

SYMPOSIUM ON GLOBAL ANIMAL LAW (PART I)

ON WOMEN AND BEASTS: HUMAN-ANIMAL RELATIONSHIPS IN SIXTEENTH-CENTURY THOUGHT

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We are used to the view that historically “what counted as fully human always depended ... on a sharp contrast with ‘the animal.’” [As a consequence](#), “[w]omen and slaves, in being denied full humanity, were therefore necessarily partaking in animal nature.”¹ Questioning this view, this essay traces how some early modern thinkers defined the relationship of human beings to animals generally, and, more particularly, how they saw the relationship of women, slaves, and animals in the human household. The picture presented, while being far from complete, aims to show that Fifteenth- and Sixteenth-Century thinkers had nuanced arguments to offer when they discussed the relationship of human animals to nonhuman animals, and the relationship of nature and culture, neither of which were presented as clear cut opposites. At the same time, the equation of women with animals and slaves was not something that was commonly found in Sixteenth Century philosophical treatises, which might lead us to rethink our own ideas about equating one disenfranchised group with the other.

In the first book of the *Politics*, [Aristotle](#) described how we come to be political animals “in a sense in which the bee is not or any gregarious animals.”² Human beings differed from animals because they possessed speech and reason.³ Those qualities were not only what made human beings form cities, but also what made them form households. Human beings were domestic as well as political, whereas even gregarious animals were not thought to come together in a well-ordered family life. Such a well-ordered household needed to be formed out of two original societies or associations of command and obedience. It needed to consist of the society of husband and wife for the procreation of future generations, and of the society of master and slave for the day-to-day securing of subsistence. When Aristotle introduced his thoughts on households he underlined his argument with a quote from Hesiod’s *Work and Days*:

From these two partnerships then is first composed the household, and Hesiod was right when he wrote “Get first a house and a wife and an ox to draw the plough”. (The ox is a poor man’s slave). This ... is the household, the members of which Charondas calls “bread-fellows” and Epimenides the Cretan “stable-companions”.⁴

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¹ MIHNEA TANASESCU, [ENVIRONMENT, POLITICAL REPRESENTATION, AND THE CHALLENGE OF RIGHTS: SPEAKING FOR NATURE](#) 65 (2016).

² ARISTOTLE, [THE POLITICS](#) 1253a7 (350 BC).

³ [Id.](#)

⁴ [Id.](#) at 1252b9.

In his 1587 commentary on the *Politics*, the Ferrarese scholar [Antonio Montecatini](#) (1537–1599) took up Hesiod’s quote. He wrote that a “perfect” household consisted of two societies, the “marriage society and the master-servant society.” For a master-servant association to be perfect, then, it was “sufficient” (*sanum*), as Hesiod had written, to have

at once with the wife an ox; and certainly Hesiod meant the ox to be the servant. Because the ox plays the role of the servant in the households of the poor and especially that of the peasants. By all means it is the farmer’s partner and aid (*socius et minister*).⁵

The very “human” institution of the household, for Montecatini, could be called perfectly instituted when it consisted of a fellowship of human beings with animals. Animals hence were able to take the place of a human being. In this case the animal was characterized as *socius*, as partner, and as associate in the family realm, which it perfected. Montecatini also made sure that his readers understood that, in its function as servant, the ox did not only share in the “abstract” conceptual space of the household but also shared in its concrete and material space. Epimenides had called the household members “stable companions,” Montecatini argued, because “they were eating at the same crib and from the same table.”⁶ The perfect household was a space in which animals worked in humans’ stead, a space in which human beings shared with animals their food and their lives.

It is of course true that Aristotle had talked about the slave-master relationship as the second *societas* in a perfect household. The “slave” was characterized as an “unfree” human being without any political rights. This indeed might suggest that substituting the animal for the slave does not make a difference in terms of their juridical and philosophical positions. This is however not to the point. A slave, in the Aristotelian universe, is still a human being and seen from that perspective, exactly not an animal. We should also further note that in the context Montecatini was writing it is clear that he thought of the agricultural family of his own time, in which servants, not slaves were the human help. That Montecatini called the animal *socius et minister*, finally, shows that what was focused on here was not a “degradation” of a human being into the position of an animal, but an “elevation” of the animal into the position of a human being, as a companion to a human in the pursuit of every-day life.

While the animal could be a substitute for a slave or servant, early modern Aristotelian commentators were careful not to conflate “woman” with “animal,” or, more precisely in this case, wife with ox. According to Aristotle in the *Politics*, it was a sign of barbarism to treat wives as slaves. Early modern commentators extended this further and showed that even worse was when wives were used as animals. Montecatini wrote:

In our time chiefly the wives of the Germans and the Helvetians serve their husbands, while they travel with them, and they carry heavy loads. It is as if they were slaves, or rather, as if they were mules. They carry inhuman burdens. The laws of the Mohammedans and its worshippers have wives not for slaves but for animals.⁷

Protestants and Muslims hence showed their considerable difference to those of the right faith in the way they treated their wives—as animals. Equating wives with animals was a sign of a life not lead morally well. It showed an unfavorable difference in religion, in civilization, and in culture. It was a marker for strangeness. Even the most foundational unit of human life, the household, for Aristotelians was not ordered according to one universal nature. “Culture” determined what form family life took, cultural identity formed the relationships at the level of individual households.

⁵ ANTONIO MONTECATINI, [IN POLITICA HOC EST IN CIVILES LIBROS ARISTOTELIS ANTONII MONTECATINI FERRARIENSIS PROGYMNASATA](#) 29 (1587).

⁶ [Id.](#) at 31.

⁷ [Id.](#) at 27.

This idea about civilization, culture, and the “right” life could also be turned against the very culture and religion that it ordinarily defended. One example of this can be found in “El Inca” [Garcilaso de la Vega’s](#) *Comentarios Reales de los Incas* (1606). “El Inca,” born 1539 in Peru as the son of an Inca princess and a Spanish conquistador, wrote the most famous history of the conquest. His work was not only a historical account but also a political treatise that defended the authority of the Inca and argued that mestizos were far more capable to rule the “New World” than Spaniards could ever be. Throughout his work Garcilaso played on classical references, using tropes from Greek philosophy and Roman rhetoric, and subverted them to great effect. He argued that the Inca had erected a second Rome (*otra Roma*), and had managed to do so without the exploitation of animals. In vivid detail he described the instance oxen first came to Peru in 1551. The Inca observers, he wrote, “said that the Spaniards who were drones, and would not work themselves, had made these great Animals labour and doe that work which they ought to have performed themselves.”⁸ Garcilaso here turned up-side down the known trope of animals as servants. Using an animal to work on the field did not signify the cultural superiority of the conquistadors but in the eyes of the Inca rather the opposite: corruption, idleness, and laziness, and as such attributes normally assigned to the Inca by the Spanish.

Returning to the topic of the animal-woman relationship, my point here is to show that early modern humanists did not operate with a simple binary in which “disenfranchised” beings, i.e., animals, women, and slaves, were on one side and the human male (as creation’s crown) on the other. Early modern Aristotelian philosophy clearly saw both women and slaves as human beings, and as such different to animals. Neostoic thought had emphasized that all human beings were bound together in a cosmopolitan fellowship. From this shared *humanitas* however, did not flow civil rights; and the idea of the common humanity was not at all incompatible with strict hierarchical thinking in legal terms. In early modern European cities it was *status* that determined the civic rights of every person. The laws, privileges, and duties of early modern personhood were dependent on a myriad of different categories. This was not a matter of “man” or “woman.” Rather *patres familias*, mothers, widows, married, unmarried, servants, and maids all had different civic standings. Rather, all human beings were different from animals, but the extent of the difference, or the distance that separated a specific animal from a specific human being, shifted both according to the legal position of the human being, and according to the hierarchical position of the animal.

Indeed, the Latin word *animal* was used more frequently to describe human beings than nonhumans. Sixtus Birck (1501–1554) defined human beings as “social animals, bipeds,” clearly here underlining rather what human and nonhuman animals had in common than what divided them.⁹ When early modern humanists wanted to make a particular point about nonhuman animals (rather than speaking of “creatures” in a broad sense), they used the term *bellua*, beasts, that were then divided into tame (domesticated) and wild beasts, which could be divided into even more subcategories.¹⁰ The [Holy Script](#), too, divided animals into “the fish of the sea,” “the fowle of the heaven,” and “the beast of the fīelde.”¹¹ Even between animals, there was thus a hierarchy in terms of their power relationship to human beings. Keeping in mind that human society was deeply hierarchical, it is fitting that “animals” also were split into many different subcategories.

It is in the context of the wild against the tame that we find, as the Sixteenth Century drew to a close, the equation of women with animals. In the *Francogallia* (1573), a work that argued that France traditionally had a constitutional past and that French citizens had the right to overthrow any king who turned out to be a tyrant, the author described female rulers as *indomitus*, that is, “untamed” animals as well as “unbridled beasts.”¹² The author,

⁸ GARCILASO DE LA VEGA, [THE ROYAL COMMENTARIES OF PERU, IN TWO PARTS](#) BK. 9, XVII, 378 (Paul Rycout trans., 1688).

⁹ SIXTUS BIRCK ET AL., *DE OFFICIIS COMMENTARIUM* 9v (1562).

¹⁰ See, e.g., MONTECATINI, [supra note 5](#), at 172.

¹¹ [Genesis](#) 1:26, 2:19.

¹² FRANÇOIS HOTMAN, *FRANCOGALLIA* 484 (J.H.M Salmon trans., Ralph E. Giesey ed., 1972).

François Hotman (1524–1590) thereby indicated that women who aimed to rule behaved like wild beasts, irrational, dangerous, and blood-thirsty. A male tyrant was bad enough; a female tyrant however was nothing less than a raging animal. She had left her natural and well-ordered space, the household, for a brutish habitat. This trope, however, was far from persistent. In the Protestant imagery of the Eighteenth Century it was the woman who was seen as the [civilizing influence](#) over men who, in turn, were ascribed sexual appetites like wild beasts.¹³

Renaissance authors discussed in more detail what “made” wild animals become tame. Some ancient authors had actually suggested that, rather than it being simply the “natural order,” there must have been a sort of pact between animals and human beings, which made animals obey human rule. Lucretius’ *De rerum naturae*, widely received in Renaissance political thought and supporting a nonanthropocentric world view, was perhaps the most prominent example. For Lucretius, the dangers emanating from sharing life in the wild with beasts was the greatest motivator that had made human beings originally form associations from a situation in which humans’ life had been “brutish.” Hand in hand with the development of civilization came a pact between animals and humans, an act of reciprocity in which animals exchanged what was useful for tutelage. In his 1570 commentary on *De rerum naturae*, [Denys Lambin](#) (1520–1572) informed us that in exchange for protection, human beings profited from “oxen, goats, horses, and asses” as beasts of burden. The animals provided their physical strength and served as means of transportation, as well as providing human beings with vestments.¹⁴ With his description of a ruler-ruled relationship between animals based on reciprocity, Lambinus actually came close to contemporary descriptions of monarchical rule, particularly that of an absolute ruler. The most important apologist for absolute rule, Jean Bodin (1530–1596), had, in his *Six livres de la republique* (1576), argued that this was exactly what a monarch ought to do: provide care, protection, and tutelage in exchange for the absolute obedience of the subjects.

Following Lucretius amongst others, some Renaissance thinkers argued strongly that human beings could not without problems be called “superior to beasts.” Renaissance writers, hence, were not only concerned with placing the individual in the centre of the universe. On the contrary, praise of the exalted position that human beings held in the universe was often mixed with reminding readers about the absolute misery human beings had brought on themselves with the Fall. A famous example of a writer denying human superiority over animals was [Michel de Montaigne](#) (1533–1592). In the longest chapter of the *Essais*, the *Apologie de Raimond Sebond* (1580), Montaigne did his best to show that human beings had no reason to claim that they were inherently better than animals.

Beasts are born, reproduce, feed move, live and die in ways so closely related to our own that, if we seek ... to raise our own status above theirs that cannot arise from any reasoned argument on our part. Doctors recommend us to live and behave as animals do.¹⁵

Montaigne also argued that animals had prudence, even a sense of justice, in the classical Ciceronian phrasing of “rendering everyone his due.”¹⁶ Animals were intelligent, they were able to learn even complex things, they communicated with each other, they knew how to administer medicine, and they certainly were better at counting than human infants. Montaigne even denied the singularity of the most human aspect of the human condition, the political community. What “form of body politic [has been] more ordered ... than that of the bees?” he asked. He went even further and claimed that

¹³ See, e.g., ISABELL V. HULL, [SEXUALITY, STATE, AND CIVIL SOCIETY IN GERMANY, 1700–1815](#) (1996).

¹⁴ DENYS LAMBIN, [T. LUCRETII CARI DE RERUM NATURAE COMMENTARI](#) 479 (1570).

¹⁵ MICHEL DE MONTAIGNE, [THE COMPLETE ESSAYS](#) 524 (M.A. Screech trans., 2003).

¹⁶ *Id.* at 525.

man must be restrained with his own rank within the boundary walls of this polity; the wretch has no stomach for effectively clambering over them: he is trussed up and bound subject to the same restraints as the other creatures of his natural order.¹⁷

Montaigne thus showed that the natural habitat of human beings was no different in character from the natural habitat of animals. Thereby he situated human beings very directly into their own nature: The polity was to humans what the jungle or steppe was to animals, namely their natural habitat. Animals were not easily able to leave their natural surroundings without giving up their nature, but neither were human beings. Beasts and human beings might live in different places, but they were still obeying the same rules in relation to these places. Their shared condition did not allow for the claim of superiority of the one over the other.

Some fifty years earlier [Niccolò Machiavelli](#) (1469–1527) had actually suggested a way that human beings could “climb over” the wall of the polity. He praised Achilles and “many other ancient rulers” who were raised by Chiron the centaur, because “having a mentor who was half-beast and half-man signifies that a ruler needs to use both natures and that one without the other is not effective.” To be successful, Machiavelli argued, a ruler must know “how to act like a beast” and needed to fashion himself to be like lion and fox.¹⁸ Only if rulers were able to liken themselves to animals they would be able to withstand the dangers that governing brought with it and successfully maintain their governments. Clearly the best ruler needed to know how to be both: human and beast.

The above analysis suggests that early modern thinkers did not have one binary world view, but were thinking of the relationship between some animals and some human beings as changing and shifting. Renaissance thinkers assumed that human beings and animals shared very similar origins. In the *Digest* [Ulpian](#) had laid down that the natural law is

that which nature has taught to all animals, for this law is not peculiar to the human race, but applies to all creatures. Hence arises the union of the male and the female which we call marriage; and hence are derived the procreation and the education of children; for we see that other animals also act as though endowed with knowledge of this law.¹⁹

As [Annabel Brett](#) has shown, the idea that this constituted “a society of law” with animals was mainly denied by early modern commentators, while, on the other hand, they also never claimed that human beings were completely alienated from their animal nature.²⁰ While early modern thinkers situated human beings into nature, they also understood that what seemed to be “nature” might as well be “culture”: Human beings were political by nature, but their polities (or “states” in modern parlance) were built in a process of civilization. Different polities had different laws and customs, but this was often thought to reflect the diverse “nature” of different cities. In this sense, fulfilling one’s nature often needed some cultivation. This, and the fact that we should rethink the relationship of one disenfranchised group to another, rather than assuming that their concerns might always be alike, might be a way that the distant past can still inspire us to think about pressing issues today.

¹⁷ *Id.* at 514.

¹⁸ NICCOLÒ MACHIAVELLI, [THE PRINCE](#) XVIII (1532).

¹⁹ [DIG.](#) 1.1.3 (Ulpian, Liber Primus).

²⁰ See ANNABEL BRETT, [CHANGES OF STATE: NATURE AND THE LIMITS OF THE CITY IN EARLY MODERN NATURAL LAW](#) (2011) (especially ch. 3); Annabel Brett, *Rights of and over Animals in the Ius Naturae et Gentium (Sixteenth and Seventeenth Centuries)*, 111 *AJIL UNBOUND* 257 (2017).