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### Introduction

The last four decades have shown an especially intense and thorough academic reflection on the relation between man and animal. This is evidenced by the rapid growth of journals on the question of the animal within the fields of the humanities and social sciences worldwide.¹ Yet also outside the academy animals now seem to preoccupy the popular mindset more than ever before. In 2002, the Netherlands was the first country in the world where a political party was established (the so-called “Partij voor de Dieren” or PvdD: Party for the Animals) that focused predominantly on animal issues. Heated discussions about factory-farming, the related spread of diseases (BSE/Q Fever), hunting and fishing practices, the inbreeding of domestic animals, are now commonplace. Animals, as we tend to call a large range of incredibly diverse creatures, come to us in many different ways. We encounter them as our pets and on our plates, animation movies dominate the charts and artists in sometimes rather experimental genres engage in the question of the animal.² Globally speaking, animals might be considered key players in the climate debate insofar as the alarming rate of extinction of certain species is often taken to be indicative of our feeble efforts at preserving what is commonly referred to as “nature.” At the same time, these rates serve, albeit indirectly, as a grim reminder of the possible end of human existence itself. In light of all these intertwining developments the debate on animal rights appears today more pressing than ever.

To be sure, the question of the animal and its possible moral standing in the world has its own history and is probably as old as philosophy itself.³ From Aristotle to Aquinas, Descartes and Kant, to mention but a few key figures who have shaped the history of Western philosophy, the animal has been defined in

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opposition to the human, mostly because it was believed to lack rationality and the sort of consciousness rationality implied, which was held to constitute an exclusive human trait. Of course, there have always been other voices. For example, in his *Apology for Raymond Sebond* (1588), Montaigne suggested that when we play with our cat we cannot be sure the cat is not playing with us and thereby challenged the established philosophical norm. In 1789, the utilitarian philosopher Jeremy Bentham famously wondered if, in the future, the traditional demarcation line of rationality would not be replaced with the question whether animals could suffer. In general, however, the overriding view on animals as non-rational beings that are, consequently, not to be thought of as entities that might be attributed a moral standing – let alone rights – has been widely accepted throughout the history of Western philosophy until well into the twentieth century.

In my view, the latest philosophical giant who represents this traditional line of thought would be Martin Heidegger. Indeed, in his lecture course “The Fundamental Concepts of Metaphysics” (1929-1930), Heidegger’s complex musings on the question of the animal remains very much in line with the history of Western philosophy since he ultimately opposed the human to the animal by depriving the animal of language. Yet, I believe we can discern in Heidegger the beginning of a break with the past since the animal in Heidegger is no longer merely placed in opposition to the human for lacking language, the age old marker for rationality, but this opposition is arrived at through a profound contemplation on the relation between the human and the animal in terms of the world we inhabit and share with animals. Since my argument will be that such a perspective in terms of the world we share with animals is lacking within our modern animal rights debate, it is my aim to re-connect this broader perspective with the thinking through of the question of the animal that has spurred the animal rights debate since the 1970s, the decade in which Peter Singer’s *Animal Liberation* was written.

The reason for my wishing to do so has everything to do with the way I interpret the unprecedented attention paid to the question of the animal since the 1970s. Effectively, the question of the animal has now taken on a global

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dimension, both within and outside of the academy, which suggests that we are passing through a critical phase on many fronts. Some, like Peter Singer, have argued that it has been philosophy itself that has awakened us from our dogmatic slumber and set the animal and its possible moral or legal status back on the agenda.\textsuperscript{8} Notwithstanding the invaluable work of those preoccupied with the question of the animal since the 1970s, I believe the critical phase we are passing through is symptomatic of a much wider paradigm shift within our modern world.

This paradigm shift is marked by a growing public unease with the way we treat animals, which perhaps becomes most apparent if we consider the different treatment of pets on the one hand, and factory-farmed animals on the other. At the same time, this public unease is matched with a profound insecurity that may at least in part be attributed to the fact that science, especially biotechnology, has enabled us to learn more about animals than ever before, which has caused the traditional boundaries between the human and the animal to come under strain. In my view, the resulting “status anxiety” about the place of the human in the order of things has caused the modern animal rights debate to revolve around what I would like to call the central issue of demarcation. It is this issue of demarcation that, rather than inviting a renegotiation of the most adequate criteria for demarcation between the human and the animal per se, demands a broader exploration of what it means to share the world with animals.

Let me first sketch the specific way in which the central issue of demarcation has come to characterize our modern animal rights debate. The central issue of demarcation within the context of the animal rights debate is accommodated by a shift from if animals should be granted right towards how and on the basis of which criteria this is to be effectuated. This shift has been the result of a growing and now widespread academic consensus that there is no longer a position that can convincingly argue – i.e. on the basis of academically sound criteria – for not attributing rights to at least some animals.\textsuperscript{9} By the same

\textsuperscript{8} In the preface to the edited volume \textit{Animal Philosophy} Peter Singer comments on the rapid growth of animal ethics since the 1970s and states: “For those who think that philosophy follows trends rather than instigating them, it is significant to note that in this instance it was the other way around.” See: \textit{Animal Philosophy, Ethics and Identity}, ed. Matthew Calarco and Peter Atterton, (London, Continuum, 2008), 7.

\textsuperscript{9} Exemplified by Paul Cliteur in: “De filosofie van dierenrechten,” in \textit{Ethiek van DNA tot 9/11} (Amsterdam: Amsterdam University Press, 2005), 135-144. In this text Cliteur tackles a number of standard objections to animal rights that in contemporary debates have been voiced by opponents such as, amongst others, Roger Scruton and Carl Cohen. He shows how those objections are each and every time reliant on the positing of a difference between the human and the animal that on closer observation cannot be maintained, at the very least not for some animals.
token, not granting rights to at least some animals would be an unjustifiable withholding, a failing to meet our (legal) obligation to protect animals from harm.\textsuperscript{10} Hence, we are witnessing an expansion of what was, until very recently, a strictly human domain of rights. This expansion leads to a model that places animals within a human order centred on personhood, which poses two interrelated problems. First, it does not account for the shift in register from human to nonhuman and the consequences this might bear on the (legal) conception of personhood.\textsuperscript{11} Second, it leads to a demarcation problem that becomes a central issue in the debate because it remains unclear which animals might be included or have to be left out of the system.

This demarcation problem has inspired a lively polemic on which criteria would provide the most adequate basis for conferring a moral and possibly a legal status to at least some nonhuman animals.\textsuperscript{12} This polemic is no longer an issue that is left to the professional practitioners from the fields of Law and Philosophy. Rather, the question of the animal is now taken up in an interdisciplinary manner within a wide range of other academic fields, such as literary studies, political theory, biology and sociology. This is evidenced by the growing number of universities around the world that have recently begun to set up new academic courses, with Animal Studies and Law and Literature Studies as arguably the most prominent representatives of this trend. On a par with these developments the number of Animal Rights, Animal Studies and Animal Ethics handbooks that have been published in recent years is simply mind-blowing.\textsuperscript{13}

A proponent of animal rights himself, Cliteur then draws on the work of those who advocate animal rights at least for some animals such as, amongst others, Tom Regan, James Rachels and Paola Cavalieri, to unsettle the decisive differences assumed by these opponents of animal rights. For an instructive insight in these debates between opponents and proponents of animal rights see: Carl Cohen and Tom Regan, \textit{The Animal Rights Debate}, (Lanham: Rowman and Littlefield Publishers, 2001).

\textsuperscript{10} For a brief overview of the animal rights debates that inform and defend the position that we owe at least some animals rights see: David Degrazia, \textit{Animal Rights, A Very Short Introduction}, (Oxford: Oxford University Press, 2002). For an elaboration on why animals should not be excluded from the scope of principles of justice within political liberalism, see: Robert Garner, \textit{A Theory of Justice for Animals: Animal Rights in a Nonideal World} (New York: Oxford University Press, 2013).

\textsuperscript{11} For a poignant example of this tendency to take the shift in register from human to nonhuman for granted in an otherwise impressive work see: Paola Cavalieri, \textit{The Animal Question: Why Nonhuman Animals Deserve Human Rights}, (New York: Oxford University Press, 2001).

\textsuperscript{12} Amongst others: Peter Singer, 1975; Tom Regan, 1983; Martha Nussbaum, 2004; Jacques Derrida, 2008 and Kelly Oliver, 2009.

It shall not come as a surprise that this development has led to an enormous diversification of the positions held within the animal rights debate, which sometimes makes it hard to identify and recognize its most important strands. Yet, however divergent the academic fields and the positions taken in, the most important strand may in its most general sense be identified as revealing a concern with demarcation; that is, with the understanding of the relation between the human and the animal as being, in some way or another, key to the manner in which, if at all, animals should be entitled to moral consideration and possibly rights. In the field of Animal Studies, for example, this concern typically takes the form of a renegotiation and refinement of criteria that would single out certain capacities some animals may share with humans, which then provide a basis for either excluding or including some animals within the moral and sometimes the legal community of equals under an expansive model.14

This predominant focus on demarcation may be illustrated by looking at the two most prominent voices that have stirred up the animal rights debate since the 1970s and whose work remains indispensible to understanding the way things stand today, those of Peter Singer and Tom Regan. Singer, as a utilitarian philosopher inspired by Bentham’s famous proposition on the capacity to suffer as potentially the future demarcation line, suggested that sentience must be the defining criterion that would allow nonhuman animals to be included within the moral community of equals.15 Regan, a rights theorist, apart from sentience defined a cluster of capacities that would make some nonhuman animals, mostly mammals, qualify as “a subject of life” and hence, warrant a form of legal subjectivity, namely personhood.16 Taking the work of Singer and Regan as points of departure, theorists around the world have developed stances that vary considerably, but in which the focus on demarcation on the basis of the criteria Singer and Regan proposed has remained paramount throughout.17

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14 For an example, see: The Great Ape Project: Equality beyond Humanity, ed. Paola Cavalieri and Peter Singer, (New York: St. Martin’s Press, 1993). See also: Martha. C. Nussbaum, Creating Capabilities, The Human Development Approach, (Cambridge, Massachusetts: Harvard University Press, 2011); especially the last two chapters in which Nussbaum argues for extending the capabilities approach to animals in a modified form, by postulating that animals may be viewed as having dignity, which would entitle them to certain basic rights.


16 Ibid.

Within this discursive context, those in favour of attributing (some) animals a moral status typically accuse those who hold divergent opinions of ignoring scientific-philosophical evidence that suggests some animals do possess what are considered to be valid criteria for subjectivity; say, rationality, consciousness, sentience, or whatever capacity happens to be in view. Those who argue against the moral consideration of animals on the basis of such and such capacities typically accuse the opposing party of anthropomorphism, which is then understood as a rather sentimental projecting of human characteristics, values and desires upon animals instead of recognizing the difference both species would “naturally” assume. Hence, the polemic within today’s animal rights debate seems potentially endless, for no matter the general consensus on a basic notion of sentience and its varying complements as the most adequate criteria for demarcation, the underlying demarcation problem and the way in which it translates to demarcation decisions that eventually will have to be made within the juridical sphere, is not resolved.

A practical example of this insistent demarcation problem and the polemic it breeds may be provided through a brief reconsideration of the famous Great Ape Project. In 1993, Peter Singer and Paola Cavalieri published an impressive volume under the title *The Great Ape Project*. The book holds a collection of texts by scientists from even more diversified fields than those I mentioned earlier and opens with “A Declaration on Great Apes.” In this declaration, the rights of great apes are proclaimed and summed up as the right to life, the protection of their individual liberty and the prohibition from torture. Since 1993, however – with the notable exception of Spain – great apes still have not been attributed personhood, while the controversy that marked the project from the beginning has even turned inward. One of its initial advocates, for example, the philosopher Gary Francione, later on withdrew his support from the project because he ultimately found it ill-conceived as long as animals were being considered as human property.

More comprehensively, the controversy within a modern animal rights debate that remains focused on its central issue of demarcation through the renegotiation of capacities may be illustrated if we consider two books that were published in, respectively, 1999 and 2009, and in which Peter Singer, arguably

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19 Ibid.

the most influential philosopher within the animal rights debate, enters into discussions with his critics.\textsuperscript{21} Anyone going through these volumes will not just notice the elegance and clarity of Singer’s style, but also his philosophical consistency. He is holding on to his most basic convictions overtime. Effectively, what becomes clear from a rough comparison between these two books is that Singer has not compromised on his position that we must extend the basic principle of equality to animals that are sentient, while his critics put their feet down just the same and, in one way or another, keep arguing against the philosophical underpinnings that underlie Singer’s position.

Admittedly, the overall consensus on sentience as perhaps the most adequate criterion for the inclusion of at least some animals within the community of equals has to some extent caused the polemic on which criteria should inform our demarcation decisions to die down. It has \textit{not}, however, resolved the demarcation problem and how it informs the polemical context in which animal rights are being discussed today. Rather, it seems that the initial polemic on which criteria would resolve our demarcation problem has now provoked another polemic on precisely which animals are sentient and on why those animals should or should not be entitled to moral consideration or rights.\textsuperscript{22} In other words, the demarcation problem seems to have merely repeated itself in a different form, which has caused the animal rights debate to result in a deadlock.

The reason for this deadlock and for its implied polemic, I propose, is that the question of the animal within today’s animal rights debate is framed from within the subject-object relation that the traditional Human-Animal opposition presupposes, which provokes an endless demarcation problem that turns on a renegotiating of the criteria that would enable a strengthening or weakening of this relation. Hence, if the resulting polemic has generally led to proposals for the refinement of the criteria proposed by Singer and Regan, such as we encounter, for example, in the Capabilities Approach of Martha C. Nussbaum,\textsuperscript{23} it has \textit{not} led to initiatives for confronting the persistent problem of demarcation that is left unresolved within such proposals. What is also left unaddressed, as we will see, is that the factory-farming industry presents a special problem for the persistent demarcation problem within the animal rights debate, not in the least for the growing awareness that factory-farmed animals might equally meet


\textsuperscript{23} Ibid, supra note 14.
the criteria of sentience, consciousness or some other cognitive capacity as the other animals in the race for personhood.24

This is why the aim of my project is to explore the central issue of demarcation to move beyond the deadlock that characterizes the animal rights debate today. More specifically, I view the demarcation problem within Animal Studies as a problem of the way in which the difference between the human and the animal is thought through within an expansive model because it revolves around a basic principle of equality or inequality between the species. Effectively, what is left unaddressed within this discursive frame is the manner in which our thinking through of difference installs and sustains those categories. In other words, what characterizes the animal rights debate today is that difference is only thought through from within a discursive framework that describes difference as something in-between two poles, namely the human and the animal. The problem with this descriptive framework is that it leaves no space for an exploration of the way in which the animal, or for that matter, the human are categories that are produced within our thinking of difference to begin with.

This is why I propose that this fundamental lack in the animal rights debate may be addressed if we attempt to think through the rhetorical strategies that produce our thinking of difference other than in terms of the typical criteria for demarcation mentioned above. In other words, if we concede that demarcation is not merely a constative matter of description on the basis of categories that underlie certain philosophical truths, but always also a performative act, close reading the texts that underlie today’s philosophical and juridical demarcations between the human and the animal is not merely a formalistic exercise.25 On the contrary, I believe that close readings within a performative rather than a descriptive framework might serve to expose the way in which the philosophical truths that inform the expansive model’s demarcation problem are rhetorically performed, which may shed a different light on the problem of demarcation and the limits posed by an expansive model.

By implication, my close readings here will have to be more than what we generally understand by close reading a text. Effectively, it concerns an attitude

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25 I am referring her, but will not elaborate on, the distinction that was made between constative and performative speech acts by J.L. Austin. See: J.L. Austin, How To Do Things With Words, (Cambridge: Harvard University Press, 1962).
that may stand alongside the reading of animals in relation to human animals and ponders how the situation we find ourselves in within the animal rights debate has been created through language. More specifically, this attitude concerns a strategy of the “and” in that it combines close readings of texts that address the question of the animal with close readings that explore the relation between our conceptualizations of language and the way in which those texts work. Hence, if my focus on the insistent demarcation problem within our modern animal rights debate will necessarily have to diverge from the way in which the question of the animal is taken up within Animal Studies, let me now clarify in which way it differs from the approach to the question of the animal within the field of Law and Literature.

In the field of Law and Literature, the question of the animal is generally approached by framing the discussion on animals and animal rights in either one of two different ways. On the one hand, we may recognize a strand that frames law-in-literature, whereby specific juridical issues and court cases within literary texts are studied and traced back to legal texts. On the other hand, we may recognize a strand that frames law-as-literature, whereby the primary issues under discussion within juridical texts are taken up within a narratological, semiotic or rhetorical analysis of those texts. The difference between the approach within Law and Literature studies and my strategy is that although I will also analyse literary and juridical texts, I will not generally read one text as being in some way representative of the other. Rather, it will be my aim to analyse literary texts in order to explore and call into question a number of fundamental juridical concepts implied within demarcation, such as personhood, harm and rights. This alternative strategy not merely requires a rhetorical reflection on the way in which one text might represent or help to analyse another, but asks for a more radical exploration of the role of language and how it operates the tropological formations that are performed to install those fundamental juridical concepts as always already implied within a discourse that hinges on the problem of demarcation. It is in this sense, then, that I wish to intervene within the discourses that structure today’s animal rights debate.

This is why I will begin each of the first three chapters with a case study

26 Since the 1970s the law-as-literature strand has become the focal point of attention for contemporary scholars around the world who corporate in Law and Literature programs and study groups. For example, in the Netherlands there is now a branch of the European Network for Law and Literature run by Jeanne Gaakeer, Professor at the Erasmus University Rotterdam, and Greta Olson, Professor at the Justus-Liebig Universität Giessen. For the classic text that is commonly regarded as initiating the Law and Literature movement and, hence, the law-as-literature studies of today see: James Boyd White, The Legal Imagination: Studies in the Nature of Legal Thought and Expression, (Boston: Little, Brown and Co., 1973).
that allows me to explore a different aspect of the problem of demarcation. My strategy here entails a strategy of double reading, whereby I will each time position a literary text alongside a politico-juridical case. 27 This will enable me to address the questions on the fundamental juridical concepts both texts raise and to bring into focus the conceptual problems of demarcation that in the specific juridical-political case under discussion have remained implicit in spite of the controversies these cases have inspired. In the fourth chapter, I will put my findings on the tropological and performative confrontation with the problem of demarcation to the test and radicalize its implications through a reflection on the way in which language itself operates within the animal rights debate. It is here that I wish to connect the modern animal rights debate with the broader view on the question of the animal Heidegger introduced.

Now, if an expansive model centred in personhood installs a potentially endless demarcation problem, the question of personhood must be of central concern to my project of exploring its demarcation problem. This trajectory requires a thorough understanding of what Esposito has called “the juridical regime of personhood” and its subsequent relation to subjectivity. 28 More specifically, since I intend to explore the tropological formations and conceptual nuances that operate the concept of person, the question of personhood and the way in which it installs subjectivity raises anthropomorphism as playing a key role in the person-ification of the animal.

For this reason, I will start the first chapter with an exploration of the question of personhood by focusing on the intimate dynamics between the trope of personification and anthropomorphism. This exploration at once necessitates a fundamental concern with how language operates the notion of person and therefore offers a very precise theoretical reflection that I will need to develop the close reading attitude required for addressing the question of the animal in the remainder of this project. This is why I will explore the relation between anthropomorphism and personification by close reading Barbara Johnson’s valuable essay “Anthropomorphism in Lyric and Law.” 29 In this essay, Johnson focuses on the question of anthropomorphism and its relation to the trope of personification by following up on “Anthropomorphism and Trope in the

Lyric,”30 a text by Paul de Man. If Johnson ultimately concludes there is no practical distinction to be made between anthropomorphism and trope, it is my intention to pick this matter up where Johnson left it, to advance her initial question. I will do so by carefully tracing back the way in which the specific concept of “person” Johnson brings to her study might have informed her conclusion on the relation between anthropomorphism and the trope of personification. This will provide me with an alternative framework for looking into the relation between anthropomorphism and trope, which will then help to develop a different reading of “person.” As we will see, this different person challenges the conventional understanding of what a person is and, as such, allows for distinguishing between anthropomorphism and trope on a practical level; that is, distinguishable within concrete texts. Once I have put my alternative framework in place, informed by this different “person,” I will pursue my project of exploring other ways of reading the construction of animal subjectivity and address the new questions this exploration raises in the chapters that lie ahead.

In the second chapter I wish to explore the fundamental concepts of harm and cruelty and the way in which those are implied within an expansive model and the demarcation problem it poses. In my reading, if prior to the coming into being of the expansive model, the harm animals were potentially exposed to was exerted outside of the juridical sphere – as animals were virtually non-existent as legal persons – the implication of the current expansive model and its conceptualization of animal subjectivity through personhood, is that the harm animals are potentially exposed to – those animals not considered fit to be attributed personhood – is dictated and legitimized by the model itself and exerted within a juridical sphere. It is here, I argue, that we can perceive – without having yet explored these concepts but by understanding them in a heuristic vein only – a moment where “harm” seems to topple over into “cruelty,” at which stage the expansive model seems to turn against itself, especially as the grounds on which to attribute personhood remain unclear.31

In order to address this issue, I will read the inclusion of essentially nonhuman animals within the expansive model as the creation of a single discursive space. In literature the equivalent of such a move would be introducing allegory. Exploring the way in which tropological formations

31 For one of many alternatives proposed to the cluster of capacities that would make animals qualify for personhood such as we encounter in the work of Tom Regan, see: Steven M. Wise, Drawing the Line: Science and the Case for Animal Rights (Cambridge, Mass: Perseus Books, 2002).
construct animal subjectivity and how this relates to our more conceptual rather than my heuristic conception of harm and cruelty, I will reserve the second chapter for a close reading of George Orwell’s *Animal Farm* (1945) by taking it out of its defining historical frame as an allegory of the Cold War. The reading I propose instead takes *Animal Farm* as an allegoresis of animals seeking protection from harm, which will enable me to relate my findings back to the expansive model and to address the issues the concepts of harm and cruelty raise as a problem of the way in which language is taken up within allegorical reading. The concept of allegory as a historical mode that carries a preservative impulse here will enable me to bring into focus the animals that – as Jonathan Safran Foer has stated elsewhere – we are most directly involved with, the animals that we eat, and which present a specific if often neglected aspect of the demarcation problem within our modern animal rights debate. At the same time, addressing harm and its relation to cruelty through my allegoresis of *Animal Farm* will be the first step to bring, via the literary, the notion of suffering back to the heart of the animal rights debate.

In the third chapter, my exploration of the demarcation problem will focus on crossing the divide between Kant, and the way in which he attributed a sense of intrinsic worth (or dignity) to the human person, and the notion of person in the work of philosophers who, in the last three decades, have been at the forefront of the animal rights debate. Analysing the flaws of today’s juridical conception of personhood through this framework, I will suggest that working out an alternative conception of animal subjectivity necessitates a rethinking of what today is taken for granted as perhaps the most valuable idea the animal rights debate has produced yet: the idea that nonhuman animals share with human beings the capacity to suffer and therefore deserve our consideration and at least some juridical protection from harm.

As I will argue, this position, even while seeming to convey a radical turn away from Kant, has successfully turned the capacity to suffer into a modern day substitution of Kant’s idea of the distinguishing feature of the human being as a rational being. This amounts to a massive limitation because Bentham’s commitment to suffering does not have to be thought through as merely a scientific issue, but can also be thought of as inviting us to connect with the victimhoods of others. This is why, diverging from today’s interpretation of Bentham’s question as a radical turning away from Kant, my reading will be

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34 Ibid supra note nr. 12.
informed by an alternative outlook on the notion of suffering. This alternative outlook is fostered by an understanding of suffering as something that is not to be thought of as a capacity, as something to be measured scientifically, but rather as the product of a problematic categorization of difference that infects today’s discourse on animal rights. This renewed focus on suffering will bring my work into dialogue with theorists such as Singer, Rachels, Heidegger and Derrida. Scrutinizing their work will provide a basis for, first, explaining how today’s ideas on the animals’ capacity to suffer differ from my own thinking through of suffering and the way in which it might inform animal subjectivity. Second, using the insights gained in the previous two chapters, I will develop an alternative approach to both my heuristic distinction and the conceptual distinction between harm and cruelty I explored in the second chapter by outlining an alternative notion of suffering. This effort will pave the way for examining the constructions of animal identities in George Orwell’s “Shooting an Elephant”(1936). Close reading this text, I will put my findings on anthropomorphism and trope to the test and look at how the text constructs victimhood through the interactions of tropes. Consequently, alternatives to the text’s identity politics will be worked out through a different reading of those interactions.

In the fourth chapter, I will argue that the traditional relation between the human and the animal still impinges on our juridical sphere today, whereas our modern understanding of the animal no longer bears any resemblance to this traditional understanding. To address this issue and the problem it gives rise to, namely our increasing inability to accommodate the animal both within our modern collective imagination and within our juridical discourse, I will book a return passage to the initial tri-partition Heidegger set up for thinking through the question of the animal. More specifically, taking in the position of a third myself, I will close read the way in which Derrida, in *The Animal That Therefore I Am*, deconstructed the Human-Animal opposition in Heidegger, in an attempt to read against this impingement and propose that the traditional Human-Animal opposition cannot be thought through without introducing a third category. It is my aim here to demonstrate that the coming into being of an expansive model, notably a few decades after the advent of factory-farming, is not just symptomatic of the way in which the Human-Animal opposition translates to and impinges on the juridical sphere today, but also, and more fundamentally, that it should be read as an urgent demand for a different division of space, both discursive and practical, in our time. It is here that art,

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science and technology can intervene, in renegotiating the limits of this space. This, I believe, is already happening all around us and to this my current project wants to contribute.