

**Confronting Modernity: “Techno-politics” and the Limits of New
World Empire.**

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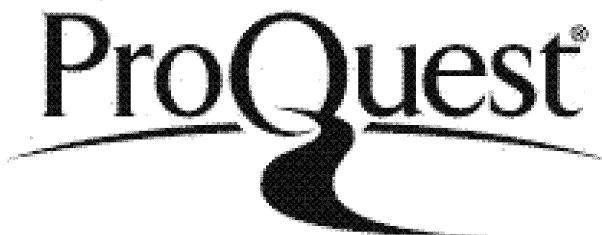


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ABSTRACT

Thesis Title:

Confronting Modernity; “Techno-politics” and the Limits of New World Empire

This thesis explores the relationship between modernity and the expansion of Anglo-American empire in North America in order to provide a theoretical basis for understanding the modern treaty negotiations currently underway in the Province of British Columbia, Canada. Canada, largely because it is a successor state of empire, has been unable to free itself from colonial attitudes and assumptions which continue to inform its negotiating position. In particular, the issue of sovereignty is denied, which frustrates any attempt to build a lasting and positive peace in the international relations of post-colonial British Columbia. In order to understand and overcome this collective failure of the political imagination I have undertaken a theoretical and historical analysis of modern sovereignty and the unlimited expansion of technological civilisation under the protection of the state, which I refer to as “New World Empire. Modern sovereignty and the techno-politics it engenders is the product of the scientific revolution and the “culture of improvement” inaugurated by Francis Bacon in reformation England. Bacon creatively invented the experimental method and its technological applications from his own imaginative reading of the “Christian” tradition and in so doing provided the natural philosophy necessary for Hobbes’ construction of modern sovereignty. Understanding the state as an instrument of power rather than a product of nature inextricably links sovereignty to empire as power accumulation and projection are necessarily interdependent. Drawing on the work of Leo Strauss I have identified three strategies of colonialism which are manifested in the combined practices of liberal assimilation, historicist development and nihilist segregation. Modern empire simply “asserts” sovereignty over territory and unilaterally constructs colonial subjects as allies, wards and captives, as passive objects of administration and control, rather than active subjects in their own right. These colonial prejudices must be deconstructed and rejected in order that the historical institution of treaty, rather than sovereignty, forms the basis for ongoing power sharing arrangement which recognizes “Indians” as equal partners within the larger context of Canadian confederation and international law.

TABLE OF CONTENTS

Title Page	1
Abstract	2
Table of Contents	3
Acknowledgments	4
Introduction	
Ethics: Indians and the Technological Society; Truth and Reconciliation in the International Relations of British Columbia.....	5-33
Chapter 1	
Metaphysics: Bacon and the Origins of Modern Techno-Logos.....	34-79
Chapter 2	
Political Physics: Thomas Hobbes and the Foundation of an Eternal Order.....	80-132
Chapter 3	
Political Theory: Techno-politics and the Three Strategies of Colonialism.....	133-191
Chapter 4	
Political Praxis: Techno-politics and Empire: The Making of the New World Indian.....	192-248
Conclusion	
Ethics: The British Columbia Treaty Negotiations: Repetition, Return and Renewal on the Limits of New World Empire.....	249-286
Bibliography	287-304

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Introduction

Ethics: Indians and the Technological Society; Truth and Reconciliation in the International Relations of British Columbia

Therefore we are buried with him by baptism into death: that like Christ was raised up from the dead by the glory of the Father, even so we also should walk in newness of life.¹

I Romans 6:4

Introduction

Confronting modernity is about confronting the underlying belief system which has allowed the drive to ever greater levels of technological prowess to overshadow and deny any and all alternative visions of ethical and political life. My own experiences with the danger and destructiveness of the excesses of modernity comes from a very personal place on the frontline of this violence and disrespect. For many years I worked with the Treaty 8 Tribal Association and assisted in the efforts of its members to assert their right to exist and to continue a traditional way of life in the face of overwhelming social, economic and political pressure to subordinate themselves to the sovereignty of the Canadian state. This does not mean that the Association was not also interested in participating within the modern life of the local community of which it was also a member, but that the Association continued to invoke a relationship to the land and its resources which was prior to and not derivative of membership within mainstream Canadian social and political life. The Tribal Association insisted on its *diplomatic* status and hence on its government to government relationship to the Crown, in both its provincial and federal manifestations. The Tribal Association related to the Canadian government, not as one of many plural interest groups within the state, but as a governing body itself, entitled to government to government mutual recognition and respect. The Treaty, in this case Treaty 8, established the terms and conditions of co-existence between tribal members and Canadians as equal partners in a process of ongoing negotiations. The relationship between the Tribal Association and the Canadian government was conceived and practiced as an international relationship, although the terms and

conditions of this relationship were and continue to be contested and unresolved, they necessarily generate a point of common origin and reference.

The Thesis itself grew out of my desire to understand the political forces at work behind the confrontation taking place between the Treaty 8 Tribal Association and the provincial government of British Columbia. The escalating confrontation revolved around a dispute over whether or not the Treaty placed limitations upon the free exercise of Canadian sovereignty within the traditional territories recognized by the Treaty. The Tribal Association and the government were locked in a battle over the ownership and control of lands the Association asserted were within the bounds of their traditional territories and thereby subject to the terms and conditions of use as stipulated by the Treaty. The Government denied the Association's claims and yet was compelled to engage in a process of dialogue and consultation in order to determine the facts of the matter within a general framework of law which both sides considered a legitimate source of binding authority. The political conflict was diffused, if not resolved and the contest at no point degenerated into the violence and/or the police action common to other First Nation / Government land clashes which had become a frequent and growing occurrence prior to the establishment of the British Columbia Treaty Commission in 1991. What made the situation of the Tribal Association unique in British Columbia is the fact that the First Nations resident in north-eastern British Columbia, by a simply accident of colonial geography (they resided on the eastern slope of the Rocky Mountain continental divide) had entered into a treaty relationship with the Crown.²

Aside from the Douglas treaties on Vancouver Island, British Columbia's successive governors and premiers have consistently denied the existence of aboriginal title and refused to enter into any form of treaty negotiations and simply managed Indian affairs through the unilateral instrument of the Indian Act.³ As a result, there has been a continual conflict between the Provincial government and First Nations over the "land question" in British Columbia which remains unresolved to this day. The unresolved question is an ethical question over the ownership and control of land and resources which in turn raises questions about Canada's colonial

¹ *The Holy Bible, in the King James Version*, (Nashville.: Thomas Nelson Publishers) 1984, p. 664

² George Brown and Ron Macguire, *Indian Treaties in Historical Perspective*, (Ottawa.: Research Branch, Canada, Department of Indian Affairs, 1979) pp. 40

³ Paul Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849 - 1989*, (Vancouver, UBC Press, 1977)

legacy. Canada as a successor state of empire claims “sovereignty” over Indian territory through nothing other than a self-referential and unilateral assertion of power which is devoid of ethical or political content. How such a thing became possible and how it manages to maintain itself in the face of sustained and uncompromising opposition and resistance must become an immediate source of wonder and amazement to any thinking person capable of even the slightest reflection upon the basic principles of natural justice. Upon analysis it becomes self-evident that the basis of the modern state is not justice, but power. Modern political power is the product of a technological world view which has come to regard questions of justice as irrelevant to the constitution of political community, which is a monstrous denial not only of our human rights, but our very humanity. My own experiences at Treaty 8 have taught me that such a state of affairs is not some fateful dispensation from the Gods which must be passively borne with stoic resignation and acquiescence. Modern sovereignty is not an empirical fact, but an ideological strategy of domination which can be challenged and resisted, both in theory and in practice.

I have titled my thesis “Confronting Modernity; Techno-politics and the Limits of New World Empire” because I wanted to explore the connection between technology, state sovereignty and empire. I believe that modernity is the common thread linking all three which can be examined through a systematic analysis of two key thinkers of the modern age, Francis Bacon and Thomas Hobbes. Bacon and Hobbes inaugurated a revolution in philosophy, both natural and political, upon which modern concepts of nature and human nature have been constructed. Modernity has been defined in many ways, but for the purposes of this thesis it refers to the fundamental belief in the absolute ontological difference between spirit and matter, as formulated by modern thought as the subject/object dichotomy. Because this dualist world view is a descendent of an original Christian metaphysics separating an omniscient and omnipotent creator God from his creation, modernity has often been characterised as “secularised Christianity.” The relationship between modernity and Christianity is often unexplored because modernity is presented as a turn away from religious explanations of the world, as if religion and science, faith and reason were absolutely and fundamentally different and irreconcilable ways of understanding the world.

The separation of reason and faith has allowed the construction of “modern” as the opposite of “traditional” the first being rational and scientific, the second being

tied to custom, religion and even superstition. Francis Bacon's project to reform the sciences and "advance" learning was specifically designed to "purge" natural philosophy from the "idols" of the mind, or the errors of classical philosophy opening up "new" horizons for scientific exploration. Thomas Hobbes rejected the "shifting sands" of custom and tradition in order to build his state on the firm foundations of the "new" sciences. The colonisation of America did not arise out of an empire of conquest and crusade, but in the "discovery" of virgin and vacant lands which would provide the foundation for a whole new world. What links all three is the fundamental belief that the past can be overthrown and jettisoned by a free and spontaneous act of self-generation. The power of the "new" that is the calling card of new world empire in all its incarnations, technological, political and colonial can be found in its faithful replication of the Christian Creator God's original act of auto-poetic genesis *ex nihilo*. The spontaneous and disembodied self as subject occupying an "original" position completely separate and "other" from the object of its power, be that nature in the case of Bacon, human nature, in the case of Hobbes or pre-existing forms of property and ownership in the case of new world empire.

Given the fundamental ontological dualism between subject and object, modernity, far from having escaped its origins in Christian metaphysics remains rooted in these ideological commitments. It is my hope that by tracing and exposing the Christian metaphysics fundamental to modern technological society, its ideological power to dismiss and discredit other so called "traditional" ways of knowing the world will be overcome. Modernity claims its right to ideological dominance in the world based upon its unique discovery of scientific rationalism as a universal method productive of the universal truth. Modernity, therefore empowers a universal empire in which nature, human nature and all human relationships are to be "purged" of their idols and set upon the firm foundations of scientific principle. New world empire in its broadest sense is just such a commitment to total global and perpetual world transformation in the name of infinite progress for "all mankind". When the English planted colonies on the vacant and empty "waste" lands of the colonised, it was not as if they were unaware that these lands were used by the people who occupied them. Waste in the colonial context of new world empire is not about land use, but about efficient and productive land use as a relative measure which can always be improved by the introduction of new methods and techniques. In this sense "modernization" can never be complete and will always presume the domination of

the technologically advanced over the technologically backwards whose relative positions will constantly be replicated and reinforced by the infinite “progress” of technological improvement. As such technological “power” and “superiority” are not neutral instruments, but fundamental political tools of exploitation and expropriation as the successive appropriation of the land and its resources will always be justified by a demonstration of productivity and efficiency in the name of the “general benefit of all mankind”. Defining “waste” whether it be in the use of land, labour or capital is a highly effective ideological strategy which justifies the appropriation of productive resources in the pursuit of the “common good” for which the specific and local good of any given people or place is necessarily subordinated and silenced. If, in the beginning all the world was America⁴, then the productive power of new world empire has transformed us all into Indians.

The Indian Problem and the Legacy of Colonialism

New world empire is constructed as an overarching metaphor to describe a political process through which natural men (Indians) become citizens through the civilisation process. The term Indian signifies a conceptual category in use since the time of Columbus which beautifully illustrates the combination of ignorance and arrogance typical of European encounters with their “new world.” Indian, is a colonial term of European origins which has nothing to do with actual existing Indian communities and everything to do with European prejudice and imperial aspiration. As this is not a work of anthropology, nothing about the Indian way of life or Indian experience of colonialism is attempted or envisioned as the subject matter under investigation or analysis in this thesis. Instead, the focus of my inquiry is new world empire as a social and political theory and practice and the strategies of colonialism it engenders. Although all of the great powers of early modern Europe, the Spanish, the French, the Dutch and the English were all involved in the colonisation of North America, it was English social, political and economic institutions that came to dominate the continent. The constitutions of both Canada and the United States bear the stamp of their English heritage and although important aspects of Spanish, Dutch and French

⁴ John Locke, (ed.) Charles L Sherman, *Treatise of Civil Government and A Letter Concerning Toleration*, “An Essay Concerning the True Original, Extent and End of Civil Government” (New York.: Irvington Publishers) 1979, Chapter V, p. 32

law remain in effect at the local level, they have nevertheless, been incorporated within and subordinated to, an overarching political and legal framework which is Anglo-American in origin, form and structure. It is the contention of this thesis that Anglo-American empire, because it was a uniquely modern form of empire was inherently different from the empire of crusade and conquest undertaken by the Spanish, or the vast trading empires created by the French and the Dutch.

Anglo-American empire established great plantations like the Spanish and created vast commercial trading networks like the Dutch and the French, but for the English, land itself became a commodity, with important consequences for Indian relations. Within Anglo-American empire, the “Indian” became an important legal fiction legitimating land appropriation through the “consensual” treaty as opposed to the purely coercive practice of conquest. Anglo-American social contract theories of the state produced a system of land surrender through “purchase” as a straightforward and voluntary commercial transaction. The Indian as the original occupant of the land was required to surrender the “use” rights of his “hunting grounds” thereby “opening” the frontier to settlement. The Indian treaty, once based upon the theory and practice of diplomacy became an instrument of colonialism empowering first the Crown and then the Congress to exercise prerogative and monopoly rights over Indians and Indian lands for the “common good.” The Indians, meanwhile had a very different understanding of treaty and have consistently refused to surrender their lands, dissolve their governments and generally “disappear” within the mainstream population as desired by generations of Anglo-American colonisers up to the present day. The resistance of the Indians to the successive strategies of assimilation, development and segregation constitutes the essence of the “Indian problem” as it has come down to us in Canada and the United States. This thesis does not attempt, yet again, to solve the Indian problem, but to undertake a comprehensive genealogical investigation into how the Indian became a problem for new world empire.

Techno-politics and New World Empire

New world empire is the product of a modern conception of politics which is inherently expansionist and colonialist because its ethical/political purpose and intent is to generate infinite and auto-poetic cycles of productivity and power accumulation. Technology as applied to nature becomes the metaphor and model for a theory of

politics applied to human nature. In both natural and social systems, productivity becomes the standard and measure of truth defined as utility in the unlimited pursuit of power accumulation. Method organises the production of instruments and experiments generating unlimited fruits and fertility as a sign and mark of human progress grounded in divine providence. In techno-politics, sovereignty organises the production of laws generating civilised subjects whose desires are harnessed for the collective purposes of self-preservation, commodious living, war and empire.

Techno-politics was originally formulated by Thomas Hobbes in his conception of the commonwealth as a power accumulation machine whose expansion was only limited by its technical ability to project power efficiently and effectively. Hannah Arendt realised that Hobbes' conception of modern sovereignty would be inherently imperialistic because he had:

...realised that acquisition of wealth conceived as a never-ending process can be guaranteed only by the seizure of political power, for the accumulating process must sooner or later force open all existing territorial limits.⁵

Hobbes' techno-politics is empowered by a conception of politics which denies all human plurality and hence all limits to its ultimate total universal expansion. Hobbes, following Bacon's method "purged" the idols of the mind distinguishing man from his fellows and returned him to an "original" condition before the "corruptions" of habit, custom and tradition. Thomas Hobbes imagined the state of nature as a "thought experiment" in which man was stripped of all his social, historical and cultural particulars in order that the base components of civil society could be known in their "natural" state as free and equal atomic individuals. Hobbes' understanding of nature was not the nature of Plato and Aristotle, but of Galileo, Bacon and René Descartes. Man was not naturally a social and political animal tending towards his own perfection or beatitude, but a body in motion, restlessly striving for power after power, seeking only his own self-preservation. Once the basis physics of the human condition were demonstrated and known, the state could then be rebuilt upon a social contract that constructed the political problem as a technical problem; natural men could be transformed and remade into civilised subjects.

New world empire is more a process than a place because it aims at the creation of a "new" world out of the destruction of the old. Embodied in the concept

⁵ Hannah Arendt, *The Origins of Totalitarianism*, (New York.: Harcourt Brace, 1976) p. 146

of infinite progress is a linear temporal dimension that is limitless by definition. Bacon's revolution in science saw a whole new age of man made possible by unlimited technological progress in which whole new horizons of power and productivity would be channeled and harnessed to the relief of man's estate. Bacon's new program to advance the arts and sciences was specifically designed to have practical application in the world of politics and economics. Bacon as well as his student, Thomas Hobbes was deeply involved in colonial projects and both had investments in the Virginia Company.⁶ When new world empire reached the shores of the new world, the English simply continued their practices of "planting colonies" in Massachusetts and Virginia which they had developed in colonising their own Celtic fringe. Central to English colonisation was the redistribution of land ownership and control from traditional or tribal forms held communally to individual estates of private property guaranteed by the title deed, owned and controlled by the gentry elite.

The very same culture of improvement which saw English peasants lose their rights to the commons through enclosure, saw first the Irish and then the Indians lose their traditional lands on the basis that they were "vacant" and "empty". In all three cases, traditional land use customs and practices were ignored or denied because they did not conform to the new and modern principle of ever increasing technological advance or improvement which alone could conform to "modern" English definitions of rational and industrious use. As their lands are appropriated, the people of new world empire are subjected to a civilising process designed to transform them from their wild and savage ways to the passive obedience of productive subjects. Within Hobbes' original formulation of art completing nature, the three main components of the civilisation process can be found. First man must be stripped of his particularity and returned to a past or original state of nature wherein he can be assimilated as an identical body, free and equal to all other bodies. Second, the base components of civil society are impressed with their new form, their reason cultivated and developed by a process of civil education ordering the differentiated parts to the whole. Lastly, those which cannot be assimilated are segregated either inside the state as criminals or outside the state as enemies.⁷

All three strategies of colonialism are present in Hobbes' original formulation

⁶ Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant* (Cambridge.: Cambridge University Press 1999), p. 128

⁷ All three of these themes, as developed by Hobbes in *Leviathan*, will be subject to comprehensive

of political science waiting to be developed into full blown political theories in their own right over the course of two centuries of actual colonial practice. New world empire deploys the successive strategies of colonialism identified as assimilation, development and segregation in order to civilise the Indian and appropriate his lands in the name of a general benefit to all mankind. The Indian, as the primitive “natural” man serves as an important point of origin and contrast for European philosophers trying to define and differentiate their own “enlightenment” project from all other “traditional” forms of civilisation. As the practices of colonialism evolve on the ground they are taken up and reflected in modern political theory as it develops during the course of liberal revolution and conservative reaction in continental Europe. Leo Strauss has identified Hobbes as the beginning of a modern political project which transformed the history of western civilisation by rejecting the classics in preference for a new technological model of nature produced by the scientific revolution of 16th and 17th centuries.⁸ According to Strauss, the modern political project is inherently unstable and basically implodes upon its own foundations as the original liberalism of Hobbes and Locke gives way to the historicism of Rousseau, Hegel and Marx only to collapse into nihilism under the destructive hammer of Friedrich Nietzsche.⁹ Strauss’ analysis of modern political theory is useful because it demonstrates the underlying technological dynamic at work in modern political theory which unifies the three different waves, so that they may be understood as a continuation of a single political project, rather than radically different and incommensurable political paradigms.

A unifying and holistic approach is needed to understand the three strategies of colonialism as they unfolded in the new world, not as separate and unrelated ad hoc practices, but as inter-related policies that naturally followed upon each other given their underlying ideological commitment to a technological world view. The technological world view insists that all nature and human nature is fundamentally identical and that all differences can be erased through the skilful application of force. The natural man can be remade into the civilised subject through the rational application of force. Force is therefore applied in order to strip the Indians of their superficial differences and return them to their natural and original state in order that

analysis in Chapter 2

⁸ Leo Strauss, “The Three Waves of Modernity”, in *An Introduction to Political Philosophy, Ten Essays by Leo Strauss*, ed., Hilail Gildin, (Detroit.: Wayne State University Press) 1989 p. 88

they may then be fully assimilated into the body politic. When polices of liberal assimilation fail, the failure is due to an undeveloped reason, a primitive mind, at a lower stage of development. When policies of historicist development fail to bring Indian wards to graduated maturity, the failure is due to an inherently irrational nature. When policies of nihilist segregation fail to capture and contain the irredeemably wild savage, removal and/or systematic genocide becomes the final solution.

Modern political theory, did not emerge in a vacuum, but was inextricably embedded within already existing social and political practices at work in the new world. Present, at least in embryo form, since the time of original settlement in the early 17th century, the practices and policies of new world empire had become self-conscious and systematic by the 18th. By the time of the Revolutionary war in 1776, the newly unified colonies of the United States had consolidated enough power to break free of the British empire, only to replicated the same strategies of colonialism as it expanded created its own empire across the vast interior lands of continental North America. The 19th century saw the height of empire both in North America and around the world as the European “great powers” colonised the globe in pursuit of power, profit and eternal imperial glory. The development of modern political philosophy was deeply implicated in the social and political theory and practice of empire and cannot be understood without reference to the broader historical context of which it was a product. Modern political theory and its obsession with the progressive emancipation of “natural” cannot be de-coupled from the colonial context. Modern political theory is colonial as it embodies and manifests the very universal and relentless expansion of techno-politics and new world empire which has “progressively” enveloped the globe and literally created the modern world system of sovereign nation-states.

All three waves of modern political theory have their origin in techno-politics which is why the strategies of assimilation, development and segregation are present in the Anglo-American colonial practices before they are used as empirical fodder for later European political philosophers trying to understand the rapid transformation of their own “traditional” societies in the 18th and 19th centuries. New world empire is not a geographical designation, but a modern political process premised on the

⁹ Ibid, pp. 81 - 98

creation of a “new” world out of the destruction of the old. It originates in a technological approach to politics pioneered by Thomas Hobbes as a solution to the instability engendered by the English civil war. Hobbes constructed techno-politics on the firm foundations of Bacon’s empirical method and Bacon constructed empirical method on the firm foundations of the Christian faith.¹⁰ Bacon believed that by dedicating himself to a life of Christian charity, all of nature’s secrets would be revealed ushering in a whole new epoch of human history. Scientific method, modern sovereignty and new world empire are all three universal machines, producing universal processes for a universal subject. Modernity is the technological project to “wipe away” the errors and limitations of the past and open up a whole new era of infinite progress for the use and benefit of all mankind.

Confronting Modernity with the Limits of Treaty

This thesis is about confronting modernity at the global level of modern metaphysics, but for the practical and local purpose of understanding the forces at play in the modern treaty process currently underway in British Columbia, Canada. New world empire and the enduring polices of assimilation, development and segregation are still informing government negotiation and blocking the road to building positive peace between Indians and British Columbians. Technology and techno-politics, as means and not ends, are of the realm of particularity and as such can admit of no boundaries and/or limits. New world empire, as a highly mobile and open-ended frontier, swept through the British Atlantic, Continental America and Canada to arrive on the outer extreme of the pacific north west coast where it has reached its geographical limit in North America, although the same basic strategies can be found further a field in white settler societies such as Australia, New Zealand and even parts of Africa. Instruments and techniques can only create and recreate themselves within the space of infinite temporality until and unless we escape their divine grasp by exposing their all too human limit and origin.

The British Columbia treaty talks cannot be understood as simply a local and isolated event because the “Indian land problem” which they are attempting to “solve” is but the latest incarnation of a colonial process which has been underway for the last

¹⁰ The intimate connection between Christianity and Bacon’s project to reform the sciences is the

400 years. Understanding the modern colonial process is the project and aspiration of this thesis and it begins and ends with the local/global politics of the British Columbia treaty negotiations on the limits of new world empire. The modern nation-state and its foundation myth of the social contract are explicitly rejected by the Indians, challenging the universal pretensions of techno-politics and modern sovereignty thereby exposing the partiality and limits of new world empire. The refusal of the Indians to surrender their lands, dissolve their governments and assimilate themselves within the general population has been the defining characteristics of the “Indian problem” which has frustrated new world colonisers since their arrival in North America. This thesis does not attempt once again to solve the Indian problem, but to undertake a genealogical investigation about how and why the Indian problem emerged for new world empire. Once the Indian problem is deconstructed it becomes possible to see past the Indian, to the Indians with the hope that this may serve as a starting point of negotiations not aimed at domination, but reconciliation.

The Indians may or may not be inside or outside the boundaries of Canadian constitutional law and practice, incorporated or excluded, by the Department of Indian Affairs and its paternalistic policies, but all these issues are subject to negotiation and do not exist in the realm of empirical fact. If Indians are ever to be constructed not as others, but as partners and friends in the post-colonial project to deconstruct sovereignty and reconstruct treaty, they must be subjects rather than merely objects of Canadian Indian policy. The BC treaty negotiation process has opened a space, albeit minuscule and closely veiled/guarded, from which the origins of sovereignty and new world empire may be glimpsed and having been seen, may be understood and transformed. The British Columbia government has finally been forced into treaty talks by an anxious business community fearful of potential losses in the highly profitable resource extraction sector of the provincial economy. Whether or not Indians in British Columbia want to enter into a Treaty relationship given the use and abuse of treaty as an instrument of colonialism remains an open question. As it stands now, the Indians have finally had their inherent right to self-government recognised by Section 35 (1) of the Canadian Constitution and the Supreme Court has finally declared that “aboriginal title” pre-exists the Crown’s “assertion” of sovereignty in

British Columbia.¹¹ Although both the right to inherent self-government and the legal definition of aboriginal title remain subjects of intense negotiation and political contestation, they nevertheless have proven quite powerful tools to wield against the “sovereign” pretensions of the Canadian state.

The courts have unambiguously declared that the reconciliation between Crown sovereignty and aboriginal title must take place, not in the legal domain of sovereign command and obedience, but in the political realm, Chief Justice Lamer calling for “negotiations undertaken in good faith by both parties.”¹² Negotiating in good faith will require a remembrance and a return to the spirit and intent of treaty understood as the co-creation of mutually acceptable forms of power-sharing and conflict resolution in light of the past, but grounded in the present with an eye to the future. Returning to the spirit and intent of treaty is not a step backwards, but a continuation of an alternative path which is and has always been present in the encounter between Indian and British forms of diplomacy. Renewing treaty is not so much a change and transformation as an active remembrance of origins found not in a spontaneous self-generation *ex nihilo*, but in the traditions of a Christian faith and a common law transported and transplanted to an unknown land inhabited by an unknown people. As the heirs of new world empire, Canadians have to ask themselves how much of this original condition has really changed despite all the knowledge and power of our modern progressive technological civilisation? Treaty has always been and still remains an alternative method and a model which can be freely chosen in place of the failed and failing project of modern sovereignty and its oppressive domination / subordination dynamic of force and counter force, power and resistance.

My own experience with the Treaty 8 Tribal Association has demonstrated that Treaty can be used as an effective instrument of conciliation even in situations of extreme volatility and hostility. The living tradition of Treaty provides a common ground upon which both Indians and Canadians have built, and will continue to build, a political relationship founded on something other than collective organisation of violence. While violence, or at least the threat of it, remained an ever-present possibility, both sides nevertheless had a shared understanding, brought about by

¹¹ Christopher McKee, *Treaty Talks in British Columbia: Negotiating a Mutually Beneficial Future*, 2nd Edition, (Vancouver.: UBC Press, 2000) pp. 10 - 11

¹² Chief Justice C.J. Lamer, cited in Thomas Isaac *Aboriginal Law, Cases Materials and Commentary*

many years of experience, that in the end, violence would not resolve the problem. Violence was in fact, counter-productive as it served only to exasperate an already hostile situation, entrench hard-line positions, put retribution and revenge on the agenda and delay any kind of resolution which had to begin, not with violence, but with negotiation. As neither side could effectively destroy the other, nor was this a political goal desired by either side, it became apparent that some form of political framework had to be established as the only practical solution. Before long tribal chiefs and government officials were getting down to the political task of constructing an ongoing processes of consultation and mediation acceptable to the lawyers on both sides and the situation was diffused, if not “resolved.” Despite the conflict, both sides held and continue to hold very differing views about their respective rights to the land, but were nevertheless able to work out a process grounded in long historical precedent established and perpetuated by the Treaty relationship.

The Treaty, as well serving as a basis and framework from within which the two sides could negotiate, the treaty itself forms part of a larger body of law constituting the relationship between Indians and the Crown established in the founding principles of the original imperial relationship. The Treaty relationship as inscribed in and defined by federal law governing Indians and lands reserved to Indians is part of the legal framework in which political leaders, both Indian and Canadian, work toward reconciliation. Ongoing Treaty based consultations and negotiations are the real practical alternatives to the exercise of unilateral sovereign power which is not only illegitimate, but illegal, under the terms of Canada’s constitutional relationship with First Nation peoples. In British Columbia, sovereignty, understood as the monopoly of legitimate violence, cannot sanction police action against the Indians because sovereignty, as understood by modern political theory does not exist in the Treaty relationship which alone defines the political framework in which both partners must act. In the absence of the Treaty relationship, the Crown does not hold sovereignty, but is instead, must take into account the very real presence of “unextinguished” aboriginal title. The Crown remains “burdened” with what Canadian lawyers have come to call pre-existing aboriginal rights within each First Nation’s traditional territories. While “aboriginal title” has never been fully defined by the courts, it nevertheless invests the Indians

with certain communal property rights to do with occupancy and use for “traditional activities” which cannot be unilaterally extinguished by the Crown, accept under the effect of direct legislation and even then only in a specific and established case of overriding “public interest.”¹³

Many aspects of treaty and aboriginal rights remain unresolved in British Columbia and have remained “undefined” by the Canadian Courts and as such do not provide the “secure foundation” upon which the coercive powers of the state could legitimately act. My experience of the Treaty 8 confrontation and its peaceful resolution confirmed that concept of modern state sovereignty impedes rather than furthers an understanding of the “Indian problem” and the “land question” in British Columbia. Put simply, the Crown, in right of Canada, does not hold “sovereignty” over much of the land the Treaty 8 Tribal Association claims as their traditional territories. It was acknowledged, therefore, that the provincial government did not have the unilateral right to use the land and its resources for its own purposes. The oil company’s license to carry out its exploration activities was suspended, until such a time as an agreement could be reached between the Tribal Association, the province and the federal department of Indian Affairs. The topics under discussion included the appointment of a joint management structure to monitor economic activities in the traditional territories, a negotiated distribution of costs and benefits through resource revenue sharing agreements, a shared initiative for capacity building in the fields of research and development as well as a commitment to job training and employment opportunities for the local community.

Key to the success of the process was also the establishment of a permanent consultation process between Indian, federal and provincial levels of government empowered by a dispute resolution mechanism of mutual agreement and consent. The oil company and other third party interests could participate in the negotiations, but decision-making power rested upon a government to government relationship between the Tribal Association and federal government officials. Resolution is not a one off event, but an ongoing process which is why the treaty relationship is based upon reconciliation and accommodation as an ongoing partnership managed sometimes better than others. The ongoing treaty process nevertheless holds the ring in times of conflict, providing the adversaries with a common text reminding them of a shared

¹³ Op cit., Isaac, See especially his discussion of the source and nature of Aboriginal Title, pp. 1 - 12

history, which although it admits of differing interpretations nevertheless forms the basis of a shared conversation, if not always a shared understanding, let alone world view. The Treaty is a common point of reference in a world full of differences allowing the plurality which is human nature a common thread with which to weave their different stories of truth, justice and rights in the public discourse of politics.

Treaty is not a temporary and expedient measure to be used and abused at will by two sides seeking the ultimate destruction of any enemy, a momentary pause between endless and relentless cycles of violence and resistance. Treaty is a sacred agreement undertaken by reasonable and mature human beings who have mutually decided that peaceful co-existence is in their own best interests. Treaty provides a common link to a common world which needs to be valued, nurtured, preserved and renewed by the active engagement of everyone it touches and binds to a common practice. Treaty is not simply a functional instrument of conflict resolution, but contains a spirit and intent of mutual recognition and reconciliation which is passed down in the traditional way from elder to younger throughout the generations, from time immemorial, time out of mind. Treaty does not reduce or erase differences between Indians and Canadians, but creates a history of shared memories and practices within which specific conflicts can be, if not resolved at least moderated and denuded of their more dangerous aspects and consequences.

By honouring and practicing the tradition of treaty it can even be hoped that by building up and sharing a common world, that world will grow and come to extend into other areas of co-operation and co-existence over time. Conflict and co-operation are permanent features of human plurality, both creative and destructive in turn, to be navigated but never fully mapped in the ever-changing realm of human thought and practice. Treaty's importance is its lasting stability and endurance though the flux and change of human relationships in the world. As such it is a conscious political act which is sacred, in itself, because it preserves and nurtures life and prosperity where otherwise there be death and destruction. The Treaty, prevents conflict, but is more than that because peace is more than the simple absence of war. Peace must be built up positively, through the pro-active pursuit of balance, harmony and mutual respect whenever possible as a protection against times of trouble when interests, as they are bound to come into conflict. Many in the modern world do not think a relationship of co-existence, let alone friendship is possible, never mind desirable. Our idolatry of power politics has taught us to regard any desire for accommodation as a sign of

weakness and a threat to our sovereign freedom.

The fantasy of total and absolute self-determination however is impossible because human plurality is a fact of life and as such makes its appearance in every political relationship from the family to the United Nations. Man is neither a beast nor a God, but as a being in-between nature and the divine, must learn to manage his plurality and the plurality of others in a life affirming rather than death defying way. Co-existence and mutual accommodation on the basis of power-sharing remains the stated goal of an alternative vision for a pluralist based politics made possible through the institution of Treaty. Whether or not treaty can be revived as an institution of mediation between Canadians and Indians is of necessity a local problem, but it is a local problem with global interest. Actively working to transform modernity's monologue into a dialogue, is the challenge of our times, and engages political relationships across any number of old and new partners in the co-construction that is world politics. New world empire is alive and well in neo-colonial projects to "modernise" every part of the planet in the name of ever increasing levels of efficiency and productivity. In a world continually held in thrall by infinite circuits of power and productivity technology and techno-politics will make and remake the Indian, both backward to a primordial past, the noble savage of man's mythological origins and forward into the future as the ecological and spiritual salvation of a disenchanted age.

(Re)newal of the Future through (Re)cognition of the Past

In order to understand the contemporary failure of the collective political imagination it is necessary to undertake the long road towards self-understanding which requires coming to terms with the legacy of Canadian colonialism. Canadian colonialism, in turn can only be understood in the context of new world empire and the techno-politics which engendered it. It is my contention that modern politics is a techno-politics because it arises from a metaphysical shift in modernity wherein all knowledge is a type of making and all practice, including politics, is a type of technology.¹⁴ Knowledge, once grounded in the contemplation, or the vision of the

¹⁴ Although techno-politics is my own term for the modern political project, the insight into the modernity as a philosophical turn in which all knowing becomes a type of making is grounded in the political insights found in Leo Strauss, *Natural Right and History*, (Chicago.: University of Chicago

good produced by the desiring soul seeking the ordered cosmos, is now grounded in technology, or action into nature as a form of production in both theory and practice. As such, ethical and political theory and practice are not understood to be the art of wisdom and prudence, respectively, but of the accumulation and expansion of power without limit.

The first half of the thesis is an attempt to understand the origin of modern techno-politics in the metaphysical shift in natural philosophy undertaken by Francis Bacon and applied to politics by Thomas Hobbes. Close examination of both texts will uncover the common technological theme defining them as modern projects in which power and productivity have become the only stand and measure of human thought and action in the world. The first chapter explores Francis Bacon as the father of modern technology through his invention of empirical method as machine reducing knowledge to power in the relief of man's estate. Far from being a secular endeavour, Bacon explicitly invokes Christian metaphors and imagery to found his revolution in ethics and metaphysics which he hoped would transform the sciences and further the "advancement of learning." Method would be the tool which would purge the idols of the mind, impose order and discipline on both man and the raw material of nature generating a never ending cycle of experiments and productive works. Bacon believed that the soul of man was akin to the divine and that this divinity was expressed and made manifest through his ability to will and to act. Man's action into nature, transforming it from its original chaos to its fruitful productivity, literally informed the natural world with order and purpose by impressing form on matter. Bacon knew man to be the instrument of God's will in the world attained by grace manifested through his dedication to Christian charity defined as the active doing of good "works". Science and technology would master and control nature and make her a servant of human desires and human purposes, remaking the world in the divine image. With his new science and his new method man would reverse the errors of the past and bring about a new and heroic age of peace and plenty. Man could reproduce in the future what he had lost in the past and through good works and charity return himself to a new and improved Garden of Eden, bringing Jerusalem down to earth, as God had originally intended.

Press 1953) Stanley Rosen, *Nihilism: A Philosophical Essay* (Indiana.: St. Augustine's Press, 2000, Herbert Marcuse, *One Dimensional Man* (London.: Abacus, 1972 and Hannah Arendt, *The Human Condition*, (Chicago.: University of Chicago Press, 1989.

Thomas Hobbes, skeptical of Bacon's ideals, was nevertheless captivated by his ideas and especially his method. An analysis of modern sovereignty, as formulated by Hobbes in his foundational work, *Leviathan*, is at the theoretical centre of the thesis because it is my contention that it is in and through Hobbes that techno-politics finds its origin and therefore its most definitive expression.¹⁵ Following Bacon's empirical method, Hobbes would bring order to the chaos of human nature and in so doing solve the problem of politics. Hobbes invented modern sovereignty as the machine which would produce an eternal order, based, not upon the shifting sands of custom and tradition, but upon the firm foundations of scientific principle. The Leviathan was not a natural born King, but an artificial man, a machine produced by the social contract in order that men can escape the violence inherent in natural liberty. Hobbes' state of nature was not a real or imagined place or time, but a "thought experiment" in which men could be broken down to their base components, an imaginary "original condition." In the state of nature all men were mere bodies in motion, free and equal atomic individuals confronting each other with the full force of their natural liberty.

Without the coercive sanction of the state to enforce the keeping of covenants, men would be propelled by fear to maximise power in order to secure their own self-preservation. In Hobbes' amoral mechanical universe, there could no longer be a common good, each man's preferences being merely the dictate of his multiple desires, but only a universal evil, violent death.¹⁶ Fear of violent death as well as being universal among men is also the strongest passion of all and therefore the one single unifying principle upon which to found an enduring political order. The war of all against all and the fear of death motivates men to leave the state of nature and enter into civil society wherein their natural liberty would be exchanged for safety and self-preservation. By submitting to the sovereign, law and order is established and the citizen is free to pursue his own passions within the boundaries of the law as set by the will of the sovereign. Technology as applied to nature becomes the metaphor and model for techno-politics as applied to human nature, productivity itself become an end in itself replicated through infinite and auto-poetic cycles of power accumulation

¹⁵ Thomas Hobbes, (ed.) Edwin Curley, *Leviathan*; with selected variants from the Latin Edition of 1688 (Indianapolis/Cambridge.: Hackett Publishing Company, Inc.)

¹⁶ Hobbes use of violent death as the universal evil in the absence of a universal good is a much noted principle of Hobbes' revolution in political theory, See especially Leo Strauss, *The Political Philosophy of Hobbes: Its Basis and its Genesis* (Chicago.: University of Chicago Press, 1952)

and expansion. Method organises the production of instruments and experiments generating unlimited fruits and fertility as a sign and mark of human progress grounded in divine providence. In techno-politics, sovereignty organises the production of laws generating civilised subjects whose desires are channeled into a total social power for the purposes of collective self-preservation, commodious living, war and empire.

In its modern form, sovereignty is and can only be based ultimately on terror (fear of violent death) but terror as an instrument can only be effective as long as it is total and absolute. As nothing temporal can be total and absolute, the power and control of even the most totalitarian state can only be finite. Far from being productive of a stable political order, modern sovereignty leads only to perpetual war, both inside and outside the state, in the endless play of force and counter-force, power and resistance. Hobbes invented modern sovereignty as the solution to the practical problem of politics, hoping to create the foundation of an eternal order that would stand the test of time. It was not long however, before the corrosive element of time began to deconstruct what Hobbes had so carefully built and an alternative first principle was sought first in history, then in culture. The sequential exploration of what can only be described as the implosion of the modern political project into the chaos of contemporary nihilism is then discussed in chapter 3. Drawing on the valuable insights gained through the study of Strauss' "three waves of modernity", I have attempted to map out the progress of new world empire.¹⁷ The basic thesis of Strauss' work is the three main currents of contemporary thought, liberalism, historicism and nihilism are in fact successive manifestations of the same underlying technological imperative to reduce politics to a form of making or production.

Hobbes' critics and successors, for all their innovations seek not to overturn, but to correct and therefore preserve his original formulation of politics as techno-politics, or the application of pleasure and pain in the service of comfortable self-preservation. Subsequent attempts to save the modern project, however, require shifting the ground of rationality and therefore knowledge from nature to history. Reason in Hobbes is not simply given but arises in the state of nature as the product of experience and rests therefore on art and not nature. As the arts and sciences are only possible in a civil society, a civil society must exist before reason or even self-

¹⁷ Op. cit., Leo Strauss in Gildin pp. 81 - 98

consciousness can developed and man becomes not a universal, but an historical being. The internal critique of liberalism reveals that man's reason is not self-determining but is in fact embedded in and limited by the social and historical structures that have produced it. Liberalism gives way before the historical critique as history is shown to produce man and not the other way around. The actualisation of reason through time requires that history be in fact rational, which is a proposition whose truth can only be known at the end of history. If history remains open-ended and uncompleted, evaluation and judgement become suspended, leaving the entire metaphysical structure of liberal progress in jeopardy, hanging on the bare threads of hopeful speculation.

To deny that history has reached its telos while maintaining that man's reason is deeply embedded in, and conditioned by, social and historical location is to abandon the universal for the particular and therefore the scientific grounds of human knowledge. Rather than bemoaning the loss of rationality, nihilism celebrates it as a liberation of the will to power. If all perspectives are partial, man and his claims to knowledge cannot be measured against an external standard and is therefore free (and required) to invent or create his own truth. Human rationality, and the entire history of western political thought which has sustained it, has been exposed as a noble (and not so noble) lie that can and should be abandoned in favour of the poetic imagination. Man still makes his own cultural productions, but these values are constructed self-consciously and brought into being not by reason, but by conviction as a kind of self-willed delusion shored up by the politics of forgetting. Strauss' analysis of the movement from liberalism, to historicism to nihilism serves as a useful starting place for an exploration of techno-politics and new world empire. Techno-politics is a universal and imperial desire to make and remake the world in its own image erasing the idols of custom and tradition in order to subsume a plural humanity within a single overarching framework of thought and action.

Techno-politics is and can only be a colonialist project because it reduces men to objects of manipulation and control upon which the successive strategies of assimilation, development and segregation are deployed in the production of new world empire "for the benefit of all mankind". New world empire is therefore much more than the historically specific policies of Anglo-Americans in their efforts to solve the "Indian problem" as part and parcel of their assertion of sovereignty over North America, although it is this as well. In chapter four an empirical study is

presented to describe and explain the three strategies of colonialism deployed by first the British and then the American empires to make and remake the Indian for the purposes of land and resource appropriation. The ““Indian“ therefore is not, nor was it ever intended to be an accurate representation of actual and existing Indians but was and still is an artificial legal construction designed to serve the purposes of the colonial state. As such the “Indian” is a powerful symbol and illuminating metaphor for the process by which new world empire seeks to effect the transformation of man from his raw and unformed “natural” state to the civilised subject of sovereign power.

More important than the metaphor however are the real world consequences visited upon the Indians as the forces of new world empire broke upon the shores of colonial North American at the dawn of the early modern era. Both the British Atlantic and the Continental American empires assert sovereignty over the Indians and their land in an attempt to produce the Indian according to the techniques of assimilation, development and segregation as predicted by the model of technopolitics developed in the previous chapter. Policies of assimilation include the construction of Indians as allies who can be subordinated as dependent clients with an overarching imperial system, as original possessors of the soil competent to alienate those rights through purchase, and finally as free and equal citizens enfranchised through the institution of private property as communal or tribal territories are dissolved in favour of individual allotments. Policies of development are based upon the construction of the Indian as a primitive whose backward society must be advanced, even if by force, through the normal stages of social and economic progress. Hunting and gathering must give way first to agriculture and then industry as the Indian becomes a ward of state under the guardianship of the great white father.

Debt, dependency and education become useful instruments of compulsion upon the recalcitrant Indian who is forced to sell his land in order to finance the programs of re-education and social engineering designed for his benefit. Finally when the Indian irredeemably demonstrates his failure to adapt, due to some deeply ingrained and insurmountable cultural (or even biological flaw), segregation remains the only answer and the final solution short of genocide. Removal or ethic cleansing is only a temporary measure which must eventually be replaced by the institution of a reservation system in which the civilised can contain and control the barbarian. Simultaneously, the myth of the vanishing Indian comes into being as an apology (in both senses of the word) for the excesses of modernity and as a call to protect and

preserve a lost innocence far removed from the decadence, injustice and corruption of contemporary life. The reified identity of the Indigenous serves as a mirror and reminder of a very different and distant past in which the modern finds his other self, lost, but not quite forgotten in the inevitable and relentless march of progress.

The historical precedents established in both the theory and practice of the British Atlantic and Continental American empires establish the foundations upon which to understand the three strategies of colonialism that have shaped Canadian Indian relations, even before Confederation in 1867. The concluding chapter of the thesis ends therefore as it began in ethical contemplation of the Indian problem as it has once again manifested itself in the legacy of colonialism that is currently frustrating progress in “modern” Treaty negotiations. The conclusion, thus brings the Thesis full circle, back to the beginning, but this time the problem can be approached in its broader colonial context as a contemporary replication of new world empire. Now that new world empire has been exposed, not as an ahistorical and universal necessity, but a particular theory and practice grounded in the Christian metaphysics of technological modernity, the perspective has changed. However remote and unlikely it always remains a possibility that we may be able to lift ourselves out of our ingrained cultural prejudice and this time around do things differently and better. Although the modern treaty negotiations are of the “political moment” they are the end game of a process of colonisation which has its roots both the British Atlantic and the American continental empires. The Canadian state is a product of empire and as such has to deal with its colonial legacy. The Indian problem has been with Canadians before Canada even existed and even before the first British loyalist arrived in what had become “British North America” in the wake of the American Revolution. Canada is a product of the technological society and as such of new world empire and will continue to reproduce the three strategies of colonialism unless and until we self-consciously change the spirit and intent of our politics. Change and transformation can and must follow upon ethical confrontation, rational analysis and engaged political thought and practice to produce the modern limits of new world empire.

New world empire has its limits, but those limits are not the same as those of past empires because new world empire is a modern form, grounded not in rights and law, but in power. Classical and Christian ideologies premised upon conceptions of natural law give way to the law of nature wherein natural liberty has come to mean simply the physical force of bodies in motion. In the modern mechanical universe, it

is the balance of power, devoid of any ethical, legal or even moral constraint, which defines and determines political relations. In its relentless quest for power accumulation, new world empire will expand with little or nothing to check its appetites and desires, limited only by the relative measure of technological capabilities between itself and the societies it encounters. Technological superiority renders empire “inevitable” because technology efficiently produces a future defined not by any objective measure of right or justice, but by increasing levels of efficiency and productivity as ends in themselves. It was not that Indian societies were unknown or even ignored, but that these societies were not effective obstacles to colonial expansion, once the “balance of power” began to shift in favour of the settlers. New world empire would become one of the most fearsome of all historical forms of empire as it was driven by the “inevitable and irresistible” force of natural and necessary desires (land hunger) in the face of which both reason and compassion would prove hopelessly impotent.

The limits of new world empire cannot be sought through a revival of neo-classical ontology because such a return would mean accepting natural law as an objective metaphysical principle linking the “divine spark” of natural reason to an ordered cosmos ruled by the divine Nous.¹⁸ Nor can a return to “subjective rights” grounded in Christian ideas of “right reason” as a correct orientation to divine law make any sense to a scientific age which has utterly abandoned any idea of the human soul, to say nothing of God himself. Rather than looking to alternative ontological premises from which to confront the nihilism of new world empire, it may be more strategic to question the universal and scientific rhetoric which empowers the modern technological foundation of politics. Techno-politics, far from being universal and devoid of moral conviction is grounded in the idea that human beings are “atomic individuals”, free and equal in the state of nature. The “original position” of modern liberalism is premised on an image of man modeled on a scientific view of nature which is composed of elementary particles whizzing about aimlessly in empty space.

By employing a “scientific” image upon which to construct an original position of natural liberty, modern liberalism abstracts man from the socially constructed narratives of the human condition, except the one grounded in a universal,

¹⁸ Cosmopolitan universalism found in Stoic philosophy and the Roman *ius gentium* was a theoretical evolution of Aristotle’s idea of *Nous*, as the intelligible principle ordering the cosmos, including human rationality. This theme will be explored in the Chapter on Hobbes’ political revolution in chapter 2

because scientific metaphor. The universal metaphor is deployed by Hobbes because he wants to erase all difference in an effort to erase all conflict, therein, eliminating the faction which he believed was responsible for the dissolution of all previous and natural commonwealths. Hobbes' "thought experiment" could no more erase the divisions of social power, than it could erase the social inequality lurking below the legal equality of citizens. In modern liberalism the equality of the state of nature is the background upon which the inequality of civil society becomes legitimised through the myth of the social contract within which everyone agrees to subordinate themselves to the will of the sovereign. The construction and expansion of modern liberal empire reveals how white men of substantial property, as the active political class within the state, went about using their legally constituted power to appropriate and exploit the land, labour and resources of their colonised subjects.

The English constructed a unique form of empire grounded in providence, progress and the "natural rights" of freeborn Englishmen based upon an understanding of liberty which was absolute unless voluntarily alienated through contract. As a result, even individuals could engage in a "just war" if their "natural liberty" was impeded in any way which they had not actively consented to. Neither the law of nations, nor the Spanish Papal Bulls, nor even the presence of powerful Indian confederacies was going to stand in the way of English colonialism in the new world. The English colonised the new world on their own terms, terms which constructed an original state of nature, a wild, empty and primitive place, defined by the absence of law, order and civilised society. Natural rights and the social contract theory of the state are not universal scientific principles of human social and political organisation, but a particular ideology of English liberalism which evolved hand in hand with the expansion of new world empire. In the absence of law, techno-politics can be "freely" deployed against a colonial subject as an "object" of sovereign power. The colonial relationship is therefore one in which all the technologies of power become the most visible as the sovereign subject of modernity works to make and remake the Indian in its own interest.

Anglo-American scholars have long recognised the difference between English forms of colonisation and the Spanish, French or Dutch variants, seeing it as a more just and humane form of empire founded upon the enlightenment principles

which would eventually emerge triumphant in the modern world.¹⁹ Franka Wilma takes the progressive optimism of the modern liberal logic to its ultimate extreme and imagines, that Indians, like other colonised peoples will gain the full benefits an unstoppable process of international decolonisation and will one day soon achieve full recognition of the rights to self-determination and sovereignty.²⁰ Wilmer's belief in the capacity of an international law tradition to overcome its inherently colonial context is further explored by authors such as S. James Anaya whose work on the "Indigenous" rights movement in the Indigenous rights working group within the United Nations.²¹ Both these works, while insightful, are hindered by their evolutionary model of law which fails to grasp that the Indian problem is an inherently political problem in need of a political solution.

The politics at work which saw the Draft UN Declaration of the Rights of Indigenous Peoples become the UN working group on Indigenous *populations* in order to specifically deny the right to self-determination of *peoples* and the right to ownership and sovereignty over territory that such a right invariably invokes.²² The modern movement to pursue "Indigenous rights" at the international level unreflectively replicate colonial systems of power which allow Indians to exist only on the margins of an already marginal practice.²³ Indigenous rights as human rights must first be assigned to the bottom of a long list of aspirations listed in order of priority from first, (civil and political) second (social and economic) and even third (cultural) "generations" of rights discourses operating at a global level.²⁴

Recognition, in the words of Ted Moses, Grand Chief and Ambassador of the Grand

¹⁹ Anthony Pagden, "The Struggle for Legitimacy and the Image of Empire in the Atlantic to c. 1700, in *The Origins of Empire, The Oxford History of the British Empire*, vol. 1, ed. Nicholas Canny, (Oxford.: Oxford University Press) pp. 34 - 54. Pagden provides a comprehensive discussion of the themes outlined in the article in book form, see Anthony Pagden, *Lords of All the World: Ideologies of Empire in Spain, Britain and France c.1500 - 1800* (New Haven.: Yale University Press) 1995

²⁰ See Franka Wilmer, *The Indigenous Voice in World Politics: Since Time Immemorial*. (Newbury Park, California.: Sage) 1993

²¹ S. James Anaya, *Indigenous Peoples in International Law, 2nd Edition*, (New York.: Oxford University Press) 2000

²² James (Sakej) Youngblood Henderson, Post-Colonial Ledger Drawing: Legal Reform, in *Reclaiming Indigenous Voice and Vision*, (ed.) Marrie Battiste, (Vancouver.: UBC Press) 2002 pp. 161- 178

²³ Ibid pp. 168 - 170

²⁴ It is my contention that the conventional arrangement of rights discourses in three succeeding "generations" of rights discourse follow the conventional divisions of modern political theory outlined as liberalism, historicism and nihilism from which "the Indian" must find his own place at the margins because the territorial claim to self-determination and sovereignty cannot be accommodated within the

Council of the Cree to the United Nations, remains minimal:

The working group was established in a far corner of the United Nations system. People would laugh when I described where Indigenous peoples were at the United Nations. I would explain that the General Assembly, the Security Council, ECOSOC, the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and finally, that the sub-commission has a working group and that is where Indigenous people can be discussed. I also explained that the words Indigenous Peoples couldn't be used because certain states - Canada among them - are fearful of recognising our rights. As a result, the working group is designated as the Working Group on Indigenous Populations.²⁵

Pursing Indigenous rights at the international level, while an important part of an emerging collaborative project coordinating the political experiences of Indians from around the world, points to the persistence of the “Indian problem” as the product of a new world empire defined by its total and therefore “global” ambition.

It is not to the Indians, but to the theory and practice of new world empire that modern critical thinking must turn, in order to understand the modalities of the modern technological project which continues to construct the “Indian,” as the point of origin, from which modern sovereignty springs. The “Indian Problem” must be seen at its roots, as a consequence of modern colonialism and the political theories of expansion and expropriation which it has legitimated. The Indian is the living embodiment of the man “in the state of nature” before the “assertion” of sovereignty and the production of cultivated humanity, or modern technological civilization. Modern liberalism is premised upon the social contract theory of the state in which free and equal individuals pre-existing in a mythical “state of nature” agree to exchange their natural liberty for the safety and security of life under a sovereign. Political life and the exercise of sovereign power is, therefore based upon and legitimated by the original “social contract” by and through which the sovereign power was “created” by mutual consent and for the common purpose of comfortable self-preservation. Treaty and aboriginal rights remain central to the narrative of modern liberal sovereignty as it was formulated in the new world because the idea of the voluntary “purchase” of Indian lands emerged not in the new world, but the old.

The origins of new world empire are not to be found in the new world, but in the old, as a continuation and expansion of a modern “culture of improvement”

modern conceptions of sovereignty operating at the level of international law.

²⁵ Grand Chief, Ted Moses, “Invoking International Law” in Battise (ed.), pp. 172 - 178 op. cit., p.174

concentrating power at home as well as projecting it abroad. Nicholas Canny has shown that Anglo-America colonialism has its beginnings, not on the far from shores of North America, but within the “British” Isles themselves. English colonizers constructed concepts and images of savagery, paganism and barbarism as part of their subjugation of the “Celtic fringes” whose peoples not so different from themselves, many of them Christians.²⁶ Modern new world empire works not through creating systems of exclusion, but through ever widening and deepening forms of appropriation and accumulation within an “open” frontier of perpetual expansion. New world empire is not a place, but a process, a process in which “natural” men are remade into productive subjects of sovereign power through the coercive apparatus of the state which both forms and transforms them according to its own self-referential will. Sovereignty is the active power which transforms natural savagery into civilisation exposing what Stephen Hopgood has shown as the unconscious hegemony of the modern liberal self, which deals with people “not as they are, but as they have already been remade.”²⁷

Remaking the savage into a civilised subject of sovereign power has been the project of modern new world empire since its beginnings in early modern England which find full modern ideological justification in the natural philosophy of Francis Bacon which is where we begin in the next chapter. By understanding Bacon and the modern technological project, not as a universal, but as a particular practice grounded in a specifically Christian metaphysics, we can begin to uncover the limits and possibilities of modern techno-politics. Technology and techno-politics have created a modern civilisation of great power and freedom, but not without a darker side of domination, exploitation and terror. Not only is resistance to technological modernity and techno politics, possible but it has been strengthened and renewed by a modern international Indian political movement which has challenged new world empire at its origin and source. The Indians have not only refused to be disappeared, they have survived into the modern world in full possession of their culture and politics and are now leading the world in critical and progressive thinking. In order to fully appreciate

²⁶ Nicholas Canny, “England’s New World and Old, 1480 - 1630” , in *The Origins of Empire*, op. cit., pp. 148 - 169 in The Oxford History of the British Empire ed., Nicholas Canny op. cit.

²⁷ Stephen Hopgood, “Reading the Small Print in Global Civil Society: The Inexorable Hegemony of the Liberal Self” Millennium, Journal of International Studies, Vol. 29, No.1, pp. 1 - 25

the powerful and inspiring insights of the Indians however, it is important not simply to appropriate Indian voice and vision to marshal a critique of the excesses of modernity. Again, it is not first to the Indians, but to ourselves that we must look if we are ever going to understand ourselves as modern citizens of new world empire. The longing for the Indian, is a longing, not for actual existing Indian peoples and politics, but for a lost world of innocence and belonging which modern homelessness has “wiped away” from the collective unconscious. Modernity romanticizes the Indian as some “noble savage” forever locked in a timeless purity, as the “other” of our relentless technological civilisation. Rather than mounting yet another project to save the Indian, it is time that we began to see the Indian in ourselves and discover not escape and nostalgia, but an active ethical and political engagement with the world.

Chapter 1

Metaphysics: Bacon and the Origins of Modern Techno-logos

The difference between civilized men and savages is almost as great as that between gods and men; the difference arises not from the soil, not from climate, not from race, but from the arts.

Francis Bacon¹

Introduction

The roots of techno politics and new world empire lie not simply in the emergence of “the culture of improvement” sweeping across early modern England, but in the metaphysical revolution which had so fundamentally altered ideological conceptions of God, the cosmos and man’s place and purpose in relation to both. The two great intellectual movements of early modern Europe, the Renaissance and the Reformation had provided the tools of a radical scepticism which rebellious minds used to break away from the old order believed to be impeding both man’s progress and liberty. Bacon makes the revolution in politics possible by transforming modern man’s understanding of himself and his place and purpose in the cosmos. Bacon inaugurates a revolution in knowledge because he views science itself as a productive historical force which transforms both man and the world through action into nature in accordance with divinely ordained providence. Bacon’s new “empirical method” overturns the dominance of Aristotle’s metaphysical system and replaces it with a new understanding of knowledge self-consciously grounded in Christian metaphysical principles. The radical rejection of the past made possible a new and uniquely modern orientation towards the future defined as infinite progression towards greater and greater enlightenment and empowerment. Progress only becomes possible once the past is something to be overcome and left behind, as opposed to a founding moment or point of origin from which all else becomes possible.

For Bacon, the miracle of God’s incarnation into the world had literally demarcated time into different epoch wherein the past could only be viewed as incomplete and hence a source of error. The classical age could not have had access to true science and true knowledge because it fundamentally lacked the most important

¹ Francis Bacon cited in Benjamin Farrington, *The Philosophy of Francis Bacon* (Chicago.: Chicago University Press) 1964, p. 53

knowledge of all; divine revelation given to man both in the form of divine scripture and in the person of Jesus Christ. The intervention of God into the world of historical time condemns the past to irrelevance by erecting an incommensurable chasm of understanding between those who have heard the word of God and those who remain shrouded in darkness and ignorance. Bacon's scientific revolution begins with his rejection of the classical age in general, and Aristotle's metaphysics in particular, holding back the advancement of knowledge. Pagan philosophy is specifically identified as the reason and source of the error and corruption which must be purged before science can be secured upon solid foundations. Aristotle's medical training had directed him towards nature as the model of perfection to be studied and imitated in the production of knowledge and this was the root of the problem.

Bacon finds his inspiration, not in nature or the divine order of the cosmos, but in the life and works of Christ as well as biblical stories of genesis in which man plays a central role in the divine drama. In Bacon's experimental method knowledge is the product of action, as opposed to contemplation, because it is only through intervening in the world that he becomes the producer of causes which can generate predictable effects. Bacon's experimental method is in direct contrast to the method of the scholastics of his day who were engaged in contemplation and rationalist argumentation in their study of the natural world. Bacon explicitly and forcefully rejects the "schoolmen" and their domination of university life in favour of life devoted to the practical and mechanical arts and sciences. The study of words and rational discourse were mere vanities to be replaced with an active engagement with the "things in themselves." The re-orientation of science to its proper end and function would put the sciences on the true path of knowledge, proven in the generation of fruitful experiments and inventions for the use and benefit of mankind. Bacon's revolution in the arts and sciences would have profound consequences, not only because it paved the way for the invention of new methods and new techniques which would transform man's relationship to the natural world, but because it completely transformed the man's understanding of the natural world itself.

Modern technological society is a product of Bacon's revolution because it established method itself as the ground and foundation of knowledge. Method as a kind of productivity machine generating infinite power and progress would become the dominating metaphor of the age and would be adopted as the grounding principle of all the sciences, even the science of man as it was to be developed soon to be

developed by Thomas Hobbes. Hobbes, a student of Bacon, would seek to overcome the chaos of his times by effecting a “revolution” of his own, this time in the field of political theory. Hobbes would imitate Bacon’s experimental method to discover the scientific principles of man and construct his new political order, not on the contingencies of custom and tradition, but on the secure foundations of scientific principle. In order to understand Hobbes’ transformation of social and political theory it is first therefore necessary to understand the metaphysical revolution in the sciences which preceded it and therefore made it possible.

Christian Fundamentalism Let Loose on the World

Bacon’s project to reform the sciences is driven by an underlying Christian metaphysics which he believed would unlock nature’s secrets and therefore “advance” learning beyond anything that was known or could have been known in past philosophies. Bacon’s new approach to the natural world would not be one of passive observation but direct physical intervention under the direction of experimental method which would act as a kind of “knowledge” productivity machine. Bacon set out to correct the errors of the past by purging classical concepts from natural philosophy thus placing scientific inquiry back upon its proper Christian path. For Bacon, reliance on incomplete and therefore erroneous pagan notions introduced by Thomas Aquinas in his attempted “synthesis” of classical and Christian metaphysics had been a profound mistake which had to be completely abandoned. Aristotle’s pagan pride and his ignorance of revelation had led him to a theory of self-sufficiency of reason which excluded any knowledge of the Christian God and his divine omnipotence and omniscience. Reason was dependent upon revelation beyond which the formal and final cause of creation could simply not be known and any attempt to do so was simply an exercise in hubris which would lead to sterility and futility. Scholastic arguments about the “nature” of God and his purpose in the world were not only futile, but sinful in that they diverted man from his true calling which was to be found in his active rather than his contemplative capacities.

An exploration of the metaphysical foundations of Bacon’s experimental method exposes the many Christian themes fundamental to his “new” science without which the technological revolution would not have been possible. Bacon’s “revolution” was explicitly premised upon a return to the one true faith and its

divinely inspired purpose and plan for action into the world. Over and against Aristotle's conception of God as the eternal unmoved mover; we find the Christian creator God and the radical dualism between spirit and matter.² Creation ex nihilo reduces the material world to nothing other than the raw material upon which the sovereign will of God works to incarnate his divine will into the world according to an unknown and unknowable providence. Etienne Gilson describes how the radical dualism of St. Augustine's understanding of the creation from nothing assigns man a place as a created creature "from nothing" in which man "finds himself excluded from the divine" by a "metaphysical chasm" which nothing can bridge, save a free act of the divine will.³ Man's place in the world is given not through rational investigation, but through divine revelation in scripture, the free gift of grace and in the passion of Christ. Christ as the way, the path and the light provides the model of action into the world through the performance of miracles as the basis for acts of charity.⁴

As Christ's love for man is infinite and unlimited so is the productivity of charity once it is properly understood and imitated as the base and foundation of knowledge. Bacon's stated purpose is whole scale reconstruction of knowledge to a Christian purpose which he plans to effect by return science to its one true path.⁵ Experimental method becomes the disciplining and productive machine which he believes will keep man to his purpose thereby making him an instrument and vehicle of God's will in the world. In order to understand Bacon's practical purpose however; it is necessary to first understand the metaphysical shift in Bacon's understanding of the ontological structure of the cosmos which has made the reformation of knowledge not only a personal vocation, but a divinely inspired mission. An omnipotent God cannot be contained within the structured hierarchy of the Classical cosmos. As a natural philosopher Bacon was interested in the

² The dualism of spirit and matter is a constant theme of St. Paul, who had via Luther and Calvin a profound effect on Puritan thinking in England. Typical is the speech in Galatians 6: 17 "For the flesh lusteth against the Spirit and the Spirit against the flesh: and these are contrary the one to the other", *The Holy Bible, in the King James Version* (Nashville.: Thomas Nelson Publishers) 1984, p. 687

³ Etienne Gilson, *God and Philosophy 2nd Edition* (New Haven.: Yale University Press) 2002 p. 54

⁴ The injunction to follow in the life of Christ as a life called to Christian charity which is a gift of grace "For by grace are ye saved through faith; and not of yourselves: it is the gift of God" Ephesians 2:8 The greatest gift of charity is of course Christ himself "for we are his workmanship, created in Christ Jesus unto good works, which God hath before ordained that we should walk in them." Ephesians 2: 10

⁵ Although this is a running theme of Bacon's work which will be explored in the Chapter, it is given full and explicit articulation in Bacon's "A Confession of Faith" pp. 107 - 113, in *Francis Bacon, The Oxford Authors* (ed. Brian Vickers) (Oxford.: Oxford University Press) 1996

astronomical anomalies publicised in the work of Galileo and Copernicus, but considered these cosmological “discoveries” as evidence indicative of a much bigger problem at the base of the entire structure of scholastic thought. The theological belief in God’s infinite power had been chipping away at the Ptolemaic system; long before Galileo famous demonstration of Jupiter’s revolving moons. Historian of science, Alexander Koyre points to early Renaissance natural philosophers such as Giordio Bruno and Nicholas du Cusa whose beliefs in the unlimited creative power of God required them to imagine a universe without limit to contain him.⁶ The cosmos could not be a finite ordered whole, but must extend without limit in all directions rendering both the possibilities of an external boundary or an internal centre logically impossible. Bruno proclaims:

...“the world is infinite and that, therefore there is no body in it to which it would pertain simpliciter to be in the centre, or on the centre, or on the periphery, or between these two extremes” of the world (which, moreover, do not exist) but only to be among other bodies. As for the world which has its cause and origin in an infinite cause and an infinite principle, it must be infinitely infinite according to its corporeal necessity and its mode of being.⁷

Bacon’s Creator God was one whose infinite power and will could admit of no limit, least of all those posited by the metaphysical speculations of pagan philosophers

The failure of the scholastics lay in their inability to know the “things in themselves” as revealed by the errors currently coming to light in the study of nature in general and the limitations of medieval cosmology in particular. If the new sciences had shown that the earth was not the stable centre of the cosmos, but one among many planets revolving around the sun, then all of the assumptions about a closed hierarchical world filled with self-moving essences as parts of an articulated whole were also no longer credible. Bacon makes reference to the “volumes of the schoolmen” amassing “a body of sciences more immense in quantity, and more base in substance” and explicitly called for a creative destruction of the past to clear a path for a new beginning.⁸ If cracks were beginning to develop in the colossus of the traditional metaphysics, it was only a natural result of the vanity, pride and error which had erected its construction. Now that ancient wisdom had so demonstrably

⁶ Alexander Koyre, *From the Closed World to the Infinite Universe* (Baltimore.: John Hopkins University Press) 1994 , pp. 40 - 57

⁷ Bruno, as cited by Koyre, *Ibid* p. 40

been shown to have misunderstood the very nature of the cosmos, a radical revolution in the fundamental understanding of knowledge and the production of knowledge became not only possible, but necessary.

Bacon's natural philosophy convinced of the errors produced by the vain search for meaning and purpose in natural phenomenon, to the Bible for divine inspiration and instruction. Bacon turns away from the speculation about the nature and structure of the cosmos to the more humble and useful task of producing useful works guided by the moral principle of Christian charity.⁸ Christ, not contemplation becomes the bridge between man and the world and faith not reason becomes its guiding principle. Man is therefore and incomplete, dependent and finite creature in the face of an omnipotent and unknowable God. Matter and spirit once conjoined by Aristotle's concepts of form and essence, are now seen as completely other and irreconcilable. The result of this fundamental metaphysical rupture is that there is no longer a rational intellectual principle (*Nous*) or world soul animating the cosmos and rendering it accessible to the rational mind. St. Thomas' reconciliation had proven a failure and the ancient wisdom was an idol that needed to be smashed before any "progress" in the sciences could be effectively undertaken. Christian faith, hope and charity are demonstrated not in rational discourse about the fundamental nature of reality, but in the ability to produce useful "works." Knowledge is no longer about vision, definition and argumentation but about the technological production of useful inventions whose "fertility" is a sign and a mark their divine origin and inspiration. Modern progress and scientific/technological advance are all the proof one needs of the vanity and sterility of the ancients and classical thought in general. The new epoch will "wipe" away the errors of the past and return man to his original condition, transformed and renewed, ready and willing take his proper place as instrument and vehicle of God's will in the world.

Nous as the Ground of Aristotle's Metaphysics

⁸ Bacon , "Advancement of Learning, Book 2" in Vickers (ed.) op. cit. pp. 293 - 294.

⁹ "Neither give heed to fables and endless genealogies, which minister questions, rather than godly edifying which is in faith: so do. Now the end of the commandment is charity out of a pure heart, and of a good conscience, and of faith unfeigned" and "From which some having swerved have turned aside unto vain jangling; Desiring to be teachers of the law; understanding neither what they say, nor whereof they affirm." St. Paul, Timothy 1 1:4 - 7, *The Holy Bible.*, op. cit., p. 698

For Aristotle, the unmoved mover was not the personal, historically active God of Judeo-Christian belief, but the remote and disinterested “final cause” that anchored his entire metaphysical system. God as the embodiment of pure reason or (nous) reason or intellect conceived as thinking, thinking itself, a perfect and eternal motion, that by its very perfection inspired the rationally changing universe as it imitates God.¹⁰ In this way, nous or intellect animated the world as a moving and generating cause, but each thing had its own essence or form which determined the (telos) or end to which it was moved. Substance is the unity of form and matter in which each being in fulfilling its specific function performs its essential nature and hence makes visible the “essence” of “what” it is. While each empirical occurrence of an actual individual thing possessed an infinite variety of accidental or contingent properties, it nevertheless possessed a specific group of characteristics that identified it as a member of its class or kind. The demarcation of genus and species were identified as specific and defined parts within an articulated and integrated whole which as differentiated totality expressed the ordered rationality of an unchanging divine intelligence. In this way the world was knowable because the rational principles of things were accessible to the rational part of the human soul because both participated in the essential rationality of the cosmos.

In Aristotle’s metaphysics each creature, in its own way, strove towards the completion and perfection of its own nature determined by the telos that described and delimited its essence. As political theorist Janet Coleman describes, the divine Nous serves to connect the different orders of being, including man:

Aristotle speaks of nous or rational intuition. Nous or intuition is that faculty or rational part of the soul whose activity is to apprehend correctly (by the process of induction based on perception) indemonstrable and fundamental first principles that strike all humans as such. In effect, Aristotle merely asserts that Nous is that part of the rational soul which is engaged both at the beginning and at the end of cognition...Intuition (Nous) starts as perception, it grasps and identifies the ultimate particulars, the “facts” or *infimae species*, the immanent essence of a something, and it ends with the primary definitions or first principles that are not reached by reasoning but by induction from perception.¹¹

Man as the rational animal perfected his own nature by engaging in those activities that were distinctly human, thereby actualising his potential though thinking, acting

¹⁰ Vasilis Politis, *Routledge Philosophy Guidebook to Aristotle and the Metaphysics*, (London.: Routledge) 2004, p. 294

¹¹ Janet Coleman, *A History of Political Thought; From Ancient Greece to Early Christianity*, (Oxford.: Blackwell Publishing) 2000 p. 182

and speaking. Through thought and language, man as the rational animal, is able to recognise (re-cognise) the intelligible form that underlies and defines things, as they are, without which the mind would continue to divide and separate individual instances into the infinite regress of particularity rendering all speech and thought arbitrary and unintelligible.

For Aristotle it was self-evident that the very possibility of knowledge required the existence of primary definitions through which the fixed identity of a thing became knowable. Primary definitions had no cause other than themselves and were sometimes expressed as self-caused or self-explanatory.¹² The definition, defined or (de)limited one “thing” from another by separating and dividing out through logos (language, dialectic) Behind all the arbitrary and contingent characteristics of an individual thing in order to isolate and grasp through a theoretical concept. The concept articulated the necessary qualities that unified the thing as a whole and identified it with its defining “genus” and “species”. Aristotle’s system is ontological because it defined through logos, or rational intellect, the essence of a thing, the “what it is” as it presented itself to the human cognitive faculty through the act of thinking. Rational intuition recognises or grasps the concept, which while being a product of the human mind nevertheless discloses the “real” structure of being because it participates in the same rational principle by and through which all of nature, including man is ordered. Theoria, or the art of dialectic is the inquiry into these “essential” or “formal” qualities underlying the structure of natural phenomenon which enables the human intellect to build up a scientific system of knowledge from first principles. Definitions, or non-demonstrable axioms are fundamental to the entire Aristotelian system of knowledge:

Definitions are not in the natural world and cannot be empirically observed as already constituted elements of nature. According to Aristotle, they arise in us as a consequence of a human way of coming to think about, know and express, in language, what humans have perceived...Once we have the definition, the functional expression that reveals the purpose of the named something, it remains fixed as a kind of ideal. The logos or set of words which indicates the essence of a subject, here man, does not change over time or culture because the elements of the definition are prior, more universal and intelligible absolutely than any particular subject whose essence is thereby expressed.¹³

¹² Jonathan Barnes, Aristotle, *A Very Short Introduction*, (Oxford.: Oxford University Press) 2000, p.

55

¹³ Op. cit., Coleman, p. 131

Science for Aristotle was the systematic investigation of natural phenomenon as they formed part of the seamless web of natural relationships whereby the evidence of the senses was used as a starting point for dialectical analysis which revealed the essence of things and their relation to other things in the overarching order of nature.

Essence understood as the rational, intelligible, organising principle that makes a thing what it is, is eternal and unchanging, while its realisation in actual existing things is a matter of chance and contingency. Aristotle's physics is the study of the movement from one form to another as individual things move through their life cycles from potentiality to actuality, as their nature unfolds, each seeking its own highest good in the completion or perfection of its specific nature as defined by its essence or essential being. Change and alteration in the world are explained by each "thing's" inherent, self-propelled motion towards the realisation of its own perfected nature as it strives to actualise the fullness or completion of its own inherent potentiality. Final and formal causes or essences are therefore prior to existence as they define the identify of particular things as they strive to embody the universal qualities that define their species and genus.

Identity and essence are inherent in individual things whose differences are merely the product of the accidental qualities which differentiate each unique individual across a range of infinite variability. It is not surprising therefore, that the science of dialectic, while it begins with sense impressions from actual things, moves from this initial encounter to a level of conceptual analysis relying on words as categories of intuitive understanding which is definitive of cognitive thought. This entire ontological operation is made possible by the conjunction of thought and the world, the unity of reason that allows the mind to "see" or to "grasp" the concept as "essence" as the thing in itself made visible through critical argumentation leading to definition as the first principle of theory, or scientific thought. It is this reliance on rational and systematic thinking made possible by the inherent conjunction of mind and cosmos which the early moderns called into question.

Purging the Idols of the Mind; Nominalism and the Vanity of Words

Contemplation is important to medieval Christian humanism because it was through rational and systemic thought and discourse that words revealed their connection to essence and hence to God's design. The Christian humanism,

dominant in the universities in the high middle ages, taught that the human faculties of reason and speech were definitive of man and disclosed his “highest” nature as intended by God. Discourse and disputation were not an empty and idle indulgence, but a profound religious and moral duty through which man discharged his responsibility to actualise his potential as a thinking and speaking being.

Contemplation and the practice of dialectic were important not only because they disclosed divine truths, essential for the realisation of the good life, but were equally if not more important as ends in themselves. Contemplation was not “mere speculation” and disputation was not an “idle” activity precisely because the human intellect possessed the capacity to perceive and grasp the truth and beauty of being through logos, reasoned speech.¹⁴

Bacon rejected scholastic thought because he rejected reason’s ability to disclose the truth of being,. Contemplation could have no place in Bacon’s philosophy because there was simply nothing to “see.” The ideas of the mind expressed in words and concepts were human inventions and nothing more. Bacon accuses the ancients of “idol” worship because they falsely and sinful attribute divine and eternal qualities to things that are of human not divine origin. Knowledge could not advance, unless it turned from “words” to the things themselves. Bacon was self-consciously reinventing natural philosophy, by placing it upon another tract, moving from passive contemplation to active intervention:

Let Plato be summoned to the bar, that mocking wit, that swelling poet, that deluded theologian... When, however, you gave out the falsehood that truth is, as it were, the native inhabitant of the human mind and need not come in from outside to take its abode there;...when you taught us to turn our mind’s eye inward and grovel before our blind and confused idols under the name of contemplative philosophy; then truly you dealt us a mortal blow.¹⁵

Contemplation was meaningless because it mistook human abstractions as actual existing things which had no substantive reality. In reality the “names” of things do not exist proven by the fact that “just as there are things without names because they have never been seen, so there are names without corresponding things; the result of

¹⁴ See Hannah Arendt, *The Origins of the Human Condition* (Chicago.: University of Chicago) pp. 289 - 294 for a discussion of the centrality of contemplation and logos to Classical thought in general and to Thomism in particular.

¹⁵ Bacon, “The Masculine Birth of Time” in Farrington, op. cit. p. 64

fanciful suppositions.¹⁶

Words far from revealing the true nature of things are in fact nothing other than conventions; “idols” of the market place and as such are as variable and accidental as the human condition itself. Linguistic conventions because they are embedded in social and historical practices reflect nothing other than their use. As such words need to be investigated and evaluated for their utility and systematically ordered to a single purpose before they can be held to have any value or meaning. Language has to be purged of its common place usages and standardised to produce useful definitions suitable for natural philosophy;

The Idols of the Market-Place are the most troublesome of all; these are the idols that have crept into the understanding through the alliance of words and names. For while men believe their reason governs words, in fact, words turn back and reflect their power upon the understanding and so render philosophy and science sophistically and inactive... Yet even definitions cannot cure this evil, so far as they contain natural and material things. For definitions themselves consist of words and words beget words, so that we have to go back to particular instances and to their due order, as I shall say in a moment when I come to the method and plan for the construction of notions and axioms.¹⁷

Bacon’s rejection of contemplation was not original, but had been built upon the ideas of the nominalists; Franciscan scholars who had challenged the doctrine of “essence” which had become by the late middle ages a type of metaphysical realism used to support many of the church’s more dogmatic teachings.

While the debate between nominalists and metaphysical realists was exactly the kind of internal Catholic scholastic debate which Bacon disapproved of he nevertheless was the beneficiary of nominalist arguments which had made their way into the teachings of protestant scholars. Although the Franciscan movement predates Luther’s break with the Church; it was a reform movement which sought to turn the Church back to a focus on the passion of Christ as its central teaching and as such prefigured many of the later arguments which would result in the eventual schism and the emergence of Protestantism. The medieval St. Francis had had a powerful personal vision of the suffering Christ on the Cross and had set about a reform movement to bring the believers closer to God through direct identification with

⁶ Francis Bacon, *Novum Organum*, Book 1 Aphorism 60, Translated and Edited by Peter Urbach and John Gibson, (Illinois.: Open Court Publishing) p. 64

⁷ Bacon, *Novum Organum*, Book 1, Aphorism 59, *Ibid*, p. 64

Christ's personal human suffering.¹⁸ As such the Christian incarnation of God in human form was the key event and Christ's unique and singular experience was above and beyond any and all "intellectual" teachings of the Church. As a Franciscan, Ockham insisted upon the individuality of Christ and his personal and unique sufferings on the cross as the core Christian teaching. The priority had to be on Christ as an individual, real man whose humanity and passion could not be subordinated to the formal, distant and austere law-giver often depicted in the early medieval church.

The early Church under the influence of Greek classical thought had portrayed Christ as king and judge, the divine logos, and the embodied word of the God. Words and speech had therefore been gradually turned into the doctrine of metaphysical realism which the Franciscans had so objected to. As an active reforming Franciscan, William of Ockham had developed his own interpretation of Aristotle arguing that metaphysical realism was an error based upon a misunderstanding of "substance" and "essence" as they are used in the original text. The "essence" of things could only be approached through their individual existences and as such existence was the primary category of being and "essence" only a derivative concept, a product of the mind. An appreciation for things in their unique singularity flowed from this emphasis on Christ the man; and became a religious philosophy in which the creation was understood not through "concepts" which were but ideas of the mind, but in a love and appreciation for things themselves.

In Ockham's scholastic philosophy words did not reveal a higher, more true plane of reality, "substance" had to be accessed through the immediate experience of individual things. "Essence" as an ontological category of being was an error based upon a misreading of Aristotle which failed to appreciate "substance" as an actual existing thing and not a "concept" of the mind. Ockham explicitly challenges the doctrine of metaphysical realism by claiming:

There is no universal outside the mind really existing in individual substances or in the essences of things...The reason is that everything that is not many things is necessarily one thing in number and consequently a single thing.¹⁹

¹⁸ St. Francis and his identification with the individual suffering of Christ had a profound effect on 13th century depictions of Christ's humanity and passion on the Cross. Prior to St. Francis, Christ was usually pictured either as an infant or as a transcendent judge. Artists like the Italian painter Giotto began the study of the individual human body which would mark a return to classics definitive of the humanism of the later Renaissance. See Andrew Graham-Dixon, *Renaissance*, (London.; BBC Worldwide Ltd.) 1999 pp. 16 - 24

¹⁹ Sharon M. Kaye and Robert M. Martin, *On Ockham*, (California.: Wadsworth) 2001 p. 10

This did not mean that words were of no consequence, indeed they were intimately involved with human power and utility, but tools to be put to use in this world, rather than signposts or symbols to another. As Bacon learned from Ockham:

Properly speaking, no universal belongs to the essence of any substance, for every universal is an intention of the mind or a conventional sign and nothing of either sort can belong to the essence of a substance. Consequently, no genus,²⁰ nor species, nor any other universal belongs to the essence of any substance.

The rejection of “divinity” of essence and substance is a rejection of the Classical idea of the “divine nous” and the metaphysical connection between man and the world, reason and nature. Nominalist critiques of Aristotle are taken up by the protestant Bacon; because his aim is one in the same; to purge classical “errors” from the faith to return science to a study of the “things in themselves.” Bacon’s was a puritan and as such he wanted a return to Christian fundamentals: the separation between Creature and Creator is definitive and absolute, God simply did not reveal himself in the world through things, but through scripture and the teachings of Christ, nor did the world or any of the creatures in it “reflect” or “embody” the divine perfection of the absolute.²¹

The schoolmen were not only in error, they were guilty of the sin of pride which had led them, in their arrogance and ignorance, to confuse the imaginations of their own minds with the inner workings of nature. Bacon believed such attempts were the result of an unholy and impious attempt to reduce the glory of God’s creation to the needs of human understanding. Aristotle, says Bacon is guilty of distorting and corrupting his thinking with preconceived fancies which “utterly enslaved his natural philosophy to his logic, rendering it more or less useless and contentious.”²² Vain philosophy oversteps its bounds and leads to idle speculation because it ventures into the realm of the divine and inscribes its own limits upon the nature of things. Human understanding is simply not meant to grasp the divine and the corruptions and distortions that arise with the attempt, only serve to demonstrate the natural limits of reason. Bacon explicitly makes the link between man’s demand for order, logic and perfection and the resulting “Idols of the mind” rampant in ancient philosophy, beginning in Aphorism 46:

²⁰ Ibid p. 28

²¹ One cannot come to God through the senses, but only through the soul because God is not in the universe. “I asked the whole mass of the universe about my God and it replied, I am not God. God is he who made me” St. Augustine, *Confessions*, Book X section 6, op. cit., p. 213

²² Bacon, *Novum Organum* Book 1, Aphorism 54, op. cit., p. 61

The human understanding on account of its own nature readily supposes a greater order and uniformity in things than it finds. And though there are many things in Nature which are unique and quite unlike anything else, it devises parallels and correspondences and relations which are not there.²³

He relates this tendency to the search for causes at Aphorism 48

The human understanding is restless; it cannot stop or rest, but presses on though in vain. Thus it is unthinkable that there should be any end or limit to the world, but always as if of necessity, the thought arises that there is something beyond...But this immoderation of our mind is much more harmful in the discovery of causes... Thus it is that in reaching out for things further away, it falls back upon nearer ones, namely final causes, *which have relation entirely to human nature rather than to the universe, and have corrupted philosophy to an extraordinary degree.*²⁴

Because the scholastics had moved from the observation of things to the disputation over final causes which could be no more than “fancies” and “speculations” of the mind, they were forever doomed to spin endless cobwebs within the infinite possibilities of the human mind.

For Bacon, scientific method had to be redefined, shorn of its confusions with words and essences to mean an investigation into the underlying processes of nature, understood as natural history. Not “what” things are, but how things come to be and change in the world follows from a strict separation of nature and faith in which natural objects and natural philosophy has been “purged” of all theological questions and concerns which can only be served by religion.²⁵ The mixture of science and philosophy, was an error of the classics and a consequence of the prideful over-reaching of the mind into matters beyond its capacity to know.²⁶ Aristotle’s ontological investigation of being gives way to Bacon’s search for productive tools and instruments to further the work of Christian charity. The whole point about the advancement of learning is that it has practical application for human knowledge, theory itself becomes a kind of practice and is measured by its productive output, not by claims to have revealed eternal truths. As moderns we are so familiar with this image of science that we do not always recognise the intellectual shift that defined early modern science as a rejection of contemplation in favour of technological

²³ Bacon, *Novum Organum*, Book 1 Aphorism, 46, op. cit. p. 57

²⁴ Bacon, *Novum Organum*, Book 1 Aphorism, 48, op. cit., p. 59

²⁵ Bacon, “Advancement of Learning, Book 1”, in Vickers, op. cit., pp. 194 - 196. Bacon specifically and explicitly redefines metaphysics to suit his own purpose and to purge it of its theological/ethical dimension.

production in the service of God and man.

The Rule of Passion over Reason; the Image and Example of Christ

The separation of reason and faith in Bacon's metaphysics of the natural world did not mean that his scientific revolution was a secular affair. It was, in fact, exactly the opposite, in that the pursuit of science as a vocation would not only be a spiritual life, life lived in imitation of Christ; but that the very work itself would transform both man and the world to a Christian purpose. Rather than being a "secular" endeavour, Bacon saw his scientific revolution as a sacred duty, an inspired "return" to the life dedicated to the fundamental values and daily practices of "true religion". Science was itself a mediation as it was modelled on and an imitation of the divine example given to man through the life of Jesus Christ. The reformation had introduced the bible in the vernacular and encouraged the faithful to cultivate an intensely personal, relationship with God and to practice devotional meditation in order to awaken the call of conscience. Men were saved not by works, but by grace and grace came to only those whom God "awakened." The ancient confidence self-sufficient reason was an error due to the immaturity of their age and the narrowness of their experience of the world.²⁷ Fundamentally the error of the ancients rested in their historical inaccessibility to God's grace which only came down to man with the sacrifice of Jesus as the saviour of mankind. Salvation and the embrace of a life lived in Christ was the experience which would change men and not scholastic debate about the truth or error of an ancient and misconceived science. Before true knowledge was possible, the will to knowledge had to be present and this was a matter of ethics and not ontology. Ethics became possible once man's reason was turned towards the good and this was accomplished not by man, but by God's who made himself known to man through his gifts, the greatest of which was the sacrifice of his only son.

Natural human reason was a flawed instrument incapable of discerning the Good or God without God's direct intervention. Man's reason was finite, partial, incomplete and most damning of all corrupted by original sin and remained plunged in darkness and ignorance until the coming of Jesus whose sacrifice alone made it once again possible for man to be saved from his error and redeemed in the face of

²⁶ Bacon, "Advancement of Learning, Book 1", in Vickers, op. cit., p. 123

God. Salvation came in the study of the bible, earnest prayer and redemptive grace found not in his own efforts but through the person of Jesus as the one true path, the mediating bridge between the sacred and the profane, man and God. Jesus Christ was the truth, the light and the way because he and he alone brought redemption from sin and only in Christ could man find God.²⁸ It was through Christ and the imitation of Christ's life and works that would place man on the right path to salvation and the sciences on the right path to true knowledge. Grace not only turned the mind towards the good, Christ and his charitable work in the world, but allowed the focus, discipline and unity of purpose which came from a heart transformed by salvation.²⁹ The Christian path was not the prideful search for knowledge of God, but the embrace of God in one's heart and it was in this submission, humiliation and sacrifice that truth would be found and useful works would be produced.

Reason, once turned towards the good and placed upon its proper path, would no longer be ensnared by the idle speculations of the mind, but would be rewarded with the profitable and productive "fruits" of a man's daily labour. Through the active production of the image of Christ held before the mind, man could reproduce in himself the very image of the God he needed to discipline his desires and effect his Christian purpose. The impotence of self-sufficient reason and the vanity of the pagan philosophers was a favourite theme of St. Augustine. In the *City of God*, he warns that man is flawed creature immersed in sin truth can come to man only after the intercession of God's grace turning man away from "human sensation and reason" which lead only to "self-aggrandizement" and towards the source of truth in divine authority found in scripture.³⁰ Bacon's science aimed not a "vision" of the truth, but

²⁷ Bacon, "Refutation of Philosophies", in Farrington op. cit., p. 131

²⁸ "I am come a light into the world, that whoever believeth on me should not abide in darkness.", Gospel of John, 12: 46, *The Holy Bible*, op. cit., p. 632

²⁹ Grace as the free gift of God allowing the discipline to turn away from the desires of the body towards the good is a strong protestant theme and can be seen in St. Augustine's dramatic retelling of his own conversion experience in Book X of the *Confessions* "There can be no hope for me except in your great mercy. Give me the grace to do as you command and command me to do what you will! You command us to control our bodily desires...I know that no man can be master of himself, except of God's bounty" *St. Augustine Confessions*, Translated by R.S. Pine-Coffin (London.: Penguin) 1984, Book 10, section 29 p. 233

³⁰ Augustine, *The City of God*, Chapter 45 Book XVIII, in *Augustine: Political Writings*, Translated by Michael W. Tkacz and Douglas Kries, (ed., Ernest L. Fortin and Douglas Kries) (Indiana.: Hackett) 1994 pp. 135 - 136 The vanity of worldly wisdom was also a great theme of St. Paul, "For it is written I will destroy the wisdom of the wise and will bring to nothing the understanding of the prudent." First Epistle of Paul to the Corinthians 1:19. Wisdom is not to be found in Greek "scribes" but in Christ, "But of him are ye in Christ Jesus, who of God is made unto us wisdom, and righteousness, and sanctification and redemption: That according as it is written, He that glorieth, let him glory the Lord."

in the active production of works made possible by a correct moral orientation made possible by faith and the close adherence to scripture. Science, by engaging men in the active production of Christian charity would, in imitation di Christi, allow man to reorient his desires away from the prideful and sinful pursuit of knowledge for knowledge's sake which had only produced error and vain philosophy. Christ had redeemed man and returned him to his original position as co-creator of the world with God. Bacon believed that coming of Christ had "accomplished the whole work of the redemption and restitution of man to a state superior to the angels."³¹

Rather than being driven to work on the world through a restless insecurity, Bacon believed that Christ, as God on earth had been set as an example to be followed joyously and productively. Men who had heard the call, who had been transformed by grace were "those that are regenerate by the Holy Ghost; who breatheth where he will of free grace, which grace, as a seed incorruptible, quickeneth the spirit of man and conceiveth him anew, the son of God and the member of Christ."³² A Christian expressed is devotion to God through the active emulate of God and just as Christ had worked miracles to relieve the needs and wants of the poor, so would the sciences bring about "wonders" to relieve suffering and end poverty. Those whom God in his free gift of grace had chosen to redeem and restore had been reborn and remade, transformed by the intervention of God to once again take their place as agents and instruments of the divine will in its work upon the world.

Men were transformed because they had accepted God into their hearts and received the light of God changing them from ordinary men who pursued only their own selfish desires to those who worked in the service of God. Reason could not of its own accord access truth, but was dependent upon divine intervention to redeem it and release it from its obsessions with worldly desires and ambitions. Man in his unreformed state was a weak and pathetic creature, his will divided and confused, amongst a cacophony of multiple and competing desires, each as empty and unsatisfying as the next.³³ In Augustine's conception of human nature the

³¹ Corinthians 1: 30, *The Holy Bible*, op. cit. p. 671

³² Bacon, "A Confession of Faith" in Vickers, op. cit., p. 110

³³ Bacon, "A Confession of Faith" in Vickers, op. cit. p. 111

³³ St. Augustine discusses the multitude of bodily desires in food, drink and sex in the "gratification of corrupt nature, gratification of the eye, the empty pomp of living." Through salvation and God's "abundant grace" to "quench the fire of sensuality" *Confessions*, Book X section 30, op. cit. pp 233 - 234. St Paul of course was always at war with his body and its desires. St. Paul, Romans 7:22 "For I delight in God after the inward man; 23 But I see another law in my members warring against the law

fundamental Christian dualism between spirit and matter necessitated an understanding of soul which as a created thing was not divine itself, but made in the image of the creator. The soul was not spirit, but made in the image of spirit whose fundamental purpose was to reflect the glory of God's divine nature by turning from the ways of the world towards the infinite perfection of God's glory.³⁴ Augustine had then been able to place free will at the centre of his doctrine in which man and not God was responsible for the evil in the world brought about by man's disobedience which had resulted in the fall and original sin.³⁵ For Bacon, as with Augustine, faith made reason possible, because it removed from man the stain of original sin which had so corrupted his judgement and perverted his knowledge.

Reason was impotent without faith because it was faith that made God's redemptive grace possible and faith was a matter of will and will was moved not by the persuasive force of reason, but by the divine intervention of God. The enlightened mind, was the location of understanding which intuitively apprehended the truth of the Christian revelation as well as God's divine laws and decrees, but putting this knowledge into action required the motive or active force of the will, appetite and affection as the (e)motive force of execution.³⁶ Unlike in Aristotle, where knowledge of the good naturally propels men (and all natural beings) to the realisation of their own good, Bacon takes on the Augustinian principle of free will as the free choice between good and evil. Moral choice or orientation is therefore constituted as a free, undetermined and autonomous choice of the individual, as opposed to a natural disposition towards ethics, determinate of man as a particular species-kind of animal. For Bacon, reason does not possess any active, compulsive power of its own, but merely presents or re(presents) the good, through the faculty of imagination in order to move the will towards good and away from evil. Reason, does not deliberate on the best means to realise its own good, known or recognised intuitively through the understanding, because understanding does not come through the senses, but in being

of my mind and bringing me into captivity to the law of sin which is in my members.", *The Holy Bible*, op. cit., p. 665

³⁴ "For wherever the soul of man may turn, unless it turns to you, it clasps sorrow to itself" because worldly things have no permanence and the soul "is torn by desires that can destroy it. In these things there can be no rest, because they do not last." St. Augustine, *Confessions*, Book 1V, section 10, op. cit. p. 80

³⁵ "It is not, therefore an inferior thing that makes the will evil, but it is the created will itself which has become evil by wrongly and inordinately seeking an inferior thing." St. Augustine, *The City of God*, Book XI1, chapter 6 , in *Augustine's Political Writings*, eds. Fortin and Kries, op. cit. pp 86 - 87,

³⁶ Bacon, "Advancement of Learning, Book 2" in Vickers op. cit., p. 217

one of God's chosen.³⁷ Once reoriented to the good, reason is free to actively construct through its faculty of imagination ,the images which in turn produce and maintain an alliance between appetite and affections. An active imagination produces the right kind of passions to restrain the appetites or direct them to the good, understood as discipline through method and obedience to law (both divine and positive).

Images work as a device to make and re-make impressions on the memory and allow it to hold to a correct (and corrected) path, free of the distortions and impurities accumulated from an immature (and undiscerning) natural reason. Men's minds could not be trusted in their natural state having been clouded and distorted by the "idols" endemic to the human condition. From birth, man's mind already a flawed and finite instrument is further compromised by the needs and demands of the body and its necessary interaction with the world and all its sin. Salvation itself is a kind of purification which comes with a mature understanding cleansed through the reading of the gospels and the moral choice of having opened one's heart to the call of God. It is the conversion process which "wipes away the sin of the world" creating a blank slate realising the mind from the accumulated corruption a lifetime of irrational and contingent customs habits and beliefs.

Freed from the cloud of prejudice, tradition and arbitrary social convention, the mind was no longer a tarnished glass, but a polished mirror ready and able to hold and reflect the true image of God through Christ. Knowledge once obscured becomes possible only because the love of god turned or (re-turned) man's will to its correct "end", redeeming and transforming him through the active intervention of grace. A purified reason is one that has a "corrected" understanding because it is directed to the right end, love of God from which flows a moral life manifested in the obedience to his laws and the practice of Christian charity. Passion and not reason moves men, and all the moral philosophies of the ancients, based as they are on rules and arguments simply do not hold a candle to the transformative power of divine love :

But these heathen and profane passages, having but a shadow of that divine state of mind which religion and the holy faith doth conduct unto men, imprinting upon their souls Charity, which is excellently called the bond of Perfection, because it comprehended and fasteneth all virtues together...that love teaches a man to carry himself better than the sophist or preceptor...because with all his

³⁷ Understanding is not a matter of sense perception , but of reason apprehending the good made possible by hearing the word of God. Christ speaks in parables "...that the seeing they may not see and hearing they might not understand." Luke 8: 10, *The Holy Bible* op. cit., p. 605

rules and preceptions he cannot form a man so dexterously nor with that facility to prize himself and govern himself, as love can do; so certainly if a man's mind be truly inflamed with charity, it doth work him suddenly into greater perfection than all the doctrine of morality can do, which is but a sophist in comparison of the other. ³⁸

Without the conviction of passion to direct the mind, reason alone would be impotent to command the will because the will follows the desires of the heart which are determined, not by knowledge, but by the imagination. It is the active production of "images" constantly held before the mind's eye that fixes the will upon the correct path, without which the memory can become distant and faded and the will less resolved and more likely to fall back into bad habits or give into the demands and temptations of its natural state:.

Again, if the affections in themselves were pliant and obedient to reason, it were there should be no great use of persuasions or insinuations to the will, more than naked prepositional proofs, but in regard of the continual mutinies and seditions of the affections...reason would become captive and servile if Eloquence of Persuasion did not practice and win confederacy between reason and imagination against affections - For the affections themselves carry ever an appetite for the good as doth reason, the difference is that the affections behold merely the present, reason beholdth the future and some of time and therefore the present filling the imagination more, reason is commonly vanquished; but after the force of eloquence and persuasion hath made things future remote appear present, then upon the revolt of the imagination reason prevaileth. ³⁹

Man is by nature a beast ruled by his passions and desires and it is only by keeping the Good present before the mind or there is every likelihood that his appetites will drive him to revert to his former irrational and chaotic nature:

...but every beast returned to his own nature; wherein is aptly described the nature and condition of men; who are full of savage and unreclaimed desires, of profit, of lust, of revenge, which as long as they give ear to precepts, to laws, to religion, sweetly touched with eloquence and persuasion of books, of sermons, of harangues, so long is society and peace maintained. But if these instruments be silent, or that sedition and tumult make them not audible, all things dissolve into anarchy and confusion.⁴⁰

Persuasion, through rhetoric moves the heart and turns the will to reason and truth and away from the compulsions of desire and appetite that constantly threaten to undo the alliance of reason and imagination that keeps man under the sway of good and not

³⁸ Bacon, "Advancement of Learning" Book 2, in Vickers, op. cit., p. 263

³⁹ Bacon, "Advancement of Learning, Book 2", in Vickers, op. cit., p. 239

⁴⁰ Bacon, "Advancement of Learning, Book 1", in Vickers, op. cit., p. 154

evil.

Bacon self-consciously employs metaphor, poetry and rhetoric in order to move the passions and stimulate the imagination because it is in the free choice of the will, inspired by religion, that holds the truth of reason before the mind of man and persuades him to the Good. Virtue does not come naturally, but is a “culture of the mind”, a matter of strategy, a medicine applied to the soul through the ministrations of poets and writers of history and most importantly by the “observances or exercises” as “they keep the mind in continual obedience”.⁴¹ Moral philosophy can only be the handmaid to religion, because it is through divine inspiration and love of God and the desire to imitate him in good works that “sets before man “honest and good ends and insures that he will be resolute, constant and true onto them.”⁴² Chastising Aristotle for his “negligence” in matters of ethics he remarks that “those things which consist by nature nothing can be changed by custom” and that by “allowing his conclusion that vice and virtue consist in habit, he ought so much more to have taught the manner of *super-inducing* inducing that habit:⁴³” Super-inducing meaning to change and transform through the application of force, something that the mere “disputations on pleasure and pain” were wholly incapable of producing. What was required was not persuasion based upon a rational apprehension of the good, but rhetoric understood as “force and operation upon the mind to affect the will and appetite to alter manners⁴⁴” Bacon proposes to counter the power of passion with passion thereby balancing their power, as one would set factions in the state against each other to neutralise and check each other’s force. Reason has no persuasive power over the passions with the result that one must “set affection against affection and to master one by another,” thereby “employing the predominant affections of fear and hope, for the suppressing and bridling of the rest.”⁴⁵

Fear and hope are of course the paradigmatic Christian passions and it is Christian love which transforms the soul and inspires it to the imitation of the example of Christ whose passion for man knew no bounds up to and including his ultimate sacrifice of life itself through his death on the cross. Christ and his actions in the world were Bacon’s inspiration and through this inspiration he hoped to re-orient

⁴¹ Bacon, “Advancement of Learning, Book 2”, in Vickers., op. cit., p. 262

⁴² Bacon, “Advancement of Learning, Book 2”, in Vickers., op. cit., p. 262

⁴³ Bacon, “Advancement of Learning, Book 2”, in Vickers, op. cit., p. 260

⁴⁴ Bacon, “Advancement of Learning, Book 2”, in Vickers., op. cit., p 260

the sciences and place them on the firm foundation of true knowledge. While Augustine and Paul had felt themselves remade and born again through grace, Bacon harnessed this conversion and salvation experience to be the basis of his new method and new science. Christian science, based on the works of Christ and not men, would transform not only himself and his disciples through charitable acts, but would transform the world itself as God had originally intended.

While Augustine and Paul had remained pessimistic about man's capacity for good works while his mortal body remained mired in sin, Bacon believed that Christ had pointed the way towards salvation and through science man could not only perform God's work on earth but do so through Christian acts of charity in the relief of man's estate. Christ's passion for man had been shown in his acts, and it was he who "made the body of man the object of his miracles as the soul was the object of his doctrine."⁴⁶ Christ life was one of self sacrifice and service, dedicated to the glory of God and the relief of man's estate through Christian charity. Once knowledge was placed upon a correct foundation and inspired by the its imitation of Christ's life and works man's progress would be as limitless as God's goodness. Bacon's *Novum Organum* or New Method was self-consciously designed to overturn and overcome the errors of the past in order that there would be a regeneration and instauration of the sciences. Meditation on Christ's life and works was both a model and a metaphor for a renewed and reborn science that would transform the world as grace itself had transformed the soul of man. Science and technology based in the truth of experience and not in the vanity of words would bring into being the very "fruits" of knowledge, in the service of Christian Charity inaugurating a whole new epoch of human history. A scientific revolution had been launched and scholasticism would be left utterly behind, the past far from grounding the present, had become nothing other than an irrelevant and archaic curiosity. Bacon's new experimental method would literally wipe the slate clean "opening" the way to a whole new world; empiricism would found an empire, a new world empire; one that would infinitely expand into the infinite expanse. The past would be left further and further behind as infinite cycles of technological advance which would make and remake the world anew in the endless production of a future which could know neither limit nor end.

⁴⁵ Bacon, "Advancement of Learning, Book 2", in Vickers., op. cit., p. 261

Method as the Disciplining and Producing Machine

Purging the mind of vain philosophy required not only that the vain errors of past custom, tradition and prejudice be rooted out and eradicated, but a new method by instituted to discipline the mind to keep it from error. Not only are the methods and metaphysics of “the schoolmen” discredited and dismantled, but a program of re-education is initiated in order that “clouds” and “distortions” be wiped from the mirror of the mind in order that it reflect nature purely and accurately. The new system of science will not only capture and describe nature as it really is, but more importantly, prepare and equip the mind to receive and reproduce the secrets of nature through the mediation of correct method. Man’s mind as well as the “objects” of his inquiry must first be ordered and disciplined, prepared and digested into recognisable form through which the a correct interpretation of nature then becomes possible.

Method, and not man’s natural capacities, therefore holds the key to success because it, and it alone, returns man universal because original position. Bacon’s new and improved method would generate the very fruits and fertility that would verify its truth. Progress, understood as the “advance” and “improvement” of productive techniques would in turn serve as the universal standard and measure that would discipline science itself and keep it to its proper course; the invention and production of yet more new methods of production and invention. As the future was infinite; so was the technological invention and improvement; as long as it stayed to its proper course of action work on the world “for the use and benefit of all mankind.”

Technology would not only be guided by Christian charity it would become Christian charity; and as such it would embody and manifest the divine in all of its infinite, eternal and universal infinite aspects and possibilities.

The mistake of the past had not been to assume aspects of the divine, but to misuse those aspects of divinity that God had given man in the creation. The error lay not in man’s capacities, so much as the “end” to which these capacities had been directed. Divine things such as “essence” or “purpose” were unknowable because divine and any such attempt would only spin the infinite webs of vain philosophy as would be expected in the contemplation of divine things. Because man possessed a soul and the soul was an infinite thing, akin to the divine it was attracted by its nature

⁴⁶ Bacon, “Advancement of Learning, Book 2”, in Vickers., op. cit., p. 210

to divine things; but this is where its prideful over-reaching lead it into error. Man's reason, unlike God's was not infinite and as such when it turned towards the contemplation of divine things it would be subsumed within an infinite web of its own errors and imaginations. The "idols" of the mind were "idols" in the literal sense that the mind in its pride mistook its own images and productions for the actual divine things themselves. Man, because he was not God, could not know divine things, but man, because he was made in the image of God could recognise and reflect the divine on the "mirror of the mind" and thus harness divinity to a human purpose.

There was however the danger of not keeping to the correct path; and that danger could only be avoided and overcome through the institution of method. Man's greatest gift was also his greatest curse, and the mind, left to its own devices, would under the motive force of pride, always steer man into error. Through Christ, and Christ alone, could the human mind be remade and restored to its original condition in the divine "image" in "a reasonable soul, in innocence, in free will and in sovereignty."⁴⁷ Method was the machine to keep man to his proper path and in so doing direct his divine gift to the divine purpose; not the contemplation of divine things, but the production of useful effects. Bacon understood himself to be creating a whole new practice that would liberate man from his natural condition and elevate him to his god given place in the cosmos as the divinely inspired co-creator of the world. Bacon's reformation changed the purpose of scientific inquiry from the world of discourse and contemplation to the world of action and transformation. As Christ performed miracles, works and acts, the new scientist would perform action into nature and nature rather than being the model of the good would be the raw material upon which experimental method would work:

...For what I am establishing in the human understanding is a true model of the world, as it is found to be, not what anyone's own reasoning shall have dictated to him. And this cannot come unless the world is most carefully dissected and anatomised.⁴⁸

The inadequacies of man's natural reason would be overcome through the discipline of method which like a meditation would in itself turn man's mind to the good. Method literally keeps the mind "on track" by restricting its operation to its proper "objects" it orders the mind, turning it away from the waste, futility and frustrations of

⁴⁷ Bacon, "Confession of Faith", in Vickers, op. cit., p.109

⁴⁸ Bacon, *Novum Organum*, Book 1, Aphorism 124, op. cit., pp. 125-126

its own natural inclinations, to the productivity, fertility and fulfilment of its use in furthering the divine purpose. By guiding and controlling the mind, method acts as a universal leveller and engine through which any mind (and all minds) can be harnessed and co-ordinated concentrating and channelling their collective productive energy to the universal purpose of technological progress.

Method is more than a means (and embraces any number of means), it embodies an end in itself, as it is techno logos, or the logic of technique, more than the products of technique, that secures and guarantees the advancement of the sciences.

The human soul because it was divinely inspired was prone, given its natural inclination towards prideful over-reaching, to entangle itself in the webs and mazes of infinite speculations without end or purpose.⁴⁹ In Bacon, as with all Christian philosophy, there is the strict separation of soul and world; inspiration and knowledge; faith and reason. Bacon while following the conventional path of denying reason access to matters of faith, nevertheless uses this limit to a channel and direct man's divinely inspired reason to its proper purpose and end. By narrowing the track; Bacon in effect concentrates, focuses and channels the force of man's power by using the mind as "mirror" of the divine to master nature and reason far from being shorn of its power is in fact re-engineered and emerges renewed and remade, ready, willing and able to fulfil its divinely ordained destiny.⁵⁰ Although man is not privileged to God's intention and purpose in the creation, he nevertheless has a unique access point into the workings of nature, precisely because his mind has been created in the "image" of the creator. Bacon ceases upon the identity or affinity between soul and divine substance to open a new path for human knowledge as he turns the mind away from the divine and towards the natural world.

The mind because it has a unique vocation to knowledge of the good can be reoriented and redeployed by method to receive and reflect the laws underlying the divine creation. The corruption of the fall can be undone by undoing the

⁴⁹ Bacon, "Advancement of Learning, Book 2", in Vickers, op. cit., p. 215

⁵⁰ The Christian assimilation of man to the divine comes from the "liberty" of salvation. St. Paul, Romans 8: 15 "the Spirit itself bears witness with our spirit that we are the children of God." And (21) "Because the creature itself shall be delivered from the bondage of corruption into the glorious liberty of the children of God." *The Holy Bible*, op. cit., p. 665 The idea of mind as a "mirror" is also a Pauline idea, "But we all, with open face beholding as in a glass the glory of the Lord, are changed into the same image from glory to glory, even as by the Spirit of the Lord." *Corinthians II 3:18*, *The Holy Bible* op. cit., p. 680

undisciplined abuse of free will through the institution of method. Once man regains his own self-mastery he will, once again, possess within himself, the means to establish and maintain his God given position as co-creator and master of creation:

Also, he hath placed the world in man's heart, yet cannot man find out the work which God worketh from the beginning to the end: declaring not obscurely that God hath framed the mind of man as a mirror or glass capable of the image of the universal world, and joyful to receive the impression thereof, as the eye joyeth to receive light; and not only to be raised also to find out and discern the ordinances and decrees which throughout all those changes are infallibly observed.⁵¹

While the “ordinances” and “decrees” had traditionally referred to the law of God inscribed within the hearts of men understood as the call of conscience, Bacon broadens this understanding of “law” to include the “natural laws” which the mind can “know” as an “an image of the universal world”. God’s law was a universal law that penetrated the whole of creation and could be made visible to the mind of man as an “image” reflected on a glass wiped clean of distortions, by the saving power grace and the proper application of method.

Method is serves in its dual productive capacity; inwardly transforming the mind capacity; so that it may be redirected outward to transform the world. Method is both the foundation upon which all subsequently knowledge is produced, but more importantly is the productive instrument itself which not only makes knowledge possible by brings it into being. Method bridges the gap between knower and known because it takes the raw material of both mind and matter and unifies them in the very act of production itself, like the divine creation which it imitates, method instantiates a whole new order of things. Bacon speaks of method, not only as a necessary aid to reason, or as an instrument or support, but more fundamentally as the source of man’s knowledge and productive power. Bacon employs the metaphor of a compass which enables the drawing of a perfect circle, something which cannot be done by hand alone, adding that :

Methods of procedure are potentially things themselves. I mean that the value of any thing or effect will be determined by the value of the method of production. Now if the methods followed in the constitution of your philosophy are not the right ones, if they cannot pass the test, obviously the hopes you cherish of a good result will be in vain.⁵²

⁵¹ Bacon, “Advancement of Learning Book 1”, in Vickers, op. cit., p. 123

Things and effects do not possess a value (or telos) of themselves, but are the products of the methods or procedures used to produce them, so that the things of the natural world are understood not as essential objects, but as underlying processes. Bacon redefines science from the knowledge of things as an account of their eternal natures (the what-ness of things) to the knowledge of things in an account of their natural history (the how-ness of things).

Christian Charity and the Transformation of the World

Science had been redefined by redefining its end; technological production was not only a means, but more importantly and end in itself. The direct intervention of God in history had shown man the way the truth and the light, man must now follow this example and redeem himself and his world through the work that would perfect both. A devotion to Christian charity was to be a new end for a new age made possible by a regeneration of faith. Bacon would harness Christian truth to transform man's natural reason to the productivity and fertility that had been its promise from the very beginning. In order to perform this work Bacon had invented method as the machine which would produce the experiments which would transform the world by acting upon the underlying processes of nature. The scientist would directly intervene in these processes to "super induce" a material change in natural objects thereby transforming them from one thing to another. "Form" in Bacon's philosophy has been "purged of its theological content in that it is now "absolutely abstracted from matter and not confined and determined by matter."⁵³ Form is not a final or "formal" cause; a telos or purpose inhering in matter directing change, but "only" an efficient and material causes which produces change as objects change from one "form" to another. Change being the constant state of things, it does not indicate a self-defining purpose, it is merely motion as such; the product and result of a fixed (and limited) set of underlying processes which together, and in their various combinations, explained the production of all things in their infinite diversity.

Bacon uses the analogy of letters in an alphabet, to convey the idea of basic parts whose rules or laws of recombination and rearrangement provide the structure

⁵² Bacon, "Refutation of Philosophies", in Farrington, op. cit., p. 128

⁵³ Bacon, "Advancement of Learning, Book 2", in Vickers, op. cit., p. 196

through which all surface phenomenon can be explained.⁵⁴ By looking for the finite processes which produce things, rather than the individual things themselves, the scientist will avoid the classical problem of the proliferation of forms. Classes and kinds of things because they inhabit the world of definition can be infinitely disputed and admit of no final resolution. Systematic inquiry requires method as a tool to correct the unaided “failing of the human understanding which left to its own nature is given to abstractions and assumes to be constant those things that are in flux.”⁵⁵ Definitions find no resolution because they move in the world of ideas and ideas can be constructed and deconstructed at will because they are merely the conventions of the mind. There is no defining “essence” or “ontological” substance which could ever end the disputation, the mind does not come to rest upon a final conception of eternal form, but spins endlessly in webs of infinite speculations. Understanding Bacon’s reinterpretation of metaphysics requires a detailed analysis of the text itself. Bacon writes:

Forms of Substances I say (as they are now by compounding and transplanting multiplied) are so perplexed, as they are not to be enquired; no more than it were either possible or to purpose to seek in gross the forms of those sounds which make words, which by composition and transportation of letters are infinite. But on the other side, to enquire the form of those sounds or voices which make simple letters is easily comprehensible and being known induceth and manifesteth the forms of all words, which consist and are compounded of them. In the same manner to enquire the Form of a lion, of an oak of gold, nay of water, of air, is a vain pursuit; but to enquire the Forms of sense, of voluntary motion, of vegetation, of colours...of heat, of cold and all other natures and qualities, which like an alphabet are not many, and of which the essences (upheld by matter) of all creatures do consist; to enquire I say the true forms of these, is that part of Metaphysic which we now define of.

Things only exist in their individual, unique, particularity and as such do not possess or participate in an idea or form which somehow transcends, perfects or completes them. The objects of science therefore are not things, but the processes of change and transformation which produce them. Things exist only in their individuality and are therefore ultimately unknowable; what is knowable are the fixed number of underlying natural processes by and through which individual things “change” from one thing to another, or in other words change their “form.”

Science is about “transforming” nature because it is about “super-inducing”

⁵⁴ Bacon, “Advancement of Learning, Book 2”, in Vickers, op. cit., p. 196

⁵⁵ Bacon, *Novum Organum*, Book 1, Aphorism 51, op. cit., p. 60

change from one form to another in order to understand the underlying processes of change by and through which natural things come and go out of existence. Bacon's empirical method is not one of passive observation, but direct intervention because it is only by intervening in these natural processes that one establishes a point of origin from which the resulting change can be observed. Man intervenes through the experiment to produce an effect; the scientist because he knows he has produced the effect knows the cause of the effect (his intervention) and therefore knows the process by and through which that particular change has been effected. Science is not the passive observation of natural processes, but the production of change through the manipulation of natural processes wherein the "moving principles" of how things come to be or transform from one state to another are revealed and literally "made" known.⁵⁶

Natural things may appear to be in a state of flux and change, but there are underlying laws of motion or change, which if brought within the frame of science will reveal their secrets. The concept of form, therefore, if it is to have any meaning at all, must reflect this new interest. In Aphorism 51, Bacon instructs that the scientist:

...rather than turn Nature into abstractions, it is better to dissect her, as did the school of Democritus, which delved further into Nature than others. Matter rather should be our study and its schematism and changes of schematism, and pure action and the law of action or motion; for forms are fictions of the mind, unless we choose to call those laws of action forms.⁵⁷

As such scientific investigation will never progress if it merely observes nature in its surface manifestations, but must delve into nature and "vex" her in order to wrest from her the secrets which are hidden within her inner workings. Knowledge and power therefore become intimately intertwined because metaphysics is not about the passive contemplation of eternal form; but about the active manipulation of nature for a human purpose. Knowledge of the underlying processes of change:

...doth enfranchise the power of man unto the greatest liberty and possibility of works and effects . For Physics carrieth men in narrow and restrained ways, subject to many accidents of impediments, imitating the ordinary flexuous courses of nature...For physical causes give light to new inventions "in simili materia", but whosoever knoweth any form knoweth the utmost possibility of super inducing that nature upon any variety of matter and is so less restrained in

⁵⁶ Bacon, *Novum Organum*, Book 1, Aphorism 66, op. cit. p. 73

⁵⁷ Bacon, *Novum Organum*, Book 1, Aphorism 51, op. cit., p. 61

operation...⁵⁸

Man is empowered by method to be unrestrained in operation and knowledge is power in that knowledge is knowledge only in so far as it produces a change; causes and effect moves natural objects from one form to another. Method therefore not only arranges the materials and produces the experiments; it is productive of the very change which is the source of knowledge and explanation itself.

The scientist can no longer be content to merely observe and learn from nature because nature does not open herself to the human mind. There is no longer a direct correspondence between the knowing mind and the thing known because there is no underlying intellectual principle, no divine nous, common to the soul of man and the natural world. Creature and creator are absolutely separate and the mind of man being a product of the creator must learn to know the material world as an object completely other than itself a mere object for his manipulation. Knowledge isn't knowledge if it is not productive of useful effects; there is no point to the endless collection of abstractions which serve only to clutter the mind without order or purpose. Order and purpose do not exist in nature; nature is a dumb material upon which order and purpose are imposed by the scientist. Likening empiricists to ants who only "gather and consume" and rationalist who like spiders who "only spin webs out of themselves" he recommends the bee who adopts the middle course in:

...drawing her material from the flowers of the garden or the field, but transforming it by a faculty peculiar to herself. Such should be the activity of a genuine philosophy. It should draw its material from natural history and mechanical experience, but not take it unaltered into the memory, but digest and assimilate it for storing in the understanding.⁵⁹

Man has a unique place in creation and although is a creature himself he is nevertheless is in possession of a soul which was created in the divine image. Man, resembled God in his possession of a free will which when properly harnessed and channelled to the good would imitate and therefore continue the divine work of creation. Bacon's empiricism, is not that of passive observation, but of active intervention, in which the experiment allows human action to produce and reproduce changes in natural things, thereby identifying "causes" which produce "works and "effects". Man, like God is a world creator through the productive power which like

⁵⁸ Bacon, "Advancement of Learning, Book 2", in Vickers, op. cit., pp. 197-198

the divine force itself stamped its impressions upon a lifeless, inert and unformed matter. Man could imitate God as the author of created things, but only by first establishing and then harnessing the laws of nature through which his power was made manifest in the world. The experiment substitutes, man for God as the author and origin of an action which forces or produces a change in “appearance” from one state to another. Man’s actions into the world as disciplined by scientific method are thereby equated to God’s actions as they are a direct extension of the creation through the hands of man.

Fruits and Fertility; The Production of Useful Effects

Although Aristotle had begun from sense experience of things he nevertheless subordinated his science to “demonstrations” based upon first principles intuitively known by the mind. Aristotle’s error had been to aspire to the “essence” of things when no such “essence” existed. Proof was not in rational argumentation that made visible the definition of things, but in acts and works that produced useful effects. As Christ brought knowledge through productive works that bore fruit, so the truth of charitable works would be found in their fertility. St. Paul in the First Epistle to the Colossians, sets the example and the standard of “truth” that Bacon will follow:

Colossians 1:6

Which is come unto you, as it is in all the world; and bringeth forth fruit as it doth also in you, since the day ye heard of it and knew the grace of God in truth...(9) and to desire that ye might be filled with the knowledge of his will in all wisdom and spiritual understanding (10) That ye might walk worthy of the Lord unto all pleasing, being fruitful in every good work, and increasing in knowledge of God.⁶⁰

The generation of productive works would be the “fruits” that would guarantee the “truth” of the experiment. Fertility is the proof of power; genesis and generation being the sign and proof of the creative power unique to God and man.⁶¹ Bacon warns that without the proof of experience and useful effects science will not progress:

⁵⁹ Bacon, “Refutation of Philosophies” in Farrington, op. cit., p. 131

⁶⁰ The Epistle of Paul to the Colossians, 1:6, 9 - 10, *The Holy Bible*, op. cit., p. 693

⁶¹ “Ye have not chosen me, but I have chosen you and ordained you, that ye should go and bring forth fruit and that your fruit should remain: that whatsoever ye shall ask of the Father in my name, he may give it to you.” John 15: 16 *The Holy Bible* p. 634

...the best demonstration by far is experience, so long as it holds fast to the experiment itself. For if it is to be transferred to other cases which are thought to be similar, unless this transfer is made correct and regular procedure, the result is false. But the method of learning from experience in current use is blind and silly, so that while men roam and wander along without any definite course, merely taking counsel of such things as happen to come before them, they range widely, yet move little further forward...⁶²

Demonstration was not of the realm of argument and words, but in the realm of action and production. Things were not “known” so much as produced or brought into being through the control of the underlying processes which determined their existence. In Bacon’s new method experiment featured as an intervention into nature in order to produce effects thereby harnessing and directing the natural productive capacity of nature itself, but through the channel of human intention. The point of intervention would thereby determine the beginning of the process and as such turn nature to a human and therein a divine purpose.

Human purpose however was not to be found in the arbitrary and contingent whims of individual psuedo scientists such as alchemists and magicians who dabbled in the sciences to suit their own fancies and to advance their own egoistic interests.⁶³ Serious scientific investigation was not any individual’s personal plaything, but was and could only be a collective effort in which each and every man gave up his own selfish will and desires in order to align his mind and his actions with the divine purpose. Only the proper application of method to science would ensure both the internal and external discipline that a collective and cumulative human endeavour required. Progress however cannot be guaranteed by the fruits alone, but must press on to the search for the causes “productive” and “generative” of the fruit itself. Bacon again deploys the Biblical metaphor to convey his distinction between the production of useful and practical works and the axioms, which as underlying principles, are the real source of nature’s power and the proper object of scientific inquiry:

Whereas in the true course of experience, one that will bring new works, divine wisdom and order should be the pattern before us. For God on the first day of creation created light only, devoting to that task an entire day, in which He created no material substance. In the same way and from experience of every

⁶² Bacon, *Novum Organum*, Book 1, Aphorism 70, op. cit., pp. 78 - 79

⁶³ Bacon rejects the “narrowness” of magicians and alchemists whose operations are “corrupted by “vain-glory and self-seeking” and “entangled in an “obscure” and “ancient“ teaching. See Farrington’s discussion, in Farrington., op. cit. pp. 52 - 54

kind, we should first of all discover causes and elicit true axioms; and seek experiments that bring light, not fruit. Indeed axioms that are correctly devised and established assist in practical application to no small degree and bring hosts and troops of works in their train.⁶⁴

It is in the creative power of God that he demonstrates his ability to generate works and it is to that creative power as knowledge of axioms and causes that science must turn if it is to restore to man and regenerate the world.

These laws of nature however, do not readily appear before man, as both nature and his natural understanding have become corrupted by the fall. Because of original sin man was condemned to struggle for his existence against a resistant nature and it would only be by the “sweat of his brow and the labour of his hands” that man would win his earthly existence. “It is the glory of God to conceal a thing, but the glory of a king to discover a thing”; it is nature’s way to “play hide and seek”, but in his compassion and indulgence God “chose the human soul to be his companion in play in this game”.⁶⁵ Man approaches nature as a hunter hoping to trap his prey in an experiment, nature is put through her paces exposing the underlying processes hidden in her depths. Man acts into nature, thereby intervening into the natural process of change and transformation, substituting any number of as yet undetermined causes, for a single cause, originating in man. Nature does not simply display her “mysteries” but must be tricked and coaxed and finally mastered. The experiment is the art, or artefact “freely” made by man to impose order upon nature and make her subject to his will;

I arrange it as a history, not only of Nature free and untrammelled (that is where she flows along of her own accord and on her own business) but much more of Nature constrained and vexed by which I mean when by art and intervention of man, she is forced out of her natural state and is pressed and moulded.⁶⁶

Domination, replaces imitation, and the cause of change is identified by and through man’s direct intervention in the form of the controlled experiment.

Bacon recommends that tables be established to order and arrange experiments in a collaborative effort to flesh out the “light” bearing axioms necessary to the accumulation process. Bacon knows his task to be a mighty one, but he has hope for the future and a plan to put it into practice. The great number of particulars, which

⁶⁴ Bacon, *Novum Organum*, Book 1, Aphorism 70, op. cit., p. 79

⁶⁵ Bacon, *Novum Organum*, Preface, op. cit., p. 15

seems “like an army, an army scattered and confused” can be “disposed and arranged in appropriate tables of discovery” which will if “well prepared and digested” afford the necessary assistance to the inquiring mind.⁶⁷ Knowledge, says Bacon, is “worthiest when charged with least multiplicity - simple forms or differences of things which are few in number” as it is not the proliferation of forms but their combination or “the degrees and co-ordinates which make all this variety.”⁶⁸ The experiment will examine and eliminate definitions and ideas, until an affirmative one is discovered.⁶⁹ The elementary processes are declared to be finite in number “for the particular phenomena of the arts of Nature are only a handful compared to the fanciful speculations of the intellect” leading him to boldly proclaim that if there were “someone among us who could answer our questions concerning the operation of Nature, the discovery of all causes and sciences would be a matter of a few years.”⁷⁰

Science is the business of accumulating knowledge with the result that the only “legitimate” practice is one aimed at locating and securing the source of power and productivity identified in mastering and controlling the underlying processes of nature. In an authoritative address to the new generations of scientist, entitled the “Masculine Birth of Time” Bacon promises his followers that they will no longer have to sit at Nature’s feet learning her lessons but will instead assert power and control, directing nature to a human purpose. Bacon mixes the metaphor of the master/servant with the sexual one of masculine generative power in bringing “Nature with all her children” within the scientists power allowing him “to bind her to your service and make her your slave” which will in turn “stretch the deplorable narrow limits of man’s domination over the universe to their promised bounds.”⁷¹ No longer would man be bound by a passive imitation of nature, but would forcefully assert his sovereignty through the use of his arts and inventions so that “the mind can exercise its rightful authority over the nature of things.”⁷² Bacon is very conscious that he is changing the standards upon which science is to be pursued and makes the direct link between knowledge and the human interest, directing and determining the collective

⁶⁶ Bacon, *Novum Organum*, Plan of Work, op. cit., p. 25

⁶⁷ Bacon, *Novum Organum*, Book 1, Aphorism 102, op. cit., pp. 109-110

⁶⁸ Bacon, “Advancement of Learning, Book 1”, in Vickers, op. cit., p. 197

⁶⁹ Bacon, *Novum Organum*, Book 1, Aphorism 105, op. cit., p. 111

⁷⁰ Bacon, *Novum Organum*, Book 1, Aphorism, 112, op. cit., p. 116

⁷¹ Bacon, “Masculine Birth of Time”, in Farrington, op. cit., p. 62

⁷² Bacon, *Novum Organum* Preface, op. cit., p.7

research project:

The other part of Invention, which I term Suggestion, doth assign and direct us to certain marks or Places which may excite our mind to return and produce such knowledge as it hath formerly collected to the end we may make use thereof... For as Plato saith "Whosoever seeketh, knoweth that which he seeketh for in a general notion; else how shall he know it when he hath found it"? And therefore the larger your Anticipation is, the more direct and compendious is your search.⁷³

Not only is a Bacon clear that the researcher must design his inquiries with his ultimate end in mind, but equally, that it is only by those ends themselves that the outcome of the research can be judged. Bacon is aware that it is not by appeal to "the evidence" alone that determines the success or failure of theories because each theory carries within it its own criteria of judgement. Bacon cites the example of the controversy in astronomy raging in his own time:

Both those who accept the rotation of the earth and those who hold to the old scheme show an equal desire to "save the appearances." Nay, the astronomical tables suit either system. So in natural philosophy, but even more easily, can men think up theories, all differing from one another and all logically self-consistent. They all appeal to the same stock of experience, the same vulgar instances, which in the present state of philosophy exercise men's wits, but each uses them to support a different system.⁷⁴

The rival claims dividing the old from the new cosmology cannot be determined by a simple appeal to the "facts" because it is not the facts alone, but their interpretation within a system of demonstration and logic determined by different "ends" directing different standards of evaluations. Bacon's new method is cannot be assessed within the old system because its purposes are different and as such must be held to a different standard:

...the end I propose for my science is the discovery not of arguments but of Arts, not of things that are consistent with first principles, but of the principles themselves, not of probable reasons, but of indicators and directions of works. As my intention is different so is the result. The result of the one is to overcome an opponent by disputation of the other to overcome Nature by Action.⁷⁵

The intention and end to which Bacon directs his new science is nothing less than to "lay down firmer foundations for the power and grandeur of man, and extend their

⁷³ Bacon, "Advancement of Learning Book 2", in Vickers, op. cit., p. 224

⁷⁴ Bacon, "The Refutation of Philosophies" in Farrington, op. cit., p. 117

⁷⁵ Bacon, *Novum Organum*, Plan of Work, op. cit., p. 19

limits more widely.”⁷⁶ As such knowledge and power become synonymous in Bacon’s scientific utopia as truth is demonstrated not by reference to some “imaginary higher principle” but by their success and generative power.

Bacon consciously resets the standards upon which natural philosophy is to be judged and then employs his considerable rhetorical skills to condemn ancient philosophy because it fails to meet not its own standards, but Bacon’s new purpose. Bacon’s argument with the ancients is one of purpose and as such it is one of values allowing Bacon to dismiss ancient philosophy precisely because it doesn’t further the dreams of unlimited power and control over nature animating Bacon’s reformation theology. In another essay entitled the “Refutation of Philosophies” Bacon advises his new scientist to attend not to arguments but to “signs”.

Let us then retrace our steps and examine the “signs”. There is no “sign” more certain and more noble than that from fruits. In religion we are warned that faith be shown by works. It is although right to apply the same test to philosophy.⁷⁷

Complaints are levelled against ancient philosophy because it is “barren of works” and “impotent”, capable of generating nothing but “chatter”, proving its “immaturity” by its lack of “fertility”. Man has so disabused his reason and neglected his proper vocation, that he in fact has lowered himself, even below the animals:

As the next “sign” take the question of an abundant harvest of works. I say that your philosophy - and it is a field which has been tilled and cultivated for ages - has not yielded one achievement tending to enrich and relieve man’s estate, which can truthfully be set down to the credit of its speculations. So, true is this that it might be claimed that the instinct of dumb beasts has produced more results than the discourses of learned men.⁷⁸

In the *Novum Organum*, Bacon makes it clear that it is his intention to institute this new criteria of truth in order to place science on a the “correct road” by establishing appropriate “ends” and “goals.”⁷⁹ True science will be known by signs, “..none of which is more certain or worthy than that which has come from fruits; for fruits and practical discoveries are, as it were guarantors and sureties for the truth of philosophies.”⁸⁰

As usual for Bacon, it is the intention of God, that Man should be by his “true”

⁷⁶ Bacon, *Novum Organum*, Book 1, Aphorism 116, op. cit., p. 118

⁷⁷ Bacon, “The Refutation of Philosophies”, in Farrington, op. cit., p. 124

⁷⁸ Bacon, “The Refutation of Philosophies”, in Farrington, op. cit., p. 125

⁷⁹ Bacon, *Novum Organum*, Book 1, Aphorism 82, op. cit., p.90

⁸⁰ Bacon, *Novum Organum*, Book 1, Aphorism 73, op. cit., p. 82

vocation above and in command of the natural world, a mortal God empowered with a new method establishing not an imagined but a “true” model of the world for his use and exploitation. Bacon cannot help but be jubilant at this coming regeneration of the sciences as truth and utility cannot help but progress together as God had originally intended:

But I say that those foolish and aping imitations of worlds which men’s fancies have created in their philosophies must be utterly put to flight. Men must realise, therefore, as I said earlier [in Aphorism 1, 23] how great a difference there is between the idols of the human mind and the ideas of the divine mind. The former are no more than arbitrary abstractions; the latter are the Creator’s true stamp upon created things, printed and defined on matter by true and precise lines. In this respect, (*ipsissimae res*) so works themselves are of greater value as pledges of truth than as comforts of life.⁸¹

Man knows he has hit upon a truth, when the possession of that truth allows him power and control. Truth has become an instrument of technological domination proven in action; power is the proof and sign of a divine purpose working its will upon the world; Man, the mortal god, brings nature to its completion and its perfection.

The Completion of Nature by History

Bacon inaugurated a revolution in science because changed the “ends” of science by changing its purpose. Rather than being directed to the contemplation of the “divine” or “eternal” form or essence of things; science was about harnessing the underlying processes of nature to “progressively” expand the scope of human power. Science was no longer to be the idle occupation of a privileged and cloistered elite, but would be brought out into the world to become the one and only organising principle of modern life the generation and accumulation of knowledge in the pursuit of power and productivity without end. The application of a systematic methodology to the investigation of the natural world served as the cornerstone of a productive epistemology that initiated and defined a radically new technological world view.

⁸¹ Bacon, *Novum Organum* Book 1, Aphorism, 124, op. cit., p. 126. As the editors point out in footnote #108, this passage has been the subject of much debate as the relation between truth and utility is central to Bacon’s interpretation of nature. See Paolo Rossi, “Bacon’s idea of science” pp. 25 - 46 and Antonio Perez-Ramos, “Bacon’s forms and the maker’s knowledge tradition” pp. 99 - 120 in Markku Peltonen (ed.) *The Cambridge Companion to Bacon*, (Cambridge.: Cambridge University Press) 1996

As with all great revolutionary movements this change was not justified by its radical modernity, but by its “return” to an “original” position and as a “restoration” of a lost promise. Bacon committed himself to the future with the fundamental and animating belief that in a “return” to the garden of Eden where before the fall man and nature had enjoyed a direct and untarnished communication and correspondence. Man had once had command of nature and now “every effort should be made, by whatever means to restore to its original condition or at least to improve, that commerce between Mind and Things”⁸² Man had been created in the image of God to assist in the naming of things in the world and having lost that privileged position by his own error and sin, and must now work to regain his God-given place in the order of thing; The Great Instauration, and proclaimed that “a path must be opened to man’s understanding *entirely different from that known to men before us*”⁸³ Hope, was possible for man if he lived a life in imitation de Christi and set his mind upon the “true ends of knowledge.” Man’s work on the world would bring change and transformation; its purpose being to:

...direct and bring it to perfection in charity, for the benefit and use of life. For the angels fell through hunger for power; men through hunger for knowledge. But of love and charity there can be no excess, neither did angle nor man ever run into danger thereby.⁸⁴

Science in the service of charity, marked a new age and a new beginning, one that would overturn the errors of the past and open the way for unlimited human progress as God had originally intended.

The past, rather than being the living tradition through which man defined himself and his place in the world, was viewed instead as the dead weight of a sterile, failed and distant civilisation whose time had past and could be justly buried and forgotten. Bacon believed man was destined to pass through certain stages, with the past being defined as a time of death and vanity; the image of God in man having been defaced and heaven and earth corrupted by the fall.⁸⁵ According to Bacon history is the unfolding of time through demarcated epochs identified as the creation, the fall, the Christian era and finally into the “end of times” when the world will be

⁸² Bacon, *Novum Organum*, Preface, op. cit., p. 3

⁸³ Bacon, *Novum Organum*, Preface, op. cit., p. 7

⁸⁴ Bacon, *Novum Organum*, Preface, op. cit., p. 15

⁸⁵ Bacon, “A Confession of Faith”, in Vickers, op. cit. p. 109

restored to its original glory.⁸⁶ The Christian era was a time of overcoming which would be marked by unlimited progress, fertility and productivity. The masculine birth of time, would consummate a whole new relationship with nature in which will usher in the end of history as a time of abundance, happiness and blessedness. The “masculine” era inaugurates a whole new age of “men” rediscover their origins, not in the feminine element of nature which has held them in bondage, but in their “adoption” as sons of God the Father. St. Paul to the Galatians 4:1 - 7

Now I say, That the heir, as long as he is a child, differeth nothing from a servant, though he be lord of all; But it is under tutors and governors until the time appointed by the father. Even we, when we were children, were in bondage under elements of the world: But when the fullness of the time was come, God sent forth his Son, made of a woman, made under the law, To redeem them that were under the law, that we might receive adoption of sons. And because ye are sons, God hath sent forth the Spirit of his Son into your hearts, crying Abba, Father. Wherefore thou art no more a servant, but a son; and if a son, then an heir of God through Christ.⁸⁷

Man is no longer in “bondage” to nature, he can reclaim his rightful place as “master”, as a son and heir of God through Christ. Nature is seen as the raw material of production and generation, the fertile body upon which man can procreate and bring forth a boundless abundance from which a whole new future for the human race can emerge. Grasping nature in its naked state, opens her to the unlimited potentiality of change and transformation that can be wrought in the service of man. Bacon’s rallies his disciplines with the biblical injunction to be fruitful and multiply, proclaiming nature to be both bride and servant;

My dear, dear boy, what I propose is to unite you with things themselves in a chaste, holy, wedlock; and from this association you will secure an increase beyond all hopes and prayers of ordinary marriages, to wit, a blessed race of Heroes and Supermen who will overcome the immeasurable helplessness of poverty of the human race, which cause it more destruction than all giants, monsters, or tyrants and will make you peaceful happy, prosperous, and secure.⁸⁸

The new age would be a technological age when new inventions would prove the fertile fruit from with each new generation building upon the advances of its predecessor. The power of technology would be harnessed as a means propelling geometrical growth as each new discovery prepared the ground for the next and so on

⁸⁶ Bacon, “A Confessions of Faith”, in Vickers., op. cit., p. 110

⁸⁷ The Epistle of Paul to the Galatians, 4: 1 - 7, in the *Holy Bible*., op. cit., pp. 686-7

into the future. Useful inventions, were of course desired, but of secondary, not primary importance because it was the system, not its products which was the source and origin of productivity and progress. The “fruits” or products of the productive process were themselves merely by-products and to be regarded as a dead end if they were not themselves capable of producing a whole new generation change and transformation. Ends became means and means became ends as each thing was not of value in itself, but only in so far as it could be feed-back into the productivity system itself thus engendering unlimited cycles of technological advance marching forever into the future. Bacon distinguishes between withdrawing the “fruits” of experiments for immediate use and reinvesting them within the productive process in order to generate and accumulate more knowledge. He even uses the metaphor of “capital” and “interest” to refer to science as a productive base that is better served through reinvestment where “products” are ploughed back into the productive cycle, rather than being extracted for immediate use:

...as I have often clearly stated and would like to state again, it is not to extract works from works, nor experiments from experiments as empiricists do, but from works and experiments to extract axioms and causes, and again from those causes and axioms to extract new works and experiments, as a legitimate interpreter of Nature...Anyone therefore who is more apt and better prepared for mechanical matters and is clever at hunting down works merely by a frequent use of experiments, is free to employ that diligence to pluck out from my history and tables any number of things that he can find on his way, and apply them to works and so receive some interest, as it were, before he lays his hand on the capital. But for my part, having higher aims in mind, I condemn all hasty and premature delay on things of that kind being, as I often say, like Atlanta's apples. I have no childish longing for golden apples, but stake all on the victory of art over Nature in the race.⁸⁹

Bacon's vision of a disciplined system of scientific accumulation was different in conception from proceeding experiments in natural philosophy because it served a universal and infinite theoretical purpose and not a particular and limited practical end. Bacon's method brought the realm of the transcendent into the plane of human progress by locating the infinite in an undisclosed future potentiality that was always, just beyond the horizon. Bacon's unbounded hope for unlimited and infinite “social progress” found expression in the creation of method as a machine dedicated to the command and control of nature's (and human nature's) productive forces which when

⁸⁸ Bacon, “Masculine Birth of Time”, in Farrington, op. cit., p. 72

⁸⁹ Bacon, *Novum Organum*, Book 1, Aphorism, 117, op. cit., pp. 119-120

feed back into themselves would produce a self-generating process of unending expansion and growth. Bacon speaks of growth and development generating perpetual progress in the advancements of the sciences:

Signs can also be drawn from the increase and growth of philosophies and the sciences. For things that are based on Nature grow and develop...So long as they find favour, they are always thriving and growing, as if endowed with a certain spirit; at first primitive, then useful, finally highly developed, and always improving.⁹⁰

Nature having been stripped of eternal “form” is broken down to base component parts and elementary processes which can be combined and recombined, not for any specific and therefore de(limiting) purpose, but for the purpose of productivity itself, in all its unbounded infinity. As such, the self-reproduction of technology productivity subsumes all other partial “ends” to its universal process which can never be realised, because to be actualised is to be embodied, and to be embodied is to be limited and defined. Limitation and definition are however impossible because all ontological “essence” has been deconstructed and shown to be nothing other than the arbitrary assertions of mere human convention. Existence is all there is and existence itself is not a thing, but a process, a process with neither beginning nor end, just unlimited expansion with the cumulative result that all of “being” has been annihilated on the infinite plane of becoming.

Man, in imitation of God, inserts his action into nature, to mark an origin, the beginning of a process, an artificial cause that produces and artificial effect without truth or purpose other than whatever he temporarily and contingently assigns it. Manipulation and control of the processes of cause and effect allow man to transform things and thereby produce “new” things which have never been known or seen before. The world is made up not of nature’s bounty and gifts, but of her poverty and hostility wherein man must fight a rearguard action of defence against corruption and marshal all his powers of command and control to produce and maintain a world of “artefacts” that exist, not by nature but by art or techne. In the end however, man’s artificial productions have no more stability, endurance or reality than the natural things they replace and betray nothing other than the will to change and transformation as an end in itself as nothing other than the human all to human desire for the demonstration and display of power.

⁹⁰ Bacon, *Novum, Organum*, Book 1, Aphorism, 74, op. cit., p. 84.

It is the task and purpose of human power to generate and super induce a new nature or new natures on a given body. It is the task and purpose of human knowledge to discover the form of a given nature, or its true specific difference, or nature engendering nature, or source of emanation...and subordinate to these primary tasks there are two others...the transformation of one material substance into another, within the bounds of possibility; subordinate to the latter, the discovery, in every instance of generation and motion, of the latent process operating continuously from the manifest efficient and the manifest material [causes] to the resulting form;...⁹¹

Artificial products have the advantage over natural ones, in that man is their source and origin and through them alone he can know himself as the sovereign power ordering all the world to his fantasies of domination and control;

Among prerogatives of instances, I will put in tenth place Instances of Power, or the Fasces (to borrow a word from the insignia of empire) which I also call Instances of the Ingenuity or Hand of Man. These are the most outstanding and perfect works, the very ultimate in any particular art. For since it is my chief concern that Nature should serve the affairs and convenience of man, it is entirely fitting that the works already in his power (like provinces already occupied and subdued) should be noted and enumerated, especially those that are most complete and perfect, since if we start from them, we shall have an easier and nearer journey, to new and hitherto undiscovered works. ⁹²

Bacon's scientist "knows" his creations because he has made them, there is nothing in the product of his making that is outside his will and control because he is their common origin and creator. Man, not only rules the created world, in the sense of a relation of command and obedience, but is in total control and domination of it, as it is made only from himself and in-(formed) only by the continuous action and intervention of his knowledge and will:

For although nothing truly exists in Nature except separate bodies performing separate pure actions, in conformity with a law; in philosophy, on the other hand, that very law and the search for, discovery and explanation of it, are the foundation of knowledge as well as of operation.⁹³

Created nature, does not have a life of its own, but is animated by the will and spirit of man, and as such acts as an external and extended apparatus through which man's will is immediately channelled, amplified and expanded. The raw material of nature does not offer resistance because, it has no will, form, telos, or purpose of its own, but is merely so much matter in motion, mere potentiality, to be dissected, dissolved and

⁹¹ Bacon, *Novum Organum*, Book 2, Aphorism 1, op. cit., p. 133

⁹² Bacon, *Novum Organum*, Book 2, Aphorism 31, op. cit., p. 198

⁹³ Bacon, *Novum Organum*, Book 2, Aphorism, 2, op. cit., p. 135

destroyed, the malleable raw material subject to the will and command of the human interest.

Truth is demonstrated not only in utility, nor in the production of useful works and instruments, but more fundamentally, in the self-generating development and multiplication of the sciences themselves. Science becomes an auto-poetic process, undertaken by generations of men, guided by the divine hand of providence, in which the will, interest and intention of any one man can only be partial and limited. Just as an abstracted, unlimited and undefined “future” subsumes all human effort, vocation and hope, an equally abstracted, unlimited and undefined power guides and disciplines the general interest towards a unified because universal interest. Technology is imagined as neutral because it serves a generalised social utility, which because of its abstracted nature, is neither limited, nor corrupted by partiality as long as it remains in the purity of transcendence as pure potentiality. Just as corporeal nature and selfish desires, fragments power and descends into irrationality and the chaos of unreformed nature, so does disciplined products of artifice embody the transcendent future of pure will and divine intention. Not men, but Man incarnates the universal interest of the total human project understood as the collective human good both now and in the future:

...we have spoken first of the Good of Society, the intention whereof embraceth the form of Human Nature, whereof we are members and portions, and not our own proper and individual form. We have spoken of Active Good and supposed it as a part of Private and Particular Good; rightly; for there is impressed upon all things a triple desire or appetite proceeding from love to themselves, one of preserving and continuing their form; another of advancing and perfecting their form and a third of multiplying and extending their form upon other things; whereof the multiplying or signature of it upon other things is that which we handled by the name of Active Good.

Bacon's interest in experimental science is a universal, technical interest, wherein “charity” as the universal purpose guides and guarantees a harmony of interests that unite all private or partial goods within a single path on the road to the perfection of “human nature”. By looking to the “light”, rather than the “fruits” of science, man ensures his heart is pure and he is not tempted by his own base desires. Knowledge and power are perfected through their multiplication and man perfects nature by completing her, by diverting her from her natural course and remaking her in his own, divine image. The real promise of science as the key to the human understanding, is its ability to harness and unite to a common purpose; “as new discoveries are in fact

like new creations, imitations of the divine handiwork.”⁹⁴

The only thing marking beginnings, epochs and endings on this linear temporal trajectory is the will of God, who in his infinite purpose authored a beginning, inscribed a series of distinct periods of time and planned an ultimate conclusion at the “end of days”. Bacon was intervening and directing history by establishing a new foundation of science through which man would collectively learn to intervene and direct nature. Man would not only “return” to his original and intended path, but would do so this time not as an innocent child benevolently incorporated into the paternal protection of the divine father, but would join the father in the productive and creative process of world creation. As Christ had been brought into the world to serve as the example to man, experimental science had been brought into the world to continue God’s work in imitation di Christi. Science, like Christianity before it marked a separation in time, a beginning of a whole new epoch of man which would transform man himself and in so doing transform the world.⁹⁵

A whole gulf of understanding had opened up between the moderns and the ancients as there would be a whole gulf of understanding between those inaugurated into the new sciences and those who were still idling in ignorance. Enlightenment would literally light the way of the new world as Christ had brought the good news of the one, true path to knowledge and salvation. The moderns would have triumphed over the past in a way that opened a chasm a deep and as wide as that which existed between pagans and Christians because man himself had been transformed into a new creature. Science transformed the mind of man as Christianity transformed his heart, by re-orienting him from a human to a divine purpose. Those unreformed would be literally excommunicato and as such could only be dealt with by force lacking in their very nature the ability to understand:

We see Moses when he saw the Isrealite and the Egyptian fight, he did not say “why strive you?” but drew his sword and slew the Egyptian; but when he saw two Isrealites fight he said “you are brethren why strive you?” If the point of doctrine be an Egyptian, it must be slain by the sword of the spirit and not reconciled. We see of the fundamental points our Saviour penneth the league thus “ He that is no with us is against us, but on points not fundamental thus, He

⁹⁴ Bacon, *Novum Organum*, Book 1, Aphorism 129, op. cit., p.130

⁹⁵ “For every one that useth milk is unskilful in the word of righteousness; for he is a babe. But strong meat belong-eth to them that are of full age, even those who by reason of use save their senses exercised to discern both good and evil.” Paul’s Epistle to the Hebrews 5: 13-14, *The Holy Bible*, op. cit., p. 704

that is not against us is with us.”⁹⁶

Science is a universal system that embraces all that is not against its fundamental principles and as such has world wide application as the one and only means to knowledge. When it comes to the differences between moderns within the system and primitives without it, there can be no basis of reconciliation or even understanding conversion becoming the literal pre-requisite to conversation. Differences between rival systems cannot be resolved by reason because reason is dependent upon definitions and first principles which can only be established by authority and authority rests not on reason, but on force.⁹⁷

Bacon’s authority comes from the force of his vision and the power of his rhetoric. Modern science and technology was a new instauration, a new foundation moment born of prophecy and promise. Benjamin Farrington believes that Bacon symbolised his project on the cover of his *New Organon*; it is the image of a British ship passing through the Pillars of Hercules and “foretells the escape from the Mediterranean Sea (and ancient civilisation) to the oceans of the world and a new epoch of human history.”⁹⁸ Urging men to shake of the chains of their own oppression and become masters of themselves and encouraging them to act courageously:

The thunderbolt is inimitable, said the ancients. In defiance to them we have proclaimed it imitable, and that not wildly but like sober men, on the evidence of our new engines. Nay, we have succeeded in imitating the heaven, whose property it is to encircle the earth; for this we have done by our voyages. It would disgrace us, now that the wide spaces of the material globe should be set by the narrow discoveries of the ancients. Nor are these two enterprises, the opening up of the earth and the opening up of the sciences, linked and yoked together in any trivial way. Distant voyages and travels have brought to light many things in nature, which may throw fresh light on human philosophy and science and correct by experience the opinions and conjectures of the ancients. What else can the prophet mean who, in speaking about the last times, says: Many will pass through and knowledge will be multiplied? Does he not imply that the passing through or preambulation of the round earth and the increase and multiplication of science were destined to the same age and century.⁹⁹

The metaphor is a powerful one and is still with us in the science fiction of popular technological culture, man as the action adventurer striking out under his own steam,

⁹⁶ Bacon, “Advancement of Learning Book 2”, in Vickers, op. cit., p. 292

⁹⁷ Bacon, “Advancement of learning, Book 2”, in Vickers, op. cit., p. 293

⁹⁸ Farrington, op. cit., p. 132, footnote #1

⁹⁹ Bacon, “The Refutation of Philosophies” in Farrington, op. cit., pp.131- 2

relying on his own wit and technological prowess to conquer and explore untold new found worlds lying just beyond the horizon.

Bacon's technological revolution unleashed an age of unprecedented imperial expansion and material progress. Bacon's new experimental method was universal in application and would wipe away the past errors not only of English society and civilisation, but of all other civilisations around the world. Nor was scientific improvement to be restricted to the merely "natural" world as the demarcating line between nature and human nature would prove as arbitrary and contingent as all other "essential" differences before it. Building on the ideas of the scientific revolution and the theories of motion developed by Galileo, Hobbes would seek to understand man from within the perspective of a purely mechanical universe. Rejecting notions of spirit or soul "human" nature was to be described by the same natural laws that animated the rest of the natural world. Following Bacon's method of resolving complexity into its base components and underlying process in order to erect a solid structure which would endure the test of time. Thomas Hobbes would harness the revolution in knowledge to produce a "new" and "modern" physics of man in order to establish the first principles of political association.

Abandoning the shifting sands of custom and tradition, Hobbes sought to remake the state as a freely constructed artifice that would serve the collective needs of a civil society remade in the service of power and progress. Hobbes however, would take the revolution one step further and insist that science as the instrument and method of the human interest need not concern itself with God or the mysteries of divine creation and purpose. To Hobbes it would matter not whether the sovereign power created by a collective act of the human will was turned towards the purposes of good or evil, these things being mere empty speech and devoid of meaning. Without an orientation to the good the accumulation of power after power produced not Bacon's charitable Christian utopia, but only the reproduction of the technological society itself as a uniquely modern way of life, which would, with force and violence, subsume the entire globe within its grasp.

Chapter 2

Political Physics: Thomas Hobbes and the Foundation of an Eternal Order

To conclude, the light of human minds is perspicuous words, but by exact definitions first snuffed and purged of ambiguity; reason is the pace; increase of science, the way; and the benefit of mankind the end. And on the contrary metaphors, and senseless and ambiguous words, are like ignes fatui [a fool's fire], and reasoning upon them is wandering amongst innumerable absurdities; and their end, contention and sedition, or contempt.¹

Thomas Hobbes

Introduction

Thomas Hobbes' originality lay in his revolutionary attempt to found politics on the firm foundation of scientific principles rather than the shifting sands of history, tradition and custom. As a modern he looked to the future rather than the past and saw before him the infinite progress of human power through the cultivation and application of the arts and sciences. Modern man could leave behind his primitive and ignorant ways and establish the commonwealth on the secure scientific principles. Hobbes dissolved civil society into its base components, individual men, identified the fear of death as the most powerful passion, and founded his political order on this primary scientific fact about human nature.² Self-preservation was to be the common end of the commonwealth achieved through the artificial construction of an overarching sovereign power to which all citizens would be equally subject. State sovereignty was to be the modern machine enabling and empowering its subjects to pursue their individual self-interest within the liberty of established law and order. Hobbes' civil society was not natural, but artificial and rested on the force of the sovereign to command obedience through the exercise of power. To Hobbes, as with Bacon, Aristotle's natural philosophy had been discredited and any talk of a natural or essential "end" of man was mere "absurd" speech and idle speculation. Man was no longer to be regarded as a social and political man "by nature" nor was it to be assumed that he had a "natural" inclination to the pursuit of "happiness" or "the good

¹ Thomas Hobbes, cited in *Hobbes Leviathan*, (ed.) Edwin Curley, (Indianapolis: Hackett Publishing Company, Inc.) 1994, hereafter, *Leviathan*, Chap. v, p. 26

² Richard Tuck, *The Rights of War and Peace: Political Thought and International Order from Grotius to Kant* (Cambridge.: Cambridge University Press) 1999, p. 130. See also, Leo Strauss, Translated by Elsa M. Sinclair, *The Political Philosophy of Thomas Hobbes: Its Basis and Genesis*, (Chicago.: University of Chicago Press) 1952, pp. 15 - 22

life” however defined.

Men in their “natural” state were not differentiated into classes or kinds and differences of character were the product of arbitrary and contingent personal, social and historical factors which could not form the basis of a stable and enduring political order. In the state of nature a basic equality and liberty would produce nothing but a natural anarchy Hobbes described as the war of all against all. Man was not “by nature” an isolated individual moved by powerful passions and self-interest. Man’s reason, his ability to calculate and reckon could be used to demonstrate the need to establish a civil commonwealth in order to avoid violent death. Men would then be persuaded to exchange their “natural liberty” for civil liberty and the state would be secured by the social contract. Once the artificial man had been created through the transfer of each individual’s natural to a single power, the Leviathan would then maintain civil order through the production of universal law back up by overwhelming force. The coercive power of the state flows from its monopoly on the use of violence produced and legitimated by the social contract. Once civil society is established, individual subjects are then “free” to pursue their “liberty” within the framework of law as sanctioned by the state.

Hobbes’ breaks with past traditions of political theory because he rejects the juridical foundations of ethical and political action grounded in the natural law tradition of the scholastics. The Leviathan is not a Prince, but an artificial man constructed for a technological purpose; the production of law and order. By destroying the irrational constraints of the past, Hobbes frees man to pursue his desires within the freedom of the state and as such improves nature through artificial means. Hobbes is the first modern to secure a path for human development not ordained by nature, but freely constructed through improvements in the arts and sciences. Hobbes began the project of European enlightenment later to be heralded by Kant as the emancipation of man from his own self-incurred immaturity, defined as one’s inability to use’s one’s own understanding without the guidance of another.³ Hobbes founds modernity on the rock of human freedom, a freedom that requires man himself be transformed in order to become a civilised subject. Modern techno-politics is the production of the citizen from the raw material man and as such defines a civil society based not on ethics but on natural necessity. The machine of modern state

³ Immanuel Kant, “What is Enlightenment.” in *Kant, Political Writings, 2nd Edition* (ed.) Hans Reiss

sovereignty is the technological solution to the modern political problem of managing and controlling human nature for a human purpose; comfortable self preservation. Hobbes' political theory is a political science because it identifies the underlying force animating man and constructs a social and political order which facilitates rather than frustrates natural necessity. Once the absurd speech of the schoolmen had been purged and the errors of the past had been wiped away, a new scientific understanding of man and society would form the foundation for a whole new world order. Scientific method would be harnessed as an instrument or tool to guide and discipline the mind and nature would reveal her secrets. If the pursuit of power after power defines the natural condition of man; then the Leviathan must be nothing other than a power accumulation machine.

The Collapse of Aristotle's Ontology as a Foundation for Ethical Life

In a technological culture, science is something taken for granted, it is the background and standard upon which all "softer" knowledge is measured and ranked. This is why "science" marks the birth of "enlightenment" as a story of liberation and awakening, a dramatic rupture between a past defined by mankind's enslavement to irrational and arbitrary idols of custom, tradition and superstition. The scientific revolution had lead to dramatic increases in agricultural and manufacturing productivity, establishing itself as the universal engine of human progress. The civil war in England had seen the successful challenge of divine right monarchy and the institution of parliamentary government at the hands of a revolutionary army.⁴ The restoration of the Stuart Monarchy in 1660 could not restore the tarnished mystic of kingship or the various layers of aristocratic status and privilege which defined the medieval state. The civil war had struck a fatal blow to traditional conceptions of political order and legitimacy, but had not effectively resolved the relationship between Crown and parliament. It is in this climate of uncertainty, doubt and confusion that Thomas Hobbes began dissect society looking not for the superficial appearances of things, but the causes and processes which lie at their root. Hobbes new political order was self-consciously designed to reorder society, not on the shifting sands of custom and tradition, but on the firm foundation of unchanging scientific principle.

The scientific revolution had transformed early modern conceptions of nature and with it human nature with all the social and political “consequences” that this entails. Hobbes was able to draw up new ideas emerging from Bacon’s project to advance learning beyond the narrow confines of scholastic thought that dominated the universities. The new physical forces describing the universe could be used to understand the motions and passions of man as a natural creature. Man was moved by appetites and aversions as matter was moved by attractions and repulsions and these underlying physical forces could be harnessed and channelled to construct a stable and enduring political order. The loss of the pre-modern metaphysical structure of the cosmos necessarily entailed a simultaneously loss of pre-modern conceptions of social and political life. The medieval view of the state as an ordered political community functioning as a part of an ordered cosmic hierarchy, described in short hand as the Great Chain of Being was being dramatically eroded by the new discoveries of natural philosophy.⁵ Man and the state could no longer be understood as the microcosm mirroring the macrocosm undermining a strictly defined social order in which the different estates of the body politic reflected the natural order of the cosmos.⁶

Aristotle’s metaphysical principles and his teleological view of man and the state were no longer credible leaving the natural law tradition without its ontological support cosmological support. For centuries Aristotle’s principles had underwritten the legal basis for the state and without his supporting metaphysics whole new conceptions of man and the nature of political association would have to be reformed. Without a natural philosophy grounded in classical conceptions of “form” or “essence” ethical and political life could no longer be guaranteed by the inherent movement of man to his natural “perfection” whether defined by classical “happiness” or Christian “beatitude.” The unifying principle in Aristotle’s metaphysics is the divine Nous which animates the rational order and permeates all of being including the human intellect.⁷ While animals and even some plants demonstrate the ability to move themselves, only man has the capacity for reflective awareness and possesses the capacity for reason and speech⁸. Through reason and speech man is able to

⁴ Alasdair MacIntyre, *A Short History of Ethics*, (London.: Routledge) 2005 pp. 144 - 146

⁵ Arthur O Lovejoy, *The Great Chain of Being*, (Cambridge Mass.: Harvard University Press) 1964

⁶ Otto Gierke, *Political Theories of the Middle Age*, (Bristol.: Thoemmes Press) 1996, pp. 7 - 8

⁷ See the discussion on nous as the ground of Aristotle’s metaphysics in Chapter 1

⁸ Aristotle, *The Nicomachean Ethics*, Translated by J.A.K. Thomson (ed.) Betty Radice, (London.: Penguin Books) , Book 1, subsection vii ,pp. 15 - 16

organise himself through reflection and deliberation, seeking the good by nature in their engagement in moral and rational activity.⁹ Man's rationality endows him with the capacity for virtue as well as vice and it is in the cultivation of his nature in community with others that his essential humanity finds perfection in the good life.¹⁰ The soul is divided between the rational and irrational components and virtue is divided into classes in accordance with the differentiation of the soul. Some virtues are intellectual, wisdom, understanding and prudence, liberality and temperance are moral and what is referred to by a man's character.¹¹ Although man as a species is defined by the same essential capacities, differences of circumstance and birth produce differences of character which organises them as parts with a whole, his equality as a citizen comes in his participation in the deliberating and judging functions of the state.¹² The differences between citizens is not one of species, but of character and are indicative of the inherent plurality of the human condition defining politics as a field of praxis within which differences are reconciled and/or co-ordinated for the common good.¹³ The polis is the public space in which the diverse forms of human excellence are harmonised and men as citizens create an equality based on the rule of law and not men, made possible by their equal subordination to the constitution. Virtue, although it may take many forms, is composed of a prudent or moderate negotiation between extremes made possible by subordinating the irrational part of the soul, through persuasion and argument made, possible by the rule of the intellect. The state, like a well ordered soul will moderate the passions of its baser elements and educate them to virtue for the common good or the good of the whole. The best regime, will naturally be one of a mixed constitution, embodying principles of both consent and coercion, in which the best men rule (aristocracy), but in which all citizen's have access to public office (democracy).¹⁴

The polis represents the common or public space in which each man can meet

⁹ Janet Coleman , *A History of Political Thought, From Ancient Greece to Early Christianity*, (Oxford.: Blackwell Publishing Ltd.) 2000, p. 125

¹⁰ My interpretation of Aristotle's Ethics and Politics owes much to Janet Coleman, graduate seminar I attended at the London School of Economics, in 2002 and whose books have provided essential guidance to the original texts.

¹¹ Aristotle, *The Nicomachean Ethics*, Book 1, subsection xiii op. cit., pp. 27 - 30

¹² Aristotle, *The Politics*, , Translated by T.A. Sinclair, Revised and Reprinted by Trevor J. Saunders, (London.: Penguin Books) 1992 Book IV, subsection iv , pp. 246 - 251

¹³ For the “public realm” as a construction of a “common ground” from a plurality of perspectives and locations, See Hannah Arendt, *The Human Condition*, (Chicago.: University of Chicago Press) 1958 p. 57

his fellow citizens as friends and equals for the activity of participating in political justice, the administration of the laws, through which the good is mutually constituted and actualised.¹⁵ The polis, as an arena for practical politics, in which the plurality, partiality and relativism of the human condition are ordered and contained providing the stability and compromise necessary for a common life. Political contention, for example, between the rich and the poor is therefore contained and moderated by a “mixed” constitution which subordinates the good of the parts to the good of the whole. Order and stability are both possible because men, as rational creatures, can and do reflect and deliberate upon their actions and restrain their passions.¹⁶ The love of the good and the love of one’s own, while never perfectly harmonised are nevertheless reconciled across a variety of political activities all of which allow different citizens at least a share in the “goods” of collective life. The cultivation of public justice and political virtue defuses the conflict between private and public interest and allows men as citizens to escape their own personal partiality. For Aristotle, the whole or the end, is always prior to the part and each part is structurally related to the whole because the totality defines the possibility within which individuals and their different activities become possible.

Aristotle’s system ties metaphysics, ethics and politics to natural physics, in a way that places ontology at the centre of his system. Man fulfils his essence and his nature, by living a life ordered to the good whether defined by practical political action or intellectual theoretical contemplation. Reason and speech are man’s defining qualities and it is only through a life lived in common that his higher and nobler activities and functions can be actualised. Although the polis is a product of human art and invention through the institution of laws and a constitution, common life itself is essential and definitive of man being and therefore natural. Although political regimes vary and aim at different ends, the best regime will be the one which aims at the most “complete” form which actualises man’s highest rational capacities by educating men to a life of moral and intellectual excellence. When the moderns rejected Aristotle’s metaphysics as an impious restriction on the infinite power of the Creator God the link between human knowledge and rational end or (telos) was irretrievably severed. Classical ideals of human virtue, moral, political and intellectual

¹⁴ Aristotle, *The Politics*, Book IV, subsection xi, op. cit., pp. 264 - 269

¹⁵ Coleman., op. cit., p. 179

¹⁶ MacIntyre, Chapter 7 “Aristotle’s Ethics” op. cit., especially pp. 57 - 61

are subordinated to Judeo-Christian ideas of an omnipotent divine will above and beyond all human understanding.¹⁷ The fundamental problem of man's fall from the garden and the centrality of divine grace in the soul's "free choice" between good and evil meant the end of classical virtue and its concept of self-sufficient reason. Man's capacity for right reason determined his desire for the "higher" human values of moral and/or intellectual perfection and right reason was dependent upon revelation and salvation.

Aquinas managed to make Aristotle acceptable to the Church, but only by subordinating ethical and political virtue to spiritual revelation and reason to faith.¹⁸ The "good life" meant a life in pursuit of the natural ends of virtue and "good works", but within the confines of obedience and submission to worldly authority instituted by God. The divine right of kings and the nature and extent of sovereign authority were part of and embedded within a larger framework of law, divine, natural and positive which ordered each political community and united them within the broader community of European Christendom and the cosmos as a whole. The exact order and description of the various rights and duties of the different parts of these overlapping communities formed the contested ground upon which medieval scholastics and the lawyers employed by both church and state staged their struggles over power, authority and jurisdiction. The infinite webs of idle speculation were not simply spun in the ivory towers of academic philosophy but had made their way into the court politics and had fuelled the religious wars of Europe. The subtle complexity of the rational/legal tradition had not only failed to provide stability for the political order it had actually produced its opposite; endemic civil war. Hobbes believed, as Bacon before him, that the entire foundation of scholastic thought was deeply flawed and needed to be completely destroyed before a new foundation for politics could be built in its place. Hobbes had to "clear" a new path and make a new way; politics could not be built on the shifting sands of custom and tradition, these were mere idols and accidents which must be "wiped away." Man would be reduced to his original condition in the state of nature and from there the principles of motive force would become visible. The manipulation and control of mechanical, physical forces, "the laws of nature" and not the teleological doctrine of the "natural law" tradition informs

¹⁷ St. Thomas Aquinas, *On Ethics and Politics*, Translated and Edited by Paul E. Sigmund, (New York.: W.W. Norton and Company) 1988

¹⁸ See Frederick Copleston, S.J., "St. Thomas and Augustinian Christianity" in Sigmund, *Ibid.*, pp.

Hobbes' new theory of the state. The Leviathan would be erected upon the firm foundation of man's most powerful motive force; fear of violent death. The social contract is a method and a means; it is a technological instrument which brings the Leviathan as artefact; into being. Knowledge is power and power is productive, the Leviathan transforms natural man into a citizen; art perfects nature and brings it to completion.

Purging Absurd Speech in the Search for Scientific Principle

Both the classical republic of antiquity and the Christian commonwealth of the high middle ages rely on conceptions of an corporate holism in which man's "right reason" links him to a rational cosmos established either by nature or God. The denial of these traditions and their replacement by an uncompromising mechanical/materialist metaphysics is the self-proclaimed goal of Hobbes revolutionary political philosophy. Hobbes' philosophy is that of the technical expert and not that of a moral/ethical practitioner and as such he uses the language of math and physics to describe his new understanding of law as rule or method:

For though in all places of the world men should lay the foundation of their houses on the sand, it could not be thence inferred , that so it ought to be. The skill of making and maintaining commonwealths consisteth in certain rules. As doth arithmetic and geometry, not (as tennis play) on practice only; which rules, neither poor men have the leisure have hitherto had the curiosity or the method to find out.¹⁹

Hobbes has little time for the "senseless speech" of schoolmen whose "abuse of words" would be quickly dismissed if it was not so dangerous. Classical pride and Christian fear-mongering have both so inflamed the passions that rational discourse is hardly possible. The first step is to deflate man's vanity by pricking it with the cold logic of rational scepticism. Aristotle's system is ridiculed by being equated with all the other "fabulous" traditions dealing with ghosts, spirits and other such supernatural follies.²⁰ Scholastic thought is erroneously founded on the human capacity for "right reason" which is nothing more than an illusion; all men being prone to partiality, prejudice, and vanity rendering them incapable of judging the merits of

131 - 135

¹⁹ Hobbes, *Leviathan*, Chap. xx, p. 135

²⁰ Hobbes, *Leviathan*, Part 111, Chap. xlvi, pp. 453 - 468

their own case.²¹

Human nature is radically flawed and must be radically improved by natural philosophy and advancement in the arts and sciences if any moral philosophy is to have any success or endurance. Hobbes put the failure to construct an adequate natural philosophy in the past down to the “lack of method” and “lack of leisure” among uncivilised peoples.²² Hobbes urges that the past be overturned as it is founded on nothing more than the “dreams” of the unprofitable Grecians whose “moral philosophy is but the description of their own passions.”²³ Hobbes announced his new era of techno-politics with the equation of the modern age; if the problem is superstition, the solution must be knowledge :

Ignorance of the causes and original constitution of right, equity, law and justice disposeth a man to make custom and example the rule of his actions...which is the cause that the doctrine of right and wrong is perpetually disputed, both by the pen and the sword, whereas the doctrines of lines and figures is not so, because men care not, in that subject, what be truth as a thing that crosses no man’s ambition, profit or lust.²⁴

Hobbes begins in typically modern fashion by giving free reign to destructive criticism in order to erase the errors of the past, in order that he can begin anew on freshly cleared ground. The vices and virtues of man are social and historical prejudices; surface phenomenon and not the underlying principles sought by scientific method. Man is a pliable material, capable of taking on whatever form and pattern fashioned by the skill of the architect who alone is responsible for the quality of the edifice erected.²⁵ Man, says Hobbes as the *matter* of the commonwealth is not the source of disorder, but it is with man the *maker* with whom the problem lies.²⁶ Hobbes’ method is to overcome the flux of history by establishing the “eternal” principles of natural necessity. Once the universal principles of the state have been determined the threat of faction and dissention will be diffused and the breakdown of civil order will no longer occur. Politics will no longer be about the unpredictable practice of prudence, moderation and compromise, but about the rational calculability of technical administration. The fallibility and partiality of the human prince has

²¹ Hobbes, *Leviathan*, Part 1, Chap. xi, p. 61

²² Hobbes, *Leviathan*, Part 111, Chap., xlvi, p. 454

²³ Hobbes, *Leviathan*, Part 111, Chap. xlvi, p. 456

²⁴ Hobbes, *Leviathan*, Part 1, Chap. xi., p. 61

²⁵ Hobbes, *Leviathan*, Chap. xxix, p. 210

²⁶ Hobbes, *Leviathan*, Chap. xxix, p. 210

been replaced by the pure poetics of power. In the introduction Hobbes describes the Leviathan not as an earthly King; but as a technical machine; it is “but an artificial man in which the sovereignty is an artificial soul”.²⁷

Hobbes intends to set out the technical formula describing the universal principles of civil organisation by first considering the means “or the matter” from which the state is constructed (man) and then the “ends” for which the state is constructed (self-preservation). Once the theorist has a “true” grasp of these base principles, s/he will be able to complete or perfect nature, securing the state from the danger of internal corruption and/or disorder. It is simply a matter of the commonwealth being well made and this cannot be accomplished by flattering man’s vanity. Man is not made in the image of God, nor does he hold a “higher” place in the cosmos than other animals. Reason and speech are mere survival mechanisms and do not disclose any intrinsic “order” either in man or the cosmos; nor does man have any special vocation towards the “good” or any particular love of justice. Behind all these religious myths, vain prejudices and noble lies, lies nothing other than the seamless unity of nature;

For seeing life is but a motion of limbs, the beginning whereof is in some principle part within, why may we not say that all automata (engines that move themselves by springs and wheels as doth a watch) have an artificial life? For what is the heart, but a spring; and the nerves, but so many strings; and the joins, but so many wheels, giving motion to the whole body, such as intended by the artificer?²⁸

For Hobbes, civil society itself is no longer natural to man, developing according to its own teleological principles, but an artificial state that must be fashioned through the direct human intervention of man. Natural society is the product not of rational intent, but the accidents of history compounded by the irrationalities of custom and tradition. As a result natural societies are highly unstable and prone to disorder and dissolution. Natural societies will be replaced by civil societies built upon scientific principles he identifies as knowledge of cause and effect::

Science is the knowledge of consequences and dependence of one fact upon another, by which, out of that we can presently do, we know how to do something else when we will or the like, another time because when we see how anything comes about, upon what causes and by what manner, when the like causes come into our power, we see how to make it produce the like effects.²⁹

²⁷ Hobbes, *Leviathan*, Introduction, p. 3

²⁸ Hobbes, *Leviathan*, Introduction, p. 3

²⁹ Hobbes, *Leviathan*, Chap. v, p. 25

Natural societies are prone to dissolution because they come into being through the accidents of history and not on the knowledge of cause and effect. Cause and effect will be the eternal principles upon which Hobbes will erect his eternal order. The thought experiment must be conducted in order to force nature to reveal her secrets. Once those secrets are made known; a technological solution to the problem of politics will finally be available and he can deploy his knowledge to perfect his nature. Hobbes proposes an entirely novel approach, a scientific examination of man in his original condition which will reveal the base components and underlying processes which determine him as a natural being. Nature however; is no longer the structured hierarchy of Aristotle's ordered cosmos; but the infinite expanse of the modern mechanical universe.

The State of Nature; Material Bodies and Physical Forces

The state of nature describes more than the mere absence of political authority or man in his pre-social condition. Hobbes uses “the state of nature” as a rhetorical devise to destroy traditional concepts of man’s basic humanity as described by natural law in either its classical or Christian manifestations. Man is fundamentally without soul or “essence” and as such can not be distinguished in any qualitative way from the rest of the brute matter moving around in the empty void of space. As moderns we take such the mechanical/material universe for granted and forget how this radical world view does not accord with ordinary human experience of the life world. Hobbes follows Descartes’ road of extreme scepticism in order to do away with scepticism, but in so doing he erases all of man’s qualities, all the customs, traditions and histories by and through which men live their lives in the world.

To Hobbes, the world of socially constructed meaning is an “idol” a fiction and a vanity that prevents man from knowing himself as he “really is” before all the arbitrary accidents of history and custom mould him in all their manifold particularity. In the state of nature all men are equal because all men are the same; difference is a surface phenomenon which must be wiped away before man in his original condition comes into view. Nature does not reveal herself by passive observation; direct intervention is necessary before she reveals her secrets to the probing mind of the scientist. Man may appear to himself as a divine creature made in the image of God;

but such an illusion should not stand in the way of logical thinking and scientific thought. Even Descartes investigations into man's functions as a corporeal being moved mechanically by the passions were premised upon the first principles of a human soul aligned to a rational universe created by God and ordered to his divine will.³⁰ Hobbes image of man as a desiring machine greatly resembles Descartes' descriptions of the bodily machine where the motion of brain, muscles and nerves is "...just as the movements of a watch are preformed simply by the strength of the springs and the form of the wheels."³¹ Hobbes, however, went further than Descartes, insisting on a consistently materialist basis for his natural philosophy, an objection which put him increasing at odds with Descartes during the course of what had become a heated debate.³² Hobbes refuses to compromise his mechanical metaphysics in order to preserve man's vanity; vanity being the primary political problem in need of a radical solution. The solution is to be found in disabusing man of his high minded self-regard. Man enjoys no privileged place in the creation and the creation itself is best understood in its material rather than spiritual manifestations. Man's reason has no access to the divine will and public administration is not about cultivating virtue or instilling character. Man must be understood not in his complexity as a thinking and feeling human being, but as a simple body in motion, an automaton, as blind and as purposeless as the brute forces acting upon him.

Man is no longer described as the rational animal because the qualitative order of being distinguishing "rational" and "animal" as categories no longer exist. There is no fundamental difference between animate and inanimate nature and life itself has no qualitative value whatsoever. Higher and lower "forms of life" signifies nothing other than more or less compound or complex levels of structural organisation and as such is merely a distinction of quantity, not quality. Man is and can only be a machine because life itself is a mechanical force, moved by its own attractions and repulsions, appetites and aversions. Physical forces "act" upon the senses stimulating responses which are accumulated over time. The "mind" of man is not ordered by a rational

³⁰ Descartes, "Discourse on Method," Meditation Six, in *Rene Descartes, Philosophical Essays and Correspondence*, (ed.) Roger Ariew, (Indianapolis.: Hackett Publishing Company, Inc.) 2000, p. 135
Descartes does however admit that the most violent passions may be out of the soul's control due to the levels of force involved, an idea that was no doubt lost on Hobbes who sought the foundation for the state not in reason, but in the physical force of the most violent passion of all; fear of violent death.
See Descartes, "The Passions of the Soul" in Ariew (ed.) above pt., 46, p. 312

³¹ Descartes, *Ibid.*, "The Passions of the Soul" pt. 16, p. 303

³² Roger Ariew, Introduction, *Ibid*, p. xiii, See also "Aubey's Life of Hobbes" in Hobbes' *Leviathan*,

soul, but is simply the sum total of a lifetime of “experience” wherein the impressions of pleasure and pain are recorded and stored as “images” or “memories.” The accumulation of memories builds up a store house of “experiences” by and through which man’s action in the world is determined. Man’s existence is reduced to the simple principles of motion as the passions or the desires propel him through a lifetime of experience governed by the avoidance of pain and the pursuit of pleasure.

In the state of nature man is at liberty in the sense that he is a body in motion which will continue in motion until and unless his motion is checked or held in place by another thing of equal or greater force. Liberty is therefore not merely the pre-social condition of man before the establishment of civil government and law, but in the purely mechanical sense of bodies in constant motion as a condition of their physical existence. Hobbes conception of natural liberty is grounded in natural law, but in the laws of nature as described by Galileo.³³ Hobbes not only denies the species differentiate between human beings and other animals, but rejects the law of motion described by classical physics. Aristotle’s laws of motion described objects finding their “natural place” within an ordered whole. The closed world of the structured cosmos has been exploded into the infinite universe of extended space in which matter is simply in perpetual motion.³⁴ Hobbes directly addresses the misconception of the “schools” that “things seek repose of their own accord.”³⁵ In the new physics “when a body is once in motion, it moveth (unless something else hinder it) eternally”.³⁶ Natural liberty has nothing to do with the dignity of man and his unique capacity for deliberative self-directed action towards a moral or intellectual goal and everything to do with the physical laws of the universe:

...everyone is moved by an appetite for what is good for himself, and by an aversion for what is evil for himself, but most of all by the greatest of natural evils, which is death. This happens by a certain necessity of nature, no less than that by which a stone is carried downward.³⁷

Motion and not rest describes this new physical reality and natural liberty is simply

³³ op. cit., p. 1xvii

³³ During the course of his career, Hobbes toured Europe meeting leading scientists and philosophers of his age, including Galileo whom he met in 1636. See Roger Ariew, Introduction, *Ibid.*, p. xii, footnote 28

³⁴ Alexander Koyre, Introduction, *From the Closed world to the Infinite Universe*, (Baltimore.: John’s Hopkins University Press) 1957 p. 2

³⁵ Hobbes, *Leviathan*, Chap. ii, p. 8

³⁶ Hobbes, *Leviathan*, Chap. ii, p. 8

³⁷ Hobbes, *De Cive*, cited in the Introduction to *Leviathan* by Edwin Curley, pp. xvii

that state of arbitrary and contingent “restlessness” that animates life until some artificial obstruction or intervention is introduced for “nothing can change itself”.³⁸

As such:

Liberty or Freedom signifieth (properly) the absence of opposition (by opposition I mean external impediments of motion and may be applied no less to irrational and inanimate creatures than to rational. For whatsoever is so tied or environed as it cannot move, but within a certain space is determined by the opposition of some external body we say it hath not liberty to go further. And so of all living creatures whilst they are imprisoned or restrained with walls or chains and of the water, whilst it is kept in by banks or vessels that otherwise would spread itself into a larger space, we use to say, they are not at liberty to move in such and such manner as without those external impediments they would.³⁹

The natural “state” of man or the “state of nature” is therefore envisioned by Hobbes as one of perpetual motion and infinite expansion. Anything which obstructs this motion automatically then becomes a barrier or a boundary artificially imposed. Man is a body in constant motion with the result that all constraints become “external” and “unnatural” limiting and restraining an original condition of absolute “liberty.” The liberty at the heart of modern liberalism is the radical freedom of atomistic bodies in constant motion through a void space. As constant motion describes man’s fundamental existential condition there is a “natural right” of “every man to every thing.” All limits to this freedom of movement or desire are therefore artificial and unnatural; artificial constructs contrary to man’s natural motion. Liberal negative freedom is premised upon a background conception of “natural liberty” upon which each and every negation, or restriction of right, must be artificially constructed and maintained by a force of equal or greater power.

Hobbes’ new found scientific principles allow him to overturn the classical and Christian doctrines of an objective natural or divine law ordering human relations and substitutes the purely subjective need for individual self-preservation. The “right of nature” knows no “moral or intellectual limits” because morality and reason are relative terms, subject to the needs of each individual man at a particular time and place. Moral relativism is not even limited to individual preferences as the individual himself is nothing but a collection of fragmented experiences which change moment to moment. Neither are there any rank or order among ends because they are merely

³⁸ Hobbes, *Leviathan*, Chap. ii, p.7

³⁹ Hobbes, *Leviathan* Chap. xxi, p. 136

the product of the random, arbitrary and contingent compulsions of taste and/or preference. There can be no “rational will” because there is no intellectual principle in the cosmos directing individual men to a collective or common good embedded in their “substantial essence” as human beings. Each man’s good is relative to his own “experience” and individual sensations of pain and pleasure, good and evil being mere words to describe relative evaluations of each man’s own judgment:

For these words of good and evil and contemptible are ever with relation to the person that useth them, there being nothing simply and absolutely so, nor any common rule of good and evil to be taken from the nature of the objects themselves, but from the person or the man (where there is no commonwealth).⁴⁰

Reason is therefore disassociated with classical and Christian conceptions of the “intellect” and its “rational appetite” towards the good and reformulated as a mere instrument in service of the passions. There is no substantial unity to the soul to organise a totality of interest or an identity; a whole that is more than the sum of its parts. Man is immersed in the constant flux of experience; his partiality permeating even his own private appetites and aversions making them constantly subject to change.⁴¹ The only constant desire underlying all the rest is the fundamental principle of self-preservation. In the state of nature man knows nothing but the realities and necessities of his own immediate needs and desires and will do anything to preserve his own life; :

The Right of Nature, which writers commonly call *jus naturale* is the liberty each man hath to use his own powers as he will himself, for the preservation of his own nature, that is to say of his own life and consequently of doing anything which, in his own judgement and reason shall concieve to be the aptest means.⁴²

Natural liberty is therefore a condition of war, not because men are evil, but because they are in a constant condition of fear and insecurity. In the state of nature there are no limits “each and every one” is entitled by the right of nature” to “make use of anything to preserve his own life” up to and including “another man’s body”.⁴³

In Hobbes’ mechanical universe it makes no sense to talk of community or sociality because he has eradicated the ontological ground for holistic unity in the individual, never mind society. Any and all connection between men is the product of

⁴⁰ Hobbes, *Leviathan*, Chap. iv, pp. 28 - 29

⁴¹ Hobbes, *Leviathan*, Chap. xv p. 100

⁴² Hobbes, *Leviathan*, Chap. xiv p. 79

⁴³ Hobbes, *Leviathan*, Chap. xiv, p. 80

calculated self-interest and can be understood only in terms of reciprocity and voluntary contract. Self-preservation remains the only unifying principle of the human existential condition and it alone provides the possibility of a common interest founded not in a positive good, but in a universal negative; fear of violent death. Natural liberty in Hobbes describes an original condition of atomistic and egoistic individuals in perpetual motion driven by the flux of appetite and aversion. There is no overarching or universal conception of the good above and beyond the immediacy of personal desire. Good and evil are relative terms with each man's good determined by his personal and empirical experience of pleasure and pain. Instead of the rest found in happiness or beatitude, Hobbes describes a restless striving inherent in the life process itself.

Desire does not come to an end accept in death. Life is constant motion and happiness is not freedom from desire, nor even the temporary satisfaction of a desire, as one desire leads necessarily onto the next and so on as long as there is life in the body. It is not even enjoyment itself that has value, but the "felicity" that comes with the "continual progress of the desire, from one object to another, the attaining of the former being still but the way to the latter".⁴⁴ Securing the satisfaction of the desires becomes the purpose for which man's reason as instrument is continually employed. Reason does not disclose the order of being, but serves as an instrument to the passions. Reason does not direct or moderate the passions, but becomes a slave to them precisely because there is no order to the soul differentiating noble from base desires. Reason no longer has its independence because it no longer has its place in a rationally ordered cosmos. Reason does not define itself through the "recognition" of the good, or in the self-directed motion towards the completion or perfection of its own higher nature. Reason is and can be nothing other than calculation or reckoning; the means to ever changing ends which admit of neither stability nor endurance in the random flux of human existence in the state of nature.

The Rule of Passion Over Reason as the Natural Condition of Man

Man as a natural being is governed by the mechanical necessities of motion and it is in the motion from one passion over the other which defines the human condition.

⁴⁴ Hobbes, *Leviathan*, Chap. xi, p. 57

Man is in pursuit not only of present desires, but future ones as well. Man, unlike the animals possesses the capacity for “imagination” and or re-collection” and so has an awareness of past and future. By positing a future, man must look not simply to the possession of things, but to the means of possession in order to secure his future desires. Time describes man as a being with unlimited future desires because “the object of a man’s desire is not to enjoy once only, and for one instant of time, but to assure forever the way of his future desire.”⁴⁵ As Hobbes readily acknowledges, not all men are possessed of immoderate desires and human desire itself is not a product of a sinful original nature. Instead, unlimited desire is the unavoidable result of the capacity to “imagine” which produces an “unlimited” and open-ended future projected as a “fiction of the mind”.⁴⁶ Enough can never be enough because everything possessed in the present is by definition de(limited) by actual existence whereas the future, is a realm of pure, unlimited, potentiality. Human desire therefore, based as it is on unlimited rational calculation, can only be an unending spur to “restless” striving. Desire “increases as it proceeds, or like the motion of heavy bodies which the further they go, make still more haste.”⁴⁷

As an isolated automata in perpetual motion all men are identical in their basic component structure and mechanical determination. The infinite variety of ends gives way to the single desire for power as a universal means. Power becomes the abstract concept through which all human desire can be understood and analysed by scientific method. Hobbes’ thought experiment has produced the underlying principle of all human motion; “all of mankind is in a perpetual and restless desire for “power after power that ceaseth only in death”⁴⁸ Reason no longer limits desire in shaping action into the future towards a definitive because defined end or telos. Instead, reason in the service of the imagination opens up a future of unlimited fear and insecurity. A present end or goal is and can only be a partial good in comparison with the totality of all possible goods making it merely a way station on the road to endless accumulation.

As an instrument in its natural state, reason is more of an impediment to man’s self-preservation than an aid because his fear of the future leads him into contention

⁴⁵ Hobbes, *Leviathan*, Chap. xi, p. 57

⁴⁶ Hobbes, *Leviathan*, Chap. iii, p. 14

⁴⁷ Hobbes, *Leviathan*, Chap. x p. 50

⁴⁸ Hobbes, *Leviathan*, Chap xi, p. 58

with others. Man although a solitary and isolated automata, separated from his fellows by nature is also condemned by the presence of others to an even higher state of natural insecurity. Not only will he imagine a future of unsatisfied desires due to his own weakness and nakedness in a hostile nature, but he must face the struggle of survival against his fellow man. The competitive struggle fuels a desire for domination and condemns all men to a life of perpetual fear and insecurity:

...competition of riches, honour, command or other power inclineth contention, emnity and war because the way of one competitor to the attaining of his desire is to kill, subdue, supplant or repel the other.⁴⁹

Not only must man struggle to meet the unlimited desires of an unlimited future, but he must do so in a competitive environment in which his fellow man is not friend, but an enemy.

There is no natural sociality because there is no possibility of reasoned restraint on desire in the absence of a common power to construct and enforce limits. Natural men do not seek their fellows out for the “higher” pursuits of political and philosophical activities, but can only view them as impediments and obstacles threatening not only present, but future possession. Natural man “imagines” the future and projects fear as a rational response to his existential condition. His finite capacities lead to the “reasonable” desire to “master all men” which is nothing more than is required for his own conservation.⁵⁰ Fear of the future produces the uniquely human capacity for “spirited” competition, comparison and vain-glory; the natural result of human equality and liberty:

From this equality of ability ariseth equality of hope in the attaining of our ends. And therefore, if any two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies; and in the way to their end, which is principally their own conservation, and sometimes their delectation only, endeavour to destroy or subdue one another.⁵¹

An already bad situation is made worse as man’s natural desires, unlimited even in his own mind can only be enhanced and inflamed by the presence of others which forces men, whatever their natural disposition, into the war of all against all” as a matter of mere self-preservation. Men says Hobbes give each other “no pleasure, but on the

⁴⁹ Hobbes, *Leviathan*, Chap. xi, p. 58

⁵⁰ Hobbes, *Leviathan*, Chap. xiii, p. 75

⁵¹ Hobbes, *Leviathan*, Chap. xiii, p. 75

contrary a great deal of grief.⁵²,

Man is not simply an “animal” propelled by endless cycles of production and reproduction, need and satisfaction, but has human passions which lead to contention and from contention the search for self-preservation. Reason is an instrument of survival brought into being by the passions which stimulate the search for ways and means of advancing interests. Reason, furthers a passion for knowledge which far from being the noble pursuit of philosophers is the result of “curiosity” which moves men from his immediate present to consider the future. Curiosity” for Hobbes is the “passion” which distinguishes man from the other animals:

Desire to know why and how so that man is distinguished not only by his reason, but also by this singular passion from other animals. The care for knowing causes, which is a lust of the mind that by perseverance and delight in the continual and indefatigable generation of knowledge exceeded the short vehemence of carnal passions⁵³

Reason and the desire for knowledge doesn’t elevate man in the order of things, they are merely passions like any other and important only in so far as they service the competitive struggle for self-preservation.

Hobbes indicates his intellectual break with the classics by refusing the species defining capacity of man as man anchored in reason and speech. Hobbes observes that man is just another animal and that “memory, deliberation, speech and even “understanding” are common in beasts.⁵⁴ Reason as well as being a mere instrument of the passions, is also an unfinished process of nature. Ideas are not innate and reason is not a substantial property of the embodied soul. Reason, is the product of experience an outgrowth of memory and imagination. Man is mere raw material upon which life stamps its mark. There is nothing essential about man and like all natural beings he is infinitely malleable;

There is no other act of man’s mind that I can remember, naturally planted in him so as to need no other thing to exercise of it but to be born a man and live with the use of his five senses. Those other faculties of which I shall speak by an by and which seem proper to man only, are acquired and increased by study and industry and of most men learned by instruction and discipline, and proceed all from the invention of words and speech.⁵⁵

Man through art can “cultivated” his mind and extend the power;

⁵² Hobbes, *Leviathan*, Chap. xiii, p. 75

⁵³ Hobbes, *Leviathan*, Chap. vi, p. 31

⁵⁴ Hobbes, *Leviathan*, Chap. ii, p. 11

From desire ariseth the thought of some means we have seen produce the like of that which we aim at; and from the thought of that, the thought of the means to that mean; and so continually, till we come to some beginning within our own power... The train of regulated thoughts is of two kinds: one when of an effect imagined, we seek the causes and means to produce it, this common to man and beast. The other is when, imagining anything whatsoever, we seek all the possible effects that can be produced by it be produced. That is to say we imagine what we can do with it, when we have it.⁵⁶

Reason, as *ratiocinatio*, the faculty of “reckoning”⁵⁷ when linked to the human passion of “curiosity” results in the production of useful knowledge. Science arises from the desire to know the causes of effects in order to further the pursuit of power. Science, like reason itself, is not natural to man, but a product of natural processes which drive man to fear for his future and act accordingly. Because reason is an impotent tool of the passions, it is to the passions that Hobbes turns in order to tame, subdue and redirect man’s “natural liberty”. Passion must be deployed against passion as natural force must be used against natural force to counter and redirect natural motion in Hobbes’ mechanical universe. Hobbes rationally calculates that he must ground the construction of his commonwealth on the most powerful passion of all; fear of violent death.

Art Perfects Nature Through the Productive Power of Force

In Hobbes’ political theory the passions themselves have value, not because they propel man towards some “good” greater or external to himself, but because they provide a means to his end; founding a stable commonwealth. The productive power of the passions will be harnessed to create the Leviathan. It is not that the passions provide a necessary benefit or utility from which one could base a hedonistic moral philosophy, as with the ancient sceptics, but that they provide the “control” mechanism for technological innovation. Natural men will be remade into artificial citizens through the application of human science and technique. Hobbes follows Bacon’s lead; knowledge is power and power is productive. Human intervention in nature reveals her secrets; the manipulation and control of these secrets allows for the transformation of natural things from one form to another, but also brings new beings

⁵⁵ Hobbes, *Leviathan*, Chap. iii, p. 14

⁵⁶ Hobbes, *Leviathan*, Chap. iii, p. 13

⁵⁷ Hobbes, *Leviathan*, Chap. iv, p. 20

into being. Once nature has been dissolved into its base components and underlying processes new combinations become possible and new things emerge which would have remained “unknown” if nature was passively left to follow her own natural course. The passions of man will be harnessed and directed in order to serve Hobbes utilitarian purpose; the construction of a stable political order. He performs a “thought” experiment in order to produce a human passion; fear of violent death. In the state of nature as rhetorically described there is a perpetual war of all against all and man is confronted with the fragility of his natural condition. Man’s vanity, far from being an obstacle to the production of peace turns out to be a powerful and even necessary precondition to the establishment of civil society. Without the direct confrontation with danger; man would never be persuaded to seek peace:

Vain-glorious men “without assured ground of hope from the true knowledge of themselves are inclined to rash engaging and in the approach of danger or difficulty to retire if they can, because not seeing the way of safety, they will hazard their honour, which may be salved with an excuse, than their lives for which no salve is sufficient.”⁵⁸

Because men are prone to irrational self-love and over-estimation of their own worth, their competitive striving will lead them into adventurous dangers, the immediate consequence of which is fear. The immediate encounter with death concentrates the mind on what is most important; self preservation. Men imagine all sorts of things and project infinite desires into an infinite future and leads them into the contention the experience of which will produce a passion with the greatest force.

Fear of violent death is the “experience” Hobbes produces through rhetorical devise of the state of nature. The production of this passion moves men from their vain-glorious love of what they imagine to be natural liberty to the rational calculation that civil society is both necessary and desirable. Man must be in “terror of some power” to awaken him to the fragility of his own life and move him away from his own natural liberty to the artificial liberty of civil society.⁵⁹ Hobbes lists twelve reasons why man in the state of nature cannot live sociably as do bees and ants all of which are derivative of vanity. Men says Hobbes are “continually in competition for honour and dignity”, and he is a creature “whose joy consisteth in comparing himself with other men”, as a result he “can relish nothing but what is eminent.”⁶⁰ Only man

⁵⁸ Hobbes, *Leviathan*, Chap. xi, p. 60

⁵⁹ Hobbes, *Leviathan*, Chap. xvii, p. 106

⁶⁰ Hobbes, *Leviathan*, Chap. xvii, p. 108 - 109

has the capacity to “imagine” and with this imagination comes infinite desire which because it is relative and comparative can find no limit or end. It is the very destructiveness of passion and violent desire without end which mobilises men’s fear of violent death and turns him to the relative peace, stability and comfort of civil society:

The passions that incline men to peace are fear of death, desire of such things as are necessary to commodious living and a hope by their industry to obtain them. And reason suggested convenient articles of peace, upon which men may draw to agreement.⁶¹

Reason allows men to calculate that the “liberty” of the state of nature is no real liberty at all because each becomes a force checking the force of the other leading not to freedom, but subjugation. Men “hinder one another and reduce their strength by mutual opposition, to nothing; whereby they are easily subdued”, either by each other or a “few who agree together.”⁶²

Man, however; unlike the animals can escape the state of nature and their natural opposition through the institution of the social contract. Science can be deployed to perfect a flawed natural condition. Men in order to master their own nature must exit the state of nature:

Lastly, the agreement of these creatures is natural; that of men is by covenant only, which is artificial; and therefore, it is no wonder if there be somewhat else required (besides covenant) to make their agreement constant and lasting, which is a common power to keep them in awe, and to direct their actions to the common benefit.⁶³

Fortunately for man, the source of his unique problem, radical freedom and the perception of past and future, is also the source of its unique solution: the artifice of the social contract. Man is lead to science as a technical solution to his natural condition. It is this “anxiety over the future” that disposes man to “inquire into the causes of things” because the knowledge of them maketh men better able to order the present to their best advantage.⁶⁴ Man’s reason, or the ability to “reckon from consequences” allows him to construct an artificial state from his knowledge of cause and effect. Man, or at least the man of science can use his knowledge of cause and effect to impose order on chaos and transform nature through art.

⁶¹ Hobbes, *Leviathan*, Chap. xiii, p. 78

⁶² Hobbes, *Leviathan*, Chap. xvii, p. 107

⁶³ Hobbes, *Leviathan*, Chap. xvii, p. 109

⁶⁴ Hobbes, *Leviathan*, Chap. xi, p. 62

The problem of politics is not some intractable problem rooted in the diversity and plurality of human nature, but is simply a technical problem of calculating the correct means to effect the desired end. Man is a malleable raw material who can be transformed into a compliant citizen through the proper application of force. The construction of the commonwealth is premised upon the basic scientific principle that force counters force and the chaotic consequences of man's natural desires will be compel him to the civil state. The citizen is work of art in which the forces of blind and contingent nature receive the imposed form of human purpose. Without purpose or direction natural "liberty" is a nothingness; a blind mechanical force which far from being the source of human freedom and dignity is dangerous, destructive and capricious force of nature. In order to escape the poverty, fear and isolation of his natural liberty man must "exchange" it for the relative security and comfort of the civil state.

In order to persuade men to give up their "natural liberty" Hobbes has spent considerable effort disabusing men of their erroneous ideas of natural liberty. Natural liberty as described by ancient philosophy is a false idol that must be smashed before men are willing to see it in its true light of scientific analysis. The error, as with so many things can be found in men's unexamined prejudices which come from customs and traditions handed down from the past. The flaws of present commonwealths, their instability and disorders comes not from a flawed human nature, but a flawed scientific method. Neither the absurd speech of the philosophers, nor the lessons of history can reveal the true principles of government, only the science of man. The fault lies not with the common people, but the false philosophy which informed past authors of political and moral theory. Man as the raw material of the state will take on whatever form is pressed upon them, so the problem lies not with men, but with the learned men of past ages:

Potent men digest hardly anything that setteth up a power to bridle their affections; and learned men, anything that discovered their errors, and thereby lessened their authority; whereas the common people's minds, unless they be tainted with dependence on the potent, or scribbled over with the opinions of their doctors, are like clean paper fit to receive whatsoever by public authority shall be imprinted in them.⁶⁵

The problem lie in the instability of interpretation and the unreliability of "words"

⁶⁵ Hobbes, *Leviathan*, Chap. xxx, p. 221

whose meaning can change with context, highlighting the weakness of scholastic method. A misunderstanding of words has led to a misunderstanding of the basic scientific principles of civil society. Ancient philosophy makes numerous errors by mistaking the idols of the mind for empirical fact. Liberty as it has come down to us in custom and tradition is not liberty as it exists in nature, but is a product of civil society and cannot therefore serve as a basis upon which to found the state. Liberty in the writings of “ancient Greeks and Roman refers not “to the liberty of particular men, but the liberty of the commonwealth”⁶⁶ which if not corrected will only perpetuate a fatal error regarding a fundamental political principle:

It is an easy thing for men to be deceived by the species name of liberty and (for want of judgement to distinguish) mistakes that for their private inheritance and birth right which is the right of the public only...Aristotle, Cicero and other men, Greek and Romans living under popular states derived those rights, not from principles of nature but transcribed them into their books out of the practice of their own commonwealths which were popular, as grammarians described rules of language out of practice of the time or the rules of poetry out of poems of Homer and Virgil.⁶⁷

“Liberty” as understood by the ancients is not the product of nature, but of society. . . By falsely confusing a social product with a natural condition, past philosophers have built upon false foundations.

In the state of nature man is not a social, but a natural creature moved by natural forces which compel him to act out of necessity for his own preservation and nothing more. Hobbes strip man of the aristocratic virtues he finds so troublesome and vain-glorious by stripping him of all social and historical conditions. Man as an atomic individual is free and equal in his very nakedness, exposed not only to the predations of his fellow man; but the hostility of nature herself. Hobbes reverses the traditional glorification of the past as an heroic or innocent age before the corruption or “fall” of man. Neither does Hobbes does seek to found his state upon a moral theory of man’s evil nature which justifies government, inequality and other forms of necessary subjugation. The state of nature is not immoral, but amoral; morality and moral theory has nothing to do with what is at base a technical problem. Morality by its very nature is an imprecise science and as such provides a flawed foundation for the construction of civil order. Hobbes bypasses the problem of morality and ethics altogether by looking for the foundation of his state elsewhere. If “natural liberty”

⁶⁶ Hobbes, *Leviathan*, Chap. xxi p. 139

simply results in the chaos and incoherence of mutual antagonism, there can be no such thing as natural justice. Justice, like the classical conception of liberty, is not the product of nature but of sovereign authority and the rule of law:

To this war of everyman against everyman, this also is consequence that nothing can be unjust, the notions of right and wrong, justice and injustice have 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 the mind...They are qualities that relate to men in society, not in solitude.⁶⁸

Liberty and justice are not found in nature because where there is no common power the relativity of good and evil will produce relative notions of right and wrong and with no common power to judge, contention and war is the inevitable result.

The poverty of man's natural condition; however does not condemn him to a life that is nasty, brutish and short because he has the ability, through his knowledge of science to act into nature and transform it. Man may not be social by nature, but he is driven into society by the diversity of his needs and desires. Natural states arise, but they are based in the family or are mere extensions of the family. These states because they are natural are not the product of human reason, but the accidents of history. History is in turn composed of the sad story of failed states. States come and go out of existence, great empires rise and fall, but this is not the inevitable pattern of human civilisation. The new sciences offer a new method from which to produce new knowledge and from that knowledge will arise a new path and an alternative future. Man will no longer have to seduce the bitch Fortuna, but will be able to freely determine his own destiny. The state like any other constructed thing can be made well or poorly depending upon the skill of the mechanic.

Man no longer has to accept his fate as a natural being but can improve upon his nature through technique. He is neither irredeemably evil nor cursed by God, but is in fact a creature above all others, not by nature, but by artifice. Dismissing the sceptics of his time, Hobbes argues that despairing of every finding a stable basis for the commonwealth, is as "ill argued as the savages of America denying there were any grounds, or principles so to build a house as to last as long as the materials, because they never yet say any so well built."⁶⁹ Hobbes proudly proclaims that with

⁶⁷ Hobbes, *Leviathan*, Chap. xxi p. 140

⁶⁸ Hobbes, *Leviathan*, Chap. xiii, p. 78

⁶⁹ Hobbes, *Leviathan*, Chap. xxx, p. 220

the proper knowledge anything is possible because man is infinitely malleable and can be made fit for purpose. It is not the fragility of the human condition, nor the irresistible power of time which forever frustrates human ambition and power, but the mere defect of ignorance. Ignorance is something that can be overcome with knowledge and knowledge is within man's grasp now that the universal principles of human nature have been revealed through science. Hobbes proposes to escape fate with its endless cycles of generation and corruption, growth and decay, rise and decline by escaping the natural condition itself. Hobbes may not be able to produce immortality for individual men, but he can produce it for mankind in general through the stable and enduring commonwealth. Industrious men will harness his principles and put them to go use in the production of the perfection itself:

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.⁷⁰

Man does not have to suffer from his natural condition, but can apply scientific method to perfect his art; and with perfect art comes the perfect product; Hobbes commonwealth will be as stable and enduring as the laws of nature themselves.

Sovereignty for a Human Purpose; Self Preservation

Politics is about the efficient management of force because men is definitive of the human condition. Man is but matter in motion and liberty is nothing other than the absence of external impediments.⁷¹ Through the thought experiment of the state of nature it has been demonstrated to man that his natural liberty only leads to mutual antagonism and contention. Science reveals man in his original condition and from this knowledge he is able to reckon or calculate that self-preservation requires peace. Peace, as the absence of war, is unnatural and therefore cannot be achieved in the state of nature. Man must exit the state of nature to produce peace and therefore secure his

⁷⁰ Hobbes, *Leviathan*, Chap. xxx, pg. 220-221

⁷¹ Hobbes, *Leviathan*, Chap. xiv, p. 79

own self-preservation. Man's reason shows him that he "ought" to desire peace in accordance to the law of nature that compels him to preserve himself, but he cannot achieve this end in the state of nature. Man can only achieve peace and hence self-preservation in civil society. Civil society is an artificial construct made possible by concentrating each and every man's natural force in a single site of overwhelming power.⁷² Through the construction of the artificial man, the Leviathan man transforms his flawed human nature into a perfected citizen and achieves his end; self-preservation. The Leviathan, does not wield arbitrary power over the citizens because it is the citizens. The Leviathan is a power accumulation machine in which the power of each and every one is transformed into a single universal power. The diverse and arbitrary will of particular men becomes a single overarching and transcendent power when the power of the multitude is transformed into a single, unified power, serving a single unified purpose; self-preservation..

This transformation comes about through the mechanism of the social contract. Each and every one "transfers" his natural liberty to the sovereign and through this voluntary act the Leviathan is made. Man's original natural liberty is both preserved and enhanced in this transformation. Civil liberty improves upon natural liberty by perfecting it. If in nature, each and every man is both the source and the origin of his own "natural liberty", then each is equally bound in civil society to submission to the sovereign which they have constituted. Each is an equal owner and author of the sovereign power which is nothing other than the product of their combined natural force. True to the technological theme, art perfects nature and natural liberty is literally reformed to serve a human purpose:

The only way to erect such a common power...is to confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their wills, by plurality of voices, unto one will, which is as much as to say, to appoint one man or assembly of men to bear their person, and every one to own and acknowledge himself to be author of whatever he that so beareth their person shall act, or cause to be acted, in those things which concern their common peace and safety and therein to submit their wills, every one to his will and their judgements, to his judgement. This is more than consent or concord; it is a real unity of them all, in one and the same person, made by covenant of every man with every man...This done, the multitude so united in one person is called a COMMONWEALTH, in Latin CIVITAS. This is the generation of that great LEVIATHAN, or rather (to speak more reverently) of that Mortal God to which we owe, under the Immortal God, our peace and defence. ⁷³

⁷² Hobbes, *Leviathan*, Chap. xxvi, p. 174

⁷³ Hobbes, *Leviathan*, Chap. xvii, p. 109

The central fact of this construction is the act wherein each and every man “lays down” or “divests himself” of his natural liberty (his natural force) and his “right to anything” in order to constitute the sovereign. The sovereign creates an artificial civil society which makes it possible for natural liberty to be enjoyed.⁷⁴ In the state of nature men in motion check each other and become obstacles and impediments to each other.

In civil society each is free to move and enjoy his natural liberty because each one’s natural force will be organised under the rule of law. The rule of law provides the framework for peace and the enjoyment of liberty by removing the mutual antagonism of the state of nature. Sovereign power is not prohibitive, but productive because laws are designed not to restrict or limit natural desires, but on the contrary to expand and enhance them. The Leviathan allows for an efficient functioning of natural forces not possible under natural conditions. Art perfects nature by obeying her:

For the use of laws (which are but rules authorized) is not to bind the people from all voluntary action, but to direct and keep them in such motion as not to hurt themselves by their own impetuous desires, rashness or indiscretion, as hedges are set, not to stop travellers, but to keep them in the way.⁷⁵

Nature, (even, and especially human nature) left to her own devices does not perform for human purposes and it is only through direct intervention that she can be moulded or channelled to a human end. By probing her secrets and exposing her inner workings that she can be tamed, domesticated and ultimately “transformed” into a new and “higher” state of being. Nature as dumb, brute materiality is devoid of spirit, purpose, form or any other kind of “rational” order and must await the organising breath of god, or hand of man, to whip her into shape. Hobbes makes it clear that men, as natural beings are as dumb and devoid of purpose as any other element of nature. In the state of nature, life is nasty, brutish and short. Man only overcomes his flawed nature, through artificial construction. Man has no value in and of himself; he is a mere raw resource and as such only has a value relative to his other men. His value lies in his utility and his utility is a function of the value other men place upon him:

⁷⁴ Hobbes, *Leviathan*, Chap. xiv, p. 81

⁷⁵ Hobbes, *Leviathan*, Chap. xxx, p. 229

The value or worth of a man is, as of all things, his price, that is to say, so much as would be given for the use of his power, and therefore is not absolute, but a thing dependent on the need and judgement of another.⁷⁶

Man is just another commodity, a means to an end and his end is determined not by himself, but by others. Man value is a function of the use to which he is put. Man must be put to use securing his own self preservation. Man serves this purpose by existing in the state of nature and constituting the Leviathan through the mechanism of the social contract. The social contract is the instrument which perfects what is given by nature. The social contract makes law and order possible thereby transforming mere potentiality into actuality. Only in civil society is man's natural liberty finally realised. Liberty and necessity are identical because man himself is but an extension of nature. Man's liberty only comes into being through his submission to natural necessity; "liberty and necessity are consistent; as in the water, that hath not only liberty, but a necessity of descending by the channel."⁷⁷

The Leviathan as an organising machine both channels and concentrates human motion and power as the raw material from which civil society is made. The sovereign embodies and therefore subsumes the power of each and everyone; sovereignty itself being nothing other than the combined force of all. The sovereign is and cannot be in opposition to the subject because he is the subject and his power is the subject's own power reformed and remade. The sovereign and the subject are not two contending "forces" holding each other in balance, but are instead the mutually constituted products of a reciprocal relation. Sovereign authority is therefore based not on the power of one, but on the power of all:

For by this authority, given him by every particular man in the commonwealth, he hath the use of so much power and strength conferred on him by terror thereof he is enabled to conform the wills of them all to peace and mutual aid against their enemies abroad. And in him consisteth the essence of the commonwealth, (which to define it) is one person, of whose acts a great multitude, by mutual covenants one with the other, have made themselves every one the author, to end he may use the strength and means of them all, as he shall think expedient, for their peace and common defence. And he that carrieth this person is called Sovereign and said to have the Sovereign Power and every one beside, his Subject.⁷⁸

Hobbes' natural physics sidesteps questions of traditional definitions and disputes

⁷⁶ Hobbes, *Leviathan*, Chap. x, p. 51

⁷⁷ Hobbes, *Leviathan*, Chap. xxi, p. 136

regarding the rights and duties of sovereigns and subjects because he erases the distinction between them as moral/ethical agents. Hobbes political science is not about moral and ethical praxis, but about the manipulation and control of physical force. There is no limit to sovereign power because sovereign power is not founded upon moral principle, but upon the on the pure poetics of power

The Leviathan is not a person, but a machine and as a machine it serves a function. The successful functioning of the machine is the only criterion upon which the Leviathan can be measured. Politics is not an ethical/moral practice, but a technical problem in need of a technical solution. The Leviathan provides the solution to the problem of politics; it organises natural physical forces to a common purpose; self-preservation. If the Leviathan preserves the peace and enforces law and order its purpose has been fulfilled an nothing else is of any consequence because nothing else has any “meaning.” Hobbes explicitly denies that there is any difference between despotic power and the constituted sovereign because both perform the same function; they both preserve the peace.⁷⁹ A commonwealth by acquisition is the same as a commonwealth constituted by consent because both are based upon force and fear, whether originating in another man or the state of nature.⁸⁰ As such the rule of the leviathan is justified not by any “objective” standard of natural law or natural justice, but on the brute fact of power which is the most efficient when it is the most absolute. Sovereign power is and must be absolute and therefore unlimited because any limit will only impede the efficient functioning of the machine and divert it from the purpose for which it was created. Absolute power is requires the absolute obedience that comes from absolute dependence. The sovereign preserves life by wielding absolute power over life and death;

For it ought to obey him by whom it is preserved, because preservation of life being the end for which man becomes subject to another, everyman is supposed to promise obedience to him in whose power it is to save or destroy him.⁸¹

By usurping the power of nature, the sovereign becomes the ultimate source and origin of the subjects life and can therefore command it. Man acts into nature and establishes himself as the sole source and origin of all he creates; the subjects life is the sovereign’s to command at will.

⁷⁸ Hobbes, *Leviathan*, Chap. xvii, p. 109

⁷⁹ Hobbes, *Leviathan*, Chap. xvii, p. 109

⁸⁰ Hobbes, *Leviathan*, Chap. xx, p. 127

The preservation of the commonwealth requires absolute submission and obedience because it is only through the exercise of absolute and unlimited power that liberty can be both produced and maintained. Each and every subject is the author of his own subjugation and it is in this equality of submission that his true freedom is realised:

To come now to the particulars of true liberty of a subject...we are to consider what rights we pass away when we make a commonwealth or what liberty we deny ourselves by owning all the actions (without exception) of the man or assembly we make our sovereign. For in the act of our submission consisteth both our obligation and our liberty which must therefore be inferred by arguments taken from thence, there being no obligations on any man which ariseth not from some act of his own; for all men equally are by nature free.⁸²

In the state of nature liberty can have no meaning because there is no power to put it into effect. The social contract produces the common power making liberty possible and hence both preserves and enhances natural liberty by bringing it into being. The basis of all law and order is power, simply because power alone is what makes civil society possible by compelling men to uphold their mutual covenants. Covenants are not possible in the state of nature because there is no power to enforce them; “Bonds that have their strength, not from their own nature, but from fear of some evil consequence upon the rupture”.⁸³

In the absence of such a power, all covenants are void because men cannot be relied upon to act against their own interest. The Leviathan makes covenants possible because he makes their enforcement reliable and predictable through the use of overwhelming force. The Leviathan simply makes non-compliance more painful than compliance. Men are rational; without a coercive force they will act in their own interest and not keep their covenants. A coercive force must be present to ensure that individual interest is identical with common interest. The Leviathan ensures that men calculate correctly:

Therefore, before the names just and unjust can have place, there must be some coercive power to compel men equally to the performance of their covenants by the terror of some punishment greater than the benefit they expect by the breach of their covenant and to make good that propriety which by mutual contract men acquire, in recompense of the universal right they abandon, and such power there is none before the erection of a commonwealth.⁸⁴

⁸¹ Hobbes, *Leviathan*, Chap. xx, p. 130

⁸² Hobbes, *Leviathan*, Chap. xxi, p. 140

⁸³ Hobbes, *Leviathan*, Chap. xiv, p. 81

⁸⁴ Hobbes, *Leviathan*, Chap. xv, p. 89

Liberty depends upon each man, “forbearing” his natural right to everything in exchange for a mutually constructed “right” of each to his own or “mine” and “thine”. As each man’s liberty is mutually dependent on each man’s equal constraint it must be imposed from above by an “artificial” means. The Leviathan is the machine created to enforce covenants and therein preserve the peace. Law is the means by which the Leviathan produces the civil order through which peace is preserved. The Leviathan as the source of the law cannot be limited by the law. Sovereign power is and can only be self-referential because it does not possess a will separate from the public power that constitutes it:

To the care of the Sovereign belonged the making of good laws. But what is a good law? By a good law I mean not a just law, for no law can be unjust... It is in the laws of a commonwealth, as it is in the laws of gaming; whatsoever the gamesters all agree on is injustice to none of them. A good law is that which is needful for the benefit of the people and withal perspicuous.⁸⁵

In Hobbes, the traditional role of the Prince in enacting or enforcing an already existing law, whether located in nature, divine will, custom or tradition is displaced by the modern conception of positive law in which the sovereign is and can only be the source and origin of its own power.

Law and order flow from the sovereign because law and order are only possible if men are compelled to obey and can therefore rationally calculate that law will be obeyed. Law is a product of human action; it is created by obedience and obedience is a product of sovereignty. Once sovereignty is established it is the source and origin of all law because it alone controls the force of the body politic. Law is the power to compel and through compulsion produces the existential condition through which liberty comes into being. Again, liberty and necessity are one; because obedience is necessary; liberty and civil society becomes possible. The Leviathan as the executive power of civil society fulfils its function by making a civil life possible; civil life is the precondition for all other liberties which flow from it:

Again, if we take liberty for an exemption from laws, it is no less absurd for men to demand as they do that liberty by which all other men may be masters of their lives. And yet, as absurd as it is, this is it they demand, not knowing that the laws are of no power to protect them without a sword in the hands of a man, or men, to cause those laws to be put into execution. The liberty of a subject lieth, therefore, only in those things which, in regulating their actions, the sovereign hath praetermitted (such as is the liberty to buy and sell, and

⁸⁵ Hobbes, *Leviathan*, Chap. xxx, p. 229

otherwise contract with one another, to choose their own abode, their own diet, their own trade of life, and institute their children as they themselves see fit; and the like)⁸⁶

Sovereign power has no “limit” because it embodies the collective will of the body politic and is the source and origin of law itself. The Leviathan is a total power because it is the totality of all powers; subjects realise their natural freedom and liberty only through their mutual and absolute obedience to the machine they have created for that purpose and that purpose above all others.

Leviathan; Power Accumulation Machine

The sovereign gives life and liberty to his subjects and in so doing becomes their creator. The Leviathan is a mortal God because it creates and through this act of creation controls the power of life and death. A man’s life is the sum total of his existence and the Leviathan in creating and maintaining that life wields total and absolute power. There is no limit to the Leviathan because there is no limit to life; individual men may die, but their collective life as a body politic is forever. It is in this unified and collective existence that human civilisation becomes possible. Peace is the universal background within which private interest may be productively pursued. Without peace there would be no “rightful” possession because there would be no overarching power to enforce contracts and ensure that property rights would be respected. In the state of nature possession, even of one’s own body, is not secure making the investment and improvement in land or any other goods through an irrational calculation. Without the stability of ownership, improvement and the advancement of the sciences would be impossible and men would remain in a primitive state, struggling day to day for their own survival, living like animals rather than men.

Property however; introduces inequality and with inequality comes the partiality of faction and a potentially powerful source of civil discontent and disorder. The only “property” that men have in common is the property in their own bodies, which is why self-preservation becomes the universal end of civil society in Hobbes’ theory. Self-preservation, like property, however; is a good, and as such is a relative

⁸⁶ Hobbes, *Leviathan*, Chap. xxi, p. 138

value and cannot serve as the universal and eternal principle of political power.

Hobbes formulates self-preservation first and foremost, not in its positive aspect as an appetite towards a particular good, but in its negative aspect as an aversion against the universal evil; violent death. The fact that Hobbes emphasizes violence demonstrates that he is trying to present, not a moral choice, but an overwhelming and even instinctual passion above and beyond rational decision. Hobbes wants a scientific principle of motion which follows a law of natural necessity and not the ambiguity and unpredictability of moral praxis, which by definition admits of many goods.

Goods, especially with regard to property are relative, some men value honour more than property, some people believe property should be held in common, some believe it is the private product of labour., etc., etc., without end. Property leads to a division in the commonwealth that if not checked will lead to sedition and faction; especially with regard to taxation and the needs to support the public goods, which are by definition contentious because non-universal. Hobbes is clear that the sovereign must be supreme in all decisions regarding property because property is only possible within the protection of civil society. Property does not and cannot limit sovereign power because the sovereign must be free to dispose of property for the common interest as determined by solely by the sovereign.

Fear of violent death is absolute and definitive, because even if one were to heroically choose death over dishonour, in the pursuit of tragic love, in defence of the state etc. etc., fear of violent death compels obedience because it is not a rational, reflective act, but an overwhelming immediate and existential reaction. Hobbes purposefully and rhetorically founds his political science on extreme violence and terror precisely because the subject must be completely, absolutely and totally overawed in order to ensure obedience. If men are by nature self-interested egoists incapable of co-operative action then they must be compelled to obey by force and fear because reason will calculate that it is in their interest to cheat and free ride. Hobbes was attempting to escape irresolvable moral disputes by abandoning the moral ground altogether because of their inability to provide a stable and enduring foundation for the commonwealth. The commonwealth by definition cannot be a partial power acting on behalf of a faction; but must be the embodiment of a universal will of each and everyone. The radical freedom and equality of the state of nature must be preserved, even as it is transformed into a higher transcendent “public” power which is more than the sum of its parts.

Individual men in their finite particularity are limited; collectively they produce a social power which is infinite and universal. The whole is a totality; a sovereign person in its own right, authorised by all to act and to legislate in the public interest. The public power brings into being a new creature; the Leviathan which being the power of all is, an must be unopposed, because individual subjects have divested themselves of their natural powers and transferred them to the sovereign leaving them in a position of absolute and total dependence. A division of sovereignty is a contradiction in terms, because a power divided is a power opposed and opposition betrays a lack of universality, leading to the infinite fragmentation of faction. A faction as a part of the body politic cannot hold the public power and will inevitably implode in on itself until it is resolved back into the original partiality and relativity of each and everyone. The dissolution of the commonwealth immediately returns man to the state of nature because it is only the unified power of everyone that there is the rule of law and not men. The rule of law comes into being only when it is not the particular rule of a faction of society, passing laws in its own interest, but when the law itself determines and defines the role of individuals and groups within society as subordinate to it. The Leviathan is not restricted or confined by the law because the law is not something already existing and merely confirmed by the sovereign, but must come from the sovereign as a creative and hence spontaneous act of will.

The Leviathan is not a man, but a machine and as such it is an instrument of the public will expressed and executed through the framework of law which its power alone has constituted. Law flows from sovereign power as universal power because it is the universal power; it is literally all or nothing with sovereignty. Within this universal framework of law and order; everything else becomes possible. Sovereignty works not to constrain the power of citizens, but to provide the efficient system through which their power can be realised and enhanced. The commonwealth is a common wealth; it is the public power under which private liberty and prosperity is secured. Culture, civilisation and progress are all products of society and industry and as such can only be achieved by men in a civil state. Reason itself, is not innate, but the result of a social process in which knowledge has been advanced as a result of the peace and security created by civil order:

By this it appears that reason is not, as sense and memory, born with us, nor gotten by experience only, as prudence is, but attained by industry, first in apt

imposing of names and secondly by getting a good and orderly method in proceeding from the elements, which are names, to assertions made by connections of one assertion to another, till we come to a knowledge of all the consequences of names appertaining to the subject in hand; and that is it men call science.⁸⁷

Reason and science are advanced by the knowledge that is produced in the commonwealth enriching the lives of citizens which in turn produce more science and knowledge in an endless circuit of power. It is not the citizen, but the citizen's productivity which advances society, just as it is not the fruit; but the fruit's fertility which advances the sciences.

The destructive forces of fear, competition and greed are no longer in their "naturally" mutually antagonistic state but have been transformed by the leviathan into the source of social power to for the advancement of industry and culture. Law is not designed to limit desire and power, but is instead an instrument for its magnification and multiplication. The civil law as a code of positive law artificially furnishes the paths upon which the orderly flow of desire and motion can flow "freely" and unimpeded. The rational construction of channels, or law defined as rules regulates individual action thereby "open-up" an entire horizon by "creating" the peace necessary for the products and benefits of civil society to come into being. Civil society and the artificial freedom which it creates is therefore above and beyond anything granted to man in his "naturally" deprived and impoverished original condition. Man improves the world and improving the world he improves himself. A universal peace is the primary condition upon which all subsequent benefits are dependent and without which they could not even be "imagined". Without the leviathan there would be no security and without security there would be only the brute facts of nature, negating not only culture and civilisation, but the human condition itself :

In such a condition there is no place for industry, because the fruit thereof is uncertain and consequently, no culture of the earth, no navigation, nor use of the commodities that may be imported by sea, no commodious building, no instruments of moving and removing such things as require much force, no knowledge of the face of the earth, no account of time, no arts, no letters, no society, and which is worst of all, continual fear and danger of violent death, and the life of man, solitary, poor, nasty, brutish and short.⁸⁸

⁸⁷ Hobbes, *Leviathan*, Chap. v., p. 25

⁸⁸ Hobbes, *Leviathan*, Chap. xii, p. 76

Man's "rational" calculation will demonstrate that life in the state of nature is not worth living and that any human life worth its name is a civilised life. Civil society and his participation as a subject of civil society allows him the liberty to unleash the passions which are the engine of his intellect.

The more cultivated and sophisticated his appetites, the more advanced his reason will become in order to satisfy these new desires. Hobbes Leviathan promises not only security but "commodious living" as a benefit of civil society made possible by the socially constructed liberty of his subjects. Security of possession in private property right is made possible by the original social contract in which men agree to give up their natural liberty for an artificial liberty in which the possession of property becomes guaranteed by the public power. The protection of property, the enforcement of contracts, the facilitation of commodity exchange; the encouragement and protection of international trade; the improvements of agriculture and manufacturing, the advancements of the arts and sciences, the protection and provision of the poor in the name of general welfare and industriousness, are all recognised as important, if secondary and derivate, functions of sovereign power.⁸⁹ Within the framework of public law established by the sovereign; the liberty of private subjects lies in the "silence of the law" wherein a man may dispense of his natural powers at his own discretion.⁹⁰

A subjects liberty however, must always be regulated with an eye to the common good which requires direct intervention in nature because man is not by nature a social creature. Social habits must be impressed upon subjects through education designed to habituate subjects to the comforts a civilised life. Through the judicious use of the pleasant, the raw material man can be reformed and cultivated to a common purpose:

For cultus signifieth properly and constantly that labour which a man bestows on anything with a purpose to make benefit by it. Now those things whereof we make benefit are either subject to us and the profit they yield follow-eth the labour we bestow upon them as a natural effect, or they are not subject to us, but answer our labouring according to their own wills. In the first sense the labour bestowed upon the earth is called culture, and the education of children, a culture of their minds. In the second sense, where men's wills are to be wrought to our purposes, not by force, but by complaisance, it signifieth as much a courting, that is a winning of favour by good offices (as by praises, by acknowledging their power, and by whatsoever is pleasing to them from whom

⁸⁹ Hobbes, *Leviathan*, Chap. xxiv, p. 160 and Chap. xxx, p. 228

⁹⁰ Hobbes, *Leviathan*, Chap. xxi, p. 143

we look for any benefit).⁹¹

As man is both the product and the producer of the civilisation that creates his humanity, his existence has become by necessity social existence in which his mutual dependence is definitive of his being. As a social creature dependent upon the created nature of every aspect of his existence, the commonwealth, becomes not only the means, but the end of his individual life. Individual life and private interest are made to conform to the common good through education; but also in the administration of justice

Justice provides the common good in the protection of property that binds individuals to civil society above and beyond what can be established through fear alone. Justice, however retains its utilitarian function and operates by necessity within the framework of law established by the sovereign's will. What is just and unjust does not reflect some higher value or objective standard outside of the framework of law operative for the common good of the commonwealth. Hobbes strategically uses the "schools" definition of justice as "the constant will of giving to every man his own,"⁹² but limited to the reciprocal and contractual relations between subjects. It is the imposition of sovereign power and the sovereign power alone which produces all forms of social life, down to and including the person and property of each and every social subject. The absolute necessity of sovereign power grounds all other socially constructed goods:

Take away the civil law and no man knows what is his own and what is another man's. Seeing therefore the introduction of property is an effect of the commonwealth, which can do nothing by the person that represents it, it is the act only of the sovereign and consisteth in the laws which none can make that have not the sovereign power.⁹³

On the basis of the sovereign's claim to create the social conditions in which contracts and hence property and rightful ownership become possible, the sovereign reserves the right to legislate and regulate and determine the nature and extent of property rights within the commonwealth.

Hobbes removes justice from the wider context of moral, religious or philosophical concern to a strict interpretation concerning property rights which are purely subjective having validity only within a commonwealth:

⁹¹ Hobbes, *Leviathan*, Chap. xxxi, p. 239

⁹² Hobbes, *Leviathan*, Chap. xxiv, p. 159

...where there is no own, that is no propriety, there is no injustice; and where there is no coercive power erected, that is, where there is no commonwealth, there is no propriety, all men having right to all things; therefore where there is no commonwealth, there nothing is unjust. So that the nature of justice in keeping valid covenants; but the validity of covenants begins not but with the constitution of a civil power sufficient to compel men to keep them; and then it is also that propriety begins.⁹⁴

Property right is defined by Hobbes as the exclusive use of a thing made possible by the power of the sovereign to restrict and constrain the liberty of others through the use of force. As such property is a civil and not a natural right and as such it is absolutely derived and dependent upon sovereign power without which it simply would not exist. The power of Hobbes' Leviathan is and can only be absolute because it is the power that defines justice and not justice which defines power. In Hobbes' mechanical universe it takes force to counter force and as the sovereign embodies a monopoly of power there simply is no other power capable of restraining the exercise of power by the sovereign.

The sovereign is not "above" the law for moral or religious reasons deriving from some "objective" natural or divine order but simply because there is no force to oppose it. As the sole author and origin of social power the law is and can only be the product of the sovereign's will and that will operates freely because there is nothing to oppose it with the result that there is nothing the sovereign can do which is "unjust." The sovereign only "breaks" the social contract through a functional failure to secure the peace and not through some moral breach of legitimate rule. The right of resistance is not completely denied in Hobbes theory, but this right only arises when the sovereign power has become so ineffective that each subject must preserve his own life returning everyone to the state of nature. Short of the dissolution of the commonwealth, however, no opposition to the will of the sovereign can be tolerated because the sovereign's power is by definition absolute. Any attempt to reclaim power from the sovereign is an act of sedition which threatens the peace and security of all and is treated as the worst of crimes, punishable by death.

The sovereign as the public power can and will use any and all means to preserve itself as it is the ground upon which all subordinate benefits of civil life depend. Sovereign power is an absolute power which represents a universal interest

⁹³ Hobbes, *Leviathan*, Chap. xxiv, p. 160

⁹⁴ Hobbes, *Leviathan*, Chap. xv, p. 89

which by definition cannot be divided without falling into infinite partiality and faction destructive of the commonwealth itself. Sovereign power is limited only by its capacity to enforce its will, which as a technological power will only increase with the advances in the arts and sciences. Technological advance, however is itself the product of a well ordered commonwealth which accumulates power with the prosperity and productivity of its subjects. Subjects have a direct interest in nurturing the commonwealth and ensuring its health and prosperity because it is on the strength and power of the sovereign that all the “comforts” of civilised life depend. Increased power and productivity of subjects feeds back into the power of the sovereign because the subjects are the means through which common power is realised and enhanced. Wealth and property although a private right protected by the sovereign is also the source of the sovereign’s power and as such must be made subject to its needs. The preservation of the whole takes precedence over preservation of the part, with the result that property right is subordinate to the needs of the sovereign to further the public good, as defined by the sovereign’s will. The needs of the sovereign must be met through the appropriation of taxes or any other such means that the sovereign may require.⁹⁵ The sovereign acts for the “public” and as such it can have no legitimate opposition because it embodies the will of the whole in its very existence:

It is true that a sovereign monarch, or the greater part of a sovereign assembly, may ordain the doing of many things in pursuit of their passions, contrary to their own consciences, which is a breach of trust, and the law of nature, but this is not enough to authorise any subject, either to make war upon, or so much as to accuse of injustice or any way to speak evil of, their sovereign; because they have authorised all his actions, and in bestowing the sovereign power, made them their own.⁹⁶

As long as laws flow from the will of the constituted authority embody the will of all something which cannot be opposed by any part, however constituted, because it is by a partial interest and a negation of the whole.

A good law is therefore whatever is so called by the sovereign because it is his will alone which established law. Sovereignty by necessity is self-referential because it must be completely free and self-determining. Any reference to an “objective” or “external” standard would take away or limit the power of the sovereign and hence subordinate the collective will to something with no authority. Justice is found in

⁹⁵ Hobbes, *Leviathan*, Chap. xxiv, p. 161

⁹⁶ Hobbes, *Leviathan*, Chap. xxiv, p. 162

equal subordination to the law as determined by the will of the sovereign in that each find an equality in their absolute submission to law publicly proclaimed. What constitutes good laws therefore is a common system or rules that are universally enforced as a formal or functional whole and not any particular “end” or “good” which individual laws may aim to produce. Individual laws are just or unjust solely within the frame of reference established by the totality of the system:

By a good law I mean not just a law, for no law can be unjust. The law is made by the sovereign power, and all that is done by such a law is warranted and owned by everyone of the people; and that which everyman will have so, no man can say is unjust. It is in the laws of the commonwealth as in the laws of gaming; whatsoever the gamesters all agree on is injustice to none of them. A good law is that which is needful for the good of the people, and withal perspicuous.⁹⁷

Only the sovereign decides in practical terms what is and is not needful for the good of the people because he is the common judge of the common interest. Individual men or groups of men must accommodate themselves to the public interest as declared by the sovereign through the rule of law. While men have an equality before the law in absolute submission, their qualitative differences while not being politically significant can still be put to good use. Man as the raw material of a collective common interest and can be deployed as necessary for the common good. Employing an architectural metaphor Hobbes maintains that subjects must observe the natural law of “complaisance” whereby each must strive to accommodate himself to the rest:

For the understanding whereof we may consider that there is, in men’s aptness to society, a diversity of nature rising from their diversity of affections, not unlike to that we see in stones brought together for building of an edifice. For as that stone which (by asperity and irregularity of figure) takes more room from others than itself fills and (for hardness) cannot be easily made plain, and thereby hindereth the building, is by the builders cast away as unprofitable and troublesome, so also a man that (by asperity of nature) will strive to retain those thing which to himself are superfluous and to others necessary and (for the stubbornness of his passions) cannot be corrected, is to be left or cast out of society as cumbersome thereunto.⁹⁸

As such subjects must be prepared to mould themselves to the needs of the whole because it is only in the smooth functioning of the entire social order that their safety and security can be produced.

The continued functioning of the sovereign power is assured by the obedience

⁹⁷ Hobbes, *Leviathan*, Chap. xxx, p. 229

⁹⁸ Hobbes, *Leviathan*, Chap. xv, p. 95

of its subjects even if this obedience is contrary to their individual self-interest because obedience not simply a matter of rational calculation, but of over-awing power. The sovereign must exercise not only a monopoly of power, but must possess such a power as to move the passions as well as the reason of men:

So it appeared plainly, to my understanding, both from reason and scripture, that the sovereign power (which placed in one man, as in monarchy, or in one assembly of men, as in popular and aristocrat-ical commonwealths) is as great as possibly men can imagine to make it...And whosoever, thinking sovereign power too great, will seek to make it less, must subject himself to the power that can limit it, that is to say to a greater.⁹⁹

Because force and force alone is the final arbitrator of any dispute, limits to power can only be imposed by a greater power. If the commonwealth is subject to a power greater than itself it is not a sovereign, but a subordinate power subject to the will of another. In order to avoid the contest for power which always arises between rivals of equal or comparable power Hobbes sovereignty is absolute and indivisible as a condition of the multitude's incorporation into a unity. This unity is a product of an unlimited transferring of natural right to the person of the sovereign;

And because the multitude naturally is not one, but many, they cannot be understood for one, but many authors of everything their representative saith or doth in their name, every man giving their common represented authority from himself in particular and owning all the actions the represented doth, in case they give him authority without stint; otherwise, when limit him in what, and how far, he shall represent them, none of them owneth more than they gave him commission to act.¹⁰⁰

The common good is assured by the exercise the superior force, necessary to command obedience, the greater its power the less resistance, the more efficient its rule. Because self-preservation is an absolute end, it justifies absolute power to secure that primary end, without which all subsequent and secondary benefits of civil life would not be possible. Pacification is not compromise and sovereignty remains indivisible because it must be able to hold all subjects in immediate and constant terror to secure obedience and through obedience self preservation. Without the pervasive and over-awing power the subjects would pursue their own self-interested and partial interests when in conflict with the public good. Reason, although able to calculate enlightened self-interest is powerless to execute it without the certainty that comes with law and its universal enforcement. The police power of the state is the

⁹⁹ Hobbes, *Leviathan*, Chap. xx, p. 135

only thing which ensures that men fulfil their covenants with each other and it is only terror that makes them amenable to fulfilling their duties and subordinating their own interests to the common good. It is for this reason that Hobbes calls his sovereign the LEVIATHAN, a MORTAL GOD who has so much power and strength conferred upon him that he is enabled by terror to conform the wills of them all to peace at home and mutual aid against their enemies abroad.¹⁰¹

Collective Self Preservation and the Infinite Expansion of Power

The common end of self-preservation therefore justifies the use of absolute power to unify particular interests into one, through the use of terror. Terror is the primary instrument of social co-ordination as it is only the immediate threat to a man's self-preservation that conforms his will to the common good. Without a common power to keep them all in awe the commonwealth would dissolve into the natural disorder of its component parts:

For if we could suppose a great multitude of men to consent in the observation of justice and other laws of nature without a common power to keep them in awe, we might as well suppose all mankind to do the same; and then there neither would be, nor need be, any civil government or commonwealth at all, because there would be peace without subjection.¹⁰²

It is only in the mutual fear of the Leviathan that the common good is realised in the peace which is not a positive, deliberate choice of rational men, but a negative by-product of the fear constantly instilled in them by the threat of punishment. The sovereign alone can make this calculation because he must not only secure the life and liberty of his subjects within the commonwealth, but must have the power to command their obedience in the face of an external enemy. This obedience cannot be partial and limited to a partial purpose, because such a unity of purpose would constitute, not a body politic, but merely an alliance of interest. Men must not only be made into a unity, but held in a unity which is artificial in its very definition. The commonwealth is forged only by direct human intervention into nature and is in constant threat of dissolution because men may easily revert to their natural state. The commonwealth being artificial can be maintained only through the use of force as it is

¹⁰⁰ Hobbes, *Leviathan*, Chap. xvi, p. 104

¹⁰¹ Hobbes, *Leviathan*, Chap. xvii, p. 109

¹⁰² Hobbes, *Leviathan*, Chap. xvii, p. 107

through force alone that citizens keep their covenants and perform their duties.

Although the commonwealth has come into being as a matter of rational calculation for common self-preservation it is only in the immediate threat of war that the common purpose remains “present” before the mind. Without a common threat or a common enemy, the commonwealth once again becomes prone to faction as the different parts forget their common purpose and turn against each other:

Nor is it enough for the security, which men desire should last all the time of their life, that they be governed and directed by one judgement for a limited time, as in one battle or one war. For though they obtain a victory by their unanimous endeavour against a foreign enemy, yet afterwards, when either they have no common enemy, or he that by one part is held for an enemy is by another part held for a friend, they must needs by the difference of their interests dissolve and fall again into a war amongst themselves.¹⁰³

A changing and unreliable alliance of interest is simply not a commonwealth because the partiality of interest remains until each and every man gives up those interests in their entirety and submits his individual will and transfers all this power to an overarching sovereign.

Although war and collective self-defence is the unifying principle of the commonwealth, it is also a source of danger because actual war requires loss of individual life for the survival of the whole. The primary motive force of man in times of actual war sets the individual against the whole because the survival of the whole threatens the individual’s self-preservation. It is to be expected that self-preservation will override any sense of duty or obligation on the part of individuals who may be expected in times of danger to “cast down their weapons to save their own life.”¹⁰⁴ The concentration and endurance of a single will is what marks the difference between an alliance of particular interests and a commonwealth which has become a unified body politic. What makes the difference is the habituation to obedience which comes through a regular submission of the individual will to the collective good. Social discipline must be at all times maintained not only because external threats are unpredictable and may arise at any time, but primarily because it is what establishes and maintains the citizen as an artificial construct. Individual men quickly revert to the self-regard and vain-glorious behaviour of the state of nature if they are not constantly reminded of their immanent peril from foreign enemies or are

¹⁰³ Hobbes, *Leviathan*, Chap. xvii, pp. 109 - 110

¹⁰⁴ Hobbes, *Leviathan*, Chap. xx, p. 132

kept in perpetual awe of sovereign power itself.

Sovereign power serves a purpose and that purpose is self-preservation which must be always on the mind of reluctant citizens who would otherwise simply pursue their own interests to the detriment of the common interest. The fear of foreign invasion is used as an instrument of internal pacification to remind citizens that concord and unity is and must be the primary goal of their collective life. Collective self-defence is an ongoing and open-ended goal because external threats are a matter of unpredictable contingency which requires a state of perpetual preparation and readiness. The sovereign as the executive power must always be in possession of the means to act for the whole in matters of war and peace thereby constructing the zone of internal peace and security which allows men to go about their daily business without fear of their lives. The sovereign is the machine which generates both internal and external security for the common benefit of all:

The only way to erect such a power as may be able to defend them from invasion of foreigners and the injuries of one another and thereby to secure them in such as that by their own industry, and by the fruits of the earth, they may nourish themselves and live continentally, is to confer all their power and strength upon one assembly of men, that may reduce all their wills, by plurality of voices, unto one will, which is as much to say, to appoint one man or assembly of men to bear their person, and everyone to own and acknowledge himself to be an author of whatsoever he that so beareth their person shall act, or cause to be acted, in those things which concern the common peace and safety, and therein to submit their wills, every one to his will, and their judgements, to his judgement. This is more than consent, or concord; it is the real unity of them all, in one and the same person, made by covenant of every man with every man... ¹⁰⁵

In order to meet not only present, but unknowable future challenges the sovereign power must at all times have absolute freedom, not only to judge and act upon external threats, but to ensure that he possesses the wherewithal to secure the public safety.¹⁰⁶ Freedom of action is dependent upon access to the means of that action, with the result that limits on the needs of the sovereign cannot be set;

Commonwealths can endure no diet; for seeing their expense is not limited by their own appetite, but by external accidents and the appetites of their neighbours, the public riches cannot be limited than those which the emergent occasions require. ¹⁰⁷

¹⁰⁵ Hobbes, Leviathan, Chap. xvii, p. 109

¹⁰⁶ Hobbes, Leviathan, Chap. xviii, pp. 113

¹⁰⁷ Hobbes, Leviathan, Chap. xxiv, p. 162

The sovereign power must not only secure the liberty of subjects with respect to each other, but must also secure the their collective self-defence in an anarchic world.

The perpetual state of war in a world composed of mutually opposing sovereign power is used to consolidate power at home and project it abroad. Individual men may escape the state of nature through the establishment of commonwealths, but kings and persons of sovereign authority remain in a constant state of alert or “posture of war” and in “continual jealousy” with weapons pointed and their eyes “fixed on one another”. ¹⁰⁸ Because there exists no overarching power to regulate the relations between commonwealths, each retains the absolute liberty of the state of nature with the result that war or potential war remains an ever-present reality:

For amongst masterless men, there is perpetual war of every man against his neighbour...so in states and commonwealths not dependent on one another every commonwealth (not every man) has an absolute liberty to do what it shall judge (that is to say, what that man or assembly that represent-eth it shall judge) most conducing to their benefit. But withal, they live in the condition of a perpetual war and upon the confines of battle, with their frontiers armed and cannons planted against their neighbours round about. ¹⁰⁹

It is true that Hobbes qualifies the comparison of men in the state of nature with the relations between sovereigns by noting that the misery which accompanies the liberty of particular men is not visited upon the condition of commonwealths because each is “able to uphold the industry of their subjects.” ¹¹⁰ The progress of arts and industry made possible by the internal peace of the commonwealth generated the very wealth which inflamed the desires of men and created the demand for international goods which produced mutual interdependence.¹¹¹

Whether this interdependence produces friendship or hostility is a matter of contingency, as each judges and executes its own self-interest with all the instability and unpredictability that this inevitably entails. Complete autarchy; while it may be an ideal in theory, remains impossible in practice with the result that international trade is an unavoidable part of the political and economic life. Trade and mutual dependency are however as likely to exacerbate hostilities as moderate them simply because they serve only to add another dimension of mutual insecurity to an already

¹⁰⁸ Hobbes, *Leviathan*, Chap. xiii, p. 77

¹⁰⁹ Hobbes, *Leviathan*, Chap. xxi, p. 140

¹¹⁰ Hobbes, *Leviathan*, Chap. xiii, p. 78

¹¹¹ Hobbes, *Leviathan*, Chap. xxiv, p.160

perilous and unpredictable relationship. Treaties, while they may serve a temporary and expedient conjunction of interest may be broken at any time without consequence serve whatever can be mustered by self-help. Without an overarching common power to judge disputes there is no security of covenants between commonwealths and war is the natural result as each retains its right to make war in pursuit of its own interests. Commonwealths, unlike individual men, have not transferred their power to a common power and therefore possess their natural liberties which they can be expected to pursue without limit until checked by an equal or greater force as a law of nature. War therefore remains an absolute right of each and every sovereign power as a condition of its independent existence.

In a situation of anarchy the most powerful always have the advantage setting off a potentially unlimited contest for power as each strives to attain an unachievable position of dominance. Hobbes was well aware that the security dilemma would constantly prevail in international relations and war would be so endemic to the system that peace would be nothing more than a temporary cessation of hostilities. War or at least the potential for war, therefore remains a constant state of being between sovereigns who must at all times remain vigilant in the face of an ever-present threat of external aggression which can break into open war at any time.

Hobbes uses the perpetual state of war as a central part of his argument for the total and complete submission of subjects to the executive power of government. Collective self-preservation is the over-riding end of social organisation but it is an end which can never be obtained within any finality or security. As a result the sovereign must be empowered at all times to demand the ultimate sacrifice which requires a society habituated to the efficient function of command and obedience.

As the interests of subjects and the interests of the commonwealth are in direct conflict when it comes to individual death as a means to collective life, subjects cannot be trusted to judge the rights and wrongs of war. Because, no man can be expected to willingly lay down his life, the sovereign must be at all times capable of terrorising his subjects into immediate submission and obedience, even and especially in the face of immanent personal death. Sovereign power can only fulfil its primary function when it commands absolute obedience because it is only in absolute obedience that the self-preservation of the commonwealth can be secured. No rational argument because there is none nor even an inculcated sense of moral duty or honour can overcome the natural force of man's most powerful passion for self-preservation.

Force can only be countered with counter force; the sovereign must ensure that disobedience presents a more certain violent death than taking one's chances on the field of battle. In so far as the prudent sovereign will anticipate the reluctance of his subject's to sacrifice their own life it is efficacious habituate subjects to obedience, but this alone cannot secure the commonwealth; which ultimately rests on fear and fear alone.

Hobbes constructs his sovereign as an absolute power, not because he approves of tyranny, tyranny is when the sovereign rules in his own self-interest against the good of the whole. Hobbes' sovereign does not have an interest separate from the whole because he is the whole. Hobbes has simply calculated from his initial premise of natural liberty defined as physical force that force and force alone is the underlying principle of civil society. If force alone defines the relations of men then collective self-preservation depends upon that force being contained within a single site of power. A divided sovereignty is a divided force which will only check and counter itself producing a divided society resulting in either civil war or foreign conquest or both. The sovereign for Hobbes, is not a natural person, moved by the irrational passions of natural desires, but an artificial man, constructed as an instrument of collective self-preservation. Collective self-preservation can only be secured by the combined force of the commonwealth both to prevent faction internally and to face the perpetual security dilemma externally.

Sovereign power is total and absolute because the whole must override the parts in each and every instance as a condition of their continued collective existence. While actual war both civil and foreign may remain an extreme case, both are an ever present danger against which the sovereign must be continually vigilant and adequately prepared. The smooth operation of sovereign power therefore is a sign and a mark of a well functioning commonwealth in which each individual enjoys the benefits of civil society, but knows that the condition of this enjoyment is his absolute and total submission to the sovereign whenever necessary. While the subject's freedom is a positive freedom in that anything not strictly prohibited by law is permitted, the extension of the law into every aspect of social life is not only possible, but likely. The traditional distinction between "public" and "private" spheres is eroded by the need to take any measure necessary to preserve public order and collective self-preservation. The police power of the state can only increase as the needs of collective self defence demand more and more sacrifice of private interests to

the security needs of the commonwealth. Private interest must be kept continually subdued and kept within strict subordinate bounds in order to ensure they do not become obstacles to the smooth functioning of the commonwealth. Private interest as such does not even exist except in so far as they are permitted by the sovereign who can withdraw them at his pleasure.

Without a limit on public power, privacy ceases to have any substantial meaning as it is always subject to a police power which demands absolute and total transparency in the name of public security. Subjects have their rights within the law, but the law is ordered and reordered by the sovereign at will and even as a demonstration of his power. Subjects must be kept in continual awe of the sovereign power if compliance and obedience are to be readily at hand if and when they are required. As each man's power is a necessary part of the total social power, the most efficient use of each and every man is to be encouraged and even engineered. Hobbes state cannot remain a minimal state because social interdependence demands that social productive power is not squandered or wasted. Each man does not own his own productive property, even in his own body, because he has transferred that power to the sovereign who can deploy it at will. In order to extract full productive potential of each individual social provision is made for the "encouragement of all manners of industry."¹¹² Public charity is to be provided for the poor, but idleness is not to be tolerated. "Master-less" men not only fail to contribute to the collective good, but they are a danger to public order and so if able bodied, must be forced to work.¹¹³

For Hobbes social utility measures individual worth and if a man cannot secure his price at home he is to be transplanted abroad where he can serve the commonwealth through the foundation of colonies. Commonwealths grow and multiply through the production of colonies thus providing an outlet for the "multitude of poor" who would otherwise be a drain on the public purse and a threat to social order.¹¹⁴ With the foundation of civil society and the advancement of the arts and sciences men's natural passions and desires are channelled into social productivity which brings not only the benefits of civilisation but the expansion of power. The expansion of power inevitably feeds into an ever increasing desire for foreign goods and the growth of international trade and empire. With an international

¹¹² Hobbes, *Leviathan*, Chap. xxx, p. 228

¹¹³ Hobbes, *Leviathan*, Chap. xxx, p. 228

¹¹⁴ Hobbes, *Leviathan*, Chap. xxx, p. 228

system composed of rival sovereigns the defence of foreign interests, trade routes and colonies feeds into a system defined by war and the search for strategic advantage no matter how temporary. State power will expand until checked by an equal and opposite force producing a system of international geo-political competition limited only by the strategic “balance” of power between rival sovereigns. Peace at home inevitably produces war abroad because the social advances made possible by civil society and the progress of civilisation necessarily “spill-over” into less advanced areas of the globe until the balance of forces finds its natural equilibrium. The expansion of social power brought about within the state finds its expression in the expansion of power abroad in the form of empire limited only by the “balance” of international power. It follows from Hobbes’s analysis, that as the technical means present themselves, expansion and conquest are not only natural, they are inevitable:

The multitude of poor (and yet strong) people still increasing, they are to be transplanted to countries not sufficiently inhabited, where nevertheless, they are not to exterminate those they find there, but to constrain them to inhabit closer together, and not range a great deal of ground to snatch what they find, but to court each little plot with art and labour, to give them their sustenance in due season. And when all the world is overcharged with inhabitants, then the last remedy of all is war, which provideth for every man, by victory or death.¹¹⁵

Nature abhors a vacuum with the result that men will fan out across the world far and wide until the entire surface of the globe has been colonised with war proving to be the final arbitrator of the human condition.

Hobbes does warn of the hazards of over-stretching the empire, pointing out that a lust for conquest is one of the surest ways to self ruination.¹¹⁶ Hobbes conservative and prudent politics is consistent with his appraisal of vain-glorious men and their delusions of grandeur, checked not by reason, but the hard knock of experience. War may check and limit imperial ambition, but only temporarily, as each technological advance, strategic alliance or geo-political opportunity changes the “balance” and may lead to a complete realignment of the international system. As the expansion of power will continue until checked by a force of equal or greater power domination of the weak by the strong is a normal state of affairs which finds its limit only in technological feasibility. While extermination, may not be one’s first choice (a bloody useless waste of human resources, what!), containment only remains a

¹¹⁵ Hobbes, *Leviathan*, Chap. xxx, pp. 228 - 229

¹¹⁶ Hobbes, *Leviathan*, Chap. xxix, p. 218

viable option as long as there are alternative avenues of expansion. Once all the globe has been filled and all pressure valves have been exhausted a contest for power will ensure the peace one way or another. It is doubtful however that an end of war could be found even in the total global domination which is the logical outcome of Hobbes's war system as the consolidation of power would inevitably produce the resistance unless each and every sovereign "voluntarily" submitted to an international Leviathan. Such a vision of logical necessity would inspire Kant's theory of the natural progress towards perpetual peace, but even Kant recognised that this was nothing other than an "idea" of pure reason with little chance of actualisation short of the providential end of history.¹¹⁷ In the meantime, the infinite progress of technological civilisation would provide the engine of competitive geo-political imperial expansion which would span the globe. The English, while entering the contest for empire late in the game would prove its most efficient player as first the Spanish and then the French were subordinated to British naval power. Britain's "advanced" economy was both the product and the cause of an exceptional national unity which propelled the newly emergent nation-state to naval supremacy by the 18th century, although battles with France would continue until the defeat of Napoleon in 1815. Britain's internal consolidation proceeded apace within its imperial expansion and lead the way from agricultural, to commercial to industrial revolution which was to leave it unchallenged on the global stage until the first world war. The culture of improvement literally "opened" the horizons of the possible, inflaming the passions and desires of all industrious men until unlimited technological advance became as definitive of English civilisation as the rule of law and the institution of private property.

When new world empire reached the shores of the "new world" it found only the puny opposition of "natural man" in his "primitive" condition and hardly in a position to oppose the Leviathan on his inevitable path of progress and civilisation. Although the initial period of colonisation had been a private rather than a public affair, both the Virginia and Massachusetts companies relied on charters guaranteed by the Crown. The colonies may have entered into peace treaties with the Indians, but their property rights in land were derivative not of Indian law and government but of English territorial claims. The settlers expanded their enterprise in English fashion and the inevitable conflict over land and resources lead to war. Indians were required

¹¹⁷ Kant, "Idea for a Universal History with a Cosmopolitan Purpose", Eighth Proposition, in *Kant*

to submit to English sovereignty, remove themselves from the vicinity of English settlement or pay the price with their lives. Indian resistance proved their savagery as well as their irrationality as an uncivilised race living without the benefits of arts and sciences to advance their minds. Reason neither being innate, nor the common inheritance of mankind, but the “product” of experience it was only natural that a vast historical chasm should open up between the technologically advanced and the technologically backward.

In the new world it became abundantly clear that reason was the product of history and not nature and as such was dependent upon the stage of cultural development achieved by the productive forces at work in civilised societies. When reason is the product of history it is defined and determined by social and historical factors of which it is but a small and finite part. Liberal progress requires a teleological view of history, which is undone by the very rejection of teleology which marks the birth of the modern age. Reason, first the product of history, soon becomes the product of culture with all the nihilism this necessarily implies. As such, modern political theory following upon Bacon’s revolution in metaphysics, the ground of Hobbes political physics, quickly devolves or implodes from its original liberal formulation, to an explicit historicism and then nihilism as unmediated power politics becomes definitive of the human condition at all levels of social interaction. While Hobbes had maintained force and the balance of force as the fundamental political fact, he nevertheless believed that politics could be effectively managed in efficient technological manner for the common good. Self-preservation and the fear of violent death however, were never enough to subdue the vain-glorious imaginations of men whose imperial ambitions could not be contained with the secure borders of the state given the logic of unlimited power expansion. Modern techno politics would finds its purest expression in new world empire where its encounter with the raw material man would be the least opposed by an equal and opposite force. The pure malleability of the Indian would be explored through the operational dynamics of the three successive waves of modern political theory and their individual colonial strategies. Liberalism would produce policies of assimilation based on “universal” laws of nature, historicism would produces polices of development based on “the stages” theory of civilisation and both would inevitably collapse under the weight of modern

nihilism which only knows how to produce and reproduce a segregated other as the object of its own will to power.

Chapter 3

Political Theory: Techno -politics and the Three Strategies of Colonialism

Whereas medieval and ancient man aimed at the pure contemplation of nature and of being, the modern one wants domination and mastery.¹

Alexander Koyre

Introduction

The paradigm of modern “political science” developed by Thomas Hobbes in the mid 17th century was intended as an “eternal order” that would, because of its scientific basis, provide the final answer to the problem of politics. Hobbes was writing at a time of great social change and he was looking to find some stability which would secure the state while providing the basis for an infinite expansion of power brought into being by the revolution in the arts and sciences. Bacon’s advancement of learning had unleashed the “culture of improvement” within the English state at the same time as the commercial revolution would fuel a drive for international trade and empire building. The civil war ushered in a national state of common purpose leading to Hobbes’ theory of modern sovereignty grounded not in the rule of the Prince, but in the Leviathan as a power accumulation machine. Social power and productivity had inaugurated a whole new age of English expansion which quickly found its outlet in new world colonisation.

The British Atlantic was in fully integrated into the triangle trade between Britain, Africa and the West Indies by the mid 18th century and the demand for new land had already marginalized and then displaced the original habitants from the Eastern seaboard. The strategies of colonialism as they developed under English systems of politics and government were later replicated by the Americans when the new republic gained its independence in 1791 and again when Canada became an independent Dominion in 1867 and set out to create a “nation” from sea to shining sea. New world empire in all three cases of Anglo-American colonisation of North America was of a different order of empire than traditional forms which had followed

¹ Alexander Koyre, *From the Closed World to the Infinite Universe*, (Baltimore.: John Hopkins University Press) 1994, p. 1

upon the Christian and Roman model of crusade and conquest still being practiced by the Spanish throughout their vast territorial empire to the south. In England, the law of nature had replaced natural law as the primary political principle of social organisation as the old feudal society crumbled before the advance of new ideas based on the new sciences. Bacon's revolution had been part and parcel of the reformation project to purge natural philosophy of its ancient corruption and establish knowledge on the firm foundations of a Christian science returned to its true path. True religion would guide society back to its God given task to remake the world in the divine image through the proper application of method proven in the fertility and productivity of its works. The sciences would provide an unlimited source of useful instruments and inventions which would be harnessed to transform the world in the name of Christian charity and the relief of man's estate. New world empire in all its geographical incarnations is "wiping away" of the past and the foundation of the future on "new" and empty lands awaiting the arrival of the rational and industrious to harness the productive power of nature for the general benefit of mankind. Although the roots of new world empire can be found in early modern England, its internationalisation has been the practical work of over 400 years of North American colonisation. Beginning on the north-eastern shores of the Atlantic seaboard in the early 17th century and moving relentlessly westward and northward crossing the Appalachian mountains in the 18th century, to reach its peak in the 19th century wars of the "western plains" in the 1860s and 70s, and included the extension of Canadian sovereignty through the numbered treaties of 1871 - 1877 to the Continental divide where it was halted by a recalcitrant British Columbia government.

As new world empire moved westward through space and through the 18th and 19th centuries in time, it maintained a remarkably coherent program of assimilation, development and segregation as its main strategies of colonialism modifying and being modified in turn through the evolutions and rationalisations of European political theory and its justifications of colonialism in the "new world" and beyond. Modern colonialism is a product of the metaphysical revolution inaugurated by Francis Bacon and harnessed to a political project of world transformation by Thomas Hobbes. For Bacon, knowledge was power because it made man the master of nature, whose secrets when revealed, disclosed whole new horizon's for man's creative imagination. Man's control of productive technology would build him an empire, a new world empire through which his progress would be as unlimited as his

goal. Christian charity knows no bounds because improvement is a relative, not an absolute ideal and produces change over time which stretches infinitely into the future. Method, was modelled on Christ as the one true, path that would light man's way through the world and provide him with not only the knowledge, but the comfort of a transformed nature. Progress was an end in itself because it was a sign and a mark of man's true vocation; action into the world in accordance with divine will.

Technology was an end in itself because it freed man from the accidents of history and the arbitrary idols of custom and tradition. Method not only transformed the world, but more importantly "wiped" clean the mirror of the mind, thus enabling it to accurately reflect the divine image, as originally intended. Man was co-creator of the world with God and his mastery over both nature and human nature, proof of his infinite perfectibility. Bacon's mission embodies the modern will to power to remake the world in its own image and for its own purpose.

The early modern project was underlined by an explicit and fundamental Christian faith which was to come under more and more challenge as man usurped God's place as origin and anchor of technological progress. Thomas Hobbes knew that mortal man could have no access to divine providence and castigated the metaphysician's of "right reason" for being responsible for the wars of religion which had brought so much human misery and suffering to the world. Man was not a rational, but a vain creature moved by his imagination and his passions to his own self-destruction. Human nature was but an extension of nature herself and as such flawed to its very core and in need of direct intervention if it was ever to be put on its proper course. Hobbes invented the Leviathan as an artificial man; a machine to run the apparatus of state for the universal purpose of self-preservation. Men could not be trusted with their own political affairs because each would frustrate the other in the pursuit of a multiplicity of ends and desires which could lead only to conflict and chaos. Natural men and vain-glorious men had to be transformed into obedient and compliant subjects through the instrument of the social contract.

The social contract established a common judge who as a common power would produce the peace of an ordered civil society in which men could give free reign to their desires within the framework of the law. Total and absolute submission to the sovereign was the price paid for the individual security that was productive of the benefits of civilisation and commodious living. Hobbes conception of absolute and unlimited sovereignty was the machine which would be productive of civil order

whether it was located in the Monarch, parliament or people. Successive political theorists would reject Hobbes absolutism, but would struggle to find the limits of political power when sovereignty and self-preservation remained the foundations of the civil order. Hobbes's moral relativism had pronounced modern reason incapable of acknowledging a common human good with the result that the legitimacy of the state was anchored in a common human evil; fear of violent death. Locke would attempt to limit absolute sovereignty through the positive institution of property; but property would remain the disputed terrain of the modern social contract throughout the early modern era and would admit of no easy solution. Property introduced inequality and inequality introduced the spectre of faction which Hobbes had sought to eradicate by reducing man to his "original" equality in the state of nature. Property, unlike possession was not an individual product; but a social institution made possible through law backed up by the collective force of the state. Property was not of natural, but historical origins located not in individual action, but in the social division of labour which made it possible. The state institutionalised not a natural equality, but a social inequality by reifying the property relations of an already advanced and civilised society based not in nature, but in the vested interest of the landed aristocracy and the gentry classes of England.² The divine right of kings was replaced by the concept of Crown-in-Parliament in which the sovereign was a symbolic head of an unwritten British constitution based upon the principle of parliamentary supremacy under the common law as established by the revolutionary settlement of 1688.³ The English civil war, closely followed by the Glorious Revolution had established the protection of property as the only legitimate end of government. Locke followed Hobbes in his utilitarian principles of government, but limited the power of sovereignty at the inviolable rights of private property. Man exited the state of nature not to become a slave, but to become a productive member of an advancing civil society in which the preservation of life, liberty and estate was declared the true principle of civil government.⁴

² For the social context of the social contract theory of the state grounded in the emerging market economy of England, See Neal Wood, *John Locke and Agrarian Capitalism*, (Berkeley.: University of California Press) 1994

³ For the social history of English concepts of sovereignty grounded in the Crown-in-Parliament configuration of political theory, See Ellen Meiksins Wood, *The Pristine Culture of Capitalism: A Historical Essay on Old Regimes and Modern States*, (Verso.: New York) 1991

⁴ John Locke, "An Essay Concerning The True Original, Extent and End of Civil Government" in (ed.) Charles L. Sherman) *Treaties of Civil Government and a Letter Concerning Toleration*, (New York.:

The English carried their revolutionary ideas to the world as the modern enlightenment project spread to the new world and the continent under the prowess of English empire and worldly success. English empire was first and foremost a commercial empire dedicated to the production of export goods for the home market as well as re-export to the world. The first colonies in Virginia and Massachusetts had been undertaken as investment projects designed to wrest a profit from the land through the production of “tropical” goods, but found their real wealth lay in the sale of the land itself. Land could be sold “freehold” in America where before it could only be leased, thereby transforming the tenant farmers of England into independent owner occupiers of their own productive property. The colonies had originally been little more than joint-stock companies and had used their corporate form of organisation to establish political institutions reflective of these property rights. These rights were themselves vested in the company Charter through which the Crown unilaterally asserted its sovereignty over the land and people of the new world. The principle of Crown prerogative government established the colonies on lands held within the King’s “sovereign domains” and subjected them to the rule of a governing council and an imperial bureaucracy. Colonial officials held their position by virtue of Crown appointment although members of the advisory councils were selected from amongst the colonial elite.

All men of landed property had political rights within the colonies in the form of elected assemblies through which they could air their grievances and restrict the power of the executive through their control of the Governor’s ability to raise revenue through taxation. The executive however, controlled the sale of land by controlling the issue of title deeds which transformed mere “possession” into legal property right. Only the Crown and its representatives were empowered to enter into treaties with the Indians which either through purchase or through war established legal land hold tenure in the new world. Settlers did not simply venture out into the wild, they were brought in by proprietors and land speculation companies and worked the land as indentured labourers unless able to purchase their lots outright. As profitable agriculture flourished after the introduction of Tobacco in Virginia and as the New England colonies found a viable market for their farm produce in the West Indian plantations, land became an ever more valuable commodity. Seeking to establish

peaceful relations, treaties were entered into and occasionally “land purchase” agreements were undertaken, especially in the early years of colonial vulnerability and economic isolation.

The colonies expanded and competition between settlers and Indians for the land and its resources escalated with violent consequences. Once the colonies were on a firm foundation however and commercial export crops had been introduced, the spirit of accommodation was quickly undone by the rapid influx of settlers. Indian trading and raiding alliances remained an important part of colonial politics up to and including the Revolutionary war. Because the Indians were valued as allies and suppliers of a variety of trade goods collectively referred to as the fruits of the forest”, colonial authorities attempted to assimilate the Indians as subordinates within the overarching structure of English law and imperial government. Indians were pushed to the margins of colonial settlement as more and more of their villages and traditional hunting territories were appropriated for commercial farming geared to an infinitely expanding export market. Indian occupation and land use patterns while evident, were dismissed as “primitive” and “inefficient” because they did not conform to the English pattern of individual private property ownership based on the title deed. Indians did not own property in their own lands as could thus be dispossessed at will and punished by violence if they resisted. Land surrender was the price of peace and Indians who remained within the settled boundaries of established colonies were herded onto reserves set up for their “protection” as wards of the Crown. If they were to survive in the “new world” that was taking shape all around them they would have to adapt and learn the ways of Christian civilisation. Indians, being in the state of nature, with neither private property or civil government, could be empirically shown to be in a savage condition which was by definition in need of “improvement.” To the English, the Indians lived a wild existence in the state of nature deprived of even the basic elements of civilised life.

Indians could be assimilated within the colonial regime only so far as they contributed to the colonial economy through trade or as military allies but they would eventually be forced from the lands that were “in excess” of their needs. Common lands were unproductive lands and fencing was the first step in establishing private property anything else was simply “lying waste” and could be appropriated by the incoming settlers. The colonists established “praying towns” for the Indians, small islands of reserved lands held not by the Indians, but by the missionary societies who

came to convert the Indians to Christianity. Indians became wards of the state “protected” from the worse abuses of the “sharp” traders who attempted to evade the government monopoly on the Indian trade. When missionary and educational activities failed to convert sufficient numbers of savages into civilised men, removal to the margins of colonial settlement followed. The reserves once set aside for the benefit of Indian instruction in agriculture became areas of enforced confinement creating a permanently segregated and captive population. New world empire invented its own myths of progress over and against a resisting “other” defined as the primitive savage from which its identity could be cemented as a triumph of science over nature. Science harnessed to the arts and inventions of a technological culture marked off the difference between modern man having escaped his original condition and “mastered” his own savage nature. The Indian became a sign and symbol of human development and progress, even when the explicitly Christian teleology of providence was no longer available to the sceptical mind of secular modernity. Cultural and even racial superiority became an ingrained justification for imperial domination both in the new world and beyond as the industrial revolution carried the “great powers” of Europe to the backward lands of uncivilised barbarians across the globe.

Techno-politics produces the three strategies of colonialism which can be seen at work in the British Atlantic as early as the 17th century. European political theory built upon and reflected the embedded practices of empire already at work in the new world and soon to be exported across both the continent and then the globe. All three of these strategies aimed at the dismantling and denial of Indian political structures and territorial jurisdiction because the Indian presence on the land presented an inconvenient obstacle to colonial expansion. While the inevitable advance of new world empire proceeded apace with technological developments further distancing the civilised man from the primitive savage. The march of progress and civilisation simply ordained that the Indians would be made refugees and fugitives in their own lands. The Indians fought back but were invariably branded as savages standing in the way of progress towards a higher civilisation. In revolutionary Europe the Indian became the living embodiment of the “natural man” of Hobbes’ thought experiment. Knowing little of anything of actual existing Indian societies did not stop political theorists from Hobbes to Hegel from speculating on the Indian as a starting point for human evolution and development. Deprived of civilisation, man existed in a state of

“natural liberty” which while containing its own innocence or nobility was nevertheless a rude and barbarous state of being.

The progress of mankind was dependent upon men exiting this natural state and converting their natural liberty to the security of property and possession under the rule of law as envisioned by the original social contract. The social contract became the foundation for the modern state because it preserved the equality and freedom of the state of nature while elevating man to his higher nature through the institution of law backed up by the coercive force of the state. Liberal revolution and conservative reaction warred for supremacy in Europe, but the Indian remained a powerful symbol for political theory seeking to mark an original starting point from which civilisation could be shown to have progressed. Indians as natural men would have to be civilised and the civilisation process would be premised upon the transformation of brute material into productive citizens.

Hobbes had laid the foundations with his scientific basis of the state in which nature, in order to master her must be obeyed. Rather than suppressing the passions and thereby creating resistance to political power, political power must instead be founded upon the premise of the passions themselves; the most powerful of which was fear of violent death. The Indians, like natural men everywhere, were to be assimilated as individual parts within an ordered whole and remade into a unified body politic serving a common purpose; comfortable self-preservation. As an eternal and universal project, modern techno-politics transcended culture by stripping man to his very nature revealing the inner secrets of society in order to remake it to a positive human purpose. With Hobbes a metaphysical shift had been inaugurated in political thinking as understandings of nature, man and knowledge had fundamentally changed with the rejection of Aristotle’s final causes as the necessary ontological basis of ethical life. Man no longer possesses an essential nature receptive to knowledge but is instead the creator of that knowledge through his active intervention in nature. Knowing has become a kind of making in that the human understanding proscribes laws to nature and in so doing infinitely increases his power as truth and meaning originate in man and are not inherent in a cosmic order independent of man’s activity.”⁵

For all those who followed Hobbes politics has become a technological

⁵ Leo Strauss, “The Three Waves of Modernity” in Hilail Gilden, (ed.) *An Introduction to Political*

problem to be solved through ever greater intervention into human nature as man's malleability and perfectibility are put to the test by successive waves of political theory and practice. The progressive answers given to the Indian problem in new world empire and the strategies deployed in order to solve it demonstrate the successive formulations of natural man and the means to "improve" him for the common good. The fact that there is not a single answer to the Indian problem, speaks to the failure of Hobbes' project to solve the political problem once and for all. While Hobbes firmly proclaimed that the irreducible diversity inherent in international relations would inevitably lead to assimilation or annihilation and end in victory or in death, techno-politics has yet to impose its totalitarian aspirations on the world. The fact that it has not even been successful in the arena where it has enjoyed the greatest freedom to remake the world in its own image, the virgin soil of the "new world" attests to the inherent limits of new world empire. The abiding resistance and survival of "Indians" despite centuries of colonial domination is instructive of how modern techno-politics has been forced to adjust its own self-understanding and intensify its strategies of power up to and even beyond the point of its own credulity.

In his famous essay, "The Three Waves of Modernity", Leo Strauss shows how the inherent instability of Hobbes' modern project inevitable implosion over time from its initial liberal foundations with Hobbes and Locke, to the historicism initiated by Rousseau and systematised by Kant, Hegel and Marx until it unravelled in the radical historicism or nihilism of Nietzsche. While Strauss' model provides a valuable insight into what he describes as the progressive degeneration of the modern technological project of politics, it is constructed in such a way as to present three different moments or waves in the "progress" of modern reason as it decays into unreason ending in the pure will to power. The liberalism of Hobbes, Locke and Kant engender a politics of assimilation through the machine of the social contract, the historicism of Rousseau, Marx and Hegel produce a politics of development spun through the mechanism of dialectic, while Nietzsche's critique of modernity turns on his revaluation of values as the poetic machine producing a politics of segregation and will to power. It is not an accident that the different characteristics and attributes assigned to "natural man" by Locke, Rousseau, Kant Hegel, Marx serve to legitimate different types of political order and the necessary relations between the rulers and the

ruled. With Nietzsche, rationalisations or the positing of values becomes the key question to be addressed, not because he rejects the modern paradigm of materialist politics defined by Hobbes, but because he takes it as a necessary beginning. With Nietzsche, modernity has become fully self-conscious and as such it makes a transition to the “post-modern” as the desperate search for values in a valueless age in which all human relations are merely the product of force and counter-force, and the “balance of power”. Art completes nature, but with Nietzsche art itself is nothing more than a contingent configuration of forces, each following the other as will to power flowing through the eternal return of the same. Modernity never escapes from Hobbes materialist political physics, because physics is the foundation and metaphor of all human thought and practice. As modern theorists, Hobbes and his heirs share the basic premise that politics is techno-politics; not a natural state but an artificial construction in which man is completed through the application of the arts and sciences. It is the unifying theme of technological application to the raw material, man, that identifies the unique departure point of modern political theory which views nature as a chaotic and meaningless starting point and not an ideal held up as a universal and eternal standard and measure.

Nature does not tend to its own good, but must be perfected by the active intervention of man using method as a machine in the production of unlimited improvement into the future. With the power and productivity harnessed by the technological society both nature and human nature come under the increasing control of instrumental domination in the name of expansion without limit. Techno-politics is inherently colonialist because it ceases upon the productive life force of both man and nature to create a self-reinforcing circuit of power accumulation which can only turn back in on itself with ever faster cycles of creative destruction. The original liberal premise of the modern project to emancipate man from nature is subverted by the increasing intensification of force necessary to make and remake society in the wake of wave after wave of technological change. Modern sovereignty is the machine which harnesses the productive power of force to produce compliance and obedience to a formalised system of law which subordinates the man as part to the common good of the whole defined by reference to a completely abstracted “national interest.” The state as a legal/bureaucratic apparatus projects power internally from a concentrated executive through the instrument of the police and externally through the instrument of the armed forces. A political system based upon violence and terror

which can find no limit either in property or the universal rights of man because the only standard and measure it recognises is quantitative increases in levels of productivity and efficiency in pursuit of a common good it can no longer define. As ends become means and means become ends, technological progress subsumes all other goals regardless of the consequences to actually existing human beings and the world in which they live. When everything has been reduced to mere raw resource, grist to the mill of an undefined and indefinable process of technological “advance” politics ceases to have any meaning above and beyond the smooth functioning of sovereign power in the service of this insatiable God. Technology as the secular replacement for a dead or dying God was the well established principle of Thomas Hobbes’ original 17th century “thought experiment” forged in the founding fires of Bacon’s new world empire.

Liberalism and Assimilation

Although Hobbes’ political theory contains Christian concepts such as natural right and state of nature, the meaning of these terms had undergone a radical transformation. Hobbes explicitly denies the existence of “right reason” and formulates his idea of natural right as a strictly “scientific” concept. For Hobbes, the state of nature is, as it was for Christians, an absence of government, but for Hobbes the state of nature is not ruled by “natural law” so much as “the law of nature”. Man as a mechanical, desiring animal is not moved towards the good, but is moved only by his own passions, the most powerful of which is the fear of death. The state of nature therefore becomes a place of danger where each man’s preferences and competitive jealousies result in the “war of all against all”. Nature is irrational and incomplete and man, in order to survive, must exit the state of nature and establish a coercive power strong enough to inspire “awe and obedience”. Hobbes invents modern sovereignty as an “artificial” construction, a technology, to transform the raw material man into a law abiding subject, whose compliance in society becomes the basis of civil order, social progress and commodious living. Sovereignty with Hobbes knows no “limits” because it is power alone that determines “right” and all “rights” are derivative of the sovereigns will as manifest in the establishment and enforcement of the civil law.

Outside the boundaries of the commonwealth, there is no law, as all law is a product of the sovereigns will, it is an artificial construction designed by man for a

human purpose. Art completes nature and civil society completes man. Reason is a product, not of innate ideas, but of experience and as such all science, art and civilisation is a product not of some innate capacity of man, born of a rational soul and a rational will, but of technology. Man in his natural state is wild, unfinished, brutish and it is only through a self-conscious process of “making” of imposing order on chaos, that man transforms himself to a higher, civilised state. It is for this reason, that the technological society represents a “higher” more complete or perfected state of being as man has “liberated” himself from the “irrational” customs into which he was born, a passive object of history or tradition. Modern technological society is based upon the idea that man can objectify himself, step out of his own past and recreate himself anew an active subject in full possession of both himself and his world. The “first” wave of modernity is the realisation of the modern liberal revolution in social and political thought in which man frees himself from past error and establishes a “whole new” foundation for civil life in the new natural philosophy of the modern scientific revolution.

Hobbes, following Bacon, demonstrates that in order to “master nature one must obey her” by constructing a self-conscious techno-politics, in which man the maker, imposes order and form upon the raw material “natural man”. The man of science is an architect and engineer who builds the “artificial state”, not on the sands of irrational and arbitrary custom and tradition, but on the purely “rational” basis of man’s most basic and powerful motive “force” the passions. Passion, not reason directs man in his natural state, because reason is simply the ability to calculate, it is an instrument which is of use to man in attaining “what he desires”. The object of desire however, is a pure matter of arbitrary and contingent choice, reflecting not man’s capacity for “right reason” defined as an “intellectual or moral appetite for the good”, but the exercise of relative and personal preference conditioned by experience to pursue pleasure and avoid pain. As the perception and knowledge of good and evil is conditioned by sensual experience, rather than rational insight or intuition, there is no stability or order of desire as man, as a mechanical and corporeal being is immersed in the flux and change of his own material nature. Desire, is a multiple, overlapping, changing and chaotic drive or instinct “experienced” as irrational impulses without hierarchy or order. Man therefore, in his natural state is condemned to a meaningless and futile existence unconsciously and aimlessly propelled in an endless, infinite, chaotic and disordered “restless striving” summarized by Hobbes in

his famous formulation as the universal struggle for power after power which ceases only onto death.

The state of nature, man in his original condition, is nothing more than mere matter in motion a desiring machine, whose reason is a mere instrument, a means to an end, a slave to the passions which alone fix the “objects” of desire as a function of wilful self-assertion. Because there is and can be no greatest good, all goods being relative to the irrational pull of a multitude of desires, the foundation of a stable civil order must be founded, not in a positive goods which are many and varied, but in the single common denominator of life, the universal and eternal fear of violent death.⁶ Self-preservation premised upon the fear of violent death, therefore becomes the unifying glue of the civil state because it is the one principle, or law of nature, which must be obeyed, not as a matter of moral right, but as a matter of pure natural necessity. As method imposes order and discipline on scientific inquiry, the application of power through the instrument of the Leviathan imposes order and discipline upon the natural condition. Man, the civilised subject of a commonwealth is then the “product” of art over and above a primitive natural condition which has been transformed and reformed by the “civilising” process in which he comes to know himself through the “cultivation” of nature and human nature, defined as progress in the arts and sciences made possible by the establishment of the civil order.

A cultivated nature, means an improved nature as art completes nature and raises man above his original brutish condition and sets him upon the path civilisation and enlightenment. As life in civil society has solved the problem of order, man can enjoy the luxury of indulging his passion for “commodious living” as his needs and desires are “cultivated”, “refined” and “expanded” beyond anything that would have ever been possible in the state of nature. Positive law is a form of artificial regulation, which allows men to rationally order and channel the force of their natural desires within a system of administration and management in order to realise and actualise a “higher” because self-willed purpose. Man because he is free, experiences his freedom in self-determination or the ability to impose his will on nature, including human nature in satisfaction of his desires, as he himself, rationally establishes for himself. The purpose of civil society, is emancipation from the chaos and disorder of

⁶ See discussion in Chapter 2 on the centrality of violent death to Hobbes’ political philosophy. See also, Leo Strauss, *The Political Philosophy of Thomas Hobbes*, Translated by Elsa M. Sinclair, (Chicago.: The University of Chicago Press) pp. 15 - 23

natural liberty, in which each man's "force" of will is checked and frustrated by the contest and competition of every other man. Stripped of all social demarcations of difference and reduced to his pure material physicality, even women enjoy equality in the state of nature because the basic common denominator is nothing other than the ability to inflict violent death upon each other. As no man, or group of men is ever able to effectively establish his or her domination of others with any degree of stability and certainty, the only alternative is a civil order based upon consent and the willing (and equal) submission of one and all to an overarching sovereign or "artificial man".

The Leviathan, is not a private person, but a machine through which the separate and particular wills of the many are transformed into a single unified body politic, the commonwealth. The sovereign power therefore is not simply the person of the Prince, but is a representative and embodiment of the "universal will" and can be vested in a variety of forms as long as it effectively performs the tasks for which it has been "constituted". The purpose of the commonwealth, is nothing more than the foundation and security of the public order from which all the other "private" goods of civil life can then flow. The establishment and coercive enforcement of a system of law and order, premised on the sovereign power to judiciously apply the instruments of pain and pleasure, punishment and reward then become the effective instruments of a civil society. The civilised life secured by the overarching frame of positive law is productive of a highly advanced social organisation in which progress and improvement become possible. The division of labour indicative of civil society allows for the infinite expansion, not only of commodious living, but in the means of commodious living through the advancement of the arts and sciences. Reason, not being innate, but the product of experience, advances with the advanced productivity of the sciences in the service of infinitely expanding needs and desires. Science and technology therefore are both a product of and a foundation for an infinite system of self-generating expansion made manifest through world transformation. Man, the desiring machine, experiences and therefore knows his freedom because it is the product of his own making. Civilised man is emancipated from an original natural state of primitive ignorance which had enslaved him within the "artificial" and "arbitrary" boundaries of superstition and "irrational idols".

Liberal freedom and enlightenment, however are premised upon a particular formulation of technological assimilation in which all civil and political "rights" are

derivative of an original social contract in which all natural rights are transferred and transformed through the instrument of sovereign power. Assimilation into the modern liberal state requires that all “idols” be purged from the mind and all custom and tradition be “wiped” away in preparation for a new and clean beginning. Man acts into nature to establish his own point of origin free of the irrational sources of prejudice and error which had differentiated him from his fellow man. Natural society is a paternal society based upon habits and manners indicative of a traditional system of rights and duties destructive to the universal pretensions of a politics grounded in scientific principle. Liberalism as an ideology was formulated within the context of the bourgeois revolution and as a result embodies a political strategy of resistance against the “special status and privileges” of the various corporate estates that comprised the feudal political power structures of medieval Europe. Central to this struggle was the centralisation of power and control within a national-state that had a purely linear relationship between individual citizen units and the single overarching sovereign power “constituted” by universal voluntary consent either actively or passively expressed through the institutions of government.⁷ As such admission into civil society was premised upon the consent of “each and every man, one with another” reflecting the radical liberty and equality, but also the essential homogeneity of all potential citizens in the state of nature. Because the modern citizen or subject is reborn or remade upon his entry into civil society all the customs and traditions of the proceeding “natural” form of government must be abandoned. In order to be “incorporated” into the “body politic” former corporate or privileged groups must dissolve and give way to atomic individuals in possession of “property” even if that property is nothing other than the simple possession of “life and liberty”. Man in his natural and corrupted state “voluntarily” enters into civil society, by alienating himself, from himself and his traditional society in order to be assimilated along with others in the new and “true” form of government constituted for the sole purpose of the preservation of property.

Wiping clean the slate, in order to “found” a new order of government and authority is a necessary preliminary to the establishment of modern sovereignty, as

⁷ It is not custom or tradition that assigns the “true proportion” of representation which follows a rational rule the “number of members in all places that have a right to be distinctly represented” which is not a new legislature, but to have “restored the old and true one and to have rectified the disorders which succession of time had insensibly as well as inevitably introduced”. John Locke, op. cit. Chap. XIII, p. 107

any rival or independent source of power simply cannot be tolerated within a system of positive law, which is by definition, constituted as inherently self-referential. It is for this reason, that Indian rights, including the traditional rights flowing from an original use and occupation of the land are assimilated within and ultimately subordinate to the system of colonial law which is said to have produced them in the first place. Sovereign authority, and not the natural rights of Indians, is the “sole source” of the positive law which establishes all rights within its self-referential system. Indian rights, when they are defined at all, are held by the pleasure of the Crown and flow from original assertion of sovereignty wherein the lands and peoples of the new world were unilaterally incorporated within the British empire by legal fiat. As such the Crown retains its “prerogative” with respect to these “rights” and its unilateral power to define, limit and judge all subsequent application and exercise of these “rights” within and subject to the fundamental sovereignty of the “public” interest represented by and embodied within the common law state. Indian land rights based upon a traditional “use” must therefore be “extinguished” through the instrument of treaty before a relationship of peaceful co-existence can be established between the contracting parties.

Sovereign power, because it is self-determining can recognise no limit on its power, other than those voluntarily entered into and then only as a temporary and expedient measures based upon a strict reciprocity of interest. The balance of power and not principles of natural justice determine the nature and duration of treaty relationships which can be revoked or invalidated by a strategic realignment of forces within or between competing imperial systems. Even Locke, who asserts the possession of property in the state of nature, does not recognise the validity of Indian land rights because for him property does not exist in communal form, but only as a result of private individual labour. Natural societies certainly exist, but these societies are governed by primitive customs and not the rule of law. Civil society is only possible with a certain level of social advance based upon the division of labour in which the true principles of civil government become visible because the level of social complexity produces a requirement for a government based, not upon nature, but on an instituted social contract. As such modern liberalism is intrinsically individualist, unable to recognise “collective” rights accept in the form of subordinate, pluralistic “associations” of individuals either constituted by the state itself to fulfil some “public” function or to represent the “sectional interest” of a “private” self-

defining group within civil society itself.

Liberal society assumes a radical equality and universality of interest in self-preservation and the pursuit of “commodious living” narrowly construed by C.B. MacPherson as the politics of “possessive individualism”.⁸ Assimilation within a liberal polity means understanding the self as a “rights” bearing individual insofar as one is the “owner” of one’s own labour, whether vested in the private property of the body, or the “commodities” one has produced as an extension and objectification of the body by “mixing one’s labour with the soil”. Locke’s reformulation of “property” as the product of “labour” and “improvement” allowed for its definition as an exclusive “private possession” over and against the traditional understanding of property as a social institution, founded upon dominion and/or the “right of conquest.”⁹ Property, therefore was a legal and civil relation, instituted, sanctioned and enforced by the state even if it was “produced” originally from private effort and individual productivity and accumulation. By placing property right prior to civil society, Locke hoped to circumvent the communal or collective interest in the earth which God had been given to man in common. Common right is therefore construed not as property and ownership but as a simple “use right” which is superseded by individual cultivation and improvement which transforms the raw stuff of nature into the “useful” goods of human consumption. The poverty and scarcity of nature is assumed by a labour theory of value in which what simply lies “waste” is transformed by human knowledge and power to productive property.¹⁰ Locke postulated that “private property” could be appropriated without the consent of the community because ownership and use were established, not by social convention, but by individual will through the command of the body, one’s own as well as one’s servants.¹¹ Only when the fruits of the earth were gathered and appropriated for individual use did they become “property” and only by “improving” the productivity

⁸ C.B. MacPherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford.: Oxford University Press) 1980

⁹ For a discussion of how Locke reformulates the traditional natural law theory of property and government see James Tully, *An Approach to Political Philosophy: Locke in Contexts* (Cambridge.: Cambridge University Press) 1993. For its specific relevance to the Indians of the new world see Chapter 5 “Rediscovering America: The Two Treatises and Aboriginal Rights” pp. 137-176

¹⁰ John Locke, op. cit., Chap. V., pp. 18 - 33. “Nature and the earth furnished only the almost worthless materials as in themselves.” p. 29

¹¹ Ellen Meiksins Wood and Neal Wood, *A Trumpet of Sedition: Political Theory and the Rise of Capitalism 1509 - 1688*, (London.: Pluto Press) 1997. Here the author’s point out the importance of ownership of labour extending beyond one’s own personal labour to include the purchase of labour as a commodity, a social relation particular to a market society. pp. 131 - 134

of land could one claim rightful ownership.

Rightful ownership, is therefore, not first the product of natural law and “right relation” but of the technological advances of an improving mankind whose increasing productivity requires the invention of law and civil government in order to regulate the growing disputes of men brought on by emerging social inequalities. In the beginning, men possessed property in common as a function of the limits of primitive societies. With the invention of money however, this original limit is transcended, freeing man to unlimited accumulation and the benefit of all through the possibilities of expanded productivity and technological advance. The invention of money overcomes the traditional limitations of natural law stipulating that each man is entitled only to that which he needs and therefore does not waste. Money allows men not only to exchange surplus property in the market, it also allows them too convert perishables into durable goods or hard currency, thereby removing any and all limitations on private accumulation.¹² The invention of money not only overcomes the natural wastage of good, but it introduces new and improved methods of efficient resource allocation which serve to increase the common good of all mankind. Nature provides not sustenance and abundance, but poverty and deprivation, until it is transformed by human labour. In the beginning “all was America”, unclaimed and under utilised commons lying waste until settlers came to put it into active production, as “tis labour then which puts the greatest part of value upon land, without which it would scarcely be worth anything” .¹³

Locke, following Bacon, is interested not only in private consumption and production, but in the improvement of the general welfare of mankind in the tradition of Christian charity which raises technological advance, invention, improvement and progress to a positive moral duty. Following on the Christian model of incarnation and conversion, the divine will and the human soul as an extension of that will, “informs” matter with purpose thereby bringing it to completion and perfection. Because “art” transforms and completes nature, man and his technology literally brings new beings into being in the form of an improved nature and human nature as well. Civil society brings the division of labour making possible all sorts of arts and inventions never seen in the world before as unleashed passions and desires drive men to the want of all number of useful and valuable commodities. Increased wealth bring

¹² Locke, op. cit., Chap. V, p. 28

increased inequality which produces not only a social division in economics, but in politics as well as new and more sophisticated machines of government are required to regulate social intercourse and administer justice. Primitive forms of government are no longer adequate to manage growing levels of social complexity and the state comes into being in order to escape the “incontinences” of the state of nature. The institution of laws in turn provides the stability of contracts, which in turn fuels social power and progress. Locke follows Hobbes in the absolute sovereignty of government power, he simply locates it in the people, represented by parliament but does not change either its character or its function.¹⁴ Political and economic advance create social advance and the citizen as part of an advancing society can know himself to be the product of a rational and industrious society, the social superior of those who have not benefited from the education afforded the life of a leisured gentlemen.

Progress in the arts and sciences, the invention of money and the division of labour and “advanced” market economy comes into being whose integrative effect is to produce a social interdependence capable of generating ever increasing levels of prosperity for its rational and industrious members. Nature only provides the raw resource from which man in pursuit of his own desires creates out of virtually nothing the products of labour capable of satisfying not only his needs, but his wants. Civil society raises man out of the paucity of his natural condition by providing the abundance of “commodious living” from which man learns to value the law and order necessary for the protection of his property. Communal property ownership and its customary regulation of use right may have been sufficient in the early stages of social organisation, but technological necessitates social change. With advancing productivity and the increasing division of labour comes more extreme forms of social inequality as the “rational” and “industrious” gain the competitive edge in the struggle to accumulate wealth and possessions. An inequality of possession creates the need to protect their advantage from the “fancy or covetousness of the quarrelsome and contentious” through which man discovers the true end of government in the need to

¹³ Ibid, p. 28

¹⁴ Even property isn’t inviolable as once men have entered into political society the distribution of property is in the hands of civil government for the common good, although compensation is of course given least the state be accused of theft. One thinks of the enforced property redistribution that took place under the Enclosure acts of the middle 18th century. Here the concept of consent was stretched as far as in any Indian land surrender. See J.L. Hammond and Barbara Hammond, *The Village Labourer, 1760 - 1832: A Study of the Government of England Before the Reform Bill* (London.: Longmans, Green & Co.) 1987

protect his property.¹⁵ Far from being a restraint upon men's desire, law and government provide the means for its emancipation and multiplication by providing framework of social regulation necessary to overcome conflict and strife inherent in man's natural condition.

The only solution to the inherent conflict of the state of nature is for men to exit that state by forming a civil society through the mutual act of covenant, one with another, leaving the realm of necessity (law of nature) in exchange for a life governed by "freedom" (positive law). The civil state, founded on positive law, is an artificial construction but because it is made on the basis of scientific principles, it not only incorporates the "eternal" laws of nature, but also transcends and perfects them. Nature is mastered by obeying her, the strategy is one of harnessing and channelling productive forces for human purposes, not restraining, but emancipating natural desires. Left to their own devices, natural desires and forces fly about in a chaotic, irrational and unorganised fashion which not only weakens and diffuses their potential power. The desires must be properly ordered, focused and disciplined to prevent them from their natural course of chaos and confusion. As with Hobbes, nature is inherently flawed and must be perfected by art and in order for true liberty to come into being. Civil society and the rule of law must direct and channel the passions of man and therefore empower his natural productivity which otherwise would lead to nothing other than mutual antagonism and "inconvenience." The law, says Locke, is "not so much the limitation as the direction of a free and intelligent agent to his proper interest" and that its end "is not to abolish or restrain, but to preserve and enlarge freedom" for "liberty is to be free from restraint and violence from others; which cannot be where there is no law".¹⁶

The law of nature may govern social relations in the state of nature, but it is essentially a moral rule in the absence of sovereign power necessary to enforce it. According to Locke men must keep their contracts but the reason such contracts are kept is because of the power to punish wielded either by God who has the power of eternal life and death or because the public requires it and the Leviathan will punish

¹⁵ For the intimate link between man's "liberation" from natural restraint and the true end of government founded in the protection of private property see "John Locke", by Robert A. Goldwin, in Leo Strauss and Joseph Cropsey (eds.), *History of Political Philosophy, Third Edition*, (Chicago.: University of Chicago Press) 1987, pp. 493 - 495

¹⁶ Locke, op. cit., Chap. VI, pp. 36 - 37

you if you do not.¹⁷ While Locke, unlike Hobbes, preserves the traditional scholastic postulate of “right reason” and/or the principle of Christian “conscience” which teaches the “law of nature” as a moral duty, but it is explicitly distinguished from “civil law” which is the rule set by a commonwealth.¹⁸ Right reason however, is not immediately present to man nor is reason alone enough to produce a rational and lawful society. In the reasonableness of Christianity Locke, echoing Bacon, speaks of the reign of darkness and ignorance where vice and superstition held the world¹⁹ and where no “help be had or hoped for from reason”, reason being a product of correct moral orientation and not *visa versa*.²⁰ Ethics is not a matter of rational intuition or deliberation but of moral persuasion dependent not upon judgement, but authority as it is force which moves the passions. Reason without the motive force of interest and desire is especially impotent in the face of entrenched and corrupt interests usually in the persons of (non Christian) priests.²¹ Knowledge” or “true” understanding is the preserve of men of “experience” who have the leisure to study and the means to cultivate their reason.²² While Locke holds that the state of nature may have the law of nature to govern it and teach men the utility of making and keeping promises, there is no escape in the state of nature from the “violence and partiality of men” which inevitably leads to transgression and war.²³ The protestant cleric Richard Hooker is cited in support of the view that law is “ordained” for external order given the presumption that the will of man is “inwardly obstinate, rebellious and averse to the sacred laws of his nature” and that “man to be in regard of his depraved mind little better than a wild beast” from which the laws are framed so that his “outward” actions be of no hindrance to the common good.²⁴

Even the “mind” of man when left to its own devises strays from the path of

¹⁷ Ibid., p. 17. Nature says Locke “has put into man a desire for happiness” and be observed in all persons and all ages, steady and universal; but these are inclinations of the appetite to good, not impressions of truth on the understanding.” p. 16

¹⁸ Ibid., Chap. XXVII, p. 152

¹⁹ John Locke, “The Reasonableness of Christianity” in , (ed.) David Wootton, *Divine Right and Democracy: An Anthology of Political Writings in Stuart England*, (Indiana.: Hackett) 2003 p. 479

²⁰ Ibid., p. 480

²¹ Because “most men cannot live without employing their time in the daily labour of their callings” are “wanting skill and leisure, and others inclination and some being taught, that they ought not, to examine; there are few to be found, who are not exposed by their ignorance, laziness education or precipitancy, to take them upon trust.” John Locke, (Abridged and edited Kenneth Winkler) *An Essay on the Human Understanding*, (Indiana.: Hackett) 1996, Chap. iii, p. 22

²² Locke, *Treatise*, op. cit., Chap. II, p. 11

²³ Ibid., Chap. XI, p. 90

natural law and following instinct and desire unavoidably “errors” and falls into corruption and degeneration. Not only is nature a poverty stricken wasteland, but man in his natural state moves not forward, but backward as whatever “natural” reason man possesses is used in the pursuit of evil in the absence of a legislator with the power to enforce law and order. Locke in effect adds to Hobbes’ amoral or pre-moral state of nature the Christian contention that inherently evil and “varying from the right rule of reason, whereby a man so far becomes degenerate and declares himself to quit the principles of human nature.”²⁴ Such a man becomes no better than a wild beast who may be killed as a wolf or a lion who “have no other rule but that of force and violence, and so may be treated as a beast of prey, those dangerous and noxious creatures that will be sure to destroy him whenever he falls into their power.”²⁵ In Locke’s theory of human nature it becomes possible for men to divest themselves of their very humanity through their evil actions allowing them to become the perpetual property of another as a life long punishment.

Slavery once justified on the grounds that it was a rational relations, which if based upon force, nevertheless was reciprocal and productive of a common good. Slavery could be judged to be unjust if it did not stay within the bounds of natural as well as positive law. In modernity, where all political relations are based not upon justice, but upon force slavery is nothing but the most extreme of a normal political situation of domination and subordination. The slave has forfeited his life and thus becomes subject to the tyrannous rule of his master with total and absolute obedience being the price of his self-preservation. In his definition of slavery as “nothing else but the state of war continued between a lawful conqueror and a captive”²⁶ Locke faithfully reproduces the Hobbes’ fundamental political principles with the added value of moral hypocrisy. When individuals willingly place themselves in a state of war, by violating the natural liberties of their fellow men, they forfeit their own rights and may be justly enslaved and/or deprived of their possessions. Slavery is enforced in as a punishment or compensation not only for the evil they have committed, but also for their demonstrated lack of moral “capacity” and self-control. Through his moral philosophy justifying slavery, Locke reintegrates a just war doctrine into the modern political discourse, albeit in a much transmuted form. Although the law of

²⁴ Locke, *Treatise*, Chap. III, p. 13

²⁵ Ibid., Chap. III, p. 13

²⁶ Ibid., Chap. IV, p. 17

nature is supposed to be about “self-evident” principles of natural reason and morality, it is clear in Locke’s discussion of war and slavery that some are nevertheless more rational and moral than others.

The natural state in addition to being inefficient and irrational is inherently regarded as tending towards corruption and dissolution because it is under the rule of the passions and not reason. The passions must be moderated and cultivated by education and experience otherwise man remains in his animal existence, a brute beast driven by impulse towards force and violence. The cultivated citizen is a work of art and as such it has a master and creator, the political architect who has directly intervened in nature to transform man from his natural wild state. Rationality, because it is not innate, but a product of experience, can only develop under the careful guidance of educators who have the time to study and discover the rational principles of society which they can then impart to their wards. The irrational multitude which constitute the majority of mankind both inside and outside the state are destined to passively submit to the rule of the rational and industrious for their own good.

Locke extends his thought from the foundation of his own civil society to encompass the universal subject of “all mankind” as he envisions the unlimited expansion of civil society to all parts of the world and specifically the new world. Locke uses the “wastes” of America and the poverty and underdevelopment of American “primitive” societies as empirical evidence to back up his colonial claims to land and resources which could be put to more effective and efficient use for the benefit of not only the English settlers, but the Indians themselves.²⁷ Liberty to Locke is not restricted by national boundaries, but is extended as a natural right throughout the world because all the world was given to man in common. The common right to all lands lying waste remains the cornerstone of a colonialist theory of unlimited accumulation through private property appropriation. Arbitrarily restricting access to this God given common resource therefore becomes a “just” cause for war because it arbitrarily impedes man’s natural liberty. Men have a right to the common unless they have voluntarily entered into agreements restricting their liberty. Moreover, the common lands are wasted and do not serve the common good if they are not put into the most rational and efficient form of cultivation productive of

²⁷ Ibid., Chap. V, p. 30

the “general benefit” of all mankind. Locke’s is a relative measure, where hunting and gathering or subsistence agriculture on the common because it is not an efficient use of the land through the most advanced methods and techniques is the same as leaving it lying waste. Not developing or improving the land to its full potential according to the possibilities of the most advanced techniques of the most advanced societies is equivalent to wastage and hording which has the effect of “subtracting” from the common good.²⁸ Occupancy and even use of the land is no longer sufficient to convey ownership and jurisdiction, as the “empty land” or *terra nullis* is no longer about the empirical fact of the Indian presence or even their effective occupation of traditional territories or cultivation of the cultivation of village farms and gardens. Ownership is instead about the relative value of traditional versus improving methods of agriculture and production in which the greater productivity of the latter is decisive by the purely utilitarian argument of the greatest benefit to a generalised “universal” mankind. Ownership and rightful political jurisdiction over land and resources is therefore the product of technological advance rather than the scholastically derived legalisms of the “right to rule” and the “just war” theories and their traditional subtle distinctions between “rightful” possession, usufruct, dominion and conquest.

It was precisely these kinds of “irresolvable” conflicts of interest which convinced Hobbes that traditional moral and legal doctrines were either hopelessly corrupted or practically ineffective and obsolete. While it was “self-evident” that property as the means to self-preservation was necessary to man’s survival and well-being and that, justice, in theory, entailed ensuring that “each man should be given what was rightfully his own”, there was very little, if any agreement in practical application. Hobbes was explicit in his rejection of both the natural and divine law traditions as sources of interminable conflict, as each man would always favour his own interest, making all talk of natural justice, nothing more than “absurd speech” of lawyers and scholastics. Locke follows Hobbes in reducing the natural law tradition to the minimalist law of nature in which self-preservation alone becomes grounded not in the natural order of a cosmos governed by the rule of reason, but by the physical imperatives of force and motion which compel men as desiring machines to

²⁸ See John Tully, op. cit., *On Locke’s theory of property and the common good as a just war* rationalisation for the dispossession of the Indians, especially subsection entitled “Dispossession: the role of the State of Nature” in Chapter 5, p. 140 - 155. For the appropriation of resources as well as land see Barbara Arneil, *John Locke and America: The Defence of English Colonialism* (Oxford.: Clarendon Press) 1996

pursue their self-interest, restrained only by the voluntary alienation of these “natural rights” to an effective sovereign power. While a God governed universe may still command the “moral duties” of sociable life and fellowship, these duties can only come into force to oppose the natural inclination towards evil of the majority of mankind with the effective sanction of civil government. In the absence of sovereign power, moral degeneration can and must be countered by rational individuals who must meet force with force in the general interest of the liberty and prosperity of all mankind.

If the realm of liberty is found not in nature, but in technique, which completes and perfects nature, than anything not re-ordered and remade to serve the “general benefit of mankind” can only exist in a state contrary and at odds with a higher, because self-conscious human purpose. Science and civilisation raises man out of “natural society” and subjects him to the disciplined production of ever increasing rational and efficient techniques to master and subdue nature and human nature alike. Knowledge, for moderns is power because it is only through the intervention into nature that man makes manifest his own independent, sovereign will which is above and beyond his profane, corporeal and material condition. Technical ability and desire are open-ended serving to “expand” rather than “restrain” each other producing a civilization ordered to unlimited appropriation in the name of the satisfaction not of natural, but of artificial needs and desires. The inevitable march of progress and improvement is inherently expansionist because each technological innovation justifies the subjugation of the backward and the primitive to the rule of the advanced and the “modern”. The liberal movement to the progressive incorporation and assimilation of all mankind within a single cosmopolitan community is forever frustrated by differences among societies ordered to a relative measure. Societies are ordered “lower” to “higher” in respect of their technological and organisational complexity (hunter gather, pastoral, agricultural, manufacturing) which because it is a function of a never ending cycle of technological invention at the centre diffusing out to the periphery can never be overcome. Liberalism assumes the potential rationality of universal mankind, but its actualisation in the world is a matter of practice, experience and technological advance in which the “backward” are always subject to the rational and industrious whose right to rule is grounded in success as a product of power.

Rousseau saw that modern prejudice against the past was based upon an

unproven belief in progress and made it his aim to develop a science of man as nature made him in his “original” constitution and “primitive” state.²⁹ It was Rousseau’s contention that entry into civil society caused a “corruption” of man’s natural innocence brought about by the competitive and self-interested struggle that resulted from the division of labour and the mutual dependence of men in the modern world. Moreover, the virtues of comfortable self-preservation and “commodious” living were at best mixed bringing with them the increased vanity and venality of the rich while leading to the oppression and misery of the poor. Civil society produces an inequality of property, which as an artificial condition creates an arbitrary and distinction between citizens which is unjust and ultimately destructive of the commonwealth and the purpose for which it was established; to preserve man’s freedom.³⁰ As such it was an unjustifiable and illegitimate barrier to the realisation of man’s natural freedom and equality which was a function not of the relative value of utility, but on the absolute value of liberty. Rousseau’s principle of the “general will” replaces the utilitarian pursuit of happiness whether defined by security or commodious living to the realisation of absolute freedom through the construction of a commonwealth on the principle of universal law. The social contract must be so structured that the freedom which man possessed in nature must be realised in the state by making everyone wholly and equally subject to the laws which each has fully and equally contributed in making.³¹ Man realises himself as man not in the utilitarian pursuit of self-interest but in the actualisation of his nature as a “free” being. The truly free will is the general will precisely because it has been universalised being the particular wills of isolated individuals and remade into the collective will of the nation through the institution of the social contract.³²

The separation of man’s moral being found in the freedom of his will from the selfish striving towards power and the calculation of advantage grounds Rousseau’s republic in the universal rights of man regardless of the actual circumstances of individual men. Rousseau resurfaces a moral basis for the state, but it is a morality

²⁹ Jean-Jacques Rousseau, Translated by Maurice Cranston, *A Discourse On Inequality*, (London.: Penguin Books) 1984 , “Preface” p. 67

³⁰ “...nothing is less stable among men than these exterior relationships which are produced more often by chance than by thought and since weakness or strength go by the names of poverty and riches, human institutions seem at first sight to be founded on piles of shifting sands.”, Rousseau, *Ibid.*, Preface., p. 71

³¹ Strauss, “The Three Waves of Modernity” in Gildin, op. cit., p. 90

³² Allan Bloom, “Jean Jacques Rousseau” in Strauss and Cropsey, op. cit., p. 567

produced from within man himself as his own universally free self-determination. Like Hobbes however, liberty is found not in nature, but in convention as through the creation of positive laws that the general will is realised and actualised. Rousseau maintained that man's freedom lies not in the rational calculation of self-interest, but in his capacity as a moral agent, to refuse mechanical determinism as a "free agent".³³ Morality is not found in reason, but sentiment and feeling which transcends and ultimately orders reason by legislating freely determining its own ends, to which reason as an instrument serves to achieve or attain. Once again, reason as a means, cannot posit its own ends, but must look to a decision of the will, which is prior to and therefore determining of the rational calculative capacity which serves it as a means to that end.

Rousseau's concept of the general will as the source of man's freedom in self-determining action highly influenced Kant's concept of moral autonomy as the base and foundation of "right" to be realised in law through the instrument of the state.³⁴ Kant as dissatisfied with the moral ambiguity of utilitarian ethics sought to effected a "revolution" in metaphysics in order to provide a theoretical space for human dignity and self respect in the face of mechanical determinism.³⁵ Kant established man's autonomy on the basis of a subjectivity which transcended space and time by locating both of them, not in the external and independent realm of "natural" phenomenon, but within the "internal" structures of the mind. The problem with empiricism which takes its foundation for the production of ideas from the sense impressions received from objects is that it bypasses the entire question about the mind's ability to "grasp" or "know" these objects in their synthetic unity. The things in nature are quite simply unknowable because the mind takes an active role in "forming" sense impressions into "concepts" which are the objects of understanding, not the "things in themselves". Known objects are represented to consciousness through the "faculty"

³³ Rousseau, op. cit., p. 87

³⁴ Hans Reiss, "Introduction" in *Kant: Political Writings, Second Enlarged Edition*, (ed.) Hans Reiss, (Cambridge.: Cambridge University Press) 1991, p. 28. The idea of transcending or transforming each individual and particular will through their participation and immersion in a general or universal will is a way of moving from a mere association of atomic individuals into a collective or communal identity in which the whole is greater than the sum of its parts. While this concept originates with Rousseau, it is given subjective priority in Kant and literally a life of its own in Hegel. See Charles Taylor, *Hegel and Modern Society*, (Cambridge.: Cambridge University Press) 1998, p. 77.

³⁵ The practical will is nothing else than "personality, understood as the freedom and independence from the mechanism of nature regarded as a capacity of being a subject to special laws (pure practical laws given by its own reason)." Immanuel Kant, Translated and Edited by Lewis White Beck, *Critique of Practical Reason, Third Edition*, (New Jersey.: Prentice Hall) p. 90

of reason:

It is only when we have produced synthetic unity in the manifold of intuition that we are in a position to say that we know the object...reason has insight only into that which it produces after a plan of its own.³⁶

Kant takes the familiar frame of modern freedom that you only know what you make and gives it a metaphysical foundation in transcendental idealism. As such a truly “enlightened” subjectivity emerges wherein modern technological man is able to free himself from the “yoke of his guardians” and is no longer captive to his “self-incurred immaturity.”³⁷ Human freedom is grounded in the fact that the rational faculty which measures and quantifies the objects of nature, which he calls “pure reason”, is limited to the empirical realm and can add nothing to an understanding of ourselves as moral agents.

The critique of “pure reason” is in large part designed by Kant to not only to give outline to, and an explanation for, man’s ability to know the empirical world as it is given through sense impressions, but to make way and even give primacy to man’s ability to determine his own moral freedom through the faculty of practical reason.³⁸ Practical activity, is the manifestation of man’s freedom from the determinations of his material existence under the rule of pure practical reason. Freedom as an “idea” produces an unconditioned and hence “spontaneous” practical will. Pure practical reason sets goals or ends for itself through the application of a moral law conceived by reason not as an empirical law of nature or even human nature (personal psychology) but as a categorical imperative which is both universal and absolute.³⁹ As such these “acts” are manifested in the freedom of the will to determine its own ends under the rule of duty and morality. The freedom of the will to act practically over and above purely natural determinations based on corporeal need, blind, mechanical necessity or animal instinct, defines man as a purely autonomous agent; or personality. Pure practical reason or personality has a causality all its own experienced in rule governed actions:

Now, that this reason has causality, or that we at least conceive such a causality in it, is evident from the imperatives which, in all that is practical, we impose rules on the per-formative powers. The ought expresses a kind of necessity and

³⁶ Sebastian Gardener, *Routledge Philosophical Guidebook to Kant and the Critique of Pure Reason*, (London.: Routledge) 2003 p. 192

³⁷ Kant, “What is Enlightenment” in Reiss op. cit., p. 54

³⁸ Gardener, op. cit., p. 320

³⁹ Lewis White Beck, op. cit., “Translators Introduction”, p. xi

connection which basis does not otherwise occur in nature...reason does not yield to the empirically given basis and does not follow the order of things as they exhibit themselves in appearances, but with complete spontaneity makes for itself an order of its own according to ideas.⁴⁰

Man may be “conditioned” by natural necessity, but he is not determined by it, as demonstrated in his capacity to “refuse” natural compulsion and “determine” his own ends. Man, unlike any animal, can deny and negate the “impulses” of instinct, up to and even including the risk of his own life. Freedom, therefore is about the rational capacity for “reflection” understood as “negation” of natural necessity, wherein man “experiences” his freedom in morality with respect to others, duty in respect of law and “conscience” in respect to religion. It is our capacity to act in accordance with a universal and eternal “moral law” which transcends whatever “conditioned” context, individual, social and/or historical to express our universal humanity. The realisation of one’s “true personality” is a trans-formative as well as transcendent experience raising out of our embodied limitations to become “like the independent deity, which might come into possession of holiness of will through irrefragable agreement of the will with the pure moral law becoming, as it were, our nature.”⁴¹

Kant’s philosophy secures human freedom by effectively removing it from the mechanical and material determinism reducing him to no more than the “desiring machine” described by Hobbes. Man’s new found moral responsibility however does not diminish his mastery and domination of nature which is instead directly tied to his own uniqueness as a “rational” being. Having once again discovered his “spiritual” being, the raw stuff of nature is once again under his control: “everything in creation which he wishes and over which he has power can be used merely as a means, only man, and with him, every rational creature, is an end in himself.⁴² While Kant’s philosophy is the modern ground for the universal rights of man, it is important to remember that Kant’s humanism is ultimately directed not at the “conditioned” man of individual particularity, but at man as a species-being, in his “universal totality”.⁴³ Kant’s political philosophy is “critical” precisely because it begins with the given and negates its necessity, positing the “idea” of pure freedom as an “intuition” of the

⁴⁰ Immanuel Kant, Translated by S. Werner Pluhar, *Critique of Pure Reason, Abridged*, (Indiana.: Hackett) 1999, pp. 187 - 188

⁴¹ Kant, in Beck, op. cit., p. 85

⁴² Ibid., p. 91

⁴³ Kant, “Idea For a Universal History With A Cosmopolitan Purpose” in Reiss., op. cit., Sixth Proposition, p. 46

infinite from the perspective of the finite. The “is” because it “exists” is by definition, limited and as such determined by its concrete materiality and can only be a negation from divine perfection, partial and imperfect. Man may not have to accept what is “given” in the realm of right, because law is a pure product of the will, but he is by his very existence embodied in nature and plagued by desire as long as he remains alive.⁴⁴

From Kant’s philosophy we get a politics of irreducible dualism, nature forever divided against freedom wherein man is denied by his own materiality the full “realisation” of his own perfection. Man’s inability to fully escape his corporeal nature means that man’s individual reason will always be compromised by his own self-interest and partiality which can only be contained within coercive institutions. Man will always be an animal that requires a “master”; each one will “misuse his freedom if he does not have anyone above him to apply force to him as the laws should require”.⁴⁵ Ultimately, however, the coercive authority itself, can only be a human invention and artifice with all the flaws that this implies:

...the highest authority has to be just in itself and yet also man. This is therefore the most difficult of all tasks, and a perfect solution is impossible. Nothing straight can be constructed from such warped wood as that which man is made of. Nature only requires of us that we should approximate to this idea.⁴⁶

Human perfection cannot be realised in any particular individual, or even any particular state, past or present, although Kant does leave open its possibility for the future which he postulates as the “end of history”.⁴⁷ As such man can only know its ultimate rationality in the totality of experience as he works his way ever slowly and painfully to the establishment of institutions which will secure a cosmopolitan and perpetual peace.

Kant’s conception of a universal and cosmopolitan peace is an “idea” of pure reason is the logical determination of human freedom within Kantian political philosophy which produces the ultimate assimilation dynamic within modern

⁴⁴ Life and desire do not however do not enslave man to nature, but rather the other way around. “Life is the faculty of a being by which it acts according to the laws of the faculty of desire. The faculty of desire is the faculty such a being has of causing, through its ideas, the reality of the objects of these ideas.” Kant, in Beck, op. cit., “Preface”, p. 9. This idea will be developed with great effect by Hegel in his attempted reconciliation of spirit and matter.

⁴⁵ Kant, “Idea For A Universal History With A Cosmopolitan Purpose” in Reiss, op. cit., Sixth Proposition, p. 46

⁴⁶ Ibid, p. 46

⁴⁷ Kant, “Conjectures on the Beginning of Human History” in Reiss, op. cit., p. 229 “Man was meant to rise, by his own efforts, above the barbarism of his natural abilities...He can expect to attain this skill only at a late stage and after many unsuccessful attempts; an in the meantime, the human race

liberalism.⁴⁸ Because Kant grounds the metaphysics of morals in the capacities of the human mind, it is universal by definition; morality and human freedom can only be realised, if at all, within institutions of law and government established according to the “true” principles of the universal moral law. As these principles are the product of the “enlightenment” they are a product of self-conscious action and construction which carry with them a “moral duty” through which man “may see himself as analogous to the divinity.”⁴⁹ While individual men may be resistant, this resistance is down to their immaturity or partiality which cannot stand in the way of “progress” and necessary reform of social and political institutions. Such persons are to be regarded not as active citizens but passive recipients of action provide a condition which thus requires that the person “never be used as a means except when he is at the same time treated as an end”.⁵⁰ The “end” being to realise a universal humanity through the transformation of original “primitive” and “savage” “ways of life” into the civilised subject of the modern personality:

We look with profound contempt the way in which savages cling to their lawless freedom. They would rather engage in incessant strife than submit to a legal constraint which they might impose upon themselves, for they prefer the freedom of folly to the freedom of reason. We regard this as barbarism, coarseness, and brutish debasement of humanity.⁵¹

Kantian inspired enlightenment rationalism is therefore directed to a universal project of modernisation and “civilisation” necessary to secure a “cosmopolitan” peace. Republican government based upon the social relations of private property and the coercive administration of law and order is therefore necessary to “produce” the “ultimate” “end” of man as a species-being which by its nature “approximates” the divine. Man’s ultimate “moral” being, however comes in one form only as homogeneity replaces plurality as all “primitive” customs, traditions or alternative “ways of life” are postulated as immature errors or self-interested deviations from a “norm” that stands as a universal and eternal standard against which any and all “forms” are evaluated and condemned to the dust-bin of history. Competition and war in the state of nature drives man into society, but a truly civilised society will not be

groans under the evils which it inflicts on itself as a result of its own inexperience.”

⁴⁸ Kant, “Perpetual Peace: A Philosophical Sketch”, in Reiss, op. cit., p. 98 “Thus the postulate on which all these articles are based is that all men who can at all influence each other must adhere to some kind of civil constitution.”

⁴⁹ Kant, “Theory and Practice” in Reiss, op. cit., p. 65

⁵⁰ Kant, in Beck, op. cit., p. 91

based upon natural necessity and the arbitrary authority found in “natural government” based upon paternal authority or traditional custom. Only the full and complete realisation of government according to the universal and rational principles of a voluntary social contract and a constituted civil authority will allow man to realise his fully “rational” and “moral” nature.

Although Kant recognised that a universal mankind was distributed within particular nations, the differences between nations, like the differences between people, were to be regulated and controlled by an overarching system of law, international right, premised upon the universality of the republican constitutions, shared by all, as parts within a greater whole.⁵² Kant, as much as Hobbes, understood that the underlying logic of modern natural liberty meant that war was a necessary and legitimate instrument of civilisation and that a universal history with a cosmopolitan purpose would entail the wholesale re-making of man in order to “free” him from the inevitable consequences of his own inherent (because natural) barbarism. Because the only secure state is one of a “lawful” relation and all laws are only as good as the power which enforces them, the more advanced have a “pre-emptive” right to impose civilisation upon the savage or force his “removal”:

It is usually assumed that one cannot take hostile action against anyone unless one has already been actively injured by them. This is perfectly correct if both parties are living in a legal civil state...But man (or an individual people) in a mere state of nature robs me of any such security and injures me by virtue of this very state in which he coexists with me. He may not have injured me actively (*facto*) but he does injure me by the very lawlessness of his state (*status iniusto*) for he is a permanent threat to me, and I can require him either to enter into a common lawful state along with me or to move away from my vicinity.⁵³

The inability of “civilised” peoples to tolerate relations with people in a state of nature directly justified the modern equivalent of the just war to bring civilisation to the savages or to have them “removed” from areas of settlement, remarking that “of all ways of life, that of the hunter is undoubtedly most at odds with a civilised constitution.”⁵⁴ Kant, like Hobbes before him, recommends that civilisation be brought to the “savages” by Treaty, but does not shrink from the use of force and gave the following justifications for state violence: that it is “plausible enough arguments

⁵¹ Kant, “Perpetual Peace”, in Reiss, op. cit., Second Definitive Article, p. 102 - 103

⁵² Kant, “Perpetual Peace” in Reiss, op. cit., p. 99 Kant insists all civil constitutions must be republican

⁵³ Ibid., p. 98

for the use of violence on the grounds that it is in the best interests of the world as a whole,” that it “may bring culture to uncivilised peoples,” “it may purge our country of depraved characters” and that “the whole world would perhaps still be in a lawless condition if men had had any such compunction about using violence when they first created a law-governed state”.⁵⁵ In other words, if you want to make an omelette, you have to break a few eggs, especially when dealing with human beings who require the concealed coercion embodied in the civil laws to develop their moral capacities towards a state where morality is recognised for its own sake.⁵⁶

What is more, the violence engendered by the progress to perpetual peace is not merely an unfortunate side effect, the collateral damage of civilisation, but is instead inherently necessary within the process itself. Man is compelled not by reason, but by selfish passions whose only limit is found in the use of force with the result that it is only through the violent encounter of the counter force of others that peace becomes possible. War therefore is a necessary instrument in the domestication of the passions and plays a central role in the civilisation process through which man learns to voluntarily submit his arbitrary and lawless will to the rational rule of law.⁵⁷ In this way, Kant, no less than Hobbes is able to tolerate the most extreme forms of human brutality and injustice as an “engine” of progress, which although condemned, is also rationalised on the basis of an unpleasant necessity. Man’s reason may calculate his enlightened self-interest, but his passions rule his nature until he is driven into law governed civil society. In turn, these societies will be forced into ever greater cycles of violence until they themselves submit to a law governed international order in the form of a universal federation of republican nation-states. That this “idea” will only come about as a result of war and imperialism practiced by the strong against the weak betrays the colonialism at the heart of Kant’s political philosophy. The progress of “civilisation” therefore becomes an end, not just for one part of humanity, but for the whole which because it serves a divinely sanctioned

⁵⁴ Ibid., p. 110

⁵⁵ Kant, “The Metaphysics of Morals” in Reiss, op. cit., p. 172

⁵⁶ Kant, “Perpetual Peace” in Reiss, op. cit., p. 120

⁵⁷ War however, does not require any particular kind of motivation, for it seems ingrained in human nature, and even to be regarded as something noble to which man is inspired by his love of honour, without selfish motives. Thus warlike courage, with American savages as with their European counterparts in medieval times, is held to be of great and immediate value - and not just in times of war (as might be expected), but also *in order that* there may be war. See Kant, “Perpetual Peace”, in Reiss, op. cit., p. 111

“goal” is above and beyond mere person or society.⁵⁸ Man is not human as he is empirically given, but as he is re-made into a self-conscious moral actor, a product not of his natural condition, but of a civilising process whose ultimate realisation can only come at the end of history. Existing political institutions were flawed and would only conform to the proscriptions of a universal rational will through a process of gradual evolution whose progress towards perfection man could only “imagine” as an idea of pure reason. The infinite progress towards perpetual peace was best left to providence because it was something so beyond human experience man could only project it as an absolute negation of his own limited and incomplete human nature.⁵⁹ A life lived in faith and hope, however did not translate into a life of inaction as it is through man’s work on the world that the transformation moves from potentiality to actuality with man’s serving as God sanctioned instrument.⁶⁰

The technological drive towards civilisation, in which man’s innate capacities are “realised” through the establishment of particular social and political institutions evolves into a discourse of development in which history begins to take on an active productive role, above and beyond the conscious efforts of individual human beings. History becomes secularised providence as “the cunning of reason”, which works behind the backs of individual men and even states to achieve the “rational” destiny of man through the transformation of both man and the world. As with Bacon’s original technological utopia, man and nature are infinitely malleable, base materials and underlying processes can be manipulated and controlled for the benefit of all mankind. Nature and human nature are not simply given, but can be made and remade by human action to wipe the slate clean and inform a passive and inert matter with meaning and purpose. The workings of Providence may be a mystery, but it is not necessary for individual men to “know” the end of the whole, or even to obey the call of conscience and the rule of reason. All that is required is that man’s natural needs and desires provide the unsocial sociability that drive men to rationally calculate that their selfish ends can only be realised through the rule of law. Man gives up his

⁵⁸ Man as a species being means not individuals, but the totality of a series which runs into infinity or “In other words, no single member of all the generations of the human race, but only the species, attains its destiny completely.” Kant, “Reviews of Herder’s Ideas on the Philosophy of History of Mankind” in Reiss, op. cit., p. 220

⁵⁹ Kant directly cites Augustine with regard to providence guiding “the design of a universal creator who has determined everything in advance” Kant, “Perpetual Peace”, in Reiss, op. cit., p. 108.

⁶⁰ The perfectibility of man and the world through the incarnation of the divine through the development and expansion of human technology and knowledge is strikingly similar to Bacon’s

natural liberty through mutual submission to the social contract in order to create the civil institutions with sufficient coercive force necessary to domesticate a reluctant and disobedient nature.⁶¹ Man by servicing his needs and giving full reign to his desires drives forward the path of progress as he humanises the world through culture and cultivation. The historicity of reason is highly problematic for Kant because although he insists that the first human beings can speak and therefore think, he also assumes that these “skills” are not innate, but are “acquired.” Reason is present, but latent in man who is not “conscious” of it until it makes its presence known, and with the imagination, extends itself beyond the limits of mere instinct and natural desire.⁶²

By insisting that man’s rationality is universally and necessarily present and hence an a priori fixed structure of human subjectivity, Kant overcomes the problem of empiricism, but in so doing must formulate “reason” in its “totality” and as such it becomes a “transcendental ideal.”⁶³ Reason, in effect, is located above and beyond individual men and in so doing is well on its way to developing a personality of its own, a theoretical development flushed out to its logical conclusions in the philosophy of Hegel. If reason is not innate, but is the product of experience, then man is a *tabla rasa*, a blank slate upon which to write, an empty cupboard waiting to be stocked, then history and experience begin to intrude more and more into man’s self-making.⁶⁴ Because man’s nature is not fixed by substantial essence, he becomes infinitely malleable, capable of change and transformation and is shaped, one way or another, either by the irrational flux of chance or through deliberative and calculative action. History, both personal and social, takes on an ever increasing importance as man and his self-understanding become more and more conditioned and even “determined” by experience. Before proceeding down the developmental path of reason however, it is first necessary to retrace our steps back to Rousseau whose

original vision.

⁶¹ “...man, even if he is not morally good in himself, is nevertheless compelled to be a good citizen. As hard as it may sound, the problem of setting up a state can be solved even by a nation of devils (so long as they possess understanding).” Kant, “Perpetual Peace” in Reiss, op. cit., p. 112

⁶² Kant, “Conjectures on the Beginnings of Human History”, in Reiss, op. cit., pp. 222 - 223

⁶³ Peter Sedgwick, *Descartes to Derrida, An Introduction to European Philosophy*, (Oxford.: Blackwell Publishers Ltd.), p. 50

⁶⁴ Locke uses the empty cupboard metaphor in, *An Essay Concerning Human Understanding*, and the *tabla rasa* image is a direct copy of Hobbes’ “blank page” metaphor in the *Leviathan* which in turn mimics Bacon’s original injunction to “purge” the mind by “wiping clean the slate” or the act of “erasing” idols through the self-conscious act of writing over the past in order to “remove” the false “impression” left by error or false philosophy. John Locke, *An Essay Concerning Human Understanding*, (ed.) Winkler, op. cit., p. 11

“science of man” first “discovered” the problem of reason in history, which Kant felt so compelled to resolve.⁶⁵

Historicism and Development

Historicism is born when history, as an independent and transcendent force, begins to take precedence over man as the “agent” of human self-consciousness, a theoretical development which begins in Rousseau’s critique of Hobbes and his formulation of man in the state of nature.⁶⁶ Rousseau, because he wanted to preserve the modern concept of liberty and equality, could not simply restore classical virtue and as such was forced to reinterpret virtue within the modern understanding of the state of nature as man finds himself at the beginning.⁶⁷ Rousseau rejects Hobbes’ “war of all against all” as “the law of nature” arguing that in the state of nature man would have lacked the maturity of reason described by Hobbes and that reason far from being productive of civil society is actually the product of it.⁶⁸ For Rousseau reason “develops” through time with important implications for social and political theory as both early childhood for the individual and the distant past of early social development set the stage for future historical progression. There is a search backwards into the past for a primordial or “primitive” origin or innocence which like the Christian myth of the garden before the fall, was a state of innocence based largely on the ignorance of the knowledge of good and evil. Man is only “awakened” to his sinful nature after he misuses his uniquely divine capacity for “free will” to transgress God’s moral commands. With the fall and sin, however, comes a moral maturity and responsibility not present in the garden. Man is now forced to “labour” for his survival against a resistant nature, but it is in this “struggle” that he advances the arts and sciences and with it his rational capacity and his reason. Increased rationality creates inequality and interdependence which in turn drives men into society and their mutual voluntary

⁶⁵ Rousseau ,like Hobbes before him, sets before himself the task of investigating the “science of man” which he believes to be the “most useful” and yet the “least developed” of all the sciences. Jean-Jacques Rousseau, “Preface” in *A Discourse on Inequality*, op. cit., p. 67

⁶⁶ Leo Strauss, “The Three Waves of Modernity” in Gildin, op. cit., p. 89

⁶⁷ Ibid, p. 89

⁶⁸ “...it is impossible to understand natural law and hence obey it, without being a very great reasoned and a profound metaphysician. This put precisely, means that men must have employed in establishing society an enlightened intelligence which is developed only with the greatest difficulty and among the very few people within the bosom of society itself. “ Jean-Jacques Rousseau, *A Discourse on Inequality*, op. cit., p. 69

submission to the social contract as the foundation for government. In all of these formulations, Rousseau follows the conventional liberal account of progress from the state of nature to civil society, but by making the “development of reason” a question rather than a pre-ordained process, man’s movement through time and the emergence of his “rationality” becomes the object and not the subject of scientific inquiry.

Man’s substantive “self” can no longer stand as either “self-evident” or simply God-given, nor is it directly accessible to the mind, because it is lost in a distant and/or distorted past.⁶⁹ Moreover, because reason, is inescapably embedded and conditioned by the body, sense organs are corporeal and hence subject to personal idiosyncrasies and environmental conditions including the social and historical as well as the physical context of climate and geography. Rousseau was obsessed with the importance of early education and was adamant that moral character was more a matter of learned habit and custom as well as personal sensibility.⁷⁰ Bourgeois society was for him a fundamental corruption in which artificial needs inflamed the passions producing the mutual hostility which Hobbes erroneously projected backward into the state of nature.⁷¹ Rousseau is famous for being the first to idealise “the noble savage” and hold him up as a critical mirror from which to judge and condemn the petty viciousness of modern man. Rousseau in contradiction to Hobbes, imagined the state of nature to be one of peace and harmony in which man was “at home” in his natural surroundings and reacted out of simple “instinct” to his fellow creatures whenever he encountered them.

Rousseau’s natural man was a solitary, not a social creature and was motivated to sociality only when stirred to by natural need (reproduction) or when moved by compassion when he witnessed the visible signs of pain or distress on his fellow man.⁷² Because reason was a “product” of language and intelligence the product of the arts and sciences, these tools would only be developed in the service of need and a natural state would perpetuate a state of simplicity in both needs and the means to

⁶⁹ “How can man come to know himself as nature made him once he has undergone all the changes which the succession of time and things must have produced in his original constitution...” Jean-Jacques Rousseau, “Preface” *A Discourse On Inequality*, op. cit., p. 67

⁷⁰ Confessions is an attempt to re-member the “events” of his own past in order to clarify his own origins and come to “self-consciousness” regarding the developments which lead to the formation of his own “character” Jean-Jacques Rousseau, Translated by J.M. Cohen, *The Confessions* (London.: Penguin Books) 1954

⁷¹ Rousseau, *A Discourse On Inequality*, op. cit., p. 98

⁷² Rousseau notes two passions antecedent to reason our own preservation and the “natural aversion to seeing any other sentient being perish or suffer. “ Preface”, *A Discourse on Inequality*, op. cit., p. 70

their satisfaction.⁷³ All of the competitive striving that drove man into the war of all against all was not his “natural” state at all, but was the result of increased and artificial needs and desires which only produced a fear of the future where there was none before.⁷⁴ The “experience” of insecurity raises man’s self-awareness from the present as it is only when he “imagines” death that he begins to worry about his future self-preservation.⁷⁵ Becoming self-conscious or taking himself as an object for his own rational reflection and concern therefore represents a developmental leap, not natural but produced through historical circumstance. In his natural state, man’s needs were few and easily satisfied and it was only with the “fortuitous circumstances of several alien causes which might never have arisen” that propelled man out of his “primitive condition.”⁷⁶

Like Locke and Hobbes before him, the invention of property and the need for its protection was central to the foundation of the state and it remained for Rousseau a “progressive” if ambivalent development because with self-reflection also comes vanity and pride.⁷⁷ In order to secure possession man exits the state of nature through the technical devise of the social contract in which men preserve their natural freedom in their equal participation as citizens within the republic. Property, therefore, as a legally constructed and sanctioned “right” does not exist except in civil society and as such becomes the basis of a “higher” moral existence in which “consent” replaces force as the basis of social life.⁷⁸ As security of the person and property forms the basis of a universal interest, each citizen experiences himself as an equal and free subject, produced through the act of self-legislation, “transforming” his particular interest by harmonising it with the “the general will.”⁷⁹ Citizens are mutually constituted through the actualisation of reciprocal rights and duties and come to

⁷³ Rousseau, *A Discourse On Inequality*, op. cit., p. 104

⁷⁴ ...it is by activity that our reason improves itself, we seek to know only because we desire to enjoy;...the passions in turn, owe their origins to our needs and their development to our knowledge, for one can desire or fear a thing only if one has an idea of it in the mind. Rousseau, *A Discourse on Inequality*, op. cit., p. 89

⁷⁵ Natural man fears only pain and not death “...because an animal will never know what death is, knowledge of death and its terrors being one of the first acquisitions which man gains on leaving the animal condition. Rousseau, *A Discourse On Inequality*, op. cit., p. 89

⁷⁶ Rousseau, *A Discourse On Inequality*, op. cit., p. 106. It is perhaps this assertion that man’s rational progress was due to chance and not providence which so exercised the mind of Kant and Hegel that much of their philosophical systems can be an attempt to secure the necessity of reason and its actualisation in human self-consciousness.

⁷⁷ Rousseau, *A Discourse On Inequality*, op. cit., p. 109

⁷⁸ Rousseau, *A Discourse On Inequality* op. cit., p. 112 - 113

⁷⁹ Rousseau, *A Discourse On Inequality*, op. cit., p. 121

understand themselves as free and self-determining beings through the practice of civic virtue within the national community. The active practice and cultivation of republican virtue elevated man above his previous natural state of childish innocence and is transformed into a “civilised” human being with a moral sense and a rational self-consciousness.

If Rousseau was the first to move history to the centre of his personal and political philosophy and it was Kant who sought to overcome it with his “revolution in metaphysics”, it was Hegel who took the further step of making Reason as it unfolded in history as the subject of his entire philosophical system. Hegel introduces the dialectic as a complete historical system culminating in the liberal constitutional order fully actualised in the post-revolutionary German Reich-state. For Hegel, history is fully realised rendering it an “object” for reflective thought and therefore of rational understanding comprehended and subsumed within Hegel’s system which stands at its “absolute” moment and end.⁸⁰ With Hegel’s historicism, reason is not only the product of time, individual reason becomes subordinated to and subsumed within an overarching historical process which fully determines human consciousness at each particular “stage” of social and historical “development”.⁸¹ If reason is inescapably embedded within and conditioned by social and historical context then any “objective” knowledge will only be possible at the end when “what is rational is actual; and what is actual is rational.”⁸² Hegel attempted to rescue “reason” by constructing a sacred science in which God and man both come to self-consciousness via the mediation of history as the “product” of collective social and political experience, the totality of which constitutes the whole of human history. Kant remained content with the duality of the human condition with man immersed in the mechanism of nature as a sensory being whose “final form” is only intelligible to us if “we attribute it to the design of a universal creator who has determined it in advance.”⁸³ Hegel understood however that in order to move from the realm of faith to the realm of knowledge and therefore reconcile man to nature he would not only have to

⁸⁰ Leo Strauss, “The Three Waves of Modernity” in Gildin, op. cit., p. 95

⁸¹ “As far as the individual is concerned, each individual is in any case a child of his time; thus philosophy, too, is its own time comprehended in thoughts. It is just as foolish to imagine that any philosophy can transcend its contemporary world as that an individual can overleap his own time or leap over Rhodes.” G.W.F. Hegel, “Preface” *Elements of the Philosophy of Right*, (ed. Allen Wood) Translated by H.B. Nisbet, (Cambridge.: Cambridge University Press) 1991, pp. 21 - 22

⁸² Hegel, “Preface” in *Elements of the Philosophy of Right*, op. cit., p. 20

⁸³ Kant, “Perpetual Peace”, in Reiss, op. cit., p.108

make the metaphysical claim that both consciousness and the world share the same logical structure.⁸⁴ Moreover since reason and self-consciousness are not simply given, but must be acquired over time, human subjectivity can no longer be a “fixed” form always already present in the human mind, but must itself be a product of human history and culture.⁸⁵

Hegel’s system is dialectical because it posits successive stages or epochs in the progress of man, wherein the contradictions of previous societies are transcended and surpassed until the end from which point the parts can be rationally ordered to the whole. Playing upon the Christian metaphor of God’s incarnation in the world through the vehicle of man in the form of Christ, Hegel designs a system in which Spirit objectifies itself in the world in order to come to self-consciousness through the agency of human thought and practice.⁸⁶ Spirit’s journey to the realisation of its own objective freedom is the driving force of change that moves the historical dialectic towards its own self-determined “end.” The aim of world history is that:

...Spirit should attain knowledge of its own true nature, that it should objectivise this knowledge and transform it into a real world and give it objective existence...the spirit is such that it produces itself out of itself and makes itself what it is...this process, in which it mediates itself with itself by its own unaided efforts, has various distinct moments; it is full of movement and change, and is determined in different ways and at different times. It consists essentially of a series of separate stages, and world history is the expression of the divine process which is a gradual progression in which spirit comes to know and realise itself and its own truth.⁸⁷

Hegel takes the modern injunction that you can only know what you make and creates a philosophical system through which God and man constitute each other through time as nature and human nature are transformed by human desire and its engagement with the world.

Man is driven by biological necessity into intercourse with the world and it is upon the basis of human need that man “humanises” the world and universal spirit gradually realises itself in the development of human consciousness.⁸⁸ In the

⁸⁴ Peter Sedgwick, *op. cit.*, p. 61

⁸⁵ *Ibid.*, p. 51

⁸⁶ Hegel, “The Realisation of Spirit in History”, in G.W.F. Hegel, *Lectures on the Philosophy of World History, Introduction: Reason in History*, Translated by H.B. Nisbet, (Cambridge.: Cambridge University Press) 1975, pp. 44 - 124

⁸⁷ Hegel, “The Realisation of Spirit in History”, *op. cit.*, p. 64

⁸⁸ “The universal Spirit is essentially present as human consciousness. Knowledge attains existence and being for itself in man. The spirit knows itself and exists for itself as a subject, and its nature is to

satisfaction of his needs man appropriates the raw stuff of nature and through the imposition of his will abstracts from the infinite raw material of nature a “thing” defined and de-limited by the purpose to which it is to be transformed into a “use” object.⁸⁹ While Kant strives to transcend the limits of his natural being and deny the validity and value of his own needs and desires, except in their negation, Hegel sees need and desire as providing the necessary motion which will eventually propel natural man to full self-consciousness. For Kant man forever remains alienated from nature and stands over and against it as a master and possessor who has learned that “reason has insight only into that which it produces after a plan of its own” and must not be allowed itself to be “kept on nature’s leader strings.”⁹⁰ Hegel effects the reconciliation of man with nature because he “de-centres” the subject and sets him on an intellectual quest to overcome the duality of his own spiritual/animal existence. Hegel effects a reconciliation precisely because he begins with man as a natural being embodied in the life process from which human consciousness emerges over time.

Man finds his consciousness in nature because, it, like his mind, is rationally structured and available to meet his needs and in the processes reflects back to him the limits and determinations of his own being. Through the act of producing and consuming the object man comes to realise his own individuality in the freedom and power he exercises over the object he has created. During the natural process of satisfying his own desires, man works on nature and thus transforms it to an object of his own need through work which externalises or humanises the object as his product of his own will. The product, through the act of consumption is then totally annihilated and assimilated in an act of absolute freedom over the object, thus constituting man as a self-determining subject over and against the object.⁹¹ The immediate loss of the object sets consciousness out upon its quest to determine its individuality, but as long as it remains conditioned both by its desires and the objects of its gratification, it will remain trapped within the cycle of life and never reach a

posit itself as immediate existence; as such, it is equivalent to human consciousness. Hegel, “The Realisation of Spirit in History” op. cit., p. 95

⁸⁹ Hegel, *Elements of the Philosophy of Right*, Part 1, Abstract Right, subsection 44, op. cit., p. 75

⁹⁰ Merold Westphal, *History and Truth in Hegel’s Phenomenology Third Edition*, (Bloomington.: Indiana University Press) 1998, p. 94

⁹¹ Thus, with desire the subject attempts to preserve its individuality by negating the world around it. The difficulty with desire however, is that is that it involves the destruction of the object, but once the object is destroyed, the subject has nothing over which to exert its control and so demonstrate its individuality. Robert Stern, *Routledge Philosophical Guidebook to Hegel and the Phenomenology of Spirit*, (London.: Routledge) 2004, p.73

higher state.⁹² Man projects himself onto the world and comes to self-recognition by coming to know what is inside through objectifying his own needs and imposing form on the raw material of nature, but this satisfaction is and can only remain self-contained and one-sided, it is therefore self-consciousness in-itself, but not for-itself. Nature, being inanimate, simply receives the form that is impressed upon it and although man comes to know himself through his work on the world, this knowledge is only partial and incomplete, man satisfying his immediate, bodily needs.

It is only when self-consciousness encounters another like itself, that it is able to “recognise” itself and through the master/slave dialectic demand the “recognition” of the other, thereby raising itself to full self-consciousness. When man confronts another man in the state of nature, he encounters, not the passive stuff of nature, but another will, which like itself demands the other “recognise” it as a free and self-determining being. As each refuses to be an “object” for the other, the result is the life and death struggle with the master emerging as the one who risks death thereby raising himself, if only temporarily from his immediate, animal existence. It is however, ironically, the slave, the one who submits to the rule of the master, who continues the journey towards human self-consciousness, because he is forced by the master to satisfy not his own needs, but those of another. As a result, the slave learns to delay his own satisfaction, master his own desires and through the work he does in service of the master’s needs, furthers the development of his own self-consciousness through the labouring process. The master, because he does not work, does not “develop” beyond his crude warrior existence and is in the end, dependent upon the labour of the slave for his own material existence. The slave, because he acquires the knowledge and skills of work, learns to build his own world and eventually raises himself to full self-consciousness, understands himself as a free and self-determining being, overthrows the master and establishes a society of universal freedom in the rule of law.⁹³

The lord and serf relation of political domination is replaced by the modern liberal constitutional state in which mutual interdependence of the division of labour forms the foundation for both a private and public realm based not upon dominance and subordination, but upon freedom and equality manifested in property right and

⁹² Recall with Rousseau, natural man could continue indefinitely in the immediacy of his natural simplicity, never thinking of the future and never therefore raising himself to above his mere animal existence. Rousseau, *A Discourse On Inequality*, Part 1, op. cit.

exchange made possible by the rule of law.⁹⁴ As with Hobbes, Kant and Rousseau however, mere possession in the state of nature is based upon force and not right and can only be converted into “property” through the mutual recognition of right in the social contract, established through civil society and enforced through the legal sanction of the state.⁹⁵ Hegel however, taking a lesson from Rousseau, believes that the external laws of bourgeois society need to be internalised as moral duties willingly embraced and not simply coercively imposed. Hegel therefore introduces the idea that man progresses morally from the original bond of familiar love, to the purely “objective” rules of property right in which the men who are divided against each other by a civil society are nevertheless reconciled in their individual and particular interests within the universal interest of the state and its survival.

For Hegel, ethical life is only found in a properly constituted “public” realm which comprises a whole complex web of social relationships in which individual, fragmented men find a higher moral purpose. Social relationships proscribe duties specific to themselves which together constitute the realm of ethical life definitive of human existence. Men, in performing their duties to one another and especially by contributing to the public life of the state actualise a higher spiritual capacity because it requires the use and satisfaction of his reason as a civilised being within the rational legal order of objectified spirit. Unlike liberals, the state is not a mere instrument of individuals, but as the totality of individuals embodies and manifests a communal unity in which the individual finds and serves a larger goal which is the very ground of his own identity and source of his own individuality.⁹⁶ The state represents a “public” universal interest in which man’s “spirit” as a social and historical being finds expression, collectively as art, culture, religion and science.

Civilisation, in short, teaches man to willingly “limit” his own desires as part of a freely chosen ethical community. Individual men “recognises” each other, as the way and means to a “higher” life, self-consciously experienced and expressed as participation within and even subordination to, a well ordered and rational “life-world”. Ethical life is realised as the active life of virtue, understood as duty in which individual freedoms are “reconciled” to the greater good. Through voluntary action

⁹³ Robert Stern, *op. cit.*, pp. 74 - 84

⁹⁴ William E. Connolly, *Political Theory and Modernity* (Oxford.: Basil Blackwell Ltd.) 1988 , pp. 117-118

⁹⁵ Hegel, *Elements of the Philosophy of Right*, Part 1, Abstract Right, subsection 78, *op. cit.*, p. 108

and the self-sacrifice of individuals, mutual recognition of rights becomes actualised through the participatory citizenship within a national community. As such the state is much more than the mere “night watchman” of liberal theory and takes an active role in ordering the parts to the good of the whole including all sorts of active interventions in family, social and economic life as required for the well-being of citizens and the cultivation of virtue. As such education, is something that the state must take seriously:

Education [Padagogik] is the art of making human beings ethical: it considers them as natural beings and shows them how they can be reborn and how their original nature can be transformed into a second, spiritual nature so that this spirituality becomes habitual to them. In habit, the opposition between the natural and the subjective will disappears and the resistance of the subject is broken; to the extent, habit is part of ethics that the mind [der Geist] should be trained to resist arbitrary fancies and that these should be destroyed and overcome to clear the way for rational thought.⁹⁷

The art of making human beings ethical is a process in which social norms and values are internalised by the subject in order that he may transcend the limits of his own natural love of himself in order to realise a higher self in the recognition, honour and esteem to be found in the service of others. Social life is more than the sum of its parts and cannot be reduced to the mere rational calculation of enlightened self-interest which is so destructive of utilitarian ethics. Public spiritedness and even patriotism are natural and necessary components of any stable society and provide the counter-balance to the self-seeking and alienating tendencies of arbitrary freedom which is given full reign within the limited sphere of civil society. Civil society, however, exists for the state and not visa versa, a situation which comes clearly to the fore in the event of war when all the parts of the whole must pull together to ensure their mutual survival and self-preservation.⁹⁸

It is the realm of international relations above all others where the “truth” of the state is fully realised as a bearer of the “world-historical” spirit in the Spirit of the nation which bears it. World history, therefore is a grand narrative of the species-being man, advancing from a primitive to a civilised existence, driven at first by immediate needs which in turn develop into more and more sophisticated and refined

⁹⁶ Charles Taylor, op. cit., p. 86

⁹⁷ Hegel, *Elements of the Philosophy of Right*, Part 3: Ethical Life, subsection 151, op. cit., p. 195

⁹⁸ Hegel, *Elements of the Philosophy of Right*, Part 3: Ethical Life, subsections 323 - 324, op. cit., pp. 360 - 363

“desires” which his increasing technological prowess make possible. Civilisation and the “invention” of new methods and techniques, pushes man forward as he is forced to invent new and more complex systems of social intercourse, economic development and formalised legal structures to meet the needs of a more integrated and advanced technological culture. Spirit, while it may dwell in the transcendent and rarefied realms of justice, art, religion and philosophy, is nevertheless made possible and even determined by the levels of technological sophistication which forms its material base.⁹⁹ In Hegel’s system spirit is driving history and not the reverse (a la Marx) but it is still committed to the modern claim that reason is only developed through experience and as such advances with industry, arts and sciences as means to human freedom as an emancipation from nature. The dialectic passes through various and different stages each of which are partial and incomplete waiting only to be superseded by an advanced form. This does not mean that redundant societies cease to exist, although in many cases they do, but that the world historical spirit has finished with them and moved on to find expression in a “higher” national culture. During the course of world history, only one nation is dominant at a time and in that time it holds an “epoch-making role.” When a state embodies the spirit of its time it has an “absolute right” against which the “spirits of other nations are without rights and they, like those whose epoch has passed, no longer count in world history.”¹⁰⁰ Furthermore and with specific reference to conquest and colonisation Hegel pronounces, that the absolute right of the Idea:

...entitles civilised nations to regard and treat as barbarians other nations which are less advanced than they are in the substantial moments of the state (as with pastoralists in relation to hunters, and agriculturalists in relation to both, in the consciousness that the rights of these other nations are not equal to theirs and that their independence is merely formal.¹⁰¹

⁹⁹ What is properly called industry takes up raw material in order to process it and derives its subsistence from what it can produce by dint of intelligence, reflection and application. All this belongs to the particular sphere to which there are no inherent limits because the accumulation of wealth and the refinement of techniques can continue indefinitely. Hegel, “The Realisation of Spirit in history”, in *Lectures on the Philosophy of World History*, op. cit., p. 114

¹⁰⁰ Hegel, *Elements of the Philosophy of Right*, Part 3: Ethical Life, subsection 347, op. cit., p. 374

¹⁰¹ Hegel, *Elements of the Philosophy of Right*, Part 3: Ethical Life, subsection 351, op. cit., p. 376. For an interesting discussion of the impact of differentiation between civilised and barbarian nations as an evolutionary development in International law in the early 19th century and its impact on indigenous peoples the world over see Edward Keene, *Beyond the Anarchical Society: Grotius, Colonialism and Order in World Politics*, (Cambridge.: Cambridge University Press) 2002, especially Chapter 4, pp. 97-119. Crucially this “new strategy” of only including Europeans within the “law of nations” effectively “wiped the slate clean, liberating European rulers from treaties they had made that had often been signed under conditions of parity or even inferiority with non-European rulers”. Keene, p. 111

Of all the “stages” of development, the “savages” of north America embody the most primitive form, because pursuing the life of the hunter/gatherer can only produce a “natural” man who has not reached the level of time, history and consciousness because he exists in such a primitive form. Hegel’s observations of new world empire and colonisation are refreshingly blunt and to the point and convey the degree of cultural superiority felt by colonising Europeans in the their encounter with the weak and degenerate indigenous people whose culture being purely “natural” was destined to “perish as soon as Spirit approached it.”¹⁰² The intellectual commitment to the superiority of their own “civilisation” was not the exclusive property of German philosophers such as Kant, Hegel and Herder whose idolatry of *Kulture* can be explained away as a romantic reaction to the violence of the French Revolution, the Terror or even the Napoleonic invasion of Prussia. Although a revulsion of the excesses of the enlightenment no doubt had a profound importance to the conservative tenor of much post-revolutionary political theory, all of the most important German philosophers, including Nietzsche thought of themselves as Europeans first and explicitly rejected nationalism as narrow and vulgar ideology. The “superior” civilisation is not the exclusive property of any single European nation, but is the collective cultural product of west whose classical and Christian traditions have given birth to the modern miracle of the scientific enlightenment whose technological prowess makes resistance futile and assimilation the key to survival.

The British, no less than the American’s, believed in their destiny to rule foreign peoples and nations, “developing” their societies in order to “encourage economic progress and stamp out the barbarism, corruption, despotism and incompetence” to which they were prone whatever the beauty and sophistication of their cultural achievements.¹⁰³ Thomas Jefferson was a great exponent of the traditional American belief in “progress” which defined societies according to the stages of development they had successfully undergone; moving from the “lowest” to the “higher.” Moreover he believed that the man of science could see the

¹⁰² Hegel, “The Geographical Basis of World History” in *Lectures on the Philosophy of World History*, op. cit., p. 162. God evidently had as little use for Indians as did the Americans who in their “energetic activity” have “destroyed and suppressed”. The North American tribes whose “degeneration” and “impotence” having proven so profound that they have been wholly unable to either “amalgamate” with their superiors or organise themselves into independent states capable of joining the Union. The original inhabitants having “disappeared”, or “withdrawn themselves from contact with Europeans” have in effect “vanished” as nations having contributed nothing to the world spirit . Hegel, pp. 162 - 165

evolutionary path of society unfolding across the geography of his own country moving from west to east beginning with the “savages” of the Rocky Mountains:

These he would observe in the earliest stage of association living under no law but that of nature, subscribing and covering themselves with the flesh and skins of wild beasts. He would next find those on our frontiers in the pastoral state, raising animals to supply the defects of hunting. Then succeed our own semi-barbarous citizens, the pioneers of the advance of civilisation, and so in his progress he would meet the gradual shades of improving man until he would reach his, as yet, most improved state in our seaport towns.¹⁰⁴

Jefferson includes the “civilisation” of his own “semi-barbarous” pioneers in the story of progress because the stages of development are a product of culture and cultivation and not (yet) the absolute separateness of biologically determined difference between races of men. It is not a matter of racial difference, but of levels of civilisation “cultivated” in the human being which is why semi-barbarous peoples whether Indian or otherwise still have the capacity to become civilised; it is only a matter of education and habituation to a civilised way of life. This is why development and modernisation strategies attempting to bring Indians “into civilisation” involve the most interventionist forms of social engineering aimed at all levels of Indian society. Dramatic transformations of Indian societies from the ground up are undertaken to break down and reconstitute all levels of social, economic and political organisation from marriage customs to inter-tribal alliance systems. Inferior Indian culture is subverted and undermined through a truly a totalitarian level of control prohibiting language, dress and traditional kin-ship networks down to the most intimate details of family life designed to separate the individual from the bad influence of the tribe and especially tribal elders and spiritual leaders. Indian “education” is key with the “art of making man ethical” aiming at “breaking the will” in order that the barbarian may be “reborn” as a higher “civilised” being “capable of rational thought”. It is only after social and political relations have been forcibly reformed, that Indians may one day hope to achieve the “capacity” and “maturity” to run their own affairs. Until such time he is to be regarded as a hopeless incompetent, a child in need of a father’s benevolent guidance and is to be “protected” as a powerless ward of the state with little if any control over his own future.

¹⁰³ Keene, op. cit., p. 98

¹⁰⁴ Thomas Jefferson, cited in D.W. Meinig, *The Shaping of America, Vol. 1 Atlantic America, 1492 - 1800*, (New Haven.: Yale University Press) p. 258

Hegel tamed the corrosive effects of time by reworking the familiar story of Christian providence as the foundation for ethical life within the properly ordered liberal constitutional state, but the modern scientific sensibility has little tolerance for the lingering irrationalism of religious sentiment. No sooner had Hegel completed the dialectic, then Marx famously turned it on its head and announced that the philosophy of the past had been merely to “know” history, while he intended to change it.¹⁰⁵ Marx literally “gives up the ghost” substituting the practical action of man organised around a collective mode of production to do the work of the dialectic. Man as a natural animal is guided not by Spirit’s quest for self-consciousness and the realisation of freedom, but by man’s labouring process and its development in the satisfaction of material needs and desires. Marx was very much influenced by Darwin and he insists that man is nothing other than a high order animal whose consciousness is not only embodied but actually “produced” by the social relations in which he is embedded.¹⁰⁶ Marx takes the stages of development argument to its logical conclusion in that it is the material development of the forces and mode of production which “constitutes” the “real foundation” of society which “give rise to the legal and political superstructure” which “correspond” to “definite forms of social consciousness”.¹⁰⁷ In short, Marx proclaims that “It is not the consciousness of men that determines their being, but to the contrary, their social being that determines their consciousness.”¹⁰⁸ Man comes to know himself through his relations with others, but not through the master/slave dialectic, where freedom is the ultimate goal of consciousness, but through the forms of social co-operation which are necessary to meet his needs and fulfil his desires.

The science of historical materialism can be shown to be the driving force of man’s development without the mystification brought about by introducing the spurious agency of a dying God. Marx, however, preserves Hegel’s basic idea of the

¹⁰⁵ Man is the human world, the state, society. This state, this society, produces religion which is an inverted world consciousness, because they are in an inverted world., Karl Marx, “Contribution to the Critique of Hegel’s Philosophy of Right: Introduction, in Robert C. Tucker, *The Marx-Engels Reader, Second Edition*, (New York.: W.W. Norton & Co.) p. 53

¹⁰⁶ The production of ideas, conceptions, of consciousness, is at first directly interwoven with the material activity and the material intercourse of men, the language of real life... The same applies to mental production as expressed in the language of politics, laws, morality, religion, metaphysics., etc., - real active men as they are conditioned by a definite development of their productive forces and of the intercourse corresponding to these, up to its furthest forms. Marx, “The German Ideology”, in Tucker, op. cit., p. 154

¹⁰⁷ Marx, “Marx on the History of His Opinions”, in Tucker, op. cit., p. 4

¹⁰⁸ Ibid, p. 4

dialectic as well as the teleology inherent in man's progress towards his own emancipation from nature. As a result, Marx largely keeps the "development" and "stages" model of world history intact and has as little regard for "primitive" ways of life as Hegel. Man is defined by his metabolism with nature and as such only escapes the world of immediacy to develop his humanity through an evolution of the means of production out of their natural simplicity.¹⁰⁹ Capitalism raises man out of his original cycle of primitive need by improving the means of production to the point where it is not natural, but artificial needs that drives production towards an infinite accumulation of wealth which raises man out of his animal existence to the fullness of his activity as a human being.¹¹⁰ Capitalism develops a universal means of exchange in the "commodity form" which measures the products of labour not through their particular use value but through their universal exchange value.¹¹¹ Through civil society man is produced as an essentially social being as his intercourse with nature requires that he has a bond to his fellow man through the division of labour and the free and equal "exchange" of private property.¹¹² Money is therefore the ultimate and total medium of exchange value because it is a universal and homogenous measure of labour-power that equalises differences of quality so that "differences" can be reconciled in the market and mediated by the price mechanism.¹¹³ As labour and land are both "exchanged" as commodities in the market they take on the universality

¹⁰⁹ Consciousness is at first, of course merely "consciousness of sensuous environment" limited in connection to other things and persons, but it is a "growing consciousness" aware of nature, but as an "alien all powerful and unassailable force, with which men's relations are purely animal and by which they are overawed like beasts; it is thus a purely animal consciousness of nature (natural religion), Marx, "The German Ideology" in Tucker, op. cit., p. 158

¹¹⁰ In the *Grundrisse* Marx speaks of the "mania" for capital accumulation which drives men beyond subsistence and natural necessity into the "unlimited" production of "surplus value" when the "severe discipline of capital, acting on succeeding generations has developed a general industriousness as the general property of a new species" Marx, "The *Grundrisse*", in Tucker, op. cit., p. 249

¹¹¹ Only through developed industry - through the medium of private property - does the ontological essence of human passion come to be both in its totality and in its humanity; the science of man is therefore itself a product of man's establishment of himself by practical activity., Marx, "Economic and Philosophical Manuscripts of 1844" in Tucker, op. cit., p. 102

¹¹² "...the point of departure, lies in the historical necessity of private property. Thus the social character is the general character of the whole movement; just as society itself produces man as man, so is society produced by him the human essence of nature first exists only for social man; for only here does nature exist for him as a bond with man - as his existence for the other and the other's existence for him - as the life element of the human world; only here does nature exist as the foundation of his own human existence." Marx, "Economic and Philosophical Manuscripts of 1844" in Tucker, op. cit., p. 87

¹¹³ "By possessing the property of buying everything, by possessing the property of appropriating all objects, money is thus the object of eminent possession. The universality of its property is the omnipotence of its being." Marx, "Economic and Philosophical Manuscripts of 1844" in Tucker, op. cit., p. 108

of the commodity form producing the “equality” of individuals within a capitalist system. Because capitalists no longer require the direct political domination of the rural peasantry having direct and absolute power over the proletariat, old superstitions, myths and even traditional religions are no longer needed and are replaced by rational religions teaching absolute obedience to rulers and labour discipline, a cultivated morality, which Weber would call the protestant work ethic.¹¹⁴ Capitalism performs a useful function in not only developing the means of production (technology) to the point where human freedom is possible, but in so doing it destroys all the archaic and traditional forms of society which stand in the way of man’s full realisation of himself as a universal species-being.¹¹⁵ When the universal proletariat, the great mass of humankind was reduced to total destitution and poverty, it would know itself only in its bare material subsistence and driven by the urgency of a universal need to form itself into a truly universal class thereby overcoming the divisions and contractions of capitalism in the very act of bringing about revolutionary change.¹¹⁶

The revolution will restore a rational organisation of labour, because men and not profit will dictate the terms of production in satisfaction of human needs. Man, therefore finally reaches self-determination and freedom because his consciousness is not longer directed by the natural drive to satisfy his natural needs, but can develop his uniquely “human” desires, to create, produce and externalise his unique individual humanity as a self-conscious being. Marx, no less than Hegel, insisted that development dictated that all “previous” forms of life were inferior and needed to be transformed and surpassed before man reached the fullness of his own perfectibility. Marxist discourse is therefore permeated with the same kinds of cultural prejudice as is all forms of modern discourse and can only look upon efforts to preserve a traditional way and a unique culture as an irrational clinging to the past. Trapped in their dependence upon nature, Indians will remain forever in the realm of

¹¹⁴ Marx, “Contribution to the Critique of Hegel’s Philosophy of Right”, in Tucker, op. cit., pp. 22 - 23

¹¹⁵ “The bourgeoisie, by the rapid improvement of all the instruments of production , by the immensely facilitated means of communication draws even the most barbarian nations into civilisation...It compels all nations, on pain of extinction, to adopt the bourgeois mode of production...In a word, it creates a world after its own image.” Marx, “The Communist Manifesto” in Tucker, op. cit., p. 481

¹¹⁶ The proletariat is a universal class which cannot emancipate itself “without emancipating itself from all these other spheres of society, without therefore emancipating all these other spheres, in short a total loss of humanity which can only redeem itself by a total redemption of humanity.” Marx, “Contribution to Critique of Hegel’s Philosophy of Right” in Tucker, op. cit., p. 64

“immediacy” and “simplicity” suffering from a sever case of “false consciousness” and are in need of enlightenment and liberation in order to be in a position to judge their own best interests. To reject modernisation is to remain locked within a kind of sub-human arrested development; condemning the Indian to irrelevancy if not extinction in the face of an unstoppable historical force destined to destroy all traditional forms in order to create a new world order, global in its reach and totalitarian in its ambitions.

Nihilism and Segregation

Nietzsche was writing at the end of the 19th century when the tensions brought about by Europe’s rapid industrialisation had produced both radical social revolution at home and an intensified geo-political competition for empire abroad. In many ways Europe was in its prime, dominating the globe and generating unprecedented levels of wealth and prosperity at home. And yet Nietzsche saw not vitality and strength, but sickness and decay, a civilisation on the verge of self-destruction. Nietzsche was impressed with Marxist critique of bourgeois society, but insisted that his naturalism and materialism did not go far enough and still clung to a form of humanism which his own philosophy had made a logical impossibility. Marx, like Kant before him, had claimed to provide a secular philosophy, but had failed taking refugee in unproven and ultimately metaphysical accounts of the human subject and its *a priori* will to personal freedom and social emancipation. Marx simply did not follow through with his radical critique of bourgeois ideology which would have forced him to concede that his hoped for socialist revolution was nothing other than the latest of a long series of moral philosophies designed to seduce the herd animal man into his own domestication. Man had simply lost faith in the “old religion” and its noble lies and because he could no longer believe in his God given place at the centre of creation, he had lost his own self-respect and any claim he once may have had for the preservation of his dignity. If consciousness and self-determination were mere myths and God was well and truly dead, killed off by modern science, then man must recreate his own purpose and his own values and he must do this through the assertion of his own will to power. Art replaces philosophy with Nietzsche because he is no longer looking to establish the truth, but in accepting the truth, overcome it through invention and the

creative power of the human imagination.¹¹⁷ Man is an animal, the product of his physical environment and driven by instinct. Consciousness is a fiction, a mere appearance and as such an epiphenomenon of life itself.¹¹⁸ Life is nothing more than coming and going from being and as such cycles of production and reproduction follow cycles of creation and destruction which know no “inner logic” or rationality. Logic, rationality, thought and self-consciousness are nothing other than the wilful self-projects of an arbitrary and contingent form of life that has happened to make its appearance as “man” in the world of chaos. The full realisation of his own primordial “reality” has driven men to nihilism and as such man has lost not only his self-respect and his dignity, but any sense of purpose or direction to his life, either personal or social. For Nietzsche, the nihilism at the heart of the modern condition cannot be overstated as he believed that only in directly confronting the magnitude of the problem, staring directly into the void, could he free himself from outdated self-delusions and address the problem with honesty and integrity. In 1873, he wrote in *Truth and Lie in the Extra-Moral Sense*:

In some remote corner of the universe, poured out and glittering with innumerable solar systems, there was once a star on which clever animals invented knowledge. That was the haughtiest and most mendacious moment of “world history” - and yet only a minute. After nature had drawn a few breaths the star grew cold and the clever animals had to die.¹¹⁹

For Nietzsche Hegel’s understanding of history is fundamentally flawed because there is no purpose or aim, there can be know “Reason” in history without God or Providence and that without these founding “concepts” history becomes nothing more than a “feeble-minded past time of the imagination”.¹²⁰ Post-Hegelian thought rejected the notion that history had peaked and as a process that is unfinished and

¹¹⁷ “The only happiness lies in reason; all the rest of the world is dismal. The highest reason however, I see in the work of the artist and he may experience it as such; there may also be something that, if only it could be produced consciously, would result in a still greater feeling of reason and happiness: for example, the course of the solar system, begetting and educating a human being.” Friedrich Nietzsche, “Notes, (1875)” in Walter Kaufmann, (ed.) *The Portable Nietzsche*, (New York.: Penguin Books) 1976, p. 50

¹¹⁸ “A quantum of force is just such a quantum of drive, will, action it is nothing but this driving, willing acting and only the seduction of language (and the fundamental errors of reason petrified within it) which construes and misconstrues all actions as conditional upon an agency, a “subject” can make it appear otherwise. ..But there is no such substratum; there is no “being” behind the deed, its effect and what becomes of it; the “doer” is invented as an afterthought - the doing is everything.” Nietzsche, *On the Genealogy of Morals*, (ed.) Keith Ansell-Pearson, (Cambridge.: Cambridge University Press) 1996, Aphorism 13, p. 38

¹¹⁹ Nietzsche, in *The Portable Nietzsche*, op. cit., Kaufmann, op. cit., p. 42

¹²⁰ Nietzsche, in *The Portable Nietzsche*, (ed.) Kaufmann, op. cit., p. 40

unfinished, there is no completion or understanding of the whole from which to order or even determine the parts.¹²¹

Man may be an historical creature in that he is immersed in a world of becoming, but there is no “progress” or “development” because there is no purpose or directionality. If purpose is no longer present in nature or in history it can only be provided by man’s own action with the result that all ideals or values must be self-made, the product or outcome of human creative acts which alone form the ground or horizon of their own existence.¹²² History without the guiding force of spirit becomes open-ended and fundamentally unknowable and as such it loses its rationality and becomes the arbitrary play of chaos and contingency. Nietzsche set out to free his followers from the “crisis of modernity” by pushing modern scientific rationalism to its logical extremes. If the cosmos is a mechanical/materialist void, empty of meaning and purpose, than the only meaning possible is that which we “create” for ourselves. Like Kant before him, Nietzsche locates human freedom in the will, but not as the rational will of practical reason which finds itself in the apriori categorical imperative but in its own purely “existential will” which “knows” only itself and only in the “act” of self-willed activity. In a world without “ends” activity becomes an “end-in-itself” and “life” becomes the will to power in the production of values which form the basis of self-affirmation necessary for the flourishing of any given culture or people.¹²³ Reason and its values are a cultural production and it is in this cultural production that each people produce their own self-overcoming, their own will to power and hence their own freedom and dignity.

Rather than succumbing to the nihilism that comes with the discovery that there is nothing to know, that there is no rational order or measure in the cosmos independent of the human will, Nietzsche lays claim to this fundamental ontological fact as a basis for a radical new sense of human freedom grounded in nothing else but man’s creative will to power.¹²⁴ As such reason becomes a mere instrument, a

¹²¹ Leo Strauss, “The Three Waves of Modernity” in Gildin, op. cit., p. 95

¹²² Ibid., p. 96

¹²³ In *Thus Spoke Zarathustra*: First Part., Zarathustra calls for “fellow creators - those who write new values on new tables.” pp. 136. These values form the tables which order good and evil within any given people and which are therefore self-referential and by definition morally relative. There are “a thousand and one goals” and “much that was good to one people was scorned as infamy to another” Nietzsche, “Thus spoke Zarathustra, First Part” in *The Portable Nietzsche*, (ed.) Kaufmann, op. cit., p. 170

¹²⁴ “A tablet of good hangs over every people. Behold, it is the tablet of their overcomings; behold, it is the voice of their will to power.” Nietzsche, “Thus Spoke Zarathustra, First Part”, in *The Portable*

means to an end, an end that is defined not by reason, but by will. This is why all moderns believe that reason is a slave to the passions and why it is fundamentally incapable of giving an account of itself. In modernity reason by definition is groundless, the product of wilful self assertion which alone establishes it radical freedom from all determinations natural or theological. Self-assertion becomes the foundation of modern sovereignty usurping the absolute power of the Christian creator God and declaring itself simply *ex nihilo* “I am that I am”.¹²⁵ Nietzsche is justly famous for doing what no modern writer had up to that point dared to do, confront the fully “human” consequences of man’s radical new freedom and the scientific revolution that gave birth to it: God is dead now we must become Gods ourselves in order to be worthy of the task.¹²⁶

Nietzsche’s “superman” is “beyond good and evil” because he is fully self conscious of his existential condition and as such is free to order and re-order his world at will. But in order that this world survive the nihilism lurking at the heart of the modern condition, the new creator must forget the “knowledge” and “truth” of his meaningless existence and be reborn in ignorance of his own self-begetting. Why must the preying lion become a child:

The child is innocence and forgetting, a new beginning a game, a self-propelled wheel, a first movement, a sacred “Yes.” For the game of creation, my brothers, a sacred “Yes” is needed: the spirit now wills his own will and he who had been lost to the world now conquers his own world.¹²⁷

This is why a politics of forgetting, forged in the fires of sex and death comes to dominate Nietzsche’s thought on strategies to overcome the nihilism he found at the heart of the modern condition. The idea that sex and death provide the “raw” energies of “life” from which “civilisation” will be emerge only if properly controlled and directed, sublimated into useful means to a “higher” form of life.¹²⁸

Nietzsche, (ed.) Kaufmann, op. cit., p. 170

¹²⁵ “Once one said God when one looked upon distant seas, but now I have taught you to say: overman. God is a conjecture; but I desire that your conjectures should not reach beyond your creative will. Could you create a god? Then do not speak to me of any gods. But you could create the overman.” Nietzsche, “Thus Spoke Zarathustra: Second Part” in *The Portable Nietzsche*, (ed.) Kaufmann, op. cit., p. 197

¹²⁶ Nietzsche, *The Gay Science*, (ed.) Bernard Williams, (Cambridge.: Cambridge University Press) 2001, Aphorism 125, pp. 119 - 120

¹²⁷ Nietzsche, “Thus Spoke Zarathustra, First Part 1” in *The Portable Nietzsche* (ed.) Kaufmann, op. cit., p. 139

¹²⁸ See Walter Kaufmann, *Nietzsche, Philosopher, Psychologist Antichrist*, Fourth Edition, (New Jersey.: Princeton University Press) 1974 pp. 211-227. In Chapter 7, Kaufmann argues that Nietzsche’s insight into desire and its sublimation in the formation of morality were further developed

Nietzsche's strategy is to revalue values, by overturning the reification of man and replacing him with the superman, one who is no longer contained by the artificial constraints of herd mentality. Because morality and its manifestation in social and political institution forms an artificial restraint upon the instincts, they suffocate life, man is a sick animal because he denies his innermost drives. Nietzsche invents his own values and as such hopes to reinvigorate man by re-introducing him to his own volatile and violent nature. The wild, the uncivilised while it might be an enemy to society is nevertheless necessary. Struggle and suffering are the essence of the life instinct itself and serve to shake up the corrosions and ossification of civilisation to expose the raw power of man in his raw and immediate existence. Man is moved by threats to his survival and fear remains the prime motive to reinvention because it stimulates the productive forces, the most potent of which are the most violent and destructive. Purging the idols of the mind and wiping the slate clean becomes, with Nietzsche, the injunction to philosophise with a hammer, but the message remains the same, in order to recreate one must first destroy.¹²⁹ Although Nietzsche speaks of self-overcoming as a work of art and as such his philosophy is directed at the private world of self-mastery and self-discipline, there is also the unavoidable fact of man's social nature which determines that overcoming nihilism must entail not only personal, but cultural and collective transformation as well. Nietzsche rails against the state as a machine of oppression, yet there is an acknowledgement that the will to power, must also include the will to domination of others, who are the "raw material", the means to the ends, of cultural artistic self-expression. Politics is a necessary, if only a preliminary step in the cultivation of civilisation because the population must be "fixed" into a form "not just kneaded and made compliant, but shaped" by an original "act of violence".¹³⁰

Instinct and desire being the immediate cause of civilisation, all civilisations sublimate these desires and yet must keep them alive as the "dark" or "evil" other of its own culture and consciousness. As a result, life for Nietzsche comes in a plurality of forms, each of which manifests its own "values" which "know" themselves only in

by Freud.

¹²⁹ "But my fervent will to create impels me ever again towards man; thus is the hammer impelled towards the stone. O men, in the stone there sleeps an image, the image of my images. Alas, that it must sleep in the hardest, the ugliest stone! Now my hammer rages cruelly against its prison. Pieces of rock rain from the stone: what is that to me? I want to perfect it...?" Nietzsche, "Thus Spoke Zarathustra, Second Part" in *The Portable Nietzsche* (ed.) Kaufmann, op. cit., p. 199

¹³⁰ Nietzsche, *On the Genealogy of Morals*, Aphorism 17, (ed.) Ansell-Pearson, op. cit., pp. 62 - 63

opposition to the others. Values are incommensurable because they are at base irrational beliefs which serve to justify the domination of the “noble” over the “base” as constructed in the imagination of culture and civilisation. As values are arbitrary and contingent and as values organise subject-object relations values produce “facts” including the “facts” of history, which is nothing more than the current form of man justifying its own domination over both past and future. The uses of history in the service of life serve life only so long as they teach the superiority of the culture of which they are a product.¹³¹

Man has to be reborn and remade if he is ever to overcome his nihilism and this means the whole scale destruction of European culture to be replaced by a new form of man who is capable of forgetting his own origins. The “overman” who will stride the earth, secure and confident in his own power as a creative/productive artist/warrior making himself and the world at will, living a fully human life “beyond good and evil.” As such Nietzsche regarded his own civilisation as a means to an end, a resource upon which to re-make the future in its very negation and even annihilation. Nietzsche’s life force, the will to power can only know itself in its own coming to be, all reification is a limitation and must be overcome and as such all previous incarnations of value and identity become themselves enemies which must be destroyed.¹³² Nietzsche’s post-modern superman can only know himself in struggle, as power is itself the life force, power and the struggle for power defines man as man as he realises himself only in the act of overcoming.

In effect, Nietzsche’s “active” nihilism is nothing more than the permanent revolution of a will to power that creates as it destroys and destroys as it creates because it is the motion itself, rather than the medium of that motion which defines the life process. If man as man is conscious of the necessity of his own material nature as nothing more than a surface phenomenon of the life-process itself, then his own awareness of his inherent nihilism, nothingness, will cause him to posit and annihilate successive life forms in order to simply experience his own will to power. The entire world, therefore becomes an object of his will to destruction, even if it is a

¹³¹ Kaufmann, (1976) op. cit., p. 148

¹³² Nietzsche’s eternal return of the same in the great cycle of creation and destruction of cultural values is highly reminiscent of Hegel’s description of the excesses of absolute freedom leading to the “perpetual revolution” first encountered in Terror immediately following the French Revolution. See Nietzsche, Thus Spoke Zarathustra, Third Part, in *The Portable Nietzsche*, (ed.) Kaufmann op. cit., pp. 327 - 336 and Hegel, *Elements of the Philosophy of Right*, op. cit., Introduction, subsection 5, op. cit., p. 39

world made in his own image. Once it is made, it stands as an object in opposition to his own will to power and as such can only be the means to yet another, endless cycle of overcoming. Permanent revolution as the triumph of the will knows itself therefore in endless cycles of war and destruction as everything opposed to the sovereignty of the subject, in its very existence is a denial of the subject's own power. Power as an end in itself becomes the self-conscious project of modern consciousness and subjectivity that knows itself only in its existential expression as power after power which ceases only in death.

A nihilistic civilisation is therefore driven to the self-conscious construction of "others" who serve no other purpose than to be destroyed and overcome. "Others" are therefore constructed as objects of appropriation and domination as the medium through which the "self" experiences itself in both creating and destroying the "others" of its own negation. The third and final strategy of colonialism is therefore the self-conscious construction of "others" as the negation of self, and then the control and domination of these others as a means to the realisation of its own freedom. Indians therefore are self-consciously constructed as a primitive culture opposed to the modern, where there being is defined by a negation of modernity. This is why Indigenous means natural, it is the negation of technological and all indigenous people find themselves frozen in an "identity" which is defined by its negation of modernity as a technological and "advanced" civilisation. All Indian civilisation is therefore fixed in a distant past of natural simplicity, a primitive man who must remain trapped in his primordial existence to serve as the eternal "other" of modern consciousness. Indigenous "culture" must therefore be both "preserved" and "overcome" with Indigenous peoples therefore representing both the un-thought of man as a permanent, primordial "wild" and "savage" reserve, a source of untapped because unknown and unknowable potential. At the same time, this wildness, because it is unknown and uncivilised embodies a danger and a threat which must be domesticated and kept under control.

The final strategy of colonialism is therefore a form of segregation, which preserves the "primitive" and the "traditional", but only on its own terms and as a reification of its own unconsciousness. Indians are not annihilated but herded onto reserves so that their "difference" may be preserved as a potential resource for modern civilisation, but where this difference is carefully monitored and controlled for the use and abuse of the dominant culture. This "difference" is specifically "cultural" and its

identity is abstracted from the control of land or resources which can only be used in their “traditional” and therefore “limited” capacity to preserve the traditional way of life. This much is allowed as it serves to keep the culture in tack, but it is an allowance that is both devised and subordinated to the general needs of the majority of mankind. Indians, like all forms of bio-diversity, are allowed a game park existence because they “preserve” a wilderness which may serve the as yet unknown, because future, needs of the “majority of mankind”. Segregation meets the utilitarian needs of the universal interest by preserving plurality as a potential reserve on actual reserves. However, the needs of preservation are determined by the dominant technological civilisation and are not allowed to escape the box in which they are carefully maintained. Specifically, self-government as self-determination and the management of land and resource cannot be allowed as this would represent a negation of state sovereignty. Co-existence is something allowed on unilateral terms, but because the “other” is also always a cite of opposition and its very existence represents a challenge to the superiority of the dominant civilisation, mutual struggle can only define this relationship. It is only through the active process of domination that modernity knows itself as superior, the proof is in the pudding, might makes right and therefore only repeated victory over the enemy demonstrates a national vitality and cultural truth. Indians are therefore objects of cultural identity through their subjugation and humiliation as the dominant civilisation knows itself as “civilised” against their savagery. War and destruction therefore is as useful as it is inevitable as a way to confirm cultural strength and cohesion in the activity of denying and overcoming the other.

A fully conscious nihilistic civilisation will self-consciously construct “cultural difference” based upon an irrational value incommensurability as a mechanism for social cohesion produced by first objectifying an “other” and then reducing him to subjugation. Full blown destruction defeats the purpose by destroying the basis of the power relation, it is only when the slave resists that the master knows his own power because he objectifies his power in the compulsion of the other and not his destruction. The other becomes a medium of self-knowledge, but only in so far as he exists as an other to be conquered and reduced to obedience. Human plurality, therefore becomes an artificial and self-conscious construction of difference for the purpose of opposition and the realisation of superiority and vitality in the activity of oppression and/or war itself. That this is a deliberate strategy is

known and yet denied as a necessary component of one's own strength and unity. The politics of forgetting, is a form of blind conviction in which the truth of the heart replaces the truth of thinking, because thought is the life-forces own undoing. Man knows himself only in struggle, as an existential force and activity which does not have the luxury of reflection because reflection leads to nihilism and impotence. Thus war and cultural diversification as the “objective” basis of a universal life, a controlled war of the strong against the weak, produced and reproduced as a dramatic fabrication necessary for the vitality of culture. Nihilistic civilisation is aware of its own noble lies, but hides these lies from itself in order to achieve a vitality that would be dissipated if the “truth” of its own nothingness were allowed to be spoken. Technological culture is a civilisation at war, not with the other, but with itself as it makes and remakes its own noble lies upon the bodies of its colonised subjects. By allowing ourselves the thought crime of reflection we expose the noble lie and with it are forced to confront our own construction as objects of power no less than the “others” we set up as our “enemies”. Technology is about mastery and control of nature and human nature, and we dehumanise ourselves as we make ourselves objects of our own power. Technology is not as a neutral tool, but a political ideology, one that penetrates beneath the apparent differences animating the “three waves of modernity” to expose a shared identity in the modern political project based an idea of freedom which is rooted in the belief that you can only know what you make. As we will see in the next chapter the price of modern liberty is high and its consequences, invariably, written on the bodies of “others”.

Chapter 4

Political Praxis: Techno-politics and Empire; The Making of the New World Indian

We have it in our power to begin the world over again. A situation, similar to the present, hath not happened since the days of Noah until now. The birth-day of a new world is at hand.¹

Thomas Paine

Introduction

In this chapter I will show that the emergence of techno-politics in early modern England was a product of changing land use practices indicative of the “culture of improvement” which was sweeping through Anglo-American society in the new world as well as the old. Social relations were in the process of transformation as earlier feudal forms of village life based upon custom and subsistence gave way to capitalist forms of productivity based upon contract and profit. Techno-politics was the administration and control of land, people and strategic economic resources in the interests of “the common good” articulated by a newly empowered gentry class of radical protestant nationalists. The newly emancipated gentry elite used their dominance of parliament to radically redefine property relations and to project this power both for the purposes of internal and external colonialism and the pacification of populations both foreign and domestic. New world empire is unique in its will to perpetual change and transformation with each innovation of social organisation presented as an “inevitable” law of nature.

Unlimited expansion means the perpetuation of empire as the subjects of sovereign power are reduced to the raw material upon which the application of pleasure and pain is used to produce the desired social order over and against any resisting populations who stand in its way. The state initiates a civilisation program deploying the three strategies of colonialism identified in the previous chapter as assimilation, development and segregation in which first allies, then wards then captives are “created” as objects of power and control. While these strategies are engineered at home and projected abroad, the infinitely expanding frontier is

¹ Thomas Paine, cited in (eds.) Michael Foot and Isaac Kramnick, *Thomas Paine Reader* (New York: Penguin Books) 1987, p. 109

continually appropriating people and productive resources as it seeks to incorporate “foreign” bodies within its “sovereign” domains. In new world empire, political space and boundaries as well as identities of self and other are continually under construction as it seeks to extend itself universally according to a law of nature and necessity which has to be actively and continuously produced and reproduced on the subjects of sovereign power. As a result, techno-politics reveals itself in its own process of actualisation, as nothing more than the self interested imperative of a ruling political class which constructs the state and sovereignty as an “instrument” of violence projected inward and outward in the organisation of force and productivity in the appropriation of nature and human nature.

Internal Colonialism in the Old World and the New

As new world empire is an historical as well as a geographical phenomenon it needs to be understood both in its place of origin and as a continually expanding social form which incorporates peoples and places as it expands ever outward into the future. The foundation myths of North American exceptionalism rely on the motifs of an empty and vacant land that was discovered, settled and colonised by rugged individuals who came to the new world to escape tyranny and persecution in the old world in order to make a better life for themselves and their children. The discovery of America is said to be a foundational moment of the modern world because it unleashed the untapped energies of a “vigorous” and expanding technological culture, which had been “freed” from the suffocating and stultifying constraints of feudal society. The “new” society had an identity forged in the “mastery” and “subjugation” of nature, in the struggle for survival and the unlimited potentiality of the human spirit as the self-made men of the frontier carved a civilisation from the wilderness. America was the land of opportunity and liberty, where merit, enterprise and hard work could transform a pauper, a peasant or a convict into a pioneer, a gentlemen farmer and a free citizen.

In reality new world empire is an extension of an internal process of colonialism which is continually extended in outward expansion from heart of empire to the an every expanding “frontier”. Empty lands were discovered in the “wastes” of England and the Celtic fringe, vacant and unproductive spaces awaiting the arrival of “improvers” to perform the magical acts of transformation to bring them into full

productivity and fruitfulness. Improvers were the rational and industrial subjects of the British Crown who effected the agricultural and commercial revolution of the early modern era. English society experienced in the late 16th and 17th century what economic historian Karl Polanyi has labelled the “great transformation”.² Medieval life, centred around the village and the manor of feudal political and economic organisation gave way to modern capitalist agriculture as the great landlords of England enclosed their common fields converting subsistence peasant production into commercial farming. Agricultural production was being driven by competitive market forces determined by “profits” from land rents and the sale of agricultural commodities in the towns, rather than the practice of extracting taxes, fines and labour services and payments which was the custom and tradition of a privileged European aristocracy.

England’s unified gentry class of improving landlords harnessed the power of parliament as a “national” legislative authority and the creatively re-interpreted English “common law” to impose and increasingly “exclusive” understanding of private property right at the expense of copyholders and agricultural wage labourers.³ As landlords enclosed their fields their more successful tenants were able to translate their “customary” rights into “contracts” which, as legally enforced leaseholds, could be used as a source of “capital” from which to obtain the mortgages necessary for the “improvements” which would enable their increased productivity.⁴ Increased productivity in turn lead to the economies of scale and the increased division of labour whereby the less successful who would once have supplemented their small holdings from lands held in common, found themselves dispossessed of their common rights and forced onto to sell their labour on the market instead. As more and more of the commons were enclosed to support the growing English wool industry Thomas Moore made his famous remark that sheep were replacing men in the English countryside.⁵

With the new social relations transforming the rural and urban landscapes of England new and “modern” political notions about the nature of man and society

² Karl Polanyi, *The Great Transformation* (Boston.: Beacon Press) 1957

³ Christopher Hill, *The Century of Revolution*, (London.: Routledge) 2002 pp. 43 - 56

⁴ M.J. Daunton, *Progress and Poverty: An Economic and Social History of Britain, 1700-1850*, (Oxford.: Oxford University Press) pp. 69 - 76

⁵ Christopher Hill, *Reformation to Industrial Revolution, vol. 2* (New York.: Penguin Books) 1976, pp. 67 - 71

began to challenge received notions of status and rank which structured the old hierarchical and organic metaphor of the state. The scientific revolution of the 17th century built upon reformation ideas of an man's individual and personal relationship with god to subvert corporatist ideas of class privilege in favour of a “natural” liberty possessed by atomic individuals moving through a void space propelled by the purely physical force of mechanical needs and desires. English liberty was understood as the open field of action in which possessive individuals were “free” and “equal” the exclusive owners of their “life, liberty and estates” and as such were “liberated” from the arbitrary and artificial limits and barriers of irrational custom and tradition. Nature was no longer an ordered cosmos described and delimited by natural and divine law in which man and the state conformed as part of an ordered whole, but was an infinite universe of matter in motion in which the pure physics of mechanical force directed each man to his individual interest. The state of nature was therefore no longer ordered and proscribed by divine will and intent, but was a pre-moral or a moral realm of “liberty” where each man was “free” to pursue his own impulses and desires.

The state was no longer considered “natural” but an artificial construction in which the voluntary social contract produced civil society and erected a regime of public positive law as the foundation of government and site of collective sovereign power. As a voluntary association of consenting individuals, government was understood as an instrument of the public will designed for the single purpose of law and order under which personal and property rights would be guaranteed and secured. The state therefore was understood in its purely negative function of providing and enforcing the laws in and through which individuals could pursue their private interests without hindering each other in the pursuit of their own liberty and productivity. Civil society was designed to overcome the “inconveniences” of the state of nature where the lack of an overarching power meant that order would and could only be haphazardly enforced and each would have to rely upon his own power and judgment to enforce his rights. Although Hobbes and Locke disagreed about the level of disorder and chaos the state of nature would entail, they both agreed that as self-preservation was the driving passion of mankind, a civil state of law and order was the only “rational” solution to the anarchy of which was man's “natural” condition.

The English civil war and Glorious Revolution of 1688 established the

principles of constitutional monarchy and parliamentary sovereignty that would define the modern understanding of classical “English liberties” based upon individual rights and consensual government. Central to this understanding was the separation of political and economic spheres which allowed landlords, commercial farmers and the emerging urban merchant and commercial classes to pursue market activities free of direct political intervention. As the effects of the agrarian and commercial revolutions radiated out from London and the South-east these centres began to draw more and more of the English countryside within its orbit. As prices increased in urban centres for agricultural products transportation and communication networks were built which began to dissolve internal custom and trade barriers as both agricultural and manufacturing markets became integrated into a single and homogenous “national” space.⁶ As market production displaced subsistence self-sufficiency more and more “master-less” men and landless agricultural labours were required to buy the food they could no longer produce creating a mass market demand in basic commodities which only served to increase the pressure for large scale commercial production and the increased rents which had forced them from the land in the first place.

A self-reinforcing feedback loop of mass demand, rent increase, land enclosure furthered the mass peasant expropriation of common rights on marginal lands all lead to a spreading “internal colonisation” in which direct subsistence producers were systematically displaced by commercial farming. English ” historian Christopher Hill has described as a “line of settlement” which steadily advanced from the south-east to Cumberland and Westmorland to the west as the pressure to cultivate common wastes and royal forests became irresistible and inevitable in the face of progressive market forces.⁷ During the same period, common rights not only to the land, but the to the “fruits” of the land where increasingly appropriated by landlords under a proliferating system of “private” property legislation. Customary rights to such common natural resources as timber, peat, deadfall wood, fish fowl and rabbits, wild grasses, straw and dye and medicinal plants as well as sub-surface ore and mineral deposits became objects of exploitation and appropriation for those with the power to define and enforce the co modification of nature’s bounty.⁸ While peasants

⁶ Ellen Meiksins Wood, *The Pristine Culture of Capitalism: A Historical Essay on Old Regimes and Modern States*, (New York.: Verso) , pp. 95 - 100

⁷ Christopher Hill, op. cit., (1976) p. 62

⁸ Landlords would employ “foresters” “wardens” and “rangers” to police and enforce their exclusive “ownership” rights over anything of commercial value on the land, especially near heavily wooded,

and small holders resisted these infringements of their traditional rights and often resorted to breaking the fences and hedges erected by enclosing landlords, the ruling elite was able to harness the political power of the legislature to enforce a system of parliamentary enclosures acts which systematised at the national level in the 18th century what had been a fairly sporadic and local practice of individual landlords acting in their immediate economic interests.⁹ Although backed up by the coercive power of local Justices of the Peace who in the face of widespread rural revolt were not beyond mobilising his majesty's armed forces to enforce their "private" property rights, enclosure nevertheless was regarded as a hated and "tyrannical outrage" as it spread to the north and the midlands where it had not been previously known or accepted.¹⁰

The expanding power of England's agricultural and commercial revolution created an alliance between the rural landowning elite and the urban mercantile/manufacturing "middling" orders to produce a unified national interest in service of the "common good" embodied in the English constitutional state. The collective power of the ruling elite produced a vision of the "commonwealth" through which political power and economic power could be concentrated at home, while simultaneously projecting it abroad in colonial and imperial projects and aspirations. The middling gentry and second sons of the land owning class looked to the "West" as an infinitely expanding "frontier" in which enterprising young Englishmen could make their fortunes by founding plantations and promoting colonies in the pursuit of personal profit and national protestant glory.¹¹ Colonial promoters such as the Richard Hakluyt looked to colonies to provide important export crops to supply England's economic self-sufficiency as well as to provide useful opportunities for the displaced masses of "idle beggars" roaming England's urban centres and bustling ports in search of useful employment.¹² American colonisation presented the

heath or moor lands defined as "wastes" where agricultural production was marginal and "profits" had to be creatively extracted from other "exploitable" natural resources. See E.P. Thompson, *Whigs and Hunters: The Origin of the Black Act*, (London.: Penguin Books) 1977.

⁹ J.L. Hammond and Barbara Hammond, *The Village Labourer 1760-1832: A Study of the Government of England Before the Reform Bill*, (London.: Longmans, Green and Co.) 1987

¹⁰ Angus Calder, *Revolutionary Empire* (London.: Pimlico) p. 19

¹¹ Nicholas Canny, "England's New World and Old 1480 - 1630" in Nicholas Canny, (ed.) *The Oxford History of British Empire, Vol. 1: The Origins of Empire* (Oxford.: Oxford University Press) 2001, pp. 148 - 169

¹² Robert A. Williams Jr., *The American Indian in Western Legal Thought: The Discourses of Conquest* (Oxford.: Oxford University Press) 1990 pp. 177-180

opportunity to make manifest the promise of Bacon's technological utopia where Christian charity, private profit and scientific invention worked hand in hand to further the culture of improvement transforming the world for the common good of mankind. In full expectation of being received with enthusiasm, if not gratitude and reverence for the civilising benefits colonialism would bring to the peoples they encountered, the representatives of Anglo-American empire, set out to establish themselves in the new world with the very same strategies of conquest and alliance they had brought to bear in the subjugation of their own "ruder" elements in the Celtic fringe.¹³

Allies and Assimilation

The British Atlantic

England, as a late comer in the scramble for the new world, found itself forced to accept a peripheral role, at the margins of European power, challenging the established rules in order to "assert sovereignty" over the lands they wished to claim as their "exclusive imperial domains". Although it had been accepted practice that lands "open" for colonisation could not be those already in "possession" of a Christian Prince, Elisabeth's protestant nation rejected outright the authority of the Papal Bulls which had so judiciously divided the new world between Spain and Portugal shortly after their discovery.¹⁴ Making a claim for the natural liberty of mankind and the natural right to pursue trade and commerce unmolested by the pretensions of Catholic powers bent upon universal monarchy, English privateers and adventures set out to establish rival empires on the fringes of Spanish power. Interested as much in plundering Spanish shipping for their cargoes of valuable tropical goods and new world silver as establishing colonies themselves, these first English expeditions sought out locations for their value as military and strategic outposts rather than their trading or agricultural potential.¹⁵ Subsequent diplomatic

¹³ Jane H. Ohlmeyer, "Civilizinge of those rude partes: Colonization within Britain and Ireland, 1580 - 1640" in Nicholas Canny (ed.) *The Origins of Empire* (2001) op. cit. pp. 124 - 147

¹⁴ Anthony Pagden, "The Struggle for Legitimacy and the Image of Empire in the Atlantic, c. 1700", in (ed.) Nicholas Canny, *The Origins of Empire*, (2001) op. cit., pp. 39

¹⁵ John C. Appleby, "War, Politics and Colonization, 1558 - 1625, in (ed.) Nicholas Canny, *The Origins of Empire* , (2001) op. cit., pp. 55 - 78

overtures to Spain caused English pirates to turn to the more peaceable pursuits of planting their own colonies although as a much smaller power the English would have to content themselves with the marginal lands of middle America on the fringes of Spanish Empire to the South and the French Empire to the North. Secure in their belief that they would be welcomed by the “natural” people of America as “liberators” from the tyranny of Popish power and the infamous cruelty of Spanish Conquistadors which had subjected them to slavery.¹⁶ The English challenged the Spanish claim in the new world by arguing that over such vast and uncharted lands, the mere cursory “discovery” alone was not sufficient to establish a right of possession which could only be made by those capable of an “effective occupation” on the ground.¹⁷

Effective occupation would entail either the actual foundation of colonies under the jurisdiction of Charter Grants issued by the Crown and/or the incorporation of Indian Kingdoms as vassals allied with, but subordinated to, the sovereign European power. The Charter Grant however, and not the Indian treaty, was the legal instrument that conveyed legal ownership to companies and/or individuals who received the title and deeds to the lands in question “subject” to the pleasure of the Crown. The Crown prerogative power which lay behind the colonial “grants” to the Virginia and Massachusetts companies as well as the sole proprietor rights handed down to court favourites such as Lord Baltimore or William Penn was based solely on the self-referential assertion of sovereignty exercised by the English monarch by right of Conquest set out in the common law of England.¹⁸ The English, familiar from centuries of conquest and colonisation in Ireland and Scotland merely adapted their imperial procedures to the new world. Irish tribal leaders were identified as principle chiefs, conquered by force of arms and then offered “peace treaties” wherein their submission to the English King was followed by the “surrender” of their and their “followers” tribal lands. A portion of the surrendered lands would then be “re-granted” in the form of conditional title deeds, under the protection of the English King, as long as he and his dependents remained loyal and obedient vassals of the imperial Crown.¹⁹ Following these tried and true methods of subjection and alliance, Indians were to be made subordinate allies within England’s “imperial domains” as an

¹⁶ Nicholas Canny, “England’s New World and Old, 1480s to 1630s” in (ed.) Nicholas Canny, *The Origins of Empire*, op. cit., pp. 151

¹⁷ Williams, op. cit., p. 158

¹⁸ Ibid., pp. 200

effective way of incorporating Indian tribal territories under the suzerainty of the English Crown to the effective exclusion of other imperial powers.

When the representatives of the English Crown were sent to make treaties with the Indians it was not done in recognition of their political independence or equality as self-governing communities, but as a legal strategy to bring them into “submission” and to place them under the “protection” of their sovereign superior. To the extent that it was necessary to recognise Indian “kings and emperors” as potential partners in this diplomatic exchange the natural people of America were accorded a degree of rationality appropriate to the task. As Alexander Whitaker, a minister of Virginia colony observed in the early years of English colonisation “the law of nature dwelleth in them; for they have a rude kind of commonwealth and rough government wherein they both honour and obey their kings, parents and governors...”²⁰ From the initial “crowning” of the Emperor Powhatan in colonial Virginia, to the Covenant Chain alliance system recognising the “Ambiguous Iroquois Empire” the British sought to extend their jurisdictional reach not only to the territories of their client kings, but through them to those of lesser chiefs and their lands allied to them in turn.²¹ In this way, the complex political relationships of Indian tribal confederacy and alliance were subverted into the hierarchical relationships of domination and subordination. Indian clients were granted the powers (by the British not necessarily the Indians) to “represent” and “negotiate” treaty relationships on their behalf although the power to enforce these agreements on the ground was another thing entirely.²²

The treaty system although designed as a secondary instrument of legal pacification remained an important diplomatic devise for maintaining consensual trading relationships and land surrender agreements which remained vital to colonial survival and prosperity throughout the entire history of colonial America.²³ Although

¹⁹ Calder, op. cit., p. 32

²⁰ Nicholas Canny, “The Old World and The New, 1480s - 1630s” in (ed.) Nicholas Canny, *The Origins of Empire*, op. cit., p. 156

²¹ See Francis Jennings *The Ambiguous Iroquois Empire: The Covenant Chain Confederation of Indian Tribes with English Colonies from its Beginning to the Lancaster Treaty of 1744* (New York.: W.W. Norton) 1984

²² The Iroquois and the British were notorious for making treaty arrangements regarding other people’s lands for which explanation let alone permission was often lacking on the part of the so-called “lesser” chiefs. On the difficulties that arose as a direct result of this questionable practice, especially between among the Iroquois and their neighbours see Fred Anderson, *The Crucible of War: The Seven Years’ War and the Fate of Empire in British North America, 1754 - 1766* (New York.: Vintage Books) 2000

²³ Successfully playing the diplomatic game of what Daniel Richter has called “the modern Indian politics” whereby the colonists inserted themselves into and attempted to manipulate already existing

the treaty process provided the veil of legitimacy, obscuring the more brutal and primitive forms of power rooted in medieval doctrines of crusade and conquest, it was nevertheless rooted in the principle of Crown prerogative and not the treaty agreement which remained the fundamental legal basis of the English claim to territorial jurisdiction and ultimate land ownership. As the colonists were originally highly dependent upon the resident Indians for food and security, diplomacy and accommodation in the form of the presentation of gifts and presents in exchange for permission to settle and erect buildings was necessary concession to the balance of power that could hardly be avoided. Moreover, the English had learned from the Dutch that what Francis Jennings has called “the deed game” had proved a highly effective method of shoring up territorial claims with competitive European powers.²⁴ Legal claims to territory through the possession of a written document would be understood and recognised as evidence of a legal property right which could be used with successful effect in dispute resolution short of war.²⁵

The colonists themselves adapted the treaty system to establish their territorial claims when they landed and settled themselves at Plymouth, which was, unavoidably outside the boundaries of the Massachusetts Company Grant. John Carver, the first magistrate of Plymouth colony believed he had freely “purchased” the colony’s lands and was now in full legal possession of exclusive private property rights as set out in the “deed” he had Massasoit, the local Sachem sign in 1621.²⁶ Later the reverend Sam Purchas boasted of how the colonists had “conciliated” the savages by paying in valuable goods for all the land they had occupied, a thing of “no small consequence to the conscience, where the mild law of nature, not the violent law of arms lays the foundations of our possessions”.²⁷ English rituals of legal appropriation were no

systems of political affiliations and rivalries remained a key strategy of colonial control up to an even beyond the American Revolution itself. Daniel K. Richter, “Native Peoples of North America and the Eighteenth-Century British Empire” in (ed.) P.J. Marshall, *The Oxford History of the British Empire, Vol. 2, The Eighteenth Century*, (Oxford.: Oxford University Press) 2001 pp. 347 - 371

²⁴ Francis Jennings, *The Invasion of America: Indians, Colonization and the Cant of Conquest*, (Chapel Hill.: University of North Carolina Press) 1975

²⁵ Ibid. pp. 132 - 133. Jennings describes how the Dutch pioneered this technique in their territorial battles with the English in the Spice Islands in anticipation of new world rivalry which although sometimes allowing the occasional dispute to be settled peaceably according to a developing system of “international law” nevertheless failed to prevent not one, but three intense and extensive wars between the English and the Dutch which ended only with the final conquest of Manhattan in the late 17th century.

²⁶ Virginia DeJohn Anderson, “New England in Seventeenth Century” in (ed.) Nicholas Canny, *The Origins of Empire*, op. cit., p. 197

²⁷ Sam Purchas, cited in Jennings (1975) op. cit., p. 77

doubt lost on the Indians who were more inclined to look at the goods offered in exchange for land as the presents and tribute due a Chief allowing strangers to enter and use the resources of the tribal traditional territories. Indians, like everyone else on the planet (including even the English in England²⁸) did not regard land as an alienable commodity, but a community based collective resource whose use and ownership was governed by any number of consensually constructed laws and customs prescribed by tradition and sanctified by time. It is not even true that the puritan founders of the new world did not recognise the mixed economy of the Indians for what it was; village based agricultural cultivation combined with seasonal hunting, gathering and fishing activities along with a well developed networks of trade and barter with neighbouring tribes. The more observant of the colonists even admired how the Indians tended and cleared natural meadows to encourage the deer, making analogies between this activity and domestic sheep grazing.²⁹

It is not as if the rural economy England was any less “mixed” at the time, villagers and small holders were equally involved in a variety of “hunting, gathering and foraging activities on the commons to supplement their meagre existence on the edges of a land dominated a powerful landowning elite who had God and the law on their side. The increasing encroachment of “exclusive” private property right on use and ownership of the “fruits of the forest” was as contentious in England as it was in America, although now it was the economic refugees of the old country who were carrying these practices of dispossession to the new. The magic of the legally sanctioned “deed” and “contract” was once again being used to assert revolutionary ideas of “absolute” and “exclusive” private property right in direct violation of communal use rights inscribed in memory and practice since “time immemorial”. The English used the “deeds” obtained from the Indians as the justification to coercively enforce their “private property” right and punish the Indians for “trespass” when traditional hunting and gathering activities continued on lands now “exclusively” claimed by the colonists for their use alone. Conversely however, when the Indians began complained of the encroachment and destruction of their fields and gardens by the colonists’ domestic animals they were told it was their own responsibility to fence their holdings to keep the livestock out of what could would otherwise be considered

²⁸ One only has to think of the laws of primogeniture and the strict settlement that comprise aristocratic land privileges designed to preserve a consolidated gentry class. See Daunton *op. cit.*, pp. 63 - 69

²⁹ Jennings, (1975) *op. cit.*, pp. 61

“open” range and forest.”³⁰

The deeds and treaties became instruments not of freedom, but of expropriation as the colonists used them to restrict and police Indian land use outside the boundaries of cultivated fields and gardens the surveyors had mapped out as “Indian lands”. The royal charter, not the treaty conveyed land ownership and jurisdiction with the result that select parcels were set aside as “Indian reserves” “granting” permission to the Indians to live on their own lands while conveniently throwing “open” the remaining (unbounded) country to colonial appropriation.³¹ The colonists regarded all but the cultivated gardens “empty wastes” which could be exploited at will despite the active use the Indians clearly made of the land in ways the colonists themselves had learned to imitate. While it is true that in England improving landlords had sought to extend cultivation to the “waste lands” adjacent to agricultural lands, they certainly did not regard these areas as empty and devoid of valuable resources “free” for the taking. The colonists well knew from their own experience in England that timber, foraging rights, fish and fowl and especially deer had an economic value over and above the land for which the “owner” was due appropriate compensation for their exploitation. None of these considerations however were carried to the new world with the result that timber and other fruits of the forest were plundered to such an extent and with such a disregard for either “property right” or the “common good” that it would have been a capital criminal offence in the England of their own time.

Already existing tensions between Indians and colonists due to increasing competition for land and strategic resources only increased with the discovery of a tobacco as a viable export crop which rapidly transformed Virginia’s marginal subsistence farming into a rapidly expanding capitalist economy. The need for large scale plantation production in general combined with the high level of soil exhaustion particular to tobacco ensured that the demand for fertile lands was soon outstripping the supply setting the colonists on a collision course with the still powerful Powhatan

³⁰ Alan Taylor, *American Colonies: The Settling of North America* (New York.: Penguin) 2001, pp. 191 - 192. See also William Cronon, *Changes in the Land: Indian Colonists and the Ecology of New England* (New York.: Hill and Wang) 1983

³¹ Despite having “purchased” their lands from the Indians both New England and the break away colony of Rhode Island eventually petitioned and received royal charters from the King in order to normalise the legal status of colonial land titles existing outside the boundaries of the original Massachusetts Charter Grant. See Virginia DeJohn Anderson, “New England in the Seventeenth Century” in (ed.) Nicholas Canny, *The Origins of Empire*, op. cit., p. 203

confederacy. The resulting Virginia “massacre” of 1622 erased whatever goodwill was left between settler and Indian and abruptly brought to an end the era of “accommodation” in which a treaty was viewed as anything other than a temporary and punitive device designed to end one round of war only in order to prepare for the next.³² The Virginia massacre also made a grave impression upon the Puritans of Massachusetts who were experiencing their own problems of population pressure due vast waves of new arrivals landing on their shores during the period of the Great Puritan migration which peaked in the mid 1630s.³³ Increased competition for land and strategic resources combined with growing anxieties about the trustworthiness of the Indians directly resulted in the pre-emptive strike which launched the ensuing Pequot war of 1637 in which an entire Indian village was burnt and the defeated survivors sold into slavery.³⁴

The resulting violence and devastation of unchecked colonial expansion and its tendency to provoke costly and expensive Indian wars so alarmed officials in London that both the Virginia and Massachusetts companies had by the mid 17th century lost their company Charters and re-organised as Royal Crown colonies under the direct administration of a resident Governor and his appointed council.³⁵ Colonists retained their magistrates and elected legislative councils but the conduct of Indian Affairs came under the sole executive authority of the Governor and his appointed officials. In both Virginia the Crown strictly reassert its pre-emptive right to enter into treaties with the local Indians, regulate the Indian trade with a licensing system and reserve onto itself the right of “first purchase” of Indian lands in order to avoid yet another costly Indian war.³⁶ In Massachusetts where the geo-political situation was particularly delicate due to the rival imperial presence of both the French and the Dutch, a royal commission was established to bring the rebellious colony into submission and force its expansionist colonists to contain their activities strictly within the bounds of the law:

No colony hath any just right to dispose of any lands conquered from the

³² Williams op. cit., p. 219

³³ Taylor., op. cit., pp. 164 - 166

³⁴ Peter C. Mancall, “Native Americans and Europeans in English America 1500 - 1700” in (ed.) Nicholas Canny, *The Origins of Empire*, op. cit., p. 341

³⁵ Anthony Hall, *The American Empire and the Fourth World*, vol. 1 (Montreal & Kingston.: McGill-Queens University Press) 2003 p. 321

³⁶ Michael Leroy Oberg, *Dominion and Civility: English Imperialism and Native America, 1585 - 1685*, (Ithaca.: Cornell University) 1999, p. 118

natives, unless both the cause of the conquest be just and the land lye within the bounds which the King by his charter hath given, nor yet to exercise any authority beyond these bounds.³⁷

Both of these early Crown assertions of the Royal prerogative in the conduct of Indian affairs were to be expanded and consolidated in the next century as colonists provided themselves unwilling or incapable of managing what was becoming an increasingly disorderly “frontier”. Shortly before the outbreak of King Philip’s war in 1676 the Crown had attempted to pacify the increasing outbreaks of hostility and violence between Indian and colonist by subsuming responsibility to adjudicate “all complaints and injury’s” between Christian and Indian within its own court system.³⁸ As the Crown continued to extend its legal jurisdiction into increasing areas of Indian life it was bound to undermine and circumvent the authority of tribal chiefs who were themselves forced to appear in the courts as “subjects” of the Crown in order to have their grievances addressed.

The Crown was thereby able to reduce what were in effect political disputes between Indians and colonists to the level of civil disputes resolvable by reference to the colony’s internal legal regime. Such an approach had the effect of assimilating “individual” Indians within the over-arching framework of colonial judicial administration without reference to their collective or group identity as self-governing communities. As such Indians may have been entitled to “equal” treatment under the law, but this in itself offered little in the way of security as colonial juries proved unwilling to convict their fellow whites and there was little if any hope of appeal to a higher authority.³⁹ Despite the decidedly bleak prospects of justice at the hands of a bias judicial system, the Plymouth magistrates were so overwhelmed by complaints from the local Algonquians that they were compelled to ban Indians from the town when court was held.⁴⁰ Under these circumstances it is not surprising that the “Indian rebellion” when it finally came in 1676, was the most devastating in colonial history and could only be put down by the intervention of British imperial forces and their Mohawk Indian allies from neighbouring New York.⁴¹

The failure in Virginia and New England to reconcile colonial interests with

³⁷ Hall, *op. cit.*, p. 321

³⁸ Ogberg, *op. cit.*, p. 150

³⁹ Taylor, *op. cit.*, pp. 136

⁴⁰ Ogberg., *op. cit.*, p. 154

⁴¹ Taylor, *op. cit.*, 201

the continued existence of independent Indian communities illustrates the inability of the Crown to integrate and assimilate the Indians through either the treaty system or the unilateral exercise of Crown prerogative power alone. The fall of the French Empire in North America in 1759 saw the last obstacle to colonial expansion beyond the trans-Appalachian removed along with any serious intent by the imperial government to protect their erstwhile Indian allies from settler encroachment on their traditional territories.⁴² The result was predictably enough a pan-Indian resistance movement under the capable leadership of Pontiac which succeeded not only in routing Jeffery Amherst's much reduced infantry, but in capturing and holding key strategic points only recently "liberated" from the French including Ft. Detroit, Ft. Niagara and Ft. Pitt on the upper Ohio.⁴³ Alarmed, imperial interests in Whitehall were once again roused to action and issued the Royal Proclamation of 1763 in a last ditch attempt to restore order on what was becoming to all intents and purposes and unmanageable frontier.

The Royal Proclamation demarcated a "Proclamation Line" down the length of the continent that was intended to erect a partition along the Appalachian watershed beyond which all settlement was forbidden by express order of the King.⁴⁴ The proclamation however, like all unilateral assertions of Crown prerogative in the past would prove as impotent an instrument as its predecessors and may even have fuelled the rampant speculation in western lands in which some of the most prominent and powerful colonial families were heavily involved.⁴⁵ The Crown after all had no intension of halting settlement, merely ensuring that it proceeded in an orderly manner under imperial supervision, something that could only be regarded as an "unjust" infringement on the "natural rights" and God-given liberty of the colonists to settle and improve the interior lands in any way they saw fit. As colonial and imperial interests continued to diverge in the second half of the 18th century the Proclamation line was denounced as one of the "coercive" or "intolerable" acts that had lead to the irrevocable breakdown in colonial-imperial relations and the declaration of American

⁴² Jack Sosin, *Whitehall in the Wilderness: The Middle West in British Colonial Policy, 1760 - 1775* (Lincoln.: University of Nebraska Press) 1961 p. 31

⁴³ Fred Anderson, *op. cit.*, pp. 453 - 457

⁴⁴ The Royal Proclamation, 7 October 1763, cited in A.L. Getty and Antonie S. Lussier (ed.) *As Long as the Sun Shines and the Water Flows*, (Vancouver.: University of British Columbia Press) 1990 p. 36

⁴⁵ Richard R. Johnson, "Growth and Mastery: British North America, 1690 - 1748" in P.J. Marshall (ed.) *The Eighteenth Century*, *op. cit.*, p. 284

Independence in 1776.⁴⁶

Continental America

The outbreak of hostilities between the Crown and colonies had seen the immediate rush on both sides to secure the allies or at least the guarantee the neutrality of the powerful interior Indian confederacies. The British, having established a permanent department of Indian Affairs to manage “wilderness diplomacy” during the run-up to the Seven Years war, were in a better position to court and keep traditional allies than their Congressional competitors. The Americans could at best hope for Indian neutrality and took steps to warn the Iroquois advising them that the war was “a family quarrel” and the Indians would do best to “remain at home and not join either side, but keep the hatchet buried deep.”⁴⁷ The Indian tribes however, held a strategic position in the western interior from which the British forts along the Great Lakes could be used as staging points for imperial troops to attack the vulnerable and undefended backcountry settlements. In their increasing desperation to secure the frontier, the Americans not only entered into Treaty negotiations as early as 1778, but went so far as to invite the Delaware Nation to “form a state” so that they could “join the present confederation” and even promised them political representation in Congress following the war.⁴⁸ The British for their part, finally began to take the advice of their agents in the field and began instructing their officials to deal with their Indian “allies” not as subordinate dependents who could be commanded at will, but as sovereign and independent peoples whose “friendship” was based not upon coercion, but common interests.⁴⁹ None of this mattered however when the peace finally came in 1783 and the Treaty of Paris, recognising American independence unceremoniously “transferred sovereignty” of the western lands as far as the Mississippi River to the new Republic despite the fact that the Indians still held effective occupation of their traditional territories throughout the western interior. The Americans found that the Indians refused to recognise the Treaty of Paris, to which they had not been a part, and insisted that the Proclamation Line be respected

⁴⁶ Fred Anderson, *op. cit.*, pp. 815

⁴⁷ Angie Debo, *A History of the Indians of the United States*, (London.: Pimlico) 1995, p. 84

⁴⁸ *Ibid.*, p. 87

⁴⁹ Hall, *op. cit.*, p. 337

when the newly empowered Indian commissioners came to inform them of the end of the war.⁵⁰ The British meanwhile refused to evacuate their interior forts on the grounds of unpaid war debts and even harboured ambitions to establish “Indian buffer states” under the administration of Montreal merchants, on the Upper Ohio.⁵¹ The fur-trade still had an effective lobby in London, as did land speculators attached to the Indian Department, which in combination with the imperial desire to protect loyalist refugees recently removed to “Upper Canada” on the north side of the Great Lakes, was enough to ensure that the battle for “sovereignty” in the old north west was far from over. The Americans would fight the Indians and their British allies well into the next century until the border dispute between Canada and the United States was finally settled by the Jay Treaty of 1819.⁵²

In the immediate post-war era, the need to “assert” sovereignty in the vast interior “backcountry” drove the newly emboldened American empire to set upon a course of colonisation which not only failed to break away from English precedents and procedures, but in large part simply replicated and intensified their technological prowess and universal ambition. The Americans boldly and explicitly claimed sovereign jurisdiction over Indian territory by “right of conquest” having forfeited their rights as “enemies” during the course of the revolutionary war. Successive treaty conferences were called within the newly organised northern, western and southern districts to inform the Indians of their new status as conquered peoples who must “unconditionally” submit to the “protection” and “generosity” of their new “Great Father”.⁵³ The treaty system was resurrected to assimilate and subordinate the Indians and their lands within the frame of government established by the Congress which divided the Indians into administrative districts with no reference whatsoever to former colonial alliances or the Indian tribal systems of governance and confederacy which had defined the “modern Indian politics” of the pre-revolutionary era. Neither the treaty of Paris, nor the American constitution had mentioned the Indians or how they would be accommodated under the new system of government except to

⁵⁰ Gary Nash, *The Unknown American Revolution* (London.: Jonathan Cape) 2005 pp. 435 - 440. See also Colin G. Calloway, *American Revolution in Indian Country: Crisis and Diversity in Native American Communities*, (Cambridge.: Cambridge University Press) 1995

⁵¹ Hall, op. cit., p. 352

⁵² Robert S. Allen, *His Majesty's Indian Allies: British Indian Policy in the Defence of Canada, 1774 - 1815*, (Toronto.: Dundurn Press) 1993

⁵³ Francis Paul Prucha, *American Indian Treaties: The History of a Political Anomaly* (Berkeley.: University of California Press) 1994, pp. 41 - 66

specifically exclude them (as well as the Blacks) from its terms of reference guaranteeing civil rights to all American citizens equally.⁵⁴ Indians and their lands were to be incorporated into American society, but they were to have no political recognition of their rights as either nations or individuals within the new “federal” system. Treaties were a mechanism for pacification in which the government, not the Indians would decide the terms of “peace” which above all else stipulated non-negotiable land surrenders for which little if any compensation was to be forthcoming. In addition, the Americans followed the British model of demanding a pre-emptive right over Indian lands, repeating the precedent that Indians did not have full property rights in their traditional territories and were not free to alienate them at will, but only to the United States government and on such terms as that government should dictate.⁵⁵ Echoing the words of the Royal Proclamation, the North West Ordinance of 1786 pronounced:

No sale of lands made by any Indian, or any nation or tribe of Indians within the United States, shall be valid to any person or persons, or to any state whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States.

The right of pre-emption, ostensibly designed to “protect” the Indians from the “sharp dealings” of traders, in reality limited the freedom of Indian tribal leaders, as well as American citizens, to buy and sell the millions of acres now officially appropriated by the same prerogative power once so loudly denounced by revolutionary radicals.⁵⁶ The Indians were informed that they must cede “enough lands” to meet the needs of a growing nation and that the “friendship” of the United States depended fixing a line of settlement that would in the words of George Washington “neither yield, or grasp too much”; thereby allowing the peaceful co-existence of Indians and settlers in a land that was “large enough” for both.⁵⁷

The dream of peaceful co-existence was however, far from materialising on the ground as the terms of the coercive post-war treaties were almost immediately rejected by the resisting tribes who refused to surrender their territories and continued

⁵⁴ Francis Jennings, *The Creation of America: Through Revolution to Empire*. (Cambridge.: Cambridge University Press), 2000, p. 228

⁵⁵ Dorothy V. Jones, *License for Empire: Colonialism by Treaty in Early America* (Chicago.: Chicago University Press) 1982

⁵⁶ Williams, op. cit., pp. 296 - 305

⁵⁷ D.W. Meinig, *The Shaping of America Vol. 1: Atlantic America, 1492-1800*, (New Haven.: Yale

to raid and harass any settlers that ventured to far into their lands. The western Indians, along with their now repentant British allies, argued that the boundaries established by the by the Treaty of Paris were invalid, the land never having been theirs to give away.⁵⁸ The Indians were in fact still a military presence to be reckoned on the ground and dealt the cash strapped and inexperienced American army a series of decisive defeats which convinced Washington that Indian wars were too costly and damaging to America's reputation abroad.⁵⁹ Reinventing himself as an elder statesman above the fray of the wild frontier and its land grabbing locals, he embarked upon a vision of "expansion with honour". Recognising that the sovereignty had not simply been "transferred" by Great Britain, the Americans recognised that "...the lands originally belonged to the Indians; it is theirs and theirs only. That they have the right to sell and a right to refuse to sell."⁶⁰ In order to diffuse the Indian resistance, the Congress had opted to renew the British policy of treaty and land surrender through "purchase" under the terms which were to be negotiated rather than unilaterally imposed. Washington committed himself to a peace process designed to respect the legal transfer of lands made possible by the language of the North West Ordinance itself:

The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorised by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them and for preserving peace and friendship with them.⁶¹

Unfortunately for the Indians "just and lawful wars authorised by Congress" were to prove the norm rather than the exception and although reference to Indian rights and property is clearly stated, it is equally clear that it will be the United States government and not the Indians who will interpret, judge and enforce this legal directive.

The prime objective of the Northwest Ordinance was not the defence of Indian rights, but the provision of a legal instrument which would "clear" and "extinguish" Indian title from the land in order that the lands could be appropriated by the federal

University Press) 1986 p. 408

⁵⁸ Allen, op. cit., pp. 62 - 68

⁵⁹ Prucha, (1994) op. cit., p. 72 - 73

⁶⁰ Ibid., pp. 90 - 91

⁶¹ Allen, op. cit., p. 70

government and surveyed into lots for public sale. The treaty process allowed the new republic to incorporate vast tracts of territory into its public administration through an act of “purchase” which defined the act of consent whereby the Indians “exchanged” their land for a negotiated cash payment or gifts of presents determined at the time of treaty. The amount “paid” for these lands was a matter of settled at the time of treaty and was a political decision arrived at during the particular negotiations. The Commissioners were given discretion in arriving at the amount and encouraged to pay as little as the Indians could be induced to accept with little or no reference to the market value of the land being acquired.⁶² The legal “purchase” of land was therefore regulated and controlled as an instrument of empire in which the “consent” of the Indians veiled the inherent military threat that was the pervasive and immediate background to the treaty “negotiations” in question. Indian commissioners were sent into the field accompanied by armed forces and were instructed to impress on the Indians the necessity of treaty by “any means in your power” an injunction which often included the use of intoxicants, corruption and bribery.⁶³ Although the treaty was supposed to guarantee the Indians in the possession of their remaining lands, “reserved” to them by the treaty, the Federal government was to prove as inept at “protecting” the Indians from white encroachment as had the British.

Wards and Development

The British Atlantic

As short lived as the immediate era of accommodation proved to be it is important to remember that the colonists who arrived on the shores of the new world did not immediately regard the Indians as anything other than human beings with whom it was possible to do business. While protestant nationalism had invested the pilgrims and planters with a unique sense of mission and destiny in their overseas enterprises it was equally apparent in their relations with the lower orders of their own societies. Labour discipline and productivity were part of a discourse of “improvement” visited upon the rural poor and the idle beggars of England as they were confined to workhouses when they were not otherwise industriously employed. It is equally

⁶² Prucha, (1994) op. cit., pp. 228 - 229

worth noting that the internal process of colonisation had spread to the Celtic fringe of the British isles in which the “savages” and “barbarians” were not heathens, but fellow Christians whose recalcitrant attachment to both Catholicism and traditional land use practices became definitive of their “backward” condition. As Nicholas Canny has pointed out, English colonial strategies and practices were not rooted in some “foreign” and “exotic” encounter with some unrecognisable “other”, but in an internally advancing “western frontier” that stretched from the west country to the far reaches of the Atlantic seaboard.⁶⁴

English colonists to the new world came with a well developed discourse of civilisation which justified not only the appropriation of land and resources from the Indigenous population but an entire program of acculturation designed to transform the social, political and economic structures of their persons and properties along the lines of a God ordained English model of an advanced “civil” society. At the heart of this superimposed social revolution was the structured re-organisation to dismantle traditional (feudal) or tribal allegiances in order to impose “modern” forms of property ownership in an attempt to increase agricultural productivity and cement English political domination of Irish estates. The plantation system was first established in Ireland to obliterate feudal tenures and “open” the land to settlement on the English model of enclosure, consolidated landed estates, tenancy and wage labour. According to Irish historian Jane Ohlmeyer, the plantation system itself became an instrument of instruction and state backed coercion intent on “re-creating the world of south-east England on the confiscated Munster estates.”⁶⁵

Along with the reform of the land went the reform of the people whose inculcation to English values, customs and manners was deemed essential for the cultivation of a ruling class of Irish nobles. As well as establishing educational institutions such as Dublin University where the Irish could be taught Protestantism and the common law, the English state institutionalised Anglicanism by systematically imposing the English parish system complete with compulsory taxation and fines for non attendance as established by England. The adaptation and imitation of English manners and dress were regarded as a necessary step in “binding” the Irish

⁶³ Debo, *op. cit.*, p. 89

⁶⁴ Nicholas Canny, “The Origins of Empire: An Introduction” in (ed.) Nicholas Canny, *The Origins of Empire*, *op. cit.*, p. 7

⁶⁵ Ohlmeyer, *op. cit.*, p. 137

to the new order of things as was the banning of both the Catholic religion and the Gaelic language. Nor was this highly interventionist strategy reserved for a “subjugated” Irish population, but was equally visited upon traditional clan practices in “allied” Scotland where the highland practices of feasting, drinking and singing were all regarded as irrational remnants of a pagan culture that must be eradicated in the interests of instituting rational religion and the proper work ethic central to an advancing age of enlightenment and improvement.

While the process of civilisation and reformation in Ireland would be forever hampered by the corrupting influence of the Catholic Church whose influence among the vast majority of Irish labours and rural could never be undone, the English did not have to confront this problem in the new world. The land was a “virgin” soil and its people untouched innocents who could be expected to welcome the “good news” of the impending Christian conversion with awe and gratitude. Ireland, unlike the new world, was forever stained its past and did not represent the clean sheet of “white paper” upon which the colonists would be free to inscribe their future untainted and unconstrained by a resistant population.⁶⁶ While the Indians were regarded as living in a “natural” condition this did not immediately suggest that they were incapable of entering into civilised human relationships in the forms of treaties and trading arrangements necessary to the initial settlement of colonial America.

It was only with the rapid growth of the colonies during the Great Puritan migration of the mid 17th century and the discovery of Tobacco as a viable cash crop export in Virginia that colonial demands for land began to outstrip Indian hospitality and tolerance. Because the English believed that their natural “liberty” was a God given right to enter, occupy and possess whatever they desired irrespective of the prior use, occupancy or enjoyment of the land by other peoples conflict over the land and its resources would not long be avoided. In order to rationalise their invasions the colonists began to imagine themselves as a higher order of human being, civilised men among savages who had not only a right, but a divinely ordained responsibility to create the world anew in God’s image. as an actual existing “state of nature” could easily as easily be seen as savage beasts as “peaceable innocents” because both images represent a state of primitive consciousness that had not arrived at the advanced stage of historical development. Because Indians lacked the “experience” of

⁶⁶ T. C. Barnard, “New opportunities for British Settlement: Ireland, 1650 - 1700” in (ed.) Nicholas

civil and political government they had not developed a form of social organisation conducive to the production of the arts and sciences and therefore lived in an immature and deprived state of “natural” simplicity. Rational maturity was not given by nature, but advanced by the societies in which individuals could cultivate their reason and produce the higher forms of life made possible by a more complex collective existence. It became the common opinion of the 17th century Englishman that

...in Virginia the savage people wander up and down like beasts...having no Art, nor science nor trade, to employ themselves or give themselves onto and yet by nature loving and gentle and desirous to imbrace a better condition.⁶⁷

Living only in “the state of nature” they had only a rudimentary form of communal property and no money and hence had not created the social condition under which more advanced forms of law and civil government become necessary. When things were held in common there was no incentive for investment of either money or labour in the improvement in the land and as such human beings did not “advance” either themselves nor their society. The distinction between things held in common and the civil state of political association based upon the human artifice of private property remained for the English a demarcation of a properly ordered society and a fundamental step in the establishment of the rule of law and the institution of civil government. Without private property there would be no ownership and without ownership there would be no profit incentive to improvement and man would remain locked into a primitive existence without the restraining power of reason to moderate and guide his natural animal impulses and instincts. Man without private property was little more than a brute beast as summarised by the Cambridge preacher Robert Grey in 1609:

Some affirm and it is likely true, that the savages have no particular propriety in any part of that country, but only general residency there, as wild beasts in the forest; for they range and wander up and down the country without law or government, being led only by their lusts and sensuality. There is not meum and tuum [mine and thine] amongst them.⁶⁸

Until such time as the Indians were civilised, they could hold no land as private property and therefore claim no ownership or dominion of either the land or its natural

Canny, *The Origins of Empire*, op. cit., p. 326

⁶⁷ Debo, op. cit., p. 40

⁶⁸ Williams, op. cit., p. 210

resources nor prevent others from making use of what God had given to men in common. Any attempt to deny access to the colonists or their livestock was regarded as an unjust and illegal restriction upon their natural rights to use and improve the land as they saw not only for their own profit but for the “common good” of mankind. An advancing society would improve the productivity of the soil through the industrious applications of modern sciences and techniques which would use the land in a more rational and efficient manner thereby creating more and better commodities for the benefit of everyone. If the Indians were not using the land as God had intended, then it was the clear duty of the colonists to develop the rich and abundant under productive “wastes” of America which the Indians had forfeited through their idle neglect of nature’s bounty. As John Winthrop, Governor of Massachusetts bluntly stated the matter in 1629:

For the Natives in New England they inclose noe land neither have any settled habitation nor any tame cattle to improve land by...and soe have noe other but a natural right to those countries Soe as if wee leave them sufficient for their use wee may lawfully take the rest, there being more than enough for them and us.⁶⁹

If God had given man a natural equality and freedom, it was not God but man himself who was responsible for his own education and the cultivation of his reason that was the result not of a gift of nature, but the product of rational and industrious improvement. Man raised himself from naturally deprived animal existence through the sweat of his brow and the labour of his body, the civilised state being a product of “experience” and not man’s natural condition. For those who had been deprived of the necessary experience either through accident of history, immaturity of age or mental deficiency, it was simply given to others to govern them appropriately.

Political responsibility was not given to everyone equally, but reserved for the rational and industrious who had proven themselves through their own efforts to have raised themselves by their own efforts by cultivating restraint and self-improvement. As there was a natural inequality among men regarding tendency to virtue and rational industriousness, so there was a natural inequality in the distribution of wealth reflecting these differences in character and capability. Government was instituted for the protection of property reflecting man’s natural desire to safeguard what he had acquired and protect it from the grasping invasion of others.

Those without property had no “part in the whole” and as such could not claim

⁶⁹ John Winthorpe, cited in Peter C. Mancall, op. cit., p. 339

an active participation in government, voting and political rights reserved to those active subjects who “represented” the collective interests of all embodied not only in the commonwealth to which they directly belonged, but to all of mankind in general. If Indians appeared as either innocents or beasts it is because these “conditions” are merely opposite poles of a nature enthralled to “passion” and not governed by “reason”. As such they were pre-rational people and like women, children and servants destined to be passive subjects of the commonwealth, as wards and dependents of their masters and rulers who acting in trust to safeguard their best interests would be responsible for their moral education and civil development. Without the guidance of government and the cultivation of private property as the way and means to the advancement of the arts and sciences, natural men would not progress and would remain slaves to the “idols” of the mind, ruled not by reason but prejudice, superstition and other such irrational nonsense which was (and still is) the mark of a backward culture and a primitive mind. Missionary schools and praying towns were founded throughout colonial America to accomplish the important task of civilising the savage and through the instruction of religion and the cultivation of private property would transform the Indian from primitive ward to useful and productive subject under the careful supervision of their benefactors and guardians.

As in Ireland, native education was regarded as an important instrument in the reformation of Indian character and plans to build schools specifically designed to meet the needs of acculturating Indians were considered in both Virginia and New England as an essential part of the civilising mission which had authorised their colonising enterprise in America. The Royal charters to both the Virginia and Massachusetts companies had included provisions for the conversion of the Indians and schools and provision was made for an Indian school to be erected in Henrico a principle town on the James River in Virginia and at Harvard Yard in Massachusetts. Unlike the Spanish and French missionaries who journeyed to remote Indian towns and villages, the Indians were to be brought to the schools and not the schools to the Indians. The schools and praying towns were established on the margins of settlement areas and near plantations not only to remove Indian children from the unedifying influences of their uncivilised parents and community elders, but to make them available to the work which was believed to be an essential part of the education process. Children as young as seven were to be placed in these “residential schools” got the purpose of conversion and apprenticed to local plantation owners in whose

service they would learn the skills both useful to themselves and the colony.⁷⁰ The prospects of converting the Indians looked promising as at first English divines were inclined to think of Indians, like the land as a virgin and receptive soil upon which the seed of true religion could be planted and brought to successful fruition. From his ministry in Virginia, William Starchey had come to regard the Indians as child-like and docile willing and eager “like razed and un-blotted tables apt to receive whatsoever shall be first drawn thereon.”⁷¹ Although the London company set aside 10,000 acres for the Indian school at Henrico, it never materialised as the planters immediate concerns for the cultivation of tobacco took precedent over their missionary work. In Massachusetts, the situation was little better, the production of farm produce for export to the West Indies occupying the minds of most colonists until the Puritan parliament of the interregnum began calling them to account for dereliction of duty.

In 1649, a legislative act for the “promoting and propagating of the Gospel of Jesus Christ in New England was passed by parliament and a preacher, the Reverend John Elliot subsequently dispatched to the colonies to do the good work of the newly established Society for the propagation of the Gospel (SPG).⁷² Indian education would include not only literacy and bible study, but practical training in “spinning or other manufacturing” arts and mechanical vocations.⁷³ In the schools Elliot taught his praying Indians how to cultivate the land, make brooms, baskets and eel-pots for the colonists, encouraged them to sell fish, venison and berries and furnished them with spades, axes and other tools as well as teaching the women domestic skills to be employed as household servants in the prosperous households of the emerging urban mercantile elite.⁷⁴ Indians had long participated in the colonial cash economy by hunting and gathering and selling their procured “fruits of the forest” in the trading houses of colonial merchants, but this “unregulated” trade had been devoid of political coercion if not economic exploitation. By separating the Indians from their traditional seasonal and mobile “mixed” economy by “settling” them within the strict confines of praying towns the magistrates ensured that the Indians were isolated not only from

⁷⁰ Ogberg, op. cit., p. 51

⁷¹ Nicholas Canny, “England’s New World and Old 1480s - 1630s”, in *The Origins of Empire*, op. cit., p. 153

⁷² Ogberg, op. cit., p. 121

⁷³ Ibid, p. 121

⁷⁴ Debo, op. cit., p. 47

their independent means of subsistence, but from the family and friends who it was believed could only be a corrupting influence. The establishment of praying towns also had the added advantage of containing the resident Indian population in a secure and highly supervised space, conveniently freeing the surrounding landscape from its disturbing Indian presence. Fields and gardens which were once the centre of Indian village life could be appropriated by colonists once the Indian village was itself safely located on the outskirts of town. Restricting the Indians movements and confining them to the towns was an essential part of the “civilisation” process as it weaned them from their “wandering” and “wild” ways which as John Elliot firmly believed was the root of their “unfixed, confused and ungoverned way of life.”⁷⁵

Praying town Indians had no economic security because they had been separated from the land that was their means of subsistence and yet simultaneously denied the private property rights in land enjoyed by the white population. While Indians could and indeed were encouraged to hold and farm individual plots of land as part of their instruction in agriculture, they could do so only as individuals and only under the direct supervision of their missionary tutors. Indian political and religious leaders were specifically targeted by the reforming ministers as spiritual competitors inspired by the devil and bent on corrupting their flock or leading them back to their heathen and wild ways.⁷⁶ As moral conversion necessarily proceeded the internal transformation which made rational progress possible, obedience, submission and the breaking of pagan pride were more often the object of missionary zeal than the more practical lessons in the mechanical arts. It was not enough to simply accept Christ into one’s heart as the outward signs of the conversion process had to be duly manifested in the daily discipline of the work regime that was designed to completely transform an entire “way of life”. Internal moral reconstruction had to be made manifest in bodily appearance and personal attitudes which would reflect and mark the salvation of the soul through the display of bodily comportment, modesty of dress, humility of manner, chastity and sobriety, etc., etc., etc. These experiments in social engineering were doomed to failure, not only because the Indians could not at this point be compelled to remain within the confines of these artificially created Christian utopias, but because colonial society itself was still heavily dependent upon the

⁷⁵ Taylor, op cit., p. 197

⁷⁶ Nicholas Canny “England’s old world and New 1480s - 1630s in (ed. Nicholas Canny, *The Origins of Empire*., op. cit., pp. 155 - 156

traditional skills of Indian hunters, trappers and warriors whose cash contributions to the “mixed” economies of the tidewater colonies cannot be under-estimated.

Despite the economic and political realities surrounding them, missionaries and philanthropists usually sponsored by societies and church organisations based not in the new world, but in old, continued in their determined efforts to civilise the savage. The emphasis on producing a pleasant and compliant Christian convert was a direct result of the purpose of Indian education which was not to graduate and Indian to equality and citizenship within the “mainstream” society, but to assimilate him/her as a wage labourer or domestic servant within the “lower” orders of colonial society. Rather than making their living in the growth sectors of the colonial economy which included such “wild” and “forbidden” pursuits as hunting, trapping, fishing, whaling, guiding, scouting, gun-running, fighting, raiding and slaving the missionaries preferred that they settle down to a life of poverty, deprivation and daily humiliation, as the lowest among the low, subject to the arbitrary will of an arrogant, fearful and openly hostile master class whose attitude to the Indian was anything but benevolent or paternal. In addition to scraping a bare existence from the margins of colonial economic activity, the Indians were expected to pay for the costs of their own “education” either by indenturing themselves as apprentices or by contributing most if not all of the meagre earnings to the upkeep and support of the missionaries who instructed them in these invaluable skills of independency, industriousness and self-sufficiency.

Indian hopes that outward conformity and accommodation to the assimilating pressures of colonial society would in some minimal way allow them some modest control over their lives and property were to be bitterly disappointed as colonial attitudes towards the Indians only hardened as a result. As wards of the colony the Indians lost any kind of diplomatic status as independent and allied tribes and soon became regarded as weak and dependent charity cases. The distinction between friend and enemy Indians would only become blurred to the point of irrelevancy as suspicions and hostilities deepened as colonialism penetrated ever deeper into the interior. As the tidewater colonies reached inward into the Appalachians and beyond and commercial agriculture encroached upon the hunting and trading activities of the “Indian trade” they came across Indians who were not only hostile to white farmers invading their lands, but who were by this time armed and familiar with likely sequence of events that was soon to envelop their communities. Previously protected

by their geographical location, these “un-subdued” and still powerful Indian confederacies had had their ranks swollen by the thousands of Indian refugees fleeing the deprivations and dispossessions of the east. As pressure on the frontier mounted and more and more Indians were violently displaced, the movement towards a unified pan-Indian resistance became ever more likely as did the potential for a generalised total war between Indian and settler, the scope and intensity of which would be truly genocidal as colonists sought not only to subdue the Indian resistance, but to completely “extripate” the Indian presence from the land.

Continental America

The relationship of the Indians to the new American republic was defined by the Treaty process in which Congress proceeded along the familiar tracts established by the British Indian Department, with the president simply replacing the King as the “Great White Father” under whose “protection” the Indians were required to submit. Although America invented itself as a modern and revolutionary new republic which had “wiped the slate clean” and was free to create the world anew it nevertheless appropriated and continued the ideologies and practices of new world empire as it set out to civilise the western lands and its Indian inhabitants. Indians were legally defined as sub-humans incapable of self-government and political independence and as such were admitted into the care of the United States government until such a time as they reached an appropriate level of social development and rational maturity. Indians it was decided could no longer be afforded the “illusion” and “conceit” that they were even rhetorically regarded as political equals and partners and must be unconditionally subordinated to Congressional authority as dependents of the Federal government. Under the gentle guidance of the President’s paternal hand, the Indian problem would be solved through the implementation of a six point strategy which included the following: 1) the impartial dispensation of justice, 2) a defined and regulated method of purchasing lands, 3) promotion of commerce, 4) rational experiments for imparting the blessings of civilisation 5) presents and 6) efficacious provision for punishing those who infringed Indian rights, violated treaties and thus endangered the peace of the nation.⁷⁷ The modern instrument of achieving this aim

⁷⁷ Prucha, (1994) op. cit., p. 101

was the institutionalisation of a domesticated treaty system in which Indians were unilaterally declared to be an “internal” problem that would be solved by legislative fiat, not diplomatic negotiation within the framework of international positive law. Through the treaty process Indians would surrender their “natural” and “primitive” freedoms for the security of their persons and properties under the sovereign authority of the United States government.

Indians would be settled upon lands reserved to them and guided through the a period of adjustment and civilisation in which they would learn the skills necessary to leave their savage way of life and gradually integrate themselves into mainstream society as full assimilated individuals. While the Indians were “wards” of the state they would be helped through the civilisation process by missionaries, licensed Indian traders and Indian Department instructors who would enlighten them in the ways of the modern world and give them a good solid Christian education.⁷⁸ The government agreed to pay annuities in return for the ceded lands and guarantee their basic subsistence and support through the establishment of government regulated trading posts that would meet their basic needs. Washington’s humane Indian policy explicitly linked land cessions with Indian civilisation programs both as a means to pay for government sponsored projects to improve the social development of the Indians and to rid the Indians of their “excess” lands and thereby compel towards the more efficient use of what remained to them of their lands. As a hunting and gathering lifestyle could no longer be pursued on lands that had been cleared for settlement and the game had long since been exhausted both by over use and loss of habitat, the Indians were encouraged to take up intensive agriculture and manual labour to secure their material subsistence.

Washington’s vision of a new and human Indian policy continued and extended under Thomas Jefferson who believed that he could effect the complete transformation of the Indian through a comprehensive plan of enlightened social engineering. With the completion of the Louisiana Purchase in 1805 Jefferson was anxious to extend settlement over the old-north west and beyond the Mississippi where America’s continental ambitions could finally be realised. As the policies of effective occupation dictated an active program encouraging homesteading families to immigrate beyond the Appalachians in order to “fill the gap” and make America’s

⁷⁸ Francis Paul Prucha, *American Indian Policy in the Formative Years: The Indian Trade and*

paper claims to the interior a reality on the ground. If the Indians did not want to settle down on individual agricultural holdings, they would be driven westward and northward where they could continue their traditional way of life beyond the line of settlement and free from the encroachment of white settlers.⁷⁹ The Indians would not be forced off their small holdings left to them by Washington, but would be given the free choice to relocate to the vast parts unknown beyond the Mississippi thereby peacefully “opening” the “mid-west” to migrating pilgrim pioneer families in the north and to southern planters following the wilderness road into Kentucky and beyond, as they expanded into what would become the cotton belt of the deep south.

The wave of mass immigration and land speculation that followed the Louisiana Purchase pressed in upon the Indians who had managed to keep Washington’s army at bay long enough to negotiate treaties guaranteeing their territorial integrity upon remnants of their traditional territories despite the massive land surrenders demanded as the price of peace. By the turn of the century however, settlers had begun arriving in sufficient numbers to drastically alter the local ecology that was the economic base of the traditional way of life. Village life based upon a mixed economy required both subsistence agriculture communally tended and the sustainable use of forest resources which was incompatible with the demands of unlimited expansion demanded by land speculators who bought up multiple and adjoining sections in order to develop them into township lots to be sold en masse to individual capitalist farmers who would “settle” an entire region. In the south where planters competed with each other to consolidate land in ever larger blocks in order to maximise the economies of scale to meet the unlimited demand for cotton in the export market feeding the Lancashire mills of England. Indians were simply in the way and an unwanted obstacle in the way of America achieving its ambitions to establish itself on the world stage as an economic powerhouse worthy of its newly won political independence.⁸⁰

As their standard of living fell sharply in the wake of a government subsidised settler invasion, securing the basic needs of the people became a pressing concern of

Intercourse Acts, 1790 - 1834, (Cambridge MA.: Harvard University Press) 1962

⁷⁹ Letter from Jefferson to Secretary of War, Feb. 27, 1803, cited in Francis Paul Prucha, *Documents of the United States Indian Policy, Second Edition* (Lincoln.: University of Nebraska Press) 1990 p. 22

⁸⁰ Jefferson was anxious to secure America’s independence from both England and France, both of which were great powers at the time and convinced that America would simply become an economic if not political dependency of one or the other rival empire. See Hugh Brogan, *The Penguin History of the USA, Second Edition* (London.: Penguin Books) 1999 pp. 249 - 261

tribal leaders and as such was recognised as an important strategic instrument in bringing the Indians to obedience.⁸¹ Treaties promised not only an end to immediate hostilities, but the promise of a future prosperity in the adoption of “civilised” settled agriculture on lands reserved to the Indians for their use and development. Indians were guaranteed their social and political integrity, if not their independence by a benefactor who would provide them the agricultural implements, breeding stock and seed along with education and vocational training necessary to establish themselves in their “new way of life”. While taking wisdom or folly of adapting “civilisation” would be hotly debated by generations of Indians into the future, the economic necessity of coming to terms with the changing landscape could not be avoided or denied. Little or no patience was shown by treaty commissioners who found the unwillingness of the Indians to abandoned their sacred customs and traditions as an irrational attachment to a way of life which they regarded as neither economically viable nor politically desirable. Harry Harrison, Jefferson’s secretary of war ceaselessly harangued the Indians at treaty conferences that the “scattered tribes” should form themselves into towns and villages, adapt the settled life and submit themselves to the instruction of Christian missionaries.⁸² While simply “moving west” could make sense in the mind of a coloniser who regarded the land simply as an exchangeable commodity, many Indians were determined to remain on the lands of their forefathers by any means necessary. Exiled to the small remnants of marginal lands left to them, survival meant successfully negotiating between the onslaught of missionaries, traders and federal bureaucrats all of whom would try their hand at humanitarian intervention often with competing and incompatible ideals and agendas regarding the proper path to progress and the realisation of the “common good”. Harrison a firm believer in his own sacred mission to civilise the west lectured the Indians that it was not the United States government but God himself who “commanded for men to increase and multiply” and that this “divine command could not be obeyed if we were all to depend upon the chase for our subsistence”.⁸³

The injunction against the chase was however, selectively applied, as the mixed economy of subsistence frontier settlement required the systematic

⁸¹ Anthony Wallace, *Jefferson and the Indians: The Tragic Fate of the First Americans*, (Cambridge MA,: Harvard University Press) 1991

⁸² Prucha, (1994) op. cit., p. 119

⁸³ Ibid, p. 119

appropriation of nature's bounty whether harvested or cultivated. The civilisation programs enforced upon the Indians merely excluded them from competing with their white neighbours in the highly lucrative fur trade which was a valuable source of windfall profits throughout the entire region and not an underestimated boon to western development. Harvesting the fruits of the forest supplemented many a white settler allowing him to accumulate the much needed hard currency from the trading posts necessary to purchase supplies and farming implements which otherwise would have to be bought on credit, access to which was denied to many an impoverished sod-buster whose subsistence existence was not very different from the Indians he was displacing.⁸⁴ Encouraged by missionaries and instructors to abandon their "wild" and "savage" ways in favour of the domesticating virtues of settled agriculture and deprived of their "liberty" to buy and sell on the "free market", the Indians were hard pressed to obtain the hard currency necessary to fund the "improvements" demanded of them. What had originally been negotiated as treaty promises to "purchase" land with the payment of annuity monies and trade goods soon deteriorated into the manipulation and abuse of subsistence goods in the pursuit of political and economic objectives of those in control of the system of supply and procurement. Along with the usual graft and price inflation to be expected from a monopoly system of command and control, Indian agents were soon using subsistence supplies as a means to impose compliance and obedience upon Indians reduced to dependence by the systematic destruction of the Indian economy.⁸⁵

Indian communities were settled on reserve lands held in trust and administrated according to the dictates of Indian commissioners and agents drawn from the ranks of land speculators and Indian traders profiting from their monopoly position under the government's federal factory system. Legally constrained from entering the "free market" by their "ward" status and unable to raise the necessary capital for farm improvement due to their lack of "private" property and "freehold" title in their own reserve lands, the Indians were left to make the necessary

⁸⁴ Richard White, *The Middle Ground: Indians, Empires and Republics in the Great Lakes Area, 1650 - 1815* (Cambridge.: Cambridge University Press) 1991. The English wilderness pioneers and Indian traders who were the initial vanguard of penetration into the wild west followed a "Metis" or mixed way of life which had been characteristic of the old-north west since the original French courer de bois had traded and intermarried their way into the indigenous population back in the 16th century rendering the neat division between "white" and "Indian" a fictional nonsense invented in the late 19th century.

⁸⁵ Bernard W. Sheehan, *Seeds of Extinction: Jeffersonian Philanthropy and the American Indian* (Chapel Hill.: University of North Carolina Press) 1973

“improvements” from whatever was left over after the purchase of basic subsistence goods. With provisions and treaty annuity monies declining in value relative to the increasing costs of production and the fixed prices on offer at the trading houses, agricultural production was barely sufficient to sustain the basic needs of the people, let alone supply the returns on investment necessary to compete in a profit driven and highly capitalised market economy. The answer lie, not in advancing Indians the capital required to improve their lands, but using the coercive compulsion of their economic situation to drive them towards the necessary improvements. Jefferson believed that economic pressure alone was sufficient to “force” the Indians to abandon their traditional way of life and concluded:

When they [the Indians] withdraw themselves to culture of a small piece of land, they will perceive how useless to them are their extensive forests and will be willing to pare them off from time to time in exchange for necessities for their farms and families.⁸⁶

As Jefferson had correctly perceived, under the economic constraints imposed by the federal government it was only a matter of time until the land itself would have to be sold in order to obtain the bare necessities of life itself.

The American government, well aware of the growing investment and financial needs of the Indians, used the provision of trade goods within the factory system as an economic lever to coerce the Indians into parting with even more of their lands. Jefferson himself, actively cultivated the debt and dependency trap, clearly recognising that the more the Indians owed the trading posts, the more they could be forced to sell the only asset remaining to them, their reserve lands in order to pay their debts or face starvation. In a letter to Harry Harrison, his Secretary of War, Jefferson outlined his strategy to part the Indians from their lands on purely commercial terms:

To promote this disposition or exchange of lands which they have to spare and we want, for necessaries which we have to spare and they want, we shall push our trading houses and be glad to see the good and influential individuals among them run in debt, because we observe that when these debts get beyond what the individuals can pay, they become willing to lop them off by a cession of land.⁸⁷

Trapped within an unending cycle of debt, dependency and land cessions, the economic base of the interior Indians was further eroded and the capacity for progressive “development” and “improvement” was actively undermined by a

⁸⁶ Prucha, (1994) op. cit., p. 119

⁸⁷ Ibid, p. 106

government pledged to “protection” of the Indian and their lands, but only as a temporary measure on the way to complete assimilation and disappearance as an independent people. Jefferson’s dreams of progress and social advance for the Indians meant their active participation in the destruction of their own material culture through the loss of the land upon which their self-sufficiency depended and their survival as Indians was premised.

At issue, as always, was Indian sovereignty and the territorial integrity upon which a self governing community is ultimately based. Jefferson’s development policies did not intend the Indians to continue as independent if “subordinate” communities as the ultimate aim of his Indian policies was the assimilation of the Indians within the mainstream of American society. Indians were to be “weaned” from their dependency on government subsistence and support through the eventual move to private property ownership that would guarantee their prosperity. Once the Indians had been sufficiently instructed in agriculture and the mechanical arts they would “naturally” break free of their primitive “communal” existence and strike off on their own as rugged individualists in pursuit of profit and self-improvement. Development on the American model could only mean assimilation and the loss of collective cultural identity and the eventual erasure of the Indian presence from the land through the strategic erosion of Indian economic independence and loss of national territorial integrity. Addressing an assembly of chiefs in 1809, Jefferson proudly proclaimed his vision for the future of the American Indian:

We wish to see you possessed of property and protecting it by regular laws. In time you will be as we are; you will become one people with us; your blood will mix with ours; and will spread with ours over this great island.⁸⁸

If the Indians did not immediately recognise the advantages of social progress they would have to be unceremoniously disabused of their confused thinking and irrational nostalgia for a way of life which had clearly been assigned to the dustbin of history. The American government may not have yet been able to remove the Indians by force, but they could surround their villages with industrial activities in order to provide an examples of “progress” worth imitating. Commenting on his decision to build an iron works near a Cherokee village believing it to be a drawn to settlers whom he hoped would encourage the Indians to:

⁸⁸ D.W. Meinig, *The Shaping of America. Vol. 2: Continental America, 1800 - 1867*, (New Haven.: Yale University Press) p. 80

....enter on a regular life of agriculture, familiarising them with the practice and value of arts, attach them to property, lead them, of necessity and without delay to the establishment of laws and government and thus make a great and important advance towards assimilating their condition to ours.⁸⁹

The Cherokee, after years of isolation and resistance to American cultural influences had begun, in the wake of the failure of the earlier Hopewell treaties, to move towards a policy of gradual and self-directed change which saw them adapt selected aspects of American political and economic institutions which would see them become the “most” most civilised of the five “civilised” southern nations.

At issue as always was not development itself, but the power to dictate and control the rate of change and adaptation. Rather than having policies of assimilation simply imposed upon them, the Cherokee opted to selectively integrate technologies and institutions which were compatible with continued Indian self-sufficiency as a way of maintaining and enhancing self-government and independence. Because the political leadership remained intact it was possible for development to take place within already existing social and political systems which supported and encouraged Cherokee self-determination. Rather than erase or deny the centrality of Indian language and culture to Cherokee village life, Cherokee was transcribed into a script, taught formally in schools and formed the basis of a highly successful printing industry key to supporting and nurturing a highly literate and educated general population engaged at the ground level in the social and political development of the entire community. In 1808 the Cherokees began to formulate a legal code and in 1828 they elected delegates to a constitutional convention which created a “civil” government on the American model including an institutionalised judiciary with courts, codified procedures and a regularised system of trial by jury.⁹⁰

The institutionalisation of Indian self-government however, did not secure the Indians in their lands as the federal government and not the Indians remained in ultimate control of their legal tenure on the land. For the American government, questions of political sovereignty and independence had already been answered by the treaty process through which the Indians had voluntarily accepted subordination to the Congress and could be compelled by legal fiat to bow to the “will of the majority” for the “common good”. Although the treaties were specifically worded to preserve the

⁸⁹ Prucha, (1994) op. cit., p. 113

⁹⁰ Debo, op. cit., p. 114

legal integrity of the Indians in what remained to them of their traditional territories, mere legalities were not going to stand in the way of the land appropriation needs of a growing nation. As even the most “civilised” of the southern nations were to find, no amount of social or economic development was sufficient to “graduate” Indians to equal political rights within the American Union. The government’s commitment to Indian civilisation was however, directly related to how this philanthropy served to subdue and integrate the Indian within the mainstream of American society. If Indian social and political development became a base not for the dissolution, but the preservation of Indian sovereignty and independence it was seen to “retard” rather than “progress” the civilization process. When it became apparent that the provision of subsistence goods and annuities were serving to enhance rather than transform Indian economic development and self-sufficiency, questions began to be raised about the wisdom of the government’s “generosity”. Annuities which had originally been formulated as a way of paying the Indians for their ceded lands became reinterpreted over time as an unnecessary and counter-productive charity measure which was actively discouraging Indian self-reliance and improvement.⁹¹ Indians would have to be weaned off this “dependency” culture through the imposition of austerity measures designed to restructure the social welfare provisions of the treaties so that communal practices would atrophy, thereby promoting the values of individual self-interest so central to the civilising mission of modern techno-politics at the heart of new world empire.

Captives and Segregation

British Atlantic

Controlling the surplus population of idle beggars thrown off the land and making their way to the urban centres of England became an a major policy concern as these displaced and often starving economic refugees threatened crime, social disorder and the occasional mob riot bordering on rebellion. As early as 1517, the rate of depopulating enclosures had so aroused the government that a commission of inquiry was established in order to examine the cause of this new phenomenon that was so

⁹¹ Prucha, (1994) op. cit., p. 139

completely transforming the nature of the English countryside.⁹² The explanation lay in the changing interpretation of property right and land use which empowered a manor landlord to simply order open-field peasants off the land following the harvest when their labour was no longer required.⁹³ Progressive land reform meant that peasant small holdings and farmsteads were demolished and multitudinous village strips and arable fields were converted into a number of large pastures, enclosed by a hedge or a ditch. As historian Christopher Hill has documented, local law enforcement was heavily weighted against the poor with the result that men who were violently evicted could only bring an action for forcible entry if they were able to lay down the costs in advance.⁹⁴ The resulting social dislocation was dealt with by legislative fiat as the authorities sought to control the growing mobs of “master-less” men by the imposition of a series of “poor laws” which restricted the freedom of movement of landless day labourers by binding them to the parish of their birth. According to Professor Hill, by 1610 any able bodied man or woman who should even threaten to run away would be sent to a house of correction and treated like a vagabond.⁹⁵ Despite parliamentary efforts to manipulate the labour force for the benefit of the employing class, the growing ranks of the under-employed continued to outstrip the means to control them with the result that a great many escaped to the “freer” air of England’s towns and villages. In town they found themselves drawn into the emerging market in indentured labour, where for the price of passage they sold themselves into service for 4-7 years depending on the contract and conditions of work on offer. As the demand for labour in the colonies escalated “voluntary” indenture merged into semi-coerced exile as the solution to the “over-population” problem at home seemed to lie in the rational allocation of excess labour resources abroad where they could be more efficiently employed.⁹⁶ In three years 3,570 people were sent to Virginia as scores of pauper children were swept off the streets of London to serve as apprentices and English jails were emptied as companies began to traffic in human flesh.⁹⁷ As a captive labour force, the landless and poor were

⁹² W.G. Hoskins, *The Making of the English Landscape* (London.: Hodder & Stoughton) 1995 p. 117

⁹³ Ibid, p. 119

⁹⁴ Hill, (1976) op. cit., p. 56

⁹⁵ Ibid, p. 58

⁹⁶ Hilary McD. Beckles, The “Hub of Empire”: The Caribbean and Britain in the Seventeenth Century”, in (ed.) Canny, *The Origins of Empire*., op. cit., p. 223,

⁹⁷ Calder, op. cit., p. 61

increasingly subject to crime and disorder legislation which criminalized large sections of the population as the market in “convicts” became increasingly popular with planters and farmers unable or unwilling to pay the high costs of “free” wage labour in the colonies. Finding useful employment for “idle beggars” and “convicts” had long been a popular cry of colonial promoters whose solution to crime and disorder at home was to “transport” and “remove” these undesirable base elements of society to distant lands where they could serve the common good.

In Ireland, political prisoners were added to the ranks of the de-humanised “criminals” sold into bondage, often for life, as “punishment” for their resistance to English occupation and expropriation.⁹⁸ Forced and semi-forced forms of transportation and removal thinned the ranks of the unemployed and seditious at home while providing a captive labour force which could be worked under terms and conditions little better than the institutionalised forms of slavery that would follow. In order to justify the degradation of fellow human beings to the status of “chattel property” an ideology of degeneration and criminality would eventually merge with an already existing discourse of “primitive” and “savage” to produce a racial ordering of peoples definitive of characteristics fixed in nature and unalterable by “experience”. As a result, educating or civilising the lower forms of humanity would be considered a waste of time and resources if not a dangerous perversion of the natural order of things. Lacking reason the rule of “wild brutes” could only be assured by force with the result that pain, punishment, war and terror became the only instrument of order guaranteed to command obedience in the interests of self-preservation. As the use of war and terror became increasingly internalised as a normal and necessary instrument of government, the legitimate use of “organised” violence came more and more to determine and define “sovereign power” with or without the accompanying myth of original consent laying at the base of the liberal social contract. Nowhere was this apparent than in the ideologies of empire and conquest which dispensed with the need for consent of subject populations altogether.

The cultivated strategy of state terror in the service of extending colonialism to the Celtic fringe was pioneered by Elisabeth in her Irish wars of the mid 17th century as the west country men sought to use military tactics to secure the plantations against

⁹⁸ Abbot Emerson Smith, *Colonists in Bondage; White Servitude in Convict Labour in America, 1607-1776*, (Chapel Hill.: University of North Carolina) 1947 and Edmund S. Morgan *American Slavery, American Freedom: The Ordeal of Colonial America*, (New York.: W.W. Norton) 1975

Gaelic peasants and herders who threatened to disrupt the smooth conversion of Irish lands to English estates. The terror tactics of Sir Humphrey Gilbert were infamous throughout Ulster and Munster where he forced his newly “conquered” subjects to march between the heads of their dead brothers, fathers, children and kinsfolk in order to that this display would “bring a great terror to the people”.⁹⁹ As the English were however, only a small island amongst a much larger indigenous population the total control required by colonialism could only be effected within well defined spaces of English occupation protected by the establishment of well defended physical barriers. The “Pale” came to demarcate English settlement within Ireland beyond which the wild and marauding Irish were banished and exiled from their own lands.¹⁰⁰ The Irish had to be removed and replaced with English planters in order that the civilisation of Ireland continue without the disturbing and disrupting presence of ungodly Irish rebels whose evil ways were simply beyond all hope of redemption. The only solution to the Irish problem was the effective use of force wherein the Irish rebels “must be subdued or banished out of the whole realm, and English subjects planted in their lands thoroughly” because they were “a people always disposed to naughtiness, murder, robbery, stealth and deceit and do not obey God’s law or Man’s.”¹⁰¹ The segregation of the two societies was never complete however, as the English plantation system remained dependent upon Irish labour, despite the importation of displaced Presbyterian Scotsmen to act as tenants on estates largely “owned” by absent ascendancy English landlords.¹⁰² The inability to completely dispense with the Indigenous population was one of the reasons English colonists got “bogged” down in Ireland and why so many frustrated gentry planters turned to the “empty” and “virgin” soils of America to build the world anew. New world empire would be distinguished from the conquests of the old world because it would not be impeded by the resistance of an already existing civilisation corrupt in manners and habits contrary to the rational and efficient use of the land and its resources as God had intended. While the colony remained little more than a military outpost contained within the limits of subsistence agriculture, trade and accommodation remained possible through the diplomatic instrument of treaty and the mutual exchange of goods which cemented a

⁹⁹ Williams, op. cit., p. 151

¹⁰⁰ Meinig, (1986) op. cit., p. 29

¹⁰¹ The Bishop of Armagh 1558 cited in Williams, op. cit., p. 138

¹⁰² Meinig, (1986) op. cit., p. 29, See also T.C. Barnard op. cit., p. 311

relationship based upon consent and reciprocity. With however, the introduction of intensive capitalist production based upon the cultivation of mass export commodities of either the Tobacco crop in Virginia or the farm products of New England destined for the slave plantations of the south and the Caribbean, the changing nature of the material demands of the settlers could only upset the balance which had previously existed in their relationship. As the land itself became a valuable commodity to be bought in large blocks by land speculators to be sold onto individual settlers, what had been a limited demand for land based upon the limited subsistence needs became an infinite and expanding market in settlement lands which literally knew no bounds. Any attempt to contain colonial expansion within the agreed upon limits of a “land cession” gained through purchase or any other form of consent arrived at through treaty, even to end a war, could not keep pace with the infinitely “expanding” frontier and the westward marching “line of settlement”.

The result, predictably enough was neither “necessary” or “inevitable” but the product of the organisation of social relations on a capitalist basis which required the complete “removal” of the Indians in order to “open” the land to settlement through the creation of exclusive private property rights defined in common law as land held in “fee simple”. The construction of the land market in America is traditionally mythologized through the deployment of a discourse which reduces the process to the kind of disembodied historical force or biological drive which transcends the social and political powers of man to moderate and/or manage, let alone contain or confront. The march of Progress is equated to God’s providence, something beyond the power of mere mortals to oppose, even if such opposition was desirable which it is clearly not. In the same vein, the “land hunger” of the colonists is presented as a physical need beyond all reason and restraint excusing the use of terror, violence and war in the name of an imagined necessity which triumphed over all moderation and common sense. While the imperial authorities in London who were less implicated in the competitive pressures for land accumulation than their colonial counter-parts could see the wisdom and prudence in the “orderly” transition of Indian hunting territories to agricultural holdings, they nevertheless believed as fervently as their colonial offspring that this process was as unstoppable as it was necessary.¹⁰³ When the

¹⁰³ The Royal Proclamation which on the face of it established the partition of north America between Indians and settlers was viewed by its imperial authors as little more than a temporary and expedient measure designed to reassure the Indians and hence provide a transition period less violent and

treaties failed to act as sufficient instruments of pacification through which the Indians could be convinced of the settlers limited designs upon their lands, treaties became redundant and the settlers reverted to war as the most expedient means to compel Indian compliance and obedience. The pattern of aggressive dispossession was apparent as early as the first planters in colonial Virginia experienced the effects of a speculative boom in Tobacco which produced an exponential growth in production from 20,000 pounds in 1617 to 350,000 pounds in 1621.¹⁰⁴ Although Governor Yeardly had sought to regulate colonial growth by including the Indians in land use decisions through the treaty process, he was overruled by company merchants unaware of conditions on the ground and looking only to the bottom line.¹⁰⁵ The resulting 1622 “massacre” was then allowed to act as a watershed event justifying the complete expropriation of the Indians:

Our hands which before were tied with gentleness and fair usage, are now set at liberty by the treacherous violence of the savages so that we, who hitherto have had possession of no more ground then their waste, and our purchase at a valuable consideration to their own contentment, gained; may now by right of war and law of nations invade the country and destroy them who sought to destroy us...now their cleared grounds in all their villages (which are situated in the fruitfullest places of the land) shall be inhabited by us...¹⁰⁶

According to colonial historian, Richard Middleton, after 1622, the English took every opportunity to destroy all the Indian settlements near Jamestown and the lower peninsula and continued sending expeditionary forces further upriver at least three times a year in order to kill the enemy and seize their crops.¹⁰⁷ In 1630, the two sides agreed to maintain a strict separation line across the James Peninsula with only limited contact for the purposes of the fur trade which remained a strictly licensed and regulated under the sole authority of Virginia’s governors and strictly forbidden to ordinary settlers.¹⁰⁸

By mid century, Governor Berkeley had formed the colonists into an effective militia fighting force which had finally succeeded in routing the Powhatan

therefore less costly to the imperial authorities. See Fred Anderson, *op. cit.*, pp. 560 - 571., Francis Jennings, (2000) *op. cit.*, pp. 119 - 126. And also Jack Sosin, *op. cit.* 172 - 173, for the involvement of Crown Indian Affairs officials in land speculation .

¹⁰⁴ Appleby, *op. cit.*, p. 73

¹⁰⁵ Williams *op. cit.*, p. 213

¹⁰⁶ *Ibid.*, p. 217

¹⁰⁷ Richard Middleton, *Colonial America, A History 1607-1760*, (Cambridge MA.: Blackwell Publishers Ltd.) 1992, p. 39

¹⁰⁸ *Ibid.*, p. 39

confederacies core interior chiefdoms, fragmenting their political and territorial integrity leaving them “dispersed and driven from their towns and habitations” and left to “lurk up and down the woods, but in small numbers” a mere shadow of their former self.¹⁰⁹ The most fertile lands however, had by 1665 been already allocated and the consolidation of the most productive estates was well underway as the small holders found it increasingly hard to compete with the “vast plantations” running to as much as 3,000 and worked increasingly by slave labour. Rather than deal with the painful adjustments and loss of profits which would accompany a more equitable system of land distribution, tax relief and or economic support to see the small holders through the inevitable cycles of boom and bust, the emerging squirearchy which had come to dominate the House of Burgess, were content to let the market run its natural course.¹¹⁰ As a result, the next generation of “freemen” were forced to rent land from the wealthiest planters, an erosion of their hard won “independence” which had by 1675 reduced one third of Virginia’s population to tenancy.¹¹¹

Rather than submit to the loss of freedom American colonists had come to regard as their birthright, many moved west and became frontier squatters who “illegally” usurped lands both from the Indians and from the land companies who held the official patents and deeds in the governors office. When the official surveyors eventually caught up with these “backwoods” men they would be evicted and their property confiscated (and resold to legitimate settlers) unless they could meet the necessary purchase price as well as any number of other extras such as back taxes, fines for trespass, surveying or other “administrative” costs and dues, tacked onto a process, which was even by colonial standards, regarded as thoroughly self-serving and corrupt.¹¹² Because the Crown claimed its “prerogative” in the first purchase of Indian lands, these squatters could be dispossessed after they had served the useful purpose of bearing the initial brunt of Indian anger and hostility as settlement pressed ever deeper into the interior. To these hardened frontiersmen, it was the Indians menace and not the social and economic inequality of colonial society that became the focus of their grievances and resentments as colonial elites encouraged poor and disaffected whites to vent their aggression into Indian wars. By

¹⁰⁹ Ogberg, op. cit., p. 180

¹¹⁰ James Horn, “Tobacco Colonies: The Shaping of English Society in the Seventeenth Century Chesapeake” in (ed.) Nicholas Canny, *The Origins of Empire*, op. cit., p. 189

¹¹¹ Taylor, op. cit., p. 148

channelling the desperation born of poverty, fear, ignorance and economic insecurity into a cultivated race hate war, sedition and rebellion at their centre could be projected outwards towards the “margins” where it could serve a useful function “extripating” the Indians who stood in the way of further colonial expansion.

The formation of colonial militias on the basis of race solidarity to counter the ever present threat of slave rebellion had already gone a long way of attaching poor whites to the interests of the great planters, defusing class conflict through the medium of a much more fundamental “common interest”.¹¹³ Cultivating a collective colonial identity based upon a universal equality grounded in the politics of race made it ever more difficult to draw subtle distinctions between “friendly” and “enemy” Indians, especially in the “heat of battle” when the aim was simply “to destroy them all.”¹¹⁴ Collective security and survival could be counted upon to rally the colonists to their leadership, even in the face open civil war as happened in Bacon’s rebellion of 1675 which had lead Governor Berkeley to declare an open war on Indians and “to spare none that has the name of an Indian...for they are now all our Enemies.”¹¹⁵ As the remnants of Powhatan’s people and the devastated Susquannahocks “chose” to “remove” themselves to the north and west of Virginia, they took refuge amongst the powerful interior nations whose security and independence would in turn find itself under threat as the Appalachian divide was breached in the early years of the new century.

Nor were things substantially different in New England where the Puritan ideology of mission and separatism informed the colonists with a ready made attitude of cultural superiority which allowed them to look on the Indians as natural inferiors to be “directed” into servitude for their own benefit. The colony was dependent upon the trade in Wampum shells with the Northern Indians to obtain the furs which were the financial life blood of the colony. The colonists in the words of historian Alan Taylor set up an “extortion and protection racket” that compelled the Indians to purchase peace with Wampum.¹¹⁶ Wampum collected as court fines levied upon individual Indians convicted of colonial crimes, together with the tribute extracted upon Pequot Indians directly financed the colonies trade debts and was vital to its

¹¹² Francis Jennings, (2000) op. cit., p. 100

¹¹³ Taylor, op. cit., pp. 154 - 157

¹¹⁴ Nathaniel Bacon, cited in Middleton op. cit., p. 118

¹¹⁵ Mancall, op. cit., p. 343

expansion between 1634 and 1664.¹¹⁷ Fearing a Pequot revolt and the loss of this valuable commodity, Plymouth's governor, William Bradford enlisted the help of the Pequot's traditional rivals, the Narragansetts to launch a pre-emptive strike on the Pequot village in order to displace the Pequot and prevent them from holding the colony to ransom through the withdrawal of the Wampum trade without which the colony "could not subsist but would either be starved with hunger or forced to forsake the country."¹¹⁸ In 1637, the governor undertook a raid on a large Pequot village on the Connecticut River in which the entire village and all its inhabitants, men, women and children, were burnt to the ground with any surviving Pequot Indians found in the vicinity of the colony were captured and sold into slavery.¹¹⁹ The level of violence was designed not simply to destroy the Pequot "enemy", but to terrorise the Narrangansetts, upon whom they were still dependent, into absolute obedience and submission to the colony's will. The destruction of the Pequot was a demonstration of the colony's willingness to use extreme levels of force as an instrument of subjugation designed to preserve order by demonstrating that the Indian's "allies" did not exist in a relationship of equality and reciprocity, but under the absolute sovereignty of the colonial government.

The problem, however, was that there was not a single cite of sovereign power in New England enforcing order and demanding obedience, but several divided and competing communities whose rivalry over Indian land and resources set them at odds against each other.¹²⁰ This "internal" division and competition was aggravated by the "external" threat of the French and Dutch who offered an alternative source of trade and supply to the Indians and who had the added advantage of not coveting their land. As the different Indian communities managed to maintain a degree of independence by playing one side off against the other in this highly complex and fluid system of strategic alliance, fragmented both internally and externally, the colonists became even more insecure and suspicious of Indian betrayal and rebellion.¹²¹ The majority of

¹¹⁶ Taylor, op. cit., p. 194

¹¹⁷ Ibid., p. 194

¹¹⁸ Mancall, op. cit., p. 341

¹¹⁹ Ibid., p. 341

¹²⁰ Meing, (1986) op. cit., p. 93 The New England colonies consisted of Connecticut, Plymouth, New Haven and Rhode Island. Each jealously guarded their own rival claims to adjacent lands and often had intense inter-communal political and sectarian rivalries often involving their different "Indian allies" in these disputes.

¹²¹ See Ogberg, op. cit., Chapter 4 "Edward Randolph's Report" for a detailed analysis of the geo-

Indians retained a high measure of freedom of movement, despite colonial efforts to regulate their economic and political activities through the extension of colonial law over resident Indian communities. The creation and establishment of praying towns was a related effort to tie the Indians down within a fixed locale at the “margins” of colonial society but still within its jurisdiction and control. The majority of Indians however, declined the opportunity to be saved and improved and opting instead to “remove” themselves from the “immediate” theatre of colonial settlement while maintaining “negotiated” degrees of contact in order to engage in the fur trade which remained essential to all, Indians and settlers alike. Suspicions remained high as long as alliances partnerships remained uncertain, with fears of conspiracy and betrayal never far below the surface even within the relative security of the “praying towns” established for the “benefit” of the colony’s Indian subjects. As resentment and distrust of Indians in general increased with the endemic low level violence and ever present threat of an impending Indian war of one kind or another, the Indian presence within the close vicinity of the colonies became ever more intolerable. Growing racial tension was only accelerated as available lands within the original boundaries of Massachusetts company became scarce forcing younger sons, who would have preferred to remain close to their families and home communities to become landless labourers or take their chances on the isolated and highly volatile frontier. Given the substantial and still formidable Indian threat in the Connecticut valley and the French allied Indians to the North and the East, many a pioneer ruined by Indian raiding would return home to cast a vengeful eye upon even the small remnants of Indian lands still remaining within the boundaries of the older and established colonies. These lands would no longer be held by individual Indians, but held often in trust and under the authority of the colony itself or a sponsoring missionary society in charge of the various “civilising” activities which often included instruction in cultivation on small holdings of land, usually attached to a school or a church. The praying towns came to be under greater and greater pressure with more and more open hostility directed at “Indians” in general whose savage and wild ways could never be permanently eradicated, but only controlled and then only under the most strict regime

political situation in colonial New England based upon the original 1676 Royal investigation of the causes leading up to King Philip’s War of 1675. For a broader analysis of the geo-political situation involving the additional complicating factor of the Dutch and French presence in north-eastern colonial America, See James H. Merrell and Daniel K. Richter, *Beyond the Covenant Chain: the Iroquois and their Neighbours in Indian North America, 1600-1800* (Syracuse.: Syracuse University Press) 1987

of subordination and constant surveillance.¹²² The increasingly compulsive nature of life in the praying towns convinced many Indians to quit their “voluntary” residency and moving away, even though this meant abandoning ancestral lands to which they had a deep spiritual and political attachment. Widespread discontent and desperation took hold of New England disparate Indian communities and gave formation to the first of many pan-Indian movements which would emerge as a largely defensive reaction in the face of systematic and relentless English invasion of Indian lands regardless of professed allegiances or stipulated treaty obligations. King Philip’s war when it finally broke out in 1675 was the most devastating of all colonial Indian wars and raged for nearly two years before it was finally suppressed with the help of British forces and their Mohawk Indian allies brought in from neighbouring New York colony. The puritan victors defined the Indians as traitors, executed their chiefs and sold their captives into slavery en masse to far away colonies in the West Indies.¹²³ At the end of the war, all Indians, even the “wards” under the official protection of the praying towns were banished from the colony as an unacceptable internal security risk, their lands being confiscated and their persons “removed” to Deer Island in Boston harbour.¹²⁴ Following King Philip’s war a strict policy of internal segregation and external hostility was pursued by all of New England’s colonies, with the exception of Rhode Island, to the point where New England was the first among many later American states to declare the Indian “extinct” within their boundaries leaving it to their twentieth century descendants to begin the difficult task of reconciliation and “recognition” of the Indians who had persisted in their midst despite the centuries of oppression and discrimination which had sought to deny their very existence.¹²⁵

Continental America

In the immediate aftermath of the Revolutionary War, the Americans had turned their revolutionary fury and outrage upon the Indian “allies” of the Crown whom the

¹²² Alden T. Vaughan, *New England Frontier: Puritans and Indians, 1620 - 1675* (Norman: University of Oklahoma Press) 1995. For the background on the power struggle between Indians and early Puritan colonists set on “re-making” the new world and the new world Indian in the contending New English colonies See Neal Salisbury, *Manitou and Providence: Indians Europeans and the Making of New England*, (New York.: Oxford University Press) 1982

¹²³ Taylor, op. cit., p. 202

¹²⁴ Mancall, op. cit., p. 343

¹²⁵ Taylor, op. cit., p. 203

English had abandoned at the Treaty of Paris of 1783. Iroquois villages in the Mohawk valley were burnt to the ground and the Mohawk themselves were forced to flee with their leader Joseph Brant, himself an officer in the British army, to Canada where the British established a Reserve for his people near the fortress of Montreal.¹²⁶ In the south, the five “civilised tribes” attempted to negotiate a promise of eventual state status within the union, but were denied their request although under the skilled leadership of their chief Alexander McGillivray, the Creeks managed to retain the right to refuse entry to United States citizens without a federal or state passport.¹²⁷ As both the British in the North and the Spanish in the South maintained their imperial presence on the continent until well after the turn of the century and the American army itself was war weary and heavily in debt, the western interior confederacies managed to resist the imperial ambitions of the new republic well into the next century. Despite Jefferson’s dreams of Indian removal beyond the Mississippi he had very little in the way of material means to accomplish this task and contented himself with “civilisation” programs designed to “settle” the Indians upon a greatly reduced land base. The rhetoric of conquest was moderated to one of “consent” based upon land purchases and Treaty promises to provide the Indians with agricultural instruments and instruction in husbandry in the hope that their communities would be dissolved and they would eventually be absorbed into the mainstream of American society.

The Americans however continued to believe in their exceptional enterprise as a universal aspiration of mankind in general and understood that it was only a matter of time before the Indian succumbed to his inevitable fate and vanished from the landscape of the modern world. America was after all a nation “founded under God” and the puritan principle of a “chosen” people destined to bring a “new Jerusalem” into being from the wild and empty places of the “new world” was never far below the surface. As the 19th century opened and the British decamped in the west to defend their more valuable empire in the east against a resurgent France, the Indians were once again abandoned by their “allies” to defend themselves and their lands despite Indian sacrifices during the war of 1812 which had kept British colonies in

¹²⁶ Nash (2006) op. cit., 345 - 357 For a detailed analysis of the effect of the revolutionary war on the divided Iroquois League, See Barbara Graymount, *The Iroquois in the American Revolution* (Syracuse.: Syracuse University Press) 1972

¹²⁷ Debo, op. cit., p. 95

Upper Canada defended during an attempted American invasion.¹²⁸ Although Tecumseh had managed to keep the north-western pan-Indian movement alive and well throughout the last years of the 18th century, he was eventually defeated at the hands of Harry Harrison who in his victory echoed the sentiments of his pilgrim forefathers faithfully when he unambiguously voiced what had by then become the by then a standard reframe of new world empire:

Is one of the fairest portions of the globe to remain in a state of nature, the haunt of a few wretched savages, when it seems destined by the Creator to give support to a large population and to be the seat of civilisation.¹²⁹

As industrialism in the north and boom in cotton in the south got well and truly underway and Jefferson's dream of a nation of gentlemen farmers gave way to the modern world of steamships, railroads, urbanisation and mass commodity production the era of unlimited expansion exploded across the continent from east to west. A dynamic combination of industrial revolution and protective tariff barriers set agricultural prices souring and with them the demand for land and profits to be made in western land speculation.

The treaty promises of the last generation were about to be abrogated by a new policy that would finally realise Jefferson's dream of Indian removal, as a new "Indian territory" was established West of the Mississippi to receive the country's relocated tribes. With Ohio, Indiana, Illinois in the north and Alabama, Mississippi and Louisiana progressing from territorial to state status within the federal republic it was becoming increasingly problematic to have the "foreign" presence of Indians on their soil. In 1824, President James Monroe had authorised the "Indian Removal Bill" providing for the "exchange" of Indian lands in the east for lands west of the Mississippi River in a scheme which would see the creation of a new "Indian Territory".¹³⁰ The Indian territory would provide a single "sanctuary" for all of America's Indians where they could be safely relocated and taught the benefits of civilisation under the direct supervision of the federal government and its Indian agents.¹³¹ It was becoming more and more obvious to a newly industrialising America that a vast historical distance which made it completely inconceivable that

¹²⁸ For full discussion of the centrality of the north-west Indians in defending loyalist colonies in Upper Canada during the war of 1812 See Robert Allen op. cit., pp. 117 - 122

¹²⁹ Brogan, op. cit., p. 66

¹³⁰ Meinig, (1993) op. cit., p. 81

¹³¹ Ibid, p. 81

the Indian could survive in the modern world. If the Indians themselves were unaware of their own obsolescence, it would be the duty of the Great White Father to impress this fact upon them, by force if necessary. The Indians were becoming the “noble savage” an relic of the past whose attachment to the land and “love” of the chase erected unbridgeable cultural difference which prevented these proud “warriors” from ever voluntarily adopting a settled and civilised way of life. Monroe made it clear however, that Americans could no longer afford to indulge the Indians by allowing them to remain in their savage state a condition which existed to the detriment of all:

The hunter or savage state requires a greater extent of territory to sustain it, than is compatible with the progress and just claims of civilised life...and must yield to it...A compulsory process seems to be necessary, to break their habits, and civilise them.¹³²

Although the treaty system would not be abandoned, it would be transformed in content, if not in form, so that what originated at least nominally as a “consensual” process between political equals, became explicitly nothing more than a domestic legislative instrument to impose unilateral actions upon a reluctant and captive population. Under the leadership of Andrew Jackson, Tennessee militiaman and renowned Indian fighter, the Indian Removal Bill would be put into active use to clear the Indian presence completely from all lands east of the Mississippi regardless of past treaty promises entered into by the Federal Government.

Jackson, modelling himself as the staunch defender of state’s rights, would use his office as President to pursue policies he had long advocated as a southern planter who could only view the Indian as an obstacle to the advancing frontier and the security of young republics economic development and progress. Jackson was a realist who believed that the treaty system was outdated and should be abandoned. Now that the Americans had enough power to compel the obedience of the Indians, treaties were no longer necessary and could be retired in favour of direct Congressional legislation. Jackson, as a military man, dismissed hypocritical claims of expansion with “honour” and patronising promises of “benevolence” in preference for a clear and straightforward assessment of the Indian problem and its no nonsense solution. In a letter he wrote in 1817 to then President Calhoun he stated the principles which would later inform his own administration’s Indian policy:

¹³² Brogan, op. cit., p. 66

I do not think it [making treaties with Indians] not only useless but absurd when Congress has the power to regulate all Indian concerns, by act of Congress and the arm of government is significantly strong to carry such regulations into effect. When the policy of treating with the Indians was first adopted, it was at a time when we found them thrown upon our hands by the treaty of 1783, without any provision being made for them and at a time they were numerous and hostile, while the arm of government was too weak to enforce such regulations as justice and good policy required hence the necessity of managing them by treaties. But time has passed away, the arm of government is sufficient to protect them and to carry into execution any measure called for by justice to them, or by the Safety of our borders. Hence the absurdity of holding treaties with Indian tribes within our territorial limits, subject to our sovereignty and municipal regulations, and to whom, by legislation, every justice can be done, and the safety of our Southern frontier perfectly secured.¹³³

Now that the balance of power had shifted in America's favour, the government no longer had to negotiate with Indians, but could simply impose legislation by legislative will. To Jackson, Indian affairs was strictly a question of self-interested calculation in which the strength of the government and the dependence of the Indians rendered it possible for the Americans to now simply assert their sovereignty and protect their own national interest.

When Jackson became President in 1829 he set about translating his Indian philosophy into practical politics. Indians had become mere objects of administration and would be managed for the general good by the self-defined "justice" of the United States government according to the overriding needs of national security and the need to resolve the Indian problem.¹³⁴ The rule of law meant nothing other than the capacity of Congress to enforce its new policy of direct legislation which the Indians would be made to obey through the judicial use of force, if necessary. Treaty consuls would still be held, but these gatherings became mere expedient means to inform the Indians of their obligations to obey the will of Congress which had decreed that Indians would be "removed" from lands east of the Mississippi and resettled on reserves "sufficient" for their needs as determined by the government. Congressional concern for the "safety of our borders" and the "security of the frontier" took precedence over any concern for treaty and aboriginal rights gave way to a politics of survival and necessity carried over from the extended revolutionary war with the

¹³³ Prucha, (1994) op. cit., p. 155

¹³⁴ Thomas R. Hietala, *Manifest Design: Anxious Aggrandizement in Late Jacksonian America* (Ithaca: Cornell University Press) 1985

British Empire.¹³⁵ Jackson used the paternalist politics of the “civilisation” process to cast the Indian as an irrational savage dependent upon the Great White Father to ensure his survival in the modern world.¹³⁶ Power was to be understood as a political instrument which could be used by the stronger to impose justice upon the weaker as a matter of expediency and sovereign will. It was Jackson’s stated intention to uphold states rights in matters of territorial disputes with resident Indians who would simply no longer have the right to refuse to sell their lands if and when they were requested to do so at the treaty meetings called for this purpose alone.¹³⁷ Jackson was not however acting in a political or legal vacuum, but was instead a product of a colonial society whose expansionist ambitions had already begun to be reflected in the judgements of the highest court in the land.

During the early 19th century, the Chief Justice John Marshall established the key principles and precedents of Anglo-America Indian law that are still in effect to this day. In the Marshall decisions, the mediaeval doctrine of *terra nullis*, based upon ancient concepts of natural law is reinterpreted to fit a modern context for the explicit purpose of justifying the legal foundations of Anglo-American empire. In 1823 Marshall was confronted with the contest between rival claimants to the same land, one whose title was based upon a pre-revolutionary war deed purchased directly from the tribes by the Wabash-Illinois land company and another who had his title from the federal government.¹³⁸ The dispute had arisen because Congress had repeatedly asserted its peremptory rights with regard to Indian lands and had declared all deeds purchased directly from the Indians as null and void, if not confirmed by federal authority through the proper procedures of the North-west Ordinance Act. In his decision to uphold the principle of federal prerogative, Marshall explicitly rejected the natural rights argument that the Indians were free to sell their lands to whomever they chose, describing the Indian “right” of possession as a “diminished” right and not on an equal standing with the “sovereign” rights of the United States government. The principle cited to justify this devaluation of Indian possession was not the natural law distinction between possession and ownership, but the “Doctrine of Discovery” which

¹³⁵ Reginald Horsman, *Expansion and American Indian Policy 1783-1812*, (East Lansing.: Michigan State University Press) 1967

¹³⁶ Michael Paul Rogin, *Fathers and Children: Andrew Jackson and the Subjugation of the American Indian*, (New York: Alfred A. Knopf) 1975

¹³⁷ Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Lincoln: University of Nebraska Press) 1975

placed colonialism and land appropriation at the centre of a new world empire and its unilateral assertion of self-referential sovereignty:

On the discovery of this immense continent, the great nations of Europe were eager to appropriate to themselves so much of it as they could respectively acquire. Its vast extent offered an ample field to the ambition and enterprise of all; and the character and religion of its inhabitants afforded an apology for considering them as people over whom the superior genius of Europe might claim ascendancy.¹³⁹

Although it had always been a tenant of European colonial prejudice that Indians did not possess the political institutions of government necessary to confer exclusive ownership over territory, rendering the land an effective, if not actual *terra nullis*, the doctrine of discovery as outlined by Marshall removed the standard of civilisation from that of institutions to that of peoples themselves.

“Discovery” was an exclusively European act (Indians did not “discover” Europeans) based upon an insurmountable cultural and technological gulf which separated Europeans and Indians and measured them not according to some objective natural criteria of social and political development embedded in natural law, but of the inferior against the superior of which the superior then claimed a prior and absolute right. The law of nations became under Marshall’s positivist interpretation a simply matter of fact above and beyond any “higher” philosophical principles of morality, natural right or justice, taking its foundation instead from the actions of sovereign governments, which in this case blatantly dehumanised the Indians by pure act of unilateral legal definition made effective through the exercise of sovereign will:

The title of the Indians was not treated as a right of property and dominion, but as a mere right of occupancy. As infidels, heathens and savages, they were not allowed to possess the prerogatives belonging to absolute and sovereign nations. The territory over which they wandered, and which they used for this temporary and fugitive purpose was, in respect to Christians, deemed as if it were inhabited only by brute animals.¹⁴⁰

The fact that the “sovereign” nations of Europe acted as if the Indians were no better than animals and had established precedents to that effect was therefore deemed efficient to ensure that they would be forever defined as such under modern international law. While the medieval language of infidels and Christians had justified

¹³⁸ Williams, *op. cit.*, p. 308

¹³⁹ *Ibid.*, p. 313

¹⁴⁰ Supreme Court Justice Joseph Story commenting on the Doctrine of Discovery, cited in Robert A. Williams, *Ibid.*, p. 316.

conquest originally, modern law would simply be based upon the empirical facts of the matter, these facts not being the product of an eternal law of nature, but a product of new world empire in its own act of self-creation.

Nor were the “empirical” facts of the treaties to stand in the way of the exercise of sovereign will on the part of the federal government when dealing with Indian affairs in the name of the “general good”. In two subsequent decisions involving the Cherokee Nation, Marshall upholds the modern principle that it is not the “shifting sands of history” but the unilateral application of sovereign will stands alone in proscribing the limits and extent of its own self-determining and self-defining power.¹⁴¹ Gold had been discovered in Cherokee country in the 1830’s which resulted in Georgia passing a series of racist laws forbidding the exercise of their own government and preventing the use of the natural resources on their own lands.¹⁴² Rather than upholding the law and “protecting” the Indians in their treaty rights to their traditional territories, the Georgian government was determined to “open” up these lands for the ownership and exploitation by authorising the survey of lands containing both farms and gold mines to be redistributed by lottery to Georgians an invasion of Indian lands backed up by the deployment of the Georgian guard.¹⁴³ The Indians, knowing that they had a treaty with the United States government which promised them “protection” responded to Georgia’s transgressions not with violence, but with an appeal to the rule of law and took Georgia to court.

In the subsequent case of the *Cherokee Nation v. Georgia*, March 5 1831 and the follow up case of *Worcester v. Georgia* of February 1832, Chief Justice Marshall used the Doctrine of Discovery, not the law of nations to underwrite and determine the limit and extent of treaty and aboriginal rights in the United States. The fact that Congress had chosen to “limit” its powers by entering into treaties with Indians was defined as a voluntary act, which can equally be voluntarily reversed by the same act of sovereign authority which brought it into being in the first place. Indians did not have treaty rights under any universal natural rights principle, but as a result the sovereign power that created them in the treaty process itself when the United States chose to limit its powers for their “protection”. Although the Marshall decisions seemed to confirm and uphold the Cherokee in their treaty rights it did so by describing

¹⁴¹ Debo, op. cit., p. 120-125

¹⁴² Ibid., p. 121

¹⁴³ Ibid., p. 121

the Cherokee as “a distinct political society...capable of managing its own affairs and governing itself” it nevertheless subordinated the treaties to “acts of Congress” under the “supreme” sovereignty of the United States.¹⁴⁴ The paternal relationship defined by the treaty no longer had status in international law as that between two sovereign equals, but one in which the Indians were defined as “domestic dependent nations.” whose relationship to the United States government is “as a ward to his guardian”.¹⁴⁵ Henceforth, American Indians in legal thought and political practice would not only be wards, but “perpetual wards” a subject and captive population which the United States would seek to exterminate with “singular felicity, tranquillity, legally, philanthropically, without shedding blood and without violating a single great principle of morality in the eyes of the world.”¹⁴⁶

As the power of the American government increased relative to the power of the resisting Indians, the treaty system came into increasing disrepute as an outdated and obsolescent instrument to be abandoned in favour of direct military action. Jackson, citing the doctrine of “states rights” determined to impose what he believed to be in the “public interest” by pure force of arms, no matter how brutal the consequences for the resisting Indians. Defending the racist laws of Georgia over and above the “treaty rights” of the Indians Jackson stood by as the state held its lottery and the Indians were dispossessed of their farms and fields and their leadership was thrown in jail.¹⁴⁷ Chaos and disorder followed upon the decision to forcibly remove the defiant Cherokee and so many died that Chief John Ross was finally given “permission” to manage the removal himself in the hope of alleviating the suffering and appalling loss of life visited upon the people.

Jackson “relocated” the Cherokee to reserves laid out for them east of the Mississippi in Indian territory in “exchange” for the traditional homelands they had fought so long to preserve against white encroachment. The government sought to veil coercion under the guise of “consent” by offering individual allotments to individuals unwilling to move west, but removed by force of arms any who

¹⁴⁴ Ibid., p. 122

¹⁴⁵ S. James Anaya, *Indigenous Peoples in International law Second Edition*, (New York.: Oxford University Press) 2000 pp. 24 and 25

¹⁴⁶ Alexis de Tocqueville, *Democracy in America*, (Cumberland House, Ware.: Wordsworth Editions Limited) 1998. When de Tocqueville did his tour of America in 1835, the lands to the Mississippi had largely been “cleared” of Indians and the extreme violence to “win the west” from the Plains Indians had not yet begun.

¹⁴⁷ Debo, p. 123

collectively resisted this government sponsored policy of mass deportation. Jackson's ruthless removal policy was forever immortalised in the Cherokee "trail of tears" which became the defining episode of American westward expansion as "tragic" as it was "necessary". The "inevitability" of the westward movement of America's frontier society did however catch up with the Indians whose safety and security within the Congressionally defined "Indian territory" would prove as illusive as ever. As easily as reserve lands were given in "exchange" for lands ceded in the east, they could be taken away, as soon as it was once again deemed in the "general interest" to do so. As the Lord sovereign giveth, he taketh away and this time with even greater ease, as the Indians could have no such claim to "original possession" having obtained their land at the discretion of the United States government.¹⁴⁸ Even as more and more western Indian wars were prosecuted to "relocated" the "captive" tribes of the Plains and the Southwest to reserves established "as an alternative to extinction" Congress busy dissolving Indian reserves through unilateral acts of enforced allotment.¹⁴⁹ Finally in 1871 Congress passed a law terminating the negotiation of treaties with Indian tribes determining to "manage" Indian affairs directly under a federal bureaucracy empowered to set apart reserves through the use of executive order alone.¹⁵⁰

Indians had become a "vanishing race" in the language of late 19th century imperialism to be swept aside by the inevitable march of progress which described the manifest destiny of the American people.¹⁵¹ In the face of this newly emergent and highly "vigorous" Anglo-American empire populated by the rational and industrious protestant nations of Europe, the archaic world of the American Indian could not hope to survive. As the systematic extermination of the buffalo was undertaken to ensure the most efficient end to the Indian wars which were disrupting the smooth expansion of new world empire, American's could assure themselves that the Indians too would eventually providentially "disappear". In order to preserve and protect the proud and fiercely independent Indian warrior, reserves would be allowed to remain as a refuge from modernity in which they could practise their ancient customs and dances, living museums pieces, in the legal equivalent of a game park for the amusement and

¹⁴⁸ Meinig, (1993) p. 103

¹⁴⁹ Dee Brown, *Bury My Heart at Wounded Knee: An Indian History of the American West*, (London.: Picador) 1975

¹⁵⁰ Debo, op. cit., p. 294

edification of the world's scholars and conservationists. If the Indian, the very embodiment of the specimen "man" in the state of nature, was no longer of interest to scholastics spinning their webs of legal and political theory, he could still retain his magnetic, one could say animal attraction, for a new breed of scientists, now calling themselves anthropologists. Anthropology, the prodigal child of empire's apex, would deny its own origins in the search for the Indian, the Aboriginal, the Indigenous, becoming the intensive focus not of politics, but of "culture" whose secrets promised to reveal not the arbitrary events of history, but the objective truth of man's origins and original condition in the depths of his most primitive instincts and bodily desires.

¹⁵¹ Meinig, (1993) *op. cit.*, pp. 191 - 196

Conclusion

Ethics: The British Columbia Treaty Negotiations; Repetition, Return and Renewal on the Limits of New World Empire.

Therefore if any man be in Christ, he is a new creature: old things are passed away; behold all things are become new.¹

II Corinthians 5:17

Introduction

As this Thesis began, with the ethical/political problem posed by the initiation of modern day Treaty talks in British Columbia, so it must return to its original point of departure in order to make a new beginning within a broadened horizon of self-knowledge and historical perspective. The need to engage in Treaty talks with the Indians of British Columbia cannot be understood as an isolated event, but as yet another attempt by today's practitioners of new world empire to solve the Indian problem. The Indian problem cannot be solved within the conceptual confines of colonial thought and practice because the Indian problem is itself a product of colonialism. The Indian problem will be produced and reproduced until the colonial power lets go of colonialism and begins a process of change and transformation. In order to begin a Treaty process, the imperial temptation to proscribe the Indian problem and its solutions must be resisted. In its place must begin a process of self-discovery in which the origins of new world empire are identified and its dynamics are empirically described. In order to move beyond the polices and practices of new world empire its possibilities and limitations must be made visible so that they are no longer replicated due to a willful ignorance of the past.

The Treaty negotiations will not and cannot progress within the confines of a legal regime grounded in the unilateral assertion of Canadian sovereignty over Indians and their traditional territories and yet this remains the official position. In his book analyzing the BC Treaty process, academic, Christopher McKee, noted that the Supreme Court of Canada has demonstrated that while Indians possess "a kind of legal title" to their lands, it nevertheless "must be made absolutely clear that in British

¹ *The Holy Bible in the King James Version*, (Nashville.: Thomas Nelson Publishers) 1984, II Corinthians , 5:17, p. 681

Columbia, as in other parts of Canada, the Crown has both underlying and ultimate title to the Native people's land.”² In other words, the principle of ultimate authority vested in the Crown's prerogative powers has remained the same since its original formulation in the Royal Proclamation of 1763. Rather than grounding a treaty process in mutual recognition and respect, the Proclamation is put forward an official procedure through which aboriginal title can be “legally” extinguished. Neither the right of Canada to assert this power, nor its declared purpose to “unburden” the Crown of the Indian problem seem to be “on the table” for negotiations. As such, British Columbia is set to repeat the errors of the past and begin yet another round of the failed policies of assimilation, development and segregation.

In many ways, the beginning of Treaty talks in British Columbia represents the closing of the circle within the historical unfolding of the theory and practice of new world empire. British Columbia is literally at the geographical limit of the “open” westward frontier and as such is a place where unlimited expansion in an absolute physical sense must come to some kind of closure and limit. In British Columbia, some kind of accommodation must be made to the limits of an imagined “freedom” of unlimited expansion into an open and empty frontier makes little if any sense, even as a metaphor. While technological “progress” will no doubt continue, nature as a boundless raw resource, an unproductive waste, unclaimed and unformed its only value in its pure potentiality. Land and resources have become valuable commodities whose ownership and control is the subject of intense political contest whose outcome is as “uncertain” as it is unknown. Entering into negotiations to construct mutually acceptable mechanisms for power-sharing and the co-management of land and resources remain the most pragmatic solution for people interested in a politics beyond the pure poetics of power.

With the closure of the actually existing physical frontier, the land and its resources, become transformed in the colonial consciousness from their original “paucity” to the “wealth” that only scarcity can convey. Scarcity sets limits upon consumption as finite commodities must be “managed” in a sustainable manner and an ethos of unlimited growth and expansion plateaus into a moderated need for systemic stability and continuity. As the natural world is re-evaluated in our political imagination land, so must our relation to nature be rebuilt, its traditional place of

² Christopher McKee, *Treaty Talks in British Columbia*, (Vancouver.: University of British Columbia

honour and dignity restored. The creation and maintenance of sustainability, balance and continuity requires respect for boundaries and limits that are material as well as social and political. While the culture of improvement will continue to produce and reproduce ever advancing means and methods to increase efficiency and productivity this does not and cannot answer the political question of ownership and jurisdiction. The traditional answer of new world empire has always been that political questions have technological answers in that those who have the most advanced arts and sciences are the most productive and therefore have the right to rule for “the general benefit of mankind”.

As such, politics, in the classical sense of a public sphere for the reconciliation of human diversity and plurality can no longer exist because difference as an ontological concept no longer exists. Qualitative differences are mere “errors” of perception which can be corrected, revealing the absolute uniformity of matter in motion, the base components of a purely material and mechanical universe. Once the scientific paradigm of physics is applied to the political problem, man’s historical and cultural differences can be seen as the product not of rationality, but of irrationality in the form of arbitrary and contingent customs, habits and traditions, “idols” to be purged from the mind. Man as man, is revealed to be as he is in “the state of nature” prior to any social and political “development” in an “original position” from which a universal position becomes visible. Man as man, no longer has need of politics because all difference has been erased and subsumed within the universal overarching technological imperative to progress and improvement. Progress, because it is always oriented to an open-ended future, must be without defining or delimiting limit with the result that the infinite accumulation of power becomes an end in itself. Traditional formulations of politics based upon the “absurd” speech of the scholastics and their classical conception of man as the “social and political” animal have no modern grounding in empirical science and are therefore dismissed from the realm of rationality. Rational politics is and can only be based upon a technological metaphysics in which free and equal atomistic individuals contract to transfer their natural liberty to the state, constructed as nothing other than an artificial machine designed to produce a common purpose; the avoidance of violent death. The Leviathan, as a power accumulation machine, is able to command the absolute

obedience, or sovereignty, upon which all law, order and progress is ultimately founded.

Hobbes's formulation of the Leviathan as an artificial power accumulation machine defines modern sovereignty and its will to unlimited expansion. Modern new world empire is defined, not by the heroic virtues of conquest and crusade, but by the "natural" and "mechanical" dynamics of power accumulation and distribution. Technologically "advanced" societies assimilate or annihilate technologically "backward" societies by logical necessity, otherwise known as, the inevitable march of progress. Bacon's fervent belief in the trans-formative power of Christian charity, deprived of its providentially defined metaphysics, leaves man alone in a mechanical universe incarnating not the will of God, but his own will to power. Once elevated above all creation as the master and possessor of nature, the instrument and channel of God's incarnation into the world, man is reduced to mere matter in motion, his life devalued and degraded into the ceaseless pursuit of power without purpose or direction. Although pained by the inherent nihilism at the heart of techno-politics, secular modernity will admit of no nostalgic longing for a "return" to an imagined sacred and enchanted past. Nor can the dignity of man be resurrected through the mere assertion of anachronistic Christian values deifying either man (Kant), the state (Hegel) or even the over-man (Nietzsche). Modern nihilism is the root and cause of a modern politics of power idolatry that technological progress only serves to enhance through each cycle of improved efficiency. Politics defined as the monopoly of violence can only work towards power accumulation and concentration with the result that state is identified with the police internally and the military externally. The end of modern sovereignty is the national security state in which the prosecution of perpetual war (both inside and outside) becomes its defining existential condition. Sovereignty is techno-politics because it "produces" empire through the colonial strategies of assimilation, development and segregation progressively transforming the objects of its power from their "natural" to an "artificial" condition. Since the transformation from natural to artificial can never be complete, because technological progress will never be complete, wave after wave of improvement and invention will generate successive and perpetual cycles of "modernisation" and "globalisation" moving from the "advanced" centre (origin/beginning) to the "backward" periphery (limit/end). Man, the raw material of political power, is transformed into a subject of the Leviathan; and as such becomes an object of technological administration, slaves

to a universal and transcendent machine and its solipsistic auto-poetic productions. Modern sovereignty is, however, a non-existent theoretical fantasy. Absolutes, whether of freedom or power, exist only as concepts and as such cannot bear historical scrutiny or practical application. As a concept it can be evaluated as all political concepts and it is worth asking the political question of whether or not it remains a useful tool when attempting to negotiate a common future for Indians and British Columbians living on the limits of new world empire.

British North America; Born in the Shadow of Empire

Canada while being a successor state of new world empire, differs from its American cousin to the south by its very resistance to the revolution and its determination to strike an independent path on the basis of “traditional” British laws customs and values. Canadians remain curiously wedded to the past and self-consciously reproduce and preserve many aspects of the empire and its legacy of colonial and common law principles. The Indian problem, as a manifestation of new world empire, remains a common and enduring heritage of both successor states created by a withdrawing British power. As with Continental America and the British Atlantic before it, Canada has been plagued by its own attempts at the civilising mission of assimilation, development and segregation. New world empire was not only part of British North America’s imperial past, but was carried forward into confederation and beyond. When Canada began to gradually let go of the imperial apron strings, it was free to launch a nation-building exercise of its own and began once again to repeat the colonial pattern, deliberately choosing to ignore the pivotal and substantial role played by loyalist Indians nations. Canada’s historical revisionism is still with it today which is why Canadian Indian policy and legal practice remains mired in a colonial legacy which prevents it from moving forward positively into the future. In the “modern” Treaty negotiations, currently underway in Canada’s most westward province, Canadians and British Columbians are once again offered the choice of ignoring the past and therefore repeating a failed colonial pattern or working with the Indians to build a relationship of positive peace grounded in a renewed Treaty relationship grounded in mutual respect, equality and partnership.

When the British Empire decided that its presence in the land of fish and fur was no longer a profitable and productive deployment of its military resources, steps

were taken to evacuate the British North American colonies, leaving them to their collective fate. At the time, it seemed inevitable that the weak and divided remaining British colonies could not help but be absorbed by the emerging power to the south. According to colonial historian, P.J. Marshall, the role played by North America in the Empire had long been marginal with the benefits of trade insufficient to justify the costs of colonial defense.³ The Indians, with traditional territories to defend, thought otherwise, and waged a war of resistance to American expansion that continued, aided and abetted by the British for nearly 50 years (1776-1819). During this time, the Indian allies were dealt with diplomatically, in accordance with the protocols and ceremonies of the traditional treaty-alliance system. The balance of power had shifted and the British, fighting mainly at sea, found the fighting prowess of the Indians absolutely vital in the protection of their Upper Canadian Loyalist colonies. The “treaty-system” while always diplomatic in form, if not always in content, had a chance to evolve and did so according to the “realities” of this new situation. During this long period of co-operation and mutual need, the treaty system became what it had once been in the early colonial period; an international agreement between free and equal partners based on shared and mutual interests. British imperial officers and Canadians fought alongside the grand Indian alliance systems and Indian leaders such as Joseph Brant and Tecumseh became field officers and proudly wore the Red Coat of command.⁴ The Governor-General of the United Canadas, Lord Dorchester, recommended the creation of an interior Indian nation in the old north-west and actively campaigned, along with Crown diplomats and Indian Department officials, to have the United States recognise Indian rights in their ancestral lands.⁵ In the “high” diplomacy being pursued in London and Washington, the Canadian based imperial governors sought to erect legal barriers to American expansion by advocating the legality of Indian titles, treaties and political jurisdiction over lands in the disputed

³ P.J. Marshall, “British North America, 1760-1815”, in *The Oxford History of The British Empire, Vol. 2, The Eighteenth Century*, (Oxford.: Oxford University Press) 2001, p. 386. Interestingly, Marshall himself restate the British imperial presumption that Canada will eventually be absorbed into the American orbit. This conclusion follows naturally upon the calculations of new world empire in which political and economic “forces” simply cannot be defied by social and political action. I offer the alternative proposition that Canada’s continued existence not only testifies to the contrary, but points the way to a shared future with the Indians “outside” the prescriptive norms of new world empire, thereby defining its “limits” in both political thought and practice.

⁴ Robert S. Allen, *His Majesty’s Indian Allies: British Indian Policy in the Defence of Canada 1774 - 1815*, (Toronto.: Dundrun Press) 1993

⁵ Anthony J. Hall, *The American Empire and the Fourth World* vol. 1 (Montreal & Kingston.: McGill-Queens University Press) 2003 p. 378

territory.⁶

Canadian officials were anxious to protect the new and vulnerable loyalist colony of Upper Canada and knew that Indian allies on the as a fighting Upper Ohio were key strategic assets. Dorchester revived the old Proclamation of 1763 and instructed all of his field commanders to respect the freedom and independence of allied Indian nations, stipulating that: “Indian laws, customs and conventions be respected and treated as paramount.”; that treaties take place only between authorised Crown officials and the Principle chiefs and headmen “...of the Nation or Nations to whom the lands belong...”⁷ As Indian resistance proved effective, the British were encouraged to re-enter active war-fighting in the wake of an attempted American invasion of Upper Canada in 1812. The war of 1812 proved a defining moment in Canadian history as the stalemated powers of new world empire finally decided to settle their differences through negotiation rather than violence. The American attempt to absorb BNA was finally abandoned and an international boundary on the 49th parallel was agreed in 1818.⁸ The Indians, as well as their British and Canadian compatriots, were once again betrayed in Whitehall, as imperial officials conceded on paper, territory, the Americans had decisively failed to take on the ground.

Disbelief and dismay overcame field officers who could not understand why they were being told to withdraw from lands they and their Indian allies had died to protect. Delivering the news to his Indian allies, British Provost, Robert McDouall, expressed his grief and mortification, but announced that the decision was definite and that there was “no alternative to compliance”, although he admitted that “...our negotiators, as usual have been egregiously duped; as usual they have shewn themselves profoundly ignorant of the concerns of this part of the Empire.”⁹ Once peace had finally been established, however; the British empire began to withdraw and the Indian allies were retired into redundancy. The familiar pattern of financial retrenchment followed by colonialism returned once again to British imperial Indian policy. Indians were once again a troublesome “burden” and an unwanted presence that needed to be “cleared” from the land in order to make way for productive farms and commercial agriculture.

⁶ Ibid, pp. 400

⁷ Ibid pp. 410

⁸ B. Brown and R. McGuire, *Indian Treaties in Historical Perspective*, (Ottawa.: Research Branch, Canada, Department of Indian and Northern Affairs) 1979 p. 5

Former allies became wards and wards became captives as the most enlightened policy British officials of the Indian Department could come up with was a gradual program of “euthanasia” through “amalgamation” achieved through dual policies of education and enforced miscegenation.¹⁰ The Treaty relationship endured but was evacuated of its primary function as a diplomatic instrument and in so doing was divested of its central ethical premise. The sacred Treaty relationship was once again reduced to nothing other than a mechanical devise through which the Crown could obtain legal title to Indian lands by “purchasing” them in “exchange” for specific treaty rights and annual annuity payments. The Crown resurrected the institution of treaty, but reduced it from its military and diplomatic function to a mere technical instrument to “extinguish” Indian title through a “legal” surrender. More like land cession agreements than treaties, these documents were deployed to quickly strip the Indians of their lands and remove them to the margins of settlement. Seven such “land cessions” in the decade after the war of 1812 alone, saw some 2.8 million hectares of Indian land pass to government control.¹¹ Upper Canada’s population increased by a factor of 10% from 95,000 to 952,000 between the end of 1812 and the census of 1851.¹² The new colonies had to be developed and this meant the conversion of Indian lands into productive farms. Agricultural productivity once again was pursued by the British to encourage colonial self-reliance and gradually wean them from the imperial purse. With the war over, the Indian alliance and its customary payment of supplies and ammunition was once again viewed as an unnecessary expense that could and must be drastically reduced.

The local colonial elite, in combination with British imperial governors and Indian agents once again worked together to dispossess the Indians of their lands and subjugate them to an alien political authority. In order to provide the revenue to pay for the land purchased from the Indians, the Lords of the Treasury devised a plan in which purchasers would be required to pay 10% as a down payment and carry the rest as a mortgage. The interest from these mortgages would then be used to finance the

⁹ Allen, (1993), op. cit. p. 165

¹⁰ David T. McNab citing Herman Melville’s plan to for “Euthanasia of the Savage tribes” in “Herman Merivale and the Colonial Office Indian Policy in the Mid Nineteenth Century,” in A.L. Getty and Antoine S. Lussier (eds.) *As Long as the Sun Shines and Water Flows*, (Vancouver.: University of British Columbia Press) 1990 p. 87

¹¹ Robert J Surtees, “Indian Land Cessions in Upper Canada 1815 - 1830” in Lussier and Getty, (eds.) op. cit., p. 66

¹² J.R. Miller, *Skyscrapers Hide the Heavens: A History of Indian White Relations in Canada*,

annual “treaty annuity payment” to the Indians, thereby sparing the imperial war office this unnecessary expense.¹³ The Indians were made to pay for their dispossession, establishing a pattern for the efficient management of Indian affairs in this new era of civil administration.¹⁴ Former allies were now considered wards of the Crown and an obstacle to agricultural expansion to be removed from the vicinity of towns and settlements.

British colonial administrators began to a program of civilization common throughout the empire as well as a growing body of law to manage the poor and criminal classes of England. Sir Francis Bond Head arrived in Upper Canada equipped with his dual experience administering the poor law in England and commanding Indian labourers in the silver mines of South America.¹⁵ Sir Francis Bond Head was appointed as head of the Indian Department in 1836 charged with the implementation of the segregationist policy of removal consistent with 19th century imperialist ideology. The Indians were to be relocated and confined to a reserve created for them on Manitoulin Island where they could pursue a way of life more reflective of their “natural” inclinations.¹⁶ Indians had once again been made and remade from allies into wards and ending as captives on the margins of colonialism where they could await their fate as a vanishing and dying race unfit for the modern world. The British North American colonies meanwhile were being pressed into responsible government and free trade with the Americans. When the Crown eventually “created” Canada as an independent “Dominion” in 1867, responsibility for “Indians and Indian lands” was devolved to the new Canadian federal government under *Section 91, Subsection 24 of the British North America Act, 1867.*¹⁷

Canadian Dominion and Domination

While the myth of new world empire rests on the dual concepts of an empty and vacant land awaiting the hand of civilization to tame the wilderness and bring a vast

(Toronto.: University of Toronto Press) 1989, p. 92

¹³ Surtees, “Indian Land Cessions in Upper Canada, 1815 - 1830”, in Getty and Lussier, (eds.) *op. cit.*, p. 69

¹⁴ *Ibid.*, p. 93

¹⁵ Hall, *op. cit.*, p. 433

¹⁶ Hall, *Ibid.*, pp. 433

¹⁷ John L. Tobias, “Protection, Civilization, Assimilation: An Outline History of Canada’s Indian Policy” in (eds.) Getty and Lussier, 1990, pp. 39

potential resource into ordered and efficient productivity, the “inevitability” the colonial project is nowhere more in question than in the Canadian case. British North America was not a sovereign state, forged in the fires of revolution, but a loose collection of extremely vulnerable colonies brought together through a gradual process of evolution, accommodation and negotiation. Canadian “federalism” has always remained a loose and somewhat unstable affair, with diversity, rather than homogeneity at the centre of its political culture. Canada is a small and underdeveloped country, relying upon resource extraction industries and special trade relationships, first with the old imperial preference system, and then with a negotiated trade relationship with the American Republic. As the old tie to Great Britain fades in comparison the economic importance of trade with the United States the “drift towards Continentalism” has always been resisted by the Canadian government. The “artificial” and “unnatural” East-West link is maintained by any number of “national” institutions ranging from the highly subsidised transportation and communication networks to the creation of a political framework which is so highly decentralised that Canada seems to be in a perpetual “constitutional” crisis. Canadians have always been aware that the plurality at the heart of its confederation perpetually resists the creation of a homogenous political culture. The resource base of the various regional economies keeps them close to the land and its specific and local character and quality. Canadians, because they have always defined themselves as hewers of wood and drawers of water, have long identified with the land and it is this sense of entitlement and competition which has structured the conflict between Canadians and Indians.

The Indians have struggled to extricate themselves from not only the colonial machinery of the state, but more importantly from the legacy of empire which has rewritten the past for its own convenience and largely wiped the Indians from its collective memory. Not only have First Nation histories not been taught to Canadians in school, but the early partnership between Upper Canada’s governors and their Indian allies has all been buried in favour of a colonial history which reduces the Indians to irrelevancy. The *Indian Act*, the reserve system and the institutionalised educational divisions have created such a thorough and complete situation of segregation that very few Canadians have any contact with Indians at all. Indians are regarded as a vocal, but ultimately small and powerless minority. Many Canadians are so uneducated that they can only view Indians as the “spoiled children” of

confederation who have a whole collection of race based “special rights and privileges.” Constitutionally protected treaty and aboriginal rights are blamed for delaying the desired “assimilation” or “integration” believed to be the only lasting solution to the Indian problem. In 1969, Prime Minister Trudeau publish the infamous White Paper on Indian affairs which imperiously declared that it was “an absurdity” that one segment of Canadian society should have “treaties” with any other, advocating a sweeping reform that would see the entire system of treaty and aboriginal Rights “wiped away” in a single act of legislative fiat.¹⁸ Immediate and effective organised resistance forced the government to abandon the policy, but the rallying cry of “one law for all” has endured reactionary apologists of new world empire who believe that Indians and their rights can be simply legislated out of existence.¹⁹

Thankfully, such an extreme policy is no longer regarded as either legitimate or even legal now that treaty and aboriginal rights have been enshrined under *Section 35(1) of the Constitution Act, 1982*. Trudeau, an intellectual and a Jesuit by training; to his credit actually listened to the Indians; took responsibility and educated himself, changing not only his mind but his politics. The White Paper was abandoned and the Prime Minister became and advocate and champion of treaty and aboriginal rights, often in the face of entrenched provincial opposition. It did not hurt, of course that Indians, and Indian lands being a “federal” responsibility strengthened his bargaining hand with respect to the premiers, but it is a modern myth that ethics and interests must necessarily be opposed.²⁰ Indians and their potential to disrupt resources exploitation, especially with regards to fish, forestry, mines and energy have been the driving force in keeping the progress of treaty and aboriginal rights on the government agenda. At the top of the current agenda is settling the “outstanding business” of unextinguished aboriginal title still “burdening” the Crown in large parts of Canada where treaties with the Indians have never been signed. Treaty making as an instrument of empire fell into disuse at the turn of the century leaving large parts of Canada’s north and all of the Province f British Columbia with “unresolved” land

¹⁸ Juan D. Lindau and Curtis Cook, “One Continent, Contrasting Styles: The Canadian Experience in North American Perspective.” in Curtis Cook and Juan D. Lindau, (eds.) *Aboriginal Rights and Self-Government*, (Montreal & Kingston; McGill-Queen’s University Press) 2000 p. 13

¹⁹ Mel Smith ,*Home and Native Land? What Governments’ Aboriginal Policy Is Doing to Canada* (Victoria.: Crown Western) 1995

²⁰ See Sally Weaver, *Making Canadian Indian Policy: The Hidden Agenda , 1968 - 70* (Toronto:

questions. The Indians, still very much in possession of their traditional territories, never entered into treaties with the Government and as such still hold what has come to be known in Canadian legal discourse as aboriginal title.²¹

As the Supreme Court has recently been upholding aboriginal rights to their “un-ceded” lands, the Crown’s right to issue various types of resource harvesting licences has become “uncertain”. Uncertainty drives away investment, with the result that the BC government has come under pressure from its business community to “settle” the “Indian land question” which has remained unresolved since the Province entered confederation in 1871.²² Having stubbornly denied aboriginal title since its very inception, the Province must now negotiate “modern” treaties in an era when the Indians now have constitutional protection of their rights, a well organised political machine of their own, to indefinitely delay resource development and a general public mood of support given the principles of justice clearly visible in the Indian position. Even the usual scare tactics revolving around the usual threats of job loss, if not total economic meltdown, have failed to mobilise the levels of fear and hate necessary to derail the negotiations.²³ Treaty negotiations are never easy as constructing a binding agreement to serve as a lasting dispute resolution mechanism is a difficult process and as such the imperial temptation to abandon diplomacy and reach for the familiar instrument of state sanctioned coercion is never far from the surface.

Although it has been the argument of this thesis that the shift from the use of Treaty as an established diplomatic practice, to its abuse as a legal instrument of domination and subordination, it is political choice and not natural necessity which has been the cause. As such, all Canadians must take responsibility and not only educate ourselves about the history of Canadian/Indian relations but actively work towards building positive peace this time around. The institution of Treaty has survived over 300 years of British/Indian relations and pre-dates not only confederation, but even British North America itself. Each time, Treaty, as a solution

Toronto University Press) 1998

²¹ The law around the definition and substance of aboriginal title, is as they say in legalese “evolving” see section on “aboriginal title” below.

²² Paul Tennant, *Aboriginal Peoples and Politics, The Indian Land Question in British Columbia, 1849-1989*, (Vancouver: UBC Press 1990) esp. Chapter 17, “The Province and Land Claims Negotiations, 1976-89,” pp. 227 - 237

²³ During the course of the Nisga'a Treaty negotiations E. Boyanowsky, wrote in the National Post that BC was “entrenching ethnic hatred” and that a race hate “slaughter on the scale of the Tutsis / Hutu genocide was just around the corner if the government “persisted” in its efforts to “transform an underclass into an over-class, replacing one historic injustice with another.” Quoted in Christopher

to the Indian problem is revived, there is always the imperial temptation to subvert its spirit and intent and use and abuse it as a temporary and expedient measure disposable at will. While techno-politics and the three strategies of colonialism have been the imperial legacy, repetition can turn into renewal if we learn our history and make the self-conscious political and ethical decision to do things differently this time around. Canada itself has stood the test of time, despite all “rational” calculations to the contrary and has built itself up as a national community in direct defiance of the purified poetics of power politics.

Canadians are not Americans by conscious choice and deliberative action which is why the inherent right to self-government and self-determination is something all Canadians should intuitively as well as “rationally” understand and embrace. At the same time, the history of Canadian/Indian relations is as irrational as it is shameful, and is something every Canadian has the duty to confront in order that we understand our own history and overcome the ingrained cultural prejudices which have created the very Indian problem we seek to solve. Making the Indian into a problem requires a concentrated effort of willful ignorance which no longer politically, legally and especially economically feasible. It is time we constructed an alternative strategy, a strategy not invented by ourselves as some unobtainable utopia, but one which is already embedded in our history, our law and our political institutions. If the spirit and intent of Treaty is to be restored an honest engagement with the past as the ground for the present must be undertaken just as truth telling must always precede reconciliation and justice is the only salve soothing to ancestral furies.²⁴

Constructing the Indian Problem in Canada

When the pilgrims turned on the very Indians who had nurtured them through the lean years of initial settlement, the struggle for survival seemed paramount and passions were easily inflamed by an intoxicating cocktail of religious zeal and economic greed. During the American Revolution, the Indians, in defense of their lands; fought alongside the British and came to be viewed as defeated enemies by the victorious

McKee, op. cit., pp. 97 - 98

²⁴ Ted Hughes, *Aeschylus, The Oresteia, A New Version by Ted Hughes*, (London.: Faber and Faber) 1999

Americans. Although, it was the British and not the Indians who submitted in the Revolutionary war, but American's nevertheless coerced the Indians into punitive peace treaties acknowledging the sovereign power of the United States Congress. Neither of these confrontations were "inevitable" however; as the diplomatic relationship of the early years could have been broadened and extended to moderate the impact of colonial development in such a way, if not to stop the process of expansion to at least keep it within bounds that both sides could find acceptable. Even the revolutionary war need not have spoiled relations if the Americans had not ceased the opportunity to invade the lands of the Six Nations and the Western confederacy burning their villages to the ground. During the war of Independence, the Indians had not so much joined the British as attempted to maintain their independence between what they could only view as a particularly ugly civil war in which the victory of either party was likely to be of little value or concern to the Indians.

It was not the inherent hostility of the Indians, nor even the insatiable "land-hunger" of individual immigrant settlers, but the combined force of speculative profit and geo-political domination driving the unlimited expansion definitive of new world empire. Colonialism is a product of a government structure in which the "machine" of state is designed to protect and consolidate the power of a propertied class of landlords, aided and abetted by a rapidly expanding class of international financers and commercial trading houses. The imperial and colonial elites, although often in conflict with each other about the division of wealth and power are nevertheless united in the pursuit of the "common interest" which is the continuation and perpetration of an imperial regime of domination and dispossession. Theft, backed up by the unrelenting coercion of the state, in both its military and police functions are legitimised through the myth of the "inevitable" march of progress and civilisation. First the infidel, then the Indian and finally the barbarian, (the term evolves through successive cycles of expansion and contraction) must be shocked and awed into accepting the fascinating and fascistic "fantasy" of imperial sovereignty and totalising global hegemony. The British Empire and the United States, the first withdrawing and the second asserting, its dominance on the continent, irrespective of Indian rights or interests. Britain and America would modify their relationship, according to the balance of power between them, and would change from enemies, to rivals to allies alternating between the conflict and co-operation which has defined the Anglo-

American “special relationship” since the 19th century.

Canada, however was formed both within and against this rivalry and it cannot tell, even to this day, which alliance is more important to its sense of identity and its relationship with both its “British” past and its “American” future. When the British left, after the war of 1812, it could only be assumed that the weak and vulnerable colonies would “drift” into the orbit of American power, eventually to be subsumed within the giant to the south.²⁵ Somewhere in between lies a “middle-ground” which opens up and disrupts the myth of universality, even within the cultural confines of new world empire itself. The duality at the very centre of Canadians who claim a “loyalist” British identity highlights a glaring hypocrisy which makes the betrayal of the Indians, many of whom were self-identifying British “loyalists” themselves even more diabolical and inexcusable. British North America was not a nation, but a collection of colonies with little in common accept their desire not to become the latest addition to the American empire. Being a northern land of forest, fish and fur, it was not much suited, even in its agricultural heartland of the United Canada’s to agriculture and as such remained largely a subsistence economy. Indians and Canadians alike were forced to scrape a marginal existence from the land and the “fruits of the forest” and as such resembled a frontier existence even within its scattered towns and settlements. As such Canadians understand themselves as humbly as “hewers of wood and drawers of water” and have managed to combine a regulated and nurtured agricultural and industrial base alongside its primary industries of resource extraction and development. From its earliest days Canada was not so much a “modern” economy as a “middle ground” where co-existence and interdependence began to create a “Metis” or mixed culture where the boundary between Indian and trader/settler became ever more blurred.²⁶ In the largest part of the country the vast extended lands of the north-west were run for the most part, not by the government but by the Hudson’s Bay company where even the English found “half-breed” amalgamation a useful and profitable devise and as such it was put into practice, although it was officially forbidden among company officials.

Canadian “nation-building” as it was imagined in the immediate years following confederation was premised upon such an extraordinary act of revisionism

²⁵ According to the pure poetics of power politics, Canada simply should not exist.

²⁶ Richard White, *The Middle Ground: Indians, Empires and Republics in the Great Lakes Area 1650 - 1815* (Cambridge.: Cambridge University Press) 1991

that it can only be described as the kind of willful use and abuse of history which Nietzsche would recognise as fine art of the politics of forgetting. The decision of Canadian politicians and bureaucrats to adopt a self-conscious policy of colonialism and imperial expansion in the early years of the Confederation, cannot be explained away by the convenient myths of national security and/or inevitable necessity. The Indians were partners and often relatives, there was no population pressure and there was no imminent threat of invasion from the south. The self-conscious and calculating choice of Canada's very own empire builders to embark upon their own designs of unlimited expansion from "sea to shining sea" had more to do with the profits to be made from the sale of Indian lands to railway companies than it did with any concern with for either settlers or the Indians.²⁷

When the newly empowered federal authority boldly embarked upon its own version of new world empire complete with the defining policies of assimilation, development and segregation in the late 19th century; it was a self-conscious as it was calculating and marked a betrayal of not only the Indians, but of all Canadians who would have to live with the legacy of colonialism, right up to an including the present day. When the federal government decided to "open" up the western lands to settlement in 1871, it revived the treaty process as the most cost effective measure, Prime Minister Alexander McKenzie proudly proclaiming to parliament that "...the expenditure incurred by the Indian treaties is undoubtedly large, but the Canadian policy is nevertheless the cheapest, ultimately if we compare the results with those incurred by other countries; and it is above all a human, just and Christian policy."²⁸

The purpose of the treaty as understood by the Canadian government was to "extinguish aboriginal title" and avoid the "expense" of an Indian war similar to the one being waged south of the border and costing the American government an estimated 20 million dollars a year when the entire annual budget of the government in Ottawa was a mere 19 million Canadian.²⁹ Indian Commissioners were duly dispatched to this end and the "numbered treaties", so called because numbered 1 through 7 were negotiated and signed in rapid succession across the prairie fertile belt

²⁷ Dean Neu and Richard Therrien, *Accounting for Genocide: Canada's Bureaucratic Assault on Aboriginal Peoples*, (London; Zed Books 2003) pp. 42-43

²⁸ Miller, op. cit., p. 162

²⁹ Ibid., p. 163

between 1871 and 1877.³⁰ Although the Indian negotiated in good faith, the commissioners often complained of the delays holding up what was to them a purely formulaic and mechanical process which the Canadian government now regarded as a moral as opposed to strictly legal obligation undertaken primarily to pacify the Indians and prevent trouble on a frontier they had no way of subduing by force.³¹ Before the ink was even dry on the treaties however, the federal authority was busy consolidating its legislative power over Indians and their lands through the enactment of a series of Indian Acts. Beginning in 1876, the Indian Acts, passed by the Canadian government, without the representation or even the consultation of the Indians, began the process of systematically and unilaterally undermining and even abrogating the treaty promises just undertaken by negotiators on the ground.

The first comprehensive *Indian Act of 1876* took effective control of Indians and their reserve lands, dismissing the traditional Indian leadership and submitting their government to Indian agents directly responsible to the Department of Indian Affairs in Ottawa.³² As early as 1869 the government had passed the Gradual Enfranchisement Act whereby Indians would be “lead by degrees to mingle with the white race” and assimilate with the general population even though Indians would not be able to vote in federal elections until 1960.³³ The assimilation process would be helped along by a new policy to divide reserve lands into individual lots assigned to individuals who would be put on a three year probationary period in which they would be expected to demonstrate their adaptation to European concepts of private property and settled agricultural production.³⁴

The Indian Act was amended in 1884 and 1894 to allow the Superintendent General to lease Indian lands for revenue purposes without taking a surrender, allowing the growing bureaucracy to finance itself without excessively taxing the public purse.³⁵ As settlement advanced on the Prairies Indian reserve land was

³⁰ Brown and McGuire, op. cit., p. 28

³¹ Ever since the Marshal decision of 1832, treaties with Indians had been strictly defined as an “domestic affair” which carried neither national or international legal ramifications. Although Canada was committed to the treaty making process by the Royal Proclamation of 1763 “aboriginal title” remained undefined and disregarded until tested in the Canadian courts in 1885. More about this later.

³² John S. Milloy, “The Early Indian Acts: Developmental Strategy and Constitutional Change” in Getty and Lussier, (eds.) op. cit., p. 57

³³ Allen, (1993) op. cit., p. 202

³⁴ John L. Tobias “Protection, Civilization, Assimilation: an Outline of the History of Canada’s Indian Policy” in Getty and Lussier (eds.) op. cit., p. 44

³⁵ Ibid, p. 47

increasingly made available for sale to non-Indians in order to promote economic development on lands which were not being effectively utilised by the Indians themselves.³⁶ Indian development was further encouraged by the “education” programs designed to convert the Indians through the dual instruments of Church and School in which Indian children could be “insulated” from the influence their parents and tribal elders.³⁷ The Indian residential school system in Canada would soon become the primary site of the colonial effort to “wipe away” Indian identity by a kind of “enforced amnesia” which would indoctrinate Indian youth in the “Christian” heritage of their benefactors.³⁸ The political and religious institutions of their elders were, meanwhile, undergoing similar sustained attack as the Indian Advancement Act of 1884 empowered the Superintendent General of Indian Affairs ever greater powers to directly interfere in the Band’s political affairs. Indian agents reporting directly to Ottawa could without consultation or consent determine election regulations, the size of the band council, the deposition of elected officials and even call and preside over band meetings.³⁹ Attempts by the Indians to preserve even their traditional religious and cultural values came under attack by Indian Act amendments to prohibit traditional ceremonies which were the focus of Indian government and dispute resolution amongst the nations. Recognising the political importance of the Potlatch and Sun Dance; the government made them the subject to outright bans punishable by fines and even imprisonment.⁴⁰ Resistance to escalating levels of government interference in the daily life of the Indians lead to an increased police presence in and around the reserves, as well as a determined effort by the government to suppress Indian organisation and opposition.

Reserves in Canada, unlike those in the United States, had a very small and fragmented land base, with an average size of 3000 - 4000 acres compared to the 300,000 or more acres typical south of the border.⁴¹ The small size of the reserves, their fragmented nature and their isolation, both from each other, and from the vicinity of towns and settlements is indicative of their function as devices for assimilation

³⁶ Ibid, p. 49

³⁷ Miller, op. cit., p. 113

³⁸ Hall, op. cit., p. 439

³⁹ Tobias, (1990) op. cit., p. 46

⁴⁰ Tobias, (1990) op. cit., p. 46

⁴¹ Frederick E. Hoxie, “The Reservation Period 1880-1960” pp. 183-258 in (eds.) Bruce Trigger and Wilcomb E. Washburn, *The Cambridge History of Native Peoples of the Americas vol. 1, part 1, North America* (Cambridge.: Cambridge University Press) 1996 p. 201

rather than the provision of a sustainable land base for the Indians.⁴² In spite of promising the Indians that they could select the location of their own reserve lands; Indian officials on the prairies refused to survey reserves which they felt were to close to the international boundary and the Plains Indian wars raging to the south.⁴³ The American, General Sheridan, had agreed to a peace commission in 1867, but only to buy enough time to allow for the completion of the transcontinental railroad which would finally bring about the end of the war not only because he would be able to move more troops and supplies, but more importantly because the waves of settlers would transform the land through population pressure and commercial agriculture that would deprive the Indians of their basic subsistence and force them to either conform or starve.⁴⁴ Sheridan urged legislators to allow the “extermination” of the buffalo, knowing that the threat of mass starvation was the most expedient method of forcing the Indians onto Reserves.⁴⁵

Although the Canadians lagged behind their American cousins in opening up the West to settlers due to a lack of both settlers and material resources, Commissioner Edward Dewdney lost no time in taking full advantages of developments south of the border in his own campaign to bring the Plains Indians into compliance. While “crossing the medicine line” may have offered temporary relief to Indian refugees fleeing the American army, starvation proved to be an enemy it was not so easy to escape. Canadian officials drew up treaty annuity pay-lists, ticketing the Indians in “Canadian” bands in order to prevent unauthorised “non-treaty” Indians (American or otherwise) from receiving any supplies, including food rations, from Canadian forts. In order to separate and divide the tribes, Indian Affairs officials removed their Forts to the north, forcing the starving bands to retreat from the border and settle on reserves laid out for them hundreds of miles from the original locations initially agreed during the treaty negotiations.⁴⁶ Dewdney then followed up his forced relocation program with a “no work no rations” policy, in which the goods and

⁴² John L. Tobias, “Canada’s Subjugation of the Plains Cree 1879 - 1885” in *The Native Imprint: The Contribution of First Peoples to Canada’s Character, vol. 2, From 1815*, (ed.) Oliver P. Dickason. (Athabaska AB: Athabasca University) 1996 p.152

⁴³ Robert S. Allen, “A Witness to Murder: The Cypress Hills Massacre and the Conflict of Attitudes towards the Native People of the Canadian and American West during the 1870s” in Getty and Lussier, op. cit., pp. 229-243”

⁴⁴ Jill St. Germain, *Indian Treaty-Making Policy in the United States and Canada 1867 - 1877* (Toronto.: Toronto University Press) 2001 p. 35

⁴⁵ Ibid., p. 209

⁴⁶ Miller, op. cit., p. 172

supplies, promised to the Indians by the terms of treaty, would be skillfully managed in order to produce the required “adaptation” to settled agriculture.⁴⁷ As well as being fragmented and isolated from each other the Reserve lands themselves were to be atomised into 40 acre lots in order to break up villages and undermine the communal farming practices in favour of individual plot cultivation supervised by a farming instructor.⁴⁸

Opposition to these draconian policies escalated throughout the 1880's and the government responded by deposing Chiefs and cutting off government rations, and increasing the police presence in and around the reserves.⁴⁹ When the treaties were originally negotiated in the 1870's the North-West Mounted Police had played a minimal and largely symbolic role as agents of the Crown and were neither equipped for nor inclined towards a display of force.⁵⁰ As tensions mounted on the Plains both north and south of the border frustrated Cree and Metis leaders held inter-tribal councils in 1884 to organise a campaign of co-ordinated resistance.⁵¹ In a panic, Dewdney ordered troops be dispatched to suppress what later went down in history as the “north-west rebellion of 1885” something that would simply not have been possible prior to the completion of the trans-Canadian railway in 1884.⁵² Dewdney demanded that the Indian chiefs declare their obedience and loyalty to the government, announced that any Indian found off his reserve would be declared to be a rebel, captured those whom he believed to be the leaders, six of whom were hung as traitors.⁵³

After the rebellion the Indian Act was amended to ensure organised Indian resistance would be avoided in future through the careful control of Indian mobility formalised in the formal power granted to the NWMP to arrest any Indian off the reserve without permission.⁵⁴ In what became known as the “pass-system” Indians were not only subject to the arbitrary detention of their agents but were subjected to increased police surveillance on and off reserve where they could be arrested and jailed for congregating in large numbers or engaging in any behaviour deemed

⁴⁷ Ibid., p. 174

⁴⁸ Tobias, (1996) op. cit., p. 151

⁴⁹ Hoxie, op. cit., p. 203

⁵⁰ Allen (1990) op. cit. pp. 232 - 233

⁵¹ Hoxie, op. cit., p. 203

⁵² Ibid., p. 204

⁵³ Ibid., p. 204.

threatening or even merely disorderly.⁵⁵ Government control over the reserves and Indian property in general was increased in the wake of the rebellion in order to assert ever growing control over band resources and economic development. In order to drive home the point that the government and not the Indians “owned” the land and Band resources, Indians were forbidden from disposing of any goods without permission, including the crops and animals raised on the individual plots of land assigned to them.⁵⁶ In 1890 the Indian Commissioner Hayter Reed decided that Indians could only learn to farm the land if they were taught the work habits of peasants “who cultivated their crops with hand tools, grew produce for home consumption and maintained more than one or two cows”.⁵⁷ In an effort to instill the moral values of industrious and self-reliance , Indians had to learn the protestant work ethic through the discipline of work as an end in itself and as such mechanised equipment and any other form of labour saving devise was forbidden, even if the Indians funded the purchase of such instruments themselves.⁵⁸

The reserves were never intended as an enduring economic base form which Indians could survive as Indians, but as a temporary and expedient measure to contain a captive population, while various experiments in social engineering were successively deployed is evident in the way the Department administered both Indians and their lands. Indians were not seen as free and independent peoples capable of organising their own representative structures but as objects for administration that must be reformed to meet the civilisation agenda of the Canadian government. Indian systems of government and political leadership were ignored and/or systematically suppressed in the construction of an entire bureaucratic apparatus of hierarchically arranged structures through which power flowed downward from the federal Department of Indian affairs through to regionally organised “Indian agencies” terminating in the local and immediate unit of the Band council. Although the “Band” members “elected” their councillors and their Chiefs, voting eligibility was determined and defined by the Indian Act, as was the power and representative function, of both these “representative” offices. Neither did representation translate

⁵⁴ Miller, op. cit., p. 175

⁵⁵ Ibid., p. 192

⁵⁶ Tobias, (1996) op. cit., p. 152

⁵⁷ Hoxie, op. cit., p. 216, See also Sarah Carter, *Lost Harvest: Prairie Indian Reserve Farmers and Government Policy* (Montreal.: McGill-Queen’s University Press) 1990

⁵⁸ Tobias, (1996) op. cit., p. 152

into decision-making power as all band decisions were subject to the approval of the Indian agent who could not only depose non-compliant chiefs and councils, but could even divide and/or amalgamate the bands themselves if deemed administratively (or politically) expedient.

The assault on Indian political and economic independence and integrity was actively resisted, but all legal remedies were effectively foreclosed both by the structure of Indian administration imposed under the Indian Act, by the exclusion of individual Indians to the ordinary rights of citizenship and in 1927 by an extraordinary amendment to the Indian Act which made it illegal for any person (Indian or non-Indian) to raise money or provide funds for the persecution of Indian claims.⁵⁹ This was not to be repealed until 1951, effectively making it impossible for any Indian organisation to exist if pursuing Indian claims was one of its objectives.⁶⁰

Over the years, Indian policies of forced assimilation, unwanted development and policed segregation have been attempted with disastrous results for everyone concerned. The outright denial of aboriginal rights, including the inherent right to self-government and the right to the use and enjoy the land, has lead to the perfectly predictable and legitimate outrage of Indians everywhere. With the institution of treaty first subverted into a purely formalistic mechanism for the conversion of Indian lands into real estate and then abandoned altogether, there has been no sanctioned channel for the representation let alone mediation of Indian interests within the Canadian political system, nor was such a mechanism either intended or desired. Indians were expected to assimilate and as such to “disappear” with the mainstream population and their failure to do so has always been at the heart of what is commonly constructed as the Indian problem.

The government has attempted, over the years, to get to grips with the Indian problem and has devised any number of reports, commissions, strategies and initiatives to effect a solution, but has never succeeded in its self-appointed task. Rather than providing the ground for the gradual “adaptation” of the Indian to the benefits of civilisation the Canadian government has produced a system of segregation so extreme that the south African government found it a useful model upon which to base its own system of “native administration” commonly known as

⁵⁹ Paul Tenant, *op. cit.*, p. 112

⁶⁰ *Ibid.*, p. 112

the Apartheid regime.⁶¹ The reason for the persistence of the Indian problem is to be found not in the irrationality of Indians, but in the construction and perpetuation of a colonial relationship in which unresponsive and unrepresentative technocrats design and implement their own policy agendas, with little if any, consultation or consent on the part of the subject peoples. In the absence of any political institutions to moderate and mediate conflict, coercion, sanction and even the naked use of force have come to characterise a relationship defined through the parameters of power and resistance.

There is however, a limit, even in the use of force, and it is in that limit that the Indians have created a space in which to articulate their demands at every level of political engagement from the local to the global. Despite efforts to actively frustrate and repress Indian political organization, the government has never been entirely successful in silencing an active and engaged Indian activist population.⁶² The struggle to have their voices heard and their rights recognised has been the driving force behind the formation of the American Indian Movement in the United States, the Assembly of First Nations in Canada, the Special Working group on Indigenous Peoples at the United Nations and a whole host of local, regional, national and international organisations pursuing what has become known as contemporary “fourth world” movement in Canada and throughout the world.⁶³ Fourth world politics, is a broad based international social and political movement which addresses issues that cut across the arbitrary boundaries of political theory and include civil and political discrimination, social and economic dispossession and exploitation and cultural, if not actual genocide. The growing power and confidence of the fourth world is not the result of some new post-modern and post-colonial Indian renaissance, but a testament to the strength and endurance of people who have successfully survived the onslaught of imperial domination which produced the modern state system itself. Indians are linked across the length and breadth of new world empire, not only because they are building up trans-national alliances which “transgress” borders, but because those borders were superimposed from the very beginning on already existing interlocking Indian social systems of alliance and tribal interdependence. The very fact that North America “Indians” have common colonial experiences with Australian “aborigines”

⁶¹ Hall op. cit., 504 - 506

⁶² The 1927 Amendment of the Indian Act made it a criminal offence for anyone, white or Indian to make material contribution to any Indian organization for the purpose of pursuing a land claim. This was not repealed until 1951. See Paul Tennant, op. cit., pp. 111 - 112.

⁶³ G. Manuel and M. Posluns, *The Fourth World: An Indian Reality* (New York: Free Press) 1974

on the other side of the planet speaks more about the international reach of new world empire and its continued relevance to contemporary world politics, than anything else. Indigenous politics continues to deify the arbitrarily constructed boundaries of the modern-nation state, but the state and its self-referential “assertion” of sovereignty remains an important, if not the most important, site of political contestation and resistance.

Aboriginal Title and The British Columbia “Land Question”

The Indian challenge strikes at the heart of sovereignty by attacking its main legitimising discourse, the social contract and the inviolable rights of “property.” The BC Treaty negotiations offer an opportunity to look behind the mask of sovereignty and glimpse the political struggle between two contending claims to ultimate ownership and control of land and its resources. The question of who governs and to what purpose cannot be answered by a simple unilateral “assertion” of absolute right, but must be opened up to address the political/ethical claims of both parties on an equal footing and judge between them. Such a task requires that we move beyond the simplistic calculation of power relations and requires that we re-examine the ethical/political foundations of sovereignty in its modern form. While it is self-evident that the Canadian state dwarfs the Indians in power political terms and can command vast resources of financial power and legal expertise, to say nothing of the police powers it keeps close at hand and has occasionally threatened to use, this fact alone is insufficient to “resolve” the problem. The Indian problem in BC takes the particular form of a contest over land and property right, but is much more than a simple “land claim” because aboriginal title refers not to a single defined piece of property or even a collection of properties, but to the communal ownership of the land in general, it is a national and territorial claim which predates that of the British Crown and as such has therefore rendered Canadian sovereignty “uncertain” in almost all parts of British Columbia.⁶⁴

While the “land question” in BC has been effectively denied and/or ignored by

⁶⁴ The Indians in resident in North-Eastern section of British Columbia were adherents to Treaty 8, because they were on the Eastern side of the continental divide and so were include when the treaty system extended from the southern to the northern prairies as land in the central wheat belt gradually filled up. Treaty 8 wasn’t signed until 1899, some 20 years after the “numbered” treaties simply because the Canadian government did take on its responsibility to settle with the Indians until there was

both levels of government throughout the history of Canadian confederation, the Indians did not give up their long struggle to have their rights recognised and have recently enjoyed some success in the courts. The Supreme Court has found that because aboriginal title has not been “extinguished” or “surrendered” by either treaty or direct legislation, it remains a “burden” on the Crown which must be dealt with before resource development on the lands in question can proceed. The nature and definition of aboriginal title, is as they say in the legal profession, “evolving” but even at the bare minimum allowed under colonial law and legal precedent, it constitutes a “use” right, which as a type of “property right” can not be arbitrarily extinguished, or at least not without due process.⁶⁵ The Indians are pulling away the mask of sovereignty to unveil the cluster of rights and interests contained within the “black-box” of the state and in so doing bring politics back into the equation of power at this most fundamental of human questions; who has the right to rule and why? The contest for “sovereignty” taking place in this far flung outpost of the Pacific north-west remains tantalisingly close to pinning down new world empire and making it give an account of itself.

To be forced to disclose reasons, is to be forced to admit of a definition and hence a limit, and with limits come questions of accountability outside and beyond the mere calculation of technological efficiency and expediency. The Indians have called into question, and revealed sovereignty’s alchemy, its ability to conjure itself out of nothing and to assert self-referential and illegitimate claims over other peoples’ person and property.⁶⁶ By challenging the myth of sovereignty the Indian land question raises the question as to how the Crown “asserted” sovereignty over the province when there were self-governing territorial nations in place whose “rights” where neither recognised, nor extinguished. As John Burrows, a leading expert in the field of aboriginal and treaty writes has written;

Sovereignty is pretty powerful stuff. Its mere assertion by one nation is said to bring another’s land rights to a “definite and permanent form;” simply by conjuring sovereignty is enough to change an ancient peoples relation to the land. A society under sovereignty’s spell is ostensibly transformed for use and occupation are found to be extinguished, infringed or made subject to another’s

pressing political or economic reason to do so.

⁶⁵ See Thomas Isaac on the “evolving” nature of treaty and aboriginal rights, with specific respect to the concept of “aboriginal title” Thomas Isaac, *Aboriginal Law Cases Materials and Commentary*, Second Edition: Cases Materials and Commentary (Saskatchewan.: Purich Publishing) 1999 pp. 1 - 10

⁶⁶ John Burrows, “Sovereignty’s Alchemy”, *Osgoode Hall Law Journal*, (1999) vol. 37, No.3, pp. 538 - 596

designs.⁶⁷

As the Indians remain the lawful owners of the land and its resources, the Crown can only be viewed, even and especially within its own terms of reference as an illegal trespasser at best and a criminal usurper and invader at worst. The Indians have never given their consent to the alienation of their lands, nor surrendered their inherent rights to self-government and self-determination. By confronting modernity on the terrain of its own making, the Indians strike at the very heart of techno-politics and the claim of a universal and transcendent power guaranteeing the common good.

The Indians have never and will never be subsumed within the state and as such will never be just another “pluralist” interest group vying for power in the competitive market place of political influence and power. Indians, by their very definition are “different” and stand “outside” the “unity” of the “body politic” and cannot be made to enter into a political relationship against their will and without their consent. By refusing to abide by the rules of Hobbes’ scientific paradigm of politics, the Indians refuse his nihilistic choice between assimilation or annihilation, and force a relationship which cannot be defined by force alone. The Indian land question, because it cannot be solved through the mere calculation of power, opens up the political/ethical debate which must surround any attempt at the reconciliation of differences. The universal and transcendent myth of state sovereignty has been revealed to be an instrument of colonialism, one with the very modern intimate connection between political power and property right. As such it is a revelation, which although never really far from the surface, serves to highlight this connection and bring it to the surface for rational argumentation and debate. When sovereignty can no longer claim to be the embodiment of the universal interest, the cracks in its mask become visible, opening up even greater room for political contestation and debate. Sovereignty’s powers of shock and awe are shown to be limited, its power to fascinate a spellbound citizenry is broken and this more than anything else opens space for critical thought and action, challenging the myth of new world empire at its very source and origin.

The “outstanding business” of un-extinguished aboriginal title goes to the heart of the social contract theory of the state by refusing the legitimating discourse which empowers state sovereignty to speak for the “common interest”. By opening

⁶⁷Ibid., p. 558,

the “land question” to historical analysis and reflection it becomes self-evident that there was and can be no “original” position real or imagined without erasing the Indian presence from the land which far from being scientifically “neutral” is in reality an ethical choice for dispossession and colonisation. Customs and traditions while they may be “constructed” are nevertheless the social, political and ethical narratives which tie a people both to each other and to the land in a way that is both profound and mysterious. Moreover, the social contract is itself, such a creation myth with real historical connections to Christian conceptions of the fall of man and a mechanical “nature” devoid of life or spirit. By confronting modernity we can see that it too has an embedded social and political practice, which while being highly powerful and even beneficial in its own technological achievements is a social/political practice like any other and cannot claim any special access to universal truths, as it is in fact a particular discourse which denies such truths altogether. Even scientific method, while it is powerful, useful and productive cannot reveal the origins or purpose of the universe, nor give any coherent answers to these deeply human spiritual questions, which questions of origins and beginnings always invoke. The question of aboriginal title provokes exactly these kinds of reflections because it is about who we are and how we came to be here, what is our relationship to the land and how do we deal with the people who were here before us. Given our deeply held beliefs about the sanctity of property, it becomes immediately clear that occupation of lands not our own can only be justified by the strangest forms of mental gymnastics that have to do not with land ownership, so much as land use. While acknowledging that the Indians “originally” occupied the land and; therefore must be acknowledged a kind of “use” right, denying them ownership and political jurisdiction in the lands they were born in requires seeing them as less than human; this is what continuing down the colonial path requires.

As it is forcefully stated in the opening lines of the federal government’s own publications, the underlying premise on which the British occupation of what is now Canada is said to be based is that :

...absolute title to the land was vested in the Crown - this paramount estate becoming a plenum dominium (full power to dispose of property at will) whenever the Indian title was surrendered or otherwise extinguished.⁶⁸

The exact definition of “aboriginal title” remains, in the parlance of legalese,

“uncertain” and “undetermined” because it is an “evolving” area of Canadian and now international law.⁶⁹ When the question of “aboriginal title” was first “tested” and therefore “defined” in Canadian law, in the case of *St. Catherine Milling and Lumber Company v. the Queen (1888) the Judicial Committee of the Privy Council* (the highest court in the Empire and Canada’s highest court of appeal until 1949) held that the:

“...possession of the Indian tribes then living under the sovereignty and protection of the British Crown could only be ascribed to the provisions of the Royal Proclamation of 1763, the terms of which showed that the tenure of the Indians was a personal and usufructuary right, dependent upon the good will of the Sovereign.”⁷⁰

The Indian title, however; recognised as being a kind of diminished form of property right, described as an “interest” in the land, which created a “burden” on the Crown’s present proprietary estate in the land.⁷¹ The Marshall doctrine of discovery, although of American and not English origin was nevertheless incorporated within Canadian law, by the *St. Catherine’s Millings* case and has since set the standard by which has provided the rationale and authority upon which all similar court cases in Canada have been founded.⁷² What is more, the Court also rejected the earlier ruling of *Connelly v. Woolrich, 1867* in which recognised the common law marriage of a Cree customary marriage in which judge J. Monk ruled that the Indian’s laws, customs and political and legislative rights were in full force and therefore applicable within the Canadian legal system, following the Common law principle of continuity after conquest.⁷³ In so ruling, the Court, not only ignored the historical context of the Crown’s treaty relationship with its former Indian allies, but narrowly reinterpreted the very wording of the Royal Proclamation itself. The Royal Proclamation clearly identifies Indian land rights, as a collective right, in that the purchase of land could only be undertaken

⁶⁸ B. Brown and R. McGuire, op. cit., p. 2

⁶⁹ On evolution of aboriginal rights discourse in the international context See James S. Anaya, *Indigenous Peoples in International Law, Second Edition* (New York.: Oxford University Press) 2000

⁷⁰ Cited in Kent McNeil, “The Meaning of Aboriginal Title”, in (ed.) Michael Asch, *Aboriginal and Treaty Rights in Canada: Essays on Law Equality and Respect for Difference* (Vancouver.: UBC Press) 1998 p. 142

⁷¹ Ibid, p. 142

⁷² Allen (1993) op. cit., p. 230, Footnote #18 . For the Marshall decisions impact on the evolving international law of nations See Wilcomb E. Washburn “The Moral and Legal Justifications for Dispossessing the Indians” in James Morton Smith, (ed.) *Seventeenth-Century America; Essays in Colonial History* (Chapel Hill.: University of North Carolina Press) 1959

⁷³ Isaac, op. cit., p. 4

by the Crown and at a “public Meeting or Assembly of the said Indians.”⁷⁴ In this instance, the British Empire went even further than the 1823 ruling in *Johnson vs. McIntosh*, which creatively reinterpreted English property law in order that the Indian right of occupancy and possession be could be reconciled with international law doctrines relating to territorial acquisition.⁷⁵ The Chief justices in 1888, not only held that the Indian “interest” in the land was of one of simple “usufructuary” right and of a “personal” or “individual” nature held at the “pleasure” of the Crown.⁷⁶ Armed with a new “positivist” interpretative framework, the Proclamation, rather than the “pre-existing” rights of Indians, became the sole “source” of aboriginal title, the effect of which was to deny the essential humanity of Indians within the boundaries of Canadian law, from that time forward.

Falling into the familiar pattern of colonial law described the Indians as a primitive and nomadic people, who “being without fixed, abode” and “moving about as the exigencies of life demanded” were “as heathens and barbarians” and as such not thought to have “had any proprietary title to the soil, nor a claim thereto as to interfere with the plantations and general prosecution of colonisation.”⁷⁷ If that was not enough to put the Indians firmly in their place, the treaty process itself was to be regarded as a strictly moral undertaking without any legal implications whatsoever, the so-called “lawful obligation” being reduced to nothing more than a fiduciary duty which could be effectively waived by duly constituted legal fiat.⁷⁸ The idea of aboriginal title as *sui genesis*, or unique to the Canadian context, is a lawyerly way of saying that the Indians, not being fully human, cannot have human rights and as such must only have those rights which the Crown itself has created. The *St Catherine’s Millings* case stood as the benchmark decision of aboriginal title until effectively challenged by Frank Calder, hereditary Chief of the Nisga’a First Nation in 1973 who had his land claim and his nation’s “pre-existing” rights finally acknowledged by a

⁷⁴ *The Royal Proclamation of 7 October 1763*, as reproduced in Getty and Lussier, op. cit., p. 34

⁷⁵ Catherine Bell and Michael Asch, “Challenging Assumptions” in Asch (1997) pp. 44

⁷⁶ Kent McNeil, op. cit., p. 142

⁷⁷ Chief Justice Boyd as cited in Olive Patricia Dickason, *Canada’s First Nations A History of the Founding Peoples from the Earliest Times*, (Toronto; McClelland and Steward) 1992, pp. 341-342 Given this legal definition of aboriginal title it is a wonder that compensation for the loss of the so called “range” rights of Indians ought not to be extended to deer and wolves and any other “beast” of the forest for loss of their grazing and hunting habitats.

⁷⁸ Ibid., p. 342

Canadian court, if not the British Columbia government.⁷⁹ *Calder*, while hailed as a victory for once and for all establishing that Indians had land rights in British Columbia, did not however; advanced the substantive definition of “aboriginal title” far beyond the *St. Catherine’s Milling*’s benchmark of a narrow and restrictive ““use” right limited to the pursuit of such “traditional” Indian activities such as hunting, gathering and fishing, although such rights were reaffirmed as collective and communal nature and not simply of a “personal” nature as held in the previous decision.⁸⁰

Calder confirmed that “aboriginal title” was based not on the Royal Proclamation but from the fact that “when the settlers came, the Indians were there, organised in societies and occupying land as their forefathers had done for centuries.”⁸¹ Since *Calder*; however, the ground has shifted from the inherent right principle to the definition of what constitutes an “organised” society, now being argued in anthropological as well as legal terms. In 1992, The British Columbia Support of appeal held in the *Delgamuukw* decision that Indians, lacked the social, political and legal institutions to have an “interest” in the land beyond the familiar traditional “use” right, with the added value of traditional now being “frozen” or “reified” by increasingly narrow and restrictive anthropological determinations of “traditional” or “aboriginal” activities.⁸² In coming to this decision, Chief Justice McEachern cited a decision of the J.C.P.C. 1919 in the case of Southern Rhodesia which in effect resurrected the highly convenient true terra nullis foundation principle of new world empire that aboriginal societies “are so low on the scale of social organisation that there usages and conceptions of rights and duties are not to be reconciled with institutions of the legal ideas of civilised societies.”⁸³ Needless to say, such arguments were so outrageous that the Gitsan and Wet’suwet’en, having proven beyond all doubt that it was impossible to obtain a fair hearing anywhere within the political/legal jurisdiction of the province of British Columbia,

⁷⁹ It is significant that the Court acknowledged a “pre-existing” right, in that this means that the Royal Proclamation did not itself “create” that right, but is a right adhering in the Indian Nation itself as an “organised” society. This finding however; was not enough to push the province to the negotiation table, that would require over 10 years of intense lobbying and direct action. See Paul Tenant, op. cit. pp. 218 - 224.

⁸⁰ Bell and Asch op. cit., pp. 47 - 48

⁸¹ Ibid., p. 48

⁸² McNeil, op. cit., pp. 150 - 151

⁸³ Cited in Bell and Asch., op. cit., p. 50

immediately appealed to the Supreme Court of Canada.

Delgamuukw v. British Columbia (1998) became the “much-awaited” landmark decision wherein the Court was to “clarify” the substantive nature and content of “aboriginal title.” The decision, many years in the making is highly complex, but its main points are neatly summarised by Thomas Isaac’s *Aboriginal Law Case Materials and Commentary* as the following: Aboriginal title “although not authoritatively determined by the Court has been found to contain the following dimensions; that it is inalienable; that it arises from prior occupation; that it is held communally; that it includes the right to exclusive use and occupation for an array of purposes which are not limited to Aboriginal practices, customs and traditions but that those uses cannot be “irreconcilable” with the Aboriginal occupation and uses which gave rise to the title in the first place and that Aboriginal title is recognised and affirmed in s. 35 of the *Constitution Act, 1982*.⁸⁴ While setting down these main principles; however; the Court displayed a surprising degree of wisdom by refusing to spell out what these rights may mean in practice declaring them to be “uncertain” and basically beyond the competence of the Court to decide. Chief Justice C.J. Lamer concluded that: “...ultimately, it is through negotiated settlements, with good faith and give and take on both sides” that we will achieve the “reconciliation of the pre-existence of aboriginal societies with the sovereignty of the Crown.”⁸⁵ In other words the “outstanding business” of the Crown’s inherited colonial legacy remains largely unresolved and that this is of an inherently political, rather than legal nature.

Conclusion: The Long Path Towards Positive Peace

The British Columbia Treaty commission was established in 1990 by the federal and provincial governments in order “to resolve” the land question in British Columbia and put an end to the legal “uncertainty” threatening to retard economic development and scare off foreign investment. The result has been the resurrection of “Treaty” as the colonial instrument of choice, as sanctified by both legal and historical precedent as the mechanism through which aboriginal title has been extinguished by the Crown in exchange for a negotiated settlement which has traditionally included both compensation and the protection of the specific rights outlined and defined by the

⁸⁴ Isaac, op. cit., p. 8

treaty itself. This “exchange” is premised upon the idea, strangely still held by the Crown that the Indian’s regard the traditional territories as a commodity which can be and to be “purchased” and that their sacred responsibility to the land of their ancestors given to them by the creator can be “extinguished” by such an act. It boggles the mind and defies all reason that after 400 years of repeatedly being disabused of this delusional assumption it remains the unsupported and unsupportable premise upon which the Crown proposes to proceed. The Indian position could not be clearer and if any doubt remained it has once again been clearly spelled out by Chief Edward John of the First Nations Summit:

When government asks us to agree to surrender our title and agree to its extinguishment, they ask us to do away with our most basic sense of ourselves, and our relationship to the Creator, our territory and the other peoples of the worlds. We could no longer do that without agreeing that we no longer wish to exist as a distinct people. That is completely at odds with our intensions in negotiating treaties.⁸⁶

In the wake of the *Delgamuukw* decision, 1998, the office of the BC treaty Commission, at least, has acknowledged the utility if not the wisdom behind moving beyond the language of “extinguishment” and is now beginning to talk in terms of “mutual assurances, although whether or not this “recommendation” will be put into effect, remains to be seen.⁸⁷ What is clear however; is that the Crown nevertheless and unambiguously reserves the right to assert its sovereignty by direct legislation if and when necessary for the “public interest.”⁸⁸ The interest of the Indians, however, in participating in a process deeply embedded within and compromised by its inherently colonial context is anything but assured. Whether or not the modern Treaty process is able to rise above its colonial past is a matter of political choice and political will and as such remains and “open” question.

With this openness however; comes hope; just as with human freedom comes human responsibility and it is in this space that the past is both repeated and renewed in the production of the future. The Indian problem as it is largely a product of our

⁸⁵ Ibid, p. 10

⁸⁶ Chief Edward John, cited in McKee op. cit. p. 72

⁸⁷ McKee op. cit., pp. 94 - 96

⁸⁸ Whether or not such legislation would be “constitutional” is an open question given the recent 1998 *Delgamuukw* decision, with the result that the BC government finds itself within the same legal/political conundrum of Andrew Jackson when he had to decide whether or not he was going to act within the limits of his own Supreme Court’s legal framework. Sadly, he chose not to and under the rallying cry of “national interest” created the all to familiar ethical/legal black hole in which any kind of human atrocity becomes possible.

own making will be made and remade again and again until we learn to change our thinking and with it the path that we chose to walk. The Indians meanwhile walk theirs and it is in the intersection where new world empire finds its end and limit as techno-politics and its accompanying strategies of assimilation, development and segregation have all proven fundamentally ineffective. As efficacy and utility are the self-proclaimed standards upon which techno-politics sets its measure, it is surely time to move on and try something new; that is after all; the empirical method.

As modernity is enamoured of all things “new” I humbly suggest that something both new, radical and truly “inventive” and “creative” could be found in the simple act of actually listening to the Indians on their own terms and not as the different products of new world empire. Instead of engaging with the Indians and their ownership of the traditional territories, the Canadian government continues to replicate the demands that they “extinguish” aboriginal title and “assimilate” into mainstream Canadian society, that they “develop” themselves and their lands through the application of the latest technological process in fashion in Ottawa and that they secure their “place” within Canadian confederation as “segregated” and subordinated domestic dependent “cultural” communities. It seems inconceivable to modern Canadian government that the First Nations of British Columbia have resisted these demands from the very beginning and will continue to do so to the very end. Canada must relinquish its colonial relation to the Indians and to do this it must reinstate a diplomatic relationship on a government to government basis which may or may not be moderated by the Treaty process. The Indians would be forgiven for observing that the “good faith” required for a treaty negotiation has been sadly lacking in Canadian strategies of unilateral policy pronouncements which have only begun to consider “consultation” as a key component part of the process of treaty negotiation.

The terms and conditions upon which the First Nations may yet consider entering into a treaty relationship with Canadians will, of course very, on a case by case basis but the universal principle of mutual respect and recognition must be not simply be symbolic but must include legal acknowledgement of the inherent facts of self-government and Indian ownership and jurisdiction of the traditional territories. The necessary beginning of a political relationship in mutual respect and a desire to negotiate in good faith does not come from some place of un-utter able difference and does not require a degree in rocket science or anthropology to understand. Indians are human beings and as such are self-determining peoples who have lived on their

ancestral lands since time immemorial. They were placed on these lands by the Creator and it is from the Creator and not the Crown, or Common Law or section 35(1) of the new Canadian Constitution, that their rights and responsibilities flow. Any “reconciliation” to be effected between what we call Aboriginal title and Crown sovereignty is conditional upon this ultimate truth being both recognised and respected. Once this basic premise and self-evident fact has been accepted it then becomes possible to discuss any number of lesser; though equally important issues such as; the recognition of past injustice and compensation for the damages incurred; the establishing joint dispute resolution mechanisms for the mediation of disputes, past, present and future; creating and implementing co-management boards within which shared responsibilities land and resource use can be determined and implemented; forming territorial boundary commissions in which areas of separate and overlapping jurisdiction can be clarified and respected; framing resource revenue sharing agreements and taxation policies with respect to third parties; and a commitment to capacity building measures in which knowledge and technical expertise can be mutually and respectfully exchanged. While this list is meant to be illustrative and not exhaustive it represents a bare minimum of what the Canadian position should bring to the table in “good faith.”

Unavoidably, these are highly politically contested questions and once again bring the discussion back to the issue of sovereignty, the nature and extent of political community and the modern problem of politics. If politics is ever going to return to roots as a process by and through which political differences are recognised and reconciled, the current understanding of politics as mere power relations of dominance and dependence is going to have to be challenged and resisted. The cost of preserving and maintaining the instruments and mechanisms of colonialism is quickly becoming more expensive than dismantling them, which if nothing else, will soon push a recalcitrant government into action. Not that this is going to happen overnight, the *Indian Act* is still in effect and DIAND has shown a bureaucratic inertia which can only be explained by the politics of entrenched interest. Nor is it realistic to expect the ideology and implements of new world empire to simply disappear overnight; education and self-awareness invariably being a slow and often painful process. Education and enlightenment are however; not beyond the bounds of human possibility and both are definitive of human civilisation and survival. The time and cost of self-education however is mounting and endless commissions and consultation

processes designed to defer decision-making have themselves become a way of deferring decisions which have festered for much too long already. To move forward Canadians have to let go of colonialism and embrace change in the form of acknowledging that the spirit and intent of arriving at treaty is about the negotiation of values and that values are not irrational, secondary “qualities” of human existence, but the very core and centre of human existence in the co-construction of the world. Human beings inhabit a human and therefore social world, founded not only in reason, but in tradition, custom, science, art and poetry. All politics relies on creation myths as myths of origins that ground man in the past and orient him to the future. Canada myth of origin is grounded in strength and courage of a pioneer civilisation “wresting” an existence from a barren and empty land. Heroic individualism is a replication of the original liberal myth of the state of nature and the foundation of a political order on the basis of a collective act of will in the social contract.

The Indians have never been nor can they be incorporated into this foundation myth and if Canadians are ever to be reconciled with the Indian presence on the land they will have to recreate foundation myths not in domination and creation, but in the self-respect that comes from willing acceptance of necessary limits on the exercise of an arbitrary will to power. Good faith cannot simply be legislated but must be built up through inclusive practices beginning with the co-construction of the treaty as a historical instrument of significance to both peoples and not as a unilateral policy emanating from framed entirely within Canadian terms of reference. The Indians and their roadblocks are not going away and as time goes on more and more “ordinary” Canadians will be soon be joining them. Both Canadians and Indians have reasons to be frustrated by the lack of leadership and vision displayed by an entrenched and self-interested political/economic elite which seems at time completely incapable of calculating even its own rational self-interest. Treaty by its very nature implies a voluntary agreement, in which both parties have the power and the freedom to enter or not enter, according to their own assessments of the costs and benefits of doing so. The fact that “aboriginal title” has never been “extinguished” in British Columbia combined with the fact of self-government means that the issue of the legality of Canada’s claim to sovereignty in BC, is to say the least “uncertain”.

Armed with this legal “uncertainty” First Nations in BC have demonstrated the ability to block the Province’s powers to issue licences for resource exploitation in areas subject to unresolved Indian land claims. As this includes substantial parts of

the Province, the urgency on the part of the Provincial government is completely understandable as is the determination on the part of the First Nations not to exchange a potent, if undefined right, for a Treaty that is by definition going to define and therefore limit those rights. The very idea that the Indians could chose not to enter into Treaty and therefore build a legal firewall around at least some of the traditional territories has at long last begun to alert even the Province to the limits to the expediency of force. Faced with its own “uncertainty” the British Columbia government has been gradually opening itself up to the possibility that another way might be possible and has begun to enter into in-term measures agreements (IMAs) with amendable First Nations designed to work out agreements in principle on specific issues while continuing the process of negotiation on more global issues.⁸⁹ Although the BC and federal governments adamantly deny that “sovereignty” is on the table, every aspect of the negotiations point to a “division” of sovereignty wherein various power sharing arrangements are being forged in any number of fields usually regarded as within the remit of the sovereign state. The creation of joint “governance” structures relevant to both internal and external sovereignty and the relation of various levels of government with each other, both within and between First Nations and the larger Canadian state as well as larger regional and even global organisations is an ongoing process. Devolution of sovereign authority has both positive and negative possibilities for democratic practice and as such can only be assessed within the specific local site in which these global issues are framed and articulated. It is by understanding and mediating the “global” through the “local” that we as limited and finite agents (in both thought and practice) move from the particular to the universal and back again. This can be seen in the thought and practice of any political process on the ground and is why it is necessary to begin thinking about concrete problems demanding concrete solutions, even if the construction and deconstruction of agents and the structures is as fluid as the history of new world empire amply demonstrates.

Canada as a small country understands the value of interdependence which adds rather than detracts from its sovereignty defined as capability because co-operation creates collective goods over and above what is possible by individual action alone. The fact that Canada’s self-preservation with regard to its fundamental

⁸⁹ McKee, *Ibid.*, pp. 41

security and economic interests ties it into the world's greatest power, described by former Prime Minister Pierre Trudeau as a mouse dancing with an elephant, has made all Canadians all to aware that if power alone determined political existence Canada simply would not be. One can only hope that even a little reflection on the circumstances of our own existence, both past and present will go some way to opening hearts and minds to the possibilities of peace and reconciliation in Indian country. If the Canadian government has grasped the benefits of devolving sovereignty to strangers either "upward" to participate in regional and global international organisation and trade agreements and allow the "penetration" of our sovereignty by multi-national capital and foreign investment, why is it so impossible to imagine the construction of power sharing arrangements with the Indians partners and allies? It is the structural division between economic and political power that gives economic interests the "freedom" to dictate the terms of economic growth necessary to sustain viable levels of employment, social welfare provision and a sustainable tax base from which the state is ultimately dependent. Such an arrangement however is a social and political arrangement and can be made and remade through the use of law and treaty both of which are the basis of a shared and sustainable relationship to the land and its resources as the material foundations of life as well as the life-world of politics. Both law and treaty are living social practices which cannot simply be imposed from without, but which must be internalised as a valued end in itself, above and beyond the mere temporary nature of shifting political interest and expediency. Law and treaty are frameworks and guidelines for action through which actors recognise and constitute each other in the act of creating and preserving a shared political order. When the basis of either law or treaty is not mutual recognition and consent it impoverishes the human condition by denying the capacity of human beings to enter into political relationships based on anything other than force and violence. Reducing politics to force and violence betrays an ideological preference for force and violence, made naturally enough by the rich and powerful. There are however, alternatives to the idolatry of power which are based on organising the collective power of the many, who having less of a stake in defence of wealth and power can concede sharing more in the interests of building positive and peaceful social and political relations. Building positive peace however, is an ongoing challenge in a technological age which renders all human relationships, with ourselves, with others and especially with nature as nothing other than that dictated

by immediate and expedient instrumental exploitation. When politics is defined as power, it is unsurprising that the most powerful dominate public life with the predictable result that the BC government has demonstrated a remarkable lack of insight regarding, not only of the needs and desires of its negotiating partners, (big surprise) but also the needs and desires of the “people” it is supposed to be representing (even bigger surprise). In effect, the B.C. treaty negotiations offer the democratic polis a chance to renew itself in co-operation with the Indians who as partners, allies and elders have a whole “new” world of wisdom, knowledge and power to give as a gift freely shared with those willing and able to learn.

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