

Mutating Carnophallogocentrism: Kantian Dignity and the Rights of Nature

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To Grandma

Abstract

In this paper, I draw on Derrida's concept of carnophallogocentrism to explore tensions within the rights of nature and their relationship with Kantian dignity. Briefly, carnophallogocentrism names a matrix of privilege interconnecting reason, the phallus, and carnivorous sacrifice, one that manifests a way of being that not only seeks to master or possess nature but does so in the form of sacrificial ingestion. I first show how Kantian dignity is premised on a philosophy of nature wherein hierarchical teleology is the crux. Turning to Derrida, I then explore ways in which rights grounded in Kantian dignity manifest not just any hierarchy, but one of carnophallogocentrism. This, I argue, means that insofar as the rights of nature are grounded in Kantian dignity, they risk serving a mutation of carnophallogocentrism. At the same time, however, I argue that the rights of nature also mark a kind of counter-carnophallogocentrism. Admitting nature into the realm of Kantian dignity serves a form of autoimmunity, destabilizing Kantian dignity and its carnophallogocentrism from within. In this sense, thinking the rights of nature via Kantian dignity encourages a critical approach to their relationship with carnophallogocentrism, attuned to their mutative and autoimmune character. Moving forward, I draw a comparison between Bennington's notion of demi-dignity and Gilibert's work on dignity to illustrate not only how this critical approach is already at play in both, but how it may be taken further.

[1] *Tensions in the Rights of Nature*

In 2008, Ecuador recognized the rights of *Pachamama* (Earth Mother) in their newly drafted constitution. Immediately in the preamble, they cite the Quechan notion *sumak kawsay* as a “new form of public coexistence, in diversity and in harmony with nature, to achieve the good way of living [...] A society that respects, in all its dimensions, the dignity of individuals and community groups” and “living conditions marked by dignity” (Ecuador, 2008). Ever since, similar developments have sprouted across the globe, each in their own way problematizing dominant notions of justice by granting rights to natural entities, like ecosystems or rivers, and the power for humans to defend and be subjected to these rights in courts of law. We now find similar manifestations in New Zealand, Colombia, India, Bolivia, Bangladesh, Ponca, Uganda, and in North America, in some American states as well as here in Quebec, where *Mutesbekau-shipu* (the Magpie River) was granted rights as a legal person, and where some, including the New Democratic Party, are demanding similar rights be extended to *Kaniatarowanenneh* (the Saint-Lawrence River). How should we think about these novel developments? What do the rights of nature mean?

Front and centre are questions of their utility. To many, the rights of nature are taken to serve as a tool for mitigating destructive anthropogenic activities, as a timely and welcome response to the climate crisis. Consider Bill 990 in Quebec, which clearly states instrumental reasons for conferring rights onto *Kaniatarowanenneh*. These reasons include conforming with other States, international obligations concerning the environment, i.e., climate commitments, the preservation of life sources and

living environments, the river's importance for Quebec society, and last but not least, that it is "expedient to confer a special status on the St. Lawrence River" (Bill 990 2022). The utility of granting rights to nature may benefit rivers or rainforests, or humanity as such, some even hoping, as Boyd proclaims, it may "save the world" (Boyd 2017).

Others, however, challenge their supposed utility, arguing that forms of the rights of nature may be instrumentally counterproductive. Legal expert Erin O'Donnell, for example, who worked closely with New Zealand's Whanganui River, sounds the alarm on a so-called "paradox," wherein the rights of nature "may increase nature's legal power, but in doing so it simultaneously risks weakening support for protecting the environment in the first place" (O'Donnell 2018). When nature or natural entities become another rights-bearing subject, people either take the liberty to assume that they can then defend themselves, and so tend to care less, or they see nature as yet another subject entering the market for competition, rather than collaboration. Interestingly, O'Donnell suggests, citing Nik Heynen et al., that the rights of nature run into this paradox in virtue of "specific, potentially pernicious ideologies" that maintain the "hegemony of highly individualistic and exclusive property rights over nature" (O'Donnell 2018, 190).

While the question of the utility of the rights of nature remains of grave importance, it seems something deeper is at play. As O'Donnell acutely points out, the rights of nature stand for something beyond utility. For some, rights remain Western conceptions of means to dominate and control nature. Zigon, for example, traces the history of rights through a kind of struggle for sovereignty over natural resources. Prior to John XXII, property rights were granted strictly by the state. The mere natural need

or capacity for consumption of resources had not yet entailed any right to property. Individuals had no sovereignty over resources, but neither did the church. And so, Zigon explains, “debates over property or *dominium* [evolved] not over simple ownership but about control and sovereignty and whether rights could be exercised without being one who possesses control and sovereignty” (Zigon 2017, 30). In this sense, it was in pursuit of property that the church connected sovereignty with natural or god-given right. Discussion of who counts as rights bearers was not originally shaped not in the name of equality, but by a desire for power, control, or sovereignty over natural resources. The “conceptual proclivity” (Zigon 2017, 27) sedimented in rights are such that no matter the motivation, rights risk reinforcing, as Schalow paraphrases Radloff, an “atomism of individual self-assertiveness or self-willing” (Schalow 2007, 76) and the power of institutions that harness them. These inheritances are not something to be simply shaken off. The rights of nature, then, may unintentionally reinforce our sense of dominion or sovereignty over nature.

Even more problematic for the rights of nature, though, is the way in which rights have mutated even further via the transcendental logic of Kantian dignity. Kantian dignity entails the categorical imperative, that we “treat himself and all others *never merely as means* but *always at the same time as ends in themselves*” (Kant 2006, 41, original emphasis). Living according to the categorical imperative is precisely what it means to live according to Kantian dignity as a price beyond price, beyond market value, beyond utility. As Kant says, in “the kingdom of ends everything has either a price or a dignity” (42). If one has dignity, one is beyond price. Ever since, rights have most often appealed to notions of some inherent value of sovereign individuals who stand independent of any utility, interest, or expediency,

admitting an allegiance with the Kantian concept of dignity. This notion of dignity remains clearly dominant in human rights discourse, being particularly pertinent in the UN's *Universal Declaration of Human Rights*, but is also unforgettably evoked not only in the death penalty, as Derrida argues (Derrida 2013/2016), but in many modern phallic-dominant military executions, as highlighted in one of Bush's final presidential speeches, in his talk of terrorism and extremism as a "great ideological struggle" between "those who defend the ideals of justice and dignity with the power of reason and truth [and] those who pursue a narrow vision of cruelty and control by committing murder, inciting fear, and spreading lies (Bush 2008).

But developments of the rights of nature—for example in the work of *L'Observatoire des droits de la nature* right here in Quebec, who call for a paradigm shift beyond treating nature as a mere resource for extraction, a mere means, towards a more ecocentric relationship with nature (Vega Cardenas et al. 2021, 50), or in traces of dignity in *sumak kawsay*—mutate the groundings of rights and Kantian dignity even further. Insofar as the rights of nature partake in this allegiance with Kantian dignity, we find serious tensions or outright contradictions.

Most obviously, the original formulation of Kantian dignity is explicitly grounded on its rejection of utility, posing serious challenges to any consideration of rights as useful for facing the climate crisis. Right as utility, as expediency of any kind and for whatever reason, is absolutely off the table. Kantian dignity takes us beyond utility, so much so that weighing some comparative value of the rights of nature in any way would be a perversion of justice itself: "for justice ceases to be justice if it can be bought for any price whatsoever" (Kant 2013, 105). What grants a subject Kantian dignity and rights is

their capacity to reason, to freely assent to the place of the universal in order to “obey no law other than that which he himself at the same time gives” (Kant 2006, 42). On strictly Kantian dignitarian grounds, this is just what rights entail. Dignitarian rights rely on the ultimate, autonomous, law-giving, sovereign status. With regards to the rights of others, in order to remain consistent as rational beings becoming unified in the kingdom of ends, we must look other rational beings in the eye as equal sovereign law-givers, as ends in themselves, exactly equal just like ourselves. It is of *a priori* necessity that we subject each other to the same laws, in the same ways, always. Most strikingly, then, assuming humans to be the only creature on earth with similar rational capabilities, Kant bluntly admits that “we have no immediate duties to animals [and nature]; our duties to them are indirect duties to humanity” (Kant 1997, 212). On these grounds, insofar as the rights of nature are grounded in Kantian dignity, we face serious tensions, contradictions, or paradoxes, not only for utility, but for the very rationale of the categorical imperative.

Kantian reasons for excluding nature from the realm of dignity, at first glance, are not totally unintuitive. There are crucial differences between subjectifying ourselves to the demands of rationally informed people and the barks of dogs or whispers of trees. And could we even imagine a world where a walk in the park meant that each step infringed upon an infinity of entities’ dignity, often to the point of their deaths? Justice seems to demand some kind of decision as to who is owed moral consideration, and since it seems this decision ought not be arbitrary, not merely accorded randomly or to satisfy subjective desire, Kantian dignity incites the supremacy of reason, demanding rights to be accorded by a capacity of reason. Supposing that entities like ants, ticks, or blades of grass are irrational agents, then

their rights would be too, thereby contradicting Kantian dignity itself. It is, after all, just a walk in the park.

The rights of nature are thus ideological, symbolic, even revolutionary, evoking innumerable challenges for notions of nature, normativity, humanity, justice, right, or sovereignty. As Derrida and Kant will help us see, granting rights to nature may threaten the very discipline of philosophy. Most strikingly, it is in turning to Kant's philosophy of nature that we unearth how deeply sedimented the Kantian exclusion of nature is via its connections to what Derrida calls carnophallogocentrism.

[2] *Kantian Hierarchy of Nature*

Let us consider the philosophy of nature that grounds Kantian dignity and its rejection of utility in the first place, without which Kantian moral reasoning could not stand. Kantian dignity is a matter of self-determination and autonomy, which he argues raises humans above mere passivity, heteronomy, non-self-determined laws, like those of market price, luck, instinct, above utility—the whims of nature. Without the Kantian distinction between human and nature with all its concomitant dichotomies (reason/madness, autonomy/heteronomy, ends/means), what would be left of Kantian dignity, let alone justice or right? What then of the rights of nature themselves?

Alive in expressions like 'die like a dog, without dignity,' the Kantian 'raised above' utility, is more than an innocent turn of phrase. Rather, it traces a fundamental relationship between nature and normativity. Indeed, Kantian dignity is premised on a philosophy of nature, of a particular relationship between nature and normativity, nature and right, wherein *hierarchy* is the crux. The Kantian natural

system excludes any extension of justice to nature—*a priori*. Hence, when considering the relationship between Kantian dignity and the rights of nature, we ought to be suspicious. As we will see, not only becoming dignified, but becoming rational, becoming human, entails at least some kind of negation, subjugation, transcendence, or rising above nature. This relationship between nature and normativity is so fundamental that granting nature the status of subject, let alone a subject of rights, would risk not only a perversion but a collapse of the entire Kantian corpus, alongside Kantian dignity as grounds for inherent value or rights of nature.

This hierarchical relationship between nature and normativity plays out in illuminating ways in *The Critique of the Power of Judgement (CPJ)*, Kant's most ambitious reflections on nature, where he focuses, suspiciously, on the *taste* and the *teleology* of nature.

a) Hierarchy in Taste

Let us first feast upon the Kantian taste of nature as it reveals a tripartite scaffolding of creatures, of whom only two kinds are sacred or taboo, never to be ingested. For Kant, the capability for judgments of taste, that is, judging sensible nature as universally beautiful, marks both a bridge and a status between our sensible relationship with nature and pure and practical reason.

What makes judgments of taste, of beauty, special, is that despite their dependence on some subjective passive experience, they must nonetheless be assumed to be universal. Though passively sensible, it would be absurd, Kant argues, to assume that the beauty of the sunrise or the nudibranch could be denied by any rational being. In this sense, *CPJ* can be read as Kant's attempt to salvage pure and practical reason despite its contamination with one's natural contingencies, one's finite sensibility. This

tension between passivity and universality, nature and normativity, however, simultaneously challenges and marks our potential for liberation. As Kant illustrates:

[T]he maxim of...reason...is never passive. The tendency toward the latter, hence toward heteronomy of reason, is called prejudice; and the greatest prejudice of all is that of representing reason as if it were not subject to the rules of nature on which the understanding grounds it by means of its own essential law: i.e., superstition. Liberation from superstition is called enlightenment[.] ... [T]he blindness to which superstition leads, which indeed it even demands as an obligation, is what makes most evident the need to be led by others, hence the condition of a passive reason. (Kant 2000, 174-175)

In contrast to the heteronomy of animals or nature, then, enlightenment, understood as autonomy and liberation from passive reason is of the utmost, “*sensu eminenti*” (175), importance. Judgments of taste are not merely an addendum, then, they are essential and “constitute the connection between two other higher faculties of cognition (the understanding and reason)” (42). They make possible a fundamental “transition” between nature and normativity, from the “domain of the concept of nature to that of the concept of freedom” (82). Without judgments of taste, our two higher faculties could not be. The connection between our understanding of nature as determinate or passive and our concepts of freedom and morality would be in misfire. We would judge sensible things according to universality, blurring the line in between.

In this sense, the treatment of nature at play in our judgments of taste cannot remain descriptive or neutral, but is normative or teleological. Beauty calls on us to free ourselves from the fog

of the passive providence of nature, without which we would, as Kant says, need to be ‘led’ by others, like slaves (Kant 2000 94/175). Any animal response to nature, unfiltered and uncommanded by reason, remains passive, and thus strictly a matter of mere agreeableness. Whereas, by way of reason, persons transcend agreeableness to render judgements of beauty. It is with this in mind that we should hear Kant’s claim that interest in the beauty of nature is “always mark of a good soul,” and if “habitual” then “indicates a disposition of the mind that is favorable to the moral feeling, if it is gladly combined with the viewing of nature” (178). Judgments of taste are essential not only as a capacity for finding beauty, then, but also for personhood and dignity, for manifesting right, distinguishing us from animals and spirits both in the natural as well as the normative, ethical, or prestigious sense—in one clean sweep. Without judgements of taste, without being able to judge things as beautiful, we could hope neither to rise above nature and animals nor achieve freedom or enlightenment, morality or justice. Instead, we would be no different from the cattle or donkey grazing in the field, our lives led by merciful rational others.

Interestingly, this connection of higher faculties, between nature and normativity, traces a framing of humans as torn between non-rational animals, rational animals, and rational spirit, each identifiable according to their ability for judgements of taste. As Kant formulates: “Agreeableness is also valid for non-rational animals; beauty is valid only for human beings, i.e., animal but also rational beings, but not merely the latter (e.g., spirits), rather as beings who are at the same time animal; the good, however, is valid for every rational being in general” (Kant 2000, 95). Fully contingent upon the earth, we find *non-rational animals*, for whom beauty is not valid since, although they may feel pleasure via sensible

nature, they cannot accord such pleasure with concepts so as to ascend beyond mere agreeableness to taste universal beauty. Without a capacity for rational conceptualisation, non-rational animals remain fully dependent on nature, on their natural, passive inclinations. Caught in the middle, we find ourselves as *rational animals*. For rational animals, for us as human persons, beauty is valid, since we may accord our sensations of nature via reason, via the concept of beauty. Hence, humans are rational but still dependent on nature (309). Finally, independent of the earth, Kant posits *spirits* as purely rational, non-natural beings for whom judgements of taste are not valid, since they only have need for pure rational concepts (95). No kind of sensibility or agreeableness, not even the beauty of the earth, of nature in its entirety, may ever serve them any purpose.

In this sense, judgements of taste mark a ‘connection’ between reason’s concept of freedom and the understanding’s concept of a determinate nature, as one between rationality and animality. For Kant, this tension distinguishes us as human, as both animal and rational, as caught between animal sensation and spiritual rationality. This suggests a hierarchy deeply sedimented in the Kantian philosophy of nature, at play between nature and humanity, nature and reason, nature and spirit, one that is fundamental not only for pure judgements of taste, but for understanding what it means to be human in a natural and spiritual world, as the bridge between our understanding of nature as determinate and our concept of freedom, and thus for ethics, justice, and the rights of nature.

b) Teleology of Nature

We find a similar pattern in the latter half of *CPJ*, wherein the Kantian hierarchical relationship between nature and normativity and its connection to rights, justice, and ethics crystallizes in the Kantian teleology of nature. Teleologically, Kant classifies the natural world in virtue of an ends/means distinction. As he sees it, “one can either say that the end of the existence of such a natural being is in itself, i.e., it is not merely an end, but also a final end; or it is outside of it in another natural being, i.e., it exists purposively not as a final end, but necessarily at the same time as a means” (Kant 2000, 294). Kant admits of an “indescribably wise organization” (294) between means and ends, ranging from means, ends, ends in themselves, final ends, to ultimate ends. Such distinctions ground the Kantian natural kingdom: plants as means to the ends of herbivores, herbivores as means to the ends of carnivores.

In hopes of putting an end to what risks being an arbitrary chain of means, we might, along with Kant, ask: “Why do these creatures exist?” (Kant 2000, 294). What is the purpose of, the end of the natural kingdom? As Kant sees it, facing the threat of arbitrariness, the natural kingdom needs a top, a sovereign, an ultimate end, an unconditional. Kant admits that he fails “to find, in nature, as nature, any being that can claim the privilege of being the final end of creation” (294). Of course this is no real failure. After all, it is not his fault:

For there is nothing in nature (as a sensible being) the determining ground of which, itself found in nature, is not always in turn conditioned; and this holds not merely for nature outside of us (material nature), but also for nature inside of us (thinking nature) – as long as it is clearly understood that I am considering only that within me which is nature. A thing, however, which is

to exist as the final end of an intelligent cause necessarily, on account of its objective constitution, must be such that in the order of ends it is dependent on no further condition other than merely the idea of it. (302)

Note the polarity betrayed not only in nature but in Kant's very person, 'only that within me which is nature,' hence implying the existence of that within us which is *not* nature, by which he means unconditioned by passive, finite, irrational nature i.e., spirit, reason, freedom, ideals, etc. This distinction between nature and normativity, between idea/spirit and nature, allows Kant to prove *a priori* that the ultimate end for nature could "never, no matter with what conceivable determinations and properties it might be equipped, be, as a natural thing, a final end" (294). When the earth, as a non-rational natural being, is reduced to a means, this is not an accident or failure that can easily be fixed. Teleologically, this is just what nature means. Each natural being is a means to an end—*a priori*. Whereas an end-in-itself, an ultimate end, remains unconditioned, uncontaminated by passive, irrational nature, depending on nothing other than the ideal it sets for itself, autonomously.

As means, nature is teleologically entailed to be subjugated to an end. The question for Kant then becomes: "For what are these, together with all the proceeding natural kingdoms, good?" (Kant 2000, 294). Exactly whose ends does nature serve? Unsurprisingly, his answer is the human being, for the "diverse uses which his understanding teaches him to make of all these creatures; and he is the ultimate end of the creation here on earth because he is the only being on earth who forms a concept of ends for himself and who by means of his reason can make a system of ends out of an aggregate of purposively formed things" (294-295). In other words, for Kant, human beings are the ultimate end of the earth for

it is we alone on earth who experience or transform the natural world via a concept of ends, and thus we alone are capable of understanding ends in the first place, it is only for us that something can ever be good, purposeful, or reasonable at all.

But didn't Kant just say that natural beings could not be the ultimate end? Are humans not natural beings? Again we find polarity within the human being. Kant specifies, then, that the ultimate ends are not our "earthly" ends. As he distinguishes, certain ends dependent on nature promote what Kant calls "earthly happiness," by which he means "the sum of all the ends that are possible through nature outside and inside of the human being; that is the matter of all of his ends on earth" (Kant 2000, 298). In this sense, since earthly ends cannot be ultimate ends, they imply that there are ultimate ends or non-earthly happiness that lie outside nature—ends beyond nature. The ultimate end of nature, then, cannot be mere life, sentience, or any other conceivable property dependent on the earth. For Kant, then, humans are the ultimate end not only because of some individual natural aptitude or capability dependent on the earth. Rather it is the capability for setting voluntary ends in general (298-299), for remaining "independent from nature in his determination of ends" (299).

To be sure, this 'setting' is a matter of subordinating the entirety of nature, outside and within, of "using nature as a means appropriate to the maxims of his free ends in general" (Kant 2000, 299), independent and unconditionally. In this sense, our status as ends in ourselves, and thus our very personhood, humanity, and dignity, depends on our capacity—our need—to appropriate nature as a means to our ends. Otherwise, without this need, we would not be human but animals or pure spirits. Hence, Kant's treatment of nature here is not merely descriptive but also prescriptive. We find this relegation as

a rising above, of a transcending, from mere means to ultimate ends, beyond or outside nature, clearly as one that demands of humans the normative subordination of nature, teleological hierarchy:

Now of the human being (and thus of every rational being in the world), as a moral being, it cannot be further asked why...it exists. His existence contains the highest end itself, to which, as far as he is capable, he can subject the whole of nature, or against which at least he need not hold himself to be subjected by any influence from nature. – Now if things in the world, as dependent beings as far as their existence is concerned, need a supreme cause acting in accordance with ends, then the human being is the final end of creation; for without him the chain of ends subordinated to one another would not be completely grounded; and only in the human being, although in him only as a subject of morality, is unconditional legislation with regard to ends to be found, which therefore makes him alone capable of being a final end, to which the whole of nature is teleologically subordinated. (302-303)

Clear as day, according to Kantian dignity, our relationship with nature, not only certain natural beings but the whole of nature, is a matter of subordination. Teleologically, nature, outside and within, is merely a means towards our rational ends. Only rational animals, humans, are able to transcend nature towards reason thus manifest “an unconditional and incomparable worth” (Kant 2006, 43) that “admits of no equivalent” (42), among all the ends of nature. Without us, there could be no chain of ends at all, but at the same time without an engagement with the subordinate, we would neither link this chain. And as Kant puts it, nature, means, need to be led, they entail a commander, an end. We are, in this

sense, gracious commanders, shepherds, guiding passive nature towards an end, towards an unconditional ideal. But it is only in a passing through, an ingestion, rationalization, or leading of nature that we learn to develop into the imperfect and yet nonetheless autonomous and free humans that we are.

c) *Hierarchy in Culture*

Complicating things further, the Kantian hierarchy of nature unfolds not only between nature and normativity, but between humans as well, culturally. As Kant admits, what makes “the aptitude of a rational being” ground our status as the final ends of nature, ends in ourselves, as worthy of dignity, rests not with any individual as an earthly being, nor with any particular earthly property, since earthly properties can always be means. Rather, the ultimate end is that which makes possible “any ends in general (thus those of his freedom),” which is for Kant; culture (Kant 2000, 299). As Kant puts it, “only culture can be the ultimate end that one has cause to ascribe to nature in regard to the human species (not its own earthly happiness or even merely being the foremost instrument for establishing order and consensus in irrational nature outside him)” (299). The Kantian hierarchy, then, extends between humans and between different cultures. As Kant makes clear:

[N]ot every kind of culture is adequate for this ultimate end of nature. The culture of skill is certainly the foremost subjective condition of aptitude for the promotion of ends in general; but it is still not sufficient for promoting the will in the determination and choice of its ends, which however is essential for an aptitude for ends. The latter condition of aptitude, which could be named the culture of training (discipline), is negative, and consists in the liberation of the will from the despotism of desires, by which we are made, attached as we are to certain things of

nature, incapable of choosing for ourselves, while we turn into fetters the drives that nature has given us merely for guidance in order not to neglect or even injure the determination of the animality in us, while yet we are free enough to tighten or loosen them, to lengthen or shorten them, as the ends of reason require. (299)

Once again, we find our aptitude as one of a subordination of nature; the disciplining, the fettering, tightening, loosening, strengthening, shortening of the drives of nature, of the animality in humanity that make one's culture more or less apt for a culture of discipline or skill. Thus, the higher end lies not in any individual's aptitude, but in one's culture. And some cultures are more disciplined than others.

Considering the Kantian cultural hierarchy, we cannot take lightly the ways in which the rights of nature are most often a meeting between Indigenous peoples and Western colonial systems of justice (O'Donnell et al. 2020). We cannot ignore the ways in which 'dignity' has been and could be used to reinforce the ends of the Western ideologies—the dominant atomistic legal subject, and so the history of and potential for subjugation and violence, not only towards nature, but also towards Indigenous peoples. If the rights of nature are embedded within the values of Indigenous peoples, we cannot forget the risks posed to these very values and peoples by the Kantian hierarchy of culture for them. Thus, the risk is not only a matter of what dignity means for the rights of nature, but also a history of cruel treatment towards Indigenous peoples in its name, to their ideas and ways of being (Bernasconi 2002). We need not be reminded of its role in residential 'schools' and reconciliation, as highlighted in Canada's *Restoring Dignity: Responding to Child Abuse in Canadian Institution* (Law Commission of Canada 2000).

[3] *Complications via Différance*

With this Kantian philosophy of nature in mind, logocentrism is present insofar as Kantian dignity assumes a stable dichotomy between nature and normativity; human/nature, autonomy/heteronomy, activity/passivity. This framing of stable distinctions neglects the ways in which dichotomies play out differentially between people and ‘things’ over space and time, *ad infinitum*, masking a fundamental dynamic co-originary relationship between nature and normativity. This dynamic co-originary relationship between nature and normativity is well explored by way of what Derrida calls *différance*. As a form of difference that is constitutive of identity, *différance* takes ‘subjects’ to be always already intertwined within a differential context to which they are always indebted but which they can never fully assume. I am ‘I’ because I am not you, but once I am not you, I am no longer the I that I was, *ad infinitum*. But *différance* is more than conceptual. It calls attention to the way in which beings are intimately intertwined with their environment, with nature. Hence *différance* is not simply symbolic or linguistic. As Fritsch, Lynes and Wood explain, it is at play “wherever there are elements in a more or less holistic system” (Fritsch, Lynes, and Wood 2018, 7). They offer examples of DNA or organisms in an environment, in view of which we can add countless examples: the relationship between trees and fungi, the stomach to the brain, wherein neither can truly be said to take precedence via some kind of subject/object or cause/effect relation. *Différance* is the overture through which we should hear Derrida’s questions, interestingly qualified with “dignity”: “What are we doing, what is happening to our body, between our soul and our body, when we laugh? When we blush? When we shed tears? [...] with uncon-

trollable laughter [*fou rive*]?” (Derrida 2016, 225). Différance thus highlights a fundamental co-originary relationship between nature and normativity; body and soul, nature and emotion, tears and spirits, rivers and people all arise through différance.

In this sense, différance poses serious challenges not only for our understanding of nature and identity, but also for normativity, for entitlement, responsibility in general, and specifically for Kantian dignity. The challenges posed by différance are, as Derrida puts it, “inseparable from the question of law and rights in general” (Derrida 2016, 12). At stake in Derrida’s perplexing question, “at what age do I kill?” are notions of what it means to be a subject of justice, to be subject to justice, a subject before the law. Who are we to grant rights? Who are we granting rights to? What or who are we to become, once granted rights? Or in Derrida’s terms, what ‘age’ gives way to rights? Who are we, to be “the judges or the society that sentences to death and executes” (12)? These questions are complicated by différance, as Derrida helps illustrate, when there is,

simultaneously, in our consciousness and our unconscious, something of the old man and of the child but also of the man of the twenty-first century, of the fifth century BCE, of Cro-Magnon man and the Neanderthal, of the great ape, the tiger, and the squirrel. Who are you? How old are you at the moment you [grant rights], or even at the moment you are [granted rights]? [...] These ages will not be translated into one another; they cohabit with each other in a thousand ways; they make war or love according to a sociality for which the law of the human person has no model. Who is judged? Which age is judged? Where are the experts who can evaluate these “mental” or “social” ages that are no longer even ages of humanity? (13)

Différance poses questions of the person, the legal person or subject, able to stand up to the rigours of justice. It troubles not only criminal judgements, but judgements of right—judgements of the rights of nature. In light of différance, questions like these cannot be reduced to the contours of clearly demarcated individual subjects or a collection of natural entities, but should confront “the irreducible multiplicity, in each of us, of the ages of humanity, of anthropological culture, indeed of the ages of (human or animal) life in general” (12), and so too, the irreducible multiplicity of the ages of nature.

The problem is exacerbated further when considering the way in which our relationship with différance actually forges our differential context (and *vice versa, ad infinitum*), such that, there is always a sense of force or violence in any Western concept like Kantian dignity. As Derrida explains, “To do justice to [différance] is to recognize that in a classical philosophical opposition we are not dealing with the peaceful coexistence of a vis-a-vis, but rather with a violent hierarchy. One of the two terms governs the other (axiologically, logically, etc.), or has the upper hand” (Derrida 1981, 41). This governing is a violence that manifests at a meeting of normativity/nature and so is reducible to neither. Consider, for example, the human/nature distinction at play in the climate crisis, the reason/madness distinction and its weight in our legal or health institutions, the male/female distinction and its force in the workplace. As Derrida says in the *The Animal that Therefore I Am*, even simply referring to the animal in the singular is a kind of crime, a horrific murder of the plurality animals (Derrida 2009).

And so too there is violence in Kantian dignity and its philosophy of nature, manifesting via our bodies, environments, and imaginations alike. Consider its distinction of valuable capabilities, reason,

sentience, consciousness, for grounding rights, and its theoretical exclusion from rights not only of nature and animals, but also non-rational humans. Through Kantian dignity, we've traced these issues back to a philosophy of nature that defines what a 'person' worthy of dignity and rights is, as explicitly contrasted to and differentiated from 'nature.' Whether we subscribe to it or not, *différance* highlights the decisive weight given to such distinctions in Kantian dignity. With the logic of *différance*, in mind, questions of justice—of judging who is right and who is wrong, who is owed rights and who is subject to duties—cannot be taken for granted, but must always account for this decision. And, whenever we pass judgements or make decisions regarding these questions, we reinforce a violent dichotomy, a forging of *différance* with actual violent implications, while simultaneously opening new possibilities that de-sediment those very reinforcements.

[4] *Carnophallogocentrism via Kantian Dignity*

a) Carnophallogocentrism at a Glance

With this sense of violence in mind, of violence amidst *différance*, of a seemingly inescapable violence that cannot be reduced either to corporeal or symbolic manifestations, what is at play when we grant rights to nature and subject her to a Kantian dignity, the Kantian system of justice, and the Kantian philosophy of nature? As we've seen, Kantian dignity reinforces a violent hierarchy between humanity and nature. More particularly, though, the Kantian hierarchy of nature is not just one among others, but a dominant form that manifests what Derrida refers to as carnophallogocentrism.

Carnophallogocentrism is a portmanteau, fusing together logocentrism, phallogocentrism, and ‘carno’—carnivorous, sacrificial ingestion. Logocentrism names the privilege granted to logos or reason, over non-reason, madness, and *différance*. Phallogocentrism names the privileging of phallic symbolism and patriarchal power, and ‘carno’ marks an essential relationship with each term, a necessary passing through, via carnivorous sacrificial ingestion. Carnophallogocentrism, then, names a matrix of symbolic privileging of logos, the phallus, and carnivorous sacrifice, one that gives way to a particular kind of thinking, relating, acting, and being in the world.

Carnophallogocentric tentacles dominate our current landscape, transcending boundaries of mind and matter, of past and present. In addition to the historical and ongoing treatment of women as less-than rational (Pavco-Giaccia et al. 2019), we find hints of ‘carno’ tentacles in the fetishizing of men eating meat or playing sports, compared to the fact that, in Western society, women are twice as likely to be vegan or vegetarian (Modlinska et al. 2020). The reach of these tentacles extend across the globe, in hyper-rational factory farming and monocrops, in phallic pipelines, in uniform grids of cities, their towering phallic buildings (industrial and religious), and their surrounding Victorian-era geometric grass lawns. Alarmingly, what makes all these instances of carnophallogocentrism, and not merely phallogocentrism or logocentrism, becomes especially clear within the context of the climate crisis, given what is at stake in notions of the Anthropocene and in preparations for what might be the ultimate bloody sacrifice: leaving a decrepit, consumed earth behind, hopefully in phallic shaped explosive rocket ships.

b) Kantian Carnophallogocentrism

Carnivorous sacrifice in the name of reason would not appear to bode well as grounds for the rights of nature. And at first glance, our exploration of Kantian dignity already hints at signs of carnophallogocentrism. The way in which Kantian dignity is grounded in a hierarchical philosophy of nature betrays a sense in which nature is sacrificed in the name of a higher goal. With respect to Kantian dignity, this higher goal, the height of the hierarchy, is the end-in-itself, reason, enlightenment, or freedom, and so can be interpreted as a form of sacrifice in the name of reason. Kantian 'taste' and 'beauty' reveal Kantian's how deeply embedded the hierarchy is in his philosophy of nature, moving us beyond the more obvious problems of mere moral hierarchy. Carnophallogocentrism is not just a mistake in Kantian morality, one that can be fixed by including animals or nature etc., but one that runs deep into the Kantian understanding of nature and humanity. Kant's focus on taste and beauty is particularly suspicious, as they suggest that the Kantian philosophy of nature is centred on a kind of consumption of nature, tasting nature, taking in its beauty.

Connecting these signs further to elements of phallogocentric and carnivorous ingestion, sacrifice becomes a matter of blood. And in this way, carnophallogocentrism in Kantian dignity becomes more than contingent, more than an error or side-effect to be simply fixed or shaken off. Carnophallogocentrism traces something deeper than the actual manifestations or practices of Kantian dignity within the modern landscape. Instead, carnophallogocentrism in Kantian dignity is doubly bound by a deeply sedimented yet transcendental relationship with nature.

i) Kantian Carnophallogocentrism as Deeply Sedimented

Carnophallogocentrism in Kantian dignity is first bound via a deeply sedimented relationship with nature, one that is both contingent and necessary, and thus cannot simply be whisked away. With the logic of *différance* in mind, we can trace carnophallogocentrism as a manifestation of what Derrida calls our “phylogenetic” (Derrida 2016, 225) inheritance, our deeply sedimented yet dynamically open co-originary relationship with nature.

As the title suggests, Derrida’s *L’animal qui donc je-suis* offers a sense in which carnophallogocentrism follows from our relationship with animals, but this following extends throughout our co-originary relationship with nature and with *différance* more broadly. The English translation of *L’animal qui donc je-suis* into *The Animal That Therefore I Am* skews the original meaning, yet in light of this it serves to re-emphasize that the animal or the person that ‘I’ am is not simply given, neither here nor there, nor universally, once and for all. In French, *suis* simultaneously means ‘am’ and ‘follow’. As the French title suggests, then, *L’animal qui donc je-suis* explores the ways in which the ‘animal’ that ‘I’ am is not an ‘I’ that simply is (*suis*), but an ‘I’ that ‘follows’ (*suis*) animals. Indeed any ‘I’ is one that follows, in the sense of coming after a field of environmental differences that make that I possible, via evolution, food chains, and so on. It’s not only that I am, not only that I, in essence, follow, but that I follow in a particular way. My following is inseparable from ancestral chases, pursuits, or hunts. And I follow animals, but also insects, mycelium, and even bacteria too, the footsteps of nature in its broadest form, *différance*.

Our following, then, is neither merely pre-determined, via something like genetics or instincts, nor entirely free of such inheritances. *Différance* ensures that things could always have been, and in a

sense still could be, otherwise. It is a matter of contingency and finitude that our particular following of nature arises from and remains grounded on generations of phallic-driven sexual pursuits coupled with hunts for flesh. But such following should not thereby be reduced to some mechanical necessity of nature, as it gives way to notions and experiences of society, law, justice, rights, freedom, and indeed, nature as mechanical. And so, although contingent and finite, our following is something we cannot simply shake off, like a gecko to its tail. Without this following, we could not be the humans that we are. In this sense, our following of nature manifests a deeply sedimented forging through *différance*. And this holds true for Kantian dignity. Every time we invoke the Kantian concept of dignity, we invoke its particular relationship with nature or *différance*, drawing from and feeding the conceptual proclivity of our shared carnophallogocentric inheritance (and, as we will see, feed is never harmless).

ii) Carnophallogocentrism as Transcendental

In Kantian dignity, carnophallogocentrism mutates further from our co-originary relationship with nature towards a transcendental relationship with nature. In Kantian dignity, carnophallogocentrism, then, becomes a matter of *a priori* necessity. Turning to Derrida, we can trace this mutation of carnophallogocentrism via Kantian dignity through the logic of talionic law (Derrida 2016, 138). Derrida offers a reading along Freudian lines, where pre-civilization homo-sapiens first lived as tribes subject to their phallic, fatherly tyranny. In response, the once weaker, phallic, sons eventually ganged together to overthrow their tyrant. Strikingly, it originally wasn't enough to overthrow or even to kill their father, the sons had to actually devour their tyrant in order to inherit their power (hence the 'carno' as well as the "phallus" in carnophallogocentrism). It is suggested that this act of sacrificial ingestion opens the

door for fraternity, and so for Kantian dignity's notion of non-arbitrary, rational relations amongst equals. Importantly, although this does offer a way to make sense of carnophallogocentrism along "a historical register" (Baumeister 2017, 65), the historical veracity is not the whole story. Rather, the act of consuming flesh "in actual truth" becomes a trope, a figure, a metonymic devouring: a part for the whole, a figural piece that one sinks one's teeth into or swallows instead of taking in the whole body" (Derrida 2016, 178). Of course, the sons do not desire flesh but freedom from tyranny, their own power, or what we might today call sovereignty or equality.

Talionic law, then, does not merely arise through an actual exchange of flesh, but marks an ordinary logic of exchange or identification through a sharing of blood/power. By 'taking in the whole body' we mean not only the corpse but the sovereignty that comes with it, manifesting a certain logic of retribution as exchange or substitution, power for power, eye (I) for an eye (I). In this sense, we can trace Kantian dignity and its entailed rights raised above all calculability (Kant 2006, 13) or market price (42), raised above all utility, according to the principle of absolute equality or retribution, the logic of *ius talionis*; (eye)I for an (eye) I. As Kant admits, only the logic of *ius talionis* is "by its form always the principle for [...] right" given that it is the only "principle determining this idea *a priori*" i.e. not "derived from experience" of effectivity, expediency, or utility (Kant 2013, 130).

Derrida even suggests that "all religions" may be traced "back to the law of the talion, and to the unconscious drive at the most inextinguishable psychological heart or hearth [*foyer*] of the law of the talion" (Derrida 2016, 178). Similar accounts are documented in myths and religions across the globe, well be-

yond Freud, with the first known record of talionic law traced back almost four thousand years in Hammurabi's code, our oldest known legal record. Whether we interpret this as psychological or historical, or both, the claim is that some form of this transition towards talionic logic must have unfolded, in one sense or another, as a way of sense-making, from uncivil tribalism to the forms of democracy, of dignity, right, and justice right we know today. Kantian dignity, then, becomes a matter of being able to manifest *ius talionis*. Thus, assuming humans to be the only creature on the earth capable of *ius talionis*, all else on earth must be excluded from right.

Tracing a further analogy between the Kantian transcendental and the Abrahamic story of Cain and Abel, Derrida suggests that Kantian dignity further mutates carnophallogocentrism via an attempted severing or purification from our history of bloody sacrifice of animals and nature, wherein sacrifice in the name of redemption from God is analogous to sacrifice in the name of an unconditional ideal. In the bible, in order for Cain and Abel to atone for their sin, their animality, they offer a sacrifice to God. As the story goes, God rejects Abel's "organic products" (Derrida 2016, 257) in favour of Cain's animal sacrifice, making clear his preference for blood. This, for Derrida, "explains the entire history of animality, of the treatment of animals by man (in the end, I see that, whether I'm speaking of the death penalty or the animal, it's the same thing, it's the same system, and not by accident)" (257). Cast from the bliss of animality, the garden of Eden, we seek redemption via a higher ideal. And this higher ideal demands serious blood. As they say, the goat does not limp from the ear. Sacrifice demands more than organic contingency, but an ultimate commitment, more than mere blood; life. And the greatest sacrifice short of one's own life, in light of God's suggestion, has long been the blood or life of another, as a means to an end.

Kantian dignity thus becomes a matter of responding to this connection between the figurative and the actual, originally pried open by way of carnivorous sacrifice, so that humans ascend beyond mere animality, beyond mere consumption of flesh, abstracting towards pure reason and dignity. Kantian dignity and its “juridical rationality” thus appear as “a secondary, or even a superstructural, derived, epiphenomenal rationalization, the phenomenal becoming-conscious of this ruthless, implacable, unconscious psychological drive. This rationalization translates the unconscious and floats at the surface of the unconscious” (Derrida 2016, 178). It is through this epiphenomenal rationalization of sacrificial ingestion in the name of the “I”, of the *a priori*, transcendental, absolute sovereignty that raises Kantian dignity above mere utility, unconscious desires, feelings, or inclinations, beyond animality and nature, and thus worthy of justice and right.

Bloody sacrifice, then, would not be unique to tribalism nor Kantian dignity. The latter’s sacrifice, however, no longer takes the form of cruel violence, but instead grows under the guise of purity, pure reason, freedom, autonomy, and so of good conscience. In this sense, Kant takes bloody sacrifice to its purest extreme, by substituting it for unconditional ideals, rendering much bloody violence invisible, *Grausamkeit* (Krell 2017). In essence, Kantian dignity mutates the logic of talionic law by substituting the blood of another, an animal, a criminal, a river, the earth, for one’s higher goal. Thus the ‘I’ in Kantian dignity is neither the ‘I’ in Freud nor the ‘I’ Derrida’s *Animal*, not even one that merely follows or ingests the animal or nature. Raised above the surface of the unconscious, this rationalization presumes the sovereignty of reason, and thus “knows no forgiveness” (Derrida 2016, 178), no room for error, no animality. Thus Kantian dignity moves away from our animality, our co-originary relationship

with nature, and marks a mutation via talionic logic towards the transcendental logic of Kantian dignity. From blood to meaning. *Sens* to sense/reason. From eye/eye, to I/I. At least we ought to take seriously the risk that Kantian dignity, even in the rights of nature, nonetheless retains, as Derrida says, a sacrificial logic through and through (Derrida 2016, 245). And perhaps even more dubiously so, since Kantian dignity masks the blood, mutating via a sacrifice ‘without’ victim, without calculation, without forgiveness, bloody sacrifice in the name of something beyond blood, something infinitely higher, something divine, spiritual, unconditional—an end in itself.

This commitment to a kind of purification or severing as sacrifice is clear when considering how Kant’s whole system rests on the transcendence of reason, civilization, of justice over and above nature, uncontaminated by wavering natural inclinations. It is corroborated by the Kantian corpus and its hierarchy of nature. Nature remains passive so that we don’t have to, so that we may cultivate it, so that we may become cultured—sacrificing nature as passivity in the name of culture and autonomy. And recall how all of this was essential not only for our ends, but for our taste. That is, nature is sacrificed so that we may taste, a taste for and dictated by reason. And according to Kantian dignity, this means that, without at least an attempt to tame, taste, or sacrifice nature, outside and within, in the name of freedom, there would be no subjectivity, no civilization. As Derrida puts it, Kantian “[p]olitics supposes livestock” (Derrida 2009, 96).

This, as Derrida explains in “Eating Well,” manifests the carnophallogocentric schema of subjectivity and culture that we know today, which gives way to a “subject that does not want just to master and possess nature actively [but who] accepts sacrifice and eats flesh” (Derrida 1995, 281). In this sense,

carnophallogocentrism would be more than just one theoretical orientation, one form of domination among others. As Wood says, “carnivorous violence towards other animals would serve as a mark of our civilization, and hence indirectly legitimate all kinds of other violence” (Wood 2004, 139). In carnophallogocentrism, then, we are not only addressing Kantian dignity, but our “entire history of animality, of the treatment of animals by man” and nature (Derrida 2016, 257). Carnophallogocentrism grounds the Kantian civilization, and more importantly, as Derrida shows, the “thought of just and unjust” (Derrida 1992, 243/247).

It is in this sense that we can understand Derrida’s claim that, “[d]econstruction is perhaps always, ultimately, through the deconstruction of carnophallogocentrism, the deconstruction of this historical ... logocentric, logonomocentric scaffolding in which [rights are] inscribed or prescribed” (Derrida 2013, 23). The scaffolding in question here being the enclosing of Kantian dignity upon livestock, animality, nature, the absolute monopoly on reason, freedom, right, justice, but also on violence, on what constitutes the right to violence towards nature. In response to Derrida’s acute question, “Can one condemn to death something other than [...] persons [...] before the law as individual subjects?” (252), of course, in light of the carnophallogocentrism of Kantian dignity the answer is no. There must necessarily be not only “a system of justice, a code of law, a simulacrum at least, a scene of judgment,” (53), but a ‘rational person’ as such, and this person entails sacrifice of animality and nature. Rational judgments, verdicts, rights, or subjects, in the Kantian corpus, then, all rest on this substitution, this purification via bloody sacrifice, one that *a priori* severs ‘subjects’ from ‘nature’, hence sacrificing the possibility for nature as a subject of rights.

Even more problematically for the rights of nature, then, there risks a tendency for this perversion of Kantian dignity to hide behind the guise of transcendence, purification, rationalization, or justification. What if the rights of nature were yet another reinforcement of carnophallogocentrism, another means for humans to bend nature, and perhaps even other humans, to a certain power or will? What if the rights of nature, the perhaps ‘pernicious’ ideology or justification behind them, are yet another mutation of the affliction at root of the climate crisis? Carnophallogocentrism, but now under the guise of justice, of right, of care for nature—good conscience?

[5] *Rights of Nature as Counter-Carnophallogocentric via Autoimmunity*

At the same time, however, I argue that the rights of nature serve as a kind of counter-carnophallogocentrism. The tension is not only that the rights of nature are cast as instrumental as a response to the climate crisis, nor is it merely that, insofar as they are grounded in notions of Kantian dignity, the rights of nature explicitly, *a priori*, render the rights of nature outright unjust. According to Kantian dignity, any enforcement of the rights of nature would not only be an error but an infringement on the rights and dignity of people, a subjection of autonomous peoples to the passivity of nature. If the rights of nature are a way of imposing irrational demands on free individuals, as constructivists would say, they are not just any irrational demands, not just any injustice, but a perversion of Kantian dignity itself; irrationality sanctioned by reason, sanctioned by justice and right, a perversion of justice.

In *CPJ*, we find that insofar as the rights of nature are grounded in the Kantian matrix of tastes and ends, which is necessary for Kantian dignity, they risk undermining their own conditions of possibility, thus manifesting what Derrida has called autoimmunity (Derrida 2005). Not only do they directly outlaw the sacrifice of nature for economic gain, but they destabilize the carnophallogocentric logic of Kantian dignity. The rights of nature signal a form of autoimmunity, then, by turning the very grounds of Kantian dignity against itself. As we've seen, according to the Kantian hierarchy of nature, without a clear distinction between nature and humanity, without a hierarchy of ends, without nature as *a priori* means towards ends, we could have no understanding of ends in the first place, let alone the ends of nature. There could be no distinction between what is and what ought to be, between nature and normativity. We could not connect our faculties of pure and practical reason, we could not rise above mere determinate, instinctual, nature towards freedom. We could not even render judgments of taste. Granting rights to nature would signal the end of beauty and culture. And this is a form of autoimmunity, since, by grounding the rights of nature in Kantian dignity, we thereby turn dignity against itself, using dignity against itself.

As Kant explains “the theoretical consideration of nature reason must assume the idea of an unconditioned necessity of its primordial ground, so, in the case of the practical, it also presupposes its own unconditioned (in regard to nature) causality, i.e., freedom, because it is aware of its moral command” (Kant 2000, 273). In other words, our freedom, our justice, must remain unconditioned with regards to nature. Right and duty are necessarily “opposed to that which it, as an occurrence, would have if its ground lay in nature and not in freedom (I.e., in the causality of reason)” (273). It is in virtue

of this tension, between the unconditioned necessity of nature and the unconditioned causality of freedom, that we have need for rights or even humanity in the first place. It is in virtue of this tension that “reason expresses this necessity not through a be (happening) but through a should-be” (273). Without reason’s tension with sensibility, humanity’s subordination of nature, “there would be no distinction between what should be done and what is done, between a practical law concerning that which is possible through us and the theoretical law concerning that which is actual through us” (Kant 2000, 273). Without distinction between what should be done and what is done, there could be no rights at all. The rights of nature thus challenge this opposition between a Kantian theoretical consideration of nature, the grounds of which lay in the unconditioned necessity of nature, and the unconditioned (by nature) causality of freedom. Duty and right, then, would no longer strictly be opposed to that which is grounded in nature and not in freedom.

The rights of nature thus blur the line not only between utility and inherent value, nature and justice, dignity and indignity, but also, between rationality and irrationality, the conditioned and the unconditioned, sovereignty and arbitrariness. The rights of nature thus pose a problem not only for Kantian dignity, but for the Kantian corpus as a whole, from pure to practical reason, from ethics to rights—all rely on this subjugation of nature, without which the philosophical corpus would crumble. If Kant has not yet ascended to the spirit world, to the stars above, his body below might roll in its grave from the force of the rights of nature, as they mark a repetition of Kant’s “horror of horrors” (Derrida 2016, 191); the formal execution of a king. A formal execution of a king is a horror, for Kant, because it

uses the sovereignty of the king, that which is supposed to be above all, the unconditional, transcendental power, in order to undermine that very sovereignty. It uses the formality that allows for justice and rights in the first place, to do away with such formality in the name of justice.

As Derrida explains, Kantian dignity must distinguish the mere murder of a king from the formal execution of a king. Mere murder is “an exception that leaves the maxim or the rule intact” (Derrida 2016, 191). But the formal execution of the king, the sovereign, is more than a mistake, an exception, but an autoimmune response, an “overturning [...] of the principles that govern the relations between the sovereign and the people, the people constituting itself as sovereign in this overthrow even though it owes its existence as people to the legislation that it thereby overturns” (191). The Kantian ground, the “*Grund* goes under (*Abgrund*)” (192). As Kant himself puts it, like a “chasm that irretrievably swallows everything,” it is “as if the state commits suicide” (Kant 2013, 97-98). When there is no sovereignty, no unconditional, no hierarchy, according to Kant, anything goes. Without sovereignty, there is no transcendence beyond mere opinion. Insofar as the rights of nature subject nature to the realm of traditional Kantian dignity, they risk overturning the very possibility for distinguishing between Kantian right and wrong in the first place, and thus their own conditions of possibility. All would be arbitrary, eliminating the possibility for Kantian justice or dignity. Thus, this autoimmune response destabilizes Kantian dignity, and challenges its unconditional, transcendental status by turning that very status against itself.

[6] *Critical Approach Moving Forward*

The Kantian rejection of the rights of nature highlights particularly well the ways in which the Kantian philosophy of nature manifests a sense of autoimmune carnophallogocentrism, and thus serious internal tensions within the rights of nature insofar as they are grounded in Kantian dignity. Given its natural sedimentation and transcendental mutations, carnophallogocentrism is, however, something neither the rights of nature nor Kantian dignity can simply do away with.

Despite tensions in rights as *a priori*, transcendental, universal and unchangeable, Kantian dignity is nonetheless a crucial idea with respect to the rights of nature. Dignity carries with it a longstanding history and deep entrenchment within rights discourse, making it helpful for understanding the rights of nature, how they came to be or from which resources they draw, as well as rendering it already present and readily deployable. Further cemented by its powerful logic, of the transcendental, the categorical imperative, or the means/ends distinction, dignity is a force to be reckoned with. It is this logic that allows the rights of nature to stand regardless of utility, market value, or human interest.

More interestingly, though, dignity explicitly demands we turn to our relationship with nature in such a way that attunes us to autoimmunity. Thinking the rights of nature in light of Kantian dignity's philosophy of nature is especially conducive for thinking the autoimmunity at stake in developments of the rights of nature. This way of turning to nature highlights fundamental mutative and autoimmune characters of rights, justice, normativity, and our relationship with nature in general—characters unthinkable according to the traditional Kantian corpus. If we are to take the relationship between

the rights of nature and Kantian dignity seriously, we are provoked to decide: either suicide/self-destruction or mutate rights and Kantian dignity beyond their original formulation. The ‘end’ of the rights of nature, just like the ‘end’ of Kantian dignity, would mean the end of nature, humanity, and rights as we know them. We are thus reminded that even as mutations within Kantian dignity open the door for the rights of nature, they nonetheless risk autoimmunity by teaming with the very carnophallogocentrism of Kantian dignity they are supposed to combat. In thinking the rights of nature via Kantian dignity, then, we not only gain a richer philosophical understanding of what is at play in the rights of nature, Kantian dignity, as well as carnophallogocentrism, but simultaneously trouble any good conscience afoot in the rights of nature while also unearthing normative counter-carnophallogocentric resources.

More specifically, the rights of nature outlaw the very sacrifice of nature, thus mutating their roots in carnophallogocentrism towards counter-carnophallogocentrism, undermining their own grounds, encouraging their own demise. Our exploration thus suggests a critical approach attuned to the mutative and autoimmune dispositions in play. As autoimmune mutations of carnophallogocentrism, the rights of nature challenge but cannot simply do away with their inheritance and the risks that come with. Whenever we evoke the rights of nature, we risk reinforcing carnophallogocentrism and promoting its opposite.

Attuned to their mutative and autoimmune character, we are led no longer to rely on the ordinary logic of Kantian dignity, the “logic without logic of difference” that Derrida traces to a paradoxical economy of a forceful “revolt of innocence” (Derrida 2013, 168), of guiltless denial in virtue of rational purification, freedom from nature or passivity. Instead, we are called to abandon the naivety in questions

like, how not to be cruel? How to be non-cruel, to be cruelty-free (168)? The problem is no longer a question of ridding ourselves of carnophallogocentrism once and for all, of washing our hands clean via the rights of nature. Rather, the rights of nature can never be fully immunized from carnophallogocentrism, they are “already and always, contaminated” (168) in sacrificial carnivorous ingestion via a matrix of corporeality and metonymy (Oliver 2014). Neglecting these issues and affirming otherwise risks serious problems for the rights of nature in the dangerous tune of unwarranted good conscience.

This is crucially vivified considering the corporeal carnivorous aspect of carnophallogocentrism. In a literal sense, Derrida rightly asserts that we are all, differently but nonetheless significantly, carnivorous. Even vegans are carnivorous and cannot maintain good conscience, as their way of living always already passes by way of flesh, blood, ingestion, regardless of what one excludes from dinner plates. Importantly, however, ingestion manifests a matrix that runs deeper than the act of ingesting actual flesh. In carnophallogocentrism, ingesting flesh is analogous, even co-originary, with ingesting or assimilating others’ ideologies, ideas, cultures, notions of subjectivity, rationality (Oliver 2014), and so too of right and justice and dignity. Instead, it is no longer a matter of materialism, physiology, or nutrition, of knowing “if it is ‘good’ to eat the other or if the other is ‘good’ to eat, nor of knowing which other” (Derrida 1995, 282). Rather, as Derrida points out, one eats the ‘other’ regardless, at the same time as letting ‘others’ eat and be eaten by him, literally and symbolically (282). The absolute necessity of ingesting others is not, then, merely a problem for the Kantian hierarchy of nature, but for an array of disrupted teleologies. The question need not be, “should one eat or not eat, eat this and not that, the living or the nonliving, man or animal?” (282). But rather, given *différance*, given different modalities

of violence, of ingestion, “*how for goodness’ sake should one eat well (bien manger)?*” (282, original emphasis). The risk of with the rights of nature and its carnophallogocentric inheritance, then, should not be determined or evaluated objectively, *a priori*, but rather in view of a logic *différance*, of “different ways, different modalities, different intensities, different values” (Derrida 2013, 168). And this risk cannot simply be stifled. We cannot just leave dignity and rights behind, as suggested by some (Gaon 2015), but must perpetually take them up differently.

This suggests we adopt a critical approach moving forward with the rights of nature and their relationship with the carnophallogocentrism of Kantian dignity. As mutations of dignity, the need for an explicit turn towards our fundamental, co-originary relationship with nature, with *différance*, illuminated by the rights of nature remains deeply entrenched and may even be helpful. We may be inclined, then, to reinforce or extend Kantian dignity by further distinguishing the norms of sacrifice, perhaps via individual characteristics, like valuable capacities of this or that entity, of determining who or what, exactly, is taboo or not and why. But as Derrida presses, ultimately there are not only different things to eat, but different ways of eating. An interrelated approach, then, is not necessarily a matter of determining what to eat and why, but rather what entails a good *way* of eating (or assimilating ideas). That we must eat or sacrifice as a condition of possibility, not only for the carnophallogocentrism or counter-carnophallogocentrism, for Kantian dignity, but even for this very paper, offers a different approach to the rights of nature. In this sense, we are better not to feign innocence, to turn a blind eye to the cruelty aesthetically scaffolded or packaged according to the shelves of rationality or supermarkets. Instead, we ought to attune ourselves to the inevitable but alternative differential ways of sacrificial ingestion. It is

in such diversities, via *différance*, that a door is opened for a deeper sense of ingestion, of eating, of being with and relating to nature, corporeal or symbolic, of our tension between practice and ideology, between nature and normativity, between nature and right, and of course, for the rights of nature. Given matters of mutative and autoimmune differences, a critical approach arises which demands never-ending reflection with respect to the rights of nature, to Kantian dignity, and to our carnophallogocentric inheritance alike—abolishing any hope for settling good conscience.

[7] *Two Mutations*

To illustrate, we find this critical approach already underway, in notions like Bennington's demi-dignity, which calls us not necessarily to abandon, but to mutate the purity of Kantian dignity, and in the work of so-called “new dignitarians” (Kymlicka 2018) like Pablo Gilabert, in what I call his notion of reflective dignity, which mutates dignity so as to be more inclusive through a pluralizing process of infinite deliberative reflective equilibrium.

a) Demi-Dignity

Considering the relationship between Kantian dignity and the rights of nature, we highlight the mutative autoimmune nature of each, attuned to the way in which neither are something actually to be accomplished. As Bennington affirms, Kantian dignity has a “self-destructive [...] logic built into it” (Bennington 2016, 246). The same goes for any such grounded rights, including those of the rights of nature grounded in Kantian dignity. As Bennington explains, each case of the “infinite task assigned by the Idea is subject to the same logic: if it were to be realized it would be destroyed. The telos is in every case the

end in both senses of that word, so that the end (telos) of whatever Idea we are talking about is the end (death) of that same Idea” (246). In other words, “*the end is the end*” (246, original emphasis). Even the end of the rights of nature, beyond means, is the end in this sense. We can adopt the rights of nature but “we cannot rationally want to achieve what we are rationally striving to achieve, and this delimits the concept of the rational itself” (246). Truly accomplishing the telos of the rights of nature within the realm of Kantian dignity, destroys the ideal, the very grounding itself. Fascinatingly, Kant seems suspiciously aware of this issue, as Bennington highlights, in Kant’s comedic graveyard sign marking the Inn called “The Perpetual Peace.”

This ominous warning nested within Kant’s joke might serve as an unintended warning to adopt our critical approach with the rights of nature, as well as with Kantian dignity and similar ideals. In the rights of nature, then, we should not hope to do away with carnophallogocentrism altogether, or all at one stroke, nor should we hope to foster an unwarranted innocence by way of the rights of nature. Especially in the time of crisis, urgency or expediency is motivation but warns of grave limitations. Nevertheless, says Derrida, such devotion to an ideal, even in light of one’s self-demise, “retains a certain dignity,” a dignity to which we “cannot swear never to give in” (Derrida 2005, 83). The dignity accorded by the unconditional ideal, is to Derrida highly problematic, and as we’ve seen, especially so for the rights of nature. And yet, it is essential. Along with Derrida we might say that the rights of nature, not only despite but rather in virtue of their grounding in Kantian dignity serve “for lack of anything better, [...] with regard to a regulative Idea, [as] a last resort” (83). Hence, not as matter a straightforward assimila-

tion which neglects the mutative autoimmune character of Kantian ideals, but rather as attuned to tensions between our sedimented yet supposed transcendental relationship with nature, well highlighted by tensions between the rights of nature and carnophallogocentric Kantian dignity. Such tensions cannot be settled once and for all, but instead must be mutated to different purposes. As a matter of mutation away from the originary Kantian dignity, such tensions must be endlessly confronted. In such confrontation, we may subvert while still making use of the problematic features of carnophallogocentrism, to turn such features against themselves—in autoimmunity. This opens the door for unique variations, to new ways of being, even if this means the very demise of the rights of nature as we envision them today. This does not mean that we should forget or abandon the risks of carnophallogocentrism, but rather ever-attune ourselves to the ways in which rights of nature, even if only in last resort, run the “risk of becoming an alibi” (83) for carnophallogocentrism and perhaps even for the climate crisis itself.

With this in mind, Bennington's mutation of dignity is aptly termed demi-dignity. To clarify, demi-dignity is not a modest aim towards half or partial dignity. It is not a mere shortcoming of the Kantian transcendental, a call for dignity with a subtle reminder of its impossibility, or an appeal to maintain its normative force but with lowered expectations (Bennington 2016, 281). Rather, demi-dignity is much more radical, it calls for the “affirmed ruin of the transcendental position in general” (248). Once the Kantian teleological hierarchy is “interrupted,” we may be tempted to quickly “denounce all teleology and its associated concepts” (280). This hints at a form of nihilism, of abandonment of progressive normative concepts, or progress *tout-court*, but tracing these tensions via *différance*, via demi-dignity, allows us to move beyond the logic of the either/or, unmortgaged to any atomic sense of the

matter (280). Any sense of demi-dignity at stake in the Kantian telos of rights of nature gives way to a “qualified use of concepts” (280) like progress, as Bennington says, and so too Kantian dignity and the rights of nature. This qualification marks not only the necessary possibility of regression, but more specifically the “unconditional affirmation of the unconditional as the arrival of the event “itself,” as the “passive” decision that can no longer be ascribed to any sovereign whatsoever” (280). In other words, it is not that Kantian dignity or rights of nature ought to re-evaluate according to identifiable entities and their capabilities that ground such rights, but rather, demi-dignity offers a sense of right as an affirmation of the unconditional that is also passive, independent of sovereign or transcendental logic—rendering good conscience almost nonsensical.

Thinking the rights of nature via demi-dignity, then, affirms neither a mere matter of expediency nor some “lesser evil” (Bennington 2016, 281). The rights of nature via demi-dignity accentuates *différance*, as an “affirmative thinking of the necessarily-possibly-not in general as a positive condition for any event [any evaluation] whatsoever” (281), the necessary looming threat of autoimmunity, the self-destructive character as a condition of possibility for the Kantian dignity and rights in general. With this in mind, any judgment regarding the rights of nature moves away from the logic of sovereignty, transcendence, talionic law and its retributive properties, and towards a mutative and autoimmune qualification, attuned to the rights of nature and all that follow in their steps as that which, in some sense, “happens, arrives, or befalls me like an event” (280). Thinking this mutation of the rights of nature as

one of demi-dignity demands we abandon all hope of good conscience, of the rights of nature as a legitimate justification or rectification, an I for an I, for our carnophallogocentric relationship with others, with nature, with the climate crisis, let alone for the salvation of the world.

b) Reflective Dignity

At the same time, this ‘necessarily-possibility-not’ manifest in the rights of nature depends on a necessary attempt to manifest real, actual events or rights in the world. Autoimmune mutations must affirm, in some way or another. And indeed, we find affirmations destabilizing Kantian dignity in the work of so-called new dignitarians, for example in what we might call Pablo Gilibert’s reflective dignity. Rejecting the necessary exclusion of animals and even many humans from Kantian dignity, Gilibert mutates the basis of dignity away from reason and towards a wider, inherently open set of valuable features or capabilities (Gilibert 2019, 17). Gilibert seems well aware of this mutative character, addressing human supremacy as an entrenchment within dignity, admitting that he does not “expect that current usage will change” (149). The concept of human dignity as “entrenched” as it is, is already powerful, and so he suggests, valuable and crucial to rights discourse (144/149). To make up for its supremacist tendencies, Gilibert suggests we adopt a “caveat” wherein, in speaking of human dignity, use the language of the dignity of human beings, so as to demarcate dignity as a whole (149).

This mutation unfolds along the following lines. Rights are grounded in virtue of certain capabilities, which must be “general, valuable, and important” (Gilibert 2019, 126). As general, they are “relatively invariant features (such as their “reason,” “conscience,” and capacity to act in a “spirit of brotherhood” (126), which, Gilibert makes clear “are not contingent upon other properties such as their

“national or social origin” (126). Deciding which capabilities fit the bill is both descriptive and evaluative, a matter of “substantive normative claims” (127). Crucially, for Gilibert, these substantive normative claims, the evaluation of capabilities so as to ground rights, is no longer a matter of deducing *a priori* truths, or categorical imperatives, truly independent of interest or utility. Instead, Gilibert posits a plurality of valuable capabilities, without which we would unacceptably miss the ways in which “various features have intrinsic significance” such as “avoiding pain for people with severe cognitive disabilities” (127), and of course, for our interests, the intrinsic significance cited in the rights of nature.

But how are we to determine intrinsic significance? As Gilibert explains, we need not begin with an “abstract exploration” of valuable capabilities, only then to apply such abstractions to empirical circumstances (Gilibert 2019, 127). Rather, such evaluation is likely a “process of discovery [...] less tidy and linear” (127). Instead of *a priori* deduction, Gilibert proposes an “ongoing and cyclical” (152) three-step process of “deliberative reflective equilibrium” (22). First, “we identify the set of human beings in the broadest possible way [and] ascribe status-dignity to all of them” (150). Next, we find the valuable capabilities that are “relatively constant amongst most of those we call (adult) ‘human beings,’ (by which I take it he means closest proximity to the ‘normal human being’) and ‘articulate the norms of respect and concern that properly respond to them’” (150). But so as not to exclude “non-typical” human beings, as well as animals and nature, Gilibert insists that Kantian dignity applies to a much more general and universal scope that challenges the “arbitrary exclusion of some people from enjoyment of rights that are acknowledged for other [...] not based on parochial markers like race, class, race, religion” (150), or for our concern, species membership or natural distinctions. This, in a nutshell, is Gilibert’s

method of reflective equilibrium, defended as “epistemically fruitful,” making visible that which was hidden in prior iterations of our steps (152). Our consideration of the claims of non-rational others, of peoples with disabilities, the elderly, and children—as well as with animals and nature—in reflective dignity is inherently open, according to this method of reflective equilibrium.

Gilbert admits that mutations of dignity may allow for non-human entities to have dignity, perhaps even for nature to have rights, since “what ultimately explains dignity is not the fact of being human, but the valuable features that form the basis of dignity” (Gilbert 2019, 149). In other words, rights are granted not in virtue of being human, rather human dignity is a subset of a greater, more general notion of dignity. This, for Gilbert, allows dignity to avoid the necessary exclusion of non-human entities, like nature, from the realm of rights. The dignity of non-human entities could be grounded in valuable features that are both shared with as well as excluded from human beings. Human dignity is more accurately, then, to be clear, the dignity of human beings, a subset of the greater concern of dignity.

This commitment to reflective equilibrium marks an autoimmune mutation beyond carnophallogocentrism, particularly logocentrism, by challenging the Kantian supremacy of *a priori* pure reason, of the final word for justice or dignity or right. As Gilbert explains, the “reason-giving force of legal (and political) discourse is [...] less fundamental than that of moral discourse. Asking for moral justifications of legal (or political) frameworks seems called for in a way that asking for legal (or political) justifications of moral outlooks does not” (Gilbert 2019, 158). Hence reflective dignity is not only beyond pure reason, but beyond law, right, or human dignity, and so the rights of nature. As Gilbert continues, surprisingly echoing Derrida, we must “explore questions about dignity beyond the law, and also about

whether the law itself is a good site for dignitarian norms, and if so why, in what ways, and to what extent. This more general, and basic, moral exploration of what we owe to each other (and ourselves) is the home for these more fundamental questions” (158). And as Derrida says, perhaps this is what Kantian dignity entails when Kant suggests that the “[i]dea of [...] pure talionic law that gives the idea of calculation [...] is not itself originally calculable” (Derrida 2016, 184).

Gilbert shifts the hierarchy, the *différance*, if you will, away from species and towards the individual/group relation. What is essential for reflective dignity is not the contrast between humans and animals or nature, but between “the dignity of [individuals] and specific social statuses linked to class, race, nationality, etc.” (Gilbert 2019, 149). Here Gilbert cites Article 2 of UDHR, which says that “[e]veryone is entitled to all the rights and freedoms set forth in [...UDHR] without distinctions of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (149-150). This, for Gilbert, means that when we say that people have human rights in virtue of their humanity it is the latter contrast that is of importance, of treating individuals equally regardless of contingent discussions. This shifts the focus of dignitarian distinctions, turning the exclusion of dignity away from things like the human/animal/nature distinctions, away from the arbitrary exclusion of some subjects from rights granted to others, and instead towards a much more general distinction, of “universal scope” (Gilbert 2017, 556).

At the same time, though reflective dignity is a clear autoimmune mutation away from Kantian dignity, since it turns its transcendental grounds against itself, yet does not truly rid itself of its commitments to carnophallogocentrism. First note the unqualified use of the value of brotherhood, the phallus,

in Gilabert's work (Gilabert 2019, 126). More interestingly, Gilabert uses the concept of value in a contradictory fashion as entailed by Kantian dignity. As we've seen, the inherent value that grounds the distinction between ends/means, and so of rights, arises in virtue of a teleological hierarchy of nature. In essence, Gilabert's reflective dignity mutates the meaning of value as an end-in-itself towards value as determined through deliberative reflective equilibrium. That is, when Gilabert claims that Kantian dignity misses the way in which certain "capacities for practical reasoning falling short of moral reasoning are significant in their own right" (Gilabert 2017, 558), such as sentience, Gilabert twists the way in which 'significance in its own right' is only so because it stands regardless of one's earthly attachments, earthly happiness, or earthly capabilities like sentience. In traditional Kantian dignity, the value that grounds rights stands regardless of natural contingencies, like those of class, race, sex, issues of which Gilabert remains aware, but so too of any capability fettered by nature, unfreed by reason. According to Kant, what grounds rights and thus imposes universal necessary duties on rational beings stands regardless of one's specific natural capabilities or contingencies. And any capabilities, that is, sentience, socializability, etc., are only ever valuable insofar as they serve as means towards more ultimate ends, ends in themselves, freedom, hence a transcendence from those very capabilities. Yes, well-being is important, as Gilabert rightly asserts (Gilabert, 2017, 559-560), but, on traditional Kantian grounds, only insofar as it contributes to freedom. In this sense, Gilabert uses the structure of dignity, of inherent value, but mutates it by pluralizing it and by subjecting it to a process of reflective equilibrium, and thus undermines dignity's originary grounds.

[8] *Conclusion*

While both these approaches remain problematic, they reveal the way in which dignity is predisposed to autoimmune mutation. Dignity is inherently unstable, but it is so by explicitly demanding we turn to our relationship with nature. In this direct turn to nature, it both challenges the very transcendence that it takes to raise one above utility/nature, while explicitly demanding we respond to our relationship with nature. In conclusion, we might ask, along with Derrida, the rights of nature or not? Which will be the crueler, the more violent, the worst of the two approaches (Derrida 2016, 186), especially in the context of the climate crisis? Both these approaches to the carnophallogocentrism of dignity are promising for dealing with the tensions in rights, since both keep in mind the serious risk in assuming good conscience, of assuming a sense of transcendence, sovereignty, purity, and instead attune us to and maintain a suspicion of the way in which any decision on these matters carries grave risks. Despite the tension between the rights of nature and Kantian dignity, both demi-dignity and reflective dignity suggest a way to move forward with our mutative autoimmune relationship with dignity. Of course, both dignities are necessarily imperfect, but each offers a new way to approach the ever-entrenched notion of dignity. And so, each approach raises the possibility for harnessing the mutative autoimmune character of dignity already built in, already so powerful.

Moving forward then, we need not abandon the rights of nature, nor Kantian dignity. Indeed, it seems we cannot really do so. Instead, like the “Cheese in Surround Sound” (Käsehaus K3 and HKB 2019) experiment, we must mutate along with dignity and the rights of nature, attuned to the tones of our particular carnophallogocentric yet autoimmune relationship between nature and normativity.

This demands “tragic” (Gilbert 2019, 203/275) decisions and leaps of faith—to affirm the rights of nature but to do so with all the risk, violence, paradox, and autoimmunity in the spores of our minds. In this sense, we leave room not only for the rights of nature or Kantian dignity, but for the growth of new formulations of our relationship between nature and normativity.

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