

THE KINSHIP OF LANGUAGE: REWORKING THE HUMAN-ANIMAL DIVIDE

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## INTRODUCTION

When I began this dissertation in 2009, the World Health Organization had just set the pandemic alert level at phase 5 for H1N1 (swine flu)—one step away from a full-blown pandemic. News reports inundated us with information on this new viral strain that bears the name of the swine. All of a sudden, the order of consumption seemed to have reversed: the swine had found a way to consume our bodies. (This is why, at the beginning of the epidemic, American Meat Institute quickly put out a video on the Youtube reassuring the public of the safety of pork<sup>1</sup>—the hierarchy of consumption must be safeguarded!) Surely, this was not the first time we bonded with a different species in the name of influenza—the bird made headlines long before the swine. Nonetheless, the swine flu appeared to be far more menacing as it conjured our deep-rooted contempt for this stout, cloven-hoofed animal.

As we know, “swine” connotes greediness or uncleanness, and derivatively to “pig out” means to overindulge; “hogging” something means taking more than one’s fair share; an “oinker” is a person who eats greedily; and someone who “lives in a pigsty” keeps their domicile extremely untidy or unhygienic. But “pig” is also a derogatory name for a variety of people: chauvinist men, police officers, or even unattractive, promiscuous women—our “pig” has many faces.<sup>2</sup> Significantly, “in pig” also means pregnant; while this phrase is usually applicable to a sow, it can also be used to derogatorily describe a

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<sup>1</sup> “Pork is Safe and Not a Source of Influenza.” <http://www.youtube.com/watch?v=gTDHCWCvtAg>; last accessed on Oct. 19, 2010.

<sup>2</sup> Cf., *Oxford English Dictionary*, “pig, n.<sup>1</sup>”

pregnant woman.<sup>3</sup> Moreover, apart from the usual “breeding like a rabbit” or “breeding like a rat,” “breeding like a pig” is also used to denigrate women who give birth to “too many” children. In light of this connection between pig and pregnancy, the scandal that has arisen over the “Octomom’s” plan to adopt a pet pig amidst the swine flu scare merits attention.

The “Octomom,” Nadya Suleman, is famous for giving birth to her octuplets via in-vitro fertilization. Suleman reportedly claims that if she were to get a pet pig, “it would wear a diaper” and live outdoors “because of its smell.”<sup>4</sup> People for the Ethical Treatment of Animals (PETA) quickly responded—and popularized the story—by imploring Suleman to reconsider her plan. In its typical biting tone, PETA pleads, “instead of adding another mouth to feed, we hope that she’ll focus on the 14 that she already has. And if compassion doesn’t change her mind, hopefully the fear of the pig flu will.”<sup>5</sup> The blogosphere is full of jokes made at the expense of, and diatribes against, Suleman—one blogger is certain that Suleman is “trying to bring home the bacon,” New York Daily carries the story with the heading “Octuplet mom Nadya Suleman adding pet pig to huge brood?,” and the title of PETA’s article reads “And Pig Makes 15 for Octomom?”<sup>6</sup> The pet pig is indicative of Suleman’s excessiveness.

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<sup>3</sup> Cf., *Oxford English Dictionary*, “pig, n. 1.”

<sup>4</sup> UsMagazine broke the news, but the online article is no longer available. I am using the report from PETA here: <http://www.peta.org/b/thepetafiles/archive/2009/04/28/And-Pig-Makes-15-for-Octomom.aspx>; last accessed on Oct. 19, 2010.

<sup>5</sup> “And Pig Makes 15 for Octomom?” PETA. <http://www.peta.org/b/thepetafiles/archive/2009/04/28/And-Pig-Makes-15-for-Octomom.aspx>; last accessed on Oct. 19, 2010.

<sup>6</sup> April 24, 2009. *NYDailyNew.com*. [http://www.nydailynews.com/gossip/2009/04/24/2009-04-24\\_octuplet\\_mom\\_nadya\\_suleman\\_wants\\_to\\_get\\_a\\_pet\\_pig.html](http://www.nydailynews.com/gossip/2009/04/24/2009-04-24_octuplet_mom_nadya_suleman_wants_to_get_a_pet_pig.html)

Strangely, the pig in this scandal seems to serve the role of a surrogate child. Apart from the bacon joke, the pig is spoken of as if it is a member of Suleman's band of progeny: it is an addition to the existing "brood," "another mouth" to be fed, and perhaps most tellingly, as suggested by Suleman's own words, a diapered baby-substitute. The adoption of a pet pig, it seems, is yet another way of fulfilling Suleman's baby obsession. Legal scholar Bridget J. Crawford also observes the slippage between Suleman's children and the pet pig. In *Animal Blawg*, Crawford comments that Suleman may have been viewed "as an abnormal 'hoarder'—first of children and potentially now of animals" (2009). As we know, even Suleman herself has been derided as an animal. Being dubbed "Octomom"—a label Suleman attempted to patent—she has been depicted as an octopus in numerous online images, with each of her arms reaching out to one of her octuplets. A zoo in Connecticut declared that it has its own "Octomom" when one of their sows gave birth to eight piglets, uniting Suleman and the sow by virtue of the wonder of multiple births.<sup>7</sup> As such, while many ridicule Suleman's plan, and PETA in particular questions her ability to care for a pet pig, the pig also deepens the perception of Suleman's sow-like multiple births. The pig is at once a reminder of Suleman's problematic motherhood and a testimony to her animality. (The plot thickens when, in 2010, Suleman agreed to put up a sign in her front yard to promote spaying and neutering animals—"Don't let your dog or cat become an 'octomom.' Always spay or neuter. PETA."<sup>8</sup>)

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<sup>7</sup> "Connecticut's Own Octomom-pig," April 24, 2009. <http://www.zooborns.com/zooborns/2009/04/connecticuts-own-octomompig.html>

<sup>8</sup> "Octomom Nadya Suleman unveils spay and neuter sign for PETA on her front lawn," May 19, 2010. *LA Times*. <http://latimesblogs.latimes.com/unleashed/2010/05/octomom-nadya-suleman-unveils-spay-and-neuter-sign-for-peta-on-her-front-lawn.html>

It is significant that Suleman's adoption drama took place amidst the swine flu scare. Recall PETA appeals to Suleman by invoking fear: "if compassion doesn't change her mind, hopefully the fear of the pig flu will." Leaving aside the curious notion that compassion and fear both lead to the same end, PETA's statement highlights the precariousness of kinship. Strikingly, it suggests that membership to one's family is predicated upon a contagion-free body, and in this case the pig flu—even if it's just a threat—demarcates family and outsiders. The pet pig becomes an unfortunate delegate of the pig flu, threatening the wholesomeness of its supposed foster family (even if it were to be kept outdoors).

The dynamics of the pig flu scare are certainly not contained within the Suleman adoption drama. Indeed, given the role the pig plays in Western culture, the impact of the swine flu on its imaginative landscape is considerable. Specifically, this new flu virus has tied us to an animal species that we have long disavowed. What does it mean for *humans* to be infected with the *swine* flu? What do we make of this transgression of species boundary? Once infected, do we become more swine-like—and perhaps, less human? It is noteworthy that during the early phase of the outbreak, Israeli Health Minister Yakov Litzman attempted to rename "swine flu" as "Mexican flu," as he deems the reference to pig "offensive" to both Islam and Judaism.<sup>9</sup> It is as if the name itself carries a transitive property of uncleanness, and being infected by a disease of the swine renders one unkosher. Moreover, questions of kinship become particularly relevant amidst the swine flu scare. At stake is not merely cross-species kinship (as in the case of the Suleman adoption drama), but also human kinship. For instance, how should we relate to those

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<sup>9</sup> *BBC News*, April 27, 2009. [http://news.bbc.co.uk/2/hi/middle\\_east/8021301.stm](http://news.bbc.co.uk/2/hi/middle_east/8021301.stm)



who are infected, or those who might be infected? In Hong Kong, the first confirmed case of swine flu led to a one-week quarantine of the hotel where the carrier once stayed—300 guests and staff were subjected to involuntary confinement for the entire week so a medical team could monitor their health.<sup>10</sup> But even extreme measures such as this did not contain the virus, and as the virus continued to spread, the local government ended up sending infected patients to various campsites remote from the urban areas. In the U.S., the swine flu scare fueled discussion of border control; some had suggested that the U.S.-Mexico border should be closed in order to contain the epidemic. The swine flu challenged human kinship by rendering the infected bodies suspect. Each of these infected bodies—bodies of our family, friends, neighbors, and guests—had become a threat that ought to be contained and isolated.

\* \* \*

I introduce this dissertation with the swine flu scare and the Suleman adoption drama because they highlight the precariousness of kinship. But the animal in question—the swine—is also significant. Within the history philosophy, there has been a long history of swine bashing. The pig is often summoned when the question of what is properly human is broached: In the *Republic*, Glaucon ridicules Socrates' vision of the *polis* as “a city for pigs” (372d). Lacking conventional comforts such as couches and dinning tables, Socrates' *polis* befits only the unsophisticated pigs. After all, delicacies

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<sup>10</sup> *BBC News*, May 2, 2009. <http://news.bbc.co.uk/2/hi/asia-pacific/8029871.stm>

and comforts are the qualities that set human desires apart from that of pigs.<sup>11</sup> Another famous man-versus-pig moment takes place in John Stuart Mill's *Utilitarianism*. In his attempt to distance utilitarianism from a simplistic notion of hedonism, Mill declares that "[it] is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied" (10). Mill sets up the fool as a clear contrast to the wise Socrates, just as the pig is to the human. Hedonism is deemed "philosophy of the swine" because it fails to distinguish pleasures that are properly human from other lowly—beastly—pleasures. And the hierarchical distinction of higher and lower pleasures is informed by the supposed superiority of the human over the swine. Given the history of our philosophical prejudice against pigs, the swine flu scare in 2009 takes on new significance. Whereas in the past philosophers summoned the pig in their writings, this time the swine has summoned philosophers to rekindle questions of boundary and kinship.

In this dissertation, I examine the role of kinship in language. My focus on language is motivated by the social-political significance of being a speaking subject in animal advocacy. Given the typical rhetoric of "giving a voice to the voiceless" in animal rights discourses, it is important to examine the implications of speaking for animals; in particular, we need to ask in what sense animals are "voiceless," and more fundamentally, what it means to *have a voice*. While the first two chapters of my dissertation critically engage current discourses on animal rights, the third and fourth chapters articulate a theory of language that emphasizes kinship. I go against the grain of the usual interpretation of language as a capacity that allows us to reason. Instead, drawing from the works of Martin Heidegger and Ludwig Wittgenstein, I show that

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<sup>11</sup> For a substantial discussion on the notion of the "city for pigs," see McKeen (2004).

linguistic capacity is also a relational capacity. Language is that which enables us to develop kinship with others—including animal others. To illustrate the way language difference is employed to demarcate kinship in popular discourse, I close my dissertation with a chapter examining the relation between racism, language, and animal advocacy.

\* \* \*

While the recent proliferation of discourses on animal ethics/animal philosophy has certainly enriched my research, it also makes the question of *Why another dissertation on animals?* more pressing. In chapter one I motivate my overall project by situating it within the larger animal rights literature. I demonstrate the urgent need to reevaluate the linguistic divide that has hitherto distinguished humans from animals. Specifically, I examine how the linguistic divide has shaped current discourses in animal ethics—philosophers continue to privilege speech in their advocacy of animal protection, despite their explicit dismissal of the moral relevance of language. Using Patricia Williams’ defense of the rights discourse as my point of departure, I show that the power of rights is very much informed by the power to speak. There is an ineliminable link between one’s ability to *author* one’s speech and the *authority* one derives from one’s rights. To buttress my etymological analysis, I use legal scholar Cass Sunstein’s argument for animals’ right to sue to showcase the connection between rights and speech. I show that the linguistic divide asserts itself at the very core of the rights discourse.

A major part of this chapter addresses the problem of “speaking for animals.” Some philosophers have pointed out that the act of speaking for animals continues to

privilege humans because it presupposes a voice-silence binary. It sustains and reinforces a hierarchy of power that favors beings with speech. They suggest that a non-anthropocentric animal ethic requires that we appreciate the voice—as well as the silence—of animals. While I am sympathetic to their concerns, I argue that a non-anthropocentric ethics is a fantasy at best and a hindrance to animal liberation at worst. We cannot retreat from speaking for animals: I articulate the paradox of such a retreat by showing that the very refusal to represent animals *also* involves a representation of animals. So, instead of disavowing the authority of speech, I motivate my readers to consider an alternative theory of language that would best mitigate the potential violence of speaking for animals.

Both chapters one and two problematize the current discourses on animal rights, but each has a different focus: chapter one revolves around issues of language and speaking subjects in animal advocacy, while chapter two addresses the topic of kinship directly. In chapter two, I turn to psychoanalysis to articulate an animal care ethic that will serve as an alternative to the mainstream animal rights discourse. To set up my argument, I investigate Freud's study of infantile zoophobias. According to Freud, in nearly all cases of infantile animal phobias, the feared animal functions as a father figure. The feared animal takes on the prohibitive role as the father-substitute. With this in view, I show that mainstream discourse on animal rights unwittingly reinscribes a human-animal relationship that is predicated on fear and prohibition.

In light of the standard animal-father substitution mentioned above, Freud's biography of Leonardo da Vinci stands out as a provocative exception. In this psychoanalytic biography, Freud examines da Vinci's fascination with a vulture—only

this time the vulture is an androgynous creature that serves as a *mother*-substitute. More significantly, unlike other accounts of infantile zoophobia, the vulture has a nurturing rather than crippling effect on the infant da Vinci. With the story of the androgynous vulture, I argue that Freud's interpretation of da Vinci opens up a new way to understand our relationships with animals—a way that Freud himself had not anticipated. Insofar as love and compassion also regulate behaviors, a promising animal ethic need not be governed by prohibitions and rights exclusively. In short, I analyze the significance of this deviant case of animal obsession and its ramifications for reconceiving the human-animal relationship.

Whereas chapter one focuses primarily on language and chapter two kinship, chapters three and four formally bring the two topics together by addressing the role of kinship in language. Chapter three revolves around Heidegger's interpretation of the word "symbol" in *The Fundamental Concepts of Metaphysics* (1929/30), the work where he most extensively articulates the concept of the animal. Following Aristotle, Heidegger isolates "symbol" as the key ingredient of human discourse. He interprets "symbol" as the joining together of two things, and the primary example he uses to illustrate this "joining together" is the two halves of a friendship token rejoining together. Building on Heidegger's etymological analysis of "symbol," I show that the condition for discourse—*logos*—is dependent on kinship. The upshot of my analysis is that linguistic capacity is tied to social capacities. Chapter four centers on the topic of identity, especially animal identity. The question of identity is intimately tied to the question of language, specifically the question of how we should *speak for* animals. Drawing on Jacques Derrida's work, I introduce and substantiate the problems of identity politics and

standpoint theory within animal ethics. After articulating various identity issues, I move on to examine Wittgenstein's notion of family resemblance. I show that the notion of family resemblance offers a fruitful way of understanding how we are related to animals.

Despite its promises, the family metaphor is not without its limitations. In particular, the notion of family still does not escape the exclusionary logic that belies our relationship with animals. Furthermore, family is not immune to violence, as it can even be the site of insidious violence. To further complicate the notion of kinship and family, and especially the way animal kinship is built at the expense of human kinship, I return to popular animal rights discourses in my concluding chapter. There, I offer a critical analysis of animal advocacy in popular culture—with specific attention paid to racism. I examine the ways in which racist discourses appropriate the rhetoric of animal rights by analyzing *The Cove*, an Oscar-winning documentary that has mobilized the recent outcry over dolphin hunting in Japan. I argue that *The Cove* employs the typical racist tactic of dehumanization in order to racialize and marginalize the Japanese dolphin-hunters. Ironically, this tactic of dehumanization involves dramatizing the linguistic differences between the dolphin-rescuers and dolphin-hunters. As a result, *The Cove* unwittingly invokes the human-animal dichotomy in its dolphin advocacy.

## CHAPTER I

### GIVING ANIMALS A HEARING: RIGHTS DISCOURSE AND ANIMAL REPRESENTATION IN ANIMAL ETHICS

Logocentrism is first of all a thesis regarding the animal, the animal deprived of the *logos*, deprived of the *can-have-the-logos*.

Jacques Derrida, *The Animal That Therefore I am*

I learned that the best way to give voice to those whose voice has been suppressed was to argue that they had no voice.

Patricia Williams, *Alchemy of Race and Rights*

The Stoic retreated to the position that at least they don't have syntax. The moral conclusion was meant to be 'They don't have syntax, so we can eat them.'

Richard Sorabji, *Animal Minds and Human Morals*

In the *Politics*, Aristotle posits humans as the only animals endowed with speech, with *logos*. Aristotle's definition of the human proliferates throughout the history of Western philosophy, where the human is often defined against other animals by virtue of this capacity to speak. This linguistic divide has been translated into an ontological

hierarchy whereby the human is privileged over the animal—an ontological hierarchy that, many animal advocates contend, informs our treatment of animals.

Against this philosophical backdrop, thinkers concerned with animal ethics have dutifully addressed this linguistic divide. Many of them have recourse to Jeremy Bentham’s famous line, “The question is not, Can they reason? nor, Can they talk? but, Can they suffer?”<sup>12</sup> For Bentham, sentience, not language, entitles one to ethical considerations.<sup>13</sup> Bentham’s view has been popularized by Peter Singer’s utilitarian defense of animal liberation,<sup>14</sup> and is further reproduced by other works on animal rights. Richard Sorabji, for example, insists that the linguistic capacity of animals is “a point of the highest scientific interest, but of absolutely no moral relevance whatsoever” (1995, 216). Gary Francione echoes Sorabji’s sentiment: “the short answer to the question posed by Nagel’s essay is *who cares what it is like to be a bat?* As long as the bat is sentient, then whatever other characteristics the bat has or does not have are *irrelevant* for the moral purpose of whether we should treat the bat exclusively as our resource” (2000, 120). More recently, Francione responds to the claim that humans are uniquely linguistic with a simple question: “so what?” (2009, 8). Within the animal rights discourse, the question of linguistic difference is often deemed irrelevant to the issue of moral status.<sup>15</sup>

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<sup>12</sup> Bentham (1823). Chap 17, section 1, footnote to paragraph 4.

<sup>13</sup> Garrett’s article (2007) on the origin of animal rights is helpful here. Having examined Francis Hutcheson’s pioneering work on animal rights and its influence on Bentham, Garrett concludes: “Instead of universal rights being expanded to include all types of rational, mature human beings, the non-cognitive ability to feel pain and pleasure became the focus, moving rights beyond reason and species to include all types of pain-avoiders and pleasure-seekers” (265). Derrida also offers a helpful analysis on how Bentham changes “the question” regarding the animal in philosophy (2008, 27-28). See also Napolitano (2010, 52-54).

<sup>14</sup> Singer (2009, 7).

<sup>15</sup> See also Warren (1997, 61).



Some philosophers have made a different but related response to the linguistic divide— they muddle it by challenging its boundary.<sup>16</sup> Their effort is twofold. On the one hand, they employ empirical studies of animal communication as evidence against this linguistic divide. Indeed, if dolphins can learn American Sign Language,<sup>17</sup> if Koko the gorilla can make up new words, lie to her trainer, and even learn to rhyme,<sup>18</sup> how can we insist on defining humans in terms of their capacity to speak? How can we maintain the exceptionality of humans by appealing to language? On the other hand, philosophers also point to “marginal cases,”<sup>19</sup> cases where humans do not develop the capacity to speak. For these thinkers, if we are unwilling to exploit those humans who can’t speak, then linguistic difference clearly cannot be the justification for our exploitation of animals. Once again, the linguistic divide is shown to be an impertinent criterion for determining moral status.

While the question of linguistic capacity is ritualistically addressed in the literature, it is usually broached in the context of demonstrating its moral irrelevance. (It is as if philosophers want to address the linguistic question in order to get it out of the way!) While I agree that linguistic capacity should not govern one’s moral status, in this chapter I want to look at the linguistic question from a different angle. Specifically, I want to consider the *social-political* significance of being a speaking subject in animal advocacy. Consider the typical rhetoric of “giving a voice to the voiceless” in animal advocacy, wherein the advocates and the animals are related dichotomously as speaking

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<sup>16</sup> For a general account on how philosophers deal with the linguistic divide, see Steiner (2005, 18ff.).

<sup>17</sup> See Cavalieri (2001, 20); Wise (2002, 135-158).

<sup>18</sup> See Wise (2002, 207-230); Fellenz (2007, 46).

<sup>19</sup> Singer (2009, 14); Dombrowski (1997); Fellenz (2007, 46-47).

vs. voiceless. However, insofar as the task of an animal advocate involves *speaking for* the animal-other, the voice of the animal is trivialized at best and obliterated at worst. Indeed, advocating for animals underpins the linguistic hierarchy whereby the speaking humans are ranked above the dumb beasts.

In what follows, I examine the rights discourse in animal ethics; I show that arguments for animal rights in current literature remain logocentric—the unwitting privileging of *logos*. And by showing the privileged status of language in the literature, I hope to rejuvenate discussions on the linguistic divide in the animal debate.<sup>20</sup>

### The Primacy of Rights/The Primacy of Speech

Anyone who has taken a quick glance at a university library collection on animal ethics immediately notices the dominance of animal rights in the literature. Mainstream discussions on animal ethics are often narrowed to the question of whether animals have rights.<sup>21</sup> Peter Singer’s seminal work *Animal Liberation* has had a tremendous influence on the animal rights movement—despite Singer’s claim that he is not arguing for the rights of animals.<sup>22</sup> Feminist thinkers have noted and criticized the primacy of rights in animal ethics.<sup>23</sup> Notably, in “Animal Rights and Feminist Theory,” Josephine Donovan argues that animal rights theories continue to rely on “mechanistic premises of

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<sup>20</sup> In a recent article, Weil (2010) discusses the “animal turn” in academia. Her essay offers many helpful insights on issues of representation and the problem of speaking for animals.

<sup>21</sup> Wolfe (2010) offers a helpful analysis on rights discourse in the current framework of the animal debate.

<sup>22</sup> Singer (2009) considers critiques of animal rights “irrelevant to the case of Animal Liberation” because his argument for animal equality does not rest on the assumption of animals having rights (8).

<sup>23</sup> Donovan and Adams (2007) identify five major problems with the rights discourse (Introduction, esp. 4-6). See also Adams (1994).

Enlightenment epistemology” (2007, 69). For instance, Tom Regan’s rights theory “inherently privileges rationality,” while Singer’s utilitarianism “requires a quantification of suffering . . . that falls back into the scientific modality that legitimates animal sacrifice” (2007, 64).<sup>24</sup> In addition to the problematic lineage of the rights discourse, critics are worried that the insistence of extending rights to animals is just another form of humanism. Literary scholar Frances Bartkowski asks if the declaration of apes’ rights would “entail new and more intimate ways of enslaving their capacities for reciprocal attachment” (2008, 86). In “Of Mice and Men,” Catherine MacKinnon reminds us that “seeking animal rights on a ‘like-us’ model of sameness is misconceived” because we “miss animals on their own terms” (2004, 264).<sup>25</sup> In other words, even animal rights can still be a token of humanism.

In a more recent critique of animal rights, Kelly Oliver points out that the rights discourse often falls back on a line-drawing strategy in order to demarcate creatures with rights from those without rights (2009, 29). She wonders if the rights discourse can overcome the human-animal opposition, given that it rests on the logic of exclusion and binary opposition (2009, 29).<sup>26</sup> To complicate the rights discourse even further, in this chapter I argue that the prioritization of rights in the literature is intertwined with the prioritization of language in the animal rights debate. The primacy of rights cannot be

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<sup>24</sup> See also McKenna (1994); Kheel (2004). McKenna argues that Singer’s argument for vegetarianism prioritizes reason over emotion, while Kheel characterizes the primacy of rights as a “masculinist orientation” (336).

<sup>25</sup> Or, as Oliver (2009) puts it, “Just as feminists ask why women have to be like men in order to be equal, we can ask why animals have to be like us to have inherent value” (30).

<sup>26</sup> In his forward to *Animal Rites*, Mitchell makes a similar point about this problem. He articulates the paradox of animal rights as follows, “The very notion of ‘animal rights,’ to begin with, seems impossible insofar as it is modeled on human rights, because the very idea of *human* rights . . . is predicated on the difference between humans and animals” (2003, ix).

separated from the primacy of language *and* the privileging of linguistic beings. I will examine, first of all, the linkage between language and the effect of rights.

In *The Alchemy of Race and Rights*, Patricia Williams responds to the critique of rights from Critical Legal Studies (CLS) scholars. She defends the rights discourse by speaking of the empowering effect of rights. For her, “one’s sense of empowerment defines one’s relation to the law” (1991, 148). While those who are already empowered by rights can afford to move beyond the rights discourse, those who have been deprived of rights still find the rights language desirable: “‘Rights’ feels new in the mouths of most black people. It is still deliciously empowering to say” (1991, 153, 164). Here, I am particularly interested in the *empowering* effect of rights. What does it mean to be empowered? Can we speak of empowerment for the animal? (What would *that* look like? How would we recognize it?) According to the OED, to empower means “to invest legally or formally with power or *authority*; to *authorize*, license.” I emphasize “authority” here because of the etymological kinship between authority and authorship<sup>27</sup> – having power means having the power to speak.<sup>28</sup> Thus empowerment connects rights to the ability to author one’s own speech, to speak for oneself. As Williams puts it, an expansion of rights “[gives] voice to those people or things that . . . historically have had no voice” (1991, 160). Rights give us a *say*; and without rights, we may as well be dumb animals. It is noteworthy that in her defense of rights, Williams compares her great-great-

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<sup>27</sup> Hobbes, of course, famously points out this connection in *Leviathan*, chapter 16. Following Benveniste, Bourdieu also reminds us of the connection between “*auctoritas*” and “*auctor*” in *Language and Symbolic Power* (1991, 222).

<sup>28</sup> In addition to “authority,” the word “dictatorship” also intimates the connection between power and speech. According to the OED, to “dictate” means “to put into words which are to be written down; to utter, pronounce, or read aloud to a person.” But it also means “to prescribe (a course or object of action); to lay down authoritatively; to order, or command in express terms.”

grandmother Sophie (who was a slave) to a wild fox. According to Williams, whether a slave or a fox, “rights over them never filtered down to them; rights to their persons were never vested in them” (1991, 156). In light of the connection between rights and speech, how should we understand the empowering effects of *animal* rights? Does it mean letting animals speak for themselves? Must animals write for their rights?

In addition to Williams’ defense of rights, Jacques Derrida’s reading of *Leviathan* in *The Beast and the Sovereign* also highlights the connection between rights and speech. In his posthumously published seminars, Derrida complicates the relationship among law, rights, and speech. Derrida’s reading of *Leviathan* is characteristically rich, but for the purpose of this chapter I will focus specifically on the following passage from *Leviathan*:

To make Covenant with bruit Beasts, is impossible; because not understanding our speech, they understand not, nor *accept* of any translation of Right; nor can translate any Right to another: and without *mutuall acceptation*, there is no Covenant. (2009, 55, Derrida’s emphasis)

Here we once again see how rights and speech intertwine. In Hobbes’ view, animals do not enter into the covenant because they do not have language; and lacking language, they cannot accept any “translation of right.”<sup>29</sup> As Derrida highlights in this passage, a key element of language is this ability to “accept”—the ability to respond and reciprocate (2009, 55). Without this responsiveness, animals can neither “accept” rights nor commit themselves to the covenant. Interestingly, Derrida observes that animals are not the only beings excluded in Hobbes’ account of the covenant—God is also excluded in this covenant of men. More strikingly, God is excluded *for the same reason* as animals are excluded—neither God nor animals respond and reciprocate (2009, 55-57).

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<sup>29</sup> Because animals do not have language and cannot make covenants with humans, Hobbes also claims that humans cannot do injustice to animals (Francione 2000, 123n51).

It is by drawing a parallel between the silence of God and the silence of the beasts that Derrida disrupts the speech-silence hierarchy. He helps us see that silence (or irresponsiveness) is not always the mark of the dumb beasts. Indeed, if God has a “right” to be silent, if God’s sovereignty is expressed in this asymmetry of responsiveness, then why do we insist that the irresponsiveness of the animal is a defect, a lack, and even a justification for their exploitation? How does silence get bifurcated into the silence of the privileged and the silence of the oppressed?<sup>30</sup> More importantly, if we perceive God’s silent treatment as an exercise of power, can we also perceive animals’ silence as powerful and meaningful in its own right? (I will revisit the question of silence later.)

In his reading, Derrida also observes that insofar as God and animals are excluded from the covenant, they both occupy a space external to the law. He even compares their “being-outside-the-law” status to that of the criminals (2009, 17). Whether “ignorant of right” or “having the right to suspend right,” neither the animals nor God are subjects of—hence subjected to—the law (2009, 33). Thus far, the animal rights movement has responded dutifully to this “outside-the-law” status of animals. For animal rights advocates, the answer to the suffering of animals lies in undoing their “outlawed” status by including them in our “covenant,” our law. They tell us that it does not matter whether animals can respond to our rights (once again, we see the Benthamian line invoked); what matters is that *we* can respond to theirs. At first glance, animal rights advocates appear to be at odds with Hobbes by including animals in the covenant. However, as we will see, the expansion of rights to animals reinforces, rather than challenges, the linguistic divide that defines the Hobbesian covenant from the beginning.

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<sup>30</sup> It is noteworthy that animal advocates are often accused of anthropomorphism when they speak for the animals, while the term “anthropomorphism” referred initially to the act of attributing human qualities to deities.

To further illustrate the logocentrism of the rights discourse, I want to turn to the enforcement (or the lack thereof) of animal rights. In “Can Animals Sue?” legal scholar Cass Sunstein points out that even though anticruelty laws do exist to protect animals, these laws are not enforced as often as they should be. This is because enforcement takes place only through public prosecution, and animal protection is generally a low priority for prosecutors (2004, 252-253). To address this “enforcement gap,” Sunstein argues, “private citizens should be given the rights to bring suit to prevent animals from being treated in a way that violates current law . . . animals should be permitted to bring suit, *with human beings as their representatives*, to prevent violations of current law” (252).<sup>31</sup> In our judicial system, the interests and desires of animals must be mediated by a human representative—a representative who speaks in legal lingo and not in an animal voice. As such, the voice of the animal is obliterated at the very moment we give it a hearing.

While the primacy on “rights” in the literature is expedient for legislating against animal cruelty and institutionalizing animal protection, it comes at a cost. Specifically, the focus on rights obscures the power relation on which animal exploitation rests. In this context, critiques of liberal rights theory seem particularly relevant.<sup>32</sup> Catherine MacKinnon has argued that granting rights to members of oppressed groups only guarantees their equality *formally*, but it does not necessarily bring about actual equality

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<sup>31</sup> It is interesting that Sunstein proposes a different solution to this “enforcement gap” in a more recent article, Leslie and Sunstein (2010, 122ff.). In it he suggests that we adopt “disclosure of information as a regulatory tool” (123). Such a disclosure can be done through, for example, a “labeling system” (136). Food labels are supposed to inform consumers of the practice of a given meat supplier, and the point is that “consumers [would be] empowered to make food choices that take into account their preferences for different levels of animal welfare” (136).

<sup>32</sup> For a helpful summary on CLS scholars’ critiques on rights, see Schneider (1990); Schwartzman (1999). In many cases, critiques of liberal rights overlap with feminist critiques of animal rights.

if the structure of power remains untouched.<sup>33</sup> Wendy Brown makes a similar point: “while [rights] formally mark personhood, they cannot confer it; while they promise protection from humiliating exposure, they do not deliver it” (1995, 127). Although MacKinnon and Brown are concerned with *human* rights in their respective works, the point they make is relevant to the animal rights debate. Indeed, the “enforcement gap” articulated by Sunstein shows precisely the discrepancy between the granting of rights and the exercising of rights. Even though animals are granted certain rights (or protections) in our legal system, these rights are not necessarily *accessible* to them. And their lack of access to these rights stems in large part from their inability to make claims (with a language that is recognized by the court). As a result, the extension of rights to animals has real force only if there is a human representative to speak for the animals, and this dependence on a human representative reinforces the existing power hierarchy. Ironically, the enforcement of animal rights trades on, and exacerbates, the linguistic divide that has segregated humans and animals in the history of philosophy.

### The Problem of Speaking for Animals

In Cass Sunstein’s vision of the animal plaintiff, the human representative speaks on behalf of animals in order to further animal welfare. However, it is important to keep in mind that animal advocates are not the only ones speaking for animals. As laboratory veterinarian Larry Carbone reminds us, within the debate of animal research, research advocates also speak on behalf of animals in order to justify animal experimentation (2004, 4). Just like animal protectionists, research advocates also claim knowledge and expertise with regard to the desires, preferences, and interests of animals—despite the

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<sup>33</sup> This particular critique by MacKinnon is presented by Schwartzman (1999, 34).



fact that these two groups have conflicting goals.<sup>34</sup> As such, speaking for animals is necessary for both animal liberation *and* animal exploitation.

Now, the very act of speaking for others, *even if* well-intended, can still be a form of violence. For one thing, it is hard to listen when we are too busy speaking. And it may be difficult to appreciate silence—to see that silence is already pregnant with meaning—when we feel compelled to “give voice” to the voiceless. (As Derrida argues, silence can even be an exhibition of power—God’s silent treatment, for instance.) Stephen Laycock articulates the problem of giving voice to animals as follows.

We insert ourselves at the heart of the purported alterior subjectivity, there to speak for the mute, to give voice to the silent—to give (or rather *impose*), that is, our own voice, not to offer the animate Other a vehicle whereby it may express itself. And to substitute voice for silence is the clearest demonstration that we have not yet attuned ourselves to the silence *beyond* “silence,” to the fact that “silence” is still the term of a binary conceptual contrast. (1999, 277)

As Laycock rightly puts it, the problem of speaking for animals goes beyond the risk of projection. This is because when we insist on speaking for others, we implicitly subscribe to the voice-silence binary. We sustain and reinforce the hierarchy of power that favors beings with speech—human beings. Feminist theorist Linda Alcoff has also cautioned against the impetus to speak for others. For her, the practice of speaking for others is often “born of a desire for mastery,” and those who speak for the other often reinscribe the hierarchy that privileges the speaker in the first place (1991, 29). Accordingly, “the impetus to speak must be carefully analyzed and . . . fought against” (1991, 24). It is important that we interrogate our own investment in speaking for others, and how

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<sup>34</sup> As Carbone points out, “[both] animal protectionists and scientists claimed to speak for the reality of the lives of research animals” (2004, 169). For example, animal protectionists describe “unspeaking tortures” in research labs, while some research advocates claim that “not all fatal toxicity studies are painful to the animal subjects” (2004, 169).

speaking for others may sustain the privileged position that we assume. Speaking for animals can become a form of “paternalism,” a “human chauvinism” that inhibits genuine openness to the animal other (Laycock 1999, 279).

Certainly, the speaking for others problem is not exclusive to the animal protection movement.<sup>35</sup> In “Of Mice and Men,” Catherine MacKinnon points out that it is a problem common to women’s issues as well as animals’: “Just as it has not done women many favors to have those who benefit from the inequality defining approaches to its solution, the same might be said of animals. Not that women’s solution is animals’ solution. Just as our solution is ours, their solution has to be theirs” (2004, 270). I will return to the distinction between women’s solution and animals’ solution later. At the moment I want to focus on the notion of “animal solution.” First of all, what counts as an “animal solution”? And if there is an animal-proper solution, how do we recognize it? What (and whose) standard do we use to measure the success of an animal solution? MacKinnon suggests that we consider “what it would do to the discussion if [animals] *spoke for themselves*” (270, emphasis mine). So it seems that an animal solution requires us to listen to the animals. Here, MacKinnon tries to problematize the linguistic divide: at stake is not whether animals can speak, but whether *we* can understand them when they speak, and “what it will take to learn the answer [from the animals]” (270). The burden is therefore on us instead of the animals. I take MacKinnon’s point to be an invitation to rethink our approach to animal ethics. That is, we need a more fluid and creative notion of “speaking” (and “listening”).

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<sup>35</sup> In fact, in Alcoff’s critique, the “others” in the speaking for others problem are *not* animal others.

It is perhaps instructive to compare MacKinnon's invitation to Laycock's recommendation to philosophers. After chastising philosophers for "paternalism" and "human chauvinism," Laycock writes,

It is no excuse to complain that in attending the Other's voice we hear nothing, that we must speak for the Other because the animate Other cannot speak for itself, that the screen would be blank without our own projection. *Let the screen lapse into imageless blankness. Let all lapse into silence.* (279, emphasis mine)

While MacKinnon's invitation is sensitive to the violence of speaking for animals, I wonder what it means to have animals "speak for themselves." And despite Laycock's poetic appeal, I wonder what might be the material force of "lapsing into silence," especially when it comes to transforming our relationship with animals on the ground. More specifically, my worry is twofold. First, how can we guarantee that this "lapsing into silence" would not lapse into an excuse to retreat from standing up for the powerless and the oppressed? How can we tell the difference between silence and indifference? Alcoff reminds us that retreating from speaking for others may "significantly undercut the possibility of political effectivity" (1991, 17). And we must ask ourselves, how can we stop violence against animals when we get caught up in the violence of speaking for them? Second, suppose that "letting animals speak" does not collapse into a disavowal of responsibility, and that it still calls for our response. Now, in order to make such responses we must first translate the animal's voice *into our terms*. But as long as translation is involved, the claim that we should let animals speak for themselves seems vacuous, if not disingenuous. Similarly, "lapsing into silence" still calls for an interpretation—a human interpretation—of this silence. In the end, MacKinnon's and Laycock's recommendations may turn into mere self-congratulatory gestures that cover

up the projection and interpretation involved in our translation of their voices or silence. What we posit as the “animal solution” may remain an anthropocentric solution; we may continue to put words in their mouths even if we claim otherwise.<sup>36</sup>

Finally, I want to reflect on this tendency to valorize the voice of animals (by insisting that animals should speak for themselves). Here, Larry Carbone’s observation on the tradition of academic writing is helpful.

Scientists (and scholars in many fields) use the impersonal passive voice in their writing as a sign of their attempts to remove their particular interests and biases from their project at hand. They pose as mere bystanders, objectively reporting nothing but the facts, dispassionately explaining what those facts mean. Nature speaks through them. (2004, 16)

Following Carbone’s critique of the “academic voice,” we must ask, are we valorizing the animal’s voice because we want to remove ourselves—as well as our anthropocentric interests—from our writings on animals? And just as scientists imagine that “nature speaks through them,” are we not in some way supposing that animals can “speak through” us? But if “facts” are imbued with the interpreter’s interests, then “animal voices” are also subjected to the biases of the translator. As such, even though the appeal to let animals speak may curb our impulse to speak for animals, it does not eradicate the anthropocentric biases implicit in our representation of their voice.

In “How To Do Things With Animals,” literary scholar Karen Raber remarks: “It is the peculiar fate of animal studies that the subjects of its liberationist impulses will not speak up” (2008, 107). And as a result, “paternalism and repressive displacement” seem

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<sup>36</sup> In a recent article on elephant communication, Phillips wonders how we can represent the behavior or the mental states to which we have only partial access (2010, 37). He also highlights the problem of “scriptability,” which involves the question of “whether animal behavior . . . can be written (or written about) in the first place” (2010, 34).

inevitable in our representation of animals (2008, 107).<sup>37</sup> Historian Erica Fudge also speaks of the impossibility of writing a “history of the inarticulate” (2002, 6). Even though there is a history of human representation of animals, there is no “history of the animal” because animals do not write their own history (2002, 5). And for philosophers, the question becomes this: Is a philosophy of the animal possible? If a history of the animal requires documents left by the animals (Fudge 2002, 5), then does a philosophy of the animal require thoughts thought by the animals? Can we philosophize about animals without any anthropocentric investment and projection?

Although I have highlighted the connection between rights and speech in the previous section, the speaking for others problem clearly does not belong to the rights discourse alone. As long as we write and talk about animals, we are constructing their perspectives and representing their positions.<sup>38</sup> In fact, even the appeal that we should let animals speak for themselves involves a representation of their desire, namely, the desire that they prefer speaking to being spoken of (a desire that, I must add, betrays our own bias to speech and our self-identification as linguistic animals). My point is not that MacKinnon and Laycock have *mis*represented the preference of animals, and that animals would have preferred a spokesperson. Rather, my point is that representation is inevitable even in the most radical rejection of representation.

At this juncture, we begin to see where the problem of speaking for *animals* departs from the problem of speaking for *women*. And although Alcoff’s treatment of the

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<sup>37</sup> Carbone makes a similar claim regarding animal welfare policy: “What sets animal welfare policy studies apart from most other policy studies is that animals have no direct voice. They enter policy dialogues only through those people who would speak for them (2004, 5).”

<sup>38</sup> Here, Alcoff’s discussion of the distinction between “speaking for others” and “speaking about others” is helpful. She argues that the distinction is not necessarily clear-cut. For her, both practices involve “the act of representing the other’s needs, goals, situation, and in fact, *who they are*” (1991, 9). And for her, each representation is “the product of interpretation” (1991, 9).

speaking of others problem has been instructive, we also begin to see its limits when this “other” is an animal rather than a woman. Following Gayatri Chakravorty Spivak, Alcoff makes the following recommendation: “We should strive to create wherever possible the conditions for dialogue and the practice of speaking *with* and *to* rather than speaking *for* others” (1991, 23, emphases mine). Put differently, those who are in the position to speak must seek to democratize the conversation by ensuring that the “other” has a chance to speak, too. Now, it seems that we have already created “conditions for dialogue” when it comes to human-animal communication. As noted, Koko the gorilla has learned how to sign, and captive dolphins have learned to read a version of the American Sign Language. But even in these relatively successful examples, the “conversation” is far from being egalitarian. In the case of Koko, she was given a chance to speak only on the condition that she speaks (signs) *our* language. So a dialogue with Koko is legitimized only by the valorization of human language. Our “dialogue” with dolphins is even more precarious. As an underwater acoustic consultant points out in an Oscar-winning documentary *The Cove*, it is ironic that we teach dolphins American Sign Language—given that dolphins do not have hands, communication is reduced to a one-way process right from the beginning. Surely, we may create “conditions for dialogue” not by teaching animals human speech, but by attending to their specific body languages and social habits. But in order to make sense of these body languages and social habits, interpretation (or translation) is once again necessary. At the end, the distinction between speaking *with* animals and speaking *for* animal may simply collapse.

I want to return to an earlier quote from MacKinnon. Considering the significance of feminist issues to animal issues, MacKinnon notes: “Not that women’s solution is

animals' solution. Just as our solution is ours, their solution has to be theirs" (2004, 270). Even though it is unclear what MacKinnon has in mind with regard to this "animal solution" (or how we can gauge the success of this solution), her comment remains instructive. While feminists can do feminist things with words,<sup>39</sup> animals do not do beastly things with words. While feminists participate in the language game of patriarchy in order to subvert it and expose its weaknesses, animals don't write pamphlets or articulate their positions. To put it more bluntly, while women and members of other oppressed groups eventually speak for themselves, animals do not relieve us of the burden of speaking for them, nor do they relieve us of the resultant guilt of "human chauvinism."<sup>40</sup> Speaking for animals, it seems, is inevitable, even if it is problematic and distasteful. The clichéd notion of the linguistic divide reasserts itself even as we attempt to problematize it.

That animals do not lift our burden of representing them also presents a significant challenge for the postmodern project of de-centering the human.<sup>41</sup> In response to theorists who seek to destabilize the human-animal divide from a postmodern, "posthumanist"<sup>42</sup> perspective, Karen Raber articulates what she deems a "problematic desire" in animal studies, "a desire for a world in which humans and animals live in happy harmony without exploitation or abuse" (2008, 100). According to Raber, not only do the post-humanists fail to interrogate their own utopianism, they also harbor a "fantasy

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<sup>39</sup> Hendricks and Oliver (1999).

<sup>40</sup> See Raber (2008, 107).

<sup>41</sup> For a helpful discussion on the post-structuralist, postmodern project of de-centering the human, see Raber (2008, 99-101).

<sup>42</sup> Wolfe describes the posthumanist project as "challenging the ontological and ethical divide between humans and non-humans that is a linchpin of philosophical humanism" (2008, 8).

of the post-cruel” in their utopianism, a “desire to eradicate human abuse of animals in all forms” (2008, 106).<sup>43</sup>

This “fantasy of the post-cruel” is certainly not exclusive to theorists with posthumanist, postmodern sensibilities. Animal rights advocates such as Tom Regan and Gary Francione have long argued for the abolition of the use of animals (so they go much further than the “post-cruel” approach), and their subscription to the rights discourse can hardly be characterized as “posthumanist” or “postmodern.” Interestingly, even though this “fantasy of the ‘post-cruel’” is shared by many, it poses a challenge unique to the posthumanist, postmodern thinkers. For Raber, this fantasy that we can be cruel-free is fundamentally at odds with the project of the posthumanist because “to reject cruelty [is] to reject the animal that we are—to reinstate human exceptionalism with all its attendant problems” (2008, 106). A question that animal advocates often face is why we should respect animals’ rights when they don’t respect ours.<sup>44</sup> And the response of animal advocates inevitably falls back on some version of human exceptionalism. (E.g., unlike animals, we are capable of being ethical, therefore we should.<sup>45</sup>) In a way, this fantasy of the post-cruel is a different expression of the fantasy of having animals speak for themselves. Just as the posthumanists envision a world without violence and cruelty against animals, MacKinnon and Laycock imagine a world without the tyranny of speaking for others. However, just as we cannot escape human exceptionalism even in

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<sup>43</sup> It is interesting that, speaking of the “ferocity of man,” Lacan insists that “cruelty implies humanity” (quoted in Derrida 2008, 105).

<sup>44</sup> For example, People for the Ethical Treatment of Animals (PETA) includes this question on its FAQ. <http://www.askcarla.com/Q&A-Miscellaneous.asp?CategoryID=2&Category=Misc>

<sup>45</sup> For instance, in her introduction to J.M. Coetzee’s *The Lives of Animals*, Amy Gutmann writes, “Unlike some animals, human beings do not need to eat meat. We could – if only we tried – treat animals with due sympathy for their ‘sensation of being’” (2001, 4).



the most radical animal egalitarianism, we cannot avoid representing animals even in our disavowal of speaking for them. In her paper, Raber asks whether it is “possible that we *need* human exceptionalism” in animal ethics (2008, 101). Following Raber, we may ask whether it is possible that we *need* to speak for animals in animal ethics, and whether it is possible that we *need* the violence of “human chauvinism” or “paternalism” in order to curb the violence of animal exploitation.

### Reconceptualizing the Linguistic Question

In this chapter, I seek to demonstrate the social-political relevance of the linguistic divide in animal ethics—a topic that remains under-theorized in the literature. Specifically, I show that the voice-silence dichotomy remains the bedrock on which animal advocacy lies; and as a result, the linguistic divide is still being presupposed in the animal rights discourse. But there is certainly more to the question of language in animal ethics than this linguistic divide. In *The Sexual Politics of Meat*, for example, Carol Adams analyzes the ways our language “uphold[s] meat-eating” (1990, 63). In her view, our anthropocentric language alienates us from other animals. For instance, the use of “it” as a pronoun for the animal reduces the animal to a thing-like status, while different animal metaphors “distort the reality of other animals’ lives” (1990, 64). Furthermore, Adams argues provocatively that “every meat meal is an absence, the death of an animal whose place the meat takes” (1990, 63). Once butchered, seasoned, and cooked, the animal on our plate is no longer recognizable *as an animal*; in a similar way, once baptized “meat,” animals disappear via a linguistic sleight of hand (1990, 64). For Adams, the

consumption of flesh is sanctioned in part through the magic of renaming.<sup>46</sup> Adams helps us see a connection between language and diet, between what we say and what we eat.<sup>47</sup> Indeed, Adams shows that insofar as we are linguistically constituted, it is important to examine what our linguistic capacity has afforded us to do to—and to do for—the animals. According to my analysis, the capacity to speak also entails the responsibility to speak for our animal others (whether in the form of representation, interpretation, or translation)—not because we’ve decided once and for all that animals do not speak, but simply because we cannot avoid speaking for or representing them.

My analysis of language is made against the backdrop of philosophers’ quick dismissal of the linguistic divide as a relevant moral issue in animal ethics. In my view, their dismissal also reveals a limited and prejudiced understanding of language. Specifically, they seem to associate linguistic capacity with rational capacity primarily. (Recall, for example, Bentham’s famous line where he places the capacities to “reason” and “talk” on the one side, and the capacity for “suffering” on the other.) As we know, *logos* means both “word” and “reason” — “the term for speech and rational thought are indistinguishable in Greek” (Osborne 2007, 64). Historically, we come to think of language as a capacity that allows us to reason, to discourse, to philosophize.

In light of this philosophical backdrop, there is an urgent need to rectify this particular kind of philosophical prejudice, the prejudice that links language to reason exclusively. Indeed, is it possible to reconceive of our understanding of language? Instead

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<sup>46</sup> For a detailed account on how language justifies the oppression of animals, see Dunayer (2001).

<sup>47</sup> Examining the works of Derrida and J. M. Coetzee, McKay (2010) makes the following observation, “[language] use is explicitly linked to meat-eating; speaking and carnivorousness are regarded as the always-already of humanity” (68). For an interesting account of the relationship between assimilation of sounds and the assimilation of flesh in Rousseau, see Oliver (2009, esp. Chaps 2 and 4).

of considering language reductively as a capacity that allows us to reason, can we consider linguistic capacity as first and foremost a relational capacity—language being that which enables us to develop kinship with others, even kinship across species? And if we consider language as a relational capacity that enables us to develop relationships with others, then perhaps there is a space to talk about the linguistic differences between humans and animals without turning these differences into an opposition.

CHAPTER II  
FROM ANIMAL FATHER TO ANIMAL MOTHER: A FREUDIAN ACCOUNT  
OF ANIMAL MATERNAL ETHICS

Does Topsy Realize She is Being Translated?

Sigmund Freud's letter to Marie Bonaparte

Anna Freud used to write poems for her father, Sigmund, on his birthdays. These poems, however, were written on behalf of their dogs and were presented as gifts from the dogs. According to one account, "Sigmund would always read the poem out loud, with great dramatic flourishes, then thank the dog in whose name it was signed and offer the dog the first slice of birthday cake" (Coren 2002, 137). Aptly dubbing these poems "birthday doggerel," another commentator wonders, "Whose voice is speaking through this rhyme? A dog separated from its master? or the one-time naughty daughter expressing her love for her father?" (Molnar 1996, 277). Indeed, whose voice is speaking here? Anna the writer of the poems? Sigmund the reciter whose physical voice delivers the poems? Or the dogs from whose perspective the poems are composed?

It is fitting that the "birthday doggerel" anecdote invokes the question of *whose voice is speaking*. The overlapping of voices points to the indeterminacy of authorship—not only in the case of the birthday poems but also in psychoanalysis more generally. During analysis the patient does most of the talking. While she is expected to tell her tale, we all know that the patient's story is rarely the end of the story or the whole of the story. The story told by the patient during analysis is often symptomatic of the repressed or

displaced psychic story. Freud, as we know, re-tells stories on behalf of his patients by reconstructing various scenes of the Oedipal drama in their lives.<sup>48</sup> For him, even though the free associations of the patient during analysis provide “raw material” for the suppressed story, it is up to the analyst to structure the raw material together.<sup>49</sup> In an important sense, the service of the analyst is premised on the fragmentation of the patient’s story.

That the patient relies on the analyst to come to terms with her psychic story calls into question the patient’s ownership of her story. But the indeterminacy of authorship in psychoanalysis is perhaps symptomatic of the difficulty of being one’s own author more generally. Indeed, psychic story aside, have we ever told a story that is absolutely our own? Is it ever possible to tell our own story without supplementary anecdotes from the other? (We cannot, for example, tell the stories of our birth and our death. And even the childhood memories are often contaminated with the memories of our parents or siblings.) As Judith Butler argues, insofar as the self is always interrupted by the other, insofar as one’s account of oneself is always an address to the other, there is no account of oneself that is entirely one’s own making (2005). The quote with which I opened this chapter comes from one of Sigmund’s letters to Marie Bonaparte in 1937, during the time when Sigmund and Anna were translating her book on her dog, “Topsy.”<sup>50</sup> Freud wonders if Topsy realizes that she is being translated (from French to German), but of

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<sup>48</sup> In *A Thousand Plateaus*, Deleuze and Guattari also critique Freud’s interpretation of the Wolf-man’s dream. They fault Freud for radically changing the content of the Wolf-man’s dream in his interpretation.

<sup>49</sup> For example, Freud uses the phrase “raw material” to refer to the Wolf-man’s dream (1918, 34). In *The Question of Lay Analysis*, Freud uses the analysis of an ore to describe the materials provided by the patient during the analysis (1926b, 219).

<sup>50</sup> Marie Bonaparte’s book is called “*Topsy, Chow-chow au Poli d’Or*.”

course, even the “original” French is already a translation from Topsy’s voice. But insofar as psychoanalysis displaces the self to the unconscious, it makes us all wonder whether the voice that we take as our own is not already some kind of translation, some act of ventriloquism.

Keeping the question of authorship in mind, let’s return to the dogs in Freud’s family for the moment. Commentators have pointed out that Freud’s dogs took on the role of surrogacy (Molnar 1996; Pellegrini 2009; Garber 1997). For instance, Anna’s black Alsatian, Wolf, initially served as a paternal surrogate—Sigmund acquired it to protect Anna during her evening walks. He later acknowledged that Wolf also served as a “replacement” for his grandson, Heinele, who died from tuberculosis (Pellegrini 2009, 232). Wolf was simultaneously a replacement of the ailing father and a lost child. It is also noteworthy that the Freud family recycled the names of their dogs, so the new dogs also served as substitutes for the old ones.<sup>51</sup> As one reader comments, for Freud “all object-love participates in an endless chain of substitutions” (Pellegrini 2009, 244).

In a bizarre poetic twist, the dogs even became stand-ins for Sigmund to relieve him of his digestive duty (Molnar 1996, 275). Sigmund suffered from jaw cancer in the last years of his life, which resulted in difficulty in eating. In one of her “birthday doggerels,” Anna imagines the dogs eating—and digesting—on behalf of her father:

They declare their unswerving willingness to serve.  
They dedicate their stomach's ability  
to your dinner's edibility,  
they will eat in a trice  
your plate of rice,  
without mercy delete  
your portion of meat,  
always ready to take

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<sup>51</sup> According to Coren, “there are a number of Luns (named after their first dog), a few Tattouns (named after a favorite of Marie Bonaparte), and several generations of dogs named Jofi” (2002, 138).

a piece of your cake,  
and when all's done and said  
help you out with your bread.

Thus their persevering jaws  
will tirelessly do your chores  
of chewing, and their fangs won't shirk  
taking on your mealtime work.

They offer themselves up  
as your prosthesis and your prop.  
(quoted in Molnar 1996, 276)

The logic of substitution is not just at work in Freud's personal relationship with his dogs. As we will soon see, central to Freud's account of animality is the substitution between the animal and the father. But before we go into that in detail, I should note that it is difficult to give a singular, unified role to animality in Freud's corpus. In *The Interpretation of Dreams*, Freud catalogues various meanings of animals in dreams: a lizard symbolizes the prevention of the castration threat (as a lizard can re-grow its tail); fishes, snails, cats, and mice are all symbols of genitals; small animals or vermin mean an undesired sibling, while "being plagued by vermin is often a sign of pregnancy" (1900, 357). Different commentators have also assigned different roles for the animal in Freud's work: some argue that Freud uses animality "to negatively cast female sexuality"; some make connections between animality and "primitivism"; while some see animality as a representation of "the lost world of sense and sensation" or an "unconscious archive of the past" (Roberts 2008, 30; Armstrong 2008, 142-143; Parikka 2010, 92<sup>52</sup>). Elissa Marder argues that the animal often serves as a conceptual intervention—"without the

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<sup>52</sup> Carrie Rohman also argues that animality for Freud is the "archaic past": it is a regressive stage that one must overcome in order to "become and remain human" (2009, 23).

animals, Freud cannot account for the idea of death in the psyche” (2009, 12). The animal in Freud’s corpus is an impressive multi-tasker.

Keeping in mind the varying parts that the animal plays, I am specifically interested in its role as the father-surrogate. Freud’s most extensive discussion of animals is found in his writings on infantile zoophobia. From Little Hans’s horse to little Árpád’s poultry, from the Wolf-man’s wolves to the Rat-man’s rats, many of these animals in Freud’s work are father-substitutes. In a chapter titled “Freud’s Zoophilia,” Kelly Oliver offers an extensive treatment of Freud and the animal. In her analysis of *Totem and Taboo*, she exposes the animal hidden behind the primal father, and argues persuasively that the animal-father substitution is central to the Oedipal drama that drives Freud’s psychoanalytic theory (2009, chap. 11). Following and building on Oliver’s analysis, in this chapter I interrogate the substitutive role played by the animal with an eye to the prohibitive character exhibited by these animal-fathers.

#### Freud and Animal Fathers

It seems uncontroversial—at least according to Freud—that the feared animals are always father-substitutes. In *Totem and Taboo*, Freud makes a rather wholesale claim regarding this substitution: “It was the same in every case: where the children concerned were boys, their fear related at bottom to their father and had merely been displaced on to the animal” (1913, 127-128). Indeed, it does seem to be *the same in every case*: Little Hans displaces his fear of his father onto the horses and the Wolf-man onto the wolves, while Little Árpád, who is afraid of poultry, proclaims unambiguously, ““My father’s the cock”” (1913, 130). But how exactly does the animal come to represent the father?



In “Inhibitions, Symptoms and Anxiety,” Freud argues that the fear of animals comes down to the castration complex, as analysis reveals that the phobic little boys are *specifically* afraid of having their penises bitten off by the animal (or otherwise being devoured by the animal). The anxiety of having their genitals bitten off by the animal is, according to Freud, a “distortion [of] the idea of being castrated by their father” (1926a, 108). As we know, for Freud the fear of castration is developmentally important for a boy’s life. It is by the threat of castration that the boy learns to relinquish his illicit desire to be with his mother. Now, given that the castration threat is actually part of a positive Oedipal experience, the fear *alone* does not count as neurotic. For Freud, the neurosis lies in the *substitution* of the father for the animal (1926a, 103). This substitution has two advantages: first, the phobic can resolve his ambivalent feelings toward his father; that is, he no longer love-hates his father, for the hatred is transferred to the animal (1926a, 125). Second, the phobic makes the threat of castration *conditional*. While the boy can’t avoid seeing his father (who presents the threat of castration initially), he can avoid seeing the horse by refusing to go on the street (in the case of little Hans) or by refusing to read a storybook (in the case of the Wolf-man) (1926a, 125-126).

Given Freud’s account of animal phobias, the animal takes the place of the father and turns into a punitive figure that threatens to castrate the little boy. Indeed, the prohibitive character of the animal is also evident in Freud’s account of the primal horde in *Totem and Taboo*. The totem animal replaces the primal father and becomes the prohibitive figure that institutes the two taboos in the totemism: incest and murder. In her essay “Being Human: Bestiality, Anthropophagy, and Law,” Kalpana Seshadri-Crooks helpfully exposes the connection between the animal and the law by articulating their

intertwined origins. She argues that species difference (human/animal) and the law are concurrently inaugurated when the brothers commit the deed:

The newly instituted concept of murder organizes acts of killing according to the object: those that can be killed (sanctioned slaughter) and those that cannot be killed (murder). The former group is comprised of the animal, in its difference from the human, as food or as sacrificial object. (2003, 103)

In other words, at the heart of the law against murder we find the difference between humans and animals. The law against murder (or more precisely, the *concept* of murder) is predicated on species difference—only the killing of *humans* counts as murder. The killing of animals is, as it were, merely killing. In the time before the law there was no murder, and in the time before species difference there were neither humans nor animals. Human subjectivity is acquired in our differentiation from the animal, and this differentiation is precisely what informs us of what can be killed and what cannot be killed—that is, what counts as murder and what counts as killing. But insofar as the prohibition against murder (together with the prohibition against incest) is the beginning of all prohibitions, the beginning of all laws, the totem animal is, right from the beginning, the guarantor of the paternal law.

#### Prohibitions and Animal Rights Discourse

Given the Freudian understanding of the animal as the prohibitive paternal figure, it is particularly ironic that mainstream discourse on animal rights is imbued with the language of prohibition. In his essay “The Case for Animal Rights,” Tom Regan begins his argument by presenting the three main goals of the animal rights movement as follows: “The total abolition of the use of animals in science,” “the total dissolution of

commercial animal agriculture,” and “the total elimination of commercial and sport hunting and trapping” (1985, 13).

Collectively, these goals underscore the inviolability of animal lives, and the inviolability of animal lives is motivated by Regan’s deontological commitment to respect all creatures with inherent value (1985, 22ff.). Commentators have extensively critiqued Regan’s position, ranging from its uncritical appeal to Enlightenment ideals to the problematic notion of inherent value.<sup>53</sup> I will not rehearse their critiques here. Rather, I want to draw attention to the way Regan articulates his vision of the movement. Interestingly, Regan expresses these goals in exclusively negative terms—he calls for the “abolition,” “dissolution,” and “elimination” of various practices. (In his later work Regan aligns himself with the “abolitionist” position.)<sup>54</sup>

What does the negative prescription suggest? Why frame the goals of the animal rights movement in terms of what we are not allowed to do to animals? Surely, it highlights the objectionable character of animal exploitation, and the importance of halting such exploitative practices. However, Regan’s negative prescription also defines the goals of the animal rights movement in terms of *prohibition* exclusively—all three goals have to do with what we need to *stop doing* to animals. The negative phrasing of his goals betrays an important limitation in Regan’s vision: although it aims to radically revamp our treatment of animals, it remains reactionary insofar as it does not go beyond the negation of the status quo. That is, while Regan’s vision offers a prescription of do-

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<sup>53</sup> See for example Donovan (1990); Oliver (2009, chap. 1); Lee (2008); Taylor (1987).

<sup>54</sup> See for example Regan (2003, 1; 2004, *xiii*). In *Animal Rights, Human Wrongs* Regan rewords his vision as follows: “The total abolition of commercial animal agriculture,” “The total abolition of the fur industry,” and “The total abolition of the use of animal in science” (2003, 1). Still expressed in exclusively negative terms, the rewording—now with the repetition of the phrase “total abolition”—clearly aligns Regan with abolitionism. The abolitionist approach is in contradistinction to the welfarist or protectionist approach.

no-harm, it does not articulate how humans and animals may cross their lives in any meaningful ways. And oddly enough, by framing his vision of animal rights in the language of what-we-ought-not-do, Regan has summoned the animal as the figure of prohibition. The psychoanalytic story wherein the animal serves as the guarantor of the law finds a strange reincarnation in Regan's discourse on animal rights. As such, in his effort to plead for the animal, Regan has appealed to the institution of law, an institution whose very origin invokes the figure of the animal as the prohibitive, fearful father.

It is not by chance that the prohibitive, fearful animal-father is invoked in discourse on animal rights. In *The Beast and the Sovereign* Jacques Derrida helpfully articulates the significance of fear in relation to the law and the sovereign; he calls this fear "the political passion par excellence." The discussion of fear is brought up in the context of terrorism. Specifically, Derrida exposes the "terror" that is operative in the state (or the sovereign) in order to challenge the oppositions between terrorists and the state, anti-state terror and state terror (2009, 39). He first reminds us that the name "terrorism" came from "the Terror of the French Revolution, of a Revolution that was also at the origin of all the universal declarations of human rights" (2009, 39). In other words, the origin of human rights—the rights after which Regan models his animal rights—is intertwined with fear and terror. Derrida then points out that in Hobbes's *Leviathan*, individuals are motivated to obey the law *out of fear*. The law is instituted out of fear (of losing one's life), and the law is sustained out of fear (of punishment).<sup>55</sup> Fear

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<sup>55</sup> Derrida also discusses the way fear motivates crime, so "fear is thus both the origin of the law and the transgression of the law" (2009, 41). While the double function of fear is interesting, I am primarily interested in the way fear and terror operate in sustaining the law.

is that which sustains the power of the sovereign, insofar as the Leviathan (the “animal-machine”) is “run on fear and reigns by fear” (2009, 40).

Importantly, protection is promised as long as individuals submit themselves to the sovereign/the law. Derrida points out that protection has also become a form of subjugation: “‘I protect you’ means, for the state, I oblige you, you are my subject, *I subject you*. Being the subject of one’s fear and being the subject of the law or the state . . . are at bottom the same thing” (2009, 43, emphases added). As such, protection is always an exchange, a bargain; it is offered only to the subjects who subject themselves to the law and the sovereign (and to their own fear).

That “protection” serves as a machine of subjugation is especially significant when we consider the language of “animal protection” that pervades the discourse on animal rights. What are we asking in exchange when we offer animals “protection”? In what way have we *subjected* animals by offering them our protection? Consider, for the example, the “peacock bill” (SB 1533) that has recently been passed in Hawaii.<sup>56</sup> This bill was introduced in response to a brutal peacock killing that took place in 2009. A Hawaiian resident killed an “annoying” peacock with a baseball bat, and was subsequently acquitted after her lawyer convinced the jury that the peacock was a “pest.” (“Pests” are normally excluded from anti-cruelty protection.) While an early version of the bill clarifies that peacocks are not pests, the final version of the bill merely states that the killing of the pest should be “handled in accordance with standard and acceptable pest control practices and all applicable laws and regulations.” As Stephen Otto puts it, “an annoying peacock could still arguably be considered a ‘pest,’ however anyone

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<sup>56</sup> This bill has been effective since July 1, 2011. See [http://www.capitol.hawaii.gov/session2011/lists/measure\\_indiv.aspx?billtype=SB&billnumber=1533](http://www.capitol.hawaii.gov/session2011/lists/measure_indiv.aspx?billtype=SB&billnumber=1533)

considering killing this ‘pest’ would not be able to use a baseball bat in doing so” (2011). Although the “peacock bill” aims at extending protection to pests from unnecessary pain and suffering, it actually affirms that “annoying” peacocks can be punished by death. By “protecting” peacocks from death-by-baseball-bat, the “peacock bill” becomes a means to regulate the death of pests. As such, this bill reinscribes our sovereignty over animals by subjecting their life and death to our jurisdiction.

Let us return to fear and the rights discourse. Given the centrality of fear and terror in the sovereign power, it should not surprise us that Regan articulates his goals in terms of prohibition, and that the name “abolitionism” becomes common parlance within the animal debate. The abolitionist approach forms a great alliance with the legal discourse that pervades the literature. After all, punitive measures do discourage exploitative practices that the abolitionists seek to tear apart. However, the language of prohibition also simplifies the ethical question at stake. Specifically, thinking of animal ethics in terms of what we can (and cannot) do to animals translates the vague notion of “human-animal relationship” into *legal* terms. Instead of interrogating the human-animal boundary, we now ask: How should we enforce anti-cruelty laws? Can animals sue? Can humans sue on behalf of an animal? As such, the language of prohibition goes hand in hand with the emphasis on animal law in current discourses on animal ethics. Mainstream animal advocacy often revolves around the legal status of animals—do they have rights? Are they persons or property? In fact, questions regarding the *moral* status of animals are often used in service of the *legal* status of animals.

Nonetheless, is prohibition a sufficient or even a necessary condition to motivate a promising human-animal relation? Can we have an animal ethics based solely—or even

primarily—on prohibition? As I will show, to think beyond the language of prohibition means to think beyond lawmaking and the extension of rights, and to see that the regulation of behavior need not be punitive.

### Freud and Da Vinci's Animal

Given what we have seen so far, Freud may seem to be an unlikely resource in considering an animal ethics beyond prohibition. After all, animals in Freud's work are often linked to the punitive father. In Freud's account of the primal horde, the animal-father substitution plays a crucial role in anchoring the familial, social, and religious structure of a patriarchal society. The totem animal has to be the father and not the mother. In fact, the rigid substitution between the father and the animal sometimes comes at the expense of the mother. Throughout Freud's account of the totemic origin, the significance of the maternal figure is repeatedly dismissed. For example, matriarchal society is mentioned merely in passing, as Freud speculates that both homosexuality and matriarchal institution might be originated during the in-between time after the brothers' expulsion from the horde and before the murder of the father (1913, 144). When it comes to mother-goddesses, Freud acknowledges that his account of religion fails to take them into consideration, but he quickly moves on to discuss the role of the father-gods, leaving this wrinkle of his theory untouched (1913, 149).

But this animal-father substitution is perhaps not as certain as Freud would have it. In her essay on Little Hans, Anna Ornstein argues that it is not entirely obvious that Little Hans was afraid of his father rather than his mother, even though "Freud obviously maintained a deep conviction that a horse could only represent a male and, if the child

was afraid, he could only be afraid of his father, not his mother” (1993, 95). As Ornstein points out, Freud insists on the animal-father substitution even when:

Hans called the coal-carts and furniture vans the horses were pulling the “stork-box carts,” which were obvious references to his pregnant mother . . . or when Hans related his fear of the horse making a row and screaming to his sister’s screaming “when Mummy whacks her on her bottom and she makes such a row with her screaming” (Ornstein 1993, 96).

Interestingly, Little Hans also drew a parallel between beating a horse and beating his mother. After Little Hans told the story of him (Little Hans) beating a horse in Gmunden,<sup>57</sup> his father asked him, “Which would you really like to beat? Mummy, Hanna, or me?” (What a *loaded* question!) And Little Hans immediately declared that he would like to beat his mother—with a “carpet beater” (1909a, 81).<sup>58</sup> More importantly, it was the mother who made the castration threat: when Little Hans was caught playing with his penis, Little Hans’s mother said to him, “If you do that, I shall send for Dr. A. to cut off your widdler. And then what’ll you widdle with?” (1909a, 8). (To which Little Hans replied, “With my bottom” (1909a, 8).) Given these remarks, it seems that Little Hans’s mother also served as a prohibitive figure, which complicates Freud’s claim that the feared animal must be a father-substitute *in every case*.

It is also noteworthy that Freud’s first case of animal phobia actually concerns a 40-year-old *woman*, Frau Emmy von N. (1893).<sup>59</sup> While Frau Emmy’s case offers many points of comparison, Freud systematically fails to make reference to her case in his examinations of infantile animal phobias (all of them come *after* the Frau Emmy case).

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<sup>57</sup> A place where Little Hans’s family stayed for the summer holidays.

<sup>58</sup> In a parenthetical note, Little Hans’s father added that the mother was the one who often threatened to beat Little Hans with a carpet beater (1909a, 81).

<sup>59</sup> See “Case Histories: 2. Frau Emmy von N.”



First, Frau Emmy had an animal hallucination that seemed to be inspired by a storybook. Freud should have made a connection in his diagnosis of the Wolf-man dream, given that he insists that the Wolf-man's dream came from a fairy tale. Second, Frau Emmy's hallucinations often involved mice or rats, but Freud makes no mention of her hallucinations in the Rat-man case. Third, one of Frau Emmy's symptoms involved making a "clacking" sound that Freud refers to as a "*tic*," a sound that "resembled the call of a capercaillie" (1893, 49n1). This comment is strikingly similar to the way Freud describes Little Árpád's speech inhibition, that he "abandoned human speech in favor of cackling and crowing" (1913, 130). In both cases, the animal phobics had their human speech interrupted by the voice of an animal, but Freud seems completely oblivious to this similarity when he discusses Little Árpád's case. Finally, at one point Frau Emmy told Freud, "A whole lot of mice were sitting in the trees"—a hallucination that parallels the Wolf-man's dream of the wolves sitting on a big walnut tree. Again, Freud draws no comparison to Frau Emmy's case in his analysis. Surely, at the time of her treatment Frau Emmy was no longer a child, so her animal phobia could not really count as an instance of infantile zoophobia. But how did her story get obliterated to the point of never being mentioned or referenced in Freud's analysis of animal phobias? Perhaps Freud neglected his case study of Frau Emmy for the same reason he disregarded some of the crucial claims made by Little Hans: the animal must take the place of the father and stand as a figure that issues the castration threat.

It is against the backdrop of this seemingly rigid link between the animal and the father that I turn to Freud's *Leonardo Da Vinci and A Memory of His Childhood* (1910). Many pages of this psychoanalytic biography are devoted to a dream that da Vinci had as

a child, a dream where da Vinci is visited by a vulture. Interestingly, Freud tells us that the vulture is a hermaphroditic creature: it has a female body while possessing a phallus. The ambiguity of the vulture's sex is suggestive, especially in light of the link between the animal and the father that we see in cases of infantile zoophobias and the story of the primal horde. But what does the vulture substitute in da Vinci's case? What is the relationship between da Vinci and his animal? This ambiguous hermaphrodite opens up a place for us to reconsider, to challenge even, the link between the animal and the father.

#### Da Vinci and the "Kissing Vulture"

Da Vinci's memory of the vulture's visit, which Freud quotes from a German translation<sup>60</sup> of Scognamiglio's transcription of *Codex Atlanticus*, which was then translated by Alan Tyson, is as follows,

It seems that I was always destined to be so deeply concerned with vultures; for I recall as one of my very earliest memories that while I was in my cradle a vulture came down to me, and opened my mouth with its tail, and struck me many times with its tail against my lips. (1910, 82)

James Strachey, the editor of the *Standard Edition*, points out in the preface that there is a significant inaccuracy in the German translation that Freud references. Namely, the Italian word "*nibbio*" should be translated as "kite," not "vulture" (1910, 60-61). While Strachey attributes this point to Irma Richter,<sup>61</sup> this mistake in translation was discovered as early as 1923 by art historian Eric Maclagan, and Freud apparently never publicly acknowledged the mistake (Anderson, 10-11). As we will soon see, Freud specifically

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<sup>60</sup> Wayne Anderson argues that Freud did not actually copy from the German translation by Marie Herzfeld, as Strachey suggests, but instead drew from more than one source "without having read Leonardo's words" (2001, 23).

<sup>61</sup> See "Editor's Note" (61n1).

invokes the *vulture*-goddess in Egyptian mythology in order to ground his interpretation of da Vinci, so the mistake in translation seems costly. Since Maclagan's discovery, critics of Freud have dutifully noted this mistranslation in their commentaries on the da Vinci case: some merely mention it in passing, some see it as detrimental to his analysis of da Vinci, and some go so far as to suggest that this mistake is indicative of Freud's shady scholarship.<sup>62</sup> In 2001, art historian Wayne Anderson published *Freud, Leonardo da Vinci, and the Vulture*, a painstakingly researched monograph that disabuses many misunderstandings surrounding the translation debate.<sup>63</sup> Given the purpose of this chapter, I will not go into the intricacies of Anderson's argument. And given that I am primarily interested in the way *Freud* (rather than da Vinci) uses the animal in his work, the specific species of the bird is inconsequential. However, this translation debate reminds us that Freud's analysis of da Vinci is subjected to the precariousness of translation, that is, the precariousness of substitution. It serves as a reminder of the significance of—and the risks associated with—the economy of translation/substitution in discourses on animal ethics.

As noted, the ambiguity of the vulture's sex makes da Vinci's case exceptional, insofar as it departs from the norm of substitution that Freud prescribes for a patriarchal culture. Despite its hermaphroditic features, Freud insists that the vulture is a *mother-*

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<sup>62</sup> Anderson carefully chronicles the ongoing debate in the literature in his 2001 book (10ff.). In his 2005 essay, De La Durantaye argues that Nabokov's dismissive opinion of Freud (and psychoanalysis more generally) is grounded in Freud's lack of attention to details: "What Nabokov very consciously sought to counteract were approaches to art that, in their aspiration to uncover the general, neglected the particular. And this he found in Freud" (68). And the prime example De La Durantaye uses to buttress this observation is precisely Freud's use of the mistranslation of "*nibbio*" as "vulture."

<sup>63</sup> He argues, for instance, that Maclagan's translation of "*nibbio*" as "kite" is also problematic; he suggests that "*nibbio*" in the fifteenth century "may have referred to any carnivorous bird . . . while most of the time referencing the chief raptor, the hawk" (2001, 34). Interestingly, according to Anderson, hawks, like vultures, were also believed to be an exclusively female species. I will discuss the significance of the single-gendered species further.

substitute for da Vinci (1910, 88). First of all, Freud points out the phonetic similarity between the name of an ancient Egyptian goddess *Mut* (who has a vulture head) and the word “*Mutter*,” the German word for mother (1910, 88). But the vulture has been associated with motherhood primarily because the vulture was believed to be an exclusively female species, a species that propagates by being impregnated by the wind (1910, 89). For Freud, da Vinci’s identification as the “vulture-child” is indicative of his father’s absence—he was, like the vulture, a child without a father (1910, 90).

According to Freud, while *Mut* was characterized as a mother-goddess, the Egyptians usually represented it as an androgynous figure (1910, 94). The maternal figure was equipped with paternal potency—an erected phallus (1910, 94). The androgynous feature of the Egyptian goddess also supports Freud’s claim that the tail of the vulture in da Vinci’s dream signifies a phallus (1910, 85, 97). The vulture is at once a mother-substitute and a phallic power. But this androgynous goddess is as puzzling as it is fascinating: how is it possible that a mother-goddess is equipped with an erect phallus, “a mark of male potency which is the opposite of everything maternal” (1910, 94)?

To resolve this apparent contradiction, Freud turns to the children. He argues that before a male child comes to a full understanding of the threat of castration, he undergoes a phase where the phallus is compatible with the maternal figure. In fact, the child should have no reason to assume that the mother’s body is different from his own; so his mother, like him, should have a penis. It is the discovery that the mother does not have a penis that makes the castration threat real. Importantly, this discovery invokes “a feeling of disgust . . . [which] can become the cause of physical impotence, misogyny and permanent homosexuality” (1910, 96). Freud calls the time before this discovery “a time

when [the male child] still holds women at full value,” that is, a time before the hierarchy of gender is inaugurated (1910, 96). Interestingly, gender egalitarianism is not the only kind of egalitarianism that a child seems to take for granted.<sup>64</sup> In different writings Freud has also commented on a sort of human-animal egalitarianism that he finds in children. In *Totem and Taboo*, for example, Freud points out that the human-animal hierarchy is not assumed by children:

Children show no trace of the arrogance which urges adult civilized men to draw a hard-and-fast line between their own nature and that of all other animals. Children have no scruples over allowing animals to rank as their full equals. Uninhibited as they are in the avowal of their bodily needs, they no doubt feel themselves more akin to animals than to their elders, who may well be a puzzle to them. (1913, 126-127)

Elsewhere, Freud makes a similar observation:

Such a displacement [in this case the displacement of the father by a horse] is made possible or facilitated at ‘Little Hans’s’ early age because the inborn traces of totemic thought can still be easily revived. Children do not as yet recognize or, at any rate, lay such exaggerated stress upon the gulf that separates human beings from the animal world. (1926a, 103)

Is the parallel between gender egalitarianism and species egalitarianism in children a mere coincidence? Do children “discover” that women are not of the same “full value” as men at the same time they distinguish themselves from animals?<sup>65</sup> Interestingly, the kind of egalitarianism that a child purportedly takes for granted seems to be motivated by his narcissism. A child holds his mother “at full value” based on the assumption that *like him*, the mother also has a penis. And in the case of species egalitarianism, the child ranks animals as his equal by virtue of their *likeness* in the “avowal of their bodily needs.”

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<sup>64</sup> That is, if we consider the absence of hierarchical thinking a negative form of egalitarianism.

<sup>65</sup> Outside the psychoanalytic tradition, feminist thinkers such as Carol Adams and Karen Warren have pointed out the intertwined relationship between the denigration of women and that of animals/nature.

Ironically, this egalitarianism based on sameness is often replicated in contemporary literature on animal ethics. In their effort to extend membership of the moral community to animals, philosophers often identify morally relevant qualities that are *shared* by both humans and animals to make their case, such as the capacity to feel pain (*à la* Singer) or being an experiencing subject of a life (*à la* Regan). But grounding animal rights on the notion of sameness can be problematic. As Kelly Oliver puts it, “Just as feminists ask why women have to be like men in order to be equal, we can ask why animals have to be like us to have inherent value” (2009, 30). As we have seen in chapter one, in “Of Mice and Men” Catherine MacKinnon also reminds us that “seeking animal rights on a ‘like-us’ model of sameness is misconceived” because we “miss animals on their own terms” (2004, 264). Indeed, we may even say that an animal ethics grounded in the model of sameness is also narcissistic; and once again we see a strange parallel between Freud’s account of animality and mainstream animal rights rhetoric.

In light of the connection between gender and species egalitarianisms, it is telling that Freud also seems to relegate empathy for animals to the feminine. For example, he insists that da Vinci’s compassionate acts for animals—declining meat, buying birds from the market in order to set them free—are motivated by the “feminine delicacy of feeling” (1910, 69).<sup>66</sup> Specifically, Freud argues that da Vinci’s mother’s “tender seductions” were responsible for the intensity of his infantile sexual researches; and the violent, sadistic traits associated with infantile sexual researches were manifested in an opposite direction as an “exaggerated sympathy for animals” (1910, 132). In other words, da Vinci’s empathy for animals is symptomatic of a lack of paternal authority. Interestingly,

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<sup>66</sup> Anderson disputes the claims that da Vinci was a vegetarian or animal lover (see 2001, 139 ff.).

while Freud insists that animals are father-substitutes, his interpretation of empathy for animals reflects the age-old association of the animal and the feminine. Specifically, empathy for animals is often viewed as some emotional excess that women—because they are less rational—are prone to suffer.<sup>67</sup>

In Freud's case studies, the relationship between the child and the animal is often ambivalent (hence replicating the love-hate feeling a child has toward his father). Nonetheless, because the animal stands for paternal authority, the ambivalent feeling invariably involves fear: the Rat-man is traumatized by the rat-punishment (a punishment which involved putting rats into one's anus);<sup>68</sup> the Wolf-man is afraid of being devoured by wolves; and for little Árpád the fowl represents a constant threat of castration. In da Vinci's case, however, the vulture does not present any obvious threat, and there is no evidence that da Vinci was vulture-phobic in Freud's account. Indeed, throughout his analysis Freud describes da Vinci's obsession with the animal as "vulture phantasy" instead of "vulture-phobia." But if da Vinci's story is not a case of animal phobia, what does it tell us? How might it transform the way we conceive of animality? Let us turn to da Vinci's dream once more.

Recall in his dream da Vinci was struck by the vulture repeatedly. The striking of the vulture may seem violent at first glance.<sup>69</sup> But Freud offers two interpretations for this scene, both of which make it difficult for us to read physical violence into it. He first

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<sup>67</sup> As Emily Gaarder points out in *Women and the Animal Rights Movement*, "The image of animal rights still suffers from stereotypical portrayals of overly emotional or irrational activists" (2011, 11).

<sup>68</sup> "Notes Upon a Case of Obsessional Neurosis" in *Two Case Histories* (1909b, 166).

<sup>69</sup> While this may be anachronistic, for readers who remember Kevin Carter's picture of a starving child waiting to fall prey to a nearby vulture, an image of infant da Vinci's being poked by a vulture is unlikely to conjure maternal feelings.

interprets the striking of the mouth as “an act of *fellatio*” (1910, 86), but later translates this same scene as a mother pressing “innumerable passionate kisses on [da Vinci’s] mouth” (1910, 107). While both readings make explicit the sexual undertones of the dream, neither presents the vulture as menacing (if anything, the vulture seems very affectionate). Also, unlike other case studies of infantile zoophobia, the threat of castration is not mentioned. Both interpretations seem to suggest that the vulture is an object of fantasy instead of an object of fear.<sup>70</sup>

For Freud the tenderness of the mother is damaging. “The violence of caresses,” as Freud calls it, is insidious insofar as it has “robbed [da Vinci] of a part of his masculinity” (1910, 115-117). (Da Vinci’s supposed sexual abstinence is yet a form of castration.) But what exactly is this masculinity of which he was robbed? As far as Freud sees it, it all comes down to da Vinci’s alleged inability to pursue heterosexual relations. What the two interpretations share in common is the implication that da Vinci was a homosexual: When Freud first interprets the dream as a fantasy for *fellatio*, he finds it “strange” that the fantasy is “so completely passive in character” and that “it resembles certain dreams and phantasies found in women or passive homosexuals” (1910, 86). Moreover, in the biography Freud explicitly draws a connection between homosexuality and maternal influence—one becomes a homosexual through one’s erotic relation with the mother (see 1910, 98-100). In *Totem and Taboo*, Freud even speculates (albeit merely in passing) that homosexuality and matriarchal society share a common origin (1913, 144). Hence, even though the vulture did not threaten to castrate da Vinci, it mutilated da Vinci’s manhood.

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<sup>70</sup> It is not that phobia and fantasy are necessarily incompatible, but in Freud’s account, da Vinci exhibits no fear of the vulture.



Freud's view of violence, of course, presupposes the norm of heterosexuality prescribed by patriarchy, and a rereading of the dream will call for resistance to this particular notion of violence. Indeed, if one is willing to rethink the hierarchy of masculinity and femininity, perhaps the kisses of the vulture-mother can be enabling rather than crippling.

It is significant that Freud identifies maternal influence as the cause of homosexuality. Recall that Freud also holds maternal influence responsible for da Vinci's "exaggerated sympathy for animals" (1910, 132). It is not a coincidence that the mother is the culprit for both homosexuality and empathy for animals. For Freud, maternal influence supposedly erodes masculinity, and homosexuality and vegetarianism are often viewed as signs of defective masculinity. Outside of the psychoanalytic tradition, feminist thinkers such as Carol Adams and Marti Kheel have called attention to the relationship between meat eating and masculinity.<sup>71</sup> They argue that the consumption of animals is bound up with the consumption of women; hence when a man refuses to consume meat, it is suspected that he may refuse to "consume" women as well. In her study on gender disparity in the animal rights movement, sociologist Emily Gaarder points out that "some male activists experienced ridicule relating to their masculinity and sexuality. One man described how hunters called him an 'animal rights queer' during a protest against hunting" (2011, 107).<sup>72</sup>

It seems that patriarchy (whose origin is grounded in the logic of the animal-father substitution) has prescribed a specific norm governing our relationship with

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<sup>71</sup> Adams (1990); Kheel (2004).

<sup>72</sup> In light of this, it is particularly interesting that in 2010, an animal rights group was denied a spot in Sydney's Mardi Gras parade because it was "not queer enough." See Holman (2010).

animals, a norm that replicates the father-son relationship in the myth of the band of brothers. Just as the brothers in the myth see the father as their rival, we define ourselves *in opposition* to the animal; just as the band of brothers commemorate their “triumph over the father” by instituting the totemic meal, we affirm our superiority with a full-scale exploitation of animals, an exploitation that is repetitive and expansive. And just as over time the “savages” forgot the origin and significance of the totemic meal, our exploitation of animals has also become a mindless and institutionalized repetition. As such, the norm governing our relationship with animals in a patriarchal society replicates the father-son dynamic that grounded the paternal law. Accordingly, a deviant model of the human-animal relation (one that is based on compassion instead of fear, for example) is often relegated to the maternal in order to preserve the integrity of the patriarchal norm.

In what ways do animals pose a threat to us? Of course, animals can physically harm us. The bars through which we look at zoo animals serve as a constant reminder of the danger they pose. And even if they are not the big bad beasts that threaten us with their maws or talons, they can still threaten our health by spreading dangerous contagions—the bird and the swine seem to be the experts at that. But beyond the physical threat, animals almost threaten our human identity. Many qualities that we considered uniquely human—rationality, morality, language—are now discovered in various animal communities as well. It is no longer easy to locate human uniqueness via comparison with animals. In response to the threat of animals, we domesticate them in zoos, farms, canine training schools; and we dismember them via castration (to “fix” them, we say), experimentation, and butchering. While we may not—and probably

should not—erase our fear of animals, is it possible to mitigate it? Can we imagine a human-animal relation that is not grounded in fear but in love?

### A Maternal Animal Ethics

The exceptionalities of da Vinci's animal—its androgynous features, as well as its identification with the maternal—interrupt the animal-father substitution that we see in other cases of animal phobia. Da Vinci's relationship with the vulture-mother invites us to renegotiate our relationship with animals. Specifically, it invites us to consider a maternal animal ethics that emphasizes fantasy and love rather than fear and dominance.<sup>73</sup> We need not deny that animals are at times threatening like the fearful father in the myth. Indeed, with the rapid expansion of human population, it is important that we acknowledge the conflicting interests between humans and other species (animal or not) when it comes to issues of natural resources and habitats. But animals can be our mothers as much as they can be our fathers. They can be our companions as much as our competitors. And even though they scratch, sting, and bite, they also cuddle, play, and kiss.

That a human-animal relationship *can be* based on love and fantasy is certainly not something unusual. Many people identify themselves as “animal lovers,” and pets are often considered family members. The question here is why such a model of human-animal relationship remains marginalized while the exploitative model of human-animal relationship remains operative. In fact, even the commonly sanctioned pet-love is at times pathologized or censured: the stereotype of the “crazy cat lady” becomes such a popular

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<sup>73</sup> While an animal care ethics has been developed by various feminist thinkers, my chapter contributes to the literature by taking on the psychoanalytic perspective.

icon it gets its own action figure,<sup>74</sup> while the image of Paris Hilton and her “purse dog” feeds the idea that pet-love is a mere accessory.<sup>75</sup> And if even pet-love is marginalized as either pathological or vain, we are still a long way away from a normative human-animal relationship that is grounded in love.

Although Freud himself pathologizes da Vinci’s vulture fantasy, such pathologization is very much informed by his patriarchal thinking. Accordingly, a revision of human-animal relations goes hand in hand with the remaking of gender relations (perhaps even a remaking of the myth of the band of brothers). Freud’s account of the vulture-mother remains instructive insofar as it showcases a human-animal relationship that is based on love and fantasy, instead of fear and dominance. Just as the vulture-mother kisses the infant da Vinci in his dream, intimacy can also ground human-animal relations. And just as da Vinci sublimates his desire for his vulture-mother into artistic creativity, we are also inspired by animals in our various scientific and artistic endeavors. And recognition of the animal as our nurturing mother, it seems, would point to a more nurturing (and less violent) human-animal relationship.

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I want to end this chapter by returning to the question of speaking for animals in animal ethics. In “The Dog on the Therapist’s Couch,” Stanley Coren suggests that

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<sup>74</sup> See, e.g., <http://www.mcphee.com/items/11377.html>.

<sup>75</sup> That pets are mere accessories is so ingrained in our imagination that the phrase “pet projects” has become a synonym to “earmarks” or “pork barrel” in American political discourse.

Freud's dogs served him both personally and professionally. Specifically, the presence of a dog seems to help the patients speak:

This difference was most marked when Freud was dealing with children and adolescents, who seemed more willing to talk openly (especially about painful issues) when the dog was in the room . . . In addition, during psychoanalysis, when the patient is getting near to uncovering the source of his or her problem there is often a resistance phase . . . Freud's impression was that the resistance was so much less vigorous when the dog was in the room. (2002, 139-140)

Freud's observations illuminate the recent use of "courthouse dogs" in the US. In the past few years, trained dogs have served the role of "testimony enablers" in various courthouses. These dogs are allowed in the courthouse to provide comfort for vulnerable or traumatized witnesses, such as children who were sexually abused. For example, recently a courthouse dog (Rosie) provided emotional support for a 15-year-old who was raped and impregnated by her father—" [Rosie] sat by the teenager's feet. At particularly bad moments, she leaned in [to encourage the witness]" (Glaberson, 2011).<sup>76</sup> Advocates for the "dog-in-court-cause" argue that just as the "Support Persons Case Law" allows a support person to "increase some children's capacity to testify and enhance the child's direct and cross-examination," a specially trained dog can serve the same purpose (O'Neill-Stephens, 2010).

Just as Freud's dogs helped the patients speak about their issues, Rosie helped a reluctant and frightened teenager to speak for herself. Just as Freud's dogs helped the patients confront their own demons by overcoming the "resistance phase," Rosie helped the teenage girl confront her father. In an important sense, it is Rosie the dog who gave the victim a voice in court. In popular discourse on animal rights, we often hear the

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<sup>76</sup> Aug. 8, 2011. "By Helping a Girl Testify at a Rape Trial, a Dog Ignites a Legal Debate." *New York Times*.

rhetoric of “giving a voice to the voiceless.” The case of Rosie as a “testimony enabler” should remind us that, well before we can even “give animals a voice,” the animal has already helped us speak. Indeed, it is by establishing a relation with—rather than identifying herself against—the animal that the teenage girl found her voice in court. This flies in the face of the philosophical cliché that defines humanity by setting it against the non-speaking animal. Rosie’s courthouse service invites us to rethink and reconfigure the triangular relationship between language, humans, and animals. At the end, perhaps we as humans are constituted as speaking beings not by virtue of our opposition to animals, but rather because of our capacity to *relate to* animals. Or, to put this more in line with the spirit of this chapter: we are most willing to speak, and speak even the most difficult truth, when we see the animal not as a fearful, punitive creature, but rather as a maternal figure to whom we look for support and inspiration when we have momentarily lost our voice.

## CHAPTER III

### THE POVERTY OF KINSHIP: HEIDEGGER ON THE HUMAN-ANIMAL LINGUISTIC DIVIDE

*I:* Sometime ago I called language, clumsily enough, the house of Being. If man by virtue of his language dwells within the claim and the call of Being, then we Europeans presumably dwell in an entirely different house than Eastasian man.

*J:* Assuming that the languages of the two are not merely different but are other in nature, and radically so.

*I:* And so, a dialogue from house to house remains nearly impossible.

Heidegger, “A Dialogue on Language Between a Japanese and an Inquirer”

Above is an excerpt from a dialogue between Heidegger (the “Inquirer”) and his Japanese interlocutor (1971a). This dialogue on language is, in a sense, prompted by the question of translation. Specifically, Heidegger questions whether it is possible (and necessary) to consider the nature of Japanese art by way of European aesthetics. It is within the context of the (un)translatability between European and Japanese conceptual systems that these remarks are made. While this chapter is not about aesthetics or Japanese language, it is invested in the question regarding the possibility of having “a dialogue from house to house.” In “Letter on Humanism” Heidegger speaks of language as a place that man “dwells”—indeed, as the “*home* of man’s essence” (1993, 237). I find

the imagery of a “house” intriguing: what makes this “house” a *home* rather than a mere shelter? Who are the ones we share this house with? And who are the ones we keep out? Furthermore, if a dialogue between an European house and an Eastasian house “remains nearly impossible,” what can we say about a dialogue between a human house and a nest, a lair, or an animal shelter? Keeping these questions in mind, I examine Heidegger’s philosophy of language in relation to the human-animal divide.

As we know, the Greek word “*logos*” signifies both “reason” and “speech.” Throughout the history of Western philosophy, the designation of “rational animal” and “speaking animal” have both been reserved for the human. Accordingly the human-animal divide is simultaneously a linguistic divide. Interestingly, although Heidegger’s conception of animality continues to endorse the human exceptionalism that has pervaded Western philosophy, his account of language does not bow to the authority of reason. Indeed, Heidegger is critical of the primacy of reason in our understanding of language historically: in “The Limitation of Being” he seeks to recover the bond between *physis* and *logos*, a bond that had been broken when “*logos* in the sense of reason and understanding achieve domination over being” (1959, 123);<sup>77</sup> in “Letter on Humanism” he maintains that the Latin rendering of “*zoon logon echon*” as “*animal rational*” is not an innocuous translation but a “metaphysical interpretation” of the Roman humanist (1993, 226).<sup>78</sup> Using Heidegger as my resource, in this chapter I seek an alternative theory of language that gives kinship its proper place. As I hope to show, Heidegger’s

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<sup>77</sup> Similarly, in *The Fundamental Concepts of Metaphysics* Heidegger insists that *logos* understood as reason (*ratio*) has hindered the “proper unfolding of the question of the world” in the history of western metaphysics (1995, 290).

<sup>78</sup> He makes a similar point in *Being and Time* as well, §7.



account of language opens up a new way of understanding—as well as challenging—the human-animal divide.

### Human-animal Linguistic Divide

In his 1929/30 lecture course *The Fundamental Concepts of Metaphysics*, Heidegger examines animality extensively.<sup>79</sup> Heidegger aims to establish three theses: (1) the stone is worldless; (2) the animal is poor in world; (3) man is world-forming (1995, 177). Several commentators have offered extensive and critical treatments of this particular work: some focus on the significance of temporality, historicity, and finitude;<sup>80</sup> some situate Heidegger's humanism within the larger context of the meaning of being;<sup>81</sup> while some center on Heidegger's rejection of humanism, and how this rejection remains anthropocentric.<sup>82</sup> Indeed, the various ways Heidegger articulates the difference between animals and humans all seem to highlight the uniqueness of human *Dasein*: animals are “captivated” by their instinctual needs while humans are opened to beings *as such*; animals merely “behave” while humans “comport” or “act;” animals are poor in world

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<sup>79</sup> The 1929/30 lecture course contains Heidegger's most extensive account of animality. Like many commentators, my analysis will focus primarily on the lecture course. However, it is important to note that some commentators have employed other texts of Heidegger's to envision a Heideggerian animal ethics that goes beyond the apparent anthropocentrism in the lecture course. For instance, Cave (1982) extends the Heideggerian notion of “Care” to animals; Foltz (1993) advocates a Heideggerian “letting be”—an “ontological humility” in animal ethics (85); Zimmerman (1983) argues that Heidegger offers a non-anthropocentric way of dealing with our environmental crisis.

<sup>80</sup> For example, Colony (2007) argues that Agamben's comparison of human boredom and animal captivation is ultimately flawed because he fails to account for the central role of temporality in human boredom. Winkler (2007) argues that Heidegger acknowledges temporality and historicity in *all physical lives*, thus the return to the element of time in his lecture course actually allows him to “attenuate in a way the abyss between man and animal” (536). Aho (2007) contends that Heidegger more interested in the “temporal ‘event’ (*Ereignis*) that ‘gives’ (*gibt*) meaning to beings” than ascertaining the metaphysical distinction between humans and animals (110-111).

<sup>81</sup> Aho (2007).

<sup>82</sup> See for example, Derrida (1987); Calarco (2005); Glendinning (1996); Oliver (2009).

while humans are world-forming (cf. 1995, chap. 4, especially § 58 and 59). In the final chapter of the lecture course Heidegger reveals that animals' captivation (and thusly their capacity to "behave" and their poverty in world) ultimately results from their lack of language. Drawing on Aristotle's notion of *logos*, Heidegger anchors his argument of world-hood to the linguistic divide that has long segregated humans from animals.

Given Heidegger's project, it seems that a reasonable way to approach his account of animality is to articulate his conception of *logos*. As we know, the question of *logos* is bound up with Heidegger's interrogation of being, thus it occupies an important place in his thoughts.<sup>83</sup> However, precisely because of his extensive treatment of the *logos*, it is difficult to present his view adequately within the scope of this chapter. Furthermore, it is problematic to speak of a "Heideggerian conception of *logos*," in large part because he explicitly cautions against the temptation to "reduce language to a concept"—that is, to essentialize language (1971b, 190). So, given that the purpose of this chapter is to develop a relational account of language, my strategy here is to examine various important moments in Heidegger's interrogation of *logos* that would allow me to do just that.

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In *Being and Time* Heidegger identifies communication as one of the structural components of "Assertion" (statement) (§33). Although this suggests an important link between communication and language, the relational character of language cannot be established by appealing to its communicative function alone. That is, we cannot simply

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<sup>83</sup> See *Being and Time, An Introduction to Metaphysics*.

stretch the notion of language far enough to include all communicative gestures. This is so because for Heidegger there are two forms of communication, one is proper to language and the other is merely a degenerate form of discourse. So even though Heidegger sees the communicative aspect of language, he denies that every communicative utterance constitutes a discourse. “Idle talk” provides a good example for this deficient mode of discourse.

It is in *Being and Time* that Heidegger speaks of “idle talk” as a degenerate form of discourse. Idle talk “does not communicate in the mode of a primordial appropriation of [...] being, but communicates by *gossiping* and *passing the word along*”(1962, §35). While the communicative structure of language/discourse opens up a world of shared meaning among the interlocutors (we will return to this point shortly), communication in the form of idle talk is nothing more than a proliferation of groundless information. In other words, idle talk reduces communication to a mere instrument that “[passes] the word along.” As such, despite serving a communicative purpose, idle talk lacks the disclosing quality that language offers.

Furthermore, the communication/language distinction is crucial because even though Heidegger denies language to animals, he does not deny communicative capacity to them. For instance, he acknowledges that worker bees can “communicate information” to their “bee community” via a dancing ritual (1995, 186). So minimally, the bees are capable of communication—but still a diminished form of communication that doesn’t constitute language. Heidegger also makes a distinction between “words” and “noises”—the former are meaningful and constitutive of human discourse, while the latter are merely sounds produced by the animals, triggered by particular physiological conditions

(1995, 307). For Heidegger, even though the sounds of animals do “indicate something” among the animals (thus they serve a communicative function), they still lack meaning because the “animal does not mean or understand by its call” (1995, 307). I will come back to the question of animal communication later, but for now, suffice it to say that Heidegger sees no conflict between denying animals language and granting them communication.

### “As-structure” in Propositional Statements

As noted, in the lecture course Heidegger aims to establish the thesis that “man is world-forming.” His discussion on animality (and in particular animal’s poverty in world) is ultimately at the service of defending this thesis. Because of this comparative approach, it is not until the last chapter of the lecture course that Heidegger finally examines the man-as-world-forming thesis. He begins by reminding us that the manifestedness of beings *as* beings belongs to the world. The world is bound up with this “enigmatic ‘as,’ beings *as* such [...] ‘something *as* something’” (1995, 274). And importantly, this “enigmatic ‘as’” is a “possibility [...] quite fundamentally closed to the animal” (1995, 274). So what is this “as” that is “refused to the animal” (1995, 287)? What exactly is the animal being denied?

The preliminary step to make sense of this “enigmatic ‘as’” is to look at its specific function in a sentence. According to Heidegger, “as” operates as a structural linkage of two terms such that their relationship is made explicit—“‘as’ signifies a ‘*relation*’ and that the ‘as’ is never given independently on its own” (1995, 288 emphasis in original). Within a sentence “as” expresses a relation, it gives a sentence a relational

structure. This “as” is not given independently in a sentence because there is always something *as* something. This relational structure is rendered intelligible by the expressiveness of beings—“the ‘as’ can only begin to function if beings are already given, so that the ‘as’ then serves to render these beings *explicit* as constituted in such and such a way” (1995, 288). Heidegger gives an example of the expression “a *as* b.” In order to understand this expression, the meaning of “a” and “b”—that is, “a” being “b”—must be already given (1995, 288). The “as” in this expression is what makes the beings (meaning) of “a” and “b” transparent. In other words, the as-structure is what enables meaning to be expressed in a sentence. In *Being and Time*, Heidegger identifies this expressiveness as the apophantic—“pointing out”—function of a statement.<sup>84</sup> In the lecture course, Heidegger confirms that this “as” is a structure that belongs to propositional statements insofar as a statement “[makes] something open or manifest” (1995, 288).

Given this preliminary interpretation of the “as-structure,” it seems that for Heidegger what is refused to the animal is the capacity to make propositional statements. Notably, this capacity to make propositional statements involves the ability to *relate*. The structure of relation, in turn, presupposes a network of meaningful terms. As Heidegger repeatedly reminds us, “as” cannot exist independently, “it is a relation which moves from one term to the other—something as something” (1995, 288, 292). The “as-structure” makes sense only against the backdrop of a web of interrelated terms and meaning. So, without the apophantic-as—the relational structure that is constitutive of propositional statements—animals do not have access to the network of meaning.

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<sup>84</sup> *Being and Time*, §33.

So, is linguistic capacity reducible to the capacity to make propositional statements? Interestingly, as soon as Heidegger articulates the relationality of the as-structure, he qualifies his characterization as “formally correct...[but] utterly vacuous” (1995, 292). To say that “as” is a relation doesn’t really help us understand its *specific* character because, as Heidegger acknowledges, “and” and “or” in a statement *also* express a relation between two terms (1995, 292-293). Like “as,” a conjunction and a distinction also presuppose the interrelatedness of terms and meaning. Like “as,” a conjunction and a distinction also cannot exist independently; there is always “something *and* something” or “something *or* something”! So, even though we can characterize “as” in terms of its relational function in propositional statements, Heidegger is adamant that this formal characterization of the as-structure must not be confused with its essence. For Heidegger, in order to get to the “originary dimension” of the as-structure, we must see that propositional statements merely offer a “point of departure” for our investigation (1995, 301). There is an “originary dimension” of the “as” out of which the as-structure of propositional statements arises (1995, 301). This view is in keeping with *Being and Time*, where Heidegger makes it clear that propositions are merely a derivative mode of interpretation; specifically, the propositional-as is derivative of the more primordial hermeneutic-as (§33-34). For Heidegger, the formal (and empty) characterization of the as-structure “tells us nothing about the ‘as’ as such, but merely directs us toward our proper and peculiar task [of uncovering the originary ‘as’]” (1995, 293).

After giving a relational account of the as-structure *and then* pointing out the utter vacuity of this account, Heidegger devotes the rest of the lecture course to uncovering the “originary” dimension of the as-structure. In the end, Heidegger identifies three crucial

moments in *Dasein* out of which *logos* becomes possible: 1) holding the binding character of things toward oneself, 2) completion, and 3) unveiling of the being of beings (1995, §73-74). Given the scope of this chapter, I will not rehearse Heidegger's argument for this tripartite structure of *Dasein*'s world-formation. Rather, I want to tell a different story of what makes *logos* possible. This story will deviate from the tripartite account that Heidegger offers even though it is still informed by the lecture course and his other writings on language. As we have seen, for Heidegger the interrogation of propositional statements merely offers a "point of departure" for understanding the relationality of the as-structure. For the purpose of this chapter, it is important to take this point seriously and move beyond the relational structure in propositional statements—after all, saying that humans are distinguished from animals by virtue of the capacity to make propositional statement is strange and unsatisfactory. It is by moving beyond the derivative mode of the as-structure that we see more clearly what animals are being denied.

### Relationality and Logos

Heidegger highlights the relational character of propositional statements in his formal account of the as-structure. Certainly, Heidegger does not use "relation" (*Beziehung*) to mean kinship (*Verwandtschaft*). Relation here is understood in terms of the interrelatedness of words. But is there a more primordial level of relationality out of which the structural relation of propositional statements derives? Specifically, what does this structural relation in propositional statements tell us about our *social* relations with others? Does one's ability to articulate "S as P" say anything about one's capacity for

kinship? And if animals do not relate to meaning in the linguistic realm, can they still relate to others meaningfully in the social sphere? While these questions seem to hinge on an equivocation of the word “relation,” they are in fact motivated by Heidegger’s interpretation of σύμβολου (symbol) in the lecture course.

Notably, Heidegger’s account of σύμβολου takes place within the passage where he discusses the difference between animal utterance (φωνή) and human discourse (1995, §72). The two are distinguished insofar as human discourse is bounded by agreement (κατά συνθήκην); and the genesis of agreement is found precisely in σύμβολου (1995, 307). So, following Aristotle, Heidegger isolates σύμβολου as the key ingredient of human discourse. But he finds the concept of “symbol” (the common translation for σύμβολου) inadequate. Instead, he articulates the meaning of σύμβολου as follows:

Συμβολή means throwing one thing together with another, holding something together with something else, i.e., keeping them alongside one another, joining them to and with one another. σύμβολου therefore means joint, seam, or hinge, in which one thing is not simply brought together with the other, but the two are held to one another, so that they fit one another. (1995, 307)

First of all, σύμβολου connotes a relationship—joining two things together. Second, the togetherness of σύμβολου is not some state of random thrown-togetherness. Rather, it is a kind of togetherness in which one thing *fits* another. Indeed, one may even say that the things are *committed* to each other. At this point, Heidegger offers a striking example to illustrate the “joining together” of σύμβολου:

Whatever is held together, fits together so that the two parts prove to belong together, is σύμβολου. In the original concrete sense, for example, the two halves of a ring are σύμβολα which *two guest-friends share between them and bequeath to their children*, so that if the latter happen to meet later, they can hold together the halves of the ring to see if they fit, and can thereby recognize one another as belonging together, i.e., *as befriended via their fathers*. (1995, 307-308 emphases mine)



Σύμβολου is about joining or bringing together the parts that belong to each other, like the two halves of a ring that fit together. And the two halves of the ring, in turn, are symbolic of a friendship. According to the Oxford Greek-English Lexicon, σύμβολου also means contract, covenant, bond, engagements of life, and even marriage contract—σύμβολου conveys the sociality of human lives.<sup>85</sup>

It is interesting that in Heidegger's example the ring is symbolic of more than one friendship, as the friendship between the two friends is passed on to the next generation through flesh and blood. The two halves of the ring are bequeathed to the children of the two friends so that the children may—many years later—recognize that they are “befriended via their fathers.” Importantly, the two children do not *become* friends upon reconnecting the two halves of the token; rather, they recognized that they (already) belong together. As such, the children are thrown into a friendship through the father-son kinship—a friendship that they will recognize only after their halved-rings find each other. Importantly, Heidegger uses the German word “*zusammengehörig*” to speak of the “belonging together” of the two children. The word itself is formed by “*zusammen*” and “*gehören*,” “*zusammen*” means “together,” “jointly,” “common,” while “*gehören*” means “to belong,” “to appertain.” Now, “*gehören*” is derived from “*hören*,” meaning “to hear,” “to listen,” “to hearken.” As we know, “hearing” and “listening” occupy an important place in Heidegger's articulation of *Dasein*'s being. For one thing, “hearing is constitutive of discourse” (1962, 163). And insofar as *Dasein* is the kind of being who can engage in a discourse, listening becomes “*Dasein*'s existential way of Being-open as Being-with for Others” (1962, 163). It is in the “belonging” of “*gehören*” that we find

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<sup>85</sup> Liddell and Scott (1996), 1676.

this “hearing,” which brings us back to the link between discourse and *Dasein*’s being-with—that is, *logos* and sociality.<sup>86</sup>

It is revealing that Heidegger uses the friendship token to illustrate what σύμβολου means “in the original concrete sense” (1995, 307). Specifically, it points to a link between *logos* and kinship. In the lecture course Heidegger maintains that the meaning of words is grounded in convention and agreement (of a community). The occurrence of agreement (κατά συνθήκην) is the condition of the possibility of discourse, *logos* (1995, §72). The relationship between sociality and language can be further illustrated in Heidegger’s discussion of communication in *Being and Time* and *Basic Concepts of Aristotelian Philosophy*. As we will see, insofar as we are social beings, we are also the kind of beings whose utterances are meaningful. Kinship and discourse are intertwined.<sup>87</sup>

### Being-with and Language

We have seen earlier that communication can take two forms: one is the mere proliferation of information, as exemplified in “idle talk;” the other has a disclosing quality that is proper to discourse. We can now turn to the latter type of communication. In *Being and Time*, Heidegger identifies communication [*Mitteilung*] as a structural component of “Assertion” (statement) (1962, §33-34). According to him, communication is

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<sup>86</sup> One of the derivations of “*zusammengehörig*” is “*Zusammengehörigkeit*,” which means “togetherness,” “solidarity,” “common bond,” even “shared identity.” I am indebted to Susanne Bates for her assistance in the translation for “*zusammengehörig*.”

<sup>87</sup> I am indebted to Professor Elizabeth Jelinek for her assistance in the Greek translation.

Letting someone see with us what we have pointed out by way of giving it a definite character. Letting someone see with us *shares with* [*teilt...mit*] the Other that entity which has been pointed out in its definite character...As something communicated, that which has been put forward in the assertion is something that Others can ‘*share*’ with the person making the assertion. (1962, 155<sup>88</sup> emphases added)

Assertion (or statement), insofar as it communicates, discloses a *shared* world. Discoursing articulates for *Dasein* the intelligibility of being-in-the-world; and being-with—specifically, being-with-one-another—belongs to *Dasein*’s being-in-the-world (1962, 162). In other words, communication makes it explicit that the being of *Dasein* is fundamentally being-with-one-another. Heidegger insists that communication is not a bridge that links one subject to the other, as if the two were initially separated. Rather, communication *presupposes* the being-with of *Dasein*, “In talking, *Dasein* expresses itself [*spricht sich...aus*] not because it has, in the first instance, been encapsulated as something ‘internal’ over against something outside, but because as Being-in-the-world it is already ‘outside’ when it understands” (1962, 162).<sup>89</sup> Communication reveals to *Dasein* that it is always already socially constituted. (In the same vein, the halved-rings that the two friends bequeathed to their children disclose to the children that they are always already part of a friendship.)

In his reading of Aristotle’s *Politics*, Heidegger articulates the link between speaking and sociality even more explicitly: “*Speaking is, in itself, communicating*; and, as communication, it is nothing other than *κοινωνία* [community, society]” (2009, 43). Insofar as *Dasein* is speaking-being, it is also social-being. In fact, to the extent that *logos*

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<sup>88</sup> I use the Macquarrie and Robinson translation here. Page numbers refer to the German page.

<sup>89</sup> This passage expresses a similar sentiment, “[communication] is never anything like a conveying of experiences, such as opinions or wishes, from the interior of one subject into the interior of another. *Dasein*-with is already essentially manifest in a co-state-of-mind and a co-understanding. In discourse Being-with becomes ‘explicitly’ *shared*” (1962, 162).

makes visible our being-with-one-another, being a speaking animal also means being a political animal,

If λόγος constitutes the having-there-with-one-another of the world, the determination of being-with-one-another is constituted in it. And the determination of ζῶον λόγον ἔχον [speaking animal] must then, at the same time, contain within itself the determination of ζῶον πολιτικόν [political animal]...The distinctive being-with-one-another is not something that is brought to humans, but rather *the* being-possibility. (2009, 40)

Heidegger maintains that our being-with is “equiprimordial” with our speaking-with (2009, 45). It is “equiprimordial” because, on the one hand, speaking presupposes being-with; our words are meaningful because they are bounded by agreement (κατά συνθήκην). On the other hand, being-with is possible by virtue of our speaking capacity—“It is shown that κοινωνία [community, society] which forms the household (οικία) is only possible on the ground of λέγειν [expression], on the basis of the fact that the being of the human being is speaking with the world—expressing itself, speaking with others” (2009, 35). The relationship between speaking and sociality is understood circularly because they are equally basic, equally primordial, and we cannot “deduce one from the other” (2009, 45). As such, while language discloses our sociality, we must understand language and sociality as circularly constitutive.

At this point, let us return to the discussion on language in the lecture course. We begin to see that the formal relationality that we have seen in propositional statements (exemplified by the as-structure) goes hand in hand with our social relations with others. Just as the “as-structure” of propositional statements makes explicit the relation between two terms, σύμβολου is, “in the original concrete sense,” a token that discloses a forgotten friendship. According to Heidegger, the occurrence of the symbol

(σύμβολου)—that is, the occurrence of this togetherness—is the condition of the possibility of discourse (1995, 308). Indeed, we are able to employ the “as-relation” in propositional statements only because we are already the kind of creatures who are capable of relating socially.

Given Heidegger’s interpretation of σύμβολου, in particular the significance of his “guest-friends” example, the animal’s inaccessibility to *logos* is shown in a new light. If our speaking-with and being-with are “equiprimordial,” then by denying animals *logos*, Heidegger seems to call into question their capacity for kinship as well. (What is in question is certainly animal’s kinship with *Dasein*, but as we will see, even their kinship with other animals seems precarious.) Just as the as-structure in propositional statements is refused to the animal, σύμβολου is what distinguishes human discourse from animal utterance. And if human discourse is bounded *by agreement* (κατά συνθήκην), then animal utterance is mere sound, it is fragmented and unbounded by covenants. The distinction between human discourse and animal utterance is grounded in the possibility of the two levels of relationality—*both* the formal as-relation *and* the social relation. In the next section, I will turn to Heidegger’s account of captivation—the specific way animals relate to their environments.

### Animal’s Captivation

At the end of §48 of the lecture course, Heidegger’s interrogation of animality has led him to the question of animal kinship. He asks, “What does the animal relate to, and what sort of relationship does it have to whatever it seeks as nourishment, seizes as prey, or attacks as hostile?” (1995, 200). This question is particularly interesting because it seems

to suggest that animals have some access to the “as-structure” insofar as they relate to others *as* nourishment, *as* prey, or *as* hostile. But for Heidegger, animal relations—if animals relate at all—are necessarily impoverished and circumscribed.<sup>90</sup> And just as he insists that animal sounds are prompted by particular physiological conditions, Heidegger describes animal relations in terms of physiological and instinctual needs.<sup>91</sup> Two examples (both on the animal’s relation to food) from the lecture courses are particularly relevant here.

In one instance, Heidegger insists that a beetle relates to a blade of grass as a “beetle-path on which the beetle seeks beetle-nourishment, *and not just any edible matter in general*” (1995, 198 emphases mine). The beetle acknowledges the blade of grass as *its* nourishment; but it does not acknowledge the blade of grass as food as such. (Heidegger doesn’t think the beetle conceives of the blade of grass as food for a cow, for example.) In another instance, Heidegger also denies that bees can relate to food *as such*. He draws this insight on one of J. von Uexküll’s experiments. In it, the bee’s abdomen was cut off while it was sucking a bowl of honey. The bee reportedly did not stop sucking even while the honey was running out from its body (1995, 242). For Heidegger, this example is indicative of the bee’s inability to recognize honey *as such* (honey *as* presence, honey *as* food). The bee is driven by its instinct to eat, and its honey-sucking behavior is dictated by the sensor of satiety in its abdomen, and thus the bee does not—and need not—relate to honey *as food*. So, while animals may relate to others (as nourishment, as prey, as hostile), this relation is necessarily egoistic, driven by a practical, immediate need.

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<sup>90</sup> As some commentators have noted, animals do not have access to the apophantic-as, even though they may have access to the hermeneutic-as. See Winkler (2007).

<sup>91</sup> As we have seen, Heidegger insists that animal sounds must be contradistinguished from words (1995, 307).

Unlike the beetle and the bee, humans do seem to relate to food *as such*. We do, for example, see a piece of steak on the plate as edible matter *in general*—it’s edible not only because we happened to be hungry at the time. It is edible matter not just for the specific diner, but also (potentially) for the diner’s family, friends, and even her pets. Indeed, we can even relate to the steak as something other than food. We can, for instance, see the steak as fashion (à la Lady Gaga), as art,<sup>92</sup> as corpse, as a representation of factory farm, or as the dead mother of an orphaned calf. But despite these various (non-egoistic) ways of relating to the steak, we may question, in a good Derridean fashion, whether *humans* always relate to food as food. Consider the times when we snack mindlessly or distractedly, and we realize that we have eaten *too much* only when we have reached the bottom of a 16-oz bag of chips. Or even the times when we are actually “captivated” by the food, and we just want to *keep eating*. At the end, perhaps the main reason we don’t keep gorging ourselves is that we, unlike the amputated bee in Uexküll’s experiment, actually have an abdomen!

The egoistic character of animal relation is buttressed by Heidegger’s notion of captivity. Again, drawing on Uexküll’s observations, Heidegger attributes “captivation” (*Benommenheit*) to the animal as its specific manner of being. Heidegger describes captivity as “that intermediate state somewhere between consciousness and unconsciousness” (1995, 239). This in-between status is particularly appropriate for the animal, which is situated between the world-forming human and the world-less stone. Heidegger describes the bee as being “taken [*hingenommen*] by its food,” and that it was “captivated by the scent and the honey” (1995, 242, 243). Furthermore, this captivity is characterized in terms of the “absorption” of the animal.

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<sup>92</sup> For instance, Zhang Huan, a contemporary Chinese artist, is famous for his muscle suit made of meat.

Behavior as a manner of being in general is only possible on the basis of the animal's *absorption* in itself [Eingenommenheit *in sich*]. We shall describe *the specific way in which the animal remains with itself*...this way in which the animal is absorbed in itself, and which makes possible behavior of any and every kind, as *captivation* [Benommenheit]. (1995, 238-9; italics in original)

Heidegger's animal is self-absorbed to the extent that it "remains with itself." (Or as one commentator puts it, the animal is "captive to its own instincts."<sup>93</sup>) The language of "captivation" is significant as it conjures up the image of animals as our captives.<sup>94</sup> The German original for captivation is "*Benommenheit*," which can also be rendered as "dizziness," or the state of being "stunned," "numbed," or "dazed." Derrida calls "*Benommenheit*" a "mute stupor," linking together animal's captivation and their silence (2008, 19). But "*nehmen*," which is the root of "*benommen*," also conveys a sense of isolation or severance as it can also mean "taken away" or "blocked." But from what are the animals being "blocked"? For Heidegger, animals are severed from the world of meaning and thus severed from all linguistic beings, *Dasein*. Whereas *Dasein* is open to beings as such, the animal is imprisoned by its instincts and absorbed in itself. Animals and *Dasein* are separated by an "abyss," as Heidegger puts it repeatedly (cf. 1968, 16; 1993, 230).

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<sup>93</sup> Calarco, 2004, 24.

<sup>94</sup> Winkler offers a helpful etymological analysis of "*Benommenheit*" as follows, *benommen* (captivated, stunned, taken away, blocked), *eingegenommen* (taken in, absorbed), or *Benehmen* (behaviour)... all refer back to the German verb *nehmen* (to take), which derives from the Indo-European root *\*nem*, to distribute, to allot, to assign. (2007, 525)

According to Winkler, the significance of "distribution" in "*Benommenheit*" lies in Protagoras' story of nature. In Protagoras's story, Epimetheus was responsible for providing animals with their respective nature, and Epimetheus did so by distributing various capacities to them—a "labour of nature" that Protagoras repeatedly describes with the term "*nomos*," norms (2007, 524). Drawing on Protagoras' story, Winkler argues that Heidegger uses "captivation" to convey the normativity of animal behavior, thereby challenging the norm-nature binary (2007, 524 ff.) While Winkler's provocative analysis focuses on the normativity of animal behavior, I want to draw attention to the ways animals become our literal captives. See also Derrida's discussion on animal captivation (2008, 19).



Significantly, Heidegger speaks of animal's captivity as occurring in and through its instinctual drives; and these (interrelated) instinctual drives are constituted in what he calls a "disinhibiting ring" (1995, 249). For Heidegger, this ring opens up to the animal its instinctual capacities (thus "disinhibiting"). This is within the ring that the animal relates to its environment instinctually, though this limited relationship still does not give the animal access to beings as such. Indeed, this disinhibiting ring is a ring that encircles the animal in a way that "[the animal] cannot escape" (1995, 249). The animal is a captive of its own disinhibiting ring. Interestingly, whereas the ring of the two guest-friends reveals to the children that they "belong together" by way of their own flesh-and-blood, the ring of the animal becomes the barrier that keeps the animal away from the world of meaning and *Dasein*. In the end, Heidegger's ring is at the service of human kinship exclusively.

In Heidegger's account of animal captivity, we see that the animal is denied kinship with *Dasein*. But what about their kinship with other animals? Our treatments of animals seem to presuppose that animal kinship is either absent or irrelevant. In zoos, babies are often separated from their mothers; in factory farms, calves are taken away from their mothers shortly after birth. Isolation or severance is common practice in our captivity of animals. In fact, it has become such a standard practice that we come to see a solitary existence as a form of de-humanized, animalistic existence. In a recent paper, Lisa Guenther analyzes solitary confinement in relation to animality.<sup>95</sup> According to her research, prisoner advocates often employ the rhetoric of dehumanization when they condemn disciplinary practices—including solitary confinement. Prisoners who were

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<sup>95</sup> Guenther questions whether the rhetoric of "de-humanization" is adequate for us to challenge the practice of solitary confinement, insofar as this rhetoric continues to rely on the human-animal binary (Forthcoming, 6-7).

subjected to solitary confinement often compare their condition to that of a captive animal. One observer even describes the behavior of these prisoners as resembling “caged felines pacing at a zoo” (Guenther, 3). The lack of external stimuli in solitary confinement penalizes the inmates by stripping them of their relationality. However, as Guenther rightly argues, the rhetoric of dehumanization is problematic as it denies that animals, like humans, are *also* social, intercorporeal beings. The very censure of solitary confinement as “dehumanizing” reinforces the myth that solitude is proper to the animal, while kinship is proper to the human. The rhetoric of dehumanization reveals that we continue to think of animals as asocial beings devoid of kinship in our social-political discourse. While for Heidegger “captivation” deprives the animal of beings as such (i.e., the realm of the symbolic), our everyday captivation of animals also deprives animals of their relational possibility. Once again, linguistic possibility and social possibility become intertwined. In *Animal Lessons*, Kelly Oliver points out that if language for Heidegger is the “house of being and the home of man,” then denying animals language would also “[leave] animals with neither house nor home” (2009, 199). Following her analysis, we may say that Heidegger’s animals are strays because they have no relations: If family and friendship are constitutive of a home, then the lack of kinship renders animals homeless.

### The Ape That Has No Hands

The connection between language and kinship is illustrated in a different text of Heidegger’s as well. In *What is Called Thinking?*, Heidegger claims that apes have no hands; he insists that “only a being who can speak, that is, think, can have hands” (1968, 16). The hand is at the service of language (thinking) insofar as thinking is a handicraft.

But if having hands presupposes language, then apes don't have hand precisely because they don't speak. What, then, can the hand do that distinguishes it from a mere "grasping organ"? What makes the hand so special that it is reserved for linguistic beings only?<sup>96</sup>

In *Geschlecht II*, Derrida argues that the distinction between the hand and the prehensile organ is "reducible to the assured opposition of *giving* and *taking*" (1987, 175; italics in original). In his view, "this thought of the hand belongs to the essence of the *gift*, of a giving that would give, if this is possible, without taking hold of anything" (1987, 173; italics in original). Derrida's emphasis on "giving" is informed by Heidegger's own articulation of the hand as welcoming, "The hand reaches and extends, receives and welcomes—and not just things: the hand extends itself, and receives its own welcome in the hands of others" (1968, 16). Indeed, in handshaking the hand grabs but only in order to offer. It is by taking hold of the hand of others that one offers hospitality (welcoming) or good wishes (bidding farewell). The hand is the site where relationship is inaugurated and celebrated. It is distinguished from other grasping organs by virtue of its ability to offer hospitality and nurture relationships. Whereas in the lecture course the openness to meaning—and the possibility of meaningful relationships—is reserved for those who have access to the "as-structure," here the having of hands—and the possibility of generating relationships—is reserved for speaking beings.

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<sup>96</sup> At first glance, Heidegger seems to be making a distinction between physical and mental grasping. With "grasping organs," one may grab, snatch, or capture, but it is with "hands" that one may craft thoughts and philosophize. But this distinction is complicated by the metaphoric use of "grasping" to mean "understanding." In French, for example, there is an etymological affinity between "taking hold of" (*prendre*) and "understanding" (*comprendre*); whereas in English there is "apprehend," which means on the one hand seizing or arresting (grasping physically), and on the other hand understanding (grasping conceptually). In *Geschlecht II*, Derrida argues that the metaphoric use of "grasping" obscures the ontological distinction between a hand and a prehensile organ. In his view, at stake is not a distinction between physical and conceptual grasping, but between "giving and taking."

## Animal's Poverty in Relationality

At this juncture, I should turn to one of the main theses that Heidegger intends to advance in his lecture course—animal's poverty in world. There are many interpretations regarding this thesis, especially regarding Heidegger's anthropocentrism.<sup>97</sup> I will not engage in this debate in this chapter; rather, I will examine this poverty-thesis in order to trace another important moment of animal kinship in the lecture course. As we will see, in Heidegger's illustration of "poverty" and "deprivation," animal kinship once again becomes his point of departure.

Let us return to the question that Heidegger broaches at the end of §48, "What does the animal relate to, and what sort of relationship does it have to whatever it seeks as nourishment, seizes as prey, or attacks as hostile?" As we have seen, even though this question seems to suggest that the animal has access to the "as-structure" and relationality, Heidegger ultimately insists on a rather impoverished and egoistic picture of animal kinship. The question of how the animal relates to others becomes the focus of §49 and 50. But before he plunges into the question of animal kinship, Heidegger specifies a methodological problem:

But how do we do so [inquiring about the animal's relation to the world]? How else by transposing ourselves into the animal? But do we not then run the danger of interpreting the being of the animal from our own perspective? Perhaps we could ultimately obviate any misinterpretation that might arise. However, there is another much more important and fundamental question here: *Can we transpose ourselves into an animal at all?* (1995, 201 italics in original)

Heidegger then extends the question of transposability to stones and humans. Can we transpose ourselves into a stone? Can we transpose ourselves into another human being?

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<sup>97</sup> See Colony (2007, 12); Winkler (2007, 522-523). Both Colony and Winkler agree that reading Heidegger's thesis as straightforwardly anthropocentric is inadequate.

Heidegger insists that transposition is not a matter of transference or substitution. We don't so to speak put ourselves in the shoes of the other (either actually or imaginatively), as if we can vacate our subjectivity and assume the interiority of other beings. For Heidegger, transposition is not a matter of *becoming* the other; rather it is a matter of *going along with* the other. And the very idea of going along with someone presupposes that there is, in fact, some *other* person with whom we go along. Indeed, transposition is possible only when we maintain a boundary between the other and ourselves. As Heidegger puts it, "[there] can be no going-along-with if the one who wishes [...] to go along with the other relinquishes himself in advance" (1995, 203).

Interestingly, for Heidegger it is the *first* question—our transposability into the animal—that makes the most sense. Or, as he puts it in a double-negative way, this question “does *not* represent an intrinsically nonsensical undertaking” (1995, 204). With regard to our transposability to a stone, Heidegger is adamant that the stone “offers no sphere...such that we could transpose ourselves into the stone” (1995, 204). We have no access to the stone not because we lack the appropriate means, but rather because the stone is not accessible to us *in principle*. On the other hand, the question regarding our transposability into other human beings betrays a problematic Cartesian assumption. Specifically, it assumes that each of us begins as a solipsistic consciousness whose being is separated from others. But for Heidegger, insofar as we exist, we are *already* transposed into other human beings. In fact, it is “the essential constitution of human Dasein that it intrinsically means being with others” (1995, 206). Thus it is “superfluous” to ask whether it is possible to transpose oneself into other human beings when this possibility “already and originally belongs to man’s own essence” (1995, 207; 205).

Now, the question regarding the possibility for the human to transpose into the animal is not “nonsensical.” For unlike the stone, the animal does offer the possibility to be transposed. But neither is this question “superfluous,” for even though we are in principle capable of transposing into the animal, we are not factually transposed into them. Here enters Heidegger’s example of domestic pets. Heidegger insists that a dog may *live* with us in the house but not *exist* with us. The dog may “move within our world,” (lying under the table, running up the stairs, eating with us), and yet it *refuses* to go along with us (1995, 210). The dog offers the possibility to be transposed and yet refuses to be transposed. For Heidegger, it is the double movement of offering-and-yet-refusing that characterizes animal poverty. To see this, it is important to clarify what Heidegger means by “poverty” or being poor.

For Heidegger, poverty does not mean having less or being deficient (*vis-à-vis* having more or being rich); poverty is not a measure of quantitative differences (1995, 195). This is crucial because Heidegger insists that the talk of the poor-in-world animal and the world-forming *Dasein* should not be understood as a “hierarchical evaluation” (1995, 194).<sup>98</sup> Rather, “poverty” means being *deprived* of something; it is a “lacking or absence of something which *could be present* and generally ought to be present” (1995, 195 italics added). One can be *deprived* only if one is able to have in the first place. Consider, for example, taking away a toy from a child in contrast to picking up a toy from a chair. We may say that a child is *deprived* of her toy, but the same cannot be said about the chair even though in both instances a toy has been removed. As such, poverty

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<sup>98</sup> As Oliver (2009) points out, a hierarchy would suggest that “humans and animals had enough in common to be compared”—a claim that Heidegger cannot accept since he views humans and animals as *radically* different beings (197).

(understood as deprivation) presupposes the possibility to *have* something in the first place. As Heidegger puts it, “not-having *in* being able to have is precisely *deprivation*, is *poverty*” (1995, 211).

The poverty thesis has often been read in relation to the animal’s lack of language.<sup>99</sup> This reading is accurate to the extent that Heidegger anchors his argument of world-hood to the linguistic divide. But let us return one more time to the dog that refuses us. The domestic pet example is supposed to illustrate the notion of “privation” or “poverty.” The dog’s refusal *presupposes* the possibility for transposition in the first place. (After all, it doesn’t make sense for the dog to *refuse* something that it couldn’t have in the first place.) Given its possibility to be transposed, the dog’s refusal to be transposed has rendered it *deprived* of transposition. Indeed, the dog is deprived first and foremost a kinship with those whom it lives under the same roof. It lives in our physical sphere (our house) without entering the social sphere (our home). The dog is deprived of relationality not because it cannot relate in principle, but because it is caught in a social limbo: it refuses relation *despite* offering this possibility. As such, the question regarding our transposability into the animal is not superfluous because relationality is not something that we can take for granted in the animal realm. Whereas *Dasein*’s sociality is a given, animal kinship is precarious.

Significantly, the word “refuse” in the original German text is “versagen.” The root of “versagen” is “sagen,” meaning to speak or to say. The word-formation “versagen” is especially telling. In German the prefix “ver” sometimes changes the meaning of the verb to its reversal; for example, “achten” means to esteem or to respect, but “verachten” becomes to despise, to condemn; “lernen” means to learn, but “verlernen”

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<sup>99</sup> See Winkler (2007, 523).

means to forget. Sometimes “ver” changes the verb to mean that the act is being done in a wrong or undesirable way. For example, “laufen” means to move or to walk, but “verlaufen” means to stray; “sprechen” means to speak, but “(sich) versprechen” means to make a slip of the tongue. Sometimes “ver” also carries the implication of excess or the progress to destruction. For example, “bluten” means to bleed, but “verbluten” becomes hemorrhage or even bleeding to death, and whereas “schlafen” means to sleep, “verschlafen” becomes to *oversleep*.

In light of these modificatory effects of “ver,” how should we make sense of “ver-sagen,” and especially *animals*’ “ver-sagen”? Minimally, their “refusal” has something to do with speaking (sagen), and the prefix “ver” seems to change this speaking or saying into something negative. (In addition to the verb “refuse,” “versagen” also means to fail or to malfunction.) So, is animal’s refusal a failure to speak? Is it a speaking that has gone astray? Or is “refusal” a contaminated, degenerated way of speaking? In any case, whether Heidegger intends it or not, the refusal of animals brings us back to the question of language, and specifically the linguistic divide between *Dasein* and animals.

To summarize, this chapter is a response to the link between reason and language that has pervaded the history of Western philosophy. Drawing on Heidegger’s work on animality, I articulate an alternative way to conceive language. Specifically, I show that for Heidegger, relationality, rather than reason, is at the heart of language. We are the kind of beings who speak not because we are intellectually advanced, but because we are fundamentally social beings. Our ability to relate to the realm of meaning goes hand in hand with our ability to relate to others meaningfully. This alternative account of language, in turn, casts a new light on the human-animal linguistic divide—by denying



linguistic capacity to the animal, we are also denying them the capacity to relate. While Heidegger denies animal kinship to *Dasein* specifically (so a dialogue between a human house and an animal shelter is not possible?), our everyday treatment of animals denies animal kinship *with other animals* more generally.

### Transposability and Speaking for Animals

To conclude, I want to return to the problem of speaking for others. I argue in chapter one that animals do not relieve us from the burden of speaking for them—we cannot avoid representing animals even in the most radical disavowal of speaking for them. Here, Heidegger’s notion of transposition is particularly instructive to the problem of speaking for others. As we have seen, Heidegger insists that transposition means “going along with” the other rather than assuming the position of the other. He is clear that the “otherness” of the other must be preserved in the process of transposition—“the other being is precisely supposed to remain *what* it is and *how* it is” (1995, 202). After all, there is no one to go along *with* if there is no otherness.

If Heidegger is right and transposition calls for otherness, then it would certainly call into question the usual rhetoric that seeks to blur the differences between humans and animals in animal rights discourse. (Specifically, the kinds of arguments that seek to grant rights to creatures that possess human-like features.<sup>100</sup>) One may then be tempted to say that this “otherness” in transposition can be sustained by letting animals “speak for themselves.” But as I have argued in chapter one, even the fantasy of having animals speak for themselves seems to uphold rather than challenge the authority of speech. As

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<sup>100</sup> In “Of Mice and Men,” Catherine MacKinnon offers a helpful critique of “seeking animal rights on a ‘like-us’ model of sameness” (2004, 264).

such, the very refusal to speak for the animal continues to assert the primacy of *logos* and linguistic beings.

Now, perhaps a more productive way to sustain this “otherness” is *not* to insist that the animal also speaks, but to acknowledge the asymmetry of our moral responsibility—we are responsible to animals even if they do not reciprocate. For animal ethicists, the fact that animals are “cruel” to each other and that they consume each other does not exonerate our cruelty against animals. Their apparent lack of moral agency is irrelevant to our responsibility to them.<sup>101</sup> And this asymmetry of responsibility is precisely informed by human exceptionalism: we *can* be compassionate even to the most vicious predator, and we *can* adhere to the strictest vegan diet while allowing our cats to chase, catch, and terrorize other creatures in our backyards. We hold ourselves to exceptional moral standards because we acknowledge our otherness from other animals. At the end, perhaps this is what transposing into the animal comes down to: we must take on the responsibility to speak for them even if this responsibility carries an anthropocentric and distasteful history. We must go-along-with the animal even if they continue to refuse us. It is when we speak for them that we most effectively “go along with”—and mitigate violence against—the animal.

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<sup>101</sup> I am not suggesting that animals cannot grasp moral responsibility in principle. In fact, animal research seems to suggest that some animals can be moral agents (Shapiro 2006).

## CHAPTER IV

### ANIMAL IDENTITY: THE PROBLEM OF DIFFERENCE IN THE ANIMAL RIGHTS DISCOURSE

#### Which Animal Should We Save?

In a recent article “Stop Saving These Animals,” Eric Andrew-Gee argues that animal advocates should carefully consider their priority. He points out that some animal protection campaigns receive more attention and momentum *not* because the animals in question “suffer most,” but rather because they happen to be more “photogenic” (Andrew-Gee 2012). He cites Russia’s recent ban on the import of harp seal pelts as an example of a misguided priority because seals are killed in much smaller scale than other animals, especially animals that we raise for consumption. He ends his article by comparing this misguided priority in animal rights agenda as follows, “[it] would be like sending humanitarian aid to a small colony of starving supermodels, while ignoring a famine in a country of five million frumpy cleaning ladies” (Andrew-Gee 2012).

Despite the problematic analogy at the end: comparing photogenic animals to “starving supermodels” and unnoticed suffering animals to “frumpy cleaning ladies,” Andrew-Gee’s article raises the important point that not all animals are equal within the animal rights movement. Some animals seem to *count more* just by being cute or furry. Interestingly, Andrew-Gee’s point is that all animals should *not* be equal, especially when we think strategically—animal advocates should carefully prioritize given their limited resources. So, which animal should we save (first)? And which one should we “stop

saving”? Indeed, which animal do we have in mind when we talk about “animal rights”? Who (what) do we include in animal ethics? Who (what) are we speaking for?

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Within the history of Western philosophy, the “animal” often serves as a foil against which we acquire self-identity—we are what the animal is *not*. The question of animal identity is at the service of constructing human identity. This negative anthropology, however, presupposes a unified animal identity. But what do we mean when we say “the animal”? Surely, we can say that the animal is what is *not* human, but then we simply get caught in a circular argument wherein we define the human as what the animal is *not*, and we define the animal as what is *not* human. But the indeterminacy of animal identity is not just a metaphysical puzzle. As we will soon see, discourses on animal rights are fraught with identity questions.

In this chapter, I analyze issues of identity within the context of the animal protection movement. I show that the purported inclusivity of the name “animal” obscures our dissonant (and at times conflicting) commitments to different animals. By articulating the messiness of animal identity in animal rights discourses, I also show that the question of animal identity is intimately tied to the question of *language*, specifically the question of how we should *speak for* animals. I borrow insights from feminist discourses on identity politics to articulate the strategies of identification and counter-identification employed by animal advocates. The two main figures that I engage with in this chapter are Jacques Derrida and Ludwig Wittgenstein. While both thinkers are

resistant to the essentialism that has plagued our understanding of concept, definition, or identity, they offer radically different ways to respond to the “problem of difference” in identity politics. As we will see, whereas Derrida’s deconstruction multiplies identity troubles, Wittgenstein’s notion of family resemblance seeks to “dissolve” these troubles.

### What’s in a Name? : Animal Identity in the Animal Protection Movement

The first chapter of Peter Singer’s seminal work *Animal Liberation* is titled “All Animals Are Equal.” Two questions immediately arise from this provocative title: What counts as an animal? And in what sense are all animals equal? Singer devotes a significant portion of his argument to answering the second question (the “equality question”). In his view, animals are equal insofar as they are sentient beings; sentient beings are equal in the sense that their interest should be *considered equally*. While Singer addresses the “equality question” painstakingly, he seems to have sidestepped the “identity” question (what counts as an animal). In fact, throughout his argument the identity of animal is assumed rather than interrogated. This is perhaps not surprising given Singer’s utilitarian commitment. Indeed, for Singer the only relevant feature of animal identity would be animal’s capacity to feel pain. For him the question is not *what* counts as an animal? But *which* animal counts? Various non-sentience creatures might be taxonomically classified as “animals,” but they wouldn’t be animals that *count* in a utilitarian scheme. However, reducing animal identity to mere sentience produces some interesting conclusions. For example, in the first edition of *Animal Liberation* Singer feels that “somewhere between a shrimp and an oyster” would be a good place to draw a line between sentience and non-sentience beings (2009, 174). But in the 2009 edition of the book Singer argues that we

should play it safe, for “while one cannot with any confidence say that these creatures do feel pain, so one can equally have little confidence in saying that they do not feel pain” (2009, 174). This argument from ignorance is dubious at best. As *Slate* columnist Christopher Cox puts it, “We also can’t state with compete confidence that plants do, or do not, feel pain—yet so far Singer hasn’t made a stand against alfalfa abuse” (2010). In his response to Cox, Singer readily admits that he has gone “back and forth” on the oyster issue, and concedes that the chances of oysters being sentient are so slight that “there is no good reason for avoiding eating sustainably produced oysters” (Cox 2010). Interestingly, as soon as Singer moves beyond the token animals in animal ethics (e.g., the big mammals), the issue of animal identity returns to haunt him.<sup>102</sup>

Singer’s oyster problem highlights the indeterminacy of animal identity in animal ethics. This indeterminacy becomes even more evident in the legal discourse. While the label of “animal” is inclusive, animal protection agendas do not (and cannot) include every species of creatures that we typically call “animal.” In fact, animal laws typically protect only vertebrates; given that vertebrates make up only 2% of all animal species, *most* animal species are actually excluded from animal protection law. In the US, each state has its own animal protection laws, and the definition of “animal” varies across states. For example, in Alaska “animal” includes all vertebrate living creatures except humans and fish; in Illinois the definition of “animal” also excludes man, but it is defined more liberally to include “every living creature, domestic or wild.” In Colorado, Ohio, and Wyoming, “animal” means “any living dumb creature”—a definition that invokes

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<sup>102</sup> For an interesting analysis on Singer’s oyster problem, see Ito 2008. In it, Ito argues that Singer’s reconsideration is motivated by a “fundamental compassion” that goes beyond rational thinking (124-125).

the linguistic divide between humans and animals.<sup>103</sup>

Interestingly, even within the same state, the meaning of animal may change depending on the offense. For example, Iowa penal code stipulates the meaning of “animal” as nonhuman vertebrates. When it comes to general prohibitions such as animal abuse and animal torture, this definition of “animal” has a long list of exceptions; it excludes livestock, game, fur-bearing animals, fish, reptiles, amphibians, and any non-game species that is considered a nuisance. However, the definition of “animal” changes when it comes to bestiality. For the purpose of defining bestiality, an “animal” becomes “any nonhuman vertebrate, either dead or alive,” and the long list of exceptions disappears. In other words, when it comes to animal abuse and animal torture, Iowa law does not necessarily protect creatures such as livestock and game, and it certainly does not cover dead animals. But when it comes to bestiality, the definition of animal *expands* to include even the dead creatures. It is true that while one cannot abuse or torture a dead animal, one can still engage in sexual intercourse with an animal corpse. This definitional discrepancy suggests that even though the prohibition against bestiality is catalogued under the title “Sexual Assault,” it goes beyond the concern for animal welfare. It is considered a taboo—punishable by law—to engage in bestiality *even if* the animal in question is already dead and no longer calls for protection.

Generally speaking, the animals that matter within the legal realm are restricted to nonhuman vertebrates. As such, “pests” are typically excluded from anti-cruelty law.<sup>104</sup>

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<sup>103</sup> All references to states laws come from Stephan Otto’s 6<sup>th</sup> edition of the Animal Protection Laws compendium (2011).

<sup>104</sup> Indeed, even the meaning of “pests” in the legal realm is tenuous and it does not always conform to our common notion of “pest.” For instance, peacock is considered a kind of pest. In 2011, an early version of the “Peacock Bill” (SB 1533) sought to stipulate that peacocks do not count as pests. But the final version of the bill (passed in Hawaii) dropped this stipulation, and merely states that the killing of the pest should

As I have noted, given vertebrates make up only 2% of all animal species, 98% of all animal species are actually excluded from animal protection law. Indeed, just as our legal discourse privileges certain species of animals, public sentiment toward animal welfare also reveals favoritism. For instance, while dog-fighting and dolphin-hunting enrage the public, slaughterhouses, animal circuses, and trophy-hunting are generally sanctioned. Someone can be simultaneously a dog-advocate and deer-hunter, and someone who vehemently opposes cock-fighting may not feel any qualms enjoying a chicken sandwich.

Animal advocates have criticized these “single-issue” campaigns (e.g., the anti-fur campaign, the anti-dolphin-fishing campaign) for neglecting the more systematic, institutionalized exploitation of animals. As Andrew-Gee points out, some of these single-issue campaigns have misguided priorities. In a recent commentary on West Hollywood’s ban on fur, legal scholar Gary Francione criticizes these campaigns for “[seeking] arbitrarily to declare some form of animal use or some animal product as morally more odious than others. These campaigns are not only problematic as a matter of moral theory; they are a practical failure in real-world terms.”<sup>105</sup> For Francione, as long as we remain complacent about the *systematic* use of animals, picking and choosing one issue to protest will not improve animal welfare in general.

Surely, many animal advocates are vegetarians or vegans; and there have been campaigns for animals in slaughterhouses and for the less popular animals such as lab mice and spiders. However, even if we refuse to use any animal products, the inclusivity

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be “handled in accordance with standard and acceptable pest control practices and all applicable laws and regulations.”

<sup>105</sup> Gary Francione, 2011. <http://www.nytimes.com/roomfordebate/2011/09/25/ban-fur-then-why-not-leather/no-moral-distinction-between-furs-and-leathers>



of the label “animal” remains problematic. Different species of animals call for different—and at times competing—obligations; and our duty to one animal is often made at the expense of other animals. For example, proponents of animal testing at times justify their cause with the claim that animal testing saves animal lives as well.<sup>106</sup> This rhetoric paradoxically appeals to the well being of animals—but only the animals that we care about. Although animal rights advocates are often against animal testing, some animal protection agendas are also predicated on this economy of life-exchange. For instance, the preservation of a carnivorous species at conversation centers necessarily involves the death of other beasts as prey (the latter being the food for the former); and while we may welcome stray cats and dogs to our home, we feed them turkey and salmon.

Even an ardent animal advocate may tolerate animal “cruelty”—as long as it is done by *other* animals. After all, we don’t condemn our cats and dogs for chasing, terrorizing, and devouring other creatures in our backyard. Our concern for one animal to flourish (say, our cat) may come at the expense of other animals (squirrels and birds!). Insofar as “cruelty” is inevitable in the animal realm, the scope of animal protection is circumscribed—even if we can protect animals from *human* cruelty, we cannot protect them from *animal* cruelty. My point is not that animal advocates are hypocrites; rather, I want to draw attention to the label of “animal” in the animal protection movement—the purported inclusivity of the name can turn against itself and obscure conflicting and dissonant commitments.

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<sup>106</sup> An organization called “Research Saves” argues that animal researches save lives—both human and animal. See <http://www.researchsaves.org/>

## Animal Identity, Animal Standpoint

Questions of identity are intimately tied to the question of *speaking for* animals. For one thing, can we responsibly speak for those whose standpoint we do not (and perhaps cannot) occupy? How can we “put ourselves into another’s shoe” when this “other” has paws, claws, or talons? This is perhaps why animal ethics often employs the “like-us” rhetoric: by emphasizing the *shared* qualities between humans and animals—be it sentience, vulnerability, or the capacity to experience life—philosophers seek common ground on which we can speak for the animals. But as we have seen in chapter one, the act of speaking for others, even if well-intended, can still be problematic. Feminist philosophers such as Linda Alcoff and Catherine MacKinnon have cautioned against the paternalism that often comes with the impulse to speak for others. But the “violence” of speaking for others is more than assuming the identity of others in a paternalistic way. As we will see, speaking for others can also be “violent” if we speak for them *as a unified group*, that is, if we fail to respect the heterogeneity of those we speak for.

The problematics of animal identity is forcefully articulated by Derrida in *The Animal That Therefore I am*. There, Derrida takes issue with the name “animal;” he argues that the name “animal” is employed so that we can “speak of the animal with a single voice” (2008, 32). Indeed, we use the word “animal” in the singular as if it represents *all* animals—from our primate cousins to our feline companions, from birds to insects to sponges. We reduce all these different species of living thing into an imaginary unity, a “chimera,” as Derrida calls it (2008, 23). For Derrida, whenever we use “animal” in the singular we are complicit in a “veritable war of the species” (2008, 31). Perhaps we can even think of it as a war *on* species. In this war, we do violence to animals not with a

butcher knife, but with the refusal of a name proper to them. We reduce biodiversity by reducing different species to a homogenous singularity.

Derrida's critique parallels the concern many feminist, race, or queer theorists have articulated regarding identity politics. That is, the concern that labeling a movement under a general category (such as "woman," "gay," "African-American") obscures internal differences within the movement.<sup>107</sup> For instance, the women's movement has been faulted for overlooking racial and class differences among its participants. In *Ain't I a Woman: Black Women and Feminism*, bell hooks argues that the feminist movement has been shaped largely by the vision of middle-class white women, a vision that is either irrelevant—or at times antithetical—to the needs of women from different social classes or ethnic backgrounds. So despite its inclusive label, the women's movement is at the service of a very specific class and race of women.

In the animal protection movement, the label of "animal" engenders similar identity problems. As we have seen, not all animals are included in the moral community and even fewer animals are included in animal protection laws. Just as the women's movement had been at the service of an exclusive class and race of women historically, the animal rights movement has largely been at the service of primates and mammals. And just as the interest of middle-class white women might be at odds with the interests of women from a different class and race, our moral commitment to primates and mammals may be made at the expense of other species of animals.

Indeed, even the *strategy* of the animal rights movement is bound up with identity issues. Once again, we can borrow insights from feminist discourses. Feminists have

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<sup>107</sup> Medina's essay, "Disidentification and the Problem of Difference" (2003), offers a succinct account of the problem of group identity.

identified and critiqued the logic of identification and counter-identification in the women's movement. Specifically, the strategic shift from *women-can-do-it-too* to valorizing the differences between men and women. Neither of these strategies is satisfactory: the logic of identification continues to privilege men by casting masculinity as the norm, while the strategy of counter-identification is predicated on an oppositional thinking that many feminists seek to overturn. As José Medina points out, both strategies render the feminist movement “parasitic on a masculinist ideology” (2003, 665).

In the animal protection movement, we also see the logic of identification and counter-identification. Early discourses on animal rights/welfare are dominated by the strategy of identification. Animal advocates often stress the *likeness* between humans and animals in order to challenge the hierarchical distinction between the two. This effort is twofold. On one level, the “like-us” strategy is employed to call into question human exceptionalism. Philosophers cite scientific experiments or observations of animals to show that animals—*like us*—also have the capacity to speak,<sup>108</sup> use tools,<sup>109</sup> or act morally.<sup>110</sup> On another level, this “like-us” strategy is employed to expand our moral community. Human uniqueness notwithstanding, philosophers argue, there are morally relevant qualities that animals share *in common* with us. It is because of these morally relevant qualities—be it sentience or being a subject-of-a-life—that entitle humans *and animals* to the moral community.

In the past decade, philosophers have begun to challenge this “like-us” strategy in

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<sup>108</sup> See Wise (2002, 207-230); Fellenz (2007, 46). For a general account on how philosophers deal with the linguistic divide, see Steiner (2005, 18ff.).

<sup>109</sup> See Gruen, (2011, 6ff.)

<sup>110</sup> See Shapiro, 2006

animal advocacy. Feminist thinkers such as MacKinnon and Kelly Oliver have critiqued this strategy through an anti-patriarchy lens. For instance, Oliver writes, “Just as feminists ask why women have to be like men in order to be equal, we can ask why animals have to be like us to have inherent value. The notion that man is the measure of all things is precisely the kind of thinking that justifies exploiting animals, along with women and the earth, for his purpose” (2009, 30). As posthumanist philosopher Cary Wolfe points out, the strategy of identification reinstates the very human exceptionalism that animal advocates reject. Responding to the *Great Ape Project*, Wolfe writes,

The model of rights being invoked here for extension to those who are (symptomatically) ‘most like us’ only ends up reinforcing the very humanism that seems to be the problem in the first place. To put it very telegraphically, great apes possess the capacities we possess, but in diminished form, so we end up ethically recognizing them not because of their wonder and uniqueness, not because of their difference, but because they are inferior versions of ourselves, in which case the ethical humanism that was the problem from the outset simply gets reinforced and reproduced on another level. Now it’s not humans versus great apes, it’s humans and great apes—the ‘like us’ crowd—versus everyone else. (2003, 192)

Wolfe nicely articulates the problem of the logic of identification. But what does it mean to ethically recognize animals not in spite of, but *because of*, their uniqueness and difference? Against this strategy of identification, some philosophers have argued for an alternative model of animal ethics—one that isn’t predicated on the animal’s likeness to us. As we have seen in chapter one, philosophers such as MacKinnon and Laycock have argued for the need to listen to animals in their *own* voice and even their *own* silence. But as I argued there, in order to appreciate animals in their *own* voice/silence, we need to translate their voice/silence into terms intelligible to us; and as long as translation is inevitable, we cannot avoid contaminating the voice that is purportedly the animal’s own.

Furthermore, if there is anything we could learn from the women's movement with regard to identity politics, shouldn't we be wary of the oppositional thinking that is symptomatic of the logic of counter-identification? Don't we fall back on the animal-human binary when we insist that animals should have their *own* voice—in contradistinction to the *human* voice?

Despite the familiar strategic movement from identification to counter-identification, there is a limit to the analogy between the feminist movement and the animal protection movement. The very notion of *identity* seems to impose challenges that are unique to the animal protection movement. For one thing, while we can articulate our *own* identities, animals don't participate in discussions on animal identity. Rather, animal identity remains largely a *human* (and primarily academic) construct. This is not to say, of course, that animals don't negotiate or contest their identities in a non-discursive way. Consider, for instance, "Nim Chimpsky," the chimp who was raised as a human infant but was later abandoned to a research facility. In the documentary *Project Nim*, we see Nim asserting his place in his caretaker's family by repeatedly challenging the paternal figure in the family. Nim's struggle to become the alpha male is a non-discursive way of negotiating and contesting his place in the family. Nonetheless, there still seems to be something amiss when we engage in a discussion on animal identity without the direct, non-human-mediated input from those whose identity is being debated. In other words, even if we attend to animals' non-discursive ways of expressing their identities, the very fact that animals require our mediation shows that their participation in the discussion is compromised in a significant way. As such, even though feminist discourses on identity politics have been instructive, we need to be wary of drawing any easy parallels between

the feminist movement and the animal protection movement regarding the identity question. Indeed, insofar as *human* identity is formed both discursively and non-discursively, perhaps there is no neat analogy we can make between our identity troubles and that of the animals.

Thus far I have delineated the complexity of animal identity in animal ethics literature as well as in legal discourses. My analysis is very much informed by Derrida's critique of the term "animal" in *The Animal That Therefore I am*: insofar as we use "animal" as a category that covers all creatures that are non-human, we reduce multiplicities, differences, diversities to a man-versus-animal binary. Borrowing from discourses on identity politics in the feminist movement, I have shown that neither the strategy of identification nor the strategy of counter-identification escape anthropocentrism. With Derrida's deconstructive analysis of the "animal" in mind, I now turn to another philosopher who also made significant contribution to the critique of essentialism—Ludwig Wittgenstein.

#### Wittgenstein's Critique of Essentialism

In his introduction to *Slow Cures and Bad Philosophers*, a collection of essays on bioethics, Carl Elliott confesses that it is an "uphill battle...for any book that claims to find useful guidance from Wittgenstein for bioethics and the practice of medicine" (2001, 1). The same could be said about an essay on Wittgenstein and animal ethics. It is not that animals have never made their way into Wittgenstein's corpus. Quite the contrary, Wittgenstein has dutifully invoked the animals in his writings. Dogs are Wittgenstein's

favorite: dogs have no remorse,<sup>111</sup> dogs cannot fake pain,<sup>112</sup> and (my favourite of all canine references) dogs can neither be hypocritical nor sincere.<sup>113</sup> While dogs are clearly Wittgenstein's best friends, let's not forget about the talking lion (whose words we wouldn't understand),<sup>114</sup> the beetle in the box, the duck-rabbit, the goose that has no teeth,<sup>115</sup> and of course, the rhinoceros that lurks in the room.<sup>116</sup> Despite this impressive menagerie, it remains an "uphill battle" to conceive of a distinctive Wittgensteinian view of animality in general and animal ethics in particular. The difficulty of this "uphill battle" arises in part due to Wittgenstein's rejection of essentialism and his suspicion of theory, and especially the highly codified moral rules that are so prevalent in contemporary animal ethics literature. (His rejection of essentialism makes any unified, singular Wittgensteinian view on the animal suspected.) Another difficulty arises from Wittgenstein's aphoristic writing style; his terse and often cryptic remarks on animals have been interpreted in very different—even contradictory—terms. Indeed, Wittgenstein has inspired theorists from *both* sides of the animal protectionist movement;<sup>117</sup> his

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<sup>111</sup> 1967, 518

<sup>112</sup> 2009, 250

<sup>113</sup> *Philosophy of Psychology* (in 2009), 363

<sup>114</sup> *Philosophy of Psychology* (in 2009), 327

<sup>115</sup> *Philosophy of Psychology* (in 2009), 314

<sup>116</sup> In his obituary of Wittgenstein, Bertrand Russell (1951) recounts the story that Wittgenstein refuses to "believe" the statement that "There is no hippopotamus in this room at present." It is interesting that the animal in question becomes a hippopotamus in this version of the story. In one of Russell's letters where he recounts the same story, the animal is a rhinoceros. (Monk 1990, 39)

<sup>117</sup> R.G. Frey (1980) and Michael Leahy (1991) both use Wittgenstein to advance their anti-liberationist stance, while David DeGrazia (1994), Nigel Pheasants (2006), and Wendy Lee-Lampshire (1995) all find Wittgenstein helpful for reconceiving our relationship with animals.



insights are invoked to advance a wide array of theses regarding the animal.<sup>118</sup> Keeping in mind that it remains an “uphill battle” to articulate a singular, unified Wittgensteinian thesis on the animal, in what follows I will contribute to the family of Wittgensteinian scholarship by once again picking up the questions of animal identity and animal standpoint. Specifically, I will discuss Wittgenstein’s notion of “family resemblance” as it relates to the problem of difference in identity politics. My discussion is very much indebted to José Medina’s 2003 essay, “Identity Trouble: Disidentification and the Problem of Difference,” where he articulates a Wittgensteinian response to the problem of difference in identity politics.

Wittgenstein begins his *Philosophical Investigations* with a critique of linguistic essentialism. Linguistic essentialism is the idea (or presupposition) that there is a singular, unified account of language. Wittgenstein illustrates the essentialist theory of language with a long quote by Augustine; in it, Augustine presents an account of language in which words function *exclusively* as labels of objects. Wittgenstein presents Augustine’s view as such: “In this picture of language we find the roots of the following idea: Every word has a meaning. This meaning is correlated with the word. It is the object for which the word stands” (§1). For instance, the word “table” refers to the four-legged wooden furniture on which I place my laptop; the word “cat” signifies the furry, four-legged animal sitting on the mat; the word “coffee” means the hot, brown liquid I consume every morning, and so on. For Wittgenstein, while this conception of language is *not wrong*, it describes linguistic practices *too narrowly*. For him, words do label

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<sup>118</sup> Wittgensteinian scholars such as Cora Diamond and Stephen Mulhall have contributed important work on animal ethics. See Diamond (1978; 2001; 2003), Mulhall (2009). (While Diamond does not explicitly invoke Wittgenstein in her 1978 essay “Eating Meat and Eating People,” she does so in “Injustice and Animals” (2001). Specifically, she employs Wittgenstein’s notion of “difference in grammar” to articulate different senses of justice (119-120).)

objects, but this is only one of the many ways words operate, and linguistic functions are not reducible to signification. To capture the diversity of linguistic activities, Wittgenstein coins the term “language-games” (§23). There are a variety of language-games: there is certainly the language game of signification where words are used as labels. But there are also language games such as irony, jokes, or flirtations—games in which words do more than just signification. (Indeed, it would be *unfortunate* to interpret a game of flirtation as a game of signification!)

It is in the context of defending his choice of the word “game” in “language game” that Wittgenstein presents his famous account of “family resemblance.” There, Wittgenstein is responding to the charge that he is “taking the easy way out,” for he has not yet provided the “essence of a language-game, and hence of language” (§65). That is, he has not yet offered the necessary and sufficient conditions for what we call “language.” In response to this charge, Wittgenstein asks us to consider what we call “games” (§ 66). We call a wide range of activities “games,” from chess to video games, from the Olympics to children playing spontaneously made-up games. While one game may share something in common with another game, there is not a singular quality shared by *all* games. For instance, a basketball game and a game of monopoly are both competitive games, but not all games are competitive (e.g., solitaire); and while many games are governed by well-defined rules or arbitrated by judges, some games are played spontaneously (e.g., two children’s chasing turns into racing on their way back from school). How should we characterize the similarities that we find in these different games—similarities that are shared by *some* games but not by *all* games? Wittgenstein proposes that we think of these similarities in terms of “family resemblances” (§ 67).

If we look at a family portrait, we see certain features shared by some family members and other features shared by other family members. (For instance, the sons have the same hair color as the father, and the daughters have green eyes like the mother, but all the children are over 6-foot tall, unlike their petite parents, etc.) There is no essential feature that *defines* that family, and yet there are overlapping similarities that we see in family members that *show* that they are a family. For Wittgenstein, different linguistic practices are related to each other like family. There are many different language-games, and they are grouped together under the label of “language” not because they all share a common core, but because they constitute “a complicated network of similarities overlapping and criss-crossing” (§66).

It is interesting that Wittgenstein uses the metaphor of family resemblance in his account of language. As we have seen previously in chapter three, kinship occupies an important place in Heidegger’s account of language. Recall for Heidegger, animal utterance and human discourse are distinguished insofar as human discourse is bounded by agreement; and the genesis of agreement is found in σύμβολου (symbol). Following Aristotle, Heidegger isolates “symbol” as the key ingredient of human discourse. It is telling that Heidegger’s interpretation of “symbol” (σύμβολου) hinges on his “guest-friend” example, where he analogizes the “joining together” of σύμβολου to the joining together of the two friendship tokens. For Heidegger, speaking and sociality are constitutive of each other. Speaking presupposes “being-with”—our words are meaningful because they are bounded by (social) agreement.

It is important to note that Wittgenstein’s notion of family resemblance does not function in the same way as Heidegger’s example of friendship tokens. For Wittgenstein,

family resemblance does not aim at illustrating the social agreement on which meaning is found. Rather, Wittgenstein uses this metaphor primarily to contest the essentialism that has plagued our concept of language. He aims to show how different language games can be grouped together under the same category (family). As such, the “family” in family resemblance has little to do with sociality and kinship in Wittgenstein’s account of language. Yet, Wittgenstein’s family metaphor remains suggestive insofar as it invites us to consider linguistic *capacity* in relational terms. Indeed, how did we come to acquire our social skill and our language skill? Are these two skills entwined or unrelated? But just as we play well in certain language-games but are awful at others, we feel at ease in some social circles but feel awkward in others. If language-games are structured like familial relations (crisscrossing and overlapping each other), then perhaps our ability to navigate different language-games is informed and shaped by our ability to navigate different social and familial circles. In the end, perhaps we are linguistic beings because we are, as it were, social beings.

Employing Wittgenstein’s notion of family resemblance, José Medina develops a “familial view of identity” (2003, 659 ff.). He argues that thinking of identity in familial terms enables us to “dissolve” the problem of difference in group-identity (i.e., the view that group identity necessarily obscures internal differences). In his view, insofar as our identities crisscross and overlap one another like family relations, identity necessarily *presupposes* differences and heterogeneities. Indeed, just as each one of us belongs to more than one family, each one of us also belongs to multiple identity groups. And just as being a member of a family does not mean we are *identical* to our sisters, brothers, and parents, our membership to each of these identity groups does not require us to be

*homogenous* to other group members. Rather, we are able to identify with a group because we can emphasize the common features *against the backdrop of our differences* with other group members. To use Medina's term, we are willing to be "blinded" to the differences *for the purpose* of identifying with a group. Conversely, we are willing to be "blinded" to the similarities for the purpose of counter-identifying with a group.

Central to Medina's argument is the strategy of disidentification, the strategy that "brings both similarities and differences simultaneously to bear on one's identity" (2003, 664). Unlike the strategies of identification and counter-identification, disidentification is "a way of identifying with the members of a family without losing sight of one's differences with them, or a way of counter-identifying with the members of other families while seeing one's similarities with them" (2003, 664). As such, disidentification serves as a crystalizing occasion where "our sight is restored and we are no longer blind to our differences from our family members and our similarities to members of other families" (2003, 664). In other words, disidentification elucidates the multiplicity that is inherent in group-identity. Importantly, disidentification does not premised on the binary logic wherein identity and difference are viewed as incompatible or opposites. Rather, the strategy of disidentification presupposes that identity and difference are constitutive of each other.<sup>119</sup>

Although Medina is primarily concerned with *human* identities, his argument is instructive for considering *animal* identities. If we take seriously Medina's point that

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<sup>119</sup> For a relevant discussion on the problem of difference and identity politics, see Wendy Lee-Lampshire (1995). In it, Lee-Lampshire articulates a brand of ecofeminism in the Wittgensteinian vein. Specifically, she argues that Wittgenstein's "naturalistic" conception of subjecthood is helpful for those who seek to articulate a feminist standpoint but are wary of the essentialist baggage that often comes with standpoint theory. In her view, a Wittgensteinian-inspired ecofeminist standpoint "takes as its point of departure the complexities and dissonances which characterize the bio-psycho-social positions occupied by thing" (1995, 99). For her, such a "standpoint" is not a unified position; rather, it recognizes conflicts and differences as its inherent and ineliminable quality.

identity and difference are not opposites, then perhaps we can begin to make sense of the plethora of differences—and similarities—within the category of what we call the “animal.” There are indeed *differences* within the animal kingdom. Just as the category of “language” is constituted by different linguistic practices, the category of “animal” is made up by a network of overlapping and crisscrossing subgroups. (We can think of each of these subgroups as a family unit.) The most typical way to catalogue these subgroups is to divide them according to species membership. However, classifying animals according to their species is only one way of doing taxonomy. Once we move beyond species and begin to consider different categories, it becomes clear that animals can belong to *multiple* overlapping and crisscrossing subgroups/families. There are many different ways to define a family: there can be a family of deceptive animals, a family of timid animals, or a family of playful animals. A swan and a gibbon clearly belong to different species and inhabit different environments, yet they both belong to the family of monogamous animals. A bat, a dragonfly, and a jellyfish all belong to the family of carnivores despite their obvious differences. In other words, once we consider family units beyond the typical species tags, we begin to see that seemingly disparate animals can be brought together as a group, as a family. The crisscrossing, overlapping feature highlights the heterogeneity of group members. Assigning a swan and a gibbon to the identity group of “monogamous animal” is not to say that they are homogenous—it just means that we focus on a particular feature that they share in common (i.e., monogamous behavior) *against the backdrop* of their differences. As such, differences are *inherent* in each identity group.

Given the metaphor of “family,” we can even begin to consider *our* relationship with animals in familial terms. Some species of animals are our more immediate families, whereas some species of animals are our more distant cousins. Surely, some species of animals may be so distant from us that we don’t even recognize them as part of our family. But insofar as our extended family is connected to us via a network of “immediate” relationships, we cannot rigidly demarcate our family, and we must always be ready to accept new family members. Indeed, the overlapping and crisscrossing character of family resemblance suggests that we may be kin to the most unexpected creatures. We may be closer to our seemingly distant relatives than we ever imagine.<sup>120</sup>

At this juncture, it is important to consider the promises—as well as the limits—of the family metaphor. Articulating our relationship with animals in familial terms opens up a different way of thinking about our responsibilities to them. Specifically, it allows us to speak of obligations in relational terms. It allows us to speak of our responsibilities to animals in terms of our kinship with them and not necessarily their rights against ours. After all, we feel obligated to our family members *not* because they can lay claims on us, but because we *care* about our family. (In fact, we think there is something amiss if a father tells his children that he takes care of them because they have the *rights* to be fed, clothed, and sheltered; rather than because he loves them.) As mentioned above, the overlapping and crisscrossing feature of family resemblance makes it difficult for us to demarcate our family, thus complicating the issue of to whom we respond, and for whom are we responsible. Furthermore, the nearly limitless ways we can define a family also suggests that our responsibility to other animals is infinite, perhaps even akin to a

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<sup>120</sup> Apart from our closest DNA relatives—chimpanzees and other primates, we can be kin to bees and ants insofar as we all belong to the family of creatures with structured social hierarchy.

Derridian hyperbolic ethics—an unconditional, impossible, more Kantian-than-Kant ethics. Such hyper ethics is a reminder that we must be vigilant of our obligations to other creatures. That is, we can never say, *with certainty*, that we are not responsible to such and such animals because they are not our family. Insofar as the boundary of a family is porous and uncertain, our familial responsibility is also plastic and open-ended.

Despite its appeal, the family metaphor is not without its drawbacks. For one thing, despite its fluid and malleable boundary, this metaphor remains reliant on the logic of exclusion and inclusion. Paradoxically, even though we may belong to multiple families, we are necessarily excluded from multiple (indeed infinite) families. Insofar as the *marking* of a family involves identifying non-family members, the metaphor of family remains faithful to the exclusionary logic that has hitherto defined our relationship with animals. But the family metaphor is also problematic because not even a family is immune to violence. In fact, sometimes a family breeds and harbors the most insidious and unspeakable violence. As we know, victims of domestic violence are often the least willing to speak up against their aggressor. When violence does happen in a family, it often goes unpunished. Worse still, family violence is sometimes not even *recognized* as violence (or punishable violence). For instance, up until 1970s, spousal rape was not considered a crime in most states in the US. Even though now all 50 states have criminalized spousal rape, spousal rape is still not treated as equal to non-spousal rape. Specifically, some states recognize spousal rape as a crime *only if* the aggressor used or threatened to use force (Tennessee, for example, recognizes spousal rape as rape only if the aggressor was armed, carried a credible decoy, or if the victim is seriously injured). Such additional clauses make it more difficult for spousal rape to *count* as rape.



But perhaps we should not be surprised that family is not immune to violence—perhaps this violence even speaks the truth of the animal family. After all, as long as carnivores feast on their preys, as long as a cat’s favourite pastime involves terrorizing the squirrels, we cannot eradicate violence in the family of animals. As such, while the family metaphor opens up a space for us to speak of obligations in relational terms, it does not allow us to escape violence.

#### Returning to Derrida: Literal and Metaphoric Confinement

The inescapable violence in the animal family brings us back Derrida’s critique of the name “animal” in *The Animal That Therefore I Am*. As we have seen, Derrida argues that every time we use “animal” in the singular we are complicit in a “veritable war of the species” (2008, 31). Thus far I have focused on the problem of difference in this chapter. But in Derrida’s reading, the danger of the name “animal” in the singular goes beyond its homogenizing effect. In *The Animal*, Derrida tells us that this category of “the animal” enables us to “corral a large number of living beings within a single concept” (2008, 32). Derrida uses the word “corral” to evoke the image of animal captivity; and a couple of pages later he makes this image more vivid by speaking of this “catch-all concept” as a “confinement” and “encampment” (2008, 34). For Derrida, the definite article (“*the* animal”) serves as a “strict enclosure” within which we corral different animals (2008, 34). But what kind of “enclosure”? Derrida gives a list of examples: “a virgin forest, a zoo, a hunting or fishing ground, a paddock or an abattoir” (2008, 34). Derrida’s list is surely dominated by instances of animal captivity that are at the service of human exploitation (zoo, hunting ground, abattoir). The slippage from the metaphoric enclosure

(the definite article) to the literal enclosures that typify our treatment of animals is telling. It suggests that the violence of reductive naming cannot be detached from the violence of our treatment of animals, and specifically the violence of animal confinement. Indeed, the metaphoric confinement (of the concept) and the literal captivity inform and legitimize one another.

In light of the slippage from the metaphoric to the literal, as well as Derrida's examples of enclosure, it seems that speaking of animals in a single voice always implies a certain kind of violence. Nonetheless, it would be a gross omission to overlook the very first example of enclosure offered by Derrida—a virgin forest. It is interesting that Derrida juxtaposes a virgin forest with various artificial confinements. A virgin forest, insofar as it confines, also functions as a natural habitat. An abattoir, on the other hand, is an artificial confinement operated for the production of death. The contrast between the two perhaps suggests that we can't even be sure of the nature of a confinement. We can't decide once and for all that a "confinement" is a site of violent exploitation. Indeed, the plot thickens when we consider not only the way we  *speak of*, but also the way we  *speak for*, animals. While the conceptual confinement of "the animal" is complicit in animal exploitation, it is the very same conceptual confinement that allows us to  *speak for* them. Ironically, the same "catch-all concept" of animality is also what animal advocates employ when they speak for the animals.

The notion of "confinement" is further complicated in light of Derrida's deconstructive analysis of "hospitality." In various texts Derrida has articulated the ambivalent and even paradoxical traits contained within concept of "hospitality." First, the French word "*hôte*" is ambivalent—it can mean both "guest" and "host" in English.

(In his essay “Hospitality,” Derrida even uses English sometimes to specify which sense he meant by “*hôte*.”) Second, Derrida points out that the Latin root of the word “carries its own contradiction...[it is] parasitized by its opposite, ‘hostility,’ the undesirable guest” (2000, 3). Given the reversibility between guest and host, hospitality and hostility, it is not surprising that Derrida draws the further connection between hospitality and *hostage*: “The one inviting becomes almost the hostage of the one invited, of the guest [*hôte*], the hostage of the one he received, the one who keeps him at home” (2000, 9). The idea that the host is held hostage by his guest may seem strange at first glance. But we have probably all experienced the awkward moment where our friends (our guests) are staying too late and too long at our home. Not wanting to throw anyone out, we are then “held hostage” by our own guests, in our very own home. Paradoxically, precisely because we are the host that we are ones who are “held hostage”—after all, where else can we go?

The relationship between hospitality and hostage further complicates the notion of “confinement.” Just as a host may be held hostage, a virgin forest may turn into a slaughterhouse. This is especially true when we consider the alarming rate of deforestation that leads to the loss of natural habitats for millions of species (and the deaths resulting from the loss of home). As we have seen, Derrida includes “zoos” in his list of examples of confinement. Is the zoo a site of violent exploitation? Or is it a place where animals live a long, prosper life? And what about our own home? What happens when we welcome our animal companions to our home? Are we holding our cats and dogs hostage? Or is it the other way round? (My mother, for example, has not taken any long trips in the past 10 years because she couldn’t find someone she trusts to take care of the cat. In a sense, the cat is holding her hostage.)

In response to the reductive violence of the name “animal,” Derrida coins the word “*animot*”—a neologism that seeks to reestablish plurality in “the animal” (the singular). Because “*animot*” is a homonym of “*animaux*” (animals in French), “*animot*” is *heard* as a plural, or more precisely, the plural is *heard* in the singular.<sup>121</sup> In addition to the emphasis on plurality, “*animot*” also contains the word “*mot*,” the French word for “word.” By inserting “*mot*” into the animal, Derrida is mocking the philosophical cliché that posits the human as the speaking animal, the linguistic divide that has hitherto deprived animals of words. But “*animot*” does more than challenge the typical view that animals lack language. For it also reminds us that, by depriving animals of language, we are at the same time depriving language of animation. In her article, Laurel Peacock puts this point nicely as follows,

The term *animot* can be thought of as marking an animal invasion of the word (*mot*), in which animal otherness animates language. An *animot* is an animalistic kind of word, and a linguistic kind of animal, attributing animation, even agency, to language. Thus on the level of the word, and even on the level of the letter, animal otherness can be invited into language. (2009, 89-90)

But perhaps it is not exactly an animal *invasion* of language, as “invasion” seems to suggest a transgression of territory. Rather, “*animot*” seems to *uncover* the animality that had once animated language.<sup>122</sup> In fact, even Peacock seems to agree that animality is always already part of language, as she immediately reminds us that the first letter of the English alphabet is an “iconic transcription of an animal into language”—the alpha of the alphabet comes precisely from the representation of an ox’s horn and its triangular face,

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<sup>121</sup> I emphasize “heard” because the uniqueness of “*animot*” takes effect only when vocalized; and accordingly the diversity of *animot* is manifested only when it is spoken/ heard. (And let’s not forget that *The Animal* was first given as a speech.)

<sup>122</sup> Abram offers a helpful account of how human language is indebted to the larger non-human world in his book, *The Spell of the Sensuous*. See especially chapters 3 & 4.

upside down.<sup>123</sup> Our language is always already indebted to animals.

### Silencing the *Animot*?

Significantly, the word “*animot*” is *heard* as a plural. Insofar as the neologism depends on the vibration of our vocal chords to take effect, the diversity of *animot* is manifested only when it is spoken/heard. (And let’s not forget that *The Animal* was first given as a lecture.) Put differently, the inscription must be substituted by the voice for the plurality to come through. However, as long as the effect takes place only in *speech*, only by saying it out loud, is Derrida inadvertently privileging speaking? To complicate this substitution further, in his lecture Derrida makes the following demand:

In order not to damage French ears too sensitive to spelling and grammar I won’t repeat the word *animot* too often. I’ll do it several times but each time that, henceforth, I say “the animal” [*l’ animal*] or “the animals” [*les animaux*] I’ll be asking you to silently substitute *animot* for what you hear. (2008, 47)

Given that the plurality of *animot* hinges upon it being a homonym of *animaux*, it is particularly strange that Derrida asks his audience to “silently substitute” his neologism for “animal/animals.” Apart from the technical difficulty of delivering a sound effect in silence, Derrida’s reluctance to repeat the word *animot* is interesting. He declares that he does not want to “damage French ears” with his neologism. While Derrida’s feigned concern for the “French ears” is meant to be a mockery, the question remains: How can a new lexicon deliver its critical force if it could only be “silently substituted”?

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<sup>123</sup> Peacock (90). Indeed, the letter “A” is not the only letter that takes after the animal. The letter “Q” also supposedly comes from the representation of a monkey (imagine the tail) (Abram 1996, 101). In *Animal Lessons*, Kelly Oliver makes a similar point regarding the relationship between animals and language by noting that “the first ink used was animal blood...some of the first pens were bird quills, and...animal figures were some of the first written ‘language’” (2009, 118). Notably, the oldest form of Chinese character, the “Bone Oracles,” is inscribed on turtle shells.

Furthermore, given that in the history of Western thought the animal is repeatedly posited as lacking speech, as *silent*, what should we make of Derrida's demand to make a silent substitution? Paradoxically, while Derrida's neologism hinges on its vocalization to take effect, its delivery must be made in silence.

Issues of substitution continue to multiply when it comes to the translation of *The Animal*, in particular when we consider the fact that the play on homonyms becomes effective only in French. There seems to be no English substitute for *animot* that would deliver its playfulness as well as its nuances. Interestingly, in the English translation "*animot*" is left untouched, untranslated—and uncontaminated. While keeping a technical and crucial word in its original language seems to be a typical practice in translation, I wonder if it also betrays a certain reluctance to interrogate the English lexicon. By leaving Derrida's neologism untranslated, we acknowledge that *animot* is a singularity irreplaceable by any existing English word(s). But it can also mean a missed opportunity to expand the existing vocabulary. Is it merely a deferment of an interpretive decision? (But doesn't a deferment also involve a decision?) Or is there perhaps an unwillingness to adulterate Derrida's neologism?

In *This Is Not Sufficient*, Leonard Lawlor addresses the issue of purity in translation. Responding to Derrida's confession of his taste for purity in language, Lawlor makes the following observation,

The idioms of a language are what make the language singular. An idiom is so pure that we seem unable to translate it out of that language. Derrida, we have seen, always connects the French idiom "il faut," "it is necessary," to "une faute," "a fault," ...but we cannot make this connection between necessity and a fault in English. (2007, 118)

Just as the necessity-fault connection cannot be replicated in English, the *animot-animaux* play is exclusive to the French language. With Derrida's extensive use of word play, translation often seems impossible. But this impossibility also reflects a demand that we make of translation. It is a demand for preserving purity; that is, the purity of the original. Because words carry their own histories and cultures, translation often threatens to contaminate the original.

It is against the backdrop of this demand for purity that Lawlor argues that in Derrida's view "what is most pure in a language...is the very possibility of impurity" (2007, 119). Lawlor points out that the ambiguity of idioms renders translation necessary even within the same language. In his example, the French idiom "il y va d' un certain pas" could either be about a movement to a place at a certain pace, or about the issue of negation; and such undecidability shows that "already in the French, in the one French language, there is already translation" (2007, 119). But if impurity is at the heart of the pure and the original, what should we make of the (alleged) unstitutability of *animot*? What is it that we are trying to preserve by keeping the word *animot* in an English translation? If Derrida's neologism is supposed to showcase the possibility of a linguistic disruption, isn't it ironic that we try to fossilize his word in its original French? Also, have we foreclosed the possibility of rejuvenating and complicating the English lexicon? And finally, if Derrida's *animot* is supposed to be fruitful and multiply (within the concept of animality as well as the French vocabulary), have we then inadvertently neutered Derrida's *animot*? In the end, grafting the word *animot* in the English translation may inadvertently undermine the political significance of Derrida's neologism.

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The question of translation brings us back to the question of speaking for animals. As I argue in chapter one, the tendency to valorize the voice of animals (by insisting that animals should speak for themselves) betrays our fantasy that there is a pure animal voice that speaks through us, uncontaminated by human interests. But if impurity is at the heart of the pure and the original, then what is this impurity in animal voice? As we have seen in this chapter, there are multiple—and conflicting—animal voices. The heterogeneity of animal voices makes translation both impossible and inevitable. Translation is impossible insofar as this heterogeneity of animal voices is irreducible to a singular interpretation. But translation is also inevitable insofar as this multiplicity necessitates our selective listening of particular voices. After all, the fact that we cannot capture the multiplicity of animal voices does not mean that we hear *nothing*; rather, it means that what we hear is already filtered through our interests and biases. In other words, the impurity in the animal voice means that we must decide the undecidable.

Relatedly, we should also ask, can *we* speak for ourselves? Do *we* have a voice that we can properly call our own? In his article “Following the Rats: Becoming-Animal in Deleuze and Guattari,” Lawlor once again concludes with a reflection on purity and language. There, Lawlor examines the experience of auto-affection, specifically whether it is “truly ‘auto,’ uncontaminated by any other” (2008, 182). He remarks his experience of internal monologue as follows,

It is an irreducible or essential necessity that the silent words I form contain repeatable traits. This irreducible necessity means that when I speak to myself, I speak with the sounds of others. In other words, it means that I find in myself other voices...there is a memory of



multiplicity, of the many voices that are in me. Thus the problem with the belief that interior monologue is my own is that others' voices contaminate the hearing of myself speaking. (2008, 183)

If other voices even infect one's internal monologue, can one still claim a voice to be one's own? As speaking beings, we are always already implicated in a linguistic structure not of our own making. (Even "free" speech, of course, employs existing vocabularies and is regulated by grammatical rules and conventions.) I argue in chapter one that our judicial system requires the mediation of a human delegate when it comes to enforcing animal rights. Insofar as the human delegate speaks in legal lingo and not in an animal voice, the animal does not speak for itself. However, the practice of speaking for animals seems to be symptomatic of the representational structure on which our judicial system rests. After all, do we get to speak in our own voice in court? Aren't most plaintiffs/defendants *represented* by their lawyers? And so long as what we want to say is always channeled and regulated through the voices of others (including the rather impersonal legal language), what does it still mean to speak in our own voice?

Issues of translation not only complicate the rhetoric of speaking for animals, they also challenge one's certainty of having a voice of one's own. But perhaps the dubious opposition between purity and contamination is just a different expression of the dubious opposition between identity and difference. After all, if there is no identity so pure that it escapes difference, then there is also no voice that is purely one's own, uncontaminated by the voices of others. In the end, just as difference is at the heart of Wittgenstein's "family resemblance," the "hetero" is also at the heart of the "auto."

## CHAPTER V

### RACIALIZING CRUELTY: DEHUMANIZATION IN THE NAME OF ANIMAL ADVOCACY

Almost everything we call ‘higher culture’ is based on the spiritualization and intensification of *cruelty* – this is my proposition; the ‘wild beast’ has not been laid to rest at all, it lives, it flourishes, it has merely become – deified.

Friedrich Nietzsche, *Beyond Good and Evil*

In 2010, English musician Steven Patrick Morrissey stirred controversy after attacking China’s animal welfare record during an interview for *The Guardian*. In the interview, the guitarist, whose second album is titled *Meat is Murder*, expresses his disgust over the Chinese’s treatment of animals as follows: “Did you see the thing on the news about their treatment of animals and animal welfare? Absolutely horrific. You can’t help but feel that the Chinese are a subspecies” (Armitage, 2010). Anti-racism groups such as Love Music Hate Racism immediately censured Morrissey’s remark. The spokesperson of the group condemned Morrissey’s remark as “crude racism” and made clear that the group can no longer accept Morrissey’s donation unless he rescind his comment.

Although the controversy revolves around the overt racism of Morrissey’s remark, the language of “subspecies” is interesting in its own right. Who or what counts as a member of this “subspecies”? What is this “proper species” under which the

“subspecies” resides? Indeed, what is the ethical-political force of indicting the other as “subspecies”? Of course, what Morrissey meant to say is that the Chinese are so inhumane in their treatment of animals that they are beneath what we consider proper to the human. In other words, by mistreating animals, the Chinese have become *less than human*. Morrissey’s remark—while intended to speak for the animal—curiously invokes the human-animal hierarchy. But what is this double movement of speaking for the animal while simultaneously resorting to the human-animal hierarchy? How effectively can we speak for the animal if we continue to rely on the language of “subspecies” or “subhuman”—a language that presupposes human exceptionalism?

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Despite the rich connection between race and animality, the intricacy of their relationship remains under-theorized. In her essay “Connections: Speciesism, Racism, and Whiteness as the Norm,” A. Breeze Harper speaks of the importance of “border crossing” in animal studies (2011, 75). She is specifically interested in how speciesism and racism are dependent on each other, as well as the way speciesism is invoked to protect white identity in popular discourses. While Harper gestures toward a promising and important area of inquiry, her short essay does not afford her much room to engage in this “border crossing” in a substantial way. This chapter is a response to Harper’s invitation to examine the way racism and animality crisscross. But first, it is important to

contextualize my argument by examining how racism is typically invoked in the animal rights debate.<sup>124</sup>

### Racism and Speciesism: The Analogy Debate

In *Animal Liberation*, a book that has now become a classic for the animal liberation movement, Peter Singer identifies “speciesism” as the crux of the injustice that defines the human exploitation of animals. Interestingly, he makes his case against speciesism *by way of* arguing against racism and sexism. For Singer, to see why denying equal consideration to animals is wrong, “we need to see, *first*, exactly why racism and sexism are wrong” (2009, 3; emphasis mine). He proceeds to explain that racism and sexism violate the principle of equality insofar as genetically based differences should not affect one’s claim to equality. Speciesism, *like racism and sexism*, violates the principle of equality insofar as one’s membership in a particular species should not affect one’s claim to equality (2009, 4-6). Singer anchors his argument against speciesism on the offensiveness of racism and sexism. The power of this analogy lies precisely in our abhorrence of racism and sexism—if we don’t want to be a racist or a sexist, we also wouldn’t want to be a speciesist. As such, the animal liberation movement is indebted to the civil rights and women’s liberation movements, both in terms of its historical timing and its theoretical reliance on the said analogy.

Although Singer’s analogy has proliferated in animal rights discourse, it is also widely contested. Critics are typically concerned with the *disanalogy* between speciesism and racism. For example, Carl Cohen considers the comparison between speciesism and

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<sup>124</sup> While issues of race, gender, and animality are bound up with each other right from the beginning, in this chapter I focus on race and imperialism as they crisscross with the animal liberation movement.

racism “insidious” (2001, 62). In his view, racism is unjustified because “humans really are equal,” whereas speciesism is a “correct moral perspective” insofar as there are “morally relevant differences” between humans and other species of animals (2001, 62). Leslie Francis and Richard Norman (1978) spell out the “insidiousness” of this analogy more explicitly in their critique of Singer. They are specifically concerned with the political implications of comparing animal advocacy to the civil rights and women’s liberation movements: “the equation has the effect of trivializing those *real* liberation movements, putting them on a level with what cannot but appear as a bizarre exaggeration” (1978, 527; emphasis mine). Indeed, animal suffering and human suffering seem so *incomparable* that the comparison of the two is often deemed offensive. In 2009, Germany’s High Court ruled against an ad campaign run by People for the Ethical Treatment of Animals (PETA) that involved a comparison of animals in the slaughterhouse to Jews in concentration camps. The rationale for banning the ad campaign was that it “would have made the fate of the victims of the Holocaust appear banal and trivial.”<sup>125</sup>

While it is certainly important to consider the political implications of the comparison between racism and speciesism, this will not be the focus of this chapter. In fact, the way animal rights theorists have dealt with the question of racism seems rather limited—when the issue of racism is broached, it is often in the context of the analogy debate. It is as if the question of racism were relevant to animal ethics only insofar as it showcases the wrongness of speciesism. (Or, in the case of Singer’s critics, the question of racism is raised only to illustrate the weakness of Singer’s analogy.) It is against the

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<sup>125</sup> “High Court Rules Against PETA Holocaust Ad Campaign” in *The Local: German News in English*. March 26, 2009. <http://www.thelocal.de/national/20090326-18261.html>

backdrop of this standard (and narrow) way of dealing with the question of racism in the rights discourse that I situate my analysis. I want to consider the link between racism and animal advocacy that goes beyond the analogy debate.

Outside the rights discourse, ecofeminists have offered alternative analyses of the relationship between racism and animal advocacy. In her essay on the Makah whale hunt, Greta Gaard (2001) examines the tension between ecofeminists' commitments to whales and their respect for the Makah tradition. She presents the dilemma by asking: "how do we voice our dissent about the oppressive features of traditional cultural practices in a way that does not reinscribe colonialism, enhancing divisions within the tribe for our own commercial or political purposes?" (2001, 18). That is, what should ecofeminists do when their ecological commitment appears to be at odds with their anti-colonial sensibility? Gaard articulates the connection between racism and advocacy not by analogizing racism and speciesism, but by showing that animal advocacy may actually be complicit in racism and colonialism. In a similar vein, Cathryn Bailey examines the link between animal advocacy and white identity. In her 2007 essay "Africa Begins at the Pyrenees," Bailey points out that moral indignation over bullfighting has become a trope that demarcates the "civilized" and the "uncivilized." The rhetoric against bullfighting is imbued with the racist and colonialist language:

It has often been argued that bullfighting was further proof that Spain was actually more Eastern than Western, or more African than European. According to Adrian Shubert, "The true horror of the bullfight was that it turned Spaniards from Europeans into Africans. . . . The bullring brought Spaniards down to the level of the Moors, and the bullfight was nothing more than an 'African ferocity'" (2007a, 31)

Relatedly, in another 2007 essay Bailey examines the connection between diets and the production of racial identity (2007b). She points out, for example, that fetishism

for ethnic food has become a way for middle-upper class whites to redefine their whiteness. By adopting exotic ethnic food or alternative diets, middle-upper class whites can rearticulate their identity as a “special” whiteness; specifically, they distinguish themselves from other “reviled suburban” whites, whose unsophisticated palates render them quite content with supermarket frozen meals and chain restaurants. Her analysis reveals that one’s identity (including racial identity) is intimately tied to one’s diet.

Both Gaard and Bailey showcase a fruitful way to reconsider the connections amongst race, racial identity, vegetarianism, and animal advocacy. Specifically, they are both attuned to the danger of the ways animal rights rhetoric or practices may reinscribe white privileges. My analysis of racism and animal advocacy in this chapter is similar to Gaard’s and Bailey’s approach insofar as I, too, am concerned with the numerous ways animal rights rhetoric may be used in the service of racist discourse. But my analysis also differs from theirs—I am particularly concerned with how the human-animal hierarchy reasserts itself as animal advocacy and racist discourses crisscross. I introduced this chapter with the Morrissey controversy because it helpfully highlights two issues that I want to examine: 1) the intersection between racist discourses and animal advocacy, and 2) the ironic presupposition of human superiority in animal advocacy. As I will show in this chapter, these two issues are intimately connected.

#### Animalization as Dehumanization

It is no news that racist discourse often invokes the animal. The Jews were called “vermin,” while Africans have been compared to apes or monkeys. Racist rhetoric often highlights the danger and foreignness of the others by associating them with animals. The

2009 swine flu epidemic offers another good example here: during the early phase of the outbreak, Israeli Health Minister Yakov Litzman complained that the reference to pigs is “offensive” to both Islam and Judaism, and that “swine flu” should be renamed “Mexican flu.”<sup>126</sup> The easy slippage between “swine” and “Mexican” is far from innocuous. By suggesting that the two are substitutable, it highlights the otherness of Latino Americans—they are *so other* that they could be a different species. Furthermore, as physician Stanley Aronson points out, assigning geographic names to communicable diseases segregates the world into the “contaminated and the “uncontaminated” (2010). And such line drawing is informed by a “racism which [ . . . ] is prompted by the inchoate fear that the third world is intent on sending both its uneducated young and its threatening pathogens to seek shelters on our pristine shores” (2010). Indeed, the swine flu outbreak fueled discussions on border control; and anti-immigrant groups predictably exploited the epidemic to push their agenda. For instance, conservative commentator Michelle Malkin blogged on her website that “the spread of contagious diseases from around the world into the U.S. [is] a result of uncontrolled immigration.”<sup>127</sup> Talk show host Michael Savage warned his listeners that the swine flu could be a terrorist conspiracy, as virus-carrying Mexicans were marching across the US border as humanoid biological weapons.<sup>128</sup> The slippage between “swine” and “Mexican” feeds the racist imagination

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<sup>126</sup> *BBC News*, April 27, 2009. [http://news.bbc.co.uk/2/hi/middle\\_east/8021301.stm](http://news.bbc.co.uk/2/hi/middle_east/8021301.stm)

<sup>127</sup> <http://michellemalkin.com/2009/04/25/hey-maybe-well-finally-get-serious-about-borders-now/>

<sup>128</sup> “Amid Swine Flu Outbreak, Racism Goes Viral” <http://rss.msnbc.msn.com/id/30467300/>



whereby the foreigners are crossing borders to take over our land, much like the swine is crossing the species borders to take over our body.<sup>129</sup>

Dehumanization is typically achieved by *animalizing* the other. Calling a person by an animal name or comparing that person with an animal is injurious because it is intended to strip the person of the dignity that is proper to the human. More importantly, animalizing a person makes *treating* the person like an animal seem justified.<sup>130</sup> The strategy of animalizing the other is certainly informed by the human-animal divide. Animalization is viewed as “dehumanizing” because being human means *not being an animal*. In other words, dehumanization derives its power from the human-animal hierarchy that is already in place.

The swine/Mexican flu example shows that animalization has become a typical tactic by which immigrants are racialized; there is an ineliminable link between animalization and racialization. In their essay “*Le Pratique Sauvage: Race, Place, and the Human-Animal Divide*,” Elder *et al.* (1998) identify three major ways that the animal body has been used as a tool of dehumanization. The first two are familiar: people are dehumanized when they are either being treated like an animal, or when they are being compared to an animal (e.g., colonialists imputed a similarity between the bone structures of Africans and apes). The third way is particularly interesting: Elder *et al.* argue that people are dehumanized when their *treatment of animals* is being scrutinized as savage and uncivilized (1998, 82 ff.). Using five different case studies, Elder *et al.* show that

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<sup>129</sup> In his infamous diatribe against a Mexican teenager who was accused of incest with his sister, Judge Gerald Chargin compares the teenager (as well as Mexican people more generally) to an animal: “You are just an animal. You are lower than an animal. Even animals don’t do that. You are pretty low [. . .] Mexican people, after 13 years of age, it’s perfectly all right to go out and act like an animal” (Lopez 2003, 84).

<sup>130</sup> In a recent paper, Lisa Guenther (forthcoming) offers a provocative analysis of solitary confinement as a means of dehumanization. Her analysis complicates the notion of what it means to be “treated like an animal.”

animal cruelty has been used by dominant group to racialize and marginalize immigrant groups. Specifically, the dominant group calls attention to the otherness of immigrants not by presenting them as beasts, but by presenting them as “people-acting-beastly toward animals” (Elder 1998, 82). Focusing on the ways subaltern “animal practices” (what we do to the animal bodies) become the site of racial conflicts, Elder *et al.* complicate the link between animalization and racialization. While in their paper Elder *et al.* focus primarily on immigrants and minorities born in the U.S., their argument is also instructive for the larger international context. Following and building on the insights of Elder *et al.*, I show that *The Cove*, a 2009 documentary, unwittingly reinscribes the human-animal binary despite its effort to advocate for the animal.

#### Case Study: *The Cove*

*The Cove* received considerable attention for capturing footage of dolphin slaughtering in Taiji, a remote Japanese fishing village. Even though it was the gruesome footage that made the film famous, a major part of the film is devoted to the making of the footage. In one interview, director Louie Psihoyos notes that the “making-of” portion of the documentary is reminiscent of a thriller.<sup>131</sup> the covert mission of capturing the footage was planned in a closed hotel room, performed in the dark, facilitated by various decoys, and chronicled by a military infrared camera. This environmental *Mission Impossible* is peppered with high-tech props such as camouflage, hydrophones, thermal-grade cameras, and even “rock cams” (fake rocks that hold the secret cameras). But one element that makes *The Cove* a classic thriller—an element that Psihoyos neglects to mention—is the

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<sup>131</sup> “Dolphin Confidential: Docu-Thriller ‘The Cove’ Exposes Slaughter.”  
<http://www.documentary.org/content/dolphin-confidential-docu-thriller-cove-exposes-slaughter>

hero-villain opposition. If the supposed “hero” in the film is the team of dolphin activists, the “villains” of this thriller are those who support the dolphin-fishing business. Unlike the high-tech activists, the Japanese fishermen are portrayed as barbaric and dangerous. In one particularly memorable scene, a Japanese fisherman kills the dolphins in the cove by stabbing them repeatedly with a spike as the seawater turns from blue to a deep red.<sup>132</sup>

Following Elder *et al.*’s analysis, we see that the dolphin bodies are employed to marginalize the Japanese fishermen as the moral underclass. The brutal death that the Japanese fishermen inflict upon the dolphins is indicative of their otherness. The Japanese fishermen are portrayed in the documentary as cruel and violent—and the harpooning-dolphins-to-death scene at the end makes them look particularly “savage.” The main activist, Ric O’Barry, implicates the Japanese mafia as the supporter and beneficiary of the dolphin fishing business, thereby imputing the image of gangster violence to the Japanese fishermen as well. As Elder *et al.* point out, the dehumanization that is operative goes beyond treating the subaltern group (in this case the Japanese fishermen) as animals; it also goes beyond attributing likeness between the group and the animal. Rather, the dehumanization of these Japanese fishermen is achieved precisely by *putting them against* the animal. It is their *practice* with respect to the animal that alienates them from the dominant group.

For Elder *et al.*, the shift to *practice* is distinctive of the postcolonial and postmodern epoch. They argue that this shift results from “radically changing time-space relations that epitomize postmodernity” (1998, 81). The compression of space “brings visible difference ‘home’ instead of restricting it to a distant, exotic colonial space” (1998, 82). That is, whereas in the colonial past the “us” and “them” were geographically

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<sup>132</sup> This scene is found in a DVD version of *The Cove*, Video On Demand from Amazon.

segregated, in postmodern times the “us” and “them” are often dwelling in the same place, due to the hyper-mobility of globalization. As such, the exotic practices of the foreigners are no longer fantastical stories that one reads from a missionary’s journal, but realities that one must confront. In the case of *The Cove*, the slaughtering of the dolphins take place in a distant Japanese village, but the compression of space remains operative as the documentary brings this “exotic” practice to the home of the American audience. Or, more precisely, *The Cove* brings to light the “exotic” practice behind the seemingly innocuous American pastime—dolphin entertainment at various water parks such as the SeaWorld.

While the changing time-space relation certainly offers a good explanation for this new focus on animal practice, the postmodern challenge to the centrality of the human should not be overlooked.<sup>133</sup> The project of decentering the human subject that characterizes the postmodern movement disrupts the place of the human as well as the way we interpret the world. But if the human were defined against the animal, then the displacement of the human would also muddle the human-animal hierarchy. Our heightened sensitivity to the *treatment* of animals is reflective of the postmodern, posthumanist skepticism toward anthropocentrism—the infrastructure that has hitherto grounded our relation with animals. In a sense, the animal turn in academia and the proliferation of public discourse on animal welfare are indicative of our posthumanist sensibilities. But as we will see, even the disavowal of anthropocentrism continues to rely on anthropocentrism. It is important to consider the following questions: Are we actually disrupting the human-animal hierarchy by challenging animal practices that we deem

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<sup>133</sup> This point is implicit in Elder’s *et al.*’s account, but they do not articulate it in their paper.

anthropocentric? Or are we in fact reinscribing the human-animal hierarchy in the name of animal advocacy?

### Beastliness as a Given of the Beasts

Recall that in *The Cove* it is the fishermen's cruelty—their *bestly* actions—to the dolphins that dehumanize them. What does it mean to act “bestly”? And *who* can be called “bestly”? In J.M. Coetzee's novel *The Lives of the Animals*, one of the main characters Elizabeth Costello speaks of the Nazis as the “beasts”: “by treating fellow human beings, beings created in the image of God, like beasts, they have themselves become beasts” (2001, 21). It is not uncommon to hear heinous crimes being described as “bestly” or “brutal.” Humans become beasts when we treat one another like beasts. But do we become beasts by treating beasts like beasts? If we follow Costello's holocaust analogy, it seems that humans also act bestly toward the animals insofar as our treatment of the animals is analogous to the Nazis' crime against the Jews. For her, “bestliness” is cruelty. “Bestliness” is antithetical to “humaneness” and “humanitarianism.” “Bestly” is what we have become if we have failed to act “humanely”—that is, when we have failed to act kindly and compassionately. There is an ineliminable link between bestliness and cruelty. But then again, *who* can be called “bestly”?

In *The Animal That Therefore I Am* Derrida insists that only men can act “bestly.” For him, “[one] can always speak of the *bêtise* of men, sometimes of their bestiality; there is no sense of speaking of the *bêtise* or bestiality of an animal” (2008, 64). (Derrida is playing on the etymological connection between “the beast” (*la bête*) and “stupidity” (*bêtise*) in French.) Just as animals cannot be naked because nudity is just a

fact of their lives,<sup>134</sup> they cannot be beastly because their beastliness is already a given—they are *supposed* to be beastly.<sup>135</sup> But if animals are *supposed* to be beastly, then does it make sense to condemn their “cruelty”? Can animals even be “cruel” if their “cruelty” is also a given? Significantly, speaking of the “ferocity of man,” Jacques Lacan insists that “cruelty implies humanity” (quoted in Derrida 2008, 105). Indeed, we don’t condemn animals for chasing, terrorizing, and devouring other creatures. We don’t even condemn animals for devouring their young! While we may avert our gaze when we see animals attacking and brutalizing one another, we say that this is “nature”—this is what animals do. In fact, we may even say that this is good for the environment, good for the ecosystem—animal war is the ecological just war.

That cruelty is a uniquely human trait stems from a common intuition that cruelty must be accompanied by the *intent* to harm. One can be harmed by a natural disaster such as a tornado, or an unfortunate automobile accident. But it seems strange to speak of the “cruelty” of a tornado (except as a metaphor where the tornado is personified as an *intending* agent), or the “cruelty” of a novice driver. We are unwilling to describe these harm-inflicting incidents as “cruel” because we conceive of cruelty as willful actions that intend to harm, and it is precisely this intention to harm that renders such actions *morally* blameworthy. Given the importance of *intent* in our conception of cruelty, the claim that only humans can be cruel, it seems, is yet another way to posit that only humans are capable of moral deliberation and intentional actions. The claim that “cruelty implies humanity” is yet another way to affirm human uniqueness through moral agency. As

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<sup>134</sup> See Derrida (2008, 4-5).

<sup>135</sup> Also, if being beastly is what the beasts do, then is being humane what humans do? Put differently, if it makes little sense to call a beast “beastly,” does it make sense to laud a human for being “humane”?

Kelly Oliver points out, animals occupy the margins of the moral community; they are at once “absolutely innocent” and “absolutely monstrous” (forthcoming). Indeed, the two poles of these extremes may simply be two sides of the same coin: it is because of the absolute monstrosity of animal behaviors (e.g., inbreeding, devouring their own young, and attacking other animals) that they are disenfranchised from the moral community. Nothing can explain these monstrous behaviors *except* their violent, uncontrollable instincts. But as soon as they are pushed outside the moral community, they become absolutely innocent. After all, if animals merely act on their instincts, then they can’t really be held accountable for their “monstrous” acts. If animals are *supposed* to be monstrous, if it is *natural* (instinctual) for them to be monstrous, then their monstrosity also serves as a testament to their innocence. Indeed, the more prevalent these “monstrous” behaviors, the more natural—and banal—they seem.<sup>136</sup> As such, just as animals cannot be naked because they are *naturally* naked, they cannot be cruel because they are *instinctively* cruel.

Given the link between beastliness and cruelty, the portrayal of the Japanese fishermen as heartless dolphin-killers is yet another way to animalize them. While Elder *et al.* have helpfully distinguished between two mechanisms of dehumanization—presenting “people-as-beasts” and presenting “people-acting-beastly toward animals”—it seems that the distinction collapses in the end. By highlighting the cruelty of the Japanese fishermen, the filmmakers have actually presented them *as beasts*, and their beastliness is antithetical to the activists’ humanitarianism. Following Costello, we may say that the

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<sup>136</sup> For an insightful analysis on racism, accountability, and animality, see Peterson (2010). In this essay, Peterson analyzes the character of Bigger Thomas in Richard Wright’s 1940 novel *Native Son*. He argues that Bigger is portrayed as both an animal and a human. Bigger is portrayed as an animal insofar as his crime seems “natural” and that his actions are “instinctive” (2010, 165). But insofar as Bigger is held accountable for his crime, “the prosecution inadvertently confers a certain humanity in him” (2010, 164).

Japanese fishermen have become beasts by treating other beasts like beasts. Ironically, the human-animal opposition reasserts itself at the heart of animal advocacy.

#### The Linguistic Divide in *The Cove*

Importantly, linguistic difference also plays a role in buttressing the hero-villain opposition in this film. Throughout the documentary, the Japanese fishermen are portrayed as barbaric, dangerous, as well as *inarticulate*. Their communication with the activists is, for the most part, confined to poking them with hand-written placards (“Don’t Take Photos”) or yelling at them in Japanese to get out of the killing cove. One fisherman seems to know only two English words, “Private Space,” and he has repeated these two words to the activists long enough that they nicknamed him “Private Space.”

In a scene where the Japanese police interrogate O’Barry, the linguistic divide is even more evident. For one thing, in that scene the dominant voice is that of O’Barry—he speaks the loudest and clearest. And while we can also hear the voice of the Japanese translator, the two Japanese police sit silently. The effectiveness of the interrogation is certainly undermined when the interrogatee appears to be more articulate than the interrogators. Furthermore, the filmmakers have dutifully subtitled all the translator’s words, presumably because the translator’s accent is nearly incomprehensible. The theatrical effect of the subtitles is significant: while O’Barry’s voice seems unmediated and directly accessible to the audience,<sup>137</sup> the voice of the interrogators is twice removed—it is first deferred by a translator and then the subtitles. The subtitles in this scene function as cues to the foreignness and otherness of the supposed villain.

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<sup>137</sup> The target audience of this film is, of course, the English-speaking Westerner. Both the film and the DVD of this film was first released the US.



Significantly, it is also in this scene where O'Barry brings up the issue of speaking for others. When the translator asks O'Barry about the Oceanic Perseveration Society (OPS), O'Barry denies ties with the OPS. He adds that he cannot "speak for" the OPS. Indeed, he tells the police "I can only speak for Ric O'Barry...I cannot speak for anybody except myself." This is a rather intriguing claim, considering that it comes from a dolphin advocate whose mission involves speaking for the dolphin other. Indeed, O'Barry's response brings us back to the question of whether we can speak for others, be it fellow activists or dolphins, humans or animals.

Contra these foot-stomping, chest-butting Japanese fishermen, the activists recount the plights of the dolphins movingly and eloquently. They offer both sentimental anecdotes and reasoned arguments to persuade us of the horror of the killing cove. In fact, even the dolphins seem to speak. In one scene, Director Psihoyos stresses the importance of using hydrophones so that they can hear the dolphins, while in a different scene O'Barry maintains that "[the dolphins] are always trying to communicate with us" and that he can even "read their body language" after spending years living with them. In another scene, O'Barry speaks of the death of Kathy, one of the star dolphins in the show *Flipper*. O'Barry maintains (both in the film and elsewhere) that Kathy had "committed suicide" in his arms, and that he sees dolphins committing suicide in Taiji. In a NPR interview, O'Barry reiterates his view as follows, "I see [the suicide] in the cove, in Taiji, almost every day, from September through March. And somebody's standing next [to] me, maybe they don't see it because they can't read the dolphins' body language like I

can.”<sup>138</sup> But how exactly does this “body language” get translated in human terms? What counts as an adequate translation of this “body language”? Where does translation end and projection begin? (Can we distinguish the two?) It is striking that the activists seem to communicate better with the dolphins than the Japanese fisherman. The language barrier, it appears, bifurcates the dolphin-rescuers and the dolphin-killers, heroes and villains, good and evil.

Although the language barrier arises rather innocuously as the activists and the fishermen do not have a shared language, it becomes complicit to the mechanism of dehumanization. The linguistic divide operates in a similar way as the cruelty-kindness divide that we have seen earlier. As we know, throughout the history of Western thought the human is posited as the speaking animal, the animal with *logos*. The speaking/reasoning human is defined against the dumb beast. As such, the human-animal divide is simultaneously a linguistic divide. Given this philosophical backdrop, the portrayal of the fishermen as violent and inarticulate is yet another way to animalize them. The filmmakers exploit the language barrier to reinscribe the human-animal linguistic divide: whereas the eloquent activists are humanitarians, the inarticulate fishermen are cruel dolphin murderers.

### Revisiting the Cruelty-Beastliness Link

My analysis of *The Cove* reveals that the dolphin activists unwittingly fall back on the human-animal opposition in their advocacy for the animal. By portraying the Japanese as violent and inarticulate, the filmmakers highlight the two elements that we commonly

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<sup>138</sup> “‘Cove’ Director Surfaces Deep (And Dark) Secrets.” NPR, July 30, 2009. In the documentary, O’Barry also explains that dolphins does not breath automatically, and that “every breath they take is a conscious effort.” Thus, “They can end their lives whenever *life’s become too unbearable*” (my emphasis).

attribute to the animal. This mechanism of animalization at best marginalizes the racial other as the moral underclass and at worst disenfranchises the racial other from the moral community. Animalization goes hand in hand with racialization and marginalization.

But the link between beastliness and cruelty is deeply problematic. As we will soon see, this link presents a significant paradox for animal advocates even if they are not targeting the “exotic” practices of racial minorities specifically. In chapter one I have followed literary scholar Karen Raber’s insightful critique of the “fantasy of the post-cruel.” Recall in her provocative essay “How To Do Things With Animals,” Raber problematizes the wholesale rejection of cruelty that posthumanist animal advocates often endorse. In particular, she calls into question a “problematic desire” in animal studies, “a desire for a world in which humans and animals live in happy harmony without exploitation or abuse” (2008, 100). According to Raber, not only do the post-humanists fail to interrogate their own utopianism, they also harbor a “fantasy of the post-cruel” in their utopianism, a “desire to eradicate human abuse of animals in all forms” (2008, 106).

For Raber, this fantasy that we can be cruelty-free is fundamentally at odds with the project of the posthumanist. This is so because “to reject cruelty [is] to reject the animal that we are—to reinstate human exceptionalism with all its attendant problems” (2008, 106). In other words, insofar as cruelty is part of what it means to be an animal, the very rejection of cruelty (toward animals) is a disavowal of our animality. Indeed, a question that animal advocates often face is why we should respect animals’ rights when they don’t respect ours. Why should be we vegetarians when animals hunt and consume each other?<sup>139</sup> And their response inevitably falls back on some version of human

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<sup>139</sup> For example, People for the Ethical Treatment of Animals (PETA) includes this question on its FAQ. <http://www.askcarla.com/Q&A-Miscellaneous.asp?CategoryID=2&Category=Misc>

exceptionalism: insofar as we identify ourselves as moral agents, we are beholden to a different—exceptional—moral standard. We *can* be compassionate even to the most vicious predator, and we *can* adhere to the strictest vegan diet while allowing our cats to terrorize other creatures in the backyard. Paradoxically, animal advocacy expresses yet another form of human elitism that elevates us above the animal. For Raber, even the most radical animal egalitarianism does not escape human exceptionalism.

Insofar as cruelty is part of what it means to be an animal, animal advocacy and its concomitant rejection to animal cruelty remain faithful to the very anthropocentrism that they seek to challenge. At the end of her paper, Raber wonders whether it is “possible that we *need* human exceptionalism” in animal ethics (2008, 101). Her point is that perhaps we do need this exceptionalism in order to speak of our moral responsibility to animals. Perhaps we do need the “violence” of this human exceptionalism so that we can curb the literal violence that we inflict on animals. While in the first chapter I followed Raber and argued that we cannot avoid speaking for animals, just as we cannot avoid human exceptionalism, here I begin to wonder if the link between animality and cruelty is not itself problematic.

Before we resign ourselves to embrace human exceptionalism, perhaps we should also reconsider the link between cruelty and beastliness. Is cruelty really a fact of animal life, a given of animality? Are all animals predators? Can predators also love? Indeed, isn't the cat that chases and torments the squirrel the very same cat that plays with us? Isn't love or kinship also possible for the most ferocious predator? My point is not to romanticize animals and the ugliness of their cruelty, but to challenge the link between beastliness and cruelty. It seems that animals—and dare I say *like humans*—are at once

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cruel and tender, dangerous and gentle, hostile and affectionate. Before we embrace human exceptionalism, perhaps we should first undo the insidious link between beastliness and cruelty—a link that has been at the service of racism and colonialism. Undoing this link helps animal activists resist animalizing the other in their animal advocacy. After all, if cruelty were not linked to the beasts, then the strategy of portraying others as “acting-*beastly* toward animals” would lose its rhetorical force. I end my final chapter on this hopeful note.

## CONCLUSION

This dissertation began as a response to the rhetoric of “giving a voice to the voiceless” in popular animal rights discourse. I was intrigued by the voice/voiceless distinction highlighted by this rhetoric; but I was particularly concerned with the reinscription of the linguistic divide in animal advocacy—a divide that has long safeguarded human uniqueness in the history of philosophy. I thought that the best strategy for resisting the human-animal hierarchy would be to problematize and challenge this distinction. So, in chapter one, I borrow from feminist discourses to critique the problem of speaking for animals as I sketch a relational account of language. This account, I hoped, would broaden our conception of the scope of language, and unsettle our presumption of what it means to have a voice, and what it means to be voiceless.

Now, two and a half years and five chapters later, I believe I have achieved the primary goal of uncovering and articulating the role of kinship in language. In my third chapter, for example, I examine Heidegger’s analysis of “symbol.” I use the image of the friendship token in Heidegger’s analysis to highlight the importance of kinship in his account of language. I argue further that by denying animals linguistic ability, Heidegger is also denying them relational capacity. In chapter four I engage Wittgenstein’s notion of “family resemblance.” In my reading, even though the “family” in “family resemblance” does not refer to sociality or kinship (but rather the structure of language games), it opens up a new way for us to think about our linguistic capacity. That is, our abilities to navigate different language games may very well be informed by our abilities to navigate different social circles, to explore different identities.

While I managed to articulate the importance of kinship in language in different chapters, the connections between the two sometimes take unexpected turns. There are moments in my dissertation that I had not anticipated when I took up the project initially. I want to highlight three of these surprising moments as my way of concluding this dissertation.

First: chapter one begins with a critique of the primacy of rights, which eventually leads to a discussion of the problem of speaking for others (specially, the problem of speaking for animals). While I draw from feminist critiques regarding speaking for others in this chapter, I have come to see that the problem of speaking for *women* is quite different from the problem of speaking for *animals*. Specifically, the insistence of “letting animals speak” or “appreciating their silence” still does not escape issues of interpretation and translation. And insofar as these interpretations and translations are *human* interpretations and translations, they are necessarily shot through with human and anthropocentric interests. Indeed, the very rejection of representing animals already presupposes a representation of their desires, namely, animals’ desire for self-representation. Following Raber’s critique of posthumanism, we need to take up the responsibility to speak for animals even if it reeks of paternalism and anthropocentrism.

Second: at the end of chapter two I discuss the presence of Freud’s dog during analysis. I compare Freud’s dog (who seems to take on the role of a therapy dog) to courthouse dogs that serve as “testimony enablers” in the United States. The use of these courthouse dogs gives the “giving a voice to the voiceless” rhetoric a surprising twist: these dogs are giving a voice to young witnesses who are otherwise too timid to speak. Indeed, they give them a voice not by *speaking for* them, but by walking up to them,

nudging them, or staying close to them physically—in short, by *relating* to them. As these witnesses are often victims of sexual abuse, we may say that the courthouse dogs “give voice” to them by reaffirming the victims’ status as *social, relational* beings. This flies in the face of the linguistic divide that has long upheld human uniqueness and exceptionality: for these witnesses wield the power to speak not by setting themselves in opposition to the dumb animals, quite the contrary. At the end, perhaps we are linguistic beings only because we are, first and foremost, relational and social beings.

Freud’s therapy dog and contemporary courthouse dogs challenge us to rethink the rhetoric of “give voice to the voiceless.” It also challenges my own assumption of this rhetoric. My concern with this rhetoric is that it reinscribes the voice/voiceless binary, as it still valorizes the capacity to speak and the having of a voice. But the courthouse dogs show us that they can give voice to us without speaking for us. Indeed, the courthouse dogs seem to accomplish what remains a fantasy for animal advocates—the fantasy of having the powerless speak for themselves. Whereas animal advocates cannot avoid representing animals even in the most radical disavowal of representation, the courthouse dogs help us speak without having to utter a word.

Third: Courthouse dogs also challenge my investment in the family metaphor in my account of language. I first learned about the use of courthouse dogs from a *New York Times* article, where Rosie (a courthouse dog) helped a 15-year-old teenager testify against her father, who had raped and impregnated her. I have focused primarily on the relationship between the dog and the victim in this story, as well as its implication for the rhetoric of “giving a voice to the voiceless.” Nonetheless, even though Rosie is clearly the star of the story, I cannot overlook the fact that the teenager needed Rosie in part



because she had to confront her own *father*, her own family. And even though Rosie gave this teenager a voice by reaffirming her social, relational being, I cannot overlook the fact that it was the *father* who robbed the teenager of her voice in the first place by treating her as a mere thing. In light of this, in chapter four I examine the *limits* of the family metaphor. As I show there, sometimes a family breeds the most insidious and unspeakable violence: most insidious because family violence is often not even recognized as violence, most unspeakable because victims of domestic violence are often unwilling or unable to confront their aggressors. But if family is not immune to violence, what does it mean to have a philosophy of language that gives primacy to kinship and relationality? Perhaps this suggests that language is also not immune to violence, especially when we consider the violence of translation and the violence of speaking for others. In the end, perhaps the worst violence is the fantasy that we, as living beings, could live without violence. And accordingly, the worst violence in language is the fantasy that we play, as linguistic beings, a post-violence, cruelty-free language game.

I have highlighted three moments where my own arguments take me across unexpected terrain. These moments challenge my own assumptions with regard to animal advocacy and the family metaphor. In a sense, they expose some of the limitations of my own thinking. Nonetheless, I hope they also serve as invitations for further inquiry on issues of language and violence in animal ethics.

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