The War against Animals
Critical Animal Studies

General Editors

Helena Pedersen, Stockholm University (Sweden)
Vasile Stănescu, Mercer University (USA)

Editorial Board

Stephen R.L. Clark (University of Liverpool, UK)
Amy J. Fitzgerald (University of Windsor, Canada)
Anthony J. Nocella, II (Hamline University, USA)
John Sorenson (Brock University, Canada)
Richard Twine (Edge Hill University, UK)
Richard J. White (Sheffield Hallam University, UK)

VOLUME 3

The titles published in this series are listed at brill.com/cast
The War against Animals

By

Dinesh Joseph Wadiwel
Contents

Acknowledgments VII
Foreword IX

Matthew Calarco
Introduction: The Live Hang 1

PART 1
Biopolitics

1 Bare Life 65
2 Governmentality 97

PART 2
Conquest

3 Immunity 127
4 Property and Commodity 147

PART 3
Private Dominion

5 Privatisation and Containment 177
6 Companionship 202

PART 4
Sovereignty

7 Capability 223
8 The Violence of Stupidity 252

Conclusion: Truce 273
Index 297
Introduction: The Live Hang

Though bullets and cannon balls were not whistling here on the road along which he was going, still he saw here on all sides the same sights as on the field of battle. There were everywhere the same suffering, exhausted, and sometimes strangely indifferent faces; everywhere the same blood and soldiers’ overcoats, the same sound of firing at a distance, yet still rousing the same horror.

LEO TOLSTOY, War and Peace

An essential feature of contemporary industrialised chicken slaughter is the use of a “live hang.” Chickens arrive at processing plants, packed tightly into crates. Workers open the crates, seizing the live chickens one by one by their legs, and hanging them upside down on fast moving conveyor hangers. The birds will then proceed swiftly through the next stages of the mechanical process of their transformation from living being into dead meat. The birds will be led through an electrical water bath which is designed to stun them into senselessness, their necks will be cut, they will be bled, and then their bodies will be scalded in defeathering tanks.

The smooth, seamless operation of the conveyor system enables large numbers of live birds to be “processed” quickly. Some systems are capable of killing and transforming more than 1000 birds per hour into food. The speed and precision of death, and the intricate breeding and containment facilities that precede the slaughter machines, guarantee a seemingly limitless supply, feeding a voracious human demand for chicken meat. The speed of industrialised killing helps us to understand how it is possible for chickens within the “animal industrial complex” to be one of the most prolifically slaughtered land species on earth. Technologies in this case have facilitated killing on a scale that defies imagination. The Food and Agriculture Organization of the

4 Almost certainly there may be single fish species killed in a more voluminous manner; the lack of data makes this difficult to establish with certainty.
United Nations estimates that approximately 55 billion chickens were slaughtered in 2010 for food.5

The “live hang” is far from a painless process for chickens; the velocity of the operation makes the potential for suffering more extreme. Birds will sustain injuries and pain, and because of the speed of the process, many birds will be incorrectly hung (for example, suspended by one rather than two legs). Some birds will not be stunned in the electrical water bath. As a result, they will then either experience neck cutting while conscious or, worse (if their necks are not properly cut and they are not killed), will be boiled alive in the scalding tanks. Annie Potts reminds us that in the UK, “up to 50 birds an hour are conscious when their throats are cut, and up to 9 in 1,000 birds survive the blade and perish in scalding tanks.”6 Regardless of what sort of death the birds face, the machine rolls smoothly on.7

Through all of this, the mechanised process of death aims to put down the resistance of birds to their own torment and eventual extermination. The birds struggle, they flap, they bite. The pace of the killing operations will mean that human workers will need to work quickly to keep up, and potential handling related injury is a risk. Slaughter-line chickens inflict damage upon human workers as they “scratch, peck and defecate all over them.”8 Inevitably some birds arrive in crates already dead or seriously injured: these birds will meet their death regardless (many are still hung, to be processed with other “meat”). Some birds are thrown aside to be disposed of later; in some cases, cruel or insensible workers will tread on or beat birds prior to hanging.

The technologies of death are simple, yet diabolical. The live hang is utilised to nullify any possibility of escape for birds who are “correctly” hung. The hang- ers (or “shackles”) are designed to prevent release, by clasping the birds around the hock joint and limiting escape regardless of how vigorously the chickens attempt to work against their capture. The physical dimensions of the birds’ own feet will work against them in this regard, since the hangers are designed to use the chickens’ own body parts as a means of imprisonment.9 As Elaine Scarry observes in her famous study of torture, the most effective and simple

---

6 Potts. Chicken. 168.
7 From Franz Kafka: “these days the machine no longer manages to squeeze out of the condemned man a groan stronger than the felt is capable of smothering.” See Franz Kafka. “In the Penal Colony.” Metamorphosis, A Hunger Artist, In the Penal Colony and Other Stories. Arlington: Richer Resources Publications, 2007. 87.
9 Another diabolical piece of equipment used in small scale chicken slaughter is the “kill cone.” The bird is dangled upside down into an inverted steel cone. Gravity does the work here:
torture techniques will use the prisoner's body against themselves.\textsuperscript{10} Surely, something similar is occurring here in the design of chicken hanger: the feet of the chickens, which had prior to this point provided elevation, stability and mobility to the bird, become weapons against the self when the birds are wedged into the hangers by their feet, and the dimensions of the chicken's own feet will prevent any escape from the death that is impending.\textsuperscript{11} However, perhaps like any life form faced with its end, the entrapped birds will resist the death to come; a desire to preserve the self will remain until the end. The chickens will flap their wings and lift their heads; some will avoid the stunning baths by exerting their strength to elevate themselves above the water, only to be later confronted in full consciousness by the blade or, worse, to experience the scalding bath with full sensibility intact. At all points in this horrific—yet terrifyingly everyday—machinery, an intimate story of conflict and resistance, struggle and restraint, is being told: between the chickens and their forms of containment, the workers in the live hang, and the limits of the chickens' own body, as they are finally propelled towards the inescapable abyss of death.

\textbf{War against Animals}

In this book, I treat our systems of violence towards animals precisely as constituting a war. I am certainly not the first to imagine human violence towards animals as warlike. Animal advocates, for example, have frequently described human violence towards non human life as “a war on animals” as part of their

\begin{itemize}
\item[10] Thus, if we are forced into “standing positions”—for example, when made to stand for hours on end with arms extended—our own body will betray us, as a simple pose becomes, as the minutes extend into hours, excruciating. Scarry states that “this unseen sense of self-betrayal in pain, objectified in forced confession, is also objectified in forced exercises that make the prisoner's body an active agent, an actual cause of pain.” See Elaine Scarry. \textit{The Body in Pain: The Making and Unmaking of the World}. New York: Oxford University Press, 1985. 47. In this regard, see Darius Rejali’s discussion of positional torture, particularly the use and development of the \textit{shabeh} technique. See Darius Rejali. \textit{Torture and Democracy}. Princeton: Princeton University Press, 2007. 354–7.
\item[11] As Noske observes: “its body often is the very cause of the animal’s misery. Perhaps we can speak of the body as ‘an alien and hostile power confronting the animal’? The body which makes up an important part of the animal ‘self’ used to be steered largely by the animal itself but now has become like a machine in the hands of management and is actually working against the animal’s own interests.” Noske. \textit{Beyond Boundaries}. 18.
\end{itemize}
campaigning. The philosopher Jacques Derrida, in his late work, identified the Western philosophical tradition as tied to a hostility against animals, remarking that the “Cartesianism belongs, beneath its mechanist indifference, to the Judeo-Christiano-Islamic tradition of a war against the animal, of a sacrificial war that is as old as Genesis.” Similarly, Jonathan Safran Foer has framed industrialised meat production as a war: “We have waged war, or rather let a war be waged, against all of the animals we eat. This war is new and has a name: factory farming.” This book seeks to extend these intuitions to present a theoretical argument for how we might conceptualise our primary relationship with animals as being a war.

I concede, however, that there are challenges to understanding our relationships with animals as comprising a “war.” We might conventionally understand war as involving an armed contest between two opposing sides, aimed at out-damaging an opposition. This view of war would emphasise an active process

---


And that war is not just one means of applying technoscience to the animal in the absence of another possible or foreseeable means; no, that violence or war has until now been constitutive of the project or of the very possibility of techno-scientific knowledge within the process of humanization or of the appropriation of man by man, including its most highly developed ethical or religious forms. No ethical or sentimental nobility must be allowed to conceal from us that violence, and acknowledged forms of ecologism or vegetarianism are insufficient to bring it to an end, however more worthy they be than what they oppose” (101). Earlier in the book, Derrida refers to a need to “situate the present” in an “unequal struggle, a war” between “on the one hand those who violate not only animal life but even and also this sentiment of compassion, and, on the other hand, those who appeal for an irrefutable testimony to this pity... War is waged over the matter of pity. This war is probably ageless but, and here is my hypothesis, it is passing through a critical phase... To think the war we find ourselves waging is not only a duty, a responsibility, an obligation, it is also a necessity, a constraint that, like it or not, directly or indirectly, no one can escape (29).

14 Jonathan Safran Foer. Eating Animals. New York: Little, Brown and Company, 2009. 33. Foer goes on to state: “If we are not given the option to live without violence, we are given the choice to center our meals around harvest or slaughter, husbandry or war. We have chosen slaughter. We have chosen war. That’s the truest version of our story of eating animals.”

15 This would certainly conform to the definition that is offered by Elaine Scarry in her Body in Pain: war is when two sides seek to out-injure each other.
by oppositional combatants to dominate each other, assuming a reciprocal intentionality to attack an enemy (even if at least one of the combative opponents does not initiate war). Armies, we might imagine, hatefully pick up weapons and, whether by force of circumstance or through desire for conquest, enact a mass form of violence with winner takes all stakes. However, this picture of war is not clear cut nor definitive of all combat. If anything, the twentieth century has demonstrated the difficulty of clearly defining war in terms of imagined opposing combatants. At least on one level, from the twentieth century onwards, war was increasingly waged against non combatants; that is, civilians. Not only were civilians more and more the targets of armed force, whether in international or civil conflicts, but there was also an increasingly blurred set of thresholds between civilian and combatant, as the guerrilla, insurgent and terrorist bore the marks of indistinguishability from the citizen. We might also note that war in the twentieth century and beyond underwent a number of innovations in form, so that we can no longer clearly conjure an image of war as comprising two armies facing each other in a field of battle. Rather, it is not clear where the battlefield starts and where it ends, when war is declared, and when peace is declared to end hostilities. Guerrilla warfare and State terrorism seamlessly blended the war zone and civil political space. War by “remote” is increasingly commonplace, as missile and drone warfare replaces frontline armed combat between opposing forces. War can be “hot” or “cold” (and every variation in between), and States can be in an ever present readiness for war, even if formal conflict with an identified enemy has not, or may never, begin. So much so that, for many parts of the world, war and States of emergency are a seemingly endless main event within civil and political affairs. These endless variations in what war looks like provide an opportunity to re-understand how war as a concept might be redeployed in different contexts, particularly beyond the human theatre. That is, in the case of this book, how war might provide an illustrative and productive description of our relationship with animals.

There is material evidence that we might use to construct this case for understanding our relationship with animals as primarily hostile. The scale by which we kill and harm animals would seem to confirm that our mainstay

---

16 Referring to post World War One Europe, Hannah Arendt comments: “Nothing perhaps illustrates the general disintegration of political life better than this vague, pervasive hatred of everybody and everything, without a focus for its passionate attention, with nobody to make responsible for the state of affairs—neither the government nor the bourgeoisie nor an outside power.” Hannah Arendt. *The Origins of Totalitarianism*. Orlando: Harvest, 1976. 268.
relationship with animals is combative or at least focused upon producing harm and death. Factory farming and industrialised slaughter technologies, for example, enable a monstrous deployment of violence and extermination. The scale of death defies imagination. One conservative estimate is that worldwide over 60 billion land animals are killed annually for food.\(^\text{17}\) Since these figures do not include sea animals killed for human use, they do not illustrate the full scale of death.\(^\text{18}\) Aside from food production and experimentation, animals are subject to torment and death in order to satisfy human recreational pursuits, in hunting, sport fishing, circuses, racing, bullfighting and rodeos. A United States based NGO estimates that approximately 200 million animals are killed every year through hunting in the United States alone.\(^\text{19}\) Other animals are subject to experimentation for medical research, product trials, psychological study or military testing, and subject to intensive forms of confinement, chemical exposure, physical trauma and death within experimentation facilities.\(^\text{20}\)

\(^{17}\) Sourced from the Food and Agriculture Organization of the United Nations. 2010 data, see Food and Agriculture Organisation of the United Nations, faostat. This informs us that more than 63 billion (63,303,649,624) land animals were killed in 2010, including 55,334,057,000 chickens, 425,947,124 goats, 1,375,246,728 pigs and 537,791,052 sheep. These figures do not include sea animals killed for food during this period, nor animals who die as a result of human utilisation for food (such as eggs or dairy) or recreation. The un figures are necessarily conservative.

\(^{18}\) There remains a lack of data to accurately estimate the number of marine animals killed for human consumption. The United States non government organisation, ADAPT, estimates that 90 billion marine animals are killed each year, based on US consumption rate estimates. See ADAPT. “More than 150 Billion Animals Slaughtered Every Year.” ADAPT website. At: www.adapt.org/killcounter.html. However the numbers are potentially substantially higher: one report estimates that over 1 trillion (up to 2.7 trillion) fish are caught annually. See Alison Mood. Worse Things Happen at Sea: The Welfare of Wild-Caught Fish. fishcount.org.uk. 2010. At: www.fishcount.org.uk/published/standard/fishcountfullrptSR.pdf.


\(^{20}\) Although some forms of cruelty to some animals are forbidden by law, other forms of violence are tolerated; indeed openly permitted. In Australia, for example, the New South Wales Crimes Act 1900, provides an offence for a person who “tortures,” “beats” or “kills” an animal (Section 530(1)), yet provides an exception for animals used in research, “routine
We should not forget that human encroachment of non-human habitats, through the spread of industrialisation and global human economies, has meant and continues to mean suffering and death for many animals. The effect of pollution and loss of food supplies have seen species extinction and immeasurable injury and death for non-human life. Human activities have an impact on all life: for non-human animal life this impact has been devastating. Certainly, taking this grim picture into account, it seems reasonable to suggest that if this mass-scale injury and death is systematic and directed, then perhaps it conforms to an understanding of “war.”

Objections might be anticipated at this point. Perhaps foremost here is the objection that describing our relationship with animals as fundamentally about war runs against the grain of emerging theory in animal studies which stresses a “relational” rather than “conflictual” approach to analysing human relationships with animals. Donna Haraway, for example, as I shall discuss in Chapter 6, argues against a “radical language of animal rights” and its universal problematisation of slaughter, in favour of an approach that recognises that humans and animals engage in relations that involve “coshaping one another in layers of reciprocating complexity all the way down.”

I do recognise that totalising categories, perhaps as found in traditional animal rights theory, do nobody any favours in attempting to detail intricate multidirectional power relationships or challenge simplistic constructions of agency. I don’t believe, however, that a relational perspective need be incompatible with a contextual argument that applies a normative view to human utilisation and slaughter. Relational approaches can be adapted to take into account systems of violence and the way in which ethics might be formed by context and situation. Clare Palmer, for example, uses a relational approach to argue that moral duties are generated through proximity, interaction and spheres of human contact and intervention, offering an argument for why we might have differing moral obligations between domestic animals, wild animals, and animals we have historical and/or present interaction with.

Agricultural or animal husbandry activities, recognised religious practices, the extermination of pest animals or veterinary practice (Section 530(2)(b)). In other words, it would appear that cruelty is permitted treatment for most animals in regular contact with humans.


Palmer states her approach might explain why we might have “no moral obligation to prevent the migrating wildebeest from drowning in the Mara River, even if that would bring about a better state of affairs in the world, but that those who allowed the Amersham horses to suffer and starve were indeed behaving in a way that was morally reprehensible.”
and careful account which problematises industrialised forms of slaughter and violence, while suggesting that some practices, including hunting for food, may not represent the same level of harm.\textsuperscript{23}

Understanding fundamental conflict and the role of violence in shaping relationships is also important in comprehending the way in which power interacts with hierarchised difference and systems of truth. Perhaps of relevance here is Kelly Oliver’s discussion of human/animal difference in \textit{Animal Lessons}.\textsuperscript{24} Drawing connections between feminist discussion of sexual difference and animal studies articulations between human and animal, and pointing out Derrida’s problematisation of conceiving difference as a binary rather than multiplicity, Oliver asks:

Why is sexual difference marked and then reduced to a binary or primary difference between two? How is the distinction between two conceived as opposition or even war? Finally how can we open the field to multiple unaccountable differences and unlock the stranglehold of two warring opponents?\textsuperscript{25}

At first take, Oliver’s observations would appear to go against the grain of the argument I present in Chapter 5: namely, that the radical feminist discussion of sexual violence as functioning within the context of patriarchy as a “war against women” might very well—at least in my view—be a useful way to conceptualise our war against animals. I believe, however, the approach I describe in this book is not antagonistic to the relational approach put forward by Oliver. As I argue in the Conclusion, the spaces of “truce” that we must construct are necessarily relational; moving beyond the war on animals surely means developing new forms of connection, friendship, topography, love and living-together that have been previously unimaginable, and, as a result, lead to reconstruction of the human/animal binary in ways which might recognise

\textsuperscript{25} Oliver. \textit{Animal Lessons}. 134. Oliver discusses Derrida’s observations on the German word \textit{Geschlecht} pointing out the way in which it accounts for both animal human difference and sexual difference: “it names a splitting in two that sets two sides apart and figures them as opposites or one as the negation of the other, making the duality essentially dis-sension, war and violence” (134).
multiple non hierarchised difference. However, my sense is that there remains the difficult task of attending to the violence that is present today, and understanding how this violence constructs the terms of our relations and, simultaneously, the way we understand and position the “opponents” that are assembled by this binary themselves. As I discuss in Chapter 5, sexual violence—as a taken for granted everyday form of hostility—both maintains patriarchal relations and constructs gender roles. In this sense it appears reasonable to understand sexual violence against women as a war, a war that maintains male domination against women, and simultaneously articulates a binary between “man” and “woman” as normative gender constructions. Sexual violence does not explain everything about gender role construction or gender power relations (for example, the effects that normative gender construction, tied to interpersonal, legal and social violence, have for trans people); however, persistent violence, supported and allied by State power which reproduces systems of subordination and domination—a war—must be accounted for in any description of the way in which gender interacts with subjectivity and social position. There is an equally persuasive argument for understanding the way in which mass orchestrated violence against animals both maintains systems of human domination and, simultaneously, constructs epistemologically how we understand the “animal” as a discursive category that is opposed and subordinated to the “human.” In this sense, as I argue in Chapter 6 with reference to Haraway’s *When Species Meets*, acknowledging the way in which humans and animals “co-shape” each other, even in “significantly unfree” relationships, does not mean we can easily sidestep the question of violence, and the way in which large scale forms of violence create and reproduce systems of domination and enable constructions of truth. As I discuss below, there is a challenge in dealing with the epistemic violence of the construction of human superiority, and this task should seek to address the binary constructions of human/animal, reason/nature, knowledge/instinct, superior/inferior and other hierarchical forms of differentiation. This task must be situated within the battlefield of the ever present, everyday

---

26 Karl Steel states:

the human tries to distinguish itself from other animals by laying claim to the sole possession of reflective language, reason, culture, and above all an immortal soul and resurrectable body; it lays claim to these qualities for itself, and itself only, through acts of violence against others that, by routinely suffering this violence, are designated ‘animal’; because the category of the human is a retroactive and relative effect of the action of domination, no such human can do without the domination of animals without abandoning itself.

violence that characterises many of our relations with animals; a war with measurable effects in suffering and death for billions.

Some may also object that violence against animals, particularly in the case of industrialised slaughter or animal experimentation, does not conform to war in the usual sense, since animals cannot be reasonably said to “resist” their domination. It might be argued that since these forms of domination seem overwhelmingly one-sided and oriented to nullify escape, then there is no possibility of interaction, response or “politics.” This is the view put forward by Palmer in an example of a cat that has been strapped and bound so that movement is impossible. Palmer, following a Foucauldian approach, argues that there is no means for the cat to react or respond to human interaction (including acts of violence such as a kick): “There is no relationship; no possibility for it to be a being who reacts. All spontaneousity and almost all communication is removed from our brutal encounter. Thus it cannot be a power relationship.”

I would suggest, on the contrary, that the question of resistance seems complex and worth reconsidering here. In the example I presented above of chicken slaughter, it seems difficult to avoid the way in which animal resistance (even if this resistance is “futile”) plays a part in the process of slaughter. This whole process is one of struggle; a struggle between life forms, which seeks to bend the lives (and deaths) of chickens to human utility. Although it might be easy to imagine animals as passive in this process—as restrained bodies hung on processing lines to be fabricated into meat—the reality involves a more intense and intimate engagement in a violent power relation, in which humans and machines “struggle” against chickens who would prefer not to die. This is a two-way process in which animals are instrumentalised, but are not passive. Tim Ingold reminds us that violence always aims to put down resistance; technologies of violence would not be used if the objects of violence were not sentient, autonomous and evaded capture and utilisation in the first place:

Consider the slave-driver, whip in hand, compelling his slave to toil through the brute infliction of severe pain. Clearly the autonomy of the slave in this situation to act according to his own volition is very serious curtailed. Does this mean that the slave responds in a purely mechanical way to the stroke of the whip? Far from it. For when we speak of the

application of force in this kind of situation, we impute to the recipient powers of resistance—powers which the infliction of pain is specifically intended to break down. That is to say, the use of force is predicated on the assumption that the slave is a being with the capacity to act and suffer, and in that sense a person. And when we say that the master causes the slave to work, the causation is personal, not mechanical: it lies in the social relation between master and slave, which is clearly one of domination. In fact, the original connotation of ‘force’ was precisely that of action intentionally directed against the resistance of another sentient being.28

This reading of resistance treats technologies and agent interaction as formed and designed to counter and put down resistance of opponents, human or otherwise. This allows us to read even seemingly benign agent interaction and apparatuses as designed precisely to counter resistance. For example, in chicken slaughter, low light serves numerous functions, including stymieing resistance: “if chickens cannot easily see their flock mates being stunned they are less likely to struggle and incur an injury that would downgrade the carcass.”29 We find a similar situation in the corrals used to lead bovine to slaughter. Temple Grandin is famous for her animal corral designs with curved races.30 The introduction of curves into the chutes that led cattle towards death minimised the possibility of an animal responding to the chute by balking and backing up.31 These curved corrals should be understood precisely as

28 Tim Ingold. The Perception of the Environment: Essays on Livelihood, Dwelling and Skill. London and New York: Routledge, 2006. 73. Note the subtle shift between Gary Francione’s baseline for moral community membership (that is, sentience) and Ingold’s observation that sentience plus resistance to violence demonstrates a form of agency.

29 Potts. Chicken. 166.


31 Grandin. “Race System for Cattle Slaughter Plants with 1.5 m Radius Curves.” 295. For this reason, I would subtly disagree with the perspective put forward by Palmer in her essay, “Taming the Wild Profusion of Existing Things?”, where she describes an absence of power in situations where there is no opportunity to resist. Naturally, if we follow a Foucauldian schema of force / resistance (at least in Foucault’s earlier sense), then power is not present where there is no resistance. Palmer identifies:

...practices of such extreme violence/domination that animals have no opportunity to resist at all: where they are in the situation equivalent to Foucault’s shackled slave. This includes direct violence to animal bodies where escape or resistance is not possible. Clearly such situations are commonplace for animals. Further, much of the time animals, not sharing human language, will not recognise that they are being threatened, or in what precise way they are being threatened, which may prevent
means of containing and dealing with resistances. The curves, which obscure from the sight of animals the impending death that awaits, operate simultaneously as a means of welfare and a means to lubricate resistance.32 In the first sense, the curves protect animals from a vision of what is to come, and thus arguably reduce suffering. However, in the second interconnected sense, the curves are also there to subdue resistance and enable the effective and smooth process of slaughter, maximising human utilisation (and profit) value. In this regard, the approach taken in this book builds and enhances on emerging work in animal studies that seeks to identify and understand animal resistance, such as the work of Jason Hribal, which examines containment strategies, pain inducing devices such as whips, bodily modification and training as means to subdue resistance.33 That humans need to constantly innovate to find ways to make the slaughter of animals smoother, more efficient and less “fricative,” already suggests that the process of the instrumentalisation of animals for human use must squarely deal with the resistance of animals to that same use, often in such a way as to use animals and their own bodies against them from exhibiting resistance, even if they were in principle able to respond in such a way.


I would note however, even in extreme cases of violence, there is a form of resistance, as sentient creatures are dragged kicking and screaming to their ends. The problem, as I discuss below, is partly epistemic. The knowledge/power relationship codes this violence as non political and devoid of resistance; as such, resistance is always epistemologically rendered as not violence. As a related, albeit separate observation, note Catharine MacKinnon’s observations on the possibility of rendering the “truth” of women’s resistance to male subordination:

Both sexists and feminists have difficulty explaining women who resist, but for different reasons: the first because nonsubmission is so unnatural, the second because resistance is so expensive. Both solve this difficulty by envisioning women as victims. But where sexism sees woman and victim as tautologous, feminism conceives of woman and victim as contingent-upon enforced social subordination to men. Feminism relies upon the ultimate possibility of resistance, even though the feminist analysis of the crushing totality of subordination has difficulty accounting for it. Sexism relies upon its ultimate impossibility.


themselves (as in the “shackle” used in industrialised chicken slaughter). The final element of this process is epistemic. If violence can be smoothed in such a way that it does not appear as violence, then the process of converting an animate sentient being into a “thing” is complete, and resistance and war become hidden under a veneer of peaceability; as Carol J. Adams has noted, meat in this process becomes separated from the living animal that was its original referent. (Surely the tendency of industrialised slaughter to opacity, speed and apparent bloodlessness points to a desire for killing to happen without any trace of resistance?)

This view of resistance as generated, and working intimately against, systems of production is intended to tie closely with a conceptualisation of labour which sees “autonomous” resistance as central to systems of production. In this view, systems of production and exchange, such as capitalism,
parasitically feed upon the productive capacities and creativity of the bodies that labour within these systems. Capitalism thus always moves to capture the productivity of those bodies through modes of disciplinarity and subordination. In this reading, extreme forms of domination that appear to lack resistance are in fact the product of active forms of creative resistance by those who are subordinated, a resistance that is subsequently coopted by capitalism as a new mode of production. Thus, for example, as Michael Hardt and Antonio Negri argue, new flexibilities in workplace arrangements that characterise post-Fordist production (flexible work hours, work from home arrangements, teleworking etc.) are the result of capitalism adapting to the resistance of workers to Fordist modes of disciplined production: it is because workers actively dropped out of labour through absenteeism, through cultural experimentation against the imposition of work, through everyday resistances and sabotage, that capitalism needed to adapt and re-mould work itself in order to maintain productivity.40

We might equally apply this view to understanding the technology of animal containment, breeding and slaughter. Consider again the curved corral. This architectural solution adapts itself to the autonomy of animals themselves, working with the decisions made by animals within a horizontal narrowing space (the chute leading to slaughter), rather than against. Bodies are moulded by production, and production moulded almost symbiotically by bodies into exchange.41 As such, at each moment at which friction threatens to slow the process of killing, when forms of animal agency might reveal resistance to the process of slaughter, industrialised production systems shift to

---


41 Hardt and Negri state:

The great industrial and financial powers thus produce not only commodities but also subjectivities. They produce agentic subjectivities within the biopolitical context: they produce needs, social relations, bodies, and minds—which is to say, they produce producers. In the biopolitical sphere, life is made to work for production and production is made to work for life. It is a great hive in which the queen bee continuously oversees production and reproduction. The deeper the analysis goes, the more it finds at increasing levels of intensity the interlinking assemblages of interactive relationships.

Hardt and Negri. Empire. 32.
enable enhanced productivity, simultaneously creating the illusion that animals are helping themselves to die. The parasitism of industrialised slaughter does not restrict itself merely to animal movement in the face of increasingly impermeable containment systems. The creativity of animals is exploited right down to the metabolic and generative capacities of the living organism. On one hand, as I will discuss below and in Chapter 1, the reproductive capacities of animals are central to the biopolitics of the whole animal industrial complex, since large scale killing requires equally large scale breeding. On the other hand, production processes will work with the vitality and processes of the living organism to capture every ounce of the creativity and energy produced in order to maximise profit. This capture might even work against the body in such a way as to lead to auto-destruction: Lori Gruen, for example, points out that “intensively reared dairy cows are so overworked that they begin to metabolise their own muscle in order to continue to produce milk.”

Production systems seek always to capture and utilise any productivity and creativity; bodies seek to evade capture and generate productivity that is surplus to production. In this sense, as I discuss in Chapter 4, my perspective here subtly reworks Barbara Noske’s view that:

the animals’ natural capacity for movement, play, preening, social interaction and contact with the natural environment is almost felt to be subversive... Like the human worker’s creativity it has to be kept under control, or better still, done away with.

It is true that industrialised slaughter, containment and breeding systems must continually respond to animal resistance. But animal creativity is a source of profit; the drive for production systems will be to capture creative activity, including overt acts of resistance, in order to generate continually increased productivity. To refer again to the curved coral leading animals to slaughter, its development relies upon animal intersubjectivity, coproductivity and agency; as Anna Williams observes, “these manufacturing devices all proceed

---

43 Noske. Beyond Boundaries. 15.
44 Indeed, as Noske notes, domestication of animals such as sheep, goats and bovine precisely relied upon the creativity of these animals to generate social connectivity: “the reason why humans could domesticate them in the first place has got a great deal to do with their high degree of sociality.” Noske. Beyond Boundaries. 17–18.
from an understanding of the animal as a subject whose sentient engagement with the world can be recruited to assist production by manipulating the environment."\textsuperscript{45} The genealogy of the war against animals is one of continual adaption and reworking of systems of domination to most effectively capture the agency, escape and vitality of animals and simultaneously maximise human use value. The façade this process projects is one of seamlessness; absence of hostility; no friction.

In this book I have been attracted by the characterisation of war that is offered by the military theorist, Carl von Clausewitz. Early in his treatise \textit{On War}, Clausewitz provides the simple prescription that war is "\textit{an act of violence to compel our opponent to fulfil our will}."\textsuperscript{46} Clausewitz’s description facilitates an understanding of war as a phenomenon of mass or corporate organised violence that aims at total domination.\textsuperscript{47} This view avoids limiting the concept

\begin{itemize}
\item Carl Von Clausewitz. \textit{On War}. In public domain. Project Gutenberg. 15.
\item A definition such as this is not without difference of opinion. Some may object that war requires at least two collectives, and preferably two nation States, who are involved in some form of conflict. Certainly Brian Orend’s entry in the \textit{Stanford Encyclopedia of Philosophy} seems to conform to this:

War should be understood as an actual, intentional and widespread armed conflict between political communities. Thus, fisticuffs between individual persons do not count as a war, nor does a gang fight, nor does a feud on the order of the Hatfields versus the McCoys. War is a phenomenon which occurs only between political communities, defined as those entities which either are states or intend to become states (in order to allow for civil war).


Roger Scruton has advanced a view that seems less prescriptive: "war is centrally a state of affairs in which two or more corporate entities, at least one of them politically organized, are disposed to fight collectively, and where the decision to fight arises, at least on one side, through the process of government, and not from some private faction or feud." See Roger Scruton. “Notes on the Sociology of War.” \textit{The British Journal of Sociology}. 38.3, 1987. 295–309. 301. Although Scruton’s definition lacks a political and social context, and unnecessarily constructs a private/public distinction in the decisionality around war, it does not contain any necessary prescription on what combatants to war look like, nor how war should be conducted. Although Scruton intends "government" to be in some way reflective of a collective process for political decision making, we might equally treat this in a Foucauldian sense, as a rationality for organising conduct. Scruton’s argument should be read in context with Martin Shaw’s response, and Scruton’s subsequent reply. See Martin Shaw “The Real Sociology of War: A Reply to Roger Scruton.” \textit{The British Journal of Sociology}. 39.4, 1988. 615–618; and Roger Scruton. “Reply to Martin Shaw.” \textit{The British Journal of Sociology}. 39.4, 1988. 619–623.
\end{itemize}
of war to an engagement that is intentionally fought between two armed combative (human) opponents. What is also useful about this prescription is that it is not contaminated by a conflation between object and means. When we concentrate on the object of war—violence aimed at compelling an opponent to fulfill our will—then the means (armies, weapons, declarations etc.) are secondary. Understanding the object of war as domination—a way in which to bend an opponent’s will in conformity to one’s own—offers us a way to frame our instrumental relations with animals in the context of a wider, more systemic, violent relationality.

Regardless, it would seem that the need for a broader definition of war—one that goes beyond simply defining war as a contest between two armies—itself highlights the poverty of available language, at least in English, for describing large scale organised violence that has the all intensity of war, yet lacks clearly demarcated combatants. This certainly does not mean that the means for war are not relevant, rather that we must always seek to capture how means and ends engage with each other. An important element in Clausewitz’s definition is precisely this interaction of the object of war—that is, to compel an opponent to be bound to our will—and the means used to attain this object (namely, violence). Indeed the nature of this interaction is that means and ends oscillate between each other: means will take the place of ends, while the primary object—submission of an enemy to our will—will be lost. Thus Clausewitz observes:

Violence arms itself with the inventions of Art and Science in order to contend against violence. Self-imposed restrictions, almost imperceptible and hardly worth mentioning, termed usages of International Law, accompany it without essentially impairing its power. Violence, that is to say physical force (for there is no moral force without the conception of states and law), is therefore the means; the compulsory submission of the enemy to our will is the ultimate object. In order to attain this object fully, the enemy must be disarmed; and this is, correctly speaking, the real aim of hostilities in theory. It takes the place of the final object, and puts it aside in a manner as something not properly belonging to war.

Clausewitz. On War.

This dynamic of the exchanges between means and ends is worth taking note of. While war seeks as its object submission of an opponent to a combatant’s will, the action of war is about a violent means that disarm an enemy. The means to achieve this end are an ever-present distraction. The technology of violence, and the law surrounding its conduct, in the midst of this interplay, will appear itself to be tied to the exercise of violence, affecting its characteristics, and obscuring the object. As a result, discussion of war will centre upon questions in relation to means: What level of violence is appropriate and proportionate? What technologies of violence will be agreed upon? How will non combatants be treated? And are non violent means possible to achieve the same end? All these features are present in contemporary human-to-human conflicts, where technology, resource demands, law and international moral force interact to determine what sort of violence or intervention will occur, their timing and intensity. However, as Clausewitz
War was clearly influential during a period of transition in Michel Foucault’s thinking between the publication of *Discipline and Punish*, and his later works on sexuality and government. These thoughts are made available in a 1975–6 series of lectures, published in English under the title *Society Must Be Defended*. Here Foucault’s starting point is Clausewitz’s aphorism “war is observes, the primary aim of war—that is submission of an opponent to our will—remains intact, even if it is an apparently hidden dimension.

The applicability of this understanding of war, as a mobile interaction between the “purity” of ends and the “reality” of means is immediately applicable to violence against animals. We live in a world where violence towards animals is configured as non violence, and where forms of violence are rendered as *beneficient*. It is certainly notable that animal welfare discussions frequently enact this sort of distraction, where the means of violence, organised around an economy of determining lines between necessary and unnecessary suffering, obfuscate from view a primary object, namely, domination of non human animals in the name of human utility. Thus discussions on cage dimensions for battery hens, “environmental enrichment” for laboratory rats, and even stunning techniques prior to slaughter, will take precedence within animal welfare discussions, leaving to the side the pressing question of why we are at war in the first place, and is it justifiable. War and politics have an intimate relationship with each other: one substitutes for the other, and each hides the other’s objectives. The challenge for analysis is locating the primary objective in our relationships. This means when we consider something like the industrialised slaughter of chickens, we must consider each processing plant as just one battlefield within a wider war; each chicken hung a minor skirmish. That is, we must look for war precisely where it is discursively coded as “peace.”

policy pursued by other means.” Foucault inverts Clausewitz in his own rendering of the statement as: “politics is war pursued by other means.” This forces an understanding of politics as war under a different guise, and simultaneously offers a challenge to a tradition of political theory—such as that presented by social contract perspectives—that would see the civil political space as offering a salvation from the ravages of open hostility between warring parties:

War is the motor behind institutions and order. In the smallest of its cogs, peace is waging a secret war. To put it another way, we have to interpret the war that is going on beneath peace; peace itself is a coded war. We are therefore at war with one another; a battlefront runs through the whole of society, continuously and permanently, and it is this battlefront that puts us all on one side or the other. There is no such thing as a neutral subject. We are all inevitably someone’s adversary.\(^{51}\)

If civil peaceable relations are the means by which war is enfolded within a new set of relations, then sovereign law becomes a means by which continuing domination is encoded: the methodology by which it is possible to continue forms of domination that would otherwise be openly expressed in war. Foucault notes that sovereignty is founded upon a continuing victory in war, and an accompanying right to inflict death that follows this victory. If a sovereign nation is defeated by another, Foucault observes:

The vanquished are at the disposal of the victors. In other words the victors can kill them. If they kill them, the problem obviously goes away: the

\(^{51}\) Foucault. *Society Must Be Defended*. 50–1. In an interview Foucault clarifies the problematic:

This is the problem I now find myself confronting. As soon as one endeavours to detach power with its techniques and procedures from the form of law within which it has been theoretically confined up until now, one is driven to ask this basic question: isn’t power simply a form of warlike domination? Shouldn’t one therefore conceive all problems of power in terms of relations of war? Isn’t power a sort of generalised war which assumes at particular moments the forms of peace and the State? Peace would then be a form of war, and the State a means of waging it.

Sovereignty of the State disappears simply because the individuals who make up that State are dead. But what happens if the victors spare the lives of the vanquished? If they spare their lives...are granted the temporary privilege of life... [they] ...agree to work for and obey the others, to surrender their land to the victors, to pay them taxes. It is therefore not the defeat that leads to the brutal establishment of a society based upon domination, slavery, and servitude; ... It is fear, the renunciation of fear, and the renunciation of the risk of death. The will to prefer life to death; that is what founds sovereignty.52

Sovereignty from this perspective becomes a means to enforce forms of domination that emanates from the right of death held by the sovereign, and the avoidance of death by those who submit to the violence of law: “the will to prefer life to death; that is what founds sovereignty.”

The term sovereignty usually implies a mandated system of authority, rule or control that provides a nodal point for the organisation of political and social relations. Contemporary understandings of sovereignty are in many ways coloured by the Western—distinctly Hobbesian—conception: namely, the perceived right of a monarch or delegated authority to make a singular, unifying claim to territory and life within a particular domain, and to both organise and exercise legitimised violence. This framework for sovereign power casts a shadow over other possible forms of geo-political organisation, and increasingly we observe that variations of this model of sovereignty are extending their reach into every territorial and biological region of this planet.53 The contemporary nation State—which is legitimised through the sovereign right—embodies many of the generic principles which defined the rule of the Western sovereigns of old: centralised decision making; a prerogative to lay claim to resources within borders; the fixture (or conversely removal) of populations within territorial domains of power; a monopoly exercised over the mechanisms of violence; and the power to legitimise its own violent acts. However, there is certainly a large degree of scholarly discussion that suggests that sovereignty is evolving from this traditional conceptualisation. For example, it has been noted that “globalisation”—the process by which capital, markets, governments and authorities, and particular peoples have re-situated themselves within an emerging international perspective54—raises questions for how we

52 Foucault. Society Must Be Defended. 95.
53 See Hardt, and Negri. Empire.
think about sovereign power. As Hardt and Negri emphasise, the restructuring of nation States which has accompanied this process of globalisation has not spelled the end of sovereignty, but, on the contrary, has forced a re-negotiation of the terms of its power.55 In a different vein, scholars articulating Indigenous sovereignty, have argued not only for recognition of sovereignty claims within settler colonial societies, but left open the question of what this sovereignty might look like, suggesting indeed that there is a significant capacity to re-imagine sovereignties, including through forms of co-existence and an ample ability to imagine sovereign pluralities.56

In this book, I offer a reconceptualisation of sovereignty, arguing that it might be understood as a mode of human domination of animals. In the Judeo-Christian religious tradition, there is a Genesis narrative of God granting dominion to “man” over the other animals. Certainly, as I shall discuss in Chapter 4, this is a central and important facet for how John Locke develops his theory of property (at least, as I shall argue, in Locke’s innovative reworking of what this dominion may look like). It is also no accident that thinkers interested in animal welfare put store in an assumption that humans have some sort of right of dominion over “creation,” whether as guardians of animals, evolutionary “high cards” which have earned the right to dominate through biological superiority,57 self-appointed custodians over territory, or simply the ones who must decide in a situation of exception. John Webster sums this attitude up perfectly in his Animal Welfare when he states succinctly: “Man has

55 See Hardt and Negri, Empire.
56 In Australia, for example, Irene Watson has suggested:

against the view that Aboriginal sovereignty is no more than a ‘wet dream’ is one of an
Aboriginal law which lives, and one which cannot be extinguished, for the law lives in
this land—a fact, a belief, a way of knowing the world that is still alive and waiting
that ‘impossible’ moment of recognition and activation.

Books, 2007, 23–43. 28. See also Irene Watson, “Aboriginal Laws and the Sovereignty of
volno2_2002/watson_laws.html.

See also Paul Keal. “Indigenous Sovereignty.” Trudy Jacobsen, Charles Sampford
and Ramesh Thakur Eds. Re-Envisioning Sovereignty: The End of Westphalia? Aldershot:

57 Lewis Petrinovich puts forward an evolutionary argument for human utilisation of ani-
mals, arguing that “when push comes to shove, the interests of members of our species
should triumph over comparable interests of members of other species.” See Lewis
MIT Press, 1999. 3.
dominion over the animals whether we like it or not.”58 Leaving aside for the moment whether this presumed inherited sovereignty over animals—“whether we like it or not”—is self evident or is justifiable (indeed, as ecofeminist scholars such as Val Plumwood have noted, our assumed mastery must be challenged59) we might note this standpoint has a powerful effect in determining the ethics of our relationship with animals. Once we assume we have a right of dominion, then it would seem that ethics is forced to attend to questions of how we use this dominion; that is, how we use animals, rather than whether we should use them in the first place. In other words, ethics becomes a question of how to manage or regulate the effects of our own self proclaimed dominion. It is thus no accident that Webster begins with the “problem” of dominion as a means to construct a case for welfare; dominion is assumed to be an inescapable fact, and our only course of action, “whether we like it or not,” is to moderate the effect of our position. As a result, as I shall outline below, this creates a problem that when we consider our relationship to animals, sovereignty appears to precede ethics. It is a problem because ethics constructed after sovereignty works only to regulate or mitigate the violent effects of that sovereignty, while leaving the basic structure of domination intact. This result, in other words, is welfare. We might then understand welfare as precisely an “ethical” action that is limited or governed by a sovereign prerogative for continuing utilisation. We offer welfare to those we have dominion over, and wish to continue to dominate for our own benefit, but have the freedom to provide forms of limited consideration that do not temper our dominion right (captured perfectly in that diabolical phrase “unnecessary suffering”60).

Gary Francione has provided a useful analysis of the way in which welfare considerations spring from human use value for animals as property.61 However, I would extend Francione further here, to argue that we need to interrogate the way in which sovereignty is anchored to human positionality, not through just a property right, but through an overarching system of domination that both encompasses and exceeds animals as property. This does not mean that property is unimportant. As I discuss in Chapters 3 and 4, property

in animals is an articulation for a human victory in appropriation that establishes sovereign rights. In this sense, we need to understand a claimed human sovereign right of dominion over animals as setting in train a set of relationships. These relationalities articulate over and over again human freedoms that rely upon the continuing unfreedom of animals. These freedoms are securitised through institutional and epistemic forces, including legalised violence. Thus, the property rights established in animals merely “insure” or underwrite a human claim of freedom which requires the unfreedom of animals as its guarantee. Freedom in this sense is not connected to equality; on the contrary, it conveys the opposite sense; in Foucault’s words “freedom is the ability to deprive others of their freedom.”62 This in turn enshrines a chain of legitimation that guarantees a continual pleasure for the victors in war; a freedom of unending satisfaction, pleasure for some won through the suffering of others:

the freedom enjoyed...was essentially the freedom of egoism, of greed—a taste for battle, conquest and plunder. The freedom of these warriors is not the freedom of tolerance and equality for all; it is the freedom that can be exercised only through domination.63

In other words, sovereignty, at least in the form I am identifying here, guarantees an unending flow of pleasures, laying in place an almost absurd economy of greed that can only be secured through the life and death domination of total defeat. It is no coincidence, as I shall discuss in Chapter 8, that Derrida also takes note of this tendency for hyperbole and excess within sovereignty: “the majesty of the absurd in so far as it bears witness to the human.”64 Human sovereignty over animals is characterised by excess beyond proportionality.

Foucault’s conceptualisation of war and sovereignty offers us a way to understand how it is that mass orchestrated violence is seamlessly integrated within civil political spaces in an imperceptible way, and the inherent resistance of institutions of violence to change, since change potentially threatens a rupture to the continual excess of human claimed rights and pleasures (the spoils of war). This mass violence exerted towards animals is frequently shielded in such a way as to not disrupt our apparent peaceable relations: large scale slaughter, experimentation and grand and petty apartheids all occur as daily events, yet appear as indistinguishable from the background noise of

---

63 Foucault. Society Must Be Defended. 148.
everyday life. As Timothy Pachirat points out in his brilliant *Every Twelve Seconds*, this is in part a question of topographical organisation, with violence against animals contained to zones of exception and segmented in such a way to conceal its operations, even from workers themselves who are intimately involved in the slaughter process. As I have argued in Chapter 5, the organisation of this “gulag archipelago” might be conceptualised as comprising an interconnected set of containers of violence, with stratified modes of delegated sovereignty regulating micro spheres that stretch across almost all modes of human existence, encompassing heterogeneous scenes of domination, from animals in the dock in a slaughterhouse, rats in cages in experimental labs, to dogs at the ends of leashes in suburban backyards. War, in this case, operates as a coordinated and legitimised web of contained violences, which linked with a massive organisation of death and reproduction, enables a continuous, precise and unrelenting effort to quell resistance. War is thus almost perfectly internalised as a mode of sovereignty which bends the will of animals to our own.

**Biopolitics**

I argue in this book that the nature of our war against animals is distinctly biopolitical. Michel Foucault described biopolitics as a shift away from a directly coercive model of power focused upon the acquisition of territory and resources, towards a rationality that attends to populations and life. Foucault marks this shift in the *History of Sexuality* with the now famous summary that “the ancient right to take life or let live was replaced by a power to foster life or disallow it to the point of death.” Here Foucault suggests that political discourse is increasingly directed towards a concern for the nature of life, its vicissitudes, its requirements, its essence: “For millennia, man remained what he was for Aristotle: a living animal, with the additional capacity for a political existence; modern man is an animal whose politics places his existence as a living being in question.” Perhaps the easiest way to think about biopolitics is by understanding the way in which sovereign power—that is, in this instance, sovereign rule by humans over other humans—has evolved in the modern period. Where sovereignty was traditionally understood as a brute exercise in domination by the sword, often with the aim of accumulating resources and

---


Introduction

capturing territory, Foucault would suggest that increasingly modern sovereignty is shaped by biopolitical rationalities that direct attention towards managing the biological life of (human) populations who had previously only been a secondary concern. Government fosters the lives of populations through the deployment of resources for education and training, public health, the facilitation of relationships and organisations, fertility and “family” planning, the management of the economy, and generalised financial wellbeing. As such politics itself is attentive to the functioning of the human as an organism on an individual and collective level. Foucault states:

Western man was gradually learning what it meant to be a living species in a living world, to have a body, conditions of existence, probabilities of life, and individual and collective welfare, forces that could be modified, and a space in which they could be distributed in an optimal manner.68

Whilst many of these programs and initiatives may actually benefit, and enhance, the existence of particular populations, we cannot assume that sovereign biopolitics is merely concerned with what has been called the “fostering of life.” For, as Foucault suggests, the power to foster life is connected to a more insidious arm of sovereign power: namely, the power to “disallow it [life] to the point of death.”69 In other words, we must keep in mind that biopolitical sovereignty is about both life and death. This has been highlighted by a number of recent thinkers on sovereignty including Giorgio Agamben, Roberto Esposito and Achille Mbembe (all three of whom I examine in this book). Agamben in his now famous study Homo Sacer, draws attention to the foundational relationship between the Foucauldian concept of biopolitics and political sovereignty, and its implicit link to violence and exclusion. Agamben differs from Foucault on biopolitics in two identifiable ways. Firstly, Agamben treats biopolitics as a concept fundamental to the whole Western political tradition (rather than as a recent development): in Agamben’s words, “Western politics is a biopolitics from the very beginning.”70 Secondly, as I shall discuss in detail in Chapter 1, Agamben understands biopolitics explicitly as an ongoing form of differentiation between human and animal. This continual re-expression of the fuzzy human animal distinction defines biopower, in so far as biopolitics is not merely politics attuned to questions of life and population, but in essence,

68 Foucault. The Will to Knowledge: The History of Sexuality: 1. 142.
69 Foucault. The Will to Knowledge: The History of Sexuality: 1. 138.
at least in Agamben’s reading, politics itself becomes concerned with the violent articulation of the borders between the human and the animal. In Agamben’s words, “the decisive political conflict, which governs every other conflict, is that between the animality and the humanity of man. That is to say, in its origin Western politics is also biopolitics.”71 We can certainly summarise here that biopolitics according to both Agamben and Foucault is precisely located at the point or threshold between human and animal; biopolitics is almost, as it were, “the productive” effect of the tension between human and animal. If we take seriously the manifest and extraordinary forms of violence that institutionally rearticulate the differentiation between human and animal, Western politics, in other words, expresses the fact of war between human and animal life.

Sovereignty remains important within this understanding of biopolitics. As I have stated above, sovereignty is tied to the biopolitical *caesura*—a pause or a break—that divides between populations on species, race, gender, ability or other grounds. Following Foucault, sovereignty is a means to internalise war within social relations; biopolitics a description for the dividing lines that are drawn between populations. Law, institutions and knowledges reproduce these dividing lines, by fostering lives while simultaneously allowing others to diminish, and deploying technologies of care and violence. In this sense, I do not wholly agree with the view put forward by Cary Wolfe that biopolitics involves a distancing from sovereignty towards a politics of biological bodies.72 This view might accord if we treat sovereignty as merely implying the (human) State, with demarcated territories of control and a codified legal order. However, as I discuss in Chapter 8, with reference to Derrida’s *The Beast and the Sovereign* lectures, sovereignty need not be confined to the State and a

---


72 Wolfe distinguishes between the biopolitics of Agamben and that of Foucault, arguing that the latter argues for a shift away from the “domain of legal codes and sanctions” towards a power addressed at the body, with a “growing need, in an increasingly complex and differentiated field of operation, for the various techniques of management, surveillance, and so on.” See Cary Wolfe. *Before the Law: Human and Other Animals in a Biopolitical Frame*. Chicago: Chicago University Press, 2012. 31. Wolfe thus argues against Agamben’s reading of biopolitics as essentially tied to and, determined by, sovereignty (see 24). Wolfe states:

This compels us, then, to firmly distinguish between biopolitics in its declension towards sovereignty as constitutive and biopolitics as a relation of bodies, forces, technologies, and dispositifs which, by definition, could entail no such formal symmetry between sovereignty and bare life of the sort we find in Agamben (and, as it turns out, in Badiou and Žižek) (33).
codified legal order. Sovereignty can be characterised as a mode of domination that auto-legitimises not only its own force but its own rationality. Sovereignty in this understanding is neither distinctly something humans alone are capable of, nor does it necessarily or essentially hold particular attachments to the State, or territory. It is for this reason that we can apply sovereignty aptly to understand human domination of animals, since under this sovereign order rationality follows violence as a form of claimed superiority. Humans declare themselves exceptionally intelligent, but only after they have prevailed over other animals with violence. As such, biopolitics, sovereignty and knowledge are linked. If biopolitics expresses a contestation between human and animal, this war can only take place within the context of a sovereign order that seeks to reproduce this conflict, and an authorising system of rationality and truth that tells us that violence against animals is either justifiable or, at its most diabolical, a knowledge system that denies that this violence is occurring. In this sense, sovereignty seems far from occupying a “subordinated” position with respect to biopolitics; on the contrary, sovereignty is tied to the production of biopolitical contestation, and as I shall discuss below, the production of knowledge and epistemic violence are also equal participants in this power relay.

Beyond this conceptual framing of biopolitics, war sovereignty and truth, we might take note of the very clear articulation of human violence towards animals as a biopolitical violence par excellence. Our relations with animals appear as biopolitical in an almost archetypal way, in so far as they perfectly and efficiently use violence to locate an exact line between life and death. To take just one example here, it seems clear that industrialised slaughter (making death) is interdependent upon industrialised reproduction (making life). The more animals we kill for food, the more we need to breed; the faster we kill animals, the faster we need to breed them. In Australia the 5 million pigs that are killed annually for human consumption are the product of approximately 320,000 perpetually pregnant sows, who spend their lives within a small enclosure not much bigger than themselves, giving birth to piglets who are only destined for the chopping block. In other words, industrialised slaughter—the power to make die—also relies on an attendant ability to bring to life—a power to make live. Life and death on this scale requires advanced techniques of

---

biological control to enable a gargantuan slaughter machine to function. Animal industries need to scrupulously monitor and regulate nutrition, movement, sociality, sexuality, location and reproductive capacity in order to efficiently produce meat: life itself, the vicissitudes of life in the biological organism, the creativity and productivity of life, become the focus of parasitic control mechanisms. As I discuss in Chapter 1, the techniques of animal control and utilisation that are everyday in industrialised farming and slaughter conform absolutely to how we might conceptualise a violent biopolitics. Indeed, as I discuss with respect to “governmentality” (Chapter 2), and as Wolfe has emphasised in his Before the Law, biopolitical human violence towards animals tells us something about human violence towards other humans: biopolitical techniques of control and violence towards animals seem likely to have informed, and continue to be intertwined with, human practices of violence towards other humans.

Pulling together the threads that Foucault and Agamben have provided, we might begin to construct a framework with which to comprehend the war against animals. Firstly, we might note that if the civil political space is founded upon the exclusion of the animal, this same space is a historical reminder of the continuing victory of an ongoing and perhaps originary conflict between humans and animals; the war from which our conceptualisation of the political sphere may be said to have originated; a conflict that correlates with the distinction between civilisation and nature, culture and biology; a war that is also foundational rooted in the mythology of Western sovereignty; the war which, to take from Plumwood, “has been the master story of Western culture.”

The civil political sphere is founded upon a primary exclusion of non human life, which in turn continually generates violent divisions between human and animal both within and without the political sphere.

Secondly, the civil political space requires the sublimation of hostility and aggression into forms of apparent civil peace-ability, where war is carried out by other means. The civil political space thus hides forms of intense domination of animal life, through apparatuses that do not, at least on the outside, betray the form of war. As I discuss in Chapter 6, we might find evidence for this, for example, in the legalised controls that are inherent to dog ownership in the West, with expansive powers of regulation available to the State and pet owners on how domestic animals are to be kept, attendant with a range of legal measures, from the compulsory implantation of surveillance technologies, to controls over movement, to the categorisation and segregation of certain classified dogs, to reproductive controls and death for other dogs. In this form, the

---

76 Plumwood. Feminism and the Mastery of Nature. 196.
law functions to enable violent forms of subjection and control under the guise of “companionship”; violence and death quite literally enacted in the name of friendship.

Thirdly, we might observe that the law aims to establish a covenant of continuing freedom and plunder for the victors of war: an unending flow of pleasures, an economy of greed. We eat, hunt, torture, incarcerate and kill animals because it is our sovereign right won from total victory; our sovereign pleasure. This perspective on the relationship of domination, politics and freedom to sovereignty might be a way to explain the blatant and horrific excesses of our war with animals. This is perhaps most viscerally evident in factory farm and industrialised slaughter processes, which have enabled death on a scale that has hitherto been completely unimaginable, so much so that the dull drone of incessant slaughter and injury appear as commonplace and almost impervious to critical attention. This might also be a way to explain the complete impotence of ethics, “humane” thinking, and the rights framework before these horrors. Victory in war leads to an intoxication of power that guarantees a total and unending defeat that is so complete that the fact of war becomes utterly imperceptible; a victory so absolute that it appears merely banal, lacking resistance, without politics.

Inter-subjective, Institutional and Epistemic Violence

The main challenges that have arrived to human violence towards animals have been articulated by moral philosophers who, using a range of different frameworks, have pointed out the ways in which our relationship with animals presents a logical inconsistency in relation to contemporary norms of ethical treatment and justice. However, as Sue Donaldson and Will Kymlicka have pointed out, and despite the efforts of the moral philosophers, opponents of animal use and killing remain confronted by a “political impasse,” with little evidence of structural reform capable of fundamentally changing our pattern of human exploitation and violence towards animals: “for the foreseeable future, we can expect more and more animals every year to be bred, confined, tortured, exploited, and killed to satisfy human desires.”

individual ethical choice. Our treatment of animals has often been understood as a moral/philosophical problem, rather than as a political problem which requires strategies to challenge the “institution of speciesism” as Wolfe identifies it.78 This has arguably lead to tactical errors in responding to the magnitude of human violence towards animals. A frustrating element of this is the over-emphasis of individual actions as a strategy.79 This has created a perception that the solution to widespread mass orchestrated violence against animals is for individuals to agree to individually withdraw themselves from this violence and act in morally consistent ways, as if solely individual decisions (for example to pursue a vegetarian or vegan lifestyle) have a significant impact upon large scale systems of domination. It is clear when we consider other forms of manifest, everyday, encompassing violences, for example patriarchy, that individual actions are only one element within a more deeply entrenched framework of power that continually positions bodies, their movement, and their access to resources. Asking men to desist from sexist behaviour certainly is an important element in dismantling patriarchy. But alone, this is not sufficient for addressing all the forms of violence that patriarchy enacts against women, forms of violence that operate across diverse fields including work, family, movement, space, sexuality and language. Asking men to desist from sexist behavior will not achieve a restructuring of family and home; it won’t alone address the intense gender norms that govern movement, dress, utilisation of space; it won’t gain equivalent wages for equal or similar work, it won’t re-situate sexuality from a violent, normative and phallocentric constitution. Similarly, large scale acts of violence—such as war, terror, and genocide—clearly cannot be addressed solely upon the basis of individual ethics. Of course, it is true that personal decisions made in the context of large scale atrocity are important (the decision to or not to participate, for example). However it seems problematic to assert that preventing these forms of violence is simply down to changing lifestyles or attitudes. Rather, and as has been


79 Donaldson and Kymlicka plainly comment: “Any theory that asks people to become moral saints is doomed to be politically ineffective, and it would be naïve to expect otherwise.” See Donaldson and Kymlicka. Zoopolis: A Political Theory of Animal Rights. 253. Plumwood observes that “an over-emphasis on person conversion and vegetarian action resulting from neo-Cartesianism and rights theory means that other forms of popular political action, for example alliance politics, remain relatively under-developed and undertheorised.” See Plumwood. Environmental Culture. 154.
the case when trying to understand large scale violence or atrocity, a stronger perception of the role of individual actions within the context of broad social and political factors—racism, economic distinction, history etc—is required.

The violence of the war against animals operates on an inter-subjective, institutional and epistemic level. We might make sense of this by drawing on the typology of violence that Johan Galtung provides in his influential “Violence, Peace and Peace Research.”80 Galtung divides between personal (I will term this “inter-subjective”) violence and structural (I will term this “institutional”) violence. Galtung divides between the two on the basis of agency and actors:

We shall refer to the type of violence where there is an actor that commits the violence as personal or direct, and to violence where there is no such actor as structural or indirect. In both cases individuals may be killed or mutilated, hit or hurt in both senses of these words, and manipulated by means of stick or carrot strategies. But whereas in the first case these consequences can be traced back to concrete persons as actors, in the second case this is no longer meaningful. There may not be any person who directly harms another person in the structure. The violence is built into the structure and shows up as unequal power and consequently as unequal life chances.81

For our purposes, the division between violences is important in so far as it enables the possibility of understanding our treatment of animals within a society-wide context, where agency and action occur within intricate networks, and responsibility for violence is diffused, hidden and delegated. Within this view, responsibility for violence is manifold rather than individual. Humans can take responsibility in terms of their individual ethics to remove themselves from this violence; for example by adopting changed diets or changing their consumer preferences for animal based textiles. However, once we acknowledge the institutional or structural characteristic of our treatment of animals, it seems to be a self-deception to imagine that these same individuals do not continue to be beneficiaries of this violence, even where they desist from personally using animal products. To use myself as an example here, I practice veganism, however, I live in a nation (Australia) whose wealth and relative high per capita living standards have been won by force, not only

through a history of colonialism and continuing economic imperialism (and the racialised geopolitics that attends this), but also through extraordinary and intense forms of animal exploitation and violence, which generate continuing surpluses for killing “industries” in the production of beef, lamb, seafood, dairy products and wool. My role as a contributor to the war against animals doesn’t end simply because I choose to remove myself directly from use of animal products. I continue to enjoy the spoils of this ongoing plunder, regardless of what food I choose to put in my mouth, or what shoes I choose to wear.82

Galtung also points out the way in which the division that he draws between “personal” and “structural” violence corresponds to a politics of “visibility.” The nature of this split is that personal violence is seen, while structural violence is hidden:

it is not strange that attention has been focussed more on personal than on structural violence. Personal violence shows. The object of personal violence perceives the violence, usually, and may complain—the object of structural violence may be persuaded not to perceive this at all. Personal violence represents change and dynamism—not only ripples on waves, but waves on otherwise tranquil waters. Structural violence is silent, it does not show—it is essentially static, it is the tranquil waters. In a static society, personal violence will be registered, whereas structural violence may be seen as about as natural as the air around us.83

The visibility of personal or inter-subjective violence need not be normatively defined as violence that is “seen” in a “material” sense, at least in my understanding. A strategy of “seeing” violence in a “material” sense (that is, by exposing structural violence as personal violence) appears to me to miss the nature of institutional violence, which is hidden not because it isn’t in sight, but


83 Galtung. “Violence, Peace and Peace Research.” 173. Galtung observes that the stability of cessation of formal conflict creates the “dynamic” conditions for shifting focus from personal violence to structural violence:

For this reason we would expect a focus on personal violence in after-war periods lest they should become between war periods; and if the periods protracts sufficiently for the major outburst of personal violence to be partly forgotten, we would expect a concentration on structural violence, provided the societies are dynamic enough to make any stability stand out as somehow unnatural (174).
because our knowledge systems do not allow us to see this as violence. It is for this reason, that the proposals made by some animal advocates to expose the inner workings of slaughterhouses to the public (the assumption operating here is that individuals will be revolted by the sights of death and change their dietary preferences overnight) may miss the point on the nature of this violence. This seems to sidestep the very real possibility that humans may look on this violence and not see it as violence, in much the same way that many humans watch other forms of animal exploitation and violence, such as horse racing, without feelings of moral revulsion; indeed Pachirat discusses this very issue in the conclusion to *Every Twelve Seconds*. The question here is epistemic, in so far as the act of violence, its recognition by perpetrator, recipient and witness is rendered visible by signification within the context of available knowledge systems. Simply put, we can only see violence towards animals when we can imagine and think this possible (both as violence and animals as authentic victims of violence).

Gayatri Chakravorty Spivak offers a way to conceptualise this epistemic violence in her essay “Can the Subaltern Speak?” Drawing from both Foucault and Edward Said, Spivak renders a concept of epistemic violence, referring to the role of intellectuals in crafting the Other discursively, and simultaneously creating the terms by which the Other can and cannot speak:

> in the constitution of that Other of Europe, great care was taken to obliterate the textual ingredients with which such a subject could cathect, could occupy (invest?) its itinerary—not only by ideological and scientific production, but also by the institution of law.85

While—at least within the terms laid out by Galtung—*inter-subjective* violence attacks the entity directly, while *institutional* violence determines the opportunities and outcomes for that same entity, *epistemic* violence determines the terms by which the subject (or its Other) can “know” itself, and speak about its own position, and determine its own possibilities through the domination and

---

84 See Pachirat. *Every Twelve Seconds*. 233–56. As such, I would question the firm link drawn between protections to animal welfare and visibility, as argued by scholars such as Siobhan O’Sullivan. Visibility is an important element to consider, but it must be considered in light of an understanding of the epistemological construction of violence as violence to be seen. See O’Sullivan. *Animals Equality and Democracy.*

rearticulation of knowledge systems. And while Spivak insists that “the clear-
est example of such epistemic violence is the remotely orchestrated, far flung
and heterogeneous project to constitute the colonial subject as Other,” it
might be clear that the whole project of constituting “the animal” as the Other
might serve as a clearer example. The epistemic violence of producing “the
animal” as an inferior entity, and therefore susceptible to all guises of human
utility—reproduced, extinguished, made captive, hunted, companionised, tor-
tured and experimented upon—already indicates a monstrous endeavour of
limiting any possibility of animal response and resistance to the process of
domination. Perhaps a clear example of the epistemic violence that is part and
parcel of the informational-knowledge component of our war on animals are
the numerous words in English that transform animals into food—“beef,”
“pork,” “veal,” “seafood” etc.—which completely hide from view the personal
and structural violence that attends both material and symbolic production.
It is true that war against animals remains connected in some guises with the

See Said’s discussion in Orientalism:
The Oriental is irrational, depraved (fallen), childlike, ‘different’; thus the European is
rational, virtuous, mature, ‘normal.’ But the way of enlivening the relationship was
everywhere to stress the fact that the Oriental lived in a different but thoroughly
organized world of his own, a world with its own national, cultural and epistemologi-
ical boundaries and principles of internal coherence. Yet what gave the Oriental’s
world its intelligibility and identity was not the result of his own efforts but rather the
whole complex series of knowledge manipulations by which the Orient was identified
by the West... Knowledge of the Orient, because generated out of strength, in a sense
creates the Orient, the Oriental, and his world.

In this regard, see Adams’ construction of the “absent referent” in The Sexual Politics of
Meat. Adams states
Through butchering, animals become absent referents. Animals in name and body are
made absent as animals for meat to exist. Animals’ lives precede and enable the exist-
ence of meat. If animals are alive they cannot be meat. Thus a dead body replaces the
live animal. Without animals there can be no meat eating, yet they are absent from the
act of eating meat because they have been transformed into food.

And of course that broadly generic category, which seals the absolute horizon and destiny
for so many non human animals on earth, that single word that silences any discursive
space for response: namely, “meat” (in this regard, see Plumwood. Environmental Culture.
159–66). However, we cannot assume that this is merely about naming, since even the
name in its signification and resignification already acts as a container that resists the pos-
sibility of reinterpretation. We only need think about the word “chicken,” which is the
same word for both living and dead [meat], plainly and directly describes that entity that
production of the human colonial subject, very clearly seen in the forms of “animalisation” that have attended colonial violence and continue to discursively enable neo-colonialism as a geopolitical facet of our world: it is for this reason that Achille Mbembe comments that “discourse on Africa is almost always deployed in the framework (or in the fringes) of a meta-text about the animal.” However, it is this “meta-text” that must be explored: its totality must be unpicked. Tom Tyler names this text “epistemological anthropocentrism,” a knowledge assumption that the human comes first and crafts the world through, and only through, human experience:

the epistemological claim that all knowledge will inevitably be determined by the human nature of the knower and that any attempt to explain experience, understanding, or knowledge of the world, of Being, of others—must inevitably start from a human perspective.

Challenging the epistemic violence of the war against animals necessarily implies de-centring a human perspective.

These levels of violence, inter-subjective, institutional and epistemic are useful for describing the totality of our war against animals. There are individual acts against animals that we might openly describe as “violent,” which include human contact in containment, slaughter, experimentation and “sport.” There is subject to intense modes of violent biopolitical use, reproduction and death, yet it would seem never seems to qualify as a subject of violence.

Achille Mbembe. On the Postcolony. Berkeley and Los Angeles: University of California Press, 2001. 1. In relationship to colonisation and animality see also Noske. Beyond Boundaries, and Plumwood, Feminism and the Mastery of Nature. See also Joseph Pugliese's meditation on the role of speciesism in informing the violence and technologies of violence in the United States war against terror in Joseph Pugliese. State Violence and the Execution of Law: Biopolitical Caesurae of Torture, Black Sites, Drones. Abingdon: Routledge, 2013. Note also Spivak's attraction to Sigmund Freud's phrase “A child is being beaten” as the model for her construction “White men saving brown women from brown men.” She points out that Freud's sentence conceals within it a history of repression; this is its promise for analysis:

I am fascinated, rather, by how Freud predicates a history of repression that produces the final sentence. It is a history with a double origin, one hidden within the amnesia of the infant, the other lodged in our archaic past, assuming by implication a preoriginary space where human and animal were not yet differentiated.

Spivak. “Can the Subaltern Speak?” 92.


See Plumwood. Environmental Culture. For example, 121–2.
are institutional elements of this violence, that involve all humans and the way in which our lives have been structured to maintain a continuing flow of pleasures, either direct or indirect, through violence towards animals. Finally, there is an epistemic level, at which the categories of human and animal, superior and inferior, are constantly rearticulated, silencing the possibility of any response from “the animal” to our onslaught, and systematically rendering the event of violence as natural, friendly, humane or as a non event. Epistemic violence participates in the sublimation of violence as non violence; as such it produces the possibility of a “structural violence.” Epistemic violence frames personal and structural violence in such a way as to naturalise our war as a form of legitimised sovereignty, through the hierarchisation of difference. We believe it is our right, “whether we like it or not,” to decide whether to kill and to make suffer. And through these knowledge systems animals are framed, they can only be understood, as willing participants in this violence; it is as if, to paraphrase Spivak, “the animals actually want to die.”

Sovereignty Precedes Ethics

If war forms the substructure of relationality between human and non human entities, then how might we use this understanding to appraise animal welfare and animal rights approaches to the question of domination? It is certainly beyond question that over the last three decades there has been a growing recognition of the problem of animal suffering and death; and, in accord with this recognition, continued attempts to improve welfare and minimise suffering through legislation and regulation, as well as an increasingly sophisticated interest in legal protections and rights recognition for animals. However, and despite these efforts, we can persuasively argue that the quantum of animal suffering continues to increase, particularly with respect to the growth of

---

93 Spivak explores the British colonial response to sati, which she suggests effectively silences the voice of subaltern women in an epistemic trap:

The Hindu widow ascends the pyre of the dead husband and immolates herself upon it. This is widow sacrifice. (The conventional transcription of the Sanskrit word for the widow would be sati. The early colonial British transcribed it suttee). The rite was not practiced universally and was not caste- or class-fixed. The abolition of this rite by the British has been generally understood as a case of ‘White men saving brown women from brown men.’ White women— from the nineteenth-century British Missionary Registers to Mary Daly— have not produced an alternative understanding. Against this is the Indian nativist argument, a parody of nostalgia for lost origins: ‘The women actually wanted to die.’ Spivak. “Can the Subaltern Speak?” 93.
factory farming and the use of animals for experimentation. And this increase has occurred in spite of increasing recognition that animals do indeed suffer. This need not be a paradox. As I have argued, if a feature of the war against animals is that forms of violent relationality are coded in the guise of peace, then apparent mitigations of the violence against animals, such as through seeking welfare, might simultaneously function as a fractal of continuing war-like domination.

This concern has been present in critiques of animal welfare which suggest that attempts to reduce the harm and suffering do not fundamentally challenge human domination of non human animal life, but, on the contrary, enable a continuing domination:94 as Deirdre Bourke suggests, “animal welfare legislation is often used not just to protect animals but also to regulate, and indeed facilitate, the ongoing use of animals.”95 It certainly seems significant that while the focus of animal welfare legislation is to reduce suffering, we rarely find evidence within welfare legislation of a challenge to fundamental practices of domination, including—of course—the right to kill: “killing an animal is not per se a cruel act.”96 This is perhaps best illustrated by Webster’s “Five Freedoms,”97 adopted by the United Kingdom Farm Animal Welfare Council: namely, “freedom from thirst, hunger and malnutrition”; “freedom from discomfort”; “freedom from pain, injury and disease”; “freedom to express normal behaviour”; “freedom from fear and distress.”98 The freedom from death (and its correlate, a right to live), and freedom from human interference (which might perhaps be considered as the archetypal “human right” to bodily integrity and/or an individual right to self determination), are curiously absent from these protections: the diabolical promise of a protection for animals from pain and discomfort only highlights that a human right to violent domination—containment, slaughter, experimentation, regulation—remains beyond challenge, since maintaining the continuing use value of animal life for human consumption is the prerogative. Or as Francione terms “legal welfareism”:

94 See, for example, Francione. Animals, Property and the Law.
98 A similar, albeit less comprehensive, commitment is made in Australian legislation, such as in the Export Control (Orders) Regulations 1982 (Cth) which stipulates “the minimisation of the risk of injury, pain and suffering and the least practical disturbance to animals.”
“the strong presumption in favour of letting animal owners determine what uses of animals best maximize the value of animal property. The presumption is that a benefit exists unless a use can be shown to be gratuitous.”

Welfare operates, at least in this reading, as a way to blunt the full force of violence (to remove apparent pain and distress, to enable continuing nutrition, to enable a degree of physical movement) even if a right to a domination until death remains a continuing prerogative. As Peter Sankoff summarises:

Instead of a neutral balance, whereby human need weighs more than animal suffering, we are presented with a balance tilted heavily from the outset in favour of justification of harm. In effect, human need weighs more than animal suffering, in that it is valued in a much more significant way. Humans sit in a privileged position, and thus the starting point is not a presumption that harm is generally wrong, and must be justified, but that it is humanity’s privilege to inflict it.

Welfare mitigates the harm of uncontested and violent domination. It checks against gratuity. In other words, welfare might be regarded, as I note in Chapter 2, as the “governmentality” of the violence of sovereignty.

As I have discussed above, following Foucault, rights might be considered as the product of conquest, as the protections offered to those who capitulate in war as a form of reparation. In this sense rights, although formally offering protection, can also be considered as a tactic of war by other means; that is, as the way in which continuing forms of domination extend into the civil political space, enacting forms of violent relationality that preserve the spoils of victory.

It is no accident that Wendy Brown, for example, has pointed out that rights for women are similarly of potentially limited value in achieving substantive change: “rights almost always serve as a mitigation—but not a

101 Aileen Moreton Robinson says as much in her own reading of Foucault’s *Society Must Be Defended* lectures in the context of critical whiteness studies, asking “do rights function as tactics and strategies of race war?” Aileen Moreton-Robinson. “Towards a New Research Agenda: Foucault, Whiteness and Indigenous Sovereignty.” *Journal of Sociology.* 42.4, 2006. 398. Further, Moreton Robinson asks: ‘Did the eruption of ‘rights’, in its many forms, produce new procedures of Indigenous subjugation? Do these procedures continue today in the remaking of Australian national identity evident in neo-conservative politics, the history wars and High Court decisions on Mabo and Indigenous native title?’ (391).
resolution—of subordinating powers.”102 In this guise we might ask the same questions of some animal rights approaches as we might of welfare approaches. In particular, we should be wary of the stratifications of rights, status and value between human and non human, and the way in which differential rights might produce inequalities in opportunities and power, and hence re-inscribe the essential right of human domination of animal life; human dignity only experienced through the indignity of other creatures.

We find rights differentiation and stratification in Tom Regan’s *The Case for Animal Rights*, which highlights the challenge of attending to ethics without considering the problem of sovereignty. Regan puts forward a theory of inherent value, arguing that “certain individuals have the basic right to respectful treatment because of the kind of value they have (inherent value), a kind of value that is itself independent of human utility.”103 Those who have inherent value are ascribed as possessing a kind of interest or investment in their own life. Regan establishes the criterion of a “subject-of-a-life”:

...individuals are subjects-of-a-life if they have beliefs and desires, perception, memory and a sense of future, including their own future; an emotional life together with feelings of pleasure and pain; preference-and welfare-interests; the ability to initiate action in pursuit of their desires and goals; a psychophysical identity over time; and an individual welfare in the sense that their experiential life fares well or ill for them, logically independently of their utility for others and logically independently of their being the object of anyone else's interests.104

Regan’s rights view then rests upon providing an equal right of respectful treatment to those individuals who have inherent value; that is, those who “satisfy

102 Brown goes on:

Although rights may attenuate the subordination and violation to which women are vulnerable in a masculinist social, political, and economic regime, they vanquish neither the regime nor its mechanisms of reproduction. They do not eliminate male dominance even as they soften some of its effects. Such softening is not itself a problem: if violence is upon you, almost any means of reducing it is of value. The problem surfaces in the question of when and whether rights for women are formulated in such a way as to enable the escape of the subordinated from the site of that violation, and when and whether they build a fence around us at that site, regulating rather than challenging the conditions within.


I thank Jessica Robyn Cadwallader for bringing this text to my attention.


104 Regan. *The Case for Animal Rights*. 243
the subject-of-a-life criterion." In so far as a “subject-of-a-life” criterion might extend to animals, Regan’s approach thus offers a foundation for extending moral worth to entities beyond the human.

However, and despite the promise of Regan’s framework, there are nagging forms of differentiation that reinforce human supremacy over non human animals. For example, the distinction that is drawn between “moral patients” and “moral agents”—which delineates between “those individuals who are conscious and sentient” and those “who are conscious, sentient, and possess other cognitive and volitional abilities”—serves a fundamental element in Regan’s framework, in demonstrating that those who might not be thought of as moral agents may still possess rights to respectful treatment. But, as I shall discuss below with reference to disability, it is not clear whether the distinction between moral agents and patients—that is the distinction between the “rational,” “able” and “autonomous” human, and those who are treated as others (the child, the person with disability, the animal)—is a factual claim made on the basis of an external truth, or a political claim that reflects a hierarchy of differences that has placed a socially and discursively constructed “rational able bodied” human at the top of the “cognitive” heap.

While differences between entities exist, the challenge is how these differences are politically hierarchised, and the material effects of this stratification. We see the possible effects of rights differentiation in Regan’s discussion of the “lifeboat case.” If in an exceptional circumstance of survival there is a requirement that a choice between human and non human is to be made, then Regan argues that the human would be the inevitable choice: “to save the dog and to throw away any one of the humans overboard would be to give the dog more than his due.” Regan extends this further:

The lifeboat case would not be morally any different if we supposed that the choice had to be made, not between a single dog and the four humans, but between these humans and any number of dogs. Let the number of dogs be as large as one likes; suppose they number a million; and suppose the lifeboat will support only four survivors. Then the rights view still implies that, special considerations apart, the million dogs should be thrown overboard and the four humans saved.

---

Regan is clear that actual ‘life boat’ cases are rare. However, this does necessarily provide comfort, as the material effects of this differentiation in moral status and value are ominous. Certainly, as I will discuss in Chapter 3, the mass exterminations of livestock that have occurred internationally as a result of Bovine Spongiform Encephalopathy (BSE)—where animals were sent to an early death en masse to prevent human sickness and safeguard a future food supply—suggest that the blurry lines between exception and norm, and more importantly the sovereign right to declare the exception, contain the perpetual power to erode non human consideration under the ever-present human prerogative.109 Humans have the security of their own survival as an enduring goal. However, this human desire toward self-preservation is no different from any other creature110; what is different, as the discussion of Derrida in Chapter 8 indicates, is that when humans prevail over other animals through violence—such as the act of throwing one (or a million) dogs overboard—we claim this violence as an act that is grounded in, and justified by, our own superiority. In other words, as discussed above, sovereignty arrives with an authorisation structure that epistemologically establishes a human right to decide, because we believe our selves (and our violence) to be superior, to be necessary, to be giving other entities “their due” and therefore justifiable. And in this cycle of committing justifiable violence against entities that we have decided do not have the capabilities that “we” possess, it is somewhat unclear whether a true capability difference underpins our claim of superiority, or whether it is merely the process of violence that crafts other entities as lacking capability and therefore as justifiable targets of domination.

In all of this, I certainly do not mean to suggest that the rights project should be abandoned. It should be stressed that there is no reason to imagine that rights themselves might not provide a way forward in ending human domination of non human life. For example, Francione’s approach suggests a rights framework that focuses not simply on the task of extending “human” rights to non human animals, but also on simultaneously denying rights to humans:

109 As John Sanbonmatsu points out, these brief spaces of exception—when animals are killed en masse to prevent disease outbreak—occur against a backdrop of a continual killing that goes unnoticed: “so normalized and naturalized has this violence become that we only become aware of its existence when the apparatus goes awry, threatening either public health or an industry’s bottom line” See John Sanbonmatsu. “Introduction.” John Sanbonmatsu Ed. Critical Theory and Animal Liberation. Lanham: Rowman and Littlefield Publishers, 2011. 3.

110 Certainly this appears to be Locke’s view of the foundation of property rights—as a contestation between competing demands for self-preservation. I discuss this further in Chapters 3 and 4 of this book.
in Francione’s framework equal consideration begins through the abolition of the human right to own animals as property. Francione thus recognises that any concept of animal rights must begin with a deterioration of human right, through challenging the sovereign prerogative of the human, which underpins the violent domination of animals and its far ranging effects. Rights themselves are potentially important: but only where they can be tactically used to mount a counter claim against a sovereign order; the absolute right of the human. In other words, as I discuss in the Conclusion of this book, “rights” for animals must begin through an act which disrupts and disarms human sovereignty, since it is only within this space that a “practice of equality” might begin. Both welfare and rights approaches risk entrenching human domination as a starting point, where they do not open human sovereignty over animals itself to ethical interrogation, and allow for the possibility of animal sovereignties. Without addressing human sovereignty, the ground for enacting an individual ethics is limited, since it appears to always begin with the assumption of our own sovereignty as both a starting point and cause of the ethical dilemma (“whether we like it or not”). One area where we might see this ethical dilemma play out is around the problem of animal suffering. Bentham’s question—“Can they suffer?”—seems to dominate so much ethical engagement with our relationship with animals, including for example, Peter Singer, in his *Animal Liberation*. In some respects, the question of suffering already structures

---

111 Francione. *Animals Property and the Law.* 253–61. Francione states:

> We treat animals as the moral equivalent of inanimate objects with no morally significant interests or rights. We bring billions of animals into existence annually simply for the purpose of killing them. Animals have market prices. Dogs and cats are sold in pet stores like compact discs; financial markets trade in futures for pork bellies and cattle. Any interest that an animal has is nothing more than an economic commodity that may be bought and sold when it is in the economic interest of the property owner. That is what it means to be property.

See Francione *Introduction to Animal Rights*. 79.

112 See Jeremy Bentham. *An Introduction to the Principles of Morals and Legislation.* Chapter xix, Note §. The full note is worth exploring in so far as Bentham makes explicit that continuing use of animals for food is taken for granted; indeed has the potential to offer a less painful death to animals:

> Under the Gentoo and Mahometan religions, the interests of the rest of the animal creation seem to have met with some attention. Why have they not universally, with as much as those of human creatures, allowance made for the difference in point of sensibility? Because the laws that are have been the work of mutual fear; a sentiment which the less rational animals have not had the same means as man has of turning to account. Why ought they not? No reason can be given. If the being eaten were all, there is very good reason why we should be suffered to eat such of them as we like to eat: we are the
both a human subject who has the prerogative to inquire into the reality of the suffering of another being, and the non human subject whose ability to suffer is placed into question. Today, the philosophical questions around animal suffering interact with the scientific: hence the political gravity of contemporary scientific investigations into whether, for example, fish feel pain, or whether they feel pain as humans do. These inquiries are already structured by the assumption that this suffering is open to question, and simultaneously only answerable upon a human prerogative to inquire into the status of this suffering and determine its existence. The answer to these questions will have an enormous impact upon the welfare of billions of animals that humans use, and as such the ethics of this utilisation. However, it seems fair to ask why it is we

better for it, and they are never the worse. They have none of those long-protracted anticipations of future misery which we have. The death they suffer in our hands commonly is, and always may be, a speedier, and by that means a less painful one, than that which would await them in the inevitable course of nature. If the being killed were all, there is very good reason why we should be suffered to kill such as molest us: we should be the worse for their living, and they are never the worse for being dead. But is there any reason why we should be suffered to torment them? Not any that I can see. Are there any why we should not be suffered to torment them? Yes, several... The day has been, I grieve to say in many places it is not yet past, in which the greater part of the species, under the denomination of slaves, have been treated by the law exactly upon the same footing as, in England for example, the inferior races of animals are still. The day may come, when the rest of the animal creation may acquire those rights which never could have been withheld 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 come one day to be recognized, that the number of the 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 the case were otherwise, what would it avail? the question is not, Can they reason? nor, Can they talk? but, Can they suffer?

In Bentham’s account, ethical consideration for suffering comes after sovereignty: a human right of domination remains absolutely intact, and informs the nature of the ethical question which follows. In this context it is interesting to note that Paola Cavalieri cites the same quotation at length in The Animal Question, however, excludes crucial elements, particularly the overt sense in which Bentham believes human utilisation may possibly involve less suffering. See Paola Cavalieri. The Animal Question: Why Non Human Animals Deserve Human Rights. Oxford: Oxford University Press, 2001. 60.

have the right to put this suffering into question in the first place, and whether this right to question whether a living being suffers, or not, as a result of our use, is itself an effect of our utilisation. In these cases, ethics proceeds or follows domination; it reverberates after it almost as an echo through a canyon. Ethics that begins with assumed sovereignty is likely to only lead to what I have described above as epistemological violence.

In order to illustrate this problem further, I wish to pause here to discuss the troubling way disability, and particularly distinctions in “cognitive ability,” have been utilised and reproduced uncritically by both Singer and Regan as a means to put forward a case for non human justice. This provides an example of the way in which some liberal humanist conceptualisations of ethics end up simply reinscribing arbitrary forms of human exceptionalism that do violence even as they seek to rescue entities from the violence of humanism (as Wolfe notes, “the discourse and practice of speciesism in the name of liberal humanism have historically been turned on other humans as well”[114]). As I shall outline, a construction of ethics that comes after sovereignty will only regulate the effects of that sovereignty, rather than challenge the violent terms of that relationship of domination itself.

Peter Singer is perhaps most notorious for his construction of disability in relation to animality, not only in the argument he puts forward in Animal Liberation, but in his latter ethical arguments which aim to challenge a view that “species membership is crucial to moral status, and that all human life is of equal value.”[115] The crux of Singer’s argument is that it is speciesist to protect a right to life on the basis of species membership: “we must allow that beings which are similar in all relevant respects have a similar right to life—and mere membership in our own biological species cannot be a morally relevant criterion for this right.”[116]

How “similar in all relevant respects” might be defined in this context is potentially problematic, at least in so far as it relies on a production of disability as the


threshold between the “normal” human lives and other lives. Referring to a hypothetical example of a child “born with massive and irreparable brain damage” who is “unable to talk, recognise other people, act independently of others, or develop a sense of self awareness,” Singer suggests that the child’s parents may “ask the doctor to kill the infant painlessly” to avoid unnecessary costs for the parents or the State. How should the doctor respond? Here, Singer points out that the belief in the sanctity of human life—which is placed in contrast to nonhuman life—generates an arbitrary inconsistency in treatment:

Should the doctor do what the parents ask? Legally, he should not, and in this respect the law reflects the sanctity of life view. The life of every human being is sacred. Yet people who would say this about the infant do not object to the killing of nonhuman animals. How can they justify their different judgements? Adult chimpanzees, dogs, pigs, and many other species far surpass the brain-damaged infant in their ability to relate to others, act independently, be self aware, and any other capacity that could reasonably be said to give value to life. With the most intensive care possible, there are retarded infants who can never achieve the intelligence level of a dog.117

These views on the inherent value of lives and how this hierarchisation might inform a decision to take life are refined in the views Singer has later expressed on the right of parents to take the life of their “mentally retarded child.”118 Responding to the argument that differentiating in the value status of humans is a “slippery slope” (towards the sorts of eugenicist arguments that enable genocide), Singer points out that maintaining a fiction of the sanctity of all human life comes at two costs. Firstly, there is a cost for non human animals, who would be offered due protection if the sanctity of the lives of some non human animals were recognised through consistent application of value across species lines:

For example, the breeding sows that produce almost all of the pork, bacon, and ham sold in this country are so tightly confined in metal

117 Singer. Animal Liberation. 20. Notice the almost unmistakable resonance here with the final lines of Kafka’s The Trial: “‘Like a dog!’ he said, it was as if the shame of it should outlive him.” See Franz Kafka. The Trial. Geneva: Herron Books, 1968. 251.

118 Peter Singer. “Speciesism and Moral Status.” 579. Singer points out that he agrees “that there has been a long history of oppression and callous disregard for the lives of individuals with mental retardation. I also agree that we should do our best to avoid such oppression and callous disregard.”
crates that they cannot walk a single step or turn around. And yet, pigs are animals who compare quite well in terms of cognitive abilities with human beings who are profoundly mentally retarded. I doubt that it would be possible for people to treat pigs in this way, if they did not put them in a moral category that is far inferior to that in which they would place any human being.\textsuperscript{119}

\textit{Secondly}, a cost is imposed upon parents who decide “it is in the best interests of their profoundly mentally retarded child and of their family that their child should not live.” In Singer’s argument, for these parents, the fiction of equal value ascribed to human life exacts an extraordinary burden in terms of care responsibility:

To force the parents to bring up the child, neither for their own benefit nor for the benefit of the child but so that we do not slide down an allegedly possible slippery slope into a repetition of the Holocaust, is, ironically, to do just what Kantians normally object to doing: treating the child (and the parents) as merely a means to an end. The cost, financial, physical, and emotional, of bringing up a profoundly mentally retarded child is great even when parents positively want to bring up their child. It will clearly be much harder to bear if the parents never wanted to bring up the child but were not able to make that choice.\textsuperscript{120}

Here Singer normalises assumptions that underpin a production of disability. \textit{Firstly}, disability is configured as a “cost” to be carried—by the person with disability, by parents, by the State, by society as a whole—in such a way that there is apparently no benefit, or possibility of “return on investment.” Here, disability is always configured as a burden on all involved, including for the person with disability, who it is supposed would be better off without life than to live with disability. \textit{Secondly}, the socio-political context of disability is normalised so that what might be considered as variable economic, social, political and cultural factors—such as the caring roles taken on by parents, views on normal and abnormal bodies, regimes of stigma and violence, economic and work arrangements etc.—are assumed to be “natural.” That in many societies people with disability are neither provided supports or recognition, and that parents and carers may be isolated and offered little support (financial or

\begin{flushleft}
\textsuperscript{119} Peter Singer. “Speciesism and Moral Status.” 579.
\textsuperscript{120} Peter Singer. “Speciesism and Moral Status.” 580.
\end{flushleft}
otherwise) does not appear to figure in Singer’s calculation of costs. Vast cultural differences in family structure and caring roles across different societies will also mean that these costs are relative to a specific geopolitical set of circumstances. Nor does Singer acknowledge the way in which socio-political structures enable particular individuals and not others to participate in society: the active provision of resources and value to those who are normatively defined as “able” (for example, the “normal” care and support provided by parents and communities to raise children are not treated as costs). Perhaps most telling, and disturbing, is that this ethics creates a justification for who gets a right to decide: Singer assumes that parents should be able to decide to take the lives of their children in certain circumstances (presumably because they will “bear the costs”), thus normalising an assumption that the parents of a child with certain disabilities always have a right to exercise life and death powers over their child, in exception to what would be, in this case, murder under a non exceptional application of law. As Mbembe deftly remarks: “sovereignty means the capacity to define who matters and who does not, who is disposable and who is not.”

As I have discussed above, Regan differs from Singer in so far as he argues for inherent value underpinning rights obligations. This would suggest that Regan’s framework might be more promising in terms of how it produces and understands disability. Unfortunately, this promise is not realised. While it is true that Regan’s argument uses a slightly different route from Singer, Regan still relies upon a conceptualisation of moral and intellectual capacity that reproduces a potentially hierarchical norm of disability. As I have discussed above, Regan differentiates between “moral agents” and “moral patients.” Moral agents are defined as:

Individuals who have a variety of sophisticated abilities, including in particular the ability to bring impartial moral principles to bear on the determination of what, all considered, morally ought to be done and, having made this determination, to freely choose or fail to choose to act as morality, as they achieve it, requires.

On the other hand, moral patients are defined as follows:

In contrast to moral agents, moral patients lack the prerequisites that would enable them to control their own behaviour in ways that would

---

make them morally accountable for what they do. A moral patient lacks the ability to formulate, let alone bring to bear, moral principles in deliberating about which one among a number of possible acts it would be right or proper to perform.\textsuperscript{123}

Regan’s categories of “agent” and “patient” are used to create a distinction between humans, which can then be used to ground inherent rights for nonhuman animals. Regan states that “normal adult human beings are the paradigm individuals believed to be moral agents.”\textsuperscript{124} Although Regan acknowledges that this is a “large assumption to make,” he allows this normalisation to stand.\textsuperscript{125} The definition of moral patient is already given as the Other of the moral agent: “Human infants, young children, and the mentally deranged or enfeebled of all ages are paradigm cases of human moral patients.”\textsuperscript{126} The distinctions don’t end here. Moral patients are divided themselves between those which only possess consciousness and sentience, and those that possess additional “cognitive and volitional abilities” including “those who have desires and beliefs, who perceive, and can act intentionally, who have a sense of the future, including their own future (i.e., who are self aware or self conscious), who have an emotional life, who have a psychosocial identity over time, who have a kind of autonomy (namely, preference autonomy), and who have an experiential welfare.”\textsuperscript{127} In other words, moral patients themselves are stratified between those who have a weak resemblance to the kind of “normal” subjectivity ascribed to moral agents, and those who bear no similarity to those who are associated with full moral agency. Regan argues that both humans and animals may fulfill the criteria for additional “cognitive and volitional abilities,” including

\begin{flushleft}
\textsuperscript{123} Regan. \textit{The Case for Animal Rights}. 152.
\textsuperscript{124} Regan. \textit{The Case for Animal Rights}. 152.
\textsuperscript{125} Regan states:

To defend this belief would take us far afield from the present inquiry, involving us in debates dealing both with the existence of free will, for example, and with the extent to which we are able to influence how we act by bringing reason to bear on our decision-making. Though it is a large assumption to make, the assumption will be made that normal adult humans are moral agents. To make this assumption in the present case plays no theoretical favourites, since all theories examined in this and the following chapter share this assumption.

See Regan. \textit{The Case for Animal Rights}. 152.
\textsuperscript{126} Regan. \textit{The Case for Animal Rights}. 153. Regan continues: “More controversial is whether fetuses and future generations of human beings qualify as moral patients. It is enough for our purposes, however, that some humans are reasonably viewed in this way.”
\textsuperscript{127} Regan. \textit{The Case for Animal Rights}. 153.
\end{flushleft}
some humans who “suffer from a variety of mental handicaps,” but some humans and animals do not.

In all these modes of categorisation and stratification, decisions upon exceptional cases, humans and animals are brought together, with disability constituted upon the threshold between human and animal. Regan observes:

Given any human being, what we shall want to know is whether his/her behaviour can be accurately described and parsimoniously explained by making reference to the range of abilities that characterizes animals (desires, beliefs, preferences etc.). To the extent that the case can be made for describing and explaining the behaviour of a human being in these terms, to the extent, assuming that we have further reasons for denying that the human in question has the abilities necessary for moral agency, we have reason to regard that human as a moral patient on all fours, so to speak, with animals.

The approach is not without merit. As discussed above, Regan grants inherent value to all individuals who are “subjects-of-a-life”; that is, individuals who possess some of the additional “cognitive and volitional” abilities that Regan lists above as necessary for demonstrating “inherent value.” In this sense there is more scope in Regan's framework—at least in comparison to Singer’s—to recognise a broader range of entities as being owed inherent value, by extending the line of distinction from mere recognition of moral agency as the minimal threshold, to inclusion of some individuals, human or animals, who possess particular characteristics that look somewhat like moral agency, in at least a “weak form.” From Regan's standpoint, there are benefits for both animals and humans with this approach, since a framework has been developed that can take into account duties to human non moral agents, such as children and people with “mental retardation.”

However, Regan's approach generates epistemic violence, in so far as one arbitrary hierarchy is replaced by another. Here, disability is treated as an intractable and naturalised “fact” about certain humans, rather than as a norm that is shaped within a social and political institutional context. It is certainly not clear why it is that inherent value should be assumed to be attributed to

128 Regan states: “some human moral patients satisfy these criteria—for example, young children and those humans who, though they suffer from a variety of mental handicaps and thus fail to qualify as moral agents, possess the abilities just enumerated.”
“normal adult human beings,” while the inherent value of those who do not resemble this normality should be placed in jeopardy. Indeed Regan’s own hesitancy on the clarity of his demarcations, indicated both in his acknowledgement that attributing moral agency to “normal adult human beings” relies on an assumption,131 and his “moral caution” on the dividing line between those who are the subjects-of-a-life and those who are not,132 already indicates that we are on unstable ground here in relation to definitions. The “normal” reflects a set of contingent social, cultural and political factors within individual, family and institutional structures, which are not a “natural” set of givens on ability or disability. Rather normality is produced through relationships of power across legal, political and social relationships: as Foucault states “the monster falls under what in general terms could be called the framework of politico-judicial powers.”133

Certainly, as social model disability theorists will point out, disability is a structural form of oppression, rather than solely an impairment characteristic of the individual which can only be responded to through welfare or health interventions.134 More recent critical disability theorists would extend this problematic further, pointing out that disability is formulated discursively as a

---

132 See, for example, Regan. *The Case for Animal Rights*. 245–6, 366–9, and 391. See particularly Regan’s discussion of “where one draws the line” in relation to determining whether a person is tall or old (366). Here Regan fails to acknowledge that both these categories—“tall” and “old”—are socially, politically and culturally constructed and belong to specific geopolitical and temporary locations.
133 Michel Foucault. *Abnormal: Lectures at the Collège de France 1974–1975*. London and New York: Verso, 2004. 61. Recent work by Donaldson and Kymlicka have gone some way in critically addressing the norms that have underpinned some animal rights and citizenship theory, by arguing for citizenship upon different bases than the “neurotypical human adult.” Donaldson and Kymlicka state: “our argument is not that ‘marginal cases’ should be treated alike, but that there are no marginal cases, because neurotypical human adults should never have been defined as the norm from which others are measured.” See Sue Donaldson and Will Kymlicka. “Rethinking Membership and Participation in an Inclusive Democracy: Cognitive Disability, Children, Animals.” Barbara Arneil and Nancy Hirschmann Eds. *Disability and Political Theory*. University of Pennsylvania Press. Forthcoming. I thank Will Kymlicka for making available this forthcoming essay.
category in relation to regimes of normalisation, and that the construction of
disability intersects with other forms of social stratification such as race, gen-
der and sexuality.\textsuperscript{135} In both social model and critical disability approaches,
disability and ability are productions of society and culture, which mark bod-
ies as normal/abnormal, healthy/sick, productive/unproductive. Indeed, as
more recent theorists will point out, these categorisations are precisely a
product of political contestation. Thus, Shelley Tremain observes: “it would
seem that the identity of the subject of the social model (“people with impair-
ments”) is actually formed in large measure by the political arrangements that
the model was designed to contest.”\textsuperscript{136} Distinctions in value here are not gen-
erated by essential or natural difference but through political contestation:
they are produced by political and social structures that stratify bodies and
selves, determining destinies between entities that might otherwise be
non-differentiated.

Both Singer and Regan treat people with disability as if they were actually
“inferior,” rather than treating disability as a production of social and political
processes. As such, they cooperate in the construction of ability and disability
as apparently given and stable categories, enacting epistemic violence even as
these philosophers are attempting to dismantle the arbitrary rationalities that
construct “the animal.” There is indeed a connection between disability and
non human animals; however, this connection is not a “resemblance” between
people with disability and animals, where disability is configured as an “ani-
malised” or “more animal” version of the human. Rather, the connection lies in
the social, political and epistemic production of species difference, which in so
far as it generates a normalised human, and privileges this subject within social
and political structure, fabricates symbolic and material categories of animal-
ity and disability, crafted through arbitrary status differentiation, segregation
and violence. As Sunaura Taylor observes, the shared relation between disability
and animality conforms to regimes of normalisation which sculpt materiality
and value:

\textsuperscript{135} See, for example, Robert McRuer. \textit{Crip Theory: Cultural Signs of Queerness and Disability.}
Shuttleworth. “What’s So ‘Critical’ About Critical Disability Studies?” \textit{Australian Journal of
Human Rights.} 15.1, 2009. 47–75; Margrit Shildrick. \textit{Dangerous Discourses of Disability, Subjectivity and Sexuality.}
Houndsmills: Palgrave Macmillan, 2009; and Fiona Kumari
Campbell. \textit{Contours of Ableism: The Production of Disability and Ableness.} New York:

\textsuperscript{136} Shelley Tremain. “Foucault, Governmentality and Critical Disability Theory: An Introduction.”
\textit{Foucault and the Government of Disability.} University of Michigan: University of Michigan
...this connection did not lie, as many people suggested, in my being confined to my disabled body, like an animal in a cage. Far from this, the connection I found centered on an oppressive value system that declares some bodies normal, some bodies broken, and some bodies food.¹³⁷

Foucault’s account of the development of State racism in the *Society Must Be Defended* lectures is immediately relevant here for thinking about both disability and animality politico-judicial productions.¹³⁸ As discussed above, in this account war functions in a biopolitical sense to divide between populations on species grounds. Foucault describes racism as serving the purpose of “subdividing the species it controls.”¹³⁹ The divisions aim to create hierarchies of “normalness,” reinforcing sovereign power and coercing conformity while re-inscribing sovereign disciplinary control. As per above, racialised difference and racism that follows from this is described as a “war”—not just “a military confrontation” in and of itself—but a perpetual biological hierarchisation that configures and deports species life in general. This hierarchisation aims to foster and disallow: Foucault suggests that this racialised logic implies that the so-called “more inferior” sub-species—that is, those who deviate from the regimes of normality, the “abnormal” and the “degenerate”—will slowly disappear or be eliminated:

the more, ‘I—as species not individual—can live, the stronger I will be, the more vigorous I will be. I can proliferate’ ... The death of the other, the death of the bad race, of the inferior race (or the degenerate or the abnormal) is something that will make life in general healthier: healthier and purer.¹⁴⁰

Race is only one vector of this normalisation. The connection of “normality” with perceived health and productivity already signals that perfecting the species not only involves an invention of racialised categories to be eliminated, but also conceptions of able and disabled bodies that pose a similar threat to the floating category of the “normal human.” Thus, while we might associate species construction as closely connected to race and animality, we might also


¹³⁹ Foucault. *Society Must be Defended.* 255.

¹⁴⁰ Foucault. *Society Must be Defended.* 255
understand this stratification of distinctions as productive of the “disabled” body as well.\textsuperscript{141} It is no accident in this regard that Fiona Kumari Campbell defines \textit{ableism} as “a network of beliefs processes and practices that produces a particular kind of self and body (the corporeal standard) that is projected as the perfect, species-typical and therefore essential and fully human.”\textsuperscript{142} Campbell observes that:

The processes of ableism sees the corporeal imagination in terms of compulsory ableness, i.e. certain forms of ‘perfected’ materiality are posited as preferable. A chief feature of an ableist viewpoint is a belief that impairment (irrespective of ‘type’) is inherently negative which should, if the opportunity presents itself, be ameliorated, cured or indeed eliminated.\textsuperscript{143}

The process is tied directly to perceived modes of “productivity,” working and reworking a belief that there are indeed select bodies that are capable of productivity and contribution to social and economic life, and these individuals should be made to thrive, while at the same time there are groups who do not “produce,” sap productivity, are a “cost,” lack meaningful or signifiable “cognitive ability” and should be made to diminish.\textsuperscript{144} If we hold that these processes of

\begin{enumerate}
\item Ladelle McWhorter states:

The practices and institutions that divide, for example, the “able-bodied,” “sane,” and “whole” from the “impaired,” “mentally ill,” and “deficient” create the conditions under which all of us live, they structure the situation in which each of us comes to terms with ourselves and creates a way of life. Normality has a history, a set of investments, an entire array of supports and investments that bring it into being, sustain it, and alter it when conditions so demand.


\item Thus, as Foucault identifies, the aspect of population health that becomes tied to modern biopower isn’t so much the management of sudden epidemics, but the ongoing management of long term health conditions that are perceived to effect the broadly economic functioning of the nation:
\end{enumerate}
biological/species division within population can be characterised as a war—quite literally constituting dividing lines between friend and enemy—then might we also construct that line between able/disabled as another fault line in this war? The biological thresholds that Foucault outlines work to arbitrarily divide between able and disabled along lines of population health, productivity, security and survival. The resultant disabled body is produced as that which will be made to diminish: as an apparently “genuine” inferior model human and as subject to extraordinary and violent regimes of stigmatisation, social and political isolation, forced treatment, restraint and incarceration, forced sterilisation and, as Singer’s discussion illustrates, potentially subject to extermination. Species stratification—producing race, disability, animality, sexuality and other “biological” differences—seeks to exclude constructed populations that do not conform to, or are perceived to have a pernicious effect upon, the social body. This is a circular relationship between truth, power and violence, that in effect authorises and naturalises a system of domination. As Tremain observes: “the category of impairment emerged and, in many respects persists, in order to legitimise the governmental practices that generated it in the first place.”

Singer and Regan’s use and categorisation of disability highlights a problem with an ethics that comes after sovereignty. If sovereignty sets in train both regimes of violence and regimes of truth, then an ethics that begins only after sovereignty will merely be complicit with the violence of the existing order. At the end of the eighteenth century, it was not epidemics that were the issue, but something else—what might broadly be called endemics, or in other words, the form, nature, extension, duration, and intensity of the illnesses prevalent in a population. These were illnesses that were difficult to eradicate and that were not regarded as epidemics that caused more frequent deaths, but as permanent factors which—and that is how they were dealt with—sapped the population’s strength, shortened the working week, wasted energy and cost money, both because they led to a fall in production and because treating them was expensive.

See Foucault. Society Must be Defended. 244.


Chloë Taylor remarks: I would suggest that we censor the sight and sounds of animal deaths because we need to keep animal lives and deaths derealized in order to continue with our plans. In Levinasian terms, we wish to avoid having a face-to-face relationship with animals because we want to avoid our ethical responsibility. We censor the truth about the lives and deaths of animals because we want to keep animals outside of the frame of what we consider “real lives,” lives worthy of moral consideration, grievable lives.


146 Chloë Taylor remarks: I would suggest that we censor the sight and sounds of animal deaths because we need to keep animal lives and deaths derealized in order to continue with our plans. In Levinasian terms, we wish to avoid having a face-to-face relationship with animals because we want to avoid our ethical responsibility. We censor the truth about the lives and deaths of animals because we want to keep animals outside of the frame of what we consider “real lives,” lives worthy of moral consideration, grievable lives.

The inter-subjective, institutional and epistemic violence of sovereignty construes and limits ethical possibility. It makes us actually believe that there are “dumb animals” and “inferior humans” to consider in an ethical framework, displacing the urgent need to address and challenge manifest forms of power and violence, and attendant systems of truth, that produce arbitrary hierarchised distinctions between otherwise like entities. It makes us believe that (“fully formed”) humans get the right to decide. The challenge, the ethical challenge no less, is to identify and unpick sovereignty in the first instance, rather than attempt to construct an ethics after sovereignty has organised hierarchical divisions.

War and Truth

Putting forward a view that we are at war with animals suggests we must challenge how we conceptualise the political sphere, not only who participates in the political sphere, but the constitution and functioning of institutions within that sphere. There would appear to be at least two paths that inform the orientation of thinkers and their approach to the political sphere. The first, which I would broadly associate with liberalism, assumes justice and rationality behind political institutions, and therefore externalises violence, atrocity and war as exceptional rather than intrinsic to the political sphere. The second path, which I would associate with the “critical tradition,” views this same situation with more skepticism, arguing that violence is inherent to the functioning of political institutions, and that asymmetries in power must always be treated as the norm, and therefore a reality of systemic arrangements. In using war as a starting point for understanding our relationship with animals, this book takes this second path. Rather than take violence towards animals as exceptional, I start with the assumption that this is the norm. As far as our intentions go, I have assumed that our intention is almost always the continued instrumental use of animals towards our own ends; we are invested in our own continuing domination of non human life and it continues to provide us “benefits.”

One of the challenges with this position is that many people experience relationships with animals that would, on the face of it, appear to be peaceful and friendly, and run against the grain of a presumption that our mainstay relation is one of domination and instrumentalisation. Consider pet ownership, where the lived experience of some pet owners is of companionship, communication and love. Pet owners often lavish deep care on the animals they spend their lives with, and care and affection clearly shape exchanges
between humans and animals in these situations. As Haraway suggests, and I discuss in Chapter 6, there is a degree of “co-shaping” in these relationships which makes it difficult to assume a one-way domination, or suggest that instrumentalisation is always “problematic.” However, these everyday experiences must always be contextualised, even our relationships with pets. Where peaceable coexistence between humans and animals creates possibilities for friendship, such as with companion animals, this bond is placed in question by the modes of disciple, surveillance, containment and control that attend and are inherent to the practice of “pet ownership” and “domestication.” The millions of pets “euthanised” in animal shelters annually highlight that even examples of seemingly happy cohabitation between humans and animals are framed within an “adopt, foster, euthanise” context of over-arching, and deadly, violence. If we take this frame into account, as I have suggested we must do in my discussion of privatised government and companionship in Chapters 5 and 6, then it becomes difficult to imagine what friendship might look like within this context. My position, rather, is to suggest that even if friendships with animals are possible today, they must be considered with respect to the violent practices that frame them (surveillance, containment, reproductive control etc.); violence and domination remain the mainstay everyday practice of our relationship with other animals.

147 See Haraway. When Species Meet.
151 Taking this position has particular effects. We must necessarily suspend any idea that our treatment of animals is due to a misunderstanding by most people—a misunderstanding about the capabilities of animals or the suffering they have experienced—and that rectification of our current situation will come when we make most people understand that animals have equivalent capacities or that they suffer. Singer, for example, famously uses a utilitarian approach to show that our treatment of animals is morally inconsistent. The trajectory of the argument is, at least in some respects, brilliantly logical. However, it is not clear that acknowledging the mere fact of this inconsistency—between how we treat humans and how we treat animals—should be a trigger for reform of our actions. Similarly, Regan demonstrates that sentience implies rights, and again uses an argumentative train that implies knowledge of our own failure to respect rights should lead to just action in favour of ending violence towards animals. Both Singer and Regan’s viewpoints would significantly alter the worlds we live in, provided we lived in a world where rational
One of the challenges of this hostile terrain, as I have suggested, is that we don’t believe we are at war with animals. Indeed a range of symbolic and material resources are deployed to deny that in fact a war is ongoing. The image that one finds on some butcher shop signs, or on the sides of refrigerated trucks, featuring a smiling cartoonised cow or pig slicing at their own bodies with a knife, attests to the casual way in which everyday violence is discursively hidden from view. Indeed, as in this case, the reality of violence is covered over by the discursive effect that animals actually enjoy suffering and being killed for human palettes, and they would gladly participate in this self execution. As Cathy B. Glenn has observed with regard to the use of animal caricatures in advertising promotion, there is a “painful paradox” here: “nonhuman animals finally can speak to us and reason with us, but only from the perspective of an industry selling them to us, the consuming public. They are virtually gagged—they cannot language their actual pain or protest.”

There is a question here of “truth” and its relationship to power. Sovereignty as an internalised war generates “truth effects” which construct subjectivities and knowledges in relation to power. Foucault links truth and power in a

circular relation, where knowledge and political relationships, authorisations to speak, and subjectivities are inter-related. Foucault states:

The important thing here, I believe, is that truth isn’t outside power, or lacking in power: contrary to a myth whose history and functions would repay further study, truth isn’t the reward of free spirits, the child of protracted solitude, nor the privilege of those who have succeeded in liberating themselves. Truth is a thing of this world: it is produced only by virtue of multiple forms of constraint. And it induces regular effects of power. Each society has its régime of truth, its ‘general polities’ of truth: that is, the types of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true.153

In this characterisation, what counts as true is inherent rather than external to a system.154 I believe this picture Foucault provides of the relationship between truth and power becomes more nuanced in his later work, where a clearer understanding of a “circulatory” relationship emerges between subjectivity, knowledge and government155 (a relation I shall discuss in the Conclusion of this book), three terms that happen to align with the three forms of violence I have suggested comprise our war on animals (namely, inter-subjective, institutional and epistemic). Understanding our own relationship to this war means deciphering the connections between different strands in this interplay, and understanding how shifts between each of these elements re-mould our

---

154 Foucault goes on to say:
In societies like ours, the ‘political economy’ of truth is characterised by five important traits. Truth is centred on the form of scientific discourse and the institutions which produce it; it is subject to constant economic and political incitement (the demand for truth, as much for economic production as for political power); it is the object, under diverse forms, of immense diffusion and consumption (circulating through apparatuses of education and information whose extent is relatively broad in the social body, not withstanding certain strict limitations); it is produced and transmitted under the control, dominant if not exclusive, of a few great political and economic apparatuses (university, army, writing, media); lastly, it is the issue of a whole political debate and social confrontation (‘ideological’ struggles).
own relationships to power. Importantly, we must seek to understand how our ability to speak against domination is enabled within particular modes of truth telling—or veridiction—and the way in which “resistance” to wartime truths—such as a belief that animals enjoy suffering for human use—requires us to shift whole knowledge systems in order to challenge human sovereignty over other animals. As I shall suggest in the Conclusion of this book, we need to investigate the possibility of a “counter-conduct” in the way Foucault described, in order to resist these truths produced through a governmental project: “We do not want this truth. We do not want to be held in this system of truth.”

This book is divided into four parts. Part One (“Biopolitics”) comprises a discussion of Foucault’s conceptualisation of biopolitics, its relationship to animality, sovereign exception and governmentality. In Chapter 1 (“Bare Life”) I examine biopolitics through Agamben, via Aristotle. A particular interest here is the notion of “bare life” that Agamben constructs from a Foucauldian biopolitics; this term is eminently useful, precisely because it captures the positionality of animals, particularly within the context of industrialised farming, as inhabiting a zone of indistinction between life and death. There is a symmetry and interconnection between the world of human politics and human domination of non human animals, as Wolfe has observed, where our decision to put humans into concentration camps, or torture facilities obeys a similar biopolitical logic to our decisions to subject animals to horrors of industrialised slaughter: “they’re animals anyway, so let them lose their souls.” Indeed, as I argue, the profitability of industrialised farming, the quest to capture and capitalise at every moment within the process of transformation of animal into meat, a process that encompasses life, death and reproduction, tends precisely towards the production of lives on the threshold of death, since any surplus—a cage that is too large, nutrition beyond strict requirements, flesh, blood, bone or sinew that is not put to sale—is necessarily “waste.” In this sense the terms “livestock” should be understood strictly as animals who have life and nothing else. I use Mbembe’s exploration of “necropolitics” to think further how it is that biopolitics may establish regimes committed to death, and how war can be structured and “compartmentalised” to achieve these ongoing hostilities.

In Chapter 2 (“Governmentality”) I examine Foucault’s genealogy of pastoral forms of power as a “prelude to governmentality.” I propose a rereading of

---


Foucault’s model history of the emergence of governmentality, arguing that pastoral power should not be treated as a reaction to sovereignty, but precisely as a modality of sovereignty that reorganises forces of life and death through refined techniques of control. As a result, governmentality might be understood as the progressive extension to human subjects of technologies of pastoral power, including techniques of violence and death, learnt for centuries through human management of non human animals.

Part Two (“Conquest”) examines the dynamics of the appropriation of non human animals by humans through biopolitics, property, containment and “friendship.” Chapter 3 (“Immunity”) interrogates Roberto Esposito’s discussion of biopolitics and sovereignty as a guarantor of *immunity*. What interests me here in Esposito’s account is the possibility of understanding the dynamics of human violence towards animals as a form of immunity; quite literally, we kill and make animals suffer to immunise (or securitise) a conceptualisation of the human. Chapter 4 (“Property and Excess”) extends this further, examining John Locke’s configuration of the human property right (a conceptualisation that Esposito suggests is central to the biopolitical process of sovereign immunisation). What I note here is that appropriation of animals appears in Locke’s account to be the defining example for how property is acquired; importantly this mode of acquisition does not occur because humans are “superior” to animals, but rather because humans happen to prevail over other animals where competing drives to self-preservation are at stake. My interest here, through a reading of Karl Marx, is to try and identify the way in which this process of appropriation is both prior to the commodification, and obeys a form of commodification that is not present in the exchange of human labour. As I argue, when Marx exclaims in *Capital* that there can be “no boots without leather,” he is veiling the forms of war that produce leather as a “simple” commodity for consumption within a process of exchange.

The war against animals operates across multiple levels stretching from macropolitical battles to infinitely segmented micropolitical modes of control. A challenge remains in understanding how individual human action operates in this field, and the authorisations and delegations of sovereignty that accompany this process. Part Three (“Private Dominion”) examines the process by which war is conducted utilising individual humans as agents within a broader conflict. In Chapter 5 (“Privatisation and Containment”) I turn to radical feminist discussions of rape, particularly that of Susan Brownmiller and Catharine MacKinnon, to understand the way in which we might conceptualise the actions of individuals within a broader systemic form of violence. I note that a feature of radical feminist discussions of rape is an understanding of sexual assault as a “war against women,” which places privatised forms of violence in
the hands of individual men, and produces a system of violence that underpins a systemic male dominance in the form of patriarchy. Extending this further, I look at Mbembe’s examination of “privatised” forms of government, and the way in which sovereignty might be defracted and operate through multiple agents and heterogonous authorisations to violence. Finally, I examine containment as a strategy of war, with a focus on the way in which privatised, individualised containment authorisations produce a systemic schema of control, from factory farm to experimental lab to suburban back yard, enabling a type of “gulag archipelago.”

The issue I raised above—on how we might conceptualise a war against animals while many humans enjoy relationships of apparent friendship with companion animals—is examined in Chapter 6 (“Companionship”). I focus in this chapter on Haraway’s rejection of an animal rights focus on domination in favour of an understanding of human/animal relationships as a process of “co-shaping.” Whilst I acknowledge here that indeed humans and animals do shape each other’s actions, the danger of Haraway’s approach is to side-step the question of violence, particularly manifold forms of violent domination that are the mainstay of our relations with animals and form the context for companion animal relations. “Friendship” with animals is certainly possible; however, these friendships must be understood in context of the wider war, cognisant of the forms of violence that accompany and frame these friendships.

In Part Four of this book (“Sovereignty”), I examine some recent accounts of animal sovereignties. If our relationships with animals might be understood as a form of sovereign dominion, it is imaginable that animals might exert their own sovereignty, and/or humans might recognise the sovereign claims of animals. In Chapter 7 (“Capability”) I look at two proposals that emerge from liberal political theory: “Simian Sovereignty” as discussed by Robert E. Goodin, Carole Pateman and Roy Pateman, and “Wild Animal Sovereignty” as proposed by Donaldson and Kymlicka. I point out that these liberal visions for sovereignty are constrained in numerous ways. Firstly, as in the Goodin, Pateman and Pateman’s proposal, sovereignty is granted to animals who can demonstrate a “capacity” for sovereignty (in this case great apes), thus distinctions are introduced as to who can access sovereignty rights, and the terms for establishing a “capability” involve a resemblance to humans. We see this secondly in the attachment that Goodin, Pateman and Pateman, and Donaldson and Kymlicka maintain with respect to territory, where sovereignty claims are articulated—as they are under the Westphalian system—by a claim of a “people” to a relationship to territory. As I argue, this creates an unnecessarily deterministic affiliation between sovereignty and territory, where it is assumed that sovereignty can only exist where a group can assert a claim to territory. This is, in essence, a
“capability” assumption that is arbitrary, and rests upon a human prerogative to decide. Indeed, I note that a key problem with these accounts is that the right of humans to decide remains fervently intact. We see this human sovereign prerogative play out to disturbing effect in Donaldson and Kymlicka’s account, where, in the case of domestic animals, an argument is made for human control over sexuality and reproduction “for the good” of these animals.

I argue that rather than assume sovereignty rests upon a capability, or is attached to territory, or relies upon a governing authority to award sovereign rights (that is, humans), we must instead treat sovereignty as a groundless claim: in the words of Jens Bartelson, “sovereignty has no essence.”158 In Chapter 8 (“The Violence of Stupidity”), I explore the idea of sovereignty as a groundless claim through Derrida’s discussion of sovereignty in The Beast and the Sovereign lectures. I note here two distinctive tendencies in Derrida’s identification of sovereignty. Firstly, in so far as sovereignty is the assertion of a right irrelevant of a factual grounding, it does not reflect a rational “just” intention, but instead represents a kind of “stupidity.” Secondly, sovereignty involves the violence of overcoming and appropriating another entity, which in this process declares a superiority over this same entity. In other words, as Derrida notes, there is nothing superior about the sovereign; only a claim made through violence authorises this superiority. Here we find Derrida in strange agreement with Locke, at least in the sense that human dominion over animals does not necessarily come through any inherent superiority, but through a violent quest for self-preservation which happens to prevail over other animals, and their own push for self-preservation. Force in this case precedes the epistemic claim of superiority, and not the other way around. Human “superiority” is nothing more that the artifice of our own practices of violent domination over other animals.

I conclude this book by speculating on how we might move forward. I explore the possibility of disarmament of human sovereignty through forms of “counter-conduct.” In particular my challenge here is to think through how to address violence at inter-subjective, institutional and epistemic levels, and not merely reinstate forms of human domination. I finally examine the concept of “truce.” My interest here is the idea of a suspension in armed hostilities that might create a space for renegotiating human and animal relationships, realising what Andrea Dworkin had phrased in the context of truce as a beginning “to the real practice of equality.”159


159 Andrea Dworkin. “Take Back the Day: I Want a Twenty Four Hour Truce During Which There is No Rape.” Andrea Dworkin Online Library. At: www.nostatusquo.com/ACLU/dworkin/WarZoneChaptIIIE.html.