

Humans and (Other) Animals  
in a Biopolitical Frame*Cary Wolfe*

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Michel Foucault argues in *The History of Sexuality* that “for millennia, man remained what he was for Aristotle: a living animal with the additional capacity for a political existence; modern man is an animal whose politics places his existence as a living being in question.”<sup>1</sup> Moreover, as Foucault famously defines biopolitics, it “is the power to make live. Sovereignty took life and let live. And now we have the emergence of a power that I would call the power of regularization, and it, in contrast, consists in making live and letting die.”<sup>2</sup> Foucault develops this line of investigation later in his career. In the lectures collected in *Society Must Be Defended*, for example, he argues that a “new mechanism of power” arose in the seventeenth and eighteenth centuries, one that had “very specific procedures” and “new instruments.” This new type of power, he argues, is “absolutely incompatible with relations of sovereignty,” and it is based on “a closely meshed grid of material coercions rather than the physical existence of a sovereign.”<sup>3</sup> Foucault thus allows us to see, as Roberto Esposito points out, that for biopolitics the fundamental mechanism concerns not sovereignty and law but rather “something that precedes it because it pertains to its ‘primary material.’”<sup>4</sup>

Even more importantly for our purposes, Foucault argues that this shift from sovereignty to biopower involves a new concept of the subject, one who is endowed with fundamental interests that cannot be limited to or contained by the simple legal category of the person. But a trade-off is involved here. If the subject addressed by biopolitics constitutes a new political resource, it also requires a new sort of political technology if it is to be fully controlled and exploited. The biosubject, you might say, is far more multi-dimensional and robust than the thin subject of laws and rights; that is both its promise and its challenge as a new object of political power.

As Foucault characterizes it, the subject theorized during this period by English empiricist philosophy is something new, defined not so much by freedom or the struggle of soul versus body, but rather as a subject “of individual choices which are both irreducible and non-transferable.”<sup>5</sup> Those choices and the ability to make them derive, he argues, not from reason but from the capacity to feel (and the desire to avoid) pain, which is “in itself a reason for the choice beyond which you cannot go.” It is a reason beyond reason, you might say, “a sort of irreducible that does not refer to any judgment, reasoning, or calculation.”<sup>6</sup> And this means, he argues, that “the subject of right and the subject of interest are not governed by the same logic.”<sup>7</sup> In opposition to what Foucault calls *homo juridicus* (or *homo legalis*)—the subject of law, rights, and sovereignty—we find in this new subject, *homo oeconomicus*, “an essentially and unconditionally irreducible element against any possible government,” a “zone that is definitively inaccessible to any government action,” “an atom of freedom.”<sup>8</sup> The subject of interest thus “overflows” the subject of right, “surrounds” him and, indeed, is the “permanent condition” of his possibility.<sup>9</sup>

This “displacement,” as Maurizio Lazzarato characterizes it, of the problem of sovereignty doesn’t neglect it but merely points out that “the grounding force will not be found on the side of power, since power is ‘blind and weak’” (as Foucault puts it)—hence, its growing need, in an increasingly complex and differentiated field of operation, for the various techniques of management, surveillance, and so on that it deploys.<sup>10</sup> What we are dealing with here is not a withdrawal of sovereignty and the law, but rather, as Esposito writes, how the pivot of real political power gradually shifts from the domain of legal codes and sanctions to “the immanent level of rules and norms that are addressed instead to bodies.”<sup>11</sup> Politics, law, and economics now function primarily not in a top-down but in a bottom-up fashion, and become operators for the effective management of the health, well-being, and increase of the population, conceived now as an object of biological intervention. Norms are thus addressed neither to individual rights holders nor, in Esposito’s words, to “their confluence in a people defined as the collective subject of a nation, but rather to the living being in the specificity of its constitution.”<sup>12</sup> But that very “specificity,” precisely because of its own complexity, which increases all the more as new regimes of knowledge are brought to bear upon it, contains new challenges, new aleatory elements that must be managed and directed.

As Lazzarato argues, three important points follow from this: first, “bio-

politics is the form of government taken by a *new dynamic of forces* that, in conjunction, express power relations that the classical world could not have known”; second, “the fundamental political problem of modernity is not that of a *single* source of sovereign power, but that of a *multitude of forces*. . . . If power, in keeping with this description, is constituted from below, then we need an ascending analysis of the constitution of power *dispositifs*”; and third, “Biopower coordinates and targets a power that does not properly belong to it, that comes from the ‘outside.’ *Biopower is always born of something other than itself.*”<sup>13</sup>

Here, then—with Foucault’s emphasis on bodies before the law—we find a potentially creative, aleatory element that inheres in the very gambit of biopower, one not wholly subject to the thanatological drift of a biopolitics subordinated to the paradigm of sovereignty. Quite the contrary, those bodies are enfolded via biopower in struggle and resistance, and because those forces of resistance are thereby produced in specifically articulated forms, through particular *dispositifs*, there is a chance—and this marks in no small part Foucault’s debt to Nietzsche (as both Esposito and Deleuze point out)—for life to burst through power’s systematic operation in ways that are more and more difficult to anticipate.<sup>14</sup> Power/knowledge complexifies the political resource called the body, the better to control it at ever more micrological levels, but complexity increases risk. Thus, as Lazzarato notes, Foucault actually “interprets the introduction of ‘life into history’ constructively because it presents the opportunity to propose a new ontology, one that begins with the body and its potential, over and against the prevailing Western tradition of understanding the political subject as above all a subject of law.”<sup>15</sup> Indeed, Lazzarato argues, one of Foucault’s key insights is that without factoring “freedom” and the “resistance of forces” into the equation as constitutive, “the *dispositifs* of modern power remain incomprehensible.”<sup>16</sup>

But as Esposito rightly observes, all of this leaves us with “a decisive question: if life is stronger than the power that besieges it, if its resistance doesn’t allow it to bow to the pressure of power, then how do we account for the outcome obtained in modernity of the mass production of death?” In short, “Why does biopolitics continually threaten to be reversed into thanatopolitics?”<sup>17</sup> For Esposito, Foucault leaves hanging “the question of the relation of modernity with its ‘pre,’ but also that of the relation with its ‘post.’ What was twentieth-century totalitarianism with respect to the society that preceded it? Was it a limit, a tear, a surplus in which the mechanism of biopower broke free . . . or, on the contrary, was it society’s sole and natural outcome?”<sup>18</sup>

Are the Nazi death camps, to use Agamben's words, not "a historical fact and an anomaly belonging to the past," but rather "the hidden matrix and *nomos* of the political space in which we are still living"?<sup>19</sup> If the latter, then Foucault would be forced to join Agamben in seeing genocide as the underlying paradigm and constitutive tendency of modernity.<sup>20</sup> But such a position, as Esposito points out, is at odds not only with Foucault's strong sense of historical distinctions and disjunctions, but also with the sense of life's inevitable expression of itself through resistance that Lazzarato's reading underscores. And so, for Esposito, Foucault's analysis of biopower ends at an impasse, caught between an essentially affirmative view of the biopolitical and a thanatological one.

For Esposito, it is this impasse that the paradigm of immunization (one also explored by Jacques Derrida, Donna Haraway, and Niklas Luhmann, among others) helps us to avoid. In his view, Foucault is unable to develop the full implications of his insight in the lectures of 1976 that "the very fact that you let more die will allow you to live more"; he is unable to see that the affirmative and thanatological dimensions of biopolitics—either "a politics *of* life or a politics *over* life," as Esposito puts it—are joined in a single mechanism.<sup>21</sup> "This is where Foucault seeks out the black box of biopolitics," Esposito writes; "in the liminal space where death is not solely the archaic figure against which life defines itself . . . but rather one of its inner folds, a mode—or tonality—of its own preservation."<sup>22</sup> Like Derrida's *pharmakon*, it is "a gentle power that draws death into contact with life and exposes life to the test of death."<sup>23</sup> The immunitary mechanism thus "saves, insures, and preserves the organism, either individual or collective, to which it pertains, but it does not do so directly, immediately, or frontally."<sup>24</sup>

For Esposito, articulating the immunological mechanism with greater precision also allows us to make headway on the question of the specifically modern character of biopolitics. It is certainly the case that the exercise of biopower may be traced to the ancient world—in the availability of slave bodies to their masters, or in the politics of health and hygiene in ancient Rome. But what distinguishes these from modern biopolitics is that such practices were oriented toward a "collective, public, communal" objective.<sup>25</sup> "Tracing it back to its etymological roots," Esposito writes, "*immunitas* is revealed as the negative or lacking [*privata*] form of *communitas*. If *communitas* is that relation, which in binding its members to an obligation of reciprocal donation, jeopardizes individual identity, *immunitas* is the condition of dispensation from such an obligation and therefore the defense

against the expropriating features of *communitas*.<sup>26</sup> Such a paradigm can be traced to Hobbes, he argues, in light of whose concept of sovereignty the actual underlying function of what we call “the individual” becomes clear.<sup>27</sup> In reality, it is “the immunitary ideologeme through which modern sovereignty implements the protection of life”—not of the individual, not even of the body, but of life itself.<sup>28</sup> Ideologically speaking, the discourse of the person or the individual doesn’t undo the split between the bodily, the animal or corporeal, on the one hand, and the rational element on the other, but rather serves as a means for the latter to subjugate the former.<sup>29</sup> Here, at the nexus of the person or the individual and the immunitary mechanism, the biopolitical takes a specifically modern turn, as the person becomes the access point, as it were, to life’s management and protection.

Here, however, in the face of the massive thanatological drift of modern biopolitics associated above all with Agamben’s work, we need to complicate considerably this relationship between immunitary protection, the body, the animal, and the person, and we need to remember the fundamental ambivalence of Foucault’s notion of biopower, an ambivalence underscored, as we saw earlier, by Lazzarato. For at the very historical moment when the scale and efficiency of factory farming have never been more nightmarish—it has been compared, by Derrida and by others, to the genocide of the Jews by the Nazis (a term whose biopolitical resonance is clear enough in light of Agamben’s work)—some animals are receiving unprecedented levels of care, so much so that the pet care industry in the United States grew in total expenditures from \$17 billion in 1994 to nearly \$36 billion in 2005 to \$45.5 billion in 2009.<sup>30</sup> The late 1990s saw the birth of the famous Missyplicity Project, dedicated to cloning companion animals for those who can afford it, and short of that (as any owner of a companion animal will testify) the range and quality of veterinary care available today, much of it highly specialized and expensive (dental cleaning requiring general anesthesia, ultrasounds, CAT scans, EKGs, chemotherapy for veterinary oncology, and much else besides—the capacity to “make live,” in Foucault’s words), far outstrips what was either available or marketable even a generation ago.<sup>31</sup> And this has led in turn to another growth industry unheard of until relatively recently: pet health care insurance, estimated in 2010 to be a \$271 million business and on track to balloon to \$500 million by 2012.<sup>32</sup>

What all this adds up to, of course, is a historically remarkable shrinkage in the gap between human beings and their animal companions regarding

quality of life in areas such as food quality, health care, and other goods and services.<sup>33</sup> Clearly, then, many animals flourish not in spite of the fact that they are animals but because they are animals—or even more precisely, perhaps, because they are felt to be members of our families and our communities, regardless of their species. And yet, at the very same moment, billions of animals in factory farms, many of whom are very near to or indeed exceed cats and dogs and other companion animals in the capacities we take to be relevant to standing (the ability to experience pain and suffering, anticipatory dread, emotional bonds and complex social interactions, and so on), have as horrible a life as one could imagine, also because they are animals. Clearly, then, the question here is not simply of the animal as the abjected other of the human *tout court*, but rather something like a distinction between *bios* and *zoe* that obtains within the domain of domesticated animals itself.

We find here an additional insight that thickens Derrida's well-known observation that the designation "*the* animal" is therefore an "asininity" because it effaces the vast diversity of nonhuman life under a single definite article. Indeed, we might say, paraphrasing Esposito, that "*the* Animal" is an "ideologeme" that masks what Rosi Braidotti, following Deleuze, calls the "transversal" relations in which animals, and our relations with them, are caught under biopolitical life.<sup>34</sup> From this vantage, it makes little or no sense to lump together in the same category the chimpanzee who endures biomedical research, the dog who lives in your home and receives chemotherapy twice a week, and the pig who languishes in the factory farm. Nor does it even make sense to assume that such groupings proceed along species lines, strictly speaking. As Braidotti puts it, "In the universe that I inhabit as a post-industrial subject of so-called advanced capitalism, there is more familiarity, i.e. more to share in the way of embodied and embedded locations, between female humans and the cloned sheep Dolly, or oncomouse and other genetically engineered members of the former animal kingdom, than with humanistic ideals of the uniqueness of my species."<sup>35</sup>

This new differentiation of the biopolitical field is what Esposito is after at the end of *Bios*, where he insists that a turn away from the thanatological and autoimmunitary logic of biopolitics can only take place if life as such—not just human (versus animal) life, not just Aryan (versus Jewish) life, not just Christian (versus Islamic) life—becomes the subject of immunitary protection. Esposito writes, "We can say that the subject, be it a subject of knowledge, will, or action as modern philosophy commonly understands it, is never separated from the living roots from which it originates in the

form of a splitting between the somatic and psychic levels in which the first is never decided [*risolve*] in favor of the second. . . . This means that between man and animal—but also, in a sense, between the animal and the vegetal and between the vegetal and the natural object—the transition is rather more fluid than was imagined.”<sup>36</sup> And what this means, in turn, is that “there is a modality of *bios* than cannot be inscribed within the borders of the conscious subject, and therefore is not attributable to the form of the individual or of the person.”<sup>37</sup>

To put it another way, if Agamben’s contribution is to articulate powerfully how the “anthropological machine” cannot function without producing this remainder called “animal,” which is at the same time the retroactively posited origin that must be excluded by the political project of “man,” then Esposito’s advance is to recognize that the animal is not something that need be always already abjected. But if one of the great contributions of biopolitical thought is to show how it is impossible to talk about race without talking about species—this fact, after all, is at the core of the biopolitical confrontation with the Nazi camps—what must now be added (and what is already at work in Derrida’s critique of the idea of “*the* animal” in the singular) is that race and species must, in turn, give way to their own deconstruction in favor of a more highly differentiated thinking of life in relation to biopower, if the immunitary is not to turn more or less automatically into the autoimmunitary. Or in Esposito’s words, “The most complete normative model is indeed what already prefigures the movement of its own deconstruction in favor of another that follows from it.”<sup>38</sup>

But where Esposito is wrong, I think, is in his insistence on “the principle of unlimited equivalence for every single form of life.”<sup>39</sup> The problem, of course (or one of the problems), is that if all forms of life are taken to be equal, then it can only be because they, as the living, all equally embody and express a positive, substantive principle of Life not contained in any one of them. Thus, as Eugene Thacker puts it, “The contradiction is clear: Life is that which renders intelligible the living, but which in itself cannot be thought, has no existence, is not itself living.”<sup>40</sup> As Thacker points out, later philosophers such as Kant “would recast this dilemma in terms of an antinomy: every assertion about life as inherently ordered, organized, or purposeful is always undermined by the assertion itself and its irrevocable object of thought.”<sup>41</sup> But of course, such a Kantian solution is precisely what is unavailable to Esposito, given his reliance on Simondon and Deleuze in the final pages of *Bios* and its framing of an affirmative biopolitics.

To put this slightly otherwise—updating the Kantian position via Derrida—what Esposito is unable to articulate is that what “binds him to his own biological matrix” is nothing living, but neither is it Life. Rather, as Martin Hägglund has argued, it is the trace structure and “spacing” that is “the condition for anything that is subject to succession, whether animate or inanimate, ideal or material.”<sup>42</sup> Such a structure (or more precisely, system) is, strictly speaking, dead; it is a *machinalité* (to use Derrida’s term).<sup>43</sup> Far from metaphysical, however, such a system is perfectly compatible with a materialist and naturalistic account of how life evolves out of nonliving matter, how even the most sophisticated forms of intentionality or sensibility arise out of the inorganic systematicity of repetition and recursivity, retention and protention.<sup>44</sup> What Henry Staten calls the “strong naturalist view” holds that life may emerge from matter organized in particular ways but rejects the idea that “life is somehow hidden in matter and just waiting to manifest itself.” Life is thus one possible outcome of materiality, but it is certainly not a normal or expected one—indeed, it is highly improbable, not the rule but the exception.<sup>45</sup> In this way, the arche-materiality of the structure of succession, of what Derrida calls “living-on,” allows, as Hägglund puts it, “for a conceptual distinction between life and matter that takes into account the Darwinian explanation of how the living evolved out of the non-living, while asserting a distinguishing characteristic of life that does not make any concessions to vitalism.”<sup>46</sup>

I return to the importance of this point for the question of “biologicistic continuism” below, but for now I want to note a separate but related problem in Esposito’s thinking about life: the slippage in and around the term *species*, which appears to be symptomatic of Esposito’s desire to hold this problem of vitalism at bay without falling back into the lexicon of the person as the locus of the norm. Esposito argues that the specific place where the immunitary logic operates in biopolitics is “at the juncture between the spheres of the individual and the species. When Foucault identifies the object of biopower as the population . . . he is referring to the only element that groups all individuals together into the same species: namely, the fact that they have a body. Biopolitics addresses itself to this body—an individual one because it belongs to each person, and at the same time a general one because it relates to an entire genus.”<sup>47</sup> But if the entire point of an affirmative biopolitics for Esposito is to realize the force of “life, singular and impersonal,” that “cannot but resist whatever power, or knowledge, is arranged to divide it,” that thus produces “new knowledge and new power as a function of its

own quantitative and qualitative expansion,” then it is not clear how the call of an affirmative biopolitics can be “for a new alliance between the life of the individual and the life of the *species*,” since such “life” forces clearly don’t stop at the water’s edge of species and are instead operative at—and in fact, beneath—the level of “flesh.”<sup>48</sup> To put it another way, *species* here cannot do any heavy lifting for Esposito, for the very same reasons that “the body” cannot be cordoned off from the “flesh”—indeed, life, if anything, radicalizes the logic of the flesh, the being in common of embodied beings that cannot be limited to *Homo sapiens*, either philosophically or pragmatically. To put it another way, Esposito may be right that the body is the immunitary site upon which biopolitics seizes control over life, but the cordoning off of the body within the domain of species simply reinstates the very autoimmunitary, thanatological movement that his affirmative biopolitics wants to resist.<sup>49</sup> What is needed here, then, is a third way, one that can think life and norm together, without falling back on either the lexicon of the person or, at the other extreme, the radically dedifferentiating discourse of life, which is unworkable both philosophically and pragmatically.

So the problem is not Esposito’s insistence—quite correct, in my view—that “what we call the subject, or person, is nothing but the result, always provisory, of a process of individuation, or subjectification, quite irreducible to the individual and his masks,” nor is it his core argument that for an affirmative biopolitics, “there can be nothing but a clear distancing from the hierarchical and exclusionary apparatus of the category of the person, in any of its declensions, theological, juridical, or philosophical.”<sup>50</sup> It is rather that the only alternative that Esposito seems to be able to imagine to this indexing of biopolitical norms is simply its other extreme, a sort of neo-vitalism that ends up radically dedifferentiating the field of the living into a molecular wash of singularities that all equally manifest life. And so, as Thacker notes, “The concept of life—and whether such a concept is possible—places philosophy in a hovering, wavering space between an onto-theology and an onto-biology.”<sup>51</sup>

Be that as it may, Esposito’s position, pragmatically speaking, fares no better. First, it replays all of the quandaries around biocentrism brought to light during the 1970s and 1980s in North America during the heyday of the deep ecology movement—debates that Esposito (or for that matter his fellow Italian political philosophers) would have little reason, perhaps, to know about. As Tim Luke notes, if all forms of life are given equal value, then we face questions such as the following: “Will we allow anthrax or cholera mi-

crobes to attain self-realization in wiping out sheep herds or human kindergartens? Will we continue to deny salmonella or botulism micro-organisms their equal rights when we process the dead carcasses of animals and plants that we eat?”<sup>52</sup> In the face of such challenges, all that Esposito can offer is retrofitting Spinoza’s concept of natural right to make “the norm the principle of unlimited equivalence for every single form of life.”<sup>53</sup> As Esposito characterizes it, “the juridical order as a whole is the product of this plurality of norms and the provisional result of their mutual equilibrium,” and for this reason no “normative criterion upon which exclusionary measures” could be based is possible.<sup>54</sup> But such a position—and its key markers in the foregoing quotation are “plurality” and “equilibrium”—is in essence no different from deep ecology’s guiding principles of biocentrism (or, in a slightly more refined version that Esposito would be forced to reject, biodiversity). There are perhaps those who would respond to Luke’s foregoing questions in the affirmative—who would argue that, yes, all forms of life should be equally allowed to take their course, even if it means a massive die-off of the species *Homo sapiens*. But biopolitically speaking, that hardly solves the problem, of course, because when we ask what the demographic distribution of such an event would likely be, we realize that the brunt would surely be absorbed by largely black and brown poor populations to the south of Europe and North America, while those in the “rich North Atlantic democracies” (to use Richard Rorty’s no-nonsense phrase) who could afford to protect themselves would surely do so.<sup>55</sup>

A further problem with equating the norm with “the principle of unlimited equivalence” of life pure and simple is underscored by the prominent contemporary development of synthetic biology. As one article puts it, “post-genomic biology—biology 2.0, if you like—has finally killed the idea of vitalism.”<sup>56</sup> In fact, the explosion of new developments in the field has depended in no small part on two factors: more and more widely accessible computing power of considerable magnitude and, more importantly, the rapidly falling costs of DNA sequencing. For example, the human genome sequenced by the International Human Genome Sequencing Consortium took thirteen years and cost \$3 billion; now, using the latest technology, the same work can be done in eight days at a cost of about \$10,000—a figure that is sure to be even lower as you read these words. And projections were that by 2013 the same work would take about fifteen minutes and cost about \$1,000.<sup>57</sup> When, with much media fanfare, Craig Ventner and Hamilton Smith reported on May 20, 2010, in *Science* magazine that they had created a living creature with no

ancestor from scratch using off-the-shelf laboratory chemicals—a bacterium of the family *M. genitalium*—it seemed perverse to some, and analogies with Mary Shelley’s *Frankenstein* were ready at hand.<sup>58</sup> And it perhaps seemed even more perverse when Ventner and his team added some DNA designed from scratch to watermark the organism with a cipher that contains the URL of a website and three quotations.<sup>59</sup> As many scientists point out, however, for all of its pathbreaking possibilities, synthetic biology is quite continuous with the enfolding of life and technology that reaches back hundreds, if not thousands, of years.<sup>60</sup>

Precisely here, it seems to me, it is worth remembering the sort of point made by Derrida in his discussion of cloning in *Rogues*. As he observes, those who oppose cloning object to it in the name of “the *nonrepetitive* unicity of the human person,” the “incalculable element” of “a unique, irreplaceable, free, and thus nonprogrammable living being.”<sup>61</sup> But what is overlooked here, he argues, is that

so-called identificatory repetition, the duplication, that one claims to reject with horrified indignation, is already, and fortunately, present and at work everywhere it is a question of reproduction and of heritage, in culture, knowledge, language, education, and so on, whose very conditions, whose production and reproduction, are assured by this duplication. . . . This is yet another way of ignoring what history, whether individual or not, owes to culture, society, education, and the symbolic, to the incalculable and the aleatory—so many dimensions that are irreducible, even for “identical” twins, to this supposedly simple, genetic naturalness. What is the consequence of all of this? That, in the end, this so-called ethical or humanist axiomatic actually shares with the axiomatic it claims to oppose a certain geneticism or biologism, indeed a deep zoologism, a fundamental but unacknowledged reductionism.<sup>62</sup>

Derrida’s commentary here—and the example of synthetic biology in general—enables us to see how the biopolitical frame makes possible the thinking of a more nuanced and differentiated set of ethical and political relations with regard to forms of life, but only if we do not succumb to the sort of neo-vitalism that, at the end of *Bios*, seems to leave us with a stark choice: either life and an affirmative biocentrism on the one hand, or, on the other, the autoimmune disorder that is bound to eventuate if the continuum of life is broken.

What begins to dawn on us at this point, then, is the full complexity of

the confrontation with “biologistic continuism” as articulated by Derrida, which assumes its most challenging and illuminating form in his reading of Heidegger.<sup>63</sup> Heidegger was right, Derrida argues, to reject the idea of “some homogeneous continuity between what calls *itself* man and what *he* calls the animal,” and he was also right to insist that the fundamental questions here are not biological but, if you like, phenomenological if not indeed ontological (though Derrida’s caveat of “what calls *itself* man” would eventually challenge that last characterization).<sup>64</sup> And Heidegger was also right, as Dominick LaCapra observes, in his “departure from Husserl’s attempt to center philosophy on the intentional consciousness of the meaning-generating, radically constructivist ego or subject,” and his increasing emphasis on understanding “human being in relation to Being and not vice versa,” a project in which “the dignity of the human being is enhanced if it is seen within a larger relational network that is not unproblematically centered on human freedom or human interests.”<sup>65</sup> What Heidegger was wrong about, Derrida argues, was his insistence that whatever is at stake here—phenomenologically, ontologically, ethically—corresponds to a difference in kind, an absolute limit, between “*the* human” and “*the* animal” (which is precisely why Derrida calls it a dogma).<sup>66</sup> Derrida’s position, on the other hand, consists “not in effacing the limit” between different forms of life “but in multiplying its figures, in complicating, thickening, delinearizing, folding, and dividing the line precisely by making it increase and multiply.”<sup>67</sup> And here the problems with the headlong rush toward life that we find late in Esposito’s *Bios* come fully into view: that the vast differences between the orangutan, the wasp, and the kudzu plant—Derrida even calls them “abysses,” but they are abysses that, unlike Heidegger, apply within the animal kingdom—fall out because those differences are all reduced to the same kind of difference.<sup>68</sup>

Not one line, then, but many. But not “no line” either, and a further way of delinearizing it is to realize that the material processes—some organic, some not—that give rise to different ways of responding to the world for different living beings are radically asynchronous, moving at different speeds, from the glacial pace of evolutionary adaptations and mutations to the fast dynamics of learning and communication that, through neurophysiological plasticity, literally rewire biological wetware. In this light, it is clear, as Matthew Calarco puts it, that “the presubjective conditions that give rise to human subjectivity” cannot be restricted to humans alone. Instead, the

more fundamental issue is the “complex networks of relations, affects, and becomings into which both human beings and animals are thrown. As such, posthumanism is confronted with the necessity of returning to first philosophy with the task of creating a nonanthropocentric ontology of life-death.”<sup>269</sup> This does not mean that whoever is the addressee here—human or nonhuman—is defined by the transcendence of the biological; the point is rather that everything that is relevant here applies in ways that have nothing to do with species designation and, moreover, operates in a way that is not wholly reducible to the facticity of biological existence, either human or animal. Paradoxically, then, the rejection of biologicistic continuism in fact makes possible a more robust naturalistic account of the processes that give rise to that which cannot be reduced to the biological alone—or even, more radically still, to the organic per se. For as Derrida notes in a late interview, “Beginning with *Of Grammatology*, the elaboration of a new concept of the trace had to be extended to the entire field of the living, or rather to the life/death relation,” and it is by virtue of the trace and its technicity that both humans and (at least some) animals are “thrown.”<sup>270</sup>

We are now in a better position to fully grasp the biopolitical point of Derrida’s observation in the “Eating Well” interview that “the power to ask questions,” which, “in the end, is how Heidegger defines the *Dasein*,” may be seen as anterior—before—the question of the subject, of the *who* for whom and to whom we are responsible, but only to give way to “another possibility,” a more fundamental one that “overwhelms the question itself, reinscribes it in the experience of an ‘affirmation,’ of a ‘yes’ or of an ‘en-gage’ . . . that ‘yes, yes’ that answers before even being able to formulate a question, that is responsible without autonomy, before and in view of all possible autonomy of the who-subject.”<sup>271</sup> “Not only is the obligation not lessened in this situation,” Derrida continues, “but, on the contrary, it finds in it its only possibility, which is neither subjective nor human. Which doesn’t mean that it is inhuman or without subject, but that it is out of this dislocated *affirmation* . . . that something like the subject, man, or whoever it might be can take shape.”<sup>272</sup> *Whoever it might be*. Why “without autonomy”? Because this originary “yes,” as Martin Hägglund puts it, “answers to the trace structure of time that is the condition for life in general.”<sup>273</sup> That is to say, it answers to the fact that the other is just as constitutively other to itself as I am to myself, just as constitutively prosthetic, brought into being by a technicity and spacing that is radically neither self nor other, radically nonliving. This

means, in turn, that “every finite other is absolutely other, not because it is absolutely in itself,” as Hägglund writes, “but on the contrary because it can never be in itself.”<sup>74</sup>

Of course, there are many, many forms of life—plant life, bacterial life, and much else—that fall outside the parameters I have been describing, at least as far as we know at the moment: indeed, the overwhelming majority of life forms on earth. But my foregrounding of the *who* here is meant to remind us that while it is no doubt worthwhile to continually rethink the relations between different forms of life, whatever they may be, and, beyond that, to understand as fully as possible the complex ways in which they are enmeshed and networked with the inorganic world (as Jane Bennett, Bruno Latour, and others have explored), the questions of ethics, law, justice, and hospitality pose a specific kind of challenge: namely, that in a “parliament of things” (Latour) or a “political ecology of things” (Bennett) some of those things are also whos and not just whats—even as any who becomes one only by virtue of also being, prosthetically, a what.<sup>75</sup> Is there not a qualitative difference between the chimpanzee used in biomedical research, the flea on her skin, and the cage she lives in—and a difference that matters more (one might even say, in Derridean tones, “infinitely” more) to the chimpanzee than to the flea or the cage?<sup>76</sup> I think there is.

This is not to reinstate what is obviously an untenable opposition between persons and things; indeed, the prosthetic logic of the who and the what that I have been pursuing argues precisely the opposite. But it is to put our finger on a specific challenge entailed by thickening and deepening, rather than flattening, our description of the worlds and networks we share, and their qualitative dimensions—a challenge that returns us, but at a different angle of approach, to the question of biocentrism that we discussed earlier. The problem is summed up well by philosopher Levi Bryant, who writes that the issue is “asking how the domain of value might be extended *beyond* the human, without humans being at the center, or all questions of value pertaining to nonhumans being questions about the *relationship* of humans to nonhumans. In other words, the litmus test . . . revolves around whether that domain of value would continue to be a domain of value *even if* humans cease to exist. That seems to be a pretty tall order or very difficult to think.” “No case could here be made,” he continues, “that there’s something of *intrinsic* value in nonhumans such as animals or the planets. Rather, we would be committed to the thesis that there are only *relative* values of some sort or another. . . . The planet, for example, would only take on value-predicates in

relation to humans. Were humans to not exist, the planet would neither be valueless or valuable. It would just *be*.<sup>77</sup>

But as I have been arguing, a third possibility exists, which is that questions of value indeed necessarily depend upon a “to whom it matters,” but that “to whom” need not be—indeed, as we have already seen, cannot only be—human, either in the sense of excluding by definition nonhuman animals, or in the sense of a human who is not always already radically other to itself, prosthetically constituted by the ahuman and indeed inorganic. Bryant is right, in other words, that were there no “to whom,” “the planet would neither be valueless or valuable. It would just *be*.” But he is wrong to assume that this hinges on whether humans alone exist.

From this vantage—to put it slightly otherwise—the problem with the recourse to life as the ethical *sine qua non* is that it bespeaks the desire for a nonperspectival ethics, ethics imagined fundamentally as a noncontingent view from nowhere, a view which—for that very reason—can declare all forms of life of equal value. And here, we can bring to light what is particularly problematic about Esposito’s recourse to Spinozan natural right as the background against which he seeks to ground norms in a naturalistic basis.<sup>78</sup> As Esposito puts it, we find in the norm “the principle of unlimited equivalence for every single form of life”; and (following Spinoza), “the juridical order as a whole is the product of this plurality of norms and provisional result of their mutual equilibrium.”<sup>79</sup> But the question, of course, is this: from what vantage would it be judged that the equilibrium invoked by Esposito is achieved? Spinoza’s answer, as we know, was God: each particular thing “is determined by another particular thing to exist in a certain way, yet the force by which each one perseveres in existing follows from the eternal necessity of the nature of God.”<sup>80</sup> But of course, as Niklas Luhmann would be the first to remind us, what *God* names here is the desire for the impossible, or at the very least (to put it a little more charitably), the premodern: an observer who can be both self-referential, contingent, socially constructed and historically specific, and universal and transhistorical at the same time. In other words, what is wanted here is an escape from responsibility for the inescapable fact that all norms are exclusionary simply because they are contingent (as Rorty would put it), selective and self-referential (Luhmann), or, for Derrida, performative and conditional.

That is to say, there is no “god’s eye view”; there are only “limited points of view.” But the fact that any norm is unavoidably perspectival doesn’t dictate either relativism, solipsism, or autoimmunitary closure. Quite the

contrary—and it would take another entire essay to fully develop this point—because of its constitutive self-referential blindness (Luhmann), its constitutively performative and conditional character (Derrida), such a limited perspective constitutes the opening to the other and to the outside, to the necessity of other observations (Luhmann), and even to futurity or the “to come” of justice itself (Derrida). Indeed, for these very reasons, the equilibrium Esposito invokes is to be not desired but avoided. If there are, as Häggglund writes, “potentially an endless number of others to consider, and one cannot take any responsibility without excluding some others in favor of certain others,” then “what makes it *possible* to be responsible is thus what at the same time makes it *impossible* for any responsibility to be fully responsible.”<sup>81</sup> And for the very same reasons, an ethics of pure equilibrium without decision, without discrimination—without, in short, selection, discrimination, and perspective—would be, paradoxically, unethical. It’s not that we shouldn’t strive to be fully responsible; it’s simply that to do so is necessarily to do so selectively and partially, thus conditionally, which in turn will unavoidably call forth the need in the future to be more fully responsible than we have already been.

### Notes

An earlier version of this chapter appeared in my book *Before the Law: Humans and Other Animals in a Biopolitical Frame* (Chicago: University of Chicago Press, 2012).

- 1 Cited by Esposito, *Bios*, 33.
- 2 Foucault, “*Society Must Be Defended*,” 247.
- 3 Foucault, “*Society Must Be Defended*,” 35–36.
- 4 Esposito, *Bios*, 29.
- 5 Foucault, *The Birth of Biopolitics*, 271–72.
- 6 Foucault, *The Birth of Biopolitics*, 272.
- 7 Foucault, *The Birth of Biopolitics*, 274.
- 8 Foucault, *The Birth of Biopolitics*, 271.
- 9 Foucault, *The Birth of Biopolitics*, 274.
- 10 Lazzarato, “From Biopower to Biopolitics,” 104.
- 11 Esposito, *Bios*, 28.
- 12 Esposito, *Immunitas*, 136.
- 13 Lazzarato, “From Biopower to Biopolitics,” 101, 103.
- 14 In Foucault’s words, “Where there is power, there is resistance, and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power” (quoted in Esposito, *Bios*, 38). See Deleuze, *Foucault*, 71.

- 15 Lazzarato, "From Biopower to Biopolitics," 100.
- 16 Lazzarato, "From Biopower to Biopolitics," 104.
- 17 Esposito, *Bios*, 39.
- 18 Esposito, *Bios*, 42.
- 19 Agamben, *Homo Sacer*, 166.
- 20 Esposito, *Bios*, 43.
- 21 Foucault, "*Society Must Be Defended*," 255; Esposito, *Bios*, 32, emphasis added.
- 22 Esposito, *Immunitas*, 136.
- 23 Esposito, *Immunitas*, 127.
- 24 Esposito, *Bios*, 46.
- 25 Esposito, *Bios*, 56.
- 26 Esposito, *Bios*, 50.
- 27 Esposito, *Bios*, 46; see also Esposito, "The Person and Human Life," 210–11.
- 28 Esposito, *Bios*, 60–61.
- 29 Esposito, "The Person and Human Life," 208, 210.
- 30 Jacques Derrida, *The Animal That Therefore I Am*, 26. Statistics provided by American Pet Products Manufacturer's Association, accessed September 10, 2008, <https://www.fetchpetcare.com>; and Berkowitz, "Pets Are a Booming Industry."
- 31 On the Missyplicity Project, see Haraway, *When Species Meet*, 151–53.
- 32 Berkowitz, "Pets Are a Booming Industry."
- 33 Berkowitz, "Pets Are a Booming Industry."
- 34 Braidotti, *Transpositions*, 100.
- 35 Braidotti, *Transpositions*.
- 36 Esposito, *Bios*, 180.
- 37 Esposito, *Bios*, 192.
- 38 Esposito, *Bios*, 188.
- 39 This is not by any means only Esposito's problem. Even in Derrida's work, we find a tension or slippage between his careful differentiation of forms of life and the "multiplicity of heterogeneous structures and limits" that obtain among living beings, on the one hand, and a countervailing tendency to speak of "the living in general" on the other (*The Animal That Therefore I Am*, 48).
- 40 Thacker, *After Life*, 234.
- 41 Thacker, *After Life*.
- 42 Häggglund, "The Arche-Materiality of Time," 265.
- 43 Derrida, *Without Alibi*, 136.
- 44 Häggglund, "The Arche-Materiality of Time," 272–73. "Far from metaphysical" for the following reason: "The deconstructive notion of the trace is logical rather than ontological. Accordingly, my argument does not assume the form of an unconditional assertion ('being is spacing, hence arche-materiality') but rather the form of a conditional claim ('if your discourse commits you to a notion of succession, then you are committed to a notion of spacing and hence arche-materiality'). The discourse in question can then be ontological, episte-

mological, phenomenological, or scientific—in all these cases the logic of the trace will have expressive power insofar as there is an implicit or explicit commitment to a notion of succession” (270).

- 45 Staten, quoted in Hägglund, “The Arche-Materiality of Time,” 275.
- 46 Hägglund, “The Arche-Materiality of Time,” 275.
- 47 Esposito, *Immunitas*, 29–30.
- 48 Esposito, “The Person and Human Life,” 218, emphasis added.
- 49 Esposito, *Immunitas*, 14–16.
- 50 Esposito, “The Person and Human Life,” 217–18.
- 51 Thacker, *After Life*, 240.
- 52 Luke, “The Dreams of Deep Ecology,” 51.
- 53 Esposito, *Bios*, 186.
- 54 Esposito, *Bios*, 187.
- 55 Rorty, “Postmodern Bourgeois Liberalism,” 198. For a discussion of these questions in relation to biocentrism and deep ecology, see Bookchin and Foreman, *Defending the Earth*, 123–27.
- 56 “Biology 2.0,” *Economist*, June 19, 2010, 4.
- 57 “Biology 2.0.”
- 58 “Genesis Redux,” *Economist*, May 22, 2010, 81–82.
- 59 “Genesis Redux,” 82.
- 60 See Specter, “Annals of Science,” 65.
- 61 Derrida, *Rogues*, 146–47.
- 62 Derrida, *Rogues*, 147.
- 63 Derrida, *The Animal That Therefore I Am*, 30.
- 64 Derrida, *The Animal That Therefore I Am*.
- 65 LaCapra, *History and Its Limits*, 127.
- 66 Derrida, *Of Spirit*, 57.
- 67 Derrida, *The Animal That Therefore I Am*, 29.
- 68 Derrida, *The Animal That Therefore I Am*, 30–31.
- 69 Calarco, *Zoographies*, 89–90.
- 70 Derrida and Roudinesco, *For What Tomorrow?*, 63.
- 71 Derrida, “‘Eating Well,’ or the Calculation of the Subject,” 100.
- 72 Derrida, “‘Eating Well,’ or the Calculation of the Subject.”
- 73 Hägglund, *Radical Atheism*, 96.
- 74 Hägglund, *Radical Atheism*, 94.
- 75 Bennett is quite right that “the philosophical project of naming where subjectivity begins and ends is too often bound up with fantasies of a human uniqueness in the eyes of God, of escape from materiality, or of mastery of nature; and even where it is not, it remains an aporetic or quixotic endeavor.” It is that aporia that I am trying to address in the foregoing, and in a manner that I think is consonant with Bennett’s observation that she is courting “the charge of performative self-contradiction: is it not a human subject who, after all, is articulating this theory of vibrant matter? Yes and no, for I will argue that what looks like a

performative contradiction may well dissipate if one considers revisions in operative notions of matter, life, self, self-interest, will, and agency”—her version, in short, of what I have been articulating here as the prosthetic relation of the who and the what. Bennett, *Vibrant Matter*, ix. Latour’s formulation appears in *We Have Never Been Modern*.

76 “Infinitely” here should be taken, of course, not in the sense of “positive infinity” that Derrida criticizes in Levinas but rather in the sense of the “infinite finitude of *différance*” that constitutes the alterity of a *who* who is also always already other to itself, constituted by what it is not (the trace, technicity, and so on; Hägglund, *Radical Atheism*, 95, 94).

77 Bryant, “Questions about the Possibility of Non-correlationist Ethics.”

78 Esposito, *Bios*, 187.

79 Esposito, *Bios*, 186.

80 Spinoza, quoted in Esposito, *Bios*, 186.

81 Hägglund, *Radical Atheism*, 94.