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The Case Against Animal Rights: A Literary Intervention

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III

Victimhood and Identification *Demarcation through Calculation*

Elephants in the Zoo

in the afternoon
they lean against
one another
and you can see how much
they like the sun.

(- From Charles Bukowski: The Pleasures of the Damned)

1. Introduction

In March 2014, the *Washington Post* published an article titled “If You Were a Crustacean Would You Feel Any Pain?”⁹² The question form here is intriguing. It conveys an appeal to the readers to make some sort of imaginative identification with crustaceans by putting themselves in their place in order to make sense of the possibility that crustaceans might suffer. One of the two photographs included in the article showed a lobster with the following subtext underneath: “some people are repelled by the idea of cooking a lobster alive or the practice of tearing claws from live crabs before tossing them back into the sea.” The other photograph shows a couple eating a live octopus at a festival in Seoul. The subtext underneath the latter photo runs as follows: “An evolutionary neurobiologist in Texas has found that octopuses show much of the pain-related behaviour seen in vertebrates.” In short, what the reader is asked to imagine is not merely if crustaceans can suffer but if they might suffer as a result of the way we treat them when we use them for food.

⁹² http://www.washingtonpost.com/national/health-science/do-lobsters-and-other-invertebrates-feel-pain-new-research-has-some-answers/2014/03/07/f026ea9e-9e59-11e3-b8d8-94577ff66b28_story.html.

In the remainder of the article the intriguing appeal conveyed in the heading proves to be somewhat misleading. Rather than inviting us to make an imaginative identification with the crustaceans under discussion the article highlights the latest scientific but still very controversial advances in the field of evolutionary neurobiology. As one of the commentators succinctly puts it: “researchers are either certain the animals feel pain or certain they don’t.” What appears to be at stake in all the experiments on animals that are mentioned in the article is that the traditional demarcation line between vertebrates and invertebrates, whereby the first are considered to be able to suffer and the latter not is under considerable strain. In the article Antoine Goetschel, an international animal law and animal ethics consultant, is quoted as saying: “The global food industry farms or catches billions of invertebrates every year. But unlike their vertebrate cousins, they have virtually no legal protection. Early on in my career I realized that when the law speaks of animals, it does not mean invertebrates.”

However true this statement, in light of my exploration of the legal protection of the vertebrate animals in the factory-farming industry in the previous chapter, we can surmise that the significance of establishing that lobsters, for example, can feel pain, will not matter a great deal for the categorical exemption that befalls factory-farmed animals. More importantly, it seems highly unlikely that the traditional demarcation line between vertebrates and invertebrates will be upset indefinitely any time soon, precisely for the exclusive scientific approach concerning the question of suffering. This is evidenced by the note on which the article ends and which conveys that, in spite of the advances in science, the controversy around the question of animals and their susceptibility to suffering might be potentially endless because, as the author of the article, Tamar Stelling, puts it: “We are ultimately up against the problem of consciousness. Like all subjective experience, pain remains private to each individual, leaving us only with educated guesses.”

In short, the scientific framing of animal suffering reaches a limit when it comes up against trying to measure the conscious experience of pain through experimenting on animals. This scientific approach is arguably quite different from trying to imagine, as the header invites us to do, what it is like to be a crustacean. For this reason, in this chapter I will attempt a serious examination of the question that is posed in the heading and focus on the issue of suffering as a tool for demarcation by trying to imagine other ways of identifying with the victimhood of animals and the pain they might suffer. To this end, I will begin my exploration by reflecting on a famous text by Jeremy Bentham that put the

question of suffering on the animal rights agenda and that continues to inspire the modern animal rights debate.

2. Bentham's Legacy

About two centuries ago, Jeremy Bentham (1789) suggested that the question of whether animals can suffer might come to inform future deliberations on their position as subjects of rights. At least, that is my – deliberately modest – interpretation of his most famous footnote, a text that I choose to present here, at the beginning of this chapter as it will be of central concern to the development of my argument. This is what Bentham stated:

The day *may* come when the rest of animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may one day come to be recognized that the number of legs, the villosity of the skin, or the termination of the *os sacrum*, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose they were otherwise, what would it avail? The question is not, Can they *reason* nor Can they *talk*? But, Can they *suffer*?⁹³ (Italics and capitalisation in the last sentence in text.)

What I want to do in this chapter is to examine the specific way Bentham's footnote translates to today's animal rights debate. Indeed, today, Bentham's commitment to suffering has been embraced as a central idea in a variety of manners by theorists at the forefront of the animal rights debate, and although there are many important differences and nuances to be signalled in those diverging positions, what ties them together is the general and prevailing idea that essentially nonhuman animals share with human beings a "capacity to

⁹³ Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, ed. J.H. Burns and H.L.A. Hart, (London, New York: Methuen, 1982), 283.

suffer” and, therefore, deserve consideration and possibly even some juridical protection from harm.⁹⁴

The problem with this Bentham inspired reasoning, however, especially in light of the provisional distinction I made between harm and cruelty in the first chapter, is that it seems to provide a philosophical basis for either more animal cruelty laws and its concurrent categorical exemptions or for an expanding of the juridical model to include at least some nonhuman animals within the regime of personhood. In both cases this generates the different types of cruelty that a juridical model centred in personhood presents. If in the previous chapter I explored the logic of exemption from outside an expansive model, here, I will focus on the cruelty that would flow from including at least some nonhuman animals within an expansive model. This cruelty, let us recall, consists of the arbitrary and wilful neglect of those entities not granted personhood and in a poetic cruelty that stems from including animals within a model that masks their hierarchical subjection by presenting itself as a system of equality. The paradox is clear: if such an expansive model necessarily involves harm toppling over into cruelty, a cruelty, furthermore, which was not characteristic of the model prior to its expansion, how can arguing in favour of expanding the model for at least some nonhuman animals be reconciled with a sincere commitment to the question of suffering. In the previous chapter I answered it cannot. In fact, if my initial framework was centred on the heuristic premise that the animal rights debate was not so much committed to the question of suffering as such, but primarily concerned with conforming to the macrocode of the expansive model, my subsequent exploration of the demarcation problem has demonstrated that there are also no scientific grounds for assuming the expansive model stems from a commitment to the question of suffering.

In this chapter, however, I wish to move away from this rather unsatisfactory kind of moral claim, as one might simply choose to either disagree or agree, which would not further my project. I will do so by exploring what a commitment to the question of suffering might entail, not by understanding the question of suffering in terms of our measure of the capacity to suffer, but by looking at how what we consider objects of suffering come to be identified through our constructions of their victimhood. In short, if any concern with the suffering of animals necessitates some sort of imaginative identification with their victimhood, it is my aim to explore the way in which literary and legal trajectories construct victimhood and how those trajectories inform and sustain one another. The questions that need to be answered, then,

⁹⁴ I am referring here to the animal rights field in general but also specifically to the works of Peter Singer, Tom Regan and Martha C. Nussbaum that I have discussed before.

are, first: What has happened to Bentham's commitment to suffering to make it take on such a paradoxical stance within the animals rights debate today? Second: How can we refurbish the question of suffering in such a way that it can inform a future juridical model without incorporating the types of cruelty we are faced with in an expansive model?

My basic premise here is that the way in which the modern animal rights debate has "embraced" Bentham's question relies on a problematic interpretation of Bentham's question as a radical turning away from Kant, who, as is well known, defined rationality as an essentially human asset, marking an absolute difference between the human and the animal. Since it will be my aim to challenge this modern line of thought I choose to explore two crucial Kantian citations from an entry by Lori Gruen in the Stanford Encyclopaedia of Philosophy. It adequately reflects how the modern day utilitarian and animal rights positions on criteria for suffering are perceived as radically different from Kant's focus on rationality. Roughly, what becomes clear from Gruen's discussion of the modern day perspective on suffering is that pain (and not primarily rationality) exerts a moral force. By implication, those nonhuman animals who suffer have some sort of moral standing. If this line of thought indeed appears to be a radical turn away from Kant, the fact that Gruen in her entry points out that a contemporary Kantian like Christine Korsgaard suggests that we have moral obligations towards animals because we can recognize their expressions of pain, may be a first indication that the modern day focus on the capacity for suffering is not so radically different from Kant's focus on rationality. Indeed, the fundamental problem that underlies the various modern positions on the experience of pain that Gruen discusses, cannot offer a way out of the underlying demarcation problem an expansive model poses. The notion of pain serves as an alternative to Kant's rationality, which is required, but at the same time pain is still defined as a moral force. This does not suffice, as I will explore in an alternative notion of pain in what lies ahead.

My exploration of the relation between our modern understanding of Bentham's question on suffering and the Kantian position on rationality starts, then, with the crucial Kantian passages that Gruen cites, from respectively *The Groundwork for the Metaphysics of Morals* (GMM) and *Lectures on Anthropology* (LA):⁹⁵

⁹⁵ Immanuel Kant, *The Groundwork for the Metaphysics of Morals* (1785), trans. Mary J. Gregor, (New York: Cambridge University Press, 1998); Immanuel Kant, *Lectures in Anthropology* (New York: Cambridge University Press, 2012).

[...] every rational being, exists as an end in himself and not merely as a means to be arbitrarily used by this or that will [...] Beings whose existence depends not on our will but on nature have, nevertheless, if they are not rational beings, only a relative value as means and are therefore called things. On the other hand, rational beings are called persons inasmuch as their nature already marks them out as ends in themselves. (Kant, GMM, 428)

The fact that the human being can have the representation “I” raises him infinitely above all the other beings on earth. By this he is a person [...] that is, a being altogether different in rank and dignity from things, such as irrational animals, with which one may deal and dispose at one's discretion. (Kant, LA, 7, 127)⁹⁶

Admittedly, the fact that Bentham in his famous footnote explicitly rejects, not just skin colour, but also “rationality” as a valid touchstone for distinguishing absolutely between the human and the animal, makes it rather difficult *not* to consider Bentham's rejection as a response to and a turning away from Kant. At the same time, however, I propose that this interpretation has successfully pre-empted any suggestion of reading today's interpretation of Bentham's question as a mere substitute of Kant's capacity for rationality; that is to say, as just another way of cutting the divide between the human and the animal. This is why the possibility of reading today's interpretation of Bentham's commitment to suffering as a substitute of Kant's position on “rationality” will inform my reading against the current notion of suffering. The reason for this strategy is that it seems to me rather odd and therefore *meaningful* that such a reading has not really taken place. One reason for this negligence might be that such a reading would run the risk of significantly downplaying the achievements in the animal rights debate by Bentham inspired theorists so far. This, of course, is not my intention. My focus is exclusively on reading against today's interpretation of Bentham's commitment to suffering as wholly different from Kant's preoccupation with rationality, because I look at the modern interpretation of both philosophers' positions as the result of this tendency I have come to qualify as a categorization of difference.

On the one hand, according to Kant, the human capacity for rationality distinguishes the human from the animal in absolute terms. On the other hand,

⁹⁶ Gruen, Lori, “The Moral Status of Animals”, *The Stanford Encyclopedia of Philosophy* (Fall 2014 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/fall2014/entries/moral-animal/>>.

modern animal rights discourse has translated Bentham's commitment to suffering as a capacity to suffer, which implies that if an animal can suffer it can no longer be distinguished from the human in absolute terms. In other words, whereas Kant's capacity for rationality installed a species-specific difference, the capacity to suffer within modern animal rights discourse is centred on a cross-species sameness. In short, if Kant poses species as *same* but *different* in one aspect, namely rationality, Bentham is considered to have posed species as *different* but *same* with regard to the aspect of suffering. It is here that I identify a categorization of difference informing the interpretation of both philosophers' positions within today's animal rights debate. This interpretation, because it exclusively focuses on the difference between both philosophers, bypasses the question of what both philosophers have in common; namely, first, a problematic and unshaken commitment to a capacity, either for rationality or for sufferability; and secondly, a taking for granted of species as an essentialist construct. Hence, the reading against the capacity to suffer I propose to undertake not only has to work out a renewed commitment to the question of suffering, but will also have to explore the notion of species as other than an essentialist construct if such an attempt wants to succeed.

In order to work out a renewed commitment to the question of suffering, I return to the heuristic vocabulary on harm and cruelty developed in the previous chapters. This is not a straightforward return, but marked by an important difference. Instead of a further deliberation on harm and cruelty, I choose not to return to what separates harm and cruelty, but to explore what I take to be their common denominator: pain. This notion of pain seeks to unsettle the dominant way Bentham's commitment to suffering has been taken up by philosophers – most notably, Singer, Regan, Rachels and Derrida – at the forefront of the animal rights debate today, namely as in one way or another heeding a discussion on which nonhuman entities should be entitled to a form of moral consideration through a consideration of their supposed capacities, characteristics and/or subsequent bioethical status. It is of vital importance, however, to understand my concern with pain as only a first step towards gaining a different outlook on the notion of suffering, and not as a concept meant to substitute the capacity to suffer in any way. Hence, I am not concerned, here, with re-addressing the problem of cruelty, but with an attempt to momentarily put off and circumvent this problem to the extent that my notion of pain helps me get away from the vocabulary within which a commitment to suffering, in its guise as a “capacity to suffer” is generally registered. For this reason my notion of pain must remain essentially open to further definition. This openness serves two purposes. First, it enables me to momentarily circumvent

the problem of demarcation a modern animal rights discourse centred on a capacity to suffer ultimately will have to engage in. Second, using the notion of pain as I intend to do “safeguards” the question of suffering from being swept away in the process. Thus it allows me to address and renegotiate it in what lays ahead, as any sense of pain can hardly be thought without some notion of suffering.

Let me now explain my deeper motivations for reading against the capacity to suffer as I propose to do and clarify the way in which my strategy fits into my overall project by putting the modern interpretation of Bentham’s question in its relevant context. First, I suspect a strict reliance on the “capacity to suffer” might breed its own exclusionary politics as it gives way to isolating a concern for animals from a concern for other nonhuman entities, isolating the so-called animal from the rest of existence. One might, for example, respectively ignore the wilful neglect of a rainforest by cutting down its trees or stop feeding animals wholly dependent on one’s care for their well-being, which is what happens in *Animal Farm* after Jones takes to drinking. Within a strict appliance of the modern Bentham-inspired notion of suffering as an exclusive capacity to suffer, and *not* as a systemic neglect, it would most likely follow that only the animals not being fed would qualify as having the capacity to suffer. This is not to suggest that, given my heuristic definition of cruelty as a wilful neglect, the trees under discussion suffer and should now be attributed rights as well. Rather, my point is that the notion of suffering as it is currently taken up, cannot adequately deal with such questions and therefore must be renewed. In fact, it gets even more complicated as my particular example here concerns animals on a farm, whose suffering within today’s factory-farming practices is generally not acknowledged to the same degree as, say, the suffering of pets, but made subordinate to other (socio-economic) interests.

Second, and perhaps more profoundly, my atypical concern with reading against the “capacity to suffer” stems from a need, at this stage of my project, to explore the odd logic that underlies the embracing of the question on the capacity to suffer by those at the forefront of the animal rights debate. This odd logic becomes most apparent in the work of Singer, Rachels and Derrida and, to a lesser extent, in the work of Tom Regan and Martha Nussbaum. For Regan, the capacity to suffer is not enough to belong to a moral community, as he stresses the additional importance of also being “a subject of life.” Nussbaum has developed what to me seems a much more refined and complex “capabilities approach.” This approach, however, softening a lot of rough utilitarian edges, evokes the same kind of rhetoric I seek to get away from in that it is still about “measuring” and not so much about other ways of identification with nonhuman

others. In my view, it is a valuable “practical ethics,” based in an aesthetic notion of flourishing, but *as such* not suitable to my project as it does not radically think through its own modes of identification.

The odd logic that connects the key texts of the theorists mentioned above holds that a presumably real concern for the protection of animals from harm – after a long and intellectual debate on animal rights – has led to the general embracing of a central (and, to me, rather disappointing) question about whether animals have the “capacity to suffer.” It is *not* that I would be in favour of more complex criteria, far from it, but having looked into the problems the expansive model poses, most notably in respect of its insistent demarcation problem, I cannot but conclude that the embracing of this question and the concurrent championing of its simplicity by those at the forefront of the animal rights debate is *not* supported by arguments that hold sufficient scientific rigor to unsettle its implicit rhetoric. The implicit rhetoric at stake holds that animals would not have to be protected from harm if they could not suffer in the first place. This brings the debate back, once again, to the question of what an animal is and what a human – as its traditional other. It is a question that, as has been demonstrated in the previous chapters, cannot be answered. In this respect, the question that first needs to be answered is not only how and why Bentham’s question on suffering as a capacity to suffer has been embraced so massively, but also which mechanism underlies this question’s subsequent justification.

Let me begin by explaining what I believe to be the mechanism underlying the embracing of Bentham’s question. The question of whether animals can suffer, once it enters the legal sphere, can no longer remain a question. It needs a *rule* to anchor it as a consequence in order to provide a solid ground for further classification. This anchoring changes the question, as it comes to assume a mystical unity with the rule suddenly imagined to be flowing from the question. This mystification consists of a blurring of the laws of causality with respect to the rule and the question by taking them together. This “taking together” transforms the question and grants it the status of a transcendental rule, giving birth to a self-inflicted sense of authority. The emergent rule could be envisaged as resembling the figure of the following rudimentary chiasmus: “No suffering no animal, no animal no suffering.” The problem with this rudimentary chiasmus is that it presupposes the animal by treating it as *known* and pretends to grasp the question of suffering. Conversely, it treats the question of suffering as *known* and pretends to grasp the animal.

Since we cannot have it both ways, the question of whether animals have the capacity to suffer appears to be incapable of grounding its own imaginary rule. This, in turn, implies that the rule, which is not really a rule, cannot ground

the question either, let alone be at one with it. In other words, Bentham's elegant question seems to be hijacked by those who embrace it, whereas Bentham never laid down a rule, but simply asked a question. Hence, the question as to whether animals can suffer, when translated to the modern legal sphere as the touchstone of their capacity to suffer, presupposes the unknown as known, which turns Bentham's question into a question to measure the immeasurable. Of course, there are empirical tests that measure suffering and that seemingly have proved, beyond reasonable doubt, that certain animals – especially those whose capacity to suffer has often been disputed, such as fish and lobsters – can actually suffer. My point here is not to downplay these important scientific achievements, in spite of the lingering question of consciousness and the accusation of anthropomorphism and hence, of the critique of being unscientific that cannot be shaken off and that such research will continue to come up against. Rather, I wish to argue that this mechanism of measuring can only be sustained through the evocation of the figure of the animal – and, consequently, of its traditional other, the human – as transcendental parameters from which can be extrapolated at will in order to effect such measuring. Hence, the legal interpretation of Bentham's commitment to suffering as a capacity to suffer reduces the notion of suffering to a scientific matter of measuring which, as the figure of the rudimentary chiasmus demonstrates, does not offer a way out of the demarcation problem and the types of cruelty it installs.

This is why my renewed commitment to the question of suffering wants to escape this scientific capacity to suffer by probing the way in which victimhood might be constructed through the open figure of pain. Reading against today's central notion of the capacity to suffer in this way, as no longer embedded in a rhetoric of sameness or difference between the species, I wish, by no longer understanding difference conceptually, to work towards a dissolution of the kind of identity thinking that the expansive model, with its parameters of the human and the animal and its Bentham-inspired notion of suffering, relies upon. The key texts in this chapter are: Peter Singer's "All Animals are Equal," taken up in his *Applied Ethics* (1986)⁹⁷ and George Orwell's "Shooting an Elephant," (1936).⁹⁸ Close reading Singer's text will allow me to identify the key terms that conceptual differences manifest themselves in when it comes to the question of suffering. In my subsequent close reading of George Orwell's "Shooting an Elephant," these key terms will serve as heuristic tools to read against the

⁹⁷ Peter Singer, "All Animals are Equal." In: *Applied Ethics* (New York: Oxford University Press, 1986), 215- 228.

⁹⁸ George Orwell, "Shooting an Elephant." In: *Shooting an Elephant and Other Essays* (London: Secker and Warburg, 1950), 1-10.

modern interpretation of the question of suffering as a mere capacity to suffer. As my argument develops, I will use and elaborate on the relevant work in the field by, amongst others, Rachels and Derrida, theorists who have struggled with the question of suffering in ways that may be particularly fruitful for my project.

Let me now start by examining Singer's "All Animals are Equal" and identify the specific stakes involved in his notion of a Bentham-inspired "Practical Ethics." The reason I choose to refer to Singer's text from his *Applied Ethics* as "Practical Ethics" depends not just on the semantic similarity between the terms. Rather, I wish to point out that the passages of this text are a literal reproduction of those in his book *Practical Ethics*, which was published seven years before, in order to illustrate the importance of this text within Singer's wider philosophical argument.⁹⁹

3. The Practical Measure of Suffering

In "All Animals are Equal," Singer stresses the viability of the capacity to suffer as a unique touchstone and takes Bentham's famous footnote as a point of departure. Before moving on to discuss Singer's position via a close reading of some of the key passages in his text, it is worth noting that my close reading will be different from the many other close readings and critiques this text has provoked over time. This difference lies in the fact that I intend to focus on the capacity for suffering as a unique touchstone, rather than on the principle of equality. Indeed, without wanting to rehearse the particularities of all those critiques of Singer's "All Animals are Equal", the general tendency has been to critique the principle of equality rather than the capacity for suffering and then to treat the capacity for suffering as a secondary problem only once the principle of equality, in the specific way that Singer envisages it, has been deemed untenable.¹⁰⁰ One of the most lucid critiques on the principle of equality Singer adheres to has been provided by Richard J. Arneson,¹⁰¹ for instance, whose position resonates with many other critiques on this principle. Roughly, Arneson finds fault with Singer's main argument that, given the incommensurability of intellectual capacities between humans and animals, we must judge the latter's

⁹⁹ Peter Singer, "All Animals are Equal." In: *Practical Ethics* (New York: Cambridge University Press, 1979), 48-71.

¹⁰⁰ For a valuable overview of these and related critiques and responses by Singer see: *Peter Singer Under Fire: The Moral Iconoclast Faces His Critiques*, Volume three, ed. Jeffrey A. Schaler, (Illinois: Open Court, Chicago and La Salle, 2009).

¹⁰¹ Richard J. Arneson: "What, if Anything, Renders all Humans Morally Equal." In: *Singer And His Critics*, ed. Dale Jamieson, (Oxford: Blackwell Publishers, 1999), 103 -128.

moral standing different but never superior. Yet, as Arneson observes, this implies that humans are not equal either but have different interests as well, which would undermine the fundamental moral equality of all human beings and hence, the very principle of equality itself.

Again, my focus concerns the capacity to suffer, not the issue of equality. This is what Singer says with regard to Bentham's famous footnote:

In this passage Bentham points to the capacity for suffering as the vital characteristic that gives a being the right to equal consideration. The capacity for suffering – or more strictly, for suffering and/or enjoyment or happiness – is not just another characteristic like the capacity for language, or for higher mathematics. Bentham is not saying that those who try to mark 'the insuperable line' that determines whether the interests of a being should be considered happen to have selected the wrong characteristic. The capacity for suffering and enjoying things is a pre-requisite for having interests at all, a condition that must be satisfied before we can speak of interests in a meaningful way. (221)

Singer states an entity cannot *have interests* worthy of our consideration if it lacks the capacity for suffering and/or enjoyment. In order to stress the priority of this capacity over any other possible capacity, he mentions two examples he, at best, considers secondary and, as such, unfit to provide a basis for moral consideration: the capacity for language and, somewhat grotesquely, the capacity for higher mathematics. In my view, Singer's preoccupation here with *having interests* and his subsequent choice for those two examples to support his argument is meaningful, because together they project the scope of a Kantian outlook on rationality. In short, if Kant argued that rationality bears a causal relation to *having interests*, and thus constitutes an absolute difference between the human and the animal, the two examples Singer mentions convey the range from a minimum to a maximum deployment of such rationality.

In this respect, Singer's comment registers Kant's conception of rationality as itself a gradual phenomenon. Hence, Singer's substitution of Kant's rationality with the capacity to suffer as a touchstone for having interests draws on attributing the capacity to suffer a similar gradual quality that his examples ascribe to Kant's rationality. The only real difference is that Kant positions his touchstone *between* and Singer *across* the species. In other words, what unites Singers interpretation of Bentham with Kant is not the specific capacity posed as a viable touchstone, but a prioritizing of which entities can be said to have *interests* and, whilst each draws the line in a different place, an

implied holding on to the notion of species as an essentialist construct that is sustained through a categorization of difference. In what follows, I will argue Singer's Kantian mindset infects his practical ethics in a way that does not open up to dealing with the problem of cruelty and its implied notion of suffering because of the peculiar way Singer holds on to the notion of species as an essentialist construct.

Having made his point on the capacity to suffer, Singer makes a strong case for extending equal consideration to animals sharing this capacity:

My aim is to advocate that we make this mental switch in respect of our attitudes and practices towards a very large group of beings: members of species other than our own – or, as we popularly though misleadingly call them, animals. In other words, I am urging that we extend to other species, the basic principle of equality that most of us recognize should be extended to all members of our species. (216)

In the passage above, Singer introduces the basic principle of equality, which is presented not as factual equality but as a moral idea, as equality of consideration. This is a valuable idea, because it would allow – although this is not specifically advocated by Singer – for reading the expansive model as the extension of a moral principle to animals by way of the attribution of rights, if not the exact same rights, which, from a practical point of view, would be nonsensical anyway. This basic principle of equality, however, if not committing Singer to extending moral consideration through the attribution of rights, also informs Singer's conception of speciesism. For Singer, speciesism is a violation of this basic principle of equality if moral consideration for other species would be denied on the basis of their lack of any other capacity or characteristic than the capacity to suffer.¹⁰²

The theoretical problem with Singer's definition of speciesism is that it still poses humanity as a homogeneous group. Contrary to the general line of critique against Singer's principle of equality, I consider this homogenizing move problematic, because it installs the human species as a distinct species from the animal species, which suggests Singer here applies his own brand of what may be called a "strategic speciesism". A further and more practical problem arises with Singer's positioning of the capacity to suffer as a strict condition for extending moral consideration to essentially nonhumans. This condition, to be justified, requires some form of measurement and the

¹⁰² Singer borrowed the term speciesism from Richard Ryder. See: Richard D. Ryder: *Animal Revolution: Changing Attitudes towards Speciesism* (Oxford, Blackwell Publishers, 1989).

subsequent exclusion of those entities not granted the capacity to suffer. This is how Singer proposes to solve the problem of measuring:

No matter what the nature of the being, the principle of equality requires that its suffering be *counted equally* with the like suffering – in so far as *rough comparisons* can be made – of any other being. If a being is not capable of suffering, or of experiencing enjoyment or happiness, there is nothing to be taken into *account*. This is why the limit of sentience (using the term as a convenient if not strictly accurate, shorthand for the capacity to suffer or experience enjoyment or happiness) is the only defensible boundary of concern for the interests of others. To mark this boundary by some characteristic like intelligence or rationality would be to mark it in an arbitrary way. Why not choose some other characteristic, like skin colour? (222, italics mine, BV)

The problems such measuring poses become apparent in the first two lines of the citation. On the one hand, extending the moral principle of equality requires that suffering be counted equally, with the like suffering of any other being, but, only in so far as rough comparisons can be made. Admittedly, this contradiction between “counting equally” and “rough comparisons” has a lot to do with Singer’s wish to be practical, as Singer must be well aware suffering cannot be counted equally, if it can be counted at all. Suffering itself is of paramount importance however, otherwise there is no “account”. With respect to this, the point here is, however, that the question of suffering need not and indeed *cannot* be attributed to a concern with practical ethics alone. In other words: solving the problem of measuring by relegating it to a matter of practical ethics also points to the notion of the capacity to suffer as intrinsically problematic for the extension of moral consideration towards other beings. More than that, apart from the problems such measuring poses and of which the vagueness of Singer’s argument seems but a symptom, the underlying ethical issue is not so much resolved, but avoided and reduced to a matter of calculation, which leaves us with the impossible exercise of working out the numbers.

In fact, in close reading Singer, it appears that his position on the relevance of Bentham’s question if animals can suffer as different from drawing an insuperable line on the basis of any other capacity or characteristic, results from interpreting Bentham’s footnote in a particular way. Singer understands Bentham’s famous footnote to point to the capacity for suffering and enjoyment, what Singer refers to as sentience, as constituting the insuperable line. Yet

Bentham never mentions enjoyment. As we can learn from the third sentence of his footnote, he only asks whether *sensitive* beings can suffer:

It may one day come to be recognized that the number of legs, the villosity of the skin, or the termination of the *os sacrum*, are reasons equally insufficient for abandoning a sensitive being to the same fate.

In other words, if we stick to Bentham's text, there is, in principle, no reason to understand it as conveying the capacity for enjoyment as a complementary criterion to the capacity to suffer. In this respect, we could also choose to follow up on Bentham in a more literal manner and understand the word "sensitive" as denoting: "quick to detect or respond to slight changes or influences,"¹⁰³ in the way, for example, that spiders are said to be "sensitive" to vibrations of their web. Such an understanding of sensitivity in Bentham would complicate the notion of suffering and enjoyment Singer insists on in a significant way, because it opens up the possibility of taking into consideration movements and reactions that cannot be narrowed down or grasped by interpreting them as testifying to a capacity for suffering or enjoyment. It is not that I want to propose a new demarcation line here. Rather, I wish to point out that such an alternative notion of sensitivity would require us to rethink what, within the context of Singer's criteria, would still have to be qualified as a merely mechanistic reaction. Hence, it would expose the way in which Singer's insisting on the capacity to suffer and enjoyment installs this other sensitivity as irrelevant to the cause of rethinking animal subjectivity.

I read Singer's reductive rhetorical move here as indicative of the problems with his practical ethics, and I read Bentham's refraining from mentioning the capacity for enjoyment as conveying a clear understanding of the problems such a complementary qualification would pose. Indeed, introducing the capacity for enjoyment, we might not just have to count suffering but also enjoyment equally, whereas one could imagine enjoyment to be a phenomenon much harder to detect or define than suffering, as it might be done in perfect silence or "experienced" after the fact, as a result of something commonly referred to as reflection. Conversely, looking at enjoyment in this way also points back to suffering as something that may very well go beyond immediate physical pain, as something that can be experienced in silence and be brought on by reflection as well. But, where "reflection" comes in, one cannot help being reminded of the Kantian touchstone of rationality, which would immediately

¹⁰³ Oxford American Dictionaries, second edition, 2005.

upset the whole idea and call into question the capacity to suffer as a unique touchstone.

With respect to this issue, the trouble with Singer's practical ethics becomes still more apparent in the last sentence of his comment: "to mark the boundary in any other way than by the notion of sentience, would be to mark it in an arbitrary way." As I see no reason not to, I understand this figure of non-arbitrariness here in its conservative sense. This would imply that Singer claims that his posing of the capacity to suffer *is* to mark an insuperable line in a non-arbitrary way. Any other (arbitrary) way of (de)marcation, like skin colour, would have to be condemned as speciesism. In other words, Singer, following up on Bentham, here explicitly repeats the comparison between what in Bentham's footnote was still left somewhat unarticulated and what Singer – via Ryder – has popularized; namely, the comparison of racism with speciesism as a similarly discriminate affair. He does so in claiming that *the accusation of speciesism* would be *justified* if the insuperable line were any other than the capacity to suffer. In other words: species that lack the capacity to suffer may be ignored (then "there is nothing to be taken into *account*").

I wish to momentarily leave aside here the contradictory move Singer makes by first claiming that his Bentham-inspired touchstone of the capacity to suffer "is not just a matter of putting forward another characteristic and drawing an insuperable line," to then end up stating that posing *any other characteristic as a boundary* would be a form of speciesism. What I want to do first is examine this notion of speciesism or, better, *the accusation of speciesism*, and the way in which its explicit comparison with racism works here, apart, of course, from the bleak connotation it transfers to speciesism. In order to do so, I read Singer's notion of the capacity to suffer as the posing of an insuperable line resulting from a Kantian mindset. Within such a framework, if an animal is attributed the capacity to suffer, its protection from harm, whether by moral consideration only or by the granting of rights as well, is motivated by a claim to sameness. In short, its suffering is somehow considered to be of the same order, of the same kind, corresponding to or congruent with the like suffering of human beings. However, since I concluded that any appeal to sameness between the species installs a categorization of difference, the question becomes, firstly, how does this categorization take effect here and secondly, what sort of difference might be at stake? These questions can best be addressed by looking at the notion of speciesism and its rhetorical relation to racism, which could schematically be framed as follows:

Speciesism Racism Discrimination

Species Race ----

The accusation of racism can be countered theoretically by the fact that race does not “exist” other than as an essentialist construct. What the racist and the speciesist have in common, then, is that they might be accused of discrimination, which is only a general term. The accusation or condemnation of speciesism, however, cannot be countered satisfactorily by referring to species as an essentialist construct, because Singer’s framework *presupposes* species in a different way than racism presupposes race. The accusation of speciesism presupposes the human vs. the animal species as essential and homogeneous categories, measuring all the different essentially nonhuman beings by the category of the human species, whereas racism remains an inter-human affair.

The implications of this difference become clear from the following comment, which I take to be exemplary of Singer’s framing of speciesism as bound up with the sort of categorization of difference I seek to get away from:

In this respect, the distinction between humans and nonhumans is not a sharp division but rather a continuum along which we move gradually, and with overlaps between the species, from simple capacities for enjoyment and satisfaction, or pain and suffering, to more complex ones. (227)

In the above passage we encounter a condensed form of the sort of categorization of difference that my reading of *Animal Farm* presented. The fact that the different animals could all communicate with each other, but only the cleverest ones, the pigs, with the humans, categorized their differences as both absolute and gradual. Stressing this analogy, however, does not serve a critical purpose in itself. My point is that the analogy here *works* differently, because it exposes how the insuperable line of the capacity to suffer *needs* the idea of speciesism to extend the moral principle of equal consideration and, possibly, although not explicitly advocated by Singer, expanding the domain of rights to include animals. Conversely, if *the accusation of speciesism* is reliant on posing the capacity to suffer theoretically as a non-arbitrary demarcation line, in order to extend a moral principle, its implied concept of *species* is dependent on the essentially human set against its traditional other, the animal. This strategic speciesism, comfortably nesting itself within Singer’s own discourse, by insisting on the parameters of the human and the animal, fails to open up to a

vocabulary that can offer a way out of the constraints of the expansive model. More than that, its strategic nature suggests it might also turn against itself. This is why I wish to move away from any discourse that allows for the term species to be signified by *the accusation of speciesism*. At the same time, I do not wish to drop the term species altogether, as it is simply there and I can and do not wish to make it go away.

This is where I differ in a fundamental way from Derrida, who, at the end of the first chapter of *The Animal That Therefore I Am*, coined the word *animot* to remind us that what we generally refer to as animal effectively denotes a multiplicity of different beings that cannot be subsumed under a species concept:

I would like to have the plural *animals* heard in the singular. There is no Animal in the general singular, separated from man by a single, indivisible limit. We have to envisage the existence of “living creatures,” whose plurality cannot be assembled within the single figure of an animality that is simply opposed to humanity. (47)

Derrida’s neologism *animot*, then, opens up the problematic of designating an incredible variety of creatures by the name animal. It does not, however, open up space for addressing the concept of species(ism). Rather, it leaves it intact as a biological determinate because it is primarily concerned with its object. This is why, instead of following up on Derrida’s wider argument, which will be discussed in my final chapter, I would like to deal with speciesism head on by reading it differently, namely not as a biological determinate, but both much broader and narrower. In order to do so, I turn to a meaning that may be derived from the Spanish “*una especie*,” which denotes the typical biological construct under discussion, but which in everyday speech also connotes “kind” or “sort,” or “sort of,” as in “I feel kind of/sort of blue” or “it’s a kind of/sort of magic.” Here, the term species takes on the quality of non-specificity, which provokes an identification that is not an identification, the grammatical equivalent, if one can put it that way, of simile: the simile “like.”

The object of comparison, however, the “with” with which it is being compared escapes essence, as it is only suggested and then falls back; it seems to almost incarnate in the “like.” This different reading of species, drawing attention not to possible objects of comparison but focusing on the comparison itself, opens up to speaking in terms of heterogeneity and difference instead of classification by homogeneous categories and thus allows for coming to terms with difference in a way speciesism as a biological determinate cannot. It opens

up to a framework that might grasp, by not grasping, the idea that a racehorse differs more from a workhorse than a workhorse from an ox, although I could mention an infinite amount of other examples, whereby I would not have to limit myself to “animals.”¹⁰⁴

Effectively, my argument here on not treating the term species as an essentialist construct per se resonates with that of Louise Economides, who has elsewhere drawn on Deleuze and Guattari’s theories of multiplicities and becomings to demonstrate that modern animal rights discourse cannot but adhere to an ethical individualism that cannot do justice to the question of the animal, if only, because animals’ identities are shaped by the collectives within which they live. In contrast to Economides, however, I do not so much wish to challenge the notion of species as an essentialist construct in animal rights discourse by drawing on the immanent multiplicities and heterogenetic structures that shape embodied beings. Instead, the focus on language itself brings me to the point that it would now become possible to talk about these “horses” as other than members of a species and to work towards other modes of identification with their victimhood without necessarily having to give up on the word species.¹⁰⁵

Before I move on to explore these other modes of identification, there is one more paradox to be solved. If, on the one hand, Derrida has coined the word *animot* to escape the classification of the animal under a species concept and, if I have, on the other hand, suggested that the capacity to suffer must be read as an insuperable line, since it is bound up with maintaining the concept of species as a biological construct, why is it, then, that Derrida seems to embrace Bentham’s notion of suffering in the same way as Singer does, i.e. as wholly different from the insuperable line of rationality Kant once proposed? A possible answer might be that Derrida stresses the importance of understanding the notion of suffering not as a capacity, but as an ability. Can they suffer, Derrida argues, amounts to *can they not be able*. This is what Derrida states:

Once its protocol is established, the form of this question changes everything. It no longer simply concerns the *logos*, the disposition and whole configuration of the *logos*, having it or not, nor does it concern more radically a *dynamis* or *hexis*, this having or manner of being, this *habitus*, that one calls a faculty or “power” this can-have or the power one

¹⁰⁴ An example I feel at liberty to cite from Deleuze and Guattari (in *A Thousand Plateaus*, p. 257), whose work on “becoming animal” will be touched upon in chapter 4.

¹⁰⁵ See: Louise Economides, ‘Romantic Individualism, Animal Rights and the Challenge of Multiplicity’: <<http://www.rhizomes.net/issue15/economides.html>>.

possesses (as in the power to reason, to speak, and everything that that implies). The question is disturbed by a certain *passivity*. It bears witness, manifesting already, as question, the response that testifies to a suffering, a passion, a not being able. “Can they suffer?” amounts to asking can they not be able? (27, italics in text)¹⁰⁶

This “passivity argument,” however poetic and true, does not convince me for two reasons. First, because it constitutes a negation that opposes activity to passivity, which seems hardly relevant to the question itself since suffering is not by definition a passive undergoing that cannot be resisted or overcome. A picture of salmon swimming upstream, laying their eggs on the shore only to die of exhaustion comes to mind. Those salmon might be said to suffer all right, but not to *passively* undergo their suffering. Admittedly though, Derrida might be referring to a more fundamental vulnerability, in which case his observation seems quite right. But even if this is the case, Derrida’s connecting of the question of suffering with the notion of passivity within the specific context of the animal rights debate rather unfortunately links the animal to the notion of passivity, thereby feeding into the worn-out stereotypes in which the traditionally other, the animal, has been registered in ways unfavourable to both animals themselves and to the cause of those human beings that have been compared to animals in history. Second, because Derrida’s “passivity argument” treats Bentham’s broader idea of what Singer termed sentience in very much the same reductive way as Singer does. The only difference is that it occludes the idea of enjoyment and blurs the idea of measurement in an arguably more creative manner, namely by rhetorically weaving in the notion of passivity against the so-called activity of potential other capacities. Third, because Derrida’s notion of passivity is questionable in so far as it resides with the question-form itself and not with the notion of suffering such a question might be *about*, which is what I am after. Moreover, if Derrida argues that the supposed *passivity* the negation instigates makes the question of the capacity to suffer stand out as not just any characteristic, I would suggest conducting a thought experiment and replacing it with the capacity to sleep or, for that matter, to stay awake, which, in line with Derrida’s specific terminology here, can hardly be called a capacity either, as one cannot not be able to stay awake or sleep.

I have now looked into what I have come to regard as Singer’s and Derrida’s reductive measure of Bentham’s valuable commitment to suffering. This brief exploration has opened up the prospect of looking at the animal as a

¹⁰⁶ Ibid, supra note 35.

heterogeneous other, defying species qualification. In addition, it has outlined the formulation of a new semantics on the subject of species itself. It has demonstrated that today's embracing of Bentham's commitment to suffering as a capacity to suffer, is not a radical turning away from Kant, but that it may be read as a modern day substitution of Kant's idea of the human being as a rational being. Since my analysis has shown such a reading to be unwarranted, because of the strategic speciesism it installs, I will now move away from the capacity to suffer and its implied species concept by returning to the common denominator of both the figure of harm and cruelty, which I have addressed as pain.

There is, however, one important caveat to be made here, since my heuristic notion of pain as a force that binds harm and cruelty makes me liable to the accusation of installing a categorization of difference myself, substituting, as it were, suffering with pain. In order to avoid this trap, I propose to read pain not as a minimum but as a maximum ground; not just as physical or mental pain, but both as a scientific, linguistic *and* aesthetic phenomenon that involves literary and other creative strategies, as a common *de-nomin*-ator to be taken most literally, in that it *names* both harm *and* cruelty by a taking away (*de*) of their name (*nomen*). If this requires reading pain differently from the way modern animal rights discourse reads the capacity to suffer, namely as an exclusive capacity that ought to be measured scientifically, it also suggests this exclusive capacity to suffer cannot be excluded altogether since such would amount to a substitution. This is why I will start by exploring the position of pain and where it stands scientifically today in order to account for the way in which this standing relates to the immediate purpose of my project.

James Rachels, who has written extensively on ethics and animal right issues, explains the scientific notion of pain and its relation to the animal rights debate as follows:

The question of which other animals feel pain is a real and important issue, not to be settled by appeals to common sense. Only a complete scientific understanding of pain, which we do not yet have, could tell us all that we need to know. In the meantime, however, we do have a rough idea of what to look for. If we want to know whether it is reasonable to believe that a particular kind of animal is capable of feeling pain, we may ask: Are there nociceptors present? Are they connected to a central nervous system? What happens in that nervous system to the signals from the nociceptors? And are there endogenous opioids? In our present state of understanding, this sort of information, together with the obvious

behavioural signs of distress, is the best evidence we can have that an animal is capable of feeling pain.¹⁰⁷

Rachels here establishes his basic point on pain by building up a confident picture of what we can know about pain. His argument resonates with Singers, despite the fact that his denial of an appeal to common sense in favour of a more thorough scientific approach somewhat downgrades Singer's description of a practical ethics concerned with measuring equally what can only roughly be compared. Rachels adds:

Relying on such evidence, some writers, such as Gary Varner, have tentatively suggested that the line between animals that feel pain and those that do not is (approximately) the line between vertebrates and invertebrates. However, research constantly moves forward, and the tendency of research is to extend the number of animals that might be able to suffer, not decrease it. Nociception appears to be one of the most primitive animal systems. Nociceptors have now been identified in a remarkable number of species, including leeches and snails.

The presence of a perceptual system does not, however, settle the question of whether the organism has conscious experiences connected with its operation. We know, for example, that humans have perceptual systems that do not involve conscious experience. Recent research has shown that the human vomeronasal system, which works through receptors in the nose, responds to pheromones and affects behaviour even though the person is unaware of it. [...] The receptors for "vomeroolfaction" are in the nostrils, alongside the receptors for the sense of smell; yet the operation of one is accompanied by conscious experience while the operation of the other is not. (12)

If, as Rachels points out, we have not yet come to a full scientific understanding of pain, it would only be fair to say that a scientific understanding of pain has its

¹⁰⁷ James Rachels, "The Basic Argument For Vegetarianism." In: *The Legacy Of Socrates: Essays in Moral Philosophy*, ed. Stuart Rachels (Birmingham, Alabama: Columbia University Press, 2006), 12. This text originally appeared in 2004, the same year in which the text "Drawing Lines" by James Rachels originally appeared in: *Animal Rights, Current Debates and New Directions*, ed. Cass. R. Sunstein and Martha C. Nussbaum, (New York: Oxford University Press, 2004), 162-174. The more nuanced position Rachels takes on pain in the second quotation cited above is largely consistent with his argument in "Drawing Lines". Yet, the way in which Nussbaum and Sunstein introduce Rachels' position in "Drawing Lines" in their edited volume escapes this nuance when they introduce Rachels' position as follows: "He urges that the appropriate protection of animals should depend in large part on what their capacities are", p.13.

own limits, both scientific and non-scientific. Not just because science, as Rachels argues, never halts and always tends to move forward, but also because there is a limit to what we can know through science. This latter point seems to be illustrated in the last sentence of the above citation, which stresses the undecidability of questions of the conscious experience of pain in what, from a scientific point of view, are “identical receptors.” This fundamental undecidability, this liminality of science, allows me to substantiate and wrap up my argument on moving away from the capacity to suffer as an exclusive capacity towards an all-encompassing notion of pain that is and must remain open and essentially *before definition*. In order to do so, I propose to momentarily carry out another thought experiment through a contemplation of what might happen if we really did substitute the capacity to suffer with Kant’s capacity for rationality.

If today, roughly two ages after Bentham’s famous footnote, the capacity for rationality is attributed to a larger and still growing number of nonhuman animals as scientific research into the capacities of animals has improved and because it is improving all the time, there is, in principle, no reason not to suspect the capacity for rationality might eventually come to equal or even outgrow the numbers now attributed to the capacity to suffer. In other words, and contrary to what Singer claimed, the capacity to suffer is not a unique demarcation line but, as a capacity to be measured scientifically, will always install other limits because it is defined as an exclusive capacity in Kantian vein. Keeping this in mind, and having established why moving away from such an exclusive capacity to suffer is important to my project, I will now embark on my close reading of George Orwell’s “Shooting an Elephant.” The aim of close reading this intriguingly dense text is, first, to explore its constructions of identity and victimhood by examining how those constructions are produced by, and infected with, the parameters of the human and the animal through a rhetorical interaction with the key figures that I have now identified within my close reading of Singer, those of racism and speciesism. Second, my aim is to explore the way in which working with the heuristic notion of pain I have developed might challenge those constructions. Third, I will explore how the genre choice – do we read the text as an autobiographical essay or as an allegorical story of colonialism – affects the construction of the victimhoods at stake.

4. George Orwell, “Shooting an Elephant.” (Essay, 1936): Racism vs. Speciesism

In George Orwell’s “Shooting an Elephant,” the protagonist, an autobiographical representation of Orwell himself, is a police officer with the British Raj in Moulmein, now Myanmar, Burma, who is recalling what he refers to as a “tiny incident in itself.” In short, he is rung by a sub-inspector at the other end of the town and informed that an elephant has gone “must” and if he could please come over and “do something about it.” “Orwell”¹⁰⁸ transports himself to the other end of the town, is confronted with the horrible sight of a man killed by the elephant and, not really wanting to, but spurred on by the locals, ends up shooting the elephant.

In my view, the ways “Shooting an Elephant” presents the overt racism within the British Raj, although undoubtedly a harsh reality at the time, does not appear particularly shocking. This might be attributed to the distancing effect of the time and place in which the story is situated. Similarly, the postcolonial cliché, however true, that colonial powers acted out a racist ideology, in a sense breeds the idea of racism as just the kind of thing one would expect to encounter when reading about a colonial police officer recalling his experiences within the British Raj. Given this distancing time lapse and the fact that we have now “officially” moved into a postcolonial era, then, it would seem only fair to suggest the text, despite the clinical way it registers racist attitudes and mindsets as part and parcel of everyday life under imperialism, does not have such a chilling impact on the reader today as it might have done around the time of its publication. The relevance of providing arguments for what seems rather obvious, this lessened impact, is that it *also* suggests that the undeniably shocking impact of the story does not rest with the usual suspects, but must reside somewhere else, a matter I wish to explore in what lies ahead.

Not uncommon either, is how this colonial racism is forged textually, namely by an insistent linking and comparing of the local humans to animals throughout the text. This issue has been taken up in a great many (post)colonial readings of “Shooting an Elephant.” In those readings, however, the text is generally framed as an autobiographical essay that can be read as an allegory of (post)colonial imperialism, whereas I intend to consider either genre choice as optional only for exploring the relation of genre choice to the construction of

¹⁰⁸ Whenever I put Orwell in quotation marks I am referring to the protagonist of the story and not to the author.

victimhoods in the text.¹⁰⁹ To mention just a few examples of how colonial racism is installed through animalizing humans: Local prisoners are “huddling in the stinking cages” of the lock-ups, they have “cowed” faces, and those who pester “Orwell” are described as “little beasts,” which, excited about the possible killing of an elephant, “flock” out of their houses. The most conspicuous Human-Animal comparison, however, the site, as it were, where racism and speciesism meet, concerns the description of the confrontation of “Orwell” with the man trampled by the elephant. When “Orwell” arrives at the place where the elephant is last seen he struggles to get a clear picture of what has happened, to the point of doubting whether what he was told over the phone really happened at all. The locals he questions (he does not *ask* them) or who approach him, come up with strongly divergent narratives and none of it seems to make any coherent sense to him. Then, his doubts are at once taken away by a brutal experience:

I had almost made up my mind that the whole story was a pack of lies, when we heard yells a little distance away. There was a loud, scandalized cry of “Go away, child! Go away this instant!” and an old woman with a switch in her hand came round the corner of a hut, violently shooing away a crowd of naked children. Some more women followed, clicking their tongues and exclaiming; evidently there was something that the children ought not to have seen. I rounded the hut and saw a man's dead body sprawling in the mud. He was an Indian, a black Dravidian coolie, almost naked, and he could not have been dead many minutes. The people said that the elephant had come suddenly upon him round the corner of the hut, caught him with its trunk, put its foot on his back and ground him into the

¹⁰⁹ For the way in which “Shooting an Elephant” is generally taken up as an autobiographical essay in modern post(colonial) debates see for example: Paul Gilroy, *Postcolonial Melancholia* (New York: Columbia University Press, 2005). See also: Mohammed Sarwar Alam, ‘Orwell’s “Shooting an Elephant”: Reflections on Imperialism and Neoimperialism.’ *IIUC STUDIES*, Vol. 3 (December 2006): 55-62. In this text Alam states that: “The Shooting of the Elephant is the incident that reveals imperialism inflicts damage on both parties in imperialistic relationships.” (55). See also James Tyner in: “Landscape and the mask of self in George Orwell’s ‘Shooting an Elephant’”. (2005). *Area* 37 (2005): 260–267; <doi: 10.1111/j.1475-4762.2005.00629.x>. Tyner states that: “I contend that “Shooting an elephant” is not simply a polemic against British Imperialism; nor, for that matter, does the elephant signify the British Empire. Rather, Orwell employs the event as a more personal concern, namely as that of a loss of self in a de-humanizing landscape and the realization that with the masks of colonialism – and by extension whiteness – the colonizer likewise becomes non-existent.” Thus, Tyner arguably takes in a more nuanced position by questioning the notion of “self,” and all that this implies for our understanding of subjectivity and identity. Yet he does not radically pursue this question since he remains indebted to a reading of “Shooting an Elephant” as an autobiographical essay and, by consequence, as an allegory of imperialism.

earth. This was the rainy season and the ground was soft, and his face had scored a trench a foot deep and a couple of yards long. He was lying on his belly with arms crucified and head sharply twisted to one side. His face was coated with mud, the eyes wide open, the teeth bared and grinning with an expression of unendurable agony. (Never tell me, by the way, that the dead look peaceful. Most of the corpses I have seen looked devilish.) The friction of the great beast's foot had stripped the skin from his back as neatly as one skins a rabbit. (3-4)

The suffering that the man in his dead struggle must have been subjected to is conveyed by linking him to an animal in two different ways. First, preceded by an uncanny clicking of the local women's tongues, an almost photographic reference is made to his "teeth bared and grinning." Second, the elephant has apparently stripped the skin from the man's back "as neatly as one skins a rabbit." In short, both descriptions address the victim as a subhuman animal-like being and, therefore, could be qualified as bluntly racist. This racism, however, can *also* be read as being made so explicit only to invite us to condemn it, in which case the comparisons under discussion would have to be read as constituent elements of the overall moral of the story; that is, expressive of the subhuman condition under which all subjects are living under the colonial imperialism "Orwell" despises so much.

Within such an allegorical reading we would, in all likelihood, qualify "Orwell's" linking and comparing of the man trampled by the elephant to an animal as just another unfortunate feature of the condition of imperialism. At the same time, our possible moral indignation at the racist terms in which the man trampled by the elephant is registered would be deferred to, and brought in line with, "Orwell's" moral judgement on colonial imperialism, which is presented as wrong, degrading, and perverting its subjects on either side. In fact, in the somewhat introductory second paragraph, notably *before* the encounter of "Orwell" with the man trampled by the elephant, this type of moral claim already seems to be hinted at, as "Orwell" explicitly attributes his own schizophrenic attitude to the condition he lives in as a servant of imperialism:

All I knew was that I was stuck between my hatred of the empire I served and my rage against the evil-spirited little beasts who tried to make my job impossible. With one part of my mind I thought of the British Raj as an unbreakable tyranny, as something clamped down, in saecula saeculorum, upon the will of *prostrate peoples*; with another part I thought that the greatest joy in the world would be to drive a bayonet into a Buddhist priest's guts. Feelings like these are the normal by-products of

imperialism; ask any Anglo-Indian official, if you can catch him off duty.
(2, italics mine, BV)

The overall moral of the story, condensed, as it were, in this introductory passage, seems to bear an overarching influence on the subsequent victimhoods constructed. Both the man trampled by the elephant and “Orwell” are presented as victims of imperialism and, as such, degraded to, respectively, a subhuman animal-like creature and a schizophrenic evil-spirited colonial officer. Conversely, let it be noted straight away, and gaining a different outlook on the constructions of their victimhoods, this might allow for questioning and upsetting the overall moral that is offered through the lens of “Orwell.” In this regard, let me first examine the way in which “Orwell” registers the victimhood of the man trampled by the elephant by zooming in on the specific way he relates the condition in which he has encountered the man to the condition of imperialism.

The man is described as lying down, flat and defeated, in a horrifying and disgraceful position. This description coincides with the word “prostrate,” which we already encountered in the passage from the introductory paragraph mentioned above, and which literally denotes: to put or throw flat with the face down.¹¹⁰ In other words, the description of the man trampled by the elephant harkens back to the overall moral conveyed in the introductory second paragraph. This textual dynamic makes the man trampled by the elephant take on an exclusive allegorical quality, as he is made to stand in for “all the prostrate peoples clamped down by the tyranny of imperialism.”¹¹¹ If we follow this logic, the elephant comes to stand for the British Raj, which the protagonist will then try to kill. Consequently, the particular suffering of the trampled man is not addressed, but bypassed, and comes to function as a constituent element in the allegory of the condition of a beastly imperialism. This condition, however, – and this is the effect of the specific allegorical quality that is lent to the man through a subtle synecdochical operation – suddenly also implicates “Orwell,”

¹¹⁰ Etymology of the word prostate: classical Latin *prōstrātus* (adjective) lying flat, laid low, defeated, (noun) person lying prostrate, in post-classical Latin also (adjective) abject (late 2nd cent. in Tertullian), (noun) person who has been slain (Vetus Latina), uses as adjective and noun of past participle of *prōsternere*. Compare Anglo-Norman *prostrat*, Anglo-Norman and Middle French, French *prostré* (13th cent. in Old French), Old Occitan *prostrat*, Spanish *postrado* (mid 13th cent. as *prostrado*). Denotation of the word prostrate: Of a person: lying with the face to the ground, in token of submission or humility, as in adoration, worship, or supplication; (hence more generally) lying stretched out on the ground, typically with the face downwards, OED 2012.

¹¹¹ For an example of the way in which this line is typically read as allegorically conveying Orwell’s position under imperialism as equally clamped down by its tyranny see: Herman Lebovics, *Imperialism and the Corruption of Democracies* (Durham: Duke University Press, 2006).

because, in the second introductory paragraph, his schizophrenic mindset has already been attributed to the very same condition.

If we decide to follow up on the overall moral conveyed in this manner, the only difference between “Orwell” and the man trampled by the elephant, to put it somewhat cynically, is that “Orwell” just happens to take up a different position within the system. This position lends his victimhood an allegorical quality as well, as the last sentence of the passage indicates it is not so much “Orwell,” but, in another synecdochical operation, his job as any other Anglo-Indian official that is responsible for his schizophrenic attitude. Thus, reading this passage through the lens of “Orwell,” as we are invited to do, the victimhood of the man trampled by the elephant is presented as fundamentally identical to that of “Orwell.” The construction of this fundamental identical identity is reliant on not addressing both victims as bearing a particular agency, but as mere icons of the all-encompassing condition of imperialism that works to sustain the overall moral of the story. This begs the question whether the overall moral of the story sustains their victimhoods as fundamentally identical, or whether it is their fundamentally identical victimhoods that sustain the overall moral of the story, a matter I will explore in what lies ahead. At this stage, I only wish to establish that there seems to be a strong interdependency between the overall moral of the story and the victimhoods constructed as fundamentally identical. And yet, we clearly sense “Orwell’s” victimhood *not* to be identical to that of the man trampled by the elephant. To tackle this discrepancy, let me now look at both victimhoods up close.

The man trampled by the elephant is degraded to the status of an animal-like condition and left to function as a mirror, an object, reflecting not so much an object but a fixed condition, symbolically conveyed by literally being ground in the earth. Reduced to this fixed condition and stripped not just of his skin, but also of his individuality, the victimhood of the man trampled by the elephant, one might paradoxically argue, is sacrificed to the overall moral of the story. By contrast, “Orwell’s” schizophrenic, non-fixed condition, not just degrades him, but, as he expresses a high self-consciousness, a rather cunning awareness of his own state, bears witness to an extreme, albeit somewhat perverted, sophistication. Perverse, because he is wilfully prepared or disposed to go counter to what is expected or desired, but, at the same time, sophisticated, because he is aware of his own inconsistency. In short, if the condition of the man trampled by the elephant is conveyed in photographic, metaphorical or allegorical terms, literally as a picture of a dead animal-like being that the reader can control, take up and look at, “Orwell” acts out the ability or the astonishing

and almost superhuman capacity to construct, to narrate, to identify with and to reflect on his own suffering.

Taking this view, when read in terms of their ability to narrate their own victimhoods, the difference we sense between the man trampled by the elephant and “Orwell” might seem to disavow the fundamental identical identity they are administered through the overall moral of the story. Yet, because this difference can still be read as centred on a form of strategic speciesism implied within the operation of a categorization of difference, it does not upset the overall moral of the story and, hence, does nothing to prevent their victimhoods from being registered as fundamentally identical. In short, the fact that both men are momentarily registered as belonging to an absolute different order of species, the human and the animal, is counterbalanced by the gradual difference implied within the sheer contingency of their positions under imperialism. Consequently, addressing the different victimhoods we clearly sensed here in the way I just proposed does nothing to upset the idea of those victimhoods as fundamentally identical. This is why I will now attempt to read those victimhoods as fundamentally particular through an exploration of the way in which the victimhoods conveyed as fundamentally identical relate to the overall moral of the story, *other* than through the allegorical identity forced upon the victims. To this end, I will inquire into the specific narrative underpinnings of the overall moral of the story and attempt to break it open.

If there seems to be an interdependency between the construction of the victimhoods as fundamentally identical, on the one hand, and the construction of the overall moral of the story, on the other, both constructions are reliant upon following through the focalization position that is offered through “Orwell.” This focalization position not merely presents us with a neutral moral but, due to Orwell’s particular genre choice for the autobiographical essay, affords the focalizing party an implicit truth claim in the shape of a sort of first hand, eyewitness testimony. This particular quality invites an identification with “Orwell” as Orwell, making the story seem a genuine reconstruction of the facts experienced by Orwell and the moral delivered the result of its digestion by a moral authority, all the more reliable for not sparing himself in the process.

If the genre choice of “Shooting an Elephant” as an autobiographical essay plays an important role in “Orwell’s” ability to reflect on his victimhood, a strong indication the story is perhaps not as autobiographical as Orwell wants us to believe, might be the odd circumstance that the man, the *mahout* – the only person that can manage the elephant – has apparently set out in pursuit and is now *twelve hours away*. In my view, the conveyance of what seems to me an excessively long time lapse as a kind of insignificant, almost casual remark, is

just the kind of narrative strategy a good storyteller would use. It gets the *mahout* out of the way indefinitely and sets the stage for arranging the confrontation between “Orwell” and the elephant. The more fundamental point, however, is that this genre choice for the autobiographical essay facilitates the aforementioned rationalization of “Orwell’s” irrational mindset: as if “Orwell” reflects on Orwell, seemingly constructing thereby “Orwell’s” subjectivity as an overwhelming rational subjectivity; that is, a human subjectivity because it is marked by a superior capacity for rationality in the Kantian vein.

Yet, looking closer at the kind of rationality “Orwell” displays and at the way in which it is opposed to that of the man trampled by the elephant, exposes “Orwell’s” rationality not to be so Kantian at all. Rather, it should be qualified as a sensitivity, sharply contrasting with the “naturalized” insensitiveness of the dead man. At the same time, this sensitivity can no longer be considered sophisticated, but must now be registered as a very limited sensitivity, as it only concerns “Orwell’s” measure of his own victimhood. The strategic speciesism that registers the victimhoods of “Orwell” and the man trampled by the elephant by way of a categorization of difference here turns against itself, because the insensitiveness afforded the man trampled by the elephant makes it seem as if he does not have the capacity to suffer. In other words, the capacity for rationality has been substituted with a capacity to suffer, whilst nothing has changed in terms of their victimhoods being conveyed as fundamentally identical. It begs the question how “Orwell” measures his own victimhood, if his “rational” register is not suitable to the task?

In the moral-conferring passage from the introductory second paragraph, “Orwell’s” feelings oscillate between the capacity to suffer from rage and hatred *and* the capacity to enjoy the prospect of driving a bayonet into a Buddhist priest’s guts; the capacity, that is, to enjoy the suffering of others. In short, “Orwell’s” identification with his own victimhood is marked by a fusion of the elements of joy and pain, which seems to disable his capacity to engage in the measurement of his victimhood as different from the other victims at the scene. This fusing of joy and pain not just hints at “Orwell’s” inability to move beyond his own victimhood, it also suggests that joy and pain are especially unfit as categories for the measurement of victimhood; not just because their susceptibility to fusion defies the illusion of measurement and the feasibility of their status as separate capacities, but also because, adopted as categories for measurement, they appear to almost inevitably narrate “the rational human being” in a strategically speciesist manner, in the final instance, as the only relevant parameter. As long as these elements are understood as concepts or as

categories, the factor 'joy' ranks higher, more human, than pain, as long as pain remains understood as a minimum ground.

There is a striking analogy here with the allegorical reading in the extra-judicial context of "Shooting an Elephant," on the one hand, and the allegorical construct of an expansive model on the other. In both cases, the rational human being is hierarchically installed through a reductive reading of pain as a mere capacity to suffer as the animal (like) other is not allowed its own discursive space. This parallel is significant because it points to the expansive model's reliance on an exclusive capacity to suffer as taken up with a strict understanding of the legal order as a moral order. The point here is that if I have now further refined the possibilities for distinguishing between the victimhood of the man trampled by the elephant and "Orwell," by exposing his rationality as a poor sensitivity, these differences still remain caught up within a strategic speciesism and with the capacity to suffer as a distinguishing marker and, hence, with the fundamental identical victimhood sustained by, or sustaining, the overall moral of the story. Let us see, then, if besides "Orwell" and the man trampled by the elephant, bringing in the elephant as a third victim can help to explore the way in which alternative identifications with all three victimhoods as fundamentally particular might come about. To this end, and in order to break down the strategic speciesism that has appeared to inform the narrative construction of victimhoods as fundamentally identical for the victims discussed so far, I will now scrutinize, first, the comparison of the elephant with a piece of machinery and, second, the comparison of the elephant with a human grandmother.

5. Re-sensing Victimhood: Particular Zones of Identification

As we have seen, racism in "Shooting an Elephant" relies heavily on strategic speciesist Human-Animal linkages and comparisons. It manifests itself most conspicuously in the last paragraph, after "Orwell" has shot the elephant. This last paragraph presents all three of the "victimhoods" I am currently concerned with:

Afterwards, of course, there were endless discussions about the shooting of the elephant. The owner was furious, but he was only an Indian and could do nothing. Besides, legally I had done the right thing, for a mad elephant has to be killed, like a mad dog, if its owner fails to control it. Among the Europeans opinion was divided. The older men said I was

right, the younger men said it was a damn shame to shoot an elephant for killing a coolie, because an elephant was worth more than any damn Coringhee coolie. And afterwards I was very glad that the coolie had been killed; it put me legally in the right and it gave me a sufficient pretext for shooting the elephant. I often wondered whether any of the others grasped that I had done it solely to avoid looking a fool. (10)

The perspective in this last paragraph has suddenly shifted from the subjective and rather lyrical “I” in the face-to-face encounter with the elephant, towards a more impersonal third person “matter of fact” voice. Whereas the entire text up to this point has been shot through with racist overtones, repeatedly linking and comparing the man trampled by the elephant to an animal, here this consistent procedure spills over into a straightforward *positing* of the victim as lower than an animal. At this stage, however, the elephant is no longer depicted as an animal, but as a piece of machinery, considered more valuable than the man who was killed. On the one hand, the comparison of the elephant with a machine, crafted from a third person perspective at the end of the story, invites the kind of moral claim almost literally spelled out throughout the text; namely, that the true condition of imperialism consists of its subjects being bound to their inescapable fate, which is determined by their fixed place within the system. On the other hand, this type of moral claim also works to let “Orwell” off the hook, as the condition of imperialism seems to leave him just as helplessly subjected and equally clamped down by its “unbreakable tyranny” as the local victims or, for that matter, the elephant. Again, then, the differences between the three victimhoods under discussion are subdued as the victims passively undergo their inescapable fate(s). It suggests that if I would choose to take up the text’s invitation and read the above fragment as an allegory of imperialism, bringing in the elephant as a victim and the way it is staged as a piece of machinery does not further my project.

However, as I concluded before, there are indications that the strong impact of the story does not reside with the usual subjects; that is to say, does not reside with reading the story as an allegory of imperialism. Instead, it seems to me that the impact of the story has much more to do with the shooting of the elephant and the way in which the pain involved – no longer understood as an exclusive capacity – is delivered through the face-to-face encounter with the “I”, the “Orwell” of the story. In this respect, the vocabulary adopted from within the third person perspective in the last paragraph can be considered wholly different from the vocabulary adopted from within the “I” perspective in the face-to-face encounter with the elephant we are confronted with earlier on in the text.

Whereas the first can be labelled strategically speciesist because it is caught up with activating the parameters of the human and the animal and, thus, ultimately with the allegorical reading or summary, as it were, of the story “Shooting an Elephant,” the latter generates a sensation of ‘pain’ that paints a completely different, and arguably much more disconcerting picture, of the victimhoods involved:

But I did not want to shoot the elephant. I watched him beating his bunch of grass against his knees, with that preoccupied *grandmotherly air* that elephants have. It seemed to me that it would be *murder* to shoot him. At that age I was not squeamish about *killing animals*, but I had never shot an elephant and never wanted to. (*Somehow it always seems worse to kill a large animal.*) Besides, there was the beast’s owner to be considered. Alive, the elephant was worth at least a hundred pounds; dead, he would only be worth the value of his tusks, five pounds, possibly. But I had got to act quickly. I turned to some experienced-looking Burmans who had been there when we arrived, and asked them how the elephant had been behaving. They all said the same thing: he took no notice of you if you left him alone, but he might charge if you went too close to him. (7, italics mine, BV)

The elephant is compared with a grandmother and since killing animals strongly contrasts with murdering a grandmother it seems the victimhoods constructed are altogether different. The fragment, however, because it presents yet another example of “Orwell’s” schizophrenic mindset as a victim of imperialism, still carries the allegorical tinge of the moral code of the story, which registers the victimhood of both “Orwell” and the elephant as fundamentally identical. Strictly speaking, then, neither the momentary comparison of the elephant to a piece of machinery, nor the comparison to a human grandmother open up the possibility of distinguishing between the different victimhoods at stake *because* the overall moral of the story is in no way undermined. Yet, in very much the same vein we sensed the victimhood of “Orwell” not to be identical with that of the man trampled by the elephant, we clearly sense the elephant’s victimhood not to be identical with “Orwell’s” either. To tackle this discrepancy, but this time outside of the context of a “strategic speciesism”, I will now use my heuristic figure of ‘pain’ to look at the construction of both victimhoods as fundamentally particular.

The fragment not so much evokes the pain the elephant is about to undergo, but, on the one hand, the painful realization of the inevitability of the

elephant's fate *and*, on the other hand, the painful realization that there is still a choice for "Orwell." This pain does not primarily operate on the basis of an identification with either "Orwell" or "the elephant" as victims, but concerns a situation, which breaks the strategic speciesist terms in which the comparison of the elephant with a human grandmother is delivered into two ways of identification. First, the fact that the elephant is compared with a grandmother triggers an awareness that there is something wrong with what is about to happen to the, at this stage, humanlike elephant. This situation presents a clear moral choice, the problem of shooting a grandmother. Second, there is the identification with the suspension itself, with the uncomfortable sensation that the situation still presents a choice, that although all is lost somehow not all is lost as well as time is running out. In short, the pain evoked here is not the foreseeable physical pain that the elephant is about to undergo, it is not a matter of measuring its capacity to suffer, but is brought on by a sensation of indeterminacy, by a lack of a clear-cut moral standard to which to conform.

Alternatively, the elephant's pain upon physical impact is conveyed in the following subsequent paragraphs:

When I pulled the trigger I did not hear the bang or feel the kick – one never does when a shot goes home – but I heard the devilish roar of glee that went up from the crowd. In that instant, in too short a time, one would have thought, even for the bullet to get there, a mysterious, terrible change had come over the elephant. He neither stirred nor fell, but every line of his body had altered. He looked suddenly stricken, shrunken, immensely old, as though the frightful impact of the bullet had paralysed him without knocking him down. At last, after what seemed a long time – it might have been five seconds, I dare say – he sagged flabbily to his knees. His mouth slobbered. An enormous senility seemed to have settled upon him. One could have imagined him thousands of years old. I fired again into the same spot. At the second shot he did not collapse but climbed with desperate slowness to his feet and stood weakly upright, with legs sagging and head drooping. I fired a third time. That was the shot that did it for him. You could see the agony of it jolt his whole body and knock the last remnant of strength from his legs. But in falling he seemed for a moment to rise, for as his hind legs collapsed beneath him he seemed to tower upward like a huge rock toppling, his trunk reaching skyward like a tree. He trumpeted, for the first and only time. And then down he came, his

belly towards me, with a crash that seemed to shake the ground even where I lay. (8-9)

I got up. The Burmans were already racing past me across the mud. It was obvious that the elephant would never rise again, but he was not dead. He was breathing very rhythmically with long rattling gasps, his great mound of a side painfully rising and falling. His mouth was wide open – I could see far down into caverns of pale pink throat. I waited a long time for him to die, but his breathing did not weaken. Finally I fired my two remaining shots into the spot where I thought his heart must be. The thick blood welled out of him like red velvet, but still he did not die. His body did not even jerk when the shots hit him, the tortured breathing continued without a pause. He was dying, very slowly and in great agony, but in some world remote from me where not even a bullet could damage him further. I felt that I had got to put an end to that dreadful noise. It seemed dreadful to see the great beast lying there, powerless to move and yet powerless to die, and not even to be able to finish him. I sent back for my small rifle and poured shot after shot into his heart and down his throat. They seemed to make no impression. The tortured gasps continued as steadily as the ticking of a clock. (9-10)

The comparison of the elephant with a human grandmother is left lingering here when, after it has been shot, its “mouth slobbers” and an enormous “senility” sets in. Similarly, the elephant’s dramatic rising on its hind legs, its trumpeting, are delivered in typical strategic speciesist vein, reliant, that is, on a most conventional form of anthropomorphism, opposing two legs to four legs. In short, the identification with the pain the elephant undergoes at the moment of real physical impact continues to be conveyed in strategic speciesist terms, as before. The difference, however, is that this strategic speciesism now turns to excess as the description of the elephant’s blood as red velvet lends the victim an almost aristocratic nobility, whilst its concurrent evocation in explicit poetical terms registers it as an archetypical elephant that “might as well be a thousand years old,” dwelling as a sacred object in a pristine landscape.

By implication, the coverage of the elephant’s pain upon physical impact does not concern an identification with the elephant standing there beating its bunch of grass against its knees. Rather, it seems its pain can only be delivered in the form of an impotent approximation. This impotent approximation constitutes a narrative circling around the elephant’s pain through the evocation of an allegorical (strategic speciesist) and symbolical (archetypical) elephant we

can “identify” with and which keeps the elephant itself, the literary figure of what is supposed to represent an elephant, at a relatively safe distance. At the same time, however, and perhaps this is the crux, these approximative modes of identification enter into a relation with something else, and somehow the story breaks the distance. This makes me wonder if the distance is only built to be broken, a matter I will return to shortly.

The point here is that the explicit linking and comparing of the elephant to a human grandmother, whilst adding a flavour of sacredness to this human grandmother through a poetic-archetypical touch, produces an excess that works to register its victimhood in the most severe strategic speciesist terms. This *modus operandi* suggests that reading through the lens of “Orwell,” as we are invited to do, leaves no space for other modes of imaginative identification with the elephant and, consequently, that its victimhood must always remain fundamentally identical to “Orwell’s.” In a strange twist, then, “Orwell’s” imaginative identification politics of impotent approximation *justifies itself* because it is the only narrative strategy available. However, if approximation generally is understood as a linear thing and, hence, assumes an essence to be encountered “out there” or “in there,” which is only blocked by obstacles or hidden beneath a veil, an impenetrable substance, I choose not to work my way through this impenetrable substance. Rather, I wish to look at this impotent approximation as primarily the result of a strategic speciesist mindset, which refuses or fails to acknowledge that there is no essence, let alone an approximation in the linear sense. This begs the question, first, what is it that brings about this sensation of pain, this shocking impact of “Shooting an Elephant,” if not “Orwell’s” approximative identifications? And, secondly, what kind of identification strategies might do justice to its victimhoods as particular? To address these questions, let us first look more closely at “Orwell’s” identification strategy when comparing the elephant to a grandmother.

In a sense, of course, one might perfectly well be moved by the scene as it stands, because the prospect of shooting a grandmotherly elephant offers at least some sort of imaginative identification on an emotive plane. Looking at the way in which the comparison *works*, however, I would argue it to be reliant on a specific register of the emotive: the sentimental. This qualification is not an unscientific matter of personal taste and I do not wish to imply that there is something fundamentally wrong with sentimentalism. My point is not that the comparison of the elephant with a grandmother *is* sentimental, but that it is *presented* as sentimental, as a far-fetched whimsical fancy. The fleeting character of this fancy both plays a key role in its presentation as fancy *and* in relegating it to the sentimental domain. This relegation is effectuated by a

remarkable shift in vocabulary in the sentences following up “Orwell’s” comparison of the elephant with a grandmother: Once “Orwell” has commented it would seem *murder* to shoot it, the vocabulary shifts to his not being squeamish about *killing animals*, to then shift again as it registers the elephant as in the first place a machine, a commodity. This dazzling shift in vocabulary is not gratuitous. It conveys the extremely quick rationalization of “Orwell’s” final judgement, his unspoken “decision” to shoot the elephant, which takes place immediately after the shift in vocabulary has been accomplished, at the very beginning of the next paragraph. At the same time, this shift works to lend his decision a fatalistic aura of unavoidability, making it seem as if the situation presents no (moral) choice for “Orwell” at all.

In this respect, it is noteworthy that the rejection of “Orwell’s” initial comparison of the elephant to a grandmother as a sentimental issue not just removes any possible moral objection to the shooting of the elephant, but that it also kills off the possibility of identification with the elephant’s particular victimhood and, in the process, with “Orwell’s” particular victimhood as well. In this sense, the shooting of the elephant is indeed inevitable in more than one way. It not just results from the pressure of a situation “Orwell” as a victim of imperialism cannot withstand, but is also instigated by a “narrative demand” to conform to the overall moral of the story, which needs the illusion of fundamentally identical victimhoods to sustain itself. This narrative demand is significant, because removing the moral objection that would hinder the shooting of the elephant does not need to imply there is an obligation to shoot it, which is what “Orwell’s” (non) acting would seem to suggest. Rather, it presents a choice lying outside of the sphere of morality, a sphere beyond or, better, before what might at any given time be deemed right or wrong. On a meta level, then, this narrative demand makes the moral of the story work as the law of the story, in that it has to treat all victims, whatever their differences, as essentially equal, as fundamentally identical victims. The paradox resulting from this meta perspective is clear: not shooting the elephant would appear to be “unfair” to the other victims.

Besides removing any possible moral objections to the shooting of the elephant, “Orwell’s” rejection of his own fancy as sentimental is presented as a reality check. This reality check might be considered the way in which it is presented, as a perfectly sane and rational move. If we question what kind of reality is checked, however, we cannot but conclude that it is informed by “Orwell’s” understanding of the elephant as, after all, not a human but an animal. Consequently, it can be used and disposed of as a commodity. In other words, the rational argument at stake in the reality check, which informs

“Orwell’s” judgement, harks back to the parameters of the human and the animal as the only possible viable points of reference. Yet, this reference has nothing to do with reality as it might generally be understood, as in some way tangible, and on the extreme side of fancy, because it here reveals itself as an abstract matter *tout court*. More importantly, going along with the rejection of sentimentality demonstrated by this reality check does not ease the pain.

What, then, I ask, again, may be the imaginative identifications that make the prospect of shooting the elephant such a horrific enterprise, and what kind of narrative weaving constructs this horror in “Shooting an Elephant?” Given my repeated failings to answer these questions it has now become clear that they cannot be answered by zooming in on “Shooting an Elephant” as an allegory of imperialism. This is why I will now attempt to read against this allegory by taking a closer look at why we are inclined to read the story as an allegory in the first place. To this end, I will now zoom out on the text and explore whether its presentation might suggest an opening up to alternative reading strategies.

The presentation of “Shooting an Elephant” offers a relevant analogy with Baudelaire’s “Correspondences,” the poem I analysed in the first chapter, because both texts invite an allegorical reading. If “Correspondences,” despite its stature as a poem, invited an allegorical reading through its presentation as prose and its thick use of trope, “Shooting an Elephant” invites an allegorical reading *because* its presentation as prose logically follows from Orwell’s genre choice. Once engaged in the act of reading, however, both texts seem to be marked by recurrent *poetic* overtones. In “Shooting an Elephant,” these poetic overtones are its effective use of repetition, feeding into the suspension, the shifting perspectives with each paragraph and the emergence of an “I” more often than not on the verge of turning lyrical. I qualify this “I” as lyrical because the reader is put in the position of someone who is listening in, as scraps of what seems interior monologue are interchanged with emergent situations and stages. Admittedly, the last paragraph is a notable exception to this pattern as the figure of the “I” here comes to resemble the figure of a somewhat distanced reporter.

Since the last paragraph clearly presents us with a reflection on the events that have unfolded, rather than letting us experience these events for ourselves, I propose to interpret this allegorical “I” as deflecting our attention from the lyrical “I” that operates the story and therefore as irrelevant for my reading of the story’s victimhoods as particular. Hence, if my analyses of “Correspondences” demonstrated that reading the interaction of its tropes differently unsettled the allegorical reading it invited and opened up its more poetical register, I will now attempt to do justice to the poetic factors in “Shooting an Elephant” and explore whether doing so can help to unsettle its

allegorical reading in an effort to address the victimhoods at stake as fundamentally *particular*.

The text offers a celebration of tropes. The man trampled by the elephant presents a strange case. Before being symbolized through a synecdochical operation that makes him stand for all the “prostrate” peoples, he must have been one of the locals and, in that sense, a particular individual. Yet, we can only infer this retrospectively, as he never enters the narrative in an individual capacity, but is linked and compared to animals in metonymic and metaphorical vein from the very start and ultimately posited as a commodity. The elephant undergoes the same fate, momentarily personified through the comparison with a grandmother, it at once gets caught up in “Orwell’s” reality check, which links it to its traditional other, the nonhuman animal, only to be posited as a commodity as well. In other words, both the man trampled by the elephant and the elephant lose their “metaphorical edge” as the same narrative pattern is followed through to its logical conclusion: 1. Linking 2. Comparing. 3. Positing, whereby the linking and comparing mingle and, more often than not, constitute one another. The main tropes involved in this pattern are metonymy, metaphor, synecdoche and anthropomorphism, both in its conventional and strict sense. The ways in which these tropes interact when it comes to the construction of “Orwell” as a victim follows a less straightforward pattern.

The one trope that follows the same pattern in all three cases, however, is the synecdoche, because it works to present the man trampled by the elephant, “Orwell” and the elephant as interchangeable victims, as “parts” that each represent the fundamental and “whole” victimhood brought on by the weight of imperialism. The man trampled by the elephant as “prostrate,” the elephant as an archetypal elephant – as yet another copy of the original-mythical elephant – and “Orwell” as “any other Anglo-English official” can stand as concrete examples of those synecdochical dynamics. In this respect, the synecdoche could be said to fulfil its ideological charge here in a meta kind of way. However, the synecdoche can *also* be read as doing something else, precisely because, as I concluded in the previous chapter, it can never simply be a neutral figure of speech. In this case, I would like to argue that synecdochical operations run and spread through the text in ways that open up the possibility of transforming the interchangeability forced upon the victims into a full blown interaction of the spaces of their identity. Let me zoom in on this potentially subversive synecdochical dynamic by exploring the narrative weaving that affects it in conjunction with the effect the other tropes bear on “Orwell’s” constitution.

“Orwell” gets caught up in the game of linking, comparing and positing from the very start. In the first paragraph we come across the following sentence (the italics are mine): “As a police officer I was an obvious *target* and was *baited* whenever it seemed safe to do so.” “Orwell” is presented as a target, an animal of prey, a *therion*, a wild beast.¹¹² In the second paragraph, the locals are described as: “evil spirited *little beasts* who tried to make my job impossible.” Still later, the elephant is referred to as a great beast: “The friction of the *great beast’s* foot had stripped the skin from his back as neatly as one skins a rabbit.” In short, the text *introduces* our three characters as victims by comparing them with animals that are all accorded the same name. This homology points to a categorization of difference at work in the text, because the accompanying adjectival qualifications of the three characters under discussion, “little,” “great” and “baited,” convey their victimhood as different only in degree and, thus, as essentially identical from the very moment they are introduced.

Once the characters have been introduced and the confrontation of “Orwell” with the elephant is set, however, other comparisons join in that work to disturb this picture. In fact, the second time “Orwell” is compared with an animal it is not with a beast but with a toad: “If the elephant charged and I missed him, I should have about as much chance as *a toad under a steam-roller*.” This comparison is significant; first, because it is at odds with the earlier qualification of “Orwell” as a beast, which erodes the fixity of its status as a beast by offering a different identification. Second, because the comparison of “Orwell” with a toad not only upsets the introductory qualification of “Orwell,” the man trampled by the elephant and the elephant as fundamentally identical “beasts,” but simultaneously constitutes an imaginative identification with the wounded elephant, which, despite being shot repeatedly seems to remain unaffected and motionless as it keeps breathing as steadily as the ticking of a clock. For purposes that will become clear I repeat the passage in quoting it again:

His body did not even jerk when the shots hit him, the tortured breathing continued without a pause. He was dying, very slowly and in great agony, but in some world remote from me where not even a bullet could damage him further. I felt that I had got to put an end to that dreadful noise. It seemed dreadful to see the great beast lying there, powerless to move and

¹¹² Middle English: from old Norse *beit*, pasture, food, *beita* to hunt or chase. Interestingly, Homer did not have a word for the animal or for the living being (*zoon*). He only used the word “*therion*,” which specifically meant the animal to be hunted. See: A. Chorus, *Het denkende dier: Enkele facetten van de betrekking tussen mens en dier in psychologische belichting* (Leiden: Sijthoff, 1969), 39.

yet powerless to die, and not even to be able to finish him. I sent back for my small rifle and poured shot after shot into his heart and down his throat. They seemed to make no impression. The tortured gasps continued as steadily as the ticking of a clock. (9-10)

The pain delivered by this picture of steady breathing and motionlessness effectively slows down our experience of narrative time and, in that sense, mirrors the comparison of “Orwell” with a toad, which, in its desperate slowness, would seem motionless and unaffected as long as the steamroller has not ground it into the earth. Moreover, this hint at the fate of being ground into the earth also connects “Orwell” with the man trampled by the elephant. In other words, “Orwell,” the elephant and the man trampled by the elephant here come to share what I want to call a zone of identification. Such a zone is no longer reducible to sharing a capacity; it is not brought about by an interchangeability, but by an interaction that connects their positions in terms of “situation.” Thus, the comparison of “Orwell” with a toad brings about connections that allude to the figure of identity as other than a fixed and marked off condition. These connections are sensed rather than deduced, whilst the emergent imaginative identifications are not produced by comparing one victim with the other but through an imaginary and intermediary third, in this case the figure of the toad. In fact, the toad itself seems to be the figure par excellence to convey this dynamic as the toad happens to be one of those animals that defies the strict rules of taxonomy, thereby resisting identification by designation into a category since there is no clear-cut taxonomic distinction, for example, between frogs and toads.

The skin of the toad seems to play a key role in resisting clear identification because it is its slimy, metamorphic skin that allows for its shape-shifting and its blending in with its environment. In this respect, the figure of the toad in “Shooting an Elephant” works to contrast the way in which the notion of the skin is conveyed through the victims under discussion, namely as an outer shape that might serve as a reliable figure of identity to our senses. The man trampled by the elephant has his skin scraped off, the elephant is scraped to the bone after “Orwell” has left the scene, and “Orwell’s” comparison of himself to a toad testifies to his own preoccupation, albeit only figuratively, with saving his own skin. Indeed, if the skin represents a conventional figure of identity that both the man trampled by the elephant and the elephant have involuntarily shed off, the comparison of “Orwell” with the toad affords him not the same, but a similar quality of nakedness, of vulnerability, bringing about another engagement, another interaction with the other victims.

This interaction, however, does not yet upset the notion of skin as a conventional figure of identity, marking off the inside from the outside, but still operates on this binary as complicit with a linear understanding of identity that can be approximated. It does, however, pave the way for yet another possible imaginative identification which works to question the notion of the skin as a figure of identity, thereby upsetting the conventional figure of identity itself. The trope involved in bringing this imaginative identification about is the synecdoche, which here not so much substitutes the “parts” with the “whole,” but allows for letting the identities at stake slip into one another. First, the conventional notion of the skin as a “part” holding together the supposed singular “wholeness” of each victim’s body is laid bare through the figure of the toad. Second, “Orwell’s” marked-off identity is absorbed by the crowd: as “Orwell” *marches* forward, the crowd *marching* at his heels is presented as a singular entity with a single throat producing one sigh: “The crowd grew very still, and a deep, low, happy sigh, as of people who see the theatre curtain go up at last, breathed from innumerable throats.”

Shortly hereafter, it is into the pink caverns of the elephant’s throat that “Orwell” pours shot after shot. Note that “Orwell” does not “fire” shot after shot but “pours” it in, as if the elephant were thirsty and is drinking. Since “cavern” denotes a vast dark space, and because the elephant’s thirst cannot be quenched, it seems as if the shots fired are swallowed in the void. In other words, the bullets never reach their target because they cannot penetrate the impenetrable substance of the pink caverns. It suggests “Orwell’s” shooting no longer follows a linear logic, but takes on the quality of a last desperate effort at approximate identification doomed to fail. What is more, the pink colour of the caverns may be read as neither blood (inside), nor skin (outside) but as an inseparable mixture of both, which works to upset the binary informing the logic of linear approximation that the skin, as a conventional figure of identity, would assume. In short, the picture of helplessness so vividly painted here does not necessarily concern the poor elephant or “Orwell’s” inability to finish it off. It can also be read as conveying “Orwell’s” helplessness at establishing an imaginative identification with the elephant.

At the same time, as the effect of the bullets is described, a disorienting implosion of terms is bestowed upon the elephant: “But in falling he seemed for a moment to rise, for as his hind legs collapsed beneath him he seemed to tower upward *like a huge rock toppling*, his *trunk reaching skyward like a tree*.” In this scene, the elephant, and not just “Orwell,” is no longer described as a fixed and marked-off entity held together by its skin. Rather, the elephant emerges as a metamorphic entity, not in the process of dying, but in the process of a fantastic

metamorphosis that has now come to implicate the organic as much as the inorganic.

In fact, the elephant is registered in terms of what Marina Warner has suggested to be typical metamorphic imagery, involving processes of hatching, splitting and doubling.¹¹³ This fantastic metamorphosis differs from the classical Judeo-Christian conception of metamorphosis in a significant way, since the latter conveys a renewal in a linear development of an entity towards its final identity, whereas the first is understood as a continuous process of shape-shifting life that takes place within a profound ecological interdependency. Unlike Warner, however, I choose to understand the terms hatching, splitting and doubling not literally, say, as hatching from eggs, but rather as the sudden emergence of a new being: The elephant suddenly emerges, when it appears round the corner and tramples the man, when it appears in the field, when it beats its bunch of grass against its knees, as it suddenly rises after being shot. In short, in my reading, the metamorphic imagery we are confronted with after the elephant has been shot breaks the linear pattern implied by reading “Shooting an Elephant” as an allegory; that is, as a story with a typical beginning middle and end. In this view, the end of the elephant is not the end of the story but just another emergence of the elephant that shapes the connections to the other victims at the scene.

Yet, my attempt to address the victimhoods involved as particular by reading them as being played out against a constantly shape-shifting, rather than a linear process of metamorphosis, does not need to imply that the shocking effect of “Shooting an Elephant” can be attributed to close reading it as an allegory of this shape-shifting type of metamorphosis alone. Rather, it is a bringing into conflict of both forms of metamorphoses that sustains the shocking impact of the story. In short, the shooting of the elephant activates a reading in which it is put down by being shot at in the skin *and* a reading of the desperate shootings in its throat, this pink fleshy unidentifiable substance, which suggests that it cannot be put down by being shot in the skin. Similarly, the elephant’s rising on its hind legs and its trumpeting (the characteristic behaviour of elephants when giving birth) activates a reading that conveys some kind of resurrection fraught in the most conventional strategic speciesist terms *and* can be read as expressive of its horrible fate and of its connection to the different and particular fates of the other victims.

I conclude that reading “Shooting an Elephant” through the open figure of pain has opened up non-conceptual identifications with the different

¹¹³ Marina Warner, *Fantastic Metamorphoses, Other Worlds: Ways of Telling the Self* (New York: Oxford University Press, 2001).

victimhoods at stake in the text. The comparison of “Orwell” with a toad and the implosion of metamorphic imagery at the moment the elephant is being shot works to connect “Orwell” to the man trampled by the elephant and to the elephant in many different ways. These connections have been set in motion by close reading the explicit comparisons sustained by metonymy and metaphor in interaction with the workings of trope, especially the trope of synecdoche. This process opens up the closed off metaphorical edge within which the three victimhoods under discussion were framed by the overall moral of the story, by the allegorical reading of “Shooting an Elephant.” These victimhoods, released, as it were, from their fundamental identical identity, have come to constitute one another, because the interactions of trope instigated a doubling metamorphic dynamics that allowed for imaginative identifications pointing to the porosity and fluidity of identities. Consequently, the narrative intensity caused by the interaction of tropes could no longer be accommodated by the suspense of the story alone, but bred an implosion of perspectives and a concurring slipping of identities, which caused the interactions of the positions of the victims as situational.

Thus, if the condition of imperialism in “Shooting an Elephant” exposes colonial imperialism as a system that effectively negates the pain of others, this only happens as long as this other is read in strategic speciesist terms. Alternatively, a poetic strategy can create an openness, a possibility for identifying with the pain of others, a possibility for a non-conceptual identification in the gut. In other words, reading pain as I have done now invites the question not which rule I should apply, but asks for an inter-subjective engagement. In this respect, “Orwell’s” choice to shoot the elephant does not need to be interpreted as a strict moral or legal obligation, but may also be read as the possibility for solidarity with an(y) other. In an effort to further explore the implications of this conclusion I will now look closer at the ways in which “Orwell’s” decision might affect his position as both a legal and a moral subject within the allegory “Shooting an Elephant.” This will enable me to reflect on how those legal and moral positions relate to the structure of the expansive model within the law.

6. The Legal and the Moral Subject

When “Orwell” takes up a gun to see what he can do about the situation with the elephant he uses a term from the legal domain:

I took my rifle, an old .44 Winchester and much too small to kill an elephant, but I thought the noise might be useful *in terrorem*.¹¹⁴ (2-3, italics in text)

A further explicit reference to the law is made in the last paragraph where “Orwell” declares having acted in accordance with the law:

Besides, legally I had done the right thing, for a mad elephant has to be killed, like a mad dog, if its owner fails to control it. (10)

“Orwell”, somewhat uncomfortable with the shooting of the elephant, not only blames the condition of imperialism for his actions, but also invokes the law as providing him with an adequate moral framework for having done so. In other words, “Orwell’s” comment poses the law as congruent with a moral order, whereas “Orwell’s” discomfort suggests this moral not to be in line with his choice to shoot the elephant. Apart from this troublesome discrepancy, what remains implicit in “Orwell’s” comment is that the legal standing of subjects also demands a legal form of consideration towards those subjects. In short, if a mad elephant has to be killed like a mad dog, “Orwell” would appear to have fulfilled his legal obligation and have done the right thing. He only did the right thing, though, if he insists on confusing the legal with the moral. This is problematic, as his unsuccessful attempt at absolving himself from guilt or, less dramatically put, his transfer of responsibility by pointing to the legal side of the matter demonstrates.

Furthermore, the plain fact that the elephant has a legal status does not protect it from harm. This has everything to do with the way in which the elephant is framed in legal terms, since the elephant is only entitled to protection from the law as long as it qualifies as a tame elephant. And even this qualification can only protect it from harm to a very limited extent, because it merely implies the elephant cannot be killed by anyone but its owner. The more fundamental problem, however, is that *because* it has a specific legal subjectivity, its shooting can now be legitimized and be considered a legal obligation. In other words, the limits posed on the protection from harm here resonate with the limits installed by an expansive model, because a poetic cruelty is generated as the animal is synecdochically substituted with one of its supposed characteristics or capacities, in this instance, the elephant’s tameness.

¹¹⁴ *In Terrorem*: Latin, in fright or terror; by way of a threat. A legal warning, usually one given in hope of compelling someone to act without resorting to a lawsuit or criminal prosecution. Based on Merriam-Webster’s Dictionary of Law, 2001.

What my reading of “Orwell’s” comment further suggests is that the limits an expansive model poses are not just installed through the synecdochical substitution of certain characteristics or capacities, but that those limits are installed and sustained by a narrative demand to confuse the moral with the legal. This does not in any way guarantee, as the shooting of the elephant demonstrates, the protection of such a legal subject from harm.

Within an expansive model, this problem might, at least in part, be attributed to its being centred on the touchstone of the capacity to suffer, which, as we have seen, must ultimately result in registering the other in strategic speciesist terms. The paradox is clear: The expansive model’s moral is constituted by deeming speciesism as the wrong thing to do because it is centred on the basic principle of equality. Yet, in order to sustain this moral position it must introduce a strategic speciesism that registers some legal subjects as more equal than others, while other subjects cannot become legal subjects at all. In short, the expansive model poses, by way of yet another rudimentary chiasmus, “the moral subject as a legal subject” and “the legal subject as a moral subject” and centres this unwarranted presupposition on the basic principle of equality that Singer posits as the grounds for extending moral consideration towards other beings. This is why I will now explore what role Singer’s basic principle of equality plays in the confusion of the legal with the moral order within an expansive model.

Singer explains the extension of the basic principle of equality not as factual equality but as equality of consideration:

The extension of the basic principle of equality from one group to another does not imply that we must treat both groups in exactly the same way, or grant exactly the same rights to both groups. Whether we should do so will depend on the nature of the members of the two groups. The basic principle of equality, I shall argue, is equality of consideration; and equal consideration for different beings may lead to different treatment and different rights.¹¹⁵ (217)

This seems a fair and nuanced position. Singer here treats the basic principle of equality as a moral idea but conveys an acute awareness that equal moral consideration can and must have different legal implications for different beings. At the same time, however, his position does not account for the logic of equality as a basic principle. This begs the question, first, why is equality a basic principle at all; and secondly, if it is not the only basic principle with what other

¹¹⁵ Singer, *ibid.*, Practical Ethics.

basic principles does it compete? These questions may seem rather abstract. They are, however, highly relevant to my current project since, within a Bentham-inspired expansive model, another human aim, namely to prevent or reduce suffering, also appears to be accepted as a basic principle. This implies that one basic principle could potentially enter into conflict with another basic principle. The implication of this simple fact is that, as far as the expansive model is concerned, its basic principle of equality should not be read as a rule that may be taken for granted as some sort of natural law that cannot be tampered with. Rather, the basic principle of equality appears as a rule that follows from the position this basic principle entertains within a wider field of basic principles.

If this is indeed the case, it now becomes possible to read the touchstone of the capacity to suffer as stemming from a new basic principle adopted by the theorists and philosophers at the forefront of the animal rights debate today. In short, the touchstone of the capacity to suffer has become the rule by which to measure suffering for those who hold as a basic principle that suffering must be prevented and reduced. By implication, the expansive model brings together a basic principle revolving around a notion of suffering with a basic principle of equality.

The amalgamation of those two basic principles, I propose, must enter somewhere into conflict as it culminates in the types of cruelty that the expansive model generates. This conflict and the resulting cruelty stem from reading the basic principle of equality as a *moral* principle, whereas it is only implied as a *legal* principle because speciesism is legally deemed untenable. Conversely, the *legal* stance on preventing or reducing the suffering embodied in the touchstone of the capacity to suffer is read as a *moral* principle, whereas this moral principle is betrayed by the generation and incorporation of cruelty within the legal sphere. Effectively, what this confusion of the moral with the legal amounts to is that the expansive model extends the basic principle of equality to other “species” on the grounds of a continuum *between* the species. The (strategic) speciesism operated by this confusion consists of formulating the capacity to suffer as a bottom line, as an exclusive and minimum capacity that other species may share with humans. It is only then that those other species may be subjected to the basic principle of equality, which, as it comes second, reveals itself not to be such a basic principle at all.

Thus, the common sense idea that the touchstone of the capacity to suffer leads to the rule that those nonhuman entities sharing this capacity might be granted consideration and, within an expansive model, at least some of those rights, amounts to a gross simplification of what is at stake within the expansive

model we are faced with today. Rather, it has appeared that a *conflict* of the so-called basic principles of equality and the basic principle of preventing or reducing suffering installs a confusion of the moral with the legal subject, which informs the workings of the expansive model and the cruelty it generates. In this respect, it seems fair to conclude that the expansive model does *not* amount to the extension of a clear-cut moral principle as such, but that the morality it might at any given time convey must always result from a political *Austausch*. In other words, the question the expansive model is meant to answer, as to who or what is a subject of rights, cannot be answered within its framework because the expansive model appears to be the result of a political struggle in the guise of a polemic on possible touchstones. For this reason, I will now return to one of the most controversial but often bypassed issues woven into this polemic, the issue of dignity. In the previous chapter, I explored the theoretical and philosophical underpinnings of dignity and established that the problem of animals bearing no dignity severely complicated thinking through their position as subjects of rights. Here, I will draw on a recent political polemic in the Dutch context to contemplate how this weaving takes effect in practical terms in our modern imagination in order to move away from it once and for all in the next chapter.

7. Dignity in Practice

In 2010, a Dutch political party proposed the introduction of five hundred animal cops to the national police force. Their specific task would be to combat animal abuse within the domestic sphere. This proposal met with severe criticism from other parties. The argument of those opposing parties ran as follows: it is sentimental and hypocritical to advocate the introduction of animal cops to protect one group of animals from harm – mainly pets – whilst not doing anything about the harm inflicted upon the masses of animals in the factory-farming industry. This seems to be a solid argument, especially given the fact that the inspection service that is meant to control the Dutch factory-farming industry is typically ill-equipped and undermanned. The point here, however, is that this criticism portrays the division into categories of animals to be protected and those to be left to themselves, or rather, to the factory-farming industry, as arbitrary in a conventional sense, using the adjectives “sentimental” and “hypocritical” to deem such arbitrariness untenable. In other words, the accusation of subjective arbitrariness is reliant on the fiction of an “objective,” “non-arbitrary” and consequently “just” but necessarily fictional contraposition.

This suggests that the parties opposing animal cops, contrary to what their accusative tone suggests, cannot provide objective alternatives either, but can, at most, resort to what they consider more practical alternatives, a better and more effective distribution of resources.

Be that as it may, the political party advocating animal cops, perhaps aware of the futility of arguing about arbitrariness in conventional terms, has apparently chosen not to play that game at all. Instead, it has countered accusations of hypocrisy and sentimentality, not by laying a nonsensical claim to non-arbitrariness, but by introducing a rather more (or less) mysterious argument: it is not just for the sake of the animals that we want these animal cops, but we also desire animal cops because they can help us do something about a category of seriously mentally disturbed culprits that tend to engage in the cruel treatment of animals at a very young age.¹¹⁶ This argument brings about a shift in focus from “the protection of the animal” to “the protection of the human.” In other words, instead of answering to, this argument *defers* accusations of hypocrisy and sentimentality by extending the motivation for the installation of animal cops from an animal to a human interest. It is clear, however, that this shift is not primarily concerned with protecting the particular type of human culprit evoked, but that it concerns something else, the protection of something like “society at large”; not just of humanity as such, but of the humanity of humanity, which must be safeguarded from a specific type of human culprit by its timely (i.e. at a young age) but *after* the fact, arrest and imprisonment.

This position might have something to do with a typical perspective on the humanity of humanity the political party under discussion might entertain. In fact, from its consistent commitment to the protection of domestic animals, and not to the animals in the factory-farming industry, we may gather that the harm done to domestic animals is considered as posing a threat to its conception of the humanity of humanity, whereas the kind of harm potentially caused to another and much larger category of factory-farmed animals is not. By implication, the resulting paradox is *not* the irreconcilability of the party’s desire to protect one category of animals, mainly pets, and not the category of animals in the factory-farming industry. The real paradox here would be that if the humanity of humanity is considered at risk, it is allowed to use this same animal, the one that needed to be protected by animal cops, as *bait* in order to hunt down and catch the human culprit. In short, what this attitude represents is not so much a double

¹¹⁶ For a well-documented exploration of this pathology and its implications see: *The International Handbook of Animal Abuse and Cruelty, Theory, Research, and Application*, ed. Frank R. Ascione, (West Lafayette, Indiana: Purdue University Press, 2008).

standard but a moral idea reminiscent of Kant's idea of an intrinsic worth or "dignity" of the human being.

As we have observed in the previous chapter, according to Kant, dignity, the humanity of humanity, was defined by rationality and, as such, rationality was constitutive of an insuperable line that animals, by their very nature, could not cross. More specifically, Kant thought that rationality bore a causal relation to *having interests*, which implied humans possessed an intrinsic value, a dignity, which was why only humans could be entitled to moral consideration and why only humans could be regarded as bearers of rights. Consequently, Kant maintained that all our duties to animals are really indirect duties to humanity and the reason why we should not be cruel to animals for the sake of the animals themselves is because being cruel to animals might hinder human moral improvement. It is precisely in this respect that the argument provided by the Dutch political party advocating animal cops betrays a fundamental Kantian outlook. More importantly, since the parties opposing the introduction of animal cops have only done so by stressing the inadequate distribution of recourses that would be implied within the decision to introduce animal cops, we can surmise that the Bentham-inspired concern with the suffering of animals as a capacity to suffer betrays a Kantian spirit across the political spectrum that still seems very much alive today.

The point here, however, is that this Kantian attitude conveys a commitment to two notions I have rendered highly problematic in the previous paragraph: first, a belief in human morality as such; *and* second, in the law as a system, or structure that holds the power to distribute rights according to the moral standing of an entity. As we have seen, these Kantian notions infect Singer's "practical ethics" and seem to have inspired the animal rights debate to take up its implied basic principle of equality as a justification for the expansive model. It shows how a conception of intrinsic worth, or dignity, whether slumbering or explicitly formulated, still bears a considerable influence on the harm to animals that the law is likely to permit or curb in our time. In short, if in the animal cops debate both pets and cattle are considered animals that suffer from harm, the different level of preoccupation with the harm of those victims, not just by the parties that advocate animal cops but across the political spectrum, suggests their identity and victimhood must legally be performed in very different ways. It suggests, once more but in yet another way that the legal weaving of their respective subjectivities cannot be interpreted as a straightforward moral or metaphysical issue at all. Rather, those subjectivities must be brought about by establishing artificial legal, moral and philosophical categories that somehow solve the political-juridical and *not* some "naturalized"

moral dilemma of granting one category of animal protection, whilst excluding the other. Hence, looking at the philosophical basis that enables the law to frame its different legal constructions and exploring the ways in which the literary can inform this framing might help to move away from the kind of nonsensical but, in my view, symptomatic and Kantian polemic the parties mentioned above are engaged in.

8. Conclusion

The expansive model, with its unique touchstone of the capacity to suffer, reduces ethics to a matter of calculation, because it is reliant on a unwarranted biological-scientific notion of suffering that works to sustain the fiction that suffering can somehow be measured. The law, however, is not only, and surely not necessarily, operative on either calculation or morality – with each right imagined as bearing some sort of intrinsic moral value in itself. Nor, as we can learn from the problem of cruelty an expansive model poses, is the law necessarily concerned with the moral standing of the entities it happens to subject. In short, the expansive model, because it centres itself on a basic principle of equality, betrays a perspective on the law as intrinsically moralistic, which it is not. The law, as much as it might be *interpreted* as a moral system fraught within a (metaphysical) strategic speciesism and all the polemic issues ensuing from such interpretations, might very well coincide with a prevailing popular moral at any given time. However, as thinking through the praxis of an expansive model has shown, it remains primarily an artificial category and thus should be approached as such.

Looking closer at the question of dignity by drawing on a concrete example from the political domain has suggested intrinsic value cannot be measured, because value can only ever be extrinsic, which implies measurement, or calculation, conflicts with ethics. My close reading of “Shooting an Elephant” has tried to imagine such extrinsic values through the open figure of pain and not by the measurement of some naked power or capacity like the capacity to suffer. What my reading has demonstrated is that literature is able to do more than just work through animals metaphorically, allegorically, with all the anthropomorphisms, both conventional and strict, implied. By implication, the working out of animals in the law, as another but still textual genre, does not have to be contained by the law’s seemingly more severe and sober categories either. Hence, if dignity is never intrinsic, but always extrinsic, the moral subject and the legal subject might be viewed as two

entirely different subject matters, in very much the same way as I concluded in the first chapter that person and legal person do not *necessarily* have anything in common. Instead of looking at the law and which rule to apply, then, doing justice seems to require an ethics not formed by and reduced to the supposed morality at stake, but by answering responsibly to a given situation.

In this respect, my close reading of “Shooting an Elephant” has shown that we may envisage other subjectivities than those that are framed within the traditional Human-Animal opposition if we look at the way in which victimhoods are constructed not in opposition to one another but through connections that are sustained within a zone of identification. More specifically, my reading of “Shooting an Elephant” has suggested that such readings require not an oppositional but a tripartite structure, a matter I will take to a meta level in chapter four by introducing a third element to the traditional Human-Animal opposition so as to explore the limits I believe it still poses to our modern imagination of the animal other.

