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# Indignity

Ranjana Khanna

## Abstract

This essay, 'Indignity', argues for a radical reassessment of the category of dignity as the basis for the human or humanity. Suggesting that this Kantian notion of dignity, employed liberally in human rights work, modern constitutions, and philosophical frameworks, often involves an obfuscation of the reality of humans' existence in the world, It is proposed that the term should be replaced by disposability, and that postcolonial feminism can usefully look to postcolonial literary texts to see how they conceive of justice beyond the terms of dignity. Theoretical notions of the literary are also employed to propose a robust notion of Marxist postcolonial feminism that goes beyond the liberal notions of rights. The article focuses on the South African context but does not limit itself to that.

**Keywords:** Indignity; justice; human; literary; Marxist postcolonial feminism; disposability; South Africa.

## Introduction

As some postcolonial feminism chooses its object of study – often, but by no means always, women from former colonies – it is in danger of employing the same kinds of knowledge discourses that echo a faith in the state as protector of rights and dignity bearing citizens. This is often the case even in instances when the state has been responsible for the wrongs that have been done, whether this is in the context of the traumatization of its citizens, the abuse of other states' citizens, of stateless people, or more everyday oppression. Some literary texts would caution against such optimism. The ways in which subjectivity is inscribed in human rights discourse, which is often instrumentalized to use postcolonial women as an alibi to do anything is particularly instructive here, the US bombing of Afghanistan being the most obvious recent example. But examples abound in many contexts, the cancellation of the elections in Algeria in the early 1990s in the name of democracy and feminism, for example. The seeming impossibility of

the situation causes many alibis to arise for destroying democratic procedure – a feminist conundrum. Subjectivity, whether it refers to conscious beings, a consciousness of one's state, a state of subjection, or grammatical attempts at sovereignty, then needs to proceed from a questioning of what constitutes the human in current configurations of internationalist discourse, and how one can come to understand how subjectivity is inscribed partly in relation to the state and to the question of species. Understanding of the types of postcolonial 'dehumanization' would have to start from this point.

The question of subjectivity in postcolonial feminism is crucial, then, however old the question of the subject's demise seems to be. Other terms frequently seem to stand in the place of radical questioning of the constitution of the subject in contemporary discourse—like identity in politically oriented work, the body in biopolitical critiques, or the self-same in philosophical paradigms. Many of these seem to take dignity as their crucial underpinning. Culturalist approaches often present culture as a surfeit of politics. Historicist approaches frequently plot a teleology that denies the weight of the philosophical conceptualizations of basic categories of living. It is the weight of some of these that is of interest to me, and is also the reason I consider psychoanalysis and deconstruction to be crucial tools for the understanding of contemporary subjectivity, and the way in which conceptual and epistemic violence persists. If Derrida claimed in 'Force of Law' that the term 'justice' is undeconstructible, it would seem that in current usage, 'dignity' is held in that high esteem, and becomes the source of indignant defence of the subject and of a resistance to the questioning of its boundaries. This article suggests that it will be crucial for postcolonial feminism to focus on such radical questioning in order to challenge the central place of dignity as a primary category for analysis. Ultimately, I shall suggest that the category of disposability should be put in its place. This will involve, in the name of internationalist feminism, a shift of focus away from rights based work as the restoration of dignity. Justice will be restored as the goal of postcolonial feminism.

## One

'But perhaps this is a good place to start from again. . . . To start at ground level. With nothing. Not with nothing but. With nothing. No cards, no weapons, no property, no rights, no dignity.'

'Like a dog.'

'Yes, like a dog.'

(J.M. Coetzee 1999, p. 205)

In 1998, a famous case of police brutality in South Africa made the headlines when police circulated a video of six white policemen—members of the North East Rand Dog unit—Inspectors Christo Koch (32) and Eugene Truter (28) and Sergeants Kobus Smith (31), Dino Guitto (27), Robert Henzen (32) and Nicolaas Laubser (27)—setting their dogs on three illegal immigrants from Mozambique, Gilbert and Alexander Ntimane and Sylvester Khosa. The dogs were apparently the less experienced of the canine team, and the police sought to train them in what they considered to be the appropriate forms of attack and brutality. One of the six policemen videotaped the incident, which involved the vicious attack itself, and incriminating laughter and encouragement by the other policemen involved. There was widespread national and international condemnation of the videotaped event, which was screened on television. Shocking photographs appeared in the international press of white policeman holding a dog over the black Mozambicans who were being savaged by those dogs. An international police dog trainer Hans Schlegel, from the K9 training school in Switzerland commented that 90 per cent of the police dogs in South Africa should be killed. The dogs, he proposed, were too psychologically sick to be rehabilitated, and would continue to defy orders. ‘The dogs are trained on fear . . . so they have no trust in human beings’, Mr. Schlegel said, ‘They don’t trust anybody and cannot socialise with other dogs or people’. He added that the training scheme itself, which involves keeping the animals caged for long periods, was fifty years out of date compared to European training techniques, was based on racism, and relied on nonwhite people’s fear of dogs. It is unclear whether the dogs defied orders at all.<sup>1</sup> There is, however, surprising clarity offered concerning the idea of the creation of the ‘racist dog’. As if acknowledging the saturation of the state of nature by the state of culture, the only solution to this ‘inappropriate’ behaviour, existing in a time-lag, is to kill the dogs, so both the species of the dog will be retained as ‘able to socialise’, and the political climate can be saved by displacing the problem onto these hangers of a past political environment still haunting contemporary South Africa. It is as if killing the dogs will allow for the dignity of peoples, hallowed in the new South African constitution. Dignity would therefore be maintained through this remedial act of violence. The tainted dog is to be killed in order to save the idea both of dog and of human, and of a distinction between the two. Impossible to provide the dog with amnesty, as one might have done with the policemen a few years previously, they are to be killed. Entirely instrumentalized and used as a means, they carry the trace of political embarrassment. Because they are animals, their ‘psychological sickness’ cannot be treated and agency cannot be returned to them. Apparently, the police are currently investigating twenty-two other

such acts of dog violence.<sup>2</sup> In Coetzee's stunning novel *Disgrace*, the only possibility for dogs like these will be for them to die with dignity, or to be given the gift of death.

As in much of Coetzee's writing, Kafka is referenced, especially the final words of Kafka's *The Trial*:

But the hands of one man were right at K.'s throat, while the other thrust the knife into his heart and turned it there twice. With failing sight K. saw how the men drew near his face, leaning cheek-to-cheek to observe the verdict. "Like a dog!" he said; it seemed as though the shame was to outlive him. (Kafka 1999, p. 231)

While Kafka clearly saw Herr K.'s behaviour as following a canine nature associated with a submissiveness shameful in the human, this phrase has resurfaced in postcoloniality to suggest something somewhat different, and in post-apartheid, there is no possibility of dying *like a dog* as an end in itself, even as shame takes on an existence of its own. For the shame is in the persistence of the instrumentalization of the dog as a manifestation of the limits of the subject. To die like a dog becomes an act of grace, dying with dignity. To be killed by the dog appears to leave the disposable person—the Mozambican illegal immigrant waiting to come through the door, without any recourse to subjectivity, reproducibility, or agency.

If, in 'The Penal Colony,' Kafka describes the prisoner as resembling 'a submissive dog', (Kafka 1948, 1919) it is ultimately to show the complications of submission to the law in the penal colony, with its temporal suspensions and its relation to the machinery of justice. As with most of Kafka's work, it is also to show the forms of dehumanization and desubjectivation in play within modern forms of justice distribution. And yet the phrase itself seems literally to haunt postcoloniality, whether in the dogs in a time-lag attacking those crossing the border, in the shape of slaughtered dogs in Coetzee's novel *Disgrace* or in Rushdie's *Shame*, which I shall return to shortly to consider the manner in which the limit points of the subject are so crucial to the study of the contemporary. In the South African example above, the Mozambicans effectively have no agency, no 'right to dignity,' and no form of human intelligibility other than through the haunting reminder of the racist police force's instrumentalization of the dog as having value only as a means. The inversion of 'like a dog' to 'like dog fodder' or dog practice ground renders the human here entirely disposable, of no use, and rendered uncountable, even as a legal case may be in place to 'restore their dignity' at the very moment the dogs are being rendered disposable. Also striking is the problem of animal typologies that too are extremely value-laden.<sup>3</sup> It is as if, indeed, the shame outlived the simile, and manifested itself in a

demetaphorised state. And it is a reminder of the history of 'dignity' in modernity as being entirely different for the core countries that were former colonial powers. If dignity there was formed through the elision of the instrumentalization of colonized resources and peoples, the question would have to remain of what taint is carried in the concept of dignity, and how possible is dignity without instrumentalization? If dignity is to be the category with which bodies attain humanness, how will that concept shape the way in which alterity is understood? And if dignity is implicitly maintained through wealth, and predicated on the poverty of some, what kind of violations will be conducted in the attempt to maintain it as the core category of humanness? What are the inevitable failures of understanding justice to be achieved through the granting of dignity? If dignity, inherent and incommensurable value, autonomy, (as opposed to value, means, instrumentalization,) is at the core of the Kantian notions of humanity and humanness, it does not follow that it is an undeconstructible guarantor of justice given or attained. To measure dignity as the ground of moral action, or indeed of any notion of the subject and ontologization, I would suggest, is to perpetuate a fundamental problem in the concept of responsibility in the face of indignity which can result in indignation, but not necessarily in justice.

As Lucy Lurie, the raped daughter of David Lurie in J.M. Coetzee's novel *Disgrace* put it, perhaps it is better 'To start at ground level. With nothing. Not with nothing but. With nothing. No cards, no weapons, no property, no rights, no dignity.' (Coetzee 1999, p. 205) Or perhaps that is easy to say if one thinks one has dignity. To start at ground level may actually be to start with the meaning of this elusive term and attribute 'dignity.'

## Two

At its most basic level, the word dignity, deriving from *digneté* in old French (in turn from the Latin *dignitas* from the same route as *decus* and *decorum* and the Sanskrit *dac-as*, or fame), means 'the quality of being worthy or honourable, worthiness, worth, nobleness, excellence.' It can also mean to be worthy *of* something, shifting the idea from one of 'intrinsic quality' to 'merit'. And this idea of merit is extended to being held in esteem, or of being honourable, which leads to a legal understanding of dignity as related to reputation. Dignity itself then seems to have something to do with honour, and also includes some dimension of height – a dignitary is, after all, held in honour. But dignity is something that sometimes has intrinsic value and comes to characterize an intrinsic value of the human, sometimes commanded – as in the command to be treated with dignity,

sometimes given, to have dignity restored to you, or to have, then, worthiness restored to you.

The concept of dignity is not born with Kant, of course. Cicero uses the Latin 'dignitas' as a rhetorical term referring to high political rank, or social rank. In *De Officiis*, dignity is referred to with reference to masculine beauty (rather than feminine loveliness), good gait, thought rather than impulse, and the power of speech in relation to propriety. Interestingly, Adam Smith takes up this notion of 'propriety' in relation to indignation in the section on 'Of Self-Command', Part IV Section 3 of the 1759 *The Theory of Moral Sentiments*. Here began law's tightly knit relationship to the concept of dignity. Importantly, dignity was a concept in Cicero that distinguished man, or *humanitas*, from the animal: 'But in every investigation into the nature of duty, it is vitally necessary for us to remember always how vastly superior is man's nature to that of cattle and other animals: their only thought is for bodily satisfactions. . . . Man's mind on the contrary, is developed by study and reflection. . . . From this we may learn that sensual pleasure is wholly unworthy of the dignity of the human race' (Cicero, *De Officiis* I 30). After Cicero, the next most significant contribution to the discussion of dignity is to be found in Augustine's works. The Latin fathers (especially the jurists like Cicero) had a great influence on Augustine on the topic of dignity, but he was particularly concerned with the relationship to another and that other's dignity as it related to the idea that man was made in God's (or—more significantly for Augustine, in the Trinity's) image. (Augustine, *De Genesi ad litteram* and *The City of Gods*). Dignity associated with the propriety nature of man combined with the dignity described by Augustine would come to produce some tension for the notion of an individuated and increasingly secular notion of man in the European Renaissance. In many ways, by the time we later arrive at Kant's notion of dignity (from the 1785 *Fundamental Principles of a Metaphysics of Morals*) associated as it is with the notion of individual autonomy or autonomous will, we have arrived at a notion of dignity as a secularized soul through the formula of autonomy. If the image of God (or the Trinity) was present in the soul of man in Augustine, in Kant, the self-legislating or autonomous will treat everything and everyone as an end in themselves, rather than a means to something else that may be gestured towards a heteronomous will that followed external legislation. The dignity that is associated with such autonomy comes to mean that the self-legislating subject engenders practical reason and the universalizable, in a parallel fashion to the status of the divine in Augustine. The tightly bound connection between law and the concept of dignity follows these complex turns in the history of dignity. In *Perpetual Peace*, where Kant will proffer his idea of a 'federation of nations' or a 'league of Nations', he will exemplify this idea of the

universalizable with a commentary about peace treaties (Kant 1983 *Perpetual Peace*: 115–116). There can be no real peace treaty, he suggests, that in any way leaves open the possibility for a future war, otherwise it is precisely not universalizable. ‘If we judge such actions in their true character, they are beneath the dignity of a ruler, just as willingness to indulge in reasoning of this sort is beneath his minister’s dignity’. Kant, *Perpetual Peace* 107.<sup>4</sup>

Hannah Arendt analysing the question of dignity in relation to stateless peoples who have been stripped of their rights, wrote: ‘Man, it turns out, can lose all so-called Rights of Man without losing his essential quality as Man, his human dignity. Only the loss of a polity itself expels him from humanity’ (Arendt 1951, p.297). She saw the intrinsic quality of being human as having dignity rather than rights that could be stripped away at any moment: the right to have rights is guaranteed because of dignity. And so we see the production not simply of rights bearing citizens, but dignity bearing humans thus able, in her view, to attain some form of international and cosmopolitan citizenship. Because one has dignity, one has that right. And so whatever exactly this form of worthiness is, one has it by virtue of being human. For Arendt, then, it is not something that is taken away when one is stripped of rights, and it is therefore not something to be desired, restored, vulnerable to forms of treatment, or indeed disavowed (as Lucy Lurie does above) as something in some circumstances undesirable.

Arendt’s notion of dignity is unmistakably Kantian. In his 1785 *Fundamental Principles of the Metaphysic of Morals*, Kant famously lays the groundwork for the concept of dignity in the context of his discussion of duty and the second categorical imperative – that each human must be treated as an end in himself and not merely a means:

The practical necessity of acting on this principle, i.e., duty, does not rest at all on feelings, impulses, or inclinations, but solely on the relation of rational beings to one another, a relation in which the will of a rational being must always be regarded as legislative, since otherwise it could not be conceived as an end in itself. Reason then refers to every maxim of the will, regarding it as legislating universally, to every other will and also to every action towards oneself; and this not on account of any other practical motive or any future advantage, but from the idea of the dignity of a rational being, obeying no law but that which he himself also gives. In the kingdom of ends everything has either value or dignity. Whatever has a value can be replaced by something else which is equivalent; whatever, on the other hand, is above all value, and therefore admits of no equivalent, has a dignity. Whatever has reference to the general inclinations and wants of mankind has a market value;



whatever, without presupposing a want, corresponds to a certain taste, that is to a satisfaction in the mere purposeless play of our faculties, has a fancy value; but that which constitutes the condition under which alone anything can be an end in itself, this has not merely a relative worth, i.e., value, but an intrinsic worth, that is, dignity (Kant 1785).

Kant's secularization of the soul as 'dignity' leans on the concept of self-legislating morality attained through rationality and the primacy of autonomy. It is also one that foregrounds the exceptional status of the human. Dignity is contrasted to value – one cannot ascribe a price to the human and therefore make him substitutable for another in a system of exchange. There is no equivalence among humans other than perhaps moral equivalence and therefore fundamental worth rather than monetary worth. The problematic paradox here perhaps goes without saying—are we to say that the human that does have a price has no dignity? Or that the human who has a price is actually not a human at all, and therefore does not count among the legislators of morality? Is one person's dignity necessarily built on the back of another's instrumentalization? It would indeed seem so in Kant's moment for slaves, the colonized, and for women generally. Even as Arendt may have insisted that stateless peoples, made 'the scum of the earth' as she puts it, all have intrinsic dignity that could not be taken away, it becomes difficult to discern what that is. It may often be very clear what it means to be treated without dignity, but it is less clear what dignity is except at times when the term itself is instrumentalized.

At the end of WW2, the need to restore dignity was inscribed in many constitutions. Most famously, the first article of the German Constitution reads: 'Human dignity is inviolable. To respect and protect it is the duty of all state authority.' In the Indian Constitution of 1949/1950, the preamble stresses the necessity 'to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women.' In 1948, when the General Assembly of the United Nations adopted the *Universal Declaration of Human Rights* the foundation of all human rights work was hallowed as 'dignity':

Whereas recognition of the *inherent dignity*, and of the *equal and inalienable rights* of all members of the human family is the foundation of freedom, justice, and peace in the world. . . . Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better

standards of life in larger freedom . . . All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. . . . Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality (General Assembly of the United Nations 1948).

The declaration uses the word dignity no less than five times in the short declaration, and with different connotations – first that dignity is inherent and therefore foundational to justice (although obviously it has not guaranteed any such thing); second that dignity is an inherent attribute of humans but is nonetheless linked to reason (and therefore, it seems, off limits to the irrational or the insane), it is also linked to conscience, and therefore has intrinsic moral value, and then finally, in article 22, ignored by a large proportion of the world, an acknowledgment of the need for economic, social and cultural rights that are indispensable for this so-called intrinsic dignity. This final use demonstrates the obfuscation of the grounds of dignity in the other uses of the term. It reveals also the normalizing tendencies of the declaration – the spirit of brotherhood, and the family as the foundation for human justice in the world. Such obfuscation makes of the declaration an assurance of very little, and a violent obfuscation of the ground upon which dignity is built.

While in many ways it seems problematic to question the grounds of human rights and many rights based movements on the grounds of dignity, it is crucial to return to the ideology of this and the Kantian framework from where the language of dignity comes. This is not only to question the formation of the subject as one with bodily and psychic integrity, although this is a crucial part of the argument. Kaja Silverman and Kirsten Campbell have shown, through mostly psycho-analytic discourse, that this is highly problematic when considering changes in forms of human rights intervention, and the purported curative model of some human rights work, of the pious variety as well as others. (Silverman 1992 p.56; Campbell 2002)

The citation above from the *Universal Declaration of Human Rights* establishes an idea of the *human* as having *inherent dignity*, and the rather tautological point that the inalienable right is to enter, in a basically evolutionary progression, some somewhat xenophobic notion of a ‘human family’ if that dignity is present. In Kant’s secular basis for an ethics, ‘dignity’ is contrasted with ‘value.’ Anything to which one can attribute value is not human, but also, one should not attribute value to the human because it is an act of dehumanizing, or

'instrumentalizing' them. The human is an end in itself, rather than a means, but also, universal humanity is a goal of human rights discourse. (Arendt pointed to some of these problems when she referred to the refugee as the most symptomatic figure of her time, and Etienne Balibar brings up a similar paradox in the context of the *Rights of Citizens*—are you less than human when you do not have rights, etc.? (Arendt 1976; Balibar 1993) For Kant, human dignity is effectively a categorical imperative rather than a hypothetical one, even though it appears as a byproduct of the categorical imperative to treat every human as an end and not a means. There are fundamentally no presuppositions in play within the category of human dignity as far as he is concerned. The human has intrinsic rather than instrumental value.

As Paul Cliteur and René van Wissen have elaborated, this becomes the basis of both Bentham's and Schopenhauer's departure from Kant. (Cliteur and Wissen 2004) The latter criticized him for his sense of the animal, and Bentham chose to assess the relative value of a living thing through its capacity to suffer. This also includes, however, a subjectivation and ontologization, present in the sense that we can recognize the pain or suffering of another. However, what such debates do highlight is the manner in which ontologization is a goal of being a rights bearing citizen or subject, and as such seems like more of what Kant would call a hypothetical imperative rather than a categorical one. And all too often, it becomes the basis for the dehumanization of those deemed without dignity, or the instrumentalization of actions that treat living beings using them as an alibi for something else. The concept, after all, rises with the violence of capitalism and colonialism, the instrumentalization of bodies deemed less than human, and seems to implicitly justify the dehumanization of those instrumentalized inevitably and denied the category of personhood.

How do we understand the subject under erasure in current political configurations if it is not on this basis of determining an alibi with dignity as its purported goal? And why is 'dignity' apparently undeconstructible in human rights discourse that seems to be at the core of so much international feminist work? It presents a notion of the subject that is self-same, and has no room for difference. The xenophobic nature of the notion of the human family is underscored today in current US debates around gay marriage, in which marriage as ideal is presented as 'dignifying.' It reinscribes a form of subjectivation based on the nuclear family, albeit with same sex parents. The notion of dignity here attempts to circumscribe queerness into identity categories. There is no room at all, within this form of sexuality, for desiring what is not normal, for desiring debasement, or even non-monogamous relationships, as critics as

varied as Leo Bersani or Michael Warner have highlighted in very different ways. (Bersani 1988; Warner 1999)

In another context, the category of dignity seems equally problematic in the new South African Constitution which has embraced dignity as its basis, (just as the Indian Constitution of 1949/1950 did before) with confusing dilemmas therefore emerging around the figure of the prostitute. A fascinating case in the Constitutional Court of South Africa (*Jordan and Others v the State*; heard on March 5–6 2002; decided October 9, 2002)) upheld the criminalization of prostitution. Regan J and Sachs J, writing for the minority, analyze and make fascinating use of the language of dignity in the South African constitution.<sup>5</sup>

Such discrimination (of women) therefore, has the potential to impair the fundamental human dignity and personhood of women, (Reagan and Sachs 2002 p.65). Our constitution values human dignity which inheres in various aspects of what it means to be a human being. One of these aspects is the fundamental dignity of the human body which is not simply organic. Neither is it something to be commodified. We do not believe that section 20(1) (aA) can be said to be the cause of any limitation on the dignity of the prostitute. To the extent that the dignity of the prostitute is diminished, the diminution arises from the character of prostitution itself. . . . Neither are prostitutes stripped of the right to be treated with dignity by their customers. The fact that a client pays for sexual services does not afford the client unlimited license to infringe the dignity of the prostitute (Reagan and Sachs 2002 p.74).

In the instance of the prostitute, there seems to be no meaning to the category of dignity. The law upholds the illegality of prostitution because it presents contradictions for the law, if dignity is opposed, in Kantian terms, to the instrumentalization of the prostitute's body. And yet, the fact of payment does not give the client the right to 'infringe the dignity of the prostitute'. Even though it is clearly the case that prostitution is illegal because of this instrumentalization, the law claims the prostitute is nonetheless dignified. To acknowledge that by definition, and by law, she is not dignified would be to challenge the intrinsic value of the human, and to reveal the obfuscation the embrace of the category of dignity enacts.

If the category of dignity has been the basis of the human, it indeed needs to be deconstructed, and placed alongside indignity, shame, disgrace and other forms of desubjectivation and deontologization. While I would propose that such states of mind cannot be embraced as such if they are affects rather than affectations, they can nonetheless

become the basis of perceiving a form of alterity beyond dignity, and instrumental in the processes of desubjectivation.

If dignity is about restoring the human to his or her humanity, understood in terms of autonomy, rationality, and self-legislation, the emptiness of the gesture of restoring dignity to the dead is particularly striking. In the next section, I shall develop this idea of desubjectivation as an alternative framework for relating to alterity that does not leave us with the violent obfuscations of the category of dignity.

### Three

The origin of the call that comes from nowhere, an origin in any case that is not yet a divine or human “subject”, institutes a responsibility that is to be found at the root of all ulterior responsibilities (moral, juridical, political), and of every categorical imperative. [. . .] Something of this call of the other must remain nonreappropriable, nonsubjectivable, and in a certain way nonidentifiable, a sheer supposition, so as to remain *other*, a *singular* call to responses or to responsibility. [. . .] The obligation to protect the other’s otherness is not merely a theoretical imperative (Derrida 1991 p.110).

This quote from Derrida comes from a 1991 interview in a volume edited by Eduardo Cadava, Jean-Luc Nancy, and Peter Connor entitled *Who Comes After the Subject?* thereby announcing (yet again, it seemed) the subject’s demise some sixteen years ago. The title itself, rather obviously as Derrida pointed out in that interview, contained a paradox—who is this ‘who?’ and what kind of grammatical configuration would be worthy of this question form once the subject (something apparently identifiable) was no longer. So the subject returned in the question form itself, as if irreducible however decentred or devoid of authority it turned out to be. It nonetheless remained in a grammatical ontologization of the stranger poised to arrive after the subject—the question ‘who?’ suggests the expectation of an assertion of being in response, either through a pronoun or a proper noun. The announcement of its death was a questioning of its authority following many figures of post WW2 theory like Barthes (in ‘Death of the Author’ and in *Roland Barthes*), (Barthes 1977a;1977b), Foucault, (in early work like *The Order of Things* as well as late work like ‘The Subject and Power’) (Foucault 1982, 1994) and Lacan (in most of his work even as it changes so dramatically over the years, but most obviously in his second seminar entitled *The Ego in Freud’s Theory*) (Lacan 1991).

I give this as a backdrop to my concerns about constituting new forms of ethical consideration beyond dignity discourse that need to be in play at a moment when the fault lines of liberalism seem to be

starker than ever, and a new form of desubjectivation seems to emerge. Some have named the corollary of this new form of desubjectivation sovereignty, some have recalled Carl Schmitt's brilliant if frightening interventions on the topic of liberalism's failures in his late work *Nomos of the Earth* (Schmitt 2003) to describe the current situation, some have outlined a growing necropolitics that has developed alongside this new sovereignty, describing a politics centred on death rather than life (Mbembe 2003). Others, rather than foregrounding a form of anti-humanism more prevalent in Foucault's, Derrida's, or Agamben's (Foucault 2002; Derrida 2003; Agamben 1998) very different takes on the question of sovereignty, have reverted to a form of post-humanism that has focused on the animal, and have, at times, reinscribed a form of ontologization in the process.

The question of the human has re-emerged with the rise of sovereignty discourse over the last few years, as if earlier forms of sovereignty for some have now returned without the need for more subtle biopolitical form of the exertion of power. I am understanding the distinctions here through Foucault's analysis of racism in *Society Must be Defended* in which he claims that early modern and medieval European configurations of sovereignty understand the state as letting live and making die, and later biopolitical forms of power are about letting die and making live (an idea also present in the *History of Sexuality*, but less extensively explored.) (Foucault 1976, 2002) It seems to me that we are once again returning to the earlier form of global organization with sovereignty on the rise again, and therefore an important claim around the subject re-emerges. How does the subject react, or perhaps more appropriately respond, to these new configurations? How do postcolonial subjects respond differently from others? Are we to imagine a clean break with a new form of the subject (Fanon's new man? But what would this mean for woman?) (Fanon 2004) Don't we have to consider once again the (almost cruel) persistence of formulations of the subject that retain conceptual and psychological weight?

Psychoanalysis makes an important intervention in this regard because of its interest not on ego formation but on the processes of desubjectivation. Theorizations of melancholia are especially useful for understanding the violence of subjectivation and of desubjectivation because they highlight the manner in which there is a violence—indeed what Spivak calls an 'enabling violence' at the core of subjectivation and, indeed, desubjectivation. One cannot not, as it were, desire some form of dignity, and even indignity, shaming, and disgrace or forms of melancholic desubjectivation that critically participate within this enabling violence.

I have suggested elsewhere that melancholia is not only a crippling attachment to a past that acts like a drain of energy on the present,

even though it is indeed an 'impoverishment' of ego. Rather, the melancholic's critical agency, and its peculiar temporality that drags it back and forth at the same time, acts towards the future.<sup>6</sup>

#### Four

I'd like to turn briefly to the two examples of forms of desubjectivation in play in postcolonial contexts that are also returns to the language of Kafka. J.M. Coetzee's *Disgrace* and Salman Rushdie's *Shame* demonstrate exactly how difference is inscribed in ways that carry massive psychical weight with melancholic manifestations. Both novels explore the impossibility of thinking subjectivity as dignity from within the filth of masculinist coloniality and (importantly) its horrifying aftermath, effectively proposing disgrace and shame as alternatives. Exploring the violent inception of the law in South Africa, Coetzee, like Rushdie before him in his best novel *Shame*, draws on the ending of Kafka's *The Trial* in which Josef K, the victim of apparently arbitrary arrest, is killed 'like a dog'. Rushdie explicitly cites Kafka as he contemplates the shame of the Pakistani father who kills his daughter 'like a dog' in London when he suspects she has had sex with a white boy.

In a chapter at the centre of *Shame*, aptly called 'Blushing,' (thereby recalling Darwin's consideration of the subject-able-to-blush) (Darwin 1872) the narrator of the novel briefly steps out of his narrative about Pakistani political genealogies in which the figure of *Shame* is both a woman and not, a human and not, powerful, and not, and expressing rage throughout Pakistan. He explains that this figure of Sufiya 'grew out of the corpse of that murdered girl'. 'Wanting to write about shame, I was at first haunted by the imagined spectre of that dead body, its throat slit like a halal chicken . . . And when the police knocked on doors, what hope of assistance had they? Inscrutability of the 'Asian' face under the eyes of the foe. . . . And the father left with blood-cleansed name and grief' (Rushdie 1983 p. 118) The cost of dignity and its correlative – shame, are expressed here precisely through the desubjectivation in play. Shame gets realized elsewhere as the roots of violence in dehumanization. And the father, not understood in the face to face encounter with the policeman who already thinks he knows what he sees, finds his alterity emerging in the literary form, and in the relation with the animal as dehumanization rather than sacrifice. The image that haunts the narrator of *Shame* is a literary hangover, yet made raw with the immediacy of shame in the foreigner. The girl, Anna, is made animal, and it is in this process that we see that the face to face encounters in this novel ensure no translation of reason, restoration of narrative, or of dignity. The haunted figure has no experience of the present, only made into less

than human, or perhaps more than human in the shape of a monstrosity or a corpse.

To quote Rushdie's novel *Shame*, we see how he figures this haunting as a kind of impetus for his novel:

Enough. Ten years have slipped by in my story while I've been seeing ghosts. But one last word on the subject: the first time I sat down to think about Anahita Muhammad, I recalled the last sentence of *The Trial* by Franz Kafka, the sentence in which Joseph K. is stabbed to death. My Anna, like Kafka's Joseph, died under a knife. Not so Sufiya Zinobia Hyder; but that sentence, the ghost of an epigraph, hangs over her story still: "*Like a dog!*" he said: *it was as if he meant the shame to outlive him*' (Rushdie 1983 p. 120).

The temporality of shame – how it outlives the subject – and the complicated nature of how it circulates among figures, whether human, canine, or monstrous, suggests a notion of postcolonial becoming that plays with the concept of shame as *sharam* (shame in Urdu) in relation to *izaat* (or honour), and also in relation to the Kantian categorical imperative underscoring the fundamentals of the human and the metaphysics of morals: dignity. The suspension of dignity persists in Rushdie's phrase, presented here with translations and carries with it the haunting presence of a language of violation and hurt. It is also manifested in this moment of outliving in a demetaphorized manner. The shame that has outlived him has removed the 'like' or the 'as if' from the scenario of shame, and Anna has become Sufiya — more or less than human, in the hands of the belated writing of the narrator.

Coetzee's references are more elusive. The dog's complicated relation to justice is explored in *Disgrace*. Dogs, employed by the 'police' to control and hunt the targeted population in South Africa, are sometimes slaughtered, made to die, or allowed to live, in the last gesture of grace in the novel. Coetzee's deliberate refusal to explicitly racialize the novel's human characters is brought to a head in various face to face encounters, to use a Levinasian coinage with the most wretched – in this case, the bonded labourer, the slave, the woman, and most significantly, the animal in the rescue shelter as it becomes a slaughterhouse. David Lurie, the protagonist of the novel, and, ironically, a professor of Communications, is disgraced in the text from the beginning. The novel begins with the bland but nonetheless satisfying weekly sexual encounters with a prostitute. Lurie then either seduces or rapes his student, and various men in her life use her dignity as an alibi to avenge themselves. Lurie refuses the alibis the university tries to give him so charges can be dropped against him. When he chooses not to accept the alibis, understanding they pervert any form



of justice, he is disgraced publicly. He tries to rebuild a relationship with his liberal feminist daughter, Lucy Lurie, and she is raped by three men. When he attempts a face to face encounter with them, David Lurie is also attacked. The dogs on the property are also violently and grotesquely slaughtered. It is through the dog, in fact, that one comes to understand the mechanisms of racial violence in South Africa, and the many registers of violation (whether human or animal) one lives through—in state racism, or other forms of struggle.<sup>7</sup> The dog becomes the example of the complete saturation of the state of nature by the state of culture, in which it is the state of culture that is the state of war rather than the state of nature inverting the paradigm Hobbesian. The dog cannot be sacrificed as such, but can be made to die, and must, in effect, become a throwaway in relation to justice. David Lurie attempts some form of redemption through the dog, allowing it, in fact, to ‘die with dignity’ in a world in which humanness seems to mean disgrace, and, indeed, living with indignity. It is almost as if Lucy’s own attempts to start off with no dignity must mean seeking asylum in the house of her rapist, raising a child born of rape, and yet not functioning within the dignity of family existence.<sup>8</sup>

In both texts, responsibility, as well as sexual and racial politicization of difference, is marked by the loss of personhood, as if the categories of race and gender themselves as markers of identity will be wholly inadequate to endowing anyone with dignity where that term is an unconditional good. Justice appears, rather, in the call of the liminal non-human, to underscore how very disposable certain bodies are at this time, and to inscribe them with race through the acknowledged creation of a liminality. In both *Shame* and in *Disgrace*, there is no dignified labour than can ensure a subject coming into being in health and sociability, or in non-instrumentalization. The ethical rather appears in the breakdown of such normative privileges.

The inscriptions of subjectivation and ontologization leave no room for alterity, or for the call of the other. As Derrida suggested, responsibility is not simply dignity which takes place in violence and subjectivation. It is in the call initiating desubjectivation in which we recognize the inscriptions and can listen to the radical alterity born of violence and yet entirely singular. It is in the process of desubjectivation, melancholia,<sup>9</sup> and deontologization that the face to face encounter can move beyond subjectivation and species oriented xenophobia, and towards radical alterity. In this mode, hospitality would not involve inclusion into the xenophobic human family sanctified in human rights discourse, but would be about the constant undoing of the subject in encounter. This is not to romanticize collapse, humiliation, or violence. Clearly the Mozambicans needed a

concept of arrival that would not endanger their persons, but attention to the language of desubjectivation also highlights the foundational violations inherent in a language of humanness and dignity that closes the subject to ethical ability to respond to another, whether animal, human, divine, or some yet to be thought entity.

## Five

It is somewhat preposterous to claim that, in the world of contemporary South Africa, in which race relations are so overdetermined one comes to understand race in the novel through the relation to dogs. Some would immediately recognize the name of the student—Melanie Isaacs—whom David Lurie rapes or coerces or seduces, as designating a biracial figure. The importance of this knowledge is in many ways indisputable, but it is also troubling that the proper name comes to designate more (and less) than itself, that it designates something very particular, that it stands for and is an equivalent to a setting, that it is also immediately allegorizable.

In the realm of law, it often seems as if the category of dignity must exist for the sake of the proper name, and the way in which it can have dignity — as itself — restored to it. But this once again inscribes a somewhat legalistic and paternalistic notion of reputation and patrimony. The proper name, however, in its relation to the signature exists in belated fashion in the literary postcolonial. '(As) if the shame were to outlive him' within the literary itself.

Kafka, Joseph K. and the 'as if' of 'like a dog' reappear in, or perhaps more accurately as the literary in postcoloniality. In some ways, Rushdie's narrator tells us this directly. In a different way, Coetzee's text reveals this within the texture of the language and the relations among the figures. I take justice to be at the core of the questions posed to us by the figure of Herr K. — whose own generic designation deprives him of his singularity — by revealing him as someone subjected by the sovereign who is prior to the law. But the question of justice seems to return in postcoloniality not in one figure, but in the literary itself and in the byproducts of those particularities and equivalences, indeed the adequations we think we already know.

This world of the literary asks us to be somewhat wary of the idea that anything like dignity could be restored as such, because it has become so overdetermined already in its mode of 'pricelessness' offered, as well as its overbearing attachment to an idea of the proper name as autonomy so dominant in the Kantian tradition.

Veena Das' essay 'Language and Body: Transactions in the Construction of Pain'<sup>10</sup> provides an interesting reading of the question of the proper name in relation to narratives of India-Pakistan partition

trauma. With reference to Jacques Lacan's reading of Sophocles' *Antigone*, she suggests that, in contrast to Lacan's reading of Antigone as 'stunning', there is no beauty to be found in partition narratives of women in time of war. Rather, women are made invisible. The implication of her argument is that dignity could be awarded in relation to the proper name, something that Antigone insists upon when she claims the right to bury her brother Polyneices. But there is no proper name to mark the figures of these women as they are often raped, abducted, and therefore carry what Das refers to as a 'poisonous knowledge' of the state's potential for violence, and independence's dark side. Das finds fault in Lacan's notion of ethics here. Lacan stresses the stunning nature of Antigone. For him, she is a figure we can barely look at because she is the 'Thing' itself—the marker of the Real, and any desire related to her is an insistence on the death drive that will put an end to any other desire. Lacan is explicitly departing from Hegel's reading of Antigone, and therefore his concept of the relation between the family and the state as he develops this in *The Phenomenology of Spirit* (1952). For Hegel, the relationship between brother and sister is exemplary of the concept of sexual difference precisely because there is no dependence or desire involved. Lacan's idea of Antigone as Thing is, of course, a desubjectivation also, and in this regard I find it useful. He also points out the paradox of making of the offspring of Oedipus a sibling relationship without desire. However, I share Das's concern that in Lacan, Antigone becomes representative of something in spite of her status as 'Thing'. Jacques Derrida (1986), in *Glas* analyses Hegel's reading of Antigone, and implicitly Lacan's also, and stresses the problem of figuring Antigone as the exemplary text of familial relation (especially when ignoring the mythical Antigone's incestuous family and its violent mechanisms). It is, in fact, Derrida and not Lacan who stresses the importance of the proper name — the singularity of Antigone and of Polyneices, and the problem indeed, of making an example of either of them (this is the problem both of Hegel and Lacan on the one hand, and on the other of Creon respectively). Stressing the singularity of these figures, however, does not necessitate the concept of dignity, which carries with it the very framework of subjectivation in relation to the state that seems to be at the heart of the violence in play. Indeed, Antigone's status as the failed guest, indeed the instrument of hospitality who must at the same time be denied hospitality herself, marks her as feminine. But it also marks her as the figure who carries violence with her in a way that always prevents her from mourning, or indeed from being the object of mourning. In fact, Antigone is a melancholic figure.<sup>11</sup>

Melancholia, as an important form of desubjectivation, is precisely not about the restoration of autonomy with dignity as a byproduct. In

rejecting a notion of dignity as ideal (while maintaining a notion of justice), I find myself departing from Derrida and Drucilla Cornell, who have maintained a deep investment in the notion of dignity. Derrida (2002) writes in 'On the Priceless, or the Going Rate of Transaction'.<sup>12</sup> that we may arrive at the question of ethics, of justice, and of the gift partly by returning to the conundrum of Kant's notion of dignity and its relation to 'the spirit of the market'. He takes issue with Kant's opposition between morality and the marketplace. On the one hand, there is price: hypothetical and negotiable. On the other hand, there is dignity, an incalculable worth. He suggests that in some ways this is rather like the relationship between currency and economics on the one hand, and money and chrematistics on the other. Currency is already coded and is hypothetical, and because it is related to economics and therefore the home (*oikos*) also concerns a relation to need. Money, which both predates currency and exceeds it, is working more within the realm of desire, and I would add, disposability. It is, of course, within the spirit of the market, but it is also therefore spirit which is not confined within the logic of exchange or communication within the market. Derrida likens dignity to this realm of the priceless and cautions against an anti-market mode of thinking. This is not significantly at odds with Marx who reminds us that we cannot be against capital as such, only capitalism.

Derrida seeks an understanding of dignity, then, through the byproducts of exchange (and he likens this to the byproducts of language — rhetoric, literature, affect, for example.) He finds there the possibility of a realm in which there can be the kind of principle of equivalence that ensures humanity with rights to justice without substitutability itself: this is the 'as if' of humanity—to treat another 'as if' they had that commonality.<sup>13</sup> For him, there needs to be some mode of possible communality through this, and I take this to be related to Arendt's 'right to have rights'.

In place of dignity, however, I would like rather to propose a concept of disposability, which seems to acknowledge a logic of the marketplace critically and without avowing it as such. Disposability forces an understanding of how chrematistics is as much reliant on an idea of disposable income as it is on an idea of disposable people. It also is necessarily a hetero-nomy rather than an auto-nomy, acknowledging the multiple names and laws that go into the constitution of any subject, and the violations that go along with this. If I develop a chain here in this long distance between disposable income and disposable people, it is to demonstrate the formal one in which Freud is right to think of money as shit with all the rejections and pleasures that go with it.

So how, then, would there be any guarantee of the principle of equivalence in the right to justice? It is precisely through a desubjection. This is not only the loss of subjection through a change in the content with which the subject is filled. It is the undoing of the very process of being a subject itself. A singular signature suggesting and indeed asserting a characteristic uniqueness may nonetheless be divisible into a heteronomy. Rather than establishing sameness and consistency as being the mark of signature, personhood, humanness, autonomy, or life itself, another law may ultimately prevail differentiated from the primitive, if modern, notion of subjecthood. The moments of dissolution and displacement are crucial in thinking not only the individuated subject, but also the group in postcoloniality — the sounds beyond the communicated, the not-human or excess of autonomous humanity that is consistently coming undone in a melancholic manifestation. Demetaphorization would be one of the symptoms of that, when the ‘as if’ disappears when dogs are stabbed and allowed to die with grace, and when the lack of consistency from disposable income to disposable people makes it impossible to relate to another humanity as if they had the same right to justice. Melancholia, as symptom and reading practice does offer a way of gauging how critical agency functions to constantly undo injustices performed in the name of justice and novelty. The impossibility of completed digestion of the past, and its calm production of novelty, manifests itself in constant critique.<sup>14</sup> While melancholia may be an ‘impoverishment of the ego’ as Freud puts it, it is also a form of constant critical agency, and establishment of any notion of the subject in relation to disposability rather than dignity. Postcolonial feminism has frequently questioned the prioritization of identitarian frameworks that rest on rights based notions of injury and reparation. Justice, in this regard, would force an understanding of the radical disparities and complicities of both the ‘as if’ and an impossible relation to it that will be crucial in furthering an ethico-political realm for postcolonial feminism beyond rights based reinstatement of the liberal subject.

## Notes

1. BBC report available at <http://news.bbc.co.uk/1/hi/world/africa/1035390.stm>
2. <http://www.csvr.org.za/papers/papbruc5.htm> gives details of the case.
3. And this is why I would have to depart from the very interesting work done by Donna Haraway on the subject of dogs. While I appreciate her attempt to provide a labour history of dogs, and also a sense of dog diasporas depending on the species, she ultimately ontologizes in a manner that assumes a commonality in the value of dogs internationally. What happens if you eat dog, or feel polluted in the presence of a dog? This poses all sorts of problems to her framework, but also the ontologization is ultimately unethical in my view — it denies, in fact, what may be quite singular to the dog, or even to the species. See *The Companion*

*Species Manifesto : Dogs, People, and Significant Otherness* (Chicago: Prickly Paradigm Press, 2003).

4. For opposing positions to the one stated by me here, see Kwame Anthony Appiah, *Cosmopolitanism: Ethics in a World of Strangers* (New York: Norton, 2006) and Seyla Benhabib, *The Rights of Others* (Cambridge: CUP, 2004), both brilliant books from which I have to depart.

5. The case (Jordan and Others versus the State) concerned the constitutionality of parts of the Sexual Offences Act, which criminalizes the prostitute but not the client or managing a brothel. The court upheld unanimously the brothel provisions, but split 6–5 concerning criminalizing the prostitute. Ngcobo, writing for the majority (Chaskalson CJ, Kriegler J, Madala J, Du Plessis AJ, Skweyiya AJ concurred) found no unconstitutionality in the provisions. O'Regan J and Sachs J wrote for the minority (Langa DCJ, Ackerman J, Goldstone J concurred) found that unfair discrimination occurred in the constitution. CCT 31/01 9 October 2002 2002 11 BCLR 1117 (CC); 2002 (6) SA 642 (CC).

6. See Khanna, 'Post-Palliative: Coloniality's Affective Dissonance' in *Postcolonial Text*, 2005.

7. For more on this question of the animal in Agamben, see Dinesh Wadiwel, 'Animal by Any Other Name? Patterson and Agamben Discuss Animal (and Human) Life' at [http://www.borderlandsejournal.adelaide.edu.au/vol3no1\\_2004/wadiwel\\_animal.htm](http://www.borderlandsejournal.adelaide.edu.au/vol3no1_2004/wadiwel_animal.htm) and <http://www.16beavergroup.org/mtarchive/archives/001050.php>.

8. In a somewhat different vein, Gayatri Chakravorty Spivak makes a similar point. See 'Ethics and Politics in Tagore, Coetzee, and Certain Scenes of Teaching' *Diacritics* 32.3–4 (2002) 17–31.

9. I have discussed this point more extensively in *Khanna: Dark Continents: Psychoanalysis and Colonialism* (Durham: Duke University Press, 2003); and in 'Signatures of the Impossible' forthcoming in *Duke Journal of Gender, Law and Policy* 2004; and in 'Post-Palliative: Coloniality's Affective Dissonance' in *Postcolonial Text*, 2005.

10. See Veena Das (1997). "The Act of Witnessing: Violence, Poisonous Knowledge, and Subjectivity" in *Violence and Subjectivity*, Veena Das, Arthur Kleinman, Margaret Lock, Memphela Ramphele and Pamela Reynolds (eds). Los Angeles: University of California Press.

11. I have discussed this at greater length in Khanna, 'Frames, Contexts, Community, Justice' *Diacritics* 33:2 (Summer 2003) 11–41. I also discuss this in Ranjana Khanna, "Asylum" in *Texas International Law Journal* 41:3 (Summer 2006) 471–90. Also see Hegel 'The true Spirit. The ethical order' in *The Phenomenology of Spirit*; Jacques Lacan's *Ethics of Psychoanalysis*; Jacques Derrida's superb *Glas* and *Of Hospitality*, Luce Irigaray's 'The Eternal Irony of the Community'; 'The Universal as Mediation'; 'The Female Gender' and Judith Butler, *Antigone's Claim*. Simon Critchely's 'A Commentary on Hegel's Reading of Glas' *Bulletin of the Hegel Society of Great Britain* (1988) 6–32, and Miriam Leonard's *Athens in Paris* (Oxford: OUP, 2006) are useful additions to the scholarship on Antigone's philosophical importance after Hegel.

12. Jacques Derrida, "On the 'Priceless,' or the 'Going Rate' of Transaction" in *Negotiations: Interventions and Interviews 1971–2001* trans. Elizabeth Rottenberg (Stanford: Stanford University Press, 2002) 315–28.

13. Derrida has discussed the "as if" of the literary in relation to Kafka's "Before the Law," the parable at the heart of *The Trial* in "Before the Law" in *Acts of Literature* Derek Attridge (ed.). (New York: Routledge, Chapman and Hall, 1992) 181–220.

14. See Khanna, 'Post-Palliative: Coloniality's Affective Dissonance' in *Postcolonial Text*, 2005.

## References

- AGAMBEN, GIORGIO 1998 *Homo Sacer: Sovereign Power and Bare Life* Palo Alto, California: Stanford University Press [first published in Italian in 1995]
- APPAIAH, KWAME ANTHONY 2006 *Cosmopolitanism: Ethics in a World of Strangers* New York: Norton
- ARENDRT, HANNAH 1976 *The Origins of Totalitarianism* (1951), New York: Harvest/Harcourt
- AUGUSTINE 1991 'Genesi ad litteram' in *On Genesis: two books on Genesis against the Manichees and On the literal interpretation of Genesis, an unfinished book* translated by Roland J. Teske. Washington, D.C.: Catholic University of America Press
- 2005 *The City of God De civitate Dei. Books 1 & 2* / edited and with an introduction, translation and commentary by P.G. Walsh. Oxford: Oxbow Books
- BALIBAR, ETIENNE 1993 "'Rights of Man" and "Rights of the Citizen": The Modern Dialectic of Equality and Freedom' in *Masses, Classes, Ideas: Studies on Politics and Philosophy Before and After Marx*, translated by James Swenson, London: Routledge 39–60
- BARTHES, ROLAND 1977a 'Death of the Author' in *Image, Music, Text*, translated by Stephen Heath New York: Hill and Wang pp.142–48 [first published in French in 1968]
- 1977b *Roland Barthes* translated by Richard Howard, New York: Hill and Wang [first published in French in 1975]
- BENHABIB, SEYLA 2004 *The Rights of Others* Cambridge: CUP
- BERSANI, LEO 1988 'Is the Rectum a Grave' in Crimp, Douglas ed. *Aids: Cultural Analysis, Cultural Activism*, Cambridge, MA: MIT Press pp. 197–222
- BUTLER, JUDITH 2000 *Antigone's Claim: Kinship between Life & Death* New York: Columbia University Press
- CADAVA, EDUARDO, CONNOR, PETER and NANCY, JEAN-LUC (eds) 1991 *Who Comes After the Subject*, London: Routledge
- CAMPBELL, KRISTEN 2002 'Legal Memories: Sexual Assault, Memory, and International Humanitarian Law' *Signs*, 28:1 pp.149–78
- CICERO 2000 *On obligations (De officiis)* translated with an introduction and notes by P.G. Walsh. Oxford; New York: Oxford University Press
- CLITEUR, PAUL and VAN WISSEN, RENÉ 2004 'Human dignity as the foundation for human rights: A discussion of Kant's and Schopenhauer's work with respect to the philosophical reflections on human rights' *Rechtstheorie* 2, pp. 1–17
- COETZEE, J.M. 1999 *Disgrace*, New York: Penguin
- CRITCHLEY, SIMON 1988 'A Commentary on Hegel's Reading of *Glas*' *Bulletin of the Hegel Society of Great Britain* 6–32
- DAS, VEENA 1997 'The Act of Witnessing: Violence, Poisonous Knowledge, and Subjectivity' in *Violence and Subjectivity*, Veena Das, Arthur Kleinman, Margaret Lock, Memphela Ramphela and Pamela Reynolds (eds). Los Angeles: University of California Press.
- DARWIN, CHARLES 1872 *The Expression of the Emotions in Man and Animals* New York: Appleton and Company
- DERRIDA, JACQUES 1986 *Glas* Translated by John P. Leavey, Jr., and Richard Rand. Lincoln: University of Nebraska Press
- 1991 "'Eating Well": An Interview' in Eduardo Cadava, Peter Connor, Jean-Luc Nancy, eds *Who Comes After the Subject*, London: Routledge
- 1992 'Before the Law' in *Acts of Literature* Translated by Derek Attridge New York: Routledge, Chapman and Hall 181–220
- 2000 *Of Hospitality: ANNE DUFOURMANTELLE INVITES JACQUES DERRIDA TO Respond* 59, 61 Translated by Rachel Bowlby Stanford University Press

- 2002 ‘On the ‘Priceless,’ or the ‘Going Rate’ of Transaction’ in *Negotiations: Interventions and Interviews 1971–2001* trans. Elizabeth Rottenberg Stanford: Stanford University Press 315–328
- 2003 *Voyous* Paris: Galilée
- FANON, FRANTZ 2004 *The Wretched of the Earth*, translated by Richard Philcox, New York: Grove Press [first published in French in 1962]
- FOUCAULT, MICHEL 1976 *La Volonté de Savoir: Histoire de la sexualité 1*, Paris: Gallimard
- 1982 ‘The Subject and Power’ in Dreyfus, Hubert and Rabinow, Paul eds *Beyond Structuralism and Hermeneutics* Chicago: University of Chicago Press, pp. 208–228
- 1994 *The Order of Things: An Archaeology of Human Sciences*, New York: Vintage [first published in French in 1966]
- 2002 *Society Must Be Defended* translated by David Macey, New York: Picador [first presented in 1975–76 and first published in French in 1997]
- GENERAL ASSEMBLY OF THE UNITED NATIONS December 10, 1948 *Universal Declaration of Human Rights* adopted by the Resolution 217 A (III) <http://www.un.org/Overview/rights.html>
- GORDON, LEWIS, WHITE, RENÉ T, and SHARPLEY-WHITING, T. DENEAN 1996 *Fanon: A Critical Reader*, Oxford: Blackwell
- GORDON, LEWIS 2000 *Existential Africana: Understanding Africana Existential Thought*, London: Routledge
- HARAWAY, DONNA 2003 *The Companion Species Manifesto: Dogs, People, and Significant Otherness* Chicago: Prickly Paradigm Press.
- HEGEL, GEORG 1952 ‘*The True Spirit: The Ethical Order*’ in *THE PHENOMENOLOGY OF SPIRIT* A.V. Miller trans., Oxford University Press 1977
- KAFKA, FRANZ 1948 ‘In the Penal Colony’ *In the Penal Colony*, New York: Schocken Books [first published in German 1919]
- 1999 *The Trial*, trans. Breon Mitchell, New York: Schocken Books [first published in German 1925]
- KANT, IMMANUEL 1785 *Fundamental Principles of the Metaphysics of Morals*, translated by Thomas Kingsmill Abbott
- 1983 *Perpetual Peace* trans. Ted Humphrey Indianapolis: Hackett Publishing.
- KHANNA, RANJANA 2003a *Dark Continents: Psychoanalysis and Colonialism* Duke University Press
- 2003b ‘Frames, Contexts, Community, Justice’ *Diacritics* 33:2 (Summer 2003) 11–41
- 2004 ‘Signatures of the Impossible’ *Duke Journal of Gender, Law and Policy*, 11, 69–91
- 2006 ‘Post-Palliative: Coloniality’s Affective Dissonance’ *Postcolonial Text*, Vol 2, No 1 (2006) at <http://postcolonial.org/index.php/pct/article/view/385/135>
- 2006 ‘Asylum’ in *Texas International Law Journal* 41:3, 471–90
- LACAN, JACQUES 1991 *The Ego in Freud’s Theory and in Technique in Psychoanalysis*, translated by Sylvania Tomaselli London: Norton [first given in French 1954–55 and published in French in 1973]
- LEONARD, MIRIAM 2006 *Athens in Paris* Oxford: OUP
- REAGAN, J.J. and SACHS, J. 2002 ‘Concurrence/Dissent in the Constitutional Court of South Africa’ (heard on March 5–6 2002; decided October 9, 2002)
- RUSHDIE, SALMAN 1983 *Shame*, New York: Picador
- SCHMITT, CARL 2003 *Nomos of the Earth in the International Law of the Jus Publicum Europaeum*, translated by G.L. Ulmen New York: Telos Press [first published in German in 1950]
- SILVERMAN, KAJA 1992 *Male Subjectivity at the Margins*, London: Routledge
- SPIVAK, GAYATRI CHAKRAVORTY 2002 ‘Ethics and Politics in Tagore, Coetzee, and Certain Scenes of Teaching’ *Diacritics* 32.3–4 (2002) 17–31



WADIWELL, DINESH 'Animal by Any Other Name? Patterson and Agamben Discuss Animal (and Human) Life' at [http://www.borderlandsejournal.adelaide.edu.au/vol3no1\\_2004/wadiwel\\_animal.htm](http://www.borderlandsejournal.adelaide.edu.au/vol3no1_2004/wadiwel_animal.htm) and <http://www.16beavergroup.org/mtarchive/archives/001050.php>

WARNER, MICHAEL 1999 *The Trouble with Normal: Sex, Politics, and the Ethics of Queer Life*, New York, Free Press

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