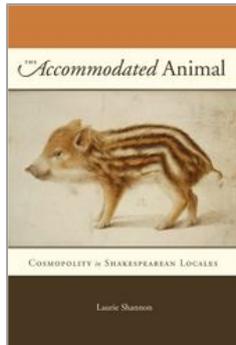


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**The Accommodated Animal: Cosmopolity in Shakespearean Locales**

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Print publication date: 2012

Print ISBN-13: 9780226924168

Published to Chicago Scholarship Online: September 2013

DOI: 10.7208/chicago/9780226924182.001.0001

**The Law's First Subjects: Animal Stakeholders, Human Tyranny, and the Political Life of Early Modern Genesis**

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DOI:10.7208/chicago/9780226924182.003.0002

**[-] Abstract and Keywords**

During Shakespeare's time, attributions of a wild and "bestly" ferocity, or an animalistic taste for blood of tyrants, were received merely as common rhetoric. A tyrant, as John Ponet called him after all, was a "monstre and a cruell beast covered with the shape of a man." However, Bottom's wording of a certain phrase in his part in *A Midsummer Night's Dream*—"chief humor is for a tyrant a part to tear a cat in"—maps tyranny across species in the opposite manner. This example introduces the chapter's chief aim: the pursuit of the ways living creatures before Descartes were held to have shared a regime of orders or laws that governed them commonly. Today "animal rights" go up against a certain grain of presumptions about consciousness and language, whereas in the past there was a sense of profound ambivalence of humanness that left space for greater cognizance of nonhuman claims.

*Keywords:* John Ponet, Bottom, *Midsummer Night's Dream*, Descartes, animal rights, ambivalence of humanness, nonhuman claims, tyrant, Shakespeare

Puffing about his own acting skills in *A Midsummer Night's Dream*, Bottom declares that his "chief humor is for a tyrant"—a role he glosses as "a part to tear a cat in" (1.2.24-25). TYRANT; TEAR-CAT. With this "queer jingle," the Athenian who will become an ass associates the ranter with the render of flesh and casts the political figure of the tyrant as a monstrous butcher.<sup>1</sup> In annotating the line, Shakespeare's early editor George Steevens lists several examples of this striking phrase, including to "rend and tear a cat" (from 1610)<sup>2</sup> The redundancy of "rend" and "tear" makes it difficult to gloss over the reference to dismemberment. Attributions of a "bestly" ferocity or an animalistic taste for blood to tyrants were, of course, a rhetorical

commonplace in the period. John Ponet, for example, calls the tyrant a “monstre and a cruell beast covered with the shape of a man”; another tract itemized him as “a Tigar, a fearse Lion, a ravening wolfe, a publique enemy, and a bloody murtherer.”<sup>3</sup> But Bottom’s (p.30) phrase maps tyranny across species in the reverse direction. A cat, ripped apart by human hands, indexes the tyrant’s perversity and violence.

One early editor of Shakespeare’s play, however, asserted that we would be “wholly mistaken” to imagine it is “the domestic animal, the cat, which is spoken of” by Bottom here. Another claimed that, instead, “we should read, *A part to tear a CAP in*. For as a ranting whore is called a *tear-sheet*, ... so a ranting bully is called a *tear-cap*.”<sup>4</sup> These early efforts and others like them have intervened to prevent our taking “cat” literally, and modern editors tend to glide past literal meaning to classify the phrase simply as a metaphorical or proverbial expression for “rant.”<sup>5</sup> As one Victorian commentator asserted, “It is difficult to believe that such a brutal and disgusting action, taking the words in their literal Saxon sense, could ever have happened.”<sup>6</sup> Brutal, indeed. But as Derrida puts the point (p.31) in a different context, at the bottom of everything else we might say about this, there “is a real cat, ... *a little cat*[:]; it isn’t the *figure* of a cat.”<sup>7</sup> The line’s dramatic utility and poetic force depend on its literal sense.

To make vivid what he means by the tyrant’s part, Bottom in this line conjures the murderous dismemberment of a semi-domesticated household creature, one whose state of being Shylock (himself “a stranger cur” in Venice) would amplify as “a harmless necessary cat.”<sup>8</sup> As we will see, to be both harmless and necessary is to be an innocent presence and an integral part. No “out-law,” the harmless, necessary cat is neither a threat nor an alien. Bottom’s association of questions of justice and political malfeasance with the little, liminal, literal cat suggests the stakes of thinking historically about the species dimensions of membership, not to mention the definitions of harmlessness and murder that depend on it. It asks us to hesitate before construing every textual animal as an overwhelmingly figurative artifact of human imaginative authority—as though everything we represent were *wholly* humanized thereby (through projection, anthropomorphism, allegory, and so on) and as though “the human” had sufficient categorical integrity and inevitability to achieve a total conversion of all things to itself. It requires us to resist any reflexive confinement of animal significance within the minor literary category of “animal imagery.”

This chapter unearths the broader intellectual foundations for Bottom’s passing suggestion that, in their relations with humans, early modern animals could be understood as the subjects of *tyranny*—the most abiding concern across sixteenth- and early seventeenth-century political thought (alongside obedience, to which animals have a special relation, as we will see). It also explores what this understanding might teach us generally about the evolving terms and conditions of membership or belonging within a domain of governance as those criteria expand and contract (p.32) in Western discourses.<sup>9</sup> I am not (or at least not necessarily) conceiving of membership as a group of beings consciously committed to the shared principles of a voluntary social order. Such an Enlightenment ideal of consensual or contractarian democracy now seems a point of nostalgia just considering humans among themselves. Consent, externalized in transparent verbal expression, remains a critical forensic standard among humans. But because we no longer understand it as actually descriptive of an origin for human political life, our horizons for thought are ill served by continuing to wield the litmus of consent against

determinations of animal stakeholdership—while a great deal we might say about relating across species is occluded by its vestigial bar against animal participation.

Instead of invoking (and then discovering!) an ontological “divide” between human and animal or even demonstrating that divide to be a blurry, shifting, or unsustainable one, this chapter pursues the ways living creatures before Descartes were held to be *related* within a shared regime of order or laws that governed them commonly. This is not to say that the terms and conditions of this order were equalizing but that profound ambivalence about humanness left room for greater cognizance of nonhuman claims than has become customary for us. While now “animal rights” struggle against the grain of presumptions about consciousness and language that inform modern liberal thought and the species-inflected notion of “human” rights it cultivated, these particular presumptions do not widely pertain in premodernity. At its very heart, this earlier dispensation incorporated cross-species relationships, and it named them in the firmly political terms of sovereignty and subjection. The political dimension then attributed to human/animal relations, as suggested in the introduction, refers not to the obvious fact that those relations involve power (“brute” or otherwise) but to legal and constitutional concerns such as the legitimacy of authority and the justifiability of its acts, the terms of subjection and obedience, and thus the setting up of parties, membership, and rights. Elucidating this perspective depends in part on historicizing inherited circumscriptions of what might be counted as “language” or “signification,” (p.33) even as we displace language-based ideas of social contract from their lingering monopoly on definitions of politics. Setting to one side later developments in philosophy, technoscience, and political theory (most obviously, Descartes and Hobbes), we can attend to the more natural-historical and theologically inclined sixteenth-century arrangements against which they proceeded.

Conrad Gesner, the Swiss compiler of the most important animal encyclopedia of the sixteenth century, introduces his magisterial, multivolume *Historiae Animalium* in the 1550s by distinguishing “living creatures,... Fishes, Foules, Cattell, and creeping things,” from the whole balance of creation in precisely these terms of political participation. They alone, he writes, are “expressely... submitted and vassalaged to [human] Empire, authority, and government.”<sup>10</sup> Being *ruled* puts them inside a certain pale, rather than simply outside the city walls. They are “vassals” of human government. Human sovereignty is not unconditional, just as animal subjection entails its due measure of participation or “voluntary servitude.” In 1578 Guillaume du Bartas confirms the fundamentally political cast of these conceptions. Addressing readers, he proposes that

soone as ever [God] had framed thee,  
Into thy Hands he put this Monarchie:  
Made all the Creatures know thee for their  
Lord, And come before thee of their owne accord.

On the basis of their “knowing” man to be a duly established monarch, a ruler by right, animals by “their owne accord” acknowledge the sovereignty of man, whom Du Bartas calls the “King of Creatures.”<sup>11</sup> We find this rendering of cross-species relations in the idiom of politics in more (p.34) practical contexts too. For example, the training manual *An Hipponomie or The Vineyard of Horsemanship* (1618) argues that although man was originally given “Soveraignty & rule”

over animals, his fall made “all other Creatures which before were loving and obedient to Man” turn instead “to Rebellion.”<sup>12</sup> At the broadest level, this habit of explicitly reckoning animals and people as (sometimes even willing) parties in political relation figures a “zootopian constitution,” or cosmopolity, terms I will be using throughout this book.<sup>13</sup>

Political and fiduciary nomenclatures for relations across species register nowhere in the human-exceptionalist, sovereign politics of the nation-state after the seventeenth century, a paradigm in which intensifying controversies about citizenship and human title center on clashes among humans. For this regime, animals have been fully objectified (as clocks or robots, in Descartes’s account) and relocated to the emerging disciplines of technoscience. In Bruno Latour’s account of this separation of the human (“culture”) from all things nonhuman (“nature”), animals become undifferentiated within humanity’s remainder, a nature now recalibrated as inarticulate.<sup>14</sup> This historical homogenization revises the former status and particular distinction of animals. Astonishingly, yet partly for this reason, theories of biopolitics arising from a critique of the dynamics of the modern nation-state have virtually nothing to say about nonhuman living creatures. “The biological,” instead, addresses a torsion *within* the human. Because they both analyze the modern state, Foucault’s biopolitics and Agamben’s “bare life” remain essentially human in reach. Foucault describes “the set of mechanisms through which the basic biological features of the human species became the object of a political strategy,” (p.35) and Agamben distinguishes human “bare life” from “animal nature,” which lacks “any relation to law or to the city.”<sup>15</sup> The phenomenon they address, however, an erosion of “civic” or stakeholding politics in the name of technologized (bio)management of human “life,” repeats with a vengeance what a previous transition had already accomplished for nonhumans. Among the backfired colonizations of late modernity, in other words, humans, too, enter the categorical abyss of “livestock” first created for quadrupeds. But *before* these two recalibrations—one ending any glimmer of animal stakeholdership, the other commodifying human citizens as “docile bodies”—the language of explicit political relation suffused a frame that was at once larger and smaller than the modern state: the more intimate cosmos of early modernity.

Into the beginning of the seventeenth century, as for centuries before, this constitutional frame derives overwhelmingly from the establishments described in the first chapters of Genesis, as the passages from Gesner and Du Bartas so clearly show. The broad “multidisciplinary” impact of its hexameral verses in particular (accounting for the six days of creation) cannot be overstated. Enjoying overwhelming currency as the account that begins “in the beginning”—and that in a culture that saw itself in a custodial or genealogical relation to that beginning—Genesis touched all spheres of learning. The Hexameron also specifically instanced natural history writing because it explained the diversity of creaturely life while setting forth the legitimate relations among natural kinds. Because early modern animals were understood to have their genealogical progenitors listed in its charter (just as early modern humans saw their ancestors (p.36) there), the creatures of Genesis 1 represent animals *as animals* for the purpose of reflecting on their divine origin and our due relations with them. In other words, classifying them as “imagery” entirely misses their import as natural-historical—here, literal—animals. With effects that were integral to its theological traction, then, early modern Genesis also represented a founding document in the political sense and an origin story in the natural-historical sense.

Stemming mainly from intellectual traditions of book learning (rather than empiricism), classically derived natural history in early modern contexts operated less as a narrative about origins and more as a catch-all of recorded knowledge, ancient and modern. In Latin and in vernacular translations, Pliny's encyclopedic *Historia naturalis* dominated the natural-historical scene, and writers harvested some of their most memorable animal notions from its treasury. Pliny relayed the popular idea that "bievers... gueld themselves, when they see... they are... in danger of the hunters: as knowing full well, that chased they bee for their genetioires." He also conveys the conceit that bears lick their cubs into shape: at "first, they seeme to be a lump of white flesh without all form, little bigger than rattons, without eies, & wanting haire; only there is some shew and apparance of claws that put forth. This rude lumpe, with licking they fashion by little & little into some shape" (a proposition perhaps due to the relative nearsightedness typical of humans)<sup>16</sup> Along with astronomy and geography, the *Historia* treated "the wonderfull shapes of men in diverse countries"; it catalogued "land creatures, and their kinds," "all fishes, and creatures of the water," "flying fouls and birds," and "insects" (each a section), and also pharmacology, mining and minerals, and painting, sculpture, and architecture. Pliny and his imitators swept from the stars to the elements with a comprehensive eclecticism governed more by attention to scale than by chronology or plot. Nicholas Jardine and Emma Spary describe natural history as a kind of "universal discipline," one that shared with "civil and sacred history in the revelation of the workings of divine providence."<sup>17</sup> More particularly, its bursting storehouse of information (p.37) perfectly complemented the Hexameron's extreme economy of detail, and so it proved readily assimilable to the powerful narrative structure Genesis provided.

The very scope of natural-historical concern (whether we call its ho-lism uni- or multidisciplinary) infused and amplified divine and hexameral writing in early modernity. Du Bartas's 1578 blockbuster verse epic, *La Sepmaine, ou Création du monde* (translated by Joshua Sylvester as *Bartas: His Devine Weekes and Workes* in 1605), and Walter Raleigh's *History of the World* (1614) exemplify painstaking assimilations of natural history's encyclopedic lore to the sequence laid out in the Genesis story.<sup>18</sup> Following Pliny, for example, Du Bartas gives priority among creation's beasts to the elephant, thus inserting a creature not mentioned in scripture but privileged as Pliny's first entry among the land animals:

Of all the Beasts which thou this day did'st build,  
...  
I see (as vice-Roy of their brutish Band)  
The Elephant, the Vaunt-guard doth commaund:  
Worthie that Office.

Illustrating his awareness of sixteenth-century "news" in natural history as well, Du Bartas records two notorious discoveries at sea:

The Mytred Bishop, and the Cowled Fryer:  
Whereof, Examples but a few yeeres since,  
Were shown the Norwayes and the Polonian Prince.

For Du Bartas, all of natural history's accumulating detail belongs in this divine story of creation: "Thear's not any part / In this great Frame" he will omit.<sup>19</sup> In a sermon preached

before Charles I in 1629, John Donne highlights just such a constitutional, natural-historical Genesis: "Never such a frame... set up as this... for... it is the whole world."<sup>20</sup>

**(p.38)** Across the domains of early modern knowledge, the "great Frame" of Genesis provided a common discourse about how things were ruled. The "whole world" ranged from elements to angels. But for animals in particular, one consequence of this hexameral approach was that a political conception of animal membership and even entitlement presented no insurmountable logical conundrum (as debates about animal rights now seem to do, deriving awkwardly from "human rights"). For in addition to the political language of sovereigns and subjects, animals are repeatedly reckoned in terms that sound more ethnographic than taxonomic. The trio of original locales so central to Genesis's account of creation and so important in itemizing the plenary set of living creatures—the seas/waters, the heavens/air, and the field/earth—engendered a sense of proper domains or rightfully assigned spaces specific to different creaturely kinds.

The way Genesis refers to birds, fishes, and beasts each being "of" one of these domains yields a set of subjurisdictions arrayed beneath the monarchy of man. Indeed, the repeated phrasings about animals multiplying "in their kind" suggest not only that there would be a reproductive "keeping to kind" but also that each "race" of creatures would multiply in the sympathetic element proper to its body. Considering why creatures were formed from specific domains, Du Bartas opines that this served so that "each creature might... / Part-sympathize with his owne Element."<sup>21</sup> This domain right is, in the language of constitutional analysis, implicit or penumbral in Genesis 1, but it pervades hexamerally inflected literature. For example, Du Bartas narrates how God

rang[ed] beneath [man's] rule the scaly Nation  
That in the Ocean have their habitation:  
Those that in horror of the Desarts lurke;  
And those that cap'ring in the welkin worke.

He likewise refers to "the skalie Legions / That dumbly dwell in stormie water-Regions" (fishes), the "fethered fingers... that haunt the De-sarts," and the land creatures, or "stubborn droves" who inhabit "shadie Groves."<sup>22</sup> Repeatedly the locale or domain of the three major kinds appears as proper to them. Indeed, Philip Sidney's translation of Psalm 8:6-9 ("Thou hast made him to have dominion in the workes of thine hands.... All sheepe and oxen: yea, and the beastes of the fielde: The foules of the **(p.39)** ayre, and the fish of the sea, and that which passeth through the paths of the seas") markedly registers this sense of animal subjurisdictional claims. He writes,

Thou under [man's] dominion placed  
Both sheep and oxen wholly hast;  
And all the beasts for ever breeding,  
Which in the fertile fields be feeding.  
The bird, free-burgess of the air;  
The fish, of sea the native heir;  
And what things else of waters traceth  
The unworn paths, his rule embraceth.<sup>23</sup>

The bird's status as a "free-burgess of the air" and the fish as the sea's "native heir" suggest autonomies and inheritance rights in tension with an unlimited principle ("wholly") of human dominion, a tension with vivid parallels in English constitutional monarchy. Sidney's further stretch—asserting man's rule over *whatever else* may trace "unworn paths"—reveals the special hubris of a claim to actual rule over things known to be unknown.

By these lights, here I read the early chapters of Genesis broadly in the mode of constitutional analysis. For early moderns, the constitution it established cast "everie thing that crepeth and moveth" as a party in interest (Gen. 1:26). In Montaigne's terms, "It is not said, that the essence of things, hath reference to man alone."<sup>24</sup> Instead, "living creatures" figured an assemblage of mobile, willing actors with a political order appointed to them. This zootopian dispensation was enormously cognizant of the presence of creatures within it, but it was no utopia. As Rebecca Bushnell explains, the earliest legal distinction between a tyrant and a king proposed that "the king rules willing men, according to the laws; the tyrant rules unwilling men and not according to the laws."<sup>25</sup> Following a fairly straightforward reading of Genesis, one demonstrably available to Renaissance and Reformation readers, animals undergo just this historical (p.40) passage from proper monarchy to endured tyranny, complete with the vexing dilemma of what is to be done with, or to, a tyrant. Animal rebellion, however, seems more openly endorsable than human rebellion. In Du Bartas's vivid account, "Rebellious *Adam*, from his God revolting, / Findes his yerst-subjects 'gainst himselfe insulting"; when Adam breaks the order of law, his "yerst-subjects" resist—with cause—the tyrant's turn. Even domestic animals demonstrate this resistance:

The Masty[ff] fierce in force,  
Th' untamed Bull, the hot courageous Horse,  
With teeth, w[i]th horns, and hooffes besiege us round, As griev'd to see such  
tyrants tread the ground:  
And there's no Flie so small but now dares bring  
Her little wrath against her *quondam* King.<sup>26</sup>

Here, anyway, the one-time king and now tyrant feels, as justice, the political consequences of his own ethico-legal collapse.

## A Zootopian Constitution

The biblical account of the "set[ting] up" of "such a frame" describes the first arrivals of those living creatures whose habitat—and stage—the world would become. While the "rule" (Gen. 1:26) granted to man is the best-known detail of human/animal relations in this story, Genesis's early chapters do not distinguish man and animal for every purpose.<sup>27</sup> In the Hebrew text, the recurring phrase *nefesh chayah*, "living soul," characterizes both humans and animals (though in the traditions of its translation, "living soul" accrues to humans, and "living things" names the balance of other beings)<sup>28</sup> The overarching conceptual category of "creatures" had enormous philosophical and ethical significance, as Julia Reinhard Lupton has shown in an important account of *The Tempest's* Caliban. "Above (p.41) all a theological conceptualization of natural phenomena," Lupton writes, the term "creature" "indicates a made or fashioned thing but with a sense of continued or potential process, action, or emergence"; "in the discourse of the creaturely, the image of the cosmos... is never distant."<sup>29</sup> Creatureliness, then, unifies the living

artifacts of Creation in a shared status that is, at once, both contingent and stakeholding—the classic ambivalence inherent in the structure of the political subject as such.

Genesis 1 not only blesses all creatures by exhorting them to be fruitful and multiply. It also explicitly accords all created beings a common entitlement to plants as food. In the words of the Geneva Bible (1560), “God said, Behold, I have given unto you every herbe bearing sede... & everie tre, wherein is the frute of a tre bearing sede: that shall be to you for meat.” Immediately on the heels of this grant to humans, the grant to other creatures is described as the same: “Likewise to everie beast of the earth, and everie foule of the heaven, & to everie thing that crepeth and moveth upon the earth which hath life in it selfe, everie grene herbe shalbe for meat.”<sup>30</sup> One grant is made to mankind as addressee and the other in the third person, but the speech act the text claims to record characterizes “everie thing that moveth” as *likewise* entitled. If we consider vulnerability to being devoured as “meat,” a more primal divide than the one separating man from beast distinguishes “everie thing that moveth” from plants. Chapter 2 will detail how animal locomotion persistently disturbs their corralling inside the fixed category of either fodder or objects. But while an observer such as Martin Luther could pose the question, “Whereunto serve the raven and crows, but to call upon the Lord who nourishes them?” and thus accord animals their part in the service of God, as we have seen in the introduction the Cartesian paradigm will deprive animals of any residual claim to stakeholdership by revising Genesis and reclassifying animals as unentitled things, whether as “meat” or “machines.”<sup>31</sup>

Genesis's first charter thus fashions plants as commodity-like consumable **(p.42)** *things* for human and animal use, but animals are placed in a political relation with humans as the herb-entitled subjects of human “rule.” Indeed, when he dubs animals our “Fellow-commoners” in his introduction to Edward Topsell's *The Historie of Foure-footed Beastes*, John Rowland reflects this sense of a specifically scriptural entitlement and measures its consequences in political terms: “Next unto Man are these Creatures rankt in dignity, and they were ordained by God to live upon the same earth, and to be Fellow-commoners with Man; having all the Plants and Vegetables appointed them for their food as well as Man had.”<sup>32</sup> The mutual right to plants established in Genesis casts animals and people as “Fellow-commoners” as an inclusive matter of rank and dignity, the very terms used to calibrate authorities among people. The opening line of Genesis's second chapter, which begins the seventh day, retrospectively gathers these grass-fed creatures as a “hoste”: “Thus the heavens and the earth were finished, & all the hoste of them” (Gen. 2:1). The Geneva Bible, with its prolific annotations, glosses this host as “the innumerable abundance of creatures in heave[n] & earth.”

Referencing the arrangement of kinds that Genesis initially records, this chapter assesses the dynamics within its “hoste” to argue that early moderns read Genesis historically—not just in terms of human history but also in terms of natural history. They conceived cross-species relations by scriptural lights and as a result understood those relations in much more political and constitutional terms than we now conventionally do. As is evident in Latour's elucidation of “the modern constitution” (in which “the scientific power [is] charged with representing things and the political power charged with representing subjects,” as we have seen) or even in the exclusively human idea familiar in British studies as “the unwritten constitution,” constitutional analysis is not limited to narrowly contractual arrangements.<sup>33</sup> Constitutions are not always on paper. At the same time, we need not be especially metaphorical or abstract regarding the

constitutional and even legal valences of early modern Genesis. Animated (**p.43**) by its dispensations, commentators endorsed a zootopian constitution, that is, a multikinded domain whose diverse parties are governed by shared rules. What Donne calls "the whole world" is a realm where nature has not yet been made a distinct sphere dictated by the separate mechanical principles of what would become modern science, as Latour has indelibly described. A broader discourse of the arts of governance, instead, underwrites a largely continuous domain of natural and theological knowledge. Each creature is incorporated and enfranchised to act by a kind of enabling legislation, a law of its nature. In Du Bartas's rhyme, "Forming this mighty Frame, [God] every Kind / With divers and peculiar Signet sign'd."<sup>34</sup> These inscribed principles of governance enshrine a far more textual and legal sense of the world as an unfolding of "divers and peculiar" but connate nature(s) inscribed in bodies by a lawgiver.

The life and motions of the world were described not by physics or numerical principles, but instead by a profoundly textualist sense of law as written in things and continually emerging through their actions. Animals presented a unique situation among the rest of creation. Interaction with them, however "unreasonable" they were officially said to be, had led the observant to note their tendencies to recalcitrance, will, resistance, and prerogative. Their mobility and normal physical freedom highlighted this. Although elsewhere he defends a human power over the inclinations set within things themselves, in construing the suggestion in Romans 8:19-22 that creatures, too, await deliverance with hope, John Calvin calls on this sense of natural law. "Since there is no reason in [mute] creatures, their will is to be taken... for their natural inclination, according to which the whole nature of things tends to its own preservation and perfection," he writes, adding that "in the sad disorder which followed the fall of Adam, the whole machinery of the world would have instantly become deranged, and all its parts would have failed had not some hidden strength supported them."<sup>35</sup> Listing each item of the cosmos, the Edwardine *Homily on Obedience* (1547) likewise describes how creatures jointly and severally "kepe their ordre," "keepe them in their ordre," and "kepe their comely course and ordre," configuring natural law as a dispersal (**p.44**) of agency and autonomy.<sup>36</sup> In the same vein, Richard Hooker's magisterial *Of the Laws of Ecclesiastical Polity* (1593) asserts that God's "commanding those things to be which are, and to be in such sort as they are, to keep that tenure and course which they do, importeth the establishment of nature's law."<sup>37</sup> There are scattered microsovereignties and dispersed capacities in the lawful cosmic framework of the sixteenth century. Echoing Lupton's description of creaturely "emergence," each has its own proper law (the law of its nature), which is a "course" it is said to "keep" by its own inclination. The meaningfulness of "following" or "obeying" a law, of course, incorporates not only the power of not following but the sense of "accord" Du Bartas indexed.

Usage in these contexts shows how "law" indicated a less anthropocentric and much vaster phenomenon than that plenary set of enactments in a human jurisdiction that the term now usually denotes. Meanwhile, human-enacted laws suggested a compensatory adaptation to humanity's fallen state and a limping imitation of the divine model. Vigorous debates about the relations among natural, civil, and canon law, of course, would concern thinkers of all stripes throughout this period. More broadly, however, for the purpose of considering the interface between law and species, two key attributes of natural law stand out. Its priority in time and its unlimited applicability or global reach both highlight the local and transient quality of laws that are (merely) the "inventions" of a humbler humanity. Reflecting the premodern importance of

the three creaturely domains, for example, Justinian's *Institutes* described natural law in Roman contexts this way: "The law of nature is that which nature teaches all animals. For that law is *not proper to the human race, but it is common to all animals* which are born on the earth and in the sea, and to the birds also."<sup>38</sup> We see this proposition relayed by the early English theorist of equity, Christopher (p.45) St. German, who accords "unreasonable creatures" their own proper relation to law: "The lawe of nature maye be consydered in two maners, that is to say generally & specially... considered generally, then it is referred to all creatures, as well reasonable as unreasonable: for all unreasonable creatures lyve under a certayne reule to them gyven by nature[;]... the law of nature specially considered... also called the lawe of reason[,] pertayneth onely to creatures reasonable[,] that is[,] Man."<sup>39</sup> This sense of law as "not proper to the human race," but as both divine and commonly operative among creatures "unreasonable" (who nevertheless manage to live "under... reule") indicates how natural history and theology alike drew on legally inflected notions of dispersed or delegated governance, of things *keeping themselves* in order—in Du Bartas's sense, by "their owne accord."

The canonist Gratian's twelfth-century assimilation of Roman law to Christian doctrines had also emphasized a law prior to human law and ranked above it, asserting that "all ordinances are either divine or human" and that "Divine ordinances are determined by nature, human ordinances by usages; and thus the latter vary since different things please different people" (here we see why human law is variable and therefore inferior in kind); the glossator of Gratian's *Decretum* indicates, further, that natural law thus defined "possesses the greatest antiquity and dignity."<sup>40</sup> St. German evidences the same confidence in a law before and apart from the human. Defining the "Law Eternal," he avows that "it is well called the first, for it was before all other laws and *all other laws be derived of it*."<sup>41</sup> Human laws, then, were held to be weaker derivatives of something larger that was dispersed among creatures and persistently named as the law's original. As Cynthia Herrup puts this comparative circumspection about human government, the need for it was considered "a consequence of humanity's fall from grace," because "Christian theorists had for centuries agreed that a holy commonwealth would have no need of externally imposed discipline[;] [k]ingship was the best form of government because (p.46) it was the simplest, but monarchy was still only the best of a bad lot."<sup>42</sup> James I, in *Basilikon Doron* (1599), sharply distinguishes "betwixt the expresse commandement and will of God in his word, and the invention or ordinance of man," cautioning his heir against the overgeneration of new laws.<sup>43</sup> Because statutory enactments and positive law were "human inventions" that only imitated prior, more durable, and more sweeping cosmic laws, their human authorship positioned human laws as the lowest-ranked iteration of lawfulness. A human origin, in other words, was no special virtue in a law.

Its consideration of lawfulness as not exclusively human but as a characteristic of animals too marks the zootopian quality of the premodern constitution; it sets law apart from a narrowly human sense of language and into the wills, bodies, and actions of all "creatures." Beyond distributed lawfulness of this sort, creaturely capacities for signification in general associate animals, law, and legibility in perhaps a more familiar way. From a broad historical standpoint concerning the alleged humanness of language and signifying capability, the highly durable "two books" tradition aligned the earlier Book of Creatures with the subsequent Book of Scripture, making "the Word" an attribute of God, *not an index of humanity*. Shakespeare's much-cited

phrase gives the densest compression of this tradition: there are “tongues in trees, books in the running brooks” (*As You Like It*, 2.1.16). For Renaissance commentators, as for their predecessors, the scriptural locus for this line of thought is Romans 1:20: “For the invisible things of him, that is, his eternal power and Godhead, are seene by the creation of the worlde, being considered in his workes.” The passage generated controversy when an interpretation of it might seem to erode the supremacy to be accorded to scripture, and it held serious potential for unorthodox claims on behalf of natural evidence and lay readership (as evident in Montaigne’s translation of and apology for Raymond Sebond’s *Liber naturae sive creaturarum*). It was also very widely cited by scientific observers as justification for what otherwise might seem their transgressions against divine secrets.

When Raleigh analyzes Paul’s verse in *The History of the World* (“the invisible thinges of God [saith S. Paul] are seene by creation of the world, **(p.47)** being considered in his Creatures”), he describes the world as the “understood language of the Almightye, vouchsafed to all his Creatures, whose Hieroglyphicall Characters [are]... written... on the Earth and the Seas, by the letters of all those living Creatures, and plants, which... reside therein.”<sup>44</sup> Topsell’s book on quadrupeds even claims that this living textual material should be “preferred before the Chronicles and records of al ages made by men.” With no experience of extinction, he distinguishes creaturely life as permanently relevant compared to the merely accidental nature of human history: “This History... sheweth that Chronicle which was made by God himselfe, every living beast being a word, every kind being a sentence, and all of them together a large history... which was, which is, which shall continue... yet to the world’s end.”<sup>45</sup> Indeed, for Topsell, a clergyman himself, natural history had such a divine pedigree that “no man ought rather to publish this unto the World, then a Divine or Preacher.”<sup>46</sup> Literalized in the biblical injunction to “aske now the beasts, and they shall teach thee, and the foules of the heaven, and they shall tell thee” (Job 12:7), the scriptural fabric of natural thought generally accorded signifying power to all parts of creation and not uniquely to humans. For figures such as Topsell, the study of nature would even take the human race forward in a project where “confused Babels tongues are againe reduced to their significant Dialects.”<sup>47</sup> Brutish human gibberish could be improved by the study of a coherence evident in animals. Meaning, then, was no monopoly of human speech; it certainly did not depend on the Babel of our fallen languages.

As Peter Harrison has described, the lingering “hieroglyphic conception of nature” marking the “two books” tradition locates sixteenth and early seventeenth-century natural history largely within the sphere of “humane learning,” where “the elucidation of the natural world... called for an interpretive, rather than a classificatory or mathematical, science” and where interpretation led away from “naked words to the infinitely more eloquent things of nature” to which human language referred.<sup>48</sup> This **(p.48)** textually framed, legible cosmos would be superseded in the seventeenth century in a transition that James Bono has concisely termed a passage “from symbolic exegesis to deinscriptive hermeneutics” (emphasizing, for example, Galileo’s “advocacy of mathematics as the proper language of nature”)<sup>49</sup> Against this conceived eloquence of nature, according to the eyewitness account of Nicholas Fontaine (1625–1709), the Cartesians at Port Royal “administered beatings to dogs with perfect indifference, and made fun of those who pitied the creatures as if they felt pain. They said the animals were clocks; that the cries they emitted when struck were only the noise of a little spring that had been touched, but that the

whole body was without feeling.”<sup>50</sup> Indeed, the Cartesian Nicolas de Malebranche vividly compressed the claim that animals “eat without pleasure, cry without pain, grow without knowing it; they desire nothing, fear nothing, know nothing.”<sup>51</sup> Fueled by such renderings of the cries of animals being “rent and torn” under vivisection as nonsignifying, the seventeenth-century collapse of this hermeneutic approach to nature would consequentially deny “the capacity of things to act as signs.”<sup>52</sup> Writers such as Gesner had been persistently motivated to include all of the animals mentioned in scripture in their collections, and the colophon to his *Historiae Animalium* shows an Edenic scene (fig. 1.1). Rowland introduces Topsell’s translation with sweeping biblical comparisons: “This History seems... to be like another Ark of Noah, wherein the several kinds of beasts are... met together for their better preservation in the understanding of man,” and it is also “like to another Paradise, where the Beasts, as they were brought to Adam, are again described by their natures.”<sup>53</sup> Topsell’s own epistle dedicatory defends the divinity of the subject with passion. Indeed, in praising Gesner’s colossal research (achieved by coordinating a far-flung network of contributors, as Aristotle’s had been), Topsell imagines a scene in which (p.49) “all living creatures shall witness for him at the last day.”<sup>54</sup> No creaking hinges or squeaky gears, these creatures participate in the cosmos, taking the part of articulate witnesses.

Due to the convergence of natural-historical material and the Christian theology by which it was read, to treat creation’s animals and their descendants as emblems, allegories, animal imagery, or *topoi*—that is, literary/poetic projections of exclusively human meanings—would be to miss the preoccupations of early modern thought. As we have seen in the introduction, Haraway challenges Lévi-Strauss’s anthropological notion that “animals are good to think with” for its investigative and intellectual limitedness. Arguing against the species myopia that would make animals no more than “an alibi” for human themes, she insists on a less exclusively human account. Animals “are not just here [for us] to think with,” but have an earthly tenure glaringly similar to our own, a tenure that was especially (p.50) vivid for writers steeped in a hexameral narrative.<sup>55</sup> John Berger, analyzing a historic break in cross-species relations, argued that “before this rupture, animals constituted the first circle of what surrounded man. Perhaps that already suggests too great a distance. They were with man at the centre of his world.”<sup>56</sup> Topsell’s language literally verifies Berger’s observation: “It is most cleare in Gen[esis] how the Holy ghost remembreth the creation of al living creatures, and the Four-footed next before the creation of man, as thogh they alone were apointed the Ushers, going immediately before the race of men.”<sup>57</sup> From this



Figure 1.1 . Conrad Gesner, colophon, *Historiae Animalium*, Liber 1 (de Quadrupedibus) (Zurich, 1551). Image courtesy of the Charles Deering McCormick Library of Special Collections, Northwestern University Library.

perspective, animal proximity and participation signified as much as their categorical difference (let alone binary opposition); a “hoste” of creatures partake in a remembered creation.

Reading by the lights of Genesis, animals—obviously—were there at the beginning. They were even “here first,” as we say in human contexts of imperial and colonial conquest. Although priority in time can be trumped by other rationales, it ranks as one of the most powerful principles in ethico-legal debates that weigh competing interests. Rowland stresses it in his introduction to Topsell: “Next unto man in dignity,” he notes, animals “have obtained one priviledge beyond us, in that they were created before man was.”<sup>58</sup> As the close readers of the Renaissance and Reformation well knew, Genesis unveils an articulated procession of animal kinds, each given form from the elements that had just been separated into earth and water, which themselves were fashioned from a world that was “without forme & voyde” (Gen. 1:1). Man comes last in the series. First of all the creatures, from the waters on the fifth day, “everie creeping thing” arises (the Geneva Bible glosses them marginally as “fish and wormes whiche slide, swimme, or crepe”); then come “the great whales”; and then “everie fethered fowle.” On the sixth day, “the beast[s] of the earth” are created, “the cattel,” and “everie creeping thing of the earth,” and then “[f]urthermore... man” (Gen. 1:20–26; italics added). Genesis then places all preceding creatures under the newcomer’s responsibility and governance, allowing humans to “rule over the fish of the sea, and over the foule of the heaven, and over the beastes, & and over all the earth, and over everie thing that crepeth & moveth on the earth” (Gen. 1:26). **(p.51)** Once installed in Eden, Adam is tasked to “dresse it and kepe it.” The Geneva gloss explains this charge as a prevention of idleness, “thogh as yet there was no nede to labour” (Gen. 2:15, k). This represents the sole textual elaboration of what prelapsarian human “rule” entails.

The Fall “of man” affects everybody, including animal bystanders to human sin. For animals, the great change manifests itself as a transformation in the kind of dominion they endure. We could read this broad impact as some commentators do: as proof that animals (and indeed the entire material world) are mere stage properties for an exclusively human moral drama. Calvin, for example, anticipates certain objections to such a reading. Commenting on Hosea 4:3 and instancing again the tripartite realms of creaturely life, he argues that “the Prophet here enlarges on the greatness of God’s wrath; for he includes even the innocent beasts and the birds of heaven, yea, the fishes of the sea.... But some one may... object... that it is unworthy of God to be angry with miserable creatures, which deserve no such treatment: for why should God be angry with fishes and beasts?” He counters this objection by answering that because “beasts, and birds, and fishes, and, in a word, all other things, have been created for the use of men, it is no wonder that God should extend the tokens of his curse to all creatures, above and below, when his purpose is to punish men.”<sup>59</sup> Despite the ready availability of rationales like this, by some equitable logic or nagging doubt, a lingering sense of the mismatch between human transgression and the wider sweep of its consequences leaves open for many writers what we can only call a *justice problem*.

For these thinkers, Genesis suggests a political narrative of dispossession and unjust servitude. If, as Donne muses, “only perchance beasts sin not,” and “both beasts and plants [were] cursed in the curse of man,” why does their innocence bear the burden of punishments proper to Adam and Eve?<sup>60</sup> As a result of this lingering justice problem, for Protestant reformers, resistance theorists, and writers including Du Bartas, Montaigne, Sidney, Gascoigne, and Shakespeare,

postlapsarian animals languish under conditions they readily name tyrannical. What effect does the possibility that animals might be subject to something called “tyranny” have on our ideas of human/animal arrangements before Descartes? Or on the cross-species (p.52) identificatory potential that shared vulnerability to tyrannical oppression suggests? Or, for that matter, on the species limits we routinely place on a term such as “politics”? The question of tyranny, after all, centrally organized the collective sixteenth-century rumination on the nature of monarchical power. If animals were legible as *tyrannized subjects*, in other words, something properly belonging to them, some sovereignty they retained, was understood to have been abused or denied. Though such animal entitlements may seem unenforceable, a verdict of constitutional abuse still holds: their apparently remediless situation echoes sixteenth-century human subjects’ own general lack of a clearly *licit* remedy against tyrannical kings. In most accounts of human politics, modern contractual or language-based mythologies of threshold consent did not yet apply in an operative way; thus political resistance stood in such need of theorists.<sup>61</sup>

At stake in reading the political valences of the Christian doctrine of Creation is the fact that—against emerging seventeenth-century technoscience and the grain of most discourses of politics—pre-Cartesian thought very commonly accorded certain forms of stakeholdership to animals. Throughout *The Devine Weekes*, for example, Du Bartas calls animals citizens, burghers, and people: God “peopled this large Theater / With living Creatures,” with “Sea-Citizens” or “the people of the water” and with the earthy “slimie Burgers of this Earthly ball.”<sup>62</sup> This is not to say that early moderns ranked animals as equals. They were constantly dubbed “unreasonable creatures.”<sup>63</sup> But, in certain tallies, the creatureliness mattered more than the alleged unreasonableness. The scripturally influenced reckoning I am tracing classifies animals as the law’s first subjects and the first plaintiff-victims of tyrannical oppression. Against this backdrop, contemporary habits of abjecting animals as “outside the law” derive from (p.53) a more recent human-exceptionalist model of symbolic language. This model cancels animal membership even as it romanticizes their so-called freedom from the law. A fundamentally modern sense of “the animal” as humanity’s persistent, solitary, ontological opposite derives from a mode of thought whose trajectory may be said to end with a suggestion in Derrida’s *The Animal That Therefore I Am*. To deconstruct the confinement of “the animal,” he writes, would “be a matter... perhaps of acceding to a thinking, however fabulous and chimerical... that thinks the absence of the name and of the word... as something other than a privation.”<sup>64</sup> That major sentence, however oblique its formulation, is the closest approach philosophy (postmodern or otherwise) makes to the premodern, natural-historical, and scripturally informed vision of a zootopian constitution, where the possession of animated and cognizable interests is not yet the monopolistic property of a more singularized humanity.

Instead—partly because humans have never so mastered meaning that they could exclude the nonhuman from their signifying acts, partly because the idea that signification is exclusively human depends on the rise of technoscience in the seventeenth century, and partly because at times we have aimed to speak of them—with the early modern descendants of Genesis we “really” are talking about those we now group under the collective English noun “animals.” In the aftermath of technoscience and the Enlightenment, we have preferred our textual animals “fabulous and chi-merical,” as fables, symbols, “animal imagery,” or any other confinement we

can think of to dematerialize their stakeholderhood or participation. But the broadly hexameral discourses of the long sixteenth century did not construct them that way. The balance of this chapter will trace the persistently political cast accorded to human/animal relations in early modern commentators on Genesis: biblical scholars, resistance theorists, Sidney's "On Ister Bank," Gascoigne's poems of animal complaint, Montaigne, and Shakespeare's *As You Like It*, a familiar text for which this analysis of historical animals provides, I hope, a new horizon of possibility.

## The Political Terms of Cross-Species Relations

Introducing his discussion of sovereign power and "bare life," Agamben suggests that to speak of "a *zoē politikē* of the citizens of Athens would have made no sense."<sup>65</sup> Normal definitions of politics reject the (fabulous, **(p.54)** chimerical) *non*-sense of animal membership and make animals their first, often implicit, exclusion. They refer instead to relations within the human or among a subset of humans, with occasional important considerations of humans-not-human-enough to partake in the polity, such as women, slaves, prisoners, or immigrants. Consistent with his glossing of man as the "political animal" (and less consistent with his voluminous accounts of actual animals), Aristotle begins the long, Western philosophical characterization of nonhumans as *un*-political animals. He marshals a now-familiar discourse of language-based association:

Man is by nature... more of a political animal than bees or any other gregarious animals.... Man is the only animal who has the gift of speech. And whereas mere voice is but an indication of pleasure or pain, and is therefore found in other animals (for their nature attains to the perception of pleasure and pain and the intimation of them to one another, and no further), the power of speech is intended to set forth the expedient and inexpedient, and therefore likewise the just and the unjust. And it is a characteristic of man that he alone has any sense of good and evil, of just and unjust.<sup>66</sup>

Note how Aristotle's account of animal "voice" contravenes the framework supporting the idea that they "cry without pain." Man's being relatively "more" of a political animal than bees and "other gregarious animals" might be seen to concede a measure of politicity to animals. The force of Aristotle's argument here, however, continues in the opposite direction, asserting the rhetorical "power of speech" over those mere voicings and "intimations" of meaning relayed among animals. As Descartes would do later, Aristotle works backward from the general comprehensibility of human speech to other humans (i.e., communication within species), to **(p. 55)** the assertion of political capacity in humans, to a denial of it in animals. Animals have no language, the disjointed argument goes, because we fail to understand them. The animal political potential that is denied in this mode of analysis, of course, could never be demonstrated *across species* in the absence of a shared denominator of translation or comprehensibility (the unavailability of which Montaigne blamed as much on us as on them)<sup>67</sup>

Thomas Aquinas further bolts the door: "When we hear it said, 'Thou shalt not kill,' we do not take it as referring to trees, for they have no sense, nor to irrational animals, because they have no fellowship with us."<sup>68</sup> Animals lack rational fellowship with us, so it follows that the obligations of the Ten Commandments cannot pertain. Hobbes, too, invokes his considerable expertise on contract to explain that "to make Covenant with brut Beasts, is impossible;

because not understanding our speech, they understand not, nor accept of any translation of Right, nor can translate any Right to another: and without mutuall acceptation, there is no Covenant."<sup>69</sup> Levinas, despite his astonishingly suggestive account of animal testimony in "The Name of the Dog," likewise excludes animals from ethical participation.<sup>70</sup> In *The Animal That Therefore I Am*, as we have seen, Derrida gestures toward grave philosophical questions concerning this exclusion of animals, but the premise of *The Beast and the Sovereign* unites beast and sovereign in their nonsubjection to the law.<sup>71</sup> This premise (**p.56**) pertains more to a secular and post-seventeenth-century narrowing of what law (and language too) can mean. To propose that the sovereign was above or outside the law was an insurgent conservative idea in early modernity, advocated, for example, by James I in *The Trew Law of Free Monarchy* (1598); the idea that beasts were outside the law had no force at the cosmographic level from which ideas of human "law" derived, as we have seen.

From Aristotle to Aquinas, to Hobbes, to Agamben, and even to Levinas, we see an echo of the popular *human* opinion, philosophical and exceptionalist in nature, that there is a capacity possessed exclusively by humans called politicity and that is manifested directly through the consent mechanism of a functioning symbolic language that animals can be said to lack—although few contemporary commentators sustain a faith in the efficacy or transparency of language when considering it for other purposes. As Keith Thomas has observed, "Official attitudes" normally express an "uncompromisingly aggressive view of man's place in the natural world," while actual practices were more ambiguous and scatter in several directions.<sup>72</sup> Even within human acts of representation, diverse signifying imperatives persistently undermine more direct, "official" proclamations. This, in part, is why a literary-historical inquiry yields a different account of human and animal relations than the philosophical tradition.

Against the official chorus of human denials both philosophical and mundane, Genesis establishes a sequence of fundamentally political relations between humans and animals: good governance or stewardship, obedience, and then a new adversity triggered by human transgression of divine law. The asymmetrical degeneration of human/animal relations stems from human sin. As Calvin reflects, "It is indeed meet for us to consider what a dreadful curse we have deserved, since all created things, in themselves blameless, undergo punishment for our sins; for it has not happened through their own fault that they are liable to corruption. Thus the condemnation of mankind is imprinted... on all creatures."<sup>73</sup> Those clearly blameless, Calvin emphasizes, incur liability without fault; in another context, as we have seen, he stresses their guiltless condition as "innocent beasts." Because this handling of "punishment" contradicts the fundamental logic of justice, for a host of writers human-exceptionalist (**p.57**) theological rationales are insufficient to put this justice problem to rest. This context shows how notions of "animal innocence" derive not just from some rising sense of wild freedom from culture or law that develops with industrialization or from their infantilization in the Disney World of contemporary commodity culture. Instead, "animal innocence" derives from its legal and biblical sense at this pivotal moment in biblical mythography. As Calvin points out here (and as Donne later echoes), when it comes to sin, animals must be found *not guilty*—yet they still bear the burden of its penalties. As we will see, this problem is recognized as a political one, with the dramatic result that Renaissance assessments of human/animal relations readily turn to rich period vocabularies for the critique of political tyranny.

The first stage of these relations—humankind's duly established, benevolent government—is brief. Calvin says of the "authority" first granted to man that God "appointed man, it is true, lord of the world; but he *expressly* subjects the animals to him, because they *having an inclination or instinct of their own, seem to be less under authority from without.*"<sup>74</sup> As we have already seen, Gesner likewise registered this particular distinction for animal estate as uniquely "vassalaged" in the domain of human governance. Genesis's second chapter records an alternative temporal sequence. Adam appears for the first time. Contradicting the earlier affirmation that "he created them male and female" (Gen. 1:27), God muses, "It is not good that the man shulde be him selfe alone: I wil make him an helpe mete," and so he proceeds to form "of the earth everie beast of the field, and everie foule of the heaven, & broght them unto the ma[n] to se[e] how he wolde call the[m]: for howsoever the man named the living creature, so was the name thereof" (Gen. 2:18-19)<sup>75</sup> The Geneva gloss (**p.58**) affirms that this scene of nomenclature entails a voluntary servitude— itself such a resonant political concept in the period. God "mov[ed] them to come & submit the[m]selves to Adam (*italics added*)," it instructs, and we hear in this an echo of the Pauline dictum, so central to human doctrines of political obedience (from Tyndale's *Obedience of a Christian Man* to the homilies), that Protestants should submit themselves to "the higher powers."<sup>76</sup> Du Bartas stressed that the animals obeyed, bowing "their self-obedient neck," by "their owne accord" and so described Edenic politics in terms of model rule:

Then happy we did rule...

...

At every word they trembled then for awe,  
And every winke then serv'd them as a lawe,  
And alwaies bent all dutie to observe-us, Without command, stood readie still  
to serve us.<sup>77</sup>

These two variant accounts in Genesis, despite certain discrepancies, make up a first stage, one in which animals are subject to the benign and duly authorized power/knowledge of man, exercised in a nonviolent vegetarian domain with visions of companionate "helpe" across species.

The second stage is all too familiar, though a few notes will complicate it, species-wise. Of that speaking snake, we learn that "the Serpent was more subtil than anie beast of the field," (Gen. 3:1). But ambiguity enters immediately, and the Geneva glosses suggest that the snake did not act independently, but as an instrument. "As Satan ca[n] change him selfe into (**p.59**) an Angel of light, so did he *abuse the wisdom of the serpent* to deceave man," and "God suffered Satan to make the serpent his instrument and to speake in him" (Gen. 3:1, a, b; *italics added*). The serpent possesses a "wisdom" that is capable of being abused, but his speech, though Eve seems unsurprised by it, is attributed to Satan. Godly interrogation quickly exposes Adam and Eve's misstep. But the first subject cursed is the serpent, and in this we also hear the included curse of all creatures: "Because thou hast done this, thou art cursed above all cattel, and above everie beast of the field"; the Geneva gloss further proposes that God gives Adam and Eve a chance to repent, but "not the serpe[n]t, because he wolde shewe him no mercie" (Gen. 3:14, m).

The entire scenario, read from a species perspective, leaves unresolved a number of justice problems, given the primal scene of retributive justice recorded in the expulsion from Eden. If Satan was the agent, what guilt pertains to the snake, as snake? If the snake was guilty, why do other animals receive a curse along with him? God curses “the earth for [Adam and Eve’s] sake,” but the gloss simply reasserts—rather than offer an interpretation— that “bothe mankinde and all other creatures were subject to the curse” (Gen. 3:17, s). Eden’s cursed exiles remain vegetarian, though in restating they will “eat the herbe of the field,” God also announces that the earth will yield them thorns and thistles, despite all their new labors tilling it (Gen. 3:18-19). Some animals, in the commentary tradition, now become venomous and are no longer invariably tame. Calvin describes beasts as “endued with a new ferocity,” and Du Bartas refers to “cruel’st Creatures, which for Maisterie, / Have vowed against us endles Enmitie.”<sup>78</sup> Until the Noah story, animals play a more secondary role. Most notably Abel’s keeping of sheep entails making offerings of them to God, who finds this acceptable (Gen. 4:2-5). Abel’s use of sacrificial animals, clearly no Edenic practice, points toward the even deeper ambivalence of the aftermath of Noah’s ark.

The ark reunites the “hoste” of “living creatures” under completely non-Edenic conditions. In the Geneva translation, the repeating phrases “all flesh,” “everie living thing,” and even “everie thing in whose nostrels the spirit of life did breathe” unify the class of beings—human and animal alike—to be “destroyed” by drowning in the waters of the Deluge (**p.60**) (Gen. 6-8 passim; 7:22). Again, an unresolved question about the application of justice appears: if the Flood revenges widespread *human* corruption, why eradicate all the host of creatures? The Geneva gloss addresses this obviously persistent question of the scope of punishment—again, in a gloss without gloss. It simply marvels that here “God declareth how much he detesteth sinne, seeing the punishment thereof exte[n]deth to the brute beasts” (Gen. 6:7, h). This annotation implicitly acknowledges that the justice delivered seems out of measure.

While some celebrate the preservation of species representatives in the ark as evidence of an equal concern for mankind and animals, how then do we evaluate the new regime for which they are saved? For while Noah’s people go on to reconquer the world, the estate of animal survivors of the Deluge appreciably worsens. First, a “feare” and “dread” of humans is placed on them: “The feare of you, and the dread of you shalbe upon everie beast of the earth, and upon everie foule of the heaven... & upon all the fishes of the sea: into your hand are thei delivered.” Next, in a literal conversion of animals to fodder, God licenses human carnivorousness for the first time: “Everie thing that moveth & liveth, shalbe meat for you: *as the grene herbe*, have I given you all things” (Gen. 9:2-3; italics added). This extreme alteration seems justly to reflect Shakespeare’s poetic measure (in *The Tempest*) of suffering a “sea change” (1.2.404).

In the original dispensation, mankind was granted rule over animals— with the express mandate of a vegetarian diet for all.<sup>79</sup> First, all creatures (**p.61**) were witnesses and messengers of God’s glory, subject to Adam as Adam was subject to God; after the Deluge, their flesh, not just their fealty, is conscripted to relatively weaker or nondoctrinal rationales such as human convenience, comfort, or necessity. Calvin argues that “men may render animals subservient to their own convenience, and may apply them to various uses, according to their wishes and necessities.”<sup>80</sup> The Geneva gloss alleges likewise that “by this permission man may with a good conscience use the creatures of God for his necessitie” (Gen. 9:3, c). These rationales track precisely with the

way a tyrant tramples his subjects' rights and subordinates them to private desires. Thomas Smith's 1583 treatise on government is typical when it asserts that the tyrant "hath no regard to the wealth of his people, but seeketh onely... to satisfie his vicious and cruell appetite."<sup>81</sup> How does the situation deteriorate so that the consumption of animals enters the arrangement? The shift Genesis narrates follows the politically familiar course of benign rule turned to enmity, of stewardship or care converted to predation—paradigmatically indexing the perversions of tyranny. Martin Luther's commentary on this pivotal transition uses staggeringly political vocabulary. After the flood, animals endure what he calls "a more oppressive form of bondage," and humans exercise "a more extensive and oppressive dominion" because "animals are subjected to man as to a tyrant who has absolute power over life and death."<sup>82</sup> Indeed, construing Romans 8:18–22, Luther ascribes a firm power of legitimate complaint to all creatures, affirming that "on the last day all creatures will utter an accusing cry against the ungodly who have shown **(p.62)** them abuse here on earth, and will call them tyrants to whom they were unjustly subjected."<sup>83</sup> Oppression, bondage, dominion, unjust subjection, and tyranny: without necessarily suggesting an earthly remedy for this sorry state of affairs, words such as these rate the animal condition in the sharpest available terms of human political evaluation.

The new dispensation after the Flood thus becomes a flashpoint for puzzling or rationalization. Luther observes, "Until now the animals did not have to die... to provide food for man," for until then "man was a gentle master of the beasts rather than their slayer or consumer."<sup>84</sup> As Calvin points out, the infusions of animal "feare" and "dread" after the Deluge assure that "sovereignty over the rest of animals might remain with men"; in setting up an order of things after the Flood, only a new godly endowment can ensure "that the same dominion shall continue."<sup>85</sup> As Luther stresses, however, that original benevolent dominion involved no hunting, killing, or taming, and we have no continuous dominion with Adam's: in "that first dominion... there was no need of skill or cunning....

Therefore we retain the name and word 'dominion' *as a bare title*, but the substance itself has been almost entirely lost."<sup>86</sup> In Du Bartas's formulation, animals were politically obedient "without command" in that "first dominion." Effectively acknowledging the shakiness of this transition in human sovereignty, even Calvin wonders, "Since we perversely exalt ourselves against God, why should not the beasts rise up against us?"<sup>87</sup> We have already seen Du Bartas warn how "Rebellious *Adam*, from his God revolting, / Findes his yerst-subjects 'gainst himselfe insulting," and Donne likewise would ask, directing his apostrophe to the horse, the bull, and the boar in Holy Sonnet 12, "Why brook'st thou... subjection?"<sup>88</sup> Among the Reformers, Luther appears attuned to animal claims, and Calvin is more invested in a freer scope for human dominion. But for both, **(p.63)** the Reformation's own complex relation to political authority fuels the commentary around this ominous biblical conversion. The discourse of tyranny makes the tyrant a devourer: he "bloodieth his handes with the slaughter of innocents," and their blood he "devoureth up with his unclean mouth."<sup>89</sup> According to the chronology of Genesis, in just this way animals literally become *meat for their sovereign*.

Calvin dwells on the biblical temporalities of this problem of meat eating. Even when annotating God's provision of plants "for meat" in Genesis 1:29–30, Calvin disregards the textual fact that what he calls human "rights" in relation to animals are readily limited by the shared right to

plants as “meat.” Instead, he suggests that those who infer Edenic vegetarianism from the passage have insufficient reasons, questioning whether humans were really vegetarian until the Deluge. “Since the first men offered sacrifices from their flocks” and “were clothed in skins,” he concludes— against those who might say flesh eating was then “unlawful”—that “it will be better for us to assert nothing of this matter.”<sup>90</sup> He resumes the debate more assertively, though, in connection with the express permission to eat meat granted in Genesis 9:3 on the ark’s return to land. Rejecting the simplest inference that licit meat eating begins when scripture makes it licit, he claims not to “see what obligation should prevent... the eating of flesh,” which he then repeatedly refers to as a “liberty” that “we must firmly retain.”<sup>91</sup> Calvin is challenging Catholic ideas about fasting here, but he so firmly defends this “liberty” to eat meat that he, like the traditional practices he indicts, must leave textual warrant behind to do so.

While Calvin overreaches on this point, Luther entertains a different possibility. Using blunt language in the *Lectures on Genesis 6–14* about **(p.64)** God (“in this passage God sets himself up as a butcher”), he stresses elsewhere the superiority of the original dispensation: “I am sure Adam, before his fall, never wanted to eat a partridge; but the deluge spoiled all. It follows not, that because God created all things, we must eat of all things. Fruits were created chiefly as food for people and for beasts; the latter were created to the end we should laud and praise God.”<sup>92</sup> Indeed, Luther appears especially cognizant of the possibilities inhering in animals’ intended worldly presence. With a dateline of “Wittenberg, 1534,” he composed a quasi-legal document titled “Complaint of the Birds to Luther against Wolfgang.” Drafted in the voice of songbirds (“we thrushes, blackbirds, finches, linnets, goldfinches, and all other pious, honorable birds”) who faced capture by one of Luther’s servants, the letter protests how one Wolfgang violates the domain rights entailed in Genesis and “undertakes to rob us of the freedom God gave us to fly through the air.” As we have already seen, Sidney would call the bird a “free-burgess of the air.” The “pious, honorable” birds of Wittenberg go on to point out that a more just approach would direct Wolfgang’s “wrath and industry against sparrows, swallows, crows, ravens, mice, and rats... [who] do you much harm, rob and steal corn, oats, and barley.”<sup>93</sup> Echoing in words the exquisite animal portraits of his contemporary, Albrecht Dürer (fig. 1.2), Luther further declares in his *Lectures on Genesis 1–5* that “the mouse, too, is a divine creature. ... It has a very beautiful form—such pretty feet and such delicate hair that it is clear that it was created by the word of God with a definite plan in view. Therefore here, too, we admire God’s creation and workman-ship. The same thing may be said about flies.”<sup>94</sup> The here-and-now facticity of observed animals grounds their privilege and divine appointment, and their presence as such warrants a spiritual attention.

When it came to the eschaton, Calvin argued (presumably without irony and applying his favored metaphors of animal control to human in-quiry) that “some subtle men, but hardly sober-minded, inquire whether **(p.65)** all kinds of animals will be immortal; but *if reins be given to speculations where will they at length lead us?*” Luther’s *Lectures on Genesis*, likewise, affirm the official view that “animals... live only their animal life, without hope of eternal life.”<sup>95</sup> But at other points, his perspective is more expansive: indeed, at moments not so closely bound up with the **(p.66)** discipline of scriptural commentary, especially those recorded in Luther’s *Table Talk*, his vision is expansively hospitable. Speaking of the household dog, Tölpel (translated variously as Clownie or Blockhead), Luther conjured a zootopian scene not just of “the beginning” or the

now but of eternity. Asked whether Tölpel would participate in eternal life, he replied (in Roland Bainton's translation), "Certainly.... Peter said that the last day would be the restitution of all things. God will create a new heaven and a new earth and new Tölpels with hide of gold and fur of silver.... Snakes, now poisonous because of original sin, will then be so harmless that we shall be able to play with them."<sup>96</sup> Even the curse on the serpent will be reversed when venom is no more. Luther's moral gauge of "harmlessness" stands out as he figures the eschaton as a place of reestablished animal participation, undoing their worldly disenfranchisement under the tyrannical regime of fallen man. Not just witnesses at the "last day" (though that in itself affirms a politically significant capacity to testify), they also inhabit his vision of restored life.

### *Bestiae contra Tyrannos: Sidney's "Ister Bank"*

For early moderns thinking about political relations gone wrong, "butchering" and "devouring" those for whom one has an affirmative duty of care were persistent hallmarks of tyranny. Christopher Marlowe's Edward II is called "a tyrant" and "a butcher... / Unnatural king, to slaughter noble-men and cherish flatterers"; Shakespeare's Macbeth likewise is dubbed "an untitled tyrant, bloody scepter'd," whom poetic justice reduces to a "dead butcher" by play's end.<sup>97</sup> Tyrannized human subjects have been "turned into beasts" or placed "under the yoke" of tyranny. Yokes, bits, collars, reins, whips, traps, nets, and so on—the instruments of animal control—appear throughout the metaphors of tyranny. In an extended elaboration, Ponet's *Short Treatise* (1556) blisteringly compares the tyrant's behavior toward his subjects to human behavior toward animals:

As an huntour maketh wilde beastes his prairie, and useth toiles, nettes, snares, trappes, dogges, firrettes, mynyng and digging the grounde, **(p.67)** gunnes, bowes, speares, and all other instrumentes, engynes, devises, subtilties and means,... so dothe a wicked governour make the people his game and praye, and useth all kindes of subtilties, deceates, craftes, policies, force, violence, crueltie, and suche like devillish wayes, to spoyle and destroyethe the people, that be committed to his charge.... [He fains] uniuert causes to cast them in to prison, wher like as the bearewardes mosell the beares, and tye them to the stakes,... so he keepeth them in chaines, whilst the bishoppes and his other tormen-tours... doo *teare and devoure* them.<sup>98</sup>

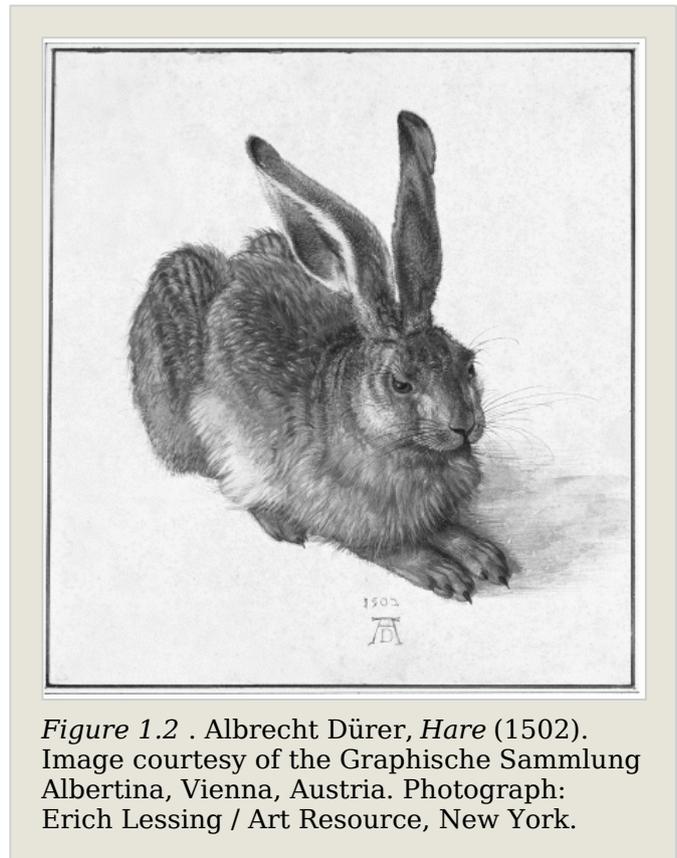


Figure 1.2 . Albrecht Dürer, *Hare* (1502). Image courtesy of the Graphische Sammlung Albertina, Vienna, Austria. Photograph: Erich Lessing / Art Resource, New York.

More economically, but in the same spirit, the monarchomach *Vindiciae contra tyrannos* (circulating in the 1570s and an important Huguenot influence on Sidney) asserts that tyrants “suck the blood of the people.”<sup>99</sup> Etienne de la Boétie’s *Servitude volontaire* (printed five times in the 1570s and famously referred to by Montaigne) condemns being “under the yoke,” lamenting how, under tyranny, “you bring up your children... to be delivered into butchery.”<sup>100</sup> For La Boétie, animals play a bold part in the critical resistance to tyranny. He puts

brute beasts in the pulpit to throw light on their nature and condition.... *The very beasts, God help me! if men are not too deaf, cry out to them, “Long live Liberty!”* Many among them die as soon as captured.... Others, from the largest to the smallest... put up such a strong resistance by means of claws, horns, beak, and paws, that they show clearly enough how they cling to what they are losing; afterwards in captivity they manifest by so many evident signs their awareness of their misfortune, that it is easy to see they are languishing rather than living, **(p.68)** and continue their existence—more in lamentation of their lost freedom than in enjoyment of their servitude.<sup>101</sup>

Animals “in the pulpit” literalize the exhortation in Job 12:7 urging humans to get good teaching from the beasts. They demonstrate their knowledge of freedom. There is rich ambiguity as to how much the animals cry out “Long live Liberty!” to inspire tyrannized human subjects by their example and how much they do it to defy tyrannical humans in their own acts of politically disobedient resistance.

Calvin had suggested that human dominion manifests itself in “the fact that oxen become accustomed to bear the yoke,” that “the wildness of horses” can be subdued, “that cows give milk,” and that “sheep are mute under the hands of the shearer.”<sup>102</sup> But referring to horses, Erasmus’s *Folly* registers an entirely different view, stressing “the sharp-toothed bit, pricking spurs, prison-like stable, whips, bridle, rider, the whole tragedy of the *voluntary servitude* the horse chose to undergo.”<sup>103</sup> Likewise, the republican La Boétie invokes natural history to claim that the elephant breaks off its own tusks “as a ransom for his liberty,” and he stresses how much work is required to subdue a horse: “He is tamed with such difficulty that when we begin to break him in he bites the bit, he rears at the touch of the spur, as if to show... that, if he obeys, he does so not of his own free will but under constraint.” La Boétie even offers his own verse to conclude the passage: “The oxen under the weight of the yoke complain, / And the birds in their cage lament.”<sup>104</sup> At stake here is the vitality of animals as political subjects in themselves and not just didactic fables for humans. Across a range of writings inflected by Genesis as a natural-historical and legal-theological precedent, the terms and conditions of human sovereignty over real animals operate as an example of tyranny—not just an emblem for it.

After a European sojourn among such Protestant advocates in the **(p.69)** 1570s, when his celebrated association with the Huguenot Hubert Languet arose, Philip Sidney wrote his prose romance, the *Arcadia* (written by 1580 and published in 1590). The *Arcadia* is steeped in the commitments of Sidney’s political vision, and at its center, in the only instance where it refers to an actual person, Sidney placed a verse naming Languet as its source.<sup>105</sup> The poem, “On Ister Bank,” is sung by the shepherd Philisides, a figure for Sidney. Philisides, a kind of cousin to the

melancholy Jacques in *As You Like It*, begins “upon the ground at the foote of a cypresse tree, in so deep a melancholy” that the others try to rouse him. “Ister Bank” has been repeatedly called a “beast fable” by commentators concerned with Sidney’s political investments, a fable warning of the tyrannical potential inherent in the monarchical form of government.<sup>106</sup> But, as we’ll see, Sidney’s original reworking of the creation story in conjunction with another key Bible passage politically and intellectually goes beyond his more fabulous sources.

In the poem’s archaic diction, the verse opens “on Ister bank,” the ancient name of the Danube, suggesting the Viennese locales where Sidney and Languet associated.<sup>107</sup> Philisides situates himself and his flock at nightfall, which prompts him to rehearse his fiduciary care for them and sing “lest stray they should” (line 21). But his song, he says, was Languet’s. Three stanzas name “old Languet /... the shepherd best swift Ister knew” as Sidney’s teacher:

With old true tales he wont mine ears to fill:

How shepherds did of yore, how now, they thrive,  
Spoiling their flock, or while twixt them they strive.  
(lines 22–23, 33–35)

Here Sidney’s pastoral suggests the predations of tyrants and their subjection of the people’s good to selfish strife among potentates (a key detail in **(p.70)** Erasmus’s *Education of a Christian Prince*). Philisides moves to the tale itself by concluding, “Thus in oak’s true shade recounted he / Which now in night’s deep shade sheep heard of me.” Philisides’s woolly auditors attend an animal creation story that borrows its nostalgia from Ovid’s account of the Golden Age in *The Metamorphoses* (book 1, lines 113–43), but its crisis comes most immediately from the Bible. Describing a world free of humans and one in which beasts “might freely roam or rest” (line 48), the verse takes the peaceable kingdom—envisioned in Isaiah 11:6–9 for some future day—and puts it resolutely in the past. Philisides insists on the meaningful orderliness of this animal-only world:

The beasts had sure some beastly policy;  
For nothing can endure where order nis.  
For once the lion by the lamb did lie;  
The fearful hind the leopard did kiss;  
Hurtless was the tiger’s paw and serpent’s hiss. This think I well: the beasts  
with courage clad Like senators a harmless empire had. (lines 50–56)

Pivoting on the moral force of harmlessness, Sidney presents a “harmless empire” among animals and before humans—a functioning beastly polity—that presents a noninjurious, working order. No human sin had engendered animal venom in this “hurtless” world. Sidney’s aristocratic perspective, we may suppose, leads him to suggest that those “beasts with courage clad” governed, operating like no less a body than the senate of republican Rome.

Wavering about the causes of ensuing political change in the animal world—perhaps the animals without “courage” envied those who had the power courage accrued, or perhaps “they *all* to changing did incline”—Philisides reports that

the multitude to Jove a suit imparts, With neighing, bleaing [*sic*], braying, and barking, Roaring, and howling, for to have a king. (lines 57-63)

(As the poem clarifies later, this line does not mock a lack of speech.) The owl warns against this request and flees “to deserts” when he sees where things are heading (line 70). Jove, too, warns them against kings:

**(p.71)** O beasts, take heed what you of me desire.  
Rulers will think all things made them to please,  
And soon forget the swink [toil] due to their hire.  
(lines 72-74)

The idea that subjects serve the convenience, pleasure, and comfort of the sovereign, of course, reflects a tyrant's presumption (and also rationales supporting meat eating). Those familiar with political debates about the legitimacy of resistance to kings will immediately recognize the source of this story and its unfolding details from chapter 8 of the first book of Samuel (to which we will return momentarily). There, the Israelites ask Samuel to “make us nowe a King to judge us like all nations.” Samuel and God read this desire as a rejection of right rule. There follows a rushing inventory of harms and predations; the king will take everything his subjects have and make them his servants (1 Sam. 8:11-17).

Sidney's poem next reverses the Prometheus myth, in which all available attributes were given to animals, leading Prometheus to give humans practical wisdom and fire instead.<sup>108</sup> In acquiescing to the animals' request, Sidney's Jove asks each to contribute something to this new creature, man. Reading “Ister Bank” deconstructively as a “fable not about politics but about being human,” Erica Fudge underscores the fact that all of man's attributes are animal contributions to suggest how much “Sidney's man is... more animal than the animals themselves.”<sup>109</sup> Philisides lists twenty-nine such gifts explicitly and gestures to more. The animals offer a range of qualities, positive and negative. The lion, the elephant, the fox, the eagle, the wolf, the ant, and the chameleon donate just what we still know to expect from them. But other, less familiar gifts also appear: from the mole, “a working thought”; from the monkey, “sweet breath”; from the cow, “fair eyes”; and from the cat, melancholy. The crocodile gives its tears, the ape its hand (lines 78-97). Last, in a revision of Aristotle on animal speech, their passion to be ruled (a voluntary servitude gone wrong) leads the animals foolishly to agree “that from henceforth to all eternity, / No beast should freely speak, but only” man (lines 104-5).

In telling what happens next, Sidney inventories the injuries typifying any slide into tyrannical government, just as they had been itemized **(p.72)** in Samuel. At first, wily man, “fellow-like, let[s] his dominion slide” (line 110). Once he sees that the animals depend on him, “then ‘gan he factions in the beasts to breed,” tricking them into violent behavior for which he conveniently executes them in sham actions of justice, as Ponet envisioned (line 120). After man suborns the services of a few and controls them with bits and collars, the transition from kingship to tyranny reaches its inevitable, bloody, and carnivorous conclusion—man's choice to play “a part to tear a cat in”:

Worst fell to smallest birds, and meanest herd,

Who now his own, full like his own he used.  
Yet first but wool, or feathers, off he teared;  
And then when they were well used to be abused,  
For hungry throat their flesh with teeth he bruised;  
At length for glutton taste he did them kill;  
At last for bloody sport their silly lives did spill.  
(lines 141–47)

In this evocation of human meat-eating as tearing and bruising, Sidney exploits the opening provided by the relatively weak rationales licensing carnivorousness after the Flood, likening those rationales to the frivolity widely associated with “bloody sport” in the period and linking postlapsarian, carnivorous human dominion to moral certainties about the predations of a tyrant as a cynical butcher and devourer of his people.

The penultimate stanza addresses the two parties to this sad story, the tyrant and his victims, gluttonous man and “poor beasts.” “O man,” the verse instructs,

rage not beyond thy need;  
Deem it no gloire to swell in tyranny.  
Thou art of blood; joy not to make things bleed.  
Thou fearest death; think they are loathe to die.  
A plaint of guiltless hurt doth pierce the sky.  
(lines 148–52)

“Guiltless hurt” sounds the note of paradox at the heart of the justice problem Genesis encodes; man’s innocent subjects are despoiled by human tyranny’s incapacity for restraint. The poem ends when morning comes, and contention breaks out among Philisides’s auditors over what was meant by the song. The oldest shepherd condemns its engagement (**p.73**) with political topics as a breach of pastoral decorum, saying that “he never saw thing worse proportioned than to bring in a tale of he knew not what beasts at such a banquet when rather some song of love, or matter of joyful melody, was to be brought forth,” and he quickly changes the subject from those who may be on the table.

What Sidney has crafted here is no beast fable—if by “beast fable” we mean an allegory of speaking animals who personate human moral failings and so indict the follies of humans as such or among themselves. What we find here does something more. Sidney’s story of human/animal relations offers a political account in which beasts, as beasts, play an essential role in the generation of meaning, just as “man” stands for man; they do not simply stand in for something else with their animal capacities suspended or subdued. “Ister Bank” certainly invokes Aesop’s Samuel-like story of the naïve frogs who beg Jove to give them a king. In that classic beast fable, Jove first casts down a log for them (which they discover is not a “real” king). When they insist on a real one, Jove sends them a large stork who proceeds to devour them (figs. 1.3. and 1.4). “Ister Bank,” however, relates (**p.74**) beast and man in a political narrative of their mutual history, ranging into biblical pastures for its measure of tyrannical degeneration. It veers from the beast fable tradition insofar as the poem’s viability (even as an allegory for political rebellion among humans) depends on the prior legibility of human/animal relations as an instance of tyranny—following the biblical narrative of a degeneration from cross-species stewardship into

savagery. Sidney's animals look like the animals of Genesis rather than those of Aesop; they are more natural-historical than emblematic; they are parties to the story. After all, if man's dominion over "real" animals were morally neutral, this entire "fable" would, as they say, lack teeth.

The thrust of the passage in Samuel, of course, is to deny any right of proceeding against a tyrant. An admonition warns the Israelites, "Ye shall crie out at that day, because of your King, whom ye have chosen you, and the Lord will not heare you at that day" (1 Sam. 8:18). The passage proved a flashpoint for debates about the legitimacy of resistance to tyranny. But the last lines of Sidney's verse contravene Samuel's message that, once acquired, a king cannot be escaped. They intimate, instead, an animal uprising, as we have already seen in Calvin, Du Bartas, and Donne. Warning (p. 75) man against swelling tyranny, Sidney addresses "poor beasts" to urge them to either "in patience bide your hell" or "know your strengths, and then you shall do well" (lines 153-54). Sidney evokes the human fear that animals might quit their tame obedience and resist immoral dominion.<sup>110</sup> Mobilizing the morally stained incursions on animal entitlement that Genesis records against Samuel's denial of appeals for tyrannized (human) subjects, Sidney's "Ister Bank"—like La Boétie's *Servitude volontaire*—endorses a creaturely rebellion against human tyranny to *derive* human rights against their wayward kings.

Desert Citizens: Edenic Species-Memory in Shakespeare's Arden  
The persistent idea that a tyrant declines from a civil humanity into savage animality contradicts a rival observation about species and violence. In Erasmus's version,

If you are looking for what corresponds to the tyrant, think of the lion, the bear, the wolf, or the eagle, who live by



Figure 1.3 . Aesop, *The Fables of Aesop as First Printed By William Caxton in 1484*, ed. Joseph Jacobs (London: David Nutt, 1889). Image by permission of the Folger Shakespeare Library, Washington, DC.



Figure 1.4 . Bernard Salomon, *Les Fables d'Esop Phrygien* (Lyon, 1547). Image courtesy of Houghton Library, Harvard University (Typ 515.47.123).

mutilation and plundering... except that the tyrant outdoes even these creatures... who are condemned for savage cruelty [but] at least refrain from attacking their own species.... But the tyrant, a man, directs his animal ferocity against men, and, although a citizen himself, against citizens.<sup>111</sup>

Here Erasmus conventionally imagines the human/animal divide as a question of citizenship and murder, but his initial likening of the tyrant to a beast falters when he then turns the comparison against humankind *as a kind* by pointing out the tyrant is “a man.” Likewise, Luther saw a moral lawfulness in animals that he doubted in humans

Wild beasts and irrational animals keep this law. When a pig is slaughtered or captured and other pigs see this, we observe that the other pigs clamor and grunt as if in compassion. Chickens and geese and all wild animals do the same thing; when they see one of their own kind in trouble, they quite naturally grieve with it and are sad, and if they can, **(p.76)** they help it. Only man, who after all is rational, does not spring to the aid of his suffering neighbor in time of need and has no pity on him. What a shame and scandal!  
112

If we were to conjure the absent entry for humans in the encyclopedia of animals, or compose an early modern profile in kind following natural-historical models, such testimonies to irrational cruelty would rival claims for rationality as humanity's signature. Calling man “the greatest tyrant in the world” in his *Divine Considerations of the Soule* (1608), Nicholas Breton presses the point: “What Butcher can more cruelly teare in peeces the limmes of a beast, then one man in his malice will the very heart of another?”<sup>113</sup> A tendency to moral catastrophe indelibly marks human beings as such, not just the tyrants among them.

And sixteenth-century animals seem to know all about it. Among the several animal complaint poems added by George Gascoigne to his translation of *The Noble Arte of Venerie or Hunting* (1576), one in particular— “The Otter's Oration”—concentrates on the species politics of meat and the morality of “devouring” it.<sup>114</sup> The otter was long the target of campaigns for elimination as a rival hunter of fish stocks in rivers; Isaak Walton's *The Compleat Angler* (1653), for example, claims that “the Otter devours much fish, and kills and spoils much more than he eats.”<sup>115</sup> Topsell calls otters “dogs of the water” and “very biting Beast[s]”; he marvels how they can smell “fishes in the waters a mile or two off,” but notes how many drown in fishnets for their “greediness of fishes.”<sup>116</sup> Topsell's portrait, following Gesner's, shows an otter “very bitingly” eating a fish; Gascoigne's does the same (fig. 1.5). But Gascoigne's otter rebuts these “slandrous” charges of excessive consumption “for which we Beastes be slayne” and reverses it against “all Adams seede”—returning to the benchmark of Genesis for leverage. The otter precludes human recourse to any reading of Genesis to argue for unlimited human use or dominion. “Yet mee thinkes, I heare **(p.77)** him preache this Texte, / *Howe all that is, was made for use of man*”; this preaching, the otter argues, reads out of context and without regard to

this heavie place, expounde it who so can:  
*The very scourge and Plague of God his Ban,*  
Will lyght on suche as queyntly can devise

To eate more meate than may their mouthes suffice.  
(italics in original)

While “men crye out that fishe I do devoure,” he argues tauntingly, “master Man” indiscriminately “feedes his fill on every fleshe and fishe.” Asserting that no otter ever ate “more meate at once, than served for his share” or “more than may do them good,” the otter, with his colorful itemization of human gluttonies, turns the tables on name-calling humans to indict instead “beastly man.” Though man “us seely Beastes, devouring Beastes do call,” the otter propounds, “he himselfe [is] moste bloudie beaste of all.”<sup>117</sup>



Figure 1.5 . George Gascoigne, *Otter*, in *The Noble Arte of Venerie or Hunting* (London, 1576). Image by permission of the Folger Shakespeare Library, Washington, DC.

While Gascoigne’s otter stresses the bloody-mindedness of man as a devourer, his other animal complainants press the justice-oriented terms of harmlessness and murder with which we began. The hare refers to itself as “a harmesse thing” and a “silly harmesse Hare,” chastising at the same time the “bloudie minde of Man” and characterizing humans as “murdryng men” who have a taste for “murder.”<sup>118</sup> The “harmesse hart” complains of “nets and instruments,” suggesting a perverse human pleasure (p.78) in animal suffering. While the hart accepts both “fear” and “dread” as the political terms of the dispensation after the Flood, it questions why “play[ing] the man” means “killyng harmesse Deare.” Instead, the hart interprets Genesis to require only such sacrifices as are naturally cast from its body: “Such hornes, such heare, suche teares as I have tolde, / I mew and cast for man’s avayle.” Considering man’s “murdryng cruell minde,” the hart asks, “Canst thou in death take suche delight? breedes pleasure so in paynes?” An assessment of disproportionate greed and in-satiate appetite leads the hart to pray that man’s tyrannical cruelty will rebound on itself:

Lo here I crave of mightie Gods, whiche are bothe good and just:  
That Mars may reygne with Man, that stryfe and cruell warre,  
May set mans murdryng minde on worke, with many a bloudy Jarre.<sup>119</sup>

Violence and strife within kind appear to be mankind’s most singular property.

In the sixteenth century, two elements define tyranny. The tyrant either displays a cruel violence that violates his fiduciary charge, or he usurps another’s place (quite often we find both)<sup>120</sup> Like Erasmus, Luther, Gascoigne, and Breton, Montaigne too charges humanity, *as a species*, with both aspects of this crime. In “Of Cruelty” he writes that those who are “bloodie-minded towards harmesse beasts, wnesse a naturall propension unto crueltie,” which he glosses paradoxically as nothing less than a human “instinct to inhumanitie.” He notes how “no man taketh delight to see wild beasts... make much one of another: Yet all are pleased to see them tugge, mangle, and enterteare one another.”<sup>121</sup> Referencing the justice problem of “harmless beasts” that figured

in readings of Genesis and specifically according meaning to our shared hexameral origin, Montaigne continues that “considering that one selfe-same master (I mean that incomprehensible worlds-framer) hath placed all creatures in this his wondrous palace for his service, and that they, as well as we, are of his household: I say it hath some reason to injoyne us to shew some respect **(p.79)** and affection towards them.” Indeed, he confesses that when one considers the “neere resemblance betweene us and beasts, and what share they have in our greatest privileges, and with how much likely-hood they are compared unto us,” one can no longer assert “that imaginary soveraigntie that some give and ascribe unto us above all other creatures.”<sup>122</sup> Recalling Luther’s sense of postlapsarian human dominion as reduced in moral stature to a “bare title” and Sidney’s hubristic mankind claiming dominion over even the unknown, Montaigne’s “imaginary soveraigntie” brings mankind lower, as a fraud.

We have seen that in those locales of reading where the resources supplied by Genesis are in play, animals appear as the subjects of the law who then become the abjects of tyrannical man and his greedy seizure of “imaginary soveraigntie.” A wide range of thinkers call mankind a tyrant in relation to nonhumans. Early modern political logic invokes these animals not exclusively as metaphors for human folly, suffering, and political oppression by means of the techniques of the beast fable or prosopoetic talking animals. Instead—under the auspices of Genesis as the governing account of first foundations and as typological history—these animals signify as political subjects. They are conceived to be capable of meaningful (i.e., willing) obedience and vulnerable to wrongful dispossession and likely to rise in a legitimate rebellion that La Boétie and Sidney cast as exemplary.

My conclusion returns to Shakespeare. Numerous passages reflect the interconnected issues of harmlessness, animal entitlement or liberty, and human violence at stake in this reading of Genesis. In *Titus Andronicus*, for example, when young Marcus kills a “poor, harmless fly” who “with his pretty buzzing melody / Came here to make us merry,” Titus cries, “Out on thee, murderer! thou kill’st my heart.” Amplifying the murder charge, he describes his eyes as “cloyed with view of tyranny,” which he glosses in turn as “a deed of death done on the innocent” (3.2.63–65, 54–56). There is Don Pedro’s dark reflection in *Much Ado about Nothing*—invoking human restraints made on a number of species all at once—that “I am trusted with a muzzle and enfranchised with a clog; therefore I have decreed not to sing in my cage. If I had my mouth, I would bite; if I had my liberty, I would do my liking” (1.3.30–33). There is also Ross’s report to Macduff about what the “bloody tyrant” and “butcher” Macbeth has done to his family:

Your wife and babes  
Savagely slaughter’d. To relate the manner  
**(p.80)** Were, on the quarry of these murder’d deer,  
To add the death of you.  
(4.3.205–8)

“Murder” applies outside of kind, and acts of human tyranny take place across species.

We have already explored the significance of the fact that the word “animal” appears only 8 times in Shakespeare, whereas together the words “beast” and “creature” occur 268 times.

Three of these eight “animals” inhabit the woods of *As You Like It*, with two of them in a single scene. In act 2, the exiled duke contemplates the woods to imagine a reversal of the Genesis narrative we have been considering: “Here feel we not the penalty of Adam” (a proposition undermined immediately by his reference to the “sweet” uses of adversity) (2.1.5). When he then proposes “shall we go and kill us venison?” he immediately indexes a concern:

And yet it irks me the poor dappled fools,  
Being native burghers of this desert city,  
Should, in their own confines with forkèd heads  
Have their round haunches gored.  
(2.1.21–25)

These “native burghers” echo other creaturely reckonings of citizenship: Du Bartas’s “Sea-Citizens” and “Burgers of this Earthly ball” and Sidney’s “free-burgess of the air.” The duke’s interlocutor in the scene, a lord, reports that one of their companions—the melancholy Jacques—

grieves at that,  
And in that kind swears you do more usurp  
Than doth your brother that hath banished you.  
(2.1.26–28)

The lord recounts Jacques’s response to a wounded deer, a “poor seques-tered stag” described as a

wretched animal [who] heaved forth such groans  
That their discharge did stretch his leathern coat  
Almost to bursting, and [whose] big round tears  
Coursed one another down his innocent nose.  
(2.1.33, 36–39)

**(p.81)** The death of an “innocent” sounds the note of tyranny already. Deer hold title to their domain as citizens of “this desert city,” and the animal’s betrayed innocence recalls Calvin’s sense of liability without fault or what Sidney called the “plaint of guiltless hurt.” Here we see the specific dilemma Genesis bequeaths to quadrupeds: despite the notion of distinct and assigned animal domains in the sea, in the air, and in the field, those of four-footed estate must share a land-based life with us, to their particular harm. Hexameral writing in the Renaissance handles this glitch in domains largely by dividing land-living creatures into humans and those populating spaces where humans are absent, hence the repeated references to “deserts” in Du Bartas and Sidney. The seeming oxymoron, then, of Shakespeare’s “desert city” captures the way that animals are not so easily and simply understood as outside of polity or as unpolitical.

As the woodland dialogue continues, we hear more about Jacques’s musings. He has called the duke’s party

*usurpers, tyrants, and what’s worse,*  
To fright the animals and to kill them up

In their assigned and native dwelling place.  
(2.1.61–63; italics added)

Assignment refers to the domain rights we have seen Genesis establish, and the sense of heirship and inheritance in Shakespeare's repetition of "native" compounds the rightfulness of the deer's claim. Jacques's tears and moralizing on the spectacle of the deer surely serve as fodder for word-play in the scene, but in fact they only extend the duke's own first remark that something uncomfortable, or irksome, inheres in the thought of killing deer—here called "fat and greasy citizens" (2.1.55)—in a domain that is legitimately "theirs." There is something "bloodie-minded" about it. Here, we are not in Agamben's Athens, where it makes "no sense" to speak of a *zoë politikē*. We are in Arden, a place populated by citizen-creatures whose unhonored entitlements persist in forms sufficient to irk or trouble interloping bipeds. In terms of Renaissance political theory, it would be very hard to say "*what's worse*" than a usurper or tyrant. It appears it must be "man." Arden is not Athens; neither is it Eden. Even so, the literally melancholic trace of Edenic arrangements across kinds lingers as a sort of species memory in Arden, where the bloody tyrant—perhaps to our surprise—is *us*.

Notes:

(1) . Virginia Woolf dubs such Shakespearean echoes "queer jingles" in "*Twelfth Night* at the Old Vic," in *The Death of the Moth and Other Essays*, ed. Leonard Woolf (London: Hogarth Press, 1942), 34.

(2) . *The Plays of William Shakespeare in Ten Volumes*, ed. Samuel Johnson, George Steevens, and Isaac Reed (London: C. Bathurst, etc., 1778), 3:19.

(3) . John Ponet, *A Short Treatise of Politike Power* (Strasbourg, Germany: W. Köpfel, 1556), chap. 6, Giiir; Robert Parsons et al., *A Conference about the Next Succession to the Crowne of England* (Antwerp[?], 1594), pt. 2, 61. Rebecca Bushnell details how persistent this association was; she also discusses Machiavelli's bold proposal that the sovereign *should* be half man, half beast. See Bushnell, *Tragedies of Tyrants: Political Thought and Theater in the English Renaissance* (Ithaca, NY: Cornell University Press, 1990), 50–56. The ancient aphorism calling the tyrant the most dangerous animal among the wild beasts (and the flatterer the most dangerous among the tame) was widely cited. See, for example, Erasmus, *Education of a Christian Prince*, ed. Lisa Jardine (Cambridge: Cambridge University Press, 1997), 55, and Ben Jonson, *Sejanus*, ed. Jonas Barish (New Haven, CT: Yale University Press, 1965), 1.2.437–38; the main classical source is Plato's *Republic*, bk. 8, 565–66.

(4) . Andrew Becket, *Shakespeare's Himself Again: or, the Language of the Poet Asserted* (London: A. J. Valpy, 1815), 267 (italics in original). Becket suggests "a part to tear: à catin," glossing "tear" as "rant," converting the English "cat" to a French term for "a drab, a low and vulgar woman," and proposing "à" to function for "like" (267). He likewise "corrects" two other violated cats, one blinded and the other probably castrated: *The Taming of the Shrew's* "she shall have no more eyes to see withal than a cat" (1.2.114–15) ("it is not the well known domestic animal that is here spoken of") and "gib cat" (*King Henry IV, Part 1*, 1.2.77). For tear-

cap, see Johnson, Steevens, and Reed, *Plays of William Shakespeare*, citing William Warburton (1747), 19.

(5) . For further readers finding no cat in the line, see *A New Variorum Edition of Shakespeare: A Midsommer Nights Dreame*, ed. H. H. Furness et al. (Philadelphia: J. B. Lippincott, 1895), 36. Among modern editors, David Bevington and G. Blakemore Evans gloss the phrase “i.e., rant” (Bevington, ed., *The Complete Works of Shakespeare*, 5th ed. [New York: Pearson Longman, 2004], 154); Evans, ed., *The Riverside Shakespeare*, 2nd ed. [Boston: Houghton Mifflin, 1996], 259); Stephen Orgel calls it a “common expression... for stage ranting” (Orgel, ed., *The Complete Pelican Shakespeare*, 2nd rev. ed. [New York: Penguin Classics, 2002], 153); and Stephen Greenblatt’s edition glosses it directly as “rant” (Greenblatt, ed., *The Norton Shakespeare*, 2nd ed. [New York: Norton, 2008], 820).

(6) . Charles Mackay, *A Glossary of Obscure Words and Phrases in the Writings of Shakespeare and His Contemporaries* (London: Sampson Low, 1887), 407. In a virtuoso avoidance of literal reading, Mackay gives a Gaelic alternative for tear-cat (*duire-cath*, or “obstinate combat”). For a bracing account of the “regular persecution” of cats in early modernity, see Bruce Boehrer, “Gammer Gurton’s Cat of Sorrows,” *English Literary Renaissance* 39, no. 2 (2009): 268. was widely cited. See, for example, Erasmus, *Education of a Christian Prince*, ed. Lisa Jardine (Cambridge: Cambridge University Press, 1997), 55, and Ben Jonson, *Sejanus*, ed. Jonas Barish (New Haven, CT: Yale University Press, 1965), 1.2.437–38; the main classical source is Plato’s *Republic*, bk. 8, 565–66.

(7) . Jacques Derrida, *The Animal That Therefore I Am*, ed. Marie-Louise Mallet, trans. David Wills (New York: Fordham University Press, 2008), 6 (italics in original). With rich irony, he later indicates our freedom to see this as a reference to *Through the Looking Glass*, if we “insist... on suspecting [him] of perversity” in stressing the facticity of this cat (7).

(8) . *The Merchant of Venice*, 1.3.116, 4.1.55. On partial membership, justice, and animal belonging in *Merchant*, see chapter 5. On the continuing moral force of “harmlessness,” see Harper Lee: “Mockingbirds don’t do one thing but make music for us to enjoy. They don’t eat up people’s gardens, don’t nest in corncribs, they don’t do one thing but sing their hearts out for us. That’s why it’s a sin to kill a mockingbird.” *To Kill A Mockingbird* (New York: HarperCollins, 2010 [1960]), 148.

(9) . For a powerful proactive account of species and belonging, see Martha Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge, MA: Belknap Press, 2006). Nussbaum addresses the incapacity of social contract theory to account for social justice among unequal parties, suggesting an approach to political cooperation based instead on “capabilities.” As indicated in chapter 2, early modernity attributes sovereign “properties” to each creature, offering a historical cognate for capability and showing that “thinking otherwise,” as Nussbaum proposes we should begin to do, also has precedents.

(10) . Conrad Gesner, “The First Epistle of Doct. Conradus Gesnerus,” in Edward Topsell, *The Historie of Foure-Footed Beastes* (London: William Jaggard, 1607). References to Gesner and

Topsell are to this edition. Gesner's Latin volumes were published during the period 1551–58 by Christopher Froschauer in Zurich.

(11) . Guillaume du Bartas, *Bartas: His Devine Weekes and Workes*, trans. Joshua Sylvester (London: Humphrey Lowne, 1605), 224, 225. Sylvester's translation includes Du Bartas's epic account of creation's first week, *La Sepmaine, ou Cr ation du Monde* (1578), and his *La Seconde Sepmaine, ou Enfance du Monde* (1584). Sidney's translation of *La Sepmaine* is lost (see Alan Sinfield, "Sidney and Du Bartas," *Comparative Literature* 27, no. 1 [Winter, 1975]: 8–20). Du Bartas's work was a key precedent for Milton's *Paradise Lost*, which uses the same political vocabularies: "All the Earth / To thee and to thy Race I give; as Lords / Possess it.... Each Bird and Beast behold / After their kinds; I bring them to receive / From thee their Names, and pay thee fealty / With low subjection" (John Milton, *Paradise Lost*, ed. David Kastan [Indianapolis: Hackett, 2005], 8.338–45).

(12) . Michael Baret, *An Hipponomie or The Vineyard of Horsemanship* (London: George Eld, 1618), 1–2.

(13) . Another apt term is Latour's "nature-culture," although he seeks by it to make visible the underlying "hybrids" that are fractured and *denied* by what he terms "the modern constitution." Bruno Latour, *We Have Never Been Modern*, trans. Catharine Porter (Cambridge, MA: Harvard University Press, 1993), 2, 7. In comparison, I stress the political quality of premodern discourses used to affirm continuities and relations that we call "hybrids" only in retrospect.

(14) . On these vast seventeenth-century separations, see also Steven Shapin and Simon Schaffer, *Leviathan and the Air-Pump: Hobbes, Boyle, and the Experimental Life* (Princeton, NJ: Princeton University Press, 1985), and Latour's discussion of it (*We Have Never Been Modern*, 15–29).

(15) . Michel Foucault, *Security, Territory, Population: Lectures at the College de France, 1977–1978*, ed. Michael Senellart, trans. Graham Burchell (New York: Palgrave Macmillan, 2007), 1; Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998), 103. Agamben relates "bare life" to the "simple natural life" within the human that was excluded from the polis and located instead, in Athenian contexts, within the *oikos* as "reproductive life," not noting the gendered nature of that seclusion as political (2). In this respect (too vast to give due attention here), the likeness between women and animals as foundational exclusions appears. Discussing the wolf-man, Agamben asserts that the fact that "such a man is *defined as a wolf-man and not simply as a wolf...* is decisive here. The life of the bandit... is not of a piece with animal nature [which is] without any relation to law and the city" (103; italics added). These instances suggest how, despite deeply cogent analyses of *human* circumstances within the nation-state, biopolitical critique has not traced questions across species as much as it might have been reasonable to expect.

(16) . Pliny, *The Historie of the World, Commonly called, the naturall Historie of C. Plinius Secundus*, trans. Philemon Holland (London: Adam Islip, 1601), bk. 8, chap. 30, p. 212, and chap. 36, pp. 215–16. Reactions to the comparative weakness of human vision are discussed in chapter 4 below.

- (17) . Nicholas Jardine and Emma Spary, "The Natures of Cultural History," in *Cultures of Natural History*, ed. N. Jardine, J. A. Secord, and E. C. Spary (Cambridge: Cambridge University Press, 1996), 5.
- (18) . Milton's later *Paradise Lost* continued this practice of synthesizing hexam- eral and natural-historical/scientific material. See Karen L. Edwards, *Milton and the Natural World: Science and Poetry in Paradise Lost* (Cambridge: Cambridge University Press, 1999).
- (19) . Du Bartas, *Devine Weekes*, 192, 147.
- (20) . John Donne, "Sermon Preached before King Charles I," in John Donne, *The Major Works*, ed. John Carey (Oxford: Oxford University Press, 2000), 391.
- (21) . Du Bartas, *Devine Weekes*, 208.
- (22) . *Ibid.*, 273, 334.
- (23) . Quoted in David Norton, *A History of the English Bible as Literature* (Cambridge: Cambridge University Press, 2000), 130.
- (24) . Michel de Montaigne, "The Apologie for Raymond Sebond," in *The Essayes of Montaigne: John Florio's Translation*, ed. J. I. M. Stewart (New York: Modern Library, 1934), 541.
- (25) . Bushnell, *Tragedies of Tyrants*, 11 (citing Xenophon, *Memorabilia*, 4.6.12).
- (26) . Du Bartas, *Devine Weekes*, 334–35 (italics added).
- (27) . Here and in Genesis 1:28, the King James Version uses "have dominion" instead of "rule." See *The Holy Bible conteyning the Old Testament, and the New: newly translated out of the originall tongues:... by his Majesties speciall co[m]mandement* (London: Robert Barker, 1611), A1v. For a religious critique of dominion, see Matthew Scully, *Dominion: The Power of Man, the Suffering of Animals, and the Call to Mercy* (New York: St. Martin's, 2002).
- (28) . J. R. Hyland, *God's Covenant with the Animals: A Biblical Basis for the Humane Treatment of All Creatures* (Brooklyn, NY: Lantern Books, 2000), 73.
- (29) . Julia Reinhard Lupton, "Creature Caliban," *Shakespeare Quarterly* 51, no. 1 (2000): 1, 3. Eric Santner explores "creaturely life," though (as we have seen in Foucault and Agamben) for the modern writers he addresses, "creaturely life is a dimension of human existence" rather than a name for that life that is not exclusive to humans. *On Creaturely Life: Rilke, Benjamin, Sebald* (Chicago: University of Chicago Press, 2006), xv.
- (30) . Gen. 1:29–30. For discussion of this verse's legal force, see chapter 5.
- (31) . Martin Luther, *The Table Talk of Martin Luther*, ed. William Hazlitt (London: Bohn, 1857), 58. A posthumous compilation of sayings, the first German edition, *Tischreden oder Colloquia Doctor Martin Luthers*, was published in Eisleben in 1566 under the editorship of Johannes

Aurifaber, who studied with Luther and was serving as his private secretary at the time of Luther's death.

(32) . Edward Topsell and Thomas Muffet, *The History of Four-footed Beasts and Serpents [and] The Theater of Insects, or Lesser Living Creatures*, ed. John Rowland (London: Ellen Cotes, 1658 [1607]), A4v. Subsequent references to Rowland's introduction to his republication of Topsell appear as Rowland (1658).

(33) . Latour, *We Have Never Been Modern*, 27-29.

(34) . Du Bartas, *Devine Weekes*, 148. For a discussion of "signatures," see Michel Foucault, *The Order of Things: An Archeology of the Human Sciences* (New York: Vintage Books, 1970), 24-29.

(35) . John Calvin, *Commentaries on the Epistle of Paul to the Romans*, trans. John Owen (Whitefish, MT: Kessinger Publishing, 2006 [1849]), 304-5.

(36) . "On Good Order, and Obedience to Rulers," in *Certain sermons or homilies (1547) and A homily against disobedience and wilful rebellion (1570)*, ed. Ronald B. Bond (Toronto: University of Toronto Press, 1987), 161. This homily is attributed to Thomas Cranmer.

(37) . Richard Hooker, *Of the Laws of Ecclesiastical Polity*, ed. Arthur Stephen McGrade (Cambridge: Cambridge University Press, 1989), 60. Hooker distinguishes between "natural" and voluntary" agency; nonhumans exercise both kinds, though in a different balance than humans (59, 68, 77, 124). On the dispersal of powers suggested by diverse natures and their laws, see chapter 2; on intermittency, see chapter 4.

(38) . Justinian, *Institutes*, bk. 1, 1.2, quoted in Jean Porter, *Nature as Reason: A Thomistic Theory of Natural Law* (Grand Rapids, MI: William B. Eerdmann, 2005), 346 (italics added).

(39) . Christopher St. German, *The Dialogues in Englysshe, bytwene a Doctour of Dyvynyte and a Student in the lawes of Englande* (London: Wyllyam Myddylton, 1543), fol. 4 (chap. 2). This is believed to be St. German's own translation of his *Dialogus de fundamentis legum Angliae and de conscientia* (1528).

(40) . Gratian, *The Treatise on Laws (Decretum DD 1-20)*, trans. Augustine Thompson, with *The Ordinary Gloss*, trans. James Gordley (Washington, DC: Catholic University of America Press, 1993), 3-4.

(41) . St. German, *Dialogues in Englysshe*, fol. 2 (chap. 1) (italics added).

(42) . Cynthia Herrup, "The King's Two Genders," *Journal of British Studies* 45 (July 2006): 497.

(43) . King James VI and I, *Basilikon Doron*, in *Political Writings*, ed. Johann Som-merville (Cambridge: Cambridge University Press, 1994), 19. See also Erasmus, *Education of a Christian Prince*, 79-80.

(44) . Walter Raleigh, *The History of the World* (London: Walter Burre, 1614), 2.

(45) . Topsell, epistle dedicatory, *Foure-Footed Beastes*.

(46) . Ibid., A3v.

(47) . Ibid. A3.

(48) . Peter Harrison, *The Bible, Protestantism, and the Rise of Natural Science* (Cambridge: Cambridge University Press, 1998), 2-4 (see esp. 3n5). Harrison's account provides comprehensive analysis of religion and science in the larger context of shifting interpretive practice, tracing the eclipse of textualism in the transition from *scientia* to technoscience.

(49) . James J. Bono, *The Word of God and the Languages of Man: Interpreting Nature in Early Modern Science and Medicine* (Madison: University of Wisconsin Press, 1995), 167-68.

(50) . Nicholas Fontaine, *Memoirs pour servir à l'histoire de Port-Royal* (Cologne, Germany, 1738), quoted in Alan Carter, "Animals, Pain, and Morality," *Journal of Applied Philosophy* 22, no. 1 (2005): 17. See also Richard Ryder, *Animal Revolution: Changing Attitudes toward Speciesism* (Oxford: Berg, 2000), 53.

(51) . Cited in Steven Nadler, ed., *The Cambridge Companion to Malebranche* (Cambridge: Cambridge University Press, 2000), 42.

(52) . Harrison, *Bible, Protestantism, 4*.

(53) . Rowland, epistle dedicatory (1658), A4r-v.

(54) . Topsell, epistle dedicatory, *Foure-Footed Beastes*.

(55) . Donna Haraway, *The Companion Species Manifesto: Dogs, People, and Significant Otherness* (Chicago: Prickly Paradigm Press, 2003), 5.

(56) . John Berger, "Why Look at Animals?" *About Looking* (London: Writers and Readers, 1980), 1.

(57) . Topsell, epistle dedicatory.

(58) . Rowland, epistle dedicatory (1658).

(59) . John Calvin, *Commentaries on the Twelve Minor Prophets*, trans. John Owen (Edinburgh: Calvin Translation Society, 1846), 1:143-44.

(60) . John Donne, "To Sir Henry Wotton," in *The Complete English Poems*, ed. A. J. Smith (London: Penguin, 1986), 215, line 41, and John Donne, "Anatomy of the World," in *ibid.*, 275, line 200.

(61) . In fact the animal entitlements of Genesis were *not* wholly beyond judicial cognizance (see chapter 5). Ponet's justification of tyrannicide must invoke an implicit right: "Now forasmuche

as ther is no expresse positive lawe for punishement of a Tyranne among christen men, the question is, whether it be lawfull to kill" one (*Short Treatise*, chap. 6, Giiir).

(62) . Du Bartas, *Devine Weekes*, 146, 145, 208.

(63) . As Erica Fudge and Karen L. Raber have carefully demonstrated, debates about animal reason served to convey substantial evidence that they did, despite this moniker. See Fudge, *Brutal Reasoning: Animals, Rationality, and Humanity in Early Modern England* (Ithaca, NY: Cornell University Press, 2006), and Raber, "'Reasonable Creatures': William Cavendish and the Art of Dressage in Early Modern England," in *Renaissance Culture and the Everyday*, ed. Patricia Fumerton (Philadelphia: University of Pennsylvania Press, 1998), 42-66.

(64) . Derrida, *The Animal That Therefore I Am*, 48.

(65) . Agamben, *Homo Sacer*, 1-2.

(66) . Aristotle, *The Politics*, bk. 1, 1253a, in *The Politics and The Constitution of Athens*, ed. Stephen Everson (Cambridge: Cambridge University Press, 1996), 13. To opposite effect, Alice Kuzniar observes the powerful force of shame among pack animals, contradicting the idea of an exclusively human sense of right and wrong. See Kuzniar, *Melancholia's Dog: Reflections on Our Animal Kinship* (Chicago: University of Chicago Press, 2006), 71-72. As Foucault reflects, contemplating the rise of biopolitics and an end of traditionally conceived politicity, "for millennia, man remained what he was to Aristotle: a living animal with the additional capacity for political existence; modern man is an animal whose politics place his existence as a living being in question." Foucault, *The History of Sexuality*, vol. 1, *An Introduction*, trans. Robert Hurley (New York: Vintage Books, 1990 [1976]), 143.

(67) . Montaigne, "Apologie," 399. For an account of this epistemological dilemma second only to Montaigne's, see Thomas Nagel, "What Is It Like to Be a Bat?" *Philosophical Review* 83, no. 4 (October 1974): 435-50.

(68) . Thomas Aquinas, *Summa Theologica*, question 64, article 1, cited in Andrew Linzey, *Animal Theology* (Urbana: University of Illinois Press, 1995), 14. Christian thought often holds cruelty to animals disrespectful of their divine origins, but the obligation is to God, not animals. See Keith Thomas, *Man and the Natural World: Changing Attitudes in England, 1500-1800* (Oxford: Oxford University Press, 1996 [1983]), 155-58, and Erica Fudge, *Perceiving Animals: Humans and Beasts in Early Modern English Culture* (Urbana: University of Illinois Press, 2002 [1999]), 143-66.

(69) . Thomas Hobbes, *Leviathan*, ed. Richard Flathman and David Johnston (New York: Norton, 1996), 77.

(70) . Emmanuel Levinas, "The Name of a Dog," in *Difficult Freedom* (Baltimore: Johns Hopkins University Press, 1990), 151-53, and Levinas, interview, *Animal Philosophy: Essential Readings in Continental Thought*, ed. Matthew Calarco and Peter Atterton (London: Continuum, 2004), 49-50. For more detailed analysis of this paradox in Levinas, see chapter 5 below.

(71) . Jacques Derrida, *The Beast and the Sovereign*, trans. Geoffrey Bennington (Chicago: University of Chicago Press, 2009).

(72) . Thomas, *Man and the Natural World*, 50. Thomas gives an extensive sample of “official attitudes” in early modernity into the eighteenth century (17–25). See also Fudge, *Perceiving Animals*, especially the discussion of the bear garden (11–33).

(73) . Calvin, *Commentaries on the Epistle of Paul to the Romans*, 305.

(74) . John Calvin, *Commentaries on the Book of Genesis*, trans. John King (Edin-burgh: Calvin Translation Society, 1847), 1:96 (italics added). See also *A Commentarie of John Calvine, upon the first booke of Moses called Genesis*, trans. Thomas Tymme (London: John Harison and George Bishop, 1578): “For he made him Lorde of the world, and made the beasts expressly subject unto him: who bicause they have their proper obedience assigned them, seeme not to be under the rule and becke of others” (45).

(75) . The hoped-for helpmeet does not materialize, and God proceeds on that bump-ier course we know so much more about: Plan B, the creation Eve, not of earth, but from Adam’s rib (Gen. 2:21–23). We may see the inadequacy of animals in this or the proximity of Eve to animals, whose anticipated role she fills here as a second try. Theologically, a recurrent if not fully mainstream question was posed about the humanity of women. See Ian Maclean, *The Renaissance Notion of Woman* (Cambridge: Cambridge University Press, 1980), 12–14. Much of this debate centered on whether Adam and Eve were equally formed in the image of God. In 1558 John Knox (citing Augustine) answers this tricky dilemma by reference to species difference: “Woman (saith he) compared to other creatures is the image of God, for she beareth dominion over them; but compared unto man, she may not be called the image of God, for she beareth not rule... over man, but ought to obey him.” Knox, *The First Blast of the Trumpet against the Monstrous Regiment of Women in On Rebellion*, ed. Roger Mason (Cambridge: Cambridge University Press, 1994), 17. Interestingly, at the mid-seventeenth century, Milton justifies the failure of an animal helpmeet by having Adam challenge God: “Among unequals what society / Can sort, what harmony or true delight?” and he instructs God that “of fellowship I speak / Such as I seek, fit to participate / All rational delight, wherein the brute / Cannot be human consort” (*Paradise Lost*, 8.383–84, 8.389–92).

(76) . “Let every soule be subject unto the higher powers” (Rom. 13:1).

(77) . Du Bartas, *Devine Weekes*, 168, 224, 334.

(78) . Calvin, *Commentaries on the Book of Genesis*, 1:290. The 1578 English version reads: “Beastes, after the fall of man, became more fierce and cruell” (217); Du Bartas, *Devine Weekes*, 167.

(79) . At a practical level, the early modern diet was unabashedly carnivorous. Constraints on it were normally due either to economics or to various food asceticisms (whether heretical or orthodox). As references to Pythagoras (i.e., the doctrine of the transmigration of souls and the diet it suggested) commonly indicate, vegetarianism was shorthand for lunacy. See Ken Albala,

*Eating Right in the Renaissance* (Berkeley: University of California Press, 2002), 16. For humanist readers (such as Montaigne), however, Plutarch's vivid essay against meat eating surely provoked reflection, if not changed habits: "But you demand of mee, for what cause Pythagoras abstained from eating flesh? And I againe do marvell, what affection,... or what motive or reason had that man, who first approched [*sic*] his mouth unto a slaine creature, who durst with his lips once touch the flesh of a beast either killed or dead; or how he could finde in his heart to be served at his table with dead bodies... which a little before did blea, low, bellow, walke, and see." Plutarch, *The Philosophie, commonlie called, The Morals*, trans. Philemon Holland (London: Arnold Hatfield, 1603), 572. Making a larger argument about how meat eating both establishes and erodes human status, Erica Fudge clarifies the reasons that scriptural support for vegetarianism was largely ignored in the Reformation. She shows that carnivorousness was handled as a memento mori and index of human corruption. "The eating of meat held a more powerful position in theo- logical terms than any attempt to regain the vegetarian innocence of Eden. A return to purity—a refusal of meat—would take away a point of humiliation for humans that was vital to their understanding of their place in the universe." See Erica Fudge, "Saying Nothing concerning the Same: On Dominion, Purity, and Meat in Early Modern England," in Fudge, ed., *Renaissance Beasts: Of Animals, Humans, and Other Wonderful Creatures* (Urbana: University of Illinois Press, 2004), 75.

(80) . Calvin, *Commentaries on the Book of Genesis*, 1:291. The 1578 text reads: "Men may enjoy the beastes to their owne commoditie, and may applie them to divers uses for their necessitie" (218).

(81) . Thomas Smith, *De republica Anglorum*, ed. Mary Dewar (Cambridge: Cambridge University Press, 1982), 55.

(82) . Martin Luther, *Lectures on Genesis 6-14*, trans. George Schick, in *Luther's Works*, ed. Jaroslav Pelikan (St. Louis: Concordia Publishing, 1960), 2:132; see also discussion in Scott Ickert, "Luther and Animals: Subject to Adam's Fall?" in *Animals on the Agenda*, ed. Andrew Linzey and Dorothy Yamamoto (Urbana: University of Illinois Press, 1998).

(83) . Martin Luther, "The Fourth Sunday after Trinity," in *Luther's Epistle Sermons: Trinity Sunday to Advent*, trans. John Nicholas Lenker (Minneapolis: Luther Press, 1909), 3:105.

(84) . Luther, *Lectures on Genesis 6-14*, 132.

(85) . Calvin, *Commentaries on Genesis*, 1:290.

(86) . Martin Luther, *Lectures on Genesis 1-5*, in *Luther's Works*, ed. Jaroslav Pelikan (St. Louis: Concordia Publishing House, 1958), 1:67 (italics added).

(87) . Calvin, *Commentaries on the Book of Genesis*, 1:290. The 1578 text reads: "And no marvell: for seeing we are disobedient unto God, why should not the beastes rebell against us?" (218).

(88) . Du Bartas, *Devine Weekes*, 334 (italics in original); John Donne, "Holy Sonnet 12," in *Complete English Poems*, 313-14, lines 5-6.

(89) . Johan Ferrarius, *A Woorke of Joannes Ferrarius Montanus, touching the good orderynge of a commonweale*, trans. William Bavande (London: John Kingston, 1559), fol. 169, quoted in Bushnell, *Tragedies of Tyrants*, 50.

(90) . Calvin, *Commentaries on the Book of Genesis*, 1:99. Passages from the 1578 text read: "He had possession of his right" and "lawfull," and "Therefore I thinke it shall be better if we say nothing concerning the same" (48).

(91) . *Ibid.*, 291–92. The 1578 text reads: "Seeing they killed before beastes to offer sacrifice unto God, & seeing it was lawfull for them so to do, and of their skins, to make them garments & tentes: I see not what should debarre them from the eating of flesh" (219), and "Nowe we must holde fast that libertie, whiche the LORD hath given unto us" (220). Luther agrees substantially with Calvin: although "for Adam it would have been an abomination to kill a little bird for food," the dispensation after the Flood "make[s] up, as it were, for the great sorrow that pious Noah experienced" and is a sign of God's compassion (for people). Luther, *Lectures on Genesis 6–14*, 133–34.

(92) . Luther, *Lectures on Genesis 6–14*, 133; Luther, *Table Talk*, 58.

(93) . Preserved Smith, *The Life and Letters of Martin Luther* (Boston: Houghton Mifflin, 1914), 360–61. (The birds' argument prefigures the precise moral of *To Kill a Mockingbird*.) Nevertheless, Luther surely savored his meats: in one letter concerning a banquet for the doctoral achievement of one of his students, he urges, "Buy us all sorts of birds and fowls of the air, and whatever else is subject to man's dominion and lawful to eat in the aerial kingdom of feathers—but not crows.... Moreover, if you can buy or catch... any hares... send 'em on, for we are minded to satisfy your stomachs for once, especially if it can be done with malt liquor" (357).

(94) . Luther, *Lectures on Genesis 1–5*, 52.

(95) . Calvin, *Commentaries on the Epistle of Paul to the Romans*, 305 (italics added); on the typicality of the metaphor in Calvin, see Peter A. Huff, "Calvin and the Beasts: Animals in John Calvin's Theological Discourse," *JETS* 42, no. 1 (March 1999): 67–75; Luther, *Lectures on Genesis 1–5*, 117.

(96) . Roland H. Bainton, "Luther on Birds, Dogs, and Babies," in Bainton, *Studies in the Reformation* (Boston: Beacon Press, 1963), 71–72. See also Luther, *Table Talk*, 322.

(97) . Christopher Marlowe, *Edward II*, in *The Complete Works of Christopher Marlowe*, ed. Fredson Bowers (Cambridge: Cambridge University Press, 2008), 4.1.4–8; Shakespeare, *Macbeth*, 4.3.105, 5.8.70.

(98) . Ponet, *Short Treatise*, chap. 6, Giiv (italics added). For a comprehensive account of how hunting enacted human dominion at a practical and ritual level, see Edward Berry, *Shakespeare and the Hunt: A Cultural and Social Study* (Cambridge: Cambridge University Press, 2001). For an attentive exploration of the ranging cultural symbolics of bear baiting, see Rebecca Ann Bach, "Bearbaiting, Dominion, and Colonialism," in *Race, Ethnicity, and Power in the*

*Renaissance*, ed. Joyce Green Macdonald (Madison, NJ: Fairleigh Dickinson University Press, 1997), 19–35.

(99) . Hubert Languet (more likely Philippe Duplessis-Mornay), *Vindiciae, contra tyrannos*, trans. George Garnett (Cambridge: Cambridge University Press, 1994), 146. *Contra tyrannos* was published in Basel in 1579 but circulated earlier.

(100) . Etienne de la Boétie, *Servitude volontaire* (1548 manuscript), published as *The Politics of Obedience: The Discourse of Voluntary Servitude*, trans. Harry Kurz (Au-burn, AL: Ludwig van Mises Institute, 2008), 52.

(101) . *Ibid.*, 57 (italics added) (here La Boétie draws from Plutarch, as discussed in chapter 3 below).

(102) . Calvin, *Commentaries on the Book of Genesis, 1:291*.

(103) . Erasmus, *Praise of Folly*, ed. and trans. Betty Radice (New York: Penguin Books, 1993), 53 (italics added).

(104) . La Boétie, *Servitude volontaire*, 57–58. Animal training manuals understood the Genesis story to define their challenge. Of the horse, Michael Baret explained: “Although God gave unto Horses such excellent qualities at their Creation, now are they changed in their use and are become disobedient to man, and therefore must be subjected by Art.” Baret, *Hipponomie*, 7.

(105) . See Blair Worden, *The Sound of Virtue: Philip Sidney's Arcadia and Elizabethan Politics* (New Haven, CT: Yale University Press, 1996), 267; see also Andrew Hadfield, *Shakespeare and Republicanism* (Cambridge: Cambridge University Press, 2005), 87.

(106) . See Hadfield, *Shakespeare and Republicanism*, 87–89; Worden, *Sound of Virtue*, 266–80; and Annabel Patterson, *Fables of Power: Aesopian Writing and Political History* (Durham, NC: Duke University Press, 1991), 67–75.

(107) . Philip Sidney, *The Countess of Pembroke's Arcadia (The Old Arcadia)*, ed. Katherine Duncan Jones (Oxford: Oxford University Press, 1999), 221–25; line numbers for “Ister Bank” shown above refer to this edition.

(108) . Plato, *Protagoras*, trans. Stanley Lombardo and Karen Bell (Indianapolis: Hackett, 1992), 321a–321c.

(109) . Fudge, *Perceiving Animals*, 79, 80.

(110) . For a contemporary version, see Margaret Atwood, “The Animals Reject Their Names and Things Return to Their Origins,” in *The Tent* (New York: Anchor Books, 2006), 77–84.

(111) . Erasmus, *Education of a Christian Prince*, 30.

(112) . Luther, *Sermons 1*, trans. John Doberstein, in *Luther's Works*, ed. Helmut Lehmann (Philadelphia: Muhlenberg Press, 1959), 51:10.

(113) . Nicholas Breton, *The Works in Verse and Prose of Nicholas Breton*, ed. Alexander Grosart (Lancashire, UK: Chertsey Worthies Library, 1879), 2:22.

(114) . George Gascoigne, *The Noble Arte of Venerie or Hunting* (London: Henry Bynneman for Christopher Barker, 1576), 359–61. Poems in the voice of the hart, hare, otter, and fox stand out for figuring an animal perspective on man; chapter 3 below discusses the “happy beast tradition” on which they draw.

(115) . Isaak Walton, *The Compleat Angler* (New York: Dover, 2003 [1653]), 32.

(116) . Topsell, *Foure-Footed Beastes*, 444–46.

(117) . Gascoigne, *Noble Arte*, 359–61.

(118) . *Ibid.*, 176–77.

(119) . *Ibid.*, 136–40.

(120) . Early modern notions refer variously to questions of character or cruelty in holding an office and unlawful methods of obtaining it. See Smith, *De republica Anglorum*, chaps. 7–9. See also Bushnell's account of Greek psychological versus legal models (*Tragedies of Tyrants*, 10–11).

(121) . Michel de Montaigne, “Of Cruelty,” in *Essayes*, 383.

(122) . *Ibid.*, 384.



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