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Suffering Humanism, or the Suffering Animal

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SUFFERING HUMANISM, OR THE SUFFERING ANIMAL

Abstract

Within the animal rights movement as well as the currently burgeoning field of animal studies, the capacity for suffering has largely displaced the capacity for reason or language as the ultimate criterion for defining the ethical subject. However, while the concept of suffering certainly seems to undermine any ethical philosophy based on the ostensibly human capacity for reason or language, it nonetheless remains attached to a more radical form of humanism based on the capacity for ethics itself. This article offers a critical reading of the concept of suffering in Peter Singer's *Animal Liberation*, Jacques Derrida's *The Animal That Therefore I Am*, Jeremy Bentham's *An Introduction to the Principles of Morals and Legislation*, and Emmanuel Levinas's *Humanism of the Other*. The following questions are posed in relation to these four

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very different texts: Does the concept of suffering entail a philosophical recourse to humanism? Does the discourse of animal rights remain dependent on this humanist concept of suffering? Is the “suffering animal” none other than the classical subject of humanism, even if the capacity for suffering has now been extended beyond the human being to the animal as such?

The Ethical Question of the Animal: Singer, Derrida, Bentham

Within the animal rights movement as well as the field of animal studies—a currently burgeoning academic field whose debt to the animal rights movement remains to be calculated—the capacity for suffering has largely displaced the capacity for reason or language as the ultimate criterion for defining the ethical subject. The discourse of animal rights has thus called into question the ethical project of humanism, inasmuch as this project is based on the classical philosophical definition of the human being as a “rational animal.” The human being might now be defined as a “suffering animal,” but the human is no longer the only being who might be defined by this capacity. Through the concept of suffering, then, animal rights discourse has accomplished nothing less than the very redefinition of who or what counts as an ethical subject. Yet this discourse also seems, even in its most radical articulations, to rely on some form of humanism – perhaps not the classical rationalist brand of humanism that we have all come to know and critique, but another type of humanism that is based on the concept of suffering itself. This new type of humanism extends the capacity for suffering to the animal, but continues to privilege the human’s experience of it. Compassion or empathy is readily granted to the animal, but only insofar as it is identifiable or recognizable to the human. The animal is rendered subject to ethical consideration, but the human still occupies the position of the sovereign ethical subject who dispenses this consideration. What I am claiming, then, is that humanism has survived the critique of rationalism that distinguishes the more radical quarters of contemporary ethical theory, including animal rights discourse. Although humanism has been closely associated with the classical philosophical tradition of rationalism for many centuries, it is an ethical project that is both older and newer than rationalist philosophy, having preceded the advent of rationalism and now following along in its wake. Presupposing the exceptional status of the human being in relation to the animal, nature, or the world, as the case may be, the ethical project of humanism provides the ground for all subsequent philosophical disputes between rationalism and empiricism, idealism and materialism, or individualism and structuralism. Humanism is plainly a

kind of speciesism, but more to the point, it is a kind of speciesism that has rigorously determined the economic, political, and cultural relations between the “human” and the “animal,” these terms themselves having been determined by its governing logic of exclusion.

In this paper, I want to pose some questions of my own on the concept of suffering in the discourse of animal rights—certainly not with any intention of rejecting animal rights discourse altogether, but rather in the hopes of further pursuing the line of questioning that this discourse has already opened for us.¹ *Does the concept of suffering entail a philosophical recourse to humanism? Is the discourse of animal rights dependent on this humanist concept of suffering? Must we suffer humanism in the name of the animal?* These questions complicate the concept of suffering, or to put it better, they broach its irreducible complexity. As the title of my paper suggests, the concept of suffering suffers itself, undergoing a strange dehiscence or bifurcation into at least two divergent yet indivisible forms, the transitive and the intransitive, doubling and redoubling on itself. On one hand, there is “suffering” as in the experience, sensation, or feeling of pain, while on the other, there is “suffering” as in endurance, forbearance, or indeed, subjection as such. One form of suffering seems to center or recenter the experience of the human being, while the other seems to decenter this experience by calling attention to the precarious constitution of the ethical subject. This divided concept of suffering which has figured so prominently in animal rights discourse thus harbors an ineradicable ambivalence around the status of the human. The questions that I am posing, then, do not only ask whether this discourse remains trapped or caught within the snare of humanism, but they also ask whether it is necessary or even possible to escape. After all, animal rights discourse has already made a radical intervention into contemporary ethical theory precisely by inhabiting or parasiting the humanist discourse of “rights,” not to mention the very concept of the “animal.” Perhaps the discourse of animal rights cannot afford to simply abandon the ethical project of humanism, even if it were possible to do so. In any case, these questions are not to be discarded too easily without considering their implications for animal rights activists as well as animal studies scholars who are interested in dislodging the human subject from its privileged ethical status.

I want to pursue this line of questioning on the concept of suffering as it bears on, or rather, as it is borne by two philosophical texts, Peter Singer’s *Animal Liberation* and Jacques Derrida’s *The Animal That Therefore I Am*, two very different texts by two very different philosophers who have nonetheless both taken up the ethical question of the animal—two

philosophical texts, moreover, which I would not hesitate to call two of the most important such texts on this question. Singer is an Australian philosopher who, it seems, remains one of the last champions of utilitarianism, a school of thought founded by the British philosopher Jeremy Bentham in the late eighteenth century. *Animal Liberation: A New Ethics for Our Treatment of Animals* was one of Singer's first works, and its remarkable success among academic and popular audiences alike played no small part in determining the trajectory that the rest of his work would follow. Originally published in English in 1975 and republished in a revised and expanded edition in 1990, Singer's *Animal Liberation* galvanized the animal rights movement as few other philosophical texts have ever galvanized contemporary social justice movements, fully earning its admittedly dubious title as the "bible" of the animal rights movement. Derrida was an Algerian-born French philosopher who is probably best known as the founder of deconstruction, although he himself resisted any claims to having founded a school of thought at all. *The Animal That Therefore I Am* was one of Derrida's last works, based on a ten-hour address that he delivered in 1997 at the third of four Cerisy conferences that were eventually dedicated to his work. Although some parts of this address were published during his lifetime, Derrida's *The Animal That Therefore I Am* was only published as a complete monograph in French in 2006, some two years after he had passed away, providing a substantial albeit late contribution to his previously established body of work. While Singer's *Animal Liberation* was largely responsible for establishing animal rights as a central issue of concern within the field of philosophical ethics in the last decades of the 20th century, Derrida's *The Animal That Therefore I Am* is now one of the key sources of reference in the interdisciplinary field of animal studies that has emerged during the first decades of our present century. It is also fair to say, however, that while Singer's utilitarian approach to ethics is generally considered anachronistic if not completely outmoded by his philosophical contemporaries even as his work on animal rights in particular continues to enjoy a popular readership, Derrida's deconstructive approach has recently drawn an increasing interest within contemporary ethical theory although his work appears to attract a more academically specialized audience.

For all their philosophical and political differences, the concept of suffering thus marks a curious point of intersection between Singer and Derrida's respective texts. Not only do they both cite Bentham's famous question on the capacity for suffering among animals, but they also make the argument that this capacity is not simply one capacity among others. Rather, for Singer

as well as for Derrida, suffering is a singular capacity that defines or in some sense conditions all other capacities. In the first chapter of *Animal Liberation*, Singer cites an extended passage from Bentham's text, *An Introduction to the Principles of Morals and Legislation*:

The day *may* come when the rest of the animal creation may acquire those rights which never could have been withholden [*sic*] from them but by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may one day come to be recognized that the number of 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 they were otherwise, what would it avail? The question is not, Can they *reason*? nor Can they *talk*? but, Can they *suffer*? (Bentham cited in Singer, 2002, p. 7, emphasis in original)

Singer's appeal to Bentham is not surprising, of course, since he bases his own argument for animal liberation—and not for animal rights—on the ethical principles of utilitarianism. Distancing himself from the philosophical discourse of rights, Singer recalls that Bentham himself “described ‘natural rights’ as ‘nonsense’ and ‘natural and imprescriptible rights’ as ‘nonsense upon stilts’” (Singer, 2002, p. 8). Indeed, Singer claims to have circumvented the entire debate on animal rights by basing his argument directly on what he calls Bentham's “formula” for moral equality: “Each to count for one and none for more than one” (Singer, 2002, p. 5). Taking up Bentham's question on the capacity for suffering, then, Singer explains that this capacity provides the sole precondition for all ethical or moral interests:

The capacity for suffering – or more strictly, for suffering and/or enjoyment or happiness – is not just another characteristic like the capacity for language or higher mathematics... The capacity for suffering and enjoyment is *a prerequisite for having interests at all*, a condition that must be satisfied before we can speak of interests in a meaningful way... The capacity for suffering and enjoyment is... not only necessary, but also sufficient for us to say that a being has interests – at an absolute minimum, an interest in not suffering. (Singer, 2002, pp. 7-8, emphasis in original)

For Singer, it is this original capacity for suffering that defines the ethical subject. Any subject that is capable of suffering before it is capable of thinking or speaking deserves our ethical or moral consideration. The capacity for suffering thus constitutes an original capacity in its most radical sense—a pre-original capacity as such—an original capacity that not only precedes the capacity for reason or language, but creates the very possibility for any such capacity. Suffering is the capacity for having other capacities.

Similarly, in the first chapter of *The Animal That Therefore I Am*, Derrida repeats Bentham's question on the capacity for suffering without, however, formally citing Bentham's text. Indeed, Derrida reduces Bentham's question to its most highly condensed form: "'Can they suffer?'" asks Bentham, simply yet so profoundly" (Derrida, 2008, p. 27). But what might seem like Derrida's passing reference to Bentham is nonetheless surprising. For although Derrida offers no more than a very loose reading of Bentham's text—an uncharacteristically loose reading for those who are acquainted with Derrida's close and notoriously dense readings of other philosophical, literary, and cultural texts—not only does it remain his only reference to the Anglo-American philosophical tradition in the entire text, but more importantly, Derrida's appeal to Bentham signals a pivotal point in his argument, no less than it does in Singer's case. It is not surprising that Derrida also distances himself from, as he puts it, "what is still presented in such a problematic way as *animal rights*" (Derrida, 2008, pp. 26-27, emphasis in original). What is surprising is that he traces his own argument back to Bentham's question itself. Derrida explains that Bentham did not merely propose another question on the animal, but moreover "proposed changing the very form of the question regarding the animal that dominated discourse within the tradition, in the language both of its most refined philosophical argumentation and of everyday acceptance and common sense" (Derrida, 2008, p. 27). Derrida argues that this question on the capacity for suffering foregoes the very concept of capacity, capability, or power, suggesting instead a radical form of passivity:

The *first* and *decisive* question would rather be to know whether animals *can suffer*...

Once its protocol is established, the form of this question changes everything... [It] is disturbed by a certain *passivity*. It bears witness, manifesting already, as question, the response that testifies to a sufferance, a passion, a not-being-able. The word *can* [pouvoir] changes sense and sign here once one asks, "Can they suffer?" Henceforth it

wavers... “Can they suffer?” amounts to asking “Can they *not be able*?” (Derrida, 2008, pp. 27-28, emphasis in original)

For Derrida, it is not a capacity as such that defines the ethical subject, but the capacity for suffering, which is to say, an incapacity. Suffering marks an absolute openness or vulnerability to others rather than the possession of some particular faculty. It is precisely the subject’s powerlessness to defend or protect itself that demands our ethical attention. The capacity for suffering, then, indicates an incapacity, an inability, or a radical passivity that is prior to all capacities, an incapacity that problematizes every recourse to reason, language, or any other capacity that would presumably distinguish the human from the animal.

Singer and Derrida’s common appeal to Bentham is especially remarkable in so far as they both extend Bentham’s question on the capacity for suffering in much the same direction, it seems to me, well beyond Bentham’s own argument. Bentham’s question appears in one of his first works, *An Introduction to the Principles of Morals and Legislation*, originally published in English in 1789 and republished in a revised edition in 1823. Although Bentham is widely considered to have established the earliest philosophical foundations for the animal rights movement as well as the field of animal studies—his rightly famous question on the capacity for suffering among animals commanding the attention of philosophers as different from each other in all other respects as Singer and Derrida themselves—his own attention to this question is somewhat limited. As its title only partly indicates, *An Introduction to the Principles of Morals and Legislation* is primarily concerned with the philosophical theory of penal legislation or criminal law. Certainly, it is safe to say that at least among readers of 20th-century continental philosophy, Bentham is less famous for his question on the capacity for suffering among animals in this text than he is infamous for his architectural design of the Panopticon, the prison model that Michel Foucault analyzes so trenchantly in *Discipline and Punish*.

In any case, while Bentham presents a detailed outline of the ethical principles of utilitarianism in the first few chapters of his text, his discussion of animals remains cursory at best. Indeed, his question on their capacity for suffering only appears in a long footnote to the last chapter of his text on the delimitation of penal jurisprudence. In the first part of this chapter, Bentham sets out to delimit ethics from legislation in general, or what he calls “private ethics” from “the art of legislation” (cf. Bentham, 1996, p. 281). In a passage that marks a significant

departure from the classical philosophical tradition of humanism, Bentham argues that all humans as well as nonhuman animals are to be considered ethical subjects or moral agents:

Ethics at large may be defined, the art of directing men's [*sic*] actions to the production of the greatest possible quantity of happiness, on the part of those whose interest is in view.

What then are the actions which it can be in a man's [*sic*] power to direct? They must be either his [*sic*] own actions, or those of other agents...

What other agents then are there, which, at the same time that they are under the influence of man's direction, are susceptible of happiness? They are of two sorts: 1. Other human beings who are styled persons; 2. Other animals, which on account of their interests having been neglected by the insensibility of the ancient jurists, stand degraded into the class of *things*. (Bentham, 1996, p. 282, emphasis in original)

Bentham attaches a long footnote to the end of this passage in which he defends his claim for the ethical agency of animals by posing his deliberately rhetorical question on their capacity for suffering.² However, having established that humans alone are to be considered legal subjects or "persons," he does not mention animals in his text again. Moreover, and perhaps even more importantly, while Bentham makes frequent use of the concept of suffering throughout his text, he does not offer a definition of this concept as such. Basing the ethical principles of utilitarianism on the mutually opposed concepts of pain and pleasure in the very first sentence of his first chapter (cf. Bentham, 1996, p. 11), he appears to use the concept of suffering synonymously with the concept of pain in some passages of his text, but differently in many others. Bentham comes closest to defining the concept of suffering itself in his distinction between the four concepts of coercion or restraint, apprehension, sufferance, and sympathy or connection (cf. Bentham, 1996, pp. xx, 163, 223, 287). But this definition of sorts only suggests that he considers suffering one particular form of pain. What all this is to say is that Bentham's argument in *An Introduction to the Principles of Morals and Legislation* does not offer a philosophically rigorous or even thematically consistent concept of suffering. Notwithstanding his immensely productive question on the capacity for suffering among animals, there is little if any indication in Bentham's own text that this capacity constitutes what both Singer and Derrida argue is, in a much more radical sense, the singular precondition for all other capacities.

Yet this point of intersection between Singer's *Animal Liberation* and Derrida's *The Animal That Therefore I Am* marks as much a meeting between these two very different philosophers and their texts as a parting of ways. For although there is arguably only a slight difference between Singer's concept of suffering as an original capacity on one hand and Derrida's concept of suffering as an incapacity on the other, Singer proceeds to ground his concept of suffering on a decidedly anthropocentric analysis of pain, while Derrida goes on to unground the philosophical foundation of the human subject altogether. Still within the first chapter of *Animal Liberation*, just a few paragraphs following his citation and discussion of Bentham's question, Singer anticipates the inevitable objection to his argument, namely that "[n]onhuman animals have no interests... because they are not capable of suffering" (Singer, 2002, p. 9). Astonishingly enough, he immediately concedes that "[nonhuman animals] are not capable of suffering in all the ways that human beings are," quickly moving on to address instead the "more sweeping" yet "less plausible" objection that "animals are incapable of suffering in any way at all" (Singer, 2002, pp. 9-10). It is at this point in his argument that Singer switches out the concept of suffering for the concept of pain, doing so without noting this switch himself, or perhaps, without even noticing it. Of course, he might have very well defended this switch in his text by appealing to Bentham again who, after all, appears to use the concept of suffering synonymously with the concept of pain in certain passages of his own text. However, Singer's more radical argument that the capacity for suffering constitutes a precondition for all ethical or moral interests should have complicated any such simple substitution on his part. By switching out the concept of suffering for the concept of pain, it seems to me that Singer reduces what he previously claimed to be the original capacity for suffering to merely one capacity among others.

It is little wonder, then, that Singer ends up resorting to such anthropocentric criteria in his analysis of pain. He begins this analysis, quite rightly, by questioning the capacity for pain among humans as well as nonhuman animals: "Do animals other than humans feel pain? How do we know? Well, how do we know if anyone, human or nonhuman, feels pain?" (Singer, 2002, p. 10). Singer argues that the individual human subject experiences pain, but only infers pain in other humans from their expression of it: "We know that we ourselves can feel pain... from the direct experience of pain that we have... But how do we know that anyone else feels pain? We cannot directly experience anyone else's pain... [W]e can only infer that others are feeling it from various external indications" (Singer, 2002, p. 10). Singer thus proceeds to question the

capacity for pain among nonhuman animals by comparing their behavior and physiology to human behavior and physiology, affirming their basic similarity despite what he freely admits is the greater capacity for reason among humans:

If it is justifiable to assume that other human beings feel pain as we do, is there any reason why a similar inference should be unjustifiable in the case of other animals?

Nearly all the external signs that lead us to infer pain in other humans can be seen in other species, especially the species most closely related to us—the species of mammals and birds. The behavioral signs include writhing, facial contortions, moaning, yelping or other forms of calling, attempts to avoid the source of pain, appearance of fear at the prospect of its repetition, and so on. In addition, we know that these animals have nervous systems very like ours, which respond physiologically as ours do when the animal is in circumstances in which we would feel pain: an initial rise of blood pressure, dilated pupils, perspiration, an increased pulse rate, and, if the stimulus continues, a fall in blood pressure. Although human beings have a more developed cerebral cortex than other animals, this part of the brain is concerned with thinking functions rather than with basic impulses, emotions, and feelings. These impulses, emotions, and feelings are located in the diencephalon, which is well developed in many other species of animals, especially mammals and birds. (Singer, 2002, p. 11)

Obviously, what Singer is trying to establish in this passage is the conclusion that the pain experienced by nonhuman animals is no more questionable than the pain experienced by other humans: “If we do not doubt that other humans feel pain we should not doubt that other animals do so too” (Singer, 2002, p. 15). Furthermore, he calls specific attention to mammals and birds in this passage in preparation for his extended discussion on scientific experimentation and factory farming in the following two chapters of *Animal Liberation*, both practices of which are based largely on the systematic exploitation of precisely these animals. Yet nonetheless, by basing his analysis of pain on the specific criteria of human behavior and physiology, Singer seems to suggest that the ethical or moral interests of nonhuman animals are ultimately determined by their ability to be identified or recognized as such by humans themselves. By reducing his concept of suffering to the capacity for pain, then, Singer forecloses the possibility of an ethics that would not invariably center itself on the human subject.³

Meanwhile, in the first chapter of *The Animal That Therefore I Am*, once again just a few paragraphs following his discussion of Bentham's question, Derrida proposes to trace an itinerary between all three Cerisy conferences that had been dedicated to his work so far. This itinerary would follow "another logic of the limit" (Derrida, 2008, p. 29), which he names "limitrophy": "*Limitrophy* is therefore my subject. Not just because it will concern what sprouts or grows at the limit, around the limit, by maintaining the limit, but also what *feeds the limit*, generates it, raises it, and complicates it. Everything I'll say will consist, certainly not in effacing the limit, but in multiplying its figures, in complicating, thickening, delinearizing, folding, and dividing the line precisely by making it increase and multiply" (Derrida, 2008, p. 29, emphasis in original). Derrida thus declares that he has no intention of questioning the limit or line that is typically drawn between humans and animals. He even appears to accept what he calls "the thesis of a limit as rupture or abyss" (Derrida, 2008, p. 30), the rupture or abyss that so deeply separates humans from animals: "To suppose that I, or anyone else for that matter, could ignore that rupture, indeed that abyss, would mean first of all blinding⁴ oneself to so much contrary evidence; and, as far as my own modest case is concerned, it would mean forgetting all the signs that I have managed to give, tirelessly, of my attention to difference, to differences, to heterogeneities and abyssal ruptures as against the homogeneous and continuous" (Derrida, 2008, p. 30). However, Derrida goes on to argue that this limit or abyssal rupture not only defies any simple opposition between humans on one hand and animals on the other, but also disbands the very concept of the animal. Playing on the French term *bêtise* meaning "stupidity" but carrying connotations of animality or bestiality, he even goes so far as to accuse any philosopher who employs the term "animal" as a generic category for all nonhuman animals—which is to say, more or less, all philosophers—of stupidity, or what has been translated rather liberally into English as "asinanity"⁵:

Beyond the edge of the *so-called* human, beyond it but by no means on a single opposing side, rather than "The Animal" or "Animal Life" there is already a heterogeneous multiplicity of the living, or more precisely (since to say "the living" is already to say too much or not enough), a multiplicity of organizations of relations between living and dead, relations of organization or lack of organization among realms that are more and more difficult to dissociate by means of the figures of the organic and inorganic, of life and/or death. These relations are at once intertwined and abyssal, and they can never be totally

objectified. They do not leave room for any simple exteriority of one term with respect to another. It follows that one will never have the right to take animals to be the species of a kind that would be named The Animal, or animal in general. Whenever “one” says “The Animal,” each time a philosopher, or anyone else, says “The Animal” in the singular and without further ado, claiming thus to designate every living thing that is held not to be human... he [*sic*] utters an *asinanité* [*bêtise*]. (Derrida, 2008, p. 31, emphasis in original)

Later in the same chapter, Derrida coins the French term *l’animot* precisely in order to reinscribe the singular form “animal,” *l’animal*, with the plural form “animals,” *les animaux*, as well as to recall the word for “word” itself, *le mot*, the possession of which, as language or *logos*, is so commonly held to distinguish humans from animals (cf. Derrida, 2008, pp. 41, 47-48). This attention to the limit, then, fractures not only the concept of the animal, but also its human counterpart. By resisting the imperative to define the human subject by any one capacity—whether it is the capacity for reason, language, or suffering itself—Derrida opens up the possibility that Singer seems to foreclose, the possibility of an ethics that would not invariably entail the philosophical recourse to humanism.

Yet I do not want to conclude my reading of *Animal Liberation* and *The Animal That Therefore I Am* by simply pitting Singer against Derrida. And I certainly do not want to suggest that Singer’s rather crude concept of suffering has been outmoded or superseded by Derrida’s more refined concept of suffering, either. What I would suggest instead is that Singer’s argument on the capacity for suffering as an original or pre-original capacity in its most radical sense offers an important antecedent to Derrida’s own argument. Indeed, Singer even anticipates Derrida’s argument by attending to the limit or abyssal rupture between humans and animals himself in the preface to the original edition of his text, deconstructing, we might say, the very concept of the animal:

We commonly use the word “animal” to mean “animals other than human beings.” This usage sets humans apart from other animals, implying that we are not ourselves animals—an implication that everyone who has had elementary lessons in biology knows to be false.

In the popular mind the term “animal” lumps together beings as different as oysters and chimpanzees, while placing a gulf between chimpanzees and humans, although our relationship to those apes is much closer than the oyster’s. (Singer, 2002, p. xxiv)

However, Singer's argument on the capacity for suffering in *Animal Liberation* does indeed seem to ultimately recenter itself on the human subject, even if this subject is no longer defined by the capacity for reason as much as it is defined by the capacity for ethics itself. In the last chapter of his text, Singer attempts to address some likely objections to his general argument. In response to the objection that humans are morally justified in killing nonhuman animals for food inasmuch as nonhuman animals kill each other for the same reason, Singer argues that only humans are capable of making ethical or moral choices: "[N]onhuman animals are not capable of considering the alternatives, or of reflecting morally on the rights and wrongs of killing for food; they just do it... Every reader of this book, on the other hand, is capable of making a moral choice on this matter" (Singer, 2002, p. 224). Quite aware of the apparent contradiction in his argument, Singer defends his claim on the distinctly human capacity for ethics—or more specifically, the capability of making ethical or moral choices among those he calls "normal adult humans" (Singer, 2002, p. 225)—by appealing to Bentham once again, modifying his famous question on the capacity for suffering:

My point is not that animals are capable of acting morally, but that the moral principle of equal consideration of interests applies to them as it applies to humans. That it is often right to include within the sphere of equal consideration beings who are not themselves capable of making moral choices is implied by our treatment of young children and other humans who, for one reason or another, do not have the mental capacity to understand the nature of moral choice. As Bentham might have said, the point is not whether they can choose, but whether they can suffer. (Singer, 2002, p. 225)

But in this case, given that Bentham considers humans as well as nonhuman animals ethical subjects or moral agents, Singer's argument on the distinctly human capacity for ethics seems significantly less radical than Bentham's argument. Singer thus continues to privilege the human subject in his own argument on the capacity for suffering, recasting the rational subject of classical humanism as the ethical subject of another, more contemporary form of humanism. The question still remains for us, then, whether it is the concept of suffering itself that ultimately provides the philosophical foundation for this new type of humanism.

The Other Humanism: Derrida, Bentham, Levinas

Derrida's reading of Bentham's question on the capacity for suffering in *The Animal That Therefore I Am* is just as surprising for its brevity as it is for its generosity. In a passage from this text that I will risk citing once again in my paper, Derrida argues that Bentham's question circumvents the concept of capacity altogether:

The *first* and *decisive* question would rather be to know whether animals *can* suffer...

Once its protocol is established, the form of this question changes everything... [It] is disturbed by a certain *passivity*. It bears witness, manifesting already, as question, the response that testifies to a sufferance, a passion, a not-being-able. The word *can* [pouvoir] changes sense and sign here once one asks, "Can they suffer?" Henceforth it wavers... "Can they suffer?" amounts to asking "Can they *not be able*?" (Derrida, 2008, pp. 27-28, emphasis in original)

For Derrida, then, the capacity for suffering indicates an incapacity, an inability, or a radical form of passivity that precedes all capacities as such. Yet this very brief reading of Bentham's question—what some of Derrida's more avid readers might even call a cursory reading, however generous it may well be—finds little support in Bentham's own text, *An Introduction to the Principles of Morals and Legislation*, in which this question was first posed. Indeed, what I want to suggest is that Derrida's reading of Bentham's question owes less to Bentham himself than it does to the Lithuanian-born French philosopher Emmanuel Levinas.

This claim of mine might seem especially contentious given that Derrida's reading of Levinas in *The Animal That Therefore I Am* is far less generous than his reading of Bentham, presenting what is arguably Derrida's least generous reading of Levinas that he has ever presented over the course of his work. The text of *The Animal That Therefore I Am* itself is organized around Derrida's reading of the concept of the animal within the philosophical tradition extending, as he says, "from Aristotle to Lacan, and including Descartes, Kant, Heidegger, and Levinas" (Derrida, 2008, p. 32), a remarkably consistent and essentially dogmatic concept of the animal that only betrays what Derrida calls these philosophers' own *bêtise* or "asinanity" (Derrida, 2008, p. 31). In his reading of Levinas toward the end of the second chapter of his text, a reading that is much closer and more careful than his brief reading of Bentham in the first chapter, Derrida accuses Levinas of "a profound anthropocentrism and humanism" (Derrida, 2008, p. 113) that is "more significant than all the differences that might

separate Levinas from Descartes and from Kant on the question of the subject, of ethics, and of the person” (Derrida, 2008, p. 106), adding that “Levinas also remains profoundly Heideggerian” (Derrida, 2008, p. 110) on the question of death. Derrida insists that what might appear to be Levinas’s radical reformulation of the ethical subject in terms of the “face” is still caught within the same philosophical tradition that it was intended to escape, clearly reinscribing the discourse of humanism as well as the unabashedly gendered discourse of fraternalism:

[E]ven if Levinas inflects what he inherits, even if he inverts what could be described as the traditional and ontological tendency concerning the subject, even if he does that in a strong, original, and let’s say, subversive manner... even if he submits the subject to a radical heteronomy, even if he makes of the subject a subject that is subjected to the law of substitution, even if he says about the subject that it is above all a “host”... even if he reminds us that the subject is a “hostage”... this subject of ethics, the face, remains first of all a fraternal and human face... If, in his new heteronomous and ethical definition, the human subject is a face, according the animal or the *animot* any of the traits, rights, duties, affections, or possibilities recognized in the face of the other is out of the question. (Derrida, 2008, pp. 106-107)

As Derrida goes on to demonstrate, Levinas himself asserted that this phenomenon of the “face” which defines the ethical subject belongs exclusively to the human being, maintaining a strict distinction between the human and the animal on this matter despite all biological evidence to the contrary: “The human face is completely different [from] the face of an animal” (Levinas cited in Derrida, 2008, pp. 107-108). Derrida thus concludes his close reading of Levinas with a harsh indictment against the ethical project with which Levinas claimed to surpass the philosophical tradition of rationalism itself: “It is, therefore, not sufficient for an ethics to recall the subject to its being-subject, host or hostage, subjected to the other, to the wholly other or to every other. More than that is required to break with the Cartesian tradition of an animal without language and without response” (Derrida, 2008, p. 118).⁶ It certainly seems, then, that Derrida rejects Levinas’s reformulation of the ethical subject entirely, inasmuch as this subject firmly reinstates the fundamentally human subject of the classical philosophical tradition.

And yet, Derrida’s reading of Bentham’s question on the capacity for suffering is deeply indebted to Levinas’s particularly idiomatic formulation of the ethical subject in many of his later texts, but most notably, in his essay “Without Identity.” Derrida does not mention this text

by Levinas at all in *The Animal That Therefore I Am*, even though he would probably have been well acquainted with it. In any case, returning to his reading of Bentham's question in which he associates the capacity for suffering with an incapacity, inability, or radical passivity, Derrida further associates this capacity with vulnerability, anguish, and what he calls a "nonpower":

And what of this inability [*impouvoir*]? What of the vulnerability felt on the basis of this inability? What is this non-power at the heart of power? ... Being able to suffer is no longer a power; it is a possibility without power, a possibility of the impossible. Mortality resides there, as the most radical means of thinking the finitude that we share with animals, the mortality that belongs to the very finitude of life, to the experience of compassion, to the possibility of sharing the possibility of this non-power, the possibility of this impossibility, the anguish of this vulnerability, and the vulnerability of this anguish. (Derrida, 2008, p. 28)

This chain of associations between suffering, incapacity, inability, passivity, vulnerability, anguish, and nonpower in *The Animal That Therefore I Am* recalls Levinas's idiomatics in "Without Identity" so strongly that it might indeed be tempting to speculate that there is some sort of disavowal if not repression operating within Derrida's text.

Of course, any such disavowal would require little justification on Derrida's behalf, at least as far as I am concerned. For "Without Identity" forms part of a series of texts in which Levinas attempts nothing less than a reclamation of humanism from the various currents of anti-humanism within 20th-century continental philosophy and social, cultural, and literary theory. Originally published in the journal *L'Éphémère* in 1970, "Without Identity" also appeared in Levinas's volume of essays published in 1972, *Humanism of the Other*. In his foreword to the volume, Levinas announces what he emphatically calls his "*inopportune*" (Levinas, 2003, p. 3, emphasis in original) philosophical project: "The three essays in this small volume... mark the stages of an 'out of date consideration' that is not yet or no longer frightened by the word *humanism*" (Levinas, 2003, p. 3). He goes on to affirm that this humanism precludes any consideration of the human subject on the biological basis of its purported animality: "[H]umanity is not a genre like animality" (Levinas, 2003, p. 7). In the second essay of the volume, "Humanism and An-archy," Levinas states his own position in relation to anti-humanism, appealing to what he calls "the pre-original responsibility for the other" (Levinas, 2003, p. 56) that distinguishes the human subject as such in terms of the "saying": "Modern anti-

humanism is undoubtedly right in not finding in man [*sic*] taken as individual of a genus or an ontological reason—an individual like all substances persevering in being—a privilege that makes him [*sic*] the aim of reality... [But] [m]odern anti-humanism may be wrong in not finding for man, lost in history and in order, the trace of this pre-historic an-archic saying” (Levinas, 2003, pp. 56-57). “Without Identity” thus stands as a crucial text in Levinas’s ongoing formulation of the ethical subject that personifies his “humanism of the other,” both extending and expanding on the idiomatics that he had already introduced in some of his previous texts.

But what makes this text particularly germane to Derrida’s reading of Bentham’s question is Levinas’s attention to the concept of suffering itself. In “Without Identity,” Levinas mounts a defense of humanism, metaphysics, and subjectivity alike against the combined onslaught of Heidegger and what he calls “the social sciences,” presumably referring to structuralism (Levinas, 2003, p. 58 ff.). It is in the third section of his text, which is aptly named “Subjectivity and Vulnerability,” that he sets out to present his reformulation of the ethical subject. Elaborating on the concept of the opening,⁷ Levinas argues that the vulnerability of this subject takes precedence over any ontological analysis of being, even coining the title of his last major work, *Otherwise Than Being*, in this passage:

Opening is the stripping of the skin exposed to wound and outrage. Opening is the vulnerability of a skin offered in wound and outrage beyond all that can show itself, beyond all that of essence of being can expose itself to understanding and celebration. In sensibility “is uncovered,” is exposed a nude more naked than the naked of skin that, form and beauty, inspires the plastic arts; nakedness of a skin offered to contact, to the caress that always, even ambiguously in voluptuousness, is suffering for the suffering of the other. Uncovered, open like a city declared open to the approaching enemy, sensibility beneath all will, all act, all declaration, all taking stands—is vulnerability itself. *Is it?* Doesn’t its being consist in divesting itself of being; not to die, but to alter into “otherwise than being”? Subjectivity of the subject, radical passivity of man [*sic*] who elsewhere poses himself [*sic*], declares himself being and considers his sensibility an attribute. Passivity more passive than all passivity, sent back into the pronominal particle *se*, which has no nominative. The Ego from top to toe and to the very marrow is—vulnerability (Levinas, 2003, p. 63, emphasis in original).

Levinas explains that this radical form of suffering, this “suffering of the other,” is not an intentional suffering that is willed by the self, the ego, or consciousness, but rather a prior vulnerability or opening to the other that the subject is powerless to control. Citing the *Book of Lamentations*, he argues that this form of suffering is irreducible to either humiliation or submission:

“Opening” of the sensibility cannot be interpreted as simple exposure to the affection of causes. The other *by whom* I suffer is not simply the “stimulus” of experimental psychology and not even a cause that, by the intentionality of suffering, would by whatever rights be thematized. Vulnerability is more (or less) than passivity receiving form or shock. It is the aptitude—that any being in its “natural pride” would be ashamed to admit—for “being beaten,” for “getting slapped.” As admirably expressed in a prophetic text: “He turns his cheek to the one who slaps him and is satiated with shame.” Without introducing any deliberate seeking of suffering or humiliation (turning the other cheek) it suggests, in the primary suffering, in suffering as suffering, a hard unbearable consent that animates passivity, strangely animates it in spite of itself, whereas passivity as such has neither force nor intention, neither like it or not. The impotence or humility of “to suffer” is beneath the passivity of submission. (Levinas, 2003, pp. 63-64, emphasis in original)

It seems to me that it is precisely this “primary suffering” or “suffering as suffering,” as Levinas puts it, from which Derrida himself principally draws in his reading of Bentham’s question on the capacity for suffering among animals. Despite his rejection of Levinas’s blatantly anthropocentric concept of the face, Derrida refers us to a whole host of concepts associated with Levinas’s essentially humanist ethical project—first and foremost among which is the concept of suffering itself—in order to deconstruct the concept of the animal within the classical philosophical tradition of humanism. Of course, the paradoxical force of such an effort is not unfamiliar to those who are already acquainted with Derrida’s work. Yet Derrida’s lack of attention to this paradoxical effort on his own part is curious, to say the least.

To be clear, I am not suggesting that Derrida simply should not have attended to the concept of suffering, or that he should not have followed Levinas so closely, however surreptitiously, in his reading of Bentham’s question. After all, it would have been difficult for Derrida to state his differences with Levinas in any less uncertain terms, if not in his reading of

Bentham's question as such, then certainly in his reading of Levinas's formulation of the ethical subject insofar as it regards the animal, or rather, insofar as it entirely disregards the animal.⁸ What I am suggesting is that the concept of suffering itself remains deeply indebted to the ethical project of humanism, notwithstanding the very centrality of this concept to both the animal rights movement and the field of animal studies. Even in its most radical articulations, in Singer's *Animal Liberation* as well as in Derrida's *The Animal That Therefore I Am*, the concept of suffering betrays its attachment to the human subject, even if the capacity for suffering has now been extended beyond the human being to the animal or *l'animot*, as the case may be. The concept of suffering in the discourse of animal rights, then, always runs the risk of being reappropriated in the service of humanism—whether in the service of a more classical, rationalist brand of humanism or another type of humanism altogether—a risk that must be run by any concept in ethical theory. Suffering and pain, vulnerability and anguish, or indeed, radical passivity and openness can always be reclaimed as the defining characteristics of the human being. And this is just what Levinas has done in what I would gladly concede is his radically original ethical project.

For better or worse, the concept of suffering in animal rights discourse thus finds itself strangely dependent on a most unlikely source. The triangle formed by the intertextual relationship between Singer, Derrida, and Bentham opens up or unfolds itself into a square, bringing Levinas into this relationship as well, but only as a silent or mute partner:

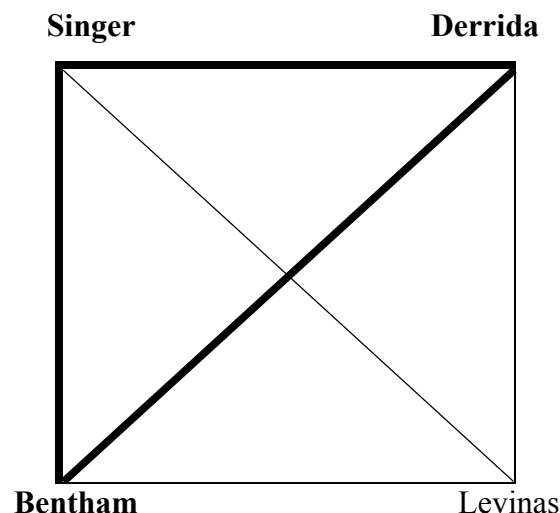


Figure 1: The semiotic square or open triangle of suffering

This semiotic square or open triangle constitutes a heterogeneous field of relations in which each one of these relations is irreducible to the others. These multiple relations between Singer, Derrida, Bentham, and Levinas encompass a variety of attitudes—the serious engagement, the casual encounter, the secret liaison, and mutual repugnance among others, only some of which I have traced out in this paper.⁹ But the point I want to make does not concern these philosophers and their texts themselves as much as it concerns the concept of suffering that binds them all together. For while this concept of suffering certainly seems to undermine any ethical project that is based on the ostensibly human capacity for reason or language, it is nonetheless attached to a more radical form of humanism that is based on the capacity for ethics as such. Again, the concept of suffering suffers itself, not only split apart but drawn and quartered between suffering as in the feeling of pain and suffering as in subjection, human suffering and animal suffering.

What exactly this all means for animal rights activists and animal studies scholars alike, to put it more plainly, is that despite the obvious gains to be won by extending the capacity for ethics or morality from the human to the animal—a capacity that is grounded on radical suffering, absolute openness, and the irrevocable bond to others—there are limits to this strategy. Now, it appears that this strategy is becoming increasingly popular not only within animal rights discourse, but also within contemporary culture more generally, and again, with very good reason. Attesting to the growing lure of this strategy, a number of trade books based on the discipline of ethology or animal behavior have recently been published, demonstrating the evidence for compassion or empathy among various nonhuman animals. These important works seem even more radical than Singer's *Animal Liberation*, the grand manifesto of the animal rights movement itself, insofar as they suggest that animals might be considered ethical subjects or moral agents in their own right.¹⁰ And yet, even when the purported “nature” of human morality is not the explicit focus of attention in these books—a “nature” that nonhuman animals are presumed to somehow embody or incarnate—the capacity for ethical behavior among animals is inevitably rendered in terms that are easily assimilable to humans' own experience of compassion or empathy. In other words, human ethics remains the model for animal ethics. It is thus no coincidence that those nonhuman animals who are most readily recognized as ethical subjects themselves (apes, dolphins, and dogs among a few others) are the same nonhuman animals who have previously been supposed to display some evidence of the capacity for reason or language. Meanwhile, those nonhuman animals who are exploited on a mass scale in the

practices of factory farming and scientific experimentation (cows, chickens, and rats among many others) appear much less likely to be awarded such recognition, remaining strangely opaque to humans for whatever reason. My point, of course, is not to say which nonhuman animals suffer more than others, or to say which forms of suffering are worse than others. Rather, the point that I am trying to make is that extending the capacity for ethics to the animal has its limitations as well as its own particular strategic benefits.

The question that finally remains for us, then, is whether it is ethics itself—a concept that is practically synonymous with humanity, humaneness, or humanitarianism as such—that ultimately distinguishes the human from the animal. *Is the suffering subject of ethics fundamentally human?* If so, then the question of the animal, rather than providing us with merely another ethical question, threatens to expose the very limits of ethical discourse. And as for the radical ethical discourse of animal rights, perhaps it is finally condemned to suffer humanism, precisely in the name of a suffering animal, the only animal that has ever suffered the name “animal,” which is to say, the human.

Notes

¹ Although Singer, Derrida, and Bentham all reject the philosophical concept of “rights” for various reasons, I am proceeding as if their respective works addressing the ethical question of the animal formed part of the discourse of “animal rights,” simply leaving aside for now the daunting task of charting the problematic relationship between the philosophical discourse on animals and the political movement for animal rights.

² Aside from Singer’s and Derrida’s common appeal to his question on the capacity for suffering, Bentham’s entire footnote is surely worth a close reading in itself, not only for his complimentary remarks on both Hinduism and Islam and his sharp criticism of African slavery in the colonies, and not only for his opinion on animals’ incapacity to anticipate the future and his recourse to the idea of a cruel and indifferent “nature,” but also for what I have called the strange dehiscence or bifurcation that the concept of suffering suffers itself:

Under the Gentoo [*sic*] and Mahometan [*sic*] 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 [*sic*] 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 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 withholden [*sic*] 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? [*sic*] 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 conversible [*sic*] 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*? (Bentham, 1996, pp. 282-283, emphasis in original)

- ³ Singer resumes his anthropocentric analysis of pain in the fourth chapter of his text on vegetarianism, placing nonhuman animals along a hierarchically ordered “evolutionary scale” beginning at the top with mammals and birds, proceeding downward with reptiles and fish, and ending at the bottom with crustaceans and mollusks, all the while retaining human behavior and physiology as the very measure of this scale:

In my earlier discussion of the evidence that nonhuman animals are capable of suffering, I suggested two indicators of this capacity: the behavior of the being, whether it writhes, utters cries, attempts to escape from the source of pain, and so on; and the similarity of the nervous system of the being to our own. As we proceed down the evolutionary scale we find that on both these grounds the strength of the evidence for a capacity to feel pain diminishes. With birds and mammals the evidence is overwhelming. Reptiles and fish have nervous systems that differ from those of mammals in some important respects but share the basic structure of centrally organized nerve pathways. Fish and reptiles show most of the pain behavior that mammals do. In most species there is even vocalization, although it is not audible to our ears...

When we go beyond fish to the other forms of marine life commonly eaten by humans, we can no longer be quite so confident about the existence of a capacity for pain. Crustacea—lobster, crabs, prawns, shrimps—have nervous systems very different from our own. Nevertheless... if there is some room for doubt about the capacity of these animals to feel pain... they should receive the benefit of the doubt.

Oysters, clams, mussels, scallops, and the like are mollusks, and mollusks are in general very simple organisms. (There is an exception: the octopus is a mollusk, but far more developed, and presumably more sentient, than its distant mollusk relatives.) With creatures like oysters, doubts about a capacity for pain are considerable... But while one cannot with any confidence say that these creatures do feel pain, so one can equally have little confidence in saying that they do not feel pain...

This takes us to the end of the evolutionary scale, so far as creatures we normally eat are concerned... (Singer, 2002, pp. 171-174)

- ⁴ This note simply marks the space for a future task that would not only yield a close reading of Derrida’s own rich discourse on blindness throughout his work, but also precipitate a critical confrontation between the discourses of animal studies and disability studies.
- ⁵ This liberal translation of the French term *bêtise* by the neologism “asinanity” appears to have been derived from crossing the two English terms “asininity” and “inanity” together, even though “asininity” as such would have provided a more effective translation, it seems to me, not only for its lexical proximity to *bêtise* itself but also for its widespread currency and grammatical functionality—all of which is to take for granted, of course, that “asinanity” has not simply been misspelled.
- ⁶ Derrida also delivers a very pointed if not barbed commentary on Levinas’s account of the dehumanization of Jewish prisoners of war in Nazi Germany:
- [I]t is not sufficient to subvert the traditional subject by making it a subject-host or hostage of the other in order to recognize in what continues to be called “the animal”... something other than a deprivation of humanity. The animal remains for Levinas what it will have been for the whole Cartesian-type tradition: a machine that doesn’t speak, that

doesn't have access to sense, that can at best imitate "signifiers without a signified"... a sort of monkey with "monkey talk," precisely what the Nazis sought to reduce their Jewish prisoners to. (Derrida, 2008, p. 117)

- ⁷ Levinas reclaims the concept of the opening from Kant as well as Heidegger and the social sciences:

All that is human is outside, say the social sciences. It is all outside and everything in me is open. Is it certain that subjectivity, in this exposure to all winds, is lost among things or in matter? Doesn't subjectivity signify precisely by its incapacity to shut itself up from inside? Opening can in fact be understood in several senses.

First it can signify the opening of all objects to all others, in the unity of the universe governed by the third analogy of experience in [Kant's] *Critique of Pure Reason*.

But the term *opening* can designate the intentionality of consciousness, an ecstasy in being. Ecstasy of ex-sistence, according to Heidegger, animating consciousness that, by the original opening of the *essence* of being (*Sein*), is called to play a role in this drama of opening...

However, *opening* can have a third sense. No longer the essence of being that opens to show itself, not consciousness that opens to the presence of the essence open and confided in it. (Levinas, 2003, pp. 62-63, emphasis in original)

- ⁸ Derrida's disavowal of Levinas's particular formulation of the ethical subject in "Without Identity" is perhaps most apparent in his general discussion on Levinas's concept of nudity, which as he rightly points out, remains circumscribed by the twin discourses of humanism and fraternalism:

The word *nudity*, which is used so frequently, which is so indispensable for Levinas in describing the face, skin, and vulnerability of the other or of my relation to the other, of my responsibility for the other when I say "here I am," never concerns nudity in its sexual difference and never appears within the field of my relation to the animal. The animal has neither face nor even skin in the sense Levinas has taught us to give to those words. There is, to my knowledge, no attention ever seriously given to the animal gaze, no more than to the difference among animals, as though I could no more be looked at by a cat, dog, monkey, or horse, than by a snake or some blind protozoon. (Derrida, 2008, p. 107)

- ⁹ For more on the semiotic square, cf. Greimas, 1987; for more on the open triangle, cf. Derrida 1981. Certain elements of the avunculate system (cf. Lévi-Strauss, 1963) and the L schema (cf. Lacan, 2006) may be detected in this hybrid structure as well.

- ¹⁰ For a small but significant sample of these works on the capacity for empathy among animals, cf. Bekoff, 2007; de Waal, 2009.

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