s contribution to *The Neighbor* (76–133), one of his most contestable moves is to place Freud and psychoanalysis in a German-Jewish tradition of thought, involving “psychotheological” tendencies and including such figures as Rosenzweig and Benjamin as well as Agamben.

the intellectual or cultural historian with a concern for the present state and possibilities of cultural criticism and critical theory.

In *Remnants of Auschwitz*, Agamben applies the concept of bare life to the *Muselmännchen*, the most abject concentration camp victim during the Holocaust, who he contends was the instantiation of naked or mere life and thus the transhistorical abject image of everyone, at least in his postapocalyptic image of the contemporary scene wherein the exception becomes the rule.<sup>21</sup> Here one might suggest a somewhat “Žižekian” reading of Fritz Lang’s film *M* (1931) that would partially support Agamben’s argument. In it a child molester and serial killer, played by Peter Lorre, is hunted and prosecuted by fellow criminals who are impervious to the killer’s appeals to monstrous inner forces beyond his control. They condemn him and, in so doing, affirm that, even in the criminal milieu, the exception has not become the rule and, that the child molester has gone too far in transgressing limits. In a sense the “ordinary” criminals affirm a normativity, even a normality, that they refuse to see as abolished or unsettled by the acts of the Lorre character who, at the film’s end, becomes a cringingly abject and seemingly persecuted figure. One may argue that in important respects the criminal underworld disavows the other within—in a late-Weimar context where the exception was indeed often becoming the rule in terms of street violence, judicial irregularity, routine scandals, and political disorder. For Agamben, the contemporary situation appears to be altogether comparable, and *M*’s world morphs into the modern world writ large. In accordance with this perspective, it does not seem necessary to provide a more qualified understanding of the extent to which different historical situations more or less approximate the state of exception. Late-Weimar Germany and even the Third Reich seem to become not only extreme instances, possible developments, or even clear-and-present dangers of modern sociopolitical and cultural life but the very prototype of modernity in general.

In the context of contemporary American culture and politics, one may well argue that there have indeed been dubious attempts to invoke a state of exception to justify recent practices and policies, including those at Guantánamo and Abu Ghraib, along with the so-called unitary executive that enables the U.S. president to override “checks and balances” and the separation of powers.<sup>22</sup> One may also point to the tendency to collapse the

21. See Giorgio Agamben, *Remnants of Auschwitz: The Witness and the Archive*, trans. Daniel Heller-Roazen (New York: Zone Books, 1999).

22. For a pointed analysis and critique of the “unitary executive,” see Elizabeth Drew, “Bush’s Power Grab,” *New York Review of Books* 53, no. 11 (June 22, 2006): 10–15. The unitary

distinctions between combatant and civilian and between the front line and the “homeland”—a tendency exacerbated by the belief that terrorism is everywhere and warrants every manner of combating it.<sup>23</sup> But Agamben goes well beyond such historical and critical points and engages in sweeping generalizations about modernity as a gray zone of indistinction or shock-infested epoch of accomplished nihilism. Hence he can write:

Today, at a distance of nearly seventy years [from Heidegger’s 1934–35 course on Hölderlin, a temporal marker indicating the obvious importance of Heidegger for Agamben], it is clear for anyone who is not in absolutely bad faith that there are no longer historical tasks that can be taken on by, or even simply assigned to, men. . . . The only task that still seems to retain some seriousness is the assumption of the burden—and the “total management”—of biological life, that is, of the very animality of man. Genome, global economy, and humanitarian ideology are the three united faces of this process in which posthistorical humanity seems to take on its own physiology as its last, impolitical mandate.<sup>24</sup>

executive, as well as the idea of the president as “the decider,” recall Carl Schmitt’s notions of the indivisible sovereign and decisionism. See, for example, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (1922; Cambridge: MIT Press, 1985).

23. One may well argue that there are signs of a clear-and-present danger in contemporary America not restricted to the cases of Guantánamo and Abu Ghraib or even the more general use (and evasiveness about the use) of torture on terrorists or suspected terrorists. See, for example, Matthew Rothschild, *You Have No Rights: Stories of America in an Age of Repression* (New York: The New Press, 2007). In an article in *The Progressive* 72, no. 3 (March 2008) available online at [http://www.progressive.org/mag\\_rothschild0308](http://www.progressive.org/mag_rothschild0308), Rothschild discusses InfraGard, an association linking private industry to the FBI and the Department of Homeland Security. At present some 23,000 representatives of private industry (including, according to its website, 350 of the *Fortune* 500) participate in this rapidly growing group whose mission is to provide information to the government and to take action in the event of martial law, allegedly including permission to employ deadly force. In effect, an elect group of private citizens from the corporate sector have been deputized as informants in an association whose clandestine activities are beyond the Freedom of Information Act under the “trade secrets” exemption. One has here an instance of paranoid anxiety about terror leading to the creation of an entity that itself poses a threat to what it is presumably supposed to protect.

24. Agamben, *The Open: Man and Animal*, 76–77. See as well his comparable assertions in *State of Exception*, trans. Kevin Attell (2003; Chicago: University of Chicago Press, 2005) in which the unqualified elaboration of the prevalence of the state of exception ignores counterforces and culminates in a vague apocalyptic call to ill-defined “purity” of word and action: “The only truly political action . . . is that which severs the nexus between violence and law. . . . We will then have before us a ‘pure’ law, in the sense in which Benjamin speaks of a ‘pure’ language and a ‘pure’ violence. To a word that does not bind, that neither commands nor prohibits anything, but says only itself, would correspond an action as pure means, which shows only itself, without any relation to an end. And, between the two, not a lost original state, but only the use and human praxis that the powers of law and myth had sought to capture in the state of exception” (88). In his strong endorsement of Agamben’s approach that nonetheless

According to Agamben’s “posthistorical,” indeed postapocalyptic view, the attempt to overcome the heritage of slavery or apartheid, for example, would apparently not count as a historical task. And critiques or movements contesting forms of genetic manipulation and globalization would be insignificant. I think his rather blurred and hyperbolic approach both alerts one to dangerous developments (there is indeed something to what he asserts) and threatens to repeat or misconstrue them more than it provides critical perspective in carefully understanding and questioning them.

In *The Open: Man and Animal*, Agamben extends his earlier reflections on the more or less unmediated conjunction of mere life, sovereignty, and open possibility. There is of course an initial and perhaps insuperable problem in attempting to formulate Agamben’s “argument” since he typically proceeds, in a series of fragmented sections, by way of exegesis, indirection, allusion, and paradox. Indeed, he seems to relish aporia, enigmatic anecdotes, dehistoricized erudition, and unexplicated associations.<sup>25</sup> And he goes

seems to resolve its ambiguous or opaquely enigmatic turns, Žižek affirms “those magic moments in which effective universality makes its violent appearance in the guise of a shattering ethico-political act.” *Welcome to the Desert of the Real* (London: Verso, 2002), 66. However, Žižek’s notion of the “violent” act is not altogether clear. Along with the unwillingness of the “refuseniks” in Israel to serve in the occupied territories, he mentions the rather different case of De Gaulle’s initiative in 1940 (see pp. 113 and 153). These examples certainly involved risk and challenged their respective contexts but were not “pure,” magical, self-referential, or absolute “acts” approximating apocalyptic-messianic leaps into the “open” or “performative” creations ex nihilo.

25. Hence we learn, for example, that in 1924 Walter Benjamin stayed in Jakob von Uexküll’s villa on Capri (39) or that the latter wrote a preface to Houston Chamberlain’s *Foundations of the Nineteenth Century*, which somehow marks a proximity between Friedrich Ratzel’s theses on *Lebensraum* and Nazi geopolitics (42–43). There is in general an accentuated problem of “voice” in Agamben, who often writes in a generalized free indirect style. In *The Open*, a book of less than one-hundred pages, what Agamben is arguing becomes clear, more or less, only about page seventy-five, after which his style at times modulates into an apodictic assertiveness. For a brilliant defense and enactment of an allusive, paratactic style, see Agamben’s *Stanzas: Word and Phantasm in Western Culture*, trans. Ronald L. Martinez (Minneapolis: University of Minnesota Press, 1993). In a turn to postromantic irony, Agamben asserts: “Criticism is in fact nothing other than the process of its own ironic self-negation; precisely a ‘self-annihilating nothing,’ or a ‘god that self-destructs,’ according to Hegel’s prophetic, if ill-willed, definition” (xvi). Indeed, for Agamben, “there is strictly speaking perhaps only a single book that deserves to be called critical: the *Ursprung des deutschen Trauerspiel* (The origin of German tragic drama) of Walter Benjamin” (xv). Agamben proceeds to provide, among other things, a philosophical, erudite genealogy of melancholy in its relation to the phantasm, love, and loss that might also be read as a self-genealogy with respect to his other work. Without postulating a simple binary, I think that Agamben’s insistent, postromantic mode of sublime utopianism, daring the impossible and in quest of the unobtainable, has different valences in art or in certain forms of poetically inflected philosophy than it has, however differentially, in historical understanding, politics, and ethics. In ethico-political endeavors, it postulates an impossible horizon (or *à-venir* in Derrida’s sense) that both motivates action and indicates the necessary yet significantly

simultaneously in at least two directions. On the one hand, he repeatedly discusses and seems to affirm the absence or lack of an essence, nature, or vocation in the human. Here he problematizes the distinction between human and animal. It is, it appears, the questionable “anthropological machine” that seeks a radical divide between human and animal only to generate aporias and produce a state of exception or zone of indistinction between human and animal. The machine falters when it attempts to explain the origin of the human from the animal, for then it moves in circles whereby it has to assume what it attempts to derive, for example, language (36–37). On the other hand, Agamben himself seems to assume or require a radical divide between human and animal and to envision the alternative to this divide, or perhaps the nature of the abyssal, alluring divide itself, as a zone of indistinction between human and animal.

There is a sense in which, in Agamben’s own discourse, animals in their diversity are not figured as complex, differentiated living beings but instead function as an abstracted philosophical topos similar in certain respects to (perhaps even functioning as a displacement of) the *Musulmann*. (To paraphrase Freud, “Where the *Musulmann* was in *Remnants of Auschwitz*, the animal in *The Open* now seems to be.”) Both “the” animal and “the” *Musulmann* function as avatars of the radically “other” (albeit, expectably, an other that is also within the self). And both are discussed in extremely decontextualized, at times homogenized, terms. They also serve as vehicles for a conception of modernity as a posthistorical age of accomplished or completed nihilism marked by the reduction of being to mere or naked life, a kind of ground zero or *Stunde null* of existence. What might possibly be seen as a form of postsecular negative theology in extremis enables Agamben to put forward an empty utopianism of pure, unlimited possibility that transvalues utter

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different limits of any realized form of justice. But it should not serve as the only standard of critical thought and practice, which must also engage in sustained, historically informed, if contestable, inquiry into the actual, the plausible, and the realistically possible. In relation to certain problems (such as the relation between the human and the animal), it may at times be misleading. With reference to politics, one may note the necessary tension between two statements that follow within a sentence of one another in Max Weber’s “Politics as a Vocation”: “Politics is a strong and slow boring of hard boards. . . man would not have attained the possible unless time and again he had reached out for the impossible.” *From Max Weber: Essays in Sociology*, ed. H. H. Gerth and C. Wright Mills (New York: Oxford University Press, 1958), 128. Agamben typically reaches for the impossible, if not the utterly opaque, without the “strong and slow boring of hard boards.” See also Ernesto Laclau’s pointed critique of Agamben’s political philosophy, “Bare Life or Social Indeterminacy?” in *Giorgio Agamben: Sovereignty and Life*, ed. Matthew Colarco and Steven De Caroli (Stanford: Stanford University Press, 2007), 11–22, as well as the exchange in Judith Butler, Ernesto Laclau, and Slavoj Žižek, *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left* (London: Verso, 2000).

disempowerment into a valorized *désœuvrement* or posthistorical, seemingly anomic, worklessness as well as a form of learned ignorance. What is of general interest and concern here is the linkage among an extremely negative if not nihilistic conception of existing social, political, and cultural reality, blank utopian longing, and desire for re-enchantment of the world.<sup>26</sup>

Agamben’s all-or-nothing paradoxicalism relishes the conjunction of extreme, unmediated opposites—an orientation that attains its apogee in the ecstatic, “extimate” vision of the indistinct human–animal relation as marked by both a radical divide and (although in a somewhat indefinite key—one both suggested and negated by Heidegger) an imperceptible intimacy. A pole of one striking opposition is an image of blissful immanence in “the hieroglyph of a new in–humanity” to be found in both Benjamin and certain Gnostic postapocalyptic beliefs in which “something for which we perhaps have no name and which is neither animal nor man settles in between nature and humanity and holds itself in the mastered relation, in the saved night” (83). The other pole, seemingly different from immanence and any process of settling or intimacy, is the “central emptiness,” gap, or radical divide in which “man” is to risk himself, in what might seem to be an utterly nihilated or evacuated transcendence—a virtual space created by a god that has died without leaving a trace, except for a longing for transcendence itself, however null and void. For Agamben, one should not seek new or more authentic articulations between Being and beings or, for that matter, between humans and other animals. Rather, moving beyond Heidegger’s ontological difference, one seeks “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.” What this “central emptiness,” functioning as a great divide, might be, itself remains a void that is nonetheless an object of limitless desire. The presumably risky leap into it, or “suspension of the suspension,” somehow opens onto an “otherwise than being” that is asserted to be “an existing, real thing that

26. An important collection on Agamben came to my attention after the completion of this book. See *Politics, Metaphysics, and Death: Essays on Giorgio Agamben’s Homo Sacer*, ed. Andrew Norris (Durham: Duke University Press, 2005). Included in this collection is Agamben’s “State of Exception” (284–97), a concise and lucid exposition of the key notion of the state of exception, including a thought-provoking analysis of the exchange between Carl Schmitt and Walter Benjamin. See also *Giorgio Agamben: Sovereignty and Life* in which Matthew Colarco’s approach to the human–animal relation, in his “Jamming the Anthropological Machine” (163–79), may be compared and contrasted with my own. This collection reprints a version of my “Approaching Limit Events: Siting Agamben,” 126–62, which may also be found in *History in Transit: Experience, Identity, Critical Theory* (Ithaca: Cornell University Press, 2004), chap. 4.

has gone beyond the difference between being and beings" (92). The vanishing point at which the obscure opposites meet would seem to be the longing for *désœuvrement* or radical disempowerment—a *Gelassenheit* beyond *Gelassenheit*—that stops action, history, projects, and the "anthropological machine" and purportedly holds out the promise of pure possibility as the most open of the open.

A further enigmatic conjunction in Agamben is between pure possibility and the reduction of being to mere or naked life, for it is the emergence of mere naked life in accomplished nihilism that simultaneously generates, as a kind of miraculous antibody or creation ex nihilo, pure possibility or utterly blank utopianism not limited by the constraints of the past or by normative structures of any sort. Mere or naked life (under the control of a sovereign power) seems equivocally to be both the object of Agamben's critique and, paradoxically enough, the necessary if not welcome condition for his own sense of pure possibility and unlimited, empty utopian aspiration. One thus has the *mysterium coniunctionis* of an all-time low and an unimaginable high. Indeed for Agamben the historical condition of accomplished or completed nihilism in which the post-Auschwitz world presumably finds itself is an utterly decontextualizing or traumatizing situation—a state of exception or anomie, dehistoricized aporia-ridden interregnum—that is marked by the extremes of absolute sovereign power, mere life, and pure possibility.

I have intimated that, in a manner perhaps typical of Agamben's vision of philosophy as poetically allusive yet conceptually rarefied theory, *The Open* has virtually nothing specific to say about other-than-human animals or their lives. His interacting insights and blindnesses track those of Heidegger, and Agamben even seems at points to accept the division between *Dasein* that worlds or, especially through language, opens a world—more precisely, enters "the essential domain of the conflict between disconcealment and concealment" (60)—and the animal's exclusion from this "domain" because of its enclosure or captivity in an environment.<sup>27</sup> The allusion to Heidegger's politics is in terms of his interest in the polis and his notion of strife in "The Origin of the Work of Art" (72). (The difficult, fraught issue of Heidegger's relation and that of his thought to Nazism remains *hors texte*.) Agamben

27. One may note that Agamben's prose, like Heidegger's which it emulates, is itself quite "animal-like" when it addresses the supposed difference of the animal, that is, it is not accessible (*offenbar*) or is at most "open in an inaccessibility and an opacity" (55). I would further note that humans might be seen in terms approximating Heidegger's view of the animal (which lacks world-disclosure or even confrontation with existential conditions) when they are presented as living fully within a *habitus*, functioning on the basis of an unquestioned environmental set of practices, and, even more so, when they are locked within a repetition compulsion.

further complicates Heidegger's view of the animal in a tangled discussion in which he to some extent approximates man and animal by having man be uncannily open to the closed or concealed. Hence he quotes approvingly Heidegger's gnomic assertion that "this announcing pointing toward that which makes *Dasein* authentically possible in its possibilities is a *necessary compulsion* [*Hinzwingen*] toward the singular extremity of this originary making possible" (67). (Here somewhat less mesmerizing but still difficult references might be to Freud's notion of the unconscious as an uncanny openness to the closed, concealed, or enigmatic and to Sartre's supplementary idea that "man" is *disponible* and condemned to be free.)

Agamben manifestly wants to outdo or go beyond Heidegger by intensifying or perhaps leaving behind *Gelassenheit* (or letting Being be) and instead affirming a letting of what is beyond or outside of Being be. The paradoxical kernel as well as the thought-provoking appeal of his thought is perhaps best formulated in a comment he makes about Heidegger's 1929–30 course on "The Fundamental Concepts of Metaphysics"—a reference that might *pari passu* be applied to Agamben:

For in the abyss—and, at the same time, in the peculiar proximity—that the sober prose of the course opens up between the animal and man, not only does *animalitas* become utterly unfamiliar and appear as "that which is most difficult to think," but *humanitas* also appears as something ungraspable and absent, suspended as it is between a "not-being-able-to-remain" and a "not-being-able-to-leave-its-place." (50–51)

Although Agamben's insistence on the caesura, gap, or "open" between man and animal, especially within man, resonates with Heidegger's insistence on the passage from the animal's poverty in world to *Dasein*'s worlding, Agamben's own most powerful, if extreme, countervailing formulations reinscribe movements in Heidegger's thought: "*Dasein* is simply an animal that has learned to become bored; it has awakened *from* its own captivity *to* its own captivity. The awakening of the living being to its own being-captivated, the anxious and resolute opening to a not-open, is the human" (70).

Agamben's evident interest is in "awakened" human vacuity or paradoxically abyssal possibility rather than in the lives of other animals, their treatment at the hands of humans, or the way their behavior and relation to humans may itself have enigmatic dimensions that place in question any radical divide. The only other-than-human creature Agamben discusses at length in a fascinating and fascinated manner is the tick. It is noteworthy that Agamben's extended discussion of Heidegger immediately follows and perhaps echoes that of the tick, and he is both intimately close to Heidegger's

thought and at times struggles to free himself from its captivating embrace (at the end of the book even seeming to invoke Benjamin as a *deus ex machina* or distancing lever with respect to Heidegger). He indicates that the work of Jakob von Uexküll, from which he draws for the analysis of the tick, was itself significant for Heidegger's notion of the captivation or captivity of the animal in its environment in contrast to *Dasein's* disclosive worlding and relation to the open. The tick out-vampires the vampire as a blood-sucking creature with minimal sensory attachment to its prey whose vital fluid it continues to ingest until it falls to the ground and deposits its eggs, hence existing and perishing in a kind of all-consuming, compulsively choreographed *Liebestod*. For Agamben, the tick is "immediately united" to its minimalist environment "in an intense and passionate relationship the likes of which we might never find in the relations that bind man to his apparently much richer world" (47). The tick in a sense is as close as one gets to a purely absorbed and immanent relation to the world.<sup>28</sup> Yet Agamben's reading of Benjamin seems to convert the latter into a kind of sublime, diaphanous, ticklike being whose vision of a beatific union with nature, in a noncoincident "immediate constellation," is epitomized in "sexual fulfillment" (83). While never negating this unmediated vision of reconciliation with animal nature, Agamben moves, as I have indicated, to the notion of a "central emptiness," a radical divide or caesura between the human and the animal within "man" that, I think, misleadingly pinpoints or fixates less locatable sources of unsettlement and uncanniness in existence. One could redescribe Agamben's "central emptiness" as an insufficiently situated version of transhistorical, structural, or existential trauma that, in Agamben's account, may well induce an evasion or misconstruction of specific historical, social, and political problems, including the status and use of the animal in society (as well as differing regimes and conceptions of political authority, not all of which can be reduced to the problematic of absolute sovereignty).<sup>29</sup> Or, to put it metaphorically, in Agamben there is still

28. In a quizzical manner, Agamben refers to the puzzling, unexplained reference by Uexküll to a seemingly "undead" tick in a sleep-like state, artificially isolated from its environment and kept "alive" for eighteen years under laboratory conditions (47).

29. Agamben asserts: "The juridical system of the West [sic] appears as a double structure, formed by two heterogeneous yet coordinated elements: one that is normative and juridical in the strict sense (which we can for convenience inscribe under the rubric *potestas*) and one that is anomic and metajuridical (which we can call by the name *auctoritas*)" (*State of Exception*, 85–86). This formulation goes in the direction of the aporia between normativity and anomie and, in early Benjaminian fashion, sees legal order and normativity as "always already in the process of ruin and decay" (86). The "machine, with its empty center," which is based on this aporia, has, for Agamben, "continued to function almost without interruption from World War One, through fascism and National Socialism, and up to our own time" (86–87). This

at least at times a Grand Canyon between the human and the animal, but now it is shrouded in mist and inhabited by an invitingly spectral creature, a coming communal being beyond Being whose postapocalyptic "tock" may, for all we know, return us to the world of the tick.

One may note here what Agamben does not thematize: the relation of his thought to trauma. For he assumes a totally posttraumatic as well as postapocalyptic condition of the world that is, at the same time, anomically open and closed—open to all radically contingent possibilities and closed in upon itself as mere life.<sup>30</sup> The misleading description of the animal as captivated by its environment might also seem to describe, in displaced and somewhat disguised or modified form, the condition of disarmingly traumatized, disoriented humans, stunned or reduced to a benumbed (yet also manic) passivity and fatalistically caught up in compulsive repetition. Indeed, the Heideggerian notion, reinscribed by Agamben, that boredom is the "human" phenomenon closest to what Heidegger discusses as the captivity (*Benommenheit*) of the animal might more readily be applied to the symptom and to boredom when it is symptomatic of depression and restlessness (in both human and other animals, for other-than-human animals seem most prone to anxious, restlessly agitated boredom—and thus on Heideggerian grounds most like *Dasein*—when held in captivity by humans).<sup>31</sup> The blind hope for a contentless utopia might also be read as the desperate phantasm of an empathically traumatized, or at least rhetorically attuned (*bestimmt*), postromantic visionary with an often unchecked penchant for hyperbole and an aesthetic of the sublime.

It is, moreover, unclear how Agamben's view bears on a nonsentimentalizing concern for other animals or a critique of humanism as itself concealing a scapegoat mechanism that misleadingly condenses anxiety, projects it outward, reductively names or focalizes its source, and excludes or even

view, reminiscent of the notion of "totalitarian democracy" prevalent in the 1960s, creates a sense of inevitability, along with extreme disempowerment, and downplays attempts to qualify, divide, and problematize sovereignty in forms of constitutional democracy.

30. This is figured in *Remnants of Auschwitz* as a post-Auschwitz condition in which one paradoxically lives on after the end awaiting another apocalypse that may herald or perhaps coincide with the "open."

31. See especially Agamben's discussion in *The Open: Man and Animal* (57–62). Agamben does not indicate that Heidegger himself recognizes flexibility in the "captivity" of the animal in its environment. But this point might not modify Agamben's approach in that this flexibility in Heidegger operates in a rather narrow range and does not lead to a basic rethinking of the relation of animals to their habitats and to other animals. It distinguishes Heidegger's understanding of the animal from the Cartesian machine but is not made to question the radical divide between human and animal.

victimizes animals (including the animal in the human). Despite his insistent desire to avoid anthropomorphism and even to outdo Heidegger in undoing the “anthropological machine,” there is a crucial sense in which Agamben’s perspective remains insistently anthropocentric in its fixation on an apocalyptic or postapocalyptic idea of “man’s” existence as both radically disempowered and blankly open to all possibilities. The all-too-open possibility in Agamben’s argument is that the animal or, more precisely, animality (or perhaps postanimality) may once more be situated as radically other, this time in the service of a posthuman, postsecular, quasi-transcendental notion of an abyssal leap into a radical divide, caesura, or “open.” The approach taken in *The Open* does not itself open onto a possibly critical and politically pertinent inquiry into what Agamben’s thought might be taken to invite: the question 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.<sup>32</sup>

The relation of *The Open* to a sociopolitically and ethically pertinent critique of the use and abuse of other-than-human animals—and even of the animal in the human—remains at best an open question. It is also unclear, to what extent Agamben is questioning the radical divide between human and animal or reinforcing it, in however paradoxical a manner. For what is obscured in at least one prominent if not dominant dimension of Agamben’s approach, culminating in a turn to a “central emptiness” dividing humanity and animality, is the way the human being is always already a compromise formation or hybrid traversed by multiple fault lines, anxieties, and possibilities that must be negotiated and cannot be unified by a division or border, however indistinct or “open,” between human and animal (or speaking being and living being). The danger in Agamben is the reduction of multiple, not readily localizable openings (or “opens”) in humans in order to arrive at a pathos-charged putative massive divide or abyss between human and animal

32. It is also significant that Marx and the critical historical analysis of capitalism do not constitute significant reference points for Agamben. Hence in *The Open* he does not discuss the commodification of relations between humans and animals along with the effects of the insertion of animals and nature more generally within the commodity system. (The phenomenon of canned hunting [or fenced-in reserves where hunters in effect shoot animals as if they were fish in a barrel and may even be given their money back if they do not get a kill], along with internet hunting [where one sights an animal, pushes a button, witnesses a kill, and is sent a trophy], intensifies the question of how animals are treated and the role of commodification in that sometimes callous treatment.) If there are dimensions of marxism with which Agamben’s thought might seem to resonate, it is not so much the analysis of the historical constraints and situational possibilities of capitalism but instead Marx’s own more hyperbolic indictments, messianic inclinations, and blankly utopian aspirations.

in “man.” (A related danger is slippage from the recognition of displaced religious and theological motifs in “modernity,” which should be subject to careful and critical scrutiny, to a relatively uninhibited, insufficiently discriminating, even politicized, desire for “postsecular” re-enchantment or at least [post]apocalyptic re-visioning of the world.) Moreover, the differences between and among animals—as well as the proximities and distances between humans and other animals—are more diverse and significant than any megadivide between (or foundational trauma separating) human and animal, whether within man or between humans and other animals. (To put the point in somewhat misleading graphic terms, one should not envision the human and the animal as two circles that are either separated by a gap/divide or intersecting with a shared portion forming a zone of indistinction. Rather the two are superimposed like tectonic plates with multiple, variable, unpredictable, even seismic movements between—and within—them. Or to formulate the point in terms Agamben’s thought might itself be read to invite: the human and the animal are always on an undecidable threshold with respect to one another—a threshold that is being continually contested and negotiated.) And the differences within and among humans, ranging from genocidal violence or victimization to trust and mutual aid, might also seem to be more significant than any human-animal divide, even if the latter is paradoxically and at times confusingly conjoined (as in Agamben) with an incommensurable notion of intimacy or “peculiar proximity.”<sup>33</sup>

33. For Santner the crucial divide between human and animal is what he terms signifying stress, bound up with the (cringing or abject) subjection to the “inhuman” yet all-too-human excess and drive-destiny of transhistorical structural trauma (the Lacanian real or death drive). Indeed it is significant that the very notion of “creaturely life” serves as a “postsecular” way of radically distinguishing the human from the animal. However, like Agamben and with particular reference to the work of W. G. Sebald, Santner also paradoxically sees an uncanny proximity of the human and the animal when animals are subjected by humans to conditions of exceptional stress—indeed he even finds creaturely life “at the intersection of human and animal dementia” in a zone where human and animal are “abandoned to a state of exception” (*On Creaturely Life*, 145–46). He refers to the Sebald-narrator’s statement in *Austerlitz* that “the only animal which has remained lingering in my memory is the raccoon”—a captured raccoon in a cage caught up in a compulsively repetitive gesture of “washing the same piece of apple over and over again, as if it hoped that all this washing, which went far beyond any reasonable thoroughness, would help to escape the unreal world in which it had arrived, so to speak, through no fault of its own” (quoted, 144). One overall difficulty in Santner’s approach flows in good part from his attempted triangulation of Agamben, Badiou, and Žižek, especially via Saint Paul as the Benjaminian, messianic, militant, hunchbacked dwarf of inner-light psychotheology, who secretly pulls the strings of historical materialism (*The Neighbor*, 125–33). Santner himself criticized this difficulty in his earlier book, *Stranded Objects: Mourning, Memory, and Film in Postwar Germany* (Ithaca, Cornell University Press, 1990, esp. 19): what I have referred to in terms of the tendency to subsume specific social or historical problems in a structural, transhistorical level of analysis rather than to relate the two in a critical manner. For example, the *Musulmann*

The posthumanism or nonhumanism that Agamben seeks might be better served by a more differential, complex understanding of a field of distinctions, differences, proximities, voids, enigmas, wonderments, uncanny twists, and possibilities that cannot be condensed into a human-animal divide or “central emptiness,” whether within “man” or between humans and other animals. Indeed it may be basically misleading to conceive the relationship between human and animal on the model of a foundational trauma, however weakly reminiscent of the Fall and the *felix culpa* of original sin that requires some redemptive act of grace or, as in Agamben, some postredemptive, nonetheless ecstatic leap that may even be confused with a political initiative.<sup>34</sup>

becomes an example or perhaps exemplar of Agamben's *homo sacer* and is analogized to Kafka's Gregor Samsa as an instantiation of cringing signifying excess (*The Neighbor*, 100–103). This decontextualized reading both occludes the historical situation of *Musulmänner*, including the role of Nazis in reducing them to an extreme condition, and simultaneously construes victims in one-sided, analytically reduced fashion. (For Nazis, Jewish victims were not simply *homo sacer* in Agamben's sense but both something close to that “banned” figure of mere life and, in a confused, paradoxical manner, the polluting, world-historically conspiratorial objects of quasi-sacrificial processes of purification and redemption. Moreover, in his own distinctive way, Gregor Samsa is both pest and a being whose death is experienced in a quasi-sacrificial manner as liberating or even redemptive by his family, as is evident in the closing scenes of the novella.) The world Santner presents is by and large one of extreme abjection, traumatization, and nonsensical “humor” or peculiarity (*On Creaturely Life*, 146–48) from which the only release is “miraculous.”

34. It is noteworthy that, in H. G. Wells's 1896 novel *The Island of Doctor Moreau* (New York: Dover, 1996), the uncanny attempt is indeed made to traumatize animals into becoming hybrid humans by experimentally combining “signifying stress” with torture, but should this extreme effort be taken *tout court* as emblematic of *la condition humaine*? Wells's remarkable novel combines elements of the Gothic tale, the horror story, the detective story, and of course science fiction (or its semblance), along with the themes of repeated traumatization, scapegoating, colonization, misogyny, and experimentation on “lower” forms of life. And the arguments in it, especially those of Doctor Moreau, are repeated, at times uncannily, in justifications for later research. Moreau's “Beast People,” the products of his experiments, are a composite of “vivisectioned” animals and the colonized. They also incorporate aspects of people of color and Jews (or perhaps Semites in general) whose mode of prayer is imitated by Moreau's creatures. While Prendick, the narrator, is himself an amalgam of conventional prejudice and horrified reaction once certain limits are crossed, Moreau is the transgressive experimenter situated, in his own mind, beyond ethical concerns. In his striking, indeed sublime apologia, Moreau appeals to the scientific research imperative, aesthetics, and “religious” or “spiritual” considerations, all related to the desire to transcend the body and its limits. He presumably chooses “by chance” the human form as his combinatory center of reference in experiments, yet also because “there is something in the human form that appeals to the artistic turn of mind more powerfully than any animal shape can” (54). He spells out the experimental method of question and answer leading endlessly to new questions and experimental answers, and he sings the praises of “intellectual passion” and “intellectual desire.” He expostulates: “The thing before you is no longer an animal, a fellow-creature, but a problem. . . . I wanted—it was the only thing I wanted—to find out the extreme limit of plasticity in a living shape” (56). Recognizing no limits to experimentation, Moreau denigrates sympathetic concern with the body in pain because pain is only of the body and hence a “materialist” affair (54)—“the mark of the beast from which

Agamben himself takes leave of his reader with a paradox-laden, posthistorical, (post)apocalyptic, “beyond-beyond” gesture (“beyond both knowing and not knowing, beyond both disconcealing and concealing, beyond both being and the nothing” [91]), a gesture that points to an indistinct “figure of the ‘great ignorance’” in which “living beings can sit at the messianic banquet of the righteous” without historical tasks yet undertaking a supposedly “unprecedented inquiry into the practico-political mystery of separation” (92).<sup>35</sup>

J. M. Coetzee seems not to know Agamben's work, but there are at least certain affinities between Coetzee and Derrida that invite a reading of the former with the latter's work serving as a significant subtext to the novels.<sup>36</sup> In any event, like some of Derrida's own later texts, Coetzee's *Lives of Animals* has become another significant reference point in the discussion of the

they [the Beast People] came” (55). He needs the “bath of pain” to conduct his transfigurative experiments and “burn out all the animal” (59). From his radically transcendental (yet also remorselessly naturalistic) perspective, “pain and pleasure—they are only for us, only so long as we wriggle in the dust” (55). Moreau's method of experimentation in converting other animals into variegated “Beast People” involves their systematic traumatization as objects of repeated violence, but it also inculcates into them categorical laws which they chant while swaying: “Not to go on all-Fours; that is the Law. Are we not Men?” (43). The “Laws” include: “Not to suck up Drink,” “Not to eat Flesh or Fish,” “Not to claw Bark of Trees,” and “Not to chase after other Men,” whose rhythmic recitation is followed by the inevitable question: “Are we not Men?”—a question whose referent is destabilized in the narrative. The “positive” side of the Law makes a dreaded divinity of Moreau, the “maker,” “wounder,” and “healer” who lives in “the House of Pain” (43). With the apocalyptic end of Moreau and his hellish island paradise, as well as the “regressive,” “generalized animalism” and “dwindling shreds” of humanity of its inhabitants (first appearing in females who “began to disregard the injunction of decency” [96–97]), the narrator, marked by Moreau and showing genocidal inclinations toward what he now refers to (yet also resembles) as the “Beast Monsters,” manages to get back to England. He is disoriented, even feeling at times that he too “was not a reasonable creature, but only an animal tormented with some strange disorder in its brain,” yet seeking peace and quiet with “wise books” and “experiments in chemistry”! He concludes his narrative, “in hope and solitude,” invoking the equivocal, seemingly illusory, even eerily Moreau-like, desire to find in “the vast and eternal laws of matter . . . that whatever is more than animal within us must find its solace and its hope [sic]” (104).

35. For a recent inquiry into a large body of literature bearing on the relations among secularization, rationality, disenchantment, and enchantment, see Michael Saler, “Modernity and Enchantment: A Historiographic Review,” *The American Historical Review* 111 (2006): 692–716. In his attempt to elaborate a complex concept of “disenchanted enchantment,” Saler criticizes binary and dialectical notions of the relation between enchantment and disenchantment, but he may not sufficiently explore their contexts, effects, and rationales. Still, Saler's article has the virtue of indicating and discussing a large body of material on a difficult topic. Unfortunately, he does not treat Agamben or the uses made of his work, especially in terms of “postsecular” and (re)enchanting orientations.

36. For an insistently Derridean reading of Coetzee, see Derek Attridge, *J. M. Coetzee and the Ethics of Reading* (Chicago: University of Chicago Press, 2004).

human-animal relationship, especially in its bearing on the issue of "animal rights."<sup>37</sup> Beginning as the 1997–98 Tanner Lectures at Princeton University as fictionalized lectures within lectures, and subsequently integrated or inserted as chapters into a more recognizable novel, *Elizabeth Costello*, the text is itself a curious, hybridized mutant that has a disturbing afterlife in the mind of the reader. Perhaps its most problematic element is the comparison between the Holocaust and the treatment of animals in the rather unqualified form it takes in the views of Elizabeth Costello, the text's central protagonist, who herself is intent on questioning any radical human-animal divide. In Agamben there is arguably an implicit analogy, or a relation of discursive displacement, between the most abject Holocaust victims (the *Muselmänner*) and the animal (or animality), but his argument invokes the animal as an abstract topos for an anthropocentric analysis of aporetic human complexity. In *Costello* the comparison between the treatment of animals and the Holocaust is altogether explicit, and it is directed at the plight of animals as actual living beings, although a hermeneutic of suspicion may be all-too-readily deployed to see her motivation as self-centered.<sup>38</sup> Coetzee carefully stages Costello's commitment to animals that leads to both powerful assertions and questionably leveling comparisons. Her intemperance is itself a sign of her beleaguered conviction concerning the justice of her beliefs. Yet Holocaust comparisons, whose rhetorical force is at times overwhelming and whose

37. Coetzee, *The Lives of Animals*, ed. and intro. Amy Gutman (Princeton, N.J.: Princeton University Press, 1999) with essays by Marjorie Garber, Peter Singer, Wendy Doniger, and Barbara Smuts. Without the accompanying essays, this is integrated as chapters or "lessons" 3 and 4 in *Elizabeth Costello* (New York: Penguin Books, 2003).

38. Such suspicion is prompted when Costello, in response to the question of whether her vegetarianism comes from moral conviction, answers: "No, I don't think so. . . . It comes out of a desire to save my soul" (89). However, Costello's Holocaust analogy finds support in Charles Patterson, *Eternal Treblinka: Our Treatment of Animals and the Holocaust* (New York: Lantern Books, 2002), which came to my attention only after this present book was almost completed. Patterson provides a rich compendium of empirical material pertinent to the problem of the treatment of animals. One might suggest that, for Patterson, the Holocaust analogy becomes more pertinent to the extent one takes seriously, and sees as dubious, important dimensions of that treatment. In chapter 5 he discusses actual cases of people drawn to animal advocacy at least in part because of Holocaust-related experience, notably their own or that of intimates, and in chapter 6 he treats the work of Isaac Bashevis Singer. Patterson's title is taken from Singer's "The Letter Writer," where one finds the arresting statement: "In relation to them, all people are Nazis; for the animals it is an eternal Treblinka." Patterson observes that, in the United States, 9.4 billion animals (over 8 billion of which are chickens) are slaughtered annually, amounting to more than 25 million a day (71). It should be noted, however, that, in Patterson's often manifesto-like account, the putative way "American eugenics and assembly-line slaughter crossed the Atlantic and found fertile soil in Nazi Germany" (53) is, with respect to the causation and dynamic of the Holocaust, seen in overly unmediated or one-dimensional terms and expressed in labile metaphors (see also 49–50, 72, and 109).

function is at best problematic, may not be necessary to make certain points or explore certain issues. One issue, suggested at times in Coetzee's text, is the structure of the "open secret," which is prevalent with respect to potentially unsettling recognitions, such as certain conditions of factory farming, slaughterhouses, and experimentation on animals.<sup>39</sup> In the open secret, one knows enough to know that one does not want to know more. This is somewhat like knowing when to turn off, or change channels on, the TV in anticipation of a scene one does not want to see. And one resists trying to see or find out more because the resulting knowledge might threaten defenses. The open secret implies not mere indifference but an active or performative process whereby compassion or empathy with the other is blocked or

39. See *Elizabeth Costello*, 64, 65, and 80. The case of Harry Harlow raised ongoing questions about the protection of animals used in experimentation and whether certain experimental practices invited forms of abuse. Before his death in 1981, Harlow tried to prove experimentally the need for interaction and love. His "proof" a *contrario*, which makes Bentham's Panopticon seem benign, included an experiment that subjected baby rhesus monkeys to what he termed the "Pit of Despair"—a stainless-steel isolation chamber to which the monkeys were confined for long periods of time without contact with other monkeys or humans. Harlow "discovered" what might, outside of a delimited disciplinary habitus, seem obvious: the deprived monkeys became disoriented and lacked animation. They were not recognized by others of their species who, among other responses, tried to gauge out their eyes. The inventive Harlow added to the "Pit of Despair" a "Rape Rack" where adult females raised in conditions of isolation were tied and raped. The offspring of these unions received no maternal care from their alienated mothers who instead abused them, for example, by eating their fingers or crushing their heads. See Deborah Blum's *The Monkey Wars* (79–83, 87–97) as well her *Love at Goon Park: Harry Harlow and the Science of Affection* (New York: Berkley Books, 2002). Blum argues that Harlow's approach was "mainstream" or even progressive for his time, and she often strives for ameliorative, upbeat messages, even ascribing later improvements to the impact of, or reaction to, Harlow's experiments. Especially in the earlier book, Blum provides much important information and attempts, in however strained a manner, to be balanced in showing both sides of every issue. See her discussion of the passage of a revised Federal Animal Welfare Act in 1985, which was largely due to the pressure of animal protection groups and achieved despite the often staunch resistance of major pro-research-and-experimentation institutions such as the National Institutes of Health, the American Psychological Association, and the National Association for Biomedical Research, as well as many individual scientists experimenting on animals, including primates. She notes that the National Center for Research Resources, through which federal primate centers were being run, was dedicated to "one theme": "to supply scientists with the tools that they need. In this case [AIDS research], the tools happen to be monkeys" (252). A special provision for monkeys included in the 1985 law was the need for attention to their "psychological well-being," although the determination of that condition was left to individual institutions undertaking experimentation, subject to review of federal inspectors of which there were very few provided. Before the passage of the law in 1985, animal experimenters could treat animals largely as they saw fit. See Blum, *The Monkey Wars*, esp. 24ff, 113ff, 121ff, and 184ff. Often with a decided preference for "human interest" stories, Blum focuses on individual researchers, professional organizations, government agencies, and animal rights activists but says very little about agribusiness and corporations invested in animal research and experimentation.



rendered ineffective, and one does not seek, or turns away from, available information.<sup>40</sup>

A further issue, which I have already raised, is the equivocal status of the other-than-human animal as raw material or mere life and as quasi-sacrificial victim and scapegoat. Even in the slaughterhouse, the perception of the animal as mere life is a consolatory, conscience-saving move that may not hold up both because of quasi-sacrificial motifs, explicit in kosher killing but perhaps not limited to it, and because of the more or less disavowed feeling that an animal is not mere life. A corollary of the argument I am trying to make is that, whether or not one believes humans have the right to kill other animals for food, or even whether human rights or claims should be weighed more heavily than those of other animals, the question of how other animals live before they die, and the manner in which they are killed, insofar as this question comes under human control, is an important ethico-political issue. To the extent that it is under human control or supervision (and this extent is broadened to the degree that human behavior affects ecological processes), the question of how animals live before they die or are killed, and the very manner in which they die or are killed, might be proposed as the "ethical minimum" that should be recognized and confronted by anyone with respect to the issue of "animal rights." Such a recognition would involve the obligation to find out how animals are treated both before and when they are killed, especially when the destination of the animal may be one's dinner plate.<sup>41</sup>

40. See the analysis and critique of the notion of indifference, whose structure is not limited to German attitudes toward Jews during the Holocaust, in Carolyn Dean, *The Fragility of Empathy after the Holocaust* (Ithaca: Cornell University Press, 2005), chap. 3.

41. For an account of the meatpacking and slaughtering system in North America, see Donald D. Stull and Michael J. Broadway, *Slaughterhouse Blues: The Meat and Poultry Industry in North America*, foreword Eric Schlosser (Belmont, Calif.: Wadsworth/Thompson Learning, 2004). In his foreword, Schlosser summarizes the book's argument about North America, where four companies control 85% of the market and the majority of underpaid workers are impoverished immigrants (many of them Latino): "The North American meatpacking industry has been transformed since the early 1970s—without most people realizing it. Slaughterhouses are now located in rural areas that rarely get much attention from the national media. . . . As Stull and Broadway demonstrate, the current system needlessly harms workers, consumers, and the environment. It mistreats animals. It brings poverty, drug abuse, and crime to rural communities. When all the social costs are tallied, our cheap meat is much more expensive than we can afford" (xiii–xiv). It is significant that Schlosser's own key text, *Fast Food Nation: The Dark Side of the All-American Meal* (2001; New York: Harper Perennial, 2005), remains anthropocentric and says little about the often devastating effects of the fast-food industry on animals processed to meet its needs, although the implications of its practices and policies should be apparent to the reader. Stull (an anthropologist) and Broadway (a geographer) focus on social and ecological dimensions but also provide information about the treatment of animals. A recent innovation they discuss is the chicken catcher, a machine that scoops up factory-farmed chickens. They report the views of a chicken grower: "According to Shawn, the machine, which looks

Coetzee's *Lives of Animals* is itself introduced and followed by a series of interesting commentaries. In her valuable contribution, Barbara Smuts, for example, observes that the protagonist and animal-rights activist in the story, Elizabeth Costello, makes no reference in her impassioned defense to "real-life relations with animals," although she lives with cats—"the individuals with whom she interacts most often and, perhaps, most intimately" (108). This observation should be qualified in important ways, and the qualification is significant since similar observations appear rather frequently in a manner that Smuts manifestly seems not to intend, that is, in the critique of animal-rights activism as itself abstract if not narcissistic and projective. "Real-life" relations to animals do inform Costello's comments, and the fact that they are not made to bear the brunt of the argument may be credited to her attempt to enter into a critical exchange with philosophers that the latter would not dismiss out of hand as overly personal, contingent, sentimental, and autobiographical. The first section of the novella, featuring a lecture followed by a few questions from the audience, is after all entitled "The Philosophers and the Animals," and the perspective of the philosopher (or at least of a certain type of philosopher) is epitomized in Costello's own daughter-in-law. In the second section, "The Poets and the Animals," experiential concerns are not altogether excluded. In her final response to her debating partner in the seminar setting, Costello observes: "Anyone who says that life matters less to animals than it does to us has not held in his hands an animal fighting for its life" (65). She adds with undue self-disparagement and debatable deference to both poetry and experience: "If I do not convince you, that is because my words, here, lack the power to bring home to you the wholeness,

somewhat like a combine, 'sucks the birds up' and onto a conveyor by means of rotary blades, and then 'shoots' them out of a 'gun' directly into the coops on the truck. It still takes seven operators to run the machine and handle the coops, and the machine stresses the birds and causes wing damage and other injuries. The machine cannot empty a house any quicker than the human catchers, it requires the same number of personnel, and there is more injury, so what is the benefit? The only one Shawn could see was that it eliminates the catchers, who he says are illegal immigrants. Machine operators will be employees, not contractors as the catchers had been, but, according to Shawn, it takes a long time to train them [the human catchers], and they don't stay long" (50–51n). From Stull and Broadway's analysis, it seems difficult not to conclude that the most (perhaps the only) "humane" conditions for animals before slaughter are provided by "free range" life, which is typically incompatible with factory farming and mechanization under intensified, even rampant, commodification. In *Eternal Treblinka*, Charles Patterson notes that many states have passed laws that exempt "food animals" from state anticruelty statutes, thus not protecting farm animals from abuse and neglect. He concludes that, counter to what is happening in Europe, "the American meat and dairy industries have successfully convinced their friends in state legislatures and Congress that what agribusiness does to animals should be 'beyond the law'" (71).

the unabstracted, unintellectual nature, of that animal being. That is why I urge you to read the poets who return the living, electric being to language; and if the poets do not move you, I urge you to walk, flank to flank, beside the beast that is prodded down the chute to his executioner" (65). (One may observe that the last-named procedure is followed by Temple Grandin in her attempt to design better—should one say more humane?—devices for slaughtering animals.)<sup>42</sup>

Elizabeth Costello's own varied if not heterogeneous "lectures" on humans and animals do not have an easily summarized line of argument, and they may even go in different if not contradictory directions. One opposition or contrast that helps to structure her approach is that between the philosopher as the vehicle of human reason that seems, beyond a certain point, closed to other animals and the poet as the bearer of living feeling and the "sympathetic imagination" that is open to all others. Reason is described as anthropocentric, especially when it takes a decidedly analytic form as "the specialism of a rather narrow self-regenerating intellectual tradition whose forte is reasoning" (69). This reason seems to conform to a massive "us and them" dichotomy that may be chipped away at certain points only, to be reconstituted at others. In Pascal's formulation, the poet—or perhaps the poetic—is the bearer of "heart" that has reasons that reason may not know. One of those heart-felt reasons for Costello is sympathy. She is bold enough to postulate of the death camps that "the horror is that the killers refused to think themselves into the place of their victims, as did everyone else. . . . In other words, they closed their hearts. The heart is the seat of a faculty, *sympathy*, that allows us to share at times the being of another" (79). Of course this would seem to ignore the role of sadomasochistic killers and the more complex issue of violence that was directed at others experienced or figured as bearers of anxiety-producing, supposedly impure, contaminating, or perhaps subversive and conspiratorial forces one refused to recognize in oneself. Costello goes on to discuss sympathy, seemingly accepting the questionable ideas that sympathy is identification with the other and that

42. See Temple Grandin, *Thinking in Pictures and Other Reports from My Life with Autism* (New York: Knopf, 1996). Grandin, who entertained the possibility that some form of sacrificial ritual was necessary to control slaughter and its possible excesses, asserted: "I do not believe that my profession is morally wrong. Slaughtering is not wrong, but I do feel very strongly about treating animals humanely and with respect" (201). One may note that, for Saint Paul, ritual sacrifice, including its prescriptions and constraints, was unneeded since "we are sanctified through the offering of the body of Jesus Christ once for all" (Hebrews 10:10). Christian ritual contains little that regulates the relations between humans and other animals and is focused on the relations between humans and other humans or God.

such identification is itself a preservative against cruelty and genocidal behavior. Thus a crucial issue for Costello is whether one can be, think, or feel like another—say, a bat, in the famous example she adopts from Thomas Nagel. Here one might object that sympathy in a fully identificatory form is very problematic as a moral or ethical sentiment in that it induces projective or incorporative identification and that the type of empathy or compassion Costello seems to be seeking would be better construed as an affective response that may involve elements of identification but nonetheless is also informed both by acknowledgement of the other as other and by the realization that sympathy or empathy alone, however desirable on an ethical level, is not sufficient as a response to social and political problems. At the very least, it requires supplementation by norms and processes linked to forms of sociopolitical practice. But such considerations take one beyond the world envisaged by Costello, although they may not contradict it.<sup>43</sup>

43. This world was envisaged by Hannah Arendt for whom norms and forms of political practice were crucial. But one may note that, in *Eichmann in Jerusalem: A Report on the Banality of Evil* (1963; rev. and enlarged ed., New York: Viking Press, 1965), Arendt can attempt to explain Eichmann (for example, in terms of the banality of evil and the inability to "think"), but she cannot understand him because of an absence of empathic rapport. She is unable to imagine herself as even possibly someone who cannot "think" in the philosophical sense of exercising critical judgment. The paradoxical result is that Eichmann becomes her opaque, radical other, arguably in a position structurally analogous to that of the fully objectified entity. With reference to the Hegelian-Heideggerian frame of reference that Arendt elaborates in *The Origins of Totalitarianism* (1966, 1968; new ed., New York: Harcourt, 1985, for example, 192 and 454–59), Eichmann is also in the position of the other-than-human or even sub-human animal (as well as the African *Natürvolk*) that does not have a world or share a world with civilized humans. One might of course argue that Eichmann did exercise judgment, however misguidedly, in concluding that Jews were "life unworthy of life," even a distorted form of sacrificial victim, fit for slaughter in keeping with the will of the "god-like" *Führer*. In "Lesson 6" ("The Problem of Evil") of *Elizabeth Costello*, Costello offers a perspective that provides at least qualified support for Arendt's orientation. She puts forth a strict ethical limit to aesthetic representation and experimentation, even a limit to the "sympathetic imagination" that she earlier seemed to affirm in unqualified terms. She finds herself at a conference with a fellow author, Paul West, with whose book *The Very Rich Hours of Count von Stauffenberg* (New York: Harper & Row, 1980) she disagrees in a fundamental way, and her criticism can be mitigated but not blunted by her consideration for the author (who in any event meets her overtures with a wall of silence). She finds that West's (for her, successful) attempts at "conjuring up" (172) scenes of torture and execution of Hitler's would-be assassins do basic harm to both writer and reader of West's words. As she puts it: "Certain things are not good to read or to write. To put the point in another way: I take seriously the claim that the artist risks a great deal by venturing into forbidden places: risks, specifically, himself; risks, perhaps, all. I take this claim seriously because I take seriously the forbiddenness of forbidden places. The cellar in which the July 1944 plotters were hanged is one such forbidden place. I do not believe we should go into that cellar, any of us. I do not believe Mr. West should go there; and, if he chooses to go nevertheless, I believe we should not follow" (173).

It may come as no surprise that the story of Abraham and Isaac is not a reference in Coetzee's celebrated text where the critique remains largely immanent and the framework relational and this-worldly. In the various discussions of the Biblical account in Genesis 22, the focus has traditionally been on the dilemma of Abraham and his relation to God. This focus may seem unexceptionable from a certain religious perspective, even when it takes the radically self-questioning form it does in Kierkegaard. But it is significant that even Derrida, in his *Gift of Death*, occludes some seemingly obvious problems.<sup>44</sup> First, there is the status and plight of Isaac as sacrificial victim who is the "gift of death" that Abraham is willing to offer his God. The fact that the question of the victim does not become a key problem for Derrida may seem surprising since in sacrifice the typical gift is the victim. The actual sacrifice of the ram as a substitute for Isaac is a seeming nonissue, as it tends to be in other accounts of the Abraham story. The ram (caught in a thicket by his horns—as if already trapped and bound) seems at best to be an "extra" that remains offstage. And Isaac as potential sacrificial victim plays at most a cameo part. At least in the *Gift of Death*, the dialogue is almost exclusively one that involves Abraham, God, and Derrida. Neither the human nor the other-than-human animal as sacrificial victim is given a "voice" or a significant role in the excessive focus on the excessive gift. And there is not a sustained consideration of a crucial issue: whether aspects of sacrifice, such as oblation or gift-giving, may be validated only insofar as they may be extricated from the very process of victimization that has been essential to sacrifice.

Derrida recognizes that God (or his angelic messenger) stops the human sacrifice and that Abraham displaces it onto the animal. But Derrida understands the Akeda "as if Abraham had already killed Isaac" in the instant of Abraham's decision. And he sees Abraham as a religious figure who confronts an impossible paradox or aporia between "absolute" duty (dictated by the command of a radically transcendent, hidden, secret god) and ethical duty toward his beloved son Isaac. Abraham responds "absolutely to an absolute duty" (72). Derrida seems to accept this frame of reference or to render it in a free indirect style that conveys both his proximity to Abraham and his (at times projective) identification with Kierkegaard. Derrida's powerful reading not only appears to marginalize the problem of victimization in sacrifice and to stress both the gift and the uniqueness or singularity of the object of

44. Derrida, *The Gift of Death*, trans. David Wills (1992; Chicago: University of Chicago Press, 1995).

sacrifice. It also relies on a notion of the absolute in terms of which there is an absolute duty conjoined with radical transcendence and necessary secrecy. One may, I think, take this as a postreligious (or postsecular) as well as aesthetic perspective that construes Abraham as an agonized (but not tragic) figure of the sublime for whom even mourning, much less any other form of mediation or negotiation of aporetic double binds, is unavailable. Derrida is in the closest proximity to Kierkegaard but, aside from the seeming difference in his relation to the "leap of faith," his mode of identifying with Kierkegaard obscures the way Kierkegaard himself did not simply affirm the "madness" of Abraham's decision, which implies, for Derrida, the madness of all decisions. Rather Kierkegaard raised the question of Abraham's possible madness as a consideration that rendered his decision, along with all comparable decisions, radically problematic. Derrida may assume this problematic madness, for he elsewhere asserts that Abraham's intended sacrifice of his son "was always madness."<sup>45</sup> In any event, the further question that perhaps remains more active in Kierkegaard than in Derrida is whether the questionable gesture may well be to think one can place oneself in the (sublime?) position of the chosen one who enters into an impossible vis-à-vis with the radically transcendent other, takes up an "absolute" duty, affirms an aporia or differend between absolute and ethical duty, and "decides" it madly through a suspension of ethical duty in performing sacrifice.

My truncated comments concerning *The Gift of Death* should immediately be countered and contested on the basis of Derrida's own reflections in such important later writings as "The Animal That Therefore I Am (More to Follow)."<sup>46</sup> In them Derrida is intent on radically questioning the massive

45. "Faith and Knowledge: the Two Sources of 'Religion' at the Limits of Reason Alone," in *Religion*, ed. Jacques Derrida and Gianni Vattimo, 43.

46. Trans. David Wills, *Critical Inquiry* 28 (2002): 369–418. See also "And Say the Animal Responded?" "L'animal que donc je suis" and "Et si l'animal répondait?" have appeared in book form in *L'animal que donc je suis*, ed. Marie-Louis Mallet (Paris: Editions Galilée, 2006), and in English as *The Animal That Therefore I Am*, ed. Marie-Louis Mallet, trans. David Wills (New York: Fordham University Press, 2008). For a discussion of rams and (among other things) their role in sacrificial processes, including the biblical account of Abraham and Isaac, see Derrida's essay "Rams: Uninterrupted Dialogues—Between Two Infinities, the Poem," in *Sovereignities in Question: The Poetics of Paul Celan*, ed. Thomas Dutoit and Outi Pasanen (2003; New York: Fordham University Press, 2005), 153–63, whose original publication followed *The Gift of Death* by eleven years. However, Derrida's insistent affirmation of incommensurability, total alterity, and aporia enjoins a contestable, hyperbolic assertion of the necessity of "violent sacrifice": "Always singular and irreplaceable, these laws or injunctions remain untranslatable from one to the other, from some to others, from one language to another, but that makes them no less universal. I must translate, transfer, transport (*übertragen*) the untranslatable in another turn even where, translated, it remains untranslatable. This is the violent sacrifice of the passage beyond—*Übertragen: übersetzen*" (162). Instead of positing an originary status for violence and

divide between the putatively homogeneous categories of the human and the animal, a divide he sees as pervasive in the philosophical and theoretical traditions, including such recent figures as Levinas and Lacan. The purpose of this divide is to establish what is proper to "man," or definitive of the human "as such," and thereby, whether intentionally or not, to legitimate human uses and abuses of other animals (one might perhaps add the animal in "man" as well). Derrida questions this divide not to postulate a pure continuity, which he observes would be at odds with his emphasis on difference and alterity. Rather he attempts to deconstruct and criticize the binary opposition between the categories of the animal and the human as well as the accompanying limit or divide between human and animal, which, he avers, "through and beyond all their disagreements, philosophers have always judged and *all* philosophers have judged... to be single and indivisible" (408). (I have indicated ways in which Agamben might be added to the list of philosophers in this respect.) Derrida seeks instead a more explicitly problematic, internally differentiated, self-questioning, but not simply indistinct or blurred, understanding of human and animal, including the animal in the human.

Noting the far-reaching effects of Bentham's seemingly simple question concerning animals, "Can they suffer?," Derrida observes:

Being able to suffer is no longer a power, it is a possibility without power, a possibility of the impossible. Mortality resides there, as the most radical means of thinking the finitude that we share with animals, the mortality that belongs to the very finitude of life, to the experience of compassion, to the possibility of sharing the possibility of this nonpower, the possibility of this impossibility, the anguish of this vulnerability and the vulnerability of this anguish.<sup>47</sup>

conjoining it with sacrifice, I would argue instead that one should moot the question of the originary and situate any transhistorical notion of violence (or trauma) as explicitly and questionably speculative as well as requiring careful, critical analysis of its imbrication with specific traditions and singular historical forms of violence.

47. Derrida adds: "Once its protocol is established, the form of this question changes everything" (text extract and quote, 396). This question concerning suffering, Derrida contends, unsettles other questions, such as that of the *logos* or of language as *le propre* of man, disturbing them "by a certain *passivity*" and a vulnerability (but should one conflate the two?) that are shared by all who are able, indeed cannot not be able, to suffer. And, in unsettling the overly self-confident quest for the distinctive criterion or "*propre*" of "man," Derrida places special emphasis on an openness to compassion, including the compassion that Nietzsche felt as "he was mad enough to cry for an animal, under the gaze of, or cheek to cheek with a horse. Sometimes I think I see him call that horse as a witness, and primarily, in order to call it as a witness to his compassion, I think I see him take its head in his hands" (403). Before he evokes this pathos-charged (is it "sentimentalizing"?), hauntingly phantasmatic, and chimerical scene, which he intends with a seriousness accompanied by Nietzsche's own appeal to laughter,

The end of the passage moves toward now-familiar paradoxical and chiasmic formulations. Yet Derrida is struggling with the limits of language in the attempt to articulate and convey, among other things, the inability of language itself to be erected into the distinguishing property (*le propre*) or essence of man and established as the decisive criterion that separates and acts as the unbreachable limit or divide between the human and the animal. He may, arguably, go too far in acknowledging human disempowerment, but he relates it to the experience of compassion rather than fixating on it or linking it to distinctively human virtues or to a leap into an abyssal divide somehow related to what is presumably other than being (although the latter move might conceivably be associated with Derrida's own latter-day notion, invoked repeatedly in *The Gift of Death*, that *tout autre est tout autre*: every other is radically other or, in a sense, transcendent and opaque or enigmatic, like the Hidden God—one crucial instance of the radically other than Being).<sup>48</sup> Still, one can almost imagine Derrida as a character, an unlikely philosopher in Coetzee's *Lives of Animals* who rises from the audience to raise questions and make "poetic" comments that support the attempts of Elizabeth Costello to respond to the less comprehending or compassionate, cuttingly analytic questions of other philosophers and even some poets who would at all cost keep their firm hold on that unflinching, monumental criterion.<sup>49</sup>

Derrida formulates the aporia that unsettles an overly self-confident quest for the "proper" of man.

48. The "*tout autre*" seems to be related to the portmanteau concept of "*divinanimalité*" that somehow approximates the divine and the animal and brings the animal into the range of the divine and the enigmatic other. See *L'animal que donc je suis*, 181. The notion that "*tout autre est tout autre*" might be better understood as indicating not that every other is utterly or totally other but that, within every other, there is something totally other, concealed or secret (designated in psychoanalysis as the unconscious or [with Jean Laplanche] the enigmatic signifier). For a chronological, contextualizing discussion of the displacement of theology in Levinas's notion of ethics with respect to the totally other, which situates the historical origins of his thought in interwar France rather than in specifically Jewish traditions (even asserting a more direct relation to Protestant theology), see Samuel Moyn, *Origins of the Other: Emmanuel Levinas between Revelation and Ethics* (Ithaca: Cornell University Press, 2005). See also the convergent argument in Ethan Kleinberg, *Generation Existential: Heidegger's Philosophy in France, 1927–1961* (Ithaca: Cornell University Press, 2005). While knowledge of the more immediate contexts of Levinas's thought is informative and important, the theological issue of transcendence and immanence, along with their secular displacements, goes well beyond interwar France. And, as both Moyn and Kleinberg recognize, insistence on transcendence and its relation to the singular individual is crucial in Levinas.

49. Basing his argument largely on Derrida's recent work, Cary Wolfe in *Animal Rites: American Culture, the Discourse of Species, and Posthumanist Theory* (Chicago: University of Chicago Press, 2003), which came to my attention only after the completion of the present book, criticizes the quest for a decisive criterion separating the human from the animal, in terms that partially converge with the argument I offer. Wolfe's book is well worth reading and provides

Before concluding, I would like to add a caveat with respect to the issues I have tried to explore. Certain Nazis reveal how a sentimental concern for other animals may be combined with extreme, even genocidal, mistreatment of groups of humans. Indeed, their practice brings home the point that the legitimate interest in other animals within a larger ecological perspective is not a panacea and must be articulated with an ethicopolitical conception of relations among humans in a viable, noncompensatory, non-zero-sum manner.<sup>50</sup> Whatever doubts one may raise about Hitler's vegetarianism or Nazi affirmations concerning the value of animals and nature, it is still chilling to read Himmler's reported words to his masseur and confidant Felix Kersten, as the Reichsführer waxes poetic about the murderous nature of hunting "innocent, defenseless and unsuspecting" deer or asserts that "nature is so

many valuable analyses and insights. There are differences in our approaches aside from the fact that Wolfe does not discuss the influential work of Agamben. Wolfe relies on a notion of posthumanism without investigating its possible anthropocentrism, and his appeal to psychoanalysis is very limited. I would especially take issue with his insistence (of course he is not alone) on absolute nonreciprocity and total alterity in ethical relations, along with an unqualified insistence on a division among spheres or role-specific areas in modern life. (I think ethics is subordinated to theology when it is understood only in terms of absolute nonreciprocity, total otherness of the other, and the pure asymmetrical gift.) The amalgamation of Derrida and Luhmann at the end of his book is ingenious yet problematic, even though one might argue that it is invited by Derrida's own turn at times to formalization along with seemingly fatalistic, mechanistic, and biological "logics" (such as autoimmunization), which he correlates with psychoanalytic notions of the uncanny and the repetition compulsion (for example, in "Faith and Knowledge: The Two Sources of 'Religion' at the Limits of Reason Alone"). I would argue that in social and cultural life specific areas are indeed differentiated and there is a striving in various groups—especially professional groups—for autonomy and normative self-definition. This is part and parcel of the history of professionalization. But Wolfe like Luhmann (and Bourdieu) may take this movement too much at face value. The various spheres or roles are never defined with the desired precision or exclusivity. Hence, *pace* Luhmann, their relations are not simply incommensurable or able to generate formal paradoxes or aporias. There may of course be dilemmas and role conflicts. But this is very different from paradoxes in a formal system like mathematics. Wolfe may be too formalistic here, and his formalism is related to his insistent desire for the paradox or aporia. Finally, unlike Wolfe, I would not associate ethics with passivity but rather with a form of acknowledged or even affirmed vulnerability that does not exclude agency (including agency related to processes of working-through, a concept that finds no place in Wolfe's account).

50. It is self-defeating to assume that there is simply a zero-sum relation, in terms of either resources or compassion, between a concern for oppressed or dependent humans and for other animals. The view of Hitler as a vegetarian, as well as its significance, is still being debated. It seems that he avoided meat, when he did, because of stomach problems and anxieties about cancer or other forms of bodily "impurity." But he did not completely give up favorite dishes such as sausages, liver dumplings, and stuffed and roasted game. He would also viciously beat dogs with a whip despite his fondness for them. He held nonviolent vegetarians, notably Gandhi, in contempt and, when he came to power in 1933, vegetarian societies in Germany were subjected to restrictive controls. See the useful, at times contestable, summary and references in Charles Patterson, *Eternal Treblinka*, 125–28. (I thank Peter Staudenmaier for his comments on this aspect of Patterson's book.)

marvelously beautiful and every animal too has a right to live. . . . After the war I will issue the strictest regulations for protecting animals." Himmler asks Kersten to stop, after the latter is bold enough to assert: "You are not quite so gentle when it's only a matter of men." Kersten adds, for the eyes of the reader of his memoirs: "How can one reconcile the facts that the same man who pities the fate of hunted animals blandly ignores the fate of men?"<sup>51</sup>

One may perhaps anticipate the time when the issue of the other-than-human animal, understood in nonanthropocentric, broadly relational and

51. Felix Kersten, *The Kersten Memoirs, 1940–1945*, intro. H. R. Trevor-Roper, trans. Constantine Fitzgibbon and James Oliver (London: Hutchinson, 1956), 116–18. Kersten elsewhere indicates how the question is more complicated than he seems to imply, notably with reference to the sources of Himmler's incapacitating stomach cramps that Kersten interprets in psychosomatic terms. See the appendix to the *Memoirs*, 309–12. See also Boria Sax, *Animals in the Third Reich: Pets, Scapegoats, and the Holocaust*. Himmler's view, as reported by Kersten, cannot simply be generalized to apply to all Nazis. While contending that "the Nazis, whatever their motives, were right in much of their humane legislation" concerning animals (165), Sax's book brings out the complex, often contradictory attitudes of the Nazis toward animals and the ways these attitudes resembled other policies and orientations of the regime. For example, attesting to the phantasmatic nature of the image of the Jew, an animal might be declared "Jewish" and shot (22). Nazis themselves might identify with predatory animals, for example, the wolf. Sax speculates that "an unarticulated purpose of the Nazi animal protection laws was to accustom people to think of euthanasia as a positive thing. By desensitizing people, the killing of animals helped open the way for the mass murder of human beings" (169). On an empirical level, he asserts that "some members of the SS were required to rear a German shepherd for twelve weeks, then strangle the dog under the supervision of an officer" (169). The function of this activity as a ritual inverting ordinary norms and fostering the desired trait of Nazi "hardness" would seem obvious. Nobel Prize winner Konrad Lorenz, who had a pronounced Nazi affiliation he never openly discussed (135), speculated that Aryan-like breeds ("lupus dogs"), such as the German shepherd, were descended from the wolf, while Semitic-like breeds ("aureus dogs") were descended from the Mesopotamian jackal (89–90). Sax also observes that, in the immediate postwar period in Germany, "there was widespread hunger, and the few animals that had survived the war were generally sacrificed for food. Hardly any animals were left for the purposes of research" (133–34). And he points to contemporary "confused and contradictory attitudes toward animals, adored as pets and brutalized as meat" (23). He argues that "one result of the taboo against comparisons to the Holocaust is that it gives analogies an excessive rhetorical force" and, without asserting a moral equivalence, he compares factory farms and death camps (18). One of his most pointed arguments is that "what is most disturbing in factory farms is not that animals are killed but that they are not allowed to live. They are not allowed individual stories; they cannot explore the world or choose their mates. Turkeys bred for supermarkets have such enormous breasts that they cannot reach one another to reproduce except by artificial insemination. Our discomfort goes far beyond the issue of the capacity of animals to feel pain. It seems to me entirely likely that many animals in industrial farms may be so brutalized by the combination of genetic manipulation and lack of stimulation that they lose the capacity to suffer very much. If that has not already happened, it soon may" (166–67). Here one does seem to have an image of the living dead, or the undead, bred to feed humans. Yet Sax apparently does not see how the Nazi idea of an Aryan master race, under a supreme Führer, however much it presumably modeled itself on a fantasy of "natural" predators, did not question anthropocentrism but affirmed one extreme particularistic form of it (42).

ecological terms, will be conjoined with such crucial questions as race, class, and gender in critical-theoretical inquiry.<sup>52</sup> Yet, while there are indeed signs of this development, there are also countertendencies. In conclusion I would only mention the much-discussed book *Empire* by Michael Hardt and Antonio Negri.<sup>53</sup> Despite its extremely speculative and utopian dimensions, *Empire* (like its sequel, *Multitude*)<sup>54</sup> has almost nothing to say about other-than-human animals, especially within the context of an argument about global citizenship. Other-than-human animals seem to remain perpetual *sans papiers*, excluded even from the ill-defined “multitude” that Hardt and Negri oppose to the invasive Empire. Their neo- or postmarxist approach remains insistently anthropocentric, even when it turns, at the very end of the book in a surprising gesture, to Saint Francis, the birdman of Assisi. The saint becomes a model of the postmodern “militant.” However tempting it might be, one should not dismiss their gesture as a reversion to the “flower power” of the sixties. But, in their final evocation of unrealized possibilities, in which Saint Francis seems to mutate into a premodern Foucault, the allusion to other-than-human animals is obscured by its inclusion in a rather nebulous generality. Here are the concluding words of *Empire*:

Francis in opposition to nascent capitalism [the structure of the Church at the time might be a more plausible reference here] refused every instrumental discipline, and in opposition to the mortification of the flesh (in poverty and in the constituted order) he posed a joyous life, including all of being and nature, the animals, sister moon, brother sun, the birds of the field, the poor and exploited humans, together against the will of power and corruption. Once again in postmodernity we find ourselves in Francis's situation, posing against the misery of power the joy of being. This is a revolution that no power will control—because biopower and communism, cooperation and revolution remain together, in love, simplicity, and also innocence. This is the irrepressible lightness and joy of being communist. (413)

52. In a landmark decision on January 16, 2008, which had important ecological implications, a French court levied heavy fines on those responsible for the 1999 sinking of the tanker *Erika*, an unseaworthy vessel (*navire poubelle* or garbage ship, in the French expression) whose massive oil spill caused extensive damage, including to the ocean, beaches, and wildlife. The giant corporation Total was fined \$556,000 and ordered to pay a share of nearly \$300 million (192 million euros) in damages to civil parties and the French state. At this writing, the case is under appeal.

53. Cambridge: Harvard University Press, 2000.

54. Hardt and Negri, *Multitude: War and Democracy in the Age of Empire* (New York: Penguin Books, 2004).

One might say many things about this concluding passage where animals are ushered in on a general wave of sentimental, idealistic humanitarianism. I shall simply conclude by indicating that, in the next mutation of critical theory and cultural criticism, one may look forward to a more sustained interaction between theory and historical understanding in which the utopian dimension itself, without offering misleading blueprints, nonetheless becomes less vacuous and more pointed, bringing with it a renewal of historically informed immanent critique and a concern for an other-than-anthropocentric notion of society. A generous reading of the passage from Hardt and Negri, which could serve critically to indicate the limitations of my own essay, would underscore the importance of situating the question of the human and the animal in a broader but differentiated ecological perspective or wide-ranging network of relations that I have only been able to adumbrate. For the questioning of a decisive criterion separating the human from the animal or even from the rest of nature has widespread ramifications, indicating the need for a major paradigm shift in the relations of the human, the animal, and nature in general. Such a shift would not only mark a turn away from anthropocentrism but also point to the inadequacies of “rights” discourse, both human and animal. Without simply taking one back to traditional ideas of natural law, it would lead to a notion of basic claims of beings in an interactive network of relations that places sovereignty in question, including state (or divine) sovereignty, and requires complex, mutual negotiations among claims as well as limits on various forms of assertiveness. The most significant difference or distinction between human and animal would seem to lie in the direction of all-too-human yet “inhuman” excess related to structural or transhistorical trauma, the Lacanian real, “existential” anxiety, and a void at the center of the human, especially as such forces or factors relate to fantasy structures (including what I take to be the fantasy of a constitutive lack in the human). To the extent such a difference is pertinent, the question is whether it relates to a universal or even quasi-transcendental dimension (if not “core”) of the human or whether it is dependent on cultural assumptions and traditions, including the Christian notion of original (or originary) sin(fulness).