

The Speaking Animal

*Ethics, Language and the
Human-Animal Divide*

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Chapter 1

Giving Animals a Hearing

Rights Discourse and Animal Representation in Animal Ethics

In *The Politics*, Aristotle posits humans as the only animals endowed with speech, with *logos* (1253a). Aristotle's definition of the human proliferates throughout the history of Western philosophy, where the human is often defined against other animals by virtue of this capacity to speak. This linguistic divide has been translated into an ontological hierarchy whereby the human is privileged over the animal—an ontological hierarchy that, many animal advocates contend, informs our treatment of animals.

Against this philosophical backdrop, philosophers concerned with animal ethics have dutifully addressed this linguistic divide. Many of them have recourse to Jeremy Bentham's famous line, "the question is not, Can they *reason*? nor, Can they *talk*? but, Can they *suffer*?"¹ For Bentham, sentience, not language, entitles one to ethical considerations.² Bentham's view has been popularized by Peter Singer's utilitarian defence of animal liberation³ and is further reiterated by other animal rights philosophers. Richard Sorabji, for example, insists that the linguistic capacity of animals is "a point of the highest scientific interest, but of absolutely no moral relevance whatsoever" (1993, 216).⁴ Gary Francione echoes Sorabji's sentiment: "the short answer to the question posed by Nagel's essay is *who cares what it is like to be a bat*? As long as the bat is sentient, then whatever other characteristics the bat has or does not have are *irrelevant* for the moral purpose of whether we should treat the bat exclusively as our resource" (2000, 120). In an article a few years later, Francione responds to the claim that humans are uniquely linguistic with a simple question: "so what?" (2009, 8). Within the animal

rights discourse, the question of linguistic difference is often deemed irrelevant to the issue of moral status.⁵

Other philosophers have responded differently by challenging the boundary of the linguistic divide.⁶ Their effort is twofold. On the one hand, they employ empirical studies of animal communication as evidence against a rigid linguistic divide. They ask, if dolphins can learn American Sign Language,⁷ if Koko the gorilla can make up new words, lie to her trainer, and even learn to rhyme,⁸ how can we still insist on defining humans in terms of our capacity to speak? How can we maintain the exceptionality of humans by appealing to language? On the other hand, philosophers also point to “marginal cases”⁹ where humans do not develop the capacity to speak. According to these arguments from marginal cases, if we are unwilling to exploit those humans who can’t speak, then linguistic difference clearly cannot be the justification for our exploitation of animals. Once again, the linguistic divide is shown to be an impertinent criterion for determining moral status.

While the question of linguistic capacity is ritualistically addressed in the literature, it is usually broached in the context of demonstrating its moral irrelevance. (It is as if philosophers want to address the linguistic question in order to get it out of the way.) While I agree that linguistic capacity should not govern one’s moral status,¹⁰ we can fruitfully look at the linguistic question from a different angle by considering the *social-political* significance of being a speaking subject.

In what follows, I examine the connection between “having a right” and “having a say” in animal ethics. I identify various ways in which the animal rights discourse remains logocentric by privileging language and those who can speak.¹¹ I will consider specifically the rhetoric of “giving a voice to the voiceless” in animal advocacy, wherein the advocates and the animals are dichotomously split between the speaking and the voiceless. Given that the task of an animal advocate involves speaking for the animal, it is important to consider the power dynamic between the advocate and the animal.¹²

After showing the privileged status of language in the literature and identifying some of the problems of speaking for animals, I will examine two proposed solutions to these problems: (1) letting animals speak for themselves, and (2) recognizing the special power of silence. Although these two solutions are meant to curb the “violence” of speaking for animals, I argue that they are problematic in their own right. I end this chapter by demonstrating the necessity of speaking well for animals. In order to speak well for animals, we need to reconceptualize language and reconsider what it means to be a speaking animal.

WHAT IS WRONG WITH ANIMAL RIGHTS?

Anyone who has taken a quick glance at a university library collection on animal ethics immediately notices that the notion of animal *rights* dominates the literature. Mainstream discussions of animal ethics are often narrowed to the question of whether animals have rights and, if so, what sort of rights they have.¹³ Peter Singer’s *Animal Liberation* has had a tremendous influence on the animal rights movement, even though he claims that he is arguing for the liberation, not the rights, of animals.¹⁴

Despite its dominance, the animal rights discourse has been scrutinized by critics from various traditions. An early critique comes from Cora Diamond, who persuasively argues that the question of whether animals have rights is a misguided question; it is, in fact, “a totally wrong way of beginning the discussion” (1978, 467). Diamond argues that at stake is not whether animals have rights but whether animals are considered food (1978, 468). After all, the reason we do not eat people is not that they have the right not to be eaten (although they *do* have such a right); rather, we do not eat people because we do not see people as food.

Whereas Diamond argues that the question of animal “rights” is the wrong question, some critics are worried that the very concept of rights reinscribes oppression. A particularly prominent critical voice comes from feminists, in particular feminists in the care ethics tradition. Their criticisms of the rights discourse range from the problematic lineage of the concept of “rights” to the prioritization of reason over emotion.¹⁵ For many care ethics feminists, the animal rights discourse continues to valorize a masculine philosophical tradition that is counterproductive, perhaps even antithetical, to the liberation of the oppressed—be it women or animals.

In addition to the “masculinist orientation” of the rights discourse (Kheel 2004, 336), critics are also worried that the *extension* of rights to animals is just another expression of human exceptionalism. Animal rights philosophy remains “speciesist” and “anthropocentric” as long as the inclusion in the moral community is dependent on whether one possesses certain features that we, as *humans*, consider important (Wolfe 2013, 13). Literary scholar Frances Bartkowski asks if the declaration of apes’ rights would “entail new and more intimate ways of enslaving their capacities for reciprocal attachment” (2008, 86). In “Of Mice and Men,” Catharine MacKinnon reminds us that “seeking animal rights on a ‘like-us’ model of sameness may be misconceived” because we “[miss] animals on their own terms” (2004, 264). For these critics, as long as the concept of animal rights is understood as an extension of human rights to a selected group of animals that are sufficiently *like humans*, there is a constant worry that animal rights may become a token of humanism or a vessel for human exceptionalism.

There is a further concern that the language of rights is predicated on the human-animal divide. For example, animal rights debates often fall back on a line-drawing strategy in order to demarcate creatures with rights from those without rights (Oliver 2009, 29). However, can the rights discourse truly overcome the human-animal divide if it continues to rest on the logic of exclusion and binary opposition? (Oliver 2009, 29). W. J. T. Mitchell articulates the paradox of animal rights as follows: “The very notion of ‘animal rights,’ to begin with, seems impossible insofar as it is modeled on human rights, because the very idea of *human* rights . . . is predicated on the difference between humans and animals” (2003, ix).

However, not all critics of the rights discourse find a rights-based moral framework problematic. Instead of jettisoning the language of rights altogether, some seek to *revamp* the animal rights framework. Most notably, in *Zoopolis* (2011) Sue Donaldson and Will Kymlicka argue that animal rights theory (ART) as it is currently conceived fails to effect systematic change in the institution of animal exploitation. However, it is not because ART continues to subscribe to a masculinist or anthropocentric moral framework, either by prioritizing reason over emotion, or by promoting human exceptionalism unwittingly. Rather, according to Donaldson and Kymlicka, ART fails because it has not sufficiently connected itself to the human rights model. The extension of rights to animals in the current framework is primarily confined to negative rights, such as the right *not* to be killed, *not* to be tortured, and so on. But just as humans have both negative and positive rights, animals also need both. The positive rights of animals are rarely entertained because, for many ART proponents, the best way to relate to animals is to leave them alone. In light of this halfhearted attempt to extend rights to animals in traditional ART, Donaldson and Kymlicka seek a moral framework that “connects the treatment of animals more directly to fundamental principles of liberal-democratic justice and human rights” (2011, 3). So rather than moving away from the human rights model, Donaldson and Kymlicka argue that ART needs to be more committed to the human rights model.¹⁶

While Donaldson and Kymlicka offer a reinterpretation of the animal rights framework that means to reinvigorate the animal rights debate, my ambition here is not to revamp or fine-tune the language of rights in animal ethics. As noted in the introduction, one of my goals in writing this book is to demonstrate the importance of the linguistic divide in animal ethics, despite philosophers’ repeated attempts to downplay its relevance. Accordingly, I diagnose a version of human exceptionalism through the lens of the linguistic divide. I argue that the prioritization of rights is intertwined with the prioritization of language. The primacy of rights cannot be separated from the primacy of language *and* the privileging of linguistic beings. However, if animal ethics is no more than the extension of rights (whether it is negative or positive), and the very notion of rights presupposes the linguistic hierar-

chy, then we risk subjugating the animal even in our attempt to liberate them. The very means with which we try to liberate animals from our dominion can itself be an expression of our dominion.

HAVING A RIGHT AND HAVING A SAY

In *The Alchemy of Race and Rights*, Patricia Williams responds to the critique of rights from Critical Legal Studies (CLS) scholars. She defends the rights discourse by speaking of the empowering effect of rights. For her, “one’s sense of empowerment defines one’s relation to the law” (1991, 148). While those who are already empowered by rights can afford to move beyond the rights discourse, those who have been deprived of rights still find the rights language desirable: “‘Rights’ feels new in the mouths of most black people. It is still deliciously empowering to say” (1991, 164). I am particularly interested in the *empowering* effect of rights. What does it mean to be empowered? Can we speak of empowerment for the animal?

According to the OED, to “empower” means “To invest with legal or formal power or *authority*; to authorize or license to do something or for a purpose” (Empower 2015). I emphasize “authority” here because of the etymological connection between authority and authorship¹⁷—having power means having the power to author.¹⁸ Empowerment connects rights to the ability to author one’s own speech, to speak for oneself. As Williams puts it, an expansion of rights “[gives] voice to those people or things that . . . historically have had no voice” (1991, 160). Rights give us a *say*, and without rights, we are as powerless as dumb animals. It is noteworthy that in her defence of rights, Williams compares her great-great-grandmother Sophie (who was a slave) to a wild fox. Whether a slave or a fox, “rights over them never filtered down to them; rights to their persons were never vested in them” (Williams 1991, 156). In light of the connection between rights and speech, how should we understand the empowering effects of *animal* rights? Does it mean letting animals speak for themselves? Must animals write for their rights? I will return to these questions later.

In addition to Williams’s defence of rights, Jacques Derrida’s reading of *Leviathan* in *The Beast and the Sovereign*, volume 1, also highlights the connection between rights and speech. In these posthumously published seminars, Derrida complicates the relationship among law, rights, and speech. Derrida’s reading of *Leviathan* is characteristically rich, so for the purpose of this chapter I will focus on Derrida’s reading of the following passage from *Leviathan*:

To make Covenant with bruit Beasts, is impossible; because not understanding our speech, they understand not, nor *accept* of any translation of Right; nor can translate any Right to another: and without *mutuall acception*, there is no Covenant. (2009, 55; Derrida’s emphasis)

Here we once again see how rights and speech intertwine. In Hobbes's view, animals do not enter into the covenant because they do not have language; and lacking language, they cannot accept any "translation of right."¹⁹ As Derrida highlights in this passage, a key element of language is this ability to "accept"—the ability to respond and reciprocate (2009, 55). Without this responsiveness, animals can neither "accept" rights nor commit themselves to a covenant. Importantly, Derrida observes that animals are not the only beings excluded from the Hobbesian covenant—God is also excluded from this covenant of men. More strikingly, God is excluded *for the same reason* as animals are excluded—neither God nor animals respond and reciprocate (2009, 55–57).

By drawing a parallel between the silence of God and the silence of the beast, Derrida complicate the speech-silence hierarchy. Silence (or unresponsiveness) is not always the mark of the dumb beast. More importantly, if God has a "right" to be silent, if God's sovereignty is expressed in this asymmetry of responsiveness, then why do we insist that the irresponsiveness of the animal is a defect, a lack, and even a justification for their exploitation? How does silence get bifurcated into the silence of the privileged and the silence of the oppressed?²⁰ If we perceive God's silent treatment as an exercise of power, can we also perceive animals' silence as powerful and meaningful in its own right? As we will see, silence can be an active form of resistance that conjures its own power.

Derrida also remarks that insofar as God and animals are excluded from the covenant, they both occupy a space external to the law. He even compares their "being-outside-the-law" status to that of the criminals (2009, 17). Whether "ignorant of right" or "having the right to suspend right," neither the animals nor God are subjects of—hence subjected to—the law (2009, 32). Thus far, the animal rights movement has responded dutifully to this "outside-the-law" status of animals. For animal rights advocates, the answer to the suffering of animals lies in undoing their "outlaw" status by including them in our "covenant," our law. While Hobbes would object to the inclusion of animals in the covenant, we see that the expansion of rights to animals reinforces, rather than challenges, the linguistic divide that defines the Hobbesian covenant.

The logocentrism of animal rights is expressed not only on a conceptual level, but also on a practical one. Specifically, the enforcement of animal rights illustrates the problem of logocentrism in praxis. In "Can Animals Sue?" Cass Sunstein points out that even though anticruelty laws do exist to protect animals, these laws are not enforced as often as they should be. Enforcement takes place only through public prosecution, but animal protection is generally a low priority for prosecutors (Sunstein 2004, 252–53). For example, the United States Department of Agriculture (USDA) often falls short on enforcing the Humane Methods of Livestock Slaughter Act. As

watchdogs of the food industry point out, there are significant conflicts of interest within the USDA—it is populated by agribusiness lobbyists who are supposed to monitor the very industry that they have promoted (and continue to promote).²¹ It is hardly surprising that enforcing animal protection has not been a priority.

Furthermore, the enforcement gap is maintained in part by the fact that animals are not considered legal persons. Even though there are animal laws protecting certain animals from gratuitous cruelty, animals possess no legal rights and have no standing in court.²² In order to close this "enforcement gap," Sunstein argues, "private citizens should be given the right to bring suit to prevent animals from being treated in a way that violates current law . . . animals should be permitted to bring suit, *with human beings as their representatives*, to prevent violations of current law" (252, emphasis mine).²³ Sunstein's solution to the enforcement gap shows that the efficacy of animal rights is predicated on one's ability to speak: even if animals are granted legal standing and the rights to sue, they still need experts to interpret and translate their voice, as well as human representatives to speak on their behalf. The voice of the animal is twice removed even when we give it a hearing.

While the primacy of "rights" in the literature is expedient for legislating against animal cruelty and institutionalizing animal protection, it comes at a cost. As critics of liberal rights theory persuasively argue, the focus on rights can obscure the power relations on which exploitation and oppression rest.²⁴ Catharine MacKinnon argues that granting rights to members of oppressed groups only guarantees their equality *formally*, but it does not necessarily bring about actual equality if the structure of power remains untouched.²⁵ Wendy Brown makes a similar point: "while [rights] formally mark personhood, they cannot confer it; while they promise protection from humiliating exposure, they do not deliver it" (1995, 127). Although MacKinnon and Brown are concerned with human rights in their respective works, the point they make is relevant to the animal rights debate. The "enforcement gap" that Sunstein calls our attention to shows precisely the discrepancy between the granting of rights and the exercising of rights. Even if animals would be granted certain rights in our legal system, these rights are not necessarily *accessible* to them. The political voice of the animal can be compromised because of its inability to speak. As a result, the extension of rights to the animal has real force only if there is a human representative to speak for the animal, and this dependence on a human representative reinforces the existing power hierarchy. As such, the enforcement of animal rights depends on, and exacerbates, the linguistic divide that has segregated humans and animals throughout the history of philosophy.

THE PROBLEM OF SPEAKING FOR THE ANIMAL

What does it mean to *give* someone a voice? Is it possible to give someone a voice without, at the same time, robbing them of a chance to speak? Is it true that, as Patricia Williams tells us, “the best way to give voice to those whose voice had been suppressed was to argue that they had no voice” (1991, 156)? Speaking for the other is a tricky business because the other always exceeds our knowledge, and our knowledge often exceeds our words. The difficulty of speaking for the other is exacerbated when this “other” is the animal other, with whom we do not share a language. As Thomas Nagel would want us to believe, we could never authoritatively speak for a bat because we do not know what it is like to be one. Setting aside the privileging of consciousness in his argument, Nagel is quite right to point out that simply acquiring objective facts about the other does not mean we can inhabit the worldview of the other or know what it is like to be the other (1974, 438–39). Of course, the more we learn about and attend to animals, the better we know them. We also share so many qualities in common with different species of animals that it would be disingenuous to claim complete ignorance. Yet insofar as the animal is “the other,” the animal always exceeds our knowledge and words. Our representation of the other, especially the animal other, is never definite or complete.

In addition to the general challenge of speaking for a radically different other, it is also important to keep in mind that animal advocates are not the only ones speaking for the animal. As laboratory veterinarian Larry Carbone reminds us, within the debate of animal research, research advocates also speak on behalf of animals in order to justify animal experimentation (2004, 4). In other words, speaking for the animal can further, rather than mitigate, violence against the animal. Just like animal advocates, research advocates also claim knowledge and expertise with regard to the desires, preferences, and interests of animal subjects.²⁶ Speaking for the animal is necessary for both animal liberation *and* animal exploitation, despite their conflicting goals.

SILENCING SILENCE

But the problem of speaking for the other is more than the failure to capture the big picture or the risk of misrepresentation, the very act of speaking for others can be a form of violence, even if the intention is to liberate rather than enslave. For one thing, valorizing the act of speaking for others reflects the primacy of speaking, thereby privileging those who are in the position to speak. For another, it is more difficult to appreciate the potency of silence when we feel compelled to “give voice” to the voiceless. As we will see

below, even silence conjures its own power. The impetus to speak for the other may produce the paradoxical effect of silencing silence.

As we saw, for Derrida silence can be an exhibition of power rather than vulnerability. God’s silent treatment is an expression of sovereignty by virtue of God’s “right” to withhold response. We do not know when—or if—God would ever respond to our plight and prayers. Yet we cannot hold God accountable because without response, there is no responsibility. In *HumAnimal*, Kalpana Rahita Seshadri offers an even more radical account of silence through her reading of Chesnutt’s story, “The Dumb Witness” (2012). In Chesnutt’s story, a slave woman was literally silenced by her master’s nephew when the nephew brutally cut out her tongue. Unbeknownst to the nephew, however, the slave woman was the only person entrusted with the secret of the family’s will, without which the nephew could not legally inherit his uncle’s property, including the slave woman. Having lost her tongue, the slave woman made use of her default muteness to withhold the secret of the will. The slave woman’s silence became an active resistance that rendered the will unenforceable, guaranteeing her freedom. Through her reading of the story, Seshadri argues that the silence of the slave woman is manifested as a *capability* to withhold. Silence is a power rather than a deficiency; it is “an empty space, where the regulatory power of discourse is nullified”—just as the slave woman uses her silence to nullify her master’s will (35). If we follow Seshadri’s analysis, silence is even more than an exhibition of the sovereign’s power through the asymmetry of responsivity (as Derrida argues), for silence can even *invalidate* discourse and reverse the law. If Derrida’s and Seshadri’s conception of silence as an active power is right, then we risk undermining the potency of silence when we uncritically take up the task of speaking for the other.

The impulse to substitute voice for silence also betrays a failure to think beyond the voice-silence binary. Stephen Laycock speaks of this problem as follows:

We insert ourselves at the heart of the purported alterior subjectivity, there to speak for the mute, to give voice to the silent—to give (or rather *impose*), that is, our own voice, not to offer the animate Other a vehicle whereby it may express itself. And to substitute voice for silence is the clearest demonstration that we have not yet attuned ourselves to the silence *beyond* “silence,” to the fact that “silence” is still the term of a binary conceptual contrast. (1999, 277)

As Laycock rightly puts it, the problem of speaking for animals goes beyond the risk of inaccurate projection. This is because when we insist on speaking for others, we implicitly subscribe to the voice-silence binary. We sustain and reinforce the hierarchy of power that favours beings with speech—human beings.

SPEAKING FOR THE ANIMAL OTHER AND HUMAN EXCEPTIONALISM

That speaking for the other can itself become an instance of oppression of the other is a familiar problem in feminist and postcolonial discourses. Gayatri Chakravorty Spivak famously argues that the intellectual's representation of the subaltern obscures the voice of the subaltern, while Linda Alcoff cautions against the impetus to speak for others. For Alcoff, the practice of speaking for others is often "born of a desire for mastery," and those who speak for the other often reinscribe the hierarchy that privileges the speaker in the first place (1991, 29). Accordingly, it is important for us to interrogate our own investment in speaking for others, and how speaking for others may sustain the privileged position that we assume.

The concern that Alcoff articulates has been rehearsed by animal advocates. For example, Laycock insists that speaking for animals can become a form of "paternalism," a "human chauvinism" that inhibits genuine openness to the animal other (1999, 279). Borrowing from Said's notion of Orientalism, more recently Jason Wyckoff argues that speaking for animals can be a form of "dominionism" in which animals are reduced to mere resources and objects of *human* knowledge (2015). The very act of speaking for animals can be a confirmation of our dominion over them. As such, speaking for the animal is yet another manifestation of human exceptionalism.

It is important to remember that in Alcoff's essay the other in the "speaking for the other problem" is not the animal other. Given that feminists (and postcolonialists) have interrogated the problem of speaking for the other long before the posthumanists,²⁷ it is not surprising that the problem of speaking for the animal is often compared to the problem of speaking for other oppressed groups. In "Of Mice and Men" (2004), Catharine MacKinnon points out that the problem of speaking for the other is a problem common to women's issues as well as animals'. She is especially concerned with the question of what counts as a legitimate solution to animal oppression and who has a legitimate *say* regarding this solution. "Just as it has not done women many favors to have those who benefit from the inequality defining approaches to its solution, the same might be said of animals. Not that women's solution is animals' solution. Just as our solution is ours, their solution has to be theirs" (2004, 270). I will return to the distinction between women's solution and animals' solution shortly. At the moment I want to focus on the idea of "animal solution." What exactly is an "animal solution"? What does MacKinnon have in mind? What (and whose) standard do we use to measure the success of an animal solution?

ANIMAL SOLUTION: ANIMALS SPEAKING FOR THEMSELVES

Almost immediately following her call for an "animal solution," MacKinnon asks that we consider "what it would do to the discussion if [animals] *spoke for themselves*" (2004, 270; emphasis mine). This move signals a new direction in animal advocacy. Instead of speaking for the animal uncritically and imposing a human solution, an animal solution requires us to listen to the animals, recognizing animals as active participants in their liberation. Furthermore, it requires us to problematize the linguistic divide: at stake is not whether animals can speak, but whether *we* can understand them when they speak and "what it will take to learn the answer [from the animals]" (MacKinnon 2004, 270). As Kari Weil puts it, we cannot determine decisively that animals are deficient in language simply because they do not respond to us, for it could be *our* failure to give them a reason to speak (2010, 6). Similarly, Cynthia Willett argues that the human-animal divide is "grossly exaggerated by a *human failure* to pick up on animal social cues, community formations, and possibilities of solidarity" (2014, chap. 1; emphasis mine). Paraphrasing Bentham, we may say that the question is not can they reason? Nor can they talk? But can *we* listen and understand? It is not the animal's burden to prove that it is worthy of moral consideration, but our responsibility to listen carefully.

Like MacKinnon, Wyckoff also argues for the importance of listening. In response to the question of how we might responsibly advocate for animals, he remarks, "A beginning might be a rethinking of the ability of *animals to speak for themselves*, perhaps not linguistically but through non-linguistic expressions of preference" (2014, emphasis mine). We do not need propositional statements in order to express some of our basic emotions, desires, and preferences. Our body language often expresses (sometimes betrays) what we *really* think: a slight frown or a flinch when your boss puts his hand on your shoulder indicates that this is unwelcome contact, even if there is no explicit protest. Similarly, propositional claims are unnecessary for communicating the undesirability of living in an overcrowded coop or the pain of being castrated without anaesthesia. There are many ways to discern and attend to what an animal wants without the use of propositional claims. To let animals "speak" we must also reconceptualize and broaden the meaning of "speaking" to include a plurality of ways to speak.

Both MacKinnon and Wyckoff emphasize the importance of listening by insisting that we let animals speak for themselves. Given the ideological baggage that comes with speaking for the other, they see a need to change the paradigm of animal advocacy from "speaking for" to "listening to." The assumption behind this drastic shift goes like this: when we speak for animals, we are obscuring their voices and not letting them speak, thus we fail to listen when we are too busy speaking for them. "Listening" is supposed to be

a remedy that curbs our impulse to speak for the other, a solution to the violence of giving a voice to the voiceless. But what does it really mean to speak for the other, to give voice to the voiceless? Does speaking for animals necessarily mean shutting down their voice and imposing our own? It seems that speaking for the other has gotten a bad rap.

The call for listening is certainly important—however, its importance is almost tautological within the context of animal advocacy. After all, isn't listening precisely what we need to do *in order to* speak for the other? Those who have taken up the task of giving a voice to the voiceless may protest against the assumption that they fail to listen simply because they speak for the animal. In all likelihood, animal advocates would tell us that they *do* listen; in fact, it is because they *have listened* to the animal's plight that they feel compelled to speak for them, to articulate for the animal what they (the advocates) have heard. Making the effort to explore and cultivate different ways of listening to animals gives us a better sense of what animals want. We become better representatives and interpreters, more capable of giving a voice, when we listen better: Given that listening is a prerequisite of representing others, the two are not mutually exclusive. Thus it is puzzling that listening is presented as a "remedy" to curb our impulse to speak for the other when the success of the latter hinges on the former. As such, even though MacKinnon changes the question from whether *they* could speak to whether *we* could listen, the need to listen to animals is perfectly compatible with the impetus to give voice to the voiceless.

That giving a voice need not mean *imposing* a human voice is particularly evident in the following example. The urgency to legitimate the animal's voice has already prompted some concrete, practical recommendations on how to incorporate the animal's perspective when writing about animal issues. In an article published in *Journalism Studies*, Freeman, Bekoff, and Bexell argue that professional journalists ought to consider the voice of animals "as a legitimate source or perspective" when covering animal and environmental issues (2011, 596). Significantly, they motivate their argument by invoking the tenet of "giving voice to the voiceless," which is in the code of ethics for professional journalists.²⁸ They argue that the code should be "expanded to include . . . our fellow *animal species* whose voices often go unheard"²⁹ (Freeman, Bekoff, and Bexell 2011, 590). Like MacKinnon and Wyckoff, Freeman, Bekoff, and Bexell acknowledge that animals do have voices—they just often go "unheard." A responsible journalist is willing to take up the task of excavating and articulating their voices for the audience.

The invocation of "giving voice to the voiceless" is important here. For Freeman, Bekoff, and Bexell, "giving voice to the voiceless" does not carry the unsavoury connotation of imposing from without, rather it means letting animals speak for themselves and listening to their perspectives. In other words, "giving voice" need not mean speaking over the other, but listening

and helping the other articulate its voice. As we will see, not only is this a far more charitable way to characterize the effort to speak for the other, it is also a more honest one as it acknowledges the necessity of human representation and mediation in animal advocacy.

THE PRIMACY OF THE ANIMAL'S VOICE

Can we really do anything for animals without, in some ways, putting words in their mouths? At this point, it is instructive to compare MacKinnon's injunction to let animals speak for themselves with the following quote by Laycock. After chastizing philosophers for "paternalism" and "human chauvinism," Laycock writes,

It is no excuse to complain that in attending the Other's voice we hear nothing, that we must speak for the Other because the animate Other cannot speak for itself, that the screen would be blank without our own projection. Let the screen lapse into imageless blankness. *Let all lapse into silence.* (1999, 279; emphasis mine)

For Laycock, it is important that we check our impulse to speak for the animal, and like MacKinnon, he too argues that we need to attend to the animal's voice—even if that voice is delivered in the form of silence. After all, a commitment to listening does not guarantee that we hear anything, nor does it mean that animals are willing to speak to us. For Laycock, "lapsing into silence" is preferable to projecting our ideas and desires to animals, especially when listening yields nothing.

I have two concerns regarding the appeal to "lapse into silence." The first is political. What might be the material force of "lapsing into silence," especially when it comes to transforming our relationship with animals on the ground? How do we tell the difference between silence and indifference? Or even silence and quiet hostility? How do we prevent this "lapsing into silence" from lapsing into an excuse to retreat from standing up for the oppressed? Alcoff reminds us that retreating from speaking for others "significantly undercuts the possibility of political effectivity" (1991, 17). This concern is even more germane in the context of speaking for animals. As we saw, one way to close the enforcement gap is to have a human representative sue/speak on behalf of the animal—the political effectiveness of anticruelty laws hinges on a human speaking for the animal. Accordingly, we must ask ourselves: how can we stop the material violence against animals when we get caught up in the metaphysical violence of speaking for them?

Second, the injunction to let the animal speak and the valorization of the animal's voice betray a certain anxiety about projection and imposition. To

see the logic of this anxiety, Carbone's observation on the tradition of academic writing is instructive.

Scientists (and scholars in many fields) use the impersonal passive voice in their writing as a sign of their attempts to remove their particular interests and biases from their project at hand. They pose as mere bystanders, objectively reporting nothing but the facts, dispassionately explaining what those facts mean. Nature speaks through them. (2004, 16)

Scientists imagine themselves as disinterested reporters who simply "let nature speak." But the idea that their writing is merely a report on *what nature says*, free from human biases, is an illusion. Following Carbone, we may ask, are we valorizing the animal's voice because we too want to remove ourselves—as well as our anthropocentric interests—from our writings on animals? Just as scientists imagine that "nature speaks through them," are we not in some way hoping that animals "speak through" us? But if "facts" are already imbued with the interpreter's interests, then "animal voices" are also subjected to the perspectives of the translator and interpreter.

Suppose "letting animals speak" does not collapse into a disavowal of responsibility and it still calls for our response. In order to respond we must first translate the animal's voice into our terms. Similarly, "lapsing into silence" still calls for an interpretation—a human interpretation—of such a silence. In other words, *some* representation must take place if we wish to respond to the animal. Given that most of us are not attuned to the subtle and individualized ways animals communicate, we rely on experts to translate and interpret their voices for us. (Even the experts themselves have to translate the animal's voice in terms that are intelligible to themselves and other humans.) As such, even if we are willing to listen, even if we reconceptualize "speaking" to include a variety of communicative modes, the animal voice must still be mediated by a human representative.

As with human communication, translation and interpretation are integral to our listening and understanding of the animal's voice.³⁰ But with cross-species communication, the risk of mistranslation or misinterpretation is predictably greater. My point is not that a good translation is impossible.³¹ Rather, my point is that even when we let animals speak for themselves, we cannot easily extract the animal's voice from the human's voice. There is always the risk of projection, imposition, or anthropomorphism when it comes to translating and interpreting the animal's voice. While the appeal to let the animal speak may curb our unreflective impulse to speak for the animal, it does not give us a voice that is properly animal, free from the contamination of human biases. Unlike the injunction to let animals speak for themselves, the language of *giving* a voice to the voiceless or *speaking for* the other readily acknowledges the active role humans play in representing

animals. Like nature, animals do not "speak through us." Every time we represent an animal, we are constructing their needs and desires. Perhaps the best way to minimize projection and imposition is not to imagine that there is such a thing as the "animal voice" free from human prejudices, but to recognize the inevitability of human representation in animal advocacy and then work to minimize misrepresentation.

CAN WE GET AWAY WITH NOT SPEAKING FOR ANIMALS?

In "How to Do Things with Animals," Karen Raber remarks: "It is the peculiar fate of animal studies that the subjects of its liberationist impulses will not speak up" (2008, 107). And as a result, "paternalism and repressive displacement" seem inevitable in our representation of animals (2008, 107). Carbone makes a similar claim regarding animal welfare policy: "What sets animal welfare policy studies apart from most other policy studies is that animals have no direct voice. They enter policy dialogues only through those people who would speak for them" (2004, 5). Historian Erica Fudge also speaks of the impossibility of writing a history of the "inarticulate" (2002, 5). Even though there is a history of human representation of animals, there is no "history of animals" because animals do not write their own history (2002, 5). And for philosophers, the question becomes this: Is a philosophy of the animal possible?³² If a history of the animal requires documents left by the animal (Fudge 2002, 5), then does a philosophy of the animal require thoughts thought by the animal? Can we philosophize about animals without any anthropocentric investment and projection?

Although I highlighted the connection between rights and speech earlier, the speaking for others problem surely does not belong to the rights discourse alone. As long as we write and talk about animals, we are constructing their perspectives and representing their positions.³³ In fact, even the appeal that we should let animals speak for themselves involves a representation of their desire, namely, the desire that they would rather speak for themselves than have a spokesperson. It is ironic, though not surprising, that this particular representation of the animal betrays our own bias in favour of speaking for ourselves—it is important for *us* to speak for ourselves, so it must also be the case for the animal. My point is not that MacKinnon and Laycock have *mis*represented the preference of animals, or that animals would have preferred a spokesperson. Rather, my point is that representation is inevitable even in the most radical rejection of representation.

At this juncture, we begin to see where the problem of speaking for *animals* departs from the problem of speaking for *women*. And although Alcoff's treatment of the speaking for others problem has been instructive, we also begin to see its limits when this "other" is an animal rather than a

woman. Following Spivak, Alcoff makes the following recommendation: “We should strive to create wherever possible the conditions for dialogue and the practice of speaking *with* and *to* rather than speaking *for* others” (1991, 23; emphases mine). Those who are in the position to speak must seek to democratize the conversation by ensuring that the “other” has a chance to speak, too. Now it seems that we have already created “conditions for dialogue” when it comes to human-animal communication: Koko the gorilla has learned how to sign, and captive dolphins have learned to read a version of the American Sign Language. But even in these relatively successful examples, the “conversation” is far from egalitarian. In the case of Koko, she was given a chance to speak only on the condition that she speaks (signs) *our* language. So a dialogue with Koko is legitimized only by the valorization of human language. Our “dialogue” with dolphins is even more precarious. As an underwater acoustic consultant points out in the documentary *The Cove* (2009), it is ironic that we teach dolphins American Sign Language—dolphins do not have hands. Communication is reduced to a one-way process: us commanding the dolphins. Surely, we may create “conditions for dialogue” not by teaching animals human speech, but by attending to their specific body languages and social habits. But in order to make sense of these body languages and social habits, interpretation (or translation) is once again necessary. At the end, the distinction between speaking *with* animals and speaking *for* animals may simply collapse.

Considering the significance of feminist issues to animal issues, MacKinnon notes: “Not that women’s solution is animals’ solution. Just as our solution is ours, their solution has to be theirs” (2004, 270). Her comment is instructive here. While feminists can do feminist things with words,³⁴ animals do not do beastly things with words. While feminists may participate in the language game of patriarchy in order to subvert it and expose its contradictions, animals don’t write pamphlets or articulate their positions. To put it more simply, while women and members of other oppressed groups can, given the right conditions, speak for themselves, animals do not relieve us of the burden of speaking for them, nor do they relieve us of the resultant guilt of “human chauvinism.”³⁵ Speaking for animals, it seems, is inevitable, even if it is problematic and distasteful. The linguistic divide reasserts itself despite philosophers’ repeated attempts to downplay it.

That animals do not lift our burden of representing them also presents a significant challenge for the posthumanist project of decentring the human.³⁶ In response to theorists who seek to destabilize the human-animal divide from a posthumanist perspective,³⁷ Raber criticizes what she deems a “problematic desire” in animal studies, “a desire for a world in which humans and animals live in happy harmony without exploitation or abuse” (2008, 100). (The promotion of a vegan diet for pets is a good example here.) According to Raber, not only do posthumanists fail to interrogate their own utopianism,

they also harbour a “fantasy of the post-cruel” in their utopianism, a “desire to eradicate human abuse of animals in all its forms” (2008, 106).³⁸ The fantasy that we can be free of cruelty is fundamentally at odds with the project of the posthumanist because “to reject cruelty [is] to reject the animal that we are—to reinstate human exceptionalism with all its attendant problems” (2008, 106). For Raber, the very disavowal of cruelty undergirds the human-animal divide insofar as we fail to acknowledge that cruelty is simply part of nature. Killing and violence are inevitable for the survival of some animals. Accordingly, the desire to reject cruelty exposes our anthropocentric desire to transcend nature and our own animality. In other words, the problem is not simply that animal advocates are too unrealistic in their utopianism, but that their utopianism unwittingly reaffirms the human exceptionalism they try to overcome.

The problems of Raber’s argument are proportional to their provocative-ness. However, I will not return to her argument and my critique until chapter 5. As I will argue there, Raber’s argument is predicated on a dangerous assumption about animality, an assumption that feeds not only speciesism, but also racism. For the purpose of the present chapter, I simply want to draw a parallel between the fantasy of the post-cruel and the injunction to let animals speak for themselves. In a sense, this fantasy of the post-cruel is a different expression of the fantasy of having animals speak for themselves. Just as utopian animal advocates envision a world without violence and cruelty against animals, MacKinnon and Laycock imagine a world without the tyranny of speaking for others. However, just as we cannot escape human exceptionalism even in the most radical animal egalitarianism, we cannot avoid representing animals even in our disavowal of speaking for them. In her paper, Raber asks whether it is “possible that we *need* human exceptionalism” in animal ethics (2008, 101). Following Raber, we may ask whether it is possible that we *need* to speak for animals in animal ethics, and whether it is possible that we *need* the violence of “human chauvinism” or “paternalism” in order to curb the worse violence of animal exploitation.

There is, of course, more to the question of language in animal ethics than this linguistic divide. In *The Sexual Politics of Meat*, Carol Adams analyses the ways our language “upholds meat-eating” (1990, 63). In her view, our anthropocentric language alienates us from other animals. For instance, the use of “it” as a pronoun for the animal reduces the animal to a thing-like status, while different animal metaphors “distort the reality of other animals’ lives” (1990, 64). Furthermore, Adams argues that “behind every meat meal is an absence, the death of the animal whose place the meat takes” (1990, 63). Once butchered, seasoned, and cooked, the animal on our plate is no longer recognizable *as an animal*; in a similar way, once baptized “meat,” animals disappear via a linguistic sleight of hand (1990, 64). For Adams, the consumption of flesh is sanctioned in part through the magic of renaming.³⁹

Adams helps us see a connection between language and diet, between what we say and what we eat.⁴⁰ Indeed, Adams shows that insofar as we are linguistically constituted, it is important to examine what our linguistic capacity has afforded us to do to—and do for—the animal. If my analysis is correct, the capacity to speak also entails the responsibility to speak for our animal others (whether in the form of representation, interpretation, or translation)—not because we’ve decided once and for all that animals do not speak or that we refuse to listen, but simply because we cannot avoid speaking for or representing them.

In this chapter I argued that the linguistic divide is still relevant in animal ethics. Insofar as speaking for the animal other is a responsibility that we cannot disavow, we need to further examine two important issues: (1) how can we speak better for the animal? or how *not* to speak for the animal, and (2) how can we acknowledge the human-animal language difference without pitting ourselves against the animal? That is, how can we live up to our status as “the speaking animal” without severing our relationship with the animal other?

I will take on the first issue in my last chapter, where I examine a particularly injurious way of speaking for the animal. As I hope to show, until we undo the problematic link between cruelty and animality, animal advocacy risks succumbing to both racism and speciesism. I will address the second issue in chapters 3 and 4, where I present an account of language that is more conducive to animal advocacy. But before I move on to chapter 2, I would like to present some preliminary remarks on the importance of reconceptualizing language.

RECONCEPTUALIZING LANGUAGE

My analysis in this chapter is made against the backdrop of philosophers’ quick dismissal of the linguistic divide as morally relevant in the literature. Their dismissal is not unreasonable: for one thing, they rightly point out that language capacity should not determine our moral status, so the divide appears to be a moot point. For another, the linguistic divide is not an innocuous divide, but a hierarchy that places human above animal. The linguistic divide is often employed to demonstrate human exceptionalism. In fact, linguistic capacity is often associated with other capacities that we typically reserve for humans, such as the capacities to reason or philosophize. If language is associated primarily with reason or rationality, then drawing attention to the linguistic divide may reinforce the human exceptionalism that animal rights philosophers seek to overturn. As such, philosophers are well

motivated to demonstrate the irrelevance of the language divide in animal ethics.

I should note that not all philosophers employ the *Can-they-suffer* strategy to undermine the moral relevance of *logos*. One particularly interesting alternative is to reconceptualize the ways ethical claims are made in order to include animals in our ethical sphere. In *Interspecies Ethics*, Cynthia Willett introduces a provocative multispecies ethics that takes seriously the communicative capacity of preverbal or even preconscious agents (2014, chap. 3). Willett argues that insofar as a preverbal, non-discursive encounter is also regulatory and normative, we can make ethical claims through affective attunement. Just as infant and adult co-regulate their behaviour via proto-conversation, different species of animals can cultivate social bond and normative expectations via biosocial signalling. The *lingua franca* of an interspecies ethics can no longer be human language insofar as we need to articulate alternative modes of communicating (and responding to) needs and expectations both within and across species.

Although I agree that there is an urgent need to explore different modes of registering ethical claims, my goal in this book is different. I am not particularly interested in exploring cross-species communication or redrawing the line of language. My way of challenging the human-animal language divide is neither to argue that animals, too, can speak, nor to stretch the conception of language far enough to include affective signalling. Although this may sound paradoxical, I shall argue that the language divide need not be divisive. We can speak of our unique responsibility as speaking animals without elevating ourselves above other animals. To begin considering these possibilities, we need to reconceptualize language so that it allows us to stand together with the animal other. We need an account of language that acknowledges our connections with the animal without obscuring our differences. Instead of linking language to reason, we should think of language as a *relational* capacity: our capacity to speak and our capacity to relate are constitutive of each other.

NOTES

1. Bentham (1996), chap. 17, section 1, footnote to paragraph 4.
2. Garrett’s article (2007) on the origin of animal rights is helpful here. Having examined Francis Hutcheson’s pioneering work on animal rights and its influence on Bentham, Garrett concludes: “Instead of universal rights being expanded to include all types of rational, mature human beings, the non-cognitive ability to feel pain and pleasure became the focus, moving rights beyond reason and species to include all types of pain-avoiders and pleasure-seekers” (265). Derrida also points out how Bentham changes “the question” regarding the animal in philosophy (2008, 27–28). See also Napolitano (2010, 52–54).
3. Singer (2009, 7).
4. Sorabji wittily captures the absurdity of using linguistic capacity to justify exploitation: “The Stoic retreated to the position that at least they don’t have syntax. The moral conclusion was meant to be ‘They don’t have syntax, so we can eat them’” (1993, 2).

5. See also Warren (1997, 61).
6. For a general account on how philosophers deal with the linguistic divide, see Steiner (2005, 18ff.).
7. See Cavalieri (2001, 20); Wise (2002, 135–58).
8. See Wise (2002, 207–30); Fellenz (2007, 46).
9. Singer (2009, 14); Dombrowski (1997); Fellenz (2007, 46–47).
10. Even if our capacity to speak is linked to our status as moral *agents*, it is not linked to our status as moral *patients*.
11. For Derrida, the privileging of *logos* goes hand in hand with the human-animal divide: “logocentrism is first of all a thesis regarding the animal, the animal deprived of the *logos*, deprived of the *can-have-the-logos*” (2008, 27).
12. Weil (2010) discusses the “animal turn” in academia. Her essay offers many helpful insights on issues of representation and the problem of speaking for animals.
13. See Wolfe’s (2010) analysis on rights discourse in the current framework of the animal debate.
14. Singer (2009) considers critiques of animal rights “irrelevant to the case for Animal Liberation” because his argument for animal equality does not rest on the assumption of animals having rights (8).
15. Donovan and Adams (2007) identify five major problems with the rights discourse (introduction, esp. 4–6). See also Adams (1994). Donovan argues that the rights discourse continues to rely on “mechanistic premises of Enlightenment epistemology” (2007, 69). McKenna argues that Singer’s argument for vegetarianism prioritizes reason over emotion (1994), while Kheel characterizes the primacy of rights as a “masculinist orientation” (2004, 336).
16. In fact, the parallels between human and animal rights are so strong that “their universality stands or falls together” (Donaldson and Kymlicka 2011, 45).
17. Hobbes, of course, famously points out this connection in *Leviathan*, chapter 16. Following Benveniste, Bourdieu also reminds us of the connection between “*auctoritas*” and “*actor*” in *Language and Symbolic Power* (Bourdieu and Thompson 1991, 222).
18. In addition to “authority,” the word “dictatorship” also intimates the connection between power and speech. According to the OED, to “dictate” means “to put into words which are to be written down; to utter, pronounce, or read aloud to a person.” But it also means “to prescribe (a course or object of action); to lay down authoritatively; to order, or command in express terms.”
19. Because animals do not have language and cannot make covenants with humans, Hobbes also claims that humans cannot do injustice to animals (Francione 2000, 123).
20. It is noteworthy that animal advocates are often accused of anthropomorphism when they speak for the animals, while the term “anthropomorphism” referred initially to the act of attributing human qualities to deities.
21. Take some key players in the Obama administration as examples. Tom Vilsack, an advocate for Monsanto and genetic engineering, has served as the Agriculture Secretary since 2009; Islam A. Siddiqui, another supporter of Monsanto, was the Chief Agricultural Negotiator between 2011 and 2013; and Michael Taylor, another friend of Monsanto, has led the FDA since 2010.
22. The Nonhuman Rights Project (NhRP) has been trying to change the common law status of chimpanzees from mere “thing” to “persons.” In April 2015, two chimpanzee captives in Stony Brook University were granted writ of *habeas corpus* by a New York judge when the judge ordered a hearing for them, but within a day the judge amended the order by striking the language of the writ from the order (McKinley 2015).
23. Sunstein proposes a different solution to this “enforcement gap” in a later article. See Sunstein and Leslie (2010, 122ff.). In it he suggests that we adopt “disclosure of information as a regulatory tool” (123). Such a disclosure can be done through, for example, a “labeling system” (136). Food labels are supposed to inform consumers of the practice of a given meat supplier, and the point is that “consumers [would be] empowered to make food choices that take into account their preferences for different levels of animal welfare” (136).

24. For a helpful summary on CLS scholars’ critiques on rights, see Schneider (1990) and Schwartzman (1999). In many cases, critiques of liberal rights overlap with feminist critiques of animal rights.
25. This particular critique by MacKinnon is presented by Schwartzman (1999, 34).
26. As Carbone points out, “[both] animal protectionists and scientists claimed to speak for the reality of the lives of research animals” (2004, 169). For example, animal advocates describe “unspeakable tortures” in research labs, while some research advocates claim that “not all fatal toxicity studies are painful to the animal subjects” to justify animal experimentation (2004, 169).
27. There are different kinds of “posthumanists.” For the purpose of this chapter, I am using this term in a general way to refer to thinkers who challenge the centrality of the human (anthropocentrism); their anti-anthropocentric sensibility often has important implications on human-animal relationships.
28. Under the principle of “Seek Truth and Report It,” professional journalists are expected to be “vigilant and courageous about holding those with power accountable. Give voice to the voiceless.” *Society of Professional Journalists Code of Ethics*, revised September 6, 2014.
29. This call for expansion is rather curious. On the one hand, it endorses the recent trend of shifting the focus: it is not that our fellow animal species are voiceless, but that their voice is *unheard by us*. But on the other hand, the strategy of *expansion*—it works for the oppressed humans, let’s expand it to other species—is one that feminists and posthumanists have cautioned against.
30. The need for translation and interpretation is not exclusive to the human representation of animal. As Alcoff argues, each representation is “the product of interpretation” (1991, 9). Both “speaking for others” and “speaking about others” involve “the act of representing the other’s needs, goals, situation, and in fact, who they are” (1991, 9).
31. Even if prejudice and distortion are inevitable in translation, some translations are still better than others.
32. In an article on elephant communication, Phillips highlights the problem of “scriptability,” which involves the question of “whether [elephant] behavior . . . can be *written* (or written about) in the first place” (2010, 34).
33. Alcoff’s discussion of the distinction between “speaking for others” and “speaking about others” is helpful here. She argues that the distinction is not necessarily clear-cut. For her, both practices involve “the act of representing the other’s needs, goals, situation, and in fact, *who they are*” (1991, 9). Each representation is “the product of interpretation” (1991, 9).
34. Hendricks and Oliver (1999).
35. See Raber (2008, 107).
36. For a helpful discussion on the poststructuralist project of decentering the human, see Raber (2008, 99–101).
37. Wolfe describes the posthumanist project as “challenging the ontological and ethical divide between humans and non-humans that is a linchpin of philosophical humanism” (2008, 8).
38. It is interesting that, speaking of the “ferocity of man,” Lacan insists that “cruelty implies humanity” (quoted in Derrida 2008, 105). In chapter 5 I will critically examine the connection between cruelty and humanity.
39. For a detailed account on how language justifies the oppression of animals, see Dunayer (2001).
40. Examining the works of Derrida and J. M. Coetzee, McKay (2010) makes the following observation, “Language use is explicitly linked to meat eating; speaking and carnivorousness are regarded as the always-already of humanity” (68). For an interesting account of the relationship between assimilation of sounds and the assimilation of flesh in Rousseau, see Oliver (2009, esp. chaps. 2 and 4).