The Anthropomorphic Hegemony of Subjectivity: Critical Reflections on Law and the Question of the Animal

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Prolegomenon on the Role of the Polyphonic Novel for (Animal) Law: J.M. Coetzee's *The Lives of Animals*, the Voice of Refusal, and the Subversive Performativity of the Novel

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Abstract, This article reflects on the capacity of literature to problematize the authority of traditional philosophical and legal discourses and circumvent some of the theoretical and ethical constraints that they pose in relation to the question of the animal. It draws on Mikhail Bakhtin's critical work on the novel in order to put forward a reading of J.M. Coetzee's *The Lives of Animals* as polyphonic novel and analyze the protagonist's voice of refusal while illustrating how Bakhtin transformed fundamental aesthetic principles into the foundation of a coherent ethical theory. Literature and its potential to destabilize meaning and challenge the authority of a singular interpretation are central to the argument being developed. The article explores how a politics of refusal is fundamentally engaged in the task of exposing a limit, in turn preserving the possibility of an alternative thought of human–animal relationality and ultimately another law.

Keywords, animal ethics, Mikhail Bakhtin, polyphony, J.M. Coetzee, Socratic dialogue, sympathetic imagination, refusal, carnival, Jacques Derrida

> I should think that today we are at least far from the ridiculous immodesty that would be involved in decreeing from our corner that perspectives are permitted only from this corner. Rather has the world become "infinite" for us all over again, inasmuch as we cannot reject the possibility that *it may include infinite interpretations*. Once more we are seized by a great shudder.[1]
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> The animal looks at us, and we are naked before it. Thinking perhaps begins there.[2]

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INTRODUCTION

My aim in this article is to offer tentative reflections on ways in which literature might begin to open up new potentialities and risks for thought in relation to the question of the animal (in law). I offer a reading of J.M. Coetzee's *The Lives of Animals* as polyphonic novel by analyzing what I interpret to be the protagonist's voice of refusal. My project speaks to the pervasiveness of metaphysical anthropocentrism as quasi-transcendental limit of philosophical and legal discourses, and this reading continues to engage with one of my concomitant concerns, namely the silencing of the animal Other's call. I have previously argued that the utilization of fundamentally anthropocentric constructs in service of animal liberation has the paradoxical effect of retaining and reinforcing the conceptuality of theses discourses and I urged for their radical displacement at the conceptual level.[3] This article explores how we might begin to problematize the authority of traditional philosophical and legal discourses and circumvent some of the theoretical and ethical constraints that they pose. My reflections here are not meant to bring closure, but rather to begin engaging issues that broach larger philosophico-juridical concerns and could potentially facilitate a shift towards a much needed alternative thought of human–animal relationality.

I examine what literature brings to law through the lens of literary theorist Mikhail Bakhtin's writings on the dialogical properties of the novel. A Bakhtinian approach to the relationship of law and literature de-emphasizes the role and importance of literary content or subject matter in favor of increased attention to the style and structure of the novel, which is fundamental to understanding the nature of literature and its implications for other discourses. The structure of the novel abets various layers of meaning and perspectives and is inherently dedicated to formal and linguistic indeterminacy.[4] Central to Bakhtin's critical work on the novel is the idea of literature and aesthetic meaning as a social or collective act. For Bakhtin, the novel is not a circumscribed text, but a dynamic and communal process in which meaning is pluralistically conversed and collectively constructed by multiple voices that subsist in a constant relation of dialogicality. This aesthetic experience confronts us with a complexity and ambiguity that manifests the particularity of beings and experiences, and undermines interpretative closure by a single voice of authority. While the law encompasses various sources and a multiplicity of perspectives, principles, and voices across different fields, they ultimately coalesce into a monologic voice of authority. The polyphonic novel, in contrast, is dialogic precisely because its structure can meaningfully accommodate continuous dynamic and open engagement with distinctive counter-voices in and outside the novel. My interest here centers on the voice(lessness) of the animal.

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Bakhtin used his insights into the destabilizing effects of dialogism in the novelistic tradition, specifically the way in which it manifests the particularity of relations, as the basis for conceptualizing a coherent ethical theory. The self, for Bakhtin, is a spatially and temporally structured event. Perception is shaped by a distinct position in existence and, correspondingly, the meaning of any observation is shaped by locality. Bakhtin links the dialogic history of the novel with a development in self-consciousness, foregrounding multiplicity and variety (as opposed to singularity and unity) as criteria for a higher degree of consciousness that is not marked by increased awareness of the self as a unique self, but rather "manifests the self's discovery of the other."[5] We are in constant dialogue with the world around us and we enact a narrative function in relation to the Other. For Bakhtin, the ethics of the novel are located in the instability and incompleteness of our identification with the Other which, as we shall see, is an ethical imperative.

The relativity of relations and concomitant destabilization of meaning and resistance to interpretative closure that Bakhtin locates in the narrative method inherently challenges the authority of a singular interpretation and has the potential to alter our interpretative approach and stance on legal rules. From this vantage point, attentiveness to narrative in law requires recognition that the legal rule, by and of itself, cannot foretell its application in a particular circumstance. For Bakhtin, the inherent structural instability and incompleteness of the novel serve as comprehensive critique of authority as such, with "the novel's mixity of high and low … of common and stylized language cast[ing] a new and shifting light upon all claims to a transcendent and objective authority, whether legal, political, or spiritual."[6] This characteristic of the novel and its coterminous potential to beckon alternative approaches to the question of the animal (in law) forms my central interest in this article.

I draw on Karin van Marle's call for a politics of refusal and Jacques Derrida's deconstructionist interventions into animality in order to explicate what is at stake in this project. As such, I am supporting a multidisciplinary critical approach to the task of thinking through the anthropocentric substructures of the discourses that we have inherited. The struggle for compassion that we are facing requires, as Derrida has so aptly phrased, that "we *think* the war we find ourselves waging."[7] Derrida is once again positioning the question of the animal as a transgressal and transgressive experience of limitrophy, one that is situated at and exposes the limits of philosophy and law and that demands another relational thinking of animality. Refusal, as I read it here, is fundamentally engaged in this task of exposing a limit, in turn preserving the possibility of another thought of relation and ultimately another law.

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THE LIVES OF ANIMALS AS POLYPHONIC NOVEL, THE ANIMAL'S LITERARY VOICE, AND THE SUBVERSIVE CAPACITY OF LITERATURE

J.M. Coetzee presented the Tanner lectures at Princeton University in 1997 and, rather than delivering a conventional lecture, read a novella that would later be published as *The Lives of Animals*.[8] Here Coetzee again made use of the character Elizabeth Costello, whom he first introduced a year earlier while delivering the Ben Belitt lecture at Bennington College, speaking on the question "What is realism?"[9] This lecture would later be incorporated as Chapter/lesson 1 of the novel *Elizabeth Costello*,[10] with the two chapters comprising *The Lives of Animals* being incorporated as Chapters/lessons 3 and 4. In this article I shall focus on *The Lives of Animals*, as the structure and style of this novella (read as a whole) present distinctive characteristics that disclose unique literary capacities and possibilities.

Costello is an Australian-born novelist best known for her pathbreaking feminist fiction novel *The House on Eccles Street* and is visiting Appleton College, where her son John lectures physics and astronomy, to present the annual Gates lecture. Instead of speaking about herself and her literature, she elects to address the theme of animal ethics in both her lectures, respectively titled "The philosophers and the animals" and "The poets and the animals." Coetzee employs a complex literary design that has been described as "a lecture-*narrative* in which the writer distances himself from his material by attributing the views conveyed on the presentational surface of the narrative to a character,"[11] a "cross between a campus novel and a Platonic dialogue,"[12] and a "metafiction version of the academic novel, related to the philosophical dialogue."[13] These descriptions foreground the novella's dialogic structure that accommodates a multiplicity of voices, none of which is domineering or conclusive, and invites a Bakhtininan reading as polyphonic novel.

Bakhtin situates the literary text within a larger socio-historical context and illustrates how the voice of a character cannot be foreclosed inside the language of the novel. Bakhtin rejects the myth of a single or unitary language by illustrating the distance between language and reality, emphasizing that the literary word not only has a direct, objectivized meaning, but is inevitably "oriented … toward another's word as well."[14] We are called to look for and listen to the Other's voice outside the narrow domain of our own language. Bakhtin thus conceives of the literary word and utterance as inclusive of the Other's response, centering attention on consciousness that is freed "from the tyranny of its own language and its own myth of language."[15] This understanding of the literary word contributes to the dynamism and unfinalizability (of both the self and our relationships) that Bakhtin is at pains to illustrate.

Within the dialogic interaction of the novel, each voice holds distinct weighted validity and resists conflation into a single worldview. The novel presents us

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with a multiplicity of voices that are in a continuous relation of dialogicality through narration, rewriting, appropriation, retrospection, representation of utterance, quotation, and so forth. The novel's double-voicedness and capacity for polyglossia are also located in the distinctive interaction between the various discursive levels of the genre: the voices of the authors, narrators, characters, and literary tradition are interlaced with contemporary societal voices and language, discourses of memory, and sociocultural perspectives.[16] History (or society) is inserted into a text and the text into history.[17] This means that the literary language of the novel "lies on the borderline between oneself and the other" and is not neutral or impersonal, but rather "overpopulated with the intentions of others."[18] Bakhtin thus accentuates that the voices of the novel manifest internal instability and ambivalence that is transfigured by contexts of speech, perspective, and utterance.

Bakhtin's insights into the linguistic indeterminacy and instability of perspective intrinsic to literature have important implications for the way in which we approach the novel. First, it cannot be understood through linguistics alone. A trans-linguistic science grounded in the inherent dialogism of language[19] is required in order to grasp intertextual relationships, which has been labeled the "social value" or "moral message" of literature.[20] From this vantage point the discourse of a character cannot be resolved or fixed by way of characterization or plot development, nor can it serve as mouthpiece for personal ideologies of the author; "the consciousness of a character is given as *someone else's* consciousness, another consciousness, yet at the same time it is not turned into an object, is not closed, does not become a simple object of the author's consciousness."[21]

We can furthermore discern a certain tension that is evident between the rule-bound nature of law and the polyphonic novel's approach to relations as relative and incalculable in its irreducibility to formulae and principles. Dialogism stands in opposition to the "legal logic" that understands juxtaposition to be causal.[22] Rather, dialogism moves us towards another logic of distance, analogy, and non-exclusive opposition that replaces the concepts of substance and causality by assimilating them into relationality.[23] The dialogism that we find in the novelistic genre thereby performs resistance to law's demand for interpretative and normative closure, always preserving the possibility of new and unanticipated meanings that warrant *de novo* consideration and calls a judgment into question. The form and experience of the novel thus encourage us to rethink our approach to the animal and the subjugated space that she occupies within the legally concretized social hierarchies manifested as a result of the (anthropocentric) assumptions of legal discourse. This tension and break from the predictability of law may lead to changes in the way we think about animals and also the law.

My previous reflections on a jurisprudence of slowness resonate here.[24] To the extent that the novel resists the penchant to generalize the particular and to

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make the concrete abstract, we can say that the novel's time is one of slowness. In contrast to law's time, marked by a need to establish and resolve through the construction and application of rules, the novel holds open differently inflected truths and allows for a nuanced understanding of relational particularity by resisting the haste of interpretative closure. The novel engages a world of becoming, facilitating a reading–writing of the Other's development in an unfinished aperture to the world. Oppositions are non-exclusive and dichotomies (man/animal, subject/object, self/other) subsist in dynamic interplay rather than fixed juxtaposition.

Very importantly, this allows for an engagement with the animal's voice in a way that both exposes and circumvents a fundamental anthropocentric limitation of the law. Here animal Being resists the finalizing reduction and translation required to fit into legally digestible language and constructs (such as proof, standing, and legal subjectivity) in order to be "heard." These constructs inevitably remain expressive of their constitutive presuppositions and reinforce the unquestioned metaphysical anthropocentrism of traditional humanism that lie at the core of animal subjugation.[25] I am, in particular, concerned with the ethical and theoretical difficulties posed by the construct of (animal) rights. The tacit anthropocentric constraints of legal subjectivity compel a determination of animality in accordance with the same human-centered criteria that have historically been used to deny animals moral and legal concern. I regard the reluctance to consider alternative channels for developing a more sophisticated ethical disposition towards animals as both a symptom of the hegemony of the legal order and a failure of imagination on the part of animal ethicists. I locate the primary ethical potential of the novel for animal ethics at this level of gesturing an alternative mode of thinking our relation to others, and also our approach to the law.

The interrelatedness of the novel's space and transmutations requires recognition that "everything is true in its own time, place, circumstance, and untrue outside of its own place, time, circumstance."[26] For Bakhtin the novel, and indeed language itself, is intrinsically dialogic, situational, and context dependent. Meaning does not result from individual utterance, but from the dynamic and interminable translation between particular speakers and contexts. Twentieth century literary criticism has contributed an understanding of the morality emanating from the aesthetic experience of the novel as situated in its very amorality, its embrace of the particularity of relations, and resistance to finalized judgment.[27]

Bakhtin locates the birth of this novelistic structure that allows the expression of diverging views through a multiplicity of voices, which he calls the polyphonic novel, in Fyodor Dostoevsky's works. For Bakhtin, the voices of Dostoevsky's characters carry equal narratological weight and stand alongside his authorial voice in extraordinary independence:

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> Characters are polemicized with, learned from; attempts are made to develop their views into finished systems. The character is treated as ideologically authoritative and independent; he is perceived as the author of a fully weighted ideological conception of his own, and not as the object of Dostoevsky's finalizing artistic vision … [T]he direct and fully weighted signifying power of the characters' words destroys the monologic plane of the novel and calls forth an unmediated response – as if the character were not an object of authorial discourse, but rather a fully valid, autonomous carrier of his own individual word.[28]

The narrative structure accordingly needs to be approached through a logic of distance and relationship – which indicates a *becoming* – rather than fixed causally deduced determinations of being.[29] My sense is that such an approach holds great liberatory potential for those beings occupying the struggling end of a power relationship. The animal has been represented in written literature for thousands of years. As in law, however, animals in literature have predominantly been exiled to voiceless spaces as objects rather than subjects. Catherine Elick locates the beginning of a gradual shift towards literary subjectivity in the English-language children's literature of the modern period,[30] identifying "animal characters struggling to become true subjects, not objects, whose worth and welfare are not entirely dependent upon humans and whose power relations with people are more productively unstable than hierarchical."[31] These fictional worlds are said to mirror the social transition from animal welfare to animal rights advocacy that occurred in the twentieth century.[32] Opting to focus exclusively on literature in which animal characters are anthropomorphized or endued with the ability of speech, Elick employs Bakhtin's theory to consider specifically how animal characters gain authority by expressing and defining "themselves" through language.

Anthropomorphization undoubtedly empowers animal characters and enables them to express independent consciousness in a unique and valuable way; the caterpillar in *Alice in Wonderland* is able simultaneously to question Alice's identity and assert his own (mere three inches tall) presence authoritatively,[33] Stuart (from *Stuart Little*) effectively destabilizes the human/animal oppositional dichotomy,[34] and Charlotte (from *Charlotte's Web*) forcefully provokes thought on the belief system that allows us to love some animals and eat others.[35] The modal relationships within the dialogical structure of the polyphonic novel can, however, accommodate the animal voice on another (and I shall henceforth argue more primordial) level.

The interplay between the subject of enunciation and the subject of utterance can be organized in several ways, each arrangement holding distinct narrative

signification.[36] Anthropomorphized animal characters can indeed overwrite their vulnerabilities and instead be depicted as "capable of unbalancing human hierarchies and enjoying equitable relationships with people."[37] Yet it is precisely in the animal's finitude and embodied vulnerability that we can locate the primordial disruptive force that calls for compassion. Like Derrida, I am more concerned with the voice(lessness) of the flamingo used as a croquet mallet in *Alice in Wonderland* who, without uttering a word, "would twist itself round and look up in [Alice's] face, with such a puzzled expression" just as she was about to give the rolled-up hedgehog (acting as croquet ball) a blow with its head.[38]

"How can an animal look you in the face?" asks Derrida. This question does not point towards the animal's (in)ability to speak, "but whether one can know what *respond* means."[39] Whom and what does Alice come into contact with when she picks up the flamingo? The flamingo is both subject and object, co-habitant and participant in an other-worlding (human–animal) interaction. Donna Haraway compellingly illustrates how embodied engagement with animals is a practice of becoming worldly, *a becoming with*, that "bind[s] intra-acting critters, including people, together in the kinds of response and regard that change the subject – and the object."[40] In a similar vein, Bakhtin also emphasizes the relational nature of being, ethically conceiving of the self as an unfixed and unfinalizable "yet-to-be," with "the real center of gravity of my own self-determination" being situated in the future.[41] We attend and intend an environment and dialogic space that reaches well beyond the written and spoken word of the human realm and our answerability follows:

> In Bakhtin, the difference between humans and other forms of life is a form of authorship, since the means by which a specific ratio of self-to-other responsibility is achieved in any given action – a deed being understood as an answer – comes about as the result of efforts by the self to shape a meaning out of the encounter between them. What the self is answerable to is the social environment; what the self is answerable for is the authorship of its responses. The self creates itself in crafting an architectonic relation between the unique locus of life activity and the constantly changing natural and social environment which surrounds it. This is the meaning of Bakhtin's dictum that the self is an act of grace, a gift of the other.[42]

There is once again resonance with Haraway's insistence that animals are co-"meaning-making figures" who "gather up those who respond to them into unpredictable kinds of 'we'."[43] The unfinalizability of identity inherent to the multivoiced style and structure of the polyphonic novel has ethical significance. The

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intersubjective space separating the authorial voice and the character of whom that voice speaks and endows with meaning "from beyond the horizon of his own consciousness" is an ethical imperative.[44] As everyday authors we give form and substance to the lives of others; not through assimilation of perspectives, but through an affirmation and preservation of what the Other negates in herself. Dialogical narrative is ethical, then, "not because we see what the hero sees but because we see what the hero, within the spatial and temporal limits of his own consciousness, cannot."[45] In this sense we read and write the Other. Very importantly, the ethical essence and significance of the novel is located in the incompleteness and open-endedness of that identification, which stimulates a reaction. For Bakhtin, the ethical potential of literature lies at the level of provoking a response to an Other who is written in an incomplete, fragmented, and unstable openness that resists any finalized account. The novel thus presents a vehicle for enacting our ethical responsibility towards the Other. These insights into the complex relativity of relations also alter our stance on rules. From this perspective, literature does not impart abstract judgment and cannot be reduced to facts about the world it conveys, as the dynamic nature and absolute singularity of beings and circumstances manifested through narrative erodes and subverts the possibility of interpretative closure. Attentiveness to narrative in law moves us towards a rejection of rule-fetishism, as it requires acknowledgment that the rule inevitably cannot dictate its application at a particular time and under a particular circumstance.[46]

The inherent critique of the narrative method is not unrelated to Derrida's first aporia of justice, the epokhē of the rule. As Derrida reminds us, "each case is other, each decision is different and requires an absolutely unique interpretation, which no existing, coded rule can or ought to guarantee absolutely."[47] The novel rejects abstract judgment in support of a more nuanced grasp that is grounded in the particularity of an experience and sensitive to the numerous discourses that configure it.[48] This dynamism undercuts the attainability of interpretative closure and destabilizes authority from within.

For Bakhtin, the structural instability that is generated by the novel's "complex stratification of language into genre, register, sociolect, dialect, and the mutual interanimation of these forms"[49] operates as a critique of authority as such. The historical trajectory of the novel not only leans towards a problematization of pontifical authority, but also places the novel's own authority (and indeed its own limits of understanding) into question, imbuing an ironic self-critique of authority.[50] Because languages and discourses are not socially equal, the complex stratifications involve "dialogic interaction in which the prestige languages try to extend their control and subordinated languages try to avoid, negotiate, or subvert control,"[51] generating structural instability and incompleteness. The inherent instability and indeterminacy hold great ethical value in the face of

unequal power relations, precisely because they reveal its volatile nature and susceptibility to interruption and inversion. Bakhtin's notions of the "carnivalesque," the liberating potential of laughter, and its relation to Socratic dialogue are important for understanding this ethical dimension.

The Socratic Model, Carnival, and Laughter

Bakhtin identifies the genre of the Socratic dialogue as simultaneously originating both scientific thinking and an artistic prose composition from which the novel evolved.[52] He specifically focuses on the early, oral Socratic developmental stage and situates this stage within a carnivalistic lineage.[53] The Socrates that we find here engages several voices, none of which is conclusive. His primary concern is with living rather than knowing and he elicits dialogue with the objective of challenging people and ideas, rather than persuading others to adopt a proposition.[54] This reflects the dialogic nature of Socratic notions of truth and of thinking about truth, which is counterposed to a monologic, "ready-made truth."[55]

Socratic dialogue engages an assemblage of voices through two basic stylistic devices, syncrisis and anacrisis. Syncrisis confronts several discourses through "the juxtaposition[ing] of various points of view on a specific object" while anacrisis is "a means for eliciting and provoking the words of one's interlocutor, forcing him to express his opinion and express it thoroughly."[56] A "carnival sense of the world" comes to the fore here and distinguishes Socratic dialogue from traditional rhetorical genres. While Socrates is testing the multiplicity of perspectives, "the dialogic testing of the idea is simultaneously also the testing of the person who presents it," including Socrates himself, "against a dialogizing background of other ideas."[57] Socrates is living a "*carnivalistic life*" of collaborative dialogue in which "everyone is an active participant, everyone communes in the carnival act"[58] and in no way presents closure or resolution to the dialogic interaction.

Carnivalistic suspension of restrictions and hierarchies is one of the primary characteristics transposed into literature. Medieval life was characterized by a two-world condition of existence and participation in official life and carnival life. In contrast to official culture, "infused with elements of fear, weakness, humility, submission, falsehood, hypocrisy, or on the other hand with violence, intimidation, threats, prohibitions,"[59] carnival culture resisted immortalization and completion and "celebrated temporary liberation from the prevailing truth and from the established order, it marked the suspension of all hierarchical rank, privileges, norms, and prohibitions."[60] Carnival was "the second life of the people, who for a time entered the utopian realm of community, freedom, equality, and abundance."[61] Laughter played a crucial role in carnival culture and gave form to carnival rituals. Bakhtin characterizes carnival laughter as communal

laughter "of all the people" that is aimed at everyone, "including the carnival's participants."[62] Carnival laughter is not, however, merely farcical, it is as tragic as it is comic. The subversive power of carnival laughter lies in its ambivalence, its potential simultaneously to exalt and deride; "it asserts and denies, it buries and revives."[63] This dualistic ambivalence captures the essence of the carnivalesque, "*the pathos of shifts and changes, of death and renewal*."[64] Structure and hierarchy are relative and temporary; the crowning of the carnival king is a dualistic ambivalent act that always already embodies the idea and turn towards his immanent decrowning.[65] Laughter can thus degrade (and inaugurate) power by destabilizing authority and effectuating power shifts. This destabilizing capacity inherent to the carnival tradition and effected by carnivalized literature lies central to the argument being developed here.

ELIZABETH COSTELLO AS SOCRATIC FIGURE AND VOICE OF REFUSAL

The Lives of Animals comprises two parts, each with several scenes. The first part, "The philosophers and the animals," primarily consists of four scenes: Costello being received at the airport and hosted by John; Costello's first lecture; the question and answer session; and the dinner at the Faculty Club. The second part, "The poets and the animals," involves seven scenes: John and his wife Norma's conversation following the first lecture and dinner; John handing over and then reading Abraham Stern's letter to Costello; the question and answer session following Costello's second lecture; John and Costello's conversation en route to her last engagement; Costello's debate with Thomas O'Hearne; John and Norma's conversation following the debate; and John driving Costello to the airport the following morning.

The structure and style that Coetzee employs forcefully assert the capacity of fiction as a vehicle for ethical issues, which is itself a major theme in this novella. Despite large parts of the narrative being dedicated to Costello's lectures, a mode that is typically monological, Coetzee has Costello engage a polyphony of independent voices throughout. The novella is narrated in the third person through John's consciousness, maintaining a remarkably unobtrusive narratorial presence. John's narration itself is dialogized in its observation and anticipation of responses and seamless transitions from narration to the independent voices of other characters. Costello not only interacts with these independent voices in the novella and her own past, present, and future, but also with literary, historical, and philosophical discourses that extend well beyond the text. Coetzee *inter alia* makes use of academic references, thereby invoking the voices of scholars such as Philippe Lacoue-Labarthe, Gary Francione, Franz Kafka, Thomas Nagel, Mary Midgley, and even Coetzee himself. The dialogical performance of the novella's language is exteriorized, thereby resisting collapse into a monologic ideal

and solidifying a certain distance that separates the author and his characters who, like Dostoevsky's characters, are "*free* people, capable of standing *alongside* their creator, capable of not agreeing with him and even of rebelling against him."[66]

Despite being the central conversing figure, Costello does not assume a controlling position (as "teacher") and remains merely one independent participant in the spoken dialogue, which is subsumed in the dialogized story. In what follows I shall argue, as others have done before me,[67] that Costello represents a Socratic figure; a midwife assisting in the birth of new ideas[68] in the image of a wise (wo)man "wearing the popular mask of a bewildered fool."[69] According to Bakhtin, "this combination produces the ambivalent image of wise ignorance" characteristic of "the ambivalent self-praise in the Socratic dialogue: I am wiser than everyone, because I know that I know nothing."[70] Costello undermines and critiques authority in the novella by drawing it into a space of familiarity where it can be investigated freely. The entry point to this investigation is contemporary reality, "the living people who occupy it together with their opinions."[71] Costello elicits and provokes these opinions through what Karin van Marle terms a "politics of refusal" by utilizing the plot situation of the dialogue alongside anacrisis, provoking "the word by the word, for the same purpose," as is typical of Socratic dialogue.[72]

The Politics of Refusal and Alternative Spaces of Thinking

I find theoretical grounding in Karin van Marle's reflections on a politics of refusal as a mode of abnegation that destabilizes traditional ways of theorizing and engaging politics and law. The central tenet to emphasize at the outset is that refusal, as conceptualized by van Marle, is not a spontaneous reaction or an outright extemporary rejection. On the contrary, the notion of critical thinking lies central to the notion of refusal and "the kind of politics, law and legal approach that might result from refusal is one inspired by- and imbued with thinking and reflection."[73] Refusal beckons alternatives precisely because it does not fix or close off; it is tentative and, I would argue, dialogic in its engagement with life, truth, and limits in that it resists singular reified approaches that proclaim possession of prefabricated, irrefutable truth by calling for unexpurgated and open-ended dialogical discourse. Refusal is not static but rather, in embracing uncertainty and humility, invites the kind of movement that facilitates polyphony. Indeed, van Marle's jurisprudence stems from her concern with the way in which the law silences female voices and the prospect of a subversive feminine space wherein women can tell their own tales in their own voices. Drawing on Adriana Cavarero's[74] retelling of the narrative of Penelope as creating a space

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for refusal, van Marle translates a critical approach to the negotiation of power relations.

Penelope weaves in the weaving room during the day and she unweaves during the night, constructing her own rhythm by means of that act. She neither wishes to be part of Odysseus' world, nor does she submit to the role imposed on her as woman – that of producing clothes. By unweaving and abrogating, Penelope is refusing the relational structure dictated by patriarchy and disrupting an established power structure. The weaving room becomes a space of political action through the refusal of secondhand interpretations and definitions that finalize women's lives and deaths. In refusal Penelope belongs to herself and her consciousness becomes equally valid. We are ultimately left with an alternative space of thinking that challenges and resists the hegemony of objectification; a space in which engagement with women requires recognition of their autonomous consciousnesses and voices through dialogue as opposed to their objectifying transformation into mouthpieces or puppets that enact a patriarchal narrative.

Central to van Marle's argument, and as we shall later see also Costello's, is the notion of Western philosophy as a predominantly male activity. For the Greek male hero Odysseus, being is marked by death and adventure while Penelope, in contrast, values birth and rootedness.[75] Relying on Cavarero, van Marle recalls Western philosophy's preoccupation with the separation of body from soul, its insistence that "pure thought" could help the living untie the soul from the body (albeit temporarily and imperfectly) until death definitively effects this disentanglement. With this, the entity constituting the human is split in two: consisting of the body, belonging to the living world, and the soul, associated with thinking and belonging to the world of ideas.[76] From this perspective, the moment of birth is seen as an imprisonment or a "fall" to earth; "turn[ing] the place of origin from which each person actually enters the world into a simple (and devalued) place of appearance 'on earth' … Life on earth originates precisely when, by falling into the body, the soul *ties itself* to it, and ends when the soul *releases itself* from it, with the death of the body."[77] A soul/body duality is engendered and through men's association with the former (and women's with the latter), their claim to gender neutrality and universality is grounded.[78] In reweaving, Penelope ultimately ties together that which philosophy seeks to separate, thereby reintroducing thought to a life punctuated by birth and death.[79] Not unrelated to this is Western philosophy's failure to appreciate who someone is, due to a fixation with what someone is, as explained by Cavarero in a later work.[80] Here she expounds an insightful argument on the relationship between selfhood and narration and illustrates how literary and philosophical narrative models can present new ways of reflecting on the construction of human identities. For Cavarero, a narrative politics that is not grounded in categorical or discursive norms can reveal the "who" and, just like Penelope's unweaving and

reweaving, create a space of resistance to patriarchal silencing of voices of difference and dissent.[81] Once again a certain struggle for dialogic recognition and participation in the face of monologic dominance is foregrounded.

In refusal, as with the carnivalesque, laughter plays an important role as a mode of undermining and destabilizing hierarchical distance and creating a space for free and familiar engagement. Laughter simultaneously brings the world closer and detaches from fear, thereby facilitating an uninhibited investigation "without which it would be impossible to approach the world realistically."[82] Plato narrated the anecdote of the philosopher Thales, who fell into a water well while looking skywards in order to scrutinize the stars. A maidservant from Thrace laughed at him and remarked that his eagerness to examine the heavens gave rise to an ignorance of the world at his feet. For van Marle, this expression of detachment (from the patriarchy engendered in the Western philosophical tradition) effects a form of refusal that links with birth and renewal in the clearing of a space that beckons an alternative political future.[83] Bakhtin's reading of the role of laughter in grotesque realism reverberates here:

> Laughter degrades and materializes … Degradation here means coming down to earth, the contact with earth as an element swallows up and gives birth at the same time. To degrade is to bury, to sow, and to kill simultaneously, in order to bring forth something more and better.[84]

It is the capacity "to bring forth something more and better" that forms my central interest in this article. Refusal exposes a limit, in turn preserving the possibility of another thought of relation and ultimately another law. As Drucilla Cornell tells us repeatedly, the theme of limitation inherently shapes the hope for a better future, "as this is crucial to the good news that the future, as what is *other* to our present social reality, cannot be known in advance and already foreclosed by some grand theory."[85] Limitation defends the prospect of an increasingly ethical mode of being precisely because it "keeps open the impossibility of knowing what is impossible," thereby resisting interpretative closure to a future that, in the here and now, "cannot be shown to be either illusory or fully accessible."[86] Similarly, the voice of refusal "is situated at … an in-between space" and resists any finalizing interpretation; "in other words, there is always already another place but also another time to come."[87]

Elizabeth Costello embraces the hopeful unknown of what can be expected of each other by invoking refusal as a response to what she considers to be "a crime of stupefying proportions"[88] and reconfiguring the ideal of justice and equality. Cornell reminds us that this approach is contra the scientific notions of Karl Marx, who argued in favor of an analytic engagement with the primary

contradiction and the development of social movements grounded in an expression of our present(ed) reality rather than our idealistic aspirations for an ethical future.[89] This might be why Coetzee's character (perhaps ironically) named Elaine Marx, a member of the English Department at Appleton College, asks Costello the following question:

> Are you not expecting too much of humankind when you ask us to live without species exploitation, without cruelty? Is it not more human to accept our own humanity – even if it means embracing the carnivorous Yahoo within ourselves – than to end up like Gulliver [from Swift's *Gulliver's Travels*], pining for a state he can never attain, and for good reason: it is not in his nature, which is a human nature?[90]

Costello's Refusals, the Animal's Finitude, and Risking Law

Costello questions the authority and limits of Western philosophy's potential to inform a non-anthropocentric understanding of our place in the world and desperately calls forth (the possibility of) an alternative ethical image of the world. The discourse remains unfinalized and thoroughly double-voiced, with Costello engaging other characters through dialogue and the complex double-voicing that interconnects John's narratorial voice with the voices of the other characters. Like the Socrates from the early dialogues, Costello's focal concern is with living rather than knowing, and she enacts refusal to elicit voices and ideas (anacrisis) that are effectively juxtaposed to other voices (syncrisis) in the search for and testing of truth, often in disputatious dialogical interactions. The multiplicity of voices, complimentary and contradictory alike, express their ideologies freely in dialogue with Costello, herself the prime ideologist. Very importantly, it needs to be noted that Costello and her ideas are also tested throughout. She is a fallible figure who at times embodies contradictions,[91] occasionally fails to engage in a convincing or even logical manner,[92] and invites ridicule.[93] She does not always converse from a position of authority grounded in rational epistemologies, readily admitting "I don't know what I think … I often wonder what thinking is, what understanding is."[94] This can be explained by a reading of Costello as Socratic midwife and wise fool who facilitates the search for a truth that is dialogical, correlational, relative, and unfixed. To this end, I would like to focus on three closely interwoven themes of refusal, as enacted by Costello: a refusal of the rationalist tradition's use of reason as philosophical mechanism of abstraction that ground claims to humanist superiority; a refusal of disembodied intellectualization; and a refusal to eat meat.

Costello is profoundly aware of her fellow humans' capacity to grasp intellectually that animals suffer and remain emotionally and ethically unresponsive to

this awareness. She returns us, again and again, to "the places of death all around us, the places of slaughter to which, in a huge communal effort, we close our hearts," adding that "as far as [she] can see, our moral being is untouched."[95] Costello locates the root of this passivity in the rationalist tradition's privileging use of reason above all other human faculties as a capacity or criterion to justify subjugation. Costello attempts to destabilize the hierarchical mind/body, thought/feeling, and man/animal dualities entrenched by the masculinity of this tradition. She does not, however, attempt to effect a reprioritization or inversion; like Penelope, Costello is weaving together what Western philosophy has struggled to engage and untied, insisting on fullness or embodiedness rather than "a consciousness of yourself as a kind of ghostly reasoning machine thinking thoughts … a pea rattling around in a shell."[96] During her first lecture on "the philosophers and the animals," she says:

> I could ask what Saint Thomas takes to be the being of God, to which he will reply that the being of God is reason. Likewise Plato, likewise Descartes, in their different ways. The universe is built upon reason. God is a God of reason … And the fact that animals, lacking reason, cannot understand the universe but have simply to follow its rules blindly, proves that, unlike man, they are part of it but not part of its being: that man is godlike, animals thinglike … Even Kant does not pursue, with regard to animals, the implications of his intuition that reason may be not the being of the universe but on the contrary merely the being of the human brain … Both reason and seven decades of life experience tell me that reason is neither the being of the universe nor the being of God. On the contrary, reason looks to me suspiciously like the being of human thought; worse than that, like the being of one tendency in human thought.[97]

Following her conclusion that reason pertains to only a specific spectrum of human thinking, she asks "if this is so, if that is what I believe, then why should I bow to reason this afternoon and content myself with embroidering on the discourse of the old philosophers?"[98] For Costello, the rationalist tradition has consistently generalized and subjugated the animal in opposition to an anthropocentric standard of "thinking." In response, she puts forward the faculty of "sympathetic imagination" as a vehicle for grappling with the particularity of an embodied engagement with another being, especially with an animal. Knowing the other *sympathetically* involves a corporeal response to the individual other being and thus a refusal of generalizing abstractions.[99] Costello turns to Thomas Nagel's famous essay titled "What is it like to be a bat?"[100] in

explicating her case for the sympathetic imagination. She reads Nagel as espousing an anthropocentrically reductionist appreciation of the nature of consciousness in support of his supposition that a bat is "a fundamentally *alien* form of life."[101] Costello insists that "there is no limit to the extent to which we can think ourselves into the being of another. There are no bounds to the sympathetic imagination."[102]

It needs to be noted that the sympathetic imagination here does not involve a mental projection of feelings, but rather a move towards an imaginative union that is grounded in shared finitude. Costello explicitly connects her notion of sympathetic imagination with corporeality or embodiedness, emphasizing that it involves an experience "not of inhabiting another mind but of inhabiting another body."[103] Haraway's notion of "creating a we" and her call for "grappling *with*, rather than generalizing *from*"[104] is echoed in Costello's insistence on a shift "toward a different kind of being-in-the-world" that involves reflection that "is not about the animal, but is instead the record of an engagement with him."[105] Costello thus foregrounds a bodily experience of *ab*jection as opposed to imaginative *pro*jection, the former involving an expulsion of the subject from linguistic and societal domains.[106]

By expounding insights about the sympathetic imagination in opposition to a certain tendency in the rationalist tradition, the dual problematic of attacking reason while (inevitably) relying on reason and rejecting philosophical discourse[107] through the use of philosophical discourse comes to the fore. This problematic is emphasized and criticized by several voices in the novel, none more persistent and vehement than Costello's daughter-in-law, Norma, who holds a PhD in philosophy. Norma argues "there is no position outside of reason where you can stand and lecture about reason and pass judgment on reason."[108] Elaine Marx also raises this concern while addressing Costello:

> In your lecture you argued that various criteria – Does this creature have reason? Does this creature have speech? – have been used in bad faith to justify distinctions that have no real basis, between *Homo* and other primates, for example, and thus to justify exploitation. Yet the very fact that you can be arguing against this reasoning, exposing its falsity, means that you put a certain faith in the power of reason, of true reason as opposed to false reason.[109]

Costello's refusal to "bow to reason" and "embroider on the discourse of the old philosophers" elicits the counter-voices of Norma and Elaine Marx, the latter's words in turn echoing Jeremy Bentham's famous call for a moral response to animal suffering. "The question is not, Can they *reason?* nor, Can they *talk?* but,

Can they *suffer?*" argued Bentham.[110] It is precisely on the matter of animal suffering that Costello challenges the limits of traditional Western philosophical discourse on animals and invites a radical shift in our approach to animal ethics.

The dominant reception of Bentham's argument in the field of animal ethics has entailed a consequentialist engagement with the animal's ability to suffer (and emanating interest in not being subjected to suffering) as a ground for moral standing. Costello, rather, would have us consider the suffering of animals in light of their embodied exposure, emphasizing "to be alive is to be a living soul. An animal – and we are all animals – is an embodied soul."[111] Costello's views on animal suffering are related to Jacques Derrida's reading of Bentham in his autobiographical lecture titled *The Animal That Therefore I Am*.[112] Like Costello, Derrida is never left indifferent to the ongoing suffering of animals, which to him broaches a complex disruptive dimension to human–animal relations.

Rather than reading Bentham's question in terms of capacities and faculties, Derrida raises the more basic question of animals' finitude and exposure. Derrida's thought is guided by what Matthew Calarco terms a "proto-ethical imperative."[113] For Derrida, capacities do not configure the definitive foundation to the ethical relation with the animal Other. Rather, the question itself (Can they *suffer?*) subsumes the trace of a more fundamental interruptive encounter with the suffering of the animal Other that calls my being into question and provokes thought; the *question* is already a *response* to a preceding event.[114] The idea of this proto-ethical encounter or event is fundamental to Derrida's approach to animal ethics and, as we shall see, also Costello's. Derrida is arguing that recognition of the animal Other's ability or capacity for suffering holds less disruptive force than a confrontation with the animal Other's *in*ability or *in*capacity to escape suffering, her "fleshy vulnerability and exposure to wounding."[115] Derrida's relocation of the disruptive power inherent to an encounter with the animal (in her embodied vulnerability) has radical significance for the configuration of a positive animal ethics that responds to this "nonpower at the heart of power":

> How should one take [this inability and vulnerability] into account? What right should be accorded it? To what extent does it concern us? Being able to suffer is no longer a power; it is a possibility without power, a possibility of the impossible. Mortality resides there, as the most radical means of thinking the finitude that we share with animals, the mortality that belongs to the very finitude of life, to the experience of compassion, to the possibility of sharing the possibility of this nonpower, the possibility of this impossibility, the anguish of this vulnerability, and the vulnerability of this anguish.[116]

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Derrida's argument is that the interruptive force in animal suffering (and our response-ability) is undeniable and inescapable. The "face" of the animal Other disrupts us prior to any contemplation on the nature or extent of animal suffering, "before the *undeniability* of this response (yes, they suffer, like us who suffer for them and with them), before this response that precedes all other questions, both ground and cornerstone of this problematic shift."[117] The question itself attests to the disruptive capacity of animal suffering and the finitude that humans share with animals. During her first lecture Costello also emphasizes our shared finitude and vulnerability as a force that demands reflection by evoking a Holocaust analogy that compares the suffering of animals in modern-day society to the genocidal killing of Jews in the Nazi death camps:

> Let me say it openly: we are surrounded by an enterprise of degradation, cruelty, and killing which rivals anything that the Third Reich was capable of, indeed dwarfs it, in that ours is an enterprise without end, self-regenerating, bringing rabbis, rats, poultry, livestock ceaselessly into the world for the purpose of killing them.[118]

Costello refuses consequentialist debates that seek to deflect the disruptive force of our shared embodiedness and exposure:

> And to split hairs, to claim that there is no comparison, that Treblinka was so to speak a metaphysical enterprise dedicated to nothing but death and annihilation while the meat industry is ultimately devoted to life (once its victims are dead, after all, it does not burn them to ash or bury them but on the contrary cuts them up and refrigerates and packs them so that they can be consumed in the comfort of our homes) is as little consolation to those victims as it would have been – pardon the tastelessness of the following – to ask the dead of Treblinka to excuse their killers because their body fat was needed to make soap and their hair to stuff mattresses with.[119]

The Holocaust analogy once again elicits several strong counter-voices in the novel. Following Costello's evocation of the Holocaust during her first lecture, Abraham Stern, a well-respected elderly Jewish poet and academic at Appleton College, withdraws in protest from the dinner held in Costello's honor. He leaves a handwritten letter addressed to Costello, explaining the reason for his refusal to "break bread" with her:

> At the kernel of your lecture, it seemed to me, was the question of breaking bread. If we refuse to break bread with the executioners of Auschwitz, can we continue to break bread with the

> slaughterers of animals? You took over for your own purposes the familiar comparison between the murdered Jews of Europe and slaughtered cattle. The Jews died like cattle, therefore cattle die like Jews, you say. That is a trick with words which I will not accept. You misunderstand the nature of likenesses; I would even say you misunderstand willfully, to the point of blasphemy. Man is made in the likeness of God but God does not have the likeness of man. If Jews were treated like cattle, it does not follow that cattle are treated like Jews. The inversion insults the memory of the dead. It also trades on the horrors of the camps in a cheap way.[120]

Coetzee's dramatic structure here effectively facilitates polyphony, attaining syncrisis and anacrisis and realizing several Bakhtinian themes related to carnival. While autonomous voices are heard during Costello's lecture through John's narrational consciousness and the question and answer session, the dinner following Costello's lecture is dialogical in form and enables the birth of truth through a Socratic dialectic. Here, as is characteristic of carnivalistic acts, authority and hierarchy are temporary and susceptible to inversion and give right to "ease and familiarity, to a certain frankness, to eccentricity, ambivalence; that is, the combination in one discourse of praise and abuse, of the serious and the comic."[121] John alludes to authority and hierarchy when he says that he and Norma had initially not been invited to the dinner and were only added to the list after it came to light that Costello had a son at Appleton College. He adds that "they will certainly be the most junior, the lowliest."[122] The suspension and inversion of this hierarchy is evident in the imperious presence of Norma's counter-voice at the table and the pervasiveness of her combative opposition to Costello's vegetarianism.

The carnivalesque is also realized at the level of ingestion. Bakhtin emphasizes that eating and drinking are central to carnival; "the body transgresses here its own limits: it swallows, devours, rends the world apart, is enriched and grows at the world's expense."[123] Man's experience here is one of conquest, "man's encounter with the world in the act of eating is joyful, triumphant; he triumphs over the world, devours it without being devoured himself."[124] Interestingly, the etymology of the word "carnival" is "to remove meat" and meat was excluded from the menu on account of Costello's vegetarianism.[125] John reiterates the significance of this when he states that he looks forward, with grim interest, "to seeing how the college will cope with the challenge of the menu."[126] John also anticipates confrontational dialogical interactions on this issue, dreading that someone will ask Costello what led her to become vegetarian "and that she will then get on her high horse and produce what he and Norma call The Plutarch Response."[127] His use of the high horse metaphor once again alludes to hierarchy and the impermanent relativity thereof. While Costello is never confronted with

the dreaded question, the anticipated answer is "imperfectly reproduced" in John's narratorial consciousness and thereby included in the dialogical interaction:

> You ask me why I refuse to eat flesh. I, for my part, am astonished that you can put in your mouth the corpse of a dead animal, astonished that you do not find it nasty to chew hacked flesh and swallow the juices of death-wounds.[128]

Costello's alternative account of being as reflected in her refusal to eat meat holds great symbolic significance. There is clear questioning and suspension of the hierarchical precedence that facilitates and legitimates man's consumption of animals and, typical of the carnivalesque scene, we find "temporary liberation from the prevailing truth and from the established order"[129] on a very deep level. A sense of hostility towards a certain immortalized and completed interpretation of man (as conquering eater of flesh) can be felt, imbuing a sense of becoming, modulation, and renewal. Costello's response when prompted by a member of the university administration to elaborate on the motivation behind her vegetarianism is equally significant. She insists that her vegetarianism "comes from a desire to save [her] soul," rather than moral conviction.[130] Here the Socratic idea of salvation through critical self-reflection is brought to mind[131] and the leitmotif of our shared embodiedness and mortality is recalled. More importantly, it is Costello's exclusive position that provokes and facilitates the dialogue, as is typical of Socratic dialogism.[132] By not giving voice to the standard arguments of the animal rights movement, Costello represents a marginal figure and her discourse is figured as the pleadings of a woman on the threshold. As Julia Kristeva explains, this fulfills an important function in Socratic dialogism, as "the exclusive situation liberates the word from any univocal objectivity, from any representative function, opening it up to the symbolic sphere."[133] Costello is not expounding any "ready-made truth," principle, or rule, but rather engaging in constructive carnivalesque dialogical discourse to question and test people and their ideas. Costello's dialogue inherently resists finalizing authority precisely because it also engages in dialogue with itself, "writing reads another writing, reads itself and constructs itself through a process of destructive genesis."[134]

In continuing to consider the relevance of the insights and subversive force that literature brings to law's finalizing authority, I briefly turn, in conclusion, to van Marle's notion of a "risking law." I am interested in the capacity of literature, specifically the voice of refusal, to ultimately gesture another ethics and another law, and I ask, along with van Marle, what kind of law will this be?[135] In considering the kinds of approaches and type of law to which refusal might lead us, van Marle reflects on refusal's precarious relation to risk and tentatively suggests the idea of a "risking law" in relation to which the notion of risk lies central in several

regards. On a very broad or general level, it could refer to the mere possibility of taking the risk of utilizing law to achieve a certain aim. More significantly, it denotes a legal approach "that goes beyond the certainty of predictable approaches and that is candid about the risks involved when engaging law."[136]

I read and regard a risking law as a decentered and humbled law; challenged in its ignorant complacency grounded in self-perpetuating force that claims objective authority, and realistically approached as a method with both advantageous and pernicious consequences. A risking law, finally, is not fixed or closed off, but dwells in a space "between past and future."[137] It is never completed, but rather in a constant state of reform(ulation), engaging a world of ambiguity and instability. We see why the voice of refusal is neither defeatist nor passive, but beckons alternatives in holding open the possibility of writing an increasingly ethical world. Neither its relevance nor its success can be known in advance; it is, however, certain that the question of animal liberation is situated at the limits of law and philosophy and that the tools with which we can address this question are not located solely inside those traditions. It is within the type of critical space opened up by refusal that an alternative thought and approach might develop.

CONCLUSION

As the title of this article suggests, my intention here was not to provide any solutions or conclusions, but rather to introduce the law and literature interplay from a specific vantage point that, I hope, might motion an alternative approach to law and the question of the animal. The reconfiguration of a risking law inevitably introduces several unexamined questions regarding law's limits and representation of being(s); its capacity for reflexivity and perception of ambiguity and rigidity. Apart from attempting to illustrate the implications of a Bakhtinian approach to the law and literature interaction, I hope to motivate scholars in the field of animal ethics to think more critically about the direction that the increasingly glorifying discourse of animal rights has taken and challenge the view of legal reform as the be-all and end-all of animal liberation. This article should thus essentially be read as both a reflection on refusal and an act of refusal in itself.

The ethics of the novel proceed from a relational structure where identity is in flux and neither the self nor the other is solely human, allowing us to employ literature as a vehicle to ethically "write" the animal and "read" her response that is silenced by the law. The dearth of scholarship that engages with this alternative avenue in order to effect change is itself a symptom of the way in which law exercises power and disqualifies other discourses. It is, ironically, precisely for this reason that animal ethicists should continue their engagement with law. Being cognizant of the congruence between law and anthropocentric

culture, I however urge that the engagement with law and especially a resort to law should be tentative, reflective, and cautious.

Bakhtin would have us consider literature's generic force in relation to law. I hope to have demonstrated that the structure and style of *The Lives of Animals* place various views and discourses in juxtaposition in order to unsettle and create insight into complacent authorities. Costello's refusal of philosophically and legally solidified premises sets the violence of these discourses and practices against their material effects, thereby illustrating Bakhtin's insights into the literary tradition's capacity to carry out a mode of justice. Coetzee's novella does not collapse prescription into description by advancing assertions that thematize and speak directly about a certain formulated justice. Rather, the novel stimulates reaction to(wards) a positive practice of justice. To reiterate, the discourse of justice in literary works is located in its manner rather than its matter.[138] Approached from this vantage point, literature provides new resources with which we can grasp the relation of law and literature and engage with the question of animality. Perhaps more importantly, it resists any form of closure to the possibility of bringing forth something more and better.

DISCLOSURE STATEMENT

No potential conflict of interest was reported by the author.

1. Friedrich Nietzsche, *The Gay Science*, trans. Walter Kaufmann (New York: Vintage, 1974), 336.
2. Jacques Derrida, *The Animal That Therefore I Am*, trans. David Wills, ed. Marie-Louise Mallet (New York: Fordham University Press, 2008), 29.
3. Jan-Harm de Villiers, "Metaphysical Anthropocentrism, Limitrophy, and Responsibility: An Explication of the Subject of Animal Rights," *Potchefstroom Electronic Law Journal* 21 (2018): 1–29.
4. Desmond Manderson, "Mikhail Bakhtin and the Field of Law and Literature," *Law, Culture and the Humanities* 12, no. 2 (2016): 221–42, 224.
5. Michael Holquist illustrates how Bakhtin's approach to the history of consciousness fundamentally differs from thinkers like Hegel and Lukács, the latter postulating singularity and unity as criteria for a developed consciousness that ultimately constitutes individuality "so radical that it condemns the novelistic hero to loneliness and alienation." See Michael Holquist, *Dialogism: Bakhtin and his World*. 2nd ed. (London: Routledge, 2002), 73–77, 75.
6. Manderson, "Mikhail Bakhtin and the Field of Law and Literature," 234.
7. Derrida, *The Animal That Therefore I Am*, 28 (own emphasis).
8. See J.M. Coetzee, "The Lives of Animals," in *The Lives of Animals*, ed. Amy Gutmann (Princeton: Princeton University Press, 1999), 15–69.
9. J.C. Kannemeyer, *A Life in Writing*, trans. Michiel Heyns (Johannesburg: Jonathan Ball Publishers, 2012), 511.
10. J.M. Coetzee, *Elizabeth Costello* (New York: Penguin Books, 2003).
11. Michael Marais, "Impossible Possibilities: Ethics and Choice in J.M. Coetzee's *The Lives of Animals* and *Disgrace*," *The English Academy Review* 18, no. 1 (2001): 1–20, 16–17.
12. David Lodge, "Disturbing the Peace," *The New York Review of Books*, https://www.nybooks.

com/articles/2003/11/20/disturbing-the-peace/ (accessed October 2, 2018). It needs to be noted that this description pertains to the novel *Elizabeth Costello*. Lodge, however, emphasizes "in lessons three and four, 'The Lives of Animals,' the novel comes closest to the Platonic dialogue in form."

13. Marjorie Garber, "Reflections," in *The Lives of Animals*, ed. Amy Gutmann (Princeton: Princeton University Press, 1999), 73–84, 79.
14. Mikhail Bakhtin, *The Dialogic Imagination: Four Essays*, trans. Caryl Emerson and Michael Holquist, ed. Michael Holquist (Austin: University of Texas Press, 1981), 61.
15. Ibid.
16. Manderson, "Mikhail Bakhtin and the Field of Law and Literature," 226.
17. Kristeva, *Desire in Language*, 68.
18. Bakhtin, *The Dialogic Imagination*, 293–94.
19. Julia Kristeva outlines the dialogical relationships that are encountered on the various levels of language: "First, within the combinative dyad, langue/parole; and secondly, within the systems either of language (as collective, monological contracts as well as systems of correlative value actualized in dialogue with the other) or of parole (as essentially 'combinative,' not pure creation, but individual formation based on the exchange of signs)." Kristeva, *Desire in Language*, 68.
20. Ibid., 69.
21. Mikhail Bakhtin, *Problems of Dostoevsky's Poetics*, trans. and ed. Caryl Emerson (Minneapolis: University of Minnesota Press, 1984), 7.
22. Desmond Manderson, "Modernism and the Critique of Law and Literature," *The Australian Feminist Law Journal* 35 (2011): 107–25, 122.
23. Kristeva, *Desire in Language*, 71–72.
24. Jan-Harm de Villiers, "Animal Rights Theory, Animal Welfarism and the 'New Welfarist' Amalgamation: A Critical Perspective," *Southern African Public Law* 30 (2015): 406–33.
25. For an exposition of the critical stakes involved in the displacement of the metaphysico-anthropocentric foundation of traditional humanism, see Matthew Calarco, "Deconstruction is not Vegetarianism: Humanism, Subjectivity, and Animal Ethics," *Continental Philosophy Review* 37 (2004): 175–201.
26. D.H. Lawrence quoted in Manderson, "Mikhail Bakhtin and the Field of Law and Literature," 231.
27. Ibid.
28. Bakhtin, *Problems of Dostoevsky's Poetics*, 5.
29. Kristeva, *Desire in Language*, 71–72.
30. Broadly defined as 1900–1975.
31. Catherine Elick, *Talking Animals in Children's Fiction: A Critical Study* (Jefferson: McFarland & Company, 2015), 1.
32. Ibid.
33. See Lewis Carroll, *Alice's Adventures in Wonderland* (Princeton: Princeton University Press, 2015); Elick, *Talking Animals*, 23–43.
34. See E.B. White, *Stuart Little* (New York: Harper & Row, 1945); Elick, *Talking Animals*, 154–69.
35. See E.B. White, *Charlotte's Web* (New York: Dell, 1952); Elick, *Talking Animals*, 170–88.
36. See Julia Kristeva, *Desire in Language: A Semiotic Approach to Literature and Art*, trans. Thomas Gora, Alice Jardine, and Leon Roudiez, ed. Leon Roudiez (New York: Columbia University Press, 1980), 86–87.
37. Elick, *Talking Animals*, 6.
38. Carroll, *Alice's Adventures*, 67.
39. Derrida, *The Animal That Therefore I Am*, 7–8.
40. Donna J. Haraway, *When Species Meet* (Minneapolis: University of Minnesota Press, 2008), 287.
41. Mikhail Bakhtin, *Art and Answerability: Early Philosophical Essays by M.M. Bakhtin*, trans. Vadim Liapunov, ed. Michael Holquist and Vadim Liapunov (Austin: University of Texas Press, 1990), 127.
42. Katerina Clark and Michael Holquist, *Mikhail Bakhtin* (Massachusetts: Harvard University Press, 1984), 67–68.
43. Haraway, *When Species Meet*, 5.
44. Manderson, "Mikhail Bakhtin and the Field of Law and Literature," 228.
45. Ibid.
46. Ibid., 233–34.
47. Jacques Derrida, "Force of Law: The 'Mystical Foundation of Authority'," in *Acts of Religion*, trans. Mary Quaintance, ed. Gil Anidjar (New York: Routledge, 2002), 230–98, 251.
48. Manderson, "Mikhail Bakhtin and the Field of Law and Literature," 233.
49. Allon White, *Carnival, Hysteria and Writing: Collected Essays and an Autobiography* (Oxford: Oxford University Press, 1994), 136.
50. Manderson, "Mikhail Bakhtin and the Field of Law and Literature," 234.

51. White, *Carnival, Hysteria and Writing*, 137.
52. Bakhtin, *The Dialogic Imagination*, 24.
53. Bakhtin juxtaposes the final Platonic dialogues in which "the content often assumed a monologic character that contradicted the form-shaping idea of the genre" and the dialogues of Plato's first and second periods, noting that "the dialogue of these early periods has not yet been transformed into a simple means for expounding ready-made ideas (for pedagogical purposes) and Socrates has not yet been transformed into a 'teacher'." Bakhtin, *Problems of Dostoevsky's Poetics*, 110.
54. James P. Zappen, "Bakhtin's Socrates," *Rhetoric Review* 15, no. 1 (1996): 66–83, 71.
55. Bakhtin, *Problems of Dostoevsky's Poetics*, 110.
56. Ibid.
57. Ibid., 111–12.
58. Ibid., 122.
59. Mikhail Bakhtin, *Rabelais and His World* [1965], trans. Hélène Iswolsky (Bloomington: Indiana University Press, 1984), 94.
60. Ibid., 10.
61. Ibid., 9.
62. Ibid., 11.
63. Ibid., 11–12.
64. Bakhtin, *Problems of Dostoevsky's Poetics*, 124.
65. Ibid.
66. Ibid., 6.
67. My argument was stimulated by Richard Northover's thorough and convincing interpretation of Costello as Socratic figure in Richard Alan Northover, "J.M. Coetzee and Animal Rights: Elizabeth Costello's Challenge to Philosophy" (PhD thesis, University of Pretoria, 2009). Also see Richard Alan Northover, "Elizabeth Costello as a Socratic Figure," *English in Africa* 39, no. 1 (2012): 37–55.
68. Bakhtin, *Problems of Dostoevsky's Poetics*, 110.
69. Bakhtin, *The Dialogic Imagination*, 24.
70. Ibid.
71. Ibid., 25.
72. See Bakhtin, *Problems of Dostoevsky's Poetics*, 111.
73. Karin van Marle, "Introduction: Refusal, Risk, Liminality," in *Refusal, Transition and Post-Apartheid Law*, ed. Karin van Marle (Stellenbosch: SUN MeDIA, 2009), 1–14, 3.
74. See Adriana Cavarero, *In Spite of Plato: A Feminist Rewriting of Ancient Philosophy*, trans. Serena Anderlini-D'Onofrio and Aine O'Healy (New York: Routledge, 1995).
75. Karin van Marle, "Laughter, Refusal, Friendship: Thoughts on a Jurisprudence of Generosity," in *Refusal, Transition and Post-Apartheid Law*, ed. Karin van Marle (Stellenbosch: SUN MeDIA, 2009), 15–28, 20.
76. Cavarero, *In Spite of Plato*, 23–24.
77. Ibid., 24–26.
78. Van Marle, "Laughter, Refusal, Friendship," 20.
79. Ibid.
80. See Adriana Cavarero, *Relating Narratives: Storytelling and Selfhood*, trans. Paul Kottman (London: Routledge, 2000).
81. Van Marle, "Laughter, Refusal, Friendship," 21.
82. Bakhtin, *The Dialogic Imagination*, 23.
83. Van Marle, "Laughter, Refusal, Friendship," 19.
84. Bakhtin, *Rabelais and His World*, 20–21.
85. Drucilla Cornell, *Moral Images of Freedom: A Future for Critical Theory* (Maryland: Rowman & Littlefield Publishers, 2008), 3. See also Drucilla Cornell, *The Philosophy of the Limit* (New York: Routledge, 1992).
86. Cornell, *Moral Images of Freedom*, 6.
87. Van Marle, "Introduction," 3.
88. Coetzee, "The Lives of Animals," 69.
89. Cornell, *Moral Images of Freedom*, 6–7.
90. Coetzee, "The Lives of Animals," 55–56.
91. One prominent example is Costello's use of leather products, despite her ethical vegetarianism. She clearly appreciates this contradiction and is reluctant to accept praise and respect: "I'm wearing leather shoes … I'm carrying a leather purse. I wouldn't have overmuch respect if I were you." Ibid., 43.
92. Costello often fails to structure a coherent, convincing argument. At the conclusion of her first lecture, for example, John remarks that it was "a strange talk … ill gauged, ill argued. Not her métier, argumentation." Ibid., 36.
93. Costello's use of Ted Hughes's poetry, despite Hughes being a sheep farmer, opens her to mockery. During her first lecture, an audience member facetiously remarks "either he is just raising sheep as poetic subjects … or he is a real rancher raising sheep for the market." This comment prompts laughter from the audience, suggesting ridicule. Ibid., 51–52.
94. Ibid., 45.
95. Ibid., 35.
96. Ibid., 33.

97. Ibid., 22–23.
98. Ibid., 23.
99. Marais, "Impossible possibilities," 2.
100. Thomas Nagel, "What is it like to be a bat?" *The Philosophical Review* 83, no. 4 (1974): 435–50.
101. Ibid., 438. It needs to be noted that there are scholars who convincingly argue that Costello misreads Nagel, the latter constructing an argument "against materialist reductions of consciousness" that actually "makes [Costello's] point in advance." Michael Bell, "What is it like to be a Nonracist? Elizabeth Costello and J.M. Coetzee on the Lives of Animals and Men," in *J.M. Coetzee and the Idea of the Public Intellectual*, ed. Jane Poyner (Ohio: Ohio University Press, 2006), 172–92, 177.
102. Coetzee, "The Lives of Animals," 35.
103. Ibid., 51.
104. Haraway, *When Species Meet*, 3 (own emphasis).
105. Coetzee, "The Lives of Animals," 51.
106. Sam Durrant, "J.M. Coetzee, Elizabeth Costello, and the Limits of the Sympathetic Imagination," in *J.M. Coetzee and the Idea of the Public Intellectual*, ed. Jane Poyner (Ohio: Ohio University Press, 2006), 118–34, 130.
107. Coetzee, "The Lives of Animals," 22.
108. Ibid., 48.
109. Ibid., 55.
110. Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (Mineola: Dover Publications, 2012), 311.
111. Coetzee, "The Lives of Animals," 33.
112. Derrida, *The Animal That Therefore I Am*.
113. See Matthew Calarco, *Zoographies: The Question of the Animal from Heidegger to Derrida* (New York: Columbia University Press, 2008), 103–49.
114. Ibid., 117–18.
115. Ibid., 118.
116. Derrida, *The Animal That Therefore I Am*, 28.
117. Ibid.
118. Coetzee, "The Lives of Animals," 21.
119. Ibid., 21–22.
120. Ibid., 49–50.
121. Bakhtin, *Problems of Dostoevsky's Poetics*, 120.
122. Coetzee, "The Lives of Animals," 37.
123. Bakhtin, *Rabelais and His World*, 281.
124. Ibid.
125. Northover, "J.M. Coetzee and Animal Rights," 140. Note that the menu did, however, include fish.
126. Coetzee, "The Lives of Animals," 37.
127. Ibid., 38.
128. Ibid.
129. Bakhtin, *Rabelais and His World*, 10.
130. Coetzee, "The Lives of Animals," 43.
131. Northover, "J.M. Coetzee and Animal Rights," 18.
132. Kristeva, *Desire in Language*, 81.
133. Ibid.
134. Ibid., 77.
135. Van Marle, "Introduction," 2.
136. Ibid.
137. Ibid., 3.
138. Manderson, "Mikhail Bakhtin and the Field of Law and Literature," 241.

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