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From Photographic Representation of Animal Suffering to Posthumanist Politics

In an interview with Elisabeth Roudinesco, Jacques Derrida makes an extraordinary pronouncement about the future of the relationship between human and nonhuman life: “This industrial, scientific, technical violence [against animals] will not be tolerated for very much longer,” he argues. “The relations between humans and animals *must* change. They *must*, both in the sense of an ‘ontological’ necessity and of an ‘ethical’ duty.”¹ Given that direct and indirect violence against nonhuman life is on the rise rather than on the decline—as illustrated by the increased consumption of meat across the globe,² the growing destruction of the planet’s ecosystems, the swelling ranks of species endangered and rendered extinct by human activity,³ and the ever expanding manipulation of animal’s genes⁴—it seems improbable that “the violence inflicted on animals will not fail to have profound reverberations (conscious and unconscious) on the image humans have

¹ Jacques Derrida and Elisabeth Roudinesco, *For What Tomorrow...A Dialogue*, Trans. Jeff Fort, (Stanford: Stanford UP 2004).

² According to the Food and Agriculture Organization of the United Nations, between 1980-2002, global meat consumption increased from 136,425,562 to 246,771,601 metric tons.

³ The Eastern Cougar is the most recent North American animal to be declared extinct.

⁴ The use of genetically modified animals in the UK alone “has more than quadrupled since 1995. In 2006, they were used in 1.04 million procedures - an 8% rise on 2005 figure.” Paul Rincon, Mark Kinver “Court Review for Animal Testing” *BBC*, July 23, 2007. <http://news.bbc.co.uk/2/hi/6911678.stm>

of themselves.”⁵ At a time when scientists predict that humans are only a few centuries away from causing a mass extinction,⁶ are there any indications that a radical transformation of ontological and ethical attitudes towards nonhuman life is possible? What could spur such a change? What sort of ontological/ethical disposition would adequately mitigate the violence that has been done to beings historically excluded from humanity?

On April 20, 2010, the oilrig *Deepwater Horizon* exploded off the shore of Louisiana, sparking an environmental disaster of epic proportions. For months, oil gushed from a well on the bottom of the sea, at its peak, spewing an estimated 62,000 barrels (9, 900,000 L) of oil⁷ per day into the Gulf of Mexico. The effects of the oil on the ecosystems and denizens, both human and nonhuman, of the Gulf were not immediately obvious to external observers, as evidenced by Fox News commentator Brit Hume’s incredulous question on May 16, 2010: “Where’s the oil?”⁸ On June 3, 2010, Associated Press photographer Charley Riedel published a series of photographs, reproduced in newspapers across the world, that showed exactly where the oil is: encrusted on the bodies of seabirds who live off the coast of Louisiana. Prior to the release of these photos, it was possible for individuals outside of the Gulf of Mexico to know intellectually that the spill posed a danger to animal

⁵ Derrida and Roudinesco.

⁶ A mass extinction is defined as the disappearance of over 75% of the earth’s species. Abstracting from current trends of extinction, the earth could experience a mass extinction within as few as three centuries.

http://www.nsf.gov/news/news_summ.jsp?cntn_id=118804

⁷ http://www.nytimes.com/2010/08/03/us/03spill.html?_r=2&fta=y

⁸ Jason Linkins, “Video: Where’s The Oil?” *Huffington Post*, May 17, 2010.

<http://www.huffingtonpost.com/2010/05/17/brit-hume-where-is-the-oi_n_578803.html>.

life, but difficult to affectively respond to this danger. The catastrophic consequences of the oil spill only “[became] real to those... following it as news,” as Susan Sontag argues, “by being photographed.”⁹

In this essay, I use Riedel’s profoundly disturbing photographs—in particular, the first image in the series—as a point of departure for considering the possibility of transforming attitudes towards nonhumans. Drawing heavily on the insights of Roland Barthes, Jacques Derrida, Akira Lippit, David Clark, and Judith Butler, among others, I assess the ethical appeal of this image, arguing that it presents spectral witnesses of atrocity, which confront viewers with a precariousness shared by humans and nonhumans. Evaluating possible responses to the ethical injunction posed by this photograph in particular, and by nonhuman life more generally, I argue in favour of a posthumanist reconfiguration of humanity’s relationship with nonhumans, based on the political ecology of Bruno Latour. Photographs are ideal starting points for imagining this ontological/ethical shift because they are, in the words of Ulrich Baer, “radically open-ended.”¹⁰ Although Riedel’s photographs seem to attest to the intractability and inevitability of humanity’s subjugation and destruction of animal life, it is “[p]recisely because photographs appear immutable, [that] we carry the burden of imagining what could occur beyond the boundaries of the print.”¹¹ Riedel’s work, while traumatic, holds out the promise of a future where nonhuman suffering could be more than an externality to human enterprise.

⁹ Susan Sontag, *On Photography*, 19.

¹⁰ Ulrich Baer, *Spectral Evidence: The Photography of Trauma*, (University of Minnesota Press: 2004), 26

¹¹ *Ibid.*

Constructing Atrocity: Spectral Animals and Photography

Even though “[t]he pictures by Mr. Riedel...were not the first [taken of the Gulf oil spill]”, David W. Dunlap, a blogger for the *New York Times*, suggests that they were the first to articulate the scale of its environmental consequences. While “[s]ome of the earlier photographs may have inadvertently conveyed the impression that birds could simply fly over any affected area, or that they could be kept safe with protective booms, or that the problem was isolated, or small scale,”¹² Riedel’s photographs make it clear that the oil spill precipitated an immense ecological disaster; a disaster beyond emergency responders’ ability to control and the oil industry’s ability to hide. Although, as Roland Barthes notes, a photograph “cannot say what it lets us see,”¹³ Riedel’s work strongly inclines viewers towards recognizing tragedy in the images of heavily oiled birds. As Judith Butler argues, photographs are not transparent representations of reality, but active interpretations of it. By establishing the *Deepwater Horizon* spill as a catastrophe that requires a broad response from governments, environmental agencies, and humanity in general, Riedel’s pictures do not “merely [refer] to acts of atrocity,” but rather “[build] and [confirm] these acts for those who would name them as such.”¹⁴

There is little doubt that Riedel’s work had a major effect on the public’s perception of the Gulf oil spill as an ecological and ethical atrocity. Thousands of people commented on the *Boston Post* webpage where the images were first posted,

¹² David W. Dunlap “Putting a Face on the Gulf Oil Leak” *New York Times Blog*, June 4, 2010 <<http://lens.blogs.nytimes.com/2010/06/04/assignment-35/>>.

¹³ Roland Barthes, *Camera Lucida*, 100.

¹⁴ Judith Butler, *Frames of War*, 70.

expressing shock, sadness, and outrage.¹⁵ Associated Press correspondent Rich Matthews describes Riedel's images as "sickening, heartbreaking."¹⁶ Following Sontag's suggestion that, in our image saturated society, remembrance is "more and more, not to recall a story but to be able to call up a picture,"¹⁷ I suggest that Riedel's pictures are, and will continue to be, the images we use to remember the oil spill. What is it about these photographs that induces such powerful affects? Although they effectively illustrate the physical scale of the calamity, images of the oil slick taken from the air or space do not emit the same sort of framebreaking ethical appeal: they simultaneously aestheticize it as a bizarrely beautiful spectacle and sterilize it with a distant, detached, scientific point of view. Riedel's photographs, in contrast, express a nonhuman suffering that, even as it remains beyond our ability to fully comprehend, cannot be questioned. As Derrida notes, "there is a point where the photographic act is not an artistic act, a point where it passively records...[and] captures a reality that is there, that will have been there, in an undecomposable now."¹⁸ Even though the framing of Riedel's photographs produces a particular interpretation of the *Deepwater Horizon* spill, there is an element within the images that exceeds any possible framing—the bare fact that the oiled birds existed, that they have suffered, that they *do* exist and *are* suffering in the eternal present of the photographic image—which commands the attention of spectators. As Marianne Hirsch observes, "the photograph... is the index par excellence, pointing to the

¹⁵ http://www.boston.com/bigpicture/2010/06/scenes_from_gulf_of_mexico.html

¹⁶ http://www.ap.org/oil_spill/aprn%20gulf%20highlights.mp3

¹⁷ Sontag, *On Photography* 70.

¹⁸ Jacques Derrida, *Copy, Archive, Signature*, 9.

presence, the having-been-there, of the past... it has...evidential force.”¹⁹

Riedel is not unique in using photographs of animals to give evidence of disaster. Jack Smith’s photograph of an oil soaked bird held by a human rescuer is perhaps the most famous image from the Exxon Valdez oil spill.²⁰ Allen Frederickson’s photograph of a dog gnawing on a dead man is one of the most disturbing visual representations of the horrific consequences of Hurricane Katrina.²¹ Images of polar bears stranded on ice floes are used ubiquitously to illustrate of the effects of climate change. In light of the large archive of photographic depictions of animals alongside catastrophe, it is worth pondering a question Alice Kuzniar raises: “What happens...when the camera as a technical apparatus of the gaze is set before the face of the animal?”²²

I suggest that much of the ethical and affective appeal of Riedel’s work stems from the fact that animals are the subject matter. Animals trouble the sort of anthropocentric, totalizing systems of morality and ontology that have dominated the history of thought and shaped humanity’s understanding of the universe it inhabits. Although David Clark reminds us that “in the mirror of philosophical modernity... [animals] are forcefully, reiteratively, and melancholically *made* to appear,”²³ there is an element of animal-being that is inaccessible from the human point of view: an element that is comprehensible only as incomprehensible. We can

¹⁹ Marianne Hirsch 14.

²⁰ See Jack Smith, Associated Press 1989

http://www.boston.com/business/articles/2009/06/16/exxon_owes_interest_on_valdez_award/

²¹ http://news.nationalgeographic.com/news/2005/09/photogalleries/hurricane_katrina_pets/photo5.html

²² Alice Kuzniar, *Melancholia’s Dog*, 80.

²³ David Clark, 2.

never know for sure what goes on behind their eyes. Akira Lippit suggests that the reason animals—and animal gazes in particular—are so haunting to humans in contemporary society is because they threaten to break the mirror of anthropocentric philosophy by “exist[ing] in a state of *perpetual vanishing*.”²⁴ The mass displacement of animals, the decline in global biodiversity, and the large-scale slaughter and management of nonhuman populations are three defining characteristics of industrialization and modernization that illuminate how animals have been banished to the margins of human experience over the last two hundred years and made spectral. As Elizabeth Costello, a character in John Coetzee’s *The Lives of Animals*, eloquently explains: “Man went to war with the lion and the bull, and after many generations won that war definitively. Today these creatures have no more power. Animals have only their silence left with which to confront us.”²⁵

Even as animals become less and less present—and more and more silent—in the everyday lives of (post)modern humans, they become increasingly important in the ways that humans judge themselves. It is not enough to simply say that we gaze at animals and are affected by what we see. Animals also gaze back at us from a perspective Derrida calls “[t]he point of view of the absolute other.”²⁶ The radical alterity that the birds in Riedel’s photographs confront us with invokes judgments that are in excess of the human. Not only are these animals utterly other to us, but “contact with animals turns human beings into others,”²⁷ as Lippit observes. In their

²⁴ Akira Lippit, *Electric Animal: Towards a Rhetoric of Wildlife*, (Minneapolis: University of Minnesota Press, 2000) 1.

²⁵ J.M Coetzee, *The Lives of Animals*, (Princeton: Princeton UP, 1999), 25.

²⁶ Jacques Derrida, *The Animal That Therefore I Am*, 11.

²⁷ Lippit, 51.

spectral indeterminacy, animals illustrate the inability of human language and thought to make reality present, comprehensible, and controllable. The spectral animals Riedel presents, which are immersed in oil released by deep-sea drilling, are particularly haunting to contemporary viewers, who are embedded participants in a global economy that necessitates the ongoing exploration for, and extraction of, new sources of petroleum. In the following two sections of this paper, I analyze how the first image in Riedel's series—a work Matt Mendelson, a contributor to AOL News, calls “the iconic Gulf Oil Spill Picture”²⁸ —haunts viewers and disturbs anthropocentric systems of ethics and ontology.

Blurring the Boundaries: Oil, Bird, and Human

Visually arresting in its representation of the horrific consequences of the *Deepwater Horizon* accident, this image displays a water bird rendered unrecognizable by thick, sludgy oil that encases its body. Although the bird is ostensibly the subject of the photograph, the oil makes it impossible to make out any details of its body. Paradoxically both present in and absent from the image, the bird confronts the viewer as a void within the visual, visible only as that which has been consumed. The troubling spectre of this oil soaked creature is an extreme example of how, as Lippit argues, “[t]he animal other, despite its erasure, [makes] its presence known as an unknowable other, known only as unknowable to the mind.”²⁹ Any identifying markers that could be used to determine the bird's species are obscured: its zoological properties and taxonomy erased. Like the clothes that

²⁸ Matt Mendelson “Why this is the Iconic Gulf Oil Spill Picture” *AOL News*, Jun 4, 2010. <http://www.aolnews.com/2010/06/04/opinion-why-this-is-the-iconic-gulf-oil-spill-picture/>

²⁹ Lippit, 6.

photographer William Wegman puts onto dogs, the oil “externalize[s] that which blocks approach to the animal psyche and reflects the impossibility of photography to access that which...we long for it to reveal.”³⁰ Unclassifiable, the bird in Ridel’s image is a cipher, haunting spectators with the unknowability of its body and mind.

Not only does the sludge make the bird’s appearance indeterminable, it also obscures the animal’s relationship with, and distinction from, its surroundings. Extending beyond the frame of the photograph, oil encircles the bird and congeals in the water, making it difficult to tell where the animal ends and the environment begins. Insofar as it troubles the viewer’s ability to delineate boundaries between animate living bodies and evidently inanimate material substances (i.e. oil, water), the bird’s presence in the photograph does more than simply indicate the harmful effects of human activities on the environment. Lippit argues that “precisely because it appears to occupy an indeterminate world, the animal threatens the safety of world, of the world that human beings inhabit.”³¹ The unknowable fate of the bird draws attention to the fact that no one really comprehends the long-term effects of the oil spill.³² Threatening us with more than just the margins of scientific knowledge, Riedel’s image troubles the boundaries between what we think of as the “human world” and the “natural world”, disturbing the viability of a binary that is fundamental to Western science and philosophy’s attempts to define the world. Although oil is present on the surface of the earth almost exclusively because of

³⁰ Kuzniar, 91.

³¹ Lippit, 51.

³² Not only oil, but also the millions of litres of chemical dispersants used in order to clean up the spill. See Laura Schenkmen, “No ‘Smoking Gun’ for Killer Oil”, *Science*, Jun 4, 2010, 1214.

human extraction, it is not a human-made substance. While it may be tempting to view the oil-soaked bird as an inherently “unnatural” scene, it is worth recalling that oil is itself made of biological material. Riedel’s image can be conceptualized as representing an animal enrobed in an oily death mask made from the long-dead remains of its ancestors: ancient animal and plant life. While humans are undeniably complicit in the oiling of the bird, it was a “natural” (i.e. nonhuman) act—a blowout—that sparked the *Deepwater Horizon* accident. This unsettling of the ontological difference between human action and natural effect has profound ethical implications, which I will retake in the last section of this essay. An appropriate ethical response to, and critical analysis of, the oil spill must take into account more than just human factors. It must recognize that it is not easy, perhaps even impossible, to draw a firm line between human-made and natural disasters.

The boundaries between the “human world” and the “natural world” are further disturbed by the fact that it is not only flora and fauna that are harmed by the oil: the livelihoods and health of the people who live and work on the coast of Louisiana are also endangered.³³ By illustrating creatures that are utterly violated by spilt petroleum, Riedel’s photographs represent the ultimate horizon of the threat that deepwater drilling and oil spills pose to all living beings. As the state birds of Louisiana, the pelicans represented in Riedel’s series stand in, at one level,

³³ Aside from the obvious economic and environmental harm inflicted by the oil spill, researchers have also analyzed the accident’s negative psychological effects on people who live on the Gulf of Mexico. See Lynn M. Grattan, Sparkle Roberts, William T. Mahan, Jr., Patrick K. McLaughlin, W Steven. Otwell, J Glenn Morris, Jr. “The Early Psychological Impacts of the Deepwater Horizon Oil Spill on Florida and Alabama Communities” *Environmental Health Perspectives*

for the people of Louisiana, whose fishing/shrimping businesses and beaches have been ravaged by the *Deepwater Horizon* accident. The fact that Riedel was with the governor of Louisiana while taking the pictures, and that his images emerged at the same time that oil first started to wash up on the state's coast, makes this particular symbolic dimension of the photograph even more apparent.³⁴ By inclining us towards recognizing that we share an unknown, potentially toxic, future with the birds, Riedel's images bring animal subject and human spectator together. This is the sort of togetherness that Butler argues could found a radical ethics: "If my fate is not originally or finally separated from yours, then the 'we' is transversed by a relationality that we cannot easily argue against."³⁵

Eyes Through Oil: Witnessing Precariousness

By vividly depicting the universal experience of suffering, Riedel's photography breaks open the possibility of an ethical relationality that transcends species-divides. As Lippit argues, "[p]hotography elicits that madness, that hallucination of the other that allows the spectator... to enter into the spectacle, to commingle with the spectacle, to embrace, as it were, the spectral other or dying animal."³⁶ Although the bird's zoological properties and appearance may not be visible in the image, what is obvious is that the bird is suffering, potentially poisoned by the petroleum that coats its feathers. The photograph is not merely an image or a symbol, as Barthes notes, but "literally an emanation of the referent."³⁷ The material body of the bird stubbornly pierces through the photographic medium. Much of the

³⁴ http://www.ap.org/oil_spill/aprn%20gulf%20highlights.mp3

³⁵ Judith Butler, *Precarious Lives*, 23.

³⁶ Lippit, 177.

³⁷ Barthes, 80.

image's power comes from the fact that it represents a creature that appears to be perpetually on the brink of an inevitable death. Only a camera, Sontag observes, can "catch a death actually happening and embalm it for all time"³⁸ in this manner. We do not know, as spectators of the image, whether this bird survived. We are powerless to come to its assistance and cleanse it of the toxic sludge that entombs its body. Although captured by a human photographer, the world in the photograph exists without us. "[B]y automatism, by removing the human agent from the task of reproduction... [p]hotography maintains the presentness of the world by accepting our absence from it," Stanley Cavell rightly argues. "The reality in a photograph is present to me while I am not present to it."³⁹ The ignorance, powerlessness and separation that Riedel's photograph evokes are reminiscent of the very affects that are almost certainly experienced at times by researchers and rescuers who attempt to study the effects of the spill and save animals affected by it. As Laura Schenkmen notes, "pinning an animal's death to oil is tricky,"⁴⁰ because it is often not oil but other factors, which take advantage of oiled animals' weakness, that kill. While Sontag suggests that the "only people with the right to look at images of suffering... are those who could do something to alleviate it...or those who could learn from it,"⁴¹ Riedel's photograph shows a situation where no one can fully alleviate the suffering we observe. Even those with extensive knowledge and training can find themselves unable to do anything but passively watch and weep as the other dies.

³⁸ Sontag, *Regarding the Pain of Others*, 47.

³⁹ Stanley Cavell, *The World Viewed*, 23.

⁴⁰ Laura Schenkmen, "No 'Smoking Gun' for Killer Oil"

⁴¹ Sontag, *Regarding the Pain of Others*, 34.

Powerlessness and passivity are two affects shared by both subject and spectator of Riedel's image. The photograph does not register any sense that the bird is able to struggle against the oil causing its suffering: if anything, it indicates that acts of struggle have become impossible. Restricting mobility, the sludge seems to weigh the bird down, hindering its capacity for flight, obstructing its wings and feet. Dripping over the bird's beak and sealing it shut, the oil silences its victim. While Giorgio Agamben holds that animals "always [seem] to be on the verge of uttering words,"⁴² the petroleum denies the bird in Riedel's image the ability to cry out. This is not to say that it has no capacity for expression. On the contrary, Lippit suggests that, in spite of being silenced, animals always "emit... a stream of cries, affects, spirits, and magnetic fluids."⁴³ The bird cries out to us to respond to its suffering, whether it is literally able to make a noise or not. Viewers can either accept this cry from the animal other—and feel affectively moved by it—or disavow it. I suggest that this wordless, unsymbolizable emission that demands a response is a form of witnessing: a witnessing that goes beyond the disclosure of information, beyond the mere corroboration of fact. Baer argues that traumatic events, and I would emphatically classify the Gulf oil spill as traumatic, "cannot be simply seen and understood... they must be *witnessed*."⁴⁴ Insofar as it challenges viewers to acknowledge the disaster unleashed by the *Deepwater Horizon* accident, to sympathize with the disaster's victims, and to recognize that we share our world with nonhuman others, the unfortunate bird in Riedel's photograph not only

⁴² Giorgio Agamben, *Idea of Prose*, trans. Micheal Sullivan and Sam Whitsitt (Albany: State University of New York Press, 1995), 113.

⁴³ Lippit, 166.

⁴⁴ Baer, 13.

witnesses, but invites us to become witnesses ourselves. This bird testifies not only to the bodily vulnerability that humans and animals share, but also to the human viewer's complicity in the aggression unceasingly inflicted upon nonhumans. Even if we are not directly responsible for unleashing the oil that pushes the bird towards death, we are implicated in its suffering by our immersion in a symbolic order that violently subordinates that which is called animal to that which is called human.

Although an animal-witness appears to be a contradiction in term—it seems absurd, after all, to imagine an animal being called to give evidence in court—the work of witnessing, as David Clark argues, “begins with a reflection on the irrepressibility and impossibility of obligation.”⁴⁵ As long as we conceptualize witnessing broadly, refusing to content ourselves with a anthropocentric, legalistic understanding of what testimony means, we can recognize how the photographed animals challenge us ethically. Clark argues that it is no hindrance if spectators are hesitant to accept this, if they feel troubled by the notion that an animal could give testimony, and uncertain about what exactly it could be testifying to, because it is precisely

[t]he obscurity of the address, the thoughtlessness and indeterminacy of its origin and destination, the uninsurable nature of its expression and arrival... that distinguish[es] witnessing from description, testimony from giving evidence, asking to be heard from transmitting information... There is no escaping this crisis of witnessing because witnessing is that crisis.⁴⁶

The aspect of the photograph that perhaps most forcefully draws viewer's attention to this crisis of witnessing and to this animal's witnessing of crisis is the single, glazed eye of the bird that pokes out from underneath the thick blanket of oil. Derrida describes the eyes of an animal as “[t]he gaze of a seer, a visionary or extra-

⁴⁵ David Clark, “Towards a History of the Post-Animal,” 36.

⁴⁶ David Clark, “‘Not Ours This Death:’ The Postanimal after the Posthuman”, 5.

lucid blind one."⁴⁷ In this photograph, the eye is the only part of the bird's body that is visible to the spectator. Without its presence, it would be possible to imagine that this image does not illustrate a real bird, but rather some sort of horrific tar sculpture. The eye breaks the frame of the photograph; it is what Barthes calls the *punctum*, the "accident which pricks me (but also bruises me, is poignant to me)."⁴⁸ Although it stares straight into the face of the spectator, the bird's gaze is opaque. Its eye is like a black hole that sucks our sight in but lets nothing escape. Even though, as John Berger argues, animals "do not reserve a special look for man...[m]an becomes aware of himself returning the look." Apparently devoid of expression, the bird neither condemns nor absolves the viewer of guilt for watching over its suffering. Captured in its vacuous and unfathomable gaze, human viewers are left to judge themselves. As Kuzniar argues, "we cannot see the animal straight on...The spectator, as a result of this interpretive failure may avert his or her gaze in shame: the unknowability of the other renders its observer inferior."⁴⁹ By acknowledging the bird's gaze, we lose the sense of superiority over nonhuman life that history of Western humanist philosophy has continually sought to maintain. We are forced to confront an entity that resists conceptualization, that is unaffected by anthropomorphism. In this confrontation, we cannot help but acknowledge humanity's consistent dismissal of the gaze of animals. In Lippit's memorable terms: "The animal returns like a meal that cannot be digested, a dream that cannot be

⁴⁷ Derrida, *The Animal That Therefore I Am*, 4.

⁴⁸ Barthes, 27.

⁴⁹ Kuzniar, 83.

forgotten, an other that cannot be sublated.”⁵⁰ By being perpetually on the cusp of fading away, of disappearing into the muck, the bird’s gaze haunts us with our own finitude, attesting to the limitations of humanism. Insofar as it resists conceptualization and calls us to account for ourselves, the gaze of the bird in Ridel’s photograph is representative of that of all nonhuman others.

What is the extent of the ethical responsibility that we owe to these unfathomable others? Pushing Levinasian ethics beyond where Immanuel Levinas himself dared to tread, Derrida raises the question of whether we should treat nonhuman others with the same ethical severity that we treat human others:

“If I am responsible for the other, and before the other, and in the place of the other, on behalf of the other, isn’t the animal more other still, more radically other...than the other in whom I... identify my fellow or my neighbour? If I have a duty—something owed before any debt, before any right—toward the other, wouldn’t it then also be towards the animal, which is still more other than the other human, my brother or my neighbour?”⁵¹

Animals lead finite, precarious lives, just as humans do. They are passively susceptible to suffering and death in a way that all humans can surely relate to. Their inscrutable gazes confound totalizing narcissistic apprehensions of Being in the same manner that Levinas insists that the face of the other does.⁵² “Although the human and animal worlds may be separated by the world of language,” Lippit suggests that animals “are never far enough away to establish an ethical field distinct from that inhabited by human beings.”⁵³ To deny grievability and ethical consideration to nonhuman life is to falsely establish those who are classified as

⁵⁰ Lippit, 170.

⁵¹ Derrida, *The Animal That Therefore I Am*, 107.

⁵² “The face resists possession, resists my powers.” Immanuel Levinas, *Totality and Infinity*, 197.

⁵³ Lippit, 169.

humans (a classification that has historically excluded women, Jews, queers, communists, and persons of colour) as the only beings with lives worth living. As Derrida reminds us, it has been the “disavowal of the gaze, of the address of the animal” throughout history that has allowed, and continues to allow, anthropocentric, carnophallogocentric discourse to determine not only “what is proper to man,”⁵⁴ but also what can be properly denied to those who are not “man.” By acknowledging the ethical address of the bird in Riedel’s photograph, affirming its radical alterity, and recognizing our shared precariousness with it, I suggest that viewers can become “responsible *for the first time* for a past moment that has been blasted out of time.”⁵⁵ In this way, we can begin the laborious, but necessary, work to challenge the anthropocentrism that has continuously rendered life outside the category of “the human” unworthy of ontological, ethical and political consideration.

Towards Posthuman Ethics and Politics

What would be an appropriate response to the ontological and ethical challenges posed by Riedel’s photographs, and by nonhumans more generally? To hospitably answer the appeals of these others, we must think in terms of broad political responses, since, as Sontag rightly observes, “[w]ithout a politics, photographs... will most likely be experienced as, simply, unreal or as a demoralizing emotional blow.”⁵⁶ I now briefly evaluate the effectiveness perhaps the most widely accepted political paradigm for treating nonhuman life: animal rights.

⁵⁴ Derrida, *The Animal that Therefore I am*, 14.

⁵⁵ Baer, 13-14.

⁵⁶ Sontag, *On Photography*, 19.

“The general thrust of human history is toward the progressive inclusion of previously marginalized individuals and groups,” argues Kristi Scott, a representative of the Institute for Ethics and Emerging Technologies, an American nonprofit organization devoted to studying the ethical implications of new science and technologies. “Now we’re reaching the point where this imperative compels us to cross the species barrier so we can protect some of the most vulnerable and exploited animals on the planet.”⁵⁷ Scott’s attitude represents a common position among researchers in animal studies: the best way to give political recognition to nonhumans is to expand the legal protections provided by human rights to animals, in the same manner that rights once held solely by white men were eventually granted to women and persons of colour. Through Alexandra Warnock, a character in the philosophical dialogue *The Death of the Animal*, Paola Cavalieri suggests that the extension of human rights to animals can overcome speciesist denials of ethical and political responsibility to nonhumans, “clear[ing] the way both of any form of perfectionism connected with specific hierarchal worldviews and of any selective focus on moral agents.”⁵⁸ The ostensible purpose of declaring a set of animal rights is to situate nonhumans within the same moral realm as humans, regardless of whether nonhumans have moral agency or not.

One problem with this theory is that rights are themselves human artifacts: they do not exist until some power grants them. While recognizing that rights are not natural, Harlan Miller argues that rights are nevertheless “beneficial

⁵⁷ Kristi Scott “New IEET Program Promotes Idea of the Non-Human Person” *Institute for Ethics and Emerging Technologies*, February 11, 2011 <http://ieet.org/index.php/IEET/more/rnhp20110211>

⁵⁸ Paola Cavalieri, *The Death of the Animal*, (New York: Columbia UP, 2009), 39.

inventions,”⁵⁹ which simplify complicated ethical issues by providing clear, unambiguous guidelines for determining both what beings are afforded legal protection and what sort of protection these beings are afforded. Is granting human rights to animals a sufficient response to the ethical injunctions I described earlier in this paper? Universally applied, would it bring about the change in humanity’s relationship with nonhumans that Derrida claims is necessary?

I acquiesce that the push to enact animal rights legislation is a step in the right direction. Particularly in light of the fact that “[t]here are no laws that exist simply to protect animal interests” in the United States, and that “[current] laws designed to protect animals exist only to protect the interests of their owners or the public.”⁶⁰ Responses to the immense suffering inflicted on nonhumans by the *Deepwater Horizon* accident that invoke the discourse of animal rights should be applauded for attempting to give wildlife legal protection and ethical consideration.

However, I suggest that rights discourses are inherently *unable* to satisfactorily respond to the ethical injunctions of nonhumans. As noted above, animal rights derive their language and claims to legitimacy from the liberal humanist legal tradition that holds the individual human person as the legal subject *par excellence*. Jeffrey S. Kerr, General Counsel and Vice President of Corporate Affairs at PETA, attests to this legacy when he encourages governments to “[acknowledge] that... animals [harmed by the oil spill] are not simply products or

⁵⁹ Harlan Miller, “Distracting Difficulties,” *The Death of the Animal*, (New York: Columbia UP, 2009), 114.

⁶⁰ Dionne Searcey, “Plaintiffs With Fins? The Legal Status of the Oil Spill’s Animal Victims,” *The Wall Street Journal*, May 28, 2010. <<http://blogs.wsj.com/law/2010/05/28/plaintiffs-with-fins-the-legal-rights-of-oil-spills-animal-victims/>>.

resources for the enjoyment of humans but rather that each animal is an individual who must be protected from unnecessary cruelty."⁶¹ Kerr's insistence that states recognize animals as "individuals" in order to grant them legal rights makes it clear that animal rights discourse is founded upon a Western liberal understanding of personal liberties as the foundation of all other freedoms. Derrida argues that, far from guaranteeing ethical consideration for nonhumans, individualist humanist conceptions of the subject have historically legitimated the subjugation of animals: "The 'I,'" that is a political, rights-possessing subject, "only exists in contrast to the 'thing,' which has no rights, commands no ethical response, has no reason or self."⁶² Rights discourse always implies an inside/outside division. Beings deemed worthy of rights are privileged only relative to those excluded from consideration. The question becomes: where do we draw the line? Are great apes worthy of human rights? Are birds and fish? Insects? No matter how large the tent of rights-bearing beings becomes, there will always be entities deemed unworthy of consideration. A universal rights discourse is a contradiction in terms. As Derrida explains:

The presumed autonomy of the subject exists only as the power to deny and do violence to thing-like animals. No ethical or sentimental nobility must be allowed to conceal from us that violence, and acknowledged forms of ecologism or vegetarianism are insufficient to bring it to an end, however more worthy they be than what they oppose.⁶³

We must not allow the noble, and surely ethically motivated, aims of rights discourse to efface the violence that it does in the name of compassion. We must

⁶¹ Timothy Hurst, "PETA Urges States to Charge BP with Animal Cruelty for Oil Spill" *Ecopolitology*, June 25, 2010. <<http://ecopolitology.org/2010/06/25/peta-wants-to-charge-bp-with-cruelty-to-animals-for-oil-spill/>>.

⁶² Derrida, 93.

⁶³ Derrida 101.

recognize, as Butler convincingly argues, that insofar as political/ethical discourses based upon rights formulate clear, unambiguous, universal moral guidelines, they do not actually answer the ethical appeal that emanates from the other. By bracketing its inherently disturbing, frame-breaking injunction beneath a legalistic, prescriptive framework, rights discourses disavow ethics in favour of morality. A political theory based on rights “does not do justice to passion and grief and rage, all of which tear us from ourselves, bind us to others, transport us, undo us, implicate us in lives that are not our own, irreversibly, if not fatally.”⁶⁴ Although Butler is concerned with human lives that are rendered disposable through war, her arguments can be—and, in light of the undeniable alterity and precariousness of the nonhuman other, *must* be—applied to animals. The face of the other, whether human or nonhuman, is too profoundly unsettling to be resolved one and for all through legislation or a simple declaration of rights. There already *is* a declaration of animal rights and its effect on human-nonhuman relationships has, as the *Deepwater Horizon* spill and the proliferation of factory farms clearly illustrate, been negligible.⁶⁵ Attending to the ethical challenge posed by the other that is currently unrecognized and ungrievable requires “not a matter of simple entry of an excluded into an established ontology,” Butler argues, “but an insurrection at the level of ontology, a critical opening up of the questions, What is real? Whose lives are real? How might reality be remade?”⁶⁶

⁶⁴ Butler, *Precarious Lives*, 25.

⁶⁵ “The Universal Declaration of Animal Rights was solemnly proclaimed in Paris on 15 October 1978 at the UNESCO headquarters.” “Universal Declaration of Animal Rights, UNESCO, http://www.ch-br.net/quatroptasecia/e/infos/animal_rights.htm.

⁶⁶ Butler, *Precarious Lives*, 33.

In order to start an “insurrection at the level of ontology,” as Butler proposes, and thereby give heed to the cry of disavowed animal others, we must look beyond the Western liberal humanist framework that dominates contemporary political discourse. As Matthew Calarco suggests, “a general critical target of progressive thought and politics today should be anthropocentrism as such.”⁶⁷ What would a posthumanist, anti-anthropocentric politics, which takes the incommensurability of ethical appeals seriously, look like? How can we even conceive of such a thing? I suggest, along with Cary Wolf, that in order to envision and work towards such a politics, “the nature of thought itself must change.”⁶⁸

Calarco insists that only an ethico-political model that is “rigorously and generously *agnostic*,”⁶⁹ continually questioning and critiquing the limits of ethical responsibility, is able to adequately respond to the call of nonhumans. In the establishment of a posthumanist politics, the need and desire for certainty is perhaps the most difficult aspect of humanist, anthropocentric thought to abandon. The coherence and universal validity of rights discourse is, after all, a particularly attractive feature. This sort of clarity, however, presupposes an abstract form of absolute knowledge that can correctly administer the boundary between truth and falsity, between those beings that are worthy of moral consideration and those that are not. Against such a conception of knowledge, which Matthew Calarco correctly diagnoses as “*metaphysical*,”⁷⁰ Wolf explains that “to become posthuman means to participate in—and find a mode of thought adequate to—processes which can never

⁶⁷ Matthew Calarco, *Zoographies*, 10.

⁶⁸ Cary Wolf, *What is Posthumanism?*, xvi.

⁶⁹ Calarco, 78.

⁷⁰ Matthew Calarco, 76.

be entirely reduced to patterns or standards, codes or information.”⁷¹ In order to conceptualize such a mode of thought, I now turn to the work of Bruno Latour.

Latour’s distinction between “matters of fact” and “matters of concern”⁷² is extremely helpful in theorizing the difference between an ethico-political disposition towards nonhumans that is based upon metaphysical humanism, and one that is “rigorously and generously agnostic.” Matters of fact, which metaphysical humanism has traditionally aspired to determine, are “risk-free...smooth objects” with “well-recognized properties” that both describe and are parts of “a world made up of persistent, stubborn, non-mental entities defined by strict laws of causality, efficacy, profitability, and truth.”⁷³ Once the facts about a physical substance, law, or force have been established, they are objectively true, plain and simple. Narrowly analytic and legalistic notions of ethical responsibility—which is what I call the views of those who would receive the ethical call emitted by Riedel’s photograph, throw up their hands, and exclaim “but what exactly should we *do*?”—are rooted in the desire to determine matters of fact. Such a system of belief would hold that once scientists have sufficiently researched the causes of the Gulf Oil spill, and the effects of oil on animals and the environment, it will be possible to formulate the definitive ethical response: to determine suitable laws for governing drilling practices; the proper safety procedures for offshore oil drilling; the correct method of treating oiled animals; the best way to help communities, industries and economies harmed by accidents; the most psychologically astute method of consoling traumatized

⁷¹ Wolf, xviii.

⁷² Bruno Latour, *The Politics of Nature*, 22.

⁷³ Latour, 22-23.

victims and rescuers, etc. Matters of fact make ethico-political questions *solvable*, subordinating uncertain issues to the almighty power of scientific rationality.

In contrast to “smooth,” unproblematic matters of fact, matters of concern “have no clear boundaries, no well-defined essences, no sharp separation between their own hard kernel and their environment.”⁷⁴ Difficult to pin-down or predict, they have unknown or indeterminate properties and effects. “To deal with them,” Latour explains, “we do not have the social or political world on one side and the world of objectivity and profitability on the other.”⁷⁵ Indeed, objectivity is a fallacious concept in a world filled with matters of concern, since there is no eradicating the possibility that “unexpected consequences...may [be] trigger[ed] in the very long run, very far away, in an incommensurable world.”⁷⁶ Matters of concern are inherently *unsolvable*; they remain problems. For Latour, the aim of progressive, ecologically informed politics should be “the progressive transformation of all matters of fact into disputed states of affair... which nothing, precisely, can *naturalize* any longer.”⁷⁷

A politics proceeding from this sort of ontological transformation would be flexible enough, agnostic enough, to accommodate the unceasing, indeterminate ethical challenge emanating from the nonhuman other. Such an ethico-political attitude would treat the tragically oiled bird in Riedel’s photograph as a persistent matter of concern—a matter that unsettles the divisions between humans, animals, and nature—rather than as a solvable dilemma, which poses no unsurpassable

⁷⁴ Latour, 24.

⁷⁵ Latour, 24.

⁷⁶ Ibid.

⁷⁷ Latour, 25.

ethical difficulty. It would radically change the nature of the relationship between humans and nonhumans by viewing them not as two irreconcilably separate parties, each with their own determinable essence, but as aspects of a single indeterminate collective. Wendy Doniger states that “[t]he ideal state of humans among animals is not one in which wild animals become tame...It is a state in which a human becomes one of the animals. Or rather, more precisely, a human becomes part of the society of the animals but remains a human.”⁷⁸ A posthumanist political ecology that affirms the unsettling gaze of the animal witness staring out from Riedel’s photograph would approach Doniger’s ideal, and thereby attempt to mitigate the horrific violence against nonhumans that Derrida challenges us all to address. Such a politics would not mistakenly consign this violence to a more barbaric past, but honour the debt that humanity owes all of existence through a never-ending search for, not truth, but justice.

⁷⁸ Wendy Doniger, 100.

