

CARY WOLFE, BEFORE THE LAW. HUMANS AND OTHER ANIMALS IN A BIOPOLITICAL FRAME
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Cary Wolfe's most recent book focuses on how to think about the so called "animal question" within the framework of biopolitical thought. By "the animal question" he refers to the recently renewed critical interest in the ontological and ethical status of nonhuman animals in western philosophies, science and politics. Recent research in the fields such as cognitive ethology, coupled with the questioning of Enlightenment humanist values, has propelled new ways of thinking about animals beyond preserving a privileged status for an entity called human, which for Wolfe opens questions about how nonhuman animals are treated in practices such as factory farming. Building on his previous work, in this volume Wolfe turns to exploring the usefulness of biopolitical theories to think about such questions.

He starts from a perceived blind spot in the biopolitical thinkers, who have been concerned with unpacking how modern western modes of governing try to capture something called "life", to address explicitly how the lives of nonhuman animals figure in this, and thus implicitly keeping the link between the politicization of life and particularly human life. Wolfe's genealogy of biopolitical thought is extensive and spans from the precursors Hannah Arendt and Martin Heidegger, through its classical articulation by Michel Foucault, up to the contemporary figures of Giorgio Agamben, Roberto Esposito and Judith Butler. In order to focus on the lives of nonhuman animals, Wolfe brings to the biopolitical discussion two approaches that he explored in his previous work—Jacques Derrida's deconstruction and Niklas Luhmann's systems theory. In Wolfe's view, this offers a way towards thinking highly differentiated notions of the human and nonhuman life and moving beyond an impasse between either a strictly affirmative (simply embracing all life forms) or completely thanatological (seen only through a possibility to be killed) view of life.

Wolfe's style in this brief, 100-page volume, is lucid but quite theoretically dense, so knowing a little about his arguments from the previous works certainly helps the reader navigate. Let me just very briefly refer to a genealogy of Wolfe's thought. In *Critical Environment*s(1998) he is interested in how to think about the situatedness of all knowledge claims that theory posits and at the same time pay attention to the material political implications of such theory. In Wolfe's view, systems theories by Humberto Maturana and Francisco Varela in biology and that of Niklas Luhmann

in social sciences do a good job of tackling their own contingencies of knowledge. In *Animal Rites* (2003), these epistemological inquiries become connected to critiquing the philosophical and political discourses of what Wolfe calls “speciesism”, or the ways in which “human” is seen as exceptional to and more valued than all other animals. Though sympathetic to the philosophies of animal rights, Wolfe sees them as not questioning the Enlightenment traditions of rational and autonomous subject enough, but rather trying to extend some of these subjectivity traits to certain animals, such as great apes. He proposes that Derrida’s critique of the human-animal philosophical distinctions can help unsettle the notion of the human subject. The two theoretical threads—systems theory and deconstruction—converge in a more elaborate way in Wolfe’s next work *What is Posthumanism* (2010) where they are discussed as possible “posthumanist” approaches. By this Wolfe refers to their displacement of any kind of human exceptionalism in a material environment shared with nonhuman entities, and to Derrida’s explicit questions about the violent practices towards nonhuman animals. Finally, posthumanism and animal ethics, with the names of Luhmann and Derrida, are put in dialogue with the biopolitical theories in *Before the Law* (2013) to discuss how the lives of nonhuman animals are captured through the discourses and practices of contemporary global capitalism.

Let me flag some of Wolfe’s ideas at the intersection of animal ethics and biopolitics that I find most interesting. First of all, he argues that biopolitical theories can address the contemporary material and political positionings between human and animal bodies in more sophisticated ways than the discourse of animal rights, which explicitly wants to rethink these relations. Though he supports projects such as granting basic rights to great apes based on the human rights model by the Spanish Parliament in 2008, Wolfe proposes that biopolitics helps to understand how the Spanish great ape project and the huge pet industry in the USA can co-exist simultaneously with the American and global factory farming industries. Agamben’s distinction between *bios* and *zōē*, between politically valued and politically expendable life, which for Agamben correlates with the distinctions between the notions of human and animal within the human, is redeployed by Wolfe to consider various differentiations made within the notion of animal itself—such as pets and animals for slaughter. So the key point for Wolfe is not to simply look at how something called “animal” is politically exposed, but rather to look at how heterogeneous forms of life across the species lines are being framed within the contemporary flows of capitalist economies.

To think about how living bodies are framed “before the law”, as the title says—by which Wolfe means two things: how they are included/excluded in front of the law, and what is posited as being “prior” to an incision of law into materiality—Wolfe considers a Foucauldian approach and his notion of *dispositif* particularly useful. *Dispositifs* are relations of bodies, forces and technologies through which biopower operates on life. Wolfe prefers this approach to Agamben’s relation between sovereignty and life, which he considers too symmetrical, suggesting that

the notion of sovereignty might not be able to approach highly differentiated biopolitical operations. Also, Agamben's notion of sovereignty captures life primarily through a possibility to be killed—in a thanatological way. In contrast to this, Wolfe draws on Foucault's notion of biopower as not strictly thanatological, but rather “productive”—which means that it works both as thanatological, by fragmenting the biological field through racism, to which Wolfe adds speciesism, *and* affirmative, in the sense of certain forces of resistance to dispositifs, such as a strategic deployment of animal rights discourse. Wolfe proposes to look at biopower as diverse, contingent, strategic arrangements of bodies that frame the living rather than primarily capture it thanatologically through sovereignty.

If Wolfe is critical of Agamben's entirely thanatological view of biopolitics, he is also critical of a completely affirmative one, which he reads in Roberto Esposito's affirmation of “life” as that which should be indiscriminately preserved. Wolfe asks if an undifferentiated notion of life is supposed to collapse all differences between forms of life, say human life and that of bacteria. In contrast, he argues that both life and norm should be thought of at the same time, and he thinks that Esposito's notion of “immunity” is useful for this, as well as ideas from systems theory and deconstruction. The notion of immunity that Esposito discusses, and which Derrida in his own way also deploys, Wolfe superimposes with the notion of “autopoiesis” from the systems theories of Maturana and Varela, and Luhmann. Autopoiesis is an organization of a living system that is coupled to its environment, the structural components of which change through the process of evolution. This is how biological organisms develop complex social behaviours, and Wolfe's many examples of the recent scientific research into animal cognition and behaviour support his philosophical, Derridean critique of the privilege of human language and consciousness. Wolfe's intervention with the notion of autopoiesis into the biopolitical theories is aimed to consider an “immunitary logic of life”—as a closed, embodied system on the level of organization, but open to its environment on the level of structure. In Derrida's vocabulary, this is discussed as a contingent, performative character of any law, which is also open and changeable in relation to whatever comes as “other”. Wolfe sees this logic of immunity as more productive to discuss biopolitics than sovereignty, as sovereignty makes expendable that which it excludes as a supposed outside to its contingent law, which immunity does not necessarily do. This is important for Wolfe because it keeps open the question of who/what is granted immunitary protection in various contexts, and keeping the “animal question” open is Wolfe's aim for animal ethics. His arguments are complex yet innovative, and will be interesting for anyone interested in the intersection of animal ethics and biopolitics.

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