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American Imaginaries and Aboriginality
in Early Modern Political Thought

by

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ABSTRACT

This dissertation proposes an original reading of two important texts in early modern social contract theory: Hobbes's *Leviathan* and Locke's *Treatises of Government*. It analyzes the references to the Americas made in these texts to show how their illustrative use in depictions of the state of nature is articulating a particular, long-lasting, and highly consequential conception of otherness, one coined "Aboriginality." Two goals are pursued through this investigation of the role of the Americas in social contract theory. First, it is shown that by applying Michel Foucault's critical methods to canonical texts, we can uncover new paradoxes and propose new interpretations of "old" texts. Through the analytical lens of "Aboriginality," social contract theory is not as much the modern affirmation of natural rights as a theoretical funnel, channelling "American imaginaries" into a rigidified conception of the state of nature, initiating what would become our modern understanding of civilization, subjectivity, and citizenship.

The historical context, the post-1492 apparition of the "Americas," literally as a New Continent and figuratively as a new trope in literature and in the European mind, is analyzed as a "social imaginary," and the impact of the travel literature on philosophical and legal discourse assessed. Particular attention is devoted to the Spanish Scholastics' view on the "nature of the Indians"—showing how the Americas and its Indigenous inhabitants posed a theoretical and anthropological challenge for Western legal and political theorists of the time. The Scholastic approach can then be contrasted to that of Hobbes and Locke, whose association between state of nature and Indigenous America contributes to the development of modern "civilizational thinking"—this theoretical shift would be fairly harmless if it were

not necessarily associated with the exclusion of "Aboriginality," and with it, of those deemed natural and uncivilized. This interpretation sheds new light on the distinction biopower/sovereign power established by Foucault, stressing the importance of contract theory and of the "juridico-political" discourse in genealogies of the modern subject.

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INTRODUCTION

The Americas and Political Thought

Discussing the future of Indian populations in the Americas in a chapter of *De la Démocratie en Amérique* (1835), Alexis de Tocqueville compares and contrasts the colonizing methods of the "Spaniards" and those of the Americans, opposing the naked violence of the former to the constant concern for legality, if only in appearance, of the latter:

> Les Espagnols lâchent leurs chiens sur les Indiens comme sur des bêtes farouches; ils pillent le Nouveau Monde ainsi qu'une ville prise d'assaut, sans discernement et sans pitié; mais on ne peut tout détruire, la fureur a un terme: le reste des populations indiennes échappées aux massacres finit par se mêler à ses vainqueurs et par adopter leur religion et leurs mœurs.

> La conduite des Américains des États-Unis envers les indigènes respire au contraire le plus pur amour des formes et de la légalité. Pourvu que les Indiens demeurent dans l'état sauvage, les Américains ne se mêlent nullement de leurs affaires et les traitent en peuples indépendants; ils ne se permettent point d'occuper leurs terres sans les avoir dûment acquises au moyen d'un contrat; et si par hasard une nation indienne ne peut plus vivre sur son territoire, ils la prennent fraternellement par la main et la conduisent eux-mêmes mourir hors du pays de ses pères.

> Les Espagnols, à l'aide de monstruosités sans exemples, en se couvrant d'une honte ineffaçable, n'ont pu parvenir à exterminer la race indienne, ni même à l'empêcher de partager leurs droits; les Américains des États-Unis ont atteint ce double résultat avec une merveilleuse facilité, tranquillement, légalement, philanthropiquement, sans répandre de sang, sans violer un seul des grands principes de la morale aux yeux du monde. On ne saurait détruire les hommes en respectant mieux les lois de l'humanité.[1] (Tocqueville, 1961, pp. 496-497)

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[1] Quotations originally in French will be left untranslated in the body of the dissertation. Translations in English will be inserted in the footnotes.

> The Spaniards pursued the Indians with bloodhounds, like wild beasts; they sacked the New World like a city taken by storm, with no discernment or compassion; but destruction must cease at last and frenzy has a limit: the remnant of the Indian population which had escaped the massacre mixed with its conquerors and adopted in the end their religion and their manners.

This contrast, not devoid of irony, may be naïve and somewhat historically inaccurate, as both "Spaniards" and Americans resorted to a combination of violence and legal tools in their colonizing enterprises. Yet more than four centuries after the "Discovery" of the Americas, it raises a key question, concisely expressed by the last sentence: "*on ne saurait détruire les hommes en respectant mieux les lois de l'humanité.*" The stylistically clever antithesis hides a major political and philosophical interrogation: How does one exterminate "legally" and even "philanthropically"? How does one destroy entire communities while upholding and even forging the notion of shared humanity, its defence, and a system of legality built around it? The history of political and legal theory illustrates only too well this apparent paradox: indeed, the articulation of natural law into universalizable human rights coincides chronologically with expanding colonialism and increasing contacts with non-European populations—populations which were then denied those very rights.

This is simultaneously the starting point and the underlying thread of the present research project. More than a historical coincidence, this chronological concomitance—marking the beginnings of modernity—cannot be dismissed as an object of study on the grounds of the ambient racism and ethnocentrism of the times, but instead needs to be carefully interrogated by students of political thought; it will then reveal deeper intellectual, philosophical, and political connections. With this purpose in view, this dissertation consists of an analysis of "Aboriginality" in early modern Western political and legal thought. At the disciplinary level, the project belongs to the tradition of intellectual history, or the history of ideas. More precisely, it is a contribution to "the history of systems of thought".[2] It aims at reaffirming the relevance of such a history for contemporary students of politics while

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> The conduct of the Americans of the United States towards the aborigines is characterized, on the other hand, by a singular attachment to the formalities of law. Provided that the Indians retain their [savage] condition, the Americans take no part in their affairs; they treat them as independent [peoples] and do not possess themselves of their [lands] without a treaty of purchase; and if an Indian nation happens to be so encroached upon as to be unable to subsist upon their territory, they kindly take them by the hand and transport them to a grave far from the land of their fathers.
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> The Spaniards were unable to exterminate the Indian race by those unparalleled atrocities which brand them with indelible shame, nor did they succeed even in wholly depriving it of its rights; but the Americans of the United States have accomplished this twofold purpose with singular felicity, tranquilly, legally, philanthropically, without shedding blood, and without violating a single great principle of morality in the eyes of the world. It [would] be impossible to destroy men with more respect for the laws of humanity.

(From the Henry Reeve Translation, 1899, revised and corrected for the online version of *Democracy in America* published by ASGRP, the American Studies Programs at the University of Virginia, June 1, 1997; words in brackets have been modified to stay closer to the original French).

[2] Translation in English of "histoire des systèmes de pensée:" name of the Chair held by Michel Foucault at the *Collège de France.*

exploring new ways to write it. The notion of "Aboriginality" provides an experiment or a case-study testing these theoretical and methodological considerations. Aboriginality, introduced here and developed in the first chapters of the thesis, is meant to encapsulate the paradoxical relationship between the Old and New Worlds mentioned above. This conceptualization proposes first to focus on intellectual rather than physical contacts between the Old and the New World, as experienced by the literate elite of the Old World, in particular its philosophers and political thinkers; and second, to describe the specificity of the differentiating mechanisms at stake, the form of "otherness" that Aboriginality captures, and its impact on the political thought of the time.

The main hypothesis to be tested holds that early modern social contract theory, while opening up the universalizing potential of human rights, actually supposes and necessitates exclusion as both a possibility and a process. This exclusion finds its concrete expression in the colonizing practices of Western Europeans in the Americas (North and South). New colonies in general, and the Americas in particular, provide the necessary context for such a universalization while leaving open the possibility of a radical otherness—an outside providing a concrete limitation necessary to the stability and actualization of this new system of rights. The historical unfolding of this exclusion, however, is outside the scope of this thesis; what interests us in this project is its unfolding at the intellectual and discursive level, more precisely its expression within political theory, uncovering some of the mechanisms and logics linking Aboriginality and social contract theory. How is the imaginary of the "Aboriginal man" reflected in the political theory of the time? What type of exclusion is expressed through references to the Americas and "savage" men? What is so specific about this relation to otherness, this making and re-enacting of Aboriginality?

Two sets of issues arise from this hypothesis, or rather two distinct levels of study: on one hand, questions regarding the relationship between ideas, theories and historical reality; and on the other hand, questions regarding the particular articulation of Aboriginality and civilization at work in the period under study, that is, sixteenth- and seventeenth-century Western Europe. The thesis project is thus twofold, with both a methodological and a historical focus. The first chapter will be devoted to epistemological and methodological issues relevant to the history of political thought as a discipline, while the second and third chapters will focus on a specific historical periods (post-"discovery" and early modernity in general for Chapter Two, more precisely the seventeenth century for Chapter Three) and elaborate on a particular object of political thought, "Aboriginality"; the fourth and final chapter will then resituate the project's findings within contemporary scholarship.

Presentation of the Chapters

1.

The first chapter, "Critique in the History of Political Thought," proposes to investigate the advantages of a Foucauldian perspective in political theory and to the study of its historiography. Foucault did not identify himself as a philosopher, as a political theorist, or a historian of ideas. However, his own choice of title for his chair at the *Collège de France*, "history of the systems of thought" brings him close to the latter field. Despite this affinity, he may not always be considered an important reference in the specicialized field of the history of political thought. As the first chapter will show, however, his critical approach to human sciences is important to the continuing development of the field. Specifically, Foucault's approach to critique is particularly suited to the history of political thought, introducing a more radical epistemological perspective in comparison to the approaches found more traditionally in the discipline. The argumentation will be developed in three stages:

- First, it is important to highlight Foucault's original conception of critique. In later texts, "What is Enlightenment?", "What is Critique?", and his lectures at the *Collège de France*, Foucault defines a "critical attitude," displacing critique from normative philosophy towards literary theory and the reader's experience. The results of this shift are far-reaching for the humanities and social sciences, unsettling the traditional epistemological groundings of many contemporary academic disciplines. Political thought, especially in regards to its historiography, is not immune to this Foucauldian challenge; as an academic field, however, it has been somewhat less influenced by post-structuralism and the "linguistic turn" than other disciplines.[3] The goal of the chapter is thus to show that despite being a relative

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[3] By "linguistic turn," I am referring here to the continental version of this epistemological shift, rather than the analytic (Wittgenstein-inspired) shift in philosophy described by Richard Rorty in his book of the same title. Generally speaking, the linguistic turn can be defined as "the shift in historical explanation toward an emphasis on the role of language in creating historical meaning." It is a challenge for traditional forms of history, as it

> (…) offers up to historians several disquieting arguments—that the past consists of texts that are largely self-referential, that aesthetic decisions are as important as the evidence in

outsider to epistemological and methodological exchanges and to the positions familiar to historians of political thought, Foucault can easily be placed within these dialogues, contributing significantly not just to intellectual history in general, but, quite specifically, to the history of *political* thought.

- Secondly, the chapter will turn towards questions of interpretation, highlighting the methodological and epistemological challenges they have presented to the field. The history of political thought is usually characterized by an array of perspectives. Despite their heterogeneity and diversity, those perspectives often get classified in two categories, *textual* or *contextual*, or assessed in relation to these two polar interpretive positions. The works of Leo Strauss and his followers on one hand, and of Quentin Skinner and the Cambridge School on the other hand, are particularly exemplary of the contrast between *textualism* and *contextualism* (the historical approach).[4] After a brief summary of the methodological positions of each author, we will be able to show that Foucault's own critical approach addresses issues of interpretation similar to those at stake in the textualist vs. contextualist classification, and that his contribution can reasonably be applied to the historical study of political thought.

- More precisely, Foucault's position can easily find a place within the cloud of contextual approaches, closer to Skinner's original position. In fact, Foucault radicalizes Skinner's position by further interrogating the relationships between an author and his/her text, showing the critical potential of historical enquiries as well as their direct relevance to our understanding of contemporary societies. For this reason, his contribution to the

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generating a narrative, that the intentionality of the author cannot be known with any certainty, that history beyond the sentence is all interpretation, and that the correspondence theory of knowledge is too frail to support all that is claimed for it. (Munslow, 2000, pp. 151-152)

On the impact of the continental linguistic turn on intellectual history (in the 1980s), Anthony Pagden's succinct 1988 review article is particularly informative; it summarizes the epistemological and hermeneutical issues faced by historians in this specialty, and their original response to the challenges raised by authors such as Derrida, Foucault, Gadamer, and Habermas (Pagden, 1988).

[4] This contrast is often used to introduce political thought textbooks. *Cf.* for instance Hallowell & Porter, 1997, p. xiii. Other classifications are possible, some relying more broadly on the contrast between historical and philosophical approaches to texts. *Cf.* Rockhill, 2007. Gabriel Rockhill, in *Le Droit de la philosophie et les faits de l'histoire*, explores the relations between history and philosophy and contrasts the two approaches, taking Foucault and Derrida as exemplary of each, one named "internal" and seen as "the properly philosophical method" (similar to textual approaches in our distinction), and the other named "external" and associated with the "historical discourse" (similar to contextual approaches in our distinction).

traditional field of the history of political thought should not be underestimated, and deserves further experimentation.[5]

The study of Aboriginality in seventeenth century social contract theories, carried out in the next chapters, proposes such experimentation. Indeed, applying the Foucauldian "tool kit" in the discrete field of the history of political thought may bring new insights, suggest original analyses, and bring to light objects of analysis relatively neglected until recently: "Aboriginality" as a particular articulation of settlers' understanding of Indigenous populations is one of these understudied objects of political philosophy.

2.

The second chapter, entitled "The Americas in Sixteenth and Seventeenth-Century Literature: from Apprehension to Appropriation," analyzes European perceptions of the Americas and its inhabitants after the "Discovery." It considers the "discovery" of the Americas in 1492 as a literary event rather than a geographical milestone, as the actual encounter with the New World had been quickly overshadowed by an intellectual discovery, that of the "Aboriginal imaginary." This chapter is aimed at showing how, very soon after the first encounters with the New Continent, American imaginaries are formed around recurrent themes and mental associations; they inform artistic creation (literary mostly, but also pictorial) as well as popular culture. More importantly, these "social imaginaries" born from the travel literature are also shared by political and legal theorists of the sixteenth century, the Spanish Scholastics in particular.[6] Not only was political and legal theory permeable to the intellectual and artistic trends circulating within the society as a whole, but

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[5] Comparisons between Skinner and Foucault can be quite informative; however, too few authors have put both sets of works in dialogue. Among them, James Tully commented extensively on the Cambridge School approach, and made mentions of possible links with Foucault's approach in "The Pen is a Mighty Sword" (Tully, 1988). He proposed a Foucauldian interpretation of Locke in the chapter "Governing Conduct" in *An Approach to Political Philosophy: Locke in Contexts* (Tully, 1988, 1993). His recent two-volume work, *Public Philosophy in a New Key*, addresses issues of Foucauldian scholarship, the Habermas-Foucault debate notably (Tully, 2008). In recent scholarship, two articles should be noted: "Reconciling Foucault and Skinner on the State" by Ryan Walter (Walter, 2008) and "Histories and Freedom of the Present: Foucault and Skinner" by Naja Vucina and all (Vucina & Drejer, 2011).
[6] Social imaginary is here defined, following Charles Taylor, as: "something much broader and deeper than the intellectual schemes people may entertain when they think about social reality in a disengaged mode, [but rather as] the way people imagine their social existence, how they fit together with others, how things go on between them and their fellows, the expectations that are normally met, and the deeper normative notions and images that underlie these expectations" (Taylor, 2004, p. 23).

it participated in them as a key player, reshaping representations while utilizing them in its theories and arguments. The goal of this chapter is not to provide an exhaustive depiction of the Americas at the time, nor of their perception back in Europe; instead, it highlights usual and recurrent representations of the Americas and their population, in the sixteenth and first half of the seventeenth centuries, the period providing the historical background against which the social contract theories of Hobbes and Locke were developed. This chapter shows in the end how, with Vitoria and the Salamanca school, these American imaginaries start to coalesce in an Aboriginal imaginary, articulated around specific interrogations on nature, natural law, and human nature. This "Aboriginal imaginary" will then prove itself useful in the following chapter, showing how Hobbes's and Locke's states of nature are deeply embedded in it and contribute significantly to its reinforcement.

With this purpose in mind, the argument will be developed gradually:

- First, after a cursory survey of the travel literature of the period, scholarship specialized in the analysis of and commentary upon sixteenth- and seventeenth-century literature will be mobilized to identify the recurrent tropes, themes, and associations which came to characterize the Americas at the time, and sketch the axes along which the distinction Europeans–Americans was understood in early modernity.

- Whether Indigenous Americans were imagined as "noble" or "ignoble savages," a handful of recurrent conceptions, more or less prejudicial, remain: America was consistently a figure of the antipodes, with a reality always enmeshed with the mythical and marvellous; the far-away, the New Continent, kept being associated with the long-ago, the lost past or even pre-history, and was repeatedly used as a window into Europeans' own lost and forgotten primordial times; while nature was seen as luxurious and plentiful, the populations, their cultures, and their social and political structures were irremediably seen as deficient. Among the multiple deficiencies supposedly affecting indigenous lifestyle, their "naturalness" was a particularly contentious issue.

- This is exactly this issue that political and legal theorists of the sixteenth century, the Scholastics in particular, have seized upon. Through their discussion on the "nature of the Indians," authors such as Vitoria, and the Salamanca School more broadly, but also Las Casas and Sepúlveda, started highlighting the limitations of ancient and medieval theorization of human nature and law, unable to grasp and defend the "unnatural nature" observed on the New Continent. This ushered in a progressive transformation of the multifarious American imaginaries into a single, much more rigid, Aboriginal imaginary.

"Aboriginality," although unnamed, progressively becomes a more or less conscious point of reference. Its positive pendants, civility and civilization, on the other hand, start a brilliant career.

The contrast, indeed, the stark opposition between civilization and Aboriginality is at the core of the arguments developed in the dissertation. For this reason, a few vocabulary precisions should be given already, even though "civilization" and "Aboriginality" will be explored at length in the development, notably in Chapter Three. The term "Aboriginality" has been chosen and found effective to describe the intellectual mechanisms under study, and it is to be understood in this project not only in relation to early modern characterizations of the Americas but also against the emerging idea of civilization. However, a few warrants may be introduced already. At first sight, the term faces two obvious problems: the first being the risk of anachronism and the second consisting in its heavy luggage, its diverse usages around the world, and its sometimes deprecatory connotations. Both problems are linked, leading to the following pitfall: using the term "Aboriginality" when studying sixteenth and seventeenth century Europe seems to be uncritically associating the reality of individuals and nations nowadays called "Aboriginal" to the racist prejudices and misconceptions about "savages" and "barbarians" of the writers of the period. Because the term "Aboriginal" is sometimes used today to refer (more or less objectively) to indigenous peoples around the world (Aborigines being even the standard term used to describe the ensemble of Australian indigenous populations), its connotations and biases are not always obvious. By contrast, terms such as "savage" or "barbarian" are obviously biased and discriminatory. This negativity and the prejudices associated with those terms may have made them better suited for the critical perspective intended here. Moreover, they also most often correspond to the vocabulary and terminology used by the authors under study. "Aboriginal," on the other hand, appears at first more innocent, even potentially descriptive.[7] It is thus necessary to remind the reader that choosing this lexicon ought not to be misread as an endorsement. The study proposed in this dissertation does not refer to the reality and the existence of actual populations, past or present, but rather tries to show how perspectives on otherness, indigenous populations in general, and

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[7] Nowadays we may safely assume most readers are aware that there are no true/real savages or barbarians out there. Many, however, may still retain the idea or intuition that there is such a thing as true Aboriginality. One of my contentions is that the term Aboriginal, although less deprecatory and nowadays more politically correct, is still a Western invention, a confiscation of naming prerogatives by the colonizers to the detriment of the colonized, and thus the expression of a similar power relation to the one expressed by "savage" or "barbarian."

American indigenous populations in particular, form a complex network of tropes and meanings which can be best accessed as a construction of "Aboriginality." It aims at showing that conceptions of the "other" are often nothing more than misconceptions of "oneself," a wild imagination having more to do with one's own ethnocentric conceptions of the world rather than an actual knowledge of the other.

The critical potential of "Aboriginal" and its cognates is not evident yet powerful: "Aboriginal" and its substantive, "Aboriginality," carry in their etymology connotations of utmost significance. Etymologically understood, "Aboriginality" is the character of what is deemed *ab origine*. The connotations implied in this Latin expression are especially appropriate to the topic: an essence stemming from the very beginning of times and things. It indicates an *a*-historical or truly *pre*-historical moment (literally and logically situated before and outside history), whereas civilisation[8] becomes synonymous with historical times and progress. Etymology explains this strategic choice of "Aboriginality" as an object of study, and as an analytical lens through which social contract theories should be read. The current use of the term then adds another critical layer, reminding us that our own contemporary understanding of Indigeneity and Aboriginality is dependent on intellectual frameworks inherited from early modern political thought. Therefore the critique envisioned in the thesis, although dealing with past authors, is indirectly addressing our very contemporary mode of thought and subjection, as will be shown in the fourth chapter. This justifies again using a contemporary terminology, which too often remains unexamined.

3.

Against the background of "noble savages," the literary success of the very exotic Americas, as well as the emerging idea of civilization, Chapter Three, entitled "Aboriginality in the State of Nature," will be devoted to early modern political theory and the textual analyses of two key works: Thomas Hobbes's *Leviathan* and John Locke's *Treatises on Government*. This chapter, at the core of the project, will show that Aboriginality, the

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[8] Civilisation itself is a problematic term. For the sake of the argument, civilisation is to be understood here as a singular—the community of civilized men—and with all the universalizing connotations it implies. It is not to be understood here as a plural, as in Samuel Huntington's *Clash of Civilizations*. The singular is more fitted to the definition the authors of early Modernity had in mind, in particular when using the adjective "civil." The use of "civil" and its compounds in sixteenth and seventeenth-century Europe is discussed in Chapter Three.

conception of otherness it carries, and the preconceptions it reinforces, are present at the heart of the mechanism of the social contract, characteristic of seventeenth-century political thought. The state of nature, given life by legal and political theorists, fixed in the minds of the moderns a particular idea of naturalness, deeply influenced by the American imaginaries available at the time and of the utmost significance in the development of the idea of civilization—and with it, of our self-understanding as human subjects.

This analytical lens is quite original and novel in the field. Often, modern social contract theory is studied by historians of political and legal thought as a major shift in the natural law tradition, sometimes more precisely as the passage from the ancient and medieval system of natural law to modern, subjective, natural rights. Many studies and debates internal to the discipline focus on the passage from law/right to rights in the plural (in other words, the pluralisation of the Latin term *jus*).[9] The analysis from the angle of Aboriginality, on the other hand, leads to a different perspective, focussing on the first and constant term of the expression "natural," showing that early modern social contract theory reflects a fundamental change in the way nature in general, and human nature in particular, were thought of and conceptualized at the time. This chapter will show how the opposition of Aboriginal vs. civil plays a key role in the new, modified, conception of human nature offered by social contract theorists.

The argument will be organized in four steps:

- First, an introductory section will situate the analysis proposed within current scholarship on early modern social contract theory. Students of the natural law tradition, the Cambridge School, and other critical approaches will be called upon. At a certain level, the American angle and the Aboriginality perspective place the project in line with recent critical approaches developed by feminist or post-colonial scholars, notably those proposed by Carole Pateman and Charles Mills, who, in their respective works, look at the various forms of domination hidden within modern social contract theories: hidden, and yet necessary to

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[9] See for instance the works by Michel Villey, tracking the origin of "subjective" rights and proposing a critical interpretation of human rights (Villey, 1983, 1986). Another French author studying the development of human rights within the natural law theory, and putting social contract theory at the center of the analysis is Blandine Barret-Kriegel (Blandine Barret-Kriegel, 1987; Blandine Barret-Kriegel, 1989). In English language, studies by Brian Tierney and Richard Tuck are illustrative of such a perspective as well, trying to identify the modern meaning of *jus* and to contrast it with Ancient and medieval conceptions (Tierney, 1997; Tuck, 1979). Other outstanding analyses of Hobbes and Locke from the perspective of natural law include for instance Knud Haakonssen's and Oakley's surveys (Haakonssen, 1996; Oakley, 2005).

the perennity and success of the contract (Mills, 1997; Pateman, 1988; Pateman & Mills, 2007). The same logic can be applied to Aboriginality, as the colonial and imperial forms of domination it echoes form the "dark side" of the modern social contract, forever bound to its euro-centrism, elitism, and patriarchalism. However, this research project is not concerned with historical forms of domination but rather with their surrounding discursive and theoretical context. Aboriginality works its way *inside* modern social contract theory; by shaping the state of nature, both in its internal logic and content, it actually operates at the core of the social contract, at the level of its ontological and anthropological premises. The state of nature, its artificiality and instrumentalization within the contractual logic, becomes the main target of our analysis, raising questions about its epistemological status, but also highlighting the way it echoes, articulates, and ultimately reinforces American imaginaries, transforming them in the process into an "Aboriginal" reality.

- The second and third section will be devoted to the two authors of predilection in early modern political theory, Hobbes and Locke, showing how their states of nature, sometimes dismissed as circumstantial or obsolete, ought to be taken seriously. Both Hobbes's and Locke's use of the state of nature, it will be argued, lead to an exclusion of Aboriginality outside of the realm of politics, government, and civility (in terms of both social life and political institutions). For Hobbes, the exclusion of Aboriginality is crude and rudimentary: it takes the form of a quick and almost unnoticeable sleight of hand. For Locke, the exclusion of Aboriginality is much more elaborate and sophisticated; the Americas occupy a more significant place in his writings. As commentators have shown notably, Peter Laslett, James Tully, Barbara Arneil, Locke had an extensive knowledge of the literature on the Americas, and first-hand experience of the colonization in North America (Arneil, 1996; Laslett, 1988; Tully, 1993). This is reflected in his treatment of America in the *Two Treatises of Government*. This treatment, however, remains fairly conventional and he too reproduces and radicalizes the exclusion of Aboriginality initiated by travel literature on the Americas.

- Finally, the concluding section of the chapter will show how Hobbes's and Locke's social contract theories significantly contribute to the transformation of rather loose American imaginaries, identified in Chapter Two, into a specifically Aboriginal imaginary, built on a rigid contrast between Aboriginality on one hand, and civility/civilization on the other hand.

4.

The fourth chapter, entitled "Aboriginality in Foucauldian Genealogies: Governmentality and the Impossible Aboriginal Subject," brings together the conclusions of the textual analyses undertaken in Chapter Three and the Foucauldian epistemological and methodological standpoint defended in Chapter One. It shows how the angle chosen, Aboriginality, completes Foucault's own work on social contract theory and otherness. It is also the occasion of testing Aboriginality against Foucault's work on power, and his genealogy of the diverse modes of subjection shaping Western socio-political history. Here, the project identifies a new line of kinship, one related in part to *biopower* and *biopolitics*, two governmental practices that Michel Foucault associated with the nineteenth century and specifically, the rise of a new concern with population and security on diverse national territories. The European relation to the Americas is a topic of study which, quite significantly, Foucault himself did not have the opportunity to address at length during his career, as he focussed instead on difference and exclusion within the Western world.

This chapter will reassess Foucault's own analysis of the figure of the savage, and his perspective on the social contract and canonical political philosophy. In his study of biopower and biopolitics, as well as the genealogy of modern governmentality he undertook explicitly towards the end of his career, Foucault tended to favour sources marginal to traditional political philosophy: for instance on *raison d'état*, Botero instead of Machiavelli; on liberalism, political economy and the Physiocrats, rather than legal theorists or Enlightenment philosophers; more generally, pastoralism, sexuality, and practices of the self rather than the state, domination, and formal politics. Indeed, he associates authors such as Hobbes and Locke with what he coins the "juridico-political" and often sees it as an outdated model of sovereignty, a model by which contemporary political and social theorists still remain prisoner, thus missing the specificity and novelty of modern (and post-modern) forms of power.[10]

In *"Society Must Be Defended,"* Foucault contrasts the figure of the savage to that of the barbarian and favours the latter in his analysis, as part of the "historico-political" discourses he wants to investigate in a genealogy of *the social*, corresponding to nineteenth century

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[10] For Foucault's strategic preference for Botero, see Walter's article " Reconciling Foucault and Skinner on the State: the Primacy of Politics?" (Walter, 2008, pp. 95*ff*.). On liberalism, *cf.* Foucault's *Birth of Biopolitics*. For pastoralism, sexuality, and practices of the self, his last works are especially representative: the *History of Sexuality*, and the 1982-84 lectures (Foucault, 1976, 2004, 2008, 2009).

conceptions of society, population, and governance. This chapter will show Foucault's analysis of the savage to be partial and misleading, and interprets this limitation as part of Foucault's larger dismissal of traditional political thought. This analysis is related to his work on contract, contrasted to normalization, in *Discipline and Punish*. Our analysis of Hobbes and Locke (in Chapter Three) demonstrates that this contrast is overdrawn in Foucault, and that it leads him to an insufficient consideration of the potency of contracts in shaping society and power relations. In the end, the perspective of Aboriginality not only adds a new area of research for Foucauldian analyses of power and subjection, but also displaces his own reading of the history of modern sovereignty. The Aboriginal/civil tension, more specifically, anticipates the disciplinary techniques of power and techniques of subjectification, blurring further the distinction between sovereign power and biopower.

This has important consequences for our own self-understanding as modern subjects, a domain of research much favoured by Foucault. Switching from a discursive level of analysis to a genealogical one, we can see how Aboriginality draws the boundaries of modern—liberal—subjectivity, making the very idea of an Aboriginal subject antonymic and actually impossible. Textual analyses of Hobbes and Locke, combined with Foucault's own work on power and subjection, lead us to the conclusion that modern subjectivity rests on a radical exclusion of Aboriginality—an exclusion all the more powerful in that it operates at the level of anthropological premises, an exclusion made possible by early modern social contract theories.

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CHAPTER 1: CRITIQUE IN THE HISTORY
OF POLITICAL THOUGHT

<u>Presentation of the Chapter</u>

This first chapter will be devoted to methodological issues. It situates the rest of the dissertation in the field of the history of political thought, while drawing on interdisciplinary contributions. The goal is to underline the critical potential of a Foucauldian approach to the historiography of political thought: such an approach, although not readily belonging to the tradition of political philosophy, can be a useful contribution to the methodological and epistemological interrogations important to the discipline. The following chapters will show how the choice of topic, that of "Aboriginality," is particularly suited for such a critical and interpretive approach, and vice versa—that is to say, that the methodological commitments exposed here call for particular topics of inquiry and analytical lenses, especially those interrogating relationships to difference and otherness.

Using the notion of critique as an entry point within Foucault's work, I argue in this chapter that critical genealogies have not fully been integrated in the mainstream history of political thought and that Foucault's own archaeo-genealogical methods might prove themselves quite useful and fertile in the discipline—renewing and updating topics of enquiry, interpretations, and debates. Not only does it allow for a radical questioning of the epistemological and methodological assumptions common in this sub-discipline, but it also provides us with an alternative to traditional approaches, stretching from textual ones, illustrated with originality by Leo Strauss and some of his followers, to contextual ones as practiced by Quentin Skinner and the Cambridge School. The opposition between these two central authors was especially visible in the 1960s, when Quentin Skinner targeted Leo Strauss's approach in his methodological writings. These methodological and epistemological positions, almost half a century old, still remain significant within the field today, and highlight brilliantly the way the rather narrow field of the history of political thought reacted to the post-war "linguistic turn." While Foucault's thought is quite influential in many social sciences, he remains a relative outsider to this highly specialized field. His work allows for a fresh interdisciplinary approach, which will provide a conception

of the "history of the systems of thought"[1] attempting to reconcile contemporary political theory and its own historiography.

In this chapter, we first introduce the notion of critique as conceived by Foucault, its definition, and its limits (notably exposed by Habermas and his followers). Instead of attempting a defence of Foucault's critical *ethos* on the philosophical level, we will show how Foucault's notion of critique displaces the issue away from philosophy towards literary theory, the act of writing, and the reader's experience (1). From there, we will be able to more clearly see what contributions Foucault's work can bring to humanities and social sciences in general, and to the history of political thought in particular. The field will be presented through two contrasting approaches: Quentin Skinner's and Leo Strauss's views on what constitutes the task of the history of political thought will be summarized and the epistemological and methodological issues they raise will be examined (2). We will then show how Michel Foucault's own work seems to parallel Quentin Skinner's concerns, yet radicalizes Skinner's interrogations on "meaning and understanding"[2] by introducing notions of discourse and authorship. This radicalization leads in the end to an original conception of political theory and its historiography, as two equivalent intellectual practices. A critical political theory, for Foucault, presupposes the historical examination of "systems of thought," and this examination, particularly through genealogy, immediately constitutes in itself a critical form of political thought (3). This leads to an original and historicized practice of political theory. In this approach, the history of political thought is not a subfield of political theory, but political theory itself: it implies that critical political theory necessarily takes the form of an historical inquiry.

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[1] The title of his chair at the Collège de France: *histoire des systèmes de la pensée.*
[2] *Cf.* Skinner, 1969.

1. <u>Foucault's Conception of Critique</u>

a) *General Definition of Critique*

Foucault's comments on "critique" are scattered throughout his writings, particularly in his lectures, and they do not constitute a clear theory. However, his concern for marginality and the "marginals," his original conception of power, and his coinage of new concepts such as 'biopolitics' or 'governmentality,' all appeal to many theorists and practitioners as a form of critique complementary or alternative to the Marxist tradition. If a rather large definition of critique is chosen, as proposed by Marx himself, "the self-clarification of the struggles and wishes of the age" (Marx, 1843), Foucault could indeed be associated with such a critical tradition, albeit with an important qualification: for him, this self-clarification is not possible without an historical perspective. Only historical enquiries can unearth hidden points of struggle and "make subjected forms of knowledge reappear" (Foucault, 1997, p. 7). Many commonalities can indeed be identified between the original writings of Marx and Foucault's approach to critique, among which is the importance of demystification and uncovering fetishism.[3]

Foucault's contribution to critical theory, however, is often unclear. Because he doesn't develop a thorough going new concept of critique itself, and rarely if ever engages in a direct conversation with the Frankfurt School and Critical Theory,[4] many commentators—perhaps most famously Jürgen Habermas—have noted the limitations of his project. In particular, his critics from "Critical Theory" have pointed out the difficulty of using his works and studies as a truly critical tool. Indeed, Michel Foucault does not provide his readers with a new critical theory but rather with "a critical *ethos*," and this often seems too vague and loosely founded to reach its target or provide any theoretical grounding. Famously Habermas focussed on this deficiency and attacked his project as "unfounded" and weakened by "performative contradictions" (Habermas, 1987, p. 150). For this reason, Habermas's reservations about Foucault's critical project are useful as an introduction to Foucault's own engagement with the issue of critique. This chapter does not seek to engage in the debate between "Habermasians" and "Foucauldians" which ensued, nor to take a

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[3] *Cf.* S. Boisard [now Martens], "Genealogy as Critique: on the Relationships between Foucault and Critical Theory" presented on October 27th, 2006 at the Rethinking Marxism Sixth International Conference at the University of Massachusetts (Amherst).

[4] I distinguish here between a large understanding of critical theory (without capitals) going back more or less explicitly to Kant's or Marx's projects and a narrow understanding of Critical Theory (capitalized) as the school of thought associated with Horkheimer, Adorno and Marcuse.

position in favour of one camp or the other. Calling upon Habermas's critique of Foucault is rather meant to clarify what Foucault himself meant by critique. This will lead us to displace the debate away from philosophy towards literature (and literary criticism) on one hand, and historical methodology on the other.

b) *Habermas and Foucault on Critique*

In the *Philosophical Discourse of Modernity*, Habermas devotes two of his chapters to the work of Michel Foucault. He presents Foucault's work as two-fold: first, an archaeology of the human sciences, based on the analysis of discourses as autonomous and self-regulated, earlier in his career; second, a genealogy of power relations, investigating the relationships between discourses and practices, later on in his career. Habermas criticizes these two projects as being circular and devoid of normative foundations. In particular, he regrets that genealogy applies to forms of knowledge "a type of critique it cannot apply to itself" (Habermas, 1987, p. 150). In contrast, he defends his own work and critical theory in the tradition of the Frankfurt School as providing a sounder critical project, able to posit and defend its own normative presuppositions and goals. Communication between the two authors was aborted because of Foucault's sudden death.[5] While Foucault did not formally reply to Habermas's criticisms, he did direct his attention to the issue of critique in diverse lectures and communications in the 1980s. This renewed concern for the notion of critique specifically took the form of a discussion of the meaning of modernity and Enlightenment, and a revaluation of Kant's philosophical heritage.

For this reason, Foucault's theorization of critique remains unsystematic, scattered through later interventions, which are often the occasion to reflect back on and unearth *a posteriori* a certain coherence within his own earlier works, as diverse instances of a more general critical project. Moreover, a quick survey shows that Foucault uses the term "critique" rather equivocally and sometimes even ironically. For instance, responding to an interviewer asking him about the tasks of critique nowadays, he responded: "Qu'entendez-vous par ce terme [de critique]? Seul un Kantien peut attribuer un sens général au mot

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[5] In the 1980s and 1990s, scholars sympathetic to the work of each author engaged with the question of critique in numerous articles. Two books in particular, *Critique and Power*, edited by Michael Kelly and *Foucault contra Habermas,* edited by David Owen and Samantha Ashenden, have gathered interventions on both sides of the debate (Ashenden & Owen, 1999; Kelly, 1994).

'critique'"[6] (Foucault, 2001b, p. 1683).   More seriously, while still simplifying, we could say that Foucault makes two uses of the notion of critique:

   i.   a common (non-specialized / vernacular) use of the term, to mean criticism[7]

The term is then often used with an adjective, becoming a qualified critique (political, social, cultural, literary critique)—often referring to the works of others.   This confirms that, up until his engagement with Kant's essay on Enlightenment (and his indirect engagement with Habermas), Foucault was not making specific use of the term critique.   Furthermore, early in his career critique was often described as a second, alternative, language. He sometimes defined critique as the "*dévoilement*" [unveiling] of the dogmatic effects linked to knowledge and the knowledge effects linked to dogmatism.   In other instances, he characterizes his own critique simply as giving voice to others (Foucault, 2001b, p. 1623).

   ii.   a more specialized and philosophical use of the term

In a later piece entitled "What is Critique?" (which served as a draft for the longer and more famous piece entitled "What is Enlightenment?"), Foucault defines critique in relation to philosophy.

> Qu'est-ce que la critique? Il faudrait essayer de tenir quelques propos autour de ce projet qui ne cesse de se former, de se prolonger, de renaître aux confins de la philosophie, tout près d'elle, tout contre elle, à ses dépends, en direction d'une philosophie à venir, à la place peut-être de toute philosophie possible.[8] (Foucault, 1990, p. 36)

In a 1984 interview, he explains further:

> Dans son versant critique—j'entends critique au sens large—, la philosophie est justement ce qui remet en question tous les phénomènes de domination à quelque niveau et sous quelque forme qu'ils se présentent-–politique, économique, sexuelle, institutionnelle. Cette fonction critique de la philosophie dérive, jusqu'à un certain point, de l'impératif socratique: "Occupe-toi de toi-même," c'est-à-dire: "Fonde-toi en liberté, par la maitrise de toi."[9] (Foucault, 2001b, p. 1548)

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[6] Translation: What do you mean by the term critique? Only a Kantian can attribute a general meaning to the word "critique."

[7] This equivocation may be confusing but is unavoidable in French where the vocabulary does not allow for a distinction between criticism and critique (both being "*critique*").

[8] Translation: What is critique? One should try to say a few words about this project that keeps taking shape, being extended and reborn on the outer limits of philosophy, very close to it, up against it, at its expense, in the direction of a future philosophy and in lieu perhaps of all possible philosophy. (from *The Politics of Truth* (Foucault, Lotringer, & Hochroth, 1997))

[9] Translation: In his critical side—I mean critical in the broad sense—, philosophy is actually what challenges all the processes of domination at any level and under whatever form they present

From these quotations, we see that Foucault intends to keep and defend a broad understanding of critique, in contrast with the narrower definition and practise of Critical Theory. He defines critique as a function of philosophy, almost an essential function, going back to the very origins of philosophy itself, and the philosophical *ethos* developed and practiced by Socrates. Because of this deliberately broad understanding of critique, even reading through his late and more sustained engagement with the notion, it is still difficult to give a precise content to his conception. On the contrary, as the previous quotation implies, critique may even be larger than philosophy, even if philosophy itself is described as having a critical vocation: it is *at the edge* of philosophy. Indeed, in the same text, Foucault stresses the "heteronomy" of critique: the idea that critique is always somehow outside of its object or target. In other words, critique can be neither self-contained nor self-sufficient: "it is pure heteronomy":

> Après tout, la critique n'existe qu'en rapport avec une autre chose qu'elle-même : elle est instrument, moyen pour un avenir ou une vérité qu'elle ne saura pas et qu'elle ne sera pas, elle est un regard sur un domaine où elle veut bien faire la police et où elle n'est pas capable de faire la loi.[10] (Foucault, 1990, p. 36)

In contrast to Habermas, Foucault conceives of critique in negative terms and accords very little positive power to such an enterprise; to use his own words: it cannot "legislate," it cannot provide a model or direct one towards future emancipation. We end up with the idea of a critical *ethos*, critique not as a philosophic enterprise but rather as a life commitment, *à la* Socrates. It is quite significant that this work on critique, modernity and Enlightenment, comes just before Foucault's last series of lectures, *Le Gouvernement de soi et des autres* (1982-83) (Foucault, 2008), largely devoted to the Ancient Greeks and their ethical practices.

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themselves—political, economic, sexual, and institutional. This critical function of philosophy derives, up until a certain point, from the Socratic imperative: "Care for your self" that is to say: "Base yourself in freedom, by mastery of yourself."

[10] Translation: After all, critique only exists in relation to something else: it is instrumental, a means towards a future or a truth that it will not know nor be; it is a look at a domain which it is willing to police but over which it cannot legislate.

c) Foucault's Alternative Critique

Foucault's own theoretical preferences thus seem to suggest that his disagreement with Habermas is not just philosophical, but rather that it pushes the issue of critique outside of philosophy, and especially outside of normative philosophy. On one hand, Foucault and Habermas do not problematize the notion of critique from the same perspective and at the same intellectual level. It may explain why Foucault did not express in his interviews any strong disagreement with Habermas, but rather just a worry regarding his question and project.[11] For Foucault, Habermas is not asking "our present" the right question.[12] On the other hand, Foucault himself was aware of the difficulties associated with his project—the risk in particular that the type of history he was advocating for might be self-destructive, that his project might not provide clear justifications for collective forms of resistance, alternative projects, or even normative judgements on given concrete political situations. However, as noted by Habermas and acknowledged by Foucault himself, he often left these issues unanswered and did not seem to consider them as an irremediable challenge to his studies and life work.

In order to explain this denial or at least avoidance on Foucault's part, we suggest that these logical and normative problems can be minimized if we consider Foucault's works outside philosophy (not above, but rather *at the edge*,[13] always *in between*, filling in the interstices between the diverse disciplines of the humanities and social sciences). Displacing the debate toward the realm of literature might indirectly confirm some of the criticisms addressed to Foucault's work, arguing that he is too oriented towards aesthetics, develops an aesthetic approach of resistance, and ultimately suggests an aesthetization of the self (for these same commentators, this shift is read as a normative weakness). Granted, this

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[11] He often expressed his position regarding Habermas humorously: "I am interested in Habermas' work, I know that he disagrees completely with what I say—on my part, I agree a bit more with what he says—(…)" (Foucault, 2001b, pp. 1545-1546). Moreover, the area of contention which Foucault stresses between himself and Habermas is not that of critique, but that of communication, communicational ethics, which he considers much too utopian. He also reproaches him elsewhere to forget in his categorizations of techniques, the techniques of the self.

[12] *Cf.* Foucault, 1984. In his conclusion to his commentary on Kant's *Was ist Aufklärung?*, Foucault praises in Kant a "critical interrogation on the present and on ourselves [...] formulated by reflecting on the Enlightenment" and suggests that, following Baudelaire, this critical interrogation should take the form of a "modern attitude." The legacy of the Enlightenment or "the thread that may connect us with the Enlightenment is not faithfulness to doctrinal elements, but rather the permanent reactivation of an attitude -- that is, of a philosophical ethos that could be described as a permanent critique of our historical era" (Foucault, 2001b, pp. 1381-1397).

[13] Wendy Brown takes on this expression "at the edge" to describe political theory in her article "At the Edge" published in 2002 in *Political Theory*. We are following here her usage and understanding of the expression (Brown, 2002).

displacement does not give Foucault's works the normative groundings they may be lacking, but it still ought to show their political efficiency, in terms of "thinking differently" (the goal Foucault was setting for his works) and very concretely in terms of "giving voice" to particular segments of populations, allowing them to affirm their rights and improve their living conditions. One could argue, for instance, that Foucault's works are not argumentative or theoretical in their aim—thus, obeying philosophical criteria for quality and cogency—but rather should be read as historical "essays" or book-experiments even, obeying literary criteria for quality and efficiency.[14] In consequence, Habermas may misunderstand Foucault by over-rationalizing his project. This interpretation of his work as more literary than philosophical is confirmed by Foucault himself, in the following and often misunderstood statement: "Mon livre est une pure et simple fiction: c'est un *roman*, mais ce n'est pas moi qui l'ai inventé, c'est le rapport de notre époque et de sa configuration épistémologique à toute cette masse d'énoncés"[15] (Foucault, 2001a, p. 619).

With such a comment, Foucault interacts with his own writing as literary critique, considering himself as an author, and participating within discourse (producing and receiving). The complex relationships of discourses and practices Foucault examined in the past are also those in which his own writings circulate. They must both obey criteria for accuracy and criteria for meaningfulness. When Foucault calls his books "fictions" it is not

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[14] There is certainly a difference between national intellectual cultures at play here. Literature being an important, all-encompassing, discipline in France, in terms of training and intellectual culture: intellectuals, and thus philosophers and historians, were usually trained in literature as well as other humanities (through the *Ecole Normale Supérieure*) and expected to write 'elegantly' and for a public of cultured but non-specialist readers. This French 'idiosyncrasy' one might say is explained by François Cusset in *French Theory: how Foucault, Derrida, Deleuze, & Co. transformed the intellectual life of the United States* (Cusset, 2008) and nicely described by Alain Badiou in an interview to *Philosophie Magazine* (#19, May 2008, p. 56):

> Il y a une tradition langagière française à laquelle je suis attaché, qui fait certainement que la France est certainement le pays où l'on a le plus de mal à distinguer le philosophe de l'écrivain. (…) Le caractère indécidable de la langue philosophique, entre formalisme et littérature, est une tradition française qui a installé le philosophe dans un domaine différent de l'université. Dans notre pays, le fait que le philosophe ne soit pas seulement un professeur, mais un homme de la presse, de l'interlocution, de l'adresse publique est sans nul doute lié à la langue.

Moreover, as identified and explained by Bourdieu and Passeron in *Les Héritiers*, academic style in France in the 1960s was still very much marked by *allusions*. While lecturing or in writing, the professor always alludes to, hints towards common cultural references, more or less unwittingly limiting their communication and its full meaning to the 'inheritors,' that is a certain privileged class with a high cultural capital. This tendency towards allusion and connotation may reinforce this literary tone in the works of French philosophers and historians.

[15] Translation: My book is a pure and simple fiction: it's a *novel*, but I did not invent it, the relationship between our own times, with its own epistemological configuration, and all this mass of statements, did.

to belittle or deprecate the accuracy of his historical studies[16] but rather to defend new ways to write and read history, where the experience of the reader becomes primary. He wishes to highlight first the constructed character of knowledge, and in particular of knowledge of the past, as a narrative, and second, perhaps more importantly, a particular relation between the author and its readership and audience based on shared experience. The book contributes to self-understanding and opens up new possibilities, new ways of seeing the world and one's position in it, certainly for the author, but more importantly for the readers. For instance, if we were to apply this comment to *Discipline and Punish*, one could say that the material existence of the panopticon does not matter (no jail was actually ever built according to Bentham's exact prescriptions), what matters are the power effects yielded by the individuals understanding society's need for panopticism and by extension, understanding society itself as a panopticon. His own evaluation of his work as a critical project follows similar criteria: "Mais l'expérience m'a appris que l'histoire des diverses formes de rationalité réussit parfois mieux qu'une critique abstraite à ébranler nos certitudes et notre dogmatisme"[17] (Foucault, 2001b, p. 979).

There are, furthermore, two circumstantial evidences in favour of such an interpretation: first, the period corresponding to reflection on critique is also that during which Foucault is writing on the techniques of the self, and second, in "What is Enlightenment?" Foucault concludes his examination of Kant with a long commentary on Baudelaire's conception of modernity—the philosopher very symbolically gives way to the poet and art critic.[18] In other words, for Foucault, both writing a book and writing in general are a *technique of the self*. In the end, if we look back at the 1970s in France, Foucault's intellectual influence, involvements with politics, and interventions in the public sphere, all show that his archeo-genealogical studies were quite successful: anti-psychiatric movements

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[16] Many historians have stressed the limits, mistakes, omissions and short-sightedness of Foucault's works and criticized his work on this ground. Assessing the accuracy and appropriateness of Foucault's historical findings is outside of my purview here. However, one should note that Foucault himself cared deeply about the precision of his historical research, always used primary sources, spent much of his time digging in archives, and generally valued, following Nietzsche's depiction of the genealogist, "grey erudition." His aggressive reaction, in some interviews, to such criticisms, as well as the testimonies of his friends, for instance Paul Veyne (*Cf.* Veyne, 2008), attest to his commitment to accuracy and precision in research.

[17] Translation: But experience taught me that the history of diverse forms of rationality is sometimes more successful than an abstract critique at shaking our convictions and dogmatism.

[18] The importance of literature and literary forms of writing in Foucault's work could also be studied through another avenue: by insisting on the importance of Deleuze's conception of philosophy and its echoes in Foucault's works. As explained in *Qu'est-ce-que la Philosophie?,* for Deleuze, the understanding of the concepts cannot be purely intellectual (rational) but relies also on affects. (Deleuze & Guattari, 2005 [1991])

led to improvements of living conditions for inpatients, the GIP *(Groupe d'information sur les prisons)* led to legal and administrative reforms of prisons; those are just two instances among many also seeking to "give voice" to a marginalized and up until then "silenced" population.

Another oblique way to take this debate outside of philosophy or at least "at its edge," is to look at the issue of critique as one of methods in "the history of the systems of thought." This perspective also raises issues common in literary studies: the relationship of an author to his/her text, the relationship between reader and the text, and more broadly the relationship between text and context. These methodological problems, I will argue, are especially pertinent for the specific type of history at stake here, that is, the history of political thought.[19] To illustrate these methodological and epistemological problems, two important positions within this subfield will be presented in the following section, before an analysis of how Foucault's own approach could contribute to and challenge debates, interpretations, and topics traditional to the subfield.

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[19] In this paper, I do not wish to distinguish between philosophy and theory. Both terms are understood in a very broad manner, as a form of theoretical (interpretative, analytical and/or normative) reflection or formulation of the political—the notion of 'the political' being itself open to the various definitions and conceptions developed by the diverse authors through time. Theory, in this sense, includes for instance critical social theory or race theory but should not be understood as the formulation of laws from empirical evidence (theories of political economy or international relations, modernisation or dependency theories for instance). In a way, I use a philosophical, more encompassing, definition of theory against the scientific, more specific, definition of theory. It should be noted still that the authors discussed in this paper will have their own more specific views on what constitutes philosophy, political philosophy, and political theory. Leo Strauss for instance has a more demanding conception of philosophy, as "the knowledge of the whole," as opposed to opinion. He uses the term theory in its specific sense, that is, as one activity of political scientists not of political philosophers. On the contrary, Quentin Skinner situates history of political thought, within the larger history of ideas, term which "[he] use[s] […] consistently, but with deliberate vagueness, simply to refer to as wide as possible a variety of historical inquiries into intellectual problems." (Skinner, 1969, p. 3 n. 1)

2. Contrasting Approaches:
   ### Quentin Skinner versus Leo Strauss

In order to understand what the work of Michel Foucault could bring to the history of political thought, it is important to briefly introduce this domain of study, its traditional objects of study and conflicts of interpretation. In order to do so, I will present two contrasting approaches that have marked the history of political thought during these last decades, and which continue to influence methodological and epistemological discussions in the field. But, first of all, two preliminary observations should be made, concerning the national bias and the academic status of the history of political thought.

Paradoxically, although the history of political thought is often taught and studied as an important cultural luggage, shared by contemporary Westerners, debates in the field seem particularly parochial. For instance, the texts and authors considered as canonical vary significantly from one national context to the other. Also, debates within the history of political thought often tend to replicate those in the history of philosophy, with the particularity that in this sub-field, the relationship between theory and practice—political theory and actual politics—carries a particular urgency and priority. It is then not surprising to find that debates around the history of philosophy and its attached methodologies have been marked by the split between continental and analytical philosophy. Furthermore, within continental philosophy, the lasting influence of multiple "philosophies of history" of Hegelian or Marxist inspiration, for instance, may have overshadowed and impeded the development of methodologies specific to the historiography of philosophy. In France, we nevertheless find important debates between Pierre Aubenque and Jacques Brunschwig on the relationships between philosophy and philology, debates which are relevant to the development of the history of ideas. In Germany, by contrast, philology has always been pre-eminent as a field of study, and sometimes closely related to philosophy (Nietzsche being the best illustration of this disciplinary collusion). More specifically, one major contribution in the broadly defined "history of ideas" is that of Koselleck with his "conceptual history," where social history is of primary importance. This history has been particularly influential on the ways relationships between history and philosophy have been problematized in Germany (Zarka, 2001).

This heterogeneity of methods and perspectives applied to political thought and its history throughout diverse linguistic and national spheres is also accompanied by a certain

disciplinary uncertainty. In contemporary North American academe, the history of political thought is often a sub-field of political studies or science. Political theory or philosophy itself, as a sub-discipline, often has trouble finding its place and status within political science departments in North America. Institutionally, it suffers from both a marginalized position within the discipline of political science, and of a split between the departments of political science, philosophy, and history—to mention only the most obvious ones.

During the last century, this intermediary, sometimes awkward, position of the history of political thought has brought with it a certain institutional fragility. This fragility may also be seen as an intellectual one: one may not only ask whose job is it to study the history of political thought, that of philosophers or that of historians? But one may also ask more aggressively whether the history of political thought is necessary at all to the study of politics. These attacks were especially aggressive in the 1950s and 1960s, with the rise of behaviourism in the social sciences, forcing political philosophers and historians to defend their domain of study. Today, this intermediary position between the humanities and the social sciences is also a source of constructive challenges, of openness to other disciplines and fields of study, of constant interaction with the practice of politics itself. This places the history of political thought at the crossroads of epistemological issues.

What remains across national and disciplinary boundaries is a contrast between the history of philosophy as practiced (or rather avoided) by philosophers and that practiced by social scientists or historians (tending towards an intellectual history to the detriment of the philosophical content of the texts): respectively, a philosophy that is not very historically-conscious (this is especially true of analytic philosophy)[20] and a history of philosophy that is not very philosophical. The same could be said for the history of political thought, and it is especially true of the (undergraduate) teaching in the sub-field. The task at hand is thus ambitious, bridging two disciplines without denaturing them: more precisely, the task is to elaborate upon and defend "a properly philosophic history of philosophy" (Zarka, 2001, p. 13).

These issues are also crucial in the narrower domain of the history of political thought, where two approaches are usually distinguished: "an historical approach, sometimes called the Cambridge School" and a textual approach, an unorthodox version of which has been attached to the work of Leo Strauss. The Cambridge School (Quentin Skinner, J.G.A.

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[20] Pierre Aubenque in "*Le conflit actuel des interprétations...*" (Aubenque, 2001) elaborates on the distinction between a hermeneutic history of philosophy and an analytic one, their linguistic segregation and the lack of communication between the two.

Pocock, John Dunn, Richard Ashcraft, and Richard Tuck for instance) "stresses that a particular political philosophy can be understood only with reference to the institutions and ideas of that particular time period" (Hallowell & Porter, 1997, p. xiii). This school of thought is quite uncomfortable with contemporary uses of canonical authors. In the textual approach, on the other hand, "key works are examined for the arguments they contain about perennial questions in political philosophy." The history of political philosophy is then seen as "a kind of handbook of arguments into which one can dip as need requires" (p. xiii). This distinction may appear quite simplistic at first sight, yet it provides a useful way to reflect on the more or less self-conscious ways philosophers and students of political thought approach history, past texts, and authors. We can think of a spectrum of positions ranging from purely contextualist (externalist) approaches to purely textualist (internalist) approaches: the Cambridge School and the Straussian school of thought respectively constitute nuanced and sophisticated versions of these extremes. The disagreement between Skinner and Strauss is central, almost archetypal, not only because the Cambridge School and the Straussian approaches have been very influential in the recent decades but also because they clearly show the lines of contention and polarization within the sub-discipline. The two authors involved here, Quentin Skinner and Leo Strauss, both share the same object—although labelled differently, as political thought and political philosophy respectively—and are searching for an intellectual practice respectful of both history and philosophy. Although the opposition between these two influential figures in political studies is characteristic of the Anglo-Saxon intellectual world, the interrogations and issues it raises and the ramifications it produces, we believe, are relevant outside of this linguistic community, and also, outside of political studies.

a)   *History and Philosophy According to Leo Strauss*

In his methodological writings, Quentin Skinner directly attacks the textual approaches, Leo Strauss's in particular. Strauss, writing earlier, did not directly respond to the arguments of the Cambridge School. Although his methodological writings are not exposed as systematically as Skinner's, Strauss's very demanding conception of political philosophy necessitates a particular reading of the texts. For him, the practice of political philosophy implies the study of the history of political philosophy. Modern political philosophy is seen as a deviation, even a corruption, of ancient political philosophy, whose knowledge and search for the good government is to be recovered through careful study of

the texts. Similarly, the modern deviation deserves also all our attention, helping us to understand our own contemporary situation, which is seen as in a state of crisis and in need of normative rescuing. In this perspective, the study of the history of political philosophy is an essential and urgent enterprise today (Strauss, 1959).

Strauss defends this position against two trends in North American political science after World War II, behaviourism and historicism. Behaviourism is associated with the scientific pretensions of his colleagues, aiming at using methodologies from the natural sciences within the human sciences. Historicism, broadly defined as "the assertion that the fundamental distinction between philosophic and historical questions cannot in the last analysis be maintained," (Strauss, 1959, p. 30) is associated on one hand with teleological philosophies of history (Hegel and Marx) and on the other hand with a form of historical relativism that, for Strauss, leads to nihilism (Weber). By contrast, Strauss's conception of political philosophy is anchored on a particular relationship to ancient authors and their lessons requiring specific readings of their texts. In particular, he is famous for his theorization of esoteric reading. In "Persecution and the Art of Writing" (1952 [1941]), Strauss argues that "reading between the lines" is often necessary in order to discover the philosophical truth of texts; in eras of persecution, authors would have deliberately hidden unorthodox philosophical truths "behind" orthodox teachings aimed at the general public. Truth, including truth about political matters, is, for Leo Strauss, a rare wisdom to be shared with "reasonable friends," and because of its unfashionable accents, relatively easy to hide in exoteric writing. Persecution may take the form of harsh censorship and even the death penalty (characteristic of most European history), or the milder form of generalized conformism (widespread lack of independent thinking, which, for Strauss, characterizes contemporary American society):

> (...) persecution cannot prevent even public expression of the heterodox truth, for a man of independent thought can utter his views in public and remain unarmed, provided he moves with circumspection. He can even utter them in print without incurring any danger, providing he is capable of writing between the lines. (Strauss, 1952, p. 490)

Writing between the lines consists in "writ[ing] in such a way that only a careful reader can detect the meaning of his book." The peculiar type of literature resulting from such a writing technique relies on two axioms: first, "the axiom that thoughtless men are careless readers, and only thoughtful men are careful readers" and second, "a careful writer of normal intelligence is more intelligent than the most intelligent censor" (Strauss, 1952, p. 491).

The importance of the text over the context appears clearly when he explains how to determine if and when an author is indeed writing "between the lines." Two particular criteria are isolated, a contextual one and a textual one. First, the text has to be written during an era of persecution—though persecution is very widely defined, including most periods and locations up until today. "The book in question must have been composed in an era of persecution, that is, at a time when some political or other orthodoxy was enforced by law or custom" (Strauss, 1952, p. 498).[21] Second, the other indications, the most important ones it seems, are to be found within the text itself; they include impossible contradictions, openly ironical moments, and most importantly, the author's own comments on the practice of writing and on how to read others.[22] In the end, as Skinner notes in his critique of Strauss, it seems that textual evidence is much more important than contextual evidence, the latter being insufficiently discriminatory. However, one could still easily argue that contextual knowledge, in such an approach, remains essential, since in order to find the textual evidence, the interpreter will have to know what orthodox views were at the time. This certainly supposes a thorough examination of and familiarity with the historical context.

Strauss's unorthodox views on interpretation present several attractive features. They affirm the possibility of a philosophical practice of the history of political thought, an ambitious project distinguishing itself from a mere sociology of knowledge and bringing to the foreground the complexity of thought and writing; it recognizes indirectly the irremediable loss of meaning that occurs through time; and finally it proposes a grand view of political philosophy irreducible to the prejudices and orthodoxies of its times. It also raises epistemological and methodological issues to the level of philosophy itself. Quite cogently, the methodology Strauss advocated in "Persecution and the Art of Writing" corresponds to his definition of political philosophy in "What is Political Philosophy?" Philosophy and its historiography are thus reconciled and even united into one project (Strauss, 1952, pp. 503-504). The last pages of "Political Philosophy and History" also call upon the necessity of a history of philosophy in our modern world.

> In so far as modern philosophy emerges, not simply from the "the natural consciousness," but by way of a modification of, and even in opposition to, an earlier political philosophy, a tradition of political philosophy, its fundamental concepts cannot be understood until we have understood the earlier political philosophy from which, and in opposition to which, they were acquired, and the

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[21] Also: "The term of persecution covers a variety of phenomena, ranging from the most cruel type, as exemplified by the Spanish Inquisition, to the mildest, which is social ostracism." (Strauss, 1952, p. 499)

[22] *Cf.* Strauss, 1952, p. 496 and pp. 498-499.

specific modification by virtue of which they were acquired. It is not the mere "dependence" of modern philosophy on classical philosophy, but the specific character of that "dependence" which accounts for the fact that *the former [modern philosophy] needs to be supplemented by an intrinsically philosophic history of philosophy.* (Strauss, 1949, p. 49; my own emphasis)

b)   Skinner's Critique of Strauss and his Approach to the History of Ideas

Despite their radically divergent perspectives, both Strauss and Skinner want to defend the place of the history of political thought within political studies, arguing against the "scientific" pretensions of political science in the 1950s and 1960s, and against unhistorical (analytical, for example) practices of philosophy and political theory. Quentin Skinner's work in the history of ideas (broadly taken) and his contribution to the history of political philosophy also stem from his dissatisfaction with traditional academic practices of the time. In his seminal piece *Meaning and Understanding,* he identifies two common trends in traditional history of political thought, both of which, he argues, are unsatisfactory and lead to "historical absurdities." (Skinner, 1966)

The first orthodoxy, which could be called "contextualist" (which one could also associate with "externalist reading") prioritizes context and takes it to have causal effects on the ideas of the time. The second orthodoxy, which he names "textualist," follows "a methodology dictated by the claim that the text itself should form the self-sufficient object of inquiry and understanding" (Skinner, 1969, p. 4). He associates Leo Strauss with this second orthodoxy and often directs his criticisms against Strauss or his followers. According to him,

> [B]oth [orthodoxies] share the same basic inadequacy (…) Both methodologies, it can be shown, commit philosophical mistakes in the assumptions they make about the conditions necessary for the understanding of utterances. (Skinner, 1969, p. 4)

> [T]o concentrate either on studying a text in itself, or on studying its social context as a means of determining the meaning of the text, is to make it impossible to recognize—let alone to solve—some of the most difficult issues about the conditions for understanding texts. (Skinner, 1969, p. 48)

On one hand, Skinner reproaches "contextual reading" for the tendency to turn relationships between the context of a statement and the statement itself into causal relationships. Instead, he insists on distinguishing between knowledge of the cause of an action (a statement in the case of a textual study) and actual understanding of this action. In a Weberian fashion, he stresses the importance of "grasp[ing] the point of the action for the

agent who performed it." For Skinner, the study of social condition cannot in itself automatically supply "the grasp of force as well as [the] meaning essential to the understanding of texts" (Skinner, 1969, p. 44).

On the other hand, the textual approaches lead to several mythologies: "mythologies of doctrines," "mythologies of coherence," "mythology of prolepsis," and "mythology of parochialism." All of these mythologies are the result of the interpreter's projection of his or her expectations upon the text itself. Doctrines are attributed or their absence reproached to authors under study by extrapolation, the historian desperately looking for anticipations and moments of emergence of a particular idea (Skinner, 1969, pp. 10-15). Coherence is overestimated, and historians attempt to rework the original works of an author within a closed system, even if this means discounting a significant part of one author's work (Skinner, 1969, p. 17). Prolepsis and parochialism are also linked to the interpreter's imposition of his or her "own familiar schemes" to the texts under study—either attributing to it meaning not possible at the time or "dissolv[ing]" "alien elements into an apparent but misleading familiarity" (Skinner, 1969, p. 27) He insists instead on the need to distinguish between the occurrence of the words (sentences) and the use of the sentence by an agent with a particular intention (statements). According to him, the history of the sentence tells us nothing meaningful, neither the questions it was attempting to answer, nor the intentions of the writer. The sentence is not a proper object of study for the historian (Skinner, 1969).

On the particular issue of esoteric writing, falling under what he calls "oblique strategies"-—that is, when "writers were unable to say what they meant" and "have voluntarily adopted [strategies] to convey their meaning with deliberate obliqueness" (Skinner, 1969, p. 32). Skinner's quarrel with Strauss is not on their mere possibility, which both accept, but rather with the way one is to identify and understand these oblique writings. For Skinner, the evidence proving the writing "between the lines" is primarily situated outside the text. His general conclusion is that textualist analyses in intellectual biography are insufficient, or worse, misleading. In particular, problems raised by oblique strategies cannot be resolved through concentration on the texts themselves (Skinner, 1969, p. 35).

One issue, however, that is central in Strauss' work, is less philosophically dealt with and remains problematic in Skinner's work: *why is it actually important for philosophers/theorists to properly understand past texts?* After all, one could argue that a proper understanding of the texts is only of antiquarian interest (one may not need past theories to understand and react meaningfully to contemporary political issues), or that historical mistakes and

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misunderstandings do not jeopardize in any way the philosophical quality of a commentary or of an argument. By way of contrast, Skinner argues that his alternative approach not only is "more satisfactory as history" but also "would serve to invest the history of ideas with its own philosophical point" (Skinner, 1969, p. 4). He thus holds that a proper philosophical understanding of the text lies in this intricate relationship of meaning woven between texts and contexts:

> And it follows from this that the appropriate methodology for the history of ideas must be concerned, first of all, to delineate the whole range of communications which could have been conventionally performed on the given occasion by the utterance of the given utterance, and, next, to trace the relations between the given utterance and this wider linguistic context as a means of decoding the actual intention of the given writer. (…) The "context" mistakenly gets treated as the determinant of what is said. It needs rather to be treated as an ultimate framework for helping to decide what conventionally recognizable meanings, in a society of that kind, it might in principle have been possible for someone to have intended to communicate. (Skinner, 1969, p. 49)

His methodological writings are not devoted at length to the importance of such a philosophical and historical understanding of past texts in pursuing our own self-understanding as societies and polities, yet this importance underlines Skinner's work and the reader is at times reminded of it.[23] For instance, a concluding sentence extracted from "Meaning and Understanding" stresses the critical potential of this historical approach to political philosophy:

> To demand from the history of thought a solution to our own immediate problems is thus to commit not merely a methodological fallacy, but something like a moral error. But to learn from the past—and we cannot otherwise learn it at all—the distinction between what is necessary and what is the product merely of our own contingent arrangements, is to learn the key to self-awareness itself. (Skinner, 1969, p. 53)

The two positions briefly exposed here have been very influential in the field of political thought, and in particular for those interested in its history and contemporary

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[23] This issue is discussed in the concluding chapter of *Liberty before Liberalism*, "Freedom and the Historian". It is worth noting that this chapter is one of the rare instances Skinner refers to Foucault, in this case, the *Archaeology of Knowledge*: "My references to archaeology invoke a more commonplace understanding of the term than the one employed by Michel Foucault, but I nevertheless intend an allusion to his 'archaeological' analysis of 'levels of things said', an analysis by which I have been much influenced" (Skinner, 1998, p. 112; n. 19). The contemporary relevance of historical enquiries is also made quite explicit in his public interventions. See his 2006 lecture on "How many Concepts of Liberty?" in the series of Cambridge historian lectures on concepts of liberty. Retrievable from: http://sydney.edu.au/podcasts/2006/skinner.shtml

relevance to political studies. Pushed to their extremes, they constitute two irreconcilable positions, one affirming the existence of a perennial wisdom to be uncovered and recovered from ancient texts, and the other stressing the dependence of texts and theories upon specific cultural and historical contexts. For the former, ancient texts hold the key to certain philosophical truths, for the latter, the same texts hold the key to one epoch's self-understanding. The arguments and disagreements arising from these conflicting approaches touch the core of the history of political thought as a discipline, raising key methodological and epistemological questions. In the next section, we will argue that although Michel Foucault was not working specifically within this discipline, his work can usefully contribute to it, and radicalize some of the issues of "meaning and understanding" presented here.

3. <u>Foucault's Potential Contribution to This Debate</u>

a) *Foucault and Skinner*

Commonalities between Foucault's "history of the system of thoughts" and Skinner's approach to the history of political thought have been mentioned by a few commentators, most notably among whom is James Tully, in "The Pen is a Mighty Sword," and more recently in "The Agonistic Freedom of Citizens" (Tully, 1988, p. 507, 2008, pp. 135-159). Foucault himself was aware of the Cambridge School's work, although he did not refer to it directly or significantly in his works. In a 1967 interview, when asked about the novel style of his recently published book, *The Order of Things*, Michel Foucault situated his own work within "an important mutation of historical knowledge begun more than 20 years ago already" (Foucault, 2001a, p. 613) and the "historical school of Cambridge" is seen as an important contributor to this "new adventure."[24]

First of all, both authors share the same interest in literacy criticism, a critical approach to textuality, and nuanced conceptions about the relationships between a text and its context, arguing against turning these relationships in causalities. Indeed, this concern is constant throughout Foucault's work. For instance, when describing his archaeological method in *L'Archéologie du savoir*, Foucault stresses that his goal is not to identify the social determination of the individual or inversely, the individual determination of the social, considering such pursuits vain: "*Elle [l'archéologie] ne veut point retrouver le point énigmatique où l'individuel et le social s'inversent l'un dans l'autre*" (Foucault, 1969, p. 182).[25] Second, the focus on the conditions of possibility is also common to both authors. These conditions of possibility are not to be confused with a materialistic world-view as they are not limited to material conditions, but rather are mostly conceived of in discursive terms; discourse and *episteme* for Foucault, while Skinner talks about "wider *linguistic* context" (Skinner, 1969, p. 49). Third, they both exhibit a common dissatisfaction with the tradition of their discipline and excessively contextualist or textualist approaches. Foucault, like Skinner, is dissatisfied with

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[24] He then points out four novelties characterizing this "new adventure": 1. the problem of periodization, 2. the different levels of events and thus the different periodizations (with gaps and crossovers), recalling the image of the brick superposition, 3. the bridging of the old gap between human sciences and history (not one dealing with the synchronic and the other dealing with evolution or change), 4. relationships escaping from the universal relation of causality (Foucault, 2001a, p. 614). Reciprocally, we do not find many references to Foucault in Skinner, *cf.* note 23.

[25] Translation: Archaeology does not seek to uncover the enigmatic point where individual and social reverse one into the other.

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the traditional mechanism used to explain change in the history of ideas, either one relying on magical concepts, (such as influence or crisis), or one searching for exterior explanations (mentality, world view, social conditions for example). He is also critical of a sort of hermeneutic obsession, which he identifies as a remnant of an ancient exegetic tradition, the foible which always asks what a text truly says under what it appears to say. Finally, both vehemently reject "philosophies of history." Foucault expresses this rejection as follows in a 1967 interview entitled "*Sur les façons d'écrire l'histoire*" (On ways of writing history):

> (…) Mais l'histoire en cela n'a pas pour autant à jouer le rôle d'une philosophie des philosophies, à se prévaloir d'être le langage des langages, comme le voulait au XIXème siècle un historicisme qui tendait à se faire passer au compte de l'histoire le pouvoir législateur et critique de la philosophie. Si l'histoire possède un privilège, ce serait plutôt dans la mesure où elle jouerait le rôle d'une ethnologie interne de notre culture et de notre rationalité, et incarnerait par conséquent la possibilité même de toute ethnologie.[26] (Foucault, 2001a, p. 626)

In short, they both affirm the historicity of a text without at the same time holding a stronger historicism (that is: the idea of progress, of a linear development of ideas where new political ideas and doctrines are seen as synthesis of older ones).

Foucault's position, however, is more epistemologically radical—Strauss and Skinner still representing here a more traditional trend in the history of ideas and of philosophy. While Strauss uses the author's own comments on philosophy and its relation to past authors and to his contemporaries as an indication of the appropriateness of reading "between the lines," Skinner uses the historical context to provide the necessary tools for understanding one author's intent and meaning. In both cases, Strauss and Skinner take authors' intentions and self-understandings very seriously.[27] From this point of view, political thought is still understood as mostly made up of individual contributions and practices. Foucault, instead, brings the *margins* of the text into focus—rather than margins per se, we should say "the close outside" of the text—not its subconscious, but its discursive conditions of possibility, the "taken for granted" of an epoch. Foucault further problematizes the relationships between a text, its author, and inter-textual relationships. Foucault is more radical than Skinner on two points in particular: first, the question of the

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[26] Translation: But history does not have then to play the role of a philosophy of philosophies, to boast itself as the language of languages, as ambitioned in the 19th century by a historicism which tended to pass, on the count of history, as a legislative power and critique of philosophy. If history possesses a privilege, it could rather be to the extent it plays the role of an internal ethnology of our culture and rationality and thus, incarnates the very possibility of any ethnology.

[27] "A philosophic critique in its turn presupposes an adequate understanding of the doctrine subjected to the critique. An adequate interpretation is such an interpretation as understands the thought of a philosopher exactly as he understood himself" (Strauss, 1949, p. 39).

subject (ideas of intentionality and the possibility of self-understanding) and second, the relationship to the present. As mentioned earlier, this question of the relationship to the present and of critique is important to Skinner but not his central focus. A third point could be added regarding the transparency of text and what Foucault calls the "great myth of interiority." Foucault pushes further the critique of a simple (simplistic even) conception of hermeneutics and cuts the umbilical cord, the osmosis often taken for granted, between author and work (*œuvre*):

> Enfin, l'archéologie ne cherche pas à restituer ce qui a pu être pensé, voulu, visé, éprouvé par les hommes dans l'instant même où ils proféraient le discours; elle ne propose pas de recueillir ce noyau fugitif où l'auteur et l'œuvre échangent leur identité. (Foucault, 1969, p. 183)[28]

In the end and most importantly, Foucault brings together the practice of the history of systems of thought (including political thought) and a critical practice of political theory. The first section has shown already how Foucault's conception of critique operated several displacements, notably a displacement away from philosophy towards literature. With genealogy, he also operates a critical displacement, away from traditional history towards critical theory, or more precisely, towards a critical and historicized practice of philosophy.

b) *What is so Critical about (Foucauldian) Genealogies?*

First of all, genealogy—but also its companion intellectual strategy, archaeology—must be understood after Nietzche's own conception: in Foucault's own words, when asked about his relationship with structuralism, *"… mon archéologie doit plus à la généalogie nietzschéenne qu'au structuralisme proprement dit"[29]* (1967 interview in Foucault, 2001a, p. 627) or in another interview, *"Si j'étais prétentieux, je donnerai comme titre général à ce que je fais : généalogie de la morale."[30]* (1967 interview in Foucault, 2001a, p. 627). Archaeology is the method for the analysis of local discursivities. Genealogy is more tactical and plays on the double meaning of *désassujettissement*.[31] Foucault explains that critique/criticism is genealogical in its design

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[28] Translation: In the end, archaeology does not aim at reconstituting what has been thought, wished, sought, or felt by men in the very instant of their enunciation; it does not propose to catch this fugitive core where the author and his/her work exchange their identity.

[29] Translation: My archaeology owes more to Nietzschean genealogy than to structuralism per se.

[30] Translation: If I were pretentious, I'd title my overall project: genealogy of morals.

[31] Translated in English as desubjectivation or desubjugation, confirming the polysemy of the French word, which refers to a double emancipation, from one's self-definition as a subject, and from diverse oppressive modes of subjugation.

and archaeological in its method. Archaeological refers here to analyses of instances of discourses as historical events. Genealogical, on the other hand, consists in "separating out, from the contingency that had made us what we are, the possibility of no longer being, doing, thinking what we are, do or think." It aims at provoking a "new impetus to the undefined work of freedom" (Foucault, 1984, p. 46). Criticism does not require formal structures with universal values. Instead, it requires historical investigations into events that led to our constitution as subjects. Concretely, it aims at the *désassujettissement* of historical knowledge, coupling erudite research with local memories.

Foucault's capacity for bringing philosophy and history together into a new combination has been recognized by commentators (among others, Deleuze (Deleuze, 2004 [1986]) and Dean (Dean, 1994)). Foucault himself recognized that while writing history books, his work also contained more or less explicitly philosophical insights. But rather than being a historian-philosopher, practicing both disciplines simultaneously, what Foucault brings to those disciplines is an outsider perspective—a perspective from the margins. The reasons why his insights and contributions to both disciplines may be so significant and original is that he posited himself outside, or rather on the side, "at the edge," of established disciplines, in particular history and philosophy. This is not an approach from above, legislating on the proper methodologies and foundations of each, but rather an oblique approach, displacing debates, asking new questions, uncovering new epistemological problems. This outsider perspective is also a crucial element to a critical perspective. As Dean explains, the delicate position Foucault situated himself in is to be respected, and the subtlety of the title of his chair at the *Collège de France*, "History of the Systems of Thought" ought to be preserved. In his *Critical and Effective Histories*, he writes:

> For our purposes, Foucault is approached as he was, as somewhere 'in between' and 'across' established boundaries of knowledge. As such we might mobilize his achievements for an enterprise that is also between and across established disciplines and modes of thought.' (Dean, 1994, p. 13)

A similar enterprise is proposed here and it seems that indeed, the history of political thought, as the fragile field of study we have identified earlier, is particularly suited for the experiment, being itself situated between and across established disciplines. We thus believe

that a more serious consideration of Foucault's archaeo-genealogical method is needed in the history of political thought.[32]

The problem often raised when dealing with history and intellectual history is this: how does our own embeddedness in the present time constitute an obstacle to our understanding of past times and ideas? As we have seen with Strauss and Skinner, this is one of the central problems at stake in the debates within the field of history of political thought. What Foucault's critical genealogies allow us to consider instead is the following question: what, in our historical understanding, impedes on our relationship to the present? The critical nature of Foucault's archaeological method lies in this reversal of perspective.

In the end, we could say that Foucault inverts the traditional relationship between text and context: where the contextualists were saying, "understanding the context means understanding the text," where Skinner was saying, "understanding the context is a necessary condition to the understanding of a text," Foucault is telling us, "understanding a text is understanding history," which, in turn means understanding ourselves. In Foucault's works, discourses are "archives," "traces" left behind by actual events and practices. They are thus our access key to our past—not our past as a mythologized origin but rather our lines of filiation, our own conditions of possibility as modern subjects. The archaeo-genealogical studies elaborated and defended by Foucault are more than a methodology for the history of systems of thought, and are a critical and philosophical practice for the human and social sciences.

> L'élaboration méthodologique de Foucault dépasse bien en un certain sens le clivage, source principale de la problématisation de l'histoire de la philosophie, entre histoire et histoire de la philosophie. On pourrait même affirmer que l'archéologie de Foucault rend caduque la différence entre l'histoire de la philosophie et la pratique de la philosophie.[33] (Adorno, 2001, p. 323)

Once again, for Foucault, only historicized knowledge allow for effective critique.

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[32] F.A. Adorno makes a similar argument in "A priori historique et discontinuité chez Foucault" showing the contribution Foucault's archaeo-genealogy can bring to the historiographic method used in (French) history of philosophy (Adorno, 2001, p. 324).

[33] Translation : In some way, Foucault's methodological elaboration goes beyond the split between history and history of philosophy. We could even affirm that Foucault's archaeology renders obsolete the difference between the history of philosophy and the practice of philosophy.

Conclusion

In this chapter, I have explored some of the possibilities available for a critical approach in the history of political thought. Although Skinner's and Strauss's contributions are roughly a half-century old, they are still indicative of the specificities of the field. Both authors remain influential in contemporary research and specialized literature. More worryingly, at the level of university teaching, many of the textbooks in the history of political thought remain quite unreflective on their own assumptions, either implicitly holding simplistic determinist or progressive views (in the development of doctrines), or considering older texts as a fountain of timeless wisdom, or again extracting older texts from their contexts and reading them as illustrations of contemporary matters. As a field of study, it seems that the history of political thought has been relatively more impermeable to the "linguistic turn" that has touched other disciplines and other fields in political studies.

We believe that the questions raised by Skinner and Foucault are an important contribution to the discipline of political studies.[34] At least, their work can have a useful effect on epistemological and methodological self-awareness. At best, we can conclude with Tully in his essay "The Pen is a Mighty Sword," "It seems (...) that, along with Foucault's genealogy, it [Skinner's approach] is the most original and promising form of political analysis available" (Tully, 1988, p. 507). While Skinner and the Cambridge School are quite active and influent in this particular subfield, Foucault's contribution has been limited, at least in mainstream historiography. Yet as shown in this chapter, his "literary" conception of critique is particularly suited for enquiries relevant to the history of political thought. Furthermore, it can broaden the scope of such enquiries, fostering inter-disciplinarity and an increased relevance to contemporary political issues and events. Finally, it challenges and renews intellectual practices; critical genealogies allow for a more radical questioning and reconsideration of traditional methods of interpretation of political thought. With Foucault, political theory looses both its philosophical and its rational grounding. It is not aimed at being a logical and convincing discourse about past and present politics but rather it becomes politics itself. The practice of such political theory is emancipating for Foucault himself, the author, and the reader: it becomes a "technique of the self."

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[34] See Edling & Morkenstam for a similar argument. (Edling & Morkenstam, 1995)

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CHAPTER 2:

THE AMERICAS IN SIXTEENTH- AND
SEVENTEENTH-CENTURY LITERATURE:
FROM APPREHENSION TO APPROPRIATION.

> Un éminent folkloriste italien, G. Cocchiara, a écrit naguère que, « avant d'être découvert, le sauvage fut d'abord inventé. » La formule, qui est heureuse, n'est pas sans quelque vérité.[1]
> (Eliade, 1957, p. 37)

When Christopher Columbus set foot on the American shore in 1492, not only did this "discovery" mark the beginning of great misunderstandings and one of the most violent colonizing enterprises in history, it was also, in Renaissance's Europe, and for many centuries afterwards, the beginning of a huge literary success. The "Discovery" of the Americas could not have been timelier from the point of view of the publishing market. All the elements—invention of printing, rekindled interest in the humanities and classical literature, rising literacy rates, increased communication within the Western European kingdoms—were in place for this literature to be circulated widely, in Latin and several vernacular languages. The Americas, their geography but also their populations, were to fuel an important quantity of dedicated works: travel *relaciones*[2] and other travel literature, diverse reports and studies, correspondence from the missionaries and other colonizers were to form an important part of the media, oral and folkloric as well as written, building European conceptions of the Americas. *Relaciones* and histories were instant bestsellers, travelled quickly through Europe, and went through several editions and translations. Travel literature was actually one of the main beneficiaries of the invention of printing and the explosion of the circulation of printed materials.

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[1] Translation: A distinguished Italian folklorist, G. Cocchiara, wrote long ago, that "before being discovered, the savage was first invented." This sentence, quite witty, is not without truth.

[2] The term here is kept in Spanish, referring to diverse accounts of the Americas, usually addressed to a determined correspondent. This correspondence would often also be published for the general public.

Of course, this attraction for the "exotic," foreign, and unfamiliar, existed well before the discovery of America: stories about antipodes and fabulous faraway countries were common in Antiquity and the Middle Ages, entertaining myths and other conceptions about "strange people living at the margins of the world." However, with the Americas, the "true" other, the *El Dorado* of incommensurable difference, was finally within reach. The continent "found" by Columbus provided a geographical location upon which Europeans could project all their dreams and fantasies about difference; America appeared as a protected habitat, sheltered from the corruption of time, and outside of history, an enclave of human experimentation, the key to knowledge about others, humanity, humanness, and ultimately ourselves. To paraphrase the introductory quote, as this mirror and key to human nature, America had been invented a long time before it had been discovered.

This quick survey of early modern travel literature pursues three goals:

- First, it aims to present the intellectual and literary context of the time, in order to situate the political theorists to be studied afterwards, not only within the history of political thought, but also within their contemporaries. We will then be able to assess how social contract theorists such as Hobbes and Locke contribute to the American/Aboriginal imaginary sketched here.

- Second, it aims to identify recurrent themes in depictions of the Americas and its inhabitants, and at explaining how these themes are linked to other contemporary literature and philosophy. This will allow us to assess in the next chapter how many of these themes and the characteristics assigned to the America and Americans are recycled within early modern depictions of the state of nature.

- Third, it aims to stress the specificities of the relationships to otherness built in Renaissance Europe through the American imaginary. We will see later how the American imaginary can be recast as an Aboriginal imaginary, combining attempts at familiarizing strangeness and an obsessive search for origins. At the core of this imaginary lies an interrogation on the epistemological status of (human) nature within political philosophy. Traditional (medieval and Christian) anthropological conceptions find themselves irremediably challenged by the New World, and with them, traditional natural law theories. Political theory, faced with this new human reality, will eventually have to reinvent its arguments and its mode of reasoning.

The focus on the literature, rather than the colonial practices, is justified by the overall research project. We are interested less with recovering the reality of the Americas in the post-Columbian era than in showing the intellectual processes through which an American imaginary was built, taking America as its excuse and as its starting point, but hiding its concrete existence and the harsh realities of colonial relationships behind an "imagined" American continent and "imagined" Americans. In this chapter, the travel literature will not be assessed in regards to its potential accuracy or even in regards to its political agenda (as a critique or a justification of the Spanish conquest, advice to the King, etc.).[3] Instead, the literature will be considered as a source of images, tropes, ideas, and descriptions associated to the Americas. It provides us with the written record of a shared knowledge about the New World, functioning as a intermediary space between the continents, a space built around three interlaced threads: long-held certainties and convictions about what the New World ought to be; individual and collective experiences of the New World (through the narratives they produced); and the opening up of a new realm for imagination, made of new characters and spaces for fiction, new possibilities both concrete and intellectual feeding utopia and other social and political critiques.

This chapter is organized in four sections: first, a typology, providing the reader with an overview of the literature on the Americas during the period under study (16th and 17th century); second, an analysis of the literary themes, as key elements of the American imaginaries of the time, with a commentary on the myth of the noble savage and its political importance; third, an analysis of the Valladolid controversy (on the nature of the "Indians"), the controversy constituting the most important political debate on the subject of the Americas, the status of its native populations, and the Conquest; and finally, a concluding section showing how all these elements coalesce, making it possible for the American imaginaries to subtly turn into an Aboriginal imaginary.

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[3] For this reason, I have not found it necessary to attempt a work of historiography here, selecting and analysing the primary sources, the texts of the period themselves. I have relied on secondary sources, and built my analysis on the works of literature students and historians specializing in this period. These works provide an overview of the primary texts as well as the author's own analysis and perspective on the texts. My goal here is neither to bring new insights on this literature, nor to provide an exhaustive study of certain authors and texts. Rather, I wanted to provide contextual information to the reader, who might not be familiar with the period and its literature. In this situation, I thought that building on prior analyses would provide a stronger argument: the themes identified are not drawn from reading a few selected primary sources (texts then running the risks of not being very representative, leading to mistaking idiosyncrasies for generalities) and imposing my own reading grid on them. Instead, the themes listed in this chapter are identified as representative and important by several specialists of the period. The prioritization, organization, and commentary on these themes however, remain my own.

1. <u>Typology of the Literature on the Americas</u>

Rather than classifying the literature on the Americas by the language or nationality of its authors, I have chosen to briefly describe the diverse types of documents dealing, more or less directly, with the Americas. Before going into further detail, it should be noted that the literature on the Americas, and travel literature more generally, should not be considered as a niche or exclusive culture, only concerning people directly interested in the Conquest and related political affairs. It is a very wide-reaching form of literature, reaching through language borders, within educated, religious and secular milieus, to aristocratic classes as well as the nascent bourgeoisie, and even to the rural peasantry (through oral tales). The fact that the texts are often available not only in Latin but also in vernacular languages is indicative of their relatively large audience. At the very beginning, only the Spanish crown was directly involved in the Conquest, and the persons travelling to the New World would be mostly of Spanish, Portuguese, and Italian origin. The enterprise however very quickly came to include Western Europeans from all nationalities; if not as travellers, certainly as readers.

It is important to keep in mind the high mobility of intellectuals and their writings in Renaissance Europe and afterwards. Not only was Latin a common language for Western educated readership, but with the invention and growing practice of printing, many editions circulated and books were very quickly translated into diverse vernacular languages. Also, intellectuals themselves travelled through a lot of Europe: it was very common for a scholastic or a humanist to be trained in diverse cultural capitals of Western Europe. If not for formal training, the elite also travelled to different courts—the royal families being themselves examples of this early and privileged cosmopolitanism: their Empires were pan-European and their familial connections linked them to every lordship of Western Europe. For all of these reasons, the importance and influence of the literature studied here should not be underestimated. This literature is composed principally of *relaciones* and chronicles, but America and its Indigenous inhabitants became a recurrent theme in general fiction as well.

First hand testimonies, journals and letters, relaciones

Historians recognize today that 1492 does not mark the first contact between the Old World and the New; nevertheless, it remains for us the first "recorded" encounter. The preparations for the journey, the journey itself, and the explorations it led to, are all carefully recorded by the persons involved, most notably Christopher Columbus himself. His journal, *Diaro*,[4] and letters were very influential in setting the tone, themes, tropes, and contradictions of the American imaginaries. This tremendous influence should be weighed against the ironic fact, that he never considered America as a truly new Continent, and may have been convinced up until the end of his life that he had reached the eastern shores of Asia.[5] Nevertheless, Columbus's writings represent an invaluable resource for understanding representations of the time. Although one shall be careful not to over-interpret Columbus's writings as a self-conscious grasp of differences and otherness, as this could be an anachronism (Greenblatt, 1981, p. 86), it remains for us today the first historically recorded and recounted "unreenactable encounter" (Hamlin, 1995, p. 5).

Columbus was ambivalent to the point of self-contradiction about the populations he just met or was about to encounter. Right from the beginning, then, we have a literature which will provide substance and material for two apparently contradictory representations of Indigenous Americans: "the dirty dog and the noble savage school of thought" (Hanke, 1974, p. 9-10 quoted in Soldatenko, 1997, p. 399). This ambivalence actually constitutes a significant part of American imaginaries, drawing on recurring themes of travel literature, regardless of the overall sympathy or antipathy that the author felt towards his objects of study.

Letters, often addressed to the authorities back at home, constitute another mode of communication allowing for first-hand testimony. Letters written by navigator Amerigo Vespucci who commanded several expeditions to the Americas, were also quite a literary success. Vespucci, after a 1501-1502 voyage traveling along the coasts of what is now Brazil, was the first to convince the cartographers of the time that the new lands explored were not part of Asia, but rather a brand new world (hence giving his name to the continent). His

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[4] *Cf.* Colomb, 1992 for full translation in French; for extracts in English, *cf.* the anthology compiled by Hulme and Whitehead (2001); for a full translation in English from Las Casas's transcript, *cf.* Columbus, 1989.

[5] The first notable explorer to consider this new found land as a *Novus Mundus* was Amerigo Vespucci, a geographical hypothesis then presented in 1507 in Waldseemüller's map of the world (Greenblatt, 1981; Hamlin, 1995, p. 5).

letter to Lorenzo de Medici, entitled *Mundus Novus*, not only was the first to refer to a new world, but was also reproduced by a German cosmographer, Waldseemüller, and Vespucci's writings were a key source for his *Introduction to Cosmography* (*Cosmographiae Introductio* of 1507).[6]

To the first hand testimonies of the explorers must be added that of the *conquistadore*. Most notable are the *Cartas de Relaciones* written by Hernan Cortez to Charles Quint (from 1519 to 1526), where he gives a detailed account of the conquest of Mexico. (Cortes, 1986; Lafaye & Olivares, 2010) More generally, diaries of explorers and *conquistadores* constitute an invaluable source of information. They were often written with quite practical goals in view: reporting back and defending their work in the Americas to the authorities in Europe. Yet they show a genuine interest in documenting and transmitting all their new experiences, and the impressive amount of knowledge gained from them. They often had a double impact, circulating in their original form among the educated public but also being reproduced and used as main sources for diverse chronicles and treatises written on the New World.

Histories

These histories, or chronicles, were written by historian-chroniclers, often associated with the European courts, with the view of providing information on the New Continent for their readership in Europe. The goal then may be less practical or directly policy oriented than that of the first-hand testimonies. This is why some authors see in those first histories of the Americas the traces of a burgeoning ethnography, the beginning of modern anthropology for some (*cf.* Pagden, 1986). However, it is important to note that their *récits* were not historical accounts as we would understand them today, but rather fantastical stories, mixing up fiction and reality, both in their characters and in their descriptions. The most famous historians of the period, widely read by their contemporaries and still influential

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[6] His cosmography was composed of two world maps, the first ones to identify the new continent as America, as well as an account of the four voyages of Vespucci. "This work in its four parts was destined to satisfy, in great measure, the lively interest evinced by all classes of that day in geographical research, and particularly in the marvellous accounts of the discoveries recently made by the Spanish and Portuguese. The publication met with instant success, and in a few months several editions of the text were issued. The map, as Waldseemüller himself informs us in a later publication, attained in a short time a circulation of not less than a thousand copies." From the general introduction of the 1908 edited, digitalized for the University of Toronto Ebooks and Text archives and available in full text at
http://www.archive.org/details/cosmographiaeint00walduoft .

up until the Enlightenment period, were Peter Martyr d'Anghiera, Gonzalo Fernandez de Oviedo, Bartolomé de Las Casas, Lopez de Gomara, Joseph d'Acosta, and Bernadino de Sahagun. These historians, often trained as humanists (a notable exception being Las Casas), were either travellers themselves, or, more often, drew their authority from conversations, back on the continent, with explorers and conquistadores.

Peter Martyr d'Anghiera, a humanist from Milan and author of the first chronicle of the discoveries and conquests, was an important member of the Spanish court, and later a member of the Council of the Indies. He never travelled to America himself, but very early on set for himself "the task of collecting the fullest information available on the newly discovered lands beyond the western seas" (Brandon, 1986, p. 6). He collected numerous documents and accounts written by the discoverers themselves, interviewed numerous explorers including Columbus, and spoke to Indians brought back on the continent through interpreters. His works, originally written in Latin and Italian, were also translated in German, English and French. He is representative of humanist historians, whose training often meant they saw and attempted to understand the Americas through a classical prism. Peter Martyr, for instance, considered Columbus to be in the filiation of Aeneas or Alexander the Great, and compared American women to heroines of Ancient Rome (Anghiera, 1970; Lafaye & Olivares, 2010).

The histories are sometimes hard to distinguish from first-hand testimonies described above. Their styles vary, from *relaciones* in the style of letters, to lengthy treatises and general histories. Their authors, often missionaries deeply involved in the colonization (Las Casas, D'Acosta, Sahagun), pursued several goals at once in their writings: developing knowledge on populations to be evangelized, informing the European public on the situation in the Americas, and reporting back to religious and secular authorities on the Old Continent. Las Casas's writings were especially sought after by his contemporaries, but also by 18th-century reformers: "he was quoted with admiration by Montesquieu and Voltaire" and officially praised by Abbé Grégoire. (Lafaye & Olivares, 2010)

In France, the works of the Catholic André Thevet, renowned cosmographer of the King, and the writings of the Huguenot Jean de Léry were very popular. Their respective works*, Singularitez de la France antarctique* (1557-58) and *Cosmologie universelle* (1575) for Thevet and *L'Histoire d'un voyage fait en Terre de Brésil* (1578) for de Léry were inscribed within a context of attempted French colonization of Brazil and competition between Catholics and Protestants for these new territories. They show true curiosity and interest in local mores,

languages and traditions, yet, as any account of the Americas, are replete with factual errors and misunderstandings. They were a true literary success and notably inspired Montaigne in his essays (see below in the section on the myth of the noble savage) (Léry, 2002; Thevet, 1986).

As with explorers and *conquistadores*, these chroniclers and missionaries were dealing with, or rather escaping, the novelty of the Americas by resorting to the familiar and calling upon the natural histories of the Antiquities, following in their own writings the models of Pliny or Thucydides, or using more recent references such as Marco Polo's *Book of Marvels*. A less evident yet very significant influence is that of the chivalric romances.

Fiction

The Americas also provided new inspiration for settings and characters within fiction, in poetry, theatre, prose, and the very particular genre of utopia. One literary genre within fiction offers a significant, if counter-intuitive, contribution to the literature on and about the Americas: chivalric romances. Indeed, this type of literature does not belong *per se* to travel literature; however its influence on travellers, as well as its progressive mixing in of American traits in its accounts, makes it very significant. The relationship between chivalric romance and the Americas is two-directional: it influenced people writing about the Americas but also, after discovery, it mixed anecdotes and findings from the New Continent within its stories.

This first influence is acknowledged by many historians: Simon Cro (Cro, 1990) for instance, considers it the favourite literature of the *conquistadores*, and in his book *L'Invention de l'Amérique*, Thomas Gomez, stresses the importance and the influence of chivalry romances in European readership in general and on future conquistadores in particular:

> L'influence de la littérature chevaleresque sur la mentalité et le comportement des lecteurs ne fait pas le moindre doute, bien qu'il soit difficile d'en prendre toute la mesure. Le conquistador, héritier de l'esprit médiéval castillan, élément le plus dynamique de la société issue de la Reconquête, ne pouvait échapper à l'impact des récits les plus fantaisistes.[7] (Gomez, 1992, p. 113)

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[7] Translation: The influence of chivalry literature on the mindset and behaviour in readers is without doubt, yet easy to underestimate. The *conquistador*, inheritor of the Castilian medieval spirit, most dynamic element of the Counter Reformation society, could not escape the impact of the most eccentric stories.

Two books are of particular importance according to the students of this period: *Amadis De Gaule* (1508) and *Exploits d'Esplandian* (1510). Their influence on the mindsets of the explorers and colonizers is visible in traveling accounts, for instance that of Bernal Diaz del Castillo, where the marvels of Mexico's site are compared to those depicted in the *Amadis*. The geographical nomenclature, the names assigned to diverse American regions and landmarks, were deeply influenced by this literature. California and Florida for instance were names already found in *Amadis de Gaule* and *Les Exploits d'Esplandian* (Gomez, 1992, p. 113). The success of chivalric romances (Don Quixote for example) concerned a large audience, from the European royal families to the modest bourgeoisie. It thus forms a crucial shared set of references and frameworks for authors and readers.

The second strand of influence, America as an inspiration, is visible in the works of the most prominent authors of the period: Ronsard and Rabelais en France, and Shakespeare in England. Caliban in *The Tempest* and Poor Tom in *King Lear* are 'savage' or 'natural' characters, evoking the same mixed feelings of condescendence, admiration, and repugnance, inspired by the figures of Indigenous Americans described in *relaciones* and chronicles. The link between the figure of Poor Tom and savagery is less direct than for Caliban and results from a particular reading of the play. Hamlin explains:

> For Lear, Poor Tom is both the "thing itself" and "my philosopher": both natural man without cultural overlay and cultural man with wisdom to impart. He is, at one extreme, Chanca's bestial savage momentarily redeemed from subhumanity, and, at the other, Montaigne's new World exemplar. It is as if Shakespeare is testing the capacity of these two notions to coexist. Perhaps, we may be saying, they can do so only in the mind of a man going mad. (Hamlin, 1995, p. xx)

For him, this paradoxical figure is exemplary of the "representations of civility and savagery derived from early attempts at New World ethnographic description"[8] (Hamlin, 1995, p. xx). Later on, at the beginning of the 18th century, the staging of "New World savagery" was famously exemplified in *Gulliver's Travels*, also replete with American metaphors and references, and Stephenson's *Robinson Crusoe*.[9]

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[8] These representations, as he contends in his book *The Image of America in Montaigne, Spencer and Shakespeare*, "played a substantial role in the thinking of early modern Europeans as they meditated on the meaning of humanity and civilization" (Hamlin, 1995, p. xx). In this chapter, we offer a similar argument, arguing that not only the meaning of humanity and civilization was transformed by these representations, but that the very notion of humanity and civility have been challenged and redefined in their content and form by them.

[9] Swift's Houyhnhnms are the characters associated with savagery. *Cf.* Pagden, 1983.

The genre of utopia deserves particular attention. It influenced and was influenced by the literature on the Americas. Some Catholic missionaries even attempted to form new idealistic communities, *reductiones*, in what is now Paraguay: "Las Casas ne doutait pas que l'on pût réaliser les utopies du XVIe et les Jésuites ne firent que mettre en pratique ses déductions lorsqu'ils fondèrent leur état théocratique du Paraguay"[10] (Eliade, 1957, p. 38). On the other hand, authors like Sir Thomas More had read and quoted Vespucci's *Four Voyages* and although scholars disagree on his level of familiarity with the travel literature and the extent of its impact on its utopia,[11] one can argue that the "purely imagined" New World (such as his *Utopia*) and the actual New World, as perceived and re-imagined under many different forms by Europeans, echo each other. This collusion may operate either at the level of the author or at the level of the reader.

Authors like Montaigne, who were very much fascinated by accounts of the Americas, often imagined them as a land of innocence and freedom. By positing America as a non-Europe or even an anti-Europe, reformers made it a critical space free of the social and political ills of the Old Continent, becoming either an example to be followed (at least wishfully) or a space to start anew, where European excesses and mistakes could be remedied. As the next section will show, the themes found in travel literature make the New World a perfect candidate for such critical enterprises.

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[10] Translation: Las Casas did not doubt that 16th century utopias were possible and the Jesuits were only putting into practice his deductions when they founded their theocratic state of Paraguay.
[11] *Cf.* "Thomas More and the New World" by Alfred A. Cave (Cave, 1991).

2. Literary Themes: "Noble and Ignoble Savages"

The travel literature of the 16th and 17th centuries is very heterogeneous, not only in its format and style, but also in the types of depictions it proposes of the Americas. In particular, the standpoints of the authors are quite diverse: authors may be more or less sympathetic to their object of study, ranging from outright denegation of native populations as wild beasts, wicked, inhuman, mistaken, and unworthy of any respect, to inflamed defences of their humanity, cultures, and societies. The latter approach contributes to the myth of the noble savage while the former partakes of the myth of the "dirty dog," or by contrast to the first myth, "ignoble savage". Quite interestingly, not only do these authorial *parti-pris* vary from one author to the other, but they also vary within the works of single authors, sometimes on the same page. The myth of the noble savage (*mythe du bon sauvage* in French)[12] is usually defined as a particular manifestation of a more general exoticism, and is characterized by a mix of more or less mythological imaginaries with ethnographic descriptions of faraway lands and their populations. At first sight, it provides the readers with a rather positive image of these areas and of their residents: flora and fauna are luxurious, ways of life are simpler and less corrupted (than that of the Europeans), and men and women live harmoniously in a halo of innocence and reciprocal benevolence.

Both perspectives exist simultaneously; feelings of sympathy and antipathy often coexist and are a significant part of the representation of the Americas. Indeed, behind a sometimes excessive attraction to novelty and a varnish of goodwill on the side of the noble savage, are often hidden the same prejudices and clichés as those used to criticize and attack the barbarity and ignorance of the Americans. Rather than splitting the literature into two overarching categories, with a series of texts which would be favourable or sympathetic to Indigenous Americans on one side and a series of texts showing disgust and contempt towards the same populations on the other, I prefer to consider this ambivalence within a broader socio-cultural context, showing the intellectual confusion triggered by the encounter. The themes then identified are common to both mythologies: that of the noble savage and that of the ignoble savage. For analytical clarity, they are grouped in 4 categories: mythical and marvellous America, the far away/long ago fallacy, the stress on deficiencies, and nature. These thematic groupings may suffer from excessive generalization (as exceptions may

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[12] I mention here the French expression, as this myth is particularly associated with French literature of the 18th century. However, its characteristics and key-themes date as far back as the first accounts on the Americas.

always be found) but the goal is actually to uncover and present shared and prejudicial conceptions of the Americas popular at the time.

a. America as the Antipodes*, Mythical and Marvellous*

From the very beginning, for explorers and colonizers, America came to symbolize, a world of wondrous and marvellous beings. This is especially striking in the accounts given by Columbus: the most fitting example might be that of the dog-headed men, of which Columbus had read in *Imago Mundi* by Pierre d'Ailly, and which he "hears about in his first "conversations" with native Americans" [Conversation of November 4th, 1492] (Gomez, 1992, p. 114; Columbus, 1992). The explorers and travellers were also convinced they would find giants and Amazons in the Americas and interpreted the novelty of Americans as well as their testimonies as proof of the existence of such creatures. Local myths and narratives were often misunderstood, mistranslated and misinterpreted by the listener, who sought only confirmation of his own intuitions in the words of his interlocutors. It is easy to imagine that Europeans might have been unfamiliar with traditional American myth-telling and thus unable to differentiate between sacred or mythological narratives and mundane accounts. The intermixing of myth with history in many Native American cultures might have accentuated the confusions of the foreign listener.

> We can see how Columbus's beliefs influence his interpretations. He is not concerned to understand more fully the words of those who speak to him, for he knows in advance that he will encounter Cyclops, men with tails, and Amazons. (Todorov quoted in Soldatenko, 1997, p. 39)[13]

These beliefs were also to be found among later *conquistadores*, despite being much more pragmatic in their goals and approach to the Americas. In the fourth letter of Cortes to Charles Quint, we find mention that several expeditions were mounted with the explicit purpose of finding Amazons (Cortes, 1986, pp. 298-300). Strongly-held beliefs in semi-human beings, mythical creatures, and all sorts of marvels were taken very seriously and often provided rationales for further expeditions or conquests:

> On ne dira jamais à quel point les imaginatifs romanciers espagnols, français et portugais contribuèrent à faire progresser la Conquête de l'Amérique. Même des

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[13] *Cf.* Todorov, 1982, for original French.

documents légaux aussi sérieux que les décrets royaux portent la trace de ces chimères. (Gomez, 1992, p. 120)[14]

One myth in particular set many in action: the myth of *El Dorado*. The search for gold is coterminous with discovery itself: Columbus, as soon as he set feet on the new land, inquired about the presence of gold. Gold and precious metals were one of the main drives for the conquest, as well as for disorganized rushes and raids. Indigenous accounts, gifts and possessions confirmed the presence of precious metals while also suggesting a hidden, infinite, source of gold, which was always further back inland (Gomez, 1992, p. 120). The same quest was also pursued by colonizers and explorers from other European countries. For instance, Sir Walter Raleigh, sought the support of the King James I for an expedition in search of gold. Despite the failure of these diverse expeditions, the myth of *El Dorado* lasted and expeditions were sent up until the end of the eighteenth century.

European intellectuals were dubious, and critical of the influence of myths and fantastical literature on the general population, accusing less educated readership of naïveté and of not being able to make the distinction between fantastical and historical elements in literature. Montaigne, for instance, denounced the lack of education and intelligence of the *conquistadores* in his essay "On Cannibals" (Montaigne, 2009). But we see many of the educated, who considered themselves free of popular superstitions, reinforcing some of these very myths. For instance, Oviedo and Gomara mention the fountain of eternal youth, which was described in *The Travels of Sir John Mandeville* in the fourteenth century, and for which Ponce de Leon searched in vain (Gomez, 1992, p. 116).[15] It should be noted that such misconceptions as these might have been reinforced by American peoples themselves through their mythologies, and their alternative (non-linear) conceptions of time and history. Westerners were not familiar with non-Western cosmogonies and modes of story-telling, and may have confused Indigenous mythical accounts with descriptions of neighbours, or travel memories. Poor knowledge of local languages, as well as poor translation, reinforced such misunderstandings.

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[14] Translation: We will never grasp the extent to which the imaginaries from Spanish, French and Portuguese novels contributed to the progress of the Conquest of America. Even legal documents as serious as royal decrees bear the trace of these chimeras.

[15] See for instance, Part II, Chapter 45 "Le Descouvrement de la Floride" (p. 97) in López de Gómara, Francisco. *Histoire generalle des Indes occidentales & terres neuues, qui iusques à présent ont esté descouuertes*, traduite en francois par M. Fumée Sieur de Marly le Chastel. Paris, 1569. The Making Of The Modern World. Web. 29 Jan. 2013. Document URL <http://find.galegroup.com.proxy.bib.uottawa.ca/mome/infomark.do?&source=gale&prodId=MOME&userGroupName=otta77973&tabID=T001&docId=U100303240&type=multipage&contentSet=MOMEArticles&version=1.0&docLevel=FASCIMILE>.

Myths transposed to the Americas find their deep roots in a European mindset nourished by medieval folk tales, biblical accounts, and ancient mythologies. All of these stories are intermingled and highly flexible. Europeans were first hoping to find traces of these old fantasies in the "Orient," and searched in vain. The novelty of the America provides new hope. This is linked to another widespread misconception about the Americas: a link to primitivism.

b. The Far Away/Long Ago Fallacy

The Americas, as the antipodean space where fantastical places and creatures finally find the confirmation of their existence, is linked to another pre-/mis-conception about the Americas: the idea (unfortunately still relatively widespread nowadays) that pre-Columbian Americas constituted a timeless, a-historical space, thus corresponding to the state of humanity at its very beginnings. This conception is not particular to the Americas, as most non-European places were conceived in those terms, including Africa and to a lesser extent Asia, as Marco Polo travel notes illustrate. Despite its lack of originality, this perception of the Americas as a space outside of time and history, and thus as a window into the Europeans' own past, was very widespread. It took both mythological and biblical forms. Within a Christian context, America was often seen as a lost paradise, and associated with prelapsarian times as described in the Bible. This confusion operated at two different levels. First, America was simply conceived of as a protected microcosm corresponding to the origins of humanity, an occasion to peek through the lost past of Europe and Europeans, the "discovery" becoming then an actual "recovery". Secondly, more subtly, America allowed for a novel use of ancient Greeks and Romans: "the faraway in time and the faraway in space define a common territory where classical learning finds itself, so to speak, on familiar grounds" (Lestringant, 1994, p. 181). Greek and Roman authors were mobilized to understand the Americas and Native American populations were compared to historical European and Caucasian ancestors or to the mythical Golden Age. Classical references were also used to construct diverse analogies in which America and its savages are to early modern Western Europeans what Barbarians were to the Greeks. Reciprocally, ancient history then become illustrated with anecdotes and scenes from the New World (*Cf.* Lestringant, 1994, pp. 180-181).

This far away/long ago fallacy is, of course, very much tied to the themes explored in the previous paragraphs concerning mythical Americas, as marvels and wonders are associated with a-historical spaces or forgotten ancient times. Medieval and ancient myths were reactivated and rejuvenated through this new American imaginary. The myth of the Amazons, for instance, exists already in the Greeks but we find it again in Marco Polo's *Book of Marvels* and in Columbus's diary. More significantly, the myth of the Golden Age occupies a privileged position here, at the nexus between the "marvellous" and the "long ago".

> They are in the Golden Age, neither digging ditches nor building fences to guard their possessions. They leave their gardens open, without law, without records, without judges, but following a natural justice esteeming those wicked who would injure others. (Peter Martyr in 1532 quoted in Dickason, 1997, p. 53)

Ancient accounts of the Golden Age by Herodotus, Virgil, Hesiod or Horace, are echoed in many descriptions of the Americas.

Secular myths often either complemented Biblical myths or were confused with them. America as a preserved Golden Age then became an earthly paradise. The geography of the continent—vast spaces filled with luxurious flora, strange fauna, abundance of water and resources, and the general experience of wilderness—was especially conducive of such an association. It is not surprising if some travellers thought they had found in the Americas a sort of preserved Eden, or actively searched the land hoping to find such a place. Christopher Columbus genuinely searched for the earthly paradises in his diverse journeys and even thought he had found it on his third journey (Colomb, 1992; Eliade, 1957, p. 58).

Whether the references bring us back to classical myths of the Golden Age or the Christian lost paradise and earthly heavens, the image presented by the authors is one of happiness and freedom:

> A life lived free of toil and tyranny, free of masters, free of greed and the struggle for gain, became so much the key picture presented by the first historian of the New World, Peter Martyr of Anghiera, that the English translator summed it up in the repeated word liberty. (Brandon, 1986, p. 6)

The fallacy is common to all sorts of authors, whether they wish to denounce the barbarism of the local populations or to admire their mores and culture. On one hand, those with a negative and depreciative outlook on the Americas would associate it with furthest times, barbarians and violent, dark worlds ignorant of the notion of progress. On the other hand, more sympathetic authors praised the bravery and courage in war of the native populations who resisted the invaders, comparing them to Spartan warriors, and showing at the same time their nostalgia for the Greco-Roman epoch. Many saw in such behaviour the indication

of truly aristocratic societies, in which honour had not lost its meaning and masculine virtues were still constantly valorized (Montaigne is exemplary of this form of praise in his essay *On Cannibals*). The expression "noble" savage (rather than its French equivalent, *bon*, meaning good) is thus particularly suited to characterize such sets of discourse.

These references, analogies, and comparisons to myth and older times also indicate a certain relationship to nature. Indeed, a common point to the Golden Age and the Biblical accounts of happier, lost times, and "the infancy of nature" (Dickason, 1997, p. 65) is a longing for more natural times, when corruption and culture (excesses of culture) had not yet sullied human beings. This raises the key issue of the nature and naturalness of American populations. Ambivalence is once again the key word: on one hand, they are seen as "content only to satisfy nature" (Brandon, 1986, p. 6); on the other hand, their "unnatural behaviour" repeatedly shocks explorers and commentators and they are blamed for their incapacity to "master" nature. This paradoxical description of Indigenous Americans as simultaneously natural and unnatural is among the next themes to be discussed.

c. Multiple deficiencies

One of the most striking recurrences in travel literature is the idea of deficiency or lack: for Europeans and in comparison to Europeans, Indigenous populations are always missing something:

> Practically every description of the New World men by Renaissance Europeans was presented in terms of what they did not have: "They lived together without King or Emperor; each man is his own lord" [Mathurin Du Redouer in 1515]. Not only was each man a law unto himself, Gomara agreed, he was also without writing, money, iron, grain, wine, and any animal larger than a dog. (Dickason, 1997, p. 52)[16]

Depending on the point of view of the author (and of the reader), this lack is either characterized as a flaw or a good quality. Many denounced the absence of agriculture and property systems, but also the absence of writing, arts and industry, true government, proper religion, and more fundamentally, full reason.[17] Columbus himself went as far as describing

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[17] From this non-exhaustive list, we see that the accuracy of such claims is highly variable and often the result of the observer bias. Absence of agriculture or sedentarization, as well as absence of writing, true in certain cultures, are always listed with more spurious claims, such as absence of property or government, resulting of the inability of the observer to access and understand the

the populations as "deficient in everything" (quoted in Soldatenko, 1997, p. 39).[18] These differences are rarely understood as cultural differences, and instead lead to severe value judgements. For some, because those societies lacked this or that, they were bound to be intrinsically and essentially deficient and mistaken. For others, because they were lacking this or that, Americans were better than 'us' (Europeans), less corrupted, and happier. This is particularly visible when dealing with the supposed absence of certain emotions or personality traits: notably jealousy or envy. Praise of the sincerity of their feelings and the simplicity of their social organization is a recurrent element of the myth of the noble savage, already found in Montaigne. Some of the targets deserve more attention, since they participate more or less directly within definitions of civility and European self-understanding as society and polity.

Arts and Industry

Arts and industry were the most obvious external signs of civility. During first encounters, explorers could not find the crafts, activities, and the technology they were accustomed to. The nomadic societies of hunter-gatherers encountered first (the Caraibs and Brazilians) seemed particularly lacking, as they were not practicing agriculture, nor domesticating animals, and their metallurgic work remained basic. However, it became harder to maintain the same judgement upon discovering the cities of the Inca and Aztec empires; their architectural achievements were admired, as well as their organization and military capacities. Yet despite these wonderful achievements, their societies were still seen as lacking—the material elements lacking were then becoming more anecdotal, lack of the arch as an architectural form, lack of proper clothing, lack of prepared food, etc. More subtly, the stress on the lack of arts and industry became better understood as a general lack of artifice. This lesser artificiality would be visible then not only in the material conditions, but also and more importantly, in their character, skills, lifestyles, and the organization, or lack thereof, of their communities.

Language, Religion and Reason

This theme is hardly distinguishable from the previous one. The two domains are very much interdependent for the early modern Europeans: the lack of arts and industry is a

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systems in place. These prejudices are so widespread, however, than they lead authors to contradict themselves, praising the architectural and engineering achievements of Peruvian and Mexican cities for instance while still regretting the lack of industry (Cortes, 1986).

[18] Quotation from Columbus' diary, October 11th, 1492: "In fact, they took all and gave all, such as they had, with good will, but it seemed to me they were a people deficient in everything" (Columbus & Las Casas, 1989).

symptom of collective intellectual deficiencies. Many authors not only lament the lack of writing, but also venture into accusations of illiteracy and idiocy:

> The illiterate who lends his word the support of what his body has experienced and adds to it no "interpretation" has been around since the 14th century, in the form of the (anti-theological and mystical) figure of the *Idiotus*. (…) The cannibal came to rest in the place occupied by the *Idiotus*, which for two centuries had been the only place that could authorize "new language." (De Certeau, 1986, p. 74)

Very often, Indigenous languages were not recognized as languages as such, even for the more informed missionaries learning them, they remain inferior and deficient languages, missing the subtlety of Latin and other European languages. Linguistic deficiencies were especially visible in the difficulties encountered when translating the Gospel: local languages appeared to miss the terminology required to convey and to understand Christian teachings.[19] As well, rarely were Indigenous religious practices recognized as such. From the first encounters onwards, the verdict was that "they" had no (proper) religion. Christopher Columbus, in his diary, is adamant (about the lack of language altogether as well):

> They should be good servants and of quick intelligence, since I see that they very soon say all that is said to them, and I believe that they would easily be made Christians, for it appeared they had no creed. Our Lord willing, at the time of my departure, I will bring back six of them to Your Highnesses, *that they may learn to talk.*
> (October 11th, 1492, Columbus & Las Casas, 1989; my own emphasis)

The lack of religion, that is, of Christian religion, was seen by Europeans as coterminous with a lack of reason. This double deficiency held long in explorers' mind:

> That is had long been held to be applicable to Amerindians is indicated by the commission Cartier received for his third Canadian voyage from François I, which refers to the people of Canada as living without knowledge of God and without use of reason (Dickason, 1997, p. 65).

Relative lack of reason is also expressed through an insistence on the passionate personality of Indigenous inhabitants. Matienzo, a royal official in the viceroyalty of Peru, described Indians as failing to "feel reason" and as "ruled by their passions." (*Govierno del Peru*, quoted in Pagden, 1986, p.42) Sympathetic writers like Montaigne also reinforce this perception of 'Indians' as passionate and emotional, although in their cases, it is seen as a quality rather than a flaw (Montaigne, 2009; I.31).

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[19] "Other attempts at defining brutishness included lack of writing and the 'elusive' or even 'defective' structure of languages that impeded the communication of Christian doctrine. Without the letters "f,l,r," how could Amerindians have "foy, loy, roy"? (...) A favourite word for describing their languages was *baragouin*, gibberish" (Dickason, 1997, p. 67). See also the ecclesiastical council of 1585, Dr. Ortiz de Hinojosa of the University of Mexico, quoted by Elliott: "the principal deficiency of Indian languages seems to have been considered not so much their obscurity as the fact that they lacked a written alphabet." (Elliott, 2000, p. 172)

Political systems and governments were also an important yardstick used by Europeans to evaluate Indigenous populations. In these regards as well, they were seen as "limited". Some communities were seen as completely anarchic or chaotic, missing the very bases of social life. The Inca and Aztec empires, whose political organization was more readily recognizable for Europeans, were associated with ancient tyrannies, and not as truly political as the Ancient polis or the European monarchies.

> Certain contradictions are to be found in Spanish reactions to the governmental systems of the Incas and Aztecs which reflect the contradictions in 16th century Europe itself. They were admired for their power and efficiency, as also for their provision for the well-being of their subjects, and for their capacity to mobilize them for great public works. Yet, their power was at the same time equated with tyranny, which, as Acosta argued, represented an inherent characteristic of barbarism. (Elliott, 2000, p. 176)[20]

To the eye of the European observer, the inadequacy of Indigenous political institutions was reinforced by the absences of private property (considered then as the absence of property altogether), money, and a wage economy. These last aspects, however, could be considered a positive by some religious orders, that vowed poverty (for instance the Franciscans or some Dominicans, like Las Casas). This ambivalence regarding Indigenous attitudes towards money, private possessions, and also gold and silver, reflects the authors' own reservations toward habitual European lifestyles, which were seen as corrupted or for some, tainted by an excess of civility. The "lacking" American social and political systems are welcomed novelties for such critiques, satisfying their appetite for truer, more natural, lifestyles.

d. Paradoxical America: So Natural and yet So Unnatural...

> Their ignorance of Christianity and their lingering into darkness, outside of history and its course, suggested to many Europeans, even authors such as Las Casas, that "there must [have been] something unnatural about America." (Pagden, 1993, p. 7)

The issue of America's relationship to nature is both central and hard to define. Underlying most of the intellectual enquiries at the origin of travel literature are questions such as: is America or Europe more natural? Where does America fit within the natural world as we know it? How does it inform us about human nature? On these matters

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[20] *Cf.* Chapters 25 & 26 in Book VII of the *Natural and Moral History of the Indies* (Acosta, 2002, pp. 436-442).

authors often contradict each other or even themselves: at times, America seems to represent nature *par excellence*, while at other times it is described as monstrous, aberrant, and wretched. What is particularly significant is how intermingled these value judgements are, bearing testimony of the puzzle faced by travellers and students of the Americas.

The themes previously explored all call more or less directly upon the idea of nature. Several dichotomies come to mind: natural and supernatural, natural and artificial, nature and civility (law of nature and civil law), natural strength and denaturation, preserved nature and corruption, natural behaviour and deviance, and last but not least, nature and culture. If nature is to be understood in contrast to the supernatural, as reality against fantasy, the marvellous encounters expected on the continent tended to further America from nature. Yet the lack of industry and arts indicated a lack of artifice. This lack of artifice was often even found in their human relations, and social and political organizations. Similarly, technological inferiority was regularly denounced and used as justification for the domination of the Spaniards. This, associated with the lack of agriculture found in some American societies, was moreover perceived as a failure to master nature and to use it for the fulfillment and improvement of human condition.[21]

The theme of nature is also linked to health and physical condition, a topic particularly riddled with contradictory accounts. On occasion, as in Columbus's first descriptions of Caribbean populations, Native Americans were described as incredibly strong and tall, well nourished, and with magnificent bodies. Men were idealized as strong warriors while women were described as beautiful (Columbus & Las Casas, 1989) In other instances, authors stressed the inherent weakness of the populations, particularly as they could not survive the diseases brought in by the Europeans. For some this weakness is linked to a form of denaturation, brought about by incest and cannibalism. The importance of the repeated accusations of cannibalism is not to be underestimated; it touches at the core of the question of nature.

When discussing the nature of Indians, two elements in particular seemed unredeemable to the standard European observer: cannibalism and human sacrifice, "the twin horrors" of Amerindian societies. Pagden discusses the theme of cannibalism at depth and describes it as an "obsession" for Europeans (Pagden, 1986, p. 80). Accusations of

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[21] Perceived technological inferiority as well: the *conquistadores* themselves, notably Cortes, wrote with admiration in their journals of the diverse civil engineering, military and architectural achievement of the Aztecs for instance (Cortes, 1986).

anthropophagi date back to the Greeks, where faraway barbarians were also "man-eaters" but blossomed after the discovery of the New World. Rather than the observation of unusual rites and warrior practices in the Americas triggering accusations of cannibalism, it was rather part of Europeans' expectations to find cannibalism in exotic places. Questions about cannibals, together with Amazons and giants, were an important part of Christopher Columbus's conversation with the natives. Though not knowing the language of his interlocutors, he recounts that the interrogated natives confirmed his suspicions.

The accusation of cannibalism is one of the most common forms of de-humanization, and was often applied by Christians to non-Christians, particularly to heretics and Jews. Supposed eye-witness accounts of cannibal practice followed the same pattern, describing orgiastic feast combining pagan rites, sacrifices of human beings, and sexual promiscuity (including breaking the incest taboo) mimicking in this sense the Livy's description of Bacchanalia (Pagden, 1986, p. 80). Reciprocally, many of the colonized populations also believed white colonizers to be a very particular type of human traffickers, whose thirst for human flesh explained the immense numbers of men and women they were taking away.

Despite the groundlessness of these accusations,[22] cannibalism among Amerindians remained an uncontested "truth"—something every European believed in, even the most fervent defenders of Indians, such as Las Casas and Montaigne.[23] Priests denounced and described in great details cannibalistic feasts while actually admitting to never having attended such a feast. It is very likely they were confusing creation myths (often involving such breakings of taboos) with accounts of actual events. Cannibalism not only provided juicy content for the travel literature, but together with human sacrifice, became an important topic in any discussion of the "nature of Indians." Cannibalism was indeed seen as an obvious crime against nature and its supposedly widespread practice in the Americas

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[22] Despite fuelling the imaginary of many ethnographers and anthropologists up until recently, it is very unlikely than cannibalism was practiced by the native populations of America, or any Indigenous population for that matter (outside of survival cannibalism and acts of extreme revenge, also practiced by Westerners, and maybe even more so). However, this belief, the myth of cannibalism, was widespread in Renaissance Europe and continued long after. Today still (or at least up until recently), the fear of cannibalism and its association with remote Indigenous populations remains strong and is exploited with success in story-telling—inspiring for instance an important cinematographic production in the 1970s. *Cf.* Myth 7, "The Island-Caribs were Cannibals" in Reid's *Myths and Realities of Caribbean History* (Reid, 2009, pp. 88-99).

[23] Vitoria, as well, devotes particular attention to the issue of cannibalism in *De Indis* (Vitoria, 1991, pp. 207-212 & pp. 217*ff.*).

Cf. Pagden's commentary in the Introduction (Pagden, 1991, pp. xxiii-xiv).

was taken not only as a sign of evil, but also as a form of "unnaturalness" missionaries were not sure they could eradicate.

What this also shows is that the issue of "nature" in the Americas was always posed in moral terms. The ambivalence of writers and chroniclers regarding the innocence, goodness, or immorality of the populations was largely dependent on their verdict and uncertainty regarding their naturalness, and vice versa. Nakedness, for instance, was either taken as a sign of innocence, a form of pre-lapsarian life, free from sins and lust, or as a sign of bestiality and unrestrained sexuality. "On this question as on others, the two themes of innocence and bestiality developed side by side, opposite aspects of the reality" (Dickason, 1997, p. 51).

The key question, whose answer ought then to have guided their treatment by Europeans, was whether the Native Americans were innocent pagans or wretched sinners. This is the main line of contention between those on the side of the "myth of the noble savage" and those on the side of the "dirty dog." The idea of innocence is often translated in terms of childishness. For missionaries especially, Indigenous populations were to be treated like children, unaware of the gravity of their sins and in need in guidance (and recommended the use of fear for such a "bringing up"): "it was indeed as archetypical children that many of the Spanish religious, irrespective of their order, came to look upon the Indians" (Elliott, 2000, p. 169). This analogy reflects the ambivalence of the Europeans when judging of the morality of the Americans: like children, they were often seen as ignorant of morality, whether this ignorance took the form of an instinctual "goodness" (hence the French expression, *mythe du bon sauvage*) or an obscurantism filled with sinful behaviours. Concerning morality, they were thus either deluded (duped by the devil) or once again, deficient (Elliott, 2000, p. 179). Evangelization was thus the most important element of the enterprise of enculturation and civilization proposed by religious (and civil) authorities. Finally, the idea of childishness carries with it a particular conception of the differences between Europeans and Americans: differences neither reducible to customs nor attributable to a fundamental fixed nature.

For explorers and the travel literature, the question of whether differences between Europeans and Americans were differences in nature or only differences in customs remained open. At the time of the Renaissance, nature and culture were not yet analytically isolated and the possibility of a bare nature, untarnished by cultural elements, not readily imagined. This is especially visible in Montaigne's essay "On the Cannibals" in which he

praises American Indigenous populations for the gentleness of their manners and ways of life. (Montaigne, 2009; I.31) However, a common ground remains in that they were seen as lacking culture (or, if some culture was recognized in them, it was considered flawed and incomplete, if not deviant). Hamlin, in his book *The Image of America*, expresses this in the following terms: "Native Americans, generally speaking, were perceived as 'unaccommodated' humans—unacquainted with Christianity and European civility" (Hamlin, 1995, p. xix). This lack of culture makes them of utmost interest and importance to the Europeans: they become a window to the original man. This original man, preserved from the refinements and corruptions of civilization, ought to be a truly natural man. This figure of the natural man could then be used critically in several ways. It simply could be turned into a yardstick, used to identify what, in our European culture, has driven us astray—Montaigne's essay is exemplary of this use. More significantly, it would also be used as a starting point, a hypothesis upon which to build secure principles—an opportunity the social contract theorists studied in the next chapter could not miss.[24]

Between the "Dirty Dog" and the "Noble Savage":
the Ambivalence of Sixteenth and Seventeenth-century Representations of the Americas

The ambivalence and contradictory representations we have identified can be explained simply, through the heterogeneity of the populations encountered. This would also lead to the dangerous grounding into some physical reality of these diverse representations and to the hierarchization of the respective value of each population encountered: a conception which resembles then the racist, proto-evolutionist discourses of the nineteenth century. It remains that Spanish colonizers were more impressed by the architectural achievements of the Aztec empires than by the nomadic lifestyle of some Brazilian populations. They could recognize technological superiority and the power relationships which ensued, and use this improved understanding of their enemies in their military strategy, to their great benefit. However, what these ambivalences show is less of an understanding of the diversity of Native American cultures than the Europeans' initial mental confusion resulting from the encounter.

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[24] Rousseau, later in the eighteenth century, in his *Second Discourse*, is a brilliant example of the mixing of these two usages of the "natural man," aka. the "Native American" (Rousseau, 1997).

Todorov, in *The Conquest of America*, has stressed these ambivalences in Christopher Columbus, so sharp and repeated, that he compares them to a form of "schizophrenia:"

> Either he conceives the Indians (through without using these words) as human beings altogether, having the same rights as himself, but then he sees them not only as equals but also as identical, and this behaviour leads to assimilationism, the projection of his own values on the others. Or else it starts from the difference, but the later is immediately transformed into terms of superiority and inferiority (in his case, obviously it is the Indians who are inferior). (Todorov, 1982, p. 39)

This schizophrenia illustrates the paradox expressed by the expression "alter ego," the oxymoron at the core of our relationships with other human beings. This does not mean that the themes presented above are unstable, but rather that these themes lead Europeans to uncertainty about the human status of Indigenous Americans: Are these differences commensurable and redeemable, or on the contrary do they conjure up a form of "subhumanity," a unredeemable deficiency in the art(ifice) of being human? These types of questions have haunted scholars and jurists from the very beginning of the Conquest onwards. The Spanish Scholastics, from Vitoria to Suarez, are exemplary of these interrogations.

3. On *Natura Rerum* and *Indis*: Vitoria and the Valladolid Controversy.

The American imaginaries we have just sketched permeated every domain of European social life, including the theological, legal, and political domains. The 16th-century discussions of the Spanish Scholastics concerned with the Conquest and the Americas also illustrate recurrent themes and prejudices; these include, most notably, the prevalence of the myth of the savage, and the confrontation that it posed with respect to classical and medieval modes of thought. In the field of philosophy and political thought as it is largely understood, one particular author and one memorable controversy is of particular importance. Thomist Scholastic Francisco Vitoria, and his pupils of the School of Salamanca, addressed the "Affair of the Indies" in lengthy series of lectures, devoted to the nature and rights of Indigenous Americans. Later, in 1550-51, a debate remembered as the Valladolid controversy, opposed Juan Ginés de Sepúlveda and Bartolomé de Las Casas on

the same topic. Their arguments and conclusions show the fundamental role played by the Americas and the Conquest in the early modern intellectual and political landscape.

In this section, we will use these authors to show how the New World created an intellectual disruption in the medieval order, also fuelled by the creativity and changes brought about by the Renaissance, as well as the challenges posed by nascent Protestantism. The "Affair of the Indies" (as Vitoria calls it) and the Valladolid controversy are mobilized here to pursue two goals: first, they demonstrate how the political and legal discussions around the New World recycle, in their arguments and conceptions, the myth of the savage and the literary themes identified earlier, and thus partake fully in the social imaginary of the Americas; second, these same political and legal discussions, following a scholastic tradition influenced by Aquinas, led to intellectual impasses and involuntarily stressed the need for alternative modes of political and legal thoughts. Ultimately, the New World constituted the space in which modernity, and in particular modern political and legal theory, would be able to question traditional ideas of natural law, to rearticulate its concepts in brand new ways, and to rethink human nature and its boundaries.

Context:[25]

Early in the 16th century, Philip II had secured the authority and legitimacy of the Spanish Crown internally, successfully monopolizing power against competing factions. On the international scene, the Crown aspired to a similar domination: "its principal ideological concern became [...] its self-appointed role as the guardian of universal Christendom" (Pagden, 1987, p. 79). This claim and in particular, its application to the New World, was reinforced by the Bulls of Donation made by Pope Alexander VI in 1493, which granted to King Ferdinand II of Aragon and Queen Isabella I of Castile sovereignty over the pagan populated lands which could be discovered in the Atlantic (Pagden, 1987, p. 82). In Catholic Europe, the most influential thinkers on philosophical and political issues were theologians; these theologians were often called upon by the Spanish crown to discuss of the legitimacy of European expansion (Pagden, 1991, p. xiii) This issue dealt with key questions of natural,

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[25] For the description and analysis of Vitoria's arguments and of the Valladolid controversy, I rely principally on the work of Anthony Pagden, who has used and analysed these authors in many of his works: *The Fall of Natural Man* (Pagden, 1986); *The Languages of Political Theory in Early-Modern Europe* (Pagden, 1987); *European Encounters with the New World from Renaissance to Romanticism* (Pagden, 1993); his introduction to the *Political Writings* of Vitoria (Pagden, 1991).

canonical law and nascent *ius gentium* (law of nations) and was directly relevant to other Western European monarchies and the Papacy. These entities were also concerned and interested by the New Continent although they were not, at that time, as directly involved in its colonization. These exercises of ritual legitimations were common and often requested by the Castilian Crown. Although the conclusions of these exercises were often ignored by the monarchs, who favoured pragmatism in politics, they still felt strongly about their political and moral role in Christianity and used these legitimations to reinforce their reputation and authority in Spain as well as in Europe more generally. *A posteriori* legal and religious legitimations were symbolically very significant and served as important contributions within the intellectual life of the Catholic world.

Framing the 'Affair of the Indies'

For Scholastics interested in legitimizing the Conquest and the title of the Spanish Crown upon the newly discovered continent, the problem rested on one key ontological question: "who or what were these Indians and what was their proper relationship to the people of Europe?" (Pagden, 1986, p. 28). Although Vitoria was not directly solicited by the Crown for a *junta,*[26] he and his pupils of the School of Salamanca devoted a consequential part of their work and teachings to what he called "the Affair of the Indies." He tackled this Affair in a series of lectures (*relectio*) and his most significant piece of writing on the topic is a 1537 relection entitled *De Indis* ("On the American Indians"). In this work, he sought to answer the question "By what right the barbarians had come under the rule of the Spaniards?"[27] Casting the issue in ontological terms, Vitoria took "the situation in America" [the inevitable ongoing conquest and colonization] as a "self-evident reality" and tackled it instead as a more abstract intellectual problem concerning relationships between different groups of men in the "republic of all the world" (Pagden, 1986, p. 65). Vitoria's work was seminal and highly influential on this issue: its conclusions were widely accepted and more importantly, his framing of the issue actually set up the framework for ulterior discussions and the very terms of any debate on the issue:

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[26] "A deliberative or administrative council or committee." From *Oxford English Dictionary* online.

[27] "My present discussion of these people will be divided into three parts: first, by what right (*ius*) were the barbarians subjected to Spanish rule? Second, what powers has the Spanish monarchy over the Indians in temporal and civil matters? And third, what powers has either the monarchy or the Church with regard to the Indians in spiritual and religious matters?"
(1539 Relection, reproduced in "On the American Indians" in Vitoria, 1991, p. 233)

i.   Relevant domain of law: *ius natura*

Most important among these terms is the domain of law which became concerned with the fate and rights of the Indians: to Vitoria, the Affair of the Indies "was a question neither of the limits of papal jurisdiction, nor of Roman law, but of the law of nature" (Pagden, 1987, p. 80). Canonical law, with the papal Bulls of Donation, provided very uncertain grounds and was quickly dismissed by the Scholastics. Although the Crown believed it was given the authority by Pope Alexander VI to not only evangelize but also conquer and enslave the inhabitants of the New World, the Scholastics did not grant this bull such importance: they were quite unsure the Pope had "the authority to grant such rights in the first place" as this would suppose he held temporal as well as spiritual authority (a controversial issue of the time) and that this authority applied indiscriminately to Christians and non-Christians alike (Pagden, 1986, p. 30).[28] Moreover, a defining feature of the School of Salamanca was its specific concern with *ius natura* (law of nature); inscribing itself within a Thomist tradition, it was "preoccupied with the need to describe and explain the natural world, and man's place within it, in the same rationalistic terms as Aquinas himself had used in the *Summa Contra Gentile*" (Pagden, 1986, p. 61). The answer to any question relating to the rights of the Native Americans thus ought to have mobilized the law of nature and in particular, within this area of law, the existence and modalities of *dominium*.

ii.   Key concept: *dominium*

The most contentious legal and moral aspect of the Conquest in the mainland was the practice of enslavement, whether pure and simple slavery, or the subtler system of *encomienda*.[29] For Vitoria, asking about the legitimacy of the Conquest, and in particular, its

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[28] *Cf.* "Question 2, Article 2: Second title, that the just possession of these countries in on behalf of the supreme pontiff" (Vitoria, 1991, pp. 258-264):
"Those who defend this title—and it has energetic supporters—assert that the pope is monarch of the whole world, even in temporals, and consequently that he was empowered to constitute the kings of Spain as kings and lords of those lands; and that this was in fact what happened. [referring in part to Alexander VI's Bulls of Donation]… The clear conclusion is that this title against the barbarians is also invalid, whether it is alleged because the pope gave dominion over these countries to the Emperor, or because the barbarians fail to recognize the dominion of the Pope."
(pp. 258 & 264)
[29] Definition: "As legally defined in 1503, an *encomienda* (from *encomendar,* "to entrust") consisted of a grant by the crown to a conquistador, soldier, official, or others of a specified number of Indians living in a particular area. The receiver of the grant, the *encomendero,* could exact tribute from the Indians in gold, in kind, or in labour and was required to protect them and instruct them in the Christian faith. The *encomienda* did not include a grant of land, but in practice the *encomenderos* gained control of the Indians' lands and failed to fulfil their obligations to the Indian population. The crown's

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subsequent enslavement of the native populations, meant asking about their rights, and specifically, their *dominium* (property).[30] The centrality of *dominium* in Vitoria, and, after him, in all the discussions concerning the rights of Indians, can also be explained by the more general orientations of the School of Salamanca. Their project was to "create a moral philosophy based upon an Aristotelian and Thomist interpretation of the law of nature" and one of their key areas of concern was that of *dominium* considered the most fundamental of natural rights. *Dominium* was for them a very extensive concept not limited to private property: *dominium* could be had over not only private property but also goods, actions and bodies (Pagden, 1987, p. 81).

Were the Indigenous populations found to have no *dominium*, they could not pretend to any rights and ultimately, did not have to be treated as fully human; consequently, enslavement as well as their physical destruction would be permitted. Were they found to have *dominium*, the matter would then be much more complex, as *dominium*, as an essential human feature, calls for not only humane but also equal treatment. Once the centrality of *dominium* was established, Vitoria identified four possible reasons traditionally mobilized to deny *dominium*: the persons concerned had to be either "sinners (*peccatores*), unbelievers (*infideles*), madmen (*amentes*), or insensate (*insensati*)" (On the American Indians, 1.1 §5; Vitoria, 1991, p. 240) The first two reasons were dismissed right away, he first one being considered heretic, the second inapplicable (because it supposes a previous knowledge of the Christian religion). The third and fourth reasons refer to deficient or lacking humanity, and were considered linked to Aristotle's theory of natural slavery.

iii.   Classical authority: Aristotle on natural slavery

In Book I of *The Politics*, Aristotle developed an infamous theory of natural slavery. He proposed, alongside the existence of civil slavery, the possibility of a psychological justification of slavery.[31] This type of slavery was based on an inequality in reason: Aristotle described two categories of individuals: the natural slaves whose reason is limited and needs to be guided by a master, and those whose reason reached its full potential, the masters. The

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attempts to end the severe abuses of the system with the Laws of Burgos (1512–13) and the New Law of the Indies (1542) failed in the face of colonial opposition and, in fact, a revised form of the *repartimiento* system was revived after 1550." From *Encyclopædia Britannica*.
http://www.britannica.com/EBchecked/topic/186567/encomienda

[30] For a thorough examination of the distinction between imperium and dominium, see the special issue of the journal *Droits*, 22 (1995) entitled "*Dominium-imperium,* Souveraineté et propriété" and surveying the distinction from its Roman origins to the nineteenth century.

[31] Psychological refers here to the nature of the psyche and the level of reason of diverse human beings.

relationship between master and slave was thus seen as mutually beneficial, with the slave making the best use of his limited reason under the guidance of the master. Although the argument seemed to apply to individuals in their singularity, Aristotle himself suggested that *barbaroi* (meaning here non-Greeks) were by nature slaves: "So, as the poets say, 'it is proper that Greeks should rule non-Greeks, the implication being that non-Greek and slave are by nature identical" (Aristotle, 1992, p. 57, 1252a).[32] Aristotle's theory of natural slavery, and with it, the suggestion that Indians were "slaves by nature," seemed a readily available solution and easy escape from the political and moral dilemmas posed by the Conquest. (Pagden, 1986, p. 27) It also conveniently suited the system of *encomiendia* established very early on in Central and South America. *Encomiendia*, despite leading concretely to a most violent and destructive form of slavery, was theoretically seen as an exchange of services, in which indigenous labour was exchanged for evangelization and access to the Gospel. Moreover, Aristotle's theory of natural slavery as applied to the situation in the New World had been used for the first time by Mair, a Scottish theologian, to anthropologically classify the Indians and to "establish that the Christians' claims to sovereignty over certain pagans could be said to rest on the nature of the people being conquered, instead of on the supposed juridical rights of the conqueror" (Pagden, 1986, p. 39). The natural slave argument was then used in the 1512 *junta* convened by Ferdinand concerning the legitimacy of the conquest and more specifically the use of native labour (Pagden, 1986, pp. 47-48).

With the discussion of natural slavery, we touch upon another important prejudice associated with the Americas, that of "deficient reason." The distinction offered by Aristotle between master and slave is directly based on the quality of the soul; in other words, on inequalities in reason. Vitoria, however, refused such a simplistic use of Aristotle and explored the complexities and logical problems contained in such a theory. At this point, Vitoria stressed the difficulty of the challenge, as the point was not to consider the rights of particular individuals in their singularity, but to establish the status of whole groups. In particular, he found that even if the theory was acceptable when dealing with particular individuals within a given community, one could not switch from the individual level to the collective, and it was impossible for a whole collective to be *a priori* qualified as "natural slaves."

This, combined with a commitment to the Christian universal community of men, led him and his pupils to dismiss Aristotle's natural slave theory altogether:

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[32] See also 1255 on the usage of the term "slave" for non-Greeks (Aristotle, 1992).

> (...) if we attempt to apply the category 'natural slave' to any creature we have reason to believe is in fact a man, then the conception of the essential harmony of God's universe is at risk. For in order to be a man in the first place, the Indian must be in possession of a faculty of reason and that faculty must be capable of achieving a full state of actuality through moral education. (Pagden, 1986, p. 94)

> (...) the School of Salamanca could, in the end, only make the theory of natural slavery logically and morally acceptable by denying the very existence of the creature it was intended to describe. (Pagden, 1986, p. 97)[33]

Even though Vitoria dismissed Aristotle's theory, he did not consider "Indians" as equally reasonable as Europeans. Instead of finding this deficiency in reason irremediable, he compared it to the situation of children, another analogy current at the time. Significantly, the repeated attention devoted to this issue by him and his pupils shows its pervasiveness. The natural slave argument would therefore be used again later by Sepúlveda in his argumentation against the rights of Indians.

iv.   Childishness and nurturing

In *De Indis*, Vitoria used the analogy with children on several occasions, to argue against the natural slave arguments. He argued that the supposed lack of reason of American Indigenous populations was due to poor education, and hence they would be more like natural children than natural slaves (*cf.* n. 29). Soto, one of his followers, also used this analogy in his legal reasoning: just as children before the age of reason, Amerindians were thought to "clearly have *dominium* even if they [could] not be allowed to exercise it" (Pagden, 1987, p. 82). This child analogy meant that the idea of "nurture," and with it the possibility for assimilation, appeared. A theoretical and legal space was opened for forms of colonization alternative to conquest and enslavement: based on acculturation, assimilation, education, civilizing mission and so on. This is one of the novelties brought about by the colonization of the Americas. Neither Ancient Empire building, nor relations with Asia, nor

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[33] *Cf.* On the American Indians, 1.1 "Whether these barbarians, before the arrival of the Spaniards, had true dominion, public and private" (Vitoria, 1991, pp. 239-240); On the American Indians, 1.6 "Whether madmen can be true masters":
> (…) They [the barbarians] have judgement like other men. This is self-evident because they have some order (*ordo*) in their affairs: they have properly organized cities, proper marriages, magistrates and overlords (*domini*), laws, industries, and commerce, all of which require the use of reason. (…) Furthermore, 'God and nature never fail in the things necessary' for the majority of the species, and the chief attribute of man is reason; but the potential (*potential*) which is incapable of being realized in the act (*actus*) is in vain (*frustra*). (…) Thus, if they seem to us insensate and slow-witted, I put it down mainly to their evil and barbarous education. Even among ourselves, we see many peasants (*rustici*) who are little different from brute animals. (Vitoria, 1991, p. 250)

For further commentary on the natural slave argument, *cf.* Pagden, 1991, p. xxv.

African colonization had until then brought about this "softer" form of colonization, which was always in search of legal and moral justification/legitimacy, and often even took the form of benevolence. This form of colonization, while still violent, would then become characteristic of the French-English settlement of North America.

In an effort to bring this novel kind of human being, the potentially reasonable man, back into more familiar categories, Vitoria proposed an analogy to European peasantry (*cf.* n. 29). In a way, we could interpret Vitoria's argumentative move as a step away from Aristotle towards Plato, the Plato of the *Republic*. Amerindians now became closer to the lower class of people (traders and so on) in the *kallipolis*, those corresponding to the appetitive part of the soul. However, unlike in the fixed system of the *kallipolis*, the status of peasants is not linked to the (unchangeable) nature of their soul but to their lack of proper education. This perspective indicates the need to "nurture" these "poor souls," which meant, at the time, evangelization and inculcation of European culture. At the intellectual level, it meant that the difference between the "European" nature and the "American" nature was not qualitative, but quantitative. The Christian idea of a homogenous humanity was preserved; differences were not essential or intrinsic but rather differences in degrees of civilization (to use vocabulary not yet existing at the time).[34] In Acosta's words, there is no 'third specie' between men (Europeans) and animals: "However wild such creatures may be, there are still as men perfectable creatures capable of salvation" (Pagden, 1986, p. 165). However, this inclusion in humanity came at great cost: the Amerindians, especially the "Caribs," the inhabitants of what is now Brazil and Florida, were confined to the bottom of humanity, "at the lowest possible social level." This inclusion was also what justified Europeans' involvement with them and their efforts to "care" for their souls (Pagden, 1986, p. 164*ff.*).

The idea of human nature as perfectible (theorized later by Rousseau in his *Second Discourse*) is not novel and simultaneously recalls Aristotelian teleology and late medieval Christian tradition. The feasibility, the achievement of this perfection, becomes a constantly renewed enterprise: it still requires living in a proper *polis,* and it also becomes mankind's

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[34] Regarding the debates in Spain over "the nature of Indians," Elliott writes: "Although the words 'beast' and 'bestial' figured predominantly in the debate, the critical point at issue was not the humanity of the Indians per se, but *the exact degree of humanity with which they could be credited*. Could the Indians really be regarded as men, in the full sense of the word as understood by sixteenth-century Europeans, or were they in some, or indeed in all, respects defective human beings—sub-men perhaps, requiring special treatment appropriate to their status?" (Elliott, 2000, p. 165; my own emphasis)

responsibility rather than God's gift through grace. This, then, justifies a proactive stance towards politics but also toward one's fellow human beings.

v.   Nature and aberrations in the Americas

Another crucial topic of discussion for Vitoria is that of the paradoxical unnaturalness of the Indigenous populations. This idea, already identified as crucial in the travel literature, also haunted Renaissance Scholastics. Human sacrifice and cannibalism—also taken for granted even by the defenders of Indians such as Las Casas—were considered crimes against nature, were often used as proof of inhumanity, and had to be considered in any discussion concerning the rights of the Indians. Here as well, these behaviours contrasted with their perceived genuine naturalness. As described when studying the key themes of travel literature, in many respects the Europeans considered American Indigenous populations more natural than they were: they were seen as devoid of history, and deficient in most aspects of social life. Vitoria, also, upheld such views: for him, "Indian communities (...) possessed only the minimal requirements for social life. They had, for instance, no knowledge of the liberal arts, no proper agriculture, no true artisans" (Pagden, 1987, p. 85). This general perceived lack of culture seemed necessarily to pose them as more natural.

This, combined with the belief in the biological and psychological unity of man, contrasted with the "aberrant" behaviour of American Indians which could not simply be taken as a local variant of a well-known pattern. These crimes against nature challenged their humanity: "a man who, regularly and with no sense of being at fault, acted against nature, could make no unassailable claim to being fully human" (Pagden, 1983, p. 39). Any defence of Indian rights had to attempt to make sense of behaviours such as cannibalism and to somehow lessen their severity, so as not to ban their perpetrators from the human community. Vitoria did so in regards to cannibalism by defining it as a "category-mistake": "for Vitoria cannibalism was, above all else, a failure to distinguish what is fitting as food from what is not" (Pagden, 1986, p. 85).[35] This only partially redeems the perpetrators as it showed, if not their pure wickedness, a failure to interpret the natural world correctly and to set up customs following the *prima praecepta* of the law of nature. However, cannibalism remained both an easy and a powerful card to play for those attacking the rights of the Indians, as Sepúlveda did a few decades after the publication of Vitoria's *De Indis*.

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[35] *Cf.* On Dietary Laws, or Self-Restraint, 1.3 "Is it lawful to eat human flesh?", 1.4 "Is it lawful to practice human sacrifice?", 1.5 "Is it lawful to make war on the barbarians if they practice anthropophagy and human sacrifice?" translated from Latin in Vitoria's Political Writings (Vitoria, 1991, pp. 207-230)

Anthropophagy touched upon deep seated feelings about human nature and targeted a new weakness within natural law: the very notion of nature, whose traditional understanding had been profoundly wounded by the discovery of the New World.

The controversy itself: Las Casas vs. Sepúlveda

The conclusions developed by Vitoria, and reinforced afterwards by his pupils Soto and Cano,[36] remained widely influential and were accepted for several decades. The terms of the debate were set but the arguments would be renewed and radicalized in 1550 in the Valladolid controversy, which pitted Bartolomé de Las Casas and Juan Ginés de Sepúlveda against each other. Sepúlveda was the official historian of the Crown while Las Casas was a missionary seeking to evangelize American Indigenous populations, both a participant in and a spectator of the Conquest. He had witnessed first-hand the violence unleashed by war and colonization in South America and spent most of his life denouncing the atrocities committed by the *conquistadores*.

In a piece entitled *Democrates Secundus*, Sepúlveda maintained that American Indigenous populations "were not capable of *dominium*" and hence "could be legitimately appropriated by the first civil man to reach their shores." (Pagden, 1987, p. 90) The main hypothesis underlining this conclusion was that property rights were the product of civil society and in the absence of civil society, as it was supposed to be the case for the New World, property was inexistent. This conception of property, opposed to that of Thomist Scholastics, was more prevalent then in humanist circles.[37] The absence of civil society is attested for Sepúlveda by constant violations of the law of nature. He was also arguing that crime against nature (in their collective form in particular)—that is, for instance, an entire community partaking in cannibalism—constituted a form of forfeiture of any potential rights, including *dominium*.

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[36] Domingo de Soto, *De Iusticia et Iure* (1553/54); Melchor Cano, *De Domino Indiorum* (1546). For an analysis of Soto's work, within a more general study of the Neothomism of the Salamanca School, *cf.* Chaptet Two, "Ontological Morality and Human Rights" in Cortest, 2008, pp. 14-29.

[37] For an overview of the distinction between scholasticism and humanism and its impact on legal theory during the Renaissance, *cf.* James Hankins "Humanism, Scholasticism, and Renaissance Philosophy" in Hankins, 2007, pp. 30-48, and Luca Blanchi "Continuity and Change in the Aristotelian Tradition" in Hankins, 2007, pp. 49-71. The differences of training and background between the two protagonists are consequential here—for an analysis of the controversy in this light, *cf.* Keene, 2005. For our purposes here, the analysis of the controversy focusses on the perceptions of Indigenous populations at play.

Las Casas's rebuttal focussed on showing that the Indians under scrutiny were not the 'barbarians' described by Sepúlveda, and hence had the same rights than Europeans. In the *Apologetica Historia*,[38] he carries a lengthy critique of the term 'barbarian': he distinguished four types of barbarians[39] and showing every time why it did not fit the American reality. His engagement in favour of the rights of the Indians against Sepúlveda is remembered emphatically as a true defence of the Indians and sometimes even as an early recognition of human rights. In reality, his defence is much more underhanded. First of all, Las Casas's defence of Indians was a religious mission, and should not be understood as a step towards a true dialogue and recognition. Secondly, his position did not extend into a general love for humanity, since the "Mahomedans" are truly resented and hated in his writings. He did not denounce conquest as such and even saw it as a praiseworthy enterprise against the enemies of the Christians.[40] Furthermore, Conquest had positive connotations for Las Casas and according to him, *conquistadores* were calling themselves by that name to hide the pettiness of their [barbarous] "invasion" and "shabby deeds." (Pagden, 1993, p. 79) Thirdly, Las Casas's defence of the Indians ultimately rested on their assimilability (Brunstetter, 2010, p. 413).

Finally, participating in the myth of the noble savage, Las Casas provided us with an excellent illustration of the critical use of the figure of the savage. Indeed, Las Casas's position stemmed less from a concern about the humanity of the American populations than a condemnation of the un-Christian, even diabolical, behaviour of his compatriots. The concern for the well-being of Native populations became a tool to criticize and denounce the current actions and politics of Europeans in general, and Spaniards in particular.

Although his approach and understanding of the American populations fits within common categories, the historical endurance of his writings rests on the originality of his style. Las Casas followed a fairly traditional scholastic style of argumentation in his use and

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[38] See also *A Short Account Of The Destruction Of The Indies* by Las Casas, too, edited and translated in English by Nigel Griffin and introduced by Anthony Pagden. (Penguin Classics, 1992)

[39] The four categories are: 1) an individual having temporarily lost his reason; 2) a community whose language is insufficient for establishing community and social organisation; 3) the barbarian *simpliciter*, a rare monstrous creature; 4) non-Christians. Las Casas spends a significant amount of time on the second criteria: although the autochthonous languages were indeed seen as lacking, the "Indians" were still "in full possession of a rational soul" and thus, able to live socially. The fourth type would apply, yet, the Native Americans can become Christians: Las Casas considers them as a "younger race" in need of evangelization. Being barbarian in the sense of non-Christian does not allow the waiving of their rights (Chapter 6 in Pagden, 1986, pp. 119-145).

[40] Neither Vitoria's nor Las Casas' "defences" of the Indians should be misinterpreted as a general respect for fellow human beings, indiscriminate of race, religion or social status. While both authors refused to characterize Indigenous Americans as completely barbarous, they had no problem doing so for Africans or the "Mahometans". Las Casas went as far as advocating the importation of African slaves to ease the burdens of the Indians (Pagden, 1986, p. 32).

overuse of the canon and authoritative texts, but his writings shifted the status of empirical evidence. With the Scholastics, the most important part of the argumentation consisted of theological arguments, use of authorities, and logical depth and quality. Empirical facts were taken as mere illustrations for more abstract points. With Las Casas, empirical evidence occupied the core of his work and formed the basis of his argumentation. The originality of his approach resides in the importance he placed on personal experience. Instead of trying to intellectually fit the radical novelty and incommensurability of the New World within a classical or Christian framework, he mobilized unmediated experience as an attempt to counter incommensurability; the dilemma being once again to have the reality of the Americas fit the law and vice versa. The exercise consisted in making sense of this New World in a manner that fit and even reinforced the precepts of the law of nature. Although the ethnographic reality of the Americas occupied an important literary and imaginary space at the time, it was still not seen at that time as a source of law. As we will see in the next chapter, it is only with the social contract theorists that nature, as pure human nature, precedes any system of law, and more so, Law itself.

We see from this controversy that the distinction between natural and civil is quite important, as whether *dominium* is seen as natural or civil changes its status. If *dominium* is natural, it is universal and widely shared, and taking it away necessitates proving that the individuals concerned are not fully human. Given the evident humanity of the colonized populations, the Scholastics, including Vitoria and Las Casas, could not but recognize *dominium* and the rights of the Indians. The only logical practical consequence of their arguments and conclusions would be withdrawal, yet this was unacceptable to the rulers. They then had to resort to subtler but less fundamental juridical issues to somehow legitimize the pretensions of the Crown; those arguments remained fairly artificial and weak. Vitoria, in the end, uses the *ius perignandi*; Las Casas resorts to the necessary process of evangelisation; others resort to the right to preach (and be heard); most just helplessly recognized the reality and the harm of a colonization which could not be undone.

If *dominium* is a civil right (as are all rights for the humanist Sepúlveda), not only does it allow for a multiplicity of forms, but the burden of proof also changes side: now to pretend to *dominium* is to show that one's civil society is civil enough to provide its members a form of recognizable property. It is then easier for Sepúlveda to use the prejudices of the time to prove that Indian communities are not so civilized as to have *dominium*. He actually went as far as to argue that they totally lacked civility, although one could comment that a

mere relative lack of civility is enough to deny *dominium* in these circumstances. The primacy of civil law is also reinforced in Sepúlveda by related secondary arguments, such as the idea that *dominium* could only exist if it were exercised (Pagden, 1986, p. 92). When he discusses natural law, the notion of civility is still crucial in his argument: he affirmed, for instance, that natural law granted *dominium* to all those who were civil beings over all those who were not:

> The Indians' historical relationship to their property may now, he concluded, be likened to that of a man who has been deprived of his goods by the court but granted the *ius utendi* until sentence has been formally promulgated by a judge. The arrival of the Spaniards, directed to America by divine providence, constituted that promulgation. (Pagden, 1986, p. 92)

This distinction between what is natural and what is civil, and the disagreements about the respective jurisdiction of natural law and civil law, are representative of the intellectual gap between the new humanist thinkers and the more traditional Scholastics. The primacy granted by Sepúlveda to civility as a legal criterion led to a simplification of the debate and a greater potency of the prejudices circulating at the time. Just as in literature, Las Casas and Sepúlveda incarnate antithetical value judgments towards Native populations in the Americas. However, they both also show the lasting influence of Vitoria's initial framing of the "Affair of the Indies" and the intellectual difficulties it repeatedly led to.

Las Casas's defence of the Indians is still remembered today, and often too kindly. At the same time, the Valladolid controversy itself marked the end of the "Affair of the Indies." In Spain and Western Europe, the whole debate was slowly forgotten, pushed aside by more pressing pragmatic issues, such as empire building in Europe and Catholic competition with Protestantism. Despite having no practical effects on the Conquest, this controversy, at the intersection between culture and politics, is illustrative of the ongoing construction of the American "other" and its impact on sixteenth-century political and legal thought. Moreover, it highlights several important phenomena characterising the post-discovery period and the Conquest. First of all, it shows the concern of the authorities for the plight of Indigenous populations and a radical disjoint between practices in the colonies and recommendations made in the mainland (where what was legal or at least tolerated far away would not have been at home). In many ways, the New World appeared to the *conquistadores* as an outlaw space, where every transgression was permitted, and everything was up for grabs. The Crown's and the ecclesiastics' concerns for the Indigenous populations may seem disingenuous in light of the atrocities committed, but the outrage and the efforts made by missionaries and other observers on the ground to lessen the violence and destruction were undeniable.

Secondly, it shows the prevalence of the myth of the noble savage, and its potential as a critical tool. Not only do we encounter in Vitoria's lectures and in the Valladolid controversy familiar themes, characterizations, and metaphors of the travel literature, but we also find a very political use of the "mythical" Americas. Las Casas, in particular, provides us with a brilliant illustration of the critical use of the noble savage turning around accusation of savagery and barbarity.[41] Indeed, most of the defenders of the Indians, going back to

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[41] Montaigne's essay *On Cannibals* is the first and archetypical use of the "savage critique" in its American version—the expression is used by Anthony Pagden to study the figure of the savage in 18th century literature (Pagden, 1983). Montaigne starts his essay by criticizing the term 'barbarous,' stating that we often apply it to what is not of our custom, and refuses to use it to describe the Americas. He then goes on praising the Americas for its beauty and the purity of nature it contains. Afterwards, the text provides us with a negative description of the 'cannibals:' that is, they are depicted as non- or even anti-Europeans. Their societies are described as missing all the European arts but also all the character flaws that Montaigne associates with his contemporaries. Literature, mathematics, agriculture, private property, political hierarchy are missing but also are lie, betrayal, greed, envy, and consequently, forgiveness (since there is nothing to forgive or to be forgiven for). Montaigne then gives us a detailed description of the landscape, luxurious flora and fauna, but also of the buildings, the inhabitants' diet, their drinks, their activities (which seemingly for him, consist in dancing all day), their preachers and religion and so on. For him, American Indigenous societies are societies without

Montesinos,[42] had no real concern for the cultural preservation of Indigenous societies, lands and religions. On the contrary, they strongly believed in their evangelizing mission. However, they were shocked and appalled by the un-Christian behaviour of the *Conquistadores* and *encomenderos*, the level of violence reached in war, and the gratuitous atrocities committed against local populations, including women and children. True evil, for many missionaries, was committed not by the Indigenous populations but by the colonizers themselves, who, moreover, could not be excused on the ground of deficient reason or ignorance of either Divine or natural law. Had the colonizing process been "softer," the issues discussed by the Scholastics concerning the nature of the Indians and the legitimacy of the Conquest may never have been raised.

Thirdly, the significance of this affair in the history of ideas is far-reaching, as the universal relevance of the question regarding "the nature of the Indians" was clear for the participants themselves. For the School of Salamanca, it was evident that the discussions around the Indian question had implications reaching far beyond the "Indies": "(…) the justice of the Spanish conquests and the nature of the American Indian formed a staple part of any discussion on the nature and origin of human societies or on the rule of law" (Pagden, 1987, p. 107). Their very involvement with the issue "[was] but one part of a larger set of concerns about man's relationship with man and about his place in God's universe" (Pagden, 1986, p. 27). Traditional conceptions of human nature, the relevance of natural law, Thomism, and the authority of the Gospels and of the Ancients were at stake.

In the end, the puzzling "unnatural nature" of the Americas conjugated with a Thomist conception of natural and civil law as two jurisdictions coexisting in the same space showed the limitations of the Renaissance articulation of three key concepts: nature, humanness and law. Several tensions were at stake: the tension between shared humanity and diverse levels of civility (Christianity versus Aristotle); the cohabitation of nature and transgression; and the uncertain boundaries of diverse domains of law. These three types of

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luxury, seeking only the most natural necessities. He writes that their ethics can be subsumed under two headings: bravery in war and friendship to their wives: good warriors and good lovers, which might be his ideal of masculinity. By the end of the essay, the accusation of 'barbarism' has been inverted and now applied to European vices. He goes as far as arguing that cannibalistic practices are actually less condemnable than European vices, including torture, betrayal, tyranny, and cruelty. The essay ends with three Amerindian visiting France and mocking its royalty and inequalities. (Montaigne, 2009, pp. 300-314)

[42] Montesinos was a Dominican priest who, in 1511, delivered a sermon to the Spanish population of Hispaniola denouncing them for their treatment of the Indians, and warning them that if they did not mend their ways, they would no more be saved than the Moors or the Turks (Pagden, 1986, pp. 30-31).

tension were not easily resolved with the tools at the disposal of the Scholastics. Modern political thought, as incarnated by social contract theory, will tackle the challenge posed by the Valladolid controversy and rearticulate these three issues in brand new ways. With social contract theory, as we will see in the following chapter, nature is reduced to human nature, an original humanness whose natural inclination is actually to overcome itself.

Conclusion: America as a Social Imaginary

In our review of the traveling literature, we have identified several intersecting imaginaries: the marvellous and mythical, the fascination and conflation of the faraway and long ago, the vocabulary of deficiency and lack, and finally the recurrent concern for nature in the Americas. These imaginaries transpired within the theological and juridical realm, as exemplified by Vitoria, his pupils of the Salamanca School, and the Valladolid controversy. The term "imaginary" is indeed particularly suited to describe these heterogeneous writings on the Americas. Firstly, it is predominantly composed of images and scenes, whether actual pictorial representations illustrating new printed editions, or the many vivid descriptions filling the pages of letters, reports and other treatises. Secondly, these descriptions and representations are often so skewed and biased, so far removed from objective observation, that they can only be characterized as imaginary (imagined).

Thirdly, and most importantly, the redefinition of these themes in terms of imaginaries also refers to the notion of "social imaginary," as developed by Charles Taylor. He defines the expression in his book *Modern Social Imaginaries*:[43]

> By social imaginary, I mean something much broader and deeper than the intellectual schemes people may entertain when they think about social reality in a disengaged mode. I am thinking, rather, of the way people *imagine* their social existence, how they fit together with others, how things go on between them and their fellows, the expectations that are normally met, and the deeper normative notions and images that underlie these expectations. (Taylor, 2004, p. 23; my own emphasis)

Taylor then elaborates on his choice of terminology and pinpoints three key differences "between social theory and social imaginary." The concept of social imaginary makes room for literary as well as theoretical themes: "images, stories, and legends" are the main media

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[43] … and again, in a slightly modified version, in a chapter of *A Secular Age*, entitled "Modern Social Imaginaries". (Taylor, 2007, pp. 159-211)

for such an imagination. (Taylor, 2004, p. 23) This is especially true of American imaginaries, and in particular of the myth of the noble savage. As the secondary literature presented above has shown, the discovery of the Americas was the occasion for a major inflation in travel literature, and the interest in strange things and people from the Antipodes became widespread in written as well as oral culture in Western Europe, feeding in characters and plots to major literary figures of the time: for instance Ronsard or Rabelais in the French world, and Shakespeare or Swift in the English world. These imaginaries then colonized other forms of writing, and intellectual life in general, permeating the very serious theological and juridical arguments of the Salamanca School.

This leads us to the second difference between social theory and social imaginary for Taylor, that of audience: "theory is often the possession of a small minority, whereas what is interesting in the social imaginary is that it is shared by large groups of people, if not the whole society" (Taylor, 2004, p. 22). In the case of the American imaginaries, the popular success of the travel literature is attested to by historians. The literate audience of the time was of course quite limited, even though significantly expanded by the contemporary development of printing. Yet one particularity of the themes developed was the recycling and renewing of old folk tales and myths (the Wild Man, the Amazons, the Cannibals, etc.). This, associated with the taste for the marvellous and wondrous, made it particularly popular in oral culture as well as it circulated throughout Europe.

The third difference is more elusive but no less important: it consists for Taylor in defining a social imaginary as "a common understanding that makes possible common practices and a widely shared sense of legitimacy." (Taylor, 2004, p. 22) In the case of the American imaginaries, this explicitly political aspect of the social imaginary is key to understanding the complex relationships at stake between perceptions of the Americas and its peoples on one hand and the radical changes in political theory which occurred during the 17th century on the other hand. Finally, the idea of expectations is of special importance in any social imaginary. As we have already seen from the accounts of Europeans, the descriptions of the Americas were more about what Europeans wanted to find than about what they actually witnessed and experienced. This type of ethnocentrism, or even blindness to reality, was not merely instrumental cunning but rather an effort to fit novelty into familiar cognitive frameworks: hence the accrued interest for the Roman and Greek classics, whose texts were read in parallel with travel literature—the classics were used to explain the Americas, and reciprocally, the Americas were used to reassess the classics.

Adopting the idea of social imaginary does not mean abandoning a Foucauldian framework. Because Taylor's usage of "social imaginaries" is looser and deliberately vague,[44] it constitutes a proper starting point for studying Aboriginality in terms of discourse or sketching the diverse genealogical lines intersecting through this concept. In a way, the notion of social imaginary is indicative of an immanent worldview, explicated by Taylor with an analogy: it is like orientating oneself without referring to a map (the bird's-eye view); having no outside and all-encompassing standpoint—which he associates with the theoretical overview—does not prevent one from having a certain knowledge and understanding of the situation. The imaginary, then, for Taylor, is chronologically and logically prior to theory (Taylor, 2004, p. 26).[45] In our case, the investigation does not aim at covering the whole of the 16th and 17th centuries' social imaginary but focusses instead on one particular aspect of it (that of Aboriginality).

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[44] Taylor compares his 'extended' notion of social imaginary to that of "background" (Dreyfus, Searle) and goes on: "it is in fact that largely unstructured and inarticulate understanding of our whole situation (...)" (Taylor, 2004, p. 25).

[45] What is notably approached quite differently in Taylor and Foucault is the split between the elite and the rest of the population. Taylor is always concerned with the way minority positions and elite practices and views spread to the rest of society (especially in *A Secular Age*). These issues of diffusion are not as apparent in Foucault, who may be falling prey to a more traditional model of domination (at least in this precise area). On the other hand, Taylor might be overestimating the primacy and influence of elites. One question which is not explicitly dealt with by Taylor is as follows: why would elites desire to spread their ways of life and moral commitments to the rest of society? Is it purely instrumental—the fostering of nascent capitalism? Is it material—the social broadening of the elite? Or is it stemming from a novel sense of community, relying on the homogenizing figure of Man— going back to Foucault here? Elite, by definition, should desire, after all, to be "special" and constantly seek increased differentiation. What would the behaviour of the commoners affect them whatsoever? Taylor attempts to answer this type of questions in relation to religious practices in *A Secular Age*. (Taylor, 2007)

The next chapter will show how the American social imaginaries, transformed into an Aboriginal imaginary, are an important point of entry for this period and a potential key (crucial but understudied) for understanding its political theory. America as transformed into Aboriginality will take on its full meaning with the social contract theorists. As the next chapter will show, the Aboriginal part of the equation will take precedence to the reality (or rather perceived reality) of the Americas and its inhabitants—reduced to the status of interesting anecdotes—while the Aboriginal imaginary, through the artifice of the state of nature, becomes the cornerstone of modern political thought—the logical foundation for the civil state and *sic*, civilization.

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CHAPTER 3:

ABORIGINALITY IN THE STATE OF NATURE

1. **Introductory Remarks:**

The previous chapters have set the background for the analysis of early modern contract theories, the focus of this present research project. Chapter One dealt with methodological issues, while Chapter Two sketched the historical, literary, and discursive background characteristic of the post-discovery era, against which political thought and philosophy must be assessed. The present chapter now presents the core of the research project: an interpretation of social contract theory, inspired by Foucauldian epistemology, focused on the state of nature and within it, the presence and role of the Americas as they were perceived and imagined by Western Europeans. A few words are in order to justify first the general choice of social contract theory as the primary material to be studied in light of "American imaginaries" and in relation with the idea of Aboriginality, and secondly, the specific choice of Hobbes and Locke as exemplary of this intellectual moment.

Social contract theory constitutes not only a landmark in the history of Western political and ethical thought, but it continues to shape modern and contemporary political thought at many different levels, most visibly because of the omnipresence of contracts and contractual thinking in Western societies. As Alain Renaut reminds us in his monumental five-volume *History of Political Philosophy*, the notion of contract is overly "present in our juridical and political universe," almost "ubiquitous" (the contractual vocabulary now invading domains as diverse as education or rehabilitation after delinquency or substance abuse), "as if it were a juridical form applicable in every domain and under any conditions" (Renaut, 1999, pp. 309-310). He also ascribes a quasi-essential relation between modernity in political thought and social contract theory: "the rise of the contractual principle is inscribed most deeply in the process which provided political modernity with its philosophical foundations" (Renaut, 1999, p. 311). [1] Scholars do not all share such a strong view about the

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[1] Original quotation in French: « (...) la montée en puissance du principe contractuel s'inscrit au plus profond du processus qui a fourni à la modernité politique ses fondations philosophiques » (Renaut,

association between modernity and social contract theory, yet most tend to recognize that social contract theory marks the beginnings of modern political theory. Although scholars disagree on which authors deserve the label "first moderns," there is one thing upon which they seem to agree: the seventeenth- and eighteenth-century social contract theories are quintessentially modern: they represent a novel way of thinking about politics, and in particular, a new articulation of legitimacy, sovereignty, and power. They also mark the fleeting apparition in political theory of the figure of the "individual," under its modern form, as an "autonomous subject." This modernity, found in the very content of the theories, is also more simply linked to their period of emergence: full-fledged social contract theories are contemporary to other intellectual shifts marking early modernity, such as philosophical and scientific advances made by Descartes and Bacon. Politically, the seventeenth century is rich in innovations, with Western Europe leaving feudal modes of organization and progressing towards absolute monarchy or Parliamentarism. This period is also crucial to the development of modern understandings of the state and the nation.

The Novelty of Seventeenth-Century Social Contract Theories

Social contract theories may be modern but this does not mean that the idea of the contract, or even its vocabulary, was invented out of nothing sometime during the seventeenth century. Although Hobbes is often credited as the first social contract theorist, the notion of contract itself, as well as its philosophical considerations, is much older. Signs of contract law are found in seventh-century BC Babylonia and the Hammurabi Code may be interpreted as containing the germs for a contractarian understanding of societies.[2] As well, the three components of social contract theory—the state of nature, the contract itself, and civil society—are found and discussed in Ancient philosophy. The wider notion of

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1999, p. 311) or again, "(…) ce contractualisme dont la mise au point a constitué l'un des moments fondateurs de la philosophie politique moderne" (Renaut, 1999, p. 319).

[2] "The Code of Hammurabi, for instance, had nearly three hundred rules governing particular factual situations, some of which might be characterized as contractual. Thus, for example, it provided that: 'If a man sell a male or female slave, and the slave have not completed his month, and the bennu fever fall upon him, he (the purchaser) shall return him to the seller and he shall receive the money which he paid.' And that: 'If a man rent his field for tillage for a fixed rental, and receive the rent of his field, but bad weather come and destroy the harvest, the injury falls upon the tiller of the soil'" (Oman, 2009, p. 80). The author notes, however, that this cannot qualify as a General Contract Law.

contract was well known to the Ancient Greeks and Romans. Aristotle, in his *Nichomachean Ethics*, classified contract as a form of relationship existing between members of a social group. Plato, in *Crito*, even puts the words "tacit agreement"—sometimes translated as "contract"—in Socrates' mouth, referring directly to a special relationship between the citizen and its city. The idea of social contract and state of nature are also found in the sixteenth century in the works of Thomist scholastics such as Vitoria, Molina, and Suarez (Skinner, 1978, pp. 155-173). The very idea of a covenant is found in the Bible, and the popularity of the idea of social contract in the seventeenth century is partly due to the Protestant Monarchomachs and their use of the notions of covenant and consent as applied to monarchy.[3]

Similarly, depictions of the state of nature are also found in Ancient Greek and Roman works. Most famously, in *De Inventione*, Cicero paints a vivid picture of first times, where men lead a solitary life, without proper family, ignorant of both reason and religion:

> For there was a time when men wandered at random over the fields, after the fashion of beasts, and supported life on the food of beasts; nor did they do anything by means of the reasoning powers of the mind; but almost everything by bodily strength. No attention was as yet paid to any considerations of the religious reverence due to the gods, or of the duties which are owed to mankind: no one had ever seen any legitimate marriages, no one had beheld any children whose parentage was indubitable; nor had any one any idea what great advantage there might be in a system of equal law. And so, owing to error and ignorance, cupidity, that blind and rash sovereign of the mind, abused its bodily strength, that most pernicious of servants, for the purpose of gratifying itself. (Par. 2 in Cicero, 1888)[4]

Going back to the origins of men has always been a common argumentative and rhetorical practice for intellectuals of every period, whether philosophers or poets. However, the expression "state of nature," its articulation within a social contract and its full theorization as an explanatory and legitimizing apparatus, only developed in the late medieval and early modern eras.[5] Civil society, its counterpart, may be the most novel notion, quite foreign to ancient thinkers under the form put forward by seventeenth century authors. Indeed, as will be shown in the final section of the chapter, although the notions of community and "civil" living (*polity* and *civitas*) were of utmost importance to Ancient political thinkers, the notion

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[3] See Quentin Skinner's work on Protestant political theories, notably the chapter entitled "The Right to Resist" in Volume 2 of The Foundations of *Modern Political Thought* (Skinner, 1978, pp. 309-348).

[4] Retrieved online on April 7 2011 from http://classicpersuasion.org/pw/cicero/dnv1-1.htm .

[5] It is interesting to note, as Richard Tuck does, that although Selden and Grotius use a similar apparatus in their arguments, they do not use the actual expression "state of nature": "it is worth pointing out that the term state of nature as used in this context seems to have been an invention of Hobbes—neither Grotius nor Selden use the term though each of them clearly uses the concept." (Tuck, 1996, p. xxviii)

of civility itself underwent many metamorphoses in Western history and its diverse modern meanings (including the early "polished" one and the later "civilizational" one) emerged during the sixteenth and seventeenth centuries. Despite this, the general idea behind the modern expression "civil society," that of an ordered community ruled by political institutions and law, was not alien to the Ancients.

The novelty and specificity brought about by seventeenth century social contract theory is the strict, quasi-scientific, articulation of three components: (1) state of nature, (2) contract or covenant, (3) civil society, all of which are bound in a logical and a necessary relationship. This relationship is neither accessory nor marginal to other reflections and argumentations on justice and politics, but rather becomes its determining core, the principle upon which a political theory ought to be built. The search for the "best" government inaugurated by the Ancients is replaced by a search for the "legitimate" government: the determination of the just government is derived logically from a thorough examination of nature: particularly human nature in its confrontation with the material world. Such theoretical exercises are modelled upon emergent scientific methods, those of geometry specifically, and social contract theories function as a mathematical relation of equivalency: state of nature <=> civil society.[6] The features and attributes of one define the features and attributes of the other. More precisely, the state of nature is seen as logically prior; the legitimacy and powers of the sovereign in the civil society are dependent on the qualities and rights granted to human beings in the "given" state of nature. The three components of social contract theory are thus wholly interdependent and form the foundations of any subsequent theory, on sovereignty, law, or even the organization and limits of government.

The component that will receive our fullest attention here is the state of nature, its content, and its role in social contract theory. Although authors as well as readers tend to define the relationships between state of nature, social contract, and civil society as logical, there is a temptation to think about these three "moments" chronologically: the state of nature being not only logically prior but also chronologically prior, as that which existed up

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[6] Hobbes is certainly the most explicit of the social contract theorists about the scientificity of his method.

"For Hobbes, geometry is not only the paradigm of reason and science, it is also the only science previous to his own efforts to construct a science of politics. Geometry is a science because its conclusions have the certainty of deductions that follow from precise and settled definitions. It is Hobbes's aim to be the Euclid of political science - to construct a doctrine of right and wrong, which like geometry is not disputed because it 'crosses no man's ambition, profit or lust,' so that men can be rationally ordered into a durable commonwealth." (Albritton, 1976, p. 464)

On the geometrical method applied to politics in the Leviathan, see also Valentine, 1997.

until the moment of social contract and the emergence of a civil society. The texts themselves entertain this chronological reading, through their style and illustrations. The passage from the state of nature to civil society cannot be easily explained without resorting to chronological vocabulary and imaginary—the idea of a dynamic unfolding through time, with state of nature, social contract and civil society becoming stages of the process of "civilization". This chronological "trap" is especially visible in Locke, who titled one of his chapters "Of the Beginnings of Political Societies" and repeatedly writes about "beginning" a Commonwealth. (Locke, 1988, pp. 330-349) More generally, a chronological understanding of the state of nature is strongly entertained in both Hobbes's and Locke's works, displaying a dynamic perception of the social contract and recurrent historicizations.

These historicizations will be the focus of our analysis in this chapter. The term historicization itself, however, is slightly misleading: it refers to "the situating of something or someone in a historical context," usually in the past. [7] Both Hobbes and Locke historicized their state of nature this way. Hobbes went back in *Leviathan* to the Biblical time of Cain and Abel, and the early history of the Germans and Saxons, while Locke recounted multiple Biblical and historical stories in his *Treatises of Government*.[8] However, this is only one part of their illustrations; the other consists of contemporary examples drawn from the Americas, where the relevant historical context is that of the strange, foreign present of the New World. This very particular use of the Americas by social contract theorists will be detailed below, and will help us show how Western perceptions of the Americas have influenced the authors under study; more importantly, they may highlight the authors' own contribution (intentional or not) to these "American imaginaries." We have seen in the previous chapter the importance of the Americas and of the theme of "savagery" in the literature and intellectual life of the sixteenth and seventeenth centuries. Political theory is not impermeable to those social imaginaries: on the contrary, as Charles Taylor shows, social imaginaries are broader than social theory but not distinct; they form the breeding ground upon which social (and political) theories can grow and legitimate themselves. Political theories are discrete and privileged motifs in the tapestry constituted by the social imaginary: they cannot exist without it, and contribute in return to its development and evolution (Taylor, 2004). The relationship between the traveling literature on the Americas and the

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[7] "historicization, n.". OED Online. March 2012. Oxford University Press. 22 April 2012
<http://www.oed.com.proxy.bib.uottawa.ca/view/Entry/320583?redirectedFrom=historicization>.
[8] See for instance, for Hobbes's references: Chapter 10, Part 1. Helen Thornton notes in her analysis of Hobbes's state of nature, that "in the Latin edition of Leviathan, published in 1668, the claim [about the Americas] was replaced by Hobbes's citation of the example of Cain's murder of Abel in defense of his war of all against all" (Thornton, 2005, pp. 1-2).

state of nature is one of the important threads in this tapestry: its analysis will contribute to a better understanding of social contract theory as a historically- and geographically-situated mode of argumentation, of its significance as a political theory, and of its lasting impact on the modern political landscape. After being deemed "lost in time" and unhistorical, the Americas may find a way into history, through the artifice of the state of nature.

Choice of Texts and Organization of the Chapter

We have selected two authors and two works of political theory as case studies: Hobbes's *Leviathan* and Locke's *Treatises on Government*. They were chosen for their historical endurance and lasting influence in political theory, but also because they both provide the reader with a full-fledged state of nature, often depicted in detail and occupying a central role in the texts and theories. Hobbes and Locke are often pitted against one another: the pessimistic Hobbes against the milder Locke. Their states of nature are much contrasted: one where "life is short, nasty and brutish," versus another where life remains liveable and even peaceful, although inconvenient. From these contrasting states of nature emerge contrasting views of the civil society and of its legitimate government: absolute sovereignty for Hobbes, limited government for Locke. Despite these major divergences, the analysis will show how the references to the Americas function within both texts in a similar fashion, contributing to the transformation of American-*ness* into Aboriginality.

Through textual analyses of Hobbes's and Locke's texts, we will show in this chapter that the content and the very mechanism of the state of nature strikingly reproduce key elements of the American imaginaries sketched in the previous chapter. Yet, the originality of the state of nature persists, the simplified picture of the Americas it conveys through the state of nature, and the very form of the exercise itself—social contract theory—gives rise to a particular conception and use of 'otherness,' one to be understood and studied under the concept of Aboriginality, and its converse, civilization. The resulting Aboriginal imaginary corresponds to a demythologization and a rationalization of the American imaginaries. This then leads to a critical reassessment of modern political theory and a critique of the flawed anthropology at play in social contract theories; they are flawed not just because of their mobilization of essentialist conceptions of human nature, but also because they rely on a differential appreciation of the "naturalness" of diverse groups. We will see through the notion of Aboriginality, and in the next chapter devoted to modern subjectivity, that the

state of nature relies on an Aboriginal "non-subject," somehow unable to fulfill their potential and hence "irrationally stuck" in a state of nature. His/her lifestyle becomes the expression of this bare nature, a nature that does not fulfill man's potential, whereas the European "subject" is constructed as able to overcome his— significantly, not her—bare nature in favour of an artificial civility. Civility is indeed paradoxical: it is brought about by the artifice of the original contract or covenant, yet it is what allows an individual to fulfill his natural potential in terms of reason, sociability, morality, "arts," "science," and "industry" (Hobbes) or the "conveniences" of life (Locke). This European subject is not just *civil*, it is *civilized*.

With this purpose in mind, the rest of the chapter will be organized as follows:

- First, a non-exhaustive literature review will highlight important trends in the way students of political thought have tackled social contract theory from a historical perspective. By contrasting the approach chosen in this chapter with previous works, we will be able to be more precise in our analytical perspective, and stress its originality and potential contribution to the history of political thought as a field.

- Both authors will then be approached independently, in chronological order. For each, two elements will be discussed: the epistemological role of the state of nature in their theory and the themes echoed by textual references to the Americas and its inhabitants.

- The final section brings both textual analyses together and shows how Hobbes's and Locke's works contribute to the emergence of an Aboriginal imaginary, where Aboriginality is the antithetical counterpart of a "civility" taking more and more the form of an ongoing, continuous and linear, process of "civilization."

2.   Social Contract Theory
From a Historical and Critical Perspective

The works of Hobbes and Locke are among the most studied in the history of political thought, whether by undergraduate students being introduced to the discipline, or by seasoned scholars interested in modern political thought or intellectual history. Not only do they usher in the successful tradition of social contract theory and leave an imprint on modern political theory, and rightfully deserve much scholarly attention on this ground, but for many, they also seem to hold the key to modernity and the secret as to what distinguishes Moderns from Ancients. This interpretative perspective, in search of the radical novelty of modern political thought, has led many commentators and philosophers concerned with the topic of natural right/law to study social contract theories as more or less sudden a transition, from classical natural law to subjective/human rights.[9]

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[9] See for instance the works by Michel Villey, tracking the origin of "subjective" rights and proposing a critical interpretation of human rights (Villey, 1983, 1986). Another French author studying the development of human rights within the natural law theory, and putting social contract theory at the center of the analysis is Blandine Barret-Kriegel (Barret-Kriegel, 1987; Barret-Kriegel, 1989). In English, studies by Brian Tierney and Richard Tuck are illustrative of such a perspective as well, trying to identify the modern meaning of *ius* and contrast it with Ancient and medieval conceptions (Tierney, 1997; Tuck, 1979). Other outstanding analyses of Hobbes and Locke from the perspective of natural law include Knud Haakonssen's and Oakley's surveys (Haakonssen, 1996; Oakley, 2005).
As mentioned previously, the recurrent translation difficulty of *ius* into English, more so than in French and German is itself indicative of broader difficulties of interpretation. Debates and divergences of interpretations often consist in disagreements over what the content of this *ius* can be for the authors under study. I will try and follow here Brett's translations of *ius* into English (however, the Latin term may be kept at times to avoid confusions or partial translations):
"Firstly, the Latin term 'ius', as the authors were themselves aware, can cover the senses of both 'law' and 'right'. (...) Hence, I have not hesitated to render it as right either where it is clearly attributed to a subject ('subjective right') or where it is the equivalent to the 'iustum', 'the right thing' ('objective right'). Where it is evidently used in the same sense as 'law', 'lex', I have translated it as such. There remain, however, a few cases in which 'ius' bears an objective sense of 'right ordering' or 'right ordination', which lies between 'iustum' and 'lex': and in these cases, I have occasionally rendered this as 'right', although other translators have preferred 'law'" (Brett, 1997, p. xi).
Indeed, the last sense is the most problematic, the one lost in English, but not in all European languages. This is very well put by Hart in his 1955 article "Are There any Natural Rights?"
"The words '*droit*', '*diritto*' and '*Recht*', used by continental jurists, have no simple English translation, and seem to English jurists to hover uncertainly between law and morals, but they do in fact mark off an area of morality (the morality of law) which has special characteristics. It is occupied by the concepts of justice, fairness, rights and obligation" (Hart, 1955, pp. 177-178).
As an intellectual tradition, I will refer to *ius naturale* as natural law in this chapter.

One area of contention and debate among historians and specialists of natural law is the appearance of a modern (or late medieval) subjective or individualistic conception of *ius*/right. Some see signs of it already in Thomas Aquinas[10] and/or his detractors (or even before[11]), therefore undermining its typical modernity. Others see it appearing much later, with the early modern legal and political theory of Grotius or Hobbes, or even, for some intransigent defenders of the specificity of modern individual rights, not before the Enlightenment.[12] This diversity is highlighted by Brian Tierney right in the first sentences of his article entitled "Natural Law and Natural Rights: Old Problems and Recent Approaches":

> Widely divergent views exist among modern scholars concerning the relationship between natural law and natural rights. Some hold that the two concepts are logically incompatible with one another. Others maintain that natural rights were derived from natural law in the work of Aquinas or, alternatively, that natural law was derived from natural right in the work of Hobbes. (Tierney, 2002, p. 389)

Interestingly, both Tierney himself, in several works, and also Annabel Brett in *Liberty, Right and Nature*, propose a detailed and careful look at the intermediary period, the sixteenth century, for an insight into the transformation of natural law into natural rights. The Salamanca School, encountered in the previous chapter through its discussion of the nature and rights of the Indians, becomes then a key player in the "genesis of the modern notion of individual rights" (Brett, 1997, p. 2). James Tully, in his analysis of Locke, suggests too that Suarez already has a conception of subjective rights, though it is framed within natural law, a position anticipating on Locke's own articulation of natural rights and natural law (Tully, 1993, p. 104). This reinforces our contention that perceptions of the America played a

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[10] The presence or absence of "subjective" rights in Aquinas is itself a matter of controversy. Michel Villey "maintained that the idea of subjective rights was 'logically incompatible' with the teaching of Aquinas. Accordingly, he wrote that 'There is no place in the system of St. Thomas for the idea of subjective rights considered as a power or liberty of the individual.'" By contrast, John Finnis, contemporary proponent of natural law, maintained the exact opposite position, "argu[ing] that 'In Aquinas' understanding...rights are as fundamental as duties' and he also wrote, again referring to the teaching of Aquinas, '[T]here are rights which every member of our species is entitled to: human rights'" (both quoted in Tierney, 2002, p. 391). (*Cf.* Finnis, 1998; Villey, 1975)

[11] *Cf.* the works on the origins of natural rights by Brian Tierney (Tierney, 1989, 1997).

[12] For an interesting review of the different positions on the matter, as well as the exposition of his own position, see Brian Tierney "Dominion of Self and Natural Rights Before Locke and After" (Tierney, 2006). Knud Haakonsen is especially exemplary of the last (extreme) position, "hold[ing] that a true conception of natural rights could emerge only when the old theistically grounded natural law doctrine was set aside and rights came to be based on human autonomy understood as a capacity for self-legislation. The argument seems to be leading to a Kantian "invention of autonomy" as a necessary ground of modern rights." Tierney, by contrast, holds the position that there is a strong continuity between "the secular rights theories of the eighteenth century" and late medieval natural law: the former are more "an adaptation of an old tradition rather than an abandonment of it" (Tierney, 2006, p. 195). Ernest Fortin and the Straussians are usually associated with the view that Hobbes is seminal in proposing natural rights (prior to natural law). See Fortin, 1996; Strauss, 1953.

primary role in reshaping Western political and legal thought during the Renaissance, at the very beginnings of modernity.

What Brian Tierney and James Tully have shown as well, are the complex relationships between right(s) as a language and right(s) as an idea. For instance, Tierney clearly states in his studies he is not interested in identifying a clearly defined origin to the "'modern' idea of human rights" but rather in explaining the thick history and durability of "the language of rights": the availability of this language at the time of the French Revolution, and after World War II, has significantly shaped national and political political landscapes, and thus, "our modern culture of rights is not intelligible unless we pay some attention to the early history of the idea" (Tierney, 2006, pp. 198-199). Ultimately, this debate rests on the following issue: whether an idea can develop prior to finding the exact words for it, and its fully-fledged conceptualization; in linguistic terms, can we have a significant without a signifier? Tierney's position is quite reasonable here, stressing our own contemporary point of view and usage of the language of rights, looking at broad periods of emergence rather than a single pinpointed origin, and interrogating the diverse uses and shifting meanings that can be associated with the concepts and notions under study.

Our analysis does not propose to contribute to, or even to take a position in this previous debate. Instead, in contrast with this first type of scholarship, we change target: in the expression *ius naturale,* the focus will not be on *ius* but instead on *naturale.* Modernity is marked by a different relationship to nature, the natural world, human nature, and most importantly the relationships between these three "natures". More specifically, the passage from objective right to subjective rights does not only consist in a different conception of right, but also questions the scale of nature relevant to justice and right: it brings the issue of justice down from the cosmos to the limited world of humans. Indeed, one of Hobbes's major contributions is to develop a purely political model of sovereignty and government—where the artificiality of the Leviathan is affirmed and constantly reiterated, and where state legitimacy is meant to be impermeable and protected from religious and theological arguments. Similarly, for Locke, though man is conceived of as the Workmanship of God, his rights are his to keep. Locke's version of the Law of Nature is human, all too human. Once anthropological premises become the main target, more critical approaches to the history of Western political thought can be deployed: strong anthropological premises delineate the realm of the human from the rest, but also establish a model of development and fulfillment for human beings, where their specific faculties, notably Reason, can be

exercised. It conditions and even determines both positive models of citizenship and more negative criteria for inclusion and exclusion.

Feminists, critical race theorists, and post-colonial thinkers have explored such dynamics of exclusion. On social contract theories, two seminal works are especially worth mentioning here. Carole Pateman's *The Sexual Contract* and Charles Mills's *The Racial Contract* have challenged apparently emancipating modern contractualism and contractarianism, and have highlighted the relations of subordination and domination which surround and reinforce the social contract. Their critiques are broad-sweeping, exposing strong biases tainting social contract theories from their very early modern beginnings to their more contemporary re-enactments (Rawls's theory of justice for instance). In *The Sexual Contract*, Pateman describes her project as telling the "missing half of the story"[13] of the social contract, contrasting male freedom gained through the social contract with the subjection of women characterizing the sexual contract, a contract itself reinforced by the social contract:

> Men's freedom and women's subjection are created through the original contract—and the character of civil freedom cannot be understood without the missing half of the story that reveals how men's patriarchal right over women is established through contract. (Pateman, 1988, p. 2)

Pateman spends a chapter explaining the difficulties, issues, and diverse meanings of patriarchalism. Social contract theories were actually arguing against patriarchal legitimations of monarchs and institutions in place,[14] at this level, patriarchy is to be understood as "paternal right". But, "paternal right is only one, and not the original, dimension of patriarchal power. A man's power as a father comes after he has exercised the patriarchal right of a man (a husband) over a woman (wife)." Despite being against "paternal right," social contract theories do not challenge the subordination of women to men, not as fathers, but simply "*as men*." On the contrary, "the original contract takes place after the political defeat of the father and creates modern *fraternal patriarchy*." Social contract theories give this "original patriarchy" its contractual form (Pateman, 1988, p. 3). Pateman's work does not limit itself to classic social contract theories, she studies relationships of subjection linked to contract between supposedly free individuals: notably, marriage and prostitution. For this

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[13] "The story of the sexual contract is also about the genesis of political right, and explains why exercise of the right is legitimate—but this story is about political right as patriarchal right or sex-right, the power that men exercise over women" (Pateman, 1988, p. 1).

[14] Pateman acknowledges herself this standard reading: "… in the standard reading of the theoretical battle in the seventeenth century between the patriarchalists and social contract theorists, patriarchy is assumed to refer only to paternal right. Sir Robert Filmer claimed that political power was paternal power and that the procreative power of the father was the origin of political right" (Pateman, 1988, p. 3).

reason, it is only an indirect contribution to the history of ideas and political thought. However, this work was very influential, challenging the apparent sex-blindness of mainstream ethics and political theory (especially in North America, where liberalism and analytical philosophy have been so influential) and putting theorists and philosophers up to task with the discriminatory effects of the apparently freeing concept and practices of contract. Similar critiques could now be taken up, not just from the feminist point of view: any of the populations who found themselves on the 'losing end' of social contracts can potentially qualify: indigenous populations in general, and American ones in particular, are a natural candidate.

Charles Mills, in his own analysis of contractarianism from the 'race' angle, proposes to study the history of a contract, alternative and parallel to traditional social contract theories: the "racial contract." This contract is "a peculiar one," inspired by the social contract tradition, but offering entry in a rather exclusive club: it is a contract between "people who count, the people who really are people ('we the white people')." The victims of this contract, those left behind, never consent to it and have no role to play in it. Despite this exclusivity, this racial contract is widespread, over-determining the institutions, power structures, and political systems of the Western world, it helps us make sense of "white supremacy." Mills chooses to use such a conceptualization to bring to light the racist "assumptions of white political philosophy." The Racial Contract is two-fold for Mills: first, it is an historical reality, characterizing most Western history, colonization, slavery, and race discrimination in contemporary societies, filled with genocide, dehumanization and denegation of rights for whole communities, countries or continents even; second, it is a particular theory, meant "as a conceptual bridge between two areas now largely segregated from each other: on the one hand, the world of mainstream (i.e., white) ethics and political philosophy, on the other hand, the world of Native American, African American, and Third and Fourth World." This theory of the "Racial Contract" is then in the spirit of classic contract theories, although less normative, used to "explain the actual genesis of the society and the state, the way society is structured, the way the government functions, and people's moral psychology." In the end, Mills provides us with an original conceptualization, fragilized however by its breadth and sweeping historical scope, of the history of racism and its various expressions in modern political theories and institutions. (Mills, 1997, pp. 1-8)

Taking this second type of scholarship as a point of departure, our analysis wishes also to denounce the same type of injustices, to challenge the ingrained misogynistic, ethnocentric, and racist luggage of social contracts, and it searches for a history of political

thought more self-aware and critical of its own premises and intellectual habits. However, the thesis proposes a narrower field of enquiry, as well as a different level of analysis and an alternative methodology. First, we are limiting ourselves to a narrower chronological period, early modernity, as it offers already enough diversity, within the conceptions of the Americas displayed in literature on one hand, and among the forms social contract theory took on the other hand. Enlightenment would have later its own logic and specificities, in relations to these issues and topics, it will notably witness a resurgence of the *noble savage* imaginary and rhetoric, with its own mechanism and impact. It is also maybe the richest period of the history of philosophy, and offers such a variety of political and social innovations, each deserving their own dedicated studies.[15]

Second, the level of analysis is different, as the goal is not to show how alternative exploitative and victimizing contracts weight on and colonize the apparently abstract and neutral social contract rhetoric. The point of this research project is not to unearth additional, hidden, and exploitative contracts, whose victims would be Indigenous populations, such as the sexual or racial contracts, or to suggest that the supposedly "freeing" modern contract repeats and reinforces old forms of subordination. It is clear that men potentially partaking in the social contract are indeed men (by contrast to women) and very white. They're also very European, Western European more specifically, preferably English or French, and not too rural. Just as surely, the theorizing of social contract has been accompanied by some of the worse, unforgivable, colonial practices and an irremediable victimization of Indigenous Americans, North and South. However, the focus here is not on these practices and their legitimation, it is situated upstream, at the level of intellectual perceptions and constructions, the level of the 'social imaginaries' introduced in the previous chapter. Moreover, it is studying the role of America and its inhabitants within social contract theories themselves, at their very heart actually, the state of nature. What characterizes the status of Aboriginality, and the populations associated with it, is not its exploitation and victimization (historically undeniable) but its actual participation—its crucial yet paradoxical participation—in the social contract theory, through the 'artifice' of the state of nature.

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[15] Chronological scope is an important aspect to consider. This is unfortunately one of the weaknesses of *The Racial Contract*. By taking on modern Western colonial history and political theories as a whole, Charles Mills ends up assigning 'racial thinking' and 'racial' prejudices to periods ignorant of our modern understanding of race. His general point may remain valid, but the vocabulary of race does seem anachronistic when applied to periods prior to the 19th century. (Mills, 1997)

Finally, methodologically speaking, the analyses here are inspired by Foucault's 'tool-kit' and his own interpretative practices: analysing texts rather than authors,[16] stressing the performative functions of words rather than a conception of political philosophy as a justification for historical deeds and institutional systems. The project, especially in its Hobbesian component, is similar to, and actually inspired by, a key moment in the *History of Madness*. The chapter "The Great Confinement[17]" opens with the analysis of a passage from Descartes's *First Meditation*.[18] Foucault's point in this chapter, and in the book in general, is to show that the age of reason, early modernity, (*âge classique* is the French expression used by Foucault) excludes madness by silencing it: "[a]fter defusing its violence, the Renaissance had liberated the voice of Madness. The age of reason, in a strange takeover, was then to reduce it to silence." (Foucault, 2006, p. 44) Madness is not just an error, but an "impossibility." Madness attacks the "thinking subject" directly rather than the "object of his thought" and as such, "madness is precisely a condition of impossibility for thought" as expressed by the last sentence of the paragraph under study. This banishment of madness is characterized by Foucault as a "driv[ing] underground" of "Unreason:" "[w]hile man can still go mad, thought, as the sovereign exercise carried out by a subject seeking the truth, can no longer be devoid of reason" (Foucault, 2006, pp. 46-47).

The 'silencing' of madness which occupies Foucault in *The History of Madness* is similar to the one operated by the social contract theorists, Hobbes in particular. After the "discovery" of the New World, the "savages" literally (and geographically) at the ends of the

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[16] It is quite hard to write about texts avoiding authorship and authors: however, it should be noted that every time I will be using Hobbes's and Locke's names in this analysis, it is never the authorial intention that is being discussed, uncovered or recovered but rather the array of possible meanings the text operates under.

[17] This central chapter was actually cut in the English translation *Madness and Civilization*. Foucault's rereading of Descartes was thus partly missing for a long time in English; only recently was the full translation of *The History of Madness* made available. Derrida, in his counter-analysis of Foucault's reading of the passage, considers this point as exemplary of the whole project, actually carrying the whole argument and methodology of the book. The critique Derrida addresses to his former professor, Foucault, is scathing: Foucault's misreading of Descartes undermined his whole intellectual project (Derrida, 1967; Foucault, 1972, pp. 67-109; Ch. 102).

[18] Passage in question: "But it may be that although the senses sometimes deceive us concerning things which are hardly perceptible, or very far away, there are yet many others to be met with as to which we cannot reasonably have any doubt, although we recognise them by their means. For example, there is the fact that I am here, seated by the fire, attired in a dressing gown, having this paper in my hands and other similar matters (Descartes, 1996, p. 59). How could it be denied that these hands or this whole body are mine? Unless perhaps I were to liken myself to madmen, whose brains are so damaged by the persistent vapours of melancholia that they firmly maintain they are kings when they are paupers, or say they are dressed in purple when they are naked, or that their heads are made of earthenware or that they are pumpkins, or made of glass (*First meditation* quoted in Foucault, 2006, p. 44). But they are mad, and I should not be any the less insane were I to follow examples so extravagant" (Descartes, 1996, p. 59).

world make a sudden irruption in the world of Westerners and paradoxically this new acknowledgement is also a denial. While madness serves as a counter-point to reason and rationality, "savagery" or rather "Aboriginality" now serves a counter-point to civility and civilization (see section 5 below). Hobbes, in Chapter 13 on the State of Nature, provides us as well with a couple of sentences rich in meanings. Just as the 'silencing' of madness was certainly not Descartes' main intention in the *First Meditation*, Hobbes's state of nature is very likely not aimed at 'silencing' Indigenous Americans, yet, with a few words, a sleigh of hand almost, a particular relationship is set up: the presence of Indigenous Americans, and with them, Aboriginality, in the text is actually testimony to their exclusion from 'theoretical' civil society and 'real' citizenship. This paradoxical exclusion becomes clearer looking at Hobbes's own words again.

3.   Hobbes's State of Nature

a) … *Fact* and *Fiction*[19]

Linking the state of nature to American imaginaries is particularly challenging when studying Hobbes, for two main reasons: (1) the references to the America in his writings, including published works and correspondence, are scarce and (2) the state of nature as presented in the *Leviathan* tends to be intuitively read as a thought experiment. Although it is clear that Hobbes is not attempting to describe the Americas or even echo some of the literary themes common among his contemporaries, I argue in this section that Hobbes is not exempt from influence from these American imaginaries.

The most significant quotation in the *Leviathan* relating to the status of the state of nature and its relationship to "savagery" in America is found in Chapter 13, entitled "On the

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[19] The recurrent question asked about states of nature is whether we ought to consider them as fact or fiction, I mean to suggest by this title that states of nature can be both, or more precisely, that the author and readers may consider it as a fiction meant to serve the narrative of the social contract. But, as with any good fiction, it does not forbids realism, or may be based on 'actual events and people.' See for instance Ashcraft, R. (1969). Locke's State of Nature: Historical Fact or Moral Fiction. *American Political Science Review*, 62, 898–915.

Naturall Condition to Mankind, as Concerning their Felicity, and Misery." It reads as follows:

> It may peradventure be thought there was never such a time nor condition of war as this; and I believe it was never generally so, over all the world: but there are many places where they live so now. For *the savage people in many places of America*, except the government of small families, the concord whereof dependeth on natural lust, have no government at all, and live at this day in that brutish manner, as I said before (Hobbes, 1968, p. 187; my own emphasis).

This quotation is situated in the chapter detailing the living conditions under the state of nature. The chapter is very famous, giving a vivid picture of Hobbes's pessimistic purview on human nature, and this passage in particular is frequently quoted. Scholars who only quote the first sentence often insist that Hobbes's state of nature is not real, neither actual nor historical.[20] However, we see when considering the next sentence, that the historical status of the state of nature, as presented in *Leviathan*, is much more nuanced and uncertain. This led scholars to discuss at length the epistemological status of Hobbes's state of nature. For instance, in his introduction to *Leviathan*, MacPherson explains that Hobbes could have built his political theory directly from its anthropological conclusions, "[b]ut instead of arguing in this way he introduced *a logical abstraction*, which certainly enabled him to make a more striking argument, and which was fully in accord with the *imaginative* method of the seventeenth century science …" (Macpherson, 1968, p. 40). Macpherson considers the state of nature as a superfluous argumentative tool, mere rhetorics fitting the style of argumentation of the time. He then characterizes the state of nature in Hobbes as a "logical abstraction", "a hypothetical condition", and "a theoretical construct" (Macpherson, 1968, pp. 40-41).

Macpherson's introduction was written in 1968 but readings of Hobbes's state of nature as a "logical abstraction" are still very common in recent scholarship. It can lead to use rational choice theory to interpret Hobbes and to compare his social contract to a

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[20] A quick online search of recent articles and books quoting this passage from Chapter 13 suggests that political scientists and legal theorists are more likely to quote only the first sentence, to show the fictional or hypothetical character of the state of nature. On the contrary, students of literature or other social scientists often quote the full passage and acknowledge the difficult reference to the Americas. Among recent works featuring the quotation, see for instance: (1) full quotation:
Biletzki, A. (2000) Thomas Hobbes: Telling the Story of the Science of Politics in *Philosophy and Rhetoric*, 33, 1: 59-73.
Klausen, J. C. (2005) Of Hobbes and Hospitality in Diderot's *Supplement to the Voyage of Bougainville* in *Polity*, 37: 167–192.
(2) partial quotation:
Guzzini, S. (2006) *Constructivism and International Relations*, Psychology Press.
Barden, G. & Murphy, T. (2000) *Law and Justice in Community*. Oxford University Press.

prisoners' dilemma. The state of nature then becomes a psychological experiment. Hobbes's own writing easily lends to such an interpretation as his description of "solitary" natural men is focussed on psychological attributes—whether they are passions, senses, or faculties. In *The Discourse of Sovereignty* Walker and Sim contrast their own psychological approach to the more traditional ones, in terms of myth or unhistorical hypothesis:

> The state of nature is an abstract concept, 'a logical not an historical hypothesis' as Macpherson has put it, and it cannot be proved that mankind ever existed in such a condition, let alone covenanted itself out of it as Hobbes is suggesting. Even Hobbes himself concedes this point: "It may peradventure be thought there was never such a time nor condition of war as this; and I believe it was never generally so." Michael Oakeshott encourages us to appreciate the creative side of Hobbes's endeavour, emphasising that Leviathan is a myth, the transposition of an abstract argument into the world of imagination. Yet such theoretical abstraction cannot mask the most disturbing implication of Hobbes's concept, and that is that each of us carries the state of nature within us; that it describes our inner psychology. (Walker & Sim, 2003, p. 22)

When discussing the epistemological status of Hobbes's state of nature, commentators often quote chapter 13 "It may peradventure be thought there was never such a time nor condition of war as this; and I believe it was never generally so, over all the world (…)" but sometimes forget the second part of this quote: "(...) but there are many places where they live so now. For *the savage people in many places of America*, except the government of small families, the concord whereof dependeth on natural lust, have no government at all, and live at this day in that brutish manner, as I said before." (Hobbes, 1968, p. 187) The authors quoted above are representative here of such a convenient omission. The intention might be to avoid the racist and depreciative implications of the full quote but it is still very misleading. The state of nature may not be an historical hypothesis *per se*, but it seems to be a "geographical fact" for Hobbes. It may be about our "inner savage" but it also reminds us of the regrettable fact that entire populations in the seventeenth century were taken to be "more natural" than others. MacPherson as well notes in his introduction that Hobbes believes "savage people are in it [the state of nature]" (Macpherson, 1968, p. 41). Suddenly, the state of nature is not so theoretical anymore!

Even if we agree with Oakeshott on characterizing the state of nature as mythical, abstract and imaginative (Oakeshott, 1975), we have to recognize as well that just as much could be said about the Americas. Yet their descriptions often function as a factual illustration, a call to common knowledge. These types of assumptions may be more telling about a particular author, his times and his theory than avowed abstractions. The examples chosen by an author are never innocent. They are meant to speak to the contemporary

reader, to form a common ground through which the reader can relate to the rest of the argumentation and get acquainted with the more original or even ground-breaking ideas of the author. Even to his contemporary readership, the "logical abstraction" of the state of nature was not so obvious. If Hobbes devoted relatively little attention in his writings to the issue of "savagery" and the reality of the state of nature, his correspondence shows that this was certainly an important question for his readers:

> I am being hounded with syllogisms designed to prove to me that the state of nature in the strict sense (such as you show it to be in your Politics) has never existed in the world. It is no use if I say that this state existed before there were any towns, cities, or republics in the world, before there were even any pacts or agreements between men. I have argued that this state still exists in America; that savages wage a war of all against all among themselves; that after the death of Noah, his three sons, Shem, Japhet, and Ham, could, if they had wanted to, have waged a war of that kind; and that this state of nature is therefore possible. But they maintain that there have always been families in the world, and that since families are little kingdoms, they exclude the state of nature; besides, they say that when there are no fathers as heads of families, the eldest child is deemed owner of his father's property because of his right of primogeniture or first possession by lot: this, they say, removes the right of every man to every thing. Please enlighten me on this, so that I may force these stubborn people to see reason.[21]

This passage is not from Hobbes but from Francois Peleau. It shows that, at the time, many of his contemporaries were looking for historical proof of Hobbes's "thought experiment" and took Hobbes's comments on the Americas very seriously.[22] However, it also shows that this claim—that "savages" in America live in a state of nature— is open to debate. We see here that it is very important for Hobbes to show that "savages" in America do not have proper government, because he associates their rule with customs in general and more specifically with patriarchal power. Recognizing their government would mean recognizing the legitimacy of traditionalist and paternalist theories of sovereignty, the very theories Hobbes wanted to counter in his *Leviathan*.

This issue, however, is not exactly whether or not Hobbes's state of nature was meant as a historical or geographical postulate rather than as an analytical construct fitting his

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[21] Letter 95: [22 October/] 1 November 1656 François Peleau to Hobbes, from Bordeaux. (Hobbes, 2002)

[22] It is important to note, as Skinner highlights in his paper "The Ideological Context of Hobbes's Political Thought," that Hobbes's reception in England and on the continent was quite different. It may be significant here that Hobbes's interlocutor is French and referring to Parisian discussions (Skinner, 1966). Peleau is also quoted and analysed by Tuck in his introduction to *Leviathan*, in which, on the matter of the historicity of Hobbes' state of nature, he concludes: "it is clear that he envisaged the kind of conflict which constituted the state of nature as something which could straightforwardly arise in practice, and which had frequently done so."

"scientific" approach of political matters. Following all the scholars mentioned before, and quoting Ashcraft, it seems indeed that "the state of nature … is clearly an analytical construct, but if it is judged to be *only* that, some of the substance and effect of Hobbes's argument will be missed" (Ashcraft, 1971, p. 1088; my own emphasis). Once we stop considering the two possibilities as mutually exclusive, but instead acknowledge the complicated, mixed, and even paradoxical epistemological status of the state of nature, new lines of enquiry and interpretation arise. Rather than asking whether Hobbes's state of nature is fact *or* fiction, one should recognize that it may be both, and that this blurred boundary between fact and fiction strengthens his theory: the state of nature gains a lot of weight after the discovery of the Americas, as suddenly the origins of mankind are not a tale or myth taught for the excitement of European populations, bored with their own culture and longing for exoticism. The origins of mankind find an empirical expression, Columbus found it on a new continent, and for political theorists, it was definitely worth the trip.

What the previous comments have shown is that the status of the state of nature in *Leviathan*, its argumentative purpose, and its use of American illustrations, is rather puzzling and a worthy subject of investigation.[23] Yet, it is noteworthy that in Hobbes's studies, Hobbes's comment on the "savages of America" is often overlooked or considered trivial. Charles Mills's *The Racial Contract* and Beate Jahn in "IR and the state of nature: the cultural origins of a ruling ideology" are two notable exceptions. Both authors not only quote the full passage but also stress its problematic nature, the inappropriate scrutiny it used to receive in scholarship, and the importance it has for our overall understanding of Hobbes's political philosophy and its role within modernity (Jahn, 1999; Mills, 1997). In her article, Jahn engages with the way Hobbes's state of nature has been interpreted and used in international relations theory in particular. She analyses the references to the Americas and interrogates "the common procedure to provide evidence taken from the Amerindian societies," and actually builds her all argument around this type of issue. Dealing with the field of international relations in particular, she shows the dark history of the state of nature, inheriting a "highly charged moral discourse" and denounces "its continuous and unreflected use in the discipline of International Relations."[24] Charles Mills, in his work, interprets the

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[23] Ashcraft is puzzled in the early 1970s by the apparent consensus of Hobbes' scholars accompanied by an acknowledgement of "Hobbes's reference to the Indians in America as examples offered by him of men, who, in his time, were living proof that such a state of nature as he described actually existed, and some commentators even quote Hobbes on this point" (Ashcraft, 1971, p. 1087).

[24] Jahn distinguishes her approach from "conventional interpretations of classical political theory" at three levels:

passage as part of the racial contract. He notes that "a non-white people, indeed the very non-white people upon whose land his fellow Europeans were then encroaching, is [Hobbes's] only real-life example of people in a state of nature"[25] and this leads him to conclude that "the most notorious state of nature in the contractarian literature—the bestial war of all against all—is really a non-white figure, a racial object lesson for the more rational whites, whose superior grasp of natural law … will enable them to take the necessary steps to avoid it and not to behave as 'savages'" (65-66). However, he does not provide a thorough examination of Hobbes's state of nature and of the image of American savagery it discloses.

Commentaries do not usually provide such an analysis, with the exception of Richard Ashcraft's 1971 article, entitled "Hobbes's Natural Man: A Study in Ideology Formation" (Ashcraft, 1971).[26] In this article, Ashcraft sets out to study the impact of Hobbes's political theory on his contemporaries. He wishes to argue against a recurrent trend among his fellow historians of ideas, stressing the radicalism and utter originality of Hobbes, and highlighting the widespread rejection of his ideas in seventeenth century England. Instead, he presents a more nuanced interpretation, depicting Hobbes as a clever writer, "incorporating [the] historical and philosophical positions [of his opponents] into his own, partly by an appeal to anthropological evidence and to the commonly held cultural prejudices of his readers" (Ashcraft, 1971, p. 1077). The importance of "anthropology" and "cultural prejudices" in

1) against the tendency "to stress the fact that many—if by no means all—[the social contract theorists] claim that the concept of the state of nature is just hypothetical, a theoretical device, a logical deduction." She defends instead the position, similar to the one developed in this chapter, "that it is precisely the actual, concrete, historical quality of this concept which is crucial for the development of International Relations in theory and practice, past and present."
2) against those who claim "the most important sources for the classical authors were Greek and Roman writings" she holds that "the discovery of America and the Amerindian communities played a crucial role in the development of these theories." This is also directly transposable for us to the field of political theory.
3) against those contextual interpretations who favours "the European and/or domestic triggers for the projects of the classical writers and downplays the relevance of these writings for the international in general and for the relationship between European and non-European peoples in particular," she suggests that even if "the goal of these writings was undoubtedly domestic or European, it was nevertheless built on a universal conception of the state of nature identified with the Amerindian communities and, hence, always implicitly and sometimes even explicitly of crucial importance for the conception of the international." [We may add: implicitly for Hobbes, more explicitly for Locke.] (418)
[25] "Non-whites" and specifically, American Indigenous peoples are the only real-life example contemporary to Hobbes. He refers at some points in *Leviathan* to other ancient populations, while discussing "savages in America" (Chapter 46 for instance, in Hobbes, 1968, pp. 683-684; *cf.* also note 31 in this chapter).
[26] Another version of this article should be mentioned, entitled "Leviathan Triumphant: Thomas Hobbes and the Politics of Wild Men" and published in *The Wild Man Within: An Image in Western Thought from the Renaissance to Romanticism* (Ashcraft, 1972). In this essay, Ashcraft pursues a similar line of argumentation. Both sources will be used in our analysis of Hobbes's perception of the Americas.

his reading of Hobbes's *Leviathan* leads him to devote much attention to Hobbes's references to the Americas, links with traveling literature available at the time, and common "prejudices" about the Americas, in contrast to European societies, circulating among Hobbes's avowed or secret audiences. In this section, my own analysis parallels Ashcraft's. Of course, our goal here diverges from Ashcraft's, not seeking a reassessment of the impact of Hobbes on his contemporaries, but instead, more modestly proposing a discursive reading of Hobbes's texts from the point of view of "savagery," that is, against the background of American imaginaries sketched in the previous chapter. However, despite the shift in methodological and argumentative perspectives,[27] the passages studied as well as some of the conclusions on Hobbes's relation to America will be similar.

The purposes of this section are two-fold: first, to simply provide a careful description of Hobbes's mentions of the Americas in his works, particularly in *Leviathan*; second and more importantly, to shed new light on our understanding of Hobbes's state of nature, its key characteristics, and also its role in the larger social contract theory. Indeed, the reference to "American savages" is not only indicative of the uncertain epistemological status of the state of nature, but it is also, quite significantly, the symptom of a particular instrumentalization of real and imagined America in descriptions of the state of nature. Despite occupying a marginal place in Hobbes's texts, this issue is not marginal in social contract scholarship. As explained when defining social contract theories, the political theory content of these works, and their conception of civil society, morality, rights, and legitimate government is logically and rhetorically dependent on the content and features of the state of nature.

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[27] The methodological perspective is quite different. As the title of Ashcraft's essay indicates, he treats Hobbes's political theory as an "ideology" and is interested in ideology formation, development, and impact. Although his analysis does not strike one as particularly Marxist, the ideological perspective is marked. Karl Mannheim's *Ideology and Utopia* is cited as a source on ideology, defined in terms of class oppositions: "an ideology, as an articulated defense of certain political interests in society, arises from a recognition of the conflicts between the aims and objectives, including material benefits, of two (or more) power groups" (Ashcraft, 1971, p. 1079).

b) "American Imaginaries" in Leviathan.

The excerpt from Chapter 13, quoted above, can be used to support two points about the state of nature: 1) it informs us about its possible existence, past and present; 2) it also suggests that Hobbes's perceptions of the America and its inhabitants echoes its conception of the state of nature, and vice versa. It is not surprising, then, to find that the key features of Hobbes's state of nature (at the level of description) tellingly recycle the themes of American imaginaries: in particular, the far away/long ago fallacy and the multiple deficiencies. On the first point, the text gives us a clear indication of the historical status of the state of nature: Hobbes does not think there has ever been a generalized state of nature but he believes it to be the condition, past and present, of "savage people." It is made clear in this passage that, according to Hobbes, "savage people" do really exist in the Americas, and that when Hobbes refers to "savage people" he does not just mean a very rare (accidental) occurrence (that is, a savage occurrence among civilized peoples); it is the normal, stable, condition of many societies, and even more so, their only option.

On the second point, the passage gives us a caricatured picture of "savage people": they have no government at all and very likely no industry nor reason. These perceptions are not very sophisticated, and yet still echo the common perceptions of the Americas as propagated by the travel literature of the time. The second sentence of the passage "for the savage people in *many* places of America" seems faithful to the *air du temps*, considering the Americas as epitomic geographical location of savagery. In this regard, it is important to note that in *Leviathan* and in Hobbes's other writings, almost every occurrence of the term "savage" is accompanied in the same sentence by the presence of the term "America".[28]

Looking at the rest of Chapter 13, it is clear that "savage people" for Hobbes undoubtedly partake of humanity, and thus these people fall under the general category "man" in *Leviathan*. Where is their difference found, if not in their very nature? They are not different men or sub-humans; they are men *in a different condition*, a condition which seems to impede some of their faculties. Among these impeded faculties, we find that of morality. Indeed, one fundamental characteristic of Hobbes's state of nature is its amorality. This reminds us of the old arguments already encountered in the Valladolid controversy about

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[28] Three instances of the use of the term "savages" are found in the *Leviathan* each followed by "of the Americas" (Chapters 13, 30, 46). This association is also found in Hobbes other works, for instance the *Elements of Law*, the "Answer to Sir W. Davenant's Preface," the "Answer to Bishop Bramhall" (Hobbes, 1992).

"savages" being ignorant of natural law (suggesting amorality) or in violation of basic natural laws (suggesting immorality). However, for Hobbes—and this is his great originality—there can be no Law prior to the institution of a common power. The distinction and contrast between natural and civil law dear to Thomist scholastics disappears. The idea that civil society is necessary in order to access natural law is pushed to its extreme, as seen in the following quotation:

> To this war of every man against every man, this also is consequent; that nothing can be unjust. The notions of right and wrong, justice and injustice, have there no place. Where there is no common power, there is no law; where no law, no injustice. Force and fraud are in war the two cardinal virtues. Justice and injustice are none of the faculties neither of the body nor mind. If they were, they might be in a man that were alone in the world, as well as his senses and passions. They are qualities that relate to men in society, not in solitude. It is consequent also to the same condition that there be no propriety, no dominion, no mine and thine distinct; but only that to be every man's that he can get, and for so long as he can keep it. And thus much for the ill condition which man by mere nature is actually placed in; though with a possibility to come out of it, consisting partly in the passions, partly in his reason.
> (ch. 13; Hobbes, 1968, p. 188)

The key to the state of nature is thus the possibility and even the necessity to emerge from it. The "savage" men mentioned by Hobbes are then in a paradoxical situation, echoing the "unnatural naturalness" of the traveling literature. They obviously do not live solitary lives (Hobbes earlier recognized their family-like form of government) yet they somehow find themselves "stuck" in a state of nature, missing the possibility of leaving it behind. The paradox is at the heart of their very being: they are considered to possess all human faculties, at least *in potentio*, as those are shared universally by natural and civil men alike, but they are still lacking the qualities inherent to *civilization*, understood literally here as the process of becoming "civil." This situation can be illuminated by looking at other references to "savages" in *Leviathan*.

Another interesting example of his usage of the "savages" argument comes later in the text, in Chapter 30:

> Wherein they [those who maintain there are no sufficient principles of reason to sustain sovereign power] argue as ill, as if the savage people of America should deny there were any grounds or principles of reason so to build a house as to last as long as the materials, because they never yet saw any so well built. Time and industry produce every day new knowledge. And as the art of well building is derived from principles of reason, observed by industrious men that had long studied the nature of materials, and the diverse effects of figure and proportion, long after mankind began, though poorly, to build: so, long time after men have begun to constitute Commonwealths, imperfect and apt to

relapse into disorder, there may principles of reason be found out, by industrious meditation, to make their constitution, excepting by external violence, everlasting. (ch. 30; Hobbes, 1968, p. 378)

Hobbes's point here is to show that it is not because some individuals or even communities do not know of a particular principle of reason that it does not exist. It has just not been discovered by them yet. Reason is not failing here; rather, men are deficient. We could think of many examples that he could have borrowed from European cultures yet he choose to refer to "savage people" in his critique. "Savage people" work here as a counter-example and are anecdotic peripheral to the main argument. It is worth noting that this particular paragraph is meant as a critique of those who

… say that justice is but a word, without substance; and that whatsoever a man can by force or art acquire to himself, not only in the condition of war, but also in a Commonwealth, is his own, which I have already shown to be false: so there be also that maintain that there are no grounds, nor principles of reason, to sustain those essential rights which make sovereignty absolute. For if there were, they would have been found out in some place or other; whereas we see there has not hitherto been any Commonwealth where those rights have been acknowledged, or challenged. (ch. 30; Hobbes, 1968, pp. 377-378)

In these passages, Hobbes attacks any form of political theory relying on tradition or custom: once again, whole groups or societies being ignorant of a given principle does not show that this principle is not reasonable or does not exist. Here, not having so far found the reasonable principles supporting the legitimacy and longevity of the Commonwealth does not mean that there are no such principles. However, the argument is solely negative: it does not mean either that they do exist or that they are to be discovered through reason. In this particular paragraph, Hobbes does not show that there are actually principles of reason upon which to found a perennial Commonwealth (this project is the goal of the book as a whole).

We are not interested here in retracing the diverse steps of Hobbes's argument, but rather in the role played by the example of "savage people" in *Leviathan* and its long-lasting impact in social contract theory. Hobbes wants to appeal to common sense and chooses an obvious example, implying: what better example of deficient men than "savages" from the Americas? It is not because "savage people" *obviously* cannot build proper houses and know nothing of sound construction that we have to infer that such houses and the art of construction are impossible. Just as telling is the fact that construction is used here as an analogy of reason. This passage confirms our previous findings on the travelling literature on the Americas: industry (building) is seen as directly related to reason. We could

extrapolate that industry is the sign of reasonable action for Hobbes. In other words, it is not because "savage people" obviously cannot reason or build proper governments that we have to infer that such reasonable principles and the art of civil government are impossible.

The third mention of the "savages of America" in *Leviathan* is found in Chapter 46, entitled "Of Darkness from Vain Philosophy, and Fabulous Traditions" and the passage concerned reinforces the picture sketched above:

> The savages of America, are not without some good moral sentences; also they have a little arithmetic, to add, and divide in numbers not too great: but they are not therefore philosophers. For as there were plants of corn and wine in small quantity dispersed in the fields and woods, before men knew their virtue, or made use of them for their nourishment, or planted them apart in fields, and vineyards; in which time they fed on acorns, and drank water: so also there have been divers true, general, and profitable speculations from the beginning; as being the natural plants of human reason. But they were at first but *few in number*; men lived upon *gross experience*; there was *no method*; that is to say, *no sowing, nor planting of knowledge by itself*, apart from the weeds, and common plants of error and conjecture: And the cause of it being the want of leisure from procuring the necessities of life, and defending themselves against their neighbours, it was impossible, till the erecting of great commonwealths, it should be otherwise. (Hobbes, 1968, p. 683; my own emphasis)

Native populations of the New Continent find themselves again associated with limited, possibly erroneous, knowledge. The metaphor is telling. Just as one may find a few, rare, crops in wilderness, one does find natural, basic, speculations; however, this is nothing in comparison to the crops agriculture can yield. The quantitative difference is so strong that it almost suggests a qualitative difference: the one indeed separating the state of nature from civil society.

To sum up, we see here how the American imaginaries are at work in these passages: "savage people" are associated with short-sightedness, lack of knowledge and philosophy, lack of study and lack of industry.[29] These deficiencies are considered obvious to Hobbes. Furthermore, we must infer that his rhetorical choices (the analogy and the calling upon

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[29] Lack of science and industry, famously characteristic of the state of nature is echoed in *The Elements of Law*. "For those men who have taken in hand to consider nothing else but the comparison of magnitudes, numbers, times, and motions, and their proportions one to another, have thereby been the authors of all those excellences, wherein we differ from such savage people as are now the inhabitants of divers places in America; and as have been the inhabitants heretofore of those countries where at this day arts and sciences do most flourish" (Hobbes, 1992; part 1, chapter 13).

"savage people" to show the absurdity of his opponents' claims) indicate he thinks that they will be obvious to his readership as well.

The importance of anthropological evidences, and of their providers for an early modern audience, is especially stark in the opposition between Thomas Hobbes and Bishop Bramhall, who severely criticized Hobbes's argument and defended instead a more traditional Christianized Aristotelianism, which "retained a remarkably strong hold over men's minds throughout the seventeenth century" (Ashcraft, 1971, p. 1081). Hobbes's state of nature is often considered, especially by its contemporaries, too "bestial" to be acceptable; to many, it debases humanity and strips it from its worth and dignity. As Ashcraft notes, this has often been interpreted as a sign of the controversial and unacceptable nature of Hobbes's theories. However, as Ashcraft pointedly notes, "bestial" description of men were already common in philosophy, and found in Grotius, Sir Walter Raleigh, and in travel literature:

> In their accounts of the inhabitants of the New World, both Joseph de Acosta and Garcilasso de la Vega supply historical evidence for Hobbes's position, and their phraseology is also worth noting. The latter, for example, observes that in the beginning, "the people lived like wild beasts without religion, nor government, nor town, nor houses without cultivating the land, nor clothing their bodies." This description of the savages of the New World was not atypical.
> (Ashcraft, 1971, p. 1084)

Hobbes's state of nature provides us with a rather simple, stripped-down, and also extremist version of the American imaginaries we found in sixteenth and seventeenth century traveling literature.[30] Hobbes drops the marvellous and mythical America but falls prey recurrently to the far away/long ago fallacy,[31] and gives us a picture of American communities as lacking industry and proper government, and potentially lacking reason altogether. More poetically, they are also missing "arts" and "science" and the welcome "excellences" and niceties of life: "that pleasure and beauty of life, which peace and society

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[30] It should also be noted that Hobbes' state of nature, at that level, is fairly conventional. First, these descriptions faithfully echo all the recurrent themes of the traveling literature on the Americas; secondly, similar ones can also be found in other political and legal theorists at the time.

[31] Other texts reiterate the fallacy. See for instance, *De Cive*, chapter 1, "Of the state of men without civil society": "They of America are examples hereof, even in this present age: other nations have been in former ages; which now indeed are become civil and flourishing, but were then few, fierce, short-lived, poor, nasty, and destroyed deprived of all that pleasure and beauty of life, which peace and society are wont to bring with them" (Hobbes, 1992).

It is expected still, since as explained above, the very mechanism of social contract theory, with its three steps-moments, leads to mixed chronological perspectives.

are wont to bring with them" (*De Cive*, 1). Three decades later, another political theorist would provide a much more extensive and detailed use of the Americas for the sake of his social contract theory. In the *Treatises on Government*, Locke provides us with acknowledged references to the traveling literature and multiple American illustrations. Those will be the focus of our next section.

4.   Locke's State of Nature

a) *Locke's America:*

Locke's *Second Treatise on Government* is another seminal text in seventeenth century political theory, offering not the "absolute sovereignty" legitimated by Hobbes, but instead a possible resistance to governments failing to recognize the natural rights of their citizens, theorizing a form of legitimacy based on at least tacit consent and ultimately drawing the foundations of liberalism. To do so, Locke also mobilizes the mechanism of social contract theory and with it, the "artifice" of the state of nature. "Artifice" is used here with a double intention: first, to stress the instrumental role of the state of nature, as an argumentative tool essential to his political theory; and secondly, to emphasize that, just as for Hobbes and the other social contract theorists, scholarship often tends to read Locke's state of nature as somewhat hypothetical—a construction of the mind with little or a poor grip on reality. Yet, famously, Locke inserts into his account of the apparition of money: "Thus in the beginning all the world was America (...)" (Locke, 1988, p. 301, s. 49) Barbara Arneil, in her book *John Locke and America*, summarizes how this parallel between the Americas and the state of nature has often been omitted or understudied— at least up until recently[32]:

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[32] It should be noted that recent scholarship on Locke has actually tackled the relationship between Locke and the Americas, notably through an analysis of his direct involvement with American colonization and the politics of Carolina, through the Earl of Shaftesburry. Already before Arneil's extensive work on the question, we should note a few significant contributions to this topic: most notably, James Tully's chapter entitled "Rediscovering America: the Two Treatises and Aboriginal Rights" in his work *An Approach to Political Philosophy: Locke in Contexts* (Tully, 1993) but also, a few years sooner, "The Uses of America in Locke's Second Treatise of Government" by H. Lebovics

> The world known as America is, in the *Two Treatises of Government*, the same world as that inhabited by natural man. Previous scholarship has largely argued that these two worlds have had, if anything, a tangential relationship, which is of use to philosophers only to the extent that it reveals the basis of civil society. John Locke, according to this school of thought, has referred to America only to fulfil an empirical need for evidence of natural man, and natural man in turn, is nothing more, to Locke, than a *logical abstraction*, useful for the elucidation of one's fundamental liberties and obligations under civil law.
> (Arneil, 1996, p. 201; my own emphasis)

This "logical" approach of the state of nature, already encountered in Hobbes's scholarship, brings to the foreground the issue of the epistemological status of the state of nature. This status in Locke is just as complicated and uncertain as it is for Hobbes. Barry Hindess has devoted a recent article to this particular issue: "Locke's State of Nature" in a 2007 issue of *History of Human Sciences*. He stresses as well that as is usual for social contract theory, scholars have focussed on the argumentative role of the state of nature, and have tended to treat Locke's state of nature "as neither an hypothesis nor a description but rather as a fiction." (Hindess, 2007, p. 1) For Locke as well, traditional political philosophy tended to avoid the "reality" or "historicity" of the state of nature. John Dunn can be seen as representative of this trend: "[Dunn] claims it [the state of nature] is a 'theoretical analysis of the fundamental relations of right and duty which obtain between human beings, relations which are logically prior to the particular historical situations in which all actual human beings always in fact find themselves'" (Dunn, 2001, pp. 43–4 quoted in Hindess, 2007, p. 3).

Ashcraft, in his article entitled "Locke's State of Nature: Historical Fact or Moral Fiction," is more nuanced but still maintains that Locke's state of nature should be considered primarily as a fiction:

> Similarly, Ashcraft argues that Locke's state of nature should be seen as a 'fiction'. It is 'a logical construct' which sets out 'the logical and moral conditions of human existence' and thus serves as a 'critique of existing society'. He suggests that this fiction is derived from 'actual human history' but is not intended as an historical description of actual conditions.
> (Ashcraft, 1969, pp. 901, 901 n. 14, 914 quoted in Hindess, 2007, p. 3)

(Lebovics, 1986) or "Locke's State of Nature" by A. J. Simmons (Simmons, 1989). Since Arneil's publication, several publications have come out: "Locke's *Second Treatise* and the Literature of Colonization," by M. A. Michael in 1998 (Michael, 1998), and more recently "Locke, Liberalism and Empire," by Duncan Ivison, in 2003 (Ivison, 2003), as well as "John Locke, Carolina, and the Two Treatises of Government" by David Armitage in 2004 (Armitage, 2004).

If one considers the state of nature as a "fiction," then one has to recognize that this fiction is well documented, illustrated with ethnographic information, and replete with references to actual peoples and geographic spaces. Even more so than with Hobbes, the text of the *First* and *Second Treatises* are stubborn and seem to resist the reading of Locke's state of nature as only a fiction or even as a hypothesis. Here again, we are faced with fact and fiction simultaneously at play. Locke's descriptive tones are meant to support his state of nature as a simplified picture, distinct and even superior to the necessarily tainted, corrupted, and imperfect reality. This simplification ought then to be considered as a *general* truth, in a way "truer" than its *particular* instantiations. For the contemporary reader, however, what we have is a hybrid and confusing element: "Locke (…) tries to have it both ways," envisioning a state of nature working both as a description and a hypothesis, and yet his account "does not work either as description or as hypothesis." (Hindess, 2007, p. 9) This flawed strategy may create logical fallacies or historical inaccuracies but as a rhetorical move, if one wants to persuade the readers of the superiority of his hypotheses and resulting conclusions, it may be potent.

Two types of sentences indicate that Locke considered his state of nature as a potential historical or geographical reality. The first type indicates a real concern for establishing the reality of the state of nature, while the second type gathers more generally descriptive statements. Within the first category, Chapter Eight, entitled "Of the Beginning of Political Societies" is quite illustrative; he introduces in section 100 of this chapter two possible objections to his account of the "Compact" at the origin of a "Commonwealth:"

> §100. To this I find two objections made.
> First, That there are no instances to be found in story, of a company of men independent, and equal one amongst another, that met together, and in this way began and set up a government.
> Secondly, 'Tis impossible of right, that men should do so, because all men being born under government, they are to submit to that, and are not at liberty to begin a new one. (Locke, 1988, p. 334)

His reply to the first objection is particularly relevant here: he explains that granted that "History gives us but a very little account of Men, that lived together in the State of Nature," it is not "because we hear not much of them in such a State" that men have never been in such a state. He then goes on to give illustrations from Ancient Rome, Sparta, and Venice and also, tellingly, from Joseph Acosta's *Natural and Moral History of the Indies*, affirming later "I have given several Examples out of History, of People free and in the State of Nature,

that being met together incorporated and began a Commonwealth" (Locke, 1988, pp. 334-335).

Within the second category, we find mention of the Americas, which will be studied in more details in the following section, and also descriptions of the state of nature calling upon documented Western history. These diverse extracts indicate less the existence of a state of nature, a state of nature Locke would simply then recount in his writings, than the complexity of the epistemological status of the state of nature: this status changes throughout the text, or as Hindess puts it, the argumentative functions of the state of nature are multiple. Four main functions can be identified and will be discussed in turn, showing how American imaginaries play a pivotal role in Locke's (re)construction of a state of nature, and by extension, in the political philosophy developed in the *Two Treatises*; these textual and discursive functions are as follows. First, the state of nature serves a critical function, and is meant as an argument against Filmer's patriarchalism; secondly, it provides a foundation for the Law of Nature, and hence for Locke's liberal spin on the natural law tradition; thirdly, it is the basis for Locke's own theory of property, a key element of his political philosophy; finally, and perhaps less intentionally, it proposes and/or reinforces a "developmental understanding of humanity" (Hindess, 2007, pp. 5-6).

Locke's America therefore plays a complicated role within Locke's arguments, just as his state of nature does. As suggested by Hindess, its argumentative role must be studied in light of Locke's overall political theory, its position within the ideological context of the time, the functions it may have played justifying certain leaders and policies both at home and abroad, and also in light of the themes and images of the Americas the texts reveal. In comparison to Hobbes, however, Locke's choice of the Americas as illustration is more widespread, and his knowledge of the travel literature is well established. The picture of the New Continent provided by the *Two Treatises* is rich in descriptions, bibliographic references, and precise examples. The details and also the sheer quantity of references to the Americas in the *Two Treatises* (and also in the *Essay on Human Understanding)* are to be acknowledged. In his article "John Locke, Carolina, and the Two Treatises of Government," David Armitage lists some of the significant references to the Americas in the *Second Treatise* alone. Through this survey, his finds that: "The references to America and its inhabitants appear in seven of the eighteen chapters of the *Second Treatise*, but more than half of them cluster within a single chapter, chapter V, 'Of Property.'" His conclusion is straightforward: "Taken together, the references from across the whole of the *Second Treatise* refute the contention that 'America belongs only at the margins of [Locke's] main concerns in the *Two Treatises*' [as Buckle

argues]" (Armitage, 2004, p. 604). As indicated by Laslett in his editorial notes to the *Two Treatises on Government*, Locke had access in his library to an important collection of works on the Americas, among which Acosta's *The Naturall and Morall Historie of the Indies,* and Garcilaso de la Vega's *Commentarios Reales*, often cited in the text.[33] For Locke, his increased knowledge and usage of the Americas seem to go hand in hand with a depiction of a state of nature milder and more sophisticated than the one presented by Hobbes.

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[33] Peter Laslett, in his edition of Locke's *Treatises*, mentions as belonging to Locke's personal library: "the French translation of the *Commentarios Reales* de Garcilaso de la Vega (...) which seems to have been a favourite book, and it was in Locke's Oxford study in 1681" (note p. 182); "Richelet French translation of [Soto's] *La Florida del Inca*, 1605 (...) which Locke owned" and also, "Sagard's *Canada*, 1636, or his *Voyage des Hurons*, 1632—even John Smith's description of New England, 1616, all of which Locke is known to have read when working on this book [First Treatise;] his final library included many other likely titles" (note p. 255); "Edward Grimestone's translation of Acosta, *The naturall and morall historie of the Indies,* 1604, a popular book with Locke, and by his side in 1681" (note p. 335); "*Histoire naturelle des Iles Antilles*" (... probably by Rocheford ...) Rotterdam, 1658, which Locke possessed" (note p. 339); Terry's *Voyage to East Indian*, 1655 (note p. 277). (Locke, 1988)
Laslett concludes from Locke's extensive access to travel literature on the Americas that "Locke may be said to have done more than anyone else to found the study of comparative anthropology, and he was well aware that the evidence did not demonstrate a 'state of nature' of the sort described in his political theory" (Laslett, 1988, p. 99). In the following note, Laslett expresses a few reservations on the state of nature: "it can be criticized as the error of supposing that what is logically prior is historically previous and institutionally basic." He then explains that Locke himself was "uneasy about its implications" and "unwilling to do more than hint at the assimilation between Old Testament history and the condition of America in his day" (Laslett, 1988, p. 100). However, he goes on to contradict himself in his own notes: on s. 36 (Chapter on Property) he writes "This passage is a direct statement of Locke's assumption that the state of nature in contemporary America can be assimilated to the condition of patriarchal times" (p. 292) and on s. 109 (Chapter on the Beginning of Political Societies) "This assimilation of Biblical history with the history of primitive peoples is characteristically Lockean" (p. 350).
Generally speaking, we are left with the impression that Laslett, as a contemporary commentator, is not especially bothered by the far-away/long-ago fallacy committed by Locke, nor by the association of Indigenous America with a state of nature, the problem for him not being the association itself but its lack of accuracy in Locke's writings.

b) "American Imaginaries" in Locke

Looking closely at Locke's explicit mention of the Americas, its inhabitants, and their ways of life, in the *Two Treatises*, this section will show how many of the themes characterizing the "American imaginaries" are re-appropriated by Locke in his social contract theory, giving us a precise picture of the representations at play in the political theory of the late seventeenth century and their contribution to the emerging Aboriginal/civilized dichotomy.

1. *Far away/Long ago, Again...*

Not surprisingly, most mentions of the Americas are used in parallel with historical references: the situation on the New Continent is considered a window into Europe's own past. For Locke, traveling literature functions as history books. The Americas are assimilated to the times of the biblical Old Testament: "Those who were rich in the Patriarch days, as in the West Indies now (...)" (*First Treatise*, § 130; Locke, 1988, p. 237). The same association is used in the *First Treatise* (§ 134) as well concerning the "multitude of Kings" in the "West Indies" as recorded by Soto or "late histories of the Northern America" or in Greece as recorded by Homer (Locke, 1988, pp. 254-255). In the *Second Treatise* (§ 36), Locke explicitly compares the "the vacant places of America" to "the peopling of the World by the Children of Adam, or Noah" (Locke, 1988, p. 293). This assimilation is even noted by the editor, Peter Laslett, in a footnote: "This passage is a direct assumption that the state of nature in contemporary America can be assimilated to the conditions of patriarchal times" (Locke, 1988, p. 292). Later, Laslett again notes that "this assimilation of biblical history with the history of primitive peoples is characteristically Lockean" (Locke, 1988, p. 340). More explicitly in § 108, Locke affirms "the Kings of the Indians in America, which is *still a pattern of the first ages in Asia and Europe*" (my own emphasis; Locke, 1988, p. 339). Although this conception of the Americas was very common in travel literature, these quotations indicate the extent to which Locke embraced such a perception of the Americas and reproduced it in his own works.

Using the Americas as a window into the Europeans' own past, Locke finds a powerful tool to counter potential challenges; the far away/long ago fallacy was so widely accepted (and often still is nowadays) that backing up his descriptions of the "origins" of

human societies with such ethnographic excerpts seemed to grant strength, accuracy and realism, and an almost scientific objectivity to his version of such origins, in contrast with those relying on more mythical accounts. It should be noted that Biblical accounts are not seen by Locke as mythical but granted a historical status, as they were for most European Christians. Barry Hindess in "Locke's State of Nature" highlights this critical function of the state of nature. Clearly and immediately, the *Treatises,* especially the first one, are an attack against Filmer's "patriarchalist account of the origins of government." This account based on the Bible considered subjection as "a natural human condition" (Hindess, 2007, p. 5). Instead, to show the contractual nature of subjection, Locke needs to propose an alternative picture of the origins and nature of mankind, accessorily an alternative reading of the Bible, one confirmed by observable evidence and history. The importance of evidence is underlined by Hindess, following Arneil's analysis:

> If Locke's account of an original condition of freedom and equality is to serve as an effective alternative to the patriarchalist view that subjection to others is the natural human condition, then it has to work as a description of the true natural condition of humanity. Indeed, as Barbara Arneil points out, one of Locke's main criticisms of Filmer is that he fails to provide reliable evidence in support of his analysis of the real character of government.
> (Hindess, 2007, p. 7)[34]

With Locke's state of nature, the Americas cannot be a conservatory of marvellous beings and mythical hopes; rather, it is an ethnographic experiment, a provider of real-life illustrations, a living testament of origins common to all mankind, but now invisible to the English man at home. This picture of the origins of men in all their naturalness is quite detailed, and the texts provide key characteristics of a natural/savage state—characteristics which were already circulating widely in popular travel literature.

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[34] *Cf.* also Arneil, 1988.

2. *The Magic Three: Agriculture, Property, Money*

Among the multiple deficiencies that find their way in Locke's state of nature, three deserve particular attention: America, and with it, any state of nature, as lacking agriculture, (private) property, and money. The last element is essential to Locke's theory of property and account of the beginning of civil society. From Locke's exposé, it seems that what impedes the Americans in their development towards civility is the lack of money, more precisely the lack of a material suitable to become money: the famous "Thus in the beginning all the World was America, and more so than that is now" in § 49 is completed by "for no such thing as Money was any where known." In the previous section, he imagines an Island, where "nothing (...) either because of its Commonness, or Perishableness, [is] fit to supply the place of money."[35] (Locke, 1988, pp. 300-301) They would then appear stuck in a state of nature accidentally. More importantly in Locke's argumentation, this absence of money is what prevents the ownership of property (understood here as private property) and hence, in such a situation, the inequalities and inconveniences of their lifestyle would remain limited, preventing them from coming to their reason and forming true political societies.

However, the lack of money is not the only deficiency highlighted by Locke, although it may be the reason for other deficiencies. The whole of § 49 in Chapter 5 on Property reads: "Thus in the beginning all the World was America, and more so than it is now; for no such thing as Money was anywhere known. Find out something that has the Use and Value of Money amongst his Neighbours, you shall see the same Man will begin presently to *enlarge* his *Possessions*" (Locke, 1988, p. 301). This paragraph indicates that the appearance of money (including the availability of a material suitable to use as currency) seems to trigger accumulation instantaneously. America is seen as exempt of both. The question of causal priority between the will of accumulation and its material possibility, currency, is not always clear. Yet it seems that, for Locke, it is the absence of proper currency which prevents Indigenous Americans from developing systems of accumulation: in § 108, when explaining why monarchies tended to be historically more common than other forms of government, he writes: "the Inhabitants [Indians in America] were too few for the Country, and want of People and Money gave Men no temptation to enlarge their Possessions of Land, or contest

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[35] Locke is unclear about his understanding of the presence of currency in the Americas, it seemed completely absent in his chapter on property and yet, in § 184 he recognizes a form of currency, the "Wampompeke" (Locke, 1988, p. 391).

for wider extent of Ground" (Locke, 1988, p. 339). [36] It remains that the state of nature, and peoples deemed illustrative of it, suffers a significant deficiency which is crucial for Locke: the lack of accumulative ambition. A deficient reason could also be blamed for such an oddity.

Of the utmost significance for him, and related to the absence of accumulation, is the lack of agriculture and private property in pre-colonial America. As Arneil shows, Locke's theory of property is linked to a certain conception of colonization, a conception he himself put forward in his correspondence and in his work as the secretary of the associated proprietors of the colony of Carolina (Arneil, 1996, pp. 71-75; Laslett, 1988, p. 26). Locke was not only a reader of travel literature but he was also concerned with justifications for conquest and colonization. Indeed, Locke's defence of English colonial aims is original for his time, providing for a form of "soft colonialism" based on peaceful settlement instead of conquest. This novel conception of colonization works at two different levels: first, claims to land are now based on natural right rather than natural law; second, through his analysis, Locke provides a critique of the right of conquest, as theorized by the Spanish Scholastics or Grotius. Locke's denunciation of the Conquest should also be situated within the general ambition of the English to distinguish themselves from the Spanish conquest and its atrocities (Arneil, 1996, pp. 71-75). In § 180 of the *Second Treatise*, Locke is explicit, calling conquest a "strange doctrine": "victory over another people does not imply a right over their possessions" (Locke, 1988, p. 388). New, subtler, grounds for colonization had to be found. Locke's labour-based theory of property, associated with his contention that American populations lacked agriculture, would provide these new grounds. Given the importance of private property in Locke's theory of government, it is not surprising than the topic of property, in the state of nature or rather the absence thereof, occupies an important place in his *Second Treatise*.

For Hindess, Locke's state of nature supports Locke's "distinctive theory of property" (third function)—a distinctive theory, based both on labour and legislation (Ashcraft quoted by Hindess, 2007, p. 5). On Hindess's account, this makes Locke's theory much more accommodating of the justification of land appropriation in the Americas than those of Grotius and Pufendorf. Here, Locke's state of nature would be over-determined by political and intellectual objectives: his theory of property and the indirect downgrading of Aboriginal

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[36] This quotation indicates as well that demography could be a criterion in triggering "wants" and desires for accumulation. However, this idea, that a numerous population, by creating rarity, actually fears for its consumption and develops alternative models of sustenance, is implicit throughout the *Treatise* but not explicitly mentioned again.

property and government systems (Hindess, 2007, p. 9). This line of inquiry is the one taken up by Barbara Arneil in her book *Locke and America* and by James Tully in *Locke in Contexts*. They interpret the *Treatises* (in particular the chapter on property) as an indirect defence of England's colonial policy. For Arneil, Locke's arguments in the *Two Treatises* were directed against the "strong opposition" in England to the activities of the Crown in America. This opposition took two forms: a critique of the colonizing enterprises seen as dangerous and costly and a religious rejection from the Puritans. She argues that such objectives explain Locke's selective use of the "evidence" from the Americas at his disposal (Arneil, 1996, p. 44).

This reconstruction of Locke's choice of references and illustrations in terms of his objectives is only one side of the story: Locke's selective reading is also dependent on his own understanding of history and American geography; this worldview directs his arguments and conclusions, and so renders his work available for a colonial use.[37] Locke's concern for the Americas and their colonization is undoubtable, as is shown by his personal involvement, through the intermediary of Lord Protector Earl of Shaftesbury, in the affairs of Carolina. Yet influence circulates both ways and Locke's understanding of the Americas determines his position in terms of colonial policy as much as these political positions determine his understanding of America. Granted, Locke's chapter on property may be read as an "excuse" justifying colonization. One can also invert the question; rather than asking what in Locke's theory works towards a justification of colonization and of the subsequent abuses suffered by the Indigenous populations, one could ask what, in the American imaginaries and their Lockean deployment, works towards a particular conception of legitimate government and of political theory. This is the line of enquiry pursued here.

For Locke the absence of property, or rather the absence of recognizable property, is part of the list of deficiencies supposedly plaguing the Americas and their original inhabitants. For Locke, this perceived absence of property or of a system of common

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[37] As mentioned by Armitage, "Locke's *Second Treatise* cannot be reduced to its colonial references nor can its meaning be determined by a colonial reading alone" (Armitage, 2004, p. 605). He goes further and suggests that "The conventional chronology of Locke's involvement with Shaftesbury and with the Carolina colony gives no grounds to explain why Carolina should have been on his mind when composing the *Two Treatises*" (Armitage, 2004, p. 612). He nevertheless undertakes a careful chronological study to show how other biographical elements may explain why Locke had the New Continent on his mind when writing the *Two Treatises*. Following a Foucauldian perspective on authorship, I am not attempting to reconstruct *a posteriori* what Locke had "on his mind." What matters is rather the conception of the Americas his texts display, not whether or not he had a particular account, image, interest, concern, etc. on his mind at the time.

property (which, for European observers of the time, amounted to the same thing) is inseparable from the lack of agriculture. The lack of agriculture also functions both ways, serving Locke's justification of English colonization in North America, but also echoing common misconceptions spread by travel literature. Given the origin of property in labour for Locke, in order to deny the Indians their full property rights they had to be characterized as "idle," and more specifically their lands had to be "*vacuum domicilium*" (land not properly cultivated and left to waste). Locke, with others, considered the Indians "idle" and regretted their lack of agriculture (another "deficiency" commonly reproached to the American populations, although some of them did practice agriculture), and so he could not justify granting them full title to their lands.[38]

The absence of agriculture and property is necessarily linked to an absence of labour, or more precisely, to an absence of *productive* labour, characteristic of a lifestyle based on consumption rather than accumulation. The link is explicit when one looks at the diverse stages of Locke's labour-based theory of property. Locke starts off with the most basic form of consumption: in § 26, he explains that "the Fruits" "produced by the spontaneous hand of Nature" are not the exclusive "private dominion" of anybody. Yet appropriation is necessary for consumption and sustenance: "The Fruit, or Venison, which nourishes the wild Indian, who knows no Inclosure, and is still a Tenant in common, must be his, and so his, i.e. a part of him, that another can no longer have any right to it, before it can do him any good for the support of his life" (Locke, 1988, p. 287). For Locke, therefore, the form of appropriation known to these populations and in the state of nature is so basic and limited that it does not qualify as "private dominion."

The Indian is associated with the hunter-gatherer culture (in § 30, an example of given of a "deer killed by an Indian"), placed in stark opposition to agriculture. Locke makes it clear that agriculture cannot be hindered by less efficient and refined methods of consumption (Locke sees the land-owning farmer not as limiting available space and resources for others, but on the contrary, as contributing to plenty, and creating more resources for everyone through a more efficient use of land). Property in land is given utmost importance, and "working the earth" is the key criteria to aspire to it.

> He, that in obedience to this Command of God, subdued, tilled and sowed any part of it, thereby annexed to it something that was his Property, which another had no title to, nor could without injury take from him. Nor was this

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[38] As succinctly put by Tully "Locke defined property in such a way that Amerindian customary land use is not a legitimate type of property" (Tully, 1993, p. 139).

appropriation of any parcel of Land, by improving it, any prejudice to any other Man, since there was still enough, and as good left; and more than the yet unprovided could use. (...) God gave the world to Men in common; but since he gave it them for their benefit, and the greatest conveniencies of life, they were capable to draw from it, it cannot be supposed he meant it should always remain common and uncultivated. He gave it to the use of the Industrious and Rational..." (Locke, 1988, p. 291)

Indigenous populations seem automatically excluded from the right to property, because their form of appropriation, hunting-gathering, is not "industrious" enough and does not exploit the potential offered by nature. They once again appear to Locke as confined in an arrested-development stage, satisfied with a crude lifestyle, while God wants more from and for "his Creatures." Not fulfilling one's potential is seen not only as potentially sinful, but also as irrational: "the Industrious and Rational" will know how to use land to its full potential, and will not let God's bounty go to waste.

The denunciation of waste is recurrent in Chapter Five. For Locke, waste is characteristic of hunter-gatherer lifestyles, and also of the inappropriate cultivating practices of some Indigenous communities. For instance, section § 38 reads:

> The same measures governed the possession of land too: whatsoever he tilled and reaped, laid up and made use of, before it spoiled, that was his peculiar right; whatsoever he enclosed, and could feed, and make use of, the cattle and product was also his. But *if either the grass of his enclosure rotted on the ground, or the fruit of his planting perished without gathering, and laying up, this part of the earth, notwithstanding his enclosure, was still to be looked on as waste,* and might be the possession of any other. (Locke, 1988, p. 295)

As Tully notes, this passage excludes *de facto* Indigenous agricultural practices, especially non-sedentary ones, which sometimes consisted in letting the fields compost or rot on a regular basis, and did not involve tilling or fencing (Tully, 1993, pp. 156-157). For Locke these activities do not qualify as agricultural, a perspective that becomes convenient for justifying expropriation of land, by the "industrious" Western farmers, who are shown to be much more efficient and less wasteful. This contrast, and the superiority of Western agriculture and private property, is marked repeatedly by Locke: in § 42, comparing "Bread, wine and cloth, (...) things of daily use, and great plenty," furnished by labour, to "acorns, water and leaves, or skins," a sorry fall-back from "more useful commodities"; in § 37, comparing the yield of "a thousand acres" "in the wild woods and uncultivated waste of America, left to nature, without any improvement, tillage or husbandry," negatively to "ten acres of equally fertile land do in Devonshire," "well cultivated." As James Tully writes, "... his major

justification [for the putting of all land under commercial cultivation] is that the market system produces a greater quantity of conveniences" (Tully, 1993, p. 160).

Locke's theory of property, combined with his association of the Americas with the state of nature, concretely paves the way for a "bourgeois" form of colonization, shifting away from conquest and the use of force towards settlement and agriculture-based growth. This distinction is central although the violence of the second manner of colonization should not be underestimated. The kinship between Locke's theory of labour and American imaginaries extends behind Locke's own intellectual and political involvement with the English colonization of North America. The image of indigenous populations as nomadic, "wandering" around land rather than properly using it, has been very long-lasting. On the one hand, when it was recognized, the practice of agriculture was minimized and seen as an inefficient and marginal occurrence, unessential to their lifestyle. On the other hand, when indigenous populations did not actually practice agriculture, this "deficiency" was severely punished. It provided a recurrent ground upon which to deny their rights, seize and occupy their lands, and destroy their livelihoods.[39]

3.   *Patriarchy or No Government At All!*

The absence of accumulation, agriculture, and money is characteristic of the state of nature for Locke, but of course, the essential missing component of the state of nature, the defining one, is the absence of "lawful government." The social contract is necessarily the founding moment of civil society and government (§ 99). By logical consequence, the state of nature *cannot* be fully or lawfully governed; in any social contract theory, as soon as it is governed, it ceases to be. Here again, Locke devotes long passages to the question of what qualifies as proper government, especially in Chapter Eight, entitled "Of the Beginning of Political Societies." The Americas are also largely present in these discussions. In this chapter, Locke starts by setting up his theory of government by consent and majority rule. He states unequivocally that the original social contract is the only valid source of

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[39] The declaration of Australia as *terra nullius* was based on a similar argument, as develop by Blackstone. In judicial court dealing with colonization, this theory of property was very influent and use almost systematically to the detriment of Indigenous populations. See also Jefferson's Indian policy (Arneil, 1996).

government: "And thus that, which begins and actually *constitutes any political society,* is nothing, but the consent of any number of freemen capable of a majority, to unite and incorporate into such a society. And this is that, and that only, which did, or could give beginning to any lawful government in the world" (p. 333). He then considers two related objections to this claim: one, that it would be impossible to find such groups of men actually coming together to form a Commonwealth (this objection has been discussed earlier); and two, that all men are born under government (corresponding here to the standard patriarchal position).

The Americas come up in Locke's reply to both objections: it provides examples of men in a state of nature, and, following Acosta, "in many parts of America, there was no government at all" (§ 102, p. 334), but it also provides examples of basic patriarchal government. Locke had conceded a little earlier that "if we look back as far as history will direct us, towards the *original of commonwealths,* we shall generally find them under the government and administration of one man" and that "where a family was numerous enough to subsist by itself, and continued entire together, without mixing with others, as it often happens, where there is much land, and few people, the government commonly began *in the father"* (§ 105, pp. 336-337). American kingdoms become instances of these early forms of government: what Locke shows through their examples is the fact that early forms of authority (such as those still existing, for him, in the Americas) take the appearance of a monarchy, yet the *kings* still rely on the consent and approval of members of the community to maintain their power, and often cannot transmit their title to their heir. This form of temporary and sporadic autocratic government is often found, because, for Locke, this is what people are both used to and comfortable with: the rule of the father or paternal power.

This idea of regimes taking the appearance of monarchies but in reality relying on the consent of subjects, and the fact that American forms of political and social organizations are exemplary of such a situation, could suggest that Indigenous communities, at least those ruled by a king-figure, are actually civil and qualify as Commonwealth. This would contradict all the rest of the text which definitively places them in a state of nature. The description of these kingdoms, however, in Chapter Eight suggests otherwise:

> §108. Thus, we see, that the Kings of the Indians in America, which is still a Pattern of the First ages in Asia and Europe, whilst the inhabitants were too few for the Country, and want of People and Money gave men no temptation to enlarge their possessions of Land, or contest for wider extent of Ground, are little more than Generals of their Armies; and though they command absolutely in War, yet at home and in time of peace they exercise very little Dominion, and have but a very moderate sovereignty, the resolutions of Peace and War, being ordinarily

either in the People, or in a Council. Though the War itself, which admits not of Plurality of Governours, naturally devolves the Command into the King's sole authority. (Locke, 1988, p. 339)

As Tully notes, "... like many European writers, Locke highlights three features of Amerindian political organization [war-chiefs, ad-hoc administrators of justice, lack of crime and litigation] to the neglect of the customary system of government that underlies them." (Tully, 1993, p. 153) What Locke suggests in Chapter Eight is that "Indian" forms of government may be consensual or elective but that they remain temporary (in times of war only); when long lasting, they remain familial or tribal in nature, more paternal than patriarchal.

We see here that Locke's appreciation of the government of "Indians in America" is not as stark and negative as Hobbes's. Instead of simply "no government," Locke recognizes the existence of a variety of possibilities, with "no government at all" (§ 102) at one end of the spectrum, and a monarchic and military form of government, albeit a discontinuous one, at the other end. None of these is proper "lawful" civil government, requiring consent and also durability (that is, the need to be perennial, long-lasting, and without interruption). Although Locke does not use this type of vocabulary, commentators (Tully among others) have allowed for the possibility of different stages within the state of nature; in this scenario, the kings mentioned above would be characteristic of later stages.

Locke's conception is consistent with his rejection of patriarchal defences of absolute monarchy; a power based on kin (filiation), or the role of the King as a leader of the armies, cannot be truly political and civil(ized). Locke's argument thus requires the American forms of government to be not only considered as inferior and antiquated, but also (paradoxically) apolitical. Tully's interpretation of the relationship between the Americas and Locke's politics is clear-cut: "Locke defines political society in such a way that Amerindian government does not qualify as a legitimate form of political society." (Tully, 1998, p. 139) Whether Locke's purpose is to exclude Amerindian government and then draft its definition of government accordingly, or whether he does not consider Amerindian government as proper government and that this conditions his definitions, is a matter impossible to settle, having to do with hidden intentions, ulterior motives, and the inaccessible inner psychology of the author. Intentional or not, it remains that the two parts of the equation, Locke's definition of political society on one side, and his delegitimation of Amerindian government on the other side, are mutually reinforcing and both quite convenient for the English colonization of North America. Our survey of the literature on the Americas circulating at

the time certainly indicate that seeing Indigenous American government as deficient or even non-existent was very common fare. It is thus not surprising that Locke, as a well-read, erudite, intellectual, would partake in such prejudices.

It is significant as well that Locke uses examples from the Americas when discussing natural laws and their enforcement in the state of nature,. For Locke, the state of nature is not devoid of justice, law, or morals. However, the form of order (if not government) present in the natural state is highly individualistic, in the sense that each individual has the right to punish any offences against the Law of Nature, and fitting with other aspects of life in the state of nature is inconvenient and unsafe. For instance, Locke recognizes the possibility of contracting (promising, bargaining) between two men, unbound by a common authority "for truth and keeping of faith belongs to Men, as Men, and not as members of Society" (Locke, 1988, p. 277; § 14). The examples given refer to survivors on a desert island, in the *History of Peru*, and "a Swiss and an Indian, in the Woods of America" implying that "Indians" are in a state of nature when interacting with a European (as suggested too in § 9). The reader, however, is led to believe this is the case for "Indians" in their relations to one another because of the other passages already discussed.

In the end, the ban of peoples deemed "savage" from civility, which Hobbes initiates discreetly, almost by a sleight of hand, is reiterated by Locke, although in a very different manner. The picture of the Americas displayed in the *Two Treatises* is much more detailed and nuanced, even sophisticated. Indeed, as Tully concludes in his own analysis of Locke's *Treatises* from the point of view of the Americas, colonization, and Aboriginal rights: "(...) Locke's concepts of political society and property are, among other things, a sophisticated theoretical expression of the basic arguments of early colonial writers" (Tully, 1993, p. 166). Yet crude or sophisticated, Hobbes's and Locke's states of nature both remain theoretical renditions of American imaginaries, their transpositions from literary imaginaries to modern philosophy and political thought. This intellectual move is far from benign, however; some common themes are dropped, and some others highlighted. The theme most obviously dropped is that of the marvellous and mythical. Moderns have less patience for old superstitions and tales in philosophy, though still appreciating them very much in literature. Thus one would be hard pressed to find signs of the Fountain of Youth, *El Dorado*, or dog-headed humans in either the *Leviathan* or the *Second Treatise*.[40] By contrast, the multiple deficiencies that mark the American imaginaries easily find their way in the rhetoric of the

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[40] Another key-figure, that of the Amazons subsists, however, it remains associated with Ancient Greek history/mythology: Cf. Chapter 9 of *De Cive* and Chapter 20 of *Leviathan*.

state of nature: the lack of "arts, industry, science" is a hallmark of Hobbes's state of nature while, as we've shown, the most significant deficiencies for Locke are another triad, "agriculture, property, money" leading to forms of government unable to reach the threshold of actual and truly civil government. For both authors, these deficiencies can be interpreted as either a lack of reason, or an underdeveloped reason. Indeed, for Hobbes and Locke, long-term rationality ultimately drives men to come to terms with the necessity of the social contract. A whole group of people staying in a state of nature through the passage of time fails to obey the laws of Reason, either through their own fault, or because their environment has stopped them from doing so. Finally, both *Leviathan* and the *Two Treatises* wholeheartedly embrace the far away/long ago fallacy, allowing them to use contemporary examples while making a point about the removed origins of mankind and political societies.

Moreover, the influence of these two texts—providing the grounds for modern theories of sovereignty, legitimate government, and citizenship—sheds a very different light on the features considered characteristic of indigenous Americans. Depictions of the new continent still provide readers with a sense of exoticism, and the excitement of "strangeness"—yet this is built through a unique, sharp, contrast between the state of nature and civil society. State of nature and civil society are of course the two key moments of social contract theory, the before and the after of the contract, but they also pose different values, social organizations, and human ways of relating to the world. In this sense, it is not just about civil government; it is about civility, and already, civilization. The next section of this chapter will show how early modern social contract theory is contemporary to the development of "civilizational thinking." We will argue that this contemporaneity has often been overlooked by commentators and students of political thought, who often use the idea of civilization in their commentaries as if the word and the concept as understood today already existed at the time. Looking at the etymology of "civilizational" terminology suggests otherwise, and shows the important contribution that social contract theory made to this type of thinking.

5.   <u>Civility and its Other: Aboriginality Silenced</u>

It is not a coincidence that the success of American travel literature is contemporary to the development of the notion of civility, and later, that of civilization. Social contract theory, resting on the key contrast between state of nature and civil society, is also an important factor in the development and shifts of the "civil" terminology. Yet, as Bruce Buchan notes in an article on Scottish Enlightenment, political scientists and social theorists, despite having focussed many of their analyses on civil society (as distinct from the state), and many of whom have even revived the term "civilization" in international relations, have not paid sufficient attention to the linguistic and discursive origins of "civilization."[41] A notable exception among political philosophers, however, is Charles Taylor, who in his short book *Modern Social Imaginaries*, and his subsequent major opus, *A Secular Age*, devotes significant space to a discussion of "civility" in Renaissance Europe.[42]

a) *Civility and Civilization, Etymology:*

Before discussing civility and civilization *per se*, as well as the role social contract theory had in their development, a few etymological remarks are in order. "Civil," in English and French, and with it, most other cognates in European languages, originates from the Latin *civilis* (itself linked with *civis*, citizen; and *civitas*, the community formed by citizens, as insisted upon by Cicero).[43] Earlier usages in English and French relate to matters and affairs

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[41] "Contemporary political theorists have been slow to direct their enquiries toward the concept of civilization. This has led to curious omissions in recent literature, in particular to the burgeoning literature on civil society" (Buchan, 2005, p. 177).

[42] Even if political philosophers have not sufficiently critiqued the idea of civilization, we find interesting works from linguists, historians, and social scientists: in France, Lucien Febvre, Émile Benvéniste, and Jean Strarobinski works are considered references on the topic (and confirm the etymologies we will highlight in this section) (Benvéniste, 1966; Febvre, 1962; Starobinski, 1989); Pagden's article is also an important source, dealing specifically with a later period, the eighteenth century (Pagden, 1988); and a recent work by Brett Bowden should be mentioned as well (Bowden, 2009). In *The Empire of Civilization*, when tackling the origins of the word and its diverse usages, Bowden also relies heavily on the French sources mentioned above (Bowden, 2009, pp. 23-46).

[43] The *Oxford English Dictionary* lists in the etymology section of its entry on "civil":
Anglo-Norman and Middle French *civil* (French *civil*) (in legal use, of a case, law code, etc.) not belonging to criminal law, not belonging to canon law, relating to the relations between ordinary citizens (1290 in Old French), that concerns the citizen or his life, rights, etc. (1330), (of war)

between citizens: one of the oldest usages mentioned in the *Oxford English Dictionary* corresponds to "Of, relating to, or designating a community, state, or body politic as a whole; esp. of or relating to the organization or internal affairs of such a body." This use of "civil," close to what is also meant by "civic" is certainly not foreign to social contract theory, as civil society, especially in Locke, is what turns men into potential citizens—it designates the relationships in a proper political community. However, starting in the sixteenth century, civil is also quickly accompanied by more subtle meanings and usages, one directly anticipating the notion of civilization: "That is in a condition of advanced social development such as is considered typical of an organized community of citizens; characteristic of or characterized by such a state of development; civilized," and the other "Of a person or his or her attributes, behaviour, etc.: educated; cultured, cultivated; well-bred," which, following Charles Taylor's lead, will be discussed further below. Regarding this later acceptation of the term "civil," it is noteworthy that the dictionary cites Locke himself as exemplary of such an understanding: "J. Locke Lett. (1708) 31, I know what latitude civil and well bred men allow themselves" (*OED Online*, see note 2 above).

The substantive "civility" carries the same etymological and historical ambiguities. There are three sets of senses distinguished in the *Oxford English Dictionary*: first, "senses relating to citizenship and civil order" (with examples in the timeline dating as far back as 1384); second, "Senses relating to secularity" (first used, it seems, in the works of Wycliffe); and third, "Senses relating to culture and civilized behaviour" where, starting around the middle of the sixteenth century, civility notably designates, "The state or condition of being civilized," already anticipating the idea of civilization as a process. [44] By comparison, "civilization," as a word, is a recent invention, and its historical development and subtle shifts in meaning are quite instructive. Originally (in the mid-seventeenth century) only used

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occurring within a society (*a*1413 in *guerre civile*), polite, courteous (*c*1460), not belonging to the military or religious spheres (1835) and its etymon classical Latin *civilis* of or relating to citizens, (of war) occurring between citizens, of or connected with such war, (of law) for citizens, of or according to such law, forensic, legal, determined by law, (of divisions of time) legally recognized, of or connected with the running of the state, political, relating to the citizen as distinct from the soldier, of or suited to one's status as a citizen, suitable for a private citizen, unassuming, unpretentious < *civis* citizen + *-ilis*. Compare Catalan *civil* (14th cent.), Spanish *civil* (12th cent.), Portuguese *civil* (14th cent.), Italian *civile* (13th cent.); also Middle Dutch *civil* (15th cent.; Dutch *civiel*), German *zivil* (seventeenth cent.).
"civil, adj., n., and adv.". OED Online. December 2011. Oxford University Press. 22 February 2012 <http://www.oed.com/view/Entry/33575>.
Please note that the meaning discussed by Taylor, "polite, courteous" is only one among others, not the oldest one, only developing from the Renaissance onwards.
[44] "civility, n.". OED Online. December 2011. Oxford University Press. 22 February 2012 <http://www.oed.com/view/Entry/33581>.

to denote a process, more precisely, "the action or process of civilizing or becoming civilized; (also) the action or process of being made civilized by an external force," it soon came to be used as well to describe a state, "the state or condition of being civilized; human cultural, social, and intellectual development when considered to be advanced and progressive in nature." From the nineteenth century onwards, it has been used also to describe a bounded entity "a particular culture, society, and way of life as characteristic of a community of people; (also) a civilized society."[45]

As Taylor explains in *Modern Social Imaginaries*, what these etymological remarks indicate is that the idea of civility is the ancestor of our idea of civilization. The former is an idea that emerged and gained popularity in the Renaissance, a bright illustration of the articulation of the Ancient and the New. For Taylor, civility—and the same could be said about civilization—is a concept more easily defined negatively than positively: "*it is what we have and those others don't*, those who lack the excellences, the refinements, the important achievements that we value in our way of life" (Taylor, 2004, p. 35; my own emphasis). Among the Ancient values or virtues recovered or rediscovered through the notion of civility is that of *polis* (through the intermediary of *civitas*, the Latin translation of the Greek *polis*): the Aristotelian idea that the city was the only setting where human beings (men) could live at the fullest of their potential. Civility thus refers to a particular type of government and by extension to a perennial contrast between urban and rural life (life in the forests/woods). Civility is also seen as a sign of order and ordered government—it is to be related to a contemporary notion, that of *état policé* (police in the original sense of the word) a particular idea of government and social order, emerging in the sixteenth century and developed afterwards into a *raison d'état* (Taylor, 2004, p. 36).[46]

However, while civilization carries with it ideas of stability, Renaissance intellectuals stressed the fragility of civility. Civility is neither well-established nor widespread—periods of barbarism are always possible (medieval violence is not evacuated and civil wars are always lurking) and different levels of civility coexist in European societies:

> In Renaissance times, the elites among whom this ideal circulated were all too aware that it was not only absent abroad, but all too imperfectly realized at home. The common people, though not on the level of savages in America

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[45] "civilization, n.". OED Online. December 2011. Oxford University Press. 22 February 2012 <http://www.oed.com/view/Entry/33584?redirectedFrom=civilization>.
[46] Foucault did not study civility as such but a significant part of his works (including his lectures at the Collège de France) is devoted to the interrelated notions of police and of *raison d'état*.

and even being far above the European savage peoples of the margins (e.g. the Irish, the Russians), still had a long way to go. (Taylor, 2004, p. 37)

For the Renaissance elite, culture, and its associate civility, is solely understood as innumerable: you have it or not, a lot or a little. Conceiving of cultures in the plural form is possible but often limited to superficial differences between various European ways of life. Another aspect of civility is "sound education and polite manners" (Taylor, 2004, p. 38). Not only is civility associated with the *polis* in its political sense but also with *poli(e)s* [French] as "polished" (to use a word most often used by the Scots at that time) (Pagden, 1988, p. 33). This meant a reinforced focus on "discipline and training." Civil manners are not the innate qualities of an elite but rather the privilege of good education.[47] Nature is seen as "originally wild," something to be tamed. The distinction between nature and nurture, or in other terms, nature or culture, becomes central and plays a crucial role in the perceptions of the "savage" populations of the Americas: "They did not see their difference from, say, Amerindians as that between two cultures, as we would say today, but as that between culture and nature" (Taylor, 2004, p. 38). This is also true of the critiques of civility (those who associated these new mores with effeminacy or decadence, Rousseau, a century later, being a brilliant example of the latter): when Amerindian populations are praised, it is often not for their culture but rather their lack thereof, their naturalness. (This is a key feature of primitivism, long-lasting in today's perceptions of Aboriginal populations as inherently close to nature, environmentally friendly, but unfortunately naïve and easily corrupted by outside (Western) culture, with all its vices.)[48]

With civility comes the idea of civilization, whereby civility and civil life are defined as a dynamic process, focusing on becoming civil rather than just being civil:

> For civilization, unlike culture, suggests both a process (that of civilizing) and comparative evaluation. It describes a state, social, political, cultural, aesthetic - even moral and physical - which is held to be the optimum condition for all mankind, and this involves the implicit claim that only the civilized can know what it is to be 'civilized'. (Pagden, 1988, p. 33)

Another advantage of the word 'civilization' in comparison to the term 'civility' is its easier opposability: "when Johnson refused to include the word 'civilization' in his dictionary,

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[47] Very concretely, the sixteenth and seventeenth centuries are also a period where the nobility starts polishing its manners. This is the lengthy process described by Norbert Elias in *La Civilisation des Moeurs*.

[48] Montaigne appears as an exception, as he seems to praise the 'Cannibals' for their culture rather than their naturalness. (Montaigne, 2009; *Essai sur les Cannibales*)

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Boswell protested, 'with great deference to him', that he thought 'civilization' from to civilize better in the sense opposed to barbarity than civility'" (Quoted in Pagden, 1988, p. 34). This "better" opposability is indeed what is at stake here. Of course, social contract theories are based on the contrast and opposability between state of nature and civil society, or nature and civility. However, once we consider this state of nature as a historical and geographical possibility, located on the New Continent and among its "savage" populations, we see that from this apparently static contrast a dynamic conception of civility, characteristic of modern times, emerges. This dynamism transforms civility into civilization. To paraphrase Taylor, to be civilized is what "we" have been able to achieve and others have not. Finding a precise content for civility or a threshold for civilization is almost impossible; it is always relative to the author's own position. The idea of civilization cannot be understood without its negative companion, what it is not, what it develops again, what it leaves behind in order to flourish. This unfortunate companion (used as a *repoussoir*) is not barbarism, a referent too Ancient and violent, but instead the emerging idea of Aboriginality.

b) *Aboriginality or the Search For the Uncivilized:*

The themes developed through diverse American imaginaries all call upon the idea of civilization: the Americas come to represent at different levels the un-civilized or the pre-civilized. The very possibility of such an instance is discovered with this travel literature. This is indeed the puzzle faced by the Valladolid Scholastics. From the very beginning, Vitoria from the very beginning refused to make sense of the strangeness of the "Indians" in terms of civil law, and rather called upon natural law, challenging then-current Christian conceptions of shared humanity and the homogeneity of human kind. The deficiencies listed by so many authors are all, at one level or the other, lacks in civility. This particular understanding of the Americas, working in conjunction with the far away/long ago fallacy as well as the focus on naturalness, transform the Americas in an Aboriginal space. More so than the obvious opposites barbarous or savage, Aboriginal becomes the true antithesis of civilization, and simultaneously the key to its self-understanding. In Hobbes's and Locke's states of nature, where the marvellous and mythical are dropped while deficiencies are stressed, one particular aspect rises to the foreground: the inappropriateness of forms of

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government based on and legitimized by kinship. The separation between the personal, patriarchal, and the political is a line drawn in the sand, and here to stay; it is a boundary essential to modern humanism in its political version. American imaginaries lose some of their exoticism and fantasy; they become rigidified and rationalized into Aboriginal imaginaries.

The term Aboriginality is to be understood here in its etymological Latin sense: *ab-origine*. Aboriginal and its composites literally designate the beginnings, and those from the beginnings. Although 'Aborigine' and 'aboriginal' were first used to refer to the "race of the first possessors of Italy and of Greece," they came to designate more generally "the original inhabitants of a country" (*Oxford English Dictionary*). The word Aboriginality is chosen here, despite not being very commonly used to designate the Indigenous inhabitants of the Americas, in order to highlight the search for origins that the Americas came to incarnate for the Europeans. It represents a *certain* relationship to otherness: both a radical and original otherness. For Europeans, it is of course associated with "savagery," but this is misleading. What is significant for social contract theorists, in their use of Indigenous American populations as illustrative of the state of nature, is not their barbarism, violence, or indeed their "savagery." Instead, what is relevant is their double originality: the contrast in lifestyle they offer to Europeans (*original* as strange and foreign), and the window upon the origins of mankind they supposedly provide (*original* as prior and primordial). The Americas seen through the veil of the Aboriginal imaginary provide both puzzling novelty, and faithfulness to the origins. The anachronistic word 'Aboriginality' is chosen in order to encapsulate this equivocation, while still conjuring images of wilderness, uncontrollability, and behaviours impossible to foresee and rationalize.

Both senses of original are essential to the mechanism of the social contract and explain the attraction of the state of nature: original as different and original as primordial. The contrast between Aboriginality and civilization is already visible in the travel literature and the American imaginaries it conveys. Yet America transformed into Aboriginality will take on its full meaning with social contract theories. As we have shown in this chapter, the Aboriginal part of the equation takes precedence over the reality (or rather perceived reality) of the Americas and its inhabitants—reduced to the status of interesting anecdotes—while the Aboriginal imaginary, through the artifice of the state of nature, becomes the cornerstone of modern political thought; the logical foundation for the civil state and *sic*, civilization. This distinction between American imaginaries and a single Aboriginal imaginary is crucial for understanding the subtleties and preconceptions that make possible the idea of

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civilization and "civilizational thinking," which came to dominate the nineteenth and twentieth centuries. This distinction also reveals a different relationship to nature, and sheds new light on the modernity brought about by social contract theorists such as Hobbes and Locke.

Said slightly differently, the transformation of the rich and marvellous American imaginaries into a bare Aboriginal imaginary, through the funnel of the state of nature, is one of the elements making civilization—as a thought, as a self-understanding for Westerners—possible. Aboriginality is the link between the recurrent themes defining American imaginaries and human nature seen through the lens of the state of nature. It finds the non-civil in accounts of the Americas, abstracts them into a state of nature, and then reassigns a particular identity to the natural, the non-civil, Americans, denying them the possibility of modern subjectivity (as will be shown in the fourth chapter). This mechanism is all the more significant in that it operates at the root of any political, social, or legal theory at both the ontological and anthropological level.

Once our modern understanding of the idea of civilization is problematized, and the contrast civilization/Aboriginality highlighted, some of Hobbes's and Locke's comments become particularly telling. Hobbes does not use the term civilization or any of its cognates in *Leviathan* yet, in Hobbes's correspondence, we find eloquent expressions of what Taylor has associated with civility:

> But so far forth as the fancy of man has traced the ways of true philosophy, so far it hath produced *very marvellous effects to the benefit of mankind.* All that is beautiful or defensible in *building*; or marvellous in *engines and instruments of motion*; whatsoever *commodity* men receive from the observations of the heavens, from the description of the earth, from the account of time, from walking on the seas; and whatsoever distinguisheth the *civility of Europe*, from the *barbarity of the American savages*; is the workmanship of fancy, but guided by the precepts of true philosophy (my own emphasis).[49]

While discussing the importance of memory, Hobbes also stresses the importance of progress in building, industry, transportation, and also "the commodity," and their associations with science and true philosophy on the one hand, and fancy on the other. These are seen as "benefiting" humanity, and are understood to be key to the distinction between a "civil" Europe and a "savage" America. For Hobbes, therefore, civility is not just the quality of civil society, the institutions, government, and citizenship logically resulting

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[49] "Answer to Sir William Davenant's Preface before Gondibert" in *The English Works of Thomas Hobbes,* online edition (Hobbes, 1992).

from the social contract; it is also a socio-cultural context, allowing for the development of culture, knowledge, philosophy and science. In *Questions concerning Liberty, Necessity, and Chance*, he denounces the "savage ignorance" of "those men [who] have not, or have not long had laws and commonwealth, from whence proceeds science and civility." [50] Furthermore, the idea of civil life as a comfortable life is taken up in *The Elements of Law*, when describing by contrast "the estate of security" or rather, the lack thereof "nature hath placed us in":

> The estate of hostility and war being such, as thereby nature itself is destroyed, and men kill one another (as we know also that it is, both by the experience of savage nations that live at this day, and by the histories of our ancestors, the old inhabitants of Germany and other now civil countries, where we find the people few and short lived, and *without the ornaments and comforts of life, which by peace and society are usually invented and procured*): he therefore that desireth to live in such an estate, as is the estate of liberty and right of all to all, contradicteth himself. For every man by natural necessity desireth his own good, to which this estate is contrary, wherein we suppose contention between men by nature equal, and able to destroy one another. (§ 12 in Chapter 14; my own emphasis)[51]

Not only does Hobbes insist on the benefits of civility and civil countries, as ornaments and comforts celebrating a certain level of artifice in daily life and surroundings, but also he stresses the rationality of such a civility: a man in his right mind cannot not want it.

Locke, later, would stress the same benefits and commodities as Hobbes. His language, however, is slightly different, insisting upon the "conveniencies" of life.[52] In terms of sheer quantity, availability, or of improved convenience and efficiency, the "comforts" of life seem to be unmistakable signs of civilized lifestyle. Conveniences, "conveniencies" in Locke's older English, is a word particularly suited to illustrate the emerging idea of civilization: it etymologically refers to an agreement, a certain harmony, yet it came to be used for commodities, and more generally "Material arrangements or appliances advantageous to life, personal comfort, ease of work, saving of trouble, etc." It is also "the quality of being personally convenient; ease or absence of trouble in use or action; material advantage or absence of disadvantage; commodity, personal comfort; saving of trouble."[53]

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[50] *The English Works of Thomas Hobbes,* online edition. (Hobbes, 1992)

[51] *The English Works of Thomas Hobbes,* online edition. (Hobbes, 1992)

[52] A search of the full-text philosophical works of Locke shows that the term 'conveniencies' is predominantly used followed by of life. This expression 'conveniencies of life' is recurrent in the *Two Treatises of Government* (14 hits) while hardly ever used in other works. It fits our argument here to see that social contract theory, among Locke's own writings, would be the one concerned with 'conveniencies of life.'

[53] "conveniency, n.". OED Online. March 2012. Oxford University Press. 23 April 2012 <http://www.oed.com.proxy.bib.uottawa.ca/view/Entry/40694?redirectedFrom=conveniency>.

All this lexicon is found repeatedly in Locke's *Treatises of Government,* in contrast to the rough and plain lifestyle of the state of nature, and "Indian" communities exemplary of it. Locke's state of nature leaves the impression on its readers as being essentially "inconvenient," as in mildly disagreeable (by contrast to Hobbes's highly disagreeable state of nature), and also as in missing the "conveniencies of life." Those include "bread, wine, and cloth" (instead of "acorns, water and leaves, or skins,") more efficient land use, the possibility for accumulation and enriching trade (§42). Private property plays a key role in ushering in this era of "conveniences:"

> §41. There cannot be a clearer demonstration of any thing, than several nations of the Americans are of this, who are rich in land, and *poor in all the comforts of life*; whom nature having furnished as liberally as any other people, with the materials of plenty, i.e. a fruitful soil, apt to produce in abundance, what might serve for food, raiment, and delight; yet for want of improving it by labour, have not *one hundredth part of the conveniencies we enjoy*: and a king of a large and fruitful territory there, feeds, lodges, and is clad worse than a day-labourer in England. (Locke, 1988, p. 296; my own emphasis)

This quote also illustrates how burdensome, uncomfortable, and inefficient is natural life: such a lifestyle is not enough to satisfy the modern man; instead, he has a responsibility to build a comfortable life for himself, one with agriculture, money, property and accumulation of land, goods, and "conveniences." The faculties necessary for it are reason and industriousness. By contrast, American populations are still considered idle and passionate. Their inability to fully escape the original, starting position is for Locke a testament of their intrinsic limitations. It is at the same time very convenient for political theorists, who can now find or "discover" living proof of their model for human nature and understanding of Western history. A nineteenth-century professor pithily expresses this convenient instrumentalization of the Americas and its original inhabitants: "Savages are of great use to political philosophers; their condition serves as a sort of zero in the thermometer of civilisation, – a point from which there is a gradual rise towards perfection. They are thus very valuable in hypothetical reasoning."[54]

Locke does not use the term "civility" to characterize the lifestyle and environment in European countries, nor does he use the term "savage" to characterize Indigenous populations. However, he makes use of the newer terminology of "civilize"—through there is no mention of the substantive "civilization" in the *Treatises* (and other writings). In §30, the "Indian who hath killed [a deer]" is contrasted to "those who are counted the *civilized*

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[54] Merivale (1837, p. 87) used as an opening quoted in Buchan & Heath (2006, p. 5).

part of mankind, who have made and multiplied positive laws to determine property" (Locke, 1988, p. 289).[55] In *An Essay concerning Human Understanding*, when discussing natural religion and whether or not the idea of God is innate, Locke gives us "instances of nations where *uncultivated nature* has been left to itself, without the help of letters, and discipline, and the improvements of arts and sciences." Those include "whole nations at the bay of Soldania, in Brazil, and in the Caribbee islands", "amongst whom there was to be found no notion of a God, no religion" and "discovered" by navigation "in these later ages" (Book 1, Ch. 4, §8). Those nations are then discussed in parallel with "more civilized countries" where atheists are to also to be found. Significantly, in terms of religion, the situations remain incommensurable: in the case of "uncultivated nature," it is "whole nations" who ignore religion, in the case of "more civilized countries" it is only some individuals, atheists, who know about but do not share the faith of Christian religion. The same distinction should be kept in mind when discussing the state of nature: some individuals can live like "beasts" at home, or be in a "state of war," however the community itself is held together by contract. In the Americas, it is the whole community which ignores true political systems.[56]

On the one hand, in Hobbes's *Leviathan*, the dynamism of the relation between Aboriginality and civilization is not yet too visible. On the other hand, not even 40 years later with the *Treatises*, the dynamic outlook on civility is much more present. This is a significant difference between the two texts, showing how much civility has shifted towards civilization in just a few decades. This shift is what Hindess refers to as the "developmentalism" of Locke, a sort of proto-evolutionism, a line of linear historical development, with the state of nature at one end and Western Europe at the other:

> (...) [T]he most elementary form of Locke's state of nature occupies a region around one pole, the historical starting point, of a developmental telos which encompasses all sections of humanity. The rather special civil societies of the kind which had emerged in parts of Western Europe are assumed to be located near the other pole. (Hindess, 2007, p. 6)

Such a perspective is not original to Locke, who must have been inspired here by his preferred authors on the Americas, notably Acosta, and it partly explains the relative sophistication of Locke's state of nature in comparison to that of Hobbes. It has the merit

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[55] This passage is highlighted by Tully as well in his chapter on Locke and Aboriginal Rights: "In an even more ethnocentric conclusion, the system of modern states and commercial property is identified with civilization itself—'those who are counted the Civiliz'd part of Manking, who have made and multiplied positive Laws to determine Property'—in explicit contrast to American Indians" (Tully, 1993, p. 164).

[56] *The Philosophical Works and Selected Correspondence of John Locke*, online edition (Locke, 1995).

of acknowledging the diversity of political and social configurations present in the Americas at the time of "discovery." Locke is particularly careful to distinguish for instance between the Empires (Inca and Aztec) and the rest of the continent. It seems that several stages or social configurations are possible within Locke's state of nature: with more or less "advanced" forms of property, solitary lifestyle or social life organized around family or tribe, with or without contracts (meaning here interpersonal contracts, not the original compact), etc. The "inconveniences" pushing an apolitical community towards the original compact can be varied, and one could suppose that the compact is not necessarily linked to one particular stage of development—although it must be noted, that property and the apparition of money are granted a special role, making the need for a common judge and authority the most pressing. Accounts of specific communities in the Americas are then solicited to "describe" one configuration or the other.

This developmentalism and the idea of civilization attached to it are important at many levels: shedding new light on old texts, highlighting critically modern conceptions of history and human nature, and also, filling in a gap in scholarship. This aspect of Locke's work, and even more so of Hobbes's, is often ignored by historians of political thought, or if acknowledged, not really explored nor critiqued as problematic. The developmental framework is characteristic of modern political thought, and indeed, we can find such conceptions of history, and political history, flourishing during the eighteenth and the nineteenth centuries. Locke almost lacked originality on this matter; yet, as Hindess himself insists, this does not lessen the significance of these prejudicial conceptions in the history of political thought; on the contrary, it stresses their relevance to contemporary social sciences self-understanding:

> However, the fact that Locke's developmental history was relatively unsophisticated and had little impact on its subsequent elaborations should not be taken to mean that it plays no significant part in his argument. (...) Developmental assumptions are at the heart of Locke's accounts, both of the state of nature, as Ashcraft notes, and of civil society. The same, or closely related, assumptions pervade the contemporary social sciences, with anthropology and related areas of linguistics providing a number of significant exceptions. (Hindess, 2007, p. 7)

The inconspicuous prevalence of "developmental" perspectives combined with the resistance of the far away/long ago fallacy is also found in the narrower field of political thought, and its history. This may as well explain the relative lack of attention devoted to the state of nature and its epistemological status. Hindess's study of Locke's state of nature suggests that we might not have really overcome this "common prejudice" and that "these

types of developmental assumptions" are not seen as problematic by many practitioners and students of politics (Hindess, 2007, p. 7). We might expect this to not be the case anymore with the rise of post-colonial studies in social sciences and the critical stance it encourages towards Western worldviews and assumptions. However, political theory and the history of political thought as a specialized disciplinary field seem slow to catch up in comparison to other disciplines (anthropology and linguistics for instance). As Hindess explains, following the quotation above:

> This, of course, suggests another reason why the developmental assumptions at work in Locke's arguments have received little critical attention from political theorists and historians of political thought, which is that few of them have seen these assumptions as being in any way problematic. These, or closely related, developmental assumptions also underlie our own conception of civil society, which is rather different from Locke's. Consequently, they play a central role in the geo-political understandings that dominate the contemporary system of states. (Hindess, 2007, p. 7)

Conclusion:

> Finally, like the authors of the travel books contained in his library, Locke not only created his own version of natural man and imposed it on the Amerindian, but, of equal importance, he adopted the commonly held assumption that the state of nature must eventually yield to civil society. (Arneil, 1996, p. 202)

Actually, "must" is the key-word here and is characteristic of modernity and social contract theory. The Renaissance writers and the Scholastics may have believed the "state of nature" should yield to civil society, there was never a necessity in this development and nature and civility were never conceived as mutually exclusive. Indeed, the fact of the Americas were 'proof' that societies could very well maintain themselves in a state of "arrested development." The idea of civilization as a process gains currency only towards the end of the seventeenth century and blooms in the eighteenth century. Hobbes, and even more so Locke, are symptomatic this subtle yet fundamental shift. With social contract theories,

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American imaginaries are demythologized, rationalized and turned into Aboriginal imaginaries. At their heart, they carry the spirit of civilization, and a very particular relationship to difference and otherness, one subsumed under the neologism Aboriginality. Aboriginality offers for these authors the key to human nature, not a standard, unqualified human nature however, but rather a bare, out of history, human nature. This is paradoxical because at the same time, social contract theorists start to conceive of men and mankind as historical, projecting themselves in the future, anticipating, and building something together. The social contract is not just the defining moment of politics and sovereignty, its role and limits; it is too an imperative for human beings to live up to their potential, to come to their reason and refuse old patriarchal models of subjection.

Nature against itself:

With social contract theory, human nature, and nature more broadly speaking, is conceived such that it is paradoxically natural for human beings to overcome their own nature. Human nature is split in two elements, nature (1) indicating the original essence of humanness and nature (2) indicating the (teleological) truth of humanness. These elements may already be found in classical philosophy (in Aristotle notably) but with the social contrast theorists, these two natures oppose themselves rather than complement each other. Nature (1) ought to be negated in order for nature (2) to flourish: this is especially visible in terms of sociability in Hobbes –the natural associability of man is necessarily producing the contract and hence, the civil state. The process is more gradual and subtle in Locke, but nature (2) is also conceived as necessarily prevalent and domineering. Although some natural rights subside, the figure of man (holder of these rights) is irremediably modified.[57] When illustrated with 'real' people, this logic becomes an opposition between Aboriginality and civilization. In order to become 'civilized,' one has to overcome Aboriginality. For indigenous American populations, being bound to Aboriginality gives them an unbecoming status in this logic. They are deemed outside of the 'civilizing' process and unable to overcome their original nature (1). The only way for them to become civil is by stopping to be Aboriginal altogether; this suggests harsh colonization, paternalistic policies aiming towards the always vain and violent project of complete acculturation and transformation of the individuals into Christian Europeans.

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[57] The tension between nature (1) and nature (2) is also perfectly visible within Rousseau's version of the social contract, Rousseau going even as far as introducing the idea of perfectibility to explain the necessary loss of nature (1).

We have here a powerful expression of the humanism Foucault was so worried about: the idea of human nature works as an anthropological premise, supposedly universal. Ingrained in the anthropology of the social contract is a flawed and uneven relationship: rather than a universal abstract bearer of rights, what we have constructed here is a 'civil' man, looking more and more like a 'civilized' man. This would not be as much of a problem, if civilization was universal, but it is far from being the case; the idea of civilization only works in opposition to the non-civilized, what we have coined 'Aboriginality.' Those who find themselves on the wrong side of the equation are irremediably excluded from citizenship, and compelled to leave room for civilization (by either literally ceding ground or by assimilating to the dominant society). This civilization is always that of others of course because their own cannot be seen and recognized; after all, they have been constructed as civilization-less, primordial and irremediably strange. American Indigenous populations are present in social contract theory, but only in order to be denied the status of civility and to stress the inferiority of their own way of life: rather than being part of a racial contract, they are the anti-contract, the living impossibility of the social contract, an exceptional state of nature unable to progress into anything more fulfilling. The old ethnocentric prejudices behind such a theoretical construction may not have survived nowadays, however the framing of civility and the modern subjectivity associated to it persists, it will be explored in the next chapter.

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CHAPTER 4:

ABORIGINALITY IN FOUCAULDIAN GENEALOGIES
GOVERNMENTALITY AND THE IMPOSSIBLE ABORIGINAL SUBJECT

The previous chapters have focussed on an historical investigation of the era following the discovery of the Americas, and of early modern political theories. This investigation was two-fold: first, a general study of Aboriginal imaginaries, and second, an analysis of the participation of seventeenth century social contract theorists within this imaginary, namely Hobbes and Locke. The conclusions drawn, however, are more than historical curiosities, or unconventional readings of canonical authors; they also contribute to our understanding of modern politics. This last chapter focuses on this contribution, showing how the previous case study, Aboriginality in social contract theories, may provide methodological and theoretical insights, underlining the effects of Foucault's approach to the history of political thought and enriching his own analyses of power. Indeed, the impact made by the notion of Aboriginality to the multiple genealogies of ourselves is far from negligible: it allows us to rethink and to nuance the contrast established between biopower and sovereign power, uncovering while doing so a relatively hidden "genealogical fragment" of modern and contemporary "governmentality." Uncovering the role of Aboriginality in this complex genealogy first requires us to come back to Foucault's own analyses of power and subjectification.

Foucault on the Art of "Making Subjects"

In his introduction to *The Foucault Reader*, Paul Rabinow, the editor of the volume, uses Foucault's "schema of three modes of objectification of the subject" as "a convenient means to present briefly the main themes of his work" (Rabinow, 1982, p. 7) In "Afterword: The Subject and Power," Foucault himself operates such a classification and reinterprets his work as "a history of the different modes by which, in our culture, human beings are made subjects" (Foucault, 1982, p. 208). These "three modes of objectification which transform human beings into subjects" are as follows:

o   First, "dividing practices" are "modes of manipulation that combine the mediation of a science (or pseudo-science) and the practice of exclusion—usually in a spatial sense, but always in a social one" (Rabinow, 1984, p. 8).[1]

o   Second, "scientific classification" consists in: "turning human beings into objectified subjects." This mode of objectification is the target characteristic of *The Order of Things*. It is linked to an exploration of discursive practices, their internal coherence and articulations with non-discursive practices, and the discontinuities in their historical deployment.

o   The third mode, "subjectification," is according to Rabinow Foucault's "most original contribution" (Rabinow, 1984, pp. 10-11): "it concerns the 'way a human being turns him- or herself into a subject'." In the third mode, the person herself is active in her own objectification: he/she takes him/herself as an object. Foucault, here, was particularly interested in "those techniques through which the person initiates an active self-formation" (Foucault quoted in Rabinow, 1984, p. 11). This self-formation has a long and complicated genealogy, and Foucault spent the last years of his existence investigating some of its lineages. Sexuality and religion occupies an important place within these investigations but what is commonly associated with the political realm is not ignored: Foucault's conceptual experimentations with biopower, biopolitics, and governmentality are part of this larger genealogical investigation.

Of course, all these modes of objectification are "effectively combined" spreading through diverse historical periods and geographical spaces, yet, they remain "analytically distinguishable" (Rabinow, 1984, p. 11).

Aboriginal imaginaries may easily fit within this classification and produce similar categories—nascent ethnography, as explored by Anthony Pagden in *The Fall of the Natural Man* (Pagden, 1986), can easily be read as this "pseudo-science." The discipline established itself early on as specialist of "otherness," strangeness, and exoticism. By seeking to describe and understand different societies, cultures, and modes of life, it entrenched the very idea of difference and made it its object of study. Anthropology and ethnography, as scholarly enterprises and producers of knowledge, quickly played a pivotal role in colonization. The practice of the discipline was dependent upon the power of the colonizers, making it possible for visitors and observers to access remote populations, their object of study, while its knowledge production was constantly mobilized by the colonizing power and in its

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[1] Please note the order of presentation is different in Foucault's *Afterword*: yet, the categories themselves have been faithfully rephrased by Rabinow. (Foucault, 1982; Rabinow, 1984)

interactions with indigenous populations. In brief, the Aboriginal imaginary, mediated through the "pseudo-sciences" of anthropology and ethnography, can easily be interpreted as a particular mode of objectification of the human being, first of the three mentioned above. In this first category, discursive practices are particularly targeted: they are at the heart of the "dividing practices" and "scientific classification(s)" Foucault identified and denounced in regards to diverse marginalized groups throughout history. However, his studies were more readily focused on "inside" marginality whereas this present study focuses on true "outsiders" (antipodean strangeness, outside of Western boundaries and comfort zones).

Even if Aboriginal imaginaries are quite instrumental to exclusionary discursive practices, their articulation in political thought points towards historical phenomena and continuities that the notion of "discourse" fails to adequately capture. Initially, Taylor's notion of the social imaginary was chosen to provide a more open framework, one which significantly problematized the circulation of ideas and the relationship between mentalities and social theory. This relationship, at this stage of our research, is the one deserving all our attention: from our analyses of Hobbes's and Locke's state of nature, it appears that social contract theory operates a key link between mentalities (as expressed through the success of travel literature and the imaginary it contributed to spreading) and social theory (in this case, a theory of government, legitimacy and sovereignty).

Resituating this particular moment within the history of political thought does not require us to abandon a Foucauldian framework of interpretation. On the contrary, the third mode of enquiry identified by Rabinow, "subjectification," and Foucault's later genealogies prove useful for understanding the role of social contract theory, and of the articulation between state of nature and Aboriginality in this history. The first section of this chapter will focus on contractualism and its treatment in Foucault's own works. It will be argued that Foucault's own work on social contract is too partial, for two main reasons. Firstly, in *"Society Must Be Defended*,*"* he does not pay enough attention to the figure of the savage and associates it too soon with the modern *homo oeconomicus*, symbol of exchange and target of political economy. Secondly, Foucault underestimates more generally the disciplinary and subject-forming capacities of dominant political thought, which he associates with "juridico-political discourses" (Foucault, 1997). The second section of the chapter will follow up on this finding and suggest ways in which the study of Aboriginality can complement Foucault's late work on subjectification and a genealogy of our modern selves.

1   Foucault and Social Contract Theories

In *"Society Must Be Defended,"* Foucault proposes an analysis of historical discourses before and after the French Revolution. He focuses his attention in particular on the work of the eighteenth century aristocrat Boulainvilliers, who is relatively neglected in French canonical historiography, and emphasizes the importance of conflict and war in the unfolding of medieval and classical history. These studies are part of a larger enterprise, aimed at proposing new ways to analyse *power* and politics: an analysis which, at its very inception, boldly inverts Clausewitz's aphorism and thus proposes: "on dirait que la politique, c'est la guerre continuée par d'autres moyens" (Foucault, 1997, p. 16).[2]

a)   *Foucault on Savages and Barbarians*

In his next-to-last lecture, Foucault introduces a distinction, seemingly marginal in his analyses, but quite significant in regards to our own study of Aboriginality: the distinction between savage and barbarian. This distinction, or even opposition, parallels another one, the central topic of his February and March 1976 lectures: the *historico-political* discourse ("discours historique" or "historico-politique") and the *juridico-political* discourse ("discours juridico-politique") (Foucault, 1997, pp. 37-53). The study of the former, the historical discourse will be privileged in his analysis, its origins, its links to the aristocratic reaction of the eighteenth century, and its various transformations and uses as a "tactical instrument" (p. 169), or in other words a "discursive tactic" progressively becoming generalized during and after the Revolutionary period. Foucault's relatively quick dismissal of the juridico-political discourse will be discussed later, as it is to be understood as part of Foucault's overall argument, but also as exemplary of his ambiguous attitude towards (traditional) political philosophy. Within the historical discourse which benefits from Foucault's privileged attention, the distinction between savage and barbarian established during the March 3rd, 1976 lecture shall be our own focus for now. This further analysis allows us to resituate some of our findings about Aboriginality within the framework of Foucault's own conceptual and historical work.

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[2] Translation: "One could say that politics is the continuation of war by other means."

For Foucault, while the figure of savage is articulated by the juridico-political tradition, that of the barbarian belongs to the historico-political reaction. How are these two characters to be distinguished? Foucault explains that their primary difference is found in their relationship to *a* civilization:

> (...) le sauvage il est toujours sauvage dans la sauvagerie, avec d'autres sauvages; dès qu'il est dans un rapport de type social, le sauvage cesse d'être sauvage. En revanche, le barbare est quelqu'un qui ne se comprend et qui ne se caractérise, qui ne peut être défini que par rapport à une civilisation, à l'extérieur de laquelle il se trouve. (...) Il n'y a pas de barbare sans une civilisation qu'il cherche à détruire et à s'approprier. (...) Le barbare, à la différence du sauvage, ne repose pas sur un fond de nature auquel il appartient. *Je crois donc que le premier point, la différence entre le barbare et le sauvage, c'est ce rapport à une civilisation, donc à une histoire préalable, qui est celle de la civilisation qu'il vient incendier.* (Foucault, 1997, p. 174; my own emphasis)[3]

Foucault's comments would seem to indicate that the barbarian is the figure built here in contradistinction with civilization, reproducing an old semantic association. But, looking more closely at the quotation, we can see his position is more nuanced: the barbarian is pitted against *a* particular civilization (therefore civilization in the more modern sense as a numerable substantive, characterizing particular cultural and geographical units): despite being a threat to this civilization, barbarians and civilized share a common history. This is made clearer later in the text when Foucault explains:

> On comprend alors très bien pourquoi le sauvage, même si on lui reconnaît quelques méchancetés et quelques défauts, dans la pensée juridico-anthropologique de nos jours et jusque dans les utopies bucoliques et américaines que l'on trouve maintenant, le sauvage, vous savez, est toujours bon. (…) Le barbare en revanche ne peut pas ne pas être mauvais et méchant, même si on lui reconnaît des qualités. (…) Le barbare surgit sur fonds d'histoire. (Foucault, 1997, pp. 175-176)[4]

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[3] Translation: (…) the savage is always savage in his wilderness, with other savages; as soon as he enters in a rapport of a social nature, the savage ceases to be savage. By contrast, the barbarian is someone who can be understood and characterized, who can be defined only in relation to a civilization, on the outside of which he keeps standing. (…) There is no barbarian without a civilization that he tries to destroy and appropriate. (…) The barbarian, unlike the savage, does not rely on a natural background he would belong to. I thus think that the first point, the difference between barbarian and savage, this is this relation to a civilization, hence a prior history, that of the civilization he comes to burn.

[4] Translation: We understand very well then why, even if we acknowledge in the savage a few vices and a little maliciousness, it remains that, in today's juridico-anthropological thought and even within the bucolic American utopias we still find now, the savage, is, you know, always good. The barbarian, by contrast, cannot be anything but bad and mean, even if we recognize him some qualities. (…) The barbarian emerges out of history.

In this particular sentence, Foucault takes into account the permanence of such moral connotations in contemporary discourses, even those wanting to free themselves from exoticism and social evolutionism: he may be thinking of influent anthropological works of the twentieth century such as those of Marcel Mauss or Margaret Mead which, often tainted by a paternalistic idolatry, more or less explicitly praise 'exotic' populations uncorrupted, respectively, by money or by sexual repression. In

Although Foucault here favours the figure of the noble savage more familiar in French culture, his point is valid for most social contract theorists: even in Hobbes, "savages of America" remain in a state of nature, and thus of state of permanent war, not because of an inherent or special evilness but rather because of their a-historical condition and limited rationality. Rousseau, later on, will provide in his *Second Discourse* one of the most vivid descriptions of the natural man as pure innocence. Barbarians are mentioned when dealing with Europe's own history while "savages" are not historical figures as much as a relatively abstract, permanent and unchanging form of naturalness and un-civility. The barbarian remains a deeply historical figure whereas the savage is always deemed a-historical (echoing a distinctive feature of Aboriginality). Therefore, in light of our own findings and to avoid confusion, the distinction could be reformulated as follows: while the barbarian (or the 'Oriental' for that matter) is defined in contradistinction to *a* civilization, the savage is defined in contradistinction to civilization in general.

In his treatment of the figure of the savage, however, Foucault does not focus on its "naturalness" nor does he investigate the idea of civilization itself. Rather, he quickly, maybe too quickly, associates the figure of the savage to an early incarnation of the *homo oeconomicus*. He distinguishes two sets of connotations associated with this natural man or savage (two words he uses interchangeably): a) "a savage anterior (...) to the social body" for "the jurists and law theorists" and b) a savage as an "ideal element (...) for economists." In Foucault's own words: "le sauvage théorico-juridique, le sauvage sorti des forêts pour contracter et fonder la société, et c'est également le sauvage *homo oeconomicus* qui est voué à l'échange et au troc" (Foucault, 1997, p. 173).[5] Foucault focuses then on the "couple savage-exchange" (the *homo oeconomicus* being a type of abstracted, exchanging, natural man) which, for him, is characteristic of the juridical thought of the eighteenth century and of the anthropological thought of the nineteenth and twentieth centuries. The savage is defined as the "subject of the elementary exchange" as a "trader of rights and goods" (Foucault, 1997, p. 174).

This interpretation of the figure of the savage is actually misleading and demonstrates Foucault's uneven reflexivity when it comes to the vocabulary of otherness. While, of course, he is famous for having critically studied madness, criminality, and other assignations

the more precise context of the 1970s, he may have in mind a notable work by Pierre Clastres *La Société contre l'État* published in 1974, where 'exotic' populations in this case are analysed as untainted by capitalist accumulation and the (modern) state. Barbarism, on the other hand, still nowadays, keeps its reputation of violence and inhumanity.

[5] Translation: The juridico-theoretical savage, the savage exiting the forests in order to contract and found society, is also the savage *homo oeconomicus*, devoted to exchange and barter.

of supposed otherness or abnormality, he makes quite an uncritical use of the vocabulary used to designate non-Western otherness—those who are literally outsiders. The savage of the jurists and law theorists exists well before that of the economists and looking at seventeenth century social contract theory, one can see that what characterises the savage is indeed his inability to exchange: as shown in the previous chapter, for Hobbes or Locke, the "savages of America" are still in a state of nature or close to it, because of their lack of exchanges. A certain lack of rationality for Hobbes would prevent them from projecting themselves in the future; the long-term rationality at the root of the exchange or rather waiving of the natural rights is thus missing. For Locke, the inability to exchange is even more literal: the lack of money, and the ignorance of a form of property which would allow for accumulation and exchanges, are explicitly posited as their main deficiencies. Thus, the two sets of connotations, the "savage anterior to the social body" on one hand and the "couple savage-exchange" on the other, are actually contradictory. The priority accorded to the second type by Foucault is arbitrary and remains unsupported.

His oversight can be retrospectively explained by his overall project: his focus is on war as a condition of the intelligibility of history, and the historico-political discourses. The juridico-political discourses are only dealt with in this set of lectures as a point of contrast, as the tradition against which the historico-political ones are developed. The chronological framing of these two sets of discourses does not fit exactly of course, and Foucault's focus on the later ones leads him to foster the modern period (late eighteenth-nineteenth centuries) rather than the classical one.[6] Similarly, Foucault's understanding of civilization here is modern, one where civilization comes to characterize not so much a general process but

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[6] It should be noted that Foucault devotes a significant number of pages to Hobbes in his 1979 lectures (February 4th 1976). Again, for Foucault, the goal is not an analysis of the juridico-political discourse itself, but rather to avoid a confusion: despite having put forward the hypothesis of war against all, Hobbes does not posit war as a condition of intelligibility of history and should not be associated with the historico-political discourse:

> Il faut d'abord écarter quelques fausses paternités. Et surtout celle de Hobbes. Ce que Hobbes appelle la guerre de tous contre tous n'est aucunement une guerre réelle et historique, mais un jeu de représentations par lequel chacun mesure le danger que chacun représente pour lui, estime la volonté que les autres ont de se battre et jauge le risque que lui-même prendrait s'il avait recours à la force. La souveraineté (…) s'établit non point par un fait de domination belliqueuse, mais au contraire par un calcul qui permet d'éviter la guerre. C'est la non-guerre pour Hobbes qui fonde l'État et lui donne sa forme. (Foucault, 1997, p. 243)

In the passages under study, articulating the figures of the savage and the barbarian, the other social contract theorist he mentions is Rousseau (thus fitting with the later historical period):
« Être rousseauiste, faire appel précisément au sauvage, faire appel au contrat, c'était échapper à tout ce paysage qui était défini par le barbare, son histoire et ses rapports avec la civilisation. » He even experiments with a new epithet for juridico-political discourse: "juridical Rousseauism" (Foucault, 1997, pp. 186-187).

some discrete social and cultural units.[7] This focus on later modernity is all the more surprising considering that the early modern period (*l'âge classique*) was a favoured period of study for Foucault, characterized notably by major discontinuities in the experience of madness (*L'Histoire de la folie à l'âge classique*), the development of human sciences (*Les Mots et les choses*) and the social and penal reactions to criminality (*Surveiller et Punir*).

As we have just seen, this historical shift is certainly linked to the chronological focus of the studies undertaken in *"Society Must Be Defended"* (focussing on modernity itself, the late eighteenth and nineteenth centuries, rather than early modernity); but more importantly, it is also linked to Foucault's own dismissal of traditional political philosophy to understand power and its genealogy. Indeed, even if it should be noted that the study of the savage/barbarian contrast is only a minor point in Foucault's argument here, it remains significant that, in conjunction to other analytical *parti-pris*, this deliberate obfuscation of the original social contract theories of the seventeenth century leads to a very partial understanding of the juridico-political theories of power and politics.

b)   Foucault's Underestimation of Political Philosophy

Foucault's commentaries on the juridico-political approaches to law and government are not limited to the 1979 lectures. These types of approaches are also studied in other notable works: the juridico-political approaches are associated with his analyses of the contract, and the distinction between law and norm in *Discipline and Punish* as well as what Foucault calls "pouvoir de souveraineté" (sovereign power) in the first volume of his *History of Sexuality*.

> (…) le vieux système que vous trouvez chez les philosophes du XVIIIème siècle, s'articulerait autour du pouvoir comme droit originaire que l'on cède, constitutif de la souveraineté, et avec le contrat comme matrice du pouvoir politique. (Foucault, 1997, p. 17)[8]

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[7] See comments on the history of the term "civilization" in Chapters 2 and 3.

[8] Translation: (...) the old system found in the texts of the eighteenth century philosophers would be articulated around power, as an original right that we give up, constitutive of sovereignty, and contract, as the matrix of political power.

Contract in <u>Discipline and Punish</u>

In *Discipline and Punish*, Foucault comments on the idea of contract in passing, to contrast the old logic of sovereignty and its pendant, the contracting subject, to more modern expressions of power, panopticism and normalization. In the chapter entitled "Panopticism," when explaining "the panoptic modality of power," he examines its relations with "the great juridico-political structures of society": relations immediately posited as ambiguous, neither "dependent" nor "independent." These juridico-political structures are actually analyzed as a cover up for the more insidious mechanisms of "micro-power"; in his own words, disciplinary mechanisms are "the dark side" of "the establishment of an explicit, coded, and formally egalitarian juridical framework, made possible by the organization of a parliamentary, representative regime" (Foucault, 1975, p. 258; Rabinow, 1984, p. 211 for translation). The social contract, its idea or abstract possibility (as in a Rawlsian version of liberalism), is at the heart of these juridico-political structures for Foucault; however, it fails to account for the reality of power: "The contract may have been regarded as the ideal foundation of law and political power; panopticism constituted the technique, universally widespread, of coercion." A sharp opposition is thus drawn between the "effective mechanisms" of panopticism (and discipline) to the "formal framework" of the juridico-political structures. (Foucault, 1975, p. 258; Rabinow, 1984, p. 211 for translation)

Foucault, then, makes the deliberate and logical choice to focus his enquiries not on the formal cover-up but on the true locations of power: in this case the body of the criminal, the disciplines applied, and the mechanism of the examination ("*enquête*"). However, this dismissal of the juridico-political structures is to be regretted, as their possible use as a cover-up does not deny their own efficiency as an ideological or at least immaterial mechanism of power. On the contrary, in earlier works such as *L'Histoire de la folie à l'âge classique*, Foucault focused his attention on this very type of discourse, the shifts of which they were symptomatic, and their embeddedness in historical practices. In *Discipline and Punish,* however, it seems that Foucault retains a somewhat Marxist interpretation of liberal democracy, extended to the whole philosophico-juridical apparatus at its source: law and the system of rights (*droit*) is an abstract juridical edifice (echoing the Marxist idea of formal equality) whose artificial existence is to be contrasted to the daily reality of disciplinary practices in the mental institutions, in the prisons, and in the factories (real inequalities).[9] Logically, the concrete expressions of power found in the disciplinary relationships are then

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[9] It is interesting to note that in this particular passage of the book, among the few external sources referenced is Marx' *Kapital* Vol 1, Chapter 13.

given more attention and scrutiny. Yet this conception of law, of its relations to institutions and theoretical discourses, will become more complicated and progressively modified in later works, participating in a distinctively positive conception of power. Power and its articulation to law is discussed again in the first volume of the *History of Sexuality,* yet a similar dismissal of modern political and juridical thought is operated there as well.

Sovereignty and Biopower

One of the concepts, theorized and popularized by Foucault if not invented, is that of biopower, one of his conceptual tools with the most success in political science. In the *Will to Knowledge* (Volume 1 in *The History of Sexuality*) and in "*Society Must Be Defended*," Foucault posits "biopower" in contrast to "sovereign power." With a clever play on words, he presents biopower as a "right over life"—"le pouvoir de faire vivre et laisser mourir" (translated literally in English as the power to make live and let die)—while sovereign power is closer to a "right of death"—"faire mourir et laisser vivre" (translated literally in English as the power to make die and let live) (*Cf.* Foucault in Rabinow, 1984, pp. 258-272). Sovereign power is an older expression of power, going back deep into Western feudalism and monarchies. Its theorization, however, coincides with the "juridico-political discourses" of modernity, notably the classical theory of sovereignty, modern and contemporary state theories, and juridical models of analysis based on the notions of law and contract. The key figure is that of the absolute sovereign, as notably theorized by Hobbes, and its conception of power is "deductive" (meaning here that it can be taken away). In contrast, biopower is seen as emerging in the late eighteenth century, and refers to a "productive" form of power. Its concern is not so much the continuity of the sovereign as the biological existence of the population. As an analytical tool, biopower shifts the focus away from juridical systems and formal institutions towards political objectives, strategies, and tactics. This is made explicit in the introductory lecture of *Security, Territory, and Population,* given on January 11, 1978:

> Cette année, je voudrais commencer l'étude de quelque chose que j'avais appelé comme ça, un petit peu en l'air, le bio-pouvoir, c'est-à-dire cette série de phénomènes qui me paraît assez importante, à savoir l'ensemble des mécanismes par lesquels ce qui, dans l'espèce humaine, constitue ses traits biologiques fondamentaux va pouvoir entrer à l'intérieur d'une politique, d'une stratégie politique, d'une stratégie générale de pouvoir, autrement dit comment la société, les sociétés occidentales modernes, à partir du XVIIIème siècle, ont repris en compte le fait biologique fondamental que l'être humain constitue une espèce

humaine. C'est en gros ça que j'appelle, que j'ai appelé, comme ça, le bio-pouvoir. (Foucault, 2004b, p. 3)[10]

This biopower/sovereign power distinction has been challenged by contemporary political theorists and historians, perhaps most famously by Georgio Agamben in *Homo Sacer* (Agamben, 1998).[11] A closer look at Foucault's writings shows that he himself was careful not to establish too sharp a distinction and opposition between the two:

> Une des plus massives transformations du droit politique au XIXe siècle a consisté, je ne dis pas exactement à substituer mais à compléter, ce vieux droit de souveraineté – faire mourir ou laisser vivre – par un autre droit nouveau, *qui ne va pas effacer le premier, mais qui va le pénétrer, le traverser, le modifier,* et qui va être un droit, ou plutôt un pouvoir exactement inverse : pouvoir de "faire" vivre et de "laisser" mourir. (Foucault, 1997, p. 214; my own emphasis)[12]

Yet, as Katia Genel puts it in her essay "Le Biopouvoir chez Foucault et Agamben," although sovereign power and biopower are "knotted together," they remain "heterogenous" for Foucault (Genel, 2004). Agamben argues in *Homo Sacer* that life and power over life was actually at the heart of the idea of sovereignty:

> The present inquiry concerns precisely this hidden point of intersection between the juridico-institutional and the biopolitical models of power. What this work has had to record among its likely conclusions is precisely that the two analyses cannot be separated, and that the inclusion of bare life in the political realm constitutes the original – if concealed – nucleus of sovereign power. (Agamben, 1998, p. 11)

Agamben goes as far back as ancient Roman legal systems to find in the mechanism of ban a form of power over "bare life." Social contract theory, although not as ancient, but still exemplary of the "juridico-political discourses" and hence of the "sovereign" conception of power, also raises the issue of life in the early modern period. Foucault mentions it in his lectures at the *Collège de France*; however, he does not focus his analysis on this particular

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[10] Translation: This year, I would like to start with something I had called like this, a little bit vaguely, biopower, that is, this series of phenomena which appears to me quite important, more precisely, the set of mechanisms through which the fundamental biological traits of the human species are integrated within policy, political strategies, and a general strategy of power, in other words: how society, modern Western societies, from the eighteenth century onwards, have taken into account the fundamental biological fact that human beings make up a human species. This is roughly what I call, what I have called bio-power.

[11] In "Le Biopouvoir chez Foucault et Agamben," Katia Genel contrasts Foucault's biopower, "heterogeneous to the juridical mechanisms characterizing modernity" and Agamben's approach of sovereignty, turning biopower into the "original structure of sovereignty," a relation to life characterizing sovereignty since its origin (Genel, 2004; par. 2).

[12] Translation: One of the largest transformations of political thought in the nineteenth century has consisted in, not exactly substituting but rather completing, this old right of sovereignty—imparting death and letting live—by a new right, which does not erase the first one, but penetrates it, passes through it, modifies it, and which will a be a right or rather a power exactly inverted: the power to impart life and let die.

point, preferring to study technologies of power, and in particular bio-power exerted through disciplines.[13]

Similarly, its introduction of the notion of "governmentality" in later works remains faithful to this deliberate focus on technologies of power and government, rather than government itself and its legitimizing discourses. More precisely, in the case of "governmentality," the use of the neologism is justified by a tactical avoidance of the idea of the state:

> Est-ce-qu'on peut parler de quelque chose comme une 'gouvernementalité,' qui serait à l'état ce que les techniques de ségrégation étaient a la psychiatrie, ce que les techniques de discipline étaient au système pénal, ce que la biopolitique était aux institutions médicales? (Foucault, 2004b, p. 124)[14]

Therefore, even when studying governmentality, we find in Foucault's writings a certain avoidance of traditional political philosophy, in this case to the profit of more specialized field of enquiry such as political economy, theories of the police-state, and macro-management of populations.

This avoidance of traditional political philosophy (including the social contract theorists) is not coincidental or unreflective. Indeed, his insistence on biopower and governmentality to study the traditional objects of political science and theory was linked to his own diagnostic and critique of the contemporary language of power he was exposed to: one that he considered unfit to analyze contemporary uses and deployments of power. His point was not so much to characterize modern modes of governance as biopower but rather to denounce an exaggerated reliance on outdated models of "sovereignty." In his own words: "il faut se débarrasser du modèle du Léviathan" (Foucault, 1982, p. 30) or "il faut bâtir une analytique du pouvoir qui ne prendra plus le droit pour modèle et pour code" (Foucault, 1976, p. 118).[15] This injunction, however, is not to be understood as a revolutionary call to overthrow contemporary Leviathans (one may be hard pressed to identify them) but rather a reminder that we cannot think of today's politics in Hobbesian terms (broadly understood; that is, not specifically absolutism, but rather his conceptual set:

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[13] However, this issue of life already present in the idea of "sovereign power," is worth analyzing further. The life in question here is "civil life" (anticipating the last section of the chapter). In a 1983 interview, Foucault recognizes himself as not having had time for a genealogy of biopower (Foucault in Rabinow, 1984, p. 344).

[14] Translation: Can we talk about such a thing as 'governmentality' which would be to the State what segregation techniques were to psychiatry, what disciplinary techniques were to the correctional system, what biopolitics was to medical institutions?

[15] Translation: We must rid ourselves of the Leviathan model.
We must build an analytics of power which will not take law/right as a model and code.

sovereignty, natural rights, contract or covenant, civil society, authority and legitimacy etc.). Power is not to be overthrown but its negative conception, the "repressive hypothesis" linked to juridico-discursive models, is. The "image of power-law, of power-sovereignty" must be swept away and replaced by a new analytics of power (Foucault, 1976, p. 118).

The place Foucault wants to occupy within the contemporary field of (political) theorists motivates an avowed (though perhaps regrettable) dismissal of canonical Western political philosophy to the profit of authors and practices marginal to or even outside the narrow field of political science and/or theory. Indeed, his work on governmentality and liberalism would lead him toward political economists (the German School of ordo-liberalism) rather than philosophers.

What the previous short analysis of the notion of contract shows us is that Foucault's deliberate focus on techniques of power rather than more ideational components of power leads him to underestimate the disciplinary nature of social contract theories. Similarly, privileging biopower over sovereign power in the analysis of modern forms of power means at least partially overlooking the persistence and continued symbolic power of the "juridico-political discourses" and the type of subjectivity they contribute to, develop, and reinforce. It will be argued that the "tactical" move away from traditional political philosophy and its historiography leads Foucault to overlook some important points of convergence between sovereign power and biopower. First, it will be shown that the idea of civilization developed by sixteenth- and seventeenth-century literature, and its expression within political theory of the time, carries with it important disciplinary potentials. The figure of the "Aboriginal" in all its wildness can be interpreted as raw material, an individual in dire need of discipline(s). Second, one shall not forget that these models of sovereignty are also models of subjectivity; and as Alain Renaut concludes at the end of his survey of social contract theories, this may be their most important and influent characteristic:

> Face à ces transformations du contractualisme, du moins est-il permis de se demander surtout si (…) la référence à l'idée de contrat ne vise pas, plutôt qu'à définir un cadre juridique effectif, à indiquer une valeur partagée, celle selon laquelle la condition de l'homme moderne réside dans le fait d'être destiné à se constituer comme un sujet libre. (Renaut, 1999, p. 349)[16]

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[16] Translation: In light of these transformations of the contractual tradition, one could at least wonder whether the reference to an idea of contract does not aim, instead of defining an actual juridical framework, at indicating a shared value, that according to which the condition of the modern man is

It is all the more important for us as we are touching on the core of Foucault's own approach to power, an approach that cannot be separated from inquiries into diverse modes of subjectivity. Foucault himself, towards the end of his career, sought to retrospectively reinterpret his own work in light of the infamous power-subject duo and the classification proposed by Rabinow and presented above (in terms of three main modes of objectification) is faithful to such a perspective. "Sovereign power" and "juridico-political discourses" have an important contribution to bring to any genealogy of modern subjects. The notion of Aboriginality allows us to bring such a contribution to light.

2   The Impossible Aboriginal Subject

The study proposed in the previous chapters of Aboriginal imaginaries attempted to apply Foucault's toolkit to the field of the history of political thought. This kinship with Foucault's works is not only methodological or epistemological, but it also follows his own concern for subjectivity and the ways "subjects" are made. It is important for Foucault to remember at all times the "two meanings of the word subject: subject to someone else by control and dependence, and tied to his own identity by a conscience or self-knowledge. Both meanings suggest a form of power which subjugates and makes subject to" (Foucault, 1982, p. 212)

Theories of sovereignty, and social contract theories with them, play a key role in this fabrication. As is often recognized, the power-subject duo functions through multiple reciprocal and self-reinforcing mechanisms of feedback. Foucault expresses the co-constitution of power and individual explicitly: "Le pouvoir transite par l'individu qu'il a constitué" (Foucault, 1997, p. 27). The individual in question, more accurately the subject, is not constituted *a priori* but instead is constituted through an "effect of power." This sentence may be misleading, giving the impression that power would be a pre-existing given entity, when the Foucauldian approach refuses to reify power and always insists on defining it as a relationship between individuals. The figure of the subject as secondary to power, or

found in the fact that (s)he is bound to constitute oneself as a free subject. (*Contractualisme* is to be understood broadly here, encompassing both contractualism and contractarianism—the distinction being absent in French.)

rather corollary to power, in Foucault's works, is thus in sharp contrast with the figure of man or mankind in social contract theories, seen as a natural foundational element: the original subject, as a bearer of rights, is the pillar of social contract theories. For this reason, Foucault rejects the juridico-political discourses, among which is Hobbes's *Leviathan*, unable to "grasp material instances of subjection as constitution of subjects."[17] Their inability to grasp the multiple and contradictory aspects of subjectification critically and consciously does not mean, however, that these discourses as such do not participate in these processes and they thus deserve all our attention at this level: juridico-political discourses may be misleading tools to analyse power, as Foucault repeatedly suggests, yet they remain valid objects for a critical analysis of power. Aboriginality, as articulated by social contract theory, is an intellectual *dispositif* of power, founding the "abstract subject" of civil society.

a) *Wilderness and Discipline*

In *Discipline and Punish*, Foucault explains how disciplines constitute a sort of infra-law or even counter-law to the juridical edifice of sovereignty and contract (Foucault, 1975, p. 219). However, both sovereignty and contract exist as intellectual tools to study power and government prior to the disciplines he studies in this work and others. Modern social contract theory dates as far back as the seventeenth century while Foucault's disciplines are said to arise and develop during the eighteenth century. Looking back at the early colonization of the Americas could, however, challenge such a chronological division.

Although colonial practices in the Americas are not the central topic of this study, we can still recognize that, in the case of "Aboriginal" populations as well, the use of discipline (generally understood) is evident—slavery techniques do exert power on bodies and shape individuals into workers. However the level of imposition and violence associated with the conquest and exploitation of South America is such that these practises are outside the realm

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[17] *Cf.* Lecture of January 14th, 1976:

> Saisir l'instance matérielle de l'assujettissement en tant que constitution des sujets, cela serait, si vous voulez, exactement le contraire de ce que Hobbes avait voulu faire dans le *Léviathan*, et, je crois, après tout, tous les juristes, lorsque leur problème est de savoir comment, à partir de la multiplicité des individus et des volontés, il peut se former une volonté ou encore un corps uniques, mais animés par une âme qui serait la souveraineté. […] Plutôt que d'essayer de poser ce problème de l'âme centrale, je crois qu'il faudrait essayer – ce que j'ai essayé de faire – d'étudier les corps périphériques et multiples, ces corps constitués, par les effets de pouvoir, comme sujets.
> (Foucault, 1997, p. 26; quoted in Genel, 2004)

Cf. also Genel, 2004 for an explanation of Foucault's approach of Hobbes in *"Society must be defended"*.

of power and into the one of pure violence. Indeed, it is important to remember that Foucault always establishes a distinction between power and violence: his own works are always concerned primarily with power.[18] Similarly, one disciplinary element seems to be missing in America: the harsh treatment of the native populations was not a long-term efficiency, nor was it normalization. Normalization is intrinsic to discipline for Foucault: this is part of the contrast established by Foucault between law (*droit*, that is in French both law as a system and a system of rights)[19] and norm:

> (...) alors que les systèmes juridiques qualifient les sujets de droit, selon des normes universelles, les disciplines caractérisent, classifient, spécialisent; elles distribuent le long d'une échelle, répartissent autour d'une norme, hiérarchisant les individus les uns par rapport aux autres, et à la limite disqualifient et invalident. (Foucault, 1975, p. 259)

With disciplines, the norm is not any more the rule, the normative standard or expectation set up by the law, but instead a scientific norm: the one established through careful observation of bodies and behaviours, distinguishing normality from abnormality, with statistical tools. The role of disciplines is then to regulate behaviours in order to reform those straying too far from the normal range and bringing them closer to this established normality. The *dispositifs* allowing for observation and disciplining are the same (the prison being Foucault's privileged object of study here) and thus the two processes are both necessary to each other and self-reinforcing:[20] the disciplining of individuals (the criminal for instance) is what allows for careful observation of the population and determination of norms. Establishing the norm and encouraging its respect are simultaneous.

In the case of the Americas, the recurrent acts of violence perpetrated by the colonizers do not follow such logic. In reality, the torture exerted on a widespread basis brings all these practices closer to the old "sovereign" right of death – unchecked unleashing of violence, no concern at all for life and productivity, and slavery techniques leading to a cheap labour force for the extraction of precious metals, though no efforts were made to

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[18] *Cf.* Foucault, 1982, p. 220. Notably: "Obviously the bringing into play of power relations does not exclude the use of violence any more than it does the obtaining of consent; no doubt the exercise of power can never do without one or the other, often both at the same time. But even though consensus and violence are the instruments or the results, they do not constitute the principle or the basic nature of power."

[19] Translating Foucault's use of the term "*droit*" is particularly challenging in English: the distinction between *loi* and *droit* in French does not correspond to the English one between law and right – a subjective right and a system of law are both *droit* (latin *ius*) and Foucault aptly plays on this equivocation. However "droit" never refers to an actual legislation (latin *lex, loi*).

[20] Hence the original French title of the book *Surveiller and punir* which should translate as "Watch and Punish" not "Discipline and Punish."

strengthen and keep this labour force, on the contrary.[21] The literal destruction of the local populations more resembled an exercise of pure domination than that of normalization.

Disciplinary techniques, as understood by Foucault, are thus not to be found in the violent practices of the conquistadores but instead in the dreams of the metropolitan intellectuals and local missionaries, imagining the wonderful process of "civilizing" the wild "savage" or considering themselves as contributing to unprecedented experiments in civilization. This process of civilization, raising "savage adults" as one would raise a child, was one of normalization using disciplinary techniques. The controversy around the system of *encomienda* is quite illustrative of the contrast between "idealized" forms of colonization and actual practices of *conquistadores*. The system was established by the Spanish Crown to organize the exploitation of the native labour force by the colonizers: it was meant as an exchange of services, through which *encomenderos* could use the land, harvest natural resources, and make the local population work for them—the service offered to the Indians being Christianization and "civilization." The *encomenderos* used it as a pure and simple slavery system; clerics (Montesinos first, and Las Casas soon after) denounced this abuse of the system and chastised the masters as "unchristian." If the system of *encomienda* had been used in gentler ways, as intended by the Crown and the Church, it would have been much more "disciplinary" than its crude and inhuman historical application.[22] Disciplinary thinking was thus already present, in its infancy: imagined and practiced by a minority almost as a form of resistance to the local practices of the authorities and private *conquistadores*.

More importantly, what the previous analyses of social contract theories shows, and what Foucault has missed in his diverse accounts of the contractual logic, is that the "discipline" of civility or civilization is itself at the heart of the law. The analytical distinction between the disciplinary link and the contractual link is only operative once we are in a civil state, made of contracting subjects. However, this is not valid for the original contract: the very ability to contract is itself a disciplinary criterion. The figure of the "Aboriginal man" is

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[21] For general historical surveys, see for instance Galeano, 1981; Todorov, 1982. This ambiguity between old "extravagant" and highly destructive expressions of power and "gentler" and protective approaches to colonization, as well as the individual psychologies at stake there, are very beautifully illustrated in *The Mission*. This is also exactly the ambiguity highlighted ironically by Tocqueville in the quotation in exergue of the general introduction of the thesis. Indeed, fitting Foucault's chronology of disciplines, the second mode of colonization will develop during the later colonizing processes in the Americas, to the point of becoming quite dominant, if not in actual relations with native populations, at least within colonial (political and legal) discourses. Residential schools and diverse systems of adoption in operation well into the twentieth century are important examples of disciplinary practices of the type studied by Foucault.

[22] For more information on the *encomienda* system, see Chapter 3 and *Encyclopaedia Universalis* article: http://www.universalis-edu.com/encyclopedie/encomienda/#

one of wildness, a wildness which can easily be transposed in Foucauldian vocabulary, as an exacerbated "un-discipline." This un-discipline is explained on diverse grounds in the travel literature: a romantic refusal to be "tamed" or "domesticated" like Europeans (Montaigne), a limited rationality (Hobbes), or a conjunction of environmental elements arresting development (Locke). What remains constant from the point of view of the social contract is that this persistent un-discipline is to be understood in contrast with the "rational" formation of civil states. This contrast is connected with a certain conception of human nature, one dependent on two complementary and necessary elements: an original nature and its necessary overcoming. Aboriginal imaginaries frame such a conception of human nature on one hand, and look for its (unfulfilled) embodiment in the latest discovered or rediscovered Indigenous populations.

The suggestion made here of the disciplinary nature of the contract, since and even before its inception, has important consequences within a Foucauldian framework of analysis. In opposition to the "Aboriginal," the very idea of a "disciplined body" is linked to a certain idea of civility and civilization, one that is historically situated and at the very heart of the modern conception of the state and its subjects. Civilization and normalization are kindred ideas. We see here than behind Aboriginality hide not only a specific discourse, but also important nodes within a genealogy of modern forms of power and subjectivity.

b) *Genealogy of the Liberal Subject: Finding Room for Aboriginality*

We have focussed so far in this chapter on social contract theories as theories of sovereign power (in contrast to biopower), and as such expanded on what Foucault considered distinctive features of such theories: the model of the contract and the system of law/right. However, this is only one aspect of these theories, as Foucault himself insisted:

> La théorie de la souveraineté entreprend nécessairement de constituer ce que j'appellerai un cycle, le cycle du sujet au sujet, de montrer comment un sujet — entendu comme individu doté, naturellement (ou par nature) de droits, de capacités, etc. — peut et doit devenir sujet, mais entendu cette fois comme élément assujetti dans un rapport de pouvoir. La souveraineté, c'est la théorie qui va du sujet au sujet, qui établit le rapport politique du sujet au sujet.
> (Foucault, 1997, p. 37)[23]

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[23] Translation: The theory of sovereignty necessarily undertakes to constitute a cycle, the cycle from the subject to the subject, to show how a subject—understood here as an individual, naturally (or by

As this quotation shows, a theory of sovereignty for Foucault rests on three key components, corresponding to three cycles: (i) the subject to be subjugated [*le sujet à assujettir*] and the cycle of the subject, (ii) the power to be founded and the cycle of power and powers and, (iii) the fundamental legitimacy which is the general law (understood as rule here) of all laws and the cycle of law. The last two cycles have already been discussed in this chapter; last but not least remains the cycle of the subject.

Faithful to his counter-history of power and politics, Foucault refuses the traditional focus of political theorists on the figure of the sovereign and chooses instead "the making of subjects": "*La fabrication des sujets plutôt que la genèse du souverain : voilà le thème general*" (Foucault, 1997, p. 39).[24] One should not forget, however, that the two approaches are not mutually exclusive. The genesis of the sovereign (in modern political theory) contributes to, and even allows for, the "making" of subjects; not any subjects, but "civil" subjects. The contrast established in *"Society Must Be Defended"* between the respective figures of the "savage" and the "barbarian" already pointed towards this most significant aspect: contract means contracting subjects, and, as we have shown, Foucault mistakenly associated the figure of the savage with that of the "exchanging subject." Moreover, in the idea of discipline, we find already the third mode of objectification studied by Foucault, that of *subjectification* (see Rabinow's classification presented above). What is characteristic about the "un-disciplined" Aboriginal individual for social contract theorists is his inability to objectify himself – the immediacy of Aboriginal lifestyle pitted against the reflexivity of European life is common trope of the literature. Immediacy is an attribute of their naturalness, while (excessive) European reflexivity is a sign of their high level of artificiality. This idea of the "origin" as unreflective would be theorized much more fully by Rousseau,[25] but is already present in Hobbes and Locke's conceptions of human nature.

Foucault associates to the "philosophic-juridical discourses" of sovereignty with a "universal, totalizing and neutral subject" (Foucault, 1997, p. 44). Yet what a closer reading

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nature) bearing rights, capacities, etc.—must and should become a subject, understood this time around, as a subjected element in a relation of power. Sovereignty is the theory which goes from the subject to the subject, which establishes the political relation from subject to subject.

[24] Translation: The fabrication of subjects rather than the genesis of the sovereign, here is my overarching topic.

[25] In Rousseau, the apparition of reflexivity seems to be mostly negative. We can see it at work in the passage from *amour de soi* to *amour propre*: the innocent, self-love, compatible with natural pity, is seen as instinctive and healthy, while *amour propre* appears when one becomes self-aware and worried about one's public image. This self-awareness leads to a construction of the self, where one tries to appear what he/she is not. Reflexivity, and the taking of oneself as an object, seems to be linked to a painful loss of authenticity for Rousseau. (Rousseau, 2008)

of Hobbes and Locke shows is that this type of discourse is not so pure, nor is its subject so abstract. The subject in theories of sovereignty is only universal in potential, through the figurative or literal subsumption or omission of the "natural" pre-subject. The actual subject posited by theories of sovereignty is double, even split: both natural and civil. This internal folding of the self is conceived of as historically necessary, allowing each individual and mankind as a whole to reach their potential, to truly behave as humans. Even if this doubling is theoretically accessible to all (men), it remains that certain peoples are considered incapable of it; definitively for some, or for others, incapable without outside intervention. The distinction between the civil subject (still natural but above its own naturalness) and the natural man (Aboriginal, strange, and original at the same time) echoes a more general distinction between autonomous and dependent subjects. The conception of human nature at the heart of this "philosophic-juridical discourse" is thus fundamental both as an ontological and anthropological premise necessary to the theorization of legitimate sovereignty and as a condition of possibility of domination: in other words, it *constitutes a theoretical technology of power,* one crucial to modern relationships of domination.

Foucault devoted his later works to two main issues, ethics of the self (or government of the self) and liberalism (through the study of governmentality). These works, despite their eclectic set of objects of study—sixteenth century "police state," pastoralism, ascetics and Greek "practices of the self", and political economy—all contribute to a genealogy of modern subjects and focus on processes of subjectification. Highlighting the "Aboriginalism" at the heart of theories of sovereignty not only displaces the place of traditional political theories within Foucault's genealogical map of power but also highlights an important limitation of modern subjectivity: its Western boundaries, boundaries which are not accidental, but rather, fundamental to the very transformation of "subjects" (meaning here "those subjected" as in feudal systems) into political citizens. This reveals an important genealogical line of modern subjectivity, one that studies focused on Euro-centred histories could not uncover. The following paragraphs will explore this genealogical line and replace it among others, giving us a fuller account of governmentality.

In governmentality, we find one of the aspects dear to Foucault, already explored through the notion of discipline: "the conduct of conduct." Whereas the disciplines function through impositions and controls on an individual's body and behaviour, governmentality functions through influence, and self-normalization of the subject's own conduct. This reinforces Foucault's commitment to a positive conception of power—a power that does not impeach or limit; here, power does not physically force but (literally)

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makes you behave in a particular way. This approach of government mirrors his approach of power: "what defines a relationship of power is that it is a mode of action which does not act directly and immediately on others. Instead it acts upon their actions: an action upon an action (...)" (Foucault, 1982, p. 220). Government is similarly used by Foucault in its etymological and historical sense, that of steering (from the Greek κυβερναν, steering a ship or chariot): "[in the sixteenth century] it designated the way in which the conduct of individuals or of groups might be directed: the government of children, of souls, of communities, of families, of the sick (...) To govern in this sense is to structure the possible field of action for others" (Foucault, 1982, p. 221). Following this definition, Aboriginality and its expression through social contract *governs* American populations, *governs* the Aboriginal subject.

Through this approach to government, Foucault simultaneously studies the "liberal governmental reason" and the forms of subjectivities it implies. In *The Birth of Biopolitics*, Foucault defines liberalism, and its offspring neo-liberalism, as the self-limitation (or sparing) of governmental reason (Foucault, 2004a, pp. 23-24). Liberalism and neo-liberalism have to be understood not as theories of the State, even if a limited State, nor as theories of sovereignty: rather they are a theory of the art of governing. For this reason, it is a type of modern governmentality; we could even push the logic further and see it as the paradigmatic expression of governmentality. Foucault uses the idea of governmentality to displace the question of the state, and from this displaced point of view sees liberalism as a fundamentally critical art of government, critical towards the raison d'état, against which it built itself (both besides and in opposition to), but also constantly critical of itself, paradoxically controlling society while constantly limiting its direct action / control upon society:

> [Le libéralisme est] une des formes de la gouvernementalité moderne. Elle se caractérise par le fait que, au lieu de se heurter à des limites formalisées par des juridictions, elle se donne à elle même des limites intrinsèques formulées en termes de véridiction. (Foucault, 2004a, p. 23)[26]

Liberalism, as an art of government, pushes governmentality to its purest expression: having the maximum impact on conduct while minimizing effort and expense; in other words, letting individuals conduct/govern themselves while institutions, discourses, disciplines, and biopolitics continue to shape a fairly restricted field of possibility. This logically leads to

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[26] Translation: Liberalism is one of the forms taken by modern governmentality. It is characterized by the fact that, instead of being contained by limits formalized by jurisdictions, it binds itself intrinsically by limits formulated in terms of truth-saying.

techniques of power calling upon subjectification (third mode of objectification identified earlier). This is made explicit by Nikolas Rose in "Governing "Advanced" Liberal Democracies" in his definition of "advanced liberalism," inspired by Foucault's work on governmentality:

> "Advanced liberal" strategies (...) seek techniques of government that create a distance between the decisions of formal political institutions and other social actors, conceive of these actors in new ways as subjects of responsibility, autonomy and choice, and seek to act upon them through shaping and utilizing their freedom. (Rose, 1996, pp. 53-54)

The aspect of governmentality highlighted in studies of liberalism corresponds to one accepted usage, where governmentality is understood loosely as the "conduct of conducts"; however, in his lecture *Security, Territory, Population,* Foucault also proposes a more precise definition of governmentality:

> Par ce mot de « gouvernementalité » je veux dire trois choses. (1) Par « gouvernement » j'entends l'ensemble constitué par les institutions, les procédures, analyses et réflexions, les calculs et les tactiques qui permettent d'exercer cette forme bien spécifique, quoique très complexe, de pouvoir qui a pour cible principale la population, pour forme majeure de savoir l'économie politique, pour instrument technique essentiel les dispositifs de sécurité. (2) Deuxièmement, par « gouvernementalité », j'entends la tendance, la ligne de force qui, dans tout l'Occident, n'a pas cessé de conduire, et depuis fort longtemps, vers la prééminence de ce type de pouvoir qu'on peut appeler le « gouvernement » sur tous les autres : souveraineté, discipline, et qui a amené, d'une part, le développement de toute une série d'appareils spécifiques de gouvernement et d'autre part, le développement de toute une série de savoirs. (3) Enfin, par « gouvernementalité », je crois qu'il faudrait entendre le processus, ou plutôt le résultat du processus par lequel l'Etat de justice du Moyen Age, devenu aux XVe et XVIe siècles Etat administratif, s'est trouvé peu à peu « gouvernementalisé ». (Foucault, 2004b, pp. 111-112)[27]

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[27] Translation: By this word [of "governmentality"] I mean three things: (1) the ensemble formed by institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its [main] target population, as its principal form of knowledge political economy, and as its essential technical [instrument] apparatuses of security. (2) The tendency [the underlying thread] which, over a long period and throughout the West, has steadily led towards the pre-eminence over all other forms (sovereignty, discipline, etc.) of this type of power which may be termed government, resulting, on the one hand, in the formation of a whole series of specific governmental apparatuses, and, on the other, in the development of a whole complex of *savoirs* (knowledge productions). (3) The process, or rather the result of the process, through which the [justice state] in the Middle-Ages, transformed into an administrative state during the fifteenth and sixteenth centuries, gradually becomes "governmentalized." (Translation adapted from Burchell, Foucault, Gordon, & Miller, 1991, pp. 102-103)

The second line of enquiry fits this study framework more closely: the tendency for government to progressively dominate other forms of power, its modalities and more importantly for us its theorization and the various forms of knowledge accompanying it. Foucault's later works, and in particular the lectures at the *Collège de France* after 1976, are all exploring lines of genealogy contributing to the general understanding of modern governmentality: (i) the management of population emerging from "historico-political discourses" of race and war; (ii) the progressive extension and displacement of Christian pastoralism to society as a whole, (iii) the development of liberalism at the intersections of the development of *police*, a growing critique of raison d'état, and nascent political economy, (iv) disciplinary biopower transforming into security and biopolitics; and (v) the modifications made in Western history to the Greek ethics of the self.

The Aboriginality-civilization duo, and its abstract expression in social contract theories, suggests another line of genealogy, just as necessary to understanding modern governmentality, one going beyond the borders of the Western world and culture. While pastoralism and ascetics always suppose the individuals are potentially able to conduct themselves and are thus attempting to conduct conducts (to play on the redundancy used by Foucault), civilization makes such a relation possible: becoming civilized is indeed becoming able to act upon oneself, to conduct one's own conduct, thus opening up possibilities for others (individuals, institutions, discourses, etc.) to influence our own conducts. The fascination of early modern Westerners with savage America and Aboriginality (as well as wilderness, wild men, and feral children) can be reinterpreted as a fascination with (what is perceived as) the altogether absence of conduct, where welcomed closeness to nature comes with an irremediable lack of distance and control. Aboriginality and travel literature anticipate Hegel's theory of consciousness: according to the master-slave dialectic, self-consciousness is always a step away from naturalness, harmony, and unmediated union with the world. The images and tropes of the travel literature reinforce a perception of Aboriginal life as unmediated. When resituated within Foucault's genealogical enterprise, Aboriginality provides an early problematization of conduct, as both an object and effect of power, but also as condition of possibility for the deployment of government in civil spaces.

What social contract theories then illustrate is a new challenge, breaking with the circularity of their anthropological suppositions: subject and power are created simultaneously. Despite appearances, the contract is not a founding moment, allowing for civil society and therefore "citizenship." Instead, the contract is the formal expression of necessary civilization, the political effect of a certain form of subjectivity, that of the civil

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individual. Social contract theories not only theorize a system of law and sovereignty, but they also theorize a specific individual, whose characteristic is not so much to be abstract or a vector of exchange, but rather to be "disciplined" and able to "conduct" (oneself).

What we see through this research project is that, when civilization and its antithetical counterpart Aboriginality are used as a critical analytical tool, another line of kinship becomes apparent in the genealogy of modern subjectivity. This line of kinship blurs even further the historical and theoretical distinctions between sovereign power and biopower at the level of power, and between diverse modes of objectification at the level of subjectivity. Very early in Western history, the third mode of objectification, that of subjectification is already present (although under-theorized) in the notion of civility or civilization and its operative role in foundational accounts of government. Social contract theories are not just an instance of juridico-political discourses, they also incarnate significant shifts within Western anthropological conceptions, thus opening up a field of possibilities for the emergence of biopower; the sovereign power seems to formally sustain negative conceptions of power, yet through the civil/Aboriginal opposition, these theories do not foreclose the possibilities to think of power positively. In his genealogy of "governmentality," Foucault focuses on management on the inside (police, pastoral guidance, political economy, health, etc.). Social contract theories remind us of the importance of managing the outside, and attempt an abstract repatriation of otherness, radical and irreducible diversity, wilderness and Aboriginality, within the realm of the civil and civilized. At this level, they should not be read as quests for legitimate governments, but as technologies of power.

Conclusion:

In this fourth chapter, we have explored the contribution of Aboriginality to a Foucauldian understanding of politics, power and government. In the first section, we explored Foucault's own interpretation of social contract theory, by showing how he contrasted it to "historico-political discourses" and devoted much of his time, attention, and critical outlook to the latter. His committed defence of a positive conception of power lead him to discard "juridico-political discourses" as over-determined by a negative conception of

power: power as subtraction, the old model of sovereign power. The same can be said about the contrast between the figures of the savage and the barbarian discussed in *"Society Must Be Defended."* Foucault ultimately misunderstands the figure of the savage, associating it too quickly with later economic discourses. He underestimates the discursive significance and the disciplinary potential of "civilization" and its counterparts, whether it is savagery or Aboriginality.

This is linked to his understanding of social contract theories as belonging to outdated and rather simplistic theorizations of power as sovereignty, supposedly ignoring the real ever present and constantly growing forms of micro-power. What the study of Aboriginality highlights is that both conceptions of power, sovereign power and biopower, are made possible by social contract theories. Of course, Aboriginality and its articulation by modern political thought through the artifice of the state of nature, is not a central theme of Hobbes' or Locke's works. Yet its marginal, seemingly anecdotic, presence opens a window on two important and even crucial issues in the history of political thought: first, on a historically and politically situated articulation of otherness, and second, on an intrinsic difficulty of modern political philosophy, its search for human nature and the ambiguous "nature" of the civil subject— simultaneously civilized and the subject of civil society.

This is of import not just for Foucauldian scholarship. The issues, contrasts, and boundaries set in place by modern contractarianism are determinant of our self-understanding as moderns, of our contemporary governmentality, and of our polities' liberal democratic self-legitimation. The casualties in this genealogy of ourselves as Western, modern, and 'civilized' are not just intellectual; Indigenous populations across the globe, and notably in the Americas, have been philosophically denied full subject-hood, and consequently and not surprisingly, full citizenship. This masked exclusion underpins centuries of destruction, and even today's ill-adapted, and far too often inefficient, Indigenous policies.

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CONCLUSION

The "Politically Incorrect" Canons of Political Philosophy:

This project started with one line of interrogation, or rather one puzzle: while social contract theory seems to hold an undisputed place in the history of political thought, and its lasting influence and significance in the university *curricula* cannot be denied, one must also wonder about the selective memory we often adopt when faced with uncomfortable passages of this tradition. This selective memory is hardly specific to our relationship with early modernity, but rather extends throughout the major texts of the tradition. We are similarly uncomfortable when faced with Plato's eugenics in the *Republic*, or Aristotle's defence of natural slavery, to name only the most notorious. While these have been studied as important parts of their arguments, other controversial aspects of their works, such as their incidental defences of the common Ancient Greek practice of infanticide, are often just quickly brushed aside as a historical and cultural oddity, inconsequential to the validity of their argument.[1] In each case, however, the reader is left in an uncomfortable position, one where the authors of the tradition come to resemble an odd family member, loved and respected, but whose language constantly needs editing and explanation. In this situation, the friendly contemporary reader often resorts to tried and proven reflexes: either to consider any openly racist (or sexist, or eugenic, etc.) comment as superficial and hence inconsequential, or to direct one's attention towards more benevolent, friendlier, versions of the same prejudices. Plato's potential *avant guarde* feminism in his depiction of the guardians' lifestyle can then come as a relief and makes us forget, at least temporarily, the eugenics associated with it.

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[1] In *The Republic*, Plato suggests in Book V, while discussing the raising of children among the guardian class, that "the children of inferior parents, or any child of the others that is born defective, they'll hide in a secret and unknown place, as is appropriate." The editor notes "there can be no doubt that Plato is recommending infanticide by exposure of these babies, a practice which was quite common in ancient Greece as a method of birth control [or rather *population* control!]." (Plato, 1992, p. 134) Credit should be given to Karl Popper in his critique of Plato in *The Open Society* for rightfully acknowledging this problematic statement. On the same theme, Aristotle writes in Book VII, s. 16 of *The Politics*, "With regard to the choice between abandoning an infant or rearing it, let there be a law that no cripple child be reared" (Aristotle, 1992, p. 443).

Regarding our own historical period of focus, early modernity, the same uncomfortable situations are bound to arise, triggering too often the same protective reactions. Each sentence of authors like Hobbes and Locke has been dissected, studied, interpreted and reinterpreted for more than four centuries, yet some are quickly dismissed as only circumstantial and/or fraught with the sexism or racism of the time. Among these sentences again and again quoted, taught, learned, and remembered, is the passage from Chapter 13 studied in Chapter Three of this thesis.

> [Referring to the state of nature] It may peradventure be thought there was never such a time nor condition of warre as this; and I believe it was never generally so, over all the world: but there are many places where they live so now. For the savage people in many places of America, except the government of small families, the concord whereof dependeth on naturall lust, have no government at all, and live at this day in that brutish manner, as I said before. Howsoever, it may be perceived what manner of life there would be, where there were no common power to fear, by the manner of life which men that have formerly lived under a peaceful government use to degenerate into a civill warre. (Hobbes, 1968, p. 187)

This quotation is often used to show that the state of nature for Hobbes is not meant as a description of an actual generalized human condition, but rather a condition between states (or "princes" as Hobbes suggests it later) or more famously, as a metaphor for civil war. However, this interpretive strategy requires editing the passage under scrutiny, taking out the uncomfortable, racist, middle-part. Certainly we as "contemporary" political theorists may be ashamed of these comments, because they remind us of the widespread prejudices against indigenous populations circulating in Western thought, from the beginning of literacy up until recently (or even nowadays). But mostly, we like to forget about them, brush them aside, or assume we can separate the wheat from the chaff.

As well, we moderns, historians of political thought or not, sometimes still want to believe in "human nature" and find reassurance in the idea that there are, or at least that there might have been some people more natural than others. Hobbes's treatment of savages then seems harsh but likely redeemable, and we can always find refuge in Rousseau's *natural man*, so close to the popular and seemingly innocent image of the *noble savage*: the more benevolent prejudices can be praised as an ode to human nature, a valorization of difference, a call towards authenticity. But this way out is illusory: it consists only in replacing one prejudice with another, and it remains imprisoned in a biased and irremediably

ethnocentric conception of otherness, one belonging to the long-lasting traditions of exoticism and primitivism.[2]

The present project took an alternative stance, refusing to "buy into" any association of nature and Indigeneity and arguing that the recurrent and traditional prejudices echoed in the history of political thought should be faced without irony, and taken very seriously indeed. Analyzing and denouncing Western ethnocentric or racist prejudices is not new in political science; a whole area of study, post-colonialism, developed around such critical analyses of Western texts and practices past and present. However, a gap seems to remain between these practices in contemporary political theory and the way we read and forgive our canonical authors. In a way, historians of political thought seem much more forgiving of our canonical authors than our political scientists or theorists are in regards to our own politicians and administrators. In contrast with these forgiving tendencies, this study wagered that, if we focus on these "little prejudices," we may end up with an original picture of the social contract, one that situates it historically, not within European history as is usually the case—but within world history.

Aboriginality, a Blind Spot in Political Theory:

The challenge is then to figure out which methodological and epistemological stance to adopt, how does one study "little prejudices"? Guidelines for such an enquiry are hard to find in the traditional history of political thought. Instead, contemporary critical theories, feminist or race studies, may seem to provide a better avenue, having themselves specialized in small and big prejudices. As a potential source of inspiration, two major works come to mind: Carole Pateman's *The Sexual Contract* (Pateman, 1988) and Charles Mill's *The Racial Contract* (Mills, 1997), which have been seminal in bridging the gap between feminist or post-colonial studies and the historiography of social contract theory. However, as explained in Chapter Three, their critical analyses of social contract theory have focussed on the intermingling of diverse forms of domination, and the crucial role played by social contract theory in reinforcing old dominations. The perspective chosen in this thesis was different: not that of domination, but rather a discursive and genealogical perspective, in the footsteps of Foucault's own works.

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[2] For a detailed discussion of exoticism and primitivism in Western intellectual and literary traditions, see for instance Todorov's works, and also those of Lestringant. (Fléchet, 2007; Lestringant, 1994, 2007; Todorov, 1989)

In reality, the epistemological and methodological stance adopted in this dissertation was closer to that chosen by Wendy Brown in her early work *Manhood and Politics: A Feminist Reading in Political Theory* (Brown, 1988). In her introduction "Politics, Manhood, and Political Theory," she describes her project as less of a critique and more of a "rereading of past political theories for the light they shed upon a newly discovered problem [the relation manhood-politics]," insisting that "the challenge that strikes at the heart of all past political constructions is that the politics men have made by and for themselves is saturated with highly problematic, often dangerous, ideals and practices of manhood" (Brown, 1988, pp. 10, 12). This type of enquiry, for Brown, was not just interesting, instructive, and novel at the time; most importantly, it lead to radical "critical" and "practical" possibilities:

> The radical critical possibility of a feminist perspective on the tradition of political theory thus lies in grasping the ways in which what we know about politics is a politics constructed according to specific notions, practices, and institutions of masculinity. The radical practical possibility emerging from this understanding lies in constructing a politics that is divorced from its historical identification with manhood. (Brown, 1988, pp. 12-13)

Such possibilities have appeared only recently, because the relationship under scrutiny, between manhood and politics, was "beginning to fracture" in the 1970s and 1980s. The "cracking" manhood-politics relation opened up interstitial spaces, providing new vantage points on old (his)stories, including the (his)story of political thought. The other defining relation for politics under attack nowadays, or "cracking" to use Brown's terminology, is the one linking the West to the rest, under all its diverse forms—Orientalism, universalism, ethnocentrism, or racism. Just as feminist studies have contributed to the "cracking" of the manhood-politics relationship, post-colonial studies have also contributed to the "cracking" of the civilization-politics relationship. A new vantage point, an "uninterrogated terrain" (Brown, 1988, p. 12), has thus appeared, for a couple of decades now, and needs to be occupied in the history of political thought. A project analog to Brown's critical rereading of political theory in *Manhood and Politics* was thus undertaken here: instead of manhood and its invisible "other-half," womanhood, it was civilization and its excluded "other-half," Aboriginality, which served as analytical focuses.

Brown's assessment of previous feminist approaches to political theory, in the same work, is also quite relevant and instructive for this research project. She identified in her introduction two main types of *feminist approaches to political theory*. "The first involves examining the ways in which past political theorists have justified their (usually low) regard for women and their exclusion of women from political life" and suffers from several

limitations. It often takes the form of a "chronicle of sexist attitudes," with only a fairly limited critical potential. Moreover, it seldom has much to work with, as it aims at analyzing only explicit, patent statements about women, and does not look for gender "beyond and beneath" utterances (Brown, 1988, pp. 10, 12). Women are often absent from political theory treatises, and when they are present, they are often discussed in an unoriginal, sometimes "foolish" fashion:

> This approach is also beset by its dependence upon what past political theorists actually said about women, and since most theorists devoted their attention to a realm where women had no visible part, few of them said very much. Indeed, what they did say tends to be rather foolish, in the nature of unreflective afterthought or reiteration of the platitudes and attitudes of their epoch. (Brown, 1988, p. 10)

Similar limitations mark the enquiry undertaken here; "savages" and the Americas are not a predominant topic, especially for Hobbes, and often take the form of "afterthought," marginal comments, or illustrations. Even when the topic is covered with more substance, as in Locke, the picture of the Americas that is conveyed remains unoriginal and sub-par compared to the originality and depth of the author's overall philosophy and political theory.[3] The previous chapters have not only analyzed what social contract theorists have said about the Americas, "savages" and natural men, but have also shown how indeed, as Brown suggests in regards to women, social contract theorists have also reproduced "platitudes and attitudes of their epoch" (Brown, 1988, pp. 11-12). Yet it was also important in our study to not only "chronicle" prejudices against the Americas but also to look at their deeper discursive and theoretical implications.

Brown's comments on the second type of feminist approach to political theory are instructive at this level. This type of approach, according to her, asks whether political theory is inherently sexist, or in other words, whether there is potential room for women in politics (Brown, 1988, p. 11). It often shows how a particular theory is rendered incoherent or ineffectual by the addition of "women." However, the critical perspective is also limited because the nature of political life remains unchallenged. Instead, Wendy Brown proposes an "interrogation of the possibly gendered nature of political life itself" (Brown, 1988, p. 12). In a similar vein, this study proposed an "interrogation of the possibly anti-Aboriginal nature of modern political subjectivity." It showed not only that the civil life of social contract theory does not make room for Aboriginality and those deemed Aboriginal inside of it, but

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[3] Similarly, Brown states: "Most political theorists of the past simply did not bring the insight and creativity for which they are renowned to their reflections on the nature and proper place of women." (Brown, 1988, p. 10)

furthermore that it sets its own boundaries through a construction of Aboriginality. The exclusion is more than coincidental or instrumental; it touches at the core of political life and defines the type of citizen-subject constituting it.

It is not surprising that Wendy Brown's "feminist reading of political theory" is also, at times, inspired by a Foucauldian approach to history. This is visible in her introduction even though she refuses to propose a specific identifiable method and entertains a deliberate vagueness in these matters. She states that:

> To begin with, there is simply no "method" to be called upon for this work. Rather, texts must be opened with the question of this relationship [the relationship between manhood and politics] in mind and with a readiness to consider every aspect of these texts potentially relevant to the question: metaphysical, ontological, and polemical constructions; implicit as well as explicit utterances about what women and men are and are not; discussions of the origins and purposes of politics, of constituent elements of politics, of threats to political life and political men, of the relationship politics bears to other realms and activities. (Brown, 1988, p. 13)

The notion of "social imaginary" was used in this thesis to provide this same flexibility, where Aboriginality and civilization gain content through the analysis. This did not mean giving up Foucault's critiques of traditional historiography and insistence on archaeology on one hand and genealogy on the other; an interpretive approach where it is not only the text-object under scrutiny, but also its conditions of possibility, and what is in its proximity (and vice versa); and without losing sight in the end of the contemporary standpoint of historical understanding (Brown, 1988, pp. 13-14).

Brown's methodological comments anticipate her more explicit work on political theory and the challenges it faces nowadays. In an article entitled "At the Edge" (Brown, 2002), she tackles the question addressed to all contributors of a special issue of the journal *Political Theory* and identifies several phenomena recently affecting political theory:

> Political theory, in addition to losing many of its temporary markers in recent decades, has tacitly ceded sovereignty over its own subject matter. This condition, I have suggested, is the consequence of (1) a dissemination of power and politics, a dissemination about which political theory must become erudite and in which it must intervene; (2) political theory's relative failure to be enriched by interpretative and rhetorical techniques developed elsewhere in the humanities and interpretative social sciences; (3) political theory's attenuated relation to the subject of political life understood as the negotiation of power in collectivities; and (4) challenges to theory's intrinsic worth that press it in the direction of applied social science. (Brown, 2002, p. 575)

The first phenomenon, associated with "world history," marks the return of "the traditional outcasts from the political as it has been widely conceived in Western political thought—economics, culture, nature, the bodily, the domestic, the social, the civic, and the local" within the political. "In this return, they dilute the distinctiveness, the hypostasized purity of political theory" (Brown, 2002, p. 560). Indeed, already in early modernity, political theory was hardly pure and its boundaries were fragile. It was enmeshed in the culture and literature of the time. The American imaginaries "colonized" early modern theory through a double intrusion of culture within the not-so-pure realm of political theory. The first intrusion lies in social contract theory being undoubtedly influenced by the cultural environment of the time, rather uncritically and unoriginally reproducing common perceptions of the Americas and its inhabitants. The second, and more important, intrusion is negatively constructed: the state of nature also expresses a desperate search for the outside of culture, a naturalness lost for Europeans and sought after all around the world.

In "At the Edge," Brown also stresses the unavoidable realization that nowadays, everything can be politicized.[4] This, for her, calls for more interdisciplinarity, and also better interpretative methods. More importantly, to avoid the risk of finding itself either diluted in other disciplines or entertaining a conservative isolation, political theory should focus on the "distinction between the politicization of particular relations and endeavours, for example, science or canon formation or sex, and the bearing of this politicization on the political where the latter is understood as the distinct problematic of the values and powers binding collectivities." There is unfortunately at this level a gap between political theory and "intellectual tendencies of the last quarter century." The general trend has been to "politicize everything," considering "political" "any human relations organized by power," making it "inevitable that we would find the political everywhere today-in cultural, familial, economic, and psychosexual relations, and more." Yet, "conventional political theory" clings hard to a more demanding and discriminating conception of the political, "signaled by the distinct problematic of negotiating the powers and values of enduring collectivities." The drawback, however, is that by "delimit[ting] the scope of the political" too narrowly, contemporary political theory "tends not to see the politicalness of many of its own predicates-knowledge, language, kinship, nature, gender, regulatory norms, and more." (Brown, 2002, p. 569)

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[4] "But in the wake of late-twentieth-century thought, especially Foucault, we now know power to be everywhere in the human universe, which means that, quite literally, everything pertaining to human existence can be politicized. Does this make everything pertaining to human existence the subject of political theory?" (Brown, 2002, p. 370)

This diagnostic is all the more valid for the *history* of political thought. The challenges posed to the usual predicates (mentioned above) are often coming from outside the discipline, and if "thinking the political" is to survive as a privileged and discriminate object, increased self-awareness and an intermediary solution must be found:

> What if we were to tack between these perspectives, retaining the emphasis on collectivity while expanding our sense of the reach and operations of power that collectivities harbor and through which collective life can be studied-the complex subjects and subjectivities, the rich range of discourses and practices comprising them? (Brown, 2002, p. 569)

This research project has attempted a similar reformulation, in the narrower field of the history of political thought, which, as a sub-field of political theory, may be even more impermeable to the intellectual trends of politicization mentioned above. In search for this intermediary solution, it has adopted an interdisciplinary stance and examined questions of interpretation as openly as possible. It has highlighted and explained some of the power relations at work behind modern subjectivity and citizenship, a form of "collective life" inseparable from Western modernity. It has explored one genealogical line among many multiple ones, some already analysed by Foucault, hoping to provide a better understanding of the "subjectivities" and "discourses" our "collectivities harbour."

The contribution of this dissertation is thus *three-fold*: first, it provides a critical analysis of canonical texts of political theory from an unusual vantage point (the idea of Aboriginality) and second, it also tests Foucault's own treatment of social contract theory. The third contribution is a consequence of the first two: not only was the study devoted to an original topic in both the traditional field of the history of political thought and Foucauldian scholarship, but also it showed how a Foucauldian approach to the field may be at home with more traditional forms of analysis, providing a renewed critical perspective on old objects of study and recurrent methodological disagreements. After stressing the originality of our project as a contribution to the history of political thought, we will now turn to its contribution to Foucault's analyses of power, subjection, and modernity.

Aboriginality, a Blind Spot in Foucauldian Scholarship.

Foucault, in the first preface to the *History of Madness*, writes:

> On pourrait faire une histoire des limites—de ces gestes obscurs, nécessairement
> oubliés dès qu'accomplis, par lesquels une culture rejette quelque chose qui sera
> pour elle l'Extérieur; et tout au long de son histoire, ce vide creusé, cet espace
> blanc par lequel elle s'isole la désigne tout autant que ses valeurs.
> (Foucault, 2001, p. 189)[5]

Habermas, otherwise very critical of Foucault in the *Philosophical Discourse of Modernity*, uses

this quotation to describe Foucault's project[6] and establishes an interesting list of these limit-

experiences:

> Belonging to these experiences exceeding limits, we find contact with and
> immersion within the oriental world (Schopenhauer), rediscovery of the tragic or,
> more generally, the archaic (Nietzsche), advance in the realm of dreams (Freud)
> and of the archaic taboo (Bataille), and too, exoticism fed by anthropological
> narratives [no author is given here as exemplary].
> (Habermas, 1987)

Indeed, Foucault's project always pointed towards the boundaries and blind spots of

Western culture, yet surprisingly one liminal area remained understudied in Foucauldian

scholarship on one hand, and the history of political thought on the other: the "exoticism

fed by anthropological narratives" at the end of Habermas' list. Foucault himself only

covered this topic briefly, partially, and to some degree even erroneously, as shown in

Chapter Four. This research project shed light on these experiences, and more precisely, on

America as experienced by Westerners in early modernity, and proposed an angle of analysis

for its political and critical analysis. Aboriginality refers back to one of these "obscure

gestures" through which Western political thought establishes itself. The outside it

represents is as instructive as the values it puts forward.

The "anthropologism" denounced by Foucault at the end of *Les Mots et les choses* takes

a very particular shape in seventeenth century political theory: the figure of man is declined

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5 Translation: We could write a history of limits—of these obscure gestures, necessarily forgotten as
soon as completed, through which a culture rejects something that will be its Outside, and all
throughout its history, this emptiness, hollowed, blank, and contributing to its isolation characterizes
[this culture] as much as its values.
[6] It is quite interesting that Habermas is using a partial quotation of Foucault's sentence, omitting
notably the "on pourrait" (conditional tense linked to an undetermined grammatical subject), turning
thus Foucault's project into an ambitious "history of limits" –an history Foucault himself felt relatively
uncertain about. This shift in the quotation may be illustrative of deeper misunderstandings between
the two contemporary authors, but their debate is not the object of our current research. Foucault
actually replaced the preface in later editions of the book.

under the form of the "natural man" and social contract theory becomes the legal and political branch of the "human sciences" studied by Foucault. For this reason, his diagnostic about the figure of man applies even more sharply to the invention of the "natural man:" *"L'homme, une invention dont l'archéologie de notre pensée montre aisément la date récente. Et peut-être la fin prochaine"* (Foucault, 1966, p. 398).[7] The figure of the natural man as that of the American "savage" may have disappeared nowadays but its intellectual framework has not. Foucault's own focus on forms of exclusion "at home" led him to miss an important genealogical line in his own work. Aboriginalism as a mode of subjectification accompanying discipline and biopolitics (actually holding them together) is long-lasting: it entertains the idea that the subject of power is always a civilized subject, relegating the Aboriginal others as pure objects of knowledge or violence.

Future Directions:

In the end, even if Foucault himself sidestepped canonical texts of political thought, Foucault's "tool-kit" can be used against the canons of political thought, including social contract theory. It may lead to a better methodological and epistemological self-awareness in the field and also direct the curious student towards relatively unexplored areas in the field. Political theory or philosophy, particularly its historiography, needs to more explicitly and critically acknowledge its historical reliance on the dichotomy civilization/Aboriginality, and a Foucauldian genealogy is a significant step in this direction. Indeed, Aboriginality affects not only our political self-understanding but also a whole array of past and present government policies. We still often face a dissonance between contemporary attempts at decolonizing Canadian politics and a background in which our understanding of politics and the political subject is itself dependent upon the dichotomy civilization/Aboriginality. Pluralist democracies' self-understanding as open and diverse relies on the dynamic of colonization and a certain understanding of civilization, which cannot escape its counter-part, Aboriginality—even if only imagined and dreamt.

A better understanding of this cultural baggage carried within modern and contemporary democracies is required not only for theorists and historians, but also for

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[7] Translation: Man, an invention of recent date, as shown by the archaeology of our thought. And maybe, a short-lived one.

practitioners, and could prove very helpful to contemporary Aboriginal politics and policies in settler states. In Canada for instance, these policies have been marked for decades by multiple blockages, misunderstandings and failed communication between settler states and First Nations. The overall underprivileged situation of Indigenous populations in Canada is certainly the result of multiple socio-economical obstacles, yet, in dealings with the Federal government and their activism in the court system, discourses on both sides are limited by a conception of modern citizenship, inherently uneasy with Indigenous populations and their history; Indigeneity (the inherited belonging to a population, culture, and society, which pre-existed European settlement) keeps challenging our modern understanding of sovereignty and political subjectivity. The difficulties arising in contemporary politics cannot be overcome without first understanding the historico-political construction of Indigeneity as *Aboriginality*.

The thesis was introduced by a long quotation from Tocqueville who, talking about the settlement of North America, concluded ironically on the behaviour of Americans towards Indigenous populations: "*On ne saurait détruire les hommes en respectant mieux les lois de l'humanité.*" [It is/would be impossible to destroy men with more respect for the laws of humanity]. At the end of this study, we are now better able to make sense of this apparent paradox. Setting up laws for humanity, as the Moderns attempted, cannot be severed from the context of colonial destruction: they are born from it and while setting up rules potentially available to everyone, social contract theories irremediably excluded others deemed "Aboriginal" from this achievement of "civilization."

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