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VOLUME 3

The War against Animals

By

Dinesh Joseph Wadiwel



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"capability" assumption that is arbitrary, and rests upon a human prerogative to decide. Indeed, I note that a key problem with these accounts *is* that the right of humans to decide remains fervently intact. We see this human sovereign prerogative play out to disturbing effect in Donaldson and Kymlicka's account, where, in the case of domestic animals, an argument is made for human control over sexuality and reproduction "for the good" of these animals.

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

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

¹⁵⁸ Jens Bartelson. *A Genealogy of Sovereignty*. Cambridge and New York: Cambridge University Press, 1995. 51

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

PART 1

Biopolitics



Bare Life

Smithfield's pigs live by the hundreds or thousands in warehouse-like barns, in rows of wall-to-wall pens. Sows are artificially inseminated and fed and delivered of their piglets in cages so small they cannot turn around. Forty fully grown 250-pound male hogs often occupy a pen the size of a tiny apartment. They trample each other to death. There is no sunlight, straw, fresh air or earth. The floors are slatted to allow excrement to fall into a catchment pit under the pens, but many things besides excrement can wind up in the pits: afterbirths, piglets accidentally crushed by their mothers, old batteries, broken bottles of insecticide, antibiotic syringes, stillborn pigs—anything small enough to fit through the foot-wide pipes that drain the pits. The pipes remain closed until enough sewage accumulates in the pits to create good expulsion pressure; then the pipes are opened and everything bursts out into a large holding pond.

JEFF TIETZ. "Boss Hog: The Rapid Rise of Industrialised Swine."¹

How does the question of *life* itself relate to the life of the (non human) animal? And how might including the animal within the sphere of politics reshape how we understand biopolitics? In this chapter I examine biopolitics as a descriptor for human violence towards non human animals. I begin this discussion with Aristotle, who I believe sets the grounds for the contest between humans and animals that is characteristic of politics itself. I then turn to Agamben's influential account of biopolitics and its relation to sovereignty. This account can be adapted to describe human relations with animals, which place animals in industrialised slaughter on the veritable threshold between life and death. I explore this further using Mbembe's concept of "necropower," which allows us to understand the war against animals as comprising interconnected sites or hotspots of intense violence and death, which operate almost imperceptibly within everyday peaceable human relations.

¹ Jeff Tietz. "Boss Hog: The Rapid Rise of Industrialized Swine." Daniel Imhoff Ed. *The CAFO Reader: The Tragedy of Industrial Animal Factories*. Berkeley and Los Angeles: University of California Press. 109–24. 110.

Aristotle's Biopolitics

That non human animals are not clearly eligible for consideration within a discussion of biopolitics is not due to any essential poverty in the scope of Foucault's term. Indeed, as I have discussed in the Introduction, the *species* context of Foucault's definition of biopolitics provides many avenues for understanding biopolitics as precisely concerning the relation between human and animal. Why it is that Foucault did not consider human treatment of animals as constituting a primary site of biopolitics seems to relate to a deficiency within the tradition of politics itself, at least in the West, which has, by and large, exempted the non human animal from agency as a political being. For, according to this perspective, even if there were to be a non human animal who, through a vocalisation, could make itself understood, that being would still lack the ability to comprehend justice; Aristotle characterises "man" as the political animal *par excellence*.² The assertion, that there is something essential that separates humans from the rest of the animals, is hardly limited to Aristotle, and has remained in various forms within Western philosophy, whether in the belief that "man" possesses an immortal soul which animals lack, or that "man" possesses a sort of exemplary consciousness which other living matter has no access to. However, Aristotle's pronouncement that "man" distinguishes himself from other animals through the perfection of his status as a "political animal" provides a neat way to conceptualise the problem we have before us: namely, how it is that humans, as just another species of animal, should come to dominate other animals and simultaneously proclaim an intellectual superiority to found this act of sovereignty. For Aristotle, "man" is not a transcendent being who is unrelated to the animal life; rather, "man" is defined as an animal with a surplus ability over and above other animal life. Upon this reckoning, the *gap* between non human and human animals is the ability to vocalise principles related to expediency (or rationality) and justice, a gap which, for all intents, defines the meaning of politics itself, at least in so far as it is perfected by "man."

It would not be unfair to say that Aristotle is almost perversely interested in animals and their relationship to the human. Aristotle, after all, contributed a five volume biological treatise on animal life—*History of Animals, On the Parts of Animals, On the Motion of Animals, On the Gait of Animals and On the Generation of Animals*—which variously offer detailed examinations on the anatomy, movement and reproduction of animal life. Importantly, within

² Aristotle. *Politics*. Robert M. Hutchins Ed. *The Works of Aristotle*. Vol. 2. Chicago: Encyclopaedia Britannica. 445–548. 446.

these works, human life was not treated separately, but regarded as one of the many species under Aristotle's magnifying glass, and thus there is an implicit understanding of the interconnection between human and animal life. Aristotle's aim here is to situate the human within the field of animal life by providing a sense as to what human life shares, and does not share, with other animals.

But it is not merely in Aristotle's biological studies that we find a connection drawn between human and animal, but, it would seem, this connection may be found at various important threshold points within the body of Aristotle's work. Consider Aristotle's volume on *Logic*. Here, on page after page, indeed from the first page of the first book, the example of the distinction and non-distinction between animal and human life is used to illustrate the nature of logical argument. For example, in Book 1, Chapter 2 of "Prior Analytics," Aristotle proclaims:

...if some B is A, then some of the As must be B. For if none were, then no B would be A. But if some B is not A, there is no necessity that some of the As should not be B; e.g. let B stand for animal and A for man. Not every animal is a man; but every man is an animal.³

This distinction, that the human belongs to animals, but not all animals are human, is of course pivotal to Aristotle's definition of the human, and that special quality that is inherent to the human yet not generalisable to other animals. Indeed it is worth emphasising that in the citation above, this particular relationship is not merely "in theory" but elevated to a matter of logic: "Not every animal is a man; but every man is an animal." This is the same "logic" that grounds Aristotle's proclamation in *Politics* on the relationship between humans, animals and politics:

...it is evident that the state is a creation of nature, and that man is by nature a political animal. And he who by nature and not by mere accident is without state, is either a bad man or above humanity; he is like the *Tribeless, lawless, hearthless one,*

Whom Homer denounces—the natural outcast is forthwith a lover of war; he may be compared to an isolated piece at draughts.

Now that man is more of a political animal than bees or other gregarious animals is evident. Nature, as we say, makes nothing in vain, and man is the only animal who she has endowed with the gift of speech. And whereas mere voice is but an indication of pleasure or pain, and is therefore

³ Aristotle. *Logic*. Robert M. Hutchins Ed. *The Works of Aristotle*. Vol. 1. Chicago: Encyclopaedia Britannica. 3–253.

found in other animals (for their nature attains to the perception of pleasure and pain and the intimation of them to one another, and no further), the power of speech is intended to set forth the expedient and inexpedient, and therefore likewise the just and unjust. And it is a characteristic of man that he alone has any sense of good and evil, of just and unjust, and the like, and the association of living beings who have this sense makes a family and a state.⁴

In this section of *Politics*, Aristotle makes a decisive pronouncement that captures the logic of biopolitics, its necessary connection to politics in the West, and the extent and limits of its jurisdiction. Indeed I think this section of *Politics* provides a template for understanding the mode of the arbitrary distinction between human and animals that crowns the human declaration of our own sovereignty. The section is interesting for a number of reasons. *Firstly*, the logical distinction outlined above (“Not every animal is a man; but every man is an animal”) is founded through a differentiation in relation to the human propensity for political community that apparently exceeds other comparable species (certainly, more clearly than “bees or other gregarious animals”). Note here that although “man” possesses a quality that is not shared by other animals, the structure of this same logic dictates that “man” remains at base an animal. The human is both beyond the animal, yet absolutely captured by the animal: the human is an entity that extends beyond what it is, yet at the same time is what it is.

Secondly, Aristotle describes the graduated scheme by which human animals may be distributed across varying positions along the long trajectory between the animal and the idealised human subject. This entity, “the bad man” or the one “above humanity,” is unable to perfect “his” nature: “For man, when perfected, is the best of the animals, but when separated from law and justice, he is the worst of all...he is the most unholy and the most savage of animals, and the most full of lust and gluttony.”⁵ This particular bond between the human who has lost its relation to justice and non human animal life is all too apparent in Aristotle’s discussion of slavery, where the slave is understood as the human who is closer to the animals, as the human animal who has not developed that quality that marks it out as a more perfect animal:

When there is such a difference as that between soul and body, or between men and animals...the lower sort are by nature slaves, and it is better for

⁴ Aristotle. *Politics*. 446 [1253a].

⁵ Aristotle, *Politics*. 446 [1253a].

them as for all inferiors that they should be under the rule of a master... indeed the use made of slaves and of tame animals is not very different; for both with their bodies minister to the needs of life.⁶

It seems necessary here to emphasise the importance of the *soul* through Aristotle’s understanding of politics, an importance that is arguably illustrative of the political sphere in the classical tradition, and its peculiar relationship to animal life. It is within this tradition that discussions on the nature of the soul are necessarily wed to an understanding of how the political sphere is constructed. This lies behind so much of the reasoning within Plato’s *Republic*; for example, in so far as the alleged beauty of the political system Plato proposes is tied intimately to the sense of justice it offers in aligning the political sphere to the souls of its citizens⁷ (in this sense, justice is produced by a harmonisation of social relations with the souls of its constituents). Yet where Aristotle differs significantly from Plato is in his resolute understanding of the connection between the human soul and the animal soul. Indeed in his work entitled *On the Soul (De Anima)*, Aristotle explicitly draws a point of difference between his own work and that of previous thinkers, by accusing these philosophers of erroneously only concerning themselves with investigating the “human soul” rather than the souls of animals in the first instance.⁸ According to Aristotle, the soul is not an essence or spirit that is distinct from, and may survive the extinguishment of, the biological body. Instead, the soul is presented as the living presence of the biological organism: in Aristotle’s words, “the soul is the cause or source of the living body.”⁹ Aristotle states that there are three properties that may belong to a fully formed soul: thinking; perception; and generation/nutrition.¹⁰ It is the latter property that refers to the minimal condition of functioning for any biological organism, and acts as its baseline principle for living in its barest sense.

It is possible here to see the connection that is drawn between human and animal life, and the importance of the animal soul as a baseline for the human soul.

6 Aristotle. *Politics*. 448 [1254b]. Once again, we find the inescapability of the animal essence within the definition of the human essence: the slave is the human animal who has failed to demonstrate that he is human, and thus is at base a mere animal.

7 From *The Republic*: “when God fashioned you he added gold in the composition of those of you who are qualified to be Rulers...he put silver in the Auxiliaries, and iron and bronze in the farmers and other workers.” Plato. *The Republic*. London: Penguin, 2003: 116–7, [415a–b].

8 Aristotle. *On The Soul (de Anima)*. Robert M. Hutchins Ed. *The Works of Aristotle*. Vol. 1. Chicago: Encyclopaedia Britannica, 1952. 631–68. 631 [402b].

9 Aristotle. *On the Soul*. 645 [415b].

10 Aristotle. *On the Soul*. 645 [414b].

The human must be thought of firstly as an ensouled body: in Aristotle's words, "the soul plus the body constitutes the animal."¹¹ And thus the human is not the only organism owed a soul—rather the human is an animal with a soul which happens to also possess properties that may extend beyond the merely living animal. Although humans are granted a thinking faculty beyond other animals, the human is still at base an animal, and, as Aristotle's discussion of slaves demonstrates, some humans may never be accorded a "fully formed soul," and thus always may be condemned to be closer to the animal.¹² What Aristotle provides here, in other words, is a schema by which organisms are attributed political capacity and authority based upon a biologically prescribed status. Principles of inclusion, exclusion and partial inclusion into political community are determined through a biological schema of classification; this is, as we shall discuss below, a potential preliminary template for a biopolitics.

Agamben's Bare Life

Agamben's concept of "bare life" does not explicitly include animal life, although, as discussed below, it threatens to return human life to a point where it becomes *indistinct* from that of (non human) animals. Agamben's designation of bare life originates in Walter Benjamin's work "Critique of Violence,"

11 Aristotle. *On the Soul*. 643 [413a].

12 Foucault makes an important observation in *Discipline and Punish* that modern punishment affected a shift of focus from "the body to the soul" (see Michel Foucault. *Discipline and Punish: The Birth of the Prison*. London: Penguin Books, 1991). In this regard, it is interesting to note Judith Butler's response to Luce Irigaray in *Bodies That Matter* here, and its relevance to how a political technology of the soul might relate to forms of exclusion. Butler states:

Plato's scenography of intelligibility depends on the exclusion of women, slaves, children and animals, where slaves are characterized as those who do not speak his language, and who, not speaking his language, are considered diminished in their capacity for reason. This xenophobic exclusion operates through the production of racialised Others, and those whose "natures" are considered less rational by virtue of their appointed task in the process of laboring to reproduce the conditions of private life. This domain of the less than rational human bounds the figure of human reason, producing that "man" as one who is without childhood; is not a primate and so is relieved of the necessity of eating, defecating, living and dying; one who is not a slave, but always a property holder; one whose language remains originary and untranslatable.

See Judith Butler. *Bodies That Matter*. London and New York: Routledge, 2011. 21.

where the term used by Benjamin—*bloße Leben*¹³—signifies "bare life," "naked life," "uncovered life," or, as in the Edmund Jephcott translation of the piece, "mere life." For Benjamin, "mere life" is life that is the subject of "mythical" violence. This is violence which Benjamin suggests founds law, mirroring that of the gods of Greek mythology; a violence which does not merely punish (or maintain law), but at the moment at which it strikes, creates law itself.¹⁴ Benjamin states that all violence as a means is either lawmaking or law-preserving.¹⁵ *Lawmaking* violence refers to an extraordinary violence which is wielded without strict precedent, which subsequently ushers in new law: the violence of colonisation, including dispossession, murder and outright genocide, in so far as it inaugurates continuing domination, might serve as an example of this sort of violence. *Law-preserving* violence, on the other hand, is that force which the sovereign wields within the bounds of already existing law (for example, the routine prosecution of those convicted of breaches of regulations). For Benjamin, law is caught oscillating between these two exercises of violence as a means.¹⁶

Agamben's reworking of bare life is located at that space of movement between lawmaking and law-preserving violence. Agamben suggests that the bare or "sacred" life may be distinguished as that "life that may be killed but not sacrificed":

The most ancient recorded forms of capital punishment (the terrible *poena cullei*, in which the condemned man, with his head covered in wolf-skin, was put in a sack with serpents, a dog and a rooster, and then thrown into water, or defenestration from the Tarpean rock) are actually purification rites and not death penalties in the modern sense: the *neque fas est eum immolari* served precisely to distinguish the killing of *homo sacer* from ritual purifications, and decisively excluded *sacratio* from the religious sphere in the strict sense.¹⁷

That the law reserves the right to take life is something that has traditionally been associated with the prerogative of the sovereign, although in the

13 Walter Benjamin. "Critique of Violence." Walter Benjamin. *Selected Writings Volume 1, 1913–1926*. M. Bullock and M.W. Jennings Eds. Cambridge: The Belknap Press of Harvard University Press, 1996. 236–52.

14 Benjamin. "Critique of Violence." 248.

15 Benjamin. "Critique of Violence." 243.

16 Benjamin. "Critique of Violence." 251.

17 Benjamin. "Critique of Violence." 81.

contemporary context, as noted above in relation to Foucault's observations on modern sovereignty, this right may be exercised with differing tactics (e.g. mass war) and towards a different end (that is, life) than that exercised by the kings of old (indeed, as I shall discuss in Chapter 5, this right to kill can be privatised and disseminated when it comes to the life and death powers exercised by humans over animals). But what is distinctive for Agamben about sovereign power is the attempt to wrest life, both from the rule of law ("to kill without constituting homicide") and from the divine ("to kill without sacrifice"). Sovereignty, in the act of condemnation, may both *commit the act which it itself forbids* (thus the State reserves the right to "murder without apparent contradiction in law and exempt the condemned from any trace of the divine in his or her punishment"). If, as Benjamin states, the threat of a divine or "pure" violence (that is, a violence not exercised as means, rather as an expiatory force) is that it deposes sovereign power—"on the abolition of state power, a new historical epoch is founded"¹⁸—then earthly State making is bound in the exorcism of the threat of the divine from within the sphere of its violence. The bodies of the condemned are not presented up as an offering to the gods, but instead as boundary posts, marked by the violence of the law.

It is this power of the sovereign, to create a space where life is neither subject to law, nor to divine sacrifice, that Agamben links to Carl Schmitt's argument that sovereignty's definitive power lies in its ability to constitute *exception*.¹⁹ The moment where the sovereign decides upon the exception is the moment when the law is apparently suspended. The "state of emergency," declared in the moment of "crisis," is evoked in order for the sovereign to exercise a power which temporarily puts out of operation the laws and rights which are otherwise enforced. The martial law declared in Beijing in 1989, for example, which eventuated in the death of up to 4000 people, created the opportunity for a violence which did not clearly make the law, nor maintain law, but moved indeterminately between these two forms of violence (the military were both "maintaining order" and "taking extra-ordinary measures"). Yet whilst for Schmitt the essence of the power of exception is encapsulated in the decision the sovereign casts in the state of emergency—"an absolute decision created out of nothingness"²⁰—for Agamben the exception is treated as a "sphere" within which the exceptional decision may be made, and where the life that is captured within this sphere becomes the focus of exception. To refer

18 Benjamin. "Critique of Violence." 252.

19 Carl Schmitt. *Political Theology: Four Chapters on the Concept of Sovereignty*. Cambridge: The MIT Press, 1988.

20 Schmitt. *Political Theology*. 66.

once more to the example of the Beijing massacre, at 1.30am on June 4th government loudspeakers around Tiananmen Square broadcast a warning that the army "would no longer exercise restraint" and that the "personal safety of those who disregarded this warning 'could no longer be guaranteed.'"²¹

Agamben's notion of bare life is the synthesis of at least three theoretical reflections upon sovereignty; firstly, Benjamin's "bare life," which for Agamben, is the "bearer of the link between violence and law,"²² secondly, Schmitt's concept of exception; and finally Foucault's reflections upon the relation of sovereignty to bio-power.²³ Agamben's bare life is not only the subject of the violence of the law, but also specifically the life that occupies the space that is vulnerable to the exceptional violence of the sovereign. The power of the sovereign is founded upon the right to declare an exception with regard to life, and rule indeterminately over that life which is subject to this ban. It is this very focus of the sovereign upon the life that is held within the sphere of exception that also transforms the sphere of exception into a biopolitical space: Agamben comments, therefore, that "Western politics is a biopolitics from the very beginning."²⁴ If the distinctive power of the sovereign is to name the exception, and this power is founded upon life itself, then the political question, in so far politics remains articulated through the State, has never been able to escape from the constitution of life.

It is in this sense that Agamben can proclaim that today "it is not the city but rather the camp that is the fundamental biopolitical paradigm of the west."²⁵ The city, which stands as the symbol of the civil politic and the sign of the "covenant" through which citizens join together and invest their authority in the sovereign,²⁶ does not for Agamben represent the founding impulse of the modern State; rather this impulse is to be found in exception. If Western sovereignty is characterised by exception, then it cannot be founded fundamentally upon inclusion, rather an *inclusive exclusion*, the creation of a space within the realm of sovereign power which is nevertheless exempted from both law and rights: "Sovereign violence is in truth founded not on a pact but on the exclusive

21 Timothy Brook, *Quelling the People: The Military Suppression of the Beijing Democracy Movement*. New York: Oxford University Press, 1992. 135.

22 Agamben. *Homo Sacer*. 65.

23 Additionally, Hannah Arendt's reading of statelessness in *The Origins of Totalitarianism* is arguably formative for Agamben in arriving at a conceptualisation of exception as a space which is capable of capturing life. See particularly Arendt. *The Origins of Totalitarianism*. 267–302.

24 Agamben. *Homo Sacer*. 181.

25 Agamben. *Homo Sacer*. 181.

26 Thomas Hobbes. *Leviathan*. London: Everyman, 1994. 100.

inclusion of bare life in the state."²⁷ The camp, as the physical space where life is held within a zone of sovereign exception, is not regarded by Agamben as an historical "anomaly," but rather as the "hidden matrix and nomos of the political space in which we are still living."²⁸ The relation of the camp to sovereignty is one where the powers exercised routinely by the sovereign are present within the space of the camp in a refined and intensified form. If one considers, for example, the law of the camp, it is difficult to locate its governing rules, since within the space, as is infamously recorded in the history of concentration camps in the twentieth century, anything is painfully possible. The law appears as suspended, because the camp is a physical space of pure exception, where decisions over the life of its inmates may be made quickly, without reference to regular legal convention (courts, defence, evidence etc.) Yet this same space is legitimised by the sovereign as "within the law." The camp is also a space for the exercise of a concentrated biopolitics. Not only is this a space where nutrition, sleep, movement, sexuality and work may be ruthlessly surveyed, but the character of every decision is one that inevitably refers to the mere fact of living. (In the Nazi extermination camps, prisoners either joined the queue for the gas chamber or, if fit enough, joined the ranks of prisoners forced to assist in the exterminations). In this sense, the politics of the camp is purely of "life and death."

It is not difficult to see here the possibility for applying Foucault and Agamben to understanding the "animal industrial complex." As I shall discuss below, Agamben's formulations in particular allow us to theorise the factory farm as a zone of juridical exception. However, it is clear that in their construction of biopolitics, Foucault and Agamben are *not* interested in understanding violence towards animals. This is odd, since animality lies at the very centre of biopower. Certainly—in so far as Foucault identifies biopolitics with the "animalisation of man"—the relationship between humans and animals is fundamental to understanding biopolitics as a concept. This is highlighted in Agamben's more focused engagement with the "question of the animal" in his later work, *The Open*.

Agamben begins *The Open* with an inquiry into the separation between human and animal as posited within scripture on the divine. He turns to an image from a Hebrew Bible from the thirteenth century that depicts "the messianic banquet of the righteous on the last day."²⁹ The image is compelling, since the righteous are depicted "not with human faces, but with unmistakably

27 Agamben. *Homo Sacer*. 107.

28 Agamben. *Homo Sacer*. 166.

29 Agamben. *The Open*. 1.

animal heads."³⁰ For Agamben this is representative of a connection between the human and the animal within the auspice of the divine. This theme—that the human will eventually be "reconciled with his animal nature"—is pursued in a reading of a series of exchanges between Georges Bataille and Alexandre Kojève around the theorised "end of history," and the subsequent end of "man." In the late 1930s, Kojève's understanding of the "end of history"—a concept that finds its origins in the Hegelian link between time and negativity³¹—pointed to a meeting of the human and animal that mirrors the scene depicted by Agamben in the messianic banquet. Bataille objects to this, pointing to a distinct form of humanity which will survive even "the end of history." Perhaps as a result of Bataille's intervention, Kojève adjusts this position in his later writings, pointing to "snobbery" as a distinctive form of being that is used by humanity to transcend its human nature. What is crucial for Agamben, in this admittedly curious exchange, is that it reveals an instability in the category of human itself:

...in Kojève's reading of Hegel, man is not a biologically defined species, nor is he substance given once and for all; he is, rather, a field of dialectical tensions always already cut open by internal caesurae that every time separate—at least virtually—"anthropophorous" animality and the humanity which takes bodily form in it.³²

For Agamben this is more fundamental than the "dehumanisation" that occurs when a human is vilified as an animal. For Agamben the animal is found within the very core of humanity, and thus the human subject is only achieved through the continual rearticulation of a space beyond animal.

As discussed above, this movement is contained within the Aristotelean conception of "man as a political animal," a statement that propels us simultaneously both towards the grounding of the human in the animal, and towards the form of transcendence that gives definition to "humanity" itself. Accordingly, Agamben draws the reader's attention to Aristotle's conception of the soul, which divides the essence of all living beings into components parts, and identifies "nutritive life" as the core component fundamental to all organic life, human, animal or plant.³³ These divisions run through humanity, and as Agamben infers with his discussion of the *Mussetmann* (which I will outline

30 Agamben. *The Open*. 2.

31 G.W.F. Hegel. *Phenomenology of Spirit*. Oxford University Press: Oxford, 1977. 486–8.

32 Agamben. *The Open*. 12.

33 Agamben. *The Open*. 14; see also Aristotle. *On the Soul*. 416b.

further below) are encountered wherever life itself is accounted for, evaluated, decided upon. Perceptively, Agamben precisely accounts for the predicament that finds the human continually bleeding into the animal:

it is possible to oppose man to other living things, and at the same time to organise the complex—and not always edifying—economy of relations between men and animals, only because something like an animal life has been separated within man, only because his distance and proximity to the animal have been measured and recognised first of all in the closest and most intimate place.³⁴

We can track humanity's internal "caesura" through developments in the biological and evolutionary sciences, and successive attempts to locate the exact distinction between the human and the animal. For example, Agamben turns to Carolus Linneaus who, writing in the 1700s, can only chart marginal differences between the human and the ape and consequently assigns to human the genus "primate," a category shared with other animals. Agamben pertinently observes that even the categorisation *sapiens* (defined as "wise" or "possessing knowledge") that distinguishes the human from the "mere" ape is a "taxonomic anomaly, which assigns not a given, but rather an imperative as a specific difference."³⁵ Agamben finds resonances in the wolf-children (or "*enfants sauvages*") that would come to captivate popular sciences in this period, as well as in the "missing link," both figures that mark the immutable intersection of human and animal. Even language, which is frequently cited as that distinctly "human" capacity that distinguishes *Homo sapiens* from other animals, proves fragile, since as Agamben points out it is "a historical production which, as such, can be assigned neither to man nor to animal."³⁶

Here Agamben establishes what must be considered as a nodal allusion within his political work, which not only provides further depth to our understanding of the enigmatic figure *bare life*, but also provides a point of connection that leads from the soul of the animal to the heart of the (human) camp. Where in the past there was a movement in which the animal was humanised—in the figure of the "man-ape, the *enfant sauvage*...and above all the slave, the barbarian, and the barbarian"—the modern "anthropological machine" has sought to isolate the in-human from amidst the human: "the Jew, that is the non-man produced within the man, or the *néomort* and the overcomatose

34 Agamben. *The Open*. 16.

35 Agamben. *The Open*. 25.

36 Agamben. *The Open*. 36.

person, that is, the animal separated within the human body itself."³⁷ Both formations represent the same thing, and both signal bare life, since they possess within them the sphere of indistinction that, as suggested above, characterise the *homo sacer* that Agamben argues is the subject of politics. This intersection infers biopolitics, in so far as it seeks to locate the essential animality within the human subject: "the decisive political conflict, which governs every other conflict, is that between the animality and the humanity of man. That is to say, in its origin Western politics is also biopolitics."³⁸

Having argued for a fundamental connection between the animal and the human, within politics, science and the divine, Agamben turns attention to another dimension of the relation, which in turn reveals a distinction between the being in the world of the animal and that of the human. Zoologist Jakob von Uexküll describes an intimate relation between the animal and its environment or *Umwelt*, defined as the bare elements constituting the living sphere of any organism. Agamben draws our attention to Uexküll's observations on the life of the tick, which the zoologist uses as an exemplary case to demonstrate that the animal maintains a relationship to only a few specific elements of the environment (for example, the heat produced by the body of the mammal, the smell produced by butyric acid etc.). The tick lives out a short life cycle that comprises almost wholly an intimate relationship with these simple elements: "The tick *is* this relationship; she lives only in it and for it."³⁹

Agamben uses this environmental grounding of being to illustrate, via Martin Heidegger, the way in which animal life and humanity are constituted in their communion with the "concealedness" or "non-concealedness" of the world. Heidegger argues that an animal maintains a relationship of "captivation" with its discrete environmental elements or "disinhibitors." In this relationship of captivation, the animal cannot *apprehend or reveal being*—this potentiality is reserved in Heidegger's thought for the distinctly human *Dasein*—instead the animal is caught in a relation of both being openly drawn to elements in the world, yet simultaneously not exposed to the openness of being itself. In Agamben's words, "the ontological status of the animal environment... is *offen* (open) but not *offenbar* (disconcealed; lit., openable)."⁴⁰ Human activity is distinct in its capacity to open being itself, to find itself within a world without any specific or essential relation to the environment around it. In other words, where the animal opens itself to a world in which it can never

37 Agamben. *The Open*. 37.

38 Agamben. *The Open*. 80.

39 Agamben. *The Open*. 47.

40 Agamben. *The Open*. 55.

move beyond a captivation with its specific dishibitors or environmental elements, the human finds abundant potentiality in its own being that forces the opposite: a closure of being to this very potentiality for freedom.

There is an intersection between the relation of the human to its environment and the relation of the animal to its own environment in boredom. According to Heidegger, boredom reveals a human capacity for the depthless captivation with one's environment that is ascribed to the animal, through a detached, non-engaged connection to the world around us. Agamben's citation from Heidegger illustrates this well.⁴¹ A long wait for a train may lead us to check our watch, flip vacantly thorough magazines, draw figures in the sand and so on. We are not particularly engaged with these activities, in fact they reveal a disconnection with our environment, a refusal to become entangled. In these moments, while the human *Dasein* approaches the "open to a nondisconcealed" that characterises the Heideggerian animal, *Dasein* also radically differentiates itself from animal being at this point, precisely because it is revealed in its own capacity to unhinge itself from its environment through the experience of boredom. To quote Agamben, "*Dasein* is simply an animal that has learned to become bored; it has awakened from its captivation to its own captivation."⁴²

These sections of *The Open* are useful because although they appear to found a "real" distinction between the human and the animal, they do so while, almost simultaneously, closing this same gap finding the human once again in close proximity with the animal. For if boredom only reveals a human ability to decaptivate itself with its world, then the foundations of humanity must contain a continual oscillation between animal captivation, and a human capacity for distraction. Indeed Agamben asks, "in what sense does Heidegger's attempt to grasp the 'existing essence of man' escape the metaphysical primacy of *animalitas*?"⁴³ The failure to find any clear points of distinction between human and animal end in *indistinction*. Thus, *The Open* eventually poses the same fundamental issue that is raised in *Homo Sacer*, namely, the extent to which biopolitics—reconfigured by Agamben as the conflict between animality and humanity—has delimited, and ultimately defined, the horizon of human politics. This is where the Kojévian/Hegelian "end of history" becomes pertinent to the analysis: Agamben speculates whether humanity's quest to find the animal within the human subject ("genome, global economy, and humanitarian ideology are the three united faces of this process") can be

41 Agamben. *The Open*. 63–4.

42 Agamben. *The Open*. 70.

43 Agamben. *The Open*. 73.

considered humanity's last task.⁴⁴ According to Agamben this would be an alarming end for humanity:

To be sure, such a humanity, from Heidegger's perspective, no longer has the form of keeping itself open to the undisconcealed of the animal, but seeks rather to open and secure the not-open in every domain, and thus closes itself to its own openness, forgets its *humanitas*, and makes being its specific disinhibitor. The total humanization of the animal coincides with a total animalisation of man.⁴⁵

If Agamben were to end his account here, I would be concerned that his intention in *The Open* is simply to restore "dignity" to humanity: to fortify the gap between the human and animal, and live in eternal hope that the animal and the human will never again meet. This would align Agamben's thinking in some respects with humanistic accounts without seeking a more radical way to overturn the human/animal machine. It is thankful therefore that Agamben considers another alternative, although it must be said that on first reading the explication that concludes *The Open* appears to pursue a somewhat "mystical" trajectory. Drawing inspiration from two paintings by Titian, Agamben conjectures the existence of a space beyond both the figure of the human and the animal, in which neither openness or concealedness are constitutive of being. Within this state, being is not driven towards the revelation of being, there is only a "lost mystery" and a suspension of the desire to look further behind the facade of just being.⁴⁶ This same movement allows the human to reconfigure its relationship with the animal within itself. As Agamben observes, if humanity defines itself by its capacity to disconnect itself from its animal connection to its disinhibitors, then it should also possess the capacity to allow the animal to exist outside of the sphere of being, to "let the animal be."⁴⁷ To allow the animal to exist outside of being is precisely to remove it from the inquiry of human subjectivity, and thus call an end to the continued determination of life that characterises the conflict between human and animal.

However, Agamben's attempt to reconcile human and animal in *The Open* appears as a weak response to the caesura created by biopower. In part this is because Agamben is quite explicitly more concerned with the problem of how to prevent the "animalization of man" than a project to erase the hostility

44 Agamben. *The Open*. 77.

45 Agamben. *The Open*. 77.

46 Agamben. *The Open*. 87.

47 Agamben. *The Open*. 91.

between human and animal that gives rise to politics.⁴⁸ This is perhaps most clearly evidenced by the absence within Agamben's discussion of attention to systems of violence directed towards animals as a problem that is thrown up by the "anthropological machine." However, while Agamben does not attend to the "animal camp," we might offer a corrective of this perspective. In the next section I focus specifically on how Agamben's model might be usefully applied to understanding animal utilisation in the scene of the factory farm.

A Concentrated Biopolitics

While we might point to resemblances between examples of human violence towards other humans—such as in concentration camps—and draw parallels to human violence towards animals in industrialised slaughter and experimentation,⁴⁹

48 In this light, see both Matthew Calarco's discussion of Agamben, and also Kelly Oliver's discussion. See Calarco, *Zoographies*, 79–102; and Kelly Oliver, *Animal Lessons*, 229–44.

49 Charles Patterson's book, *Eternal Treblinka: Our Treatment of Animals and the Holocaust* specifically turns attention to the relation between human violence against humans and that against animals, through exploration of the historical links between the slaughterhouse and the extermination camp, and through the testimony of survivors and activists who have been made more aware of animal suffering through their experience of human suffering in the Holocaust (see Charles Patterson: *Eternal Treblinka: Our Treatment of Animals and the Holocaust*. Lantern Books: New York, 2002). Patterson provides an arresting account of the historical links between the forms of human violence practiced by Nazi Germany during the middle of the twentieth century and forms of torture and death developed in the animal slaughterhouse violence. Patterson's technique here is similar to Edmund Russell's very impressive *War and Nature* (see Edmund Russell, *War and Nature: Fighting Insects and Humans with Chemicals from World War I to Silent Spring*, Cambridge University Press: Cambridge, 2001) another work that uses detailed comparisons between the technologies developed to eradicate and control animals and those used for the same purposes against humans. Patterson draws on two important developments in the United States that facilitated the technology of Nazi genocide. Firstly, he suggests that it was the United States that made the most significant contribution to the development of methods of industrial slaughter used to "process" animal life. Patterson points, for example, to the construction of the Union Stock Yards in Chicago in 1865, a slaughterhouse facility with 2300 connected livestock pens, occupying over a square mile of land (Patterson, *Eternal Treblinka*, 57). Technologies that facilitated the movement of animal bodies, whether alive or dead, enabled an increased potential for the process of animal flesh. Rail connections, for example, would prove indispensable as a means to accelerate animal slaughter. Patterson notes further that the introduction of a conveyor belt in 1886 increased this capacity, with line speeds enhanced (71). Today, these developments have been improved upon to a startling degree, to the point where industrialised processes

there are of course limitations.⁵⁰ Indeed a focus on these comparisons not only reveals our poverty of language in describing the horrors that are imposed upon animals, but misses the fact that our use of animals contains specific modalities of violence that cannot be compared, in any way, to contemporary instances of violence towards humans. In the most direct sense, we breed animals on an industrial scale to be killed and eaten, something that cannot be compared to any contemporary forms of human violence towards other

have enabled slaughter on an almost incomprehensible scale. The numbers killed provide a sense of the scale of these operations.

Secondly, Patterson argues that the growth of the eugenics movement had its roots within the US, where some of the initial "successes" were first reported. Patterson observes that eugenics emerged at the point where the techniques of biological selection and intervention that were commonplace in the management of animal populations were turned towards the manipulation of human populations. The first steps forwards were taken by the United States, which endorsed enthusiastically the sterilisation of people convicted of crimes, people with mental illness and people with disability (87–9). Although by 1933 Germany had taken its own measures along eugenicist principles, Patterson wryly notes: "the Nazis had a good deal of catching up to do. When they embarked on their sterilization program in 1933, the United States already had sterilized more than 15,000 people, most of them while they were incarcerated in prisons or homes for the mentally ill" (92).

Patterson observes that eugenics and industrialised slaughter converge radically in the Nazi extermination camps. Within the camp human death and animal slaughter become indistinguishable. Patterson observes, for example, that the passage leading animals to their deaths is colloquially referred to as a "chute" or "kill alley" or "tube." Uncannily, the barbed wire enshrouded alleyway at Treblinka, through which starved human bodies were hurtled to their deaths, was also referred to as the "tube" (111).

50 These comparisons between violence towards animals and the Holocaust have of course been the subject of contention; see, for example, Roberta Kalechofsky, *Animal Suffering and the Holocaust: The Problem with Comparisons*. Marblehead: Micah Publications, 2003. My view is that we must understand the co-evolution of techniques of violence used by humans against humans and those used against animals. This involves understanding the way in which developments in means for killing and containing animals flow to the human sphere, and vice versa. However, describing human violence towards animals as a "holocaust," "genocide," "slavery" or "colonisation" not only risks emptying examples of mass human violence towards humans of their descriptorial specificity and characteristic memory, but simultaneously pretends that what we do to animals can actually be described using existing metaphors of human to human violence. In my view, we have an absolute poverty of language here in the terms we might use to describe this violence. My only attraction to "war" as a descriptor is its lack of inherent specificity over the means and opponents that might comprise war, and the capacity for the descriptor to evolve once we assume the intent of war remains the same (that is, as an intention to bend the will of the other into submission).

humans.⁵¹ A biopolitical perspective offers us a way to deepen our understanding of the links between the human camps and human industrialised breeding, containment and slaughter, but also explore the way in which what we do to animals exceeds and goes beyond human violence towards other humans.

Exception, and a sovereign power to declare exception, clearly operates with regard to our use of animals. Indeed, exception is an increasingly general principle for the organisation of vast sections of animal life across the planet as a whole. Animal life, even when not held in captivity and governed by specific regulations relating to the use of animals for food or research, is nevertheless contained by the powers of the sovereign. Oceans and rivers, forests and deserts, are not only physical territories held within the domain of sovereignty, but increasingly sites for the investment of resources and technologies towards the management of non human animal life. Vast socio-technical networks may be mobilised for such operations, which combine techno-scientific knowledge with capitalist markets to facilitate large scale reproduction, utilisation and death: Richard Twine's reframing of Noske's concept of "the animal industrial complex" seems entirely appropriate here.⁵² Yet such management does not operate through some uniformly applied principle relating to all biological life (e.g., all life has a "right to live"); rather, to spaces of exception where each respective bio-population is given consideration, value and a tailored strategy. The extension of law over particular aspects of non human animal life, which in some cases has arguably allowed particular populations of species to enjoy the protection of the law, has also enabled the extension of sovereign managerial powers over an increasingly large section of both human and non human life on the planet.

In the cases of factory farming, and animal experimentation, the lives of the animals involved in these industries are always caught in an exceptional space. We see this explicitly in the discriminatory exercise of law: anti-cruelty legislation has always provided an exception for animals used for science, and animals used for food.⁵³ Hence the apparent contradiction, that it is illegal to

51 Indeed, as I discuss in Chapter 4, value is realised through the slaughter process. This is something Jan Dutkiewicz has recognised: namely, that industrialised breeding containment and slaughter seeks to realise value through working on the body of the animal in order to maximise profit at death (and after). Thus, Dutkiewicz states: "The 'living death' of animal subjects is not a state akin to a concentration camp or colony, but one of constant biopolitical intervention aimed at the achievement of a specific type of body." See Jan Dutkiewicz, "Postmodernism, Politics, and Pigs," *PhaenEx*, 8.2, 2013, 296–307.

52 See Twine, "Revealing the 'Animal-Industrial Complex'—A Concept & Method for Critical Animal Studies?". See also Twine, *Animals as Biotechnology*.

53 See O'Sullivan, *Animals, Equality and Democracy*.

act violently towards a dog on a public street, yet, this same dog, within a laboratory, may be used in a variety of painful experiments without attracting legal attention. Further, in so far as it is licit to inflict violence upon a non human animal in particular situations (e.g. for research or for food), the test for animal cruelty, that non human animals are not to *unnecessarily* suffer, also contains within it an implicit exception, that non human animal suffering deemed necessary is acceptable by law.⁵⁴

The capacity of the law to deem suffering necessary in particular circumstances is not a power that is limited in scope to non human animals, but includes humans themselves, since this is the prerogative the sovereign exercises in the use of legitimised violence: the ability of the sovereign to make suffer, or "disallow to the point of death," is one that is inescapably part of the power to punish. The only discernible difference between the suffering imposed upon the human and that of the non human animal, is that humans, in so far as they have attributed to themselves freedom of will, are also liable to suffer the weight of "guilt" before the law, something non human animals are usually exempt from since they are, at least in the modern era,⁵⁵ always "innocent." If consideration over the innocence or guilt of non human animal life is left aside, then any obscurity around the nature of all animal life (human included) in the state of exception vanishes. For it may be observed that the control of life, the power to allow and disallow life, extends to all living beings within the space of exception: in this sense, Agamben's analysis of the relation of life to sovereign power may be extended to incorporate the life belonging to the non human.

The concept of bare life, which refers to life that is held within the grasp of the legitimised violence of the sovereign, is directly applicable to the life of the animal, particularly that life which is subject to a biological control which is directed towards power. Consider the following passage from Peter Singer's *Animal Liberation* on the life of calves raised for veal production:

54 Mike Radford, writing on the relation of animal welfare to law, states:

... the notion of unnecessary suffering means not only that the law contemplates there to be situations in which suffering can be regarded as necessary, and therefore lawful, but also treatment that might be regarded as unlawful in one context—on the basis that it causes unnecessary suffering—can be considered lawful in another because the court takes the view that suffering is necessary.

See Mike Radford, "Partial Protection: Animal Welfare and the Law," Robert Garner Ed. *Animal Rights: The Changing Debate*. Houndmills: Macmillan Press, 1996. 67–91. 69.

55 See Hampton L. Carson, "The Trial of Animals and Insects. A Little Known Chapter of Mediaeval Jurisprudence," *Proceedings of the American Philosophical Society*, 56.5, 1917. 410–15. See also George Ryley Scott, *A History of Torture*. Twickenham: Senate Press, 1995. 278.

Without any iron at all the calves would drop dead. With a normal intake their flesh will not fetch as much per pound. So a balance is struck which keeps the flesh pale and the calves or most of them on their feet long enough for them to reach their market weight.⁵⁶

The short life of the veal calf is one which is determined strictly within the coordinates of domination. Calculations made around nutritional and fluid intake, lighting levels, stall size and flooring are directed towards the maximisation of market profit from the production of the correctly coloured and textured flesh of the animal.⁵⁷ But the priority of the life of the veal calf, no matter how short or painful, is apparent in this process. The life of the calf, maintained in a bare, weak state, is monitored scrupulously to prevent a premature death; a death that threatens the profitability of that life for the livestock complex. Thus a "balance" is struck, where life is held at a point that borders upon death itself. We find the same relationship between life and death in the management of battery hens, where maximal profit is achieved through the imposition of the most minimal conditions for life: "on a sloping wire floor (sloping so the eggs roll down, wire so the dung drops through) the birds live for a year or 18 months while artificial lighting and temperature conditions combine with drugs in their food to squeeze the maximum number of eggs out of them."⁵⁸

Agamben suggests that bare life is not only a site of *indistinction* between lawmaking and law-preserving violence, but also the point where a number of other fundamental distinctions are blurred, including that between nature and society, and the animal and the human:

Accordingly, when Hobbes founds sovereignty by means of a reference to the state in which "man is a wolf to men," *homo hominis lupis*, in the word "wolf" (*lupus*) we ought to hear the echo of the *wargus* and the *caput lupinem* of the laws of Edward the Confessor: at issue is not simply *fera bestia* and natural life but rather a zone of indistinction between the human and the animal, a werewolf, a man who is transformed into a wolf and a wolf who is transformed into a man—in other words a bandit, a *homo sacer*... This threshold alone, which is neither simple natural life

56 Peter Singer. *Animal Liberation*. 132.

57 In this context, see Lewis Holloway, Carol Morris, Ben Gilna and David Gibbs. "Biopower, Genetics and Livestock Breeding: (Re)Constituting Animal Populations and Heterogeneous Biosocial Collectivities" *Transactions, Institute of British Geographers*. 34, 2009. 394–407.

58 Peter Singer. *Animal Liberation*. 16.

nor social life but rather bare life or sacred life, is the always present and always operative presupposition of sovereignty.⁵⁹

The Hobbesian sovereign delivers human life from the chaos of nature through the promise of a legitimised violence, in lieu of "natural" violence wielded by life in the state of nature: a war, "as is of every man against every man."⁶⁰ The investment of the civil populace in the sword of the sovereign is the divestment of nature into the sovereign power. But this is not a divestment that promises the extinguishment of violence, only the illegitimation of violence not wielded at the sovereign's blessing, and thus the internalisation of the "violence of nature" into the hands of the State. Consequently the life which is caught in the ban of the sovereign is not a life that is exempted from the law (and thus surrendered completely to nature), but life that is both held within and without the sovereign. The power of exception is a power to reduce the human to the animal, yet, in this same movement, animal life is not provided a freedom or redemption from law, rather a life caught between law and "nature." This life is "a threshold of indistinction and of passage between animal and man, *physis* and *nomos*, exclusion and inclusion: the life of the bandit is the life of the *loup garou*, the werewolf, who is precisely neither man nor beast, and who dwells paradoxically within both while belonging to neither."⁶¹

Further, it is upon consideration of the terrifying reality of the biopolitical regime in the camp that one can recognise clearly the insoluble resemblance between the bare life of humanity and that shared by the non human life caught in the sphere of the animal industrial complex. In *Remnants of Auschwitz*, Agamben discusses in detail the *Muselmänner* (or "Muslims"), the term given to the "walking dead" of the camps, who due to the infliction of continued violence—malnutrition, sleep deprivation, extended work, psychological trauma etc.—are reduced to a state of fragile indifference to their immediate conditions.⁶² The insensibility of the *Muselmänn* to the world, and his or her disjunction from the social interactions of the prisoners and guards around, is also the process by which the *Muselmänner* are apprehended as living beings who have in some way lost their humanity. Agamben states that the "*Muselmänn* is not

59 Agamben, *Homo Sacer*. 105–6.

60 Hobbes. *Leviathan*. 71.

61 Agamben. *Homo Sacer*. 105.

62 Giorgio Agamben. *Remnants of Auschwitz: The Witness and The Archive*. New York: Zone Books, 1999.

only or not so much a limit between life and death; rather, he marks the threshold between the human and the inhuman.⁶³ It is in this sense that one cannot fully understand the life held within the camp without understanding the possibilities for non human life, upon which human life itself is wrought:

The decisive activity of biopower in our time consists not of life or death, but rather of a mutable and virtually infinite survival. In every case, it is a matter of dividing animal life from organic life, the human from the inhuman, the witness from the *Muselmann*, conscious life from vegetative life maintained functional through resuscitation techniques, until a threshold is reached; an essentially mobile threshold that like the borders of geo-politics, moves along according to the progress of scientific and political technologies. Biopower's supreme ambition is to produce, in a human body, the absolute separation of the living being and the speaking being, *zoé* and *bios*, the inhuman and the human—survival.⁶⁴

In the extreme situation of the camp, the “gap” which is assumed to exist between the animal and the human—that between the living being and that between a speaking being, or that which merely has life (*zoé*) and that which also has a cultural or political life (*bios*)—soon eclipses. It is not surprising, then, that in such situations human life takes on the characteristic of that of livestock (people are transported “like cattle,” or humans are forced to “live like swine”). *Livestock* represent that which only possess life itself: beings for whom survival may entail a few short months spent in a cramped, dark, and painful factory feedlot. In these senses, the treatment of animals within intensive forms of utilisation—such as factory farming or experimentation—resembles the excesses of human violence towards other humans found in camps and detention centres. However, there are important differences, including, as I have mentioned above, the specific role of death with respects to the animal production system. Death is an event that achieves value within markets and in bodies consumed as food. As I argue in Chapter 4, death marks the point at which a specific use value for humans in the dead body is imposed upon the living animal. This reality forces us to more specifically understand the role of death within the biopolitical production of animals.

63 Agamben. *Remnants of Auschwitz*. 55.

64 Agamben. *Remnants of Auschwitz*. 155–6.

Necropolitics

While maintaining life is central to the animal industrial complex, death, orchestrated upon a massive scale, is simultaneously a central element. Biopolitics in this context cannot merely be considered as a beneficent power designed to “foster life,” but as a politics that seeks to produce both life and death, simultaneously. In an essay entitled “Necropolitics,” Mbembe⁶⁵ offers an extension of Foucault’s analysis, focusing on the powers of death that are a necessary aspect of biopolitical sovereignty. Like Foucault, Mbembe is drawn to the analogy of war, and the relationship between war and politics, by imagining “politics as a form of war” and defining political sovereignty as a project designed to “exercise control over mortality and to define life as the deployment and manifestation of power.”⁶⁶ It is from this power that Mbembe identifies *necropolitics*, the “subjugation of life to the power of death” that enables a reconfiguration of “relations among resistance, sacrifice, and terror.”⁶⁷

As I have already discussed, sovereignty, in so far as it concerns itself with life and death, emanates from and seeks to continue hostility to maintain its advantage. This view of political sovereignty would suggest that there is no complete civil political space that is in essence “peaceful.” There is only an enduring war, fought in multiple theatres. This war operates through interconnected spaces of exception; hotspots within a protracted and violent engagement of bodies. This war creates arbitrary forms of distinction, between winners and losers, creating rights to access and pleasure for the victors, and condemning opponents to enduring suffering and loss. Many enjoy a life of peaceful civility, indeed they may have the luxury of never hearing the canons of war; but these spaces of reprieve are quite literally bordered by zones of absolute terror.

Mbembe argues that frequently contemporary political philosophy seeks to define the political space in *opposition* to war and hostility. “Politics,” Mbembe states, “is defined as twofold: a project of autonomy and the achieving of agreement among a collectivity through communication and recognition. This, we are told, is what differentiates it from war.”⁶⁸ Mbembe distances himself from this tradition, arguing instead for a focus on:

65 Mbembe. “Necropolitics.”

66 Mbembe. “Necropolitics.” 12. Note the unmistakable resonance with Clausewitz’s identification of the object of war as “an act of violence to compel our opponent to fulfil our will.”

67 Mbembe. “Necropolitics.” 39.

68 Mbembe. “Necropolitics.” 13.

...those figures of sovereignty whose central project is not the struggle for autonomy but *the generalized instrumentalization of human existence and the material destruction of human bodies and populations*. Such figures of sovereignty are far from a piece of prodigious insanity or an expression of a rupture between the impulses and interests of the body and those of the mind. Indeed, they, like the death camps, are what constitute the *nomos* of the political space in which we still live. Furthermore, contemporary experiences of human destruction suggest that it is possible to develop a reading of politics, sovereignty, and the subject different from the one we inherited from the philosophical discourse of modernity. Instead of considering reason as the truth of the subject, we can look to other foundational categories that are less abstract and more tactile, such as life and death.⁶⁹

The history of oppression, terror and genocide in the twentieth century would obviously provide much material for this sort of analysis, which might include, as a core aspect of sovereignty, an understanding of "*the generalized instrumentalization of human existence and the material destruction of human bodies and populations*." Certainly, as we have seen, for Agamben the Nazi death camps provide the most telling example of the operation of biopolitical sovereignty, and the experience of exceptional power is tied to the refinement of the concentration/death camp as an apparatus during twentieth century Europe.⁷⁰ In contrast, Mbembe points out that this conceptualisation misses the relationship of slavery and the colony in enabling the development of the European camp, and refining the means by which humans may be kept on the threshold of life and death. Mbembe observes that the slave occupies a particular position in the labour process, where his or her life sits at the very intersection between life and death:

69 Mbembe. "Necropolitics." 14.

70 Indeed Agamben's discussion of the emergence of the concentration camp is tied closely by the philosopher to the development of the state of exception and "protective custody" by Prussian law. See Agamben, *Homo Sacer*. 166–70. Agamben states (at 167):

The camps are thus born, not out of ordinary law (even less, as one might have supposed, from a transformation and development of criminal law) but out of a state of exception and martial law. This is even clearer in the Nazi *Lager*, concerning whose origin and juridical regime we are well informed. It has been noted that the juridical basis for internment was not common law but *Schutzhaft* (literally, protective custody), a juridical institution of Prussian origin that the Nazi jurors sometimes classified as a preventative police measure insofar as it allowed individuals to be "taken into custody" independently of any criminal behavior, solely to avoid danger to the security of the state.

As an instrument of labor, the slave has a price. As a property, he or she has a value. His or her labor is needed and used. The slave is therefore kept alive but in a state of injury, in a phantomlike world of horrors and intense cruelty and profanity. The violent tenor of the slave's life is manifested through the overseer's disposition to behave in a cruel and intemperate manner and in the spectacle of pain inflicted on the slave's body. Violence, here, becomes an element in manners, like whipping or taking of the slave's life itself: an act of caprice and pure destruction aimed at instilling terror. Slave life, in many ways, is a form of death-in-life.⁷¹

Similarly, the colony provides a space for working out the characteristic racialised violence that was to strike Europe in the twentieth century. As such, colonisation, and the violence inherent in its exercise, acts as the test site for the European camp:

...in most instances, the selection of races, the prohibition of mixed marriages, forced sterilization, even the extermination of vanquished peoples are to find their first testing ground in the colonial world. Here we see the first syntheses between massacre and bureaucracy, that incarnation of Western rationality. Arendt develops the thesis that there is a link between national-socialism and traditional imperialism. According to her, the colonial conquest revealed a potential for violence previously unknown. What one witnesses in World War II is the extension to the "civilized" peoples of Europe of the methods previously reserved for the "savages."⁷²

For Mbembe, recognising the relationship of slavery and the colony to the construction of contemporary biopolitical sovereignty is fundamental to both properly understanding the genealogy of the European camp, and situating the continuing relationship of sovereignty to life and death, including through neo-colonial forms of violence which continue unabated, despite a European sensibility of continuing a newly found, peaceful civility: "all manifestations of war and hostility that had been marginalized by a European legal imaginary had a place to re-emerge in the colonies."⁷³ As such, Mbembe establishes a political order where norm and exception, war and peace, are set side by side, intertwined with each others' operations, but apparently worlds apart.

71 Mbembe. "Necropolitics." 22.

72 Mbembe. "Necropolitics." 23.

73 Mbembe. "Necropolitics." 25.

The applicability of Mbembe's analysis for thinking about the animal industrial complex may be clear. In the Introduction to this book I have asked how it is that it may be possible for humans to extinguish so much life on this planet, but not perceive this impact as a systemic form of mass orchestrated violence; that is, as a form of war. Mbembe demonstrates that the logic of biopower is to generate simultaneous and complex interlinked zones where life is fostered and simultaneously made to suffer and die, often through discrete and strategically located forms of containment which hide from view the operation of extreme forms of violence. The topography of this space defies easy imagination. Like the relationship of the West to those human communities which are still subject to forms of continuing sovereign, political, economic and cultural occupation, our relationship with animals allows us to believe fervently that there is no war, no difference of interest, despite ever-present forms of violence and oppression which produce and reproduce terror, suffering, and death.⁷⁴ This does not mean, however, that Mbembe recognises the importance of violence towards animals in constructing biopolitics or sovereign violence in the contemporary period. On the contrary, like both Foucault and Agamben, he only comes tantalisingly close. However, Mbembe provides the elements of such a critique in "Necropolitics," but drawing attention to the role of animalisation in providing the logic for structuring forms of violence:

That colonies might be ruled over in absolute lawlessness stems from the racial denial of any common bond between the conqueror and the native. In the eyes of the conqueror, *savage life* is just another form of *animal life*, a horrifying experience, something alien beyond imagination or comprehension. In fact, according to Arendt, what makes the savages different from other human beings is less the color of their skin than the fear that

⁷⁴ In relation to human poverty, even using a liberal Kantian/Rawlsian standpoint (without necessarily needing to resort to a more radical neo-Marxist perspective), it is difficult to deny the way in which this structural violence of the global economic system reproduces poverty. For example, Thomas Pogge has highlighted that these disparities are difficult to ignore; see Thomas W. Pogge, "Justice Across Borders: Brief for a Global Resources Dividend," Matthew Clayton and Andrew Williams Eds. *Social Justice*. Malden: Blackwell, 2004. 264–85. Addressing global poverty, Pogge observes that "The worse-off are not merely poor and often starving, but are being impoverished and starved under our shared institutional arrangements, which inescapably shape their lives" (268). Further, "The present circumstances of the global poor are significantly shaped by a dramatic period of conquest and colonization, with severe oppression, enslavement, even genocide, through which the native institutions and cultures of four continents were destroyed or severely traumatized" (270).

they behave like a part of nature, that they treat nature as their undisputed master.⁷⁵

But, Mbembe's critique is unfinished, and like the argument Mbembe puts forward in *On the Postcolony*—where he states in an unabashed fashion that "discourse on Africa is almost always deployed in the framework (or on the fringes) of a meta-text about the *animal*"⁷⁶—the opportunity for linking violence towards animals with the colonial experience, or with the experience of slavery, appears missed. Again, I do not argue here that slavery or colonisation represent the same form of violence that is waged against animals. However, techniques and logics are shared, despite different forms and modalities; histories are intertwined.

One clear way we might draw connections between the colonial project and violence against animals is through an understanding of the way in which sites of intense violence may be separated and contained from spaces of apparent undisturbed peaceability; and how it is that these two forms of radically distinct existence—war and peace—should sit side by side and thrive off each other without apparent contradiction. Examining the functioning of segregated *townships* and *homelands* under apartheid in South Africa, Mbembe observes that the regulations on movement (through migration) and property ownership created a way to demarcate between populations and allocate rights:

...the functioning of the homelands and townships entailed severe restrictions on production for the market by blacks in white areas, the terminating of land ownership by blacks except in reserved areas, the illegalization of black residence on white farms (except as servants in the employ of whites), the control of urban influx, and later, the denial of citizenship to Africans.⁷⁷

The effects of these controls, modulated through movement and citizenship rights, was to separate between populations, and actualise distinction between population groups that might otherwise be undifferentiated. White economies thrived and depended upon the subjugated labour of those who were excluded; however, the peaceful operation of white economies required the removal from sight of black townships and homelands.

⁷⁵ Mbembe. "Necropolitics." 24.

⁷⁶ Mbembe. *On the Postcolony*. 1.

⁷⁷ Mbembe. "Necropolitics." 26.

Consider the connection between the apartheid regime and the modern slaughterhouse, which is the meeting point for both massive extinguishment of animal life, and an exceptional zone for race and low wage work to collide, generating a series of violences that cut across both human and non human. The world's biggest slaughterhouse located in Tar Heel, United States, might count as an example of such a site of exceptionality:

With a population of 65 and an area of 147 acres, the entire town of Tar Heel is slightly smaller than the slaughterhouse complex; its population dwarfed by the number of slaughterhouse employees. The high wide boxes of the slaughterhouse stretch half a mile and sit directly across the street from the Smithfield medical and employment centres. Every day 38,000 pigs are trucked into these giant, whitewashed, windowless caskets, where they are killed, then cut into pieces—9 million a year. Bladen County is thinly settled; its entire human population is just 33,000. The quiet parking lots of the slaughterhouse complex are filled with battered, ageing American automobiles. When shifts change, their owners, a couple of thousand mostly brown and black faces, pour from the boxes—the knockers, stickers, shacklers, tub dumpers, knuckle droppers, caul pullers, fell cutters, rumpers, splitters, vat dippers, skinners, gutters and others who spend their days disassembling freshly killed pigs. Cars line the single exit from the slaughterhouse complex to Route 87, ferrying hundreds out, passing identical cars carrying hundreds more in.⁷⁸

War in this context, as I shall discuss in Chapter 5, requires extraordinary forms of containment, and the mass organisation of systems of resource supply and human transport to enable death upon a large scale. A zone of absolute exception is required; a small provincial town provides the perfect site for this (though it must be acknowledged that despite the dispersement of these centres as part and parcel of industrialised killing, urban slaughterhouses still exist; indeed local food movements—under the banner of “locavorism”⁷⁹—have progressively pushed for the re-urbanisation of slaughter, sometimes on welfare grounds⁸⁰). The massive technologies for killing are separated out,

78 Steven M. Wise. *An American Trilogy: Death, Slavery & Dominion on the Banks of the Cape Fear River*. Boston and New York: Da Capo Press, 2009. 3.

79 See Vasile Stanescu. “Green’ Eggs and Ham? The Myth of Sustainable Meat and the Danger of the Local.” *Journal for Critical Animal Studies*. 8.1/2, 2010.

80 See, for example, Erik Hoffner. “Heritage Foods’ Patrick Martins Wants to Put Slaughterhouses Back in the City [Q&A].” *Grist*. 17 June 2010. At: www.grist.org/article/patrickmartins-wants-to-put-slaughterhouses-back-in-the-city/.

and closed off from sight; all that is visible is the coming and going of resources and labour, livestock and dead meat, and even these movements seem to be barely perceptible. Within this zone of exception, the containment and topographical separation of the slaughter and process of bodies means that every stage of the process would appear hermetically sealed from view. Pachirat, in his investigation of industrialised slaughter, highlights this aspect of the production of meat, where human workers themselves are segregated within the production lines of killing and death, and the processing of bodies shifts between extreme compartmentalisations of light and dark, hot and cool, bloody and clean:

In the separation between life and death, the majority of slaughterhouse workers operate in the zone of death. Only a few see the cattle while they are alive or are in the process of being killed, an even smaller number are actively involved in the killing. Furthermore, the act of killing itself is divided into more stages, which are out of sight of each other.⁸¹

The compartmentalisation and containment of discrete micro zones of killing and bodily disassembly generates multiple discontinuities in time and space—before/after, upstairs/downstairs—that tightly controls the conduct of war operations through numerous fronts of activity:

What does the animal look like to the individual worker as it passes? The “sticker”...for example sees something radically different from what is seen by the “spinal cord removers”...and this is yet again completely distinct from what is seen by the “omasum and tripe washers and refiners”... There are 121 job functions, 121 perspectives, 121 experiences of industrialized killing.⁸²

We find again that Mbembe's characterisation of the operation of necropolitics provides a way to understand the topographical layering and compartmentalisation of this violence. Examining the Israeli occupation in Gaza and the West Bank, and drawing attention to the “politics of verticality” described by Eyal Weizmann, Mbembe observes the infrastructural dimensions of occupation, which separate out the movements of Israeli traffic from Palestinian through a “network of fast bypass roads, bridges, and tunnels that weave over

81 Pachirat. *Every Twelve Seconds*. 61.

82 Pachirat. *Every Twelve Seconds*. 47.

and under one another."⁸³ Thus two worlds can co-exist, separated by space and time:

Under conditions of vertical sovereignty and splintering colonial occupation, communities are separated across a y-axis. This leads to a proliferation of the sites of violence. The battlegrounds are not located solely at the surface of the earth. The underground as well as the airspace are transformed into conflict zones.⁸⁴

I shall return in Chapter 5 to consider the question of how containment might function in concert with privatised forms of sovereignty to enable a systemic control and violent domination of animals. However, we might note here, drawing on both Mbembe and Pachirat, that the conditions for war require a segmentation that creates a spatial and chronological imperceptibility. The war against animals is below and above us; it happens both too slowly and too quickly to be caught by our senses. The function of the war is to smooth paths for some humans, perhaps most humans, to be always separated by highways, above and below, from the hotspots of violence that hum all around yet are rendered imperceptible.

Beyond Biopower?

Foucault, Agamben and Mbembe appear to miss an opportunity to situate biopolitics within a broader field, recognising the way in which this form of power is founded upon the experience of violent domination of non human animal life. If one considers this aspect of the human/animal divide, it is apparent that the spiritual home of biopolitics is not the concentration camp, nor the colony, but in the technologies of domestication, regulation, control and killing that are the mainstays of our relationships with animals, including the slaughterhouse. Today it is within the latter facility that life is measured, contained and extinguished with a monstrous potentiality that defies belief; where the slaughter of billions occurs within spheres of exception that are incorporated within the very heart of the civil space. It is here in the slaughterhouse that the most troubling questions must be asked about the human capacity for the management of life, and the mammoth potential for a seeming infinity of daily torments and mass exterminations to occur. The challenge of contemporary

83 Mbembe. "Necropolitics." 28.

84 Mbembe. "Necropolitics." 29.

biopolitics is the challenge of a politics which persistently moves to strike from the political that which does not relate to life itself, a politics that is intrinsically tied to the operation of modern sovereignty. And the consequence of this politics which operates in an exemplary fashion in modern sovereignty is that humanity is returned to the animal. The erasure of that *gap* (the gap through which humanity posited the distance between itself and animal) finds humanity on level with the non human which it had previously condemned to the necessary suffering of the factory farm enclosure, of the slaughter *en masse*, or the vivisection's knife.⁸⁵

These observations should not be read as a demand for the reinstatement of the gap between human and non human animals, for the gap itself inevitably returns to the point of its erasure. The reason for this lies in exception, and the exercise of violence which is intrinsic to sovereignty. The right to constitute an exception, to exercise a violence which is otherwise forbidden, a process which Benjamin refers to as an objective contradiction in the legal situation, but not a logical contradiction in the law,⁸⁶ is also the decisive point where any gap that is posited between the human and the non human animal may be eroded. It is exception which makes it possible for a seemingly peaceful society of humans to exercise violence on a massive scale upon non human animal life. And the gap between the human and non human is constituted purely by exception in the belief that humans are deserving of something more than that of the animal, or alternatively, that the animal may be subject to that which human life should never be subjected. Yet in so far as human society actively constitutes the limit for bare life within factory farms and experimental laboratories, the life of the non human animal captured within this sphere of exception represents the limit possibility for human life. And this human life may, by the hand of the sovereign, be banished to this same sphere which non human life is condemned. The problem remains then, that as we attempt to reconstitute the space between humanity and the animal, it inevitably is returned to the animal once again, since the meeting of the human and the animal can only be postponed, and never indefinitely. This is perhaps why Emile Zola comments that the "fate of animals is of greater importance to me

85 Cary Wolfe's recent exploration of biopolitics and animality offers further consideration of the relation between human violence towards humans and human violence toward animals, towards a "biopolitics that cuts across species lines and knit together bodies of whatever kind." Leaning on Esposito, Wolfe observes that the process of biopolitical distinction allows "us to explain the differences between how the Nazis treated their pets, their meat, and their Holocaust victims." See Wolfe. *Before The Law*. 102.

86 Benjamin. "Critique of Violence." 240.

than the fear of appearing ridiculous: it is indissolubly connected with the fate of men."⁸⁷

The living population of the earth has inherited a vision of sovereign power, which has spread cancerously into even the most seemingly inaccessible aspects of everyday life. This vision commands all, claims legitimacy for all, and determines the conduct of living for all within its domain. Politics as we know it is caught inextricably in the web of sovereign power, in such a way that it seems that modern political debate cannot help but circulate around the same, routine issues: What is the appropriate legislative response? Is it within the State's powers to intervene in this particular conflict? How can we ensure the citizen's rights are maintained in the face of the State? To challenge such an encompassing and peremptory political discourse where every question implies the sovereign absolutely, and every decision made refers to life itself, would require the most intensive rethinking of the way in which territory, governance and economy are imagined. In this sense, whilst Agamben's analyses of bare life, and Foucault's theory of biopolitics, provide a means by which to assess the condition of non human life with respect to sovereign power, the political project must reach beyond these terms. In so far as biopolitics represents the conflict between human and animal—the war against animals—then perhaps what we are seeking here is a way to end this war.

87 Emile Zola quoted in Jon Wynne-Tyson Ed. *The Extended Circle: A Dictionary of Humane Thought*. Sussex: Centaur Press, 1985. 432.

Governmentality

...every form of production creates its own legal relations, forms of government, etc. The crudity and lack of comprehension consist in bringing things organically belonging together into a haphazard relation, into a mere reflex connection. The bourgeois economists only see that production is carried on better with modern police than, e.g., under the law of the cudgel. They only forget that the law of the cudgel too is law, and the right of the stronger still survives in a different form even in their "constitutional state."

KARL MARX. *A Contribution to the Critique of Political Economy*.¹

In Plato's *The Republic* there is an early, albeit crucial, moment, where a somewhat impetuous Thrasymachus challenges Socrates:

Socrates, have you a nurse?

Why do you ask such a question as that? I said. Wouldn't it be better to answer mine?

Because she lets you go about sniffing like a child whose nose wants wiping. She hasn't even taught you to know a shepherd when you see one, or his sheep either.

What makes you say that?

Why, you imagine that a herdsman studies the interests of his flocks or cattle, tending and fattening them up with some other end in view than his master's profit or his own; and so you don't see that, in politics, the genuine ruler regards his subjects exactly like sheep, and thinks of nothing else, night and day, but the good he can get out of them for himself. You are so far out in your notions of right and wrong, justice and injustice, as to not know that 'right' actually means what is good for someone else, and to be 'just' means serving the interest of the stronger who rule, at the cost of the subject who obeys; whereas injustice is just the reverse, asserting its authority over those innocents who are called just, so that they minister solely towards their master's advantage and happiness, and not in the least degree to their own²

1 Karl Marx. *Preface and Introduction to A Contribution to the Critique of Political Economy*. Peking: Foreign Language Press, 1976. 14–15.

2 Plato. *Republic*. 1343. 25. Compare to Paul Veyne, quoted by Nikolas Rose, on the way in which utilisation of gladiators for enjoyment might be compared to the utilisation of sheep:

The section is intriguing for a number of reasons. One of these at least is the gendered nature of Thrasymachus' attack on Socrates. Criticism requires a degree of impudence; a disrespect for the authority of an established argument. In this case Thrasymachus' impudence is expressed through an "emasculatation," where a snotty nose and the apparently ever waiting hand of a woman, serves as a prop to undermine the great Socrates. Thrasymachus' act of insolence is to say that Socrates is a child, and that he is in the care of a woman. The insult is sharpened by the suggestion that it is the neglect of this woman who cares for him that leads to Socrates' own self deception. *She* both prevents the child from seeing the truth of the situation, and simultaneously neglects the child, or in this case the child's nose: "like a child whose nose wants wiping." Thrasymachus' attempted "emasculatation" of Socrates must be contrasted with Thrasymachus' eventual capitulation to the master later in *The Republic*. It may be recalled that the ensuing dialogue closes with another emasculation towards the end of *The Republic*: this time Socrates outwits Thrasymachus, causing him to blush:

Thrasymachus' assent was dragged out of him with a reluctance of which my account gives no idea. He was sweating at every pore, for the weather was hot; and I saw then what I had never seen before—Thrasymachus blushing.³

On one angle the blush should provoke critical attention, as it is yet another site of claimed human differentiation from non human animals, since it is assumed that shame is a distinctly human attribute.⁴ Shame in this case is experienced as a form of emasculation, where woman is positioned in relation

Our politics is limited to keeping the flock together as it moves along its historical trajectory; for the rest, we are well aware that animals are animals. We try not to abandon too many hungry ones along the way, for that would reduce the population of the flock; we feed them if we have to...We are no more concerned about denying gladiators' blood to the Roman people than a herder of sheep or cattle would be concerned about watching over his animals' mating behavior in order to prevent incestuous unions. We are intransigent on just one point, which is not the animals' morality but their energy: we do not want the flock to weaken, for that would be its loss and ours.

Paul Veyne, quoted in Nikolas Rose. *Powers of Freedom: Reframing Political Thought*. Port Chester: Cambridge University Press, 1999, 40.

³ Plato. *Republic*. 33. 1350.

⁴ See John Heath. *The Talking Greeks: Speech, Animals, and the Other in Homer, Aeschylus, and Plato*. Cambridge: Cambridge University Press, 2005, 296–8. See also Agamben. *Remnants from Auschwitz*. 103.

to man not as a source of truth itself (as "nature")⁵ but as neglectfully (or perhaps stupidly) veiling a source of truth that should be apparent. On another axis, there is a sense in which the play between Thrasymachus and Socrates is essentially one of domestication: that is, of seeking a form of domination which attempts to fold the other into one's own life world without recognition of a difference of interest. This is perhaps evidenced by the statement Socrates advances later in *The Republic*: "Don't try to make a quarrel between Thrasymachus and me, when we have just become friends—not that we were enemies before."⁶ This is clearly "companionship" on Socrates terms: that is, through the experience of having Thrasymachus capitulate to his view.

In this chapter, I focus on the question of how we might conceptualise the development of human domination over animals, and the relationship of these techniques of control to human sovereign violence over other humans. The exploration in this chapter takes Foucault's discussion of the genealogy of governmentality, and in particular pastoral power, as its frame, pointing to the failure in Foucault's account to "take stock" of animal domestication and its relationship to the development of government as a means to organise biopolitical violence. As such, in this chapter I seek to extend my intuition which was presented in chapter 1, that suggested a similarity and intertwining of histories of human violence towards humans and human violence towards animals, but, despite this *interdependence*, recognises a need to simultaneously track *independent* histories in understanding these regimes of violence. I do this by framing pastoral power. Like Thrasymachus, our central question here is whether the shepherd can indeed be thought of as "good," and how challenging the purported beneficence of the pastor in turn offers us a way to imagine a reconstruction of the narrative for the genealogy of governmentality.

Governmental Warfare

The organisation of industrialised slaughter and animal utilisation requires the precise management of control apparatuses at different levels of scale, which attribute and delegate responsibility across different actors: States and legitimised authorities, large scale multinational private companies, individual

⁵ Irigaray states: "... since there is also no way of ignoring it/her, then she/it will be extrapolated into the infinity of the Idea. Not that the Idea is visible or representable either but it conjures up a blindness over origin." Luce Irigaray. *Speculum of the Other Woman*. Ithaca: Cornell University Press, 1985, 294.

⁶ Plato. *Republic*. 207. 1498.

contractors including farmers and workers who may or may not claim property rights over animals, and animal populations themselves who are resistive agents situated within a topography that precisely dictates movement, nutrition, reproduction and death. Industrial breeding, containment and slaughter provide a useful example for how it is that different delegations of power might operate within a precisely organised framework. Consider the increasing shift towards “vertical integration” in industrialised factory farming of animals.⁷ Production is carefully segmented to control every aspect of the “supply chain” from life to death. An emerging feature is the control exerted by meat packing companies, who take responsibility for slaughter, production of meat and distribution, relocating this element of the supply chain away from the lived lives of the animals destined for slaughter, yet simultaneously exerting controls through contractual arrangements on how animals are kept and fed:

The diversified, independent, family-owned farms of 40 years ago that produced a variety of crops and a few animals are disappearing as an economic entity, replaced by much larger, and often highly leveraged, farm factories. The animals that many of these farms produce are owned by the meat packing companies from the time they are born or hatched right through their arrival at the processing plant and from there to market. The packaged food products are marketed far from the farm itself.⁸

These trends have been accompanied by significant changes in the role of the farmer. More and more animal farmers have contracts with “vertically integrated” meat packing companies to provide housing and facilities to raise the animals from infancy to the time they go to the slaughterhouse. The grower does not own the animals and frequently does not grow the crops to feed them. The integrator (company) controls all phases of production, including what and when the animals are fed.⁹

Unpicking how domination works within this complex field of action involves understanding how techniques might be organised, including through

7 See Noske. *Beyond Boundaries*. 23–7.

8 Pew Commission. *Putting Meat on the Table: Industrial Farm Animal Production*, Report of Pew Commission on Industrial Farm Animal Production. 2008. 5.

9 Pew Commission. *Putting Meat on the Table*. 5–6. The Pew Commission goes on:

Under the modern-day contracts between integrators and growers, the latter are usually responsible for disposition of the animal waste and the carcasses of animals that die before shipment to the processor. The costs of pollution and waste management are also the grower's responsibility. Rules governing waste handling and disposal methods are defined by federal and state agencies.

autonomous systems that do not rely on a centralised control apparatus. War, in this case, operates through diffused systems of government that sequence and scale technologies of violence and control to achieve a comprehensive life and death management of non human animals, securing maximal human utility. The organisation of complexity, where the right to dominate is claimed as a tool, is essentially a matter of governance. Sovereignty, as I shall discuss, describes a particular radical right or prerogative which has the capacity to establish relations of domination which are *a priori* non contestable. That is, sovereignty is marked by its capacity for a “stupidity” in putting itself beyond all questioning. Government—that is, the question of what rationality or rationalities guides and informs a grid of interconnected sites of action—is a way of describing how this prerogative is put into practice.

As discussed in Chapter 1, the war against animals must be understood as distinctly biopolitical: that is, our relationship to animals is characterised by a balance struck between life and death, where the minute and organised management of the life of populations is key to understanding the dynamic of this relation. Foucault's understanding of “governmentality” offers a path by which to further refine this understanding of the way in which war, biopolitics and animal domination inter-relate.¹⁰ For Foucault, governmental rationalities mark a significant shift in the operations of State power, one that by necessity forces a move away from the maintenance of territory (as the mere physical possession of the sovereign) to biopolitical intervention at the level of population, as an end in itself. In contrast to a view that sovereignty is concerned merely with the maintenance of its own means of power, government has as its purpose not the act of government itself, but the welfare of the population, the improvement of its condition, the increase of its wealth, longevity, health and broad “wellbeing.” It is the population itself on which government will act directly through large scale campaigns, or indirectly through techniques that will make possible the stimulation of birth rates, the harnessing or creative energies, the directing of the flow of population into certain regions or activities. The population now represents more the end of government than the power of the sovereign.¹¹ Whilst the core foundations of

10 Referring to war in a conventional sense (that is, as conflict between sovereign nations) Nikolas Rose and Peter Miller state that war “is itself dependent upon certain practices of government.” See Nikolas Rose and Peter Miller. “Political Power beyond the State: Problematics of Government.” *The British Journal of Sociology*. 43.2, 1992. 173–205. 178.

11 Michel Foucault. “Governmentality.” *The Foucault Effect: Studies in Governmentality, with Two Lectures and an Interview with Michel Foucault*. Graham Burchell, Colin Gordon and Peter Miller Eds, London: Harvester Wheatsheaf, 1991. 87–104. 100.

sovereign power remain intact, governmental discourses point sovereign energies towards a broad management of life within its domain. Thus Foucault arrives at a "trinity" of relations that organise contemporary power and security: "sovereignty—discipline—government."¹²

The shift from sovereignty to government also represents a shift in strategy. Sovereign power, following the Hobbesian model, was distinctly mechanical in its operations. The sovereign was perceived as deploying force in a directional manner to achieve particular effects which reinforced its own power. The sovereign used the sword bluntly to pursue and punish treason within the sovereign domain. Military forces literally "pushed back" invaders, and power was distributed through "chains" linking sovereign and delegate. Territory was captured through periodic bouts of violence which won resources and new domains of power. Governance, on the other hand, involves a strategy which Foucault suggests is "economic" in nature:¹³ rather than exerting force through spectacular bouts of violence which aim to inscribe and win power, government is a rationality of management that seeks, by discreet interventions, to order the behaviour of populations in a relational field. Governmentality thus represents what has been described as "the conduct of conduct."¹⁴ Foucault, for example, offers the metaphor of a ship to describe the way in which a governmental rationality might operate:

What does it mean to govern a ship? It means to take charge of the sailors, but also of the boat and its cargo; to take care of the ship means also to reckon with winds, rocks and storms; and it consists in that activity of establishing a relation between sailors who are to be taken care of and the ship which is to be taken care of, and the cargo which is to be brought to port, and all those eventualities like winds, rocks, storms and so on; this is what characterises the government of a ship.¹⁵

¹² Foucault. "Governmentality," 102.

¹³ Foucault, "Governmentality," 92–3. See also Colin Gordon, "Governmental Rationality: An Introduction." Graham Burchell, Colin Gordon and Peter Miller Eds. *The Foucault Effect: Studies in Governmentality with Two Lectures by and an Interview with Michel Foucault*. London: Harvester Wheatsheaf, London, 1991. 1–51. 11–12.

¹⁴ See Gordon. "Governmental Rationality: An Introduction." See also Mitchell Dean. *Governmentality: Power and Rule in Modern Society*. London: Sage Publications, 1999. 10–16.

¹⁵ Foucault. "Governmentality," 93–4. Note that Foucault's choice of the ship as a metaphor is interesting here, as it also correlates with a model of power described briefly in *The Republic*: "and the ship's captain, again, considered strictly as no mere sailor, but in command of the crew, will study and enjoy the interests of his subordinates, not his own." Plato. *Republic*. 24, 1343.

The fact that one owns a ship is secondary to the business of its governance: "property and territory are merely one of its variables."¹⁶ As Nikolas Rose summarises: "to rule properly, it is necessary to rule in light of a knowledge of the particular and specific characteristics that are taken to be imminent to that over which rule is to be exercised: the characteristics of a land with its peculiar geography, fertility, climate; of a population with its rates of birth, illness, death; of a society with its classes, interests, conflicts; of an economy with its laws of circulation, of supply and demand; of individuals with their passions, interests and propensities to good and evil."¹⁷ In this sense, Foucault will suggest that governmentality has a distinctly "pastoral" element, something we shall discuss in detail further below. Government attempts to organise a flock, and has a scope that is scalable down to individual elements within a multicentricity. As such, territory is not an end in itself. Government is a responsibility to ensure the smooth cohabitation of a range of diverse and autonomous agents, and not the maintenance of territory for its own benefit.

Governmental rationalities correlate with Foucault's other work on biopolitical and disciplinary power, particularly with regard to the way in which one comes to manage the *self*. Foucault argues that the focus of disciplinary power is the "soul" of the individual.¹⁸ The disciplines aim at correcting behaviour through the provision of the normalising tools by which one may govern the self. The compulsion to govern oneself, to manage the self for the benefit of the soul, leads to the requirement that one "bares one's soul." The self is opened for interrogation by rationalised expertise. Thus, as Foucault argues in *The History of Sexuality*, the modern individual "confesses" to the other, and opens to discourse an increasing number of aspects of the self.¹⁹ Discourse creates the conditions by which the decisions one makes about one's life, one's inclinations and peculiarities, and one's physical and genetic make-up, become subject to a normalisation which pressures the individual to vigilantly monitor the self, and strictly control behaviour, expression, appearance and deportment. The self becomes split: an assembly of a diverse set of elements which must be brought together with coherence in order to present the self. Governance then, may be understood as the means by which we correlate the self as a bundle of desires, dispositions, physical characteristics, intelligences etc.: the self as an

¹⁶ Foucault. "Governmentality," 94.

¹⁷ Rose. *Powers of Freedom*. 7.

¹⁸ Foucault. *Discipline and Punish*. 19.

¹⁹ Foucault. *The Will to Knowledge: The History of Sexuality*: 1. 53–73. In this regard see Chloë Taylor. *The Culture of Confession, from Augustine to Foucault: A Genealogy of the 'Confessing Animal'*. New York: Routledge, 2009.

entity which is to be managed constantly, as an economy of factors within which discreet interventions may be made.²⁰

The seemingly endless discourses available on “fat” and weight control are an example of such governmental models translated to the individual. Those identified with weight “problems” are assessed over their individual physical characteristics, their genetic and hereditary dispositions, their desires and their inclinations and abilities with regard to physical activity; this information is used to develop strategies based upon available food and medication regimes, forms of body drilling, exercise and motivational training to propel the body into modalities of action aimed at managing and curtailing weight gain.²¹ Individuals learn to scrupulously monitor movement, appearance, mass, diet, an eternal self-discipline that is reinforced by a surveillance society ready to reinforce a normalised body image. Governance extends the disciplinary model of power by presenting the body as a complex mix of fixed characteristics, passions and desires, dispositions and inclinations, which must be managed by planning, strategic deployment, drilling, and ongoing strategy, towards the achievement of normalised outcomes. These intricate modes of power, which entangle individual bodies, mesh with a broader objective to manage populations. The minute organisation of conduct at an individual level has a broader capacity to complement strategies for organisation of larger multiplicities at the population level. Inculcating dietary and training regimes amongst individuals for example, is perceived to serve a broader function of reducing the health costs and mortality rate of populations as a result of “obesity.” Organisation of the conduct of the individual thus integrates with the organisation of the conduct of the flock.

Governmentality is not, in the Foucauldian model, restricted to the operations of the governmentality of the State. Indeed, Foucault remarks that the

²⁰ Thus Mitchell Dean argues that:

...if the self is conceived of as a spiralling ribbon which folds over and over itself defining a space of interior being without essential substance, then in contemporary political culture, the self is composed of the different cloths, weaves, colours, and patterns of the various programs of government, techniques of self, and the work of the human sciences. See Mitchell Dean. *Critical and Effective Histories: Foucault's Methods and Historical Sociology*. London and New York: Routledge, 1994. 21. See also Michael Clifford. *Political Genealogy after Foucault: Savage Identities*. New York and London: Routledge, 2001. 65.

²¹ Samantha Murray states: “The ‘fat’ body is maddening: it will not fit, and yet the disciplining imperatives of pathological discourses constantly reign the ‘fat’ body in, and scrutinise its being-in-the-world.” See Samantha Murray. *The ‘Fat’ Female Body*. New York: Palgrave Macmillan, 2008.

“state is only an episode in government.”²² Governmentality is a “rationality.”²³ It comes to instruct ways of dealing with entities ranging in size from the State (and we can infer in the contemporary context, the “international governance” and the “global economy”), to the household, to the individual (the soul).²⁴ Thus whilst governmental models of power are characteristic of a particular trajectory of State power, they are not limited to this sphere. Other organisations take up principles of governance as a means to manage the interactions of the actors within their particular domains of influence. For example, local organs of government such as councils become concerned about managing the behaviour of residents and visitors within their municipalities. Councils may launch crime prevention strategies, which attempt to supplement the coercive activities of the police force, by providing safe houses within a community, or lighting in dark parks, or consulting with different communities within the municipality, or utilising electronic surveillance in public spaces, or funding youth centres. In this example, the pursuit of crime, which was always a responsibility of sovereign power, also becomes a “community problem” under governmental rationality, one which a diverse range of groups, from councils to churches, schools to parent groups, youth workers to senior citizens associations, become involved in the management of.²⁵

²² Foucault. *Security, Territory, Population*. 248. Foucault goes on: “What we would have to show would be how, from the sixteenth century, a civil society, or rather, quite simply a governmentalized society organized something both fragile and obsessive that is called the state. But the state is only an episode in government, and it is not government that is an instrument of the state. Or at any rate, the state is an episode in governmentality.”

²³ Foucault. “Governmentality.” 89. See also Gordon. “Governmental Rationality: An Introduction.”

²⁴ Foucault. “Governmentality.” 90.

²⁵ Similar strategies are discussed by Pat O’Malley with regard to the governance of indigenous communities. See Pat O’Malley. “Indigenous Governance.” Mitchell Dean and Barry Hindess Eds. *Governing Australia: Studies in Contemporary Rationalities of Government*. Cambridge: Cambridge University Press, 1988. 156–72. O’Malley also explicitly discusses “community crime prevention” strategies (see 158–9). O’Malley describes a particular intervention which commenced in 1990, when the Department of Community Services in Western Australia approached representatives from the Ngaanyatjarra people to negotiate a cooperative strategy to address petrol sniffing within the Ngaanyatjarra community (163–4). This intervention supplements existing State powers to pursue petrol sniffers through the criminal justice system, and represents a shift from—a more traditional—tactic of the deployment of sovereign force, to an attempt to “manage” the behaviour of communities through the deployment of diverse agencies.

Of relevance to my discussion in this book, it is important to note that rationalities of government can organise violence.²⁶ Mitchell Dean argues that government may take on modes that do not, at least outwardly, resemble those of liberal democratic States, suggesting that such regimes may be described as examples of "Authoritarian Governmentality."²⁷ Within liberal States, Dean argues, there are frequent justifications for the exercise of authoritarian forms of rule. Liberalism relies upon a presupposition of free agents who both allow themselves to be governed and provide legitimation for the "training" of subjects who are "suitable" for governance. Liberal discourses often emphasise the need to cultivate the appropriate knowledges within the citizenry, in order that civil subjects may then be able to participate within the formal political process. Thus there is an endorsement for disciplinary pedagogical networks (schools, education campaigns etc.) that are deployed for the benefit of particular populations that "are yet to attain the maturity required of the liberal subject."²⁸ It is this same logic that may also provide authorisation for the systemic exclusion of those groups deemed unsuitable participants within the civil political space. Justification is found for the use of authoritarian measures

26 Aside from Mitchell Dean's discussion of authoritarian governmentalities (discussed below) see also Judith Butler. *Precarious Life: The Powers of Mourning and Violence*. London: Verso, 2004. Butler argues that governmentality provides a point of disruption to the regular juridical order through which a "rogue" sovereignty can emerge (56), "one with no structures of accountability built in" (66). Butler states that "the suspension of the rule of law allows for the convergence of governmentality and sovereignty; sovereignty is exercised in the act of suspension, but also in the self allocation of legal prerogative: governmentality denotes an operation of administration power that is extra-legal, even as it can and does return to law as a field of tactical operations" (55). Butler's perspective is useful in so far as it provides a way to link governmentality to examples of sovereign violence like torture and camps. But the concept of a "legitimate" versus "illegitimate sovereignty" is at odds with the analysis I present here: namely, because examples of torture and camps (and slaughterhouses) must be regarded as inherent components of biopolitical sovereignty that authorises itself and not deviations from "legitimate" rule. In the context of human domination of animals, this sovereignty is always assumed to be "legitimate." For a discussion of Butler's work on precarity and its possible usefulness for considering animals, see Taylor. "The Precarious Lives of Animals: Butler, Coetzee, and Animal Ethics"; James Stanesco. "Species Trouble: Judith Butler, Mourning, and the Precarious Lives of Animals." *Hypatia*. 27, 2012. 567–82; and on vulnerability, see Anat Pick. *Creaturely Poetics: Animality and Vulnerability in Literature and Film*. New York: Columbia University Press, 2011.

27 See Dean. *Governmentality*. 131–48.

28 Dean. *Governmentality*. 133.

against those populations determined as consisting of "poorly developed" political subjects.

In a post-colonial context, pertinent examples of the use of authoritarian—indeed genocidal—forms of governmentality can be found in the systematic acts of violence, domination and annihilation utilised against indigenous peoples. As Fiona Nicoll observes, in the context of white invasion of Australia, this history emphasises the warlike capacity of governmental strategy:

Following waves of dispossession throughout the continent that saw Aborigines removed and land subdivided and sold to settlers, the colonial authorities were faced with the problem of a dispossessed Indigenous population. 'Settlements' were established to which Aborigines and Torres Strait Islanders were confined. Enforced regimes of labour, prohibitions on particular forms of sociality, such as drinking, and a system of passports which restricted movement from one settlement to another, were elements of this 'carceral regime' well into the twentieth century. The important point here is that *terra nullius* authorised a particularly governmental form of warfare.²⁹

Thus, even violent forms of biopolitical intervention, such as acts of dispossession or genocide, may be inherent within the sphere of liberal governance: "while the bio-political imperative does not account for all that bedevils liberal-democratic states, it is remarkable how much of what is done of an illiberal character is done with the best of biopolitical intentions."³⁰ This view of governmentality aligns with Mbembe's conceptualisation, as discussed in Chapter 1, of necropolitical spheres sitting side by side with spheres devoted to fostering lives. Life and death are mapped topographically; they are delineated and separated, but feed off each other.

The violent governmentality of human populations provides an opportunity to understand how governmentality might be applied to non human populations. As discussed, the organisation of large scale modes of domination of non human life, such as those found in industrialised animal farming processes, necessarily involves precise modes of governmental organisation which organise diverse elements within a totalising system. Methodologically, however, I do not seek here to simply suggest that authoritarian modes of governmentality over human populations might aptly describe our relations with

29 Fiona Nicoll. *From Diggers to Drag Queens: Configurations of Australian Identity*. Annandale: Pluto Press, 2001. 163–4.

30 Dean. *Governmentality*. 132.

non human animals. On the contrary, my task here is to conceptualise how it is that our treatment of animals may have informed the rationality for our treatment of humans: how it is that a governmentality of non human life might have been transferred systematically as a rationality of organisation to govern human populations.

Pastoral Power

Foucault draws a distinction between governmentality and sovereignty, two concepts that I believe are more difficult to disentangle. The distinction for Foucault is at least in part temporal. The genealogical trail Foucault identifies at some length in the 1977–78 lectures has its starting point in the pastorate; that is, in the modelling of a relationship of control, foremost within the tradition of the Christian church, upon the metaphorical relationship between a shepherd and livestock. Pastoral power is understood to precede governmentality, with the art of government developing out of a combination of concerns—security and population being key drivers—that shift the register for the exercise of sovereignty: pastoral power is, as Foucault notes, a “prelude to governmentality.”³¹

The pastorate is seen as a distinct form of power, with its own identifiable characteristics. Firstly the pastorate is concerned with a population and its change: “the shepherd’s power is not exercised over a territory but, by definition, over a flock, and more exactly, over the flock in its movement from one place to another.”³² Thus the focus of pastoral power shifts from inanimate property (territory) to animate property (the animal, the slave, the body), with all the vicissitudes of this flock becoming an object of knowledge for the shepherd. Secondly, Foucault argues that pastoral power is seen as a power to “do good,” to be “beneficent.”³³ Where power is usually identified through a rush of force, “its ability to triumph over enemies, defeat them, reduce them to slavery...by the possibility of conquest and the by the territories, the wealth and so on,”³⁴ pastoral power is defined by the ability to advantage or provide benefit: “its only *raison d’être* is doing good.”³⁵ Here doing good is, as Foucault points out, aimed at *salut* (salvation or safety), through securing subsistence in a broad sense:

31 Foucault. *Security, Territory, Population*. 184.

32 Foucault. *Security, Territory, Population*. 125.

33 Foucault. *Security, Territory, Population*. 126.

34 Foucault. *Security, Territory, Population*. 126.

35 Foucault. *Security, Territory, Population*. 126.

Pastoral power is a power of care. It looks after the flock, it looks after the individuals of the flock, it sees to it that the sheep do not suffer, it goes in search of those that have strayed off course, and it treats those that are injured.³⁶

Thus the power of the shepherd is perceived not as a right, exercised for its own end, but on the contrary as a duty to serve, for benefit of the flock. This folds into the third feature of the pastoral model of power: the shepherd’s role is to sacrifice him/herself for the wellbeing of the flock. The “good shepherd” is ethically removed from any suggestion that the management of the flock is instrumental in nature: it is, on the other hand, an example of a modest, consuming sacrifice for the welfare of the livestock under his/her guidance:

The shepherd (*pasteur*) directs all his care towards others and not towards himself. This is precisely the difference between the good and the bad shepherd. The bad shepherd only thinks of good pasture for his own profit, for fattening the flock that he will be able to sell and scatter, whereas the good shepherd thinks only of his flock and of nothing else. He does not even consider his own advantage in the well-being of his flock. I think we see here the appearance, the outline, of a power with an essentially selfless and, as it were, transitional character. The shepherd (*pasteur*) serves the flock and must be an intermediary between the flock and pasture, food, and salvation, which implies that pastoral power is always a good in itself. All the dimensions of terror and of force or fearful violence, all these disturbing powers that make men tremble before the power of kings and gods, disappear in the case of the shepherd (*pasteur*), whether it is the king-shepherd or the god-shepherd.³⁷

Foucault adds a fourth feature to his broad identification of the characteristics of pastoral power; namely, the capacity of the shepherd both to individualise and aggregate the flock: “the shepherd directs the whole flock, but he can only really direct it insofar as not a single sheep escapes him.”³⁸ Thus the shepherd has the capacity to adjust the scale of relations, from molar to molecular levels of organisation.³⁹

36 Foucault. *Security, Territory, Population*. 127.

37 Foucault. *Security, Territory, Population*. 128.

38 Foucault. *Security, Territory, Population*. 128.

39 I use “molar” and “molecular” here based upon Gilles Deleuze and Félix Guattari use of these terms as metaphors for describing micropolitical organisation in *A Thousand*

There are four characteristics of pastoral power then: a power focused on the animate population (as opposed to territory); a power that is beneficent rather than instrumental; a power that transforms a right of domination into a duty to serve; and finally, a power that must adjust its scale in order to attend simultaneously to the individual and to its aggregate. I don't want to challenge here Foucault's conceptualisation of the pastorate; on the contrary, his articulation of the powers of the pastorate remain relevant for thinking through the evolution to governmentality. However, here I wish to address a conceptual gap that informs the assumptions behind Foucault's model; namely, the unspoken role of animals within the model of pastoral power.⁴⁰ As Matthew Cole summarises: "Foucault's discussion of pastoral power evidences species-blindness."⁴¹ It strikes me as odd that, through Foucault's analysis of the pastorate, the question of the role of the pastorate as a model for animal control, instrumentalisation and death is not considered a factor in how it is that we might understand the romantic metaphor of the pastorate. For while there is a brief acknowledgment of Thrasymachus' skeptical objection to the concept of pastoral power in Plato's *Republic*⁴²—that is, that the shepherd acts towards his own end in harvesting the fleece of the flock and fattening livestock for slaughter—there is little in Foucault's discussion of pastoral power to indicate

Plateaus, through the concept of *segmentarity* (see Gilles Deleuze and Félix Guattari. *A Thousand Plateaus: Capitalism and Schizophrenia*. Minneapolis: University of Minnesota Press, 1998. 208–31). The segment is defined by Deleuze and Guattari as the base unit of organisation: "Segmentarity is inherent to all the strata composing us. Dwelling, getting around, working, playing, life is spatially and socially segmented" (208). The differences between forms of segmentation depend on the scale of analysis: that is, as Deleuze and Guattari point out, there is always a plurality of modes of political organisation, composed on both *molar* (macropolitical) and *molecular* (micropolitical) levels (223).

40 A range of scholars have observed the "species" blindness of Foucault in the construction of pastoral power, including Cole. "From 'Animal Machines' to 'Happy Meat'"; Anand Pandian. "Pastoral Power in the Postcolony: On the Biopolitics of the Criminal Animal in South India." *Cultural Anthropology*, 23.1, 2008: 85–117; and Nicole Shulkin. "Tense Animals: On Other Species of Pastoral Power." *CR: The New Centennial Review*, 11.2, 2011. 143–67.

41 Cole. "From 'Animal Machines' to 'Happy Meat'?" 90. Cole's article provides a useful summary of the application of pastoral power to modern animal containment and slaughter, particularly the individuating capacity of contemporary techniques. However, I would disagree with Cole's perspective that "pastoralism differs from discipline in operating as a metaphorical description of power relations" (90). As I argue in this chapter there is no metaphor here; we must understand pastoral power as a form of violent sovereignty, with techniques that differ from that applied in traditional sovereignty "by the sword."

42 Foucault. *Security, Territory, Population*. 140.

an awareness of the brutality that may lie behind the mythology of the peace loving shepherd.

In a re-reading of Foucault's narrative of pastoral power, Christopher Meyes draws attention to this unaccounted for violent relationality that accompanies the pastor's relationship with flock (both animal and human).⁴³ Meyes argues that a clearer separation is required by Foucault in his analysis of the pastor; in particular, a need to highlight the role of violence as a component of pastoral power in the Hebrew tradition: "despite Foucault's close analysis of the early development of the Hebrew pastor, he overlooks the role of violence and instead focuses on sacrifice."⁴⁴ Meyes retells the battle between David and Goliath, highlighting the instrumental role of the "shepherd's slingshot" wielded by David, and David's eventual decapitation of Goliath which precedes his elevation to king: "rather than separating the shepherd from the sovereign, the two are entwined."⁴⁵ As such, violence plays a crucial role in the shepherd's management and securitisation of the flock. Meyes states:

What difference does this ancient Hebrew history make to Foucault's analysis of the pastor? Primarily it adds violence. As noted, Foucault considers the key features of the Hebrew pastor to be a power exercised on a people, for the care and benefit of the people, and that the pastor is willing to sacrifice for the one and the many. However through the inclusion of the Davidic pastor to Foucault's analysis of the shepherd an emphasis on the ability to kill threats becomes an important theme. It is David's experience of caring for the flock that taught and required him to kill for the flock.⁴⁶

Thus beneficence becomes enfolded with violence in a particular way within pastoral power. As Meyes suggests: "the care of the flock rests on an intermingling of love and violence. It is the tension, not opposition, between love and violence in the role of the pastor that is the hidden foundation of biopower."⁴⁷

Extending Meyes' analysis, we might draw attention, not only to the role of violence in the exercise of pastoral power with respect to the human flock, but

43 Christopher Meyes. "The Violence of Care: An Analysis of Foucault's Pastor." *Journal for Cultural and Religious Theory*, 11.1, 2010. 121–26. I thank Matthew Chruliew in particular for drawing my attention to this piece.

44 Meyes. "The Violence of Care." 111.

45 Meyes. "The Violence of Care." 116.

46 Meyes. "The Violence of Care." 117.

47 Meyes. "The Violence of Care." 122.

the informative role of violence and its use against the animal flock. For what of course lies hidden within the metaphor (or reality) of the pastorate is the inherent violence that encloses and demarcates the relationship between shepherd and animal, a relationship of domination. The human shepherd of an animal flock seeks a relationship of instrumentalisation that maintains as its goal the harvesting of those animals for human benefit: for wool, for milk, for meat and for leather. Even the kindest shepherd, the most beneficent shepherd, maintains some form of instrumentalisation that guides this practice of pastoral power. In this sense, Thrasymachus was correct to be cynical about the goodness of the shepherd. It is true that the relationship between shepherd and animals may be rendered benign through a metaphor that assumes a mode of care exists with respect to shepherd and the flock. And certainly it is true, that in order for the shepherd to use his or her sheep, then a care must be inculcated in order to maintain the lives of the flock for that use. However, care here is twisted with violence in a particular way to maintain life up until the threshold of slaughter. Care is inscribed in the methods of slaughter and control themselves: thus, as the animal welfare mantra would tell us, humane killing is indeed possible where it limits "unnecessary suffering." This is, after all, a violence that claims to care.

What this means for Foucault's framework is that we can disrupt the distinctions that he draws between sovereignty, pastoral power and governmentality. Importantly, we might offer a different way to understand the emergence of pastoral power and its significance for contemporary governmentality of both human and non human souls. For Foucault, the pastorate is distinguished from sovereignty as essentially a different modality of power. This, in part, emerges as a result of Foucault's conceptualisation of sovereignty as connected to space: in Foucault's words, "sovereignty is first of all exercised within a territory."⁴⁸ I do not mean to suggest here that Foucault established a non-communicative disjunction between sovereignty and the individualising power of the pastorate. Indeed, he acknowledges in the 1977–78 lectures that sovereignty, disciplinarity and security all function with respect to a multiplicity or population. However, what is key here is that in Foucault's view a "care" for a population only emerges as an auxiliary feature of sovereignty, and it is placed in an almost dialectical opposition to sovereignty's traditional focus on territory. Thus, when Foucault identifies the emergence of biopolitics, he argues that this shifts the operation of sovereignty from its more familiar concern with territory to an attentiveness to population and the life of the species:

48 Foucault. *Security, Territory, Population*. 12.

...the sovereign is no longer someone who exercised his power over a territory on the basis of a geographical localization of his political sovereignty. The sovereign deals with a nature, or rather with the perpetual conjunction, the perpetual intrication of a geographic, climatic and physical milieu with the human species insofar as it has a body and a soul, a physical and moral existence; and the sovereign will be someone who will have to exercise power at the point of connection where nature, in the sense of the physical elements, interferes with nature in the sense of the nature of the human species, at that point of articulation where the milieu becomes the determining factor of nature.⁴⁹

This fundamental distinction between sovereign and pastoral power marks their separation. Foucault's distinction treats pastoral power as a reaction to sovereignty; a whole different mode of organisation which relies on individuation, minute control of conduct, and an ethos of relationships that shifts the gaze of power from self aggrandizement to care, benefit and fostering of life. In this genealogy, pastoral power prepares the ground for governmentality, and it is through eventual challenges to the pastoral model that "the pastorate opened up...burst open, broke up, and assumed the dimension of governmentality." However, in this narrative, governmentality arises from the antagonism between pastoral modes of power and traditional sovereign modes of rule; governmentality was only "able to arise on the basis of the pastorate."⁵⁰ Governmentality then resolves the tension that is generated by the emergence of pastoral power; it brings together disparate strands: "the sovereign who rules and exercises his sovereignty now finds himself responsible for, entrusted with, and assigned new tasks of conducting souls."⁵¹ Thus, there is a perception that sovereignty takes a

49 Foucault. *Security, Territory, Population*. 23.

50 Foucault. *Security, Territory, Population*. 193.

51 Foucault. *Security, Territory, Population*. 231. This seems to be a point of tension in Foucault's account, where since sovereignty is treated as substantially different from pastoral power, it would seem violence becomes an outcome of sovereignty within governmentality rather than a product of governmental rationality itself. We see this distancing between sovereignty and governmentality, for example, in Rose's explanation for Nazi Germany, where liberalism and freedom are aligned to governmentality against the inherent violence of sovereign power:

And if, in Nazi Germany, the freedom to act, indeed the very existence, of some subjects had to be erased, this was in the name of a greater freedom of the Aryan people and their destiny. Here, without the controls exercised by liberal concerns with limited government and individual freedoms, the despotism of the state that is always an immanent presence in all governmentalities is manifest in all its bloody rationality.

"back seat" when governmentality emerges as a rationality of rule; Rose, for example, states unequivocally: "For all systems of rule in the west since about the eighteenth century, the population has appeared as the terrain of government *par excellence*. Not the exercise of sovereignty—though this plays a part."⁵²

As I have stated, the opportunity is here to re-imagine the significance of the pastorate. What if we challenge the assumption that pastoral power is not about the sword; object to the assumption that the pastor does not aim towards death? What if we say from the outset that the pastorate is a different modality of sovereign power that seeks to enclose the operation of sovereignty within a cloak of care? What if, following Thrasymachus' objection, the pastoral model of power is essentially about deception; that is, a technology of careful violence that hides a brutal instrumentality within a logic of beneficence? A means of covering war with peace?

If this is the case, we might propose a different model for understanding sovereignty, pastoral power and governmentality. First, let us dispense with the notion that sovereignty has anything essential to do with territory. Sovereignty describes a mode of relationality that sets forth an array of technologies of domination that work across a whole field of operations, of which territory is only *one* focus. As I shall discuss in Chapter 8, sovereignty is in essence defined by its essential groundlessness as a form of right: it lacks character, nature, divinity. It is, in essence a claim made without basis. While it is true that sovereignty in the West has a history of association with territory, this is neither a defining characteristic of sovereignty, nor the only modality of its operation. We must also stress here any assumption that sovereignty is the sole domain of the human must be suspended.⁵³ As I have advanced in this book, sovereignty can describe the relationship of dominion claimed by humans over other animals. Likewise we might recognise non human animal sovereignty (indeed this is something to which I will return to in the Conclusion).

Secondly, we might identify pastoral power not as a form of organisation that originates as a different modality of power from sovereignty, but as a form

Rose. *Powers of Freedom*. 23. See also Rose and Peter Miller. "Political Power Beyond the State"; "government addresses a realm of processes that it cannot govern by the exercise of sovereign will because it lacks the requisite knowledge and capacities" (180).

52 Nikolas Rose. *Governing the Soul: The Shaping of the Private Self*. London and New York: Routledge, 1990. 5. Rose's discussion on the psychology of war and its relationship to conduct seems an interesting trajectory to explore in relation to the argument I have advanced in this book.

53 Indeed it is interesting that Rose explicitly refers to governmentality as a set of "human technologies," effectively sidestepping the use of governmental rationalities to conduct the conduct of non human animals. See Rose. *Powers of Freedom*. 54.

of sovereignty itself. That is, we must understand pastoral power as precisely a modality of sovereignty. The pastorate describes one specific relationality of human sovereign domination over other animals. This modality has specific characteristics, including the capacity for a minute organisation of techniques in order to foster an efficient instrumentality of power which will stretch from birth to slaughter, and a capacity to almost steplessly adjust the scale of conduct from individual to molar levels of organisation. Let us not forget the history that might inform this genealogy of the pastorate. As Noske observes, "domestication"—which she defines as the process of humans forcing "changes on the animal's seasonal subsistence cycle in order to make it coincide with particular needs"⁵⁴—has had a profound effect on shaping most human relationships with animals, and simultaneously has shaped human societies themselves.⁵⁵ Sheep and goats were regarded to have been some of the first animals organised, contained and regulated for human use.⁵⁶ Human utilisation is marked by a historical process of parasitically capturing the autonomous sociality and creativity of these animals, and bending this towards human needs:⁵⁷ a veritable history of the evolution of "the conduct of conduct." This long-standing relationship allowed for the refinement of human techniques for human control, including, importantly, the development of biopolitical controls over reproduction, which facilitated human utilisation through progressive morphological changes (reduction in horn size, change in wool thickness, reduction in bone size etc.) that have adapted animal populations to human use.⁵⁸ The capacity to infinitely adjust the scale of power—from individual units to whole populations, from amoeba to ecosystem, reflects a peculiarly

54 Noske. *Beyond Boundaries*. 3.

55 See Noske. *Beyond Boundaries*. 10.

56 Helmut Hemmer. *Domestication: the Decline of Environmental Appreciation*. Cambridge, Cambridge University Press, 1990. 74. See also Juliet Clutton-Brock. *A Natural History of Domesticated Mammals*. Cambridge University Press, Cambridge, 1999; and see also Noske. *Beyond Boundaries*. 5. In relation to the racialised connection between human violence towards animals and that towards other humans, particularly in light of the history of slavery, see Pugliese. *State Violence and the Execution of Law*. 34–44.

57 Noske remarks: "Generally speaking, the two species involved need to be social animals in order for domestication to go ahead, at least in the past. Animals living in a society are more prepared to enter into a social relationship with members of another species than solitary ones." Noske. *Beyond Boundaries*. 3.

58 Robert Nozick perceptively asks: "Would it be all right to use genetic-engineering techniques to breed natural slaves who would be contented with their lots? Natural animal slaves? Was that the domestication of animals?" Robert Nozick. *Anarchy, State and Utopia*. United States of America: Basic Books, 1974. 42.

refined set of tools that when concentrated enables a precise and careful control of life. The shepherd utilises technologies of control that are so minute, careful, vigilant and persistent that they would appear to reflect a deep “care” for the body of both the individual animal and the aggregated flock. The paradox here is that this same care is a care towards instrumentalisation and death. This view would suggest that pastoral power doesn’t begin with the idea of a beneficent power as Foucault claims; nor in the twisting of violence and care in the Hebrew tradition as Meyes claims, but begins with the long human history of animal capture, enclosure, domestication, husbandry, utilisation and slaughter. The shepherd stands as a technical inheritor of these combined learned processes, capturing within this enveloping system of domination practices a capacity for a minute vigilance over the flock aimed at maximal utilisation of the animate body; a process so refined and concentrated that we call it “beneficent.”⁵⁹

Where does this leave governmentality then? Certainly we cannot say that governmentality is a product of a historical interplay between sovereignty and pastoral power that eventually turns the attention of the sovereign away from territory toward population. If we describe pastoral power as a modality of sovereignty—a modality that has its origins in domination of non human animals—then we arrive at a different genealogy. Governmentality does not describe the extension of concern for population across sovereignty, but instead describes the entry of pastoral power to the field of human sovereignty over other humans, encapsulated in the governmentality of the State. In other words, governmentality is the extension to human subjects of technologies of pastoral power; learnt for centuries through human management of non human animals. This process in the West begins in earnest through the extension of Christianity, which gradually supplants dominant Greek and Roman forms of State sovereignty with forms of power that are informed directly through the experience of the domination of non human animals. Governmentality, its slow encroachment over every aspect of human politics, merely describes this history. In an admittedly provisional way, I have attempted to map this in Figure 1 below. Techniques of pastoral power are refined in an early sense through domination of animals and the production—over millennia—of “livestock.”⁶⁰ These techniques of control—perhaps “technologies of

59 See Cole’s discussion of the capacity to individuate within contemporary containment and slaughter. See Cole. “From ‘Animal Machines’ to ‘Happy Meat?’” 91.

60 We might usefully refer to scholars such as Ingold, Noske and Hribal to map this genealogy. See Ingold. *The Perception of the Environment.*; Noske. *Beyond Boundaries*; and Hribal. *Fear of the Animal Planet.*

government” to borrow from Rose⁶¹—are not initially connected to human domination of other humans, which is a field in which a “rule by the sword” prevails. This situation shifts with the infusion of pastoral modes of domination within Hebrew and Christian traditions, which blend beneficence and force, care and violence, in innovative new ways, and seek simultaneously to securitise the flock. As Figure 1 shows, the two forms of sovereignty—state sovereignty of humans over other humans, and pastoral sovereignty of humans over animals—finally find their meeting point in governmentality, where they bleed into each other and inform each other. We find these elements in a remarkable 1780 oil painting, Angelica Kauffman’s *A Sleeping Nymph Watched by a Shepherd*. The work shows the shepherd transferring his gaze from his flock to a sleeping woman in a pasture; cupid is illustrated hovering above the woman, arrow in hand. The shepherd gestures to Cupid with his finger to be quiet. A benign interpretation would say that this is the good shepherd, offering a benevolent power of safety to the sleeping beauty. A different interpretation might tell us that this is a symbol of the transfer of technologies of sovereign power inherent in the shepherd from animal to human populations: a power to survey, to securitise, to reproduce. In this regard it does not seem to be an accident that it is the body of a woman that becomes the site of scrutiny, in much the same way in which the bodies of women are inseparably bound in particular ways with the project of the biopolitical State; all under the watchful gaze of Cupid. Perhaps we might speculate here that the gendered dimension of Thrasymachus’ objection to Socrates (“Socrates, do you have a nurse?”) is in some ways an accusation that Socrates is indulging in a care *without* violence; the idealised and normalised care of a woman, a mother, as opposed to the “hard reality” of a care that is accompanied by violence, as is wielded by the cunning State. Certainly one reading of Kauffman’s *A Sleeping Nymph Watched by a Shepherd* is that the attentions of the shepherd, wanted or not, consented to or not, are essentially violently securitising, since the shepherd offers security to a property right in the flock of animals—human or non human—that are deemed to be protected by his gaze.⁶²

61 See Rose. *Powers of Freedom*. 52.

62 There is scope here for a more detailed understanding of how pastoral management of animals might intersect with governmental regulation of women. I note that one synergy here is the range of techniques applied to regulate women’s sexuality and reproduction, that infinitely vary and incorporate normative and legal regulatory frameworks. Consider, for example, Catriona Macleod and Kevin Durrheim’s discussion of adolescent sexual and reproductive health:

Security operates in adolescent sexual and reproductive health in a number of ways. The management of risk serves as a governmental tactic of security as it represents

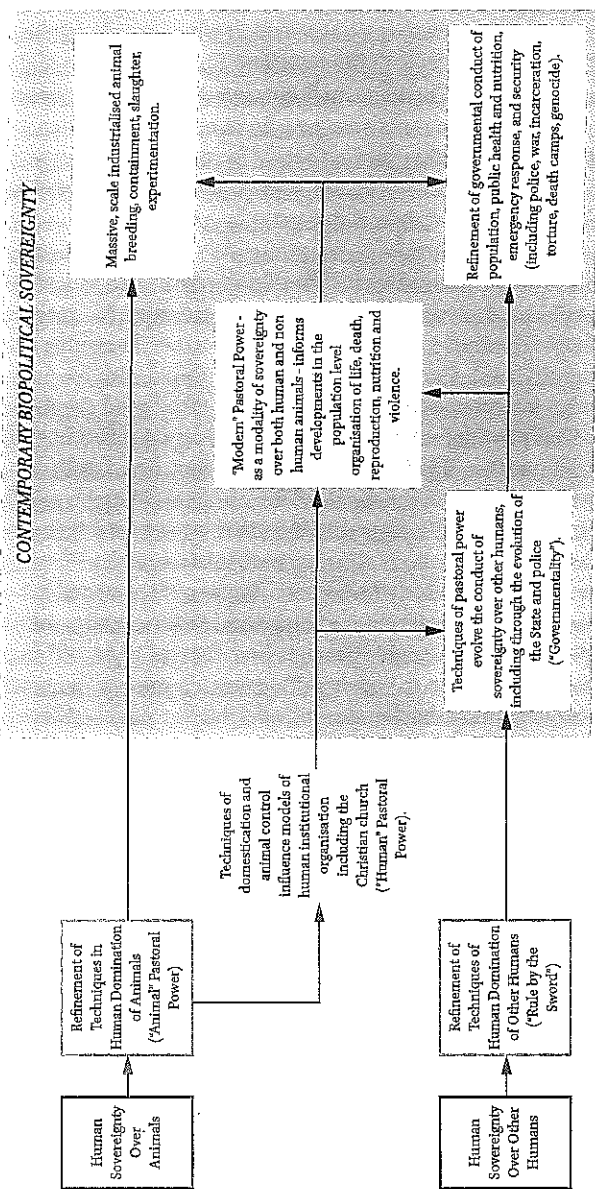


FIGURE 1 Evolution of pastoral power, governmentality and sovereignty.

There are distinct differences between contemporary pastoral modes of control of animals and governmentalised forms of sovereignty. Today's pastoral power over animals attains a zenith of efficiency, with high speed operations making quick work of turning living bodies into corpses, in order to feed an unending human desire for flesh. Governmentality, on the other hand, more overtly becomes associated with benign forms of care directed at conducting human populations and fostering life. However, the politics of life and death span across both modes of sovereignty. Increasingly, under governmentalised modes of rule, there are intersections between human sovereignty over humans and that exercised over other animals. All the techniques that science can deploy to make live are enabled to foster the lives of (at least some) animals under human care, even if these same animals are only destined for an early death in line with human utilisation preferences. Similarly, the ways to make humans die begin to look like the ways in which animals are made to die: armies swat away human enemies like pest

efforts to deal with the possible and probable events following sexual intercourse, conception and birth. Sexuality education programmes are run to manage the possibility or risk of adolescents either engaging in sex or conceiving. Should a teenager be pregnant, counseling, ante-natal care, adoption services and termination of pregnancy facilities are provided to manage the probability or risk of negative physiological, psychological, emotional and social consequences for the mother and child. These programmes are legitimated through the implicit calculation of the comparative cost of providing services (which represent a tax burden) and not providing them (which would result in a threat to national and social security in terms of demographic difficulties, poor mothering practices, lack of gainful employment on the part of the teenager etc.). The optimal mean (the third trait of security) in terms of adolescent sexuality is abstinence from sex. However, sexual intercourse and even pregnancy lie within the acceptable bandwidth, but carry with them a different set of management tactics than does non-coital behaviour. Put simply, if the teenager is a virgin, there is the danger of the desire for sex, and thus sexuality education programmes recommend "say no". If she is sexually active, there is the possibility of pregnancy, and thus programmes extend their input to the use of contraceptives. If she is pregnant, there are potential physical and emotional complications in the pregnancy, and thus professional medical and psychological assistance is indicated. If she is mothering, the child is probably at risk, and therefore professional assistance and maternal education are required. These traits of security will combine in various ways with pastoral, disciplinary and liberal power relations in the government of the sexual and reproductive lives of adolescents.

See Catriona Macleod and Kevin Durrheim. "Foucauldian Feminism: The Implications of Governmentality." *Journal for the Theory of Social Behaviour*. 32.1, 2002. 41-60. 54. See also Jessica Robyn Cadwallader and Damien W. Riggs. "The State of the Union: Toward a Biopolitics of Marriage." *M/C Journal*. 15.6, 2012.

insects;⁶³ humans are cut up like cattle in genocides; and rape and death camps begin to appear as if they are industrialised breeding and slaughter facilities.

Perhaps the crowning achievement of governmentality, and the pastoral mode of sovereignty that precedes it, is its ability to cloak violence with care; that is, to hide war under a covering of peace. Pivotal in understanding this intersection of powers is the particular deception that accompanies the logic of pastoral forms of domination: namely, that the techniques employed within a pastoral modality of sovereign power appear to express a “care” for the life of the flock. This attentiveness is so precise, so concentrated, that it overturns the traditional grandeur and overt brutality of other forms of sovereign domination in favour of an opaque, guarded secret form of instrumentalisation, utilisation and accompanying death, that attends to the lives of populations always, even while we sleep.

The Judas Goat

Following through the speculation I have laid out here—namely, that governmentality is really a description for the extension of human forms of domination of animals onto humans themselves—we may wonder what this same process may mean for the evolution of technologies of domination towards animals.⁶⁴ As I have suggested, State sovereignty and pastoral power meet and bleed into each other in governmentality. For humans this means that they are increasingly treated like animals: this is in line with Foucault’s suggestion that biopolitics represents the “animalization of man” and Agamben’s fear of a biopolitics that represents the conflict between “human” and “animal” as categories. However, we have yet to decipher how this same process has redefined human domination of animals. How have human-centric forms of surveillance, domination and death themselves found their way back to violence towards animals, and shaped practices of violence? How has the technology of control altered the practice of the shepherd?

63 There are numerous histories to track here. Craig McFarlane is conducting fascinating work on the shared understandings between governmentality and bee keeping. See Craig McFarlane. *Early Modern Speculative Anthropology*. PhD Dissertation. Submitted to York University, August 2014. At: <http://yorkspace.library.yorku.ca/xmlui/handle/10315/28256>.

64 Indeed, Shukin points out that addressing Foucault’s inattentiveness to animals allows for the “the possibility that technologies of human and animal conduct partake in material and metaphorical exchanges, borrow or diverge from one another, traffic in species identifications and equivalences as well as in species exceptions and disavowals.” See Shukin. “Tense Animals: On Other Species of Pastoral Power.” 152.

In the case of human sovereignty over other humans, there are varying modes of practice of violence, and accompanying these a variety of models for “dehumanisation.” Where authoritarian modes of governance remain implicit, albeit veiled within liberal democratic regimes, governmental rationalities are outwardly recognisable in forms of totalitarian political organisation. In such States, violent biopolitical imperatives became openly incorporated within the principles of governmental reason. Dean draws upon Foucault’s last chapter of *The History of Sexuality Vol. 1*, suggesting that such regimes explicitly embody the emerging principles of a bloody biopolitics, where the concern for populations, and the power to “foster life and disallow it to the point of death” intersect in the right to regulate biological populations with the sword: crystallising in particular, in racism, propagated forcefully by the State.⁶⁵ Dean argues that modes of rule which advance biopolitical objectives through coercive means cannot be separated from governance itself, since authoritarian governmentality remains composed of the same elements that characterise the field of government.⁶⁶ However, Dean states that “the notion of sovereignty differs from rationalities of government proper in that the latter are concerned with a fostering of the *living* and augmentation of *life*. In contrast, sovereignty operates by deduction, as a right of death rather than a power over life.”⁶⁷

Note that this contrasts with my own argument that I have put forward above: namely, that governmentality is as aligned to life as it is to death. However, *exception*—the capacity for sovereignty to declare who is within and without the law, who is subject to violence and who is a citizen—remains relevant, both to Dean’s conceptualisation of authoritarian governmentality and my own thinking about contemporary violence directed towards animals. I have argued, following Agamben, that sovereignty is associated with an ability to constitute the exceptional space. This space is inherently biopolitical, since it aims at the production of the bare life.⁶⁸ Exception also operates in a necropolitical guise to decide who lives and who dies. As Meyes points out, the capacity of

65 Dean. *Governmentality*. 139–40.

66 Dean. *Governmentality*. 147. To once again render the relation of bureaucracy to government, Dean observes that the existing bureaucratic rationalities must themselves be assessed within the context of governmental rationalities. “It is not simply the logic of the bureaucratic application of the human sciences that is at issue but the reinscription of racial discourse within a biopolitics of the population and its linkage with themes of sovereign identity, autonomy and political community” (144).

67 Dean. *Governmentality*, 202. See also 100.

68 It is the centrality of biopolitics to exception which leads Agamben to contest Foucault’s claim that biopolitics is a relatively new phenomenon, arguing, as stated previously, that “Western politics is a bio-politics from the very beginning.” See Agamben. *Homo Sacer*. 181.

the shepherd to choose to separate out and individualise the flock is key to the exercise of violence. Drawing attention to *Matthew 25:31–46*, and the judgment prophecy that God would divide between good and bad, “as a shepherd divideth his sheep from the goats,” Meyes observes that there is an uncanny resemblance here to the division between “fostering life” and “disallowing until the point of death” which characterises Foucault’s biopolitics.⁶⁹ Meyes states:

In the process of caring for the “true flock”, of blessing and fostering the life of the sheep, the shepherd excludes the goats, cursing and disallowing their life to the point of death. Thus here Matthew introduces new characteristics to the shepherd: judgement and exclusion. The division between the sheep and the goats, the believer and unbeliever, results in the exclusion of the unbeliever from life and exposure to violence and death.⁷⁰

Foucault’s suggestion that contemporary sovereignty may be associated with a power to “foster life” must be read in conjunction with its counterpart, the ominous right to “disallow to the point of death;” in the same fashion as one reads the old power of sovereignty—to kill and let live—as involving the exercise of an interconnected right.⁷¹ The power to kill implies the power to let live, since those who survive the wrath of the sovereign’s sword only do so at the mercy of a sovereign power not deployed. The same logical coupling accompanies the biopolitical sovereign right: biopolitics is not merely the “optimisation” of life, but the simultaneous deployment of both facilitative resources to enable life and violence designed to “disallow life.” Modern sovereignty commands the resources to enable and foster life, and a connected power to bring life to the threshold of death.

This view of governmentality provides a way to conceptualise the organisation of animal life and death through systems of domination that comprise human sovereignty. Biopolitical organisation of animal life situates violence in a set of discretely coordinated and micro-scale located apparatuses that enable life and death controls. Governmentality is the rationality that underpins these operations. Government allows for the seamless vertical and horizontal integration of elements that deploy technologies, interests, properties and human labour towards an encompassing system of domination. Governmentality, in this context, is therefore really concerned with governing violence: producing

69 Meyes. “The Violence of Care.” 120.

70 Meyes. “The Violence of Care.” 120.

71 See Foucault. *The Will to Knowledge: The History of Sexuality* 1, 138.

modes of violence, technologies and discourses to enable continuing domination. This seems to be a question that is fundamentally linked to how animal welfare is conceptualised. For it is apparent that, when Webster announces that “Man has dominion over the animals whether we like it or not...it is we that determine where and how they will live,”⁷² there is a pronouncement of the fact of human sovereignty, which simultaneously declares a governmental objective; namely, to use this right of domination “wisely.” This is the effect of sovereignty bending ethical consideration into simply a means for regulating human violence towards animals in order to safeguard continuing utilisation. In other words, understanding governmentality—that is, the rationality of government—is important for making sense of the way in which modes of domination and death are regulated, including on the basis of seeking to maximise the welfare of those who are subject to the instrumentation of sovereign violence.

Judgement and exception combine within governmentality to produce nuanced forms of differentiation in the application of violence. This regulation varies according to species, space and human use. It might include management of native animals and endangered species, urban regulation on the care and restraint of companion animals, laws on the use and disposal of animals in experimentation, hunting laws that determine which animals are to be killed, and which saved, and, of course, complex and interwoven regulation of containment and slaughter practices to limit “unnecessary suffering” within the factory farming “animal industrial complex,” with multiple sites of differentiation between species and use to manage the deployment of violence. Yet, there is space within this interplay of techniques and discourses for outright annihilation to take the place of beneficence. In New South Wales (NSW), as in other states in Australia, wild goats are seen as “feral” animals and subject to eradication programs. Amidst a range of intricate guidelines for the “management” of feral goats, there is a State sanctioned technique described which combines both “old” knowledge from herd management with the most contemporary technologies of biopolitical population control and aerial warfare.⁷³ NSW Department of Primary Industries guideline GOA005 “Use of Judas Goats” outlines these:

Radio-collared ‘Judas’ goats are used to locate groups of feral goats that are difficult to find by other methods. This technique involves attaching a radio-collar to a feral goat and releasing it with the expectation that it will

72 Webster. *Animal Welfare*. 3.

73 See Anna Williams discussion of the use of decoy animals and decoys in slaughter processes. See Williams. “Disciplining Animals.” 50–1.

join up with other goats. Goats are particularly suited to the Judas method as they are a highly social species and will seek the companionship of any other feral goats in the area.

Once the position of the feral herd is established, the goats accompanying the Judas animal are either mustered or destroyed by shooting (refer to GOA003 Mustering of feral goats, GOA001 Ground shooting of feral goats and GOA002 Aerial shooting of feral goats for further details on these methods of control). The Judas goat is usually allowed to escape so that it will search out other groups of feral goats. Once eradication is achieved the Judas goat is located, and then shot and the radio-collar retrieved.⁷⁴

Here we witness a refined application of the shepherd's practice, evolved and weaved with all of the powers of strategy, technologies of violence, and knowledges on the vicissitudes of the flock, all brought to bear with stunning and devastating effect to enable the annihilation of population. No goat is left alive; even the radio collar will be retrieved. Surely this is governmentality perfected. "For the Lamb which is in the midst of the throne shall feed them, and shall lead them unto living fountains of waters: and God shall wipe away all tears from their eyes."⁷⁵

74 NSW Department of Primary Industries. Humane pest animal control. Codes of Practice. GOA005 "Use of Judas Goats." Trudy Sharp and Glen Saunders At: www.dpi.nsw.gov.au/agriculture/pests-weeds/vertebrate-pests/codes-of-practice/operating-procedures/humane-pest-animal-control. For an example study of the effectiveness of the use of Judas goats for population eradication, see Karl Campbell, C. Josh Donlan, Felipe Cruz and Victor Carrion. "Eradication of feral goats *Capra hircus* from Pinta Island, Galápagos Ecuador." *Oryx*. 38.3, 2004. 1-6. For a discussion of different "Judas" animals, particularly in slaughterhouse practices, see Helena Pedersen. "Follow the Judas Sheep: Materializing Post-Qualitative Methodology in Zooethnographic Space." *International Journal of Qualitative Studies in Education*. 26.6, 2013. 717-31.

75 *King James Edition*. Revelation 7:17.

PART 2

Conquest

