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Abstract

This article situates the texts in which Emmanuel Levinas directly addresses questions of animality against the backdrop of his larger oeuvre and argues that, despite an explicit attempt to arrange a privileged ethical (dis)position for humans, Levinas' ethical logic opens onto a deeper conception of ethics without boundaries or a priori content. Juxtaposing Levinas' ethical subjectivity with the relational structure underlying the prominent models of animal rights, it proceeds to examine the implications of Levinas' ethics for a theory of animal rights. The article concludes that Levinas' theory is not logically consistent with a thematisation of the ethical claims of animals in the language of rights and that it is best utilised as a framework within which to deconstruct the inherent anthropocentric character of current models of animal rights.

Keywords

Emmanuel Levinas; animal ethics; animal rights theory.

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1 Introduction

The imbalance of interest in the question of the animal among philosophers from the Anglo-American and Continental traditions remains discomfiting. Whilst the former has for decades been placing man's treatment of animals at the center of investigation, the latter has largely circumvented questions pertaining to species relationality and the ethical status of animals. Scholars taking the work of Continental thinkers as a framework for their own pro-animal philosophies have increasingly been aiming both their efforts and their frustrations at the work of Emmanuel Levinas, who has established an unparalleled reputation for his rigorous, radical, and sustained interrogation of the ethical.

The crucial importance that Levinas' concept of ethics accords to otherness has made it an appealing framework not only for scholars working in animal ethics, but also for those working in queer theory¹ and feminist studies.² Yet the application of Levinasian ethics outside of his direct circle of interest is not without complications. Some scholars have argued that Levinas' account of femininity depicts women as sexed beings that are determined and differentiated in relation to man,³ and that aspects of his writing revert "back within the boundaries staked out by the philosophical constitution of the masculine subject."⁴ Similarly, it needs to be noted that Levinas' writings on animals are problematic in denying (albeit inconsistently) that the animal is capable of eliciting an ethical response or, put simply, that all animals have a face. Indeed, Levinas' insistence that the ethics he contemplates is a *humanism of the other man* should be taken seriously and warrants sustained consideration.⁵ What, then, are the implications of Levinas' thought for animal ethics?

In addressing this question, I will advance two theses. I first argue that Levinasian ethics, despite having its genesis in a mainly anthropocentric context and remaining expressive of a dogmatic anthropocentrism, can

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¹ See Bolton 2011 *Adaptation*; Downing 2007 *Film-Philosophy*.

² See Chanter "Feminism and the Other"; Ainley "Amorous Discourses".

³ De Beauvoir *The Second Sex* 6.

⁴ Irigaray "Questions to Emmanuel Levinas" 113.

⁵ Llewelyn "Am I Obsessed by Bobby?" 244.

make a valuable contribution to the field of animal ethics precisely because the underlying logic of his notion of the ethical fundamentally belies any form of anthropocentrism. Second, I argue that Levinas' theory of ethics is not best utilised in support of a theory of rights for animals, as some scholars have argued. On the contrary, I argue that Levinas' engagement with the ethical provides a fitting framework in which to deconstruct and critique the current models of animal rights, because it allows us to understand and articulate why the very starting point of these models can be seen as *unethical*.

Given the disparate nature and scope of Levinas' vast opus, it is impossible to do justice to the complexity of his thought in the scope of a single article. My engagement with Levinas' ethics will consequently be schematic and focus on the main lines of his thought and development as they pertain to the theses of this article. Levinas' ethical philosophy of alterity is not concerned with a programmatic ethics in search of a behavioral system of rules, nor an attempt at articulating how one determines the right way of behaving. Rather, he is concerned with that which precedes the above, namely "the fundamental condition and conditions of possibility that lie at the foundation of every concrete encounter, whether with friend or foe: the face-to-face itself."⁶ Levinas' thought is often called an "ethics before ethics" precisely because it concerns our ethical mode of being that precedes any decision or action of an ethical nature.⁷ Whilst a concrete or practical ethics can (and I have consistently been arguing *should*)⁸ indeed proceed from a Levinasian basis, Levinas saw his primary task as illustrating that the foundation of ethics does not entail an identification with another being in terms of either sameness or distinction, but that it rather inheres in an encounter with the radically Other, whose face beckons from a dimension of irreducible infinity that interrupts the totality of the self's existence and gives rise to an inescapable ethical responsibility. This insight into the relation between the Self and the Other as being *primordially* and *fundamentally* ethical in nature is foundational to the argument that I am developing here.

This article can roughly be divided into two parts and unfolds as follows: In the first part of this article I situate the texts in which Levinas directly addresses questions of animality against the backdrop of his larger oeuvre and argue that, despite an explicit attempt to arrange a privileged ethical

⁶ Burggraeve "Awakened into Vigilance" 4.

⁷ Burggraeve "Awakened into Vigilance" 4.

⁸ See De Villiers *Anthropomorphic Hegemony of Subjectivity*; De Villiers 2018 *PELJ*.

(dis)position for humans, Levinas' ethical logic opens onto a deeper concept of ethics without boundaries or a priori content. In the second part of the article I examine the implications of Levinas' ethics for a theory of animal rights. Juxtaposing Levinas' ethical subjectivity with the relational structure underlying the prominent models of animal rights, I argue that Levinas' theory is not logically consistent with a thematisation of the ethical claims of animals in the language of rights. Rather, I conclude that Levinasian ethics can productively be utilised as a framework in which to deconstruct the inherent anthropocentric character of current models of animal rights.

2 Levinasian ethics as an ethics of otherness

Levinas locates the ethical⁹ in our mode of being in a non-subsumptive relation with a particular Other who radically calls my being into question and awakens me to (ethical) responsibility. This notion of the ethical is grounded in the primacy of the Other and signals a radical withdrawal from the egocentric supremacy entrenched in traditional Western thought:

A calling into question of the same – which cannot occur within the egoist spontaneity of the same – is brought about by the other. We name this calling into question of my spontaneity by the presence of the Other ethics. The strangeness of the Other, his irreducibility to the I, to my thoughts and my possessions, is precisely accomplished as a calling into question of my spontaneity, as ethics. Metaphysics, transcendence, the welcoming of the other by the same, of the Other by me, is concretely produced as the calling into question of the same by the other, that is, as the ethics that accomplishes the critical essence of knowledge.¹⁰

This passage from the opening pages of his first major philosophical text, *Totality and Infinity*, in a sense encapsulates the entire philosophy of this work. Here Levinas reiterates, nuances and expands his original proposition regarding the Other's problematisation of the self to eventually designate this relationship as the site where not only ethics, but also knowledge are at stake. Indeed, Levinas' thought developed largely in response to the Western philosophical tradition's suppression of *alterity*, by which concept

⁹ Colin Davis suggests that Levinas' work is not predominantly concerned with *ethics* per se, but perhaps better described as falling within the broader domain of *the ethical*, "where ethical experiences and relationships occur before the foundation of ethics in the sense of philosophically established principles, rules or codes." Levinas' own use of the word *éthique* is furthermore ambivalent, as he most commonly uses it as an adjective or, when used as a noun, in contexts that make it impossible to determine its gender. This nuance is significant as *éthique* as a feminine noun denotes ethics in the English sense, whilst its use as a masculine substantivised adjective would denote something like *the ethical*. See Davis *Levinas* 48.

¹⁰ Levinas *Totality and Infinity* 43.

Levinas refers to both the Other's intrinsic quality of strangeness (or otherness) and the fact of her strangeness. Against the solidification of the individual "I" as the central point of reference from which others are grasped and embraced, Levinas characterises the Western philosophical tradition as most often being an ontology that reduces the Other to the self "by interposition of a middle and neutral term that ensures the comprehension of being."¹¹ The self has always been the privileged term, conceived as incorporating (be it in actuality or potentiality) that which is other. The Other, as Levinas reminds us, is however radically and wholly other (to the self) and resists subsummation or comprehension within my schematic thought. The Other lies beyond my categories of understanding and an attempt at grasping the Other within my sphere of knowledge denies her irreducible particularity and ensuing difference, in effect suppressing and holding the Other hostage: "Stranger ... means the free one. Over him I have no *power*. He escapes my grasp by an essential dimension, even if I have him at my disposal. He is not wholly in my site."¹²

It is via the *face* of the Other that she is presented to me and interrupts me from a dimension of irreducible infinity:

The way in which the other presents himself, exceeding *the idea of the other in me*, we here name face. This *mode* does not consist in figuring as a theme under my gaze, in spreading itself forth as a set of qualities forming an image. The face of the Other at each moment destroys and overflows the plastic image it leaves me, the idea existing to my own measure and to the measure of its *ideatum* – the adequate idea. It does not manifest itself by these qualities, but ... *expresses itself*.¹³

The face, in Levinas' particular philosophical sense, is therefore not present(ed) in the form of material evidence and should not be confused with the anatomical landmark of the body. We do not see or experience the face in any manner that would constitute it as the object of my intentions and it cannot be reduced to my own definitions:

The face is present in its refusal to be contained. In this sense it cannot be comprehended, that is, encompassed, it is neither seen nor touched – for in visual or tactile sensation the identity of the I envelops the alterity of the object, which becomes precisely a content.¹⁴

The face, then, is prior to all else the locus in which alterity is revealed or expressed to me and it therefore dwells outside and beyond that which I can

¹¹ Levinas *Totality and Infinity* 43.

¹² Levinas *Totality and Infinity* 39.

¹³ Levinas *Totality and Infinity* 50-51.

¹⁴ Levinas *Totality and Infinity* 194.

perceive or experience; "the face is signification, and signification without context".¹⁵ The relation with the Other is an epiphany or revelation of an appeal that is "totally different from experience in the sensible sense of the term, relative and egoist."¹⁶ Yet the mere appearance (or fact) of the Other in itself does not suffice to occasion an epiphany that reveals an appeal, as it is possible for the Other to exist merely alongside the self without meeting or touching the self.¹⁷ It is only when the self enters into the ethical dimension of the face and is touched as an (impotent) imperative that proximity is established.¹⁸ This encounter with the face of the Other is fundamentally ethical because it gives rise to the realisation that I am not alone in the world and hence my power and freedom are called into question. The ethical nature of this encounter does not mean, however, that I will necessarily heed the call of the Other and act in an ethical way. The face is above all vulnerable and destitute in its uniqueness and, against its limitless forms and consequences, expresses the primordial commandment "you shall not commit murder".¹⁹ This commandment is not made from a position of compelling authority, but rather absolute passive otherness, a "paradoxical position of majesty and misery."²⁰ Because the Other is wholly other and resists my efforts at comparison and appropriation, I cannot control or even fathom her and she fundamentally escapes my power in a profound sense; "the face ... invites me to a relation incommensurate with a power exercised, be it enjoyment or knowledge."²¹ The primary value of *Totality and Infinity* arguably lies in its anticipation of the prospect of a different sort of practice that might engage with the otherness of the Other in a nonviolent way. I intentionally characterise it as the anticipation of a certain prospect, because Levinas' project of articulating why ethics has

¹⁵ Levinas *Ethics and Infinity* 86.

¹⁶ Levinas *Totality and Infinity* 193.

¹⁷ Burggraave "No One Can Save Oneself" 41.

¹⁸ It is important to note that this does not entail an exposure of the Other's interiority, as "[t]he presentation of the face, expression, does not disclose an inward world previously closed, adding thus a new region to comprehend or to take over." Levinas *Totality and Infinity* 212.

¹⁹ Levinas *Totality and Infinity* 199.

²⁰ Davis *Levinas* 50.

²¹ Levinas *Totality and Infinity* 198. Levinas illustrates how the depth of the face radically modifies the very nature of power, which is henceforth not aimed at possessing, but at killing. Because the Other is absolutely beyond my power, it is, for Levinas, "the sole being I can wish to kill". In the passion for murder, we identify and approach death as nothingness, because the intention here is aimed at annihilation. What Levinas ultimately illustrates, is that violence towards the Other can never accomplish its true aim, as any annihilation will inevitably be a *relative* annihilation. Because the face (of the Other) does not belong to my world, despite appearing in my world, I cannot eradicate it. In a very profound sense, then, the Other remains. See Levinas *Totality and Infinity* 198-199.

primacy over ontology and showing that there is something *outside* or *before* Being here remains beholden to the constraints of the ontological enterprise through the retention of its language and concerns. His second major philosophical text, *Otherwise than Being, or Beyond Essence*,²² is more self-conscious and introspective, however, and better succeeds in critically reflecting on philosophy itself and circumventing the restrictions of ontological language.²³

Otherwise than Being is throughout extremely aware of the problematic that its textuality presents to its own intelligibility, and it focusses our attention on the surface irregularities of language that obstruct effortless interpretation and access to philosophical propositions.²⁴ The challenges of expression posed to his thought are foregrounded at the outset:

When stated in propositions, the unsayable (or the an-archival) espouses the forms of formal logic; the beyond being is posited in doxic theses, and glimmers in the amphibology of *being* and *beings* – in which beings dissimulate being. The *otherwise than being* is stated in a saying that must also be unsaid in order to thus extract the *otherwise than being* from the said in which it already comes to signify but a *being otherwise*.²⁵

The distinction between otherwise than being (*autrement qu'être*) and being otherwise (*être autrement*) is foundational to Levinas' project. In approaching something that transcends Being, Levinas is all too aware of the peril of transmuting this other-than-being into merely another Being, and the danger lies in the ontological assumptions embedded in philosophical language. The oftentimes overwhelming complexity of Levinasian ethics (at least partially) derives from this enterprise of trying to exceed a tradition *from within*, neither accepting nor evading the philosophical heritage that poses as both site and target of the project: "The extreme audacity of Levinas' text lies in its attempt to theorise the limitations of theory, to conceptualise and to exemplify a dimension of language which normally slips through the themes and propositions of philosophy."²⁶

²² Levinas *Otherwise than Being*.

²³ In the foreword to the German translation of the text, Levinas himself acknowledged that *Totality and Infinity* simultaneously preserved and problematised its own main conceptual tools (see Levinas *Totalität und Unendlichkeit*). There is wide consensus amongst scholars that *Otherwise than Being* can be seen as a re-reading of *Totality and Infinity* that responds to Jacques Derrida's critique in "Violence and Metaphysics" (see Bernasconi and Critchley "Introduction"; Bernasconi "Skepticism").

²⁴ Davis *Levinas* 74.

²⁵ Levinas *Otherwise than Being* 7.

²⁶ Davis *Levinas* 75.

In *Otherwise than Being*, Levinas is at pains to illustrate that language is "not reducible to a system of signs doubling up beings and relations."²⁷ To this end, Levinas differentiates two dimensions of language, namely the Saying (*le Dire*) and the Said (*le Dit*). Prior to the utterance of any sign in the Said, there is a foreword or dimension in which I am exposed to the Other as either a speaker or receiver of discourse.²⁸ Levinas calls this latter dimension the Saying:

Saying opens me to the other, before saying something said, before the said that is spoken in this sincerity forms a screen between me and the other. It is a saying without words, but not with empty hands... This is a Saying bearing witness to the other of the Infinite, which tears me open as it awakes me in the Saying... As witnessing, Saying precedes every Said. Before uttering a Said, the Saying is already a bearing witness of responsibility (and even the Saying of a Said is a bearing witness, insofar as the approach of the other is responsibility for him).²⁹

Language, then, is not fundamentally an act of speech, but rather of ethical address.³⁰ For Levinas, philosophy has traditionally focussed on the Said and in doing so failed to recognise our primordial exposure to the Other that is effected in Saying. Levinas' defence of subjectivity is articulated through the Saying in terms of heteronomy, subjection, passivity and responsibility rather than autonomy, consciousness, intentionality or choice. My exposure to the "alterity, the radical heterogeneity of the other"³¹ is a condition of my subjectivity, rather than a mere aspect of it:

There is an abandon of the sovereign and active subjectivity, of undeclared self-consciousness, as the subject in the nominative form in an apophansis. And there is in subjectivity's relationship with the other, which we are here striving to describe, a quasi-hagiographic style that wishes to be neither a sermon nor the confession of a "beautiful soul" ... One must show in saying, qua approach, the very de-posing or desituating of the subject, which nonetheless remains an irreplaceable uniqueness, and is thus the subjectivity of the subject. This passivity is more passive still than any receptivity, in which for philosophers the supreme model of the passivity of the subject resides.³²

The implications of this displacement of the primacy of the autonomous or sovereign subject that is effected in Levinas' ethical subjectivity is vital for understanding the problematics of the relational structure underlying animal rights theory. Before I turn to reflect on this, it is important that we take

²⁷ Levinas *Otherwise than Being* 35.

²⁸ Davis *Levinas* 75.

²⁹ Levinas *Of God* 74.

³⁰ Diehm 2006 *Environ Philos* 35.

³¹ Levinas *Totality and Infinity* 36.

³² Levinas *Otherwise than Being* 47-48.

account of Levinas' ambiguous writings on the animal Other and interpret them in the context of his larger body of work.

3 Levinas and the question of the animal

In a short, uncharacteristically intimate essay entitled "The Name of a Dog, or Natural Rights",³³ Levinas momentarily moves towards an articulation of human-animal relationality that is grounded in the animal's capacity to be-for-the-Other. The essay is unusual for several reasons, not least of which for being one of very few instances where Levinas directly addresses the animal question (and probably the only instance of his doing so of his own volition).³⁴ Here Levinas reflects on his personal experience as a prisoner of war during World War II and movingly narrates a progressive affirmation of his own humanity through the eyes of an animal:

There were seventy of us in a forestry commando unit for Jewish prisoners of war in Nazi Germany. An extraordinary coincidence was the fact that the camp bore the number 1492, the year of the expulsion of the Jews from Spain under the Catholic Ferdinand V. The French uniform still protected us from Hitlerian violence. But the other men, called free, who had dealings with us or gave us work or orders or even a smile – and the children and women who passed by and sometimes raised their eyes – stripped us of our human skin. We were subhuman, a gang of apes. A small inner murmur, the strength and wretchedness of persecuted people, reminded us of our essence as thinking creatures, but we were no longer part of the world. Our comings and goings, our sorrow and laughter, illnesses and distractions, the work of our hands and the anguish of our eyes, the letters we received from France and those accepted for our families – all that passed in parenthesis. We were beings entrapped in their species; despite all their vocabulary, beings without language. Racism is not a biological concept; anti-Semitism is the archetype of all internment. Social aggression, itself, merely imitates this model. It shuts people away in class, deprives them of expression and condemns them to being "signifiers without a signified" and from there to violence and fighting. How can we deliver a message about our humanity which, from behind the bars of quotation marks, will come across as anything but monkey talk?

And then, about halfway through our long captivity, for a few short weeks, before the sentinels chased him away, a wandering dog entered our lives. One day he came to meet this rabble as we returned under guard from work. He survived in some wild patch in the region of the camp. But we called him Bobby, an exotic name, as one does with a cherished dog. He would appear

³³ Levinas *Difficult Freedom* 151-153.

³⁴ Peter Atterton, one of the leading commentators on Levinas, describes the essay as "bizarre" and "interesting" and regards it as "a hybrid mixture of biblical criticism, whimsy, autobiography, and philosophy, written with humor and pathos [that] leaves the reader amused and bemused, ultimately unsure how to interpret it in the context of Levinas' work as a whole." Atterton "Ethical cynicism" 51.

at morning assembly and was waiting for us as we returned, jumping up and down and barking in delight. For him, there was no doubt that we were men.³⁵

Levinas makes significant inroads into the question of the animal and the possibility of facing the animal as Other (ethically). Contra the main tenets of the philosophical tradition that he inherited, Levinas attempts to see Bobby in his own being (rather than as an allegorised or metaphorised dog), similar to the way in which Bobby's response to Levinas and the other prisoners affirms "their singularity and existence beyond the figurative and literal internment into which they were forced."³⁶ Levinas is seemingly ascribing an ethical dimension to his interaction with Bobby and in an intimate moment of identification, of being *with*, Levinas refers to Bobby as "the last Kantian in Nazi Germany..."³⁷ This moment of proximity is short-lived, however, as Levinas straight away reverts to conventional modes of philosophical thought, adding that Bobby exists "...without the brain needed to universalise maxims and drives."³⁸

Christian Diehm argues that Levinas' marginalisation of animals is grounded in a problematic philosophical biology that, drawing on a Darwinian notion of *struggle* as definitive of animal life, regards animals as being "imprisoned in their constitution".³⁹ Fundamental to all living beings, for Levinas, is a dependence on their surrounding environments. This dependence, however, takes a different form in animals and in plants:

Animal need is liberated from vegetable dependence, but this liberation is itself dependence and uncertainty. An animal's need is inseparable from struggle and fear; the exterior world from which it is liberated remains a threat.⁴⁰

Whilst animals possess sensory capacities that enable them to traverse space and time in pursuit of objects of need, and thus exist at a certain distance from the surroundings upon which they are dependent, this distance forever presents an obstacle or threat that must be overcome.⁴¹ Constantly locked in a struggle to meet their needs, the aim of animal existence, for Levinas, is ultimately existence itself, and "to be animal in this sense is to belong to the order of being, the ontological order in which all

³⁵ Levinas *Difficult Freedom* 152-153.

³⁶ Calarco *Zoographies* 55.

³⁷ Levinas *Difficult Freedom* 153.

³⁸ Levinas *Difficult Freedom* 153.

³⁹ Diehm 2006 *Environ Philos* 35-36.

⁴⁰ Levinas *Totality and Infinity* 116.

⁴¹ Diehm 2006 *Environ Philos* 36.

being is being-for-itself."⁴² But, as Matthew Calarco appositely points out, Levinas seems to be missing the apparent reality that Bobby's own life is also at risk. Struggling to survive on a desolate patch of land, what is the significance of Bobby's act of breaking away from his immediate struggle to meet his own needs so that he can welcome the prisoners who, themselves destitute, likely have nothing to offer him?⁴³ By what logic – biological, philosophical, or otherwise – can we in good conscience claim that Bobby's life is a struggle for existence without ethics?

A reflection on Levinas' struggle to logically metabolise the possibility of the "you shall not commit murder" commandment's being expressed in the face of the animal further highlights the important point that Levinas' reluctance to account for the animal seems to stem from an uncritically assumed anthropocentrism rather than rigorous analysis.⁴⁴ When explicitly provoked with the question of *animal* ethics during an interview that took place years later, Levinas confirms "the ethical extends to all living beings"⁴⁵ whilst also paradoxically maintaining "one cannot *entirely* refuse the face of an animal"⁴⁶ and that "a more specific analysis is needed"⁴⁷ before he can say whether a specific animal (for instance a snake) has a face. These statements clearly counter Levinas' conceptualisation of the face as a phenomenon that is radically irreducible to analysis and knowledge.⁴⁸ Furthermore, is it not precisely the unknowability of the Other that, for Levinas, initiates our relation, and does this not mean that the Other cannot be delimited in advance of an encounter with this infinity?⁴⁹ Because of his tendency to revert to anthropocentrism, Levinas risks reinforcing certain aspects of the traditional metaphysical humanism that he finds problematic. Acknowledging the ground of "the crisis of humanism" as being the notion

⁴² Diehm 2006 *Environ Philos* 36.

⁴³ Calarco *Zoographies* 58.

⁴⁴ Diehm 2006 *Environ Philos* 36.

⁴⁵ Levinas "Paradox of Morality" 171-72.

⁴⁶ Levinas "Paradox of Morality" 169, own emphasis.

⁴⁷ Levinas "Paradox of Morality" 172.

⁴⁸ Calarco 2004 *Cont Philos Rev* 183.

⁴⁹ Jacques Derrida articulates a more radical critique around Levinas' notion of otherness and his illogical reluctance to recognise the animal as Other, arguing that it "can be a surprise, coming from a thinking so 'obsessed' (I am purposely using Levinas' word), so preoccupied by an obsession with the other and with his infinite alterity. If I am responsible for the other, and before the other, and in the place of the other, on behalf of the other, isn't the animal more other still, more radically other, if I might put it that way, than the other in whom I recognise my brother, than the other in whom I identify my fellow or my neighbor? If I have a duty [*devoir*] – something owed before any debt, before any right – toward the other, wouldn't it then also be toward the animal, which is still more other than the other human, my brother or my neighbor?" Derrida *The Animal* 107.

that man (of Western metaphysics) is the central point of reference of the universe, Levinas admits "the unburied dead in wars and extermination camps make one believe the idea of a death without a morning after and render tragic-comic the concern for oneself and illusory the pretension of the rational animal to have a privileged place in the cosmos and the power to dominate and integrate the totality of being in a self-consciousness."⁵⁰ Yet despite the displacement (of classical metaphysical humanism) brought about by the radical openness to alterity that characterises Levinas' subject, his self-confessedly non-metaphysical humanism remains grounded in the unquestioned metaphysically humanist assumption that the imperative of ethics can arise from another *human* being only. It is this aspect of Levinas' thought that presents a counter-movement that forecloses the prospect of a true openness to Otherness, and that Jacques Derrida is implicating in his charge that Levinas' discourse, despite disrupting "a certain traditional humanism ... nonetheless remain[s] [a] profound humanism".⁵¹ I would suggest, along with Derrida, that the role of animality in Levinas' thought can be carefully considered not only as presenting a latent logical inconsistency, but also as the site where Levinas risks betraying his own project of decentering the "Man" of classical humanism. I am therefore, in a sense, offering an ethical reading of Levinas here, because my reading is based in his structures of thought and examined against the criteria dictated by his own texts. My neo-Levinasian approach to the question of the animal thus also presents an attempt to salvage Levinas' formulation of the ethical relation as Other by preserving it as the unsayable. Despite an explicit attempt to delimit the category of Others who are capable of eliciting an ethical response and responding ethically, the underlying logic of Levinas' account of the ethical simply does not permit such exclusionary boundaries. Ultimately, then, Levinas' ethical philosophy leaves us with a notion of "*universal ethical consideration*, that is, an agnostic form of ethical consideration that has no a priori constraints or boundaries".⁵²

4 Levinasian ethics and animal rights?

As we have seen, the ethical relation to the Other is characterised by an irreducible asymmetrical distance of nonidentity separating the self and the Other, and the prospect of a nonviolent relation requires that I guard this

⁵⁰ Levinas *Collected Philosophical Papers* 127.

⁵¹ Derrida and Nancy "Eating Well" 113. Matthew Calarco correctly notes that Derrida's use of the word "profound" should here be understood as meaning something like "dogmatic" or "metaphysical". See Calarco 2004 *Cont Philos Rev* 180.

⁵² Calarco *Zoographies* 55.

asymmetry against an appropriation or transmutation that would negate the Other's quality of otherness. For Levinas, an extension of consideration to the Other on the grounds of sameness thus constitutes a fundamental ethical failure and a form of killing, in its broad sense. It furthermore also amounts to a disavowal of my state of being exposed to and addressed by the Other *before* I direct myself towards her, as my devotion to the Other already existed before I discovered it. Levinas repeatedly insists that our relation with the Other "precedes all ontology; it is the ultimate relation in Being. Ontology presupposes metaphysics."⁵³

The most prominent animal rights models are, however, conceptualised in direct contradiction to this notion of the ethical. For Gary Francione, the primary issue at stake in animal rights theory concerns an elimination of the person/thing dualism that is foundational to the institutionalised exploitation of animals, and he succinctly captures the rationale behind an extension of legal rights to animals as follows:

First, there is no characteristic or set of characteristics that is possessed by all humans (whom we regard as persons) that is not possessed by at least some animals. To put the matter a different way, those who support animal exploitation argue that animals are *qualitatively* different from humans so animals can be kept on the "thing" side of the "person/thing" dualism; animal rights advocates argue that there is no such difference because at least some nonhumans will possess the supposedly "exclusive" characteristic while some humans will not possess the characteristic... There is another related, more "positive," reason to view animals as persons. Although there will undoubtedly be borderline cases, it is clear that at least some animals possess the characteristics that we normally associate with personhood.⁵⁴

It is clear that the human constitutes the ground symbolic and personhood the standard to which animals need to (be) assimilate(d) in order to be deemed worthy of rights. This approach of locating "human" capacities or traits among "animals" in order to utilise it as the ground for an egalitarian ethics does not result in a displacement of man's supposed exceptionalism, but on the contrary solidifies our position as the patriarchal centre of beings, reinstates the anthropocentric system that fails to heed the call of the animal Other, and effects a problematic neutralisation or erasure of animality. This problematic counter-movement at the core of dominant animal rights models forecloses the possibility of recognising and embracing the animal as the (unsubstitutable, singular) Other.

The main argument that I seek to develop here is that the primary value of

⁵³ Levinas *Totality and Infinity* 48.

⁵⁴ Francione 1996 *Women's Rts L Rep* 99-100.

Levinas' theory for animal ethics can be located at this level of providing a framework within which to deconstruct the underlying logic of animal rights models and to articulate why the very starting point of these models can be seen as an ethical failure. Perhaps more importantly, it clears a space for the emergence of a (new) "subject" conceived in terms of responsibility and subjection, who comes into being *in* and *as* a response to the call of the Other.⁵⁵ This is the foundation of Levinas' ethical subjectivity: "I speak of responsibility as the essential, primary and fundamental structure of subjectivity. For I describe subjectivity in ethical terms. Ethics, here, does not supplement a preceding existential base; the very mode of subjectivity is knotted in ethics understood as responsibility."⁵⁶

The intersubjectivity at stake here is grounded in the irreducible difference between the self and Other, rather than the presence (or absence) of qualities against which the Other can be measured and embraced. The latter approach neutralises the singularity of the Other and creates a state of totality, as "[t]he alterity of the Other does not depend on any quality that would distinguish him from me, for a distinction of this nature would precisely imply between us that community of genus which already nullifies alterity."⁵⁷ The approach of placing humans at the centre of ethical contemplation and directing consideration outward where symmetry is derived does not effect a destabilisation of the discourse that is contributory to the very problem at hand. Man remains the measure of all things. Levinasian ethics provides a framework for thinking about humans, animals and ethics in a way that can lead to a displacement of the human as the patriarchal centre of beings. The significance of drawing attention to these limitations cannot be overstated, as it fundamentally concerns the very possibility of locating the disruptive power inherent in an encounter with the animal, and thus of an alternative thought of relationality that might develop from nonanthropocentric grounds.

Bibliography

Ainley "Amorous Discourses"

Ainley A "Amorous Discourses: 'The Phenomenology of Eros' and Love Stories" in Bernasconi R and Wood D (eds) *The Provocation of Levinas: Rethinking the Other* (Routledge New York 1988) 70-82

⁵⁵ Critchley *Ethics* 66.

⁵⁶ Levinas *Ethics and Infinity* 95.

⁵⁷ Levinas *Totality and Infinity* 194.

Atterton "Ethical Cynicism"

Atterton P "Ethical Cynicism" in Atterton P and Calarco M (eds) *Animal Philosophy: Essential Readings in Continental Thought* (Continuum London 2004) 51-61

Bernasconi "Skepticism"

Bernasconi R "Skepticism in the Face of Philosophy" in Bernasconi R and Critchley S (eds) *Re-Reading Levinas* (Indiana University Press Bloomington 1991) 149-161

Bernasconi and Critchley "Introduction"

Bernasconi R and Critchley S "Introduction" in Bernasconi R and Critchley S (eds) *Re-Reading Levinas* (Indiana University Press Bloomington 1991) xi-xviii

Bolton 2011 *Adaptation*

Bolton M "The Ethics of Alterity: Adapting Queerness in *Brokeback Mountain*" 2011 *Adaptation* 35-56

Burggraeve "Awakened into Vigilance"

Burggraeve R "Awakened into Vigilance – In Conversation with a Recalcitrant Thinker" in Burggraeve R (ed) *The Awakening to the Other: A Provocative Dialogue with Emmanuel Levinas* (Peeters Leuven 2008) 1-11

Burggraeve "'No One Can Save Oneself'"

Burggraeve R "'No One Can Save Oneself without Others': An Ethic of Liberation in the Footsteps of Emmanuel Levinas" in Burggraeve R (ed) *The Awakening to the Other: A Provocative Dialogue with Emmanuel Levinas* (Peeters Leuven 2008) 13-65

Calarco 2004 *Cont Philos Rev*

Calarco M "Deconstruction is not Vegetarianism: Humanism, Subjectivity, and Animal Ethics" 2004 *Cont Philos Rev* 175-201

Calarco *Zoographies*

Calarco M *Zoographies: The Question of the Animal from Heidegger to Derrida* (Columbia University Press New York 2008)

Chanter "Feminism and the Other"

Chanter T "Feminism and the Other" in Bernasconi R and Wood D (eds) *The Provocation of Levinas: Rethinking the Other* (Routledge New York 1988) 32-56

Critchley *Ethics*

Critchley S *Ethics, Politics, Subjectivity: Essays on Derrida, Levinas and Contemporary French Thought* (Verso London 1999)

Davis *Levinas*

Davis C *Levinas: An Introduction* (Polity Press Cambridge 1996)

De Beauvoir *The Second Sex*

De Beauvoir S *The Second Sex* (trans Borde C and Malovany-Chevallier S) (Vintage Books London 2011)

De Villiers 2018 *PELJ*

De Villiers J "Metaphysical Anthropocentrism, Limitrophy, and Responsibility: An Explication of the Subject of Animal Rights" 2018 *PELJ* 1-29

De Villiers *Anthropomorphic Hegemony of Subjectivity*

De Villiers J *The Anthropomorphic Hegemony of Subjectivity: Critical Reflections on Law and the Question of the Animal* (PhD-thesis Leiden University 2019)

Derrida *The Animal*

Derrida J *The Animal that Therefore I Am* (trans Wills D, ed Mallet M) (Fordham University Press New York 2008)

Derrida and Nancy "Eating Well"

Derrida J and Nancy J "'Eating Well,' or the Calculation of the Subject: An Interview with Jacques Derrida" (trans Connor P and Ronell A) in Cadava E, Connor P and Nancy J (eds) *Who Comes after the Subject?* (Routledge New York 1991) 96-119

Diehm 2006 *Environ Philos*

Diehm C "Ethics and Natural History: Levinas and Other-Than-Human-Animals" 2006 *Environ Philos* 34-43

Downing 2007 *Film-Philosophy*

Downing L "Re-viewing the Sexual Relation: Levinas and Film" 2007 *Film-Philosophy* 49-65

Francione 1996 *Women's Rts L Rep*

Francione G "Ecofeminism and Animal Rights: A Review of *Beyond Animal Rights: A Feminist Caring Ethic for the Treatment of Animals*" 1996 *Women's Rts L Rep* 95-106

Irigaray "Questions to Emmanuel Levinas"

Irigaray L "Questions to Emmanuel Levinas: On the Divinity of Love" (trans Whitford M) in Bernasconi R and Critchley S (eds) *Re-Reading Levinas* (Indiana University Press Bloomington 1991) 109-118

Levinas *Collected Philosophical Papers*

Levinas E *Collected Philosophical Papers* (trans Lingis A) (Martinus Nijhoff Dordrecht 1987)

Levinas *Difficult Freedom*

Levinas E *Difficult Freedom: Essays on Judaism* (trans Hand S) (Baltimore Johns Hopkins University Press 1990)

Levinas *Ethics and Infinity*

Levinas E *Ethics and Infinity: Conversations with Phillippe Nemo* (trans Cohen R) (Duquesne University Press Pittsburgh 1985)

Levinas *Of God*

Levinas E *Of God Who Comes to Mind* (trans Bergo B) (Stanford University Press Stanford 1998)

Levinas *Otherwise than Being*

Levinas E *Otherwise than Being, or Beyond Essence* (trans Lingis A) (Duquesne University Press Pittsburgh 1998)

Levinas "Paradox of Morality"

Levinas E "The Paradox of Morality: An Interview with Emmanuel Levinas" (trans Benjamin A and Wright T) in Bernasconi R and Wood D (eds) *The Provocation of Levinas: Rethinking the Other* (Routledge New York 1988) 168-180

Levinas *Totalität und Unendlichkeit*

Levinas E *Totalität und Unendlichkeit: Versuch über die Exteriorität* (trans Krewani W) (Verlag Karl Alber München 1987)

Levinas *Totality and Infinity*

Levinas E *Totality and Infinity: An Essay on Exteriority* (trans Lingis A) (Martinus Nijhoff The Hague 1979)

Llewelyn "Am I Obsessed by Bobby?"

Llewelyn J "Am I Obsessed by Bobby? (Humanism of the Other Animal)" in Bernasconi R and Critchley S (eds) *Re-Reading Levinas* (Indiana University Press Bloomington 1991) 234-245

List of Abbreviations

Cont Philos Rev	Continental Philosophy Review
Environ Philos	Environmental Philosophy
PELJ	Potchefstroom Electronic Law Journal
Women's Rts L Rep	Women's Rights Law Reporter