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## **The Case Against Animal Rights: A Literary Intervention**

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## Conclusion / Animal Rights

In my introduction I proposed that the way in which animal rights are discussed today hinges on an irresolvable demarcation problem that is implied within a discourse that is still very much indebted to a traditional framing of the question of the animal. My wish to intervene in the discussions in order to progress an animal rights debate caught in a polemical deadlock, prompted a radical turn to language. This is why, in the above three chapters, I have explored the way in which tropological formations operate the fundamental juridical concepts implied within demarcation. This strategy ultimately forced me to consider the question of the animal as a problem of language itself, which I attempted through a close reading of Derrida's deconstruction of Heidegger on animals.

In the chapters leading up to this overall conclusion, we established that the conceptualization of personhood within an expansive model was embedded in a philosophical discourse centred on the concept of dignity, which we retraced – via Kant – to the advent of human rights. In the first chapter, my exploration of the way in which the notion of “person” is performed, rather than taken as given, through a comparison of the trope of personification and anthropomorphism, has enabled me to tease out an important conceptual distinction between anthropomorphism and trope. This has helped me to develop another outlook on person; namely, as a name that is to be understood in a homonymic vein if we want to do justice to the fundamental arbitrariness any demarcation decision within the law implies.

This has led me to conclude that the law, if it wants to come to responsible decisions, must acknowledge itself as “an expert in the unknowable,” since it cannot operate but in an arbitrary way. Hence, instead of compulsively invoking its mythical foundation each time a demarcation decision has to be made, the law should perhaps not address those questions it is not equipped to answer; that is, if it does not want its “natural” arbitrariness to be excessive and, hence, irresponsible. One poignant example of such a dynamic whereby arbitrariness turns to excess has been the prisoner's council case, which I read through the lens of Barbara Johnson and which offered a striking parallel to the position of animals within the animal rights debate. The different homonymic notion of person I developed not only exposed the fundamental arbitrariness involved in the law's decision not to grant the prisoner's council personhood, it also illustrated that the law could not address the prisoner's council question to get their cigarettes restored but that its decision on the prisoner's council's personhood led to the denial of their cigarettes anyway. It is

here that we may find arbitrariness becoming excessive and spinning off into irresponsibility. This irresponsibility became even more apparent when we explored the reasons for not granting the prisoner's council personhood. It appeared that this decision was motivated by an interpretation strategy of legal texts that were formulated in such a way that there was enough room for the judge to make a policy decision that exempted the prisoners from qualifying for legal protection under personhood.

In the second chapter, we explored the fundamental concepts of harm and cruelty and recognized the way in which those concepts that structure the animal rights debate were performed rather than given. This has become especially apparent within my reflection on the analysis of Wolfson and Sullivan's research on the impact of animal cruelty laws in relation to factory-farming in both the United States and Europe. It appears that animal cruelty laws across both continents provide an exemplary case of the type of irresponsibility that is implied within an excessive form of arbitrariness. In this respect, we may now observe that animal cruelty laws generate the cruelty they are installed to protect against as they have appeared to create a legal climate of exemption, which effectively generates its own unprotected animals. My exploration of this climate of exemption for factory-farmed animals has also suggested that those animals we may have expected to be subsumed under the general singular the animal, making up the vast majority of animals, are actually registered as *other* than animal. This troubles the boundaries between the Human-Animal opposition in a fundamental way.

My subsequent zooming in on the exceptional status of factory-farmed animals through a close reading of George Orwell's *Animal Farm* has not just fostered a better understanding of the demarcations between humans and animals, but it has also shown how, within this traditional demarcation, another demarcation, namely between animals, is always already implied and performed in relation to this opposition. Whereas Wolfson and Sullivan focused on the legal aspects of the climate of exemption that animal cruelty laws installed, I have attempted to explore the underlying forces that discursively install this climate of exemption. This has led me to identify a conceptual gap between harm and cruelty within the juridical sphere that hinges on the impossibility of the law to conceptualize animal dignity. Since this conceptual gap is reinforced by the way in which the relation between harm and cruelty is performed both within and outside of the strictly juridical sphere, but also within the context of the animal rights debate, I have come to qualify the way in which factory-farmed animals are accommodated within juridical discourse as representing a totalitarian streak that has nested itself in the animal cruelty laws. At the same

time, it is constitutive of a much wider variety of disciplinary discourses that operate the biopolitical situation we now live in, globally.

My findings here have not just led me to conclude that animals cannot be accommodated within an expansive model for the endless polemic on demarcation that such a model installs, but also that granting more animal rights is not the solution if we want to live in a world with animals in a responsible way. This is why, in the third chapter, I have proposed other ways of thinking through the way in which we might imagine the relation between ourselves and animals, through a reflection on their victimhoods as other than constructed through the fundamental concepts of harm and cruelty. Here, my alternative and necessarily heuristic notion of “pain” has opened up to imaginative identifications with the victimhoods of animals. These imaginative identifications, rather than having remained indebted to the traditional Human-Animal opposition and all the demarcation problems implied, have offered the prospect of a zone of identification we might share with animals and hopefully spurred the idea that we may try to re-sense our relation in terms of connectivity, rather than opposition, through emphatic readings of the world we share with animals. In this re-sensing of the question of the animal, thinking has by no means appeared to be out of fashion but to operate as an important constitutive mode.

Finally this re-sensing, rather than re-juridifying, of the question of the animal has begged more questions and territory to be explored than I could have imagined when I started this project. What has become clear, though, is that this re-sensing involves introducing a “third” in more than one way. On the one hand, the proposal to introduce this “third” may be understood as a reading strategy, where each time one reads one text through the lens of the other, rather than going to the “source” of a text. This is what I have aimed for in each and every chapter. On the other hand, and still more fundamentally, at a time when the boundaries between the human and the animal are increasingly blurred, this introduction of a “third” appears to be indispensable if we want to renegotiate the traditional Human-Animal opposition that the animal rights debate is still too exclusively caught up in. This is what I have attempted in my final chapter in the shape of a speculative analysis of Heidegger’s tri-partition, which I hope will stimulate further debate.