



Strathprints Institutional Repository

Fudge, Erica, ed. (2006) *Killing animals*. University of Illinois Press, Urbana and Chicago. ISBN 9780252072901

Strathprints is designed to allow users to access the research output of the University of Strathclyde. Copyright © and Moral Rights for the papers on this site are retained by the individual authors and/or other copyright owners. You may not engage in further distribution of the material for any profitmaking activities or any commercial gain. You may freely distribute both the url (<http://strathprints.strath.ac.uk/>) and the content of this paper for research or study, educational, or not-for-profit purposes without prior permission or charge.

Any correspondence concerning this service should be sent to Strathprints administrator: <mailto:strathprints@strath.ac.uk>

Draft: appeared as 'Two Ethics: Killing Animals in the Past and the Present' in *Killing Animals*, The Animal Studies Group ed. (University of Illinois Press: Urbana and Chicago), pp.99-119.

Two Ethics: Killing Animals in the Past and the Present

Erica Fudge

In Man and the Natural World Keith Thomas stated that "In the case of animals what was normally displayed in the early modern period was the cruelty of indifference. For most persons beasts were outside the terms of moral reference. ... It was a world in which much of what would later be regarded as 'cruelty' had not yet been defined as such." As evidence Thomas cites the popularity of baiting, hunting, cock-fighting, hawking, the fairground contest of biting the heads off live chickens or sparrows, and bull-running. As well as these 'sports' Thomas lists as his evidence schoolboy games that included flaying live frogs, stoning dogs and throwing chickens into pike-infested ponds.¹ What emerges from just these few pages of a lengthy book is a vision of a world of savagery and, as he notes, grotesque indifference to animal suffering.

In this essay I will argue, however, that to state as Thomas does that animals were "outside the terms of

moral reference" is to fail to fully examine the nature of the ethical context of the early modern period, and, as such, is to write off those events listed as evidence of a lack of a concept of cruelty to animals as mere barbarity rather than as important indicators of a complex attitude to animals. And, it is worth noting, a claim for the savagery of the period, which is implied in Thomas' statement, would also remove those elements of early modern culture that we do not regard as savage-- Shakespeare's plays, the poetry of John Donne, and so on--from one aspect of their historical context. In this essay I will argue that in early modern England the ethical context of human relationships with animals--and in particular, the killing of animals--was much more complex than Thomas allows for. I will also argue that recognizing this complexity might allow us to re-evaluate not only the early modern period, but also modern human/animal relations. I begin with what is the central mode of ethics in the period, I will then shift my focus, as numerous early modern thinkers did, to trace another ethic that undercuts Thomas' assertion and offers another way of thinking about the past.

Self-Serving Kindnesses

Philip P. Hallie proposes a useful title for what is the most orthodox ethical framework in the early modern period: "Inward Government" theory. This theory--emerging from the classical as well as the Christian tradition--proposes that "a good person is one whose passions are under control of his reason. To be good one's soul must be a harmonious, smoothly running state with reason at its head. To be good is to be self-controlled, or rather reason-controlled."² Such a theory was based upon a belief in a struggle between the body and the soul, the flesh and the spirit in every human, and it was the passions--the appetites of the body rather than the mind--that must be controlled. These passions, in the words of Nicholas Coeffeteau, "reside onely in the sensitive appetite, and ... they are not fashioned but in the irrationall part of the soule."³ To live through direction only of one's passions (which include such things as love, hatred, desire, pleasure and fear) without using one's mind was, in this theory, to descend to the level of the beast, and this descent was literal, not merely metaphorical. The key division in "Inward Government" theory was between human and animal and was based upon an analogous binary: the possession or lack of reason. Animals, so the tradition argues, lack reason, and therefore lack self-awareness and self-control. Humans possess reason, and should therefore exercise it in self-awareness and self-

control. It is the role--perhaps a better word would be duty--of the human to ensure that they are self-controlled; that they govern their urges and live reasonably.

Within this theoretical framework, animals are the absolute other; despite the prospect of the human becoming a beast, animals are perceived to have no community with humans. They are the things against which humans position themselves (there is, as I discuss later, a difference between being a human being beastly and being an animal). But the theory uses this opposition of human and animal to reiterate the centrality of not merely humanity, but the individual human; the self. The focus is not upon the community as a whole--the government of others--as much as it is about the government of one's own being (although the former can emerge out of the latter--a tyrant rules through passion rather than reason).⁴ In discussions of cruelty, for example, writers do not deal with the moral patient--the individual suffering--but instead focus on the moral agent--the individual being cruel--and as such self-control, not suffering, is key. This is something that can be traced in a text that had a massive influence on Renaissance thinking: Seneca's De Clementia.⁵

Seneca's work was translated into English by Thomas Lodge in 1614 as A Discourse of Clemencie. In it Seneca

writes: "Cruelty is humane evil, it is unworthy so
milde a minde: this is a beast-like rage to rejoice in
blood and wounds, and laying by the habit of a man, to
translate himself to a wilde beast."⁶ No mention is made
here of the individual suffering the infliction of
cruelty: the effect of cruelty is discussed only in
relation to its impact upon the moral agent, the person
being cruel. The cruel man becomes, for Seneca, a "wilde
beast"; this is not mere exaggeration or imagery, but the
transformation is logical: because he has ceased to use
his reason, has become unreasonable, the distinction
between human and animal that underpins Seneca's (and so
many others') work has broken down, and the cruel self
therefore is--logically--translated into the beast.

Such an "egocentric theory" (Hallie's phrase) is
central to numerous writings in early modern England, and
it finds a clear illustration in texts that look at the
human relationship with animals. Many of these take as
their source not only classical ideas but also the work
of the thirteenth-century theologian Thomas Aquinas, in
which classical and Christian thought were brought
together. Aquinas took from Plato and Aristotle a belief
that within God's creation there is a chain of being
which organizes that world. Arthur O. Lovejoy, quoting
from Aristotle, has defined such a "conception of the
universe" as one in which there was

an immense, or ... an infinite, number of links ranging in hierarchical order from the meagerest kind of existents, which barely escape non-existence, through 'every possible' grade up to the ens perfectissimum--or, in a somewhat more orthodox version, to the highest possible kind of creature, between which and the Absolute Being the disparity was assumed to be infinite--every one of them differing from that immediately above and that immediately below it by the 'least possible' degree of difference.⁷

Human superiority to animal is, as in "Inward Government" theory, based on possession of reason, while animal superiority to plant is based on the capacities for movement and perception (these are the degrees of difference). Both of these forms of superiority are presented as natural, and are evidenced in use: Aquinas states "It is, therefore, legitimate for animals to kill plants and for men to kill animals for their respective benefit." In fact, that legitimacy is regarded as a natural duty: as Dorothy Yamamoto succinctly presents it, for humans in Aquinas' theory "there is no sin in killing animals. In fact, to refuse to eat meat is to spurn the careful provisions which God has made to sustain human

life on earth."⁸ But this is not the end of the uses of animals given to humans on the basis of their superiority, and in a passage only a couple of pages after the above quotation from Aquinas, it seems that so superior is the human, the distinction between animal and plant appears to disappear. Aquinas writes: "He who kills another's ox does indeed commit a sin, only it is not the killing of the ox but the inflicting of proprietary loss on another that is the sin. Such an action is, therefore, included not under the sin of homicide but under that of theft or robbery."⁹ Killing an ox, it would seem, is little different from, say, stealing a cart.

However, even as he appears to present animals as mere objects, there is, in Aquinas' theory, the possibility of kindness, but this kindness, once again, does not represent a vision in which animals are humans' moral equals, far from it. Animals, Aquinas writes, can be "loved from charity as good things we wish others to have, in that by charity we cherish this for God's honour and man's service."¹⁰ That is, animals should be cared for, not for their own sakes, but for the sake of their owners, or of God. This perception of animals is taken up in England in the early modern period, and a summary is offered that is clear, to the point, and wholly in keeping with "Inward Government" theory: in his 1612

sermon Mercy to a Beast John Rawlinson wrote "Save a beast's life and save a mans."¹¹

Taking, like Rawlinson, their lead from Aquinas and from Proverbs 12:10--"a righteous man regardeth the life of his beast"--numerous other early modern theologians were led into discussions of the moral responsibility of humans towards animals, but their discussions remain strangely--although logically--egocentric, self-interested. Writing in 1589 Thomas Wilcox stated: "hee is mercifull, if to beastes, much more to men."¹² Likewise in 1592 Peter Muffett wrote, "if he be so pitifull to his beast, much more is he mercifull to his servants, his children, and his wife."¹³ Here, we have a glimpse of the natural world in microcosm, of a domestic chain of being: animals are at the bottom, with the master/father/husband at the top. However, even in this inferior position animals are still perceived to be within the moral compass of humanity, but for a particular reason: becoming inured to viciousness to animals, so the Thomist argument goes, makes one more likely to be vicious to humans, something that would endanger not only other humans (a concern, but not the most important one here) but also one's own immortal soul (the greatest concern of all).

Keith Thomas has labeled this early modern perception of animals as beings within the moral compass

of humanity as a "new attitude," and argues that it is paradoxical that such a vision should come from "the old anthropocentric tradition."¹⁴ What he fails to take full notice of is that, not only do the "new" ideas merely repeat what can be found in the much older Thomist model, but that they remain absolute in their anthropocentrism. Kindness to animals is asserted, not because animals deserve to be treated with kindness, but because it is self-serving: as Joseph Hall wrote, "The mercifull man rewardeth his owne soule; for Hee that followeth righteousnesse and mercy, shall find righteousnesse, and life, and glory; and therefore, is blessed for ever."¹⁵

But, there is something that can be labeled as "new" in early modern English ethics, something that Thomas doesn't fully take notice of. In fact, he seems, initially, to dismiss out of hand the importance of the work of those thinkers--Montaigne and his followers--who can be traced as a source of this new ethic in England in the early seventeenth century: "most contemporary readers", Thomas writes, "would have thought them extravagant nonsense."¹⁶ This dismissal of the influence of ideas voiced by Montaigne comes in part, I think, because Thomas regards what he terms the "new sensibility"--what might actually be called the 'generous anthropocentrism' of Thomism--as a positive enough response. But the other proposal about animals that gets

such short shrift from Thomas comes from another way of looking at the world. This is not a focus upon inward government, rather the gaze is outside of the self, and onto the other, and that other, it turns out, can be an animal.

The Community of the Self

Montaigne's essay "Of Cruelty" was first published in 1580 and expanded as Montaigne returned to his essays between 1580 and 1588. It is, so Hallie argues, "one of the most powerful essays on ethics ever written. ... In a few pages it manages to explore and explode one of the main traditions in the history of man's thought about good and evil, and then--again with remarkable brevity-- it makes a statement about ethics that illuminates and gives vitality to the usually heartless abstractions of Western ethics."¹⁷ What Montaigne does that is so remarkable at that date is turn away from the self that is central to inward government theory and look instead at the other, at the individual on whom cruelty is inflicted. But as if this turn in itself was not noteworthy enough Montaigne goes further, and makes the crucial distinction in his worldview not reason but sentience; not the ability to rationalize the world but the capacity to feel in it. He argues "Savages do not

shock me as much by roasting and eating the bodies of the dead as do those who torment them and persecute them living."¹⁸ The reason for this statement is clear: at least the bodies that are cannibalized are already dead, while those that are tortured still live, and are therefore able to feel. He cannot even look, he writes, "on the executions of the law, however reasonable they may be ... with a steady gaze." Punishment should be, instead, upon the bodies of dead criminals not live ones, "against the shell, not the living core."¹⁹

This emphasis on sentience rather than reason, on the capacity to feel rather than the capacity to rationalize, inevitably leads Montaigne to a discussion of animals. "I have not even been able without distress to see," he writes, "pursued and killed an innocent animal which is defenseless and which does us no harm." His distress is not sentimental, however--that is, it is not emotional or anthropomorphic--it is based on this new logic. He writes of animals: "There is some relationship between them and us, and some mutual obligation."²⁰ The fact of the relationship leads, for him, logically to a sense of obligation; animals, unlike the dead bodies of humans, are sentient, and can, if only by basic means, communicate their suffering. There is, on this basis, recognition, and from that recognition should come society, fellow-feeling. Montaigne writes that when, in

the hunt, "the stag, feeling himself out of breath and strength, having no other remedy left, throws itself back and surrenders to ourselves who are pursuing him, asking for our mercy by his tears ... that has always seemed to me a very unpleasant spectacle."²¹ The spectacle is unpleasant because the stag can communicate its suffering, or rather, because Montaigne is willing to believe that what is being communicated in the tears in the eyes of the stag can--and must--be interpreted as suffering. Where in inward government theory the focus was on the beast within--the unreasonable part of that reasonable creature, the human--for Montaigne, the focus is upon the creature outside of us.²²

While in Montaigne's work there is a turning away from assertions of human superiority and the significance of the rule of reason that is rare in this period, his inclusion of animals within the human moral framework can be found in other writers. Strangely, in relation to his earlier dismissal of the influence of Montaigne on English ethical thinking, Thomas seems to change his mind when he notes not only that Montaigne's Essais were translated into English twice during the seventeenth century, but also that "Many shared the view expressed by Montaigne" in "Of cruelty."²³ Thomas' ambivalence towards the power and influence of Montaigne's attitude to animals is not unusual. Numerous critics of Montaigne

have also refused to take his views in and of themselves wholly seriously. In his study of the ethical and political themes in Montaigne's Essais, for example, David Quint writes: "The essayist will advocate kindness toward animals less because of sentimental notions of creaturely kinship, than because 'humanity' separates us from the cruelty of an animal world of predators and victims--which the hunt too closely resembled. Our capacity for humanity counters our bestial instinct to inhumanity."²⁴ Quint here seems to be reading Montaigne as an inward government theorist, and is ignoring the fact that in the longest of his Essais, "Apology for Raymond Sebond," Montaigne writes, "We recognize easily enough, in most of their works, how much superiority the animals have over us, and how feeble is our skill to imitate them."²⁵ Such a statement as this (and there are numerous other similar ones) goes against the interpretation of animals as images of predation and violence that Quint proposes. And, because he ignores this aspect of Montaigne's work, Quint has nothing further to say about Montaigne's attitude towards animals.

Another refusal to take Montaigne's vision of animals wholly seriously can also be traced in The Happy Beast in French Thought of the Seventeenth Century, George Boas' study of Montaigne and his followers. Boas regards Montaigne's "theriophily" (love of animals) as an

exercise within the popular "genre of the Paradoxes," in which writing was "for literary effect and not for demonstrating truth."²⁶ Animals are, it would seem, merely part of a literary game that Montaigne is playing, they are never real animals. It is as if, so often, critics are unwilling to contemplate the possibility that a key thinker of the early modern period might have something radical (still radical) to say about nonhuman beings. It is as if it is not quite possible to reconcile the centrality of Montaigne with the perceived marginality of thinking about animals. This is not a view that was shared in Montaigne's own time. Sir William Cornwallis, for example, wrote in 1610 of Montaigne's "womanish" discussion of the "death of birdes and beasts"; "alas this gentleness of Nature is a plaine weakenesse."²⁷ There is nothing to suggest in this dismissal that Cornwallis didn't take Montaigne at his word, that he didn't read Montaigne's views about animals as serious. It's just that he didn't agree with them.

However, I also want to argue that Montaigne's views about animals are worth taking seriously, and that to dismiss them is to undermine the coherence of his wider ethical statements. As well as this I want, as a historian, to take Montaigne's views seriously because there is evidence that his ideas were taken up by a number of writers in England, and that while it is

difficult to attribute them at origin directly to Montaigne, these writers do reiterate arguments that are present in the Essais. What perhaps links Montaigne to these English writers is not nationality or religion--the works that follow are by English Protestants while Montaigne was a French Catholic--but the sense in which it is the everyday rather than the abstract that is the focus. Where Seneca detailed cruelty as an abstract concept, Montaigne wrote not only about the concept, but about actual events, often events that he was directly involved with. Likewise, the English writers I will look at are writing manuals to direct everyday living, are giving sermons to address ordinary concerns. They come from a background in theology, certainly, but for them the Bible is the source of ethics, and ethics, for Joseph Hall, one of the most renowned sermonizers of the age, is "a Doctrine of wisdom and knowledge to live wel. ... the end wherof is to see and attaine that chiefe goodness of the children of men".²⁸ We are dealing with what might be termed good lives, not just with the inward government theory's focus on good selves. Although the two--good lives and good selves--are inseparable, in Montaigne's new ethics a good life must take note of the world in which it is lived, it must include in its contemplation not only its own actions, but also the impact of those actions on other beings in that world. This is very

different from attempting to attain a good self. But, as well as emphasizing the importance of Montaigne's attitude to animals, it is also possible to see how another context made the notion of the community of all creatures more acceptable than might be expected in early modern England.

The Other Ethics

During the sixteenth and early seventeenth centuries natural philosophy, the study of the natural world, was a very different practice from modern zoological or ethological investigations. On one level the natural world was studied, not because it was of interest in itself, but because it offered a further understanding of the creator. In his Historie of Foure-Footed Beastes, for example, Edward Topsell, a cleric, proposed that animals were created in order "that a man might gaine out of them much devine knowledge, such as is imprinted in them by nature, as a tipe or spark of that great wisdom whereby things were created."²⁹ What follows in this lengthy text is an attempt to outline the workings of God through an analysis of animals, and the implication of that intention was, as Peter Harrison has written, that "the literary context of the living creature was more important than its physical environment. Animals had a

'story', they were allocated meanings, they were emblems of important moral and theological truths." As well as this, another early modern conception added to the meaning of the natural world. This conception emphasized animals' connection with humans: as Harrison notes, the human was perceived as "an epitome of all the animals. Birds and beasts could thus symbolise distinct passions, virtues and vices."³⁰ The cunning of a fox, the loyalty of a dog, the timidity of a hare, all of these apparently pre-determined animal behaviors were used to explain more generally the concepts of cunning, loyalty and timidity in humans.

In these terms, animals were represented as meaningful and recognizable to humans. To offer just one example, Topsell begins his chapter "Of the Elephant" with the following statement: "There is no creature among all the Beasts of the world which hath so great and ample demonstration of the power and wisdom of almighty God as the Elephant: both for proportion of body and disposition of spirit." The spirit of this animal includes, in Topsell's analysis, its generosity: "They are so loving to their fellows, that they will not eat their meat alone, but having found a prey, they go and invite the residue to their feastes and cheere, more like to reasonable civill men, then unreasonable brute beasts."³¹ Here, a mere animal is presented as being

capable of the "civill" behavior that humans so frequently fail to display. As such, the elephant offers to Topsell's readers a vision of how a good human might behave. God has sent this sign, and the natural philosopher's argument is that humans should learn to interpret it correctly, and from that interpretation become better--more Godly--people.

The outcome of this understanding of the study of animals is, then, that animals are often anthropomorphized. The male bear, to offer another example, has the decency to leave the female bear alone when she is pregnant, and the clear meaning of this zoological 'fact' is that male humans should act in the same way towards pregnant women.³² What this anthropomorphism does is reduce the distance between humans and animals. Animals remain lesser beings--their virtuous behavior is not willed, it comes from natural instinct rather than a process of moral decision making, also known as reason--but the naturalness of an animal's virtue reinforces the need for humans themselves to be virtuous. "For yf," as the translation of one French text of 1585 presented this argument, "the beastes do better their office accordyng to their nature, then men doe theirs, they deserve more to be called reasonable, then men."³³

This sense in natural philosophy of the closeness of humans and animals feeds into other discourses and offers, I suggest, a context into which Montaigne's assertion of the human community with animals may have comfortably fit. When tracing Montaignean ideas in England, then, we are tracing not only the emergence of a new ethic, but also recognition that this new ethic was not absolutely at odds with pre-existing ideas in a different discourse. What both have in common is the assertion that it is through animals that humans can live good, ethical lives.

Robert Cleaver's A Plaine and Familiar Exposition of the Eleventh and Twelfth Chapters of the Proverbes of Salomon (1608) begins to show how a shift in focus from the good self to the good life might manifest itself in ethical discussion. Looking at Proverbs 12.10 once again, Cleaver writes:

Mercy is to be shewed not onely to men, but to the unreasonable creatures also. As all creatures doe taste of, and live by the abundant liberality and bountifulness of Gods hand, so would he have them to feele by sense, though they cannot discern it by reason, that there is also care for them and compassion in his children.³⁴

Here animals' lack of reason is regarded as a lack (in this Cleaver is very different from Montaigne) but that lack is not all that is regarded. Instead, and more like Montaigne, Cleaver asserts animals' ability to feel as the more important ethical point. It is for this reason that humans are to show mercy to them. By acknowledging the sentient nature of animals--their God-given capacity to feel in the world--Cleaver shifts his ethics to allow for this fact. Reason is not all that is worth recognizing.

A different aspect of Montaigne's thought can be traced in Joseph Hall's 1625 discussion of Balaam and his ass (Numbers 22.21-33). Hall begins with the miracle of the speaking ass "whose common sense is advanced above the reason of his rider," and argues that this is an example of the power of the Almighty: "There is no mouth, into which God cannot put words: and how oft doth hee choose the weake, and unwise, to confound the learned, and mighty." This theological discussion, however, leads to something very different. The theory, in fact, leads, as it often does in Montaigne's work, to something much more practical. Hall writes:

I heare the Angell of God taking notice of the cruelty of Balaam to his beast: His first words to the unmercifull prophet, are in expostulating of

this wrong. We little thinke it; but God shall call us to an account for the unkind and cruell usages of his poore mute creatures: He hath made us Lords, not tyrants; owners, not tormenters.³⁵

Nothing, it seems, could be more different from the Thomist perspective. Here, cruelty to animals is something that is not a path to sin (Aquinas' view) but is sinful in and of itself. Animals, not the owners of the animals in this interpretation can be worthy recipients of kind acts by moral agents. In this Hall has moved the boundaries of community; has included animals within his moral framework. He continues, however: "hee that hath given us leave to kill them, for our use, hath not given us leave to abuse them, at our pleasure; they are so our drudges, that they are our fellowes by creation."³⁶ This seems to return to Aquinas' sense that animals are on earth to serve humans, but here Hall is making an important distinction. While it is acceptable to kill animals for use--that is, that their role as our "drudges" will include them being our meat and clothing as well as our servants--animals are not to be the victims of our pleasure, that is, they are not to be killed for no practical reason. Animals, in Hall's representation are "our fellows by creation": they share our world. Even though they have a lower place than

humans they still have a place. This is significantly different from the egocentric view that presented animals as mere objects, whose deaths were to be regarded as robbery rather than homicide, and the abuse of whom was regarded as detrimental to human salvation, not to the experience of the animal.

However, it is worth remembering that Hall was also cited earlier in this essay as evidence of the continuation of the Thomist tradition in England: "The mercifull man rewardeth his owne soule ..." he stated. What is clear from this is that these two visions of ethics--that of the good self, and that of the good life--not only existed at the same time, they actually co-existed in the early modern period: Hall could be simultaneously a Thomist and something of a Montaignean. But it is not merely on an individual basis that this apparently contradictory ethical framework can be seen. It is also to be traced in institutions.

Baiting and Justice

In "Of cruelty" Montaigne writes, "We owe justice to men, and mercy and kindness to other creatures that may be capable of receiving it."³⁷ Here Montaigne makes a distinction between justice and mercy, and the implication is, I think, that justice is something that

only humans can experience as both recipients and benefactors. On the other hand, animals, while within the compass of human care, are not capable of either receiving or distributing justice, one of the four cardinal virtues. Montaigne's assertion that justice cannot be directed towards animals is also evident in a very different context: in the English legal system. While in continental Europe trials of animals did take place, English law was different.³⁸ Instead of a trial of the animal, in England the animal that had killed or caused injury was declared deodand (from the Latin deo dandum--given to God) and the owner either paid a fine to retrieve the animal or the animal was destroyed and so the owner lost the economic value of that animal. This distinction between continental European and English law stems from the fact that in English law an animal was perceived to be incapable of intent, and therefore of committing a crime: only a reasonable creature could intend something. A death resulting from the actions of an animal was termed a "Casuall death," a death without meaning because without purpose.³⁹ But on top of this denial to animals of a sense of intention, if the animal was declared deodand that placed it within a category that included not human criminals but objects. In a case of drowning from Essex in 1576, for example, a set of blown up bladders (early modern arm-bands) that failed to

keep a child afloat were declared deodand. The objects had not fulfilled their function and were taken from their owner. The punishment was not, of course, directed at the objects but at the owner of the objects.⁴⁰

This legal practice can be witnessed on two occasions in the Bear Garden, home to the baiting of bears on London's Bankside. The killing of bears in the Bear Garden was unusual in this period for one very practical reason: bears were specially imported--brought over from continental Europe (there were no indigenous bears in England, Scotland or Wales)⁴¹--and were too expensive to kill on a regular basis.⁴² It is for this reason that, during a baiting contest, human bear-wards would step in to defend the bear from the attacking dogs. One bear would be baited numerous times over a number of years. But on two occasions the value of the animal was set aside and the bear was killed. The reason for these killings shows how the apparently contradictory ethical frameworks available in early modern England existed not only in the minds of individuals but also on an institutional level.

In 1609 James VI and I went to the Tower "to see a triall of the Lyons single valour, against a great fierce Beare, which had kild a child, that was negligently left in the Beare-house." The entertainment is actually a kind of chivalric ritual that might allow the spectators to

see right overcome might; the law (in the shape of the lion, of course) overwhelm the savage bear. John Stow and Edmond Howe record the event:

This fierce Beare was brought into the open yard, behind the Lyons Den, which was the place for fight: then was the great Lyon put forth, who gazed a while, but never offered to assault or approach the Beare: then were two mastife Dogs put in, who past by the Beare, and boldly seized upon the Lyon: then was a stone Horse put into the same yard, who suddenly sented & saw both the Beare and Lyon, and very carelessly grazed in the middle of the yard between them both: and then were sixe dogs put in, the most whereof at the first seized upon the Lyon, but they sodaily left him, and seized upon the Horse, and hadde worryed him to death, but that three stout Beare-wards, even as the K[ing] wished, came boldly in, and rescued the horse, by taking off the Dogges one by one, whilest the Lyon and Beare stared uppon them, and so went forth with their Dogs: then was that Lyon suffered to go into his den againe, which he endevoured to have done long before: And then were divers other Lyons put into that place, one after another, but they shewed no more sport nor valour then the first, and every

of them so soone as they espied the trap doores open, ran hastily into their dens. Then lastly, there were put forth together the two young lustie Lyons, which were bred in that yard, and were now grown great: these at first beganne to march proudly towardses the Beare, which the Beare perceiving, came hastily out of a corner to meete them, and sodainely offred to fight with the Lyon, but both the Lyon and Lionesse skipt up and downe, and fearefully fled from the Beare, and so these like the former Lyons, not willing to endure any fight, sought the next way into their denne.

The animals' failure to live up to royal expectation--the cowardice of the lions before the bear--means a failure of this "triall" before the King. Instead, James VI and I proposed something else, something more popular: "And the fift of July, according to the kings commandement, this Beare was bayted to death upon a stage: and unto the mother of the murthered child was giuen xx.p. out of part of that money which the people gave to see the Beare kild."⁴³ This seems quite simply to be the law of deodand in action: the Master of the Bears loses the value of his bear in its death, and compensation is paid to the mother for the loss of her child out of the day's profit: "xx.p"

here apparently meaning twenty pence, a pitifully small sum.

Almost fifty years later virtually exactly the same "trial" by baiting takes place. Perfect Proceedings of State Affaires from September 1655 records that a child "between four and five years of age" was accidentally locked in with the bears and had his face bitten off. The child died. The outcome for the bear is described as follows:

the Bear for killing the Child fell to the Lord of the Soil, and was by the Bearward redeemed for fifty shillings; and the Bearwards told the Mother of the Child that they could not help it, (though some think it to bee a design of that wicked house to get money) and they told the Mother that the bear should bee bated to death, and she should have half the mony, & accordingly there were bills stuck up and down about the City of it, and a considerable summe of mony gathered to see the Bear bated to death; some say above [6] pound, and now all is done, they offer the woman three pound not to prosecute them.⁴⁴

Once again the killer bear is declared deodand--in the terms of the report, it "fell to the Lord of the Soil,

and was by the Bearward redeemed for fifty shillings." In the eyes of the law, this is the punishment, and it is a punishment that falls not on the bear, but on its owner who loses a valuable animal and who makes only about £3 in compensation from the baiting (one should also note that the compensation for the death of a child has gone up considerably by 1655).

But, to say that these killings in the Bear Garden are evidence of the law of deodand in action is only partially true. What is also possible is that the killing of the killer animal in the Bear Garden is a punishment, that what is being witnessed is a kind of execution--more like the putting to death of a human criminal at Tyburn than what happens at the knacker's yard. For this interpretation to be available the animal must be understood to deserve punishment, and as such must be perceived to be a member (albeit a somewhat marginal one) of the community, and so answerable to that community's rules. In fact, the interpretation of the baiting to death as a punishment rests upon the possibility that the animal knows, or ought to know, the rules; that the deaths of these children are anything but "Casuall."

These two events in the Bear Garden can be read, then, as evidence that there were two different ethical frameworks available to early modern English men and women. On the one hand there is the Thomist,

anthropocentric vision in which animals are not in themselves worthy of kind acts, and in which they have the status of objects--like a cart or some arm-bands. This vision is clearly present in the law of deodand, and would make sense as a way of understanding the prevalence of cruel sports in the period. But in the killing of the killer bears there can be read another view of animals. In this view they are perceived as capable of feeling pain, fear and so on (remember the lions running away in Stow and Howe's description), and can be understood as fellow beings. On this basis, animals are baited and are given intent; they are other, and they are same.

The different perceptions of killing that are emerging in early modern ideas, then, are based upon different conceptions of animals: between that faith in the idea of the animal as an unreasonable object that can be stolen, but not murdered, baited but not punished, and the animal as fellow being that can feel cruelty and should experience compassion, that can be killed for use but not for pleasure. Recognizing the existence of such diverse ways of thinking about animals in this period is important and it challenges the notion of the apparently unproblematic violence of the early modern Bear Garden and questions Keith Thomas' somewhat one-sided modern understanding of that period. But these differences do not end there. Where we have found animals objectified

and anthropomorphized, we can trace in this distinction another division, one that is still being felt, and lived with, today.

Thinking Theoretically

The division that I have characterized within ethical discussion is that between concentration upon the good self and the dedication to leading a good life, and such a distinction opens up very different responses to animals and to the world more generally. If the focus of the inward government theory is toward directing the actions of the self then, by logical extension, all discussions of the outer world must remain purely theoretical. These are not discussions of real moments--real ethical decisions--but possible ones that might be faced by any individual, and are laid out in discussion in order for individual readers to prepare themselves for similar experiences. In his work, A Treatise of Anger (1609), for example, John Downname writes:

Though therefore anger be a perturbation of the mind it doth not follow that it is evill, for not the perturbation it selfe but the cause thereof maketh it good if it be good, and evill if it be evill. Furthermore whereas they object that anger

blindeth and confoundeth reason, I answere first, that if anger bee temperate and moderate, it doth serviceably waite upon reason, and not imperiously over rule it: and rather maketh a man more constant and resolute in walking the path of truth.⁴⁵

All this is purely theoretical--it is establishing the place of anger within the inward government theory. And when something close to a real situation emerges, Downname remains within this framework: "Many," he writes in the chapter entitled "the properties of uniuſt anger," "are not onely incensed against the persons of their enemies who are men like unto themselves, but also with brute beasts, which are not capable thereof." The possibility of anger towards animals Downname regards as a futile loss of control on the part of the angry self--it is likened to "children, who having gotten a fall beate the earth."⁴⁶ Anger is not to be directed towards the unreasonable, and animals, like earth, lack reason and, by implication, all else that might link them with humans. Animals are not worthy of inclusion as patients, especially where the focus is the agent.

Montaigne's ethics are very different. In his essay on the same subject as Downname's later treatise, for example, Montaigne begins with theory--Plutarch and Aristotle--and moves swiftly to practice: the brutality

directed towards children that he has witnessed "as I passed along our streets."⁴⁷ This is no mere theoretical discussion (although it has elements of that) it is an argument about the use and abuse of a real and powerful passion, and the effects of that passion on the lives of moral patients. As such, Montaigne's self--and the Essais are an exploration of himself--is a real self, not an abstract one; he is living in the world rather than only in the realm of theory, and faces the problems that the world throws up as real, not theoretical ones. This is how he can see that cruelty is being directed towards animals, and that that cruelty needs to be assessed within the logic of the day-to-day existences we share with animals. But we can once again go further than this.

There is also a difference, I would argue, between Downname's animal and Montaigne's animal, a difference that is characteristic of the wider difference between ethical focus on the good self and on the good life. Downname's animal is a theoretical one--there is no particular animal, no specific situation. Montaigne, on the other hand, thinks about the stag that "surrenders to ourselves who are pursuing him, asking for mercy by his tears," about "the scream of a hare in the teeth of my dogs."⁴⁸ Here there is a sense that the animals he represents are real ones, that the situations have actually been experienced. Most famously, Montaigne

refers to his cat in "Apology for Raymond Sebond." He asks, "When I play with my cat, who knows if I am not a pastime to her more than she is to me?"⁴⁹ This is a philosophical question that emerges from what seems to be a real experience. Montaigne has looked at his cat and is asking about that cat, not a theoretical one.

There is a difference, then, between Downname and Montaigne (and from them, a difference between the study of the good self and the study of the good life) that is a difference between the concept of 'the animal' and of 'that animal': that is, between a theoretical situation in which 'man and beast' confront each other, and a real one in which Montaigne and a stag, or a cat, come face to face. When Montaigne thinks about stag hunting it is not as a theoretician, but as a practitioner, and as a practitioner--paradoxically--he knows that a stag feels its death; he has seen its tears.

In a recent essay, Jacques Derrida has highlighted the significance and implications of the difference between what I am terming 'the animal' and 'that animal'; between the abstract and the concrete perceptions and representations of nonhuman beings that are available to us in different kinds of ethical thought. For Derrida once again it is animals' capacity to suffer that is key, and, again, reason--here characterized by Derrida as the logos--is undermined as the determining attribute.

Derrida represents this shift as moving from Descartes' "indubitable certainty"--cogito ergo sum, I think therefore I am--to Jeremy Bentham's statement "The question is not, can they reason? Nor, can they talk? But can they suffer?"⁵⁰ Derrida writes, "No one can deny the suffering, fear or panic, the terror or fright that humans witness in certain animals."⁵¹ The shift is from a metaphysical concept of animals--as machines in Descartes' thought--to an empirical account.

While I agree wholeheartedly with Derrida's distinction I would want to argue that that distinction was already in place by the time Descartes' wrote his Meditations (it may also have urged Descartes to propose the "beast-machine" hypothesis).⁵² But, whatever my disagreement with Derrida over the source of this philosophical shift, he does contextualize it in a way that reinforces the significance of the modes by which philosophy has characterized human relationships with animals, and from that, the ease with which animals can be killed. Derrida proposes that "this word animal that men have given themselves at the origin of humanity" allows for a relationship with the world that would be impossible if the foundation was not 'the animal' (the general singular) but 'that animal' (the particular singular). He argues that human "Interpretive decisions (in all their metaphysical, ethical, juridical, and

political consequences) ... depend on what is presupposed by the general singular of this word Animal.”⁵³ It is the way we have theorized real animals out of our conceptual frameworks--how we deal with animals as a general grouping rather than as individuals--that has allowed for interpretation in the first place. Without this concept--the animal--understanding as it exists now would cease.

If we take the possession of reason as the central organizing principle of Western philosophy (and it is hard not to see this as so) then it is possible to see that Derrida is correct. Humankind has traced the foundation of all knowing to the presence of that invisible essence, known in Aristotelian philosophy as the “inorganic soul.”⁵⁴ What this has entailed is a certain positioning of animals, not as animals (as in real animals) but as ideas first and real second. It is this disjunction in the way in which humans think with and about animals that allows, I think, for the simultaneous existence of bear baiting and the emergent ethics of fellow-feeling with animals in the early modern period, and as such might help to explain the killing of the killer animals in the Bear Garden. While the law does not allow for such an event to be understood as punishment it is possible that the spectators, caught as they were between two very distinct ethical positions, were able simultaneously to enjoy the spectacle of animal

death and to comprehend it as some kind of justice. They could, in fact, see the animals both as mere objects and as members of the community.

But to focus attention on historical interpretation alone is, perhaps, to imply that things are simply better now, that history has been a slow process of improvement, that we now--in ethical terms--strive for good lives rather than for good selves, and that the position of animals has been changed forever. Such, of course, is not the case: Derrida's essay is not historical, it is polemical. The disjunction between the desire for the good self and the good life continues and it is this disjunction that allows for the co-existence of pet-ownership and meat eating, of anthropomorphism and experimentation.⁵⁵

We maintain in some areas of our lives, that we--the good selves--remain central and all other beings marginal. In other parts of our lives, however, something very different occurs. We turn from ourselves to look at the world around us, we take on the possibility of suffering in beings other than ourselves and as such find some killing unnecessary, distasteful. We turn, in fact, from 'the animal' to 'that animal'. As such it is worth returning to think again about the quotation at the beginning of this essay. Perhaps Keith Thomas' assertion that there was no concept of cruelty to animals in early

modern England not only blanks-out the contradictions of that period. Maybe it also helps us to blank-out the fact that we still live with these contradictions. There is, after all, nothing more reassuring than thinking that we are better humans than those men and women of the past. Nothing is more comforting than a history that allows us to maintain the status quo.

¹ Keith Thomas, Man and the Natural World: Changing Attitudes in England 1500-1800 (1983, reprinted London: Penguin, 1984), 144-8, quotation 148.

² Philip P. Hallie, "The Ethics of Montaigne's 'De la cruauté,'" in O Un Amy! Essays on Montaigne in Honor of Donald M. Frame, ed. Raymond C. La Charité (Lexington, Kentucky: French Forum, 1977), 158.

³ Nicholas Coeffeteau, A Table of Humane Passions (London, 1621), 2. In this and other early modern texts I have silently modernized j, u and v.

⁴ See, for example, Owen Feltham, Resolves. Divine, Morall, Politicall (London, 1628), 90-91.

⁵ For a discussion of the influence of Seneca's work on medieval and Renaissance theories of cruelty see Daniel Baraz, "Seneca, Ethics, and the Body: The Treatment of Cruelty in Medieval Thought," The Journal of the History of Ideas 59:2 (1998), 195-215.

⁶ Seneca, A Discourse of Clemencie, in The Workes of Lucius Annæus Seneca, Both Morall and Naturall, translated by Thomas Lodge (London, 1614), 601.

⁷ Arthur O. Lovejoy, The Great Chain of Being: A Study of the History of an Idea (1936, reprinted Cambridge, Mass and London: Harvard University Press, 1976), 59.

⁸ Dorothy Yamamoto, "Aquinas and Animals: Patrolling the Boundary?" in Animals on the Agenda, ed. Andrew Linzey and Dorothy Yamamoto (Urbana and Chicago: University of Illinois Press, 1998), 80.

⁹ Thomas Aquinas, Summa Theologiae, translated by R.J. Batten (London: Blackfriars, 1975), 19-21. On Aquinas see Judith Barad, "Aquinas' Inconsistency on the Nature and the Treatment of Animals," *Between the Species* 88:4 (1988), 102-111; and Peter Drum, "Aquinas and the Moral Status of Animals," American Catholic Philosophical Quarterly 66:4 (1992), 483-8.

¹⁰ Aquinas, Summa Theologiae, 91.

¹¹ John Rawlinson, Mercy to a Beast (Oxford, 1612), 33.

¹² T.W. [Thomas Wilcox], A Short, Yet sound Commentarie (London, 1589), 38r.

¹³ P.M. [Peter Muffett], A Commentarie Upon the Booke of Proverbes of Salamon (London, 1592), 103.

¹⁴ Thomas, Man and the Natural World, 156. It is worth noting that in recognizing these "new" ideas Thomas is somewhat contradicting the statement with which I began this essay.

¹⁵ Joseph Hall, Salomons Divine Arts (London, 1609), 64. In this period there were few vegetarians, and the two non-meat eaters who recorded their ideas before 1660--Thomas Bushell and Roger Crab--can both be firmly placed

within the inward government ethic. In avoiding animal flesh both men are searching for purity. They do not regard it as wrong to eat animals because of the suffering of the animals. See Erica Fudge, "Saying Nothing Concerning the Same: Dominion, Purity and Meat in Early Modern England," in Fudge ed., Renaissance Beasts: Of Animals, Humans and Other Wonderful Creatures (Urbana and Chicago: University of Illinois Press, 2004), 70-86.

¹⁶ Thomas, Man and the Natural World, 129.

¹⁷ Hallie, "Ethics," 156.

¹⁸ Michel de Montaigne, "Of cruelty" in The Complete Works, translated by Donald M. Frame (1943, reprinted London: Everyman, 2003), 380-1.

¹⁹ Montaigne, "Of cruelty," 381 and 382.

²⁰ Montaigne, "Of cruelty," 383 and 385.

²¹ Montaigne, "Of cruelty," 383. The tears of the stag is an image repeated before and after Montaigne. See, for example, Ovid, The XV. Bookes of P. Ouidius Naso, entytuled Metamorphosis, translated oute of Latin into English meeter, by Arthur Golding Gentleman (London: William Seres, 1567), Book III, 63 for the tears of the transformed Acteon; Stephen Bateman, Batman vppon Bartholome, his Booke De Proprietatibus Rerum (London, 1582), 358r; Robert Chamberlain, Nocturnall Lucubrations: Or Meditations Divine and Morall (London, 1638), 30.

²² It seems a paradox to note that, even as he condemned the cruelty of hunting, Montaigne continued to hunt. He himself was aware of this paradox, when he wrote, "I cannot bear to hear the scream of a hare in the teeth of my dogs, although the chase is a violent pleasure." (379) As Hallie notes, "Compassion is strong in him, and it guides his conduct, though the violence of the chase is pleasurable to him. The point is that this pleasure is not something he tries to conquer by reason, by philosophic precepts; this pleasure is something his own deepest feelings must combat." Hallie, "Ethics," 167.

²³ Thomas, Man and the Natural World, 159.

²⁴ David Quint, Montaigne and the Quality of Mercy: Ethical and Political Themes in the Essais (Princeton N.J.: Princeton University Press, 1998), 55.

²⁵ Montaigne, "Apology for Raymond Sebond," in The Complete Works, 404.

²⁶ George Boas, The Happy Beast in French Thought in the Seventeenth Century (1933, reprinted New York: Octagon, 1966), 9 and 13. Similarly, Zachary S. Schiffman, for example, has argued that Montaigne's emphasis on the fragility of human power and reason is a product of the humanist education system in which emphasis was placed on the scholar's ability to argue "in utramque partem," on both sides. Zachary S. Schiffman, "Montaigne and the Rise

of Skepticism in Early Modern Europe: A Reappraisal,"
Journal of the History of Ideas 45:4 (1984), 500 and 502.

²⁷ Sir William Cornwallis, "Of Affection," in Essays
(London, 1610), N7v-N8r. The idea that Montaigne's
beliefs are "womanish" fit within the structure of inward
government theory as in that theory women were perceived
to have a weaker command of reason, and therefore to be
more susceptible to the descent into passion.

²⁸ Hall, Salomons Divine Arts, 1-2.

²⁹ Edward Topsell, The Historie of Foure-Footed Beastes
(London, 1607), A4r.

³⁰ Peter Harrison, The Bible, Protestantism, and the Rise
of Natural Science (Cambridge: Cambridge University
Press, 1998), 2 and 185.

³¹ Topsell, Historie, 190 and 196.

³² Topsell, Historie, 37.

³³ Pierre Viret, The Schoole of Beastes, Intituled, the
good Housholder, or the Oeconomickes trans I.B. (London,
1585), 4r-v.

³⁴ Robert Cleaver, A Plaine and Familiar Exposition of the
Eleventh and Twelfth Chapters of the Proverbes of Salomon
(London, 1608), 140-1.

³⁵ Joseph Hall, Contemplation, Lib. VII, "Of Balaam", in
The Works of Joseph Hall Doctor in Divinitie, and Deane
of Worcester (London, 1625), 934-5.

³⁶ Hall, "Of Balaam," 935.

³⁷ Montaigne, "Of cruelty," 385.

³⁸ For a detailed record of many trials from the medieval to the modern period see E.P. Evans, The Criminal Prosecution and Capital Punishment of Animals: The Lost History of Europe's Animal Trials (1906, reprinted London: Faber and Faber, 1988).

³⁹ Michael Dalton, The Countrey Justice (London, 1618), 218.

⁴⁰ The emphasis placed by the deodand legislation on the behavior of animals does overturn this object status, however, as it requires owners to know their animals in a way that is rather different from the sense of the character of animals found in the animal trials of continental Europe. This argument is expanded in Erica Fudge, Perceiving Animals: Humans and Beasts in Early Modern English Culture (Basingstoke: Macmillan, 2000), 123-4 and 139-42.

⁴¹ Little is known about the exact details of the origin of the brown bears, but it is recorded that, in 1609 two "white bears" were captured in Greenland and brought over to England where they were presented to James VI and I. The King, in turn, gave them to Philip Henslowe, the Master of the Bears. It may have been one of these "white bears" that was baited in the Thames before the Spanish

Ambassador in 1623. See Barbara Ravelhofer, "'Beasts of Recreation': Henslowe's White Bears," English Literary History 32 (2002), 287 and 291.

⁴² At a time when the average annual wage of a laborer in the south of England was somewhere between £9 and £15, a replacement bear is estimated as costing £8. Wage averages in Keith Wrightson, English Society 1580-1680 (London: Unwin Hyman, 1982), 34; the cost of a bear cited in S.P. Cerasano, "The Master of the Bears in Art and Enterprise," Medieval and Renaissance Drama in England 5 (1991), 198.

⁴³ John Stowe and Edmond Howes, The Annales, Or Generall Chronicle of England (London, 1615), 895-6.

⁴⁴ Perfect Proceedings of State Affaires. In England, Scotland and Ireland, with the Transactions of other Nations. From Thursday 20 Septem, to Thursday the 27 of September. 1655. (Num 313), 4971-2. The original has "60 pound", I have silently amended it here to 6, as this means that the mother received her promised half of the takings. £60 also seems an excessive amount of money to be made from one baiting.

⁴⁵ John Downname, A Treatise of Anger (London, 1609), 7.

⁴⁶ Downname, Treatise of Anger, 37.

⁴⁷ Montaigne, "Of anger," in Complete Works, 655.

⁴⁸ Montaigne, "Of cruelty," 379.

⁴⁹ Montaigne, "Apology," 401.

⁵⁰ Jeremy Bentham, Introduction to the Principles of Morals and Legislation (1789), cited in Richard Sorabji, Animal Minds and Human Morals: The Origins of the Western Debate (London: Duckworth, 1993), 210. Sorabji, like Derrida, sees the shift of philosophical focus from reason to feeling as beginning with Bentham.

⁵¹ Jacques Derrida, "The Animal That Therefore I Am (More to Follow)," translated by David Wills, Critical Inquiry (Winter 2002), 396.

⁵² It is particularly odd that Derrida does not cite Montaigne as an important source for the shift from reason to sentience in contemplating the status of animals as he refers to Montaigne's cat early in his essay. Derrida, "The Animal," 375.

⁵³ Derrida, "The Animal," 409.

⁵⁴ For extremely useful overviews of this idea, see Katherine Park, "The Organic Soul," and Eckhardt Kessler, "The Intellectualive Soul," in The Cambridge History of Renaissance Philosophy, ed. Charles B. Schmitt and Quentin Skinner (Cambridge: Cambridge University Press: 1988), 464-84 and 485-534.

⁵⁵ I develop this idea in Animal (London: Reaktion, 2002).