Abstract: This paper examines the way thinkers in the pre-Buddhist world in China viewed the animal-human divide. It argues that the boundaries between humans and animals were porous. The only unique capacities that human beings are credited with were first (widely) the ability to develop their unique potentials (chengren 成人), and, second (in a very few texts), the capacity to respond with greater sensitivity to the resonant world around them. In both contexts, the extant terms make use of two terms, ling 靈 and jingshen 精神. Part II of the essay then turns to examine the most influential Euro-American theories cited in today’s secondary literature regarding the animal-human divide. None of these seem remotely like the theories articulated in early China. In Part III, the essay examines vitalism, which is an unusual instance in early modern Europe where an important theory seems to approach the views of early China, with the express aim of reminding readers that we need not automatically posit an impassable gulf between East and West, but can, instead, profit from wider reading that yields more comparative insights.

Keywords: jingshen 精神; chengren 成人; vitalism; animals; human rights; bestiality; early China

In the pre-Buddhist world in China, humans were held to occupy a place on the same continuum as other living things (particularly animals) and deities including many of whom are simply extraordinary human beings whose highly sentient selves have ascended to heaven, from which vantage point, they can exert greater power over those on earth. Prior secondary studies have drawn implicit and explicit contrasts with the Mediterranean religions (chiefly, Judaeo-Christianity and Islam, but also Buddhism),1 whose theories generally place humans in a unique place along the prescribed phylogenetic scale such as, one that is separate from the animals, if distinctly lower than the one God of monotheistic religions, the gods of pagan religions, or the supra-human bodhisattvas of Buddhism. This paper delves more deeply into the extant early sources in classical Chinese, and “thinking with” animals within a comparative framework, while recognizing the “irreducible complexity” that animals represent, both in the early sources and in post-humanist agendas (Wolf 2009, pp. 564–75, esp. p. 567). The essay has three main sections. Therefore, (1) a survey of perceptions about animals culled from the primary Chinese sources in the early empires, Zhanguo through Han (ca. 375 BC–AD 220),2 (2) a review of the standard Euro-American definitions of the “human” culled from the main Judeo-Christian traditions and Anglo-American legal and philosophical traditions, which, in turn, have prompted

1 After all, Buddhism arose when northern India was part of the Persian empire, and its early emphasis on asceticism and on clear gender hierarchies aligns it more closely with Zoroastrianism than with Daoism. Islam is based in the same Bible as Judaeo-Christianity, and shares many presumptions with it. Therefore, while I do not deny that each particular religion is “special,” as a historian, I look for larger patterns shared among several religions as well.

2 Very few of the texts or thinkers under review here can be precisely dated, as I explain in a monograph (Nylan 2011). Simply put, nearly every masterpiece and Classic from the pre-Han era was put in a new form by Liu Xiang and his experts during the library project of 26–6 BC, so what convention dubs, for example, the “Warring States masterworks” were late Western Han recensions and in some cases pastiches compiled from multiple works. Dates are, therefore, approximate, in nearly all cases.
today’s impassioned talk of “human rights” and, since the 1980s, of “animal rights” (Moyn 2014), a survey of one seventeenth-century “vitalist” position drawn from France, ca. 1668, where one of two competing views of animals came appreciably closer to that which I find in early Chinese sources than most Euro-American positions. Moving far from East Asia offers just the sort of “weak comparison” advocated by the historian of religion Bruce Lincoln (Lincoln 2018). Such “weak comparisons,” by design, set aside flabby notions of radical cultural incommensurability while probing a pervasive mode of thinking characteristic of the pre-Buddhist elite world in China (Wardy 2018). By way of conclusion, I iterate points of convergence and divergence between early China’s construction of the “fully human” and other paradigms that are better known to Euro-American readers.

As Roel Sterckx has aptly observed, “the perception of the animal world shaped and reflected the intellectual discourse that sought to determine man’s place among the living species” (Sterckx 2002, pp. 3, 20). However, I would go further, to suggest that continual sharp observations of the animal kingdom affected the entire constellation of beliefs and practices that shaped social processes over time (Lloyd and Sivin 2002). This is where I start my inquiry, and the start may explain some of the twists and turns this essay will take, in the expectation that debates over the animal-human divide will likely continue. Perhaps only by studying the human-animal divide can we begin to approach what it means, in a small selection of the extant early Chinese sources, to “become a fully developed human being” (cheng ren 成人) (see below). Lurking beneath this piece is the question whether or not humans of the highest order (sages) can ever participate fully in the spontaneous development (ziran 自然) that all non-human living things enjoy, which is a tenet held by some modern Daoists, as in Sterckx 2002, p. 12, Ziporyn 2003. I have said “no” (Nylan 2018, chap. 5), but that seems to be a side issue here.

1. Animals, as Conceived in the Pre-Buddhist World in China

Let us begin with the binomial categories renwu 人物 (literally, “human-thing”) and luochong 裸蟲 (“naked creatures”). The first is very common (no fewer than 19 pre-Han and Han compilations employ it, many multiple times), and, while the second expression appears in only two extant sources,

3 (Moyn 2014) shows how recent an invention is the discourse of “human rights” (mid-twentieth century, in his view), contra Lynn Hunt, whose book presumes “human rights” to be a much older concept, spawned, if not fully articulated by the early modern period.

4 In an earlier draft of this essay, I discussed at length in a necessarily far more speculative account, the intriguing, if little understood case of an early seventeenth-century mystic, Jakob Böhme. Although several experts on the period, including Berdyaev and Minoru Nambara, have emphasized the likelihood that Böhme was exposed to non-Christian theologies, it was Carlo Ginzburg above all who has viewed Böhme’s writings as important evidence attesting an on-going Eurasian underground (fairly open, in Ginzburg’s view) among the popular classes that expressed itself in the west through gnosticism and mysticism. (Gentzke 2016) draws these connections.

5 Too many of the early texts no longer survive to allow historians today to speak with confidence about all the modes of thinking articulated in the early empire. Nothing remains that would allow us to reconstruct non-elitist beliefs.

6 Perhaps it is best to state at the outset that I am not interested in fabulous animals, as so many thinkers in early China under review here doubted their existence. That many thinkers in early China doubted their existence did not preclude the same thinkers from finding fabulous animals (especially the phoenix and dragon) “good to think with.” For the fabulous beasts, I recommend The Zoomorphic Imagination (Silbergeld and Wang 2016), esp. the essay by Carma Hinton. The Shanhai jing 山海經 (Mountains and Seas Classic) and the Huashu “Wuxing zhi” (Treatise on the wuxing) provide numerous illustrations of this propensity to play with fabulous species.

7 I cannot use the word “religion” without wincing, being mindful of (Barton and Boyarin 2016).

8 However, if the Chinese were really so undervservant of the “natural world” as Sterckx suggests, it is hard to imagine how they established their categories of anomalous vs. routine behaviors (of the stars, of animals, and of human beings), categorical staples to many of the best minds of the age. By adopting the human/natural divide, I believe Sterckx—one of the smartest guys I know—inaudently misrepresents the very material he studies. Similarly, on pragmatism, (Sterckx 2002, p. 22), cites the famous Dong Zhongshu anecdote wherein Dong failed to look out at his garden for three years, so intent was he on his manuscripts. That behavior, if not apocryphal, is clearly marked as “exceptional.” The Han fu (as epideictic poetry) display familiarity with a huge range of animals, to some of whom are ascribed apotropaic powers. Other relevant works include the classic works on dog physiognomy, which have been excavated from two sites: Yinque, 2nd c. BC tomb, excavated 1972, and Fuyang, Anhui, burial dated 165 BC, excavated in 1977. The famous Mawangdui “Dao yin tu” (Guiding and Pulling Chart) depicts humans imitating animals in exercises apparently designed to acquire some animal powers. Many professionals were assigned to the pre-Han and Han court bureaucracies because of their knowledge of animals, birds, and fishes. For example, Fan Li, the legendary Creesus of Eastern Zhou, supposedly devised methods for “fish farming,” etc. Stercks 2002, pp. 61ff., treats zooaltr, worship of animals, as does Fengxin tongyi, juan 9, passim.
as a standard term in omenology and in healing cults, referring explicitly to furless beasts, the leading member of which group is human beings (裸蟲者以人為君長). Many passages use *wu* alone to describe man as one of the animals, whose species is no more or no less unique than other animate species. (The cosmological constructions of *qi* [vital spirit] do not conceive of inanimate things in the pre-Buddhist world in China, only less sentient things.) Thus, the early Chinese writers ascribe numerous capacities to animals that humans supposedly share. The list below is hardly exhaustive, and, notably, a few examples ascribe not only rationality and morality but also language to some animals, as demonstrated below.

Magpies, mynahs, parrots, and apes (*xingxing* 猩猩) can talk (能言) (*Liji*, “Quli, shang”).

Ants can predict earthquakes (Waley 1933).

Apes can walk upright like humans, as can pigs and dogs under special circumstances (*Fengsu tongyi*, juan 9; *Zuozhuan*, Lord Zhuang, Year 8; *Hanshu* 27B(c).1436).

Otters exhibit filial piety (*Liji*, “Yue ling”), as do certain birds that “disgorge” their food to feed their parents (*fan bu* 反哺, Sterckx 2002, p. 11).

Swallows can express profound admiration for human exemplars, as can elephants, supposedly (*Hanshu* 53.2412).

Many birds and beasts evince familial love.

Some animals, like humans, engage in long-term planning.

Most animals can become or already are creatures of habit.

Lambs, among all the animals, meekly submit to ritual slaughter because they recognize ritual (*Sterckx 2002*, p. 57n44).

Pheasants cannot be bribed with food or threatened with shouts (*Shuoyuan jiaozheng* 19.485, *Boha tong shuzheng* 8.356–57).

Geese form rows and fly in orderly formations, at the proper times (*Zuozhuan*, Lord Zhao, year 21; cf. *Han Feizi jishi* 1.43).

Mandarin ducks epitomize faithfulness in marriage.

Animals can *zhi sheng* 知 (“recognize the sound”), and in some texts, even *zhi yin* 不知/知音 (do not/do recognize the tone) (Nylan 2018, chap. 2).

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9 Furless beasts are distinguished from “flying” [birds], from the “scaly” [fish], from those with hard shells [turtles and such], and from animals with fur or thick hides [shou 獨]. See *Taiyang jing*, juan 137: “Fangyao yangu xiangzhi jue” 方藥賦相相治訝: “These are a number of intriguing phrases, in the *Shuihudi* finds, including *shenchong wei wu*, *gui wei wei shu* 神蟲為物, 鬼偽為鼠 (something like “spirit creatures pretend to be [ordinary] living things, ghosts pretend to be rats.” See *Shuihudi Qin mu* 1484, strip 33, 24 (p. 231) as well as the often-seen phrase *xu chen* 番臣 (“to tend [like animals] subordinates”).

10 *Liji* 19.485, *Shuoyuan jiaozheng* 8.356–57.

11 *Liji* 19.485, *Shuoyuan jiaozheng* 8.356–57.

12 The “Shenwu”/”Divine Crow” *fu* (found in Yinwan; Jiangsu, excavated 1993) also tells of a bitter rivalry between crows, which “disgorge” their food for their parents. Contrast the cuckoo, which is said to be “unfilial,” because it allows its eggs to be hatched by other birds.

13 When the King of Linjiang 临江 committed suicide, several tens of thousands of swallows picked up earth in their beaks and piled up his grave mound. Similarly, swallows also filled up the burial pit of Empress Ding 丁 after Wang Mang had ordered to desecrate her tomb (*Hanshu* 99B.4004). Elephants spontaneously filled the tumulus of Shun, and that crows labored the fields where Yu was interred, according to *Hou Hanshu* 54.1759–60. In real life, elephants do tend the graves of the deceased herd members, as stated in Moor 2016.

14 For example, foxes proverbially are said to turn their heads towards home, where they were whelped, exhibiting familial love.

15 Although some lambs have horns, they do not resist their slaughterers.

16 This proverbial association has continued down to today.

17 However, some writings suggest that animals understand tones perfectly well. A treatise from Yinqueshan, for example, says: “If you play the *guxian* pitch, the cricket will climb into the hall” (a reference to Mao Ode no. 114). See *Yates 1994*, esp. p. 129 (strip no. 2436).
Many animals can appreciate music (Documents, “Yao dian” 堯典 chap.). 18 and so on . . .

Many of these characterizations are accurate (“scientific” in the modern sense of the word used in today’s PRC), as we now know from intense observation and tracking of animals (Godfrey-Smith 2016, Godfrey-Smith 2016), although this is of secondary interest to the present study. That animals share with humans the primary drives for food and sex, the early sources are taken for granted (e.g., Mencius, d. ca. 289 BC) seem to wish to cordon humans off in the same cosmos. Religions 2019 21 Gujin zhu 25 24 We see less of that in Eastern Han texts, perhaps because of the hardening attitude toward the barbarians, whose nomadic habits are likened to those of beasts. 20 (The primeval invention of writing systems by either Fuxi 伏羲 or Cang Jie 倉颉 purportedly occurred after the sage’s close observation of the discrete patterns made by animal and bird tracks.) For Xunzi (d. ca. 220 BC), humans—the best and the worst—share with animals (chonglei 蟲類) two conditions: they are living/alive (sheng 生) and they have understanding or knowledge (both are zhi 知). 21 However, more idealist thinkers (e.g., Mencius, d. ca. 289 BC) seem to wish to cordon humans off from animals more, in that they associate animals with bestiality and ferocity, as well as with emotional life. Mencius and his followers invent, for this reason, a moral taxonomy in which animals do not realize the full complexity of human beings, since they lack the multiple “seeds” (latent or developed) of moral reasoning (Mencius 4B/10a). 22 However, few went that far in their speculative moments. 23 The Zhuangzi in its Zhile 至樂 chapter gives a long genesis of bugs becoming things, with ultimately “the horse giving birth to man” (Zhuangzi, juan 18). In many, if not all early texts, species change and ceaseless transformation is taken to be the norm. 24 The Guanzi is fairly typical in emphasizing that each living thing occupies its proper place in the same cosmos.

Heaven serves with its seasons, earth, with its material resources, human beings with their distinctive qualities (de 德), the spirits with their omens, and animals with their physical strength (Guanzi jiaoshi 4.118, “Shu yan” chap.). 25

Both animals and humans respond to their environments in complex ways, being especially sensitive to the local qi or airs. 26 (More on this below.) Humans, animals, and spirits that are deemed invasive can be exorcised by the same spells, according to the Shuihudi daybooks (Shuihudi Qin mu

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18 Elsewhere, the Music Master Hu Ba 巴愷 could make fish come up to the surface to listen to music, spellbound. Xiao Shi 蕭史, who supposedly lived during the reign of Duke Mu of Qin, blew panpipes and was able to summon peacocks and other fabulous/rare birds to the duke’s court. See Xunzi jijie 1.10 (“Quan xue”); Huainanzi 15.521–22 (“Shuo shan”); Yuren leiju 78.1327, Kaltenmark 1953, pp. 125–27. Wang Bao’s (d. 50 BC) “Fu on the Panpipes,” talks of all manner of creatures (“cricket and measuring worm, . . . mole cricket, ant, and, gecko”) hearkening to music’s power, as does Ma Rong’s “Fu on the Long Flute” (see Wenxuan, III, pp. 241–42, 273–74). See (Knechtges 2015).

19 To take two examples, elephants do make long-term plans when following their trails, and they also seem to tarry at the sites of their dead. Cephalopods have complex abilities to communicate with each other by colors and gestures, even though they lack brains.

20 Bokhu tong points out that one of the reasons why humans adopt a xing 姓 or “clan name” is because they wish to distinguish themselves from the birds and beasts. Nobles bear that clan name in addition to the shi 氏.

21 Gujin zhu 3.28 cited “Wen da shi yi” 文大氏義 and 隨釋義.

22 Stercks employed the phrase “moral taxonomy.” The example of emotions from the Mencius concerns the ox that trembles. I am reminded of Peter Sahlin’s distinction between theriophiles vs. theriophobes (those who love or hate animals). More on (Sahlin 2018) below.

23 We see less of that in Eastern Han texts, perhaps because of the hardening attitude toward the barbarians, whose nomadic habits are likened to those of beasts.

24 Animals have their havens in lush grasses. By analogy, the worthy man is haven for all brave men, according to Lishì chuanqì, “Zhong chun” section, juan 2 (“Gong ming” 功名 chap.).

25 This becomes clear in Shiji 129, Hanshu “Di li zhi,” and many other texts that speak of habitats and acculturation to them. As noted in (Stercks 2002, pp. 104–5), many texts juxtapose territory (tu or tudi), wind and air (fengqi), and species (wuwei), then proceed to remark upon the “customs” that may result from living under such conditions.
zhuı̈an p. 213 ("Rishu", lines 13–14). Arguably, many texts construct a larger gap between noble and non-noble humans than between humans and animals. For instance, the Yanzi chunqiu equates a gentleman who has lost his sense of ritual propriety with commoners and mediocre men, and men in the latter group who have lost this sense of ritual propriety with animals. It says that such men “fail to return [to their origins]” and they do not escape a measure of “wildness” (Yanzi chunqiu jishi 2.170).28

By the “Tai shi”/“Great Oath” (尊敬 account supplied by the Documents classic (conventionally dated to ca. 150 BC, but emended as late at AD 312), humans are said to be the only living things endowed with ling 靈, a near-divine “quickness,” “responsiveness” (elsewhere rendered as jingshen 精神 or jing qi 精氣), a term whose meaning is far from transparent.29 The standard translation in Religious Studies for ling is “numinous,” but that translation does not reflect the early writings in classical Chinese as well as the modern writings of such influential early figures as Rudolph Otto (d. 1937), who were anxious to cast all human phenomena as but a “manifestation” or “epiphany” (even an “eruption”) from an underlying noumenon.30 For the early thinkers in China, the key issue was rather the propensity to transform: of animals, one text says, “Their forms and nature cannot be altered, their habitats 勢居 cannot be moved/shifted,” in contrast to human beings, whose vital qi invites transformation of the nature received at birth,31 which renders the person more sensitive to and sensible of things unlike and outside themselves. Insofar as humans, as a rule, are more ling than animals (if less ling than the gods), people prove more adaptable to the changes that are endemic to the world. For instance, humans, unlike animals, not only can and do adapt to but even flourish well outside their native places by relishing from different occupations and different environments.

The prevailing theories of the day in the early empires understood cause-and-effect relations, but were far more interested in sympathetic resonance theories: like attracts like, unlike generally repels unlike. One mysterious effect relating to music had struck early thinkers very forcefully. A string always vibrates, producing the same note in response to a sound made by a tuning fork or stringed instrument at some distance.32 As people partake of both heaven-and-earth (heaven’s tranquility and earth’s stability), they have, in addition to animated and animating spirits and bodily forms, various refined and encumbered energies. Partaking of both heaven and earth, human beings do best to model themselves on both, thereby living out their allotted days.33 If people recognize this fundamental truth, they have a chance to flourish. If they do not, they have no chance, aside from dumb luck. The sages are sages by virtue of their clear recognition that, like all of the “thousands of limbs and tens of thousands of leaves,” they must abide within the pre-conditions of their existence, just as animals do (Huainanzi, “jing shen” chap. 7 [lines 7–10]).34 It follows that the most fully developed human beings observe more, rather than fewer, constraints on their characteristic activities (Guoyu, “Zheng yu” 鄭語, episode 1), which is a view seldom explored in the scholarly literature that prefers “confirmation” of modern

27 The Chinese says, “When people or birds and beasts, as well as the six domestic animals continuously walk into a person’s home—these are spirits from above who like those below and enjoy invading.”
28 Usually the phrase fanben 反本 refers to a “return to the origins” with “origins” construed as the Dao, one’s ancestors, or one’s highest potential.
29 Long before the medical texts, such as the Huangdi neijing (now generally ascribed to the first century of Eastern Han) take up this concept, it appears in more than 40 texts, for example, the “Duoshì” chapter of the Documents classic, in the line: 今惟我周公承帝事 ("At present it is only Our Zhou king who, being greatly numinous and efficacious, could serve well the Lord above and carry out its business"). Ultimately, the special animating quality is described in Dai Zhen 戴震 (1732–1777) as jìng shuāng 精爽 (super-animating spirit). For more on jingshen, see (Nylan 2013).
30 See (Otto 1958).
31 See (Sterckx 2002, p. 105ff), citing Huainanzi 1.20 (“Yuan dao”). Put another way, the nature of each person could acquire second natures over time.
32 Much of this is based on my earlier analysis of the Huainanzi “jing shen” chap., but it also draws up several excavated medical manuscripts, most esp. that from Mawangdui.
33 I was tempted to write “man” here, insofar as the early Chinese thinkers had in mind, male members of the governing elite, often ruler himself, but strictly speaking the character ren refers to male and female equally.
34 (Rosemont 2015) has nicely demolished the notion of “autonomy” in his seminal work.
ideas. (Accordingly, people are never construed as “autonomous” in any modern sense.) However, the theories of the time “to flourish” means to accumulate as much animating qi as possible, since time’s depredations tend to whittle down the original allotment received at birth, which leads to steady diminishment of one’s perceptual, emotional, and physical powers. On that one idea, all early thinkers, so far as we know, agreed, but the question remained, How is the person to effectively increase his or her store of qi, while going through life, so as to live happily and well?

Prescriptions for building up qi varied from thinker to thinker, but inevitably cheng ren (fulfilling one’s potentials as a person, in order “to become complete”) entered the debates. Since there was no Cartesian split between heart/mind and body, let alone the Kantian categorical division between morality and pragmatism, the capacities—physical, emotional, and intellectual—were thought to be mutually reliant for their proper functioning. Clearly, dead people once had such capacities, even if the physical bodies of the deceased are no longer responsive (Xin lun, pian 6 (“Qian fei” 諯非 chap.).

Meanwhile, over-wrought feelings tended to deplete the body’s precious reserves of animating qi quickly, unless careful counter-measures were acted upon.

With this in mind, let us turn to examine notions of cheng ren, for that is the expression around which this entire essay circles, in company with much of the extant literature from the distant past. In early China, the binomial phrase cheng ren has but three meanings: (1) an adjective + noun combination describing a “completed” (i.e., “adult”) person, whose ritual accession to adulthood is signified, in the case of males, by donning the ritual cap, and with females, by pinning up the hair. (2) A verb + direct object, meaning “to complete others,” which is an activity associated not only with the Dao itself but also with the good tutor, the wise court adviser, and the ruler as life-giver (Sivin 1995, esp. p. 9), and, most importantly for our purposes, (3) a two-character phrase meaning “develop oneself in such a way as to fulfill one’s potentials entirely.” All of these senses imply “completion” (of years, of others, of capacities, and of talents that are uniquely configured in the person), and, while the vast majority of citations invoke the first meaning, quite a few passages tie the first meaning to the second or third. For instance, one administrative text flatly states that the person who “completes others” and, thereby, achieves merit is himself to be honored as a “completed person” (Hanguan liuzhong 4.4.23). Additionally, some passages show that the activity of “becoming a [mature] person” who has developed his potentials is a human activity akin to that found in the animal world (e.g., Huainanzi (“Qisu xun” 齊俗訓 chap.).

It is the last of these three meanings that preoccupies me now, insofar as it seems to allow for human beings to be distinguished slightly from animals in early China, even though we must never forget the Chinese realization that “birds and beasts are not necessarily without a humane/humanly

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35 Pace Michael Puett, the “divine” characteristics of the early sages, have more to do with maximal beneficence towards others than with the Kantian acquisition of divine powers ascribed formerly to the Unmoved Mover.

36 Some of the major variations are elucidated in (Nylan 2018).

37 Xin lun, in Quan Hou Han wen, juan 14. Some texts posit a “complete” person occupying a position somewhere on the spectrum between the animals and the ancestral dead. Much depends on the capacities credited to the dead, who sometimes are imagined to have some remnant jing (shown in the form they assume as ghosts), but not as much as living people or the spirits of animals. For this explanation of ghosts as “dead people’s jing” that manifests itself, see Wang Chong, Lunheng. “Si wei” 死伯 pian. See below for more on this.

38 See the “Pan geng” chap. of the Documents classic, for example, where cheng ren refers not mainly to generic adults but to the “mature men” who are capable of guiding the ruler. Meanwhile, the Liji says that it is becoming a mature adult that allows one to be able to act as a good official, a good brother, and a good son. It also states that a mature adult is formed when he learns ritual activity and acquires a fully ritualized body. See the “Li qi” chap. (juan 10.22) that says that the person who lacks a fully ritualized body cannot be deemed a fully-fledged adult. (Analects 14/12 concedes that whereas a “complete person” (cheng ren) would require the consummate strength built up painstakingly through the exercise of all the virtues, generally, a lower standard of excellence is enough to be considered a ‘complete person.’

39 The text continues, somewhat surprisingly, to assert that all objects of worship were originally, in antiquity, human beings, not transcendental or high gods.

40 This passage analogizes the person’s learning to take pleasure in “his perch” to the birds’ becoming mature in their nests and animals becoming mature in their lairs.
Yet, in this regard, early Chinese laws do not require full adulthood or social utility for it to be a violent crime to inflict bodily harm upon the person. The law affords full protection to a fetus in the womb (presumably once the child is big enough to “show” or to “quicken”), a small child, and a grown adult (regardless of gender), even if seniority and the status factor in the calculation of the just punishment that follows commission of a crime, by taking into consideration the intention of the malefactor. Therefore, while “one becomes a human being” slowly in classical Chinese terms, this does not preclude strong protections under the laws for the immature or super-attenuated person of low status (contra, the “common wisdom” about China in the West).

So how does one acquire a “second nature” that affords the person the possibility of becoming a “complete” and whole person, with potentials fully and satisfyingly developed? One answer in the early sources—clearly a Confucian answer—seems to be that the person develops an entirely ritualized body, so that he or she can perform in a wide range of societal roles with equal effectiveness and virtuosity (Hanshu 48.2249). By the Confucian view, ascribed to Mencius, there is but a minute difference between humans and animals, with that difference boiling down to heightened sensibilities expressed in the course of the ritual performance of duty (Mencius 4B/19). As one text puts it, a epideictic fu celebrating ritual, “if the inborn nature does not acquire ritual [to finish it], then the person will be like the birds and beasts”—not because these living creatures are so awful (so “bestial”, as it were), but because the range of their communications, both verbal and gestural, is more limited. Hence, the contrast in the early sources posit between “animal sounds” (sheng 聲) and “musical performance by humans” (yue 樂), with the latter being reliant upon a more complex interplay of effects, whether produced by an orchestra or by the multi-stringed zither. Accordingly, for the early Confucians, the “completed person” then exerts a virtuosic sensitivity to the world within which he interacts, engages, and transforms, such that he may even be capable of perceiving even the invisible and barely visible realms, and so commune with the spirit world (e.g., Kongzi jiayu, juan 18 (“Yan Hui” 風回 chap.). However, contrary to the secondary literature devoted to early China, there are but a handful of self-conscious and committed Confucians on the ground, unless we are content to sloppily (aka anachronistically) translate the term “Ru” 儒 as “Confucian.” Among the much broader set of members of the governing elite, actual and potential, who would identify themselves as “students of...

41 Liu Xiang’s Shuoyuan speaks of some people being less humane than some animals. The ironies abound. See Shuoyuan, “Gui de” 與 德 chap.
42 This saying is ascribed to Jia Yi (200–167 BC).
43 This is consistent in the pre-Qin laws from Shuhiudi and the early Western Han statutes from Zhangjiashan (terminus ad quem 186 BC), also with the Hanshu treatise devoted to penal laws (compiled ca. AD 90). Regarding my presumption: there were, after all, no ultrasounds in antiquity.
44 Part of the confusion is surely generated by the mistranslation of the term “in bond servitude” (mu 捕), which is conflated with “slave,” which is then conflated with the American pre-Civil War condition of slavery, where a slave is property that may be killed by a master with impunity. There is a spectrum of people “in servile status”, with the vast majority of them belonging to that status only temporarily, as indentured servants or prisoners. Generally speaking, only foreign exotics are slaves (and then they are usually house slaves). For both the statutes that demonstrate this and examples of mistranslation, see Barbieri-Low and Yates (2015). I speak of “the laws” rather than the “law code,” like my teacher Michael Loewe.
45 This statement is then cited repeatedly in Han texts, such as in Liu Xiang’s Shuoyuan. Compare the statement in Yanzi chunqiu, reproving Duke Jing’s 饮公 of Qi for suggesting “to do away with ritual” during a wine-feast (“Nei pian, Jian shang” 内宴, 飲上), as that might encourage over-familiarity between the duke and his subordinates. The Yanzi chunqiu comes very close to the Mencian formula, in “Wai pian, Jing gong yin jiu ming Yanzi qu li, Yanzi jian” 外宴, 饮公飲酒, 奴宴子去禮, 親子谏).
46 Shangshu dazhuan, commentary to the “Yao dian” chap.
47 Note that this passage, unlike some others, makes the person a cheng ren before he has fully mastered the rites.
48 On more on this distinction, see (Nylan 1999).
classical learning” (the “Ru” correctly identified), the answer is considerably more interesting because it seems more realistic.

The emphasis in classical learning lies elsewhere, in the argument that, in order to be “complete,” the person must deeply engage with and be changed by something outside the boundaries of the body, such as intimate friendship with others, opposition, and/or remonstrance from teachers and other superiors. Children are analogized to cuddly animals that are loveable and spontaneous, and certainly nothing is inherently wrong with them. It is simply that a rich range of imaginative options exists once the person gains wider access to others’ ways of thinking and others’ sources of information, mainly through conversations and through reading history, but also through closely observing others. Such relations afford a more balanced picture of the full spectrum of the world’s operations, so that the person can imagine circumstances ever farther beyond his or her immediate experiences (e.g., Guanzi, juan 21, pian 65). Therefore, somehow, for reasons never elaborated, a human being cannot become “complete” without fulfilling his or her potentials through receptivity to other lives (Xunzi, fu pian, juan 26), absent stupendous good luck. Put another way, human beings differ in living imaginative lives that allow them to travel far beyond their own group, and, thus, to escape, under the right circumstances, prescribed group-think and group-feel. It is that we find a real departure from the “regime of truth” said to prevail in early China whereas most people apparently defined themselves through ascribed status (usually determined mainly by heredity), which is a largely negative concept defined by what assaults or even afflicts it. Some are aimed for stature and what is humanly achieved (Kateb 2011, p. 9). For those few, a steady focus on the signal achievement of a person’s unique set of potentials, instead of on ascribed status (usually hereditary), inevitably challenged the commonplace notions that automatically equated the ruler on the throne with a sage, and, the high official, with a worthy man.

At this juncture, a reasonable person might then go on to ask how a “completely developed person” (cheng ren) relates in the moral hierarchy of human beings to the much better known concept of the junzi 君子, which originally meant “the ruler” or “nobleman”, but eventually came often to describe as well the “noble person” who represents a member of the moral elite. This question eludes an easy answer for three reasons because, first, only a small group of self-described Confucian thinkers among the much wider set of classicists (Ru 儒, i.e., experts in the classical past) articulate a clear role for the junzi, contrasting him to the “petty person,” second, all the early texts discussing human development emphasize the lifelong process of becoming and retaining fully humanity, they do not talk of an acquired and, henceforth, fixed state of perfection or near-perfection, and, third, the early texts consequently privilege virtuositc efficacy displayed in adapting to changes rather than strict adherence to rules. ( Tradition even had Confucius distancing himself from the rule-bound person in the Analects 4/10, 5/1, 13/24, and 17/13.).

Well outside the narrow confines of avowedly Confucian literature, we, therefore, find numerous passages testifying to the uniqueness of the developed person, defined by his or her commitments to help others. The Taiping jing 太平經, for instance, says this:

Each [developed] person has a will, his or her own thoughts and achievements; the person’s plans are not identical to those of others, and a distinctive way of seeing things. The person has his or her own productions and aspirations, his or her own understanding of what is liable to understanding (Taiping jing, Section 7, unit 114; (Espesset 2002, p. 16) [modified]).

49 History fosters this imaginative process greatly, encouraging observation of exemplary figures as they perform their roles, and contact, by any means, with such figures, provides a welcome vantage point from which the person can judge the unfolding situation with greater deliberation.

50 Judging from the context, this piece of analysis apparently is proverbial.

51 The phrase is Foucault’s. It describes whatever ideology occludes key inequities in a given society.

52 This is frequently translated as “gentleman” with gendered presumptions. However, even in the Analects ascribed (erroneously) to Confucius, the moral elite includes some female sages. An anonymous reviewer suggests that there is an analogous term, wei ren 为人 (“as a human being”), but use of this term begs the question, clearly.
The same text describes the ideal member of the human race in terms that echo the Documents classic. Such a person, imitating Heaven’s generosity and impartiality, “helps” (zhu 助) and “favors or blesses” (you 佑) the weak and solitary (ruo gua 弱寡), rather than the strong and the many (qiang zhong 强众) (Taiping jing, Section 9, unit 135; (Espesset 2015, p. 66)). In other words, controversies seldom focus on what development looks like in the world, and on how it might be attained (through steadfast adherence to the right models. Instead, quarrels break out over how to identify the right models, since the point of education and emulation (both are xue 學) is not principally to serve the child’s interests, either as they are or as they might one day become, but rather to lead the child, by creating new wants in him, to see that the pursuit of personal excellence gives him a stake in acting for the sake of those to whom he has ties, via kinship or native place, in the past, present, and future (Feinberg 1977, p. 286 [mod.]).

Meanwhile, readers may find it interesting that at least three powerful concepts taken up repeatedly in the literature of the early empires duly enhance the allure of developing as a human being: (1) fanben 反本 (returning to the Origin), (2) shou yi 守一 (maintaining the One, with the developed person a microcosm of the Primal Oneness), and (3) shenming 神明 (originally “gods of heaven and earth,” but eventually an “indwelling light imparting superior vitality and discernment”). Around all these terms, there hovers an undeniable whiff of “religion” and, crucially, all these terms turn up in unexpected places. For example, no fewer than 27 (including several military classics) urge “maintaining the One” (i.e., avoiding being of two minds and keeping intact the early unified spirit associated with infancy) while no fewer than 23 classics and masterworks enjoin “a return to one’s origins” (fanben 反本), where fanben can refer either to the ancestors’ exemplary model or one’s sense of kinship with other cosmic entities, but “the return” always produces a person who is more genuinely attuned to himself or herself.

I would tarry a bit over shenming, if only because it has long puzzled me that shenming plays such a prominent role in the writings of those thinkers that we moderns like to categorize as “rational” or “skeptical” including thinkers who reject the notion that any divinity exerts a significant impact on human lives, whether or not they explicitly reject the existence of a god or gods (e.g., Guanzi 13.1). As a perception of order in the cosmos was the key source from which derived the human sense of agency, intention, and intelligibility, a majority of pre-Han and Han rationalizing texts somehow posit the animating, illuminating, and transformative medium of shenming, a wellspring of ling (“numinosity”), which guides the person to know what to do when (e.g., Huainanzi 2/11, Huangdi neijing, juan 5). Allegedly, this mysterious medium facilitates perception and ultimately understanding because shenming is so finely textured that it can “get through” physical barriers and also “communicate its own light” to others (see, e.g., Han Feizi 21/45, Huainanzi 1/7, Liu tao 六韬 1.11, Qian Hanji, juan 30, and Taixuan jing, p. 431). Such marvelous capacities are associated, naturally, with receptivity and flexibility to change, but equally and perhaps less intuitively with reliability, predictability, and inexhaustibility of one’s resources.

2. Current Definitions of the “Human” in Modern Euro-American Religious, Legal, and Philosophical Traditions

Even when contemporary Western definitions of the “human” trace their origins to philosophy or to modern science, they tended to be rooted, even mired in one of two traditions. Either they reflect Biblical notions or the Anglo-American legal tradition, which itself draws inspiration from the Bible as often as it reflects Hobbes or Locke. (Aristotle’s treatise on the Parts of Animals did not make it into the Western canon, it seems, and is seldom discussed.) Kant simply substitutes for the unmoved Mover

53 In some texts, this medium becomes “an indwelling god or gods who have been induced to live inside the bodily form.”
54 I do not count synonyms such as zhi qi zhong 執其中 (Analects 20.1).
55 By rationalizers, I am referring to the group of thinkers whose theories focused on human agency do not refer to the efficacious intervention of spirits or gods in the social sphere.
the “autonomous rational human being,” which makes him the object of supreme wonder, even if that move seems ludicrous to some of us in retrospect. In addition, let us not forget the famous dictum that “all of modern philosophy is but a footnote to Kant” (Ravven 2013, p. 206). I briefly examine here four logically separable strands of durably influential thinking on the animal/human divide: (a) the belief in the unique endowment of human beings to have a soul, and, hence, a unique status among living things that is “high and distinctive,” (b) the Anglo-American legal position, indelibly stamped by Hobbes and by Locke, that humans, unlike animals, are unique in two respects: humans are both crueler and more vulnerable than any animal, according to Hobbes, and humans (aside from slaves, possibly) alone have the self-reflexive capacity to regard their bodies as valuable property, (c) “equal rights” talk, as it has developed in the late 20th and early 21st centuries, and (d) the “scientific” position expressed in many modern papers, that the human brain is somehow more complex and, hence, wondrous than the brains of animals. As we will see, each of these four positions, however beautifully articulated by their proponents, is liable to grave objections, as is a fifth position marked out by Heidegger and Derrida, which has understandably drawn many philosophers into its orbit (Fics 2015).

The purpose of this section is simple: to show that, in nearly all cases, the modern Euro-American discussion of the human/animal divide begins with different suppositions and ends on different notes.

A brief word about my choice of thinkers, designed to suggest the spectrum of mainstream thinking on the human/animal divide, may fairly represent it. Waldron, who was asked to give the prestigious Tanner Lectures, is one of the chief spokesmen for those who would adapt Christian theology to contemporary life. Hobbes and Locke are two important sources for the Anglo-American legal tradition, as well as for modern conservative thinkers. Samuel Moyn is the most reliable guide to the very brief history of “human rights” rhetoric, which originated during the Cold War, and not earlier, despite some accounts seeking its “origins” centuries before. My fourth example is messier, as it includes members of such a seemingly disparate group, including the Romantics, the philosophical anthropologists, the phenomenologists, and, more recently, Heidegger and Derrida.

(a)

I begin with Jeremy Waldron’s published Gifford Lectures as a reputable elucidation of the first position: Waldron would tie the entire question about the dividing line between animals and humans to a single belief: “the belief that only humans among all God’s creatures were endowed with an eternal soul, which will ultimately be saved or condemned in the afterlife by the omniscient creator God” (Waldron 2017, esp. chap. 5). For Waldron, then, a sign of this unique status is man’s “sense of duty,” which is, perhaps, the only feature that, in his view, truly distinguishes humans from animals. The usual secular justifications Waldron deems rationalizing and/or sheer extrapolations, and he may well be right in this. Waldron is quick to show, for instance, that Singer (1975) discussions of disability and euthanasia do not concede the possibility of God, while Rawls’ theories have been criticized repeatedly (and rightly) for “their indefinite postponement of any full consideration of profound disability” (Waldron, One Another’s Equals, pp. 226–27). Waldron valiantly tries (but, to my mind, fails) to construct an argument that allows severely disabled humans to be accounted “fully human,” and this is why Waldron continues to believe that we must all fall back on the notion of humans are uniquely children of God. However, an agnostic or atheist is hardly likely to want to ground any of his

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56 Kant talks of the “categorical imperative” (absolute moral standard) to which humans may aspire, and if they are successful, in Kant’s view, those people possess a dignity (“an absolute inner worth”), by which they can exact respect “from all other rational beings in the world”. See (Kant 2017, p. 557) (6:434–435 in the standard Prussian Academy edition of Kant’s works). (Dworkin 1977, esp. pp. 272–78), similarly talks of human beings (or at least rational human beings) demanding “equal concern and respect,” deeming this formula a basic premise of modern philosophy. Dworkin would be adamantly opposed to the redistribution of resources (wealth), however.

57 Whereas there is no paper on the human/animal divide to be found in the Bibliography of Asian Studies online database, a quick look at JSTOR reveals 1995 essays and reviews on the topic as it relates to Euro-American beliefs. I recommend Calarco (2015); Gross (2014); Lippit (2000), Lewis and Wigen (1997), among others.
or her self-conception on this belief. While the number of believers does not seem to be diminishing in today’s world—to the contrary, as belief gets tangled up with other identities—many rational people would reject Waldron’s analysis of the situation, thinking a sharper definition for and defense of humanity’s special claims is called for. Raymond Geuss, the political theorist, casually encapsulates the problem, writing, “those who think human beings have rights assume so because of something ‘prior’ to these rights, by virtue of some property that is inherent in being a human subject at all: being a child of God, being (potentially) autonomous, being a chooser, being rational, being capable of having a life plan, etc.” (Geuss 2008, p. 63). 58 However, if our capacity for love, for reason, and for morality does not adequately capture the uniqueness of human beings, especially since humans possess these capacities in different ways and to different degrees, perhaps our much-heralded uniqueness is but a polite fiction.

Let us turn, then, to Hobbes and Locke, whose works are generally regarded as the twin foundations of modern Anglo-American law, reckoned by some to be the sole “foundation for the entirety of modern political thought” (Birmingham 2011, esp. p. 3). 59 Both thinkers, along with many adherents down to the present, argue that “only the human species is, in the most important existential respects, a break with nature,” it being “significantly not natural” as a species (Kateb 2011, p. 12). In Hobbes’ writing, certainly, humans are unique, in that, alone among the animals, they take pleasure in killing (rather than killing merely for survival) and the pleasure found in the “out-doing” of the other is the pleasure of eminence, of having the superior position to the other who is awestruck. After all, females as well as males can easily inflict a violent death upon others, since a dose of poison does the trick just as well as the swing of the battle-axe. Therefore, whereas animals kill to survive, rather than for glory, and the stronger animal inevitably overcomes the weaker, the situation with humans is far more complicated, in Hobbes’ view. This allows Hobbes’ account to justify the necessity to cede power to a Sovereign, who will see that violence to individuals is severely punished (unless, of course, that Sovereign himself perpetrates that violence in the name of the law or his state). Hobbes eventually decides that a “meaningful and immortal life” is only available to those ready and willing to sacrifice themselves (and secure glory) by dying for the state. The paradoxical and untenable position of Hobbes should be clear by now to all: for Hobbes, “human equality derives from the possibility of mutual destruction” and people must die or see others die, if they are to achieve any satisfaction in life (Sluga 2014, p. 56). 60

Locke, by contrast, “seemed to have in mind a particular mental operation (abstraction) which, if a being could perform it, would show that that being was a person of distinctive status in the eyes of God” (Waldron 2017, p. 132, Wilson 1995, p. 8). 61 Locke has had many adherents, not the least of whom was Ernst Cassirer, who extended Locke in 1944, when he asserted that self-knowledge is the “first prerequisite to self-realization” (Cassirer 1944, p. 1). 62 The most profound rebuff to such a view,

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58 Geuss never mentions Waldron, but, in fact, Geuss demolishes his argument and any others based on “natural rights.”

59 Much of the discussion on Hobbes below follows Birmingham’s analysis.

60 Sluga continues, Hobbes imagines an uncomfortable bargain: giving up freedom in order to gain security.

61 Waldron continues (ibid.): “It is arguable too that Kant’s theory is of this kind”. After all, Kant says all humans have the unique capacity to respond “in moral matters” to demands of moral awareness. For Kant, it is relevant that there is a “human capacity to construct, apprehend, and respond to moral reasons even in the face of contrary inclinations,” even though people do not always do that (Waldron 2017, p. 124). Wilson notes that Locke listed four criteria by which to distinguish man from brutes, while asking whether some humans (e.g., fetuses, idiots, madmen, or the decrepit elderly), do not share the condition of animals more than that of humans. Importantly, he admits degrees of humanity.

62 Cassirer believed that only human beings had the resources capable to produce animal symbolicum, as he differentiated propositional content (dubbed “biological”) from “symbolic” content in language, knowing that, even in his time, Georg Révész had proposed “animal language,” which has now been proven, and Wolfgang Köhler, on chimpanzees, shows that they express a huge range of emotion. For Cassirer, “Human beings not only repeat a past experience, but reconstruct that experience, imposing on it a symbolic narrative.” The life of ideas does “not appear so much as memories pointing to something in the past, but as expectations to the future” (pp. 52–53). To his way of thinking, to make the future...
to my mind, is that, registered in the “Science” Times section recently, dolphins recognize themselves in the mirror at an earlier stage of development than human children (Gorman and Whitworth 2018). We might observe that human beings can hardly know themselves, as human beings are indeterminate and changing, always. Then, the door opened, the objections multiply. For if we describe this mental operation in terms of rationality and individual autonomy, notions that undergirded Locke’s idea of the human and that of his adherents, then we immediately descend into a morass of half-baked and outdated ideas that few have been willing to confront. If what Anthony Damasio calls the “Cartesian theater” (the ability for self-reflection, where something in the brain is performing the role of observing the self) is supposed to be the key marker of humanity, then we humans are in trouble. For both philosophy and neuroscience show us that our choices are seldom, if ever informed by the due attention that Locke presumed characterized “free will” and autonomy. Moreover, what could it mean to say that human beings have a unique “faculty of freedom itself,” as Hannah Arendt insisted in her early work, and, if this is true, what language at our disposal gives an insight into the regular human atrocities on the world scene? (Arendt 1977, pp. 301–2).

Steeped in the same Anglo-American presumptions, Harry Frankfurt’s Inequality opined that “Every person should be accorded the rights, the respect, the consideration, and the concern to which he is entitled by virtue of what he is and what he has done. The extent of his entitlement to them does not depend on whether or not other people are entitled to them as well” (Frankfurt 2015, pp. 74–75). This begs the serious questions, who is to judge what he is and what he has done, and by what criteria? The modern Euro-American default answer, going back to Locke, has been “equality before the law,” even if everyone knows that justice is not blind.

(c)

Such pronouncements lead us naturally to the search for “equal rights” talk, which must begin in 1948, as Samuel Moyn reminds us (Moyn 2014), when the UN Declaration of Human Rights was ratified. That date and event are hardly fortuitous, for, in the main, it was the Cold War that spurred the “equal rights” discourse, so that the NATO allies could distinguish their own practices from those they ascribed to the Soviet bloc (to which Mao’s China was assumed to belong). “Human rights” were

“ideal” (the ability to foresee future events and to prepare for future needs is a uniquely human way. I am far less certain, especially after reading (Moor 2016, chap. 3), on elephants and their trail-making and mourning for lost companions. De Waal (2016), of Emory University, who studies cognition in apes and other animals and is the author of Are We Smart Enough to Know How Smart Animals Are?, commented in an email, “Great study.” De Waal’s key insight he calls “ethnological naturalism”: that social systems are constituted by more than binary interactions, for they involve hierarchical clusters of actions of the “triangulating” kind, and this seems just like human politics. Even more eye-opening is (Godfrey-Smith 2016), on the cephalods (squids, cuttlefish, and octopi) who evolved nervous systems that evince great intelligence, but followed a different evolutionary track than mammals and birds.

Decisions that are simple (when to move a finger) physically start at about 3/10 of a second before an individual consciously decides to do it. Something in the brain is observing the decision and not deciding it, in other words. For a good synopsis of the relevant neuroscience, see the special issue of The Economist (23 December 2007) devoted to the “brain” and “happiness.” How often in the course of a day are we entirely rational? Philosophers such as Herbert Fingarette, Elizabeth Anscombe, and Bernard Williams, among others, have explored the fundamental realization that we often act by rote (as with bodily memories of driving), or, for some reason, without duly attending to the business at hand. No wonder the philosophers are feeling so defensive these days, as the analysis by Kant and by the neo-Kantians cannot stand, as thinly-disguised reworkings of Christian theology.

Relatedly, Stanley Cavell wrote of the “ultimate political claim,” which is that some human beings ‘are something other and less than human beings, are things, or animals.” This claim is associated with “slavery” and the “barbarian” discourse. For this, see Norris (2017, esp. p. 113). See also notes 90, 94 below, on Heidegger’s anti-Semitism and the Jews as barbaric.

By contrast, the early Chinese answer, given by Xunzi (echoing an answer given by Mencius), is that different people make differential contributions to the welfare of all, and that true equality before the law demands that a judge factor in those differential contributions when sentencing criminals in all stations in life, who are still liable to be judged by the same laws. This understanding informs the statutory laws in the early empires in China, as we see from the excavated legal statutes and case laws from Shuilihudi (late third century BC) and from Zhangjiashan (terminus ad quem 186 BC). The first are translated ably by Hulsewé (1985), and the second, more problematically, by Barbieri-Low and Yates (2015).

“Supposedly” is the operative word, although I suspect Euro-American states ‘tried harder’ to uphold certain protections for the individual, before the fall of the Berlin Wall, when “democracies” were openly in competition with “socialist” or
just the ticket to lend luster to “the West” at the time, since Stalin and his successors were particularly vulnerable to charges of wrongdoing in the court of world opinion. During the early 1970s and 1980s, this “thickly affective” discourse was revived repeatedly within specific contexts. This occurs, first, in the promotion of US-style “democracy” around the world, aided by the growth of NGOs, and then with Elaine Scarry’s (1985) *The Body in Pain*, which focused on “torture” as indefensible, without, however, thoroughly examining the well-established institutions that tend to produce torture. With such a background, it is hardly coincidental that talk of “abstract universalisms” have masked much more narrow sociopolitical agendas. While the United States robotically calls “one man, one vote” the only civilized basis for nation-states, China has embraced the opposing view since 1949, giving “economic rights” priority over voting rights.

(d)

When it comes to unscientific “scientific” papers, issued since the 1850s, we are simply awash with examples. I mention one of the most fascinating groups to engage in pseudo-scientific musings (and whose writings led straight to the Romantics, Heidegger, and today, the phenomenologists): the German philosophical anthropologists, who saw themselves as responsible respondents to Darwin, but whose curious writings never quite managed to square their fundamental beliefs with the latest scientific findings. Nonetheless, the influence of the group has been outsized, thanks to such “rational” assertions as Paul Alsb erg’s dictum in *Das Menschheiträtsel* (1922) that took the “founding act of hominization to be throwing stones.” Essentially, members of this group and their fellow travelers turned from a consideration of what a man is to the human being’s process of becoming, seeing in human technology something that fosters “a certain becoming of man.” (NB: this has only the most tangential resemblance to the notions of cheng ren detailed above.) However, which technologies are crucial to human development have never been conclusively determined, nor the case why hominids and other animals so readily employ tools in complex ways. Therefore, what began as a form of disciplined study, soon devolved into a “random cocktail of narratives and speculation without any viable validity claim” (Lysemose 2012, pp. 125–26). Heidegger’s formulations, elaborated in multiple works, sought to improve upon and remedy philosophical anthropology, by addressing the question of fundamental being and life, as well as the animal/human distinction. Heidegger provided little

“Communist states.” It need hardly be said that legal protections were not offered equally to all citizens of NATO countries. Think of Joseph McCarthy and Hoover, the FBI director.

69 Scarry’s essayistic approach took off from the Amnesty torture archives to develop an aesthetic offense against torture (which (Moyn 2014, p. 110), mocks as “Thomas Hobbes plus John Ruskin” and, as naive, on p. 117).

70 One of the most informative papers that I have read on this was (Jay 2018), which includes Adorno’s attacks on Critical Theory as but “a deceptive code word for traditional Marxist” ca. 1975 (see p. 10, in particular).

71 Were China to take her own rhetoric seriously, a useful debate over civilization might ensue but currently both China and the US embrace the dubious neoliberal “trickle-down” propositions advanced by the Chicago school, which allow sharply rising inequalities among citizens with theoretically equal protections and opportunities under the recent Constitutions. “Black cat, white cat”—there is no difference when it comes to catching mice (i.e., making money).

72 Max Scheler was an influential early promoter whose work only superficially follows Hegel in equating “man’s essential life” with “an inner life developed in the consciousness of one’s own self.” Particularly helpful have been Buber (1945), Lysemose (2012), and Bergo (2017). NB: the French (Derrida, Stiegler, and so on) had a parallel movement with a common source in Leroi-Gourhan. See Lysemose (2012, p. 118n4).

73 Cassirer’s work dwells upon Johannes von Uexküll (1864–1944) who offered a critical revision of biology: natural sciences have to be developed by the usual empirical methods (methods of observation and experimentation), even if he conceded that biological thought is not of the same type as physical or chemical thought. Uexküll championed a concept he called “vitalism,” i.e. the autonomy of life (p. 23), and he was instrumental in “founding” a field called “biosemiotics.” One of Uexküll’s most influential books has been translated into English (see Uexküll 2011).

74 There is not much original in my synopsis, which draws heavily upon Lysemose, who, in turn, draws heavily upon Blumenberg (2006), *Beschreibung des Menschen* (Frankfurt: Suhrkamp 2006). For stone-throwing as the “primal instituting (Unstiftung),” see Husserl’s body of work. One may also consult Talis (2003).

75 Arguments about the cognitive and emotional development, not conceived in terms of personal cultivation but via social cultivation.

76 Heidegger try to address the problems in his 1927 *Being and Time*, his 1928 *Metaphysical Foundations of Logic*, and his 1929 *Fundamental Concepts of Metaphysics*, but to no avail. Three main concepts thread through Heidegger’s attempts to provide
help in resolving the defining features of human beings, and whether they should be sought in reason, language, tool use, morality, consciousness, or elsewhere. Doubtless, as one subdivision of burgeoning cultural studies, philosophical anthropology has been liable to the same criticisms as beset in that field, which is an “inclusive vagueness” that frequently touts non-universal universals.77

The scientific fields (including the human sciences) will never, in all likelihood, become less snarled. To begin with, there exist numerous pitfalls to fossil-driven and journalism-driven science,76 not the least of which are the growth of pseudo-archaeology and “racial science,” in the wake of hyper-nationalist movements (see Fagan 2006 Archaeological Fantasies). Moreover, the emerging animal science hugely complicates any picture of the human/animal divide with respect to technology. Recent books on “animal play,” “animal tracking,” “animal empathy,” and so on suggest that the dividing line between animal and human may be considerably smaller than Euro-Americans have liked to think. As one modern thinker has written, “Philosophers still tend to interrogate the implications of understanding what it means to be human only and always through a splitting off from what is labeled animal, while contemporary science muddles this distinction through research in xenotransplantation and genetic chimeras whose very existence forces us to think about species in terms of connection and continuum rather than those of division and differentiation” (Vint 2010, p. 444). So, what are we to do? Perhaps little is left to historians and political philosophers, not to mention believers in God or the gods, but to acknowledge and catalogue the range of thinking that has gone into the question of the animal/human divide, and then scour the world for additional insights. As happens (and, as Bruno Latour has suggested), some of the needed insights may come from the very resonance theories that were forcefully rejected during the early modern period, which are theories that exist in both the West and the East (Latour 2005).79

The foregoing brief summaries of a selection of prominent Euro-American traditions weighing in on the human/animal divide highlight the continuing debates about whether we are dealing with “a homo erectus, homo sapiens, homo peccator, homo faber, homo ludens, homo economicus, or something else” altogether? (Lysemose 2012, esp. p. 116). I would, therefore, end this section by discussing yet another term, homo sacer, as this phrase opens up certain passages in Heidegger that Derrida and the members of his circle examined with care. It seems worthwhile to explore Heidegger’s writings on humanity and Derrida’s responses to those writings at greater length, if only because so much of today’s secondary literature seems preoccupied with their ruminations, and they offer such a strong case to the constructions by pre-Buddhist thinkers in China. Heidegger’s “Letter on Humanism” (1946) attempts to destroy what he deems the old European characterization of man as a rational animal. Conceding that some animals exhibit consciousness of a type, Heidegger located the crucial divide between the human and the animal in a single notion: that only humans could imagine their own deaths, and, hence, be “world-forming,” whereas animals are “poor in the world,” comprehending

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77 (Rajan 2001, esp. pp. 69, 74), has called “cultural studies” quasi-disciplinary, a hodge-podge, largely because of what she calls its de-referentialization (i.e., de-historicization, de-contextualization), a “soft-sell for, and a personalization of the humanities” that has allowed the humanities to be “hijacked by the neoliberal agenda”. Cf. (Goody 2006).

78 (Henke and Tattersall 2007) Handbook of Paleoanthropology, p. 45.

79 Latour provides a useful introduction to Actor-Network Theory, evoking the net of interlocking relationships found in pre-Buddhist and Buddhist China (the net of Brahma) that makes up the universe.
in this fundamental regard (Cassirer 1964, p. 164; Fics 2015, p. 107). This gives the role of law-maker and enforcer to the human, so that any human becomes more like a sovereign figure than any animal and thinkers like Heidegger, virtually godlike in their prowess. Derrida (2009) *The Beast and the Sovereign* takes up Heidegger by identifying the centrality of the idea of sovereignty in shaping our political institutions, and positioning the human/animal boundary as one of its foundational ideas and continuing consequences. Similar ideas about the biopolitical body are advanced in Giorgio Agamben’s *Homo Sacer* (Agamben 1998, p. 6). Derrida’s *Gift of Death* notes that the logic of our political institutions is based on sacrifice, a sacrifice that is driven by fear, but does not primarily take the form of overt oppression and violence, but rather that of a hidden regime: slow starvation of the sense and the body (Derrida 1995, p. 86).

Heidegger’s writings and Derrida’s close study of Heidegger circle endlessly back to sovereignty and death, which insists that “Animals are still connected . . . with the brutal, with what must be killed for a new political order to be imagined” (Strommen 2018, p. 118). Once again, the pre-Buddhist view in China of the human/animal divide appears startlingly different, as it is life and a palpable vitality (not a consciousness of death) that defines the truly human in the Chinese texts, and the pre-Buddhist notions of sovereignty imagine powers that are far more dispersed across the population and violence, which is far less legitimating. If “our political efforts should be directed toward disrupting the smooth functioning of such [biopolitical] discourse and its economic, political, and legal affairs” lest our current bêtise school us in further brutalities (Vint 2010, p. 452). Then modern scholars, East and West, could hardly do better than to study some early Chinese models that offer less divisive alternatives.

3. Connotations Attached to “The Human” in Early Modern French Thought

The usual comparisons, East to West, insist that never the twain shall meet. However, this is because they are usually comparing apples to oranges: post-Cartesian Euro-America with China in pre-industrial antiquity. There is abundant evidence to show that, in many cases, including cases of abstract theorizing, the gap between East and West is not so wide, even in the early modern period, although it is a subject of perennial interest. Here, I will examine one case: the case of the theriophiles in France, up to and including the time of Louis XIV, the French Sun King, beautifully outlined for us by Peter Sahlins.

In the post-humanist world still reeling in some respects from Darwin after 150 years, Sahlins posits two rival views, which he calls the “vitalist” (investing anthropomorphic qualities in animals) and the “mechanistic” (Sahlins 2018, p. 17). The former dominated thinking in the classical and medieval world, attributing reason, foresight, and thought to animals. Shortly before Louis XIV came to the throne, Montaigne promoted such theriophilic views in his writings, as did Voltaire and many of the Deists and encyclopedists. La Fontaine’s recasting of Aesop’s Fables comes to mind in this context. Pierre Charron, Montaigne’s disciple, asserted that beasts enjoy “spiritual faculties” (including moderation) that both past history and present experience suggestions are inaccessible to
mankind.\textsuperscript{87} In this, the French humanists were following Renaissance “human-animalism” (Sahlins’s term), which steadfastly refused to make a clear ontological distinction between “human” and “animal”, instead emphasizing kinship and community across the species boundary (Sahlins 2018, pp. 38ff).\textsuperscript{88}

Today’s secondary literature generally excoriates Descartes (1596–1650) for the radical mechanization of animals. This also supposed transformation of human beings into “beast-machines.” (Note the complexity of that hyphenated term, which pictures humans as the worst of all possible worlds.) Adhering to Thomas Aquinas, Augustine of Hippo, and the Church Fathers, Descartes wrote that only humans possess reason and, thus, an immortal soul. By contrast, animals act according to their senses, and the instinctual disposition of their organs (what others would call “instinct,” even though Descartes rarely used the word): animals, he said, “have no reason, nor perhaps even any thought,” only passions (Passions I.50). Animal motion—even so much as the extension of an animal’s limb—must, therefore, somehow be governed by material and mechanistic processes (Sahlins 2018, pp. 32–35, Wilson 1995, p. 7). Carolyn Merchant has linked this idea to “the death of nature.”\textsuperscript{90} In addition, if we agree with Laurie Shannon, the Shakespearean scholar, that the topics of “animate motion” and motivation have figured centrally in early modern debates about the animal/human divide. Then, certainly Descartes sought to “dis-animate” the world (Sahlins 2018, p. 33).

Whether Descartes should be held wholly responsible for such ideas seems improbable. However, what we can know is this: under the direction of Louis XIV, beginning in 1668 and continuing for at least a decade, there came a conscious move to break openly with Renaissance ideas, spurred initially by Louis’s construction of a zoo at Versailles, where his men labored over the “apparently unintelligible classificatory universe of animals” (Sahlins 2018, p. 76). Louis’s court-sponsored aesthetic came to impose three discrete, if interrelated ideas: (1) animals were stripped of reason, and said to be driven only by instincts and passions (apparently upon Descartes’ ideas), (2) the “neoclassical naturalism” of Louis XIV required the depiction of animals “in nature,” stripping animals of any fabulous and symbolic meanings, and (3) the concomitant portrayal of the human subject in terms of the “beast within” undisciplined by reason and lacking any sense of social responsibility to others. To advance these ideas, Louis commissioned Charles Le Brun, who was a court painter, to make compelling portraits of the animal’s passions, exhibiting their animal passions, which passions were then promptly ascribed to the lower classes as well. As Le Brun was particularly skilled in tracing a set of lines connecting the animal’s sense organs (eyes, ears, snout, and mouth) (Figure 1), by design, his lectures and paintings systematically de-valorized animals, while holding the autocratic Sun King to be the only barrier to complete breakdown, i.e., upper-class descent into bestial behavior. “Bestiality” became a “shadowy zone of terror.” To be civilized was to be constrained from bestiality, either by iron cages or by the invisible and internalized cages that members of the governing elite decided to construct.\textsuperscript{91} Not surprisingly, “discipline and punishment” resulted from this totalizing and dichotomous theory that referenced a particularly pessimistic view of humanity that could justify any and all tyrannical acts.\textsuperscript{92} Inevitably, this neoclassical aesthetic led to a resurgent vitalism in France and neighboring countries, impatient with the French emphases on the logical and mathematical foundations of Being.

Why make this apparent excursus? Because the vitalist cases suggest that there have been submerged strains in early modern European thinking that were similar to strains in early thinking in classical Chinese, diffusion may have been at work, as some suspect, or a case of similar situations that

\textsuperscript{87} Charron quoted in (Sahlins 2018, p. 38).

\textsuperscript{88} Sahlins believes this was especially true when, in admittedly human-centered research, they elevated animals to be models of civilized behavior.

\textsuperscript{90} Carolyn Merchant, quoted in (Sahlins 2018, p. 18).

\textsuperscript{91} Consider the powerful arguments offered in (Takaki 1990), as they relate to the Founding Fathers’ debates in the United States, especially concerning Caucasian men of property vs. slaves of African origin or descent.

\textsuperscript{92} This particularly pessimistic view of “human nature” soon entered Counter-Reformation discourse in general and Puritanical strains of thinking in particular, providing one probable source of what (Sahlins 2008) dubbed “the western illusion of human nature”.

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evokes similar responses. One place to start formulating better comparisons might be to attend to ideas of “conation,” which place a desiring will at the center of the soul’s development (as did some thinkers, East and West). The attraction is clear, since talk of reason and rationality has proved so little help either to academia or to real life.\(^{93}\) In addition, I have been thinking about Bruno Latour’s manifesto (Latour 2010), which announces that we would all be better historians if we treated writings less as productions by bodiless minds than as creative sites wherein entire networks (some of them hidden from their creators) implode or collide, which come out of a complex ecology of tributaries, allies, accomplices, and helpers. I presume, too, that “becoming a human being” (cheng ren) in the Chinese sense requires us to step outside our comfort zones continually, to forge new contacts that permit us to feel more alive. Thus, it may be entirely irrelevant whether the vitalic strains in early modern Europe and America can be traced to an acquaintance with pre-Buddhist Chinese writings in translation. Bruce Lincoln would advise us to rest content with possible sites of convergence and difference within complex traditions that the “old history” (including the history of religions) has reduced to shadows of themselves.

**Points of Convergence and Divergence, Early and Modern, East and West**

What interests me is the profound disinterest displayed by the early Chinese thinkers, even those who are interested in deliberate action motivated by a deliberate and unified will, to distance the process of “becoming a human being” from the attribution of human superiority over animals. Equally noteworthy, to my mind, is the Chinese disinclination to attach extraordinary value to securing certainty about the “rational course” of action. The early thinkers clearly understand that no certainty is ever possible in a world ruled by change and chance, and so they preferred to root themselves in webs of human affinities that promoted receptivity to the ceaseless unfolding of transformations in the cosmos. Often, it seems to me, well-intentioned moderns, East and West, turn their attention to a desirable endpoint that they presume must exist in the early Chinese writings, which is a retrojection into those sources with lofty speculations about the perfectly realized person who “transcends” ordinary human existence, and, from that vantage point, surveys all the ills of the world below. I find no transcendence whatsoever. As all things are composed of several types of qi, and humans may become gods, in this life and the next, it is hard to imagine what such “transcendence” would look like in the pre-Buddhist world (Yu 1962).\(^{94}\) While I cannot speak to the Buddhist or Daoist worlds (intertwined from the start, according to (Barrett 2010)), I would suggest that the boundaries of the animal/human divide, like the human/god divide, were deemed porous and permeable, which was not a matter of grave concern even to moralists (Nylan 2001).

I, like many academics, strive to be aware of Occidentalisms and Orientalisms, since the very use of modern English, French, or German languages means that we are continually thinking comparatively, whether we admit this or not. As I finish writing this piece, Jack Goody’s *Theft of History* (2006) comes to mind. *Theft* extensively catalogues Eurocentric claims that have denied many non-Western cultures their achievements and, thus, their histories. This form of wholesale looting of pre-industrial achievements has left many of my contemporaries with an equally hollowed-out sense of the premodern European past (McMullin 2011, p. 94),\(^{95}\) since the standard narratives omit mention of such once-vibrant notions

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93 On conation (Latin: conatio), I consulted *Dictionary of Philosophy and Psychology* 1901–2. Definition 1 for (Baldwin 1901–1902) is this: Conation [Latin conatus, from conare, to attempt], the theoretical active element of consciousness, showing itself in tendencies, impulses, desires, and acts of volition. Stated in the most general form, conation is unrest. It exists when, as a present state of consciousness, it tends by its intrinsic nature to develop into something else. Equally helpful are Hilgard (1980), Cassirer (1964).

94 Some eventually posited an afterlife elsewhere, in heaven, as astral deities, but, asYu Ying-shih’s thesis (Yu 1962) showed, most notions of “immortality” envisioned instead of having long lives enjoying earthly pleasures. (A later publication, in 1965, supposedly a synopsis of the thesis, did not reproduce his analysis on this point.)

95 Hobsbawm and Ranger (1983), have noted how much the construction of the nation-state has entailed forgetting. Hannah Arendt argues that “the consequence of the modern technological ‘outsourcing’ of memory is a type of generalized social
as “vitalism” that do not “fit” preconceived schemas of Western progress toward rationality. In my view, a commitment to our animality may offer relief, so here is Tao Yuanming 陶淵明 (365–427), who begins by lamenting the gross inequities in the human realm. It then recalls the singular good fortune of living as a man enjoying exquisite senses, sensibilities, and sensitivities (du ling 獨靈). He continues,

- Birds in flight return to their old homes,
- The hare runs to return to his hole,
- The fox dies at the head of the mound,
- The waterfowl flutters over the water,
- Each staying close to the place of its birth and life.

To understand that—we come and go without making much headway (nor need we expect to do so), which should suffice for such as we, so long as we enjoy this wondrous creation for now.

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