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Particularity and Exceptions: On Jews and Animals

The animal is retained within both the history of philosophy and the history of art.¹ However, the nature of these relations and thus the conception of animality take on importantly different forms. Hence, relationality and animality have a history that is neither continuous nor organized within a perpetual sameness. While the animal has symbolic and representational presence, it is also the case that the animality in question has differing modalities. In a painting by Piero della Francesca of the archangel Michael having just slain the devil (*Saint Michael*, circa 1469), the saint is presented as having decapitated an animal. While the animal is, of course, the appearance of the devil, it is nonetheless unmistakably animal. In the biblical source, the devil oscillates between “dragon” and “snake.” In this painting, however, the devil has nothing other than a snakelike quality. Having slain it, Saint Michael stands with the animal’s head in one hand, and in the other, he holds his falchion. Neither the animal’s face nor its body has traces or indications of being human. The reference, therefore, is to an intrinsic animality. The apparent nonchalance of Saint Michael’s stance reinforces the position in which what obtains is not indifference but the

enactment of a specific economy in respect to the animal. The dead animal operates in a domain in which its retention is structured by that economy. The human as the aftereffect of the “word” having become “flesh” reinforces, in this presentation, the incorporated refusal of the animal. As such it is one of a number of forms of animal presence.

The “same” biblical narrative occurs in Bartolomé Bermejo’s painting *Saint Michael Triumphant over the Devil* (circa 1468). Nonetheless, in this instance the mode of presence is significantly different. Animality has a more complex register. While the devil in this work is a conglomeration of animals whose coordinated presence comprises its actual body, the body in question has a clear relation to the human. The reference, therefore, is no longer to an intrinsic animality. The proportion of the body, and this includes even the exaggerated mouth, is human. The second face beneath the dominant one has the structure of a human torso. The first of these faces has a mouth that, despite its size, has the same relation to nose, eyes, and ears as would be found on a human face. In the source text, namely, Revelation 12:7–12, the animal is named twice. It is both “dragon” and “snake.” The event—Saint Michael fighting the “devil”—prompted the artwork. The provocation draws on the relationship between the words *dragon* and *snake*. While the terms are synonymous on one level, the snake denotes a form of malign cleverness that is not present in the dragon. The dragon, on the other hand, may allow human qualities to have visual presence. While Piero gives greater emphasis to the reference to the presence of evil in Genesis as opposed to the two images demanded by Revelation, the move from one iconic source to the other—the two paintings, in this instance—has a radically different registration in relation to the history of the animal.²

The works by Piero and Bermejo warrant detailed investigation in their own right; nonetheless, what they establish is a genuine difference between images of animal presence. In regard to the first, its particularity needs a setting. In this instance the animal’s death saves humanity from the presence of evil. Human good, thus construed, takes as its ground the animal’s death. This is, of course, no mere death. It is part of an economy that establishes human good. Moreover, once it is possible to argue that humanity comes to be what it is insofar as the human approximates to the image of God, then on the level of the image, what counts as being human incorporating the good proper to human being will itself be given within and thus secured by the operation of this economy. Within such an economy, human potentiality necessitates the death of the animal.



Piero della Francesca,
Saint Michael (Panel from
a Polyptych), circa 1469,
photo © The National
Gallery, London

Bermejo's presentation of the devil opens in a different direction. Here, the animal and human combine in the creation of the devil. Hence, the animal has another significant presence within the history of art.³ A confluence of the human and the animal in the presentation of the devil opens a more complex form of presence within the image, one that distances the straightforward conception of the economy demanding the animal's death. Bermejo's painting is not isolated. Albrecht Dürer's celebrated engraving *Knight, Death, and the Devil* (1513) presents the latter as the intersection of the human and the animal.⁴ As with Bermejo, Dürer is able to acknowledge an already present possibility, namely, human animality. Indeed, it can be argued that Dürer's devil is even more human than Bermejo's. As a possibility, the animal is there initially to be overcome. And yet, its already being there—the original being there of the animal allowing at the same time the inevitable inscription of human animality—opens another possibility. In Dürer's engraving, the knight moves past both death and the devil. The sense of direction, a directionality evoking the copresence of the moral and the epistemological, gives centrality to the interplay of being human and a unidirectional path to be followed. Once that path is followed, the devil as the intersection of the human and the animal can then be excluded. That intersection is present as a "truth" about human being and equally as a warning. The truth is the insistent possibility that animality may take over. The warning is that the threat of the animal is counterposed to that which is proper to human being—being human, therefore, having a founding propriety. As a threat it demands the animal's continual excision. The warning, therefore, does not exist as a simple singularity if that means it need be given only once. While Saint Michael needed to kill the animal in order to secure that which is proper to human being, Bermejo's painting and Dürer's engraving reinforce the necessity for a form of continuity. Indeed, what they suggest is the need for vigilance against the threat of the animal. However, once continually present, that threat could always become a form of accommodation. In other words, what these two works stage is the possibility that the human and the animal—thus, human and nonhuman animals—cannot be simply divided, as though the excision and thus the difference had been decisively established. Rather than indifference, there is an always already present relatedness. What both works demonstrate is that within the human—indeed, constitutive of its very specificity—is a recalcitrant animality. At the beginning, therefore, there is not just another potentiality; rather, there is a significantly different sense of animal presence.



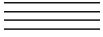
Albrecht Dürer, *Knight, Death, and the Devil*, 1513, image courtesy of British Museum/HIP/Art Resource, NY

What these artworks bring to the fore is a complex of concerns. In the first instance, it is the possibility that the animal is positioned as the other whose death reinforces and sustains human being. The economy sustaining this death (and its related conception of the animal) is as much bound up with the necessity for that death as with maintaining the animal's alterity. While there is one organizational logic at work within Piero's painting, Bermejo's painting and Dürer's engraving suggest another. In the case of the latter two, the animal cannot be given as simply the other to the human. Within this frame of reference, integral to the human is its presence as animal. Animality is part of being human. It is the nature of that presence and thus its relation to the definitions of human being that are central. The argument, therefore, is that being human is already to be with animals. Animality thus construed precludes the designation of neutrality. The question is how should we understand this state of what can be called "existing with animals (animality)"?⁵

First, there needs to be the recognition not just of an already present engagement with the animal but also that the engagement is articulated in terms of the complex of concerns opened by these artworks. What this complex includes, as noted, are two original and importantly different determinations. They should not be reduced to each other. Moreover, they already configure two of the dominant forms taken by the relationship between the human and the nonhuman animal. In the first instance, this particular configuration involves an economy in which the animal's differentiation from the human, let alone human animality, is inextricably bound up with the necessity of the animal's death. The death may be literal, for example, the dead snake in Saint Michael's hand. Equally, it could be a complete differentiation in which the animal is dead to "us." That death may be the animal's silence—silence in the realm of *logos*—though it could be the incorporation of the animal.

In the second, there is the transcription of the animal's original presence in a way that obviates the possibility of an equation of the animal with the necessity of its death. As such the economy of death that figured in the first instance would have become inoperable. There is, therefore, a division at the origin. The animal is already more than one; it is originally divided between these two possibilities. In addition, it is possible to argue that despite these clear divisions, each one recalls the other. As such there will always have been more than one animal; the *animal*—allowing the term an almost pragmatically abstract quality—is the more-than-one. Allowing for

this setup will provide the way into Giorgio Agamben's engagement with the question of the animal in *The Open: Man and Animal*.⁶



Central to Agamben's analysis is the identification of what he describes as two "anthropological machines." What is significant about this description is that instead of simply positing relations between "man" and "animal," Agamben is concerned to note the way that relation is produced historically. (The history in question is as much concerned with philosophy and theology as it is with art and literature.) These machines stage the relationship between human and animal. Moreover, a different mode of production operates in the "modern" period than operated at an earlier stage. Regarding the modern version, Agamben formulates its presence thus: "It functions by excluding as not (yet) human an already human being from itself, that is by animalizing the human, by isolating the nonhuman in the human" (*O*, 37). This argument reappears, for Agamben, in relation to the Jew. Anti-Semitism draws upon the anthropological machine repositioning the Jew in terms of what is described by Agamben as "the non-man produced within the man" (*O*, 37). The earlier version of this machine—the machine producing the human/animal relation—operates in a "symmetrical" way. Within it, he argues, "the inside is obtained through the inclusion of an outside, and the non-man is produced by the humanization of the animal" (*O*, 37). For Agamben this latter position encompasses both the *homo ferus* and the slave. Within the formulation of Agamben's argument, the slave is the human form taken by the animal. Prior to moving to the next stage of the argument, it needs to be noted that this earlier version of the anthropological machine, one that would have produced Dürer's devil, is presented as bound up with the nonhuman. While that result will always be a possibility—that is, the production of the nonhuman—what Dürer's engraving suggests is that this produced entity cannot be separated in any absolute sense from the insistent presence of human animality. What emerges as a question, therefore, is how the ineliminable trace of that animality is to be positioned even if a version of Agamben's anthropological machine were to be accepted. In other words, to what extent could the production of the nonhuman in the human not have been marked in advance by the process that produced it? That mark—what would count as an original inscription—would allow for another sense of opening insofar as it would refuse the structure in which the separation of the nonhuman

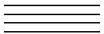
within the human is effected.⁷ From the beginning, equally at the beginning, there would be a mark. Its presence would undo, as a possibility, the divide, and thus the separation, within the human. It will be essential to return to this point. The decisive part of Agamben's argument is the move that he makes next.

The significant claim is that what allows both of these machines to operate is that they construct a "zone of indifference," which takes on the form of a caesura. The character of this zone, even its presence, is, however, the point to be contested. Agamben describes it as a "space of exception." He goes on to argue: "Like every space of exception, this zone is, in truth, perfectly empty, and the truly human that should occur there is only the place of a ceaselessly updated decision in which the caesura and their rearticulation are always dislocated and displaced anew. What would thus be obtained, however, is neither an animal life or a human life, but only a life that is separated and excluded from itself—only a bare life" (*O*, 38). "Bare life" is, of course, one of the dominant themes within Agamben's philosophical project.⁸

The strength of Agamben's argument lies in the provocative supposition that what allows for the operation of this anthropological machine is the construction at its interior of a zone of indistinction—in other words, a moment in which the division between animal and human is suspended, though a zone whose locus of operation is the machine itself. In *Homo Sacer* this position is presented once again in terms of the caesura. The point of absolute indecision is the camp.⁹ For Agamben, the camp, what amounts to the *nomos* of the modern, is itself defined as the place of exception. As such it is the place in which "the state of exception has become the rule."¹⁰

If there is a problematic element in Agamben's argument, then it concerns the positing of a zone of indetermination not just as a precondition for becoming determinant but, as significantly, as that zone having to be absolutely indeterminant.¹¹ Indeed, what I will suggest is that the contrary is the case. Rather than a caesura in which value is withdrawn, there is a porous site in which the relationship between self and other, the human and its posited other, and an alterity in which the animal would be inscribed are present as a continual site of negotiation. Allowing for the presence of that site opens up the animal to include within it human animality. It may be, therefore, that Dürer's engraving is closer to the truth than had been thought hitherto. What needs to be added is that any form of negotiation,

even in relation to the deprivation of identity, occurs as a result of the complex determinations of power. The operation of power leaves its mark. This is true without exception. What is at issue, therefore, is the effect of this mark's retention. It is as though implicit within Agamben's overall argument is a form of utopianism in which harbored within the structure of the *homo sacer* is a neutrality that would configure the human beyond the hold of identity. It would be a utopianism premised on the erasure of this founding mark. The necessity of this mark—though equally the necessity of its erasure, as noted—works to establish limits.



It is in relation to the figure of the Jew that a fundamental aspect of the more general argument concerning the exception begins to emerge. As such it is essential to look in detail at one specific, and lengthy, formulation of this position in *Homo Sacer*. Within it Agamben argues the following:

The wish to lend a sacrificial aura to the extermination of the Jews by means of the term “Holocaust” was . . . an irresponsible historiographical blindness. The Jew living under Nazism is the privileged negative referent of the new biopolitical sovereignty and is, as such, a flagrant case of a *homo sacer* in the sense of a life that may be killed but not sacrificed. His killing therefore constitutes . . . neither capital punishment nor a sacrifice, but simply the actualization of a mere “capacity to be killed” inherent in the condition of the Jew as such. The truth . . . is that the Jews were exterminated not in a mad and giant holocaust but exactly as Hitler had announced, “as lice,” which is to say, as bare life. The dimension in which the extermination took place is neither religion nor law, but biopolitics.¹²

Fundamental to the formulation of this position is the identification of the Jew with bare life, that is, as “life separated and excluded from itself.”

It is essential to be precise here. Bare life is the state of exception, and thus it is neither animal nor human. In the strictest sense, all determinations are withdrawn, and what emerges is a state to be determined. Hence, bare life discloses a space in which what awaits is the actualization of a potentiality, what is described in the text as “mere ‘capacity to be killed.’”¹³ That capacity—as a potentiality—inheres in life without determination, that is, in bare life. What cannot be resisted, therefore, is the question, who then are killed? The answer cannot be that it is simply the Jew in virtue

of the Jew's capacity to be killed. That would be true of all humans and, indeed, of biological life in general. The answer needs to incorporate particularity. To put the position more emphatically, could there be an answer to the question that did not incorporate the founding mark? If the answer were to be in the affirmative, then it would sanction the possibility of a founding sense of particularity.

In this instance, the reason for pursuing the question of particularity can be located in what is noted above concerning the anthropological machine, the machine operated by "animalizing the human," which for Agamben amounts to the same thing as "isolating the non-human in the human" (*O*, 37). The animal, in terms of the possibility already at work in Dürer's engraving—namely, the presence of the animal within the human—unfolds in this direction. What needs to be examined is not the consistency of Agamben's argumentation but the possibility of either a state that is anterior to the human/animal or one structured by an indifference at the interior. In other words, what needs to be questioned is the possibility of this conception of the exception. Inherent within it is a conception of particularity without identity.

More recently, Agamben has returned to the structure of the state of exception. In this context it comes to be described as "a space devoid of law, a zone of anomie in which all legal determinations—and above all the very distinction between the public and the private—are deactivated."¹⁴ This state of affairs is produced. As with bare life, as formulated in the same work, it is "a product of the biopolitical machine and not something that pre-exists it."¹⁵ Rather, the interplay of the political and the body allows for bodies to occupy spaces created by the law's suspension. What produces bare life? This question is inextricably bound up with one posed earlier: who is killed? Once the question can be answered beyond simple generality, such that it will have become necessary to distinguish between potential and actual victims, then the identification of the production of bare life provides, at the same time, a ground of possible resistance that is other than universalism. Universality cannot account, philosophically or politically, for the difference between potential and actual victims. Highlighting causality may lead to a better understanding of the state of affairs described by Agamben, but it may equally, as indicated, begin to call into question the possibility of bare life as the site of absolute indistinction.

At the outset there can be no argument against a description of what occurs at Guantánamo Bay or even in Auschwitz in terms such that the

inhabitants occupy spaces defined by the suspension of law. What matters with the suspension of law is not that it involves legislation that might be contestable. Rather, the interplay of the political and the body allows for bodies to occupy spaces created by the law's suspension. In other words, intrinsic to this setup is its possibility. Responding both to that possibility and to its actualization is not to respond in the name of law (where, of course, law is equated with statute). Such a conception of law will have been suspended. The reality of Auschwitz, though it should be conceded from the start that the simple evocation of this name is far from unproblematic, lies in the capacity for decisions linked to the elimination of certain groups.¹⁶ Elimination necessitates a form of suspension. While the enacting that characterizes this procedure may involve the equation of Jews with lice, an equation in which the human comes to be reduced to the "non-human in the human," there is an actual sense of the specific at work. Movement has particularity—Jew to louse. (Movement is, of course, another staging of the general question of the relationship between the mark and singularity.) At Guantánamo Bay, the suspension of law equally involves movement. The identification of a range of individuals takes place such that the act of identification allows for the suspension and thus the creation of the exception. In both instances, there is an allowing. How, on a philosophical level, is this allowing to be understood? The question has an urgency precisely because the defense of law and humanity has already been countered by the reality of Guantánamo Bay, not because it is against the law to have acted in that way. But acting in that way involved the law's suspension, and hence, it is necessary to establish a ground of contestation, a moment in which the philosophical takes up the political as its direct concern.

Accounting for what is allowed returns us to the question of causality. Whatever quality bare life may have, it is produced. While the exercise of genuine political power (i.e., sovereignty) can be identified with the capacity to effect the movement that is the production of bare life, the movement in question is of necessity selective. To the extent that an explanation of the production of bare life cannot be given beyond a general claim concerning the anthropological machine, then what is removed is the possibility of accounting for particularity. Particularity will have been effaced by the machine's operation. Once such an account has to be given, then rather than the suspension of the law and the creation of the zone of complete indetermination, what appears more likely is that the movement of production—the causality proper to bare life—marks the presence of a matrix

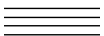
of concerns in which determinations always occur. The reason for holding to this description is that what has to endure is the necessity of being able to argue that what takes place—the reduction to bare life—occurs, for example, in relation to Jews or in relation to an already determined “enemy” (such as so-called Islamic militants). Those identified, the victims who become bare life, are positioned in advance. Bareness, therefore, is always a determination as an aftereffect. It operates by producing those who have already been identified as being subject to that process (i.e., to the process of subjectification). This determination means that sovereignty necessitates the capacity to discriminate. Discrimination occurs within a complex field of identities, which are attributed and constructed, on the one hand, and, on the other, may be regional and linked to versions of autonomy and affirmation. Sovereignty’s capacity to position within such a complex is the definition of sovereign power, while at the same time it indicates that “bareness” is never completely bare. Discrimination leaves its mark.

There is an original determination precisely because there is a need to link individuation and discrimination. The mark of the Jew and the accusation of being a “terrorist” trace the bodies that were thought to have been neutral and thus may become “bare.” This mark produces the distinction between the marked and the unmarked.¹⁷ This distinction is fundamental if a conception of the “enemy” is to be maintained and, moreover, if such a conception is to have mobility. In this context mobility means that there will be different and thus new “enemies.” Not only, therefore, does this mark differentiate, given that it is produced by the law’s suspension, but it also accounts for why it is only in terms of particularity that the law can be suspended. The “state of emergency” does not simply occur but is inextricably bound up with the particularities that it produces. Identity is only ever the result of a complex process of individuation. As such those implicated within a situation in which the law is suspended are always marked by the deprivation of the suspended law. Once, through a process of production, the possibility of being a subject of right no longer pertains, then accounting for a process of subjectification in which subject and right are separated will ground resistance. For resistance to be effective, what needs to be understood is why that deprivation or separation has occurred, and part of that account demands paying attention to the specific.

At work here is a conception of identity in which there is a process of individuation. Only within such a complex can identities be continually

produced. The interrelation between identity and production means that subjects are always the aftereffect of the system that produces them. For example, the production of the Jew as the “the non-man produced within the man” both individuates and differentiates. In other words, the Jew figures within such a production, while the other to the Jew (hence, the reciprocal production of Jew as this other) is differentiated from this Jew. It is, of course, this Jew who is killed rather than bare life. This Jew has died. Indeed, any further positioning—for example, the one that is called “bare life”—has to presuppose this initial movement. The additional element that has to be noted is that the production of this Jew, as with any further positioning based on it, is the effacing of a conception of difference (and related cultural practices) that has to assume its (difference’s) ineliminability—a setup in which the ineliminable other is never absolute but always specific. What is assumed in such a position is a primordial relatedness. Therefore, once it is essential to hold to this sense of relatedness—a relation of porosity and negotiation defining self/other and human/animal relations—then Agamben’s ontology, which refuses precisely this conception of founding differences, would, as a consequence, need to cede its place to a differential or relational ontology.¹⁸ The positioning of the Jew as “the non-man produced within the man” has to be understood, therefore, as the refusal of exactly this latter conception of the ontological.

The production of identity entails that particularity is never an isolated occurrence. The excluded bear the mark not just of exclusion—a mark that could be no mark at all—but also the link between their particularity and exclusion. Assuming a primordial relatedness does not involve a return to the form of argumentation dominated by a concern with rights, as though rights functioned as ends in themselves. On the contrary, it assumes that within any relation lines of division are only ever porous and that relation necessitates that presence and modes of being present are always to be negotiated. To insist on porosity and negotiation is, therefore, the counter-move. Porosity indicates that what can never be at work is the centrality of the human or even the definition of animality that takes the already positioned human as the point of departure.



If there is a politics implicit in Agamben’s project, then it can be located in one of the final summations he provides in *The Open*. What for him becomes the response necessary to the operation of what has been called

the “anthropological machine”—remembering that it is this machine that produces the animal as well as the Jew—entails rendering “inoperative the machine that governs our conception of man” (O, 92). He continues by arguing that this “will therefore mean no longer to seek new—more effective and more authentic—articulations, but rather to show the central emptiness, the hiatus that—within man—separates man and animal, and to risk ourselves in this emptiness: the suspension of the suspension, Shabbat of both animal and man” (O, 92). The significance of this passage will emerge from its juxtaposition with one of Agamben’s earliest formulations of singularity without identity, the singularity that will become bare life, on the one hand, and Antonio Negri’s recent discussion of Agamben’s work, on the other.¹⁹

The “emptiness” alluded to is captured in the possibility of the community of what Agamben identifies as “singularities.” While Agamben’s description is of a state of affairs not tolerated by the state, it is this site of intolerance that defines the possibility of a community to come. At work here is the utopian impulse in Agamben’s thought. The position is formulated in the following terms: “What the State cannot tolerate in any way is that the singularities form a community without affirming an identity, that humans co-belong without any representable condition of belonging (even in the form of a simple presupposition).”²⁰ The significance of this conception of community is clear. The position of the *homo sacer* will have been redeemed. It is this aspect of Agamben’s work that Negri identifies when he argues that Agamben “ethically and conceptually goes beyond the state of exception by going through it: just as primitive christianity and the communisms of the origins had gone through power and exploitation and destroyed them by emptying them . . . Agamben’s analysis shows how immanence can be realist and revolutionary.”²¹ *Immanence* is another way of describing the utopian impulse. For Negri this is the position that is opened up by Agamben’s use of what Negri refers to as an “undifferentiated ontology.” This ontological configuration characterizes the state of exception. Within it, to deploy Negri’s formulation, “each element is reassumed in the empty game of an equal negativity.”²² The accuracy of this description is not at issue. What it brings into play is a further elaboration of the “emptiness.” In Agamben’s formulation, what is at risk is a version of “ourselves.” And yet, what needs to be questioned is the “our” of “ourselves.” Counterposed to a formulation of subjectification in terms of a community without identity, a “sacred” community, there is the recovery of a position-

ing in which this “our,” thus “ourselves,” will have always been more-than-one. This is a site of an original relatedness. The origin in question is an ontological position and not a locus of ethical obligation. This relatedness will be a relation to self as much as to the other and, therefore, equally to the other in ourselves.

Relation, therefore, brings back into play what was identified at an earlier stage as the already present more-than-one. On one level, this is the truth that was always there in Dürer’s engraving, namely, that what can never be separated is the human and the animal—an impossibility that opens up the already present relation of self/other and human/animal. They would be fixed relations and thus constrained to be thought of philosophically in terms of the static rather than the dynamic were it not for porous borders yielding sites of negotiation. These sites and the complex of borders that are brought into play are the loci—places within becoming—that comprise the histories of alterity as well as the complex continuity of the animal’s ineliminable presence. Allowing for both relatedness and porousness would mean that all that could ever be at risk within such an allowing is the residual humanism that posits, in this instance, the suspension of human animality rather than its continual affirmation.

Human animality has its most insistent presence in what Freud referred to as the “drives.” At the center there are porous lines marking an impossible unity. This impossibility refuses melancholia since the only element to have been lost would be a retrospective projection of either a founding unity or a produced neutrality. Both have to be worked through. Rather than the language of emptiness, there needs to be the continual recognition of an ongoing incompleteness. Activity and thus forms of practice take this founding sense of the incomplete as the point of departure. The porous is from the start that which cannot be completed; doing so would stem the movement it maintains. Negotiation as the site of decisions and responsibility has to be maintained as a site of continuous activity and, therefore, of cultural practices. The extension becomes clear. All lines that divide involve a form of separation that can be made absolute only after the event. This is not to posit a type of equality or even a sameness; it is rather to allow for continuities and differences. The question of the animal, allowing the continuity of movement between animal and animality, repeats the question of the other to the extent that what must be maintained are already present senses of relatedness. Particularity emerges only within those relations, within their retention and affirmation, and not with their suspension.

Notes

- 1 One of the most important and sustained accounts of the relationship between philosophy and the animal is that of Élisabeth de Fontenay, *Le silence des bêtes: La philosophie à l'épreuve de l'animalité* (*The Silence of the Beasts: Philosophy and the Challenge of Animality*) (Paris: Fayard, 1998).
- 2 The reference is to Genesis 3:1–13. It should be noted that in this context the “snake” speaks and is thus unlike any other animal. Moreover, the snake is cast out because of his actions. In other words, if the casting out created the distinction between God and Satan, then it is an occurrence that takes place as a result of both the human and the animal (though in this instance it is specifically the snake) sharing the very capacity that the philosophical tradition takes as dividing them, namely, language.
- 3 There are, of course, other possibilities. What could be contrasted with this depiction of the animal is the dog in Pietro di Cosimo’s *A Satyr Mourning over a Nymph* (ca. 1495). Suspending symbolic registration for a moment, what appears in this work is the dog as observer. Other animals occur in the background. Presented either as detached observers or simply occupying the same space, animals have neither a negative nor a positive presence within a logic of sacrifice. The question of their relation endures as posed.
- 4 There is an important secondary literature on this engraving, but for the most part, it concentrates on the horse and the knight. Even Erwin Panofsky only notes in passing the “personification” of death and the devil. Regarding the latter, see Panofsky, *The Life and Art of Albrecht Dürer* (Princeton, NJ: Princeton University Press, 1995), 151–4.
- 5 This paper is extracted from a seminar, Existing with Animals, I have held at Monash University over the past two years. The project can be summed up as the attempt to resist the following position announced by Martin Heidegger in *The Fundamental Concepts of Metaphysics: World, Finitude, Solitude*, trans. William McNeil and Nicholas Walker (Bloomington: Indiana University Press, 1995). Heidegger argues in relation to being with animals that “this ‘being-with’ [*Mitsein*] is not an ‘existing-with’ [*Mitexistieren*] because a dog does not exist but merely lives [*ein Hund nicht existiert, sondern nur lebt*]” (308).
Hence, the project of the seminar is to work through the consequences for philosophy were dogs to “exist” and thus a primordial existing with animals (animality) were to be allowed. Moreover, what happens to “life” when it is no longer opposed to existence?
- 6 Giorgio Agamben, *The Open: Man and Animal*, trans. Kevin Attell (Stanford, CA: Stanford University Press, 2004). Hereafter cited parenthetically by page number as *O*.
- 7 Central to the argument developed here is the connection between the mark and an original sense of relatedness. Clearly this formulation draws on the work of Jacques Derrida. In regard to the question of the animal, see *L’animal que donc je suis* (Paris: Galilée, 2006), 83. More generally in Derrida’s work, see “Le retrait de la métaphore,” in *Psyché: Invention de l’autre* (Paris: Galilée, 1987), 63–95. The *trace*, the *mark*, and the *trait* are terms central to Derrida’s mode of philosophical argumentation. The indebtedness here has its own limit. In this argument, the mark and a primordial relatedness are part of the terminology of a differential or relational ontology. Hence, the project has another direction.
- 8 The most sustained treatment of bare life is Agamben’s work *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University

- Press, 1998). I have offered a critical engagement with this concept in my “Spacing as the Shared: Heraclitus, Pindar, Agamben,” in *Politics, Metaphysics, and Death: Essays on “Homo Sacer”*, ed. Andrew Norris (Durham, NC: Duke University Press, 2005), 145–72.
- 9 This position is worked out in a number of places in Agamben’s writings. See, in particular, *Means without End: Notes on Politics*, trans. Vincenzo Binetti and Cesare Casarino (Minneapolis: University of Minnesota Press, 2000), 36–44.
- 10 Agamben, *Homo Sacer*, 169.
- 11 It may be that Agamben has addressed this point in *Homo Sacer* in relation to his discussion of Alain Badiou. In regard to that work, there is the suggestion that there is a relation that persists within both the process of exclusion and the creation of the exception (25). However, if this is the case, then it is incompatible with the later claim that it is a space “devoid of law.” More significantly, it would assume a primordial relatedness and thus a potential undecidability within the decision that would undermine his arguments concerning indetermination.
- 12 Agamben, *Homo Sacer*, 114.
- 13 Ibid.
- 14 Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: University of Chicago Press, 2005), 50.
- 15 Ibid., 87–88.
- 16 In this regard, see the exchange between Derrida and Jean-François Lyotard after the latter gave his paper “Discussions, ou: Phraser ‘après Auschwitz’” at the Colloque de Cerisy in 1980. The proceedings of the colloquium, containing Lyotard’s paper, were published as *Les fins de l’homme: A partir du travail de Jacques Derrida (The Ends of Man: From the Work of Jacques Derrida)*, ed. Philippe Lacoue-Labarthe and Jean-Luc Nancy (Paris: Édition Galilée, 1981). The exchange occurs on pages 311–13.
- 17 The current practice of profiling at airports can be accounted for in these terms. In addition, it opens up the basis of understanding the significance of both disguise and produced identities. Regarding the latter, the essential literary work is Arthur Miller, *Focus* (London: Methuen, 2002).
- 18 For the conception of a differential ontology that informs this engagement with Agamben, see my *The Plural Event* (London: Routledge, 1994).
- 19 Antonio Negri, “The Ripe Fruit of Redemption,” www.generation-online.org/t/negriagamben.htm (accessed March 14, 2007).
- 20 Giorgio Agamben, *The Coming Community*, trans. Michael Hardt (Minneapolis: Minnesota University Press, 1993), 85.
- 21 Negri, “Ripe Fruit of Redemption.”
- 22 Ibid.