

zoontologies
the question of the animal

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In the Shadow of Wittgenstein's Lion: Language, Ethics, and the Question of the Animal

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Forms of Language, Forms of Life: Wittgenstein, Cavell, and Hearne

In 1958, toward the end of his *Philosophical Investigations*, Ludwig Wittgenstein set down a one-sentence observation that might very well serve as an epigraph to the debates that have taken place over the past century on animals, language, and subjectivity. "If a lion could talk," Wittgenstein wrote, "we could not understand him."¹ This beguiling statement has often been misunderstood—I am not even sure that I understand it myself—and it is complicated by Wittgenstein's contention elsewhere that "To imagine a language is to imagine a form of life."² What can it mean to imagine a language we cannot understand, spoken by a being who cannot speak—*especially* in light of his reminder that "The kind of certainty is the kind of language-game" (*Wittgenstein Reader*, 213)? And, earlier still: "If I were to talk to myself out loud in a language not understood by those present my thoughts would be hidden from them" (211). "It is, however, important as regards this observation that one human being can be a complete enigma to another. We learn this when we come into a strange country with entirely strange traditions; and, what is more, even given a mastery of the country's language. We do not *understand* the people. (And not because of not knowing what they are saying to themselves.)" (212).

It is the caginess, if you will, of the muteness of Wittgenstein's lion that rightly catches the attention of Vicki Hearne in her book *Animal Happiness*. Hearne—a poet, renowned horse trainer and dog trainer, and serious student of the philosophical lineage that runs from Wittgenstein through Stanley Cavell—calls Wittgenstein's statement “the most interesting mistake about animals that I have ever come across,” because “lions do talk to some people”—namely, lion trainers—“and are understood” (a claim about language that we will have occasion to revisit).³ What interests her is how Wittgenstein's statement seems—but only seems—to body forth an all too familiar contrast between the confidently transparent intersubjective human community, on the one hand, and the mute, bedarkened beast, on the other. It is this contrast, and this humanism, however, that Wittgenstein is out to trouble, for, as Hearne notes, “The lovely thing about Wittgenstein's lion is that Wittgenstein does not leap to say that his lion is languageless, only that he is not talking”—a remark that is “a profundity rarely achieved, because of all it leaves room for” (*Animal Happiness*, 169). “The reticence of this lion,” she continues, “is not the reticence of absence, absence of consciousness, say, or knowledge, but rather of tremendous presence,” of “all consciousness that is beyond ours” (170).

What Hearne puts her finger on here—what she finds attractive in the style or posture of Wittgenstein's “mistake”—is the importance of how we face, face up to, the fact of a “consciousness . . . beyond ours”; more specifically, what value is attached to the contention that animals “do not talk, that no bit of their consciousness is informed by the bustle and mediations of the written, the symbolic” (171). For Hearne, what makes Wittgenstein's intervention valuable is that this darkness or muteness of the animal other is shown to be more a problem for *us* than for the animal. “The human mind is nervous without its writing, feels emptiness without writing,” she reminds us. “So when we imagine the inner or outer life of a creature without that bustle, we imagine what we would be like without it—that is, we imagine ourselves emptied of understanding” (ibid.). Thus, Wittgenstein's lion “in his restraint remains there to remind us that knowledge . . . comes sometimes to an abrupt end, not vaguely ‘somewhere,’ like explanations, but immediately”—a fact dramatized for Hearne when the understanding between lion and lion trainer goes wrong. Wittgenstein's lion, “regarded with proper respect and awe, gives us unmediated knowledge of our ignorance” (173).

“Not vaguely ‘somewhere,’ like explanations,” is anything but a throw-away phrase in this instance, for it takes us to the very heart of Wittgenstein's

transvaluation of philosophical skepticism, one best elaborated by Stanley Cavell. For Cavell, our tendency to see the reticence of Wittgenstein's lion as a lack of subjectivity is symptomatic of nothing so much as “our skeptical terror about the independent existence of other minds”—a terror that is, in a certain sense, about our failure to be god, to be “No One in Particular with a View from Nowhere,” as Hearne puts it (*Adam's Task*, 233, 229). And this terror, in turn, drives the fantasy that, through philosophy, we somehow might be. As Hearne writes of “thinkers who like to say that a cat cannot be said to be ‘really’ playing with a ball because a cat does not seem to know our grammar of what ‘playing with’ and ‘ball’ are” (a position, incidentally, that is sometimes attributed to Wittgenstein):

This more or less positivist position requires a fundamental assumption that “meaning” is a homogeneous, quantifiable thing, and that the universe is dualistic in that there are only two states of meaning in it—significant and insignificant, and further that “significant” means only “significant to me.” . . . Such positivism of meaning looks often enough like an injunction against the pathetic fallacy, but seems to me to be quite the opposite. (Ibid., 238)

In Hearne and Cavell's reading, skeptical terror generates certain philosophical concepts of language and its relation to consciousness and subjectivity that it is Wittgenstein's business to subvert—and subvert in a rather peculiar way. As Cavell puts it, what prevents our understanding of animals—take Wittgenstein's lion as only the most hyperbolic example—“is not too much skepticism but too little” (quoted in ibid., 114). For Cavell, the philosophical false start that Wittgenstein wants to reroute is “the [skeptical] idea that the problem of the other is the problem of *knowing* the other,” when in fact one of the most valuable things about our encounter with the supposedly “mute” animal is that it “sooner makes us wonder what *we* conceive knowledge to be” (quoted in ibid.; emphasis added). If we follow Wittgenstein's lead, Cavell argues, “One is not encouraged . . . to go on searching for a something—if not a mechanism, or an image, then a meaning, a signified, an interpretant—that explains how calls reach what they call, how the connection is made,” but rather “to determine what keeps such a search going (without, as it were, moving). Wittgenstein's answer, as I read it, has something to do with what I understand as skepticism, and what I might call skeptical attempts to defeat skepticism.” For Cavell, Wittgenstein not only “shows us that we maintain unsatisfiable pictures of how things must happen”; he also forces us to think through “why we are, who we are that we are, possessed of this picture.”⁴

Wittgenstein's specific intervention, then—his “skeptical attempts to defeat skepticism”—is to turn philosophical skepticism back on itself, back on the human. Hence, the project of what is often remarked as Wittgenstein's conventionalism is in no small part “to make us dissatisfied with the idea of universals as explanations of language.”⁵ Philosophy may always seem to want to situate itself outside the noise and contingency of language games, “but it depends on the same fact of language as do the other lives within it”: that “it cannot dictate what is said *now*, can no more assure the sense of what is said, its depth, its helpfulness, its accuracy, its wit, than it can insure its truth to the world” (*Claim*, 189). As Hearne puts it in an essay on the famous language experiments with Washoe the chimpanzee, “the issue of what Washoe is doing, what condition of language we are dealing with, is not an intellectual problem, a puzzle.” If Washoe uses language and remains dangerous despite that (which she most certainly does), “then I may be thrown into confusion . . . and may want to deny Washoe's personhood and her language rather than acknowledge the limits of language—which can look like a terrifying procedure” (*Adam's Task*, 39).

This means, in Cavell's words, that “We begin to feel, or ought to, terrified that maybe language (and understanding, and knowledge) rests upon very shaky foundations—a thin net over an abyss” (*Claim*, 178). And it is also an apt description of what Wittgenstein has in mind when he says, famously, that to imagine a language is to imagine a “form of life.” As Hearne puts it, “one can hang out with people who speak no English and learn something of which objects are meant by which words. What is much harder to know, what you have to be deeply, genuinely bilingual to know, is what the object or posture itself means. I may know that *shlumah-ney* means what I call ‘candle,’ but not whether candles are sacred to my ‘informants,’ and not such things as whether to ask permission to use the candle to read in bed at night” (*Animal Happiness*, 170). For Cavell, “It is such shades of sense, intimations of meaning, which allow certain kinds of subtlety or delicacy of communication: the communication is intimate, but fragile. Persons who cannot use words, or gestures, in these ways with you may yet be in your world, but perhaps not of your flesh” (*Claim*, 189).

At this point in the argument, the Wittgensteinian lineage would seem to be promising indeed for our ability to reconjugate the relations between language, species, and the question of the subject, not least because Wittgenstein's conventionalism would appear to more or less permanently unsettle the ontological difference between human and animal, a

difference expressed, as it were, in the philosophical tradition by the capacity for language: first, by holding that that ontological difference is itself constituted by a language that cannot ground and master a world of contingency via “universals”; and second, by showing how language does not provide an answer to the question “What's the difference between human and animal?” but rather keeps that question live and open by insisting that the differences between participants in specific language games and those “not of their flesh” may be as profound as those usually taken to obtain between the human *as such* and the animal *as such*—as if there were, any longer, any such thing *as such*.

What Wittgenstein's account makes possible, in other words, is what we might call a conventionalist understanding of the shared dynamics of a world building that need not, in principle, be tied to species distinctions *at all*. On this account, not *the* world but simply *a* world emerges from building a shared form of life through participation in a language game. And indeed, this is the direction in which Hearne has taken Wittgenstein's cue in her writings on how the shared language of animal training makes possible a common world between beings with vastly different phenomenologies. For Hearne, “training creates the kind of knowledge all talking does, or ought to do—knowledge of the loop of intention and openness that talk is, knowledge of and in language” (*Adam's Task*, 85). And if “the sketchiness of the tokens of this language game” might look to a scientist like “the wildest sort of anthropomorphizing”—as when a trainer says a certain dog has a mischievous sense of humor—what has to be remembered is that “a reason for trying to get a feel for a dog-human language game is that it sharpens one's awareness of *the sketchiness of the tokens of English*” (*ibid.*, 71–72; emphasis added). “With horses as with dogs,” she continues, “the handler must learn to believe, to ‘read’ a language s/he hasn't sufficient neurological apparatus to test or judge, because the handler must become comprehensible to the horse, and to be understood is to be open to understanding, much more than it is to have shared mental phenomena. It is as odd as Wittgenstein suggested it is to suppose that intersubjectivity depends on shared mental phenomena” (106). What it depends on instead is the “flow of intention, meaning, believing,” the “varied flexions of looped thoughts,” which is why “The behaviorist's dog will not only seem stupid, she will be stupid. If we follow Wittgenstein in assuming the importance of assessing the public nature of language, then we don't need to lock a baby up and feed it by machine in order to discover that conceptualization is pretty much a function of relationships and acknowledgement, a public affair” (58).

And yet, in both Hearne and Cavell, what I will characterize, much too quickly here, as a kind of humanism, a palpable nostalgia for the human, returns through the back door to severely circumscribe the ethical force of the shared world building with animals that seems at first glance promised by their appropriation of Wittgenstein, leaving the animal ethically if not phenomenologically bedarkened and the human insufficiently interrogated by the encounter. The clunkiest symptom of this, perhaps, is the social-contract theory of rights that Hearne borrows, at least in part, from Cavell (who in turn borrows it largely from John Rawls).⁶ To put it very schematically, the contractarian view holds that

morality consists of a set of rules that individuals voluntarily agree to abide by, as we do when we sign a contract. . . . Those who understand and accept the terms of the contract are covered directly; they have rights created and recognized by, and protected in, the contract. And these contractors can also have protection spelled out for others who, though they lack the ability to understand morality and so cannot sign the contract themselves, are loved or cherished by those who can. . . . As for animals, since they cannot understand the contracts, they obviously cannot sign; and since they cannot sign, they have no rights. . . . [T]hose animals that enough people care about (companion animals, whales, baby seals, the American bald eagle) though they lack rights themselves, will be protected because of the sentimental interests of people. I have, then, according to contractarianism, no duty directly to your dog or any other animal, not even the duty not to cause them pain or suffering; my duty not to hurt them is a duty I have to those people who care about what happens to them.⁷

This is the view, derived from Kant, that is expounded by Hearne, nearly to the letter, in an essay originally published under the title "What's Wrong with Animal Rights?" In order to be in a rights relation with another, she argues, "the following minimum conditions must hold": "I must know the person," "The person must know me," "The grammar of the reciprocal possessive must apply," and "Both of us must have the ability to conceive the *right* in question itself" (*Animal Happiness*, 209). For Hearne, "if I do not own you, own up to you, then I do not acknowledge you, I repudiate you. You cannot have interests or rights in relationship to me unless we own each other" (206).

Not surprisingly, this leads Hearne into all sorts of tortured formulations that would seem to forget everything that she has spent the better part of her career teaching us about nonhuman others and the worlds we

may inhabit with them: "The kind of possession I have in mind is not like slavery. It does not bind one party while freeing the other. . . . [I]f I abuse my dog on the grounds that she is my dog, then I do not, at the moment at least, in fact own the dog, am not owing up to what goes into owning a dog, do not understand my own words when I say I own the dog and can therefore do as I please with her" (208). Or again, writing of her famous Airedale, "Drummer can speak to his owner, but he cannot speak either to or of the state. Therefore the state cannot grant rights to Drummer, cannot be *his* state. Hence it is not an incidental or accidental but a central fact that in practice the only way a dog's rights are protected, against neighbors or the state, is *by way of an appeal to the owner's property rights in the dog*" (212). Of course, this is tantamount to simply wishing that all owners will be "good" ones. And if they are not—if an owner decides to set his dog on fire, instead of its equivalent under the law (as property), a chair or table—then does this not beg the question that the whole *point* of granting rights to the animal would be to *directly* recognize and protect it (as we do with the guardianship of the child) against such an owner who decides to forget or abrogate, for whatever reason, what "ownership means"?

In addition to the usual objections associated with the contractarian view of ethics, which I will list briefly in a moment, matters are not helped any in *Cavell's* case by his (admittedly) iconoclastic reading of Wittgenstein's concept of "forms of life." In contrast to what he calls the dominant "ethnological" or "horizontal" reading of this moment in Wittgenstein, Cavell emphasizes the "biological or vertical sense," which "recalls differences between the human and so-called 'lower' or 'higher' forms of life, between, say, poking at your food, perhaps with a fork, and pawing at it, or pecking at it." Here—and we will return to this figure in our discussion of Jacques Derrida's reading of Heidegger—"the romance of the hand and its apposable thumb comes into play, and of the upright posture and of the eyes set for heaven; but also the specific strength and scale of the human body and of the human senses and of the human voice."⁸ Cavell's aim is to take issue with those who see Wittgenstein's conventionalism as an automatic refutation of skepticism, a reading in which "the very existence of, say, the sacrament of marriage, or of the history of private property, or of the ceremony of shaking hands, or I guess ultimately the existence of language, constitutes proof of the existence of others" (*This New*, 42)—a position that would be consonant with the "hard" conventionalist reading of a Richard Rorty or a Stanley Fish. Instead, Cavell's emphasis not on "*forms* of life, but forms of *life*" intends

to “mark the limit and give the conditions of the use of criteria as applied to others” (ibid., 42–43), with the larger aim of contesting the “sense of political or social conservatism” that for many readers attends Wittgenstein’s *Philosophical Investigations* (44). The idea here, from Cavell’s vantage, is that by positing a figure of the human form of *life* not reducible to the immanence (“forms”) of language games, Wittgenstein provides a yardstick, or at least a background, against which those language games (private property, for instance) may be judged as desirable or wanting.⁹ What Cavell calls “the practice of the ordinary”—being responsible to the everyday details of a specific “form of life”—“may be thought of as the overcoming of iteration or replication or imitation by repetition, of counting by recounting, of calling by recalling. It is the familiar invaded by another familiar” (*This New*, 47).

And yet the problem is that this moment—and it is for Cavell the moment of ethics—is accompanied by a strong return to the very humanism that his phenomenological speculations had promised to move us beyond. If we take seriously the ethnological or conventionalist sense of Wittgenstein’s “forms of life,” as Cavell realizes we must, then we are faced very quickly with this ethical dilemma: the balkanization of language games promises to circumscribe ever more tightly those who share my world—those who are, to use Cavell’s phrase, “of my flesh.” The verticality of language games that Wittgenstein insists on strengthens the shared ethical call of those *within* the game, but only at the expense of weakening the ethical call in relation to those who speak in other tongues (hence Cavell’s worries about Wittgenstein’s conventionalist conservatism).

It is as if to arrest this runaway mitosis of the linguistic and ethical field that both Hearne and Cavell reintroduce a certain figure of the human familiar to us from the liberal tradition. In Hearne, for example, the language of animal training provides a shared language game, and hence shared world, between trainer and animal; but, ethically speaking, that symmetry of relation, as she describes it, is belied by the radical *asymmetry* that obtains when the ethical relation of rights is properly expressed, as she argues, in the institution of property ownership. And it is not at all clear, of course, that we have any ethical duty whatsoever to those animals with whom we have not articulated a shared form of life through training or other means. Hearne’s contractarian notion of rights only reinforces the asymmetrical privilege of the ethnocentric “we,” whereas the whole point of rights would seem to be that it affords protection of the other *exactly in recognition of* the dangers of an ethnocentric self-privileging that seems to have forgotten the fragility and “sketchiness”

of its *own* concepts, its *own* forms of life, in the confidence with which it restricts the sphere of ethical consideration.

In Cavell, things play out rather differently, specifically in his rendering of the human “form of life” over against “the so-called ‘lower’” forms. In *The Claim of Reason*, the slippage from human to *humanist* and the ethical foreclosure that attends it is especially pronounced. Investigating the biological or “vertical” sense of “forms of life” as “the background against which our criteria do their work; even, make sense,” Cavell quotes Wittgenstein: “only of a living human being and what resembles (behaves like) a living human being can one say: it has sensations; it sees; is blind; hears; is deaf; is conscious or unconscious” (83). Cavell takes this and other similar moments in Wittgenstein to mean that it is not any conventionalist criterion but our biological form of life that leads us to such attributions, so that “To withhold, or hedge, our concepts of psychological states from a given creature”—exactly the position taken by Thomas Nagel in his well-known essay “What Is It Like to Be a Bat?”—“is specifically to withhold *the source of my idea* that living beings are things that feel; it is to withhold myself, to reject my response to anything as a living being; to blank so much as *my idea of anything as having a body*” (ibid.; first emphasis added). When we do so,

There is nothing to read from that body, nothing the body is *of*; it does not go beyond itself, it expresses nothing. . . . It does not matter to me now whether there turn out to be wheels and springs inside, or stuffing, or some subtler or messier mechanism. . . . What this ‘body’ lacks is *privacy*. . . . Only *I* could reach that privacy, by accepting it as a home of my concepts of the human soul. When I withdraw that acceptance, the criteria are dead. . . . And what happens to me when I withhold my acceptance of privacy—anyway, of otherness—as the home of my concepts of the human soul and find my criteria to be dead, mere words, word-shells: I said a while ago in passing that I withhold myself. What I withhold myself from is my attunement with others—with all others, not merely with the one I was to know. (Ibid., 84–85)

Now, many things could be said about this fascinating passage. One might, for example, ask why the sentences on “wheels and springs” do not beg the question that is often raised so forcefully in science fiction—in the film *Blade Runner*, say—about why there *should* be any necessary relation between the phenomenological and ethical issues that attend what we usually denote by the term *human* and the particular physical mechanism of its realization. Or one might point to how phrases such as

“nothing the body is of” reintroduce the danger of what Daniel Dennett has called the “Cartesian theatre” of a mind (or ego, cogito, or, here, “soul”), which threatens to evaporate into “No one in particular with a view from nowhere.”¹⁰ Or one might argue, as I have elsewhere, that a passage such as this makes clear why the supposed “weakness” of philosophical conventionalism is precisely its strength;¹¹ that is, instead of openness to the other depending on a representationalist adequation between otherwise “dead” criteria and the genus of being whose “true” nature allows us to say that those criteria are being properly deployed—in which case we are forced to ask, How much “of our flesh” is flesh enough?—relevant criteria should instead apply consistently and dispassionately across the board, pragmatically, not because certain entities are a priori certain *types of beings*. In this light, the problem is that there is in the foregoing passage nothing to stop the difference between “wheels and springs” and “some subtler or messier mechanism” from readily rescripting itself not only as the difference between human and android (to stay with the *Blade Runner* example), but also, for our purposes here, as the difference between human and animal.

My larger point, however, is that this “living being” turns out to be a fairly familiar sort of creature after all (as is suggested most pointedly, perhaps, by the discourse of “privacy” that wends its way through the previous passage, reaching back to Hearne’s ethical foreclosure via the discourse of private property). And hence it belies Cavell’s opening of the human to the animal other by rewriting the differences in *degree* in “patterns we share with other life forms” (*This New*, 48) as differences in *kind*—a maneuver made possible by grounding those otherwise conventional differences in their proper “biological” “sources.” In Cavell, in other words, the opening of the human to the shared world of the animal other via the “sketchiness” of our own form of life—a sketchiness revealed in the encounter with philosophical skepticism—is in the end foreclosed by the fact that the animal other matters only insofar as it mirrors, in a diminished way, the *human* form that is the “source” of recognizing animals as bodies that have sensations, feel pain, and so on. And here, Cavell’s liberal humanism links him rather unexpectedly, I think, with the animal rights philosophy of Peter Singer and Tom Regan, for whom our responsibility to the animal other is grounded, as I have argued elsewhere, in the fact that it exhibits in diminished form qualities, potentialities, or abilities that exist in their fullest realization in human beings.¹²

To put it in more strictly philosophical terms, there is a way—as Richard

Rorty would no doubt be the first to argue—in which all of this is already hardwired into Cavell’s primary philosophical commitment to the importance of the problem of skepticism. Skepticism takes seriously, if you will, the loss of the world, its exile, as the price paid for knowledge after Kant. As Cavell writes of the Kantian “settlement” with skepticism in *In Quest of the Ordinary*, “To settle with skepticism . . . to assure us that we do know the existence of the world, or rather, that what we understand as knowledge is *of* the world, the price Kant asks us to pay is to cede any claim to know the thing in itself, to grant that human knowledge is not of things as they are in themselves. You don’t—do you?—have to be a romantic to feel sometimes about that settlement: Thanks for nothing.”¹³ It is a “romantic” bridling against this Kantian settlement that, for Cavell, links Wittgenstein to Heidegger—and, as I will suggest later, opens Cavell to Derrida’s critique of Heideggerian humanism. For Cavell, Wittgenstein’s notion of criterion “is as if a pivot between the necessity of the relation among human beings Wittgenstein calls ‘agreement in form of life’ and the necessity in the relation between grammar and world,” and it is this “recuperation or recoupment or redemption of the thing (in itself),” exiled as the *Ding an sich* by Kant’s “settlement,” that links Heidegger’s late philosophy with Wittgenstein as “a function of their moving in structurally similar recoils away from Kant’s settlement with the thing in itself, a recoil toward linking two ‘directions’ of language—that outward, toward objects, and that inward, toward culture and the individual” (*This New*, 49–51). For Cavell, in other words, both Wittgenstein and Heidegger remain committed, though granted in a very complicated way, to a fundamental alignment between the grammar of objects, of things in the world, and the grammar of language games and the forms of life they generate; more than that, it is the biological or vertical “form of life” of the human that is both the “source” of our attributions to the world and the “background”—the *background*, to put a finer point on it—against which they must be judged.

What the Victim Can (Not) Say: Lyotard (with Levinas)

However supple and nuanced the meditations on language, phenomenology, and species difference in the Wittgenstein/Cavell/Hearne line—and I have tried to show that they are nuanced indeed—the countervailing force of a deeply ingrained humanism in their work should propel us, I think, to contrast their views with those of poststructuralist philosophy, because the latter is widely held to be nothing if not post- or at least anti-humanist. I have in mind here, specifically, the work of Jean-François

Lyotard and Jacques Derrida: Lyotard, because of the tight coupling in his work of the formal analysis of language games to questions of law and ethics, and the philosophical imperative of what he calls “the inhuman”; and Derrida, because no contemporary theorist has carried out a more searching, if episodic, investigation of the question of the animal—an investigation that turns, in no small part, on an ongoing reading of Heidegger that we will soon want to contrast with Cavell’s.

For Lyotard, the question of the animal is embedded within the larger context of the relationship between postmodernity and what he has called “the inhuman.” As is well known, in *The Postmodern Condition* Lyotard borrows the Wittgensteinian concept of the “language game” to theorize the social and formal conditions of possibility for what he presents as a distinctly postmodern type of pluralism made possible by the delegitimation of the “grand metanarratives” of modernity.¹⁴ For Lyotard, the effect of seizing upon Wittgenstein’s invention is not only to radicalize his Kantian insistence on the differences between different discourses (the descriptive and the prescriptive, for example), and not just to thereby “attack the legitimacy of the discourse of science” (because on this view science now “has no special calling to supervise the game of praxis”). It is also to reveal “an important current of postmodernity”—indeed, from a Lyotardian vantage, perhaps *the* most important current: “The social subject itself seems to dissolve in this dissemination of language games. The social bond is linguistic, but is not woven with a single thread” (*Postmodern Condition*, 40). If, on this view, modernity consists of “a shattering of belief” and a “discovery of the ‘lack of reality’ of reality” (*ibid.*, 77), then what matters now is the posture one adopts toward this discovery of the postmodern at the heart of the modern:

If it is true that modernity takes place in the withdrawal of the real . . . it is possible, within this relation, to distinguish two modes. . . . The emphasis can be placed on the powerlessness of the faculty of presentation, on the nostalgia for presence felt by the human subject, on the obscure and futile will which inhabits him in spite of everything. The emphasis can be placed, rather, on the power of the faculty to conceive, on its “inhumanity” so to speak . . . on the increase of being and the jubilation which result from the invention of new rules of the game, be it pictorial, artistic, or any other. (*Ibid.*, 79–80)

What the breakdown of the metanarratives of modernity properly calls for, then, is an opening of all language games to constant “invention” and “dissensus” rather than a Habermasian *consensus* which “does violence

to the heterogeneity of language games” (*ibid.*, xxv, 65–66, 72–73); an opening to “new presentations” in the arts and literature and, in the sciences, what he calls “paralogy”—a mode of scientific questioning that is not reducible to the “performativity principle” of technoscience under capital, but rather takes seriously such phenomena as chaos, paradox, and the like, and in so doing spurs itself toward the invention of new rules, “producing not the known but the unknown” (61).

It is against the performativity model of knowledge and legitimation and its expression in the “inhuman” juggernaut of technoscience wedded to capital (in which, as Lyotard only half-jokes, “whoever is the wealthiest has the best chance of being right”) that Lyotard imagines a *second* sort of “inhuman” as its antagonist. “What if human beings, in humanism’s sense,” he writes, “were in the process of, constrained into, becoming inhuman? . . . [W]hat if what is ‘proper’ to humankind were to be inhabited by the inhuman,” a “familiar and unknown guest which is agitating it, sending it delirious but also making it think?”¹⁵ There are, in fact, two different *positive* senses of the inhuman at work here. The first hinges on Lyotard’s retheorization of the subject as the “subject of phrases,” “dispersed in clouds of narrative language elements” and components of language games, each with “pragmatic valences specific to its kind,” each giving “rise to institutions in patches—local determinism” (*Postmodern Condition*, xxiv). This radically antianthropocentric concept of the subject reaches its apotheosis in *The Differend*, where Lyotard argues that “Phrase regimes coincide neither with ‘faculties of the soul’ nor with ‘cognitive faculties.’ . . . You don’t play around with language. And in this sense, there are no language games. There are stakes tied to genres of discourse.” It is this discursive model of the subject that Lyotard sets squarely against the “anthropocentrism” that “in general presupposes a language, a language naturally at peace with itself, ‘communicational’ [in a Habermasian sense], and perturbed for instance only by the wills, passions, and intentions of humans.”¹⁶

The question squarely before us, of course, is whether this reconceptualization of the subject enables us to fundamentally rethink the relations of language, ethics, and the question of the animal. In fact, Lyotard raises this question, if only in passing, in *The Differend*—a text that would seem especially promising in this connection in its resolute antianthropocentrism:

French *Aïe*, Italian *Eh*, American *Whoops* are phrases. A wink, a shrugging of the shoulder, a taping [*sic*] of the foot, a fleeting blush, or an attack of

tachycardia can be phrases.—And the wagging of a dog's tail, the perked ears of a cat?—And a tiny speck to the West rising upon the horizon of the sea?—A silence? . . .—Silence as a phrase. The expectant wait of *Is it happening?* as silence. Feelings as a phrase for what cannot now be phrased. (70)

Here, Lyotard would seem to extend the sense of “language games” in his earlier work, via a rather capacious concept of the “phrase,” in directions not unlike those developed by Hearne in her work on trans-species communication.

And this possibility would seem only further strengthened by the introduction to the essays collected in *The Inhuman*, where Lyotard offers a gloss on the inhuman in a second, even stronger sense that is worth quoting at length:

What shall we call human in humans, the initial misery of their childhood, or their capacity to acquire a “second” nature which, thanks to language, makes them fit to share in communal life, adult consciousness and reason? That the second depends on and presupposes the first is agreed by everyone. The question is only that of knowing whether this dialectic, whatever name we grace it with, leaves no remainder.

If this were the case, it would be inexplicable for the adult himself or herself not only that s/he has to struggle constantly to assure his or her conformity to institutions . . . but that the power of criticizing them, the pain of supporting them and the temptation to escape them persist in some of his or her activities. . . . There too, it is a matter of traces of indeterminacy, a childhood, persisting up to the age of adulthood.

It is a consequence of these banal observations that one can take pride in the title of humanity, for exactly opposite reasons. Shorn of speech, incapable of standing upright, hesitating over the objects of interest, not able to calculate its advantages, not sensitive to common reason, the child is eminently human because its distress heralds and promises things possible. Its initial delay in humanity, which makes it the hostage to the adult community, is also what manifests to this community the lack of humanity it is suffering from, and which calls on it to become more human. (3-4)

It is not enough that “our contemporaries find it adequate to remind us that what is proper to humankind is its absence of defining property, its nothingness, or its transcendence, to display the sign ‘no vacancy,’” for what such a posture “hurries, and crushes, is what after the fact I find I have always tried, under diverse headings—work, figural, heterogeneity,

dissensus, event, thing—to reserve: the unharmonizable” (4). The child, then, inhabits the inhuman in the same way that the postmodern inhabits the modern, and what makes this analogy initially seem so useful for theorizing the animal other is that it posits a permanently incipient multiplicity and self-difference at the very core of subjectivity as such, and in doing so promises to help us extend contemporary transvaluations of the structural homology between child and animal available to us at least since Freud.¹⁷

Lyotard's work thus seems at first glance to mark an advance beyond Cavell's on the question of the animal. For both—and for both within a Kantian frame of sorts—the animal marks an outside or limit that is of a piece with the Kantian Thing, in the face of which knowledge comes to an end. And in and by that end, the ends of the humanist model of subjectivity are interrogated. Unlike Cavell's skepticism, however, Lyotard does not regard this “withdrawal of reality” nostalgically, as a “loss” of reality, but rather finds in it a generative possibility for pluralism. More pointedly, and in more strictly philosophical terms, Lyotard does not retain nostalgia, as Cavell's skeptical frame does, for some representational alignment, however sophisticated, between the grammar of language games and the grammar of the world of objects—a nostalgia that becomes problematic, as we have seen, in Cavell's reading of the “biological” sense of Wittgenstein's “form of life.”

In Lyotard, however, this potential opening for theorizing the standing of the animal other is foreclosed, in the end, by the very Kantianism he shares with Cavell. As he explains early in *The Differend*—in a passage we should hear in concert with the earlier quotation on the dog's tail, the cat's perked ears, and “silence as a phrase”:

The differend is the unstable state and instant of language wherein something which must be able to be put into phrases cannot yet be. This state includes silence, which is a negative phrase, but it also calls upon phrases which are in principle possible. This state is signaled by what one ordinarily calls a feeling. . . . In the differend, something “asks” to be put into phrases, and suffers from the wrong of not being able to be put into phrases right away. This is when the human beings who thought they could use language as an instrument of communication learn through the feeling of pain which accompanies silence (and of pleasure which accompanies the invention of a new idiom), that they are summoned by language, . . . that what remains to be phrased exceeds what they can presently phrase, and that they must be allowed to institute idioms which do not yet exist. (13)

What bars the animal from this otherwise potentially welcoming theorization is the direct linkage in Lyotard between the “feeling” of something that “asks” to be phrased and the Kantian notions of the presentable and the sublime that Lyotard develops in a number of texts. As he had already explained in *The Postmodern Condition*, the “strong and equivocal emotion” of the sublime sentiment is indicative of the “conflict between the faculties of a subject, the faculty to conceive something and the faculty to ‘present’ something” (77); and it takes place “when the imagination fails to present an object which might, if only in principle, come to match a concept. We have the Idea of the world (the totality, of what is) but we do not have the capacity to show an example of it”—such Ideas are “unpresentable” (78). It is the sublime sentiment, born of this conflict, that creates differends and is the spur for new phrases, new discursive rules and inventions.

That the Kantian problematic of the sublime provides the overarching context for the earlier passage I quoted on “feeling,” “silence,” and animal kinesics in relation to phrases is even clearer in *The Differend*. And the problem is that once these “silences” and “emotions” are framed in Kantian terms, a certain order of subject is presupposed that automatically prevents the animal from occupying any of the discursive positions necessary for the ethical force of the differend to apply. The “silence” and “feeling” of the mute or unspoken are not available to the animal, because animals do not possess the capacity to phrase; thus, their silence and feeling, even if they can be said to exist, cannot express a differend; it is not a withholding, and thus it does not express the ethical imperative of dissensus and the differend. As Lyotard writes in *Just Gaming* of the ethical call, the position of the addressee is privileged: “First, one acts from the obligation that comes from the simple fact that I am being spoken to, that you are speaking to me, and then, and only then, can one try to understand what has been received. In other words, the obligation operator comes first and then one sees what one is obligated to.”¹⁸ In this sense, as he explains, ethics has no positive content. “There is no content to the law,” Lyotard writes. “And if there is no content, it is precisely because freedom is not determinant. Freedom is regulatory; it appears in the statement of the law only as that which must be respected; but one must always reflect in order to know if in repaying a loan or in refusing to give away a friend, etc., one is actually acting, *in every single instance*, in such a way as to maintain the Idea of a society of free beings” (*Just Gaming*, 85). The famous “so that” (*so daß*) of Kant’s categorical imperative “does not say: ‘If you want to be this, then do that,’” but rather “marks

the properly reflective use of judgment. It says: Do whatever, not on condition that, but *in such a way as* that which you do, the maxim of what you do, can always be valid as, etc. We are not dealing here with a determinant synthesis but with an Idea of human society” (*ibid.*).

Here, the linkage between a particular notion of the subject and a specific sense of ethics is very close to what we find in the work of Emmanuel Levinas—a connection that seems to have reached its high-water mark in Lyotard’s work during the period of the conversations with Jean-Loup Thébaud collected under the title *Just Gaming*.¹⁹ There, Lyotard explains that it is “the absolute privileging of the pole of the addressee” in Levinas that “marks the place where something is prescribed to me, that is, where I am obligated before any freedom” (37). What this means is that the ethical “you must,” the obligation attendant upon the addressee, the prescriptive as such, cannot be “derived” from reason (or, in Kantian terms, from the descriptive). And so it is folly—and in Lyotard’s terms, in fact, a form of terrorism—to try to offer reasons for the origin or content of ethical obligation. “The ‘you must,’” Lyotard writes, “is an obligation that ultimately is not even directly experienced”; it “is something that exceeds all experience” (45–46).²⁰

The question, then, is whether this Levinasian sense of the ethical makes it possible to think anew the question of the nonhuman animal. John Llewelyn, in a concise and exacting essay titled “Am I Obsessed by Bobby? (Humanism of the Other Animal),” has tackled this question head-on. Bobby (as the more dedicated readers of Levinas will know) is the name of a dog about whom Levinas writes in an essay from 1975, in which, as Llewelyn puts it, he “all but proposes an analogy between the unspeakable human Holocaust and the unspoken animal one.”²¹ Bobby, who strayed into the prison camp where Levinas and his fellow Jewish prisoners had themselves “become accustomed to being treated as less than human” (235), evinced, as dogs will do, friendship and loyalty to the prisoners, greeting them at the end of each day with bright eyes and wagging tail without regard for their “inhuman” condition. But the problem for Levinas, according to Llewelyn, is that “Bobby lacks the brains to universalize his maxim. He is too stupid, *trop bête*. Bobby is without *logos* and that is why he is without ethics . . . since the ethics of Emmanuel Levinas is analogous to the ethics of Immanuel Kant.” As Kant writes, “Since in all our experience we are acquainted with no being which might be capable of obligation (active or passive) except man, man therefore can have no duty to any being other than man” (quoted in *ibid.*, 236). As Llewelyn is at pains to point out, it is not that the question

famously raised by Jeremy Bentham with regard to animals—can they suffer?—is irrelevant for Kant.²² If, in Kant's view, we seek our own happiness as a "natural end," and "since that natural end includes man's well-being as an animal, the maxim 'Treat nonhuman animals as if they have no capacity for suffering' is not one that can be consistently conceived as a law of nature," because "Such a conception is inconsistent with what one knows about animals from one's own experience of being one" (241).

At the same time, however, Kant "remains adamant that we can have direct duties only to beings that have *Wille* understood as pure practical reason" (ibid.). And for Levinas, according to Llewelyn, things are even more stringent than in Kant. First, it is crucial to Levinas "whether in the eyes of the animal we can discern a recognition, however obscure, of his own mortality . . . whether, in Levinas' sense of the word, the animal has a face" (240), because only if he or she does can the ethical call of "the first word addressed to me by the Other"—"Thou shalt not murder/kill"—apply to my relation with a nonhuman other. And here, for Levinas, the answer is quite unambiguously "no" (243). Second, for Levinas, "I can have direct responsibilities only toward beings that can speak"; both Levinas and Kant (like Hearne) "require an obligating being to be able to make a claim in so many words. No claim goes without saying, even if the saying is the silent saying of the discourse of the face"—a formulation that ratifies, as it were, Lyotard's Kantian reading of "feelings," "silence," and the "withholding" of the phrase that in the end excludes the animal in *The Differend*. In an echo of Cavell's meditation on "the romance of the hand and its appposable thumb," "the upright posture," and "the eyes set for heaven," we find in Levinas that "The Other has only to look at me. Indeed, what is expressed in his face may be expressed by his hand or the nape of his neck" (241)—the full resonance of which we will explore in a moment in Derrida's reading of "Heidegger's Hand." And although for Levinas this "very *droiture* of the face-to-face, its uprightness or rectitude, is the expression of the other's *droit* over me," that relationship can never include Bobby or any animal who, deprived of *Wille*, reason, and language, remains, for all ethical purposes, faceless (242).

Similarly, in Lyotard, one does not know what the ethical call calls for, but one certainly knows *for whom* it calls:

There is a willing. What this will wants, we do not know. We feel it in the form of an obligation, but this obligation is empty, in a way. So if it can be given a content in the specific occasion, this content can only be circumscribed by an Idea. The Idea is . . . "the whole of reasonable beings" or the preservation of the possibility of the prescriptive game. But this whole of

reasonable beings, I do not know if the will wants it or what it wants with it. I will never know it. (*Just Gaming*, 70)²³

Lyotard's answer to the question he poses in *The Differend*—"And the wagging of a dog's tail, the perked ears of a cat?"—will come as no surprise, then, when he writes earlier in the book that the animal, because it does not have the means to bear witness, is "a paradigm of the victim" (28) who suffers wrongs but cannot claim damages:

Some feel more grief over damages inflicted upon an animal than over those inflicted upon a human. This is because the animal is deprived of the possibility of bearing witness according to the human rules for establishing damages, and as a consequence, every damage is like a wrong and turns it into a victim *ipso facto*.—But, if it does not at all have the means to bear witness, then there are not even damages, or at least you cannot establish them. . . . That is why the animal is a paradigm of the victim. (Ibid.)

Thus, we are returned in Lyotard's work, via Kant, to an essential (if extremely sophisticated) humanism regarding the ethical and the animal: first, in the taken-for-granted muteness of the animal which, crucially, can never be a "withholding" that, via the "feelings" that generate differends, is ethically productive of or included in the postmodern pluralism that Lyotard wants to promote; and second, in the theorization of the ethical community of "reasonable beings" whose standing is grounded in the capacity for language, whether formalized subsequently via the social contract to which only humans are party, or by the reinstatement of the Kantian divide between direct duty to humans and indirect duty to animals. For Lyotard as for Cavell, it is on the specific site of the ethical standing of the animal other that we get the clearest picture of a humanism that is otherwise sometimes hard to see. For both, the animal is that Kantian outside that reveals our traditional pictures of the ontological fullness of the human to have been fantasies all along, built on the sands of disavowal of our own contingency, our own materiality, our own "spoken-ness." But once that work is done, the animal is returned to its exile, its facelessness, as the human now retains a privileged relationship—indeed, a constitutive one—not to its own success but to its hard-won failure, from which the animal remains excluded. In the end, for Lyotard, we may not be us, but at least we retain the certainty that the animal remains the animal.

"The Animal, What a Word!": Derrida (with Levinas)

Given the shortcomings of the Lyotardian frame, I would like to turn now to the work of Jacques Derrida, who writes in *Of Spirit: Heidegger and*

the Question that the “discourse of animality remains for me a very old anxiety, a still lively suspicion.”²⁴ This is certainly true, but it seems to have reached a new pitch of intensity and, one is tempted to say, passion or compassion in Derrida’s recent work delivered as eight and a half hours of lectures at Cerisy-la-Salle in 1997 at a conference devoted to Derrida’s work, titled “L’Animal autobiographique.”²⁵ In the opening section, titled “The Animal That Therefore I Am (More to Follow),” he lists upward of twenty texts in which the question of the animal has arisen throughout his career—and nowhere more densely, perhaps, than in his reading of Martin Heidegger.

In “*Geschlecht II: Heidegger’s Hand*,” Derrida makes a statement that must seem, to any reader—especially, perhaps, to those who think of themselves as Derrideans—a sweeping one indeed, when he says of Heidegger’s writing on the hand that “Here in effect occurs a sentence that at bottom seems to me Heidegger’s most significant, symptomatic, and seriously dogmatic,” one that risks “compromising the whole force and necessity of the discourse.” The sentence he has in mind from Heidegger is this: “Apes, for example, have organs that can grasp, but they have no hand.”²⁶ What can Heidegger mean here, particularly in that such a statement remains, as Derrida notes, willfully ignorant of the whole body of “zoological knowledge” to the contrary (173)?²⁷ What Heidegger has in mind, it turns out, is a figure of the hand whose being is determined not by biological or utilitarian function—“does not let itself be determined as a bodily organ of gripping” (172)—but rather one that can serve as a figure for thought, and a particular mode of thought at that. It is this that distinguishes the *Geschlecht* of humanity from the rest of creation. “If there is a thought of the hand or a hand of thought, as Heidegger gives us to think,” Derrida writes, “it is not of the order of conceptual grasping. Rather this thought of the hand belongs to the essence of the *gift*, of a giving that would give, if this is possible, without taking hold of anything” (173). We find here a contrast—an “abyss,” in fact, as Derrida will argue—between the grasping or “prehension” associated with the “prehensile” organs of the ape (*Of Spirit*, 11) and the hand of man, which “is far from these in an infinite way (*unendlich*) through the abyss of its being. . . . This abyss is speech and thought. ‘Only a being who can speak, that is, think,’ Heidegger writes, ‘can have the hand and be handy (*in der Handhabung*) in achieving works of handicraft” (quoted in “*Geschlecht II*,” 174). Even more specifically, “Only when man speaks does he think—not the other way around, as metaphysics still believes. Every motion of the hand in every one of its works carries itself (*sich trägt*) through the

element of thinking, every bearing of the hand bears itself (*gebärdet sich*) in that element. All the work of the hand is rooted in thinking. Therefore, thinking (*das Denken*) itself is man’s simplest, and for that reason hardest, *Hand-Werk*” (quoted in *ibid.*, 175).

We should be reminded here of a similar moment in Cavell’s reading of Heidegger that takes the statement “Thinking is a handicraft” not only to mean that the hand and the “fantasy of the apposable thumb” figures thought as a distinctly human relation to the world, but also, more pointedly, that it reminds us of Heidegger’s “interpretation of Western conceptualizing as a kind of sublimized violence,” a sort of “clutching” or “grasping” through what we might call “prehensile” conceptualization whose apotheosis is “the world dominion of technology” (*Conditions Handsome*, 38, 41).²⁸ In opposition to all of this Cavell finds Heidegger’s emphasis on thought as “reception,” as a kind of welcoming, elaborated by Heidegger in passages that insist on “the derivation of the word thinking from a root for thanking,” as if “giving thanks for the gift of thinking” (38–39).

It should not surprise us at this juncture that Derrida’s critique of this cluster of figures in Heidegger is surely more pointed than Cavell’s, because Cavell, as we have seen, remains in some important sense a part of that humanist tradition to which Heidegger belongs. To put it another way, Cavell’s taking seriously of the problem of skepticism is simultaneously taking seriously the nondeconstructibility of the opposition between giving and taking. But “the nerve of the argument,” Derrida writes, “seems to me reducible to the assured opposition of *giving* and *taking*: man’s hand *gives and gives itself, gives and is given*, like thought . . . whereas the organ of the ape or of man as a simple animal, indeed as *animal rationale*, can only *take hold of, grasp, lay hands on the thing*. The organ can *only* take hold of and manipulate the thing insofar as, in any case, it does not have to deal with the thing *as such*, does not let the thing be what it is in its essence” (“*Geschlecht II*,” 175). But, of course—and here is the difference with Cavell—“Nothing is less assured,” as Derrida has argued in any number of texts, “than the distinction between *giving* and *taking*” (176).

Heidegger’s hand is only an especially charged figure for what Derrida in *Of Spirit* will critique in Heidegger as “the profoundest metaphysical humanism,” where he subjects to rigorous deconstruction Heidegger’s tortured theses in *Fundamental Concepts of Metaphysics* that (1) “The stone is without world,” but (2) “The animal is poor in world,” unlike (3) Man, who is “world-forming” or world-building (48). As Derrida remarks, what at first looks like a difference only in *degree* between the “poverty” of the animal and the plenitude of the human in relation to

having a world is paradoxically maintained by Heidegger as a difference in *kind*, a “difference in essence” (48–49). The central problem here is one of “two values incompatible in their ‘logic’: that of lack and that of alterity” (49); in the interests of determining the “we” of *Dasein*, of Being, “The lack of world for the animal is not a pure nothingness”—as it would be for the stone—“but it must not be referred, on a scale of homogeneous degrees, to a plenitude, or to a non-lack in a heterogeneous order, for example that of man” (ibid.). The animal for Heidegger, therefore, paradoxically “has a world in the mode of not-having” (50); it “can have a world because it has access to entities, but it is deprived of a world because it does not have access to entities *as such* and in their Being” (51). And this is so, in turn, because the animal does not have language. As Derrida emphasizes, “This inability to name is not primarily or simply linguistic; it derives from the properly *phenomenological* impossibility of speaking the phenomenon whose phenomenality as such, or whose very *as such*, does not appear to the animal and does not unveil the Being of the entity” (53). For Heidegger, then, “There is no animal *Dasein*, since *Dasein* is characterized by access to the ‘as such’ of the entity and to the correlative possibility of questioning” (56–57). The animal has no hand or, to put it in the Levinasian terms we have already touched on, the animal has no face; it cannot be an Other.

A formal symptom of this discourse of the animal in Heidegger that brings “the consequences of a serious mortgaging to weigh upon the whole of his thought” (57) is that it is presented in the dogmatic form of a *thesis*—a reductive genre that Derrida clearly bridles against in principle. The form of thesis presupposes “that there is one thing, one domain, one homogeneous type of entity, which is called animality *in general*, for which any example would do the job” (ibid.). The monstrosity of the thesis is its dogmatism, and it partakes of the same logic that drives the “monstrosity” of Heidegger’s hand, which becomes for Derrida a figure for Heidegger’s flight from *différance* generally, but specifically as it is disseminated through the sites of species difference and sexual difference—a double point that will help make especially clear Derrida’s differences with Levinas. “The hand of *the* man, of man *as such*,” Derrida writes; “Heidegger does not only think of the hand as a very singular thing that would rightfully belong only to man, he always thinks the hand *in the singular*, as if man did not have two hands but, this monster, one single hand” (182).

It is the rejection of “animality in general,” and of singularity and identity *in general*, that is amplified considerably in Derrida’s recent lec-

ture “The Animal That Therefore I Am (More to Follow).” The “animal, what a word!” he exclaims (392). “[W]ithin the strict enclosure of this definite article (‘the Animal’ and not ‘animals’) . . . are *all the living things* that man does not recognize as his fellows, his neighbors or his brothers. And that is so in spite of the infinite space that separates the lizard from the dog, the protozoon from the dolphin, the shark from the lamb, the parrot from the chimpanzee” (402). For Derrida, this “immense multiplicity of other living things . . . cannot in any way be homogenized, except by means of violence and willful ignorance”; it “is not simply a sin against rigorous thinking, vigilance, lucidity or empirical authority,” he continues, “it is also a crime. Not a crime against animality precisely, but a crime of the first order against the animals, against animals. Do we agree to presume that every murder, every transgression of the commandment ‘Thou shalt not kill’ concerns only man?” (416). Here Derrida offers a strong reprise of his diagnosis of the “carno-phallogocentrism” of the Western philosophical tradition in the interview “Eating Well.” In both texts, the Word, *logos*, does violence to the heterogeneous multiplicity of the living world by reconstituting it under the sign of identity, the *as such* and *in general*—not “animals” but “*the* animal.” And as such, it enacts what Derrida calls the “sacrificial structure” that opens a space for the “non-criminal putting to death” of the animal—a sacrifice that (so the story of Western philosophy goes) allows the transcendence of the human, of what Heidegger calls “spirit,” by the killing off and disavowal of the animal, the bodily, the materially heterogeneous, the contingent—in short, of *différance*.²⁹

And yet Derrida’s recent work moves beyond “Eating Well,” or perhaps fleshes out its full implications (if you will allow the expression), in a couple of important ways—ways that will, moreover, sharpen our sense of his complex relationship with Levinas on the question of ethics; for, in the Cerisy lecture, Derrida is struggling to say, I believe, that the question of the animal is, “*at this very moment*” (to borrow from the title of his well-known essay on Levinas), not just any difference among others; it is, we might say, the most different difference, and therefore the most instructive—*particularly* if we pay attention, as he does here, to how it has been consistently repressed even by contemporary thinkers as otherwise profound as Levinas and Lacan. To pay proper attention to these questions, “It would not be a matter of ‘giving speech back’ to animals,” Derrida writes, “but perhaps of acceding to a thinking, however fabulous and chimerical it might be, that thinks the absence of the name and of the word otherwise, as something other than a privation.” (“The Animal

That Therefore I Am," 416)—to enact, as it were, a radical transvaluation of the "reticence" of Wittgenstein's lion. But how to do this?

In a move that is bound to be surprising, Derrida returns to the central question famously raised by Jeremy Bentham in response to Descartes: the question with animals is not can they talk, or can they reason, but can they *suffer*. "Once its protocol is established," Derrida writes, "the form of this question changes everything" (396), because "From Aristotle to Descartes, from Descartes, especially, to Heidegger, Levinas and Lacan," posing the question of the animal in terms of either thought or language "determines so many others concerning *power* or *capability* [*pouvoirs*], and *attributes* [*avoirs*]: being able, having the power to give, to die, to bury one's dead, to dress, to work, to invent a technique" (395). What makes Bentham's reframing of the question so powerful is that now, "The question is disturbed by a certain *passivity*. It bears witness, manifesting already, as question, the response that testifies to sufferance, a passion, a not-being-able." "What of the vulnerability felt on the basis of this inability?" he continues; "What is this non-power at the heart of power? . . . What right should be accorded it? To what extent does it concern us?" (396). It concerns us very directly, in fact—as we know from both Heidegger and Levinas—for "Mortality resides there, as the most radical means of thinking the finitude that we share with animals, the mortality that belongs to the very finitude of life, to the experience of compassion, to the possibility of sharing the possibility of this non-power, the possibility of this impossibility, the anguish of this vulnerability and the vulnerability of this anguish" (*ibid.*).³⁰

It is here, at this precise juncture, that Derrida's complex relationship with Levinas on the question of ethics—and, for that matter, with Lyotard—comes most sharply into focus. On the one hand, they share a certain sense of ethics. As Richard Beardsworth explains in *Derrida and the Political*, the relationship between ethics, the other, and time is central to the critique of Heidegger in both Derrida and Levinas. For both, "Time is not only irrecoverable; being irrecoverable, time is ethics."³¹ Even more to the point for the "passivity" and "vulnerability" of the animal other invoked by Derrida is the fact that Heidegger *appropriates* the limit of death "rather than returning it to *the other* of time. The existential of 'being-towards-death' is consequently a 'being-able' (*pouvoir-être*), not the impossibility of all power." For Levinas and Derrida, on the other hand,

the 'impossibility' of death for the ego confirms that the experience of finitude is one of radical passivity. That the 'I' cannot experience its 'own'

death means, firstly, that death is an immanence *without* horizon, and secondly, that time is that which exceeds my death, that time is the generation which precedes and follows me. . . . Death is not a limit or horizon which, recognized, allows the ego to assume the 'there' [as in Heidegger's 'being-towards-death']; it is something that never arrives in the ego's time, a 'not-yet' which confirms the priority of time over the ego, marking, accordingly, the precedence of the other over the ego. (Beardsworth, *Derrida and the Political*, 130–31)

What this means, then, is that "death *impossibilizes* existence," and does so both for me *and* for the other—because death is no more "for" the other than it is for me—so that "the alterity of death rather than signalling the other signals the *alterity* of the other, the other, if one wishes, as the recurrence of time" (132).

For Levinas and for Derrida, this has crucial implications for their view of ethics, for it suggests that the subject is always "too late" in relation to the other qua the absolute past, even as it is in that relation that the ethical fundamentally resides. At the root of ethical responsibility, then, is, paradoxically, its impossibility. But it is in this impossibility that the possibility of justice resides—a justice not reducible to the immanence of any particular socially or historically inscribed doctrine of law. As Derrida explains in "Force of Law: The 'Mystical Foundation of Authority,'"

A decision that did not go through the ordeal of the undecidable would not be a free decision, it would only be the programmable application of unfolding of a calculable process. It might be legal; it would not be just. . . . Here we 'touch' without touching this extraordinary paradox: the inaccessible transcendence of the law before which and prior to which 'man' stands fast only appears infinitely transcendent and thus theological to the extent that, so near him, it depends only on him, on the performative act by which he institutes it. (Quoted in *ibid.*, 44–45)

And it is here, of course, that the sense of ethics in Levinas and Derrida is diametrically opposed to what we find in a utilitarian such as Peter Singer, the leading figure in animal rights philosophy. For Singer, ethics means, precisely, the application of a "calculable process"—namely, the utilitarian calculus that would tally up the "interests" of the particular beings in question in a given situation, regardless of their species, and would determine what counts as a just act according to which action maximizes the greatest good for the greatest number.³² In doing so, however, Singer's

utilitarian ethics would violate everything that the possibility of justice depends on in Derrida. First, it would run aground on Kant's separation of prescriptive and descriptive discourses, because "If one knew how to be moral, if one knew how to be free, then morality and freedom would be objects of science" (ibid., 52)—and we all know that there is no science of ethics. Second, and more seriously—Derrida is quite forceful on this point—it reduces ethics to the very antithesis of ethics by reducing the aporia of judgment in which the possibility of justice resides to the mechanical unfolding of a positivist calculation. This is what Derrida has in mind, I think, when he writes,

I have thus never believed in some homogeneous continuity between what calls *itself* man and what *he* calls the animal. I am not about to begin to do so now. That would be worse than sleepwalking, it would simply be too asinine [*bête*]. To suppose such a stupid memory lapse or to take to task such a naïve misapprehension of this abyssal rupture would mean, more seriously still, venturing to say almost anything at all for the cause. . . . When that cause or interest begins to profit from what it simplistically suspects to be a biological continuism, whose sinister connotations we are well aware of, or more generally to profit from what is suspected as a geneticism that one might wish to associate with this scatterbrained accusation of continuism, the undertaking in any case becomes . . . aberrant. ("The Animal That Therefore I Am," 398)

From Derrida's point of view, then, the irony of Singer's utilitarian calculus, *even if* in the service of "the cause" of the animal, is that it would be "asinine," not only because of its "geneticism" and "continuism" (manifested in its concept of "interests"), but also because it would be, ironically enough, the sort of mechanical behavior (the utilitarian calculus) that Descartes associated with the animal and the "bestial."³³

This does not mean, of course, that Derrida does not take very seriously the ethical question of nonhuman animals or, for that matter, all of the issues associated with the term *animal rights*. Indeed, it is this, as much as anything, that separates him from Levinas. Here, we could do no better than to return to Derrida's own discussion of Levinas's attractions and limits in "Eating Well." For Levinas, subjectivity "is constituted first of all as the subjectivity of the *hostage*"; the subject is held hostage by the other, in responsibility to the other, in the imperative "Thou shalt not kill." But in Levinas, as in the Judeo-Christian tradition generally, this is not understood as a "Thou shalt not put to death the living in general" (112–13). But why not? Because, as Derrida shows, "Levinas's thematization of the

other 'as' other presupposes the 'as'-structure of Heideggerian ontology" (Beardsworth, *Derrida and the Political*, 134); it holds, that is, that the other can appear *as such*—not as an ontological positivity, as in Heidegger, but rather as a form of *privileged negativity* (what Levinas often calls "passivity," "anarchy," or "vulnerability") that is *always* the form of the ethical *as such*. For Derrida, on the other hand, one must keep the "there" of ethics, the site of the other, "as complex as possible, as a 'play' of time and law, one which refuses the exemplary localization of thought" of the sort that we find, for instance, in Levinas's contention that the "authentically human" is the "being-Jewish in every man" (ibid., 124). Conversely, for Derrida, "for the other to be other it must already be less than other" because the alterity of the other is always already caught in what "Eating Well" calls the "sacrificial economy" of carno-phallogocentrism; and hence, "one cannot 'welcome the other as other'"; in consequence of which, as Beardsworth notes, "alterity can only be the loss of the other in its self-presentation, that is, the 'trace' of the other" (134). What Levinas surrenders, then, is "a differentiated articulation *between* the other and the same," the effect of which "is the loss in turn of the *incalculable* nature of the relation between the other and its others (the community at large)" (125).³⁴

For Derrida, then—to return to "Eating Well"—the surest sign of this recontainment of the alterity of the other in Levinas is that the ethical status of the "community at large" is purchased at the expense of the sacrifice of all forms of difference that are not human—most pointedly, of course, of the animal—whereas for Derrida, the animal *in the plural* is precisely what keeps open the ethical moment of the self via its passivity, because the animal's *death, its mortality, is not sacrificed*. "Discourses as original as those of Heidegger and Levinas, disrupt, of course, a certain traditional humanism," Derrida argues in "Eating Well." "In spite of the differences separating them, they nonetheless remain profound humanisms *to the extent that they do not sacrifice sacrifice*. The subject (in Levinas's sense) and the *Dasein* are 'men' in a world where sacrifice is possible and where it is not forbidden to make an attempt on life in general, but only on the life of man" (113). For Derrida, on the other hand, the animal "has its point of view regarding me. The point of view of the absolute other, and nothing will have ever done more to make me think through this absolute alterity of the neighbor than these moments when I see myself seen naked under the gaze of a cat" ("The Animal That Therefore I Am," 380).

And when Derrida says "man" we should, I think, hear him quite pointedly, for the problem with animal difference is strictly analogous to

the recontainment of *sexual* difference in both Heidegger and Levinas.³⁵ As for the latter, Derrida explains that from Levinas's point of view, it is not woman or femininity per se but rather sexual difference as such that is ethically secondary, the point being that "the possibility of ethics could be saved, if one takes ethics to mean that relationship to the other as other which accounts for no other determination or sexual characteristic in particular. What kind of an ethics would there be if belonging to one sex or another became its law or privilege?" And yet, Derrida continues, it is not clear that Levinas is not here restoring "a classical interpretation" that "gives a masculine sexual marking to what is presented either as a neutral originariness or, at least, as prior and superior to all sexual markings . . . by placing (differentiated) sexuality beneath humanity which sustains itself at the level of Spirit" ("Choreographies," 450-51; see also "At this very moment, 40-44). And that "humanity" sustains *itself*, as we have already seen, by means of the "carnivorous" sacrificial structure that orders the relationship between the world "of spirit" and the animal; hence the full force of Derrida's comment late in the Cerisy lecture that, in the philosophical tradition, he has never "noticed a protestation of principle . . . against the general singular of an animal whose sexuality is as a matter of principle left undifferentiated—or neutralized, not to say castrated" ("The Animal That Therefore I Am," 408).

If Derrida's differences with Levinas on the question of ethics, writing, and the animal are perhaps clear by now, it worth briefly highlighting his differences with Lyotard as well. All three share the sense of ethics voiced in Lyotard's *Just Gaming*: that "Any attempt to state the law . . . to place oneself in the position of enunciator of the universal prescription is obviously infatuation itself and absolute injustice" (99). But Derrida would draw our attention to the ethical implications for "the crossing of borders' between man and animal" ("The Animal That Therefore I Am," 372) that reside in their respective theories of language. Here, what we might call Lyotard's radical formalism would appear to be problematic, for, as Samuel Weber notes, in Lyotard "the concern with 'preserving the purity' and singularity 'of each game' by reinforcing its isolation from the others gives rise to exactly what was intended to be avoided: 'the domination of one game by another, namely, 'the domination of the prescriptive,'" in the form of: *thou shalt not let one language game impinge upon the singularity of another*" (*Just Gaming*, 104). And so, if in Lyotard the Kantian "outside," marked by the difference between the conceivable and the presentable, is what permanently keeps open the ethical necessity of dissensus and invention, the price that Lyotard pays for this way of for-

mulating the problem is that the language games themselves become in an important sense pure and self-identical, and hence the boundaries between them become in principle absolutely uncrossable. Thus, the field of "general agonistics" of which any language game partakes (*Postmodern Condition*, 10) is, as Weber rightly points out, not so agonistic (or so general) after all, for it is restricted by the countervailing force of Lyotard's concept of the language game, which can be in struggle neither internally (because it is a singularity determined by a finite set of rules) nor externally (because the incommensurability of all games is to be protected at all costs) (*Just Gaming*, 104).

For Derrida, on the other hand, the outside is always already inside; in Lyotardian terms, the verticality of the language game is always already constitutively eroded by the horizontality of the field of inscription and signification—of *différance* and the trace, of writing—of which it is part. And hence, the ethical subject of the Kantian "Idea" in Lyotard's scheme—the subject of the "community of reasonable beings"—is always already constitutively derailed by the *unreason*, the alogical force of the *écriture* upon whose disavowal the Law constructs itself in a process that Derrida calls "the law of Law." For Kant, we should remember, "the moral law is transcendent because it transcends the sensible conditions of time and space"; but for Derrida, the *différance* of law, the law of Law, consists in the fact that "If the law is, on the one hand, unaccountable"—and this is where Derrida's relationship with Levinas is triangulated via different relations to Kant—"on the other hand it is *nowhere* but *in* its inscriptions in history, whilst not being reducible to these inscriptions either" (Beardsworth, *Derrida and the Political*, 29). Thus, the Kantian gives way to the Nietzschean realization, as Weber puts it, that "Otherness, then, is not to be sought *between* games that are supposed to be essentially self-identical, but *within* the game as such" (*Just Gaming*, 106). Or, as Geoff Bennington characterizes it, in more strictly Derridean terms, for Derrida "language is not essentially human . . . ; the refusal to think of language as in some way a separate domain over against the world . . . implies the consequence of an essential inhumanity of language."³⁶

This difference between Lyotard's sense of language and Derrida's has very direct implications for thinking the problematic of the animal in relation to ethics. As Vicki Kirby points out, if one

reads the substance of materiality, corporeality, and radical alterity together, and places them outside or beyond representation, the absolute cut of this division actually severs the possibility of an ethical relation

with the Other. . . . [E]thical responsibility to the Other therefore becomes an act of conscious humility and benevolent obligation to an Other who is not me, an Other whose difference is so foreign that it cannot be known. Yet a Derridean reading would surely discover that the breach in the identity and being of the sovereign subject, and in the very notion of cognition itself, is not merely nostalgic loss nor anticipated threat or promise. It is a constitutive breaching, a recalling and differentiating within the subject, that hails it into presence. As impossible as it may seem, the ethical relation to radical alterity is to an other that is, also, me. (*Telling Flesh*, 95)

This is precisely what Derrida has in mind, I think, when he contends in "Eating Well" that

The idea according to which man is the only speaking being, in its traditional form or in its Heideggerian form, seems to me at once undisplaceable and highly problematic. Of course, if one defines language in such a way that it is reserved for what we call man, what is there to say? But if one reinscribes language in a network of possibilities that do not merely encompass it but mark it irreducibly from the inside, everything changes. I am thinking in particular of the mark in general, of the trace, of iterability, of *différance*. These possibilities or necessities, without which there would be no language, *are themselves not only human*. . . . And what I am proposing here should allow us to take into account scientific knowledge about the complexity of "animal languages," genetic coding, all forms of marking within which so-called human language, as original as it might be, does not allow us to "cut" once and for all where we would in general like to cut. (116-17)

It is not simply a matter, however, of contesting humanism's traditional notion of language and reconceiving it in terms of the technicity and inhuman dynamics of *différance*; for once that stratagem of humanism has been met, there remains the privileged *relation to that relation* that more contemporary, sophisticated forms of humanism of the sort we find in Lacan and Levinas have reserved for themselves. As Derrida explains in "The Animal That Therefore I Am," philosophers from Aristotle to Lacan, Kant, Heidegger, and Levinas all "say the same thing: the animal is without language. Or more precisely unable to respond, to respond with a response that could be precisely and rigorously distinguished from a reaction" (400). To "respond" rather than merely "react," one must be capable of "erasing," and "even those who, from Descartes to Lacan, have

conceded to the said animal some aptitude for signs and for communication, have always denied it the power to *respond*—to *pretend*, to *lie*, to *cover its tracks or erase its own traces*"—hence the fallback position of humanism (as in Lacan) that it is the difference between communication and metacommunication, signifying and signifying *about* signifying, the ability to *lie by telling the truth*, as Lacan puts it, that surely distinguishes the human from the animal. But, as Derrida notes, even if we concede that this is a more compelling distinction between human and animal than simply language use as such, it is nonetheless deeply problematic in one fundamental sense: "The fact that a trace can always be erased, and forever, in no way means—and this is a critical difference—that someone, man or animal, *can of his own accord* erase his traces" (401).

The specific moment in Derrida's intervention is crucial. It helps to make clear how it is that Derrida is interested in the historical and institutional specificity—not "merely," as it were, the ontological problematic—of the question of the animal. Here, Richard Beardsworth's objection in *Derrida and the Political* about Derrida's ethical formalism is worth lingering over for a moment. Beardsworth calls on Derrida to engage more directly the question of the trace and technicity as it relates to contemporary technoscience, because the latter constitutes an unprecedented *speeding up* of the relationship between the human and the technical that "risks reducing the *différance* of time, or the aporia of time"—whose very excess constitutes the "promise" of the impossible "we" to come to which any form of political organization is ethically responsible (146)—"to an experience of time that *forgets* time" (148). But what we find in Derrida's later work—and above all for Beardsworth in *Of Spirit*—is an underestimation of "the speed with which the human is losing its experience of time," with the result that the "promise" of ethics and politics ends up "*appearing* too formal, freezing Derrida's deconstructions . . . which turn the relation between the human and the technical into a 'logic' of supplementarity without history" (154). Thus, for Beardsworth, "There are, consequently, 'two' instances of 'radical alterity' here which need articulation, and whose relation demands to be developed: the radical alterity of the promise and the radical alterity of the other prior to the ego of which one modality (and increasingly so in the coming years) is the technical other" (155).

But *only one modality*, I would hasten to add. Indeed, it seems likely to me—though there is no way, strictly speaking, to prove the point—that Beardsworth's call for "the promise to appear *through* the relation between the human and the nonhuman" (156) gets rerouted in much of Derrida's

later work (especially in *Of Spirit*) via the question of the animal. Beardsworth asks, "with attention to the radical alterity of time, do Derrida's earlier analyses of originary technicity become eclipsed? If not . . . then *how* does one develop the relations between the promise and originary technicity?" (153). The answer, it seems to me, is via the question of the animal, *precisely* with the intention of developing a concept of the promise that is not once again automatically exclusive of nonhuman others; for Derrida would surely ask of Beardsworth whether *his* concept of the radical alterity of time in this instance is not symptomatic of the humanism with which Derrida takes issue in "The Animal That Therefore I Am" in his meditations on the shared passivity, anguish, and vulnerability of the human *and* the animal in relation to death. In his later work, Derrida's strategy, I would suggest, is exactly the reverse of what Beardsworth calls for: attention to the question of the qualitative transformation of time not by way of attention to the speed of technoscience, but to what one might call the "slowness" of the animal other. Here, time, rather than being "for" the human—even in the form of its inhumanity in technicity, to which the human nevertheless maintains a privileged relationship—instead consists of a radical asynchronicity: horizontally, in evolutionary qualities and tendencies that persist across species lines (the facts of our mammalian being, of "involuntary" physiological traits and gestural repertoires, the experience of disease and, most important, the death that fatefully links the world of human and animal); and vertically, in the differences between species in their power over time, their ability to compress it, if you will, for adaptive advantage by making use of different technicities (including, of course, the technicity of the body as the first tool, but also of the brain and the tool proper, with its apotheosis in technoscience).

In these terms, one might think of the speed of time that Beardsworth (following Bernard Stiegler) associates with the specific phenomenon of technoscience as part of a larger evolutionary process of chronicities and periodicities in which all animals participate, sharing a passivity in a larger, radically ahuman economy of time's scarcity and alterity. All animals strive to increase their control over ever longer periods of future time in the interests of anticipating and adapting to changes in their environment. The differences between species may thus be described in terms of the ability to process increased temporal complexity and the constant introduction of novel periodicities into the environment, as organisms constantly adjust to each other's increasingly well-honed periodicities by introducing ever more efficient ones of their own, leading to

a supersaturation of chronicities that in turn generates a scarcity of *time* that drives evolutionary process.³⁷ From this vantage—to return to the relationship between time and technicity—what Derrida's work on the animal would stress is the *inhuman* rather than the *human* relation to the *inhumanity of time and technicity itself*. This is what Derrida means, I believe—in a formulation germane to Beardsworth's own historicism—when he writes: "As for history, historicity, even historicality, those motifs belong precisely . . . to *this* auto-definition, *this* auto-apprehension, *this* auto-situation of man or of the human *Dasein* with respect to what is living and with respect to animal life; they belong to this auto-biography of man that I wish to call into question today" (393).

This does not mean, however, that Derrida is not attuned to the historical specificity of our relation to animals. Indeed, "The Animal That Therefore I Am" is even more striking than "Eating Well" in the forthrightness with which it meets this question. There, he argues that "for about two centuries" we have been involved at "an alarming rate of acceleration" in a transformation of our experience of animals (36), in which our

traditional forms of treatment of the animal have been turned upside down by the joint developments of zoological, ethological, biological and genetic *forms of knowledge* and the always inseparable *techniques* of intervention . . . by means of farming and regimentalization at a demographic level unknown in the past, by means of genetic experimentation, the industrialization of what can be called the production for consumption of animal meat, artificial insemination on a massive scale, more and more audacious manipulations of the genome, the reduction of the animal not only to production and overactive reproduction (hormones, cross-breeding, cloning, etc.) of meat for consumption but also of all sorts of other end products, and all that in the service of a certain being and the so-called human well-being of man. (394)

For Derrida, no one can "seriously deny the disavowal that this involves . . . in order to organize on a global scale the forgetting or misunderstanding of this violence that some would compare to the worst cases of genocide" (39). But this genocide takes on a particular, historically specific form. As Derrida puts it in one of the more striking passages in all of his work on animals,

it is occurring through the organization and exploitation of an artificial, infernal, virtually interminable survival, in conditions that previous generations would have judged monstrous, outside of every supposed norm

of a life proper to animals that are thus exterminated by means of their continued existence or even their overpopulation. As if, for example, instead of throwing people into ovens or gas chambers, (let's say Nazi) doctors and geneticists had decided to organize the overproduction and overgeneration of Jews, gypsies and homosexuals by means of artificial insemination, so that, being more numerous and better fed, they could be destined in always increasing numbers for the same hell, that of the imposition of genetic experimentation, or extermination by gas or by fire. In the same abattoirs. (394-95)

It is in response to this historically specific transformation of our relations with animals that "voices are raised—minority, weak, marginal voices, little assured of their discourse, of their right to discourse and of the enactment of their discourse within the law, as a declaration of rights—in order to protest, in order to appeal . . . to what is still presented in such a problematic way as *animal rights*." Indeed, from the vantage of Derrida's recent work, the value of animal rights, however problematic its formulation may be, is that it "involves a new experience of this compassion," has opened anew "the immense question of pathos," of "suffering, pity and compassion," and "the place that has to be accorded to the interpretation of this compassion, to the sharing of this suffering among the living, to the law, ethics, and politics that must be brought to bear upon this experience of compassion" (395).

Disarticulating Language, Subject, and Species: Maturana and Varela (with Bateson)

A signal advantage of Derrida's formulation of the "trace beyond the human" is that it allows us not only to "move from the 'ends of man,' that is the confines of man, to the 'crossing of borders' between man and animal" ("The Animal That Therefore I Am," 372), but also to make an interdisciplinary crossing between philosophy and the sciences with the aim of crafting a posthumanist theory of the relations between subjectivity, species, and signification in the broadest sense. As Eva Knodt has pointed out, the exploration of the possible convergences between the "two cultures" of science and the humanities "remains blocked as long as difference is modeled upon linguistic difference, and linguistic self-referentiality is considered the paradigm for self-referentiality generally."³⁸ Here, of course, a good deal depends on how one understands Derrida's notions of writing and textuality; but, in any case, we would need to distinguish, I think, between what Knodt calls the "pan-textualist assumptions" of

Derrida's formulations and those of a Lyotard, not just on the question of language, but also on the question of science—and the relation of both to the larger, trans-species question of communication.³⁹

Here, my aim will be to give some substance to Derrida's own very general suggestions that such disciplinary crossings be pursued, as he reminds us when he protests Heidegger's dogmatic humanism toward the animal in the face of a growing and highly differentiated "zoological knowledge" ("*Geschlecht II*," 173). But when we move the discussion into this register of the signifying behaviors of (at least some) animals, we need to remind ourselves, as Derrida is quick to point out, that it is not simply a question of "giving language back to the animal," but rather of showing how the difference in *kind* between human and animal that humanism constitutes on the site of language may instead be thought as difference in *degree* on a continuum of signifying processes disseminated in field of materiality, technicity, and contingency, of which "human" "language" is but a specific (albeit highly refined) instance. In other words, to recall Derrida's admonition "the animal, what a word!" is to remember that while the question of signifying behaviors may seem relevant only for some animals in particular (namely, those, such as the great apes, in whom linguistic behaviors have been observed), the larger point is that this reopening of the question of language has enormous implications for the *category* of the animal in general—the animal in the "singular," as Derrida puts it—and how it has traditionally been hypostatized over and against the category of the human—again in the singular.

I have no intention, of course, of surveying what has become the immense field within ethology of animal language studies.⁴⁰ And though I will turn very briefly to these issues at the end of this essay, I will largely be ignoring complex questions of institutional disciplinarity in the relations between science and philosophy, questions that would no doubt require their own very different investigation. Similarly, I will be postponing until another occasion a detailed comparison of the theories of meaning in poststructuralism and contemporary systems theory—the latter of which has received its most sophisticated elaboration in the work not of Maturana and Varela, but of Niklas Luhmann. For now, however, I want to examine the theoretical frame for understanding the relations of species and "linguistic domains" provided by the work of Humberto Maturana and Francisco Varela. For them, the baseline physiological structure that an animal must possess to provide the physical basis for the emergence of "third-order structural couplings" and, within that, "linguistic domains" is sufficient cephalization—that is, a certain

concentration and density of neural tissue. As they put it, “the function of the nervous system diversifies tremendously with an increase in the variety of neuronal interactions, which entails growth in the cephalic portion. . . . [T]his increase in cephalic mass carries with it enormous possibilities for structural plasticity of the organism. This is fundamental for the capacity to learn.”⁴¹

For Maturana and Varela, learning and what we usually call “experience” is precisely the result of “structural changes” within the nervous system, and specifically within the synapses and their “local characteristics” (167). Unlike mechanical cybernetic systems, even those that are capable of elementary forms of reflexivity and self-monitoring (artificial intelligence systems, for example), biological systems are self-developing forms that creatively reproduce themselves by embodying the processes of adaptive changes that allow the organism to maintain its own autonomy or “operational closure.” For Maturana and Varela—and this is the theoretical innovation for which they are best known—all living organisms are therefore “autopoietic” unities; that is, they are “continually self-producing” according to their own internal rules and requirements, which means that they are in a crucial sense *closed* and self-referential in terms of what constitutes their *specific* mode of existence, even as they are *open* to the environment on the level of their material structure. As they explain it,

autopoietic unities specify biological phenomenology as the phenomenology proper to those unities with features distinct from physical phenomenology. This is so, not because autopoietic unities go against any aspect of physical phenomenology—since their molecular components must fulfill all physical laws—but because the phenomena they generate in functioning as autopoietic unities depends on their organization and the way this organization comes about, and not on the physical nature of their components (which only determine their space of existence). (*Tree*, 51)

The nervous system, for example, “does not operate according to either of the two extremes: it is neither representational nor solipsistic. It is not solipsistic, because as part of the nervous system’s organism, it participates in the interactions of the nervous system with its environment. These interactions continuously trigger in it the structural changes that modulate its dynamics of states. . . . Nor is it representational, for in each interaction it is the nervous system’s structural state that specifies what perturbations are possible and what changes trigger them” (169).

This is the view widely held in neurobiology and cognitive science,

where most scholars now agree—to take perhaps the most often-cited example, color vision—that “our world of colored objects is literally independent of the wavelength composition of the light coming from any scene we look at. . . . Rather, we must concentrate on understanding that the experience of a color corresponds to a specific pattern of states of activity in the nervous system which its structure determines” (*ibid.*, 21–22). For Maturana and Varela, then, the environment does not present stimuli to the organism, replete with specifications and directions for appropriate response in an input/output model. As they put it, “the changes that result from the interaction between the living being and its environment are brought about by the disturbing agent but *determined by the structure of the disturbed system*” (96; emphasis added). What this means is that “the nervous system does not ‘pick up information’ from the environment, as we often hear. On the contrary, it brings forth a world by specifying what patterns of the environment are perturbations and what changes trigger them in the organism” (169). It is this break with the representational model that distinguishes the work of Maturana and Varela from most of even the most sophisticated work on self-organizing systems in the sciences—a fact whose full epistemological implications I will return to later in this essay.

In animals with sufficient cephalization and plasticity, it is possible for “interactions *between* organisms to acquire in the course of their ontogeny a *recurrent* nature” (180), and only with reference to that specific ontogeny, in its various degrees of contingency and uniqueness, can we understand the animal’s behavior. When these interactions become recurrent, organisms develop a “*new phenomenological domain*” (*ibid.*): “*third-order structural couplings*” (181) or “social life for short” (189). As Maturana and Varela put it, what is common to third-order unities is that “whenever they arise—if only to last for a short time—they generate a particular internal phenomenology, namely, one in which *the individual ontogenies of all the participating organisms occur fundamentally as part of the network of co-ontogenies that they bring about in constituting third-order unities*” (193).⁴² In these instances, the evolutionary problem immediately becomes how, given such variation, the autopoiesis of the social structure will be maintained. The answer, in a word, is *communication* (196, 198–99)—and communication in the specific antirepresentationalist sense we have already touched upon.

To understand the relationship between the broader phenomenon of communication and the more specific matter of language as such, it might be useful to contrast the communication of relatively nonplastic social

animals, the social insects, with those of more plastic animals, such as wolves or humans. In the case of the insects, communication can take place by a small number of direct chemical signals (trophallaxis) because the behavior to be regulated is not susceptible to great ontogenic variation. When the reverse is true, however—when ontogenic variation must be not just tolerated but in fact made productive for the autopoiesis of the social structure—then the animal must develop “acquired communicative behaviors” that depend on the animal’s individual ontogeny as part of a third-order unity. When this happens, the animal is engaged in the production of a “linguistic domain,” behaviors that “constitute the basis for language, but . . . are not yet identical with it” (207).⁴³ Even though human beings are not the only animals that generate linguistic domains, “what is peculiar to them is that, in their linguistic coordination of actions, they give rise to a new phenomenal domain, viz. the *domain of language*. . . . In the flow of recurrent social interactions, language appears when the operations in a linguistic domain result in coordinations of actions about actions that pertain to the linguistic domain *itself*” (209–10). “In other words,” they conclude, “we are in language or, better, we ‘language,’ only when through a reflexive action we make a linguistic distinction of a linguistic distinction” (210).

Now, this view of the specificity of language as *metalinguistic*—as the ability to make linguistic distinctions about linguistic distinctions—may at first glance seem similar to some of the familiar strategies of humanism that we have already examined (the Lacanian view critiqued by Derrida, for example). Here, however, Maturana and Varela emphasize that the relationship between linguistic domains, the emergence of language per se, and species is dynamic and fluid, one of degree and not of kind. It is not an ontological distinction, in other words, even if it is a phenomenological one. As they are quick to point out, “cogent evidence” now shows that other animals (most famously, great apes) are “capable of interacting with us in rich and even recursive linguistic domains” (212) and, more than that, it seems that in many of these instances animals are indeed capable of “making linguistic distinctions of linguistic distinctions”—that is, of languaging.⁴⁴ For them, language is “a permanent biologic possibility in the natural drift of living beings” (*ibid.*). The point, of course, is not to determine whether or not animals can “make all the linguistic distinctions that we human beings make” (215), but rather to rigorously theorize the *disarticulation* between the category of language and the category of species, for only if we do so can the relationship between human, animal, and language be theorized in *both* its similarity and its difference.⁴⁵

We can gain an even more finely grained sense of how systems theory thinks this relationship by turning to the work of Gregory Bateson. As he points out in his analysis of “play” among mammals, this phenomenon “could only occur if the participant organisms were capable of some degree of metacommunication, *i.e.*, of exchanging signals which would carry the message ‘this is play.’”⁴⁶ “The playful nip denotes the bite,” he continues, “but it does not denote what would be denoted by the bite”—namely, aggression or fight (181). What we find here, as in other behaviors among animals, such as “threat,” “histrionic behavior,” and “deceit,” is what Bateson calls “the primitive occurrence of map-territory differentiation,” which “may have been an important step in the evolution of communication.” As he explains, “Denotative communication as it occurs at the human level is only possible *after* the evolution of a complex set of metalinguistic (but not verbalized) rules which govern how words and sentences shall be related to objects and events. It is therefore appropriate to look for the evolution of such metalinguistic and/or metacommunicative rules at a prehuman and preverbal level” (180).

As Bateson points out, however, it is not as if such instances are simply transcended by the advent of specifically human modes of verbal interaction, for “such combinations as histrionic play, bluff, playful threat,” and so on “form together a single total complex of phenomena” that we find not only in various childhood patterns of behavior, but also in adult forms such as gambling, risk taking, spectatorship, initiation and hazing, and a broad range of ritualistic activities—all of which are examples of “a more complex form of play: the game which is constructed not upon the premise ‘This is play’ but rather around the question ‘Is this play?’” In all of these, we find more elaborate forms of the map-territory relation at work in mammalian play generally, where “Paradox is doubly present in the signals which are exchanged. . . . Not only do the playing animals not quite mean what they are saying but, also, they are usually communicating about something which does not exist” (182). The playful baring of the fangs between two wolves, for example, signifies the bite that does not exist; but the bite that does not exist itself signifies a *relationship*—in this case of dominance or subordination—whose “referent,” if you will, is itself the third-order unity of the pack structure, within which the signification is meaningful.

Indeed, as Bateson argues, mammalian communication in general is “primarily about the rules and the contingencies of relationship.” For example, the familiar movements a cat makes in “asking” you for food are, behaviorally speaking, essentially those that a kitten makes to a mother

cat, and “if we were to translate the cat’s message into words, it would not be correct to say that she is crying ‘Milk!’ Rather, she is saying something like ‘Mama!’ Or perhaps, still more correctly, we should say that she is asserting ‘Dependency! Dependency!’” From here, “it is up to you to take a *deductive* step, guessing that it is milk that the cat wants. It is the necessity for this deductive step”—and this strikes me as a brilliant insight—“which marks the difference between preverbal mammalian communication and *both* the communication of bees and the languages of men” (367).

For Bateson, then, it may be that “the great new thing” in the evolution of human language is not “the discovery of abstraction or generalization, but the discovery of how to be specific about something other than relationship”—to be denotative about actions and objects, for example. But what is equally remarkable is how tied to the communication of preverbal mammals human communication continues to be (*ibid.*). Unlike the digital mode of communication typical of verbal languages, in which the formal features of signs are not driven “from behind” by the real magnitudes they signify—“The word ‘big’ is not bigger than the word ‘little,’” to use Bateson’s example—in the analogical form of kinesic and paralinguistic communication used by preverbal mammals, “the magnitude of the gesture, the loudness of the voice, the length of the pause, the tension of the muscle, and so forth—these magnitudes commonly correspond (directly or inversely) to magnitudes in the relationship that is the subject of discourse” (374), and they are signaled via “bodily movements,” “involuntary tensions of voluntary muscles,” “irregularities of respiration,” and the like. “If you want to know what the bark of a dog ‘means,’ you look at his lips, the hair on the back of his neck, his tail, and so on” (370). It is true, as Bateson argues, that human languages have a few words for relationship functions, “words like ‘love,’ ‘respect,’ ‘dependency,’” but “these words function poorly in the actual discussion of relationship between participants in the relationship. If you say to a girl, ‘I love you,’ she is likely to pay more attention to the accompanying kinesics and paralinguistics than to the words themselves” (374). In other words—and here we should be reminded of Cavell’s discussion of “skeptical terror” of the other—she will look for the involuntary message your body is sending in spite of you, because “discourse about relationship is commonly accompanied by a mass of semivoluntary kinesic and autonomic signals which provide a more trustworthy comment on the verbal message” (137).⁴⁷

Bateson’s work on language, communication, and species helps to amplify and elaborate what Derrida has in mind, I think, in his formulation

of the trace beyond the human, and this in two senses: first, in evolutionary terms, as the outcome of processes and dynamics not specifically or even particularly human that remain sedimented and at work in the domain of human language broadly conceived; and second, in terms of how language is traced by the material contingency of its enunciation and through the body, in its “involuntary” kinesic and paralinguistic significations that communicate in and through in ways that the humanist subject of “intention” and “reflection” cannot master, ways that link us to a larger repertoire and history of signification not specifically human and yet intimately so. This view of language has important implications for our ability to theorize the continuities, while respecting the differences, between human and animal subjectivities in relation to the emergence of linguistic domains. As Bateson argues, the ability to distinguish between play and nonplay—the ability to make statements whose paradoxical status of the sort we find in play is a direct result of an organism’s understanding and manipulation of a metacommunicative frame—is directly related to the emergence of something like subjectivity as a dynamic that is recursively tied to the evolution of increasingly complex communicative behaviors (185).⁴⁸ For Maturana and Varela as well,

It is in language that the self, the I, arises as the social singularity defined by the operational intersection in the human body of the recursive linguistic distinctions in which it is distinguished. This tells us that in the network of linguistic interactions in which we move, *we maintain an ongoing descriptive recursion which we call the “I.” It enables us to conserve our linguistic operational coherence and our adaptation in the domain of language.* (231)⁴⁹

”This processive, recursive, antirepresentational account of the relationship between material technicities, linguistic domains, and the emergence of subjectivities has the advantage of allowing us to address the specificity of our similarities and differences with other creatures—especially those creatures who are enough like us to complicate and challenge our discourses of subjectivity—but without getting caught in the blind alleys of “intention” or “consciousness” (or, what amounts to the same thing on methodological terrain in the sciences, “anthropomorphism”) that have plagued attempts to understand in what specific sense we share a world with nonhuman animals. All of which is summed up nicely, I think, by philosopher and cognitive scientist Daniel Dennett, who writes that language “plays an enormous role in the structuring of a human mind, and the mind of a creature lacking language—and having really no need for

language—should not be supposed to be structured in these ways. Does this mean that languageless creatures ‘are not conscious at all’ (as Descartes insisted)?⁵⁰ No, because to put the question that way presupposes

the assumption that consciousness is a special all-or-nothing property that sunders the universe into vastly different categories: the things that have it . . . and the things that lack it. Even in our own case, we cannot draw the line separating our conscious mental states from our unconscious mental states. . . . [W]hile the presence of language marks a particularly dramatic increase in imaginative range, versatility, and self-control . . . these powers do not have the *further* power of turning on some special inner light that would otherwise be off. (Ibid.)

This does not mean that the question of language is not ethically to the point—quite the contrary. Indeed, it is worth articulating the relationship between language and species as specifically as possible, not least because a persistent problem in contemporary theory has been theorizing the specificity or singularity of *particular* animals and the ethical implications of their particular attributes. In contemporary theory—I am thinking here especially of the important work by Gilles Deleuze and Félix Guattari—the power and importance of the animal is almost always its pull toward a *multiplicity* that operates to unseat the singularities and essentialisms of identity that were proper to the subject of humanism. But this is of little help in addressing the ethical differences between abusing a dog and abusing a scallop—differences that would seem, to many people, to be to the point, even if they are certainly not ethically the *only* point (in which case considerations of biodiversity and the like might come into play as well).

Revisiting Jeremy Bentham’s critique of Descartes, as we saw Derrida do earlier, Dennett argues that although languaging and suffering “usually appear to be opposing benchmarks of moral standing,” in fact it makes sense to argue that the greater an animal’s capacities in the former regard, the greater its capacities in the latter, “since the capacity to suffer is a function of the capacity to have articulated, wide-ranging, highly discriminative desires, expectations, and other sophisticated mental states” (449)—which helps to explain the intuitive sense most of us have that the suffering of a horse or a dog is a weightier matter than that of a crawfish. “The greater the scope, the richer the detail, the more finely discriminative the desires, the worse it is when those desires are thwarted,” he continues. “In compensation for having to endure all the suffering, the smart creatures get to have all the fun. You have to have a cognitive economy

with a budget for exploration and self-stimulation to provide the space for the recursive stacks of derived desires that make fun possible. You have taken a first step”—and here we should recall Maturana and Varela’s “linguistic distinction of a linguistic distinction”—“when your architecture permits you to appreciate the meaning of ‘Stop it, I love it!’ Shallow versions of this building power are manifest in some higher species, but it takes a luxuriant imagination, and leisure time—something most species cannot afford—to grow a broad spectrum of pleasures” (450).

And yet, Dennett, like Bateson, remains tied to an essentially representationalist frame, one that continues to believe in “objective” or “correct” interpretations of heterophenomenological observations. Aside from the epistemological problems that such a position has on its own terms—problems I have discussed elsewhere in some detail⁵¹—it is only when that frame is rigorously dismantled, I believe, that fruitful interdisciplinary interchange of the sort we can generate between Derrida and Maturana and Varela can begin. Indeed, as I want to argue now, to believe that organisms internalize the environment in the form of “representations” or even “information” is to have already committed the kind of Cartesian hubris diagnosed by Derrida in “The Animal That Therefore I Am,” because this putatively “objective” or “realist” view of the world—the world of which organisms have more or less “accurate” representations depending on the sophistication of their filtering mechanisms—is, despite appearances, referenced to an idealism founded on the fantasy that human language (in this case, the language of science) is sovereign in its mastery of the multiplicity and contingency of the world. It is the fantasy, to put it in the hybrid terms I am using here, that there is such a thing as a nondeconstructible observation.

To return to Maturana and Varela’s handling of this problem, the nervous system may operate by way of its own autopoietic closure, but “we as observers have access both to the nervous system and to the structure of its environment. We can thus describe the behavior of an organism as though it arose from the operation of its nervous system with representations of the environment or as an expression of some goal-oriented process. These descriptions, however, do not reflect the operation of the nervous system itself. They are good only for the purposes of communication among ourselves as observers” (*Tree*, 132). To say as much confronts us, however, with “a formidable snag” because “it seems that the only alternative to a view of the nervous system as operating with representations is to deny the surrounding reality” (133). The way out of this dilemma, they contend, is to understand the difference between first-order

and second-order observation (to borrow Niklas Luhmann's terms). In first-order observation, we are dealing with the observation of objects and events—a territory, to use Bateson's metaphor—in terms of a given map or code based on a fundamental, constitutive distinction that organizes the code. In second-order observation, however, we are observing observations—and observing, moreover, how those observations are constructed atop an unobservable blindness to the wholly contingent nature of their constitutive distinction. (The legal system, for example cannot carry out its observations of legal versus illegal while at the same time recognizing the essential identity of both sides of the distinction, its essential tautology, its own self-instantiation *ex nihilo*: legal is legal.) Thus, as Dietrich Schwanitz puts it, "If observation is to be made observable, it is necessary to bring about a change of distinction, a displacement of the difference—in other words, a kind of deconstruction."⁵² "As observers," Maturana and Varela explain,

we can see a unity in *different* domains, depending on the distinctions we make. Thus, on the one hand, we can consider a system in that domain where its components operate, in the domain of its internal states and structural changes. . . . On the other hand, we can consider a unity that also interacts with its environment and describe its history of interactions with it. . . . Neither of these two possible descriptions is a problem per se: both are necessary to complete our understanding of a unity. It is the observer who correlates them from his outside perspective. . . . The problem begins when we unknowingly go from one realm to another and demand that the correspondences we establish between them (because we see these two realms simultaneously) be in fact a part of the operation of the unity. (135-36)

If this sounds circular, it is—and it is precisely this circularity that provides the bridge between the second-order systems theory of Maturana and Varela and the deconstruction of Derrida.⁵³ Writing of the "slightly dizzy sensation" that attends "the circularity entailed in using the instrument of analysis to analyze the instrument of analysis," Maturana and Varela suggest that "*every act of knowing brings forth a world*" because of the "inseparability between a particular way of being and how the world appears to us." For us, as languaging beings, this means that "Every reflection, including one on the foundation of human knowledge, invariably takes place in language, which is our distinctive way of being human and being humanly active" (26). Or, as Maturana puts it elsewhere in an especially exacting formulation:

Contrary to a common implicit or explicit belief, scientific explanations . . . constitutively do not and cannot operate as phenomonic reductions or give rise to them. This nonreductionist relation between the phenomenon to be explained and the mechanism that generates it is operationally the case because the actual result of a process, and the operations in the process that give rise to it in a generative relation, *intrinsically take place in independent and nonintersecting phenomenal domains*. This situation is the reverse of reductionism. . . . [This] permits us to see, particularly in the domain of biology, that there are phenomena like language, mind, or consciousness that require an interplay of bodies as a generative structure but do not take place in any of them. In this sense, science and the understanding of science lead us away from transcendental dualism.⁵⁴

What Maturana and Varela offer, I think, is their own version of how, as in Derrida's account (to borrow Rodolphe Gasché's characterization), the conditions of possibility for discourse are at the same time conditions of impossibility.⁵⁵ More precisely, we can insist on these "independent and nonintersecting phenomenal domains" that thus, in *being nonintersecting*, defy the mastery of any Concept, Identity, or *logos*, but we can do so only by means of the phenomenal domain of language. For Maturana and Varela, however—and this, I think, captures the full force of Derrida's radicalization of the concept of the "trace beyond the human" for the present discussion—that phenomenal domain requires "an interplay of bodies as a generative structure" but does not take place in any one of them. As Maturana puts it in a formulation that, in light of Bateson's work on mammalian communication, has particular resonance for Derrida's insistence on the fundamentally ahuman character of language, its erosion by its other, by *all its others*: "as we human beings exist in language, our bodyhood is the system of nodes of operational intersection of all the operational coherences that we bring forth as observers in our explanation of our operation" ("Science and Daily Life," 49). Hence, "the bodyhood of those in language changes according to the flow of their languaging, and the flow of their languaging changes contingently to the changes of their bodyhood. Due to this recursive braiding of bodyhood changes and consensual coordinations of actions in language, everything that the observer does as a human being takes place at the level of his or her operational realization in his or her bodyhood in one and the same domain," even though different cognitive domains, such as the "practical" and the "theoretical," may "in the conversational domains in which they are distinguished as human activities" appear to be totally different (45).

Circularity in Maturana and Varela, then, leads us back to the contingency of the observer, and in two specific senses: first, an observer whose observations are constituted by the domain of language, but a domain of language that is not foundational because it is “only” the result of broader evolutionary processes not specifically, humanly, linguistic at all; and second, an observer who, because “recursively braided” to its bodyhood, is always already internally other and in a profound sense “animal.” But where Derrida’s emphasis on the deconstructibility of the observer’s observation would fall on the paradoxical relationship between *logos* and the internal differential dynamics of language, for Maturana and Varela, the emphasis would fall instead on the paradoxical relationship between the observer’s discursive self-reference and its biological heteroreference: vertically in the bodyhood of the observer, and horizontally in the observer’s evolutionary emergence via inhuman dynamics and mechanisms—with the paradoxical result that only beings like this could have emerged to provide an explanation of how beings like this could have emerged to provide an explanation of how beings like this, and so on. For both, the hypostatized relation between “inside” and “outside” is thus made dynamic, a differential interplay that deontologizes as it reconstitutes.⁵⁶ In Derrida, however, the deconstructibility of *logos* propels us outward toward the materiality and contingency that Maturana and Varela will associate with environment and structure, whose demands and “triggers” constitute a very real problem for the autopoiesis of the organism. In this way, the analyses of Derrida and of Maturana and Varela move, in a sense, in opposite directions: Derrida’s from the inside out, as it were, from the originary problem of the self-reproduction of *logos* to the contingency of the trace; and Maturana and Varela’s from the outside in, from the originary problem of the overwhelming contingency and complexity of the environment to the autopoiesis of self-referential organization that, by reducing complexity, makes observation possible.⁵⁷

It would be tempting, I suppose, to find in Derrida’s “trace beyond the human” the opening of a radicalized concept of language to a kind of biologization—not just “materialization,” which would be Derridean enough for most Derrideans, but more pointedly, in the later work, to “*the problem of the living*”; and, similarly, to find in the biology of Maturana and Varela a kind of linguisticization of biology, in their attention to the epistemological problem that language is “our starting point, our cognitive instrument; and our sticking point” (*Tree*, 26). But here, one last caveat from systems theory is in order, for what makes such a “conver-

gence” possible (if one wants to put it that way) is, paradoxically, not attempting to step outside the limits of different disciplines and language games, but rather pushing them internally to their own self-deconstructive conclusions. In this light, what looks at first glance like the solipsistic insistence on self-reference and operational closure in systems theory might be seen instead in the services of what Carolyn Merchant calls a “reconstructive knowledge” based on “principles of interaction (not dominance), change and process (rather than unchanging universal principles), complexity (rather than simple assumptions).”⁵⁸

In this light we can see systems theory, as Luhmann puts it, as “the reconstruction of deconstruction.”⁵⁹ For Luhmann—to put it very schematically—we live in a “functionally differentiated” society, in which we find a horizontal proliferation of language games and social systems, none of which provides a totalizing perspective on the others, and all of which are observations that are blind to their own constitutive distinctions. The fact of this self-referential closure of language games, however, paradoxically drives them toward a kind of convergence, so that it is precisely *by* working vertically in different disciplines that Derrida and Maturana and Varela end up complementing one another. As Luhmann puts it in *Observations on Modernity*, what we find here is not “reciprocal impulses that could explain the expansion of certain thought dispositions,” but rather an “equifinal process” “that leads to a result from different starting points and that is dissolving traditional ontological metaphysics.”⁶⁰ “With all the obvious differences that result from the different functions and codings of these systems, remarkable similarities appear”:

The effect of the social relationship shows itself in the nonrandom consequences of the autonomy of function systems. They prove themselves to be similar despite all their differences (and in this specific sense, as modern) because they have achieved operative segregation and autonomy. This is not possible except in the form of arrangements that require, among other things, an observation of the second order [as in Maturana and Varela’s separation of phenomenal domains, or Derrida’s logic of the supplement] as a systems-carrying normal operation. This explains the conspicuous finding that this society accepts contingencies like none other before it. (60–61)

It may also help to explain how we find the *biologists* Maturana and Varela sounding a lot like the *philosopher* Derrida in *Autopoiesis and Cognition*, where they contend that

The domain of discourse is a closed domain, and it is not possible to step outside of it through discourse. Because the domain of discourse is a closed domain it is possible to make the following ontological statement: *the logic of the description is the logic of the describing (living) system (and his cognitive domain).*

This logic demands a substratum for the occurrence of the discourse. We cannot talk about this substratum in absolute terms, however, because we would have to describe it. . . . Thus, although this substratum is required for epistemological reasons, nothing can be said about it other than what is meant in the ontological statement above.⁶¹

"Nothing outside the text" indeed! Except, of course, everything.

Notes

1. Ludwig Wittgenstein, *The Wittgenstein Reader*, ed. Anthony Kenny (Oxford: Blackwell, 1994), 213. Subsequent references are given in the text.

2. Vicki Hearne, *Adam's Task: Calling Animals by Name* (New York: Random House, 1987), 4. Subsequent references are given in the text.

3. Vicki Hearne, *Animal Happiness* (New York: HarperCollins, 1994), 167. Subsequent references are given in the text.

4. Stanley Cavell, *Philosophical Passages: Wittgenstein, Emerson, Austin, Derrida* (Oxford: Blackwell, 1995), 151-52.

5. Stanley Cavell, *The Claim of Reason: Wittgenstein, Skepticism, Morality, and Tragedy* (Oxford: Oxford University Press, 1979), 187-88. Subsequent references are given in the text.

6. See Stanley Cavell, *Conditions Handsome and Unhandsome: The Constitution of Emersonian Perfectionism* (Chicago: University of Chicago Press, 1990), 1-33, 101-26. Subsequent references are given in the text.

7. Tom Regan, "The Case for Animal Rights," in *In Defense of Animals*, ed. Peter Singer (New York: Harper and Row, 1985), 16. See here especially Regan's detailed discussion of Rawls's contract theory and Kant's "indirect duty" view in *The Case for Animal Rights* (Berkeley: University of California Press, 1983), 163-94.

8. Stanley Cavell, *This New Yet Unapproachable America: Lectures after Emerson after Wittgenstein* (Albuquerque, N.Mex.: Living Batch Press, 1989), 41-42. Subsequent references are given in the text.

9. Here, Cavell's reading of the human form of life in Wittgenstein links up directly with his rendering of Emersonian "perfectionism." See his introduction to *Conditions Handsome and Unhandsome*.

10. See Daniel Dennett, *Consciousness Explained* (Boston: Little, Brown, 1991), esp. 431ff.

11. See my "Old Orders for New: Ecology, Animal Rights, and the Poverty of Humanism," *diacritics* 28:2 (summer 1998): 21-40.

12. See my "Faux Post-Humanism, or, Animal Rights, Neocolonialism, and Michael Crichton's *Congo*," *Arizona Quarterly* 55:2 (summer 1999): 115-53.

13. Stanley Cavell, *In Quest of the Ordinary: Lines of Skepticism and Romanticism* (Chicago: University of Chicago Press, 1988), 31.

14. What Wittgenstein means by the term "language game," Lyotard writes, "is that each of the various categories of utterance can be defined in terms of rules specifying their properties and the uses to which they can be put—in exactly the same way as the game of chess is defined by a set of rules determining the properties of each of the pieces, in other words, the proper way to move them" (Jean-François Lyotard, *The Postmodern Condition: A Report on Knowledge*, trans. Geoff Bennington and Brian Massumi, foreword by Fredric Jameson [Minneapolis: University of Minnesota Press, 1984], 10). Subsequent references are given in the text. As for the "grand metanarratives," Lyotard writes, "The sometimes violent divergences between political liberalism, economic liberalism, Marxism, anarchism, the radicalism of the Third Republic and socialism, count for little next to the abiding unanimity about the end to be attained. The promise of freedom is for everyone the horizon of progress and its legitimation. . . . [Yet] it was not a lack of progress but, on the contrary, development (technoscientific, artistic, economic, political) that created the possibility of total war, totalitarianisms, the growing gap between the wealth of the North and the impoverished South, unemployment and the 'new poor,' general deculturation and the crisis in education (in the transmission of knowledge), and the isolation of the artistic avant-gardes" (*The Postmodern Explained*, ed. Julian Pefanis and Morgan Thomas, trans. Julian Pefanis, Morgan Thomas, Don Barry, Bernadette Maher, and Virginia Spate, afterword by Wlad Godzich [Minneapolis: University of Minnesota Press, 1993], 82).

15. Jean-François Lyotard, *The Inhuman*, trans. Geoffrey Bennington and Rachel Bowlby (Stanford, Calif.: Stanford University Press, 1991), 2-3. Subsequent references are given in the text.

16. Jean-François Lyotard, *The Differend: Phrases in Dispute*, trans. Georges Van Den Abbeele, foreword by Wlad Godzich (Minneapolis: University of Minnesota Press, 1989), 137-38. Subsequent references are given in the text. As Lyotard notes, the idea that "nothingness" could be filled in or is simply epiphenomenal—even if we remain squarely within formalism or conventionalism, founders upon the aporia that Bertrand Russell attempts to arrest with the Theory of Logical Types (*ibid.*, 138)—a topic I have taken up elsewhere on the work on Niklas Luhmann; see my *Critical Environments: Postmodern Theory and the Pragmatics of the "Outside"* (Minneapolis: University of Minnesota Press, 1998), 65-70, 117-28.

17. Here, we might consult, among many others, Diana Fuss in her editorial introduction to the collection *Human, All Too Human* (New York: Routledge, 1996), which points out that "The vigilance with which the demarcations between humans and animals, humans and things, and humans and children are watched over and safeguarded tells us much about the assailability of what they seek to preserve: an abstract notion of the human as unified, autonomous, and unmodified subject," whereas the "all too" of Nietzsche's famous formulation "All too human" "locates at the center of the human some unnamed surplus—some residue, overabundance, or excess"—Lyotard's "remainder"—that is "embedded inside the human as its condition of possibility" (3-4).

18. Jean-François Lyotard and Jean-Loup Thébaud, *Just Gaming*, trans. Wlad Godzich, afterword by Samuel Weber (Minneapolis: University of Minnesota Press, 1985), 41-42. Subsequent references are given in the text.

19. And it connects rather directly, as Simon Critchley has noted, with Cavell's sense of the ethical import of skepticism: "In Stanley Cavell's terms, it is the very unknowability of the other, the irrefutability of scepticism, that initiates a relation to the other based on acknowledgement and respect. The other person stands in a relation to me that exceeds my cognitive powers, placing me in question and calling me to justify myself" ("Deconstruction and Pragmatism—Is Derrida a Private Ironist or a Public Liberal?" in *Deconstruction and Pragmatism*, ed. Chantal Mouffe [London: Routledge, 1996], 32).

20. In fairness, Lyotard is quick to specify his difference with Levinas late in *Just Gaming*, when he writes that, in Levinas's view, "it is the transcendental character of the other in the prescriptive relation, in the pragmatics of prescription, that is, in the (barely) lived experience of obligation, that is truth itself. This 'truth' is not ontological truth, it is ethical. But it is a truth in Levinas' own terms. Whereas, for me, it cannot be the truth. . . . It is not a matter of privileging a language game above others," but rather of "the acceptance of the fact that one can play several games" (60-61). Now, this may remove Lyotard somewhat from the sort of objection readily raised against Levinas's position—indeed, it is raised by Lyotard himself in his "Levinas notice" in *The Differend* under the guise of "the commentator," who would object that "the less I understand you, he or she says to the Levinasian (or divine) text, the more I will obey you by that fact; for, if I want to understand you (in your turn) as a request, then I should not understand you as sense" (115). But that reservation toward Levinas does not remove Lyotard's sense of ethics from the paradoxical problem noted by several critics, including Samuel Weber in his Afterword to *Just Gaming*: if "It is necessary for a singular justice to impose its rule on all the other games, in order that they may retain their own singularity," then it is also "necessary to be able to distinguish between this violence, in some way legitimate and necessary, and 'terror,' de-

scribed as the attempt to reduce the multiplicity of the games or players through exclusion or domination. But how, then, can we conceive of such a justice, one that assures, 'by a prescriptive of universal value,' the *nonuniversality* of singular and incommensurable games?" (103).

21. John Llewelyn, "Am I Obsessed by Bobby? (Humanism of the Other Animal)," in *Rereading Levinas*, ed. Robert Bernasconi and Simon Critchley (Bloomington: Indiana University Press, 1991), 235. Subsequent references are given in the text.

22. And here he would seem to contest the reading of Kant given by Tom Regan in *The Case for Animal Rights*. On this point Llewelyn writes, "It is argued that Kant's concession that we have indirect duties to animals can be reduced to absurdity on the grounds that rationality is the only morally relevant characteristic that he can admit by which to distinguish animals from other nonhuman beings and that therefore, if we are to refrain from treating animals only as means because that is likely to lead us to treat fellow humans as means only, we should for the same reason refrain from treating only as means inanimate objects like hammers" (240).

23. Interestingly enough, Lyotard suggests in passing that he seems to want to maintain *in principle* the possibility of nonhuman animals as part of this community of reasonable beings, for, as he states in *The Differend*, "The community of practical, reasonable beings (obligees and legislators, since that is the hypothesis) includes just as well entities that would not be human. This community cannot be empirically tested. Concession: we can't really say if and how the object or referent intended by the Idea of this community is possible, but it is at least possible to conceptualize this community, it is not a 'being of reason,' or an empty concept; it is a community of persons. . . . On the scale of the single entity, it signifies autonomy. The community of practical, reasonable beings merely extends this principle of autonomy onto the scale of all possible entities, on the condition that they satisfy the definition of a practical, reasonable being, that is, of a person" (126). Theoretically, on this view, *if it could be shown* that some animals fulfill the definition of a practical, reasonable being in the Kantian sense, then they would presumably fall under the sphere of ethical consideration. But if that community "cannot be empirically tested," and because in Kant the bar of definition is pitched in such a way that it coincides more or less in fact with the subject qua human as that which can "universalize its maxim," then we are forced to say that Lyotard's Kantianism excludes the animal other, if not on principle, then certainly in effect. Hence, the distinction between species does not necessarily do any work in Lyotard's reading of Kantian ethics; but then, it does not need to. See also here Steve Baker's interesting discussion of Lyotard's contention, in *Signé Malraux* (Paris: Grasset, 1996), that cats exist "at thresholds we do not see, where

they sniff some 'present beyond,' and in doing so live a "questioning" existence that is particularly instructive for the writer and the philosopher (in Steve Baker, *The Postmodern Animal* [London: Reaktion Books, 2000], 184).

24. Jacques Derrida, *Of Spirit: Heidegger and the Question*, trans. Geoffrey Bennington and Rachel Bowby (Chicago: University of Chicago Press, 1989), 11. Subsequent references are given in the text. See Derrida's own partial list of his texts in which the animal has appeared, in "The Animal That Therefore I Am (More to Follow)," 403-6.

25. Derrida's essay has appeared in French in the volume of essays that grew out of the conference dedicated to his work, titled *L'Animal autobiographique: Autour de Jacques Derrida*, ed. Marie-Louise Mallet (Paris: Galilée, 1999). Here, I will be working from the text of David Wills's English translation published in *Critical Inquiry* 28:2 (winter 2002): 369-418.

26. Jacques Derrida, "Geschlecht II: Heidegger's Hand," trans. John P. Leavey Jr., in *Deconstruction and Philosophy*, ed. John Sallis (Chicago: University of Chicago Press, 1986), 173; emphasis in the original. Subsequent references are given in the text.

27. We should remember that Heidegger's larger political interest—an altogether understandable one, as Derrida notes—in thinking the meaning of *Geschlecht* (the *genre humaine* or species being, "the humanity of man" [163]) is to "distinguish between the national and nationalism, that is, between the national and a biologicist and racist ideology" (165). See also *Of Spirit*, where Derrida writes: "I do not mean to criticize this humanist teleology. It is no doubt more urgent to recall that, in spite of all the denegations or all the avoidances one could wish, it has remained *up till now* (in Heidegger's time and situation, but this has not radically changed today) the price to be paid in the ethico-political denunciation of biologism, racism, naturalism, etc. . . . Can one transform this program? I do not know" (56). The recent work from Cerisy suggests, however, that Derrida will continue trying to theorize just such a transformation and that, in truth, he has all along been engaged in just such a project—hence this statement is perhaps too modest.

28. On the point of technology, see especially the discussion of Heidegger's opposition of handwriting and the typewriter in Derrida's "Geschlecht II," 178-81, which condenses many of these themes. As he puts it, for Heidegger, "Typographic mechanization destroys this unity of the world, this integral identity, this proper integrity of the spoken word that writing manuscripts, at once because it appears closer to the voice or body proper and because it ties together the letters, conserves and gathers together" (178). It is thus "a-signifying" because "it loses the hand," hence, as Heidegger puts it, "In typewriting, all men resemble one another" (179). "The protest against the typewriter," Derrida notes, "also belongs—

this is a matter of course—to an interpretation of technology [*technique*], to an interpretation of politics starting from technology," but also, and more importantly, to a "devaluation of writing in general" as "the increasing destruction of the word or of speech" in which "The typewriter is only a modern aggravation of the evil" (180).

29. Jacques Derrida, "Eating Well" or the Calculation of the Subject," in *Who Comes after the Subject?*, ed. Eduardo Cadava, Peter Connor, and Jean-Luc Nancy (New York: Routledge, 1991).

30. For Derrida, this "vulnerability" and "passivity" connects very directly to the question of shame and the motif of nakedness before the gaze of the other that structures the entire essay. In what sense can one be naked—and perhaps naked as before no *other* other—before the gaze of animal? "I often ask myself," he writes, "just to see, *who I am* (following) at the moment when, caught naked, in silence, by the gaze of an animal, for example the eyes of a cat, I have trouble, yes, a bad time, overcoming my embarrassment" (372). In a sense, this means nothing more than the fact that Derrida sees *himself* as a philosopher, for, as he notes, Descartes, Kant, Heidegger, Lacan, and Levinas produce discourses that are "sound and profound, but everything goes on as if they themselves had never been looked at, and especially not naked, by an animal that addressed them. At least everything goes on as though this troubling experience had not been theoretically registered, supposing they had experienced it at all, at the precise moment"—and here we recall Heidegger's use of the form of the *thesis*—"when they made of the animal a *theorem*" (20). Derrida, on the other hand, wants to insist on the "unsubstitutable singularity" of the animal (in this case "a real cat") and suggests that our readiness to turn it into a "theorem" is at base a panicked horror at our own vulnerability, our own passivity—in the end, our own mortality. "As with every bottomless gaze," he writes, "as with the eyes of the other, the gaze called animal offers to my sight the abyssal limit of the human: the inhuman or the ahuman, the ends of man. . . . And in these moments of nakedness, under the gaze of the animal, everything can happen to me, I am like a child ready for the apocalypse" (381).

31. Richard Beardsworth, *Derrida and the Political* (London: Routledge, 1996), 129. Subsequent references are given in the text.

32. See my "Old Orders for New" and "Faux Post-Humanism" for a critical overview of Singer's utilitarianism.

33. It should be noted here that, for Singer's own part, there appears to be no love lost either. When asked recently about the relevance of theory associated with "postmodernism" to bioethics, he replied, "Life's too short for that sort of thing." See Jeff Sharlet, "Why Are We Afraid of Peter Singer?" *Chronicle of Higher Education* 46:27 (March 10, 2000): A22.

34. And here we should remember the second half of the interview's title: "The Calculation of the Subject."

35. See, for example, "Geschlecht II" and "Geschlecht: Sexual Difference, Ontological Difference," trans. Ruben Berezdivin, in *A Derrida Reader: Between the Blinds*, ed. Peggy Kamuf (New York: Columbia University Press, 1991), 380-402. For Levinas, see Jacques Derrida, "At this very moment in this work here I am," in Llewelyn, *Rereading Levinas*, 11-48, and the selection from "Choreographies," trans. Christie V. McDonald, in *A Derrida Reader*, 440-56. Subsequent references are given in the text.

36. Quoted in Vicki Kirby, *Telling Flesh: The Substance of the Corporeal* (New York: Routledge, 1997), 90. Subsequent references to Kirby's book are given in the text.

37. J. T. Fraser, *Of Time, Passion, and Knowledge: Reflections on the Strategy of Existence* (New York: George Braziller, 1975). I am drawing on the popularization given in Jeremy Rifkin's *Algeny* (New York: Penguin, 1984), 186-91.

38. Eva M. Knodt, "Foreword" to Niklas Luhmann, *Social Systems*, trans. John Bednarz Jr. with Dirk Baecker (Stanford, Calif.: Stanford University Press, 1995), xxxi.

39. Derrida's theorization of language in terms of the inhuman trace pushes in a fundamental sense in exactly the opposite direction of Lyotard's strongly vertical sense of language, and would seem in many ways closer to more sophisticated contemporary notions of *communication* as an essentially ahuman dynamic. Here, one would eventually want to distinguish between second-wave systems theory of the sort found in Niklas Luhmann or Humberto Maturana and Francisco Varela—for whom difference is "not 'noise' that occludes the brighter pattern to be captured in its true essence," nor "a step toward something else," but is rather "how we arrive and where we stay"—and earlier theories with which Derrida, we can be sure, would have little patience, as he makes clear, among other places, in *Limited, Inc.* In any event, it is worth pausing over the point for a moment, because Lyotard would seem to prevent himself from radicalizing his concept of language in this direction precisely because of his suspicion (in *The Postmodern Condition*) of the sciences and, especially, of systems theory—the very domain of contemporary science in which the models of communication and meaning closest to those of poststructuralism have been developed. See Francisco J. Varela, "The Reenchantment of the Concrete," in *Incorporations*, ed. Jonathan Crary and Sanford Kwinter (New York: Zone Books, 1992), 320.

40. But for useful overviews of this material, see, for example *The Great Ape Project: Equality Beyond Humanity*, ed. Paola Cavalieri and Peter Singer (New York: St. Martin's Press, 1993) and *Anthropomorphism, Anecdotes, and Animals*,

ed. Robert W. Mitchell, Nicholas S. Thompson, and H. Lyn Miles (Albany: State University of New York Press, 1997).

41. Humberto Maturana and Francisco Varela, *The Tree of Knowledge: The Biological Roots of Human Understanding*, rev. ed., trans. Robert Paolucci, foreword J. Z. Young (Boston: Shambhala Press, 1992), 165. Subsequent references are given in the text.

42. This is true even in animals with the most minimal cephalization, such as the social insects, whose third-order couplings are, however, markedly rigid and inflexible because of the limits placed upon the possible concentration of nervous tissue by their hard exteriors of chitin (*ibid.*, 188). Hence, their plasticity is limited and their individual ontogenies are of little importance in our explanation of their behavior, even though we cannot understand their behavior without understanding their broadly shared co-ontogenies.

43. This is why, according to Maturana and Varela, the so-called language of bees is not a language; it is a largely fixed system of interactions "whose stability depends on the genetic stability of the species and not on the cultural stability of the social system in which they take place" (*ibid.*, 208).

44. The example Maturana and Varela give is of the chimp Lucy who, on the verge of a tantrum upon seeing her human "parents" about to leave, turned to her keepers and signed in Ameslan "Lucy cry"—a "linguistic distinction of an action performed" (*ibid.*, 215).

45. For example, drawing on language experiments with chimps, they argue that animals equipped with a signifying repertoire, like humans, develop their ability to participate in linguistic domains in proportion to their interpersonal interactions with other languaging beings (*ibid.*, 217). When they are permitted to live in an environment rich in opportunities for "linguistic coupling," they can communicate and express their subjectivities in ways more and more identifiably like our own—which suggests, of course, that such subjectivities are not given as ontological differences in kind, but rather emerge as overlapping possibilities and shared repertoires in the dynamic and recursive processes of their production. (The reverse is true as well; when animals and humans are deprived of opportunities for third-order couplings in social interactions and communications, their behaviors become more mechanical and "instinctive," as their ontogenies are severely limited and invariable.) Here, one might readily think of the example of animals used in factory farming, but also—on the other, human hand—of the example of the "wolf children" cited by Maturana and Varela, of two Hindu girls who were raised by a pack of wolves, without human contact, whose behaviors (modes of ambulation, dietary preferences, signifying repertoires, and so on) were in all significant respects canid and not human (128-30).

46. Gregory Bateson, "A Theory of Play and Fantasy," in *Steps to an Ecology*

of *Mind* (New York: Ballantine, 1972), 179. Subsequent references are given in the text.

47. This is why, according to Bateson, we "have many taboos on observing one another's kinesics, because too much information can be got that way" (*ibid.*, 378). And, one might add by way of an example many of us have experienced, it is also the very absence of which that makes e-mail such an unnerving and explosive form of communicative exchange—there is no damping or comparative modulation of the digital message by any accompanying analogical signals.

48. For example, Maturana and Varela discuss a well-known experiment in which a gorilla is shown his reflection in a mirror, is then anesthetized, has a red dot painted between his eyes, and is then awakened and shown his reflection again, at which point the ape immediately, upon seeing the dot, points to his own forehead—not that of the mirror image. "[T]his experiment," they argue, "suggests that the gorilla can generate a domain of self through social distinctions. . . . How this happened we do not know. But we presume it has to do with conditions similar to those leading to the evolution of human linguistic domains" (*Tree*, 224–25).

49. It is significant in this regard—though not at all surprising—that Maturana and Varela are therefore willing to grant the existence of "cultural behaviors" in nonhuman social groups (*ibid.*, 194–201).

50. Daniel C. Dennett, *Consciousness Explained* (Boston: Little, Brown, 1991), 447. Subsequent references are given in the text.

51. See Wolfe, *Critical Environments*, 57ff. on Bateson, and, on representationalism, xi–xxiv, 12–22, and 41–71. On Dennett, see Richard Rorty's critique of Dennett's view in *Consciousness Explained* that it is possible to construct an "objective" "heterophenomenological text," in the same way that it is possible to provide a "correct" interpretation of a literary text. As Rorty puts it, "no up-to-date practitioner of hermeneutics—the sort who agrees with Derrida that there is no transcendental signified and with Gadamer that all readings are prejudiced—would be caught dead talking about the 'right interpretation'" (Richard Rorty, "Comments on Dennett," *Synthese* 53 [1982]: 184).

52. Dietrich Schwanitz, "Systems Theory according to Niklas Luhmann—Its Environment and Conceptual Strategies," *Cultural Critique* 30 (spring 1995): 156.

53. And it is also this very circularity, of course, that prevents the relationship between physical substratum (cephalization) and phenomenological domain (linguaging) in Maturana and Varela from devolving into a type of positivism.

54. Humberto R. Maturana, "Science and Daily Life: The Ontology of Scientific Explanations," in *Research and Reflexivity*, ed. Frederick Steier (London: Sage Publications, 1991), 34. Subsequent references are given in the text.

55. Rodolphe Gasché, *Inventions of Difference: On Jacques Derrida* (Cambridge: Harvard University Press, 1994), 4.

56. As Schwanitz puts it, "Both theories make difference their basic category, both temporalize difference and reconstruct meaning as . . . an independent process that constitutes the subject rather than lets itself be constituted by it" ("Systems Theory according to Niklas Luhmann," 153).

57. There is a difference of accent here, in other words, and the seriousness of that difference is of some moment, and rests in no small part on whether one shares, or not, this characterization of Derrida's view. As Schwanitz points out, in comparison to systems theory, "Derrida reverses the relation between disorder and order. According to him, the level of order consists of the text of Western metaphysics that is brought about by a fundamental attribution of meaning to the simultaneity of the idea and the use of signs. In terms of systems theory, constative language is a kind of self-simplification of writing for the benefit of logos. On the other hand, writing as the basic differentiation within the use of signs that is also inherent in the spoken word, undertakes a permanent renewal of complexity and contingency through dissemination and dispersion, which in turn is again reduced by logocentric self-simplification. According to Luhmann, however, the paradox of self-referentiality comes first and the asymmetry produced by temporalization comes second. The opposite is true for Derrida. The 'illegitimate' asymmetry as a form of domination comes first and is then dissolved in the paradox of time" (*ibid.*, 155).

58. Carolyn Merchant, *Radical Ecology* (New York: Routledge, 1993), 107.

59. Niklas Luhmann, "Deconstruction as Second-Order Observing," *New Literary History* 24 (1993): 770.

60. Niklas Luhmann, *Observations on Modernity*, trans. William Whobrey (Stanford, Calif.: Stanford University Press, 1998), 108. Subsequent references are given in the text.

61. Humberto R. Maturana and Francisco J. Varela, *Autopoiesis and Cognition: The Realization of the Living* (Dordrecht: Reidel Publishing Co., 1980), 39.