doi:10.1017/S0003055410000511

Hobbes, Savagery, and International Anarchy

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This article argues that Hobbes constructed the sovereignty acknowledged among European states on the supposition of the absence of sovereignty in the New World. The notion of international anarchy found in Hobbes before the twentieth century was not the anarchy of interstate relations later posited by realism, but the anarchy of prepolitical societies outside the ordered system of European states. The modern geography of sovereignty that Hobbes established is demonstrated with reference to the cartographic traditions that informed his representation of the state of nature and the civil state, and to the historical context of the law of nations as it was understood to manage colonial rivalry in the seventeenth century. By constructing savages as absolutely free individuals in the state of nature, he precluded their recognition as free sovereign states. He thus contributed a set of premises to natural jurisprudence that denied indigenous societies statehood and excluded them from the family nations. A sketch of the Hobbesian legacy among theorists of the law of nations and international law is made, showing how his motif of savage anarchy remained central to our conceptualization of the sovereign state within the international realm into the twentieth century.

> In such 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, continuall feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish, and short. (Hobbes [1651] 1996, 89)

Every student of political science and international relations is familiar with this description of the state of nature in Hobbes's work *Leviathan*. It has been interpreted as a hypothetical construct, the preliminary step in his disassembling of the commonwealth into its constituent parts so as to appraise the affections and manners of men in the absence of sovereign authority. This fiction, though, is shaped not merely by the abstract requirements of logic and Hobbes's philosophical assumptions about human nature. It is now commonplace for scholars to also notice that Hobbes represented the indigenous inhabitants of the New World as living in such a condition. Compared, however, to their leading role in Locke's *Second Treatise*, the "savages of America" make only a cameo appearance in Hobbes's account of the state of nature. Peripheral to his primary purpose of configuring a new science of politics that addressed the pressing issue of torn political loyalties within European states, Hobbes's almost casual utilization of a ready-at-hand cultural stereotype has, nevertheless, been judged to be by no means inconsequential. Hobbes has been condemned for producing "a sweeping philosophical devaluation of untamed American savagery," an enduring and denigrating description, consigning "the Native Americans en masse to the lowest ranks of subhumanity" (Moffit and Sebastián 1996, 284–85). Often bracketed with Locke, Hobbes is seen as aiding and abetting colonialism: "References to the 'state of nature' become, after Hobbes, a primary tool that serve to circumscribe conceptually, represent symbolically, and defeat politically, the Amerindian peoples" (Nichols 2005, 46). Brief though their secondment into the Hobbesian state of nature may have been, Hobbes's influence on subsequent understandings of indigenous peoples is judged by all to be immense and utterly negative (Hodgen 1964, 201, 490).

Why did Hobbes see only savage anarchy in the New World, and not functioning political associations, albeit in culturally alien forms? Why did Hobbes articulate an international political theory that disqualified innumerable non-European societies as sovereign states? To answer these questions, we examine Hobbes's state of nature against the backdrop of colonial conflicts among European states in the New World, and the conception of states and their interaction in the Old World. But the significance of Hobbes's formulation is not limited to the seventeenth century. In international law, Hobbesian assumptions concerning a prepolitical condition of savage anarchy will, as we discuss, influence the status accorded to "backward" peoples up until the twentieth century.

Was Hobbes's representation of New World savagery wholly negative? What purposes did that construction serve? What consequences did it have? Although colonialism per se did not occupy his attention, Hobbes used the indigenous peoples of the New World as a crucial referent for natural liberty in his argument reconciling the absolute power of the state with the freedom of the modern subjects that authorize it. Hobbes conceded absolute liberty to individuals, but only when this dangerous freedom was bracketed and contained within the state of nature. Having renounced their natural freedom, the citizens of European states enjoyed the security and prosperity that their subjection to a sovereign produced. But their natural and

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This article would not have seen publication without the support of the late Maurice Goldsmith, as well as the informed and constructive criticism of the three anonymous referees. Thanks to their diligent interventions, the final version is a great improvement on the initial manuscript. The author also wants to acknowledge the editorial care taken, and the encouragement given, by the *American Political Science Review* coeditor, Professor Kirstie McClure.

https://doi.org/10.1017/S0003055410000511 Published online by Cambridge University Press

untamed freedom was abandoned neither to a theoretical original condition nor the historical past; it was projected onto the savage societies of the New World where anarchy reigned. By so doing, Hobbes linked European conceptions of individual freedom with the subordination of non-European societies in the colonial systems of European states. The entrapment of savage societies in his "hypothetical" state of nature had real and far-reaching consequences. If savages were free, sovereign individuals living in the state of nature (as Hobbes described them), then they could not also be bodies of men that constituted sovereign states.

Half a century ago, the conservative German jurist Carl Schmitt attributed to Hobbes a role in the conceptualization of what Schmitt ([1950] 2003) called the public law of European states—the bounded spatial and legal order of eighteenth- and nineteenth-century Europe, outside which lay the unbounded open seas and territories of the New World. Schmitt contrasted older theological "just war" theories of medieval Christendom with modern notions of European warfare. The latter, in Schmitt's view, characterized interstate conflict as duels fought between "just enemies," custom-bound contests that reaffirmed the sovereign status of the combatants and their neutral observers, regardless of who won or lost (143–47). However, beyond this European arena lay a state of nature in which the rules of civilized land wars did not apply. Interest in the emergence of a global society dominated by European powers is shared by the English School of international relations and others (Watson 1992, 214–27), even as they diverge from Schmitt over his nostalgic picture of pre–World War I land warfare in Europe and his condoning of colonialism (Brown 2007). Schmitt ([1950] 2003) asserted (without substantiating his claim) that "Hobbes obviously was influenced not only by the creedal civil wars in Europe, but also by the New World" (95–96, 146–47, 176–77, 293). This article elucidates the framework Hobbes established that would be used to justify the emerging Westphalian system of equal sovereign states and the unequal imperial structures subordinating the populations of much of the rest of the world (although without, as Schmitt did, appropriating Hobbes to justify a particular world order or defend certain forms and arenas of warfare).

International relations scholars have traditionally limited Hobbes's contribution to international political thought to his realist account of interstate behavior (Bull 1981). A more careful reading of Hobbes suggests that although he does present states as standing in the "posture of gladiators" toward one another, he is far from being the archetypal realist he is often made out to be (Armitage 2006; Malcolm 2002, 432–56; Williams 2006, 253–76). Rather than offering a picture of international anarchy and rivalry, Noel Malcolm (2002), for example, argued that "Hobbes's account contains many of the ingredients of what modern theorists describe as an 'international society': shared practices, institutions and values" (452). Malcolm's claim, though, must in turn be qualified because the prudent application of the laws of nature by sovereigns pertained only to those societies deemed sovereign (i.e., it was limited to the interactions between states in Europe). Similarly, David Armitage (2006) is right in identifying the very late co-option of Hobbes as a "realist" in the early twentieth century, but is too sweeping in his assertion that Hobbes contributed nothing to international relations prior to then (231–32). It is Hobbes's notion of savage anarchy in the New World, rather than his depiction of interstate conflict in the Old, that has had the most far-reaching implications for the framing of international relations in the present day (Jahn 1999).

We must be mindful of the fact that Hobbes had virtually nothing to say about interstate warfare. When Hobbes ([1651] 1996) spoke of war, he invariably referred to the savage state of nature that was a war of every man against every man (96). It was civil war—the conflicts between masterless men, rather than foreign wars—that was Hobbes's overwhelming preoccupation. He took it for granted that sovereigns had the absolute liberty "to resist or invade other people," that is, to do whatever they considered necessary to preserve themselves. "But withal, they live in the condition of a perpetuall war, and upon the confines of battle, with their frontiers armed, and canons planted against their neighbours round about" (149). Yet, the defensive posturing of sovereigns was very different from the actual chaos of the state of nature confronting individuals where no sovereign provided any security (Heller 1980). Civil war, from which proceeded "slaughter, solitude, and want of all things," was the situation of anarchy that Hobbes sought to explain and prevent (Hobbes [1656] 1839, 8). By identifying his state of nature with the New World, Hobbes, in his work *Leviathan*, "fused together his contemporaries' cultural prejudices and their fear of a return to civil war" (Ashcraft 1972, 162). But there is also an international dimension to this construction. Hobbes built a theoretical bridge between the chaos of the colonial periphery and the order that ought to characterize the internal structures of, and the external relationships among, European states. By so doing, he made an important contribution to the ideologies Europeans used to rationalize the global order they were bringing into being.

The first section of the article expounds the modern geography of sovereignty that Hobbes created through his contrast between European states and the savage societies of the Americas. This is accomplished by outlining the cartographic traditions that informed his depiction of the Old and New Worlds in the frontispiece of his work *De Cive*. A fresh and compelling reading of his famous title page is generated by showing the connections between it and the decorative motifs found within the atlases and maps of the period. The projection of the globe in the form of stereographic double hemisphere is also explored. This conventional representation of the world reflected the legal and diplomatic doctrine of the two spheres that divided the Old World, the eastern hemisphere, in which the law of nations applied, from the western hemisphere, the anarchic zone of the New World.

The second section of the article analyzes Hobbes's textual rather than his visual representations of New World savagery. His construction of "savage anarchy"

https://doi.org/10.1017/S0003055410000511 Published online by Cambridge University Press

is examined under two headings, that of "rude ignorance" and "piracy." Hobbes believed that the savages of America lacked scientific knowledge, but he did not attribute the inferiority of their technological achievements to defective mental ability. Rather than denigrating indigenous societies, his comparisons between savage and civilized served to highlight problematic features of European society. The second part of this section examines Hobbes's association of the Amerindians with the ancient Germans on the basis of their mode of subsistence: they lived by war and plunder (rather than settled agriculture). Hobbes was not the first to identify the ancient savages of the Old World with the savages of the New World, but by collapsing the category of "piracy" with that of "savagery," Hobbes made a discernible break with previous authors. New World savagery, as Hobbes constructed it, was an integral component of the western hemisphere designated as an anarchic zone of indigenous piracy (savages that lived by plunder), European conquest, and European interstate conflict conducted either directly through raids on each other's colonies or through the proxy of privateers (state-sponsored piracy).

The third part of the article shifts away from Hobbes himself to examine Hobbesian influences on the tradition of the law of nations and its modern embodiments, international law, and international relations. His contribution to the history of the law of nations is generally seen as his identification of the law of nature with the law of nations, and his analogy between natural persons in the state of nature and the artificial persons of sovereign states (Nussbaum 1954, 146; Suganami 2002, 228). This section demonstrates his hitherto unacknowledged contribution to international law through his construction of savage anarchy. To this end, a novel reading of the Swiss jurist, Emer de Vattel (1714–67), is undertaken. de Vattel provides a highly influential naturalist account of the law of nations and an enlightened, modern defense of the sovereignty of states. However, due to the Hobbesian assumptions de Vattel adopted, primitive societies did not count as sovereign states and were therefore not the subjects of the law of nations. Among later positivist legal authorities in the nineteenth century, the persistence of the Hobbesian notion of savage anarchy is also demonstrated.

THE NEW WORLD AND THE OLD WORLD

Although valuable attempts have been made to position Hobbes's political writings within the context of English colonialism, there is no denying the fact that, compared with Locke, Hobbes's engagement with colonialism was minimal (Aravamudan 2009; Malcolm 2002, 432–56; Warren 2009). It is readily understandable that most scholars have concentrated on the Lockean rather than the Hobbesian legacy for colonialism.[1] The argument, recently reiterated by Carole Pateman (2007), is that a "settler contract" lying at the origin of modern nation states such as Canada, Australia, and the United States owes much to Locke's conjectural history of the development of property and civil society. In the New World was to be found the last remnant of the original common, an underutilized wasteland in Locke's eyes, which was to be transformed into productive agricultural land by European methods of cultivation and private property relations. Entailing as it did the dismissal of less intensive indigenous land uses and the denial of aboriginal title to land, this path of advancement was, for Locke, a duty imposed by God on humans so as to complete his creation. In concentrating on Hobbes rather than on Locke, this article turns attention away from the issue of property ownership (without, of course, denying its importance) to the question of sovereignty. Stuart Banner (2005), for example, provides a detailed account of how European settlers acquired land from the native proprietors of the soil in America, but notes that this must be kept separate from the assertion of sovereignty (7–8).[2] Sovereign jurisdiction or *imperium* over peoples and territories was distinct from property ownership in land or *dominium* over the soil (Boucher 2009, 132). How did Hobbes define sovereign authority? Why did he find it absent in the New World?

To answer these questions, we begin with a careful examination of the title page of the 1642 Paris edition of Hobbes's *De Cive*[3] (Figure 1). We know that Hobbes was deeply involved in the production of his books. His adoption of the "humanist tradition of visual eloquence" obliges students of Hobbes to assume that his emblematic title pages were intended not only to be pleasing to the eye, but also to be instructive (Skinner 2008, 11). Although the iconography of the title page of *De Cive* has already been the subject of scholarly attention,[4] there is an important interpretative framework for reading that image that has been hitherto overlooked.

Let us first describe that image in detail. Occupying the top two fifths of the page, divided by a solid band inscribed with the word "*RELIGIO*," we find the last

[1] See Arneil (1996); Buckle (2001); Farr (2008); Flanagan (1989); Hulme (1990); Mehta (1999, 51–64, 123–32); Pateman (2007, 46–53); Tully (1993a, 137–78; 1993b, 253–82; 1994, 153–80); Uzgalis (2002).

[2] Interestingly, Banner denies that Locke's ideas had any influence on the actual practice of land purchase from the Native Americans in North America (Banner 2005, 46–48).

[3] The title page of the manuscript version of *De Cive* (Paris, November 1641) is an ink drawing of the same design and is the basis for the engraved version, which appears in the first printed edition (Paris, April 1642). Subsequent editions of *De Cive* in 1647 (and later) were published in Amsterdam by Elzevir. Whereas the Paris edition is in quarto, the Amsterdam editions are much smaller duodecimo pocket books, having (or perhaps requiring) completely different title pages that were produced by a different engraver. The Amsterdam editions also have new preliminary material. The exception is the 1647 "*Bonne Edition*," whose printed text, minus the preliminary leaves, is identical to the other 1647 printings. Its title page, however, is an engraving whose design is a crude copy of the larger and more elaborate original 1642 title page. On the complexities of the early editions of *De Cive*, see the thorough appraisals of Warrender in his introduction to his edition of *De Cive* (Hobbes [1642] 1983a, 1–67) and Goldsmith (1990).

[4] For discussions of the title page of *De Cive*, see Aravamudan (2009, 53–57); Goldsmith (1981, 234; 1990, 642); Hoekstra (2007, 113); Skinner (2008, 99–103; 2009, 127–31); Tuck (1998, xxv); and Warrender in (Hobbes [1642] 1983a, xiii).

https://doi.org/10.1017/S0003055410000511 Published online by Cambridge University Press

FIGURE 1. Frontispiece, *De Cive* (Paris, 1642), by permission of The William Andrews Clark Memorial Library, University of California, Los Angeles



https://doi.org/10.1017/S0003055410000511 Published online by Cambridge University Press

judgment scene. Above all, Christ the King oversees the abandonment of sinners to the serpentine clutches of demons on his left side, while angels lead the righteous to heavenly bliss on his right. It represents the just disbursement of the ultimate rewards and punishments of the Kingdom of God; the laws and commandments of that Kingdom are the subject of the third part of *De Cive*. The lower portion of the page is divided in two by a banner bearing the title of the work and quotation in Latin from Proverbs 8:15 (by me kings reign, and princes decree justice). On the right-hand side, beneath the horned demons and on a pedestal inscribed with the word "*LIBERTAS*," stands a savage woman in a feathered skirt and armlets. She bears a bow and a spear. In the background, to the left, other near-naked human figures make war on each other with arrows and clubs. To the right of her skirt, in the distance, a human limb is glimpsed hanging above two crouching figures. The wooded landscape is broken only by a fortified village. Symmetrically opposite on the left-hand side of the central banner, and below the heavenly host, a crowned and robed female figure stands atop a pedestal inscribed with the word "*IMPERIUM*." She holds a sword in her left hand and the scales of justice in her right. On the distant horizon, a town is visible. In the foreground is a harvest scene with laborers scything and sheaving wheat.

What rhetorical point did Hobbes intend to convey with this image? The lower right-hand scene is commonly identified as a savage state of nature corresponding with Part 1 of *De Cive*, and the lower left that of civil society treated in Part 2. Kinch Hoekstra (2007) notes that the title page draws on "the iconographic tradition of contrasting America and Europa as ideal female types," but does not elaborate further (113). Both Quentin Skinner and Richard Tuck give attention to the savage female figure and identify the engravings of Theodore de Bry, in particular, his representations of the Algonquians of North Carolina, as the source of Hobbes's image (Skinner 2009, 129–31). Aravamudan (2009) follows their lead and reproduces a de Bry engraving of an Algonquian man from Thomas Harriot's *A Brief and True Report of the New Found Land of Virginia* (Frankfurt, 1590) that allegedly "foreshadows" the frontispiece of *De Cive* (60). Although it is true that the influence of de Bry's images of the New World on European perceptions cannot be overestimated (Kuhlemann 2007), nevertheless, the composition of the title page of the first Latin edition of *De Cive* has its origin in a very specific artistic tradition.

Hobbes's title page evokes an explicit contrast between the Old and New Worlds. The two females represent two of the four parts of the known world: America and Europe. The title page of *De Cive* borrows decorative motifs commonly used by mapmakers in the early seventeenth century.[5] John Aubrey (1999) tells us that Hobbes, while a student at Magdalen Hall, Oxford, was often bored by the textbooks he was supposed to read, and instead "tooke great delight there to goe to the Booke-binders' shops and lye gaping on mappes" (149). In later years, Hobbes maintained an amateur interest in cartography, producing his own map of Ancient Greece and the Aegean to assist the readers of his translation of Thucydides' *Peloponnesian Wars* (Schlatter 1975, 9). We may assume that both Hobbes and Jean Mathieu, the engraver of the title page, were familiar with the cartographic conventions of their day.

Allegorical figures personifying the four continents made regular appearances in various forms of art from the fifteenth to the nineteenth centuries (Le Corbeiller 1960; Honour 1975, 84–117). Mapmakers, in particular, adopted these emblematic figures and incorporated them into their maps. Abraham Ortelius, the creator of the first atlas, *Theatrum Orbis Terrarum*, published in 1570, appears to have initiated the cartographic strand of this tradition (Shirley 1998; Waterschoot 1979). On his title page, an imposing Christian Europe was enthroned above, superintending the other continents.[6] The title pages of numerous subsequent atlases followed the precedent Ortelius had set. Willem Janszoon Blaeu and Joan Blaeu's *Theatrum orbis terrarum, sive, Atlas novus* (Amsterdam, 1635), for example, has an elaborate title page that depicts Asia and Europe on the pedestal to the left and America and Africa on the pedestal to the right of the title inscription.

Collectively representing the entire globe, these allegorical figures were often placed within miniature landscapes that captured each continent's flora and fauna. In the border spaces of world maps, each female figure was distinguished by her particular dress, emblematic objects, and natural productions. Europe was always depicted as a crowned monarch dressed in robes of state, holding a sceptre and often a cornucopia. America was a naked Amazon warrior, often astride an armadillo or alligator, bearing a bow and spear, dressed in a feathered skirt. The Petrus Plancius map *Orbis terrarum typus de integro multis in locus emendatus* (Amsterdam, 1594) is one of the earliest highly decorated double hemisphere world maps in which we find the Old and New Worlds represented by such allegorical figures. Plancius' Europe, like Ortelius', has her foot on a *globus cruciger*, symbolizing her imperial authority over the world. In a different corner of his map, we find within the symbolic landscape of the New World conventional depictions of cannibalism—human limbs roasting over a spit, being butchered on a chopping block, or hanging from a tree. Countless seventeenth-century world maps used these same motifs. Engravings of the *Four Continents* by Adriaen Collaert, after

[5] The artist who engraved the title page of *De Cive* in Paris in 1642, is Jean Mathieu (Matheus) (1590–1672), identified in Corbett and Lightbown (1979, 222). See also Leblanc (1856, 2: 623). He was an experienced engraver and publisher of books (a fine edition of Ovid's *Metamorphoses* was richly illustrated by Mathieu in 1619). It would also seem that he is the same Matheus who engraved maps: see, for example, *Carte de l'ancienne seigneurie de Coligny ou pais de Revermont* by M. Du Bouchet (1650) and *La France divisée en archeveschés, eveschés, abbaies* by de Sainte-Marthe (Paris, 1667).

[6] The frontispiece was followed by an explication in verse that extolled Europe's Roman imperial global rule, now greatly extended to the New World, and then, in contrast, devoted many lines to the gory details of America's cannibalism.

https://doi.org/10.1017/S0003055410000511 Published online by Cambridge University Press

Maarten de Vos (Antwerp, 1588–89) were reproduced on numerous editions of world maps in the early seventeenth century. The hunting and cannibalism scene on the title page of *De Cive* is certainly reminiscent of one corner of Collaert's *America*. Nicholas van Geelkercken, the author of several highly ornate world maps, incorporated his own versions of the four continents in each corner in his map *Universi orbis tabula de integro delineata*, published in Amsterdam in 1610 (Keuning 1954). In the top center of that map between the double hemispheres, we find the last judgment scene depicted, whereas in the bottom center panel, we see Adam and Eve at the moment of the Fall in Paradise. The wall map thus encompassed the temporal beginning and end, as well as the geographic spread and division of humankind (and thus contains the same iconographic features found on the frontispiece of *De Cive.*)

In light of this decorative tradition within cartography, the frontispiece of *De Cive* must be looked at anew. It does not simply feature the state of nature illustrated by an Amerindian and civil society by a European monarch. The frontispiece depicts the Old and New Worlds. The allegorical figures of America and Europa, along with their symbolic landscapes, have been literally uplifted, without modification, from the atlases and maps of the period. Given the placement of these cartographic motifs on the frontispiece of *De Cive*, Hobbes's work can be read as a political atlas of the seventeenth century. The central feature of his geography of sovereignty, so categorically expressed in that frontispiece, is the juxtaposition of two spheres: the Old and the New Worlds. Unlike the title pages of the atlases of his day, only America and Europe occupy the pedestals beside his title banner. Europe dominates and defines the Old World; Asia and Africa disappear—as older, already "known" continents they are encompassed within the Old World. Europe stands for sovereign authority, commercial agriculture, and urban culture. America is positioned in opposition to Europe—a realm of unbounded freedom, savage disorder, cannibalism, wilderness, and unexploited resources.

Hobbes's contrast between the New and Old Worlds also reflects the broader legal and diplomatic context of the early seventeenth century, especially England's struggles with Spain that were played out in the New World (Andrews 1984; Tuck 1999, 109–28). In addition to the allegorical figures of the continents canvassed previously, there were cartographic conventions for representing the globe in western and eastern hemispheres that visually and spatially separated the New World, where land appropriation was open and "free," from the Old World of territorially and legally constrained state interaction (Schmitt [1950] 2003, 92–100). The doctrine of the two spheres, whereby the law of nations applied to the European theater, while anarchy ruled in the New World, underwrote many of the popular stereographic double hemisphere projections of the globe in the sixteenth and seventeenth centuries. These divided the western and eastern hemispheres down the middle of the Atlantic, or often along the meridian west of the Azores that marked the line of amity.

The doctrine of the two spheres derived from the Papal bulls of the late fifteenth century and subsequent treaties between Spain and Portugal that demarcated their respective spheres of interest in the New World (Savelle 1967, 210–15). For the following two centuries, Spain and Portugal sought to enforce their exclusive privileges to trade with and colonize the New World, whereas the French, British, and Dutch challenged and gradually undermined the early Iberian monopoly. Disputes among these rival imperial powers were managed by a line drawn from pole to pole, cutting through the Atlantic Ocean one hundred leagues west of the Azores, although this longitudinal line was later moved west, with latitudinal lines along the Tropic of Capricorn and the equator also drawn (Mattingly 1963). These lines separated the sphere of amity—"friendly" interaction in the settled European theater—from the sphere of anarchy and violence (Gould 2003, 479–81; Mancke 2002). The lines of amity primarily functioned to contain conflict between European powers, so that, for example, an incident such as the seizure of a vessel and its cargo by a privateer in the New World would not be a cause of war in Europe. As Ian Steele (1986) puts it, they marked the "diplomatic state of nature that existed in the New World" (189–91). However, the underlying assumption of the doctrine of the two spheres was that the "New" World constituted an arena of open conflict and conquest. The understanding among European states that "might was right beyond the Line" licensed the raiding of each other's settlements and the disruption of each other's trade in the western hemisphere, but the premise of that zone of conflict was that the heathen inhabitants of the New World constituted no political societies worthy of respect (except when their military strength made it expedient to do so); their territories and resources were the ultimate "prize" fought over by Europeans.

Thus, the personification of America as a man-eating Amazon on the title page of *De Cive* was a powerful representation of New World anarchy.[7] As Karen Kupperman (2000) argues, "unbalanced gender roles" were a distinguishing mark of the savage in the eyes of English colonists in the Americas (150). America was a woman who could eat men for breakfast: she was a terrifying image of the untamed dangers and disorder of the western hemisphere. In the colonial context, she could easily take on a demonic and beastly hue and be used to rationalize violent conquest (Pearce 1965). Hobbes's contribution to the ideology of colonialism is different and far less crude. He sought primarily to modify the behavior of the inhabitants of the Old World, not justify the actions of colonists in the New World. Nevertheless his construction of New World savagery did have important consequences for colonialism, as we see later.

Hobbes's state of nature has been construed as describing various hypothetical, historical, and

[7] Throughout his works, Hobbes made several matter-of-fact references to the Amazons, noted by ancient authors, as examples of the assertion of maternal rights over offspring in the state of nature ([1642] 1983a, 122; [1650] 1969, 131; [1651] 1996, 140).

https://doi.org/10.1017/S0003055410000511 Published online by Cambridge University Press

international scenarios (Boucher 1998, 149–57; Navari 1996). No attempt is made here to reconcile these sometimes conflicting accounts.[8] However, if the interpretation presented in this section is convincing, then his contrast between the New World and the Old World must be seen to overlie his theoretical contrast between a state of nature in which there is no common power to fear and a commonwealth in which a sovereign enforces order. Having initiated this reading of Hobbes by contextualizing the iconography of the title page of *De Cive*, we can now expand our investigation of Hobbes's notion of savage anarchy by examining in detail the function it plays in his texts of political theory.

CHAOS BOTH INTELLECTUAL AND SOCIAL

Hobbes's political theory is built on a fundamental contrast between civil subjection and "that liberty which all men have to all things, to wit, naturall and salvage, (for the naturall state hath the same proportion to the Civill, I mean liberty to subjection, which Passion hath to Reason, or a Beast to a Man)" (Hobbes [1642] 1983a, 116). As we have shown, Hobbes projected the contrast between the natural and the civil condition in a most striking fashion on the geographic division of the globe between the Old and New Worlds. But on what differences did Hobbes construct the gulf between the savage and the civil state? How wide, in fact, was that gulf? First, we examine his characterization of America as a realm of intellectual chaos. Although Hobbes does draw what appears to be a demeaning contrast between the rude ignorance of the New World and the scientific knowledge of civilized societies, the simplicity of savage societies is at the same time favorably compared with the sophisticated stupidity of much "civilized" learning. Second, we investigate his depiction of savagery as a condition of war and piracy. Attention is given to the question of whether Hobbes knowingly distorted the information he possessed about the Amerindians to make it "fit" his construction of savagery. As shown later, he identified the Amerindians with the ancient Germans and in so doing helped consolidate an association between primitive societies and "living by plunder" that was to have a long after-life.

Why, according to Hobbes, was civil life secure and moderately comfortable, while savage life was precarious and nasty? As far as material comforts were concerned, the presence of the technologies and devices furnished by science in the former, and their absence in the latter, was the fundamental discrepancy between the two conditions. The "savage people as are now the inhabitants of divers places in America" led rude and simple lives because they lacked "commodities" (not items of exchange, but "commodities" in the older sense of whatever is useful and beneficial, including specialized bodies of knowledge). Hobbes (1840) repeatedly differentiated the "the civility of Europe, from the barbarity of the American savages" to highlight the circumstances conducive to the expansion of scientific knowledge (450).

> Now, the greatest commodities of mankind are the arts; namely of measuring matter and motion; of moving ponderous bodies; of architecture; of navigation; of making instruments for all uses; of calculating the celestial motions, the aspects of the stars, and the parts of time; of geography, &c. These benefits are enjoyed by almost all the people of Europe, by most of those in Asia, and by some of Africa: but the Americans, and they that live near the Poles, do totally want them. But why? Have they sharper wits than these? Have not all men one kind of soul, and the same faculties of mind? What then makes the difference, except philosophy? (Hobbes [1656] 1839, 7–8)

The mirror image of his description of the state of nature in *Leviathan*, this passage is significant for the way it positions his contrast between savagery and civility on the global stage.[9] In the eighteenth century, such a canvassing of the four continents would elicit an explanation of cultural difference based on climatic influences and ideas of stadial development, whereas in the nineteenth century racial categories would be invoked, but not so in the seventeenth century. For Hobbes, brutishness and ignorance were neither inherent in, nor limited to, savage societies.

Savages differed from modern Europeans not in their natural capacity for reason, but *only* in their inability to have amassed an ordered body of rational truths. When considering the bodies of knowledge that had been perfected within civil societies—navigation, surveying, architecture—Hobbes asked rhetorically: "all which supposed away, what do we differ from the wildest of the Indians?" (Hobbes [1650] 1969, 66). In explaining the origins of philosophy in *Leviathan*, Hobbes sketched an elaborate analogy between the methodical accumulation of knowledge and the systematic cultivation of the soil. Just as there have been spontaneous and dispersed productions of natural flora that were in time discovered to be useful and then artificially cultivated by humans, so too there have been "divers true, generall, and profitable Speculations from the beginning; as being the naturall plants of humane Reason: But they were at first but few in number; men lived upon grosse Experience; there was no Method . . ." (Hobbes [1651] 1996, 459). The untamed wilderness inhabited by savages was also an intellectual wilderness. Error and conjecture are interspersed with truth, like weeds in wild pasture. Truths there were, but they were only haphazardly recognized and applied. Why?

[8] Whereas there are historical developments signaled in Locke's state of nature, I am not convinced that making a distinction between an original state of nature and a more socially complex historical stage is a defensible interpretation of Hobbes's state of nature. See Boucher (1998). Robert Kraynak goes further and finds multiple stages of development in Hobbes, rather than the dyadic contrast between savagery and civility that I detect. See Kraynak (2003).

[9] A similar list is found in the Epistle Dedicatory of *De Cive* [1647], where the differences between the "rude simplenesse of Antiquity" and "this present Age" are also attributed to the want of true knowledge of geometry and physics (Hobbes [1642] 1983b, 25).

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> And the cause of it being the want of leasure from procuring the necessities of life, and defending themselves against their neighbors, it was impossible, till the erecting of great Common-wealths, it should be otherwise. *Leasure* is the mother of *Philosophy*; and *Common-wealth,* the mother of *Peace*, and *Leasure.* ((459)

Philosophical knowledge grounded on firm premises and generalized by logical steps could only be acquired through "industrious meditation" over many generations. This was a luxury not available to savages preoccupied with self-defense and the grind of securing daily subsistence. They had to make do with their small stock of inherited practical knowledge and their own limited horizon of experience (232; 1841, 304).

Like many of his contemporaries, Hobbes dismissed the knowledge of primitive societies as parochial and unscientific. Science, however, that "skill of proceeding from general and infallible rules" was something that even in civilized societies "very few have, and but in few things" (Hobbes [1651] 1996, 87). Hobbes condemned the many abuses of scholarly learning—inconstancy of naming, meaningless signification, false definitions, the pretended knowledge of authoritative books—and the mischief they caused. In light of this, we must judge with caution his denigration of savage ignorance.

> For between true Science and erroneous Doctrines, Ignorance is in the middle. Naturall sense and imagination are not subject to absurdity. Nature it selfe cannot erre; and as men abound in copiousnesse of language, so they become more wise, or more mad than ordinary. (28)

Although living only from "grosse experience," the savage could do much worse because "they that have no *Science* are in better and nobler condition with their natural Prudence; than men, that by mis-reasoning, or by trusting them that reason wrong, fall upon false and absurd generall rules" (36).

Savages lived as they did because they suffered the effects of intellectual anarchy. Failing to terminate the state of nature and authorize a sovereign, they were unable to secure the peaceful conditions necessary for the gradual and ordered accumulation and transmission of knowledge. Thus, they were rude and ignorant. But they did not lack the ability to reason. "The Savages of America, are not without some good Morall Sentences; also they have a little Arithmetic, to adde, and divide in Numbers not too great; but they are not therefore Philosophers" (Hobbes [1651] 1996, 459). They were neither philosophers nor were they fools. There is no notion in Hobbes of a "savage mind" condemned to perpetual ignorance and superstition. Further still, when compared with the "foolish learning" he judged to have perverted political debate in his own country, savage ignorance was bliss (Hobbes [1642] 1983b, 79). The rude simplicity of savage life spared them from the errors that now passed for knowledge in civilized societies. Paradoxically then, civility, although defined in opposition to simple ignorance, could itself produce a more pernicious form of intellectual disorder. The falsehoods, for example, spun by theological speculation were legion and highly disruptive of the civil peace. Hobbes labored at length in the *Leviathan* to dispel the kingdom of intellectual darkness.

By using the Amerindians to expose the anarchic condition of men without civil society, Hobbes both widened and narrowed the gap between the Old and New Worlds. The complexity of his contrast becomes clear when we consider that he identified the same condition of savage ignorance and incommodious living with the "inhabitants heretofore of those countries where at this day arts and sciences do most flourish," that it is to say, with the original inhabitants of the nations of Europe (Hobbes [1650] 1969, 65).

> The estate of hostility and war being such, as thereby nature itself is destroyed, and men kill one another (as we know also that it is, both by experience of savage nations that live at this day, and by histories of our own ancestors, the ancient inhabitants of Germany and other now civil countries, where we find the people few and short lived, and without ornaments and comforts of life, which by peace and society are usually invented and procured). (73)

The ancient Germans and the Amerindians were both characterized as living in a state of nature and exhibiting similar behaviors. By the late sixteenth century, English antiquarians had come to view the ancient Britons and Saxons as savage *just like* the peoples of America (Burke 1995, 42–44; Ferguson 1979, 379–81; Kendrick 1950, 115–25; Piggott 1989, 73–86). English depictions of their ancestors began to borrow from the early images of Amerindians by de Bry and others. Hobbes's ([1642] 1983a) state of nature was not merely the hypothetical condition of individuals in the absence of a civil power or only the condition of the savages of the New World; it was also a feature of Europe's own historical past:

> They of *America* are Examples hereof, even in this present Age: Other Nations have been in former Ages, which now indeed are become Civill, and Flourishing, but were then few, fierce, short-lived, poor, nasty, and destroy'd of all that Pleasure, and Beauty of life, which *Peace* and society are wont to bring with them. (49)

Hobbes was not the first to equate ancient and modern savage societies. As Nicholas Canny (1973) shows, in the sixteenth century, the English colonization of Ireland was in part justified on the grounds of civilizing the barbaric and warlike Celts of Ireland. Irish Catholicism was alien enough to their Protestant lords to be deemed "pagan," and their movement of stock between seasonal pastures (transhumance) made them nomads. They were identified with the ancient Scythians, and like the barbarians of old, they needed to be ruthlessly conquered in order to be civilized. The rude freedom they enjoyed was merely the license of the nobility to feud incessantly with each other and suppress the common people. The English conquest of Ireland would destroy the power of the native nobility and make all the "free subjects" of the crown (Shuger 1997, 511). Amerindians were identified as being like

https://doi.org/10.1017/S0003055410000511 Published online by Cambridge University Press

the Irish, and both shared the customs and manners of the ancient Britons. The colonization of Ireland in the sixteenth century was thus a precursor (in practical and ideological terms) of the colonization of the New World in the seventeenth (Canny 1973, 595–97).

Hobbes shared the presumption of his age that European nations had a right to colonize the New World; the planting of colonies was a distinguishing feature of the ancient civilizations of the Mediterranean, a world that Hobbes knew well through his reading of the classics. Colonies "are numbers of men sent out from the Common-wealth, under a Conductor or Governour, to inhabit a Forraign Country, either formerly void of inhabitants, or made void then by war" (Hobbes [1651] 1996, 175).[10] Hobbes was well acquainted with English colonial America through the interests of his patron, Lord Cavendish, and their joint involvement with the Virginia Company (Aravamudan 2009; Malcolm 2002, 53–79). In light of this direct connection with colonial affairs and the detailed reports of the Amerindians it made available to him, Malcolm is puzzled at Hobbes's failure to use this knowledge. He speculates that Hobbes was largely silent about them because what he knew of them was highly inconvenient to his picture of savagery (75). Aravamudan (2009) agrees that Hobbes's silence about the complex political structures of the Amerindian tribes is "an active writing-over or effacement on the part of Hobbes" (45).

As demonstrated, Hobbes made far more use of the New World than was previously recognized. Although his representation of the Amerindians is a caricature, his distortions are not generated in the manner suggested by Malcolm and Aravamudan. What Hobbes knew of the Powhatan people of Virginia did not contradict his existing cultural prejudices.[11] The political and social complexities of Amerindian tribes were *not* inconsistent with the state of nature (as he defined it). In the social contract tradition, Hobbes's state of nature stands out because in it "there is perpetuall war, of everyman against his neighbour" (Hobbes [1651] 1996, 149). Savage anarchy, however, did not preclude the formation of defensive leagues for mutual aid. But individuals, although living under patriarchal or despotic rule, still remained in the state of nature (164). In his view, these loose federations lacked sufficient strength to resist external attacks, would be dogged by internal feuding, and thus could not endure (118; [1642] 1983a, 86–87). "A great family is not properly a Commonwealth" because families or clans had not united to establish a common power to fear (Hobbes [1651] 1996, 142). They had yet to confer authority on a sovereign who was thus "enabled to conforme the wills of them all to Peace at home, and mutual ayd against their enemies abroad" (120–21). The societies of both ancient Germany and contemporary America exemplified, for Hobbes, multitudes that had yet to form themselves into unified and sovereign political entities. "For the savage people in many places of *America*, except the government of small Families, the concord whereof dependeth on naturall lust, have no government at all, and live at this day in the brutish manner as I said before" (89). The Germanic tribes were also "divided amongst an infinite number of little Lords, or Masters of Families, that continually had wars with one another" (68). Hobbes was not wilfully silent about the Amerindians as Malcolm and Aravamudan aver. What he did was set a culturally specific threshold for statehood. The savages of both the Old and New Worlds failed that test.

Why could Hobbes not recognize savage societies as sovereign nations? Imputing natural freedom to savages and denying that savages societies constituted sovereign states were two sides of the same coin. The renunciation of natural freedoms and their transference to a corporate body exercising sovereign authority brought the state of nature to an end. But the analogy made between sovereign individuals in a state of nature and sovereign states in the European family of nations was itself a stricture that necessitated the denial of statehood to savage societies. Because the members of the savage societies of the Americas were considered to be individuals in the state of nature, they could not *also* be acknowledged as forming collectives that constituted political communities. It was only as individuals that savage peoples were designated as being *like* sovereign states facing each other in the "posture of gladiators." When Hobbes and his contemporaries looked to the New World, what they saw were *individuals* jealously defending their independence, not *states* whose sovereignty had to be respected.

The savagery of the Old and New Worlds, as constructed by Hobbes, was not only a condition of intellectual chaos and, consequently, technological deficit, but also a mode of subsistence based on plunder and piracy. In the Hobbesian state of nature, enforceable property rights were absent. In a condition in which "all things belong to all men," there could be no notion of mine and thine (Hobbes [1642] 1983a, 91). Savage societies illustrated (so Hobbes thought) the philosophical point that property rights only came into being with the establishment of the sovereign (Hobbes [1651] 1996, 171). In civilized nations, the sovereign not only guarded the personal safety of his subjects, but was also bound to enact laws that enhanced the industry, productivity, and thrift of his subjects (Hobbes [1642] 1983a, 164; [1651] 1996, 70, 231). In contrast, the political economy of savage societies rested on the art of war.

> The Saxons, as also all the rest of *Germany* not Conquer'd by the *Roman* Emperors, nor compelled to use the imperial Laws, were a Savage and Heathen people, living only by War and Rapine, and as some Men learned in the *Roman* Antiquities affirm, had their name of *Germans* from that their ancient trade of life, as if *Germans* and *Hommes de guerre* were all one. (Hobbes [1681] 1971, 162)

[10] In the Latin version of *Leviathan*, Hobbes makes no reference to existing inhabitants or their annihilation. He says simply that "numbers of citizens are sent out under a conductor or rector to inhabit and cultivate a foreign land" (Hobbes [1688] 1841, 189).

[11] For those interested in various answers to the question, "Was Hobbes a racist?", see Boucher (2009, 199–202); Hall (2005); Lott (2002); and Taylor (2005, 333).

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Hobbes subsumed all savage societies, ancient and modern, under the category of piracy (i.e., living by plunder). Rapine and violence was greatly curtailed within a commonwealth because the sovereign established, adjudicated disputes over, and punished violations of, property rights (Hobbes [1650] 1969, 112). Sovereign states certainly went to war with one another and, when victorious, claimed booty as a legitimate prize of war; however, war was not their primary mode of wealth accumulation (wars of aggrandizement Hobbes likened to reckless gambling) (Hobbes [1642] 1983a, 164). If savage societies were classified as bands of pirates, then they could not be sovereign states. Sovereigns were instituted to prevent the violation of property rights and the infliction of personal injury; the mode of subsistence of savage societies violated the raison d'être of sovereign statehood.

If we compare Hobbes's treatment of piracy among ancient savages with that of Hugo Grotius (1583–1645), we can observe Hobbes collapsing conventional distinctions drawn between barbarian piracy and the interstate wars fought between Rome and barbarian peoples. In his *Rights of War and Peace*, Grotius cited Greek sources on the ancient Greek practice of plunder. In the distant past, piracy had been considered an honorable employment practiced within well-established bounds: "they abstained from Murders, from robbing in the Night and from stealing plowing Oxen" (Grotius [1625] 2005, 3: 1248, 2: 821). In later times, the practice of piracy had been condemned, and a distinction maintained between pirates and enemy states, between acts of piracy and acts of war. An enemy was a state that had publicly declared war on another state; a thief was an outlaw who injured and robbed individuals, but had not denounced a whole people as an enemy. Taking the most difficult case, a comparison between a band of robbers who show some equity among themselves and a state that commits acts of injustice, Grotius distinguished the purpose of the former as the commitment of crimes, whereas the latter was an association "for the peaceable Enjoyment of their own Rights and to do Right to Foreigners," even if some officials or parts of the state may err and act unjustly (3: 1247–49). Bands of robbers, regardless of how well ordered internally or considerate in their thieving, lacked the goal of pursuing the common good. In support of this distinction, Grotius cited various Roman sources (Tacitus, in particular) as evidence that Germanic nations whom the Romans conquered were distinguished from bands of pirates, and that wars between the Romans and the Germans were distinguished from acts of plunder perpetrated by various Germanic tribes beyond the bounds of any state (3: 1250).

Hobbes, in contrast, characterized all savages as pirates, without reservation. Familiar with the same classical sources, Hobbes, like Grotius, referred repeatedly to the ancient practice of piracy and freebooting. The law of nature allowed theft on land and sea at that time as long as it was conducted without cruelty and the tools of agriculture were exempted (Hobbes [1642] 1983a, 86, 164; [1650] 1969, 100–101; [1651] 1996, 118). "Also amongst men, till there were constituted great Commonwealths, it was thought no dishonour to be a Pyrate, or a High-way Theefe; but rather a lawfull Trade" (67). Living by plunder was a rational course of action in the state of nature given that subsistence was uncertain and private property rights had yet to be established. Unlike Grotius though, Hobbes treated all savage societies, ancient and modern, as pirates. Whereas Grotius could and did distinguish between unjust acts of despoliation and wars with enemy barbarian states, Hobbes defined all savage societies as freebooters and plunderers.

Grotius and Hobbes each touched on the issue of piracy for quite different reasons. Grotius sought to defend the rights of Dutch traders in both the West and East Indies against the monopoly on trade claimed by Spain and Portugal (Ittersum 2006). In his *Commentary on the Law of Prize and Booty*, he argued that the capture in 1603 of a Portuguese merchant ship, the *Santa Catarina*, by a Dutch vessel in the Straits of Malacca was not an act of piracy, but the just seizure of prize undertaken by a privateer commissioned by the Dutch Republic at war with Spain and Portugal. The real pirates in the case, Grotius ([1868] 2006) asserted, were the Portuguese whose "savage behaviour" was to "blockade the seas and impede the progress of international commerce" in the East Indies (449). Compared with Grotius' deep involvement in the legal defense of the trading interests of the Dutch, Hobbes's engagement with the law of nations was incidental and theoretical. Piracy, for Hobbes, was a sociological category, a mode of subsistence characteristic of all savage nations, ancient and modern. In the construction of that category he distorted classical sources, rather than contemporary accounts of Amerindians societies.

The New World confirmed for Hobbes "[t]hat the condition of meer Nature, that is to say, of absolute Liberty, such as is theirs, that neither are Sovereigns, nor Subjects, is Anarchy, and the condition of Warre" (Hobbes [1651] 1996, 245). As we see, the anarchy of the state of nature took various forms. The rude simplicity of savagery was due to their haphazard and disordered acquisition of knowledge. Without security and without leisure, systematic bodies of knowledge could not be developed. And without the applied sciences, the structures and machines that mitigated the natural hardships of human existence could not be built. But the lawlessness of the state of nature was not merely intellectual. The failure of savages to build up bodies of scientific knowledge stemmed from the savage anarchy that accompanied their absolute freedom. In such a condition, their personal safety was always in jeopardy and their possessions never secure from theft. It was an easy step for Hobbes to liken savages to pirates.

HOBBES'S LEGACY AND THE LAW OF NATIONS

Hobbes ([1650] 1969) ended *The Elements of Law* with the sentence: "For that which is the law of nature

https://doi.org/10.1017/S0003055410000511 Published online by Cambridge University Press

between man and man, before the constitution of a commonwealth, is the law of nations between sovereign and sovereign, after" (190). His perfunctory remarks on the law of nations have generated a number of conflicting legacies (Armitage 2006, 228–33). In this section, we examine one strand of a complicated tangle of ideas attributed to Hobbes within the law of nations: his notion of savage anarchy and its influence on the denial of statehood to primitive societies.

Writing in the context of the early colonization of the Americas and the emerging Westphalian state system of Europe, Hobbes built an account of the sovereign authority of civilized states that presupposed its absence among the primitive societies of the New World. Although Grotius acknowledged the sovereignty of indigenous rulers in the East Indies with whom the Dutch wanted to trade, Hobbes reduced the societies of the New World to bands of pirates living in a state of nature. It was common for histories of international law to juxtapose Hobbes unfavorably with Grotius, but not on account of Hobbes's characterization of the New World as a zone of savage anarchy. Grotius was said to furnish principles governing the rules of war that tempered the barbaric practice of European warfare; in contrast, Hobbes's anarchic state of nature was read as licensing the deterioration of an already bad situation (Ward 1795, 368).

Scholarship on the history of the law of nations is critical of the positivist international jurisprudence of the nineteenth century that sanctioned the acquisition and exploitation of the "backward" regions of the world by European powers. It looks more favorably on earlier natural law theories, such as those of Vitoria or Grotius, as being less Eurocentric in their acknowledgment of the sovereignty of non-European states (Alexandrowicz 1967; Anghie 2004; Keal 2003; Keene 2002; Kooijmans 1964). Alexandrowicz (1967), for example, argued that legal positivism introduced a novel "constitutive theory of recognition" into international law (9). European nations incorporated non-European nations into their "international" society only on a case-by-case basis as each, having reached the threshold of civilization required for membership, was "recognized" as a sovereign state. However, as Alexandrowicz pointed out, prior to the nineteenth century, European powers (obliged by diplomatic and military realities) had acknowledged the sovereignty and equality of the numerous powerful and ancient states stretching from the Indian subcontinent to China with whom they negotiated commercial treaties and entered into client relationships. This earlier recognition of sovereign states in the East Indies, Alexandrowicz argued, had been consistent with classical theorists of international law, such as Grotius, who presumed a natural law of all nations, universal and inclusive in its application.

This approach overstates the inclusiveness of the earlier exponents of a natural law of nations. Had Alexandrowicz looked to European incursions west into the Americas, rather than those east into Asia, he would have had to acknowledge that the precedent of excluding many political societies from the family of nations was accommodated within natural law theories and was established long before the rise of positivism. The sovereignty of the indigenous societies of the Americas was denied in practice from the very first planting of colonies by European states. Hobbes denied them statehood in theory by conceptualizing the sovereign, European state in juxtaposition to a hypothetical state of nature (in which he had placed the native Americans). Later thinkers would apply the category of savagery to technologically less advanced non-European societies in all regions of the world.

The influence of the Hobbesian construction of savage anarchy is discernible in the work of de Vattel, an Enlightenment theorist of international law who employed natural law assumptions and upheld the principle of the sovereign independence of nations (Beaulac 2003; Hochstrasser 2000, 177–86; Hurrell 1996; Ruddy 1975). His use of natural law did not in the least preclude the exclusion of savage societies from the "universal" family of nations.[12] Primitive societies were not considered to be political units whose sovereignty merited respect. They were instead *the outside* of the system of sovereign states; the chaotic and barbaric regions over which civilized states competed in the extension of rival imperial jurisdictions.

In the preface to *The Law of Nations*, first published in 1758, de Vattel ([1797] 2008) praised Hobbes as the first author to give a "distinct, though imperfect, idea of the Law of Nations" (8).[13] Although approving of Hobbes's definition of the law of nations, Hobbes erred, de Vattel believed, in his assumption that the application of the law of nature to individuals and states necessitated no modification of the law. de Vattel elaborated on the analogy between individuals and states in some detail, teasing out the ways in which the law of nature applied differently to states; their different capacities necessitating different obligations.

The rules governing the conduct of war occupy a large proportion of de Vattel's treatise. Explicitly rejecting Hobbes's claim that "war is the natural state of man," he asserted instead that peace was our natural condition (de Vattel [1797] 2008, 651). States, like individuals, had an obligation to cultivate peace; war was always a last resort. Because individuals were destined "to live in society in the interchange of mutual aid," so too did states have obligations to assist other states (262). States, however, were far more self-sufficient than individual men; thus, a state's primary duty of self-preservation and the avoidance of any compromise of its autonomy gave rise to far less stringent obligations to aid its neighbors. Being at odds with Hobbes over the natural sociability of humans did not preclude de Vattel from embracing his state of nature framework and the analogy between individuals and states. Within that framework, savage societies were enmeshed as a foundational referent.

The rights and duties of nations de Vattel derived from the rights and duties of individuals in their natural

[12] Thus, I cannot agree with Hurrell's (1996) claim that "Vattel tends towards an inclusive conception of international society" (245).

[13] On de Vattel's influence, see Whelan (1988) and Fenwick (1913/1914).

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state. "Nations being composed of men naturally free and independent, and who, before the establishment of civil societies, lived together in the state of nature—nations or sovereign states are to be considered as so many free persons living in the state of nature" (de Vattel [1797] 2008, 68). Hobbes ([1651] 1996) assumed that "all men equally are by Nature Free" (150). In de Vattel ([1797] 2008), the equality of individuals in the state of nature was the basis of the equality of sovereign states:

> Since men are naturally equal, and a perfect equality prevails in their rights and obligations, as equally proceeding from nature—nations composed of men, and considered as so many free persons living together in the state of nature, are naturally equal, and inherit from nature the same obligations and rights. Power or weakness does not in this respect produce any difference. A dwarf is as much a man as a giant; a small republic is no less a sovereign state than the most powerful kingdom. (75)

The territorial sovereignty of civilized states received a robust defense from de Vattel: "No Nation has a right to expel another people from the country they inhabit, in order to settle in it herself . . . every people ought to be contented with that which has fallen to their share" (307). His example was his own Helvetian ancestors herded back to their Alpine plateau by Caesar's legions. In the "first age of the world" the whole globe was possessed by the human race in common, with wandering tribes "ranging over" rather than inhabiting or properly cultivating territories. In that earlier time, the propensity for nations "to avoid labour" and to engage in "idle modes of life"—like hunting or pastoralism—could be indulged because the earth without cultivation supplied "sufficient to feed its small number of inhabitants" (129). In the present age, however, a duty of husbandry—the diligent and intensive cultivation of their existing territory—lay on all possessors of the soil and was the special responsibility of sovereigns. Compliance with the duty of husbandry was a test of a nation's title to the territory it possessed, or might engross: "No nation [has] a right to appropriate to itself a country, except for the purpose of making use of it, and not of hindering others from deriving advantage from it (214–15)." Thus, the Lockean requirement that land be productively used was adopted by de Vattel, making the territories of savage societies vulnerable to legitimate encroachments by civilized nations (Flanagan 1989; Keal 2003, 100–2; Tully 1994). The duty of husbandry impinged little on the territorial sovereignty of civilized states, given the presumption of their high population densities and intensive agriculture.

As was the case with Hobbes, the savage state was associated in de Vattel's ([1797] 2008) mind, not only with indolence and lack of industry, but also with the unlawful confiscation of the fruit of other peoples' labor:

> Those nations (such as the ancient Germans, and some modern Tartars), who inhabit fertile countries, but disdain to cultivate their lands, and chuse rather to live by plunder, are wanting to themselves, are injurious to all their neighbours, and deserve to be extirpated as savage and pernicious beasts. (129)

Like Hobbes, de Vattel, drawing on Tacitus' descriptions of the ancient Germans, was inclined to define savages as possessing an inordinate lust for war and to appraise the savage state as a mode of subsistence indistinguishable from piracy (570). For de Vattel, the liberty and independence of nations, like the liberty and independence of individuals in the state of nature, implied that sovereigns reserved the right to determine their obligations under the law of nations (75). One aspect of sovereignty was the right of a nation to use and dispose of all things within its domain as it saw fit. If a nation chose to leave part of its domain uncultivated and desert, then it "need render account to no one of the manner in which it employs its property" (306). The depopulation and abandonment to wilderness of a portion of a territory was justified in the particular case of the Romans creating a buffer zone along the Rhine against German incursions. This example indicates that the territorial sovereignty of civilized states certainly trumped their duty of husbandry, especially when provision had to be made for defense against invading barbarian hordes intent on plunder.

de Vattel's ([1797] 2008) purpose in his treatise was to expound the rights and obligations of free and independent states understood as moral persons in a "grand society" of nations (83, 85). But the law of nations was the law of sovereigns only. His association of savagery with anarchy and plunder had the effect of excluding savage nations from the family of sovereign states. Rather than constituting political societies, savage societies were nomadic "erratic nations" with "scanty" populations often seen as collections of independent families (130, 310). Although dismissing the authority of the pope to disburse to Spain and Portugal territories in the possession of the indigenous inhabitants of the New World (215), and denying the justice of outright conquest in Peru and Mexico, nevertheless we find in de Vattel a qualified defense of European colonization in the Americas. His jurisprudence, although grounded in natural law, was highly exclusionary. The banishment of savage nations from the "grand society" of nations is a consequence of de Vattel's preliminary analogy, which he derived from Hobbes, between natural individuals in the state of nature and sovereign states vis-à-vis one another. Savages were deemed to be natural and free individuals living in a state of nature; they lived by plunder and disdained to till the soil. They represented savage anarchy and, as such, were the very opposite of sovereign states.

In the two hundred years separating Hobbes from the pronouncements made by scholars of international law in the nineteenth century, the globe underwent profound political, economic, and technological transformations. The economic and military power of Anglo-European states, relative to the rest of the world, greatly increased; the competitive expansion of their formal and informal colonial empires continued to engulf the Americas, Asia, and Africa. It was inevitable that a positivist jurisprudence would formulate legal

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principles that rationalized the practice of colonialism as it unfolded. In retrospect, the doubts, setbacks, and complexities of the early period of colonization were condensed into incontrovertible rights of discovery and conquest. Time also added a layer of prescriptive rights that put the legitimacy of the settler colonies, in particular, beyond question.

In 1828, John Austin, the influential legal positivist, gave his inaugural lectures as professor of jurisprudence at the University of London. Unlike de Vattel, there was no reliance on the Lockean agricultural argument in his discussion of savage societies. Instead, his intellectual debt to, and admiration for, Hobbes is evident throughout his lectures. Austin ([1832] 1968) defined a political and independent society as one in which "the *generality* or *bulk* of its members must be in the *habit* of obedience to a *certain* and *common* superior: whilst that certain person, or certain body of persons, must *not* be habitually obedient to a certain person or body" (202). Although he admitted the vagueness and uncertainty of this definition, he believed the extreme cases to be clear cut. Such a condition characterized "the ordinary state of England, and of every independent society somewhat advanced in civilization"; clearly failing to meet these requirements were "independent and savage societies which subsist by hunting or fishing in the woods or on the coasts of New Holland" (203–4). Savage societies were "natural" rather than "political" because "obedience to the same superior is rendered by so few of the members, or general obedience to the same is so infrequent and broken." In times of war, submission to one leader did occur. "But so soon as the exigency passes, this transient submission ceases" (209). Without habitual obedience to a common superior, there was no positive law (i.e., commands that oblige); such societies were instead regulated by what Austin termed "customary law," rules "imposed by the general opinion of the community but which are not enforced by legal or political sanctions" (209). He identified "natural societies" as those inhabiting New Holland, the forests and plains of North America, and the German nations described by Tacitus. Thus, as in Hobbes, savagery was a category that embraced societies separated by thousands of years and miles, defining them as natural and chaotic. Regardless of their various indigenous forms of social organization, all were deemed to be nonstates.

Legal positivists dismissed all accounts of a state of nature, Hobbes's included, as a fanciful component of the natural law theories their modern jurisprudence had superseded. Nevertheless, echoes of Hobbes's notion of savage anarchy still resounded within the new "scientific" categorizations of nations on a scale of civilization. James Kent (1763–1846), founding professor of law at Columbia and a justice of the New York Supreme Court, connected the advance of civilization with the laws now governing Anglo-European interstate relations in his influential legal text, *Commentaries on American Law*.

> The history of mankind is an almost uninterrupted narration of a state of war, and it gives colour to the extravagant theory of Hobbes, who maintains, that the natural state of man is a state of war of all against all; and it adds plausibility to the conclusions of those other writers, who, having known and studied the Indian character, insist that continual war is the natural instinct and appetite of man in a savage state. It is doubtless true, that a sincere disposition for peace, and a just appreciation of its blessings, are the natural and necessary result of science and civilization. (Kent 1826, 45)

According to Kent, civilization brought in its train "moderation and humanity" in the conduct of war. The history of the law of nations was the tale of the progressive abandonment of savage practices. The law of nations had its origins in the distant past when "piracy was regarded as an honourable employment"; it survived the barbarian invasions when "piracy, rapine, ferocious warfare, deformed the annals of Europe"; it recovered under the influence of chivalry and Christianity; and it culminated in the international law that civilized, Christian, European states now acknowledge as ordering their relations with each other (1–20).

Sovereign statehood was equated in the nineteenth century with civilized nations whose institutions had been forged in a common developmental process spanning centuries. Progress was measured by the distance that Europeans (in their own eyes at least) had put between themselves and their own savage and piratical beginnings. The doctrine of the legal equality of states applied only to Anglo-European states among whom mutual recognition established their sovereign status. A second tier of "semi-civilized nations"—the Ottomans and the older states and empires of Asia—had stalled at various places on the ladder spanning savagery and civility. Primitive societies had made no progress at all; they had yet to commence their long journey up the ladder. Thanks in part to Hobbes, they were seen as representing the inchoate origins of modern states; it was thus inconceivable that they might exhibit the refinements and sophistication of the state's most advanced form. In works dealing with international law, they were to be found listed among the entities that fell outside the definition of a state (and thus outside the scope of public international law): "All migratory hordes not occupying a fixed or certain seat—and all associations of men united for the accomplishment of immoral ends (*sceleris causa*), such as piratical hordes" (Phillimore 1854, 95). The association of "erratic tribes" with piracy and war (an association that Hobbes helped establish) was common to both naturalists and positivists. Henry Wheaton (1785–1848), the American diplomat and legal publicist, also repeated the standard list of groups disqualified as states under international law: "voluntary associations of robbers or pirates, outlaws of other societies" and "an unsettled horde of wandering savages not yet formed into a civil society" (Wheaton 1866, 30).

For American jurists such as Kent and Wheaton, the colonization of the Americas by European states in the sixteenth and seventeenth centuries was a *fait*

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accompli. In their accounts of international law, the assertion of sovereignty over the New World by the states of the Old World was justified by the "superior genius of the Europeans, founded on civilization and Christianity, and of their superiority in the means, and in the art of war" (Kent 1828, 309). Canvassing the Papal grant of 1493 to Portugal and Spain, and the rights of discovery, settlement, and conquest claimed by other European powers in the New World, Wheaton (1866) noted that "According to the European ideas of that age, the heathen nations of the other quarters of the globe were the lawful spoil and prey of civilized conquerors" (241). Despite the many conflicts among the maritime powers of Europe, they were agreed in "almost entirely disregarding the right of the native inhabitants of these regions." Theodore Dwight Woolsey (1801–89), president of Yale College, agreed with that assessment of past practice, but greatly regretted that in the present day no progressive improvement was to be observed in the conduct of civilized states toward savage nations. In fact, their increased technological superiority had only increased their contempt for those outside their society of states: "The Christian states who make it [international law] a law between themselves are in danger of acting as if no rules of justice bound them beyond their own circle, and as if nations which refused to abide by their rules of intercourse in any respect were to be treated as enemies" (Woolsey 1860, 453). In the early twentieth century, political scientists spoke of international anarchy as the "chaos, disorder, and lawlessness resulting from the lack of a domestic sovereign authority in the 'barbaric' regions of the globe" (Schmidt 1998, 235). Walter Lippmann ([1915] 2008), writing during World War I, casually connected the anarchy of interstate relations with this savage anarchy of the periphery: "the anarchy of the world is due to the backwardness of weak states" (88, 127). He identified "the organization of virgin territory and backward peoples" as the chief task facing world diplomacy because "their weakness invited exploitation" and imperial friction.

Long before the problems of imperial rivalry and the administration of colonial dependencies came to preoccupy the fledgling field of international relations, Hobbes had laid the seeds of the notion of savage anarchy in the discourse of the law of nations. Both naturalists and positivists embraced the Hobbesian assumption that primitive societies were plunderers and pirates (the very antithesis of a state). Those such as de Vattel, who drew on a natural law framework, adopted with ease the concept of the state of nature and the primitive individualism it assumed. Although positivists dismissed the state of nature as an unsubstantiated fiction, they viewed "backward" nations as juvenile forms of the more advanced states, still as yet unable to either impose order internally or live up to the international obligations required of members of the family of nations. Savage nations represented a barbaric past that Anglo-European nations had long since left behind. Hobbes had done much to establish the category of savagery defined as a life of war and rapine.

CONCLUSION

Let us conclude then, by returning to where we began. The frontispiece of Hobbes's *De Cive* depicts the modern geography of sovereignty as understood and fashioned by Europeans. Before Christ the King resumes his throne at the last judgment, the terrestrial world can be viewed as divided into two realms. In one, the natural freedom of individuals reigns unchecked, and as a consequence, there is savage anarchy. In the other, the absolute liberty of the individual has been renounced and transferred to a sovereign. The state of nature and the sovereign commonwealth are represented by the allegorical figures of America and Europe, the very same figures that decorated the title pages of the atlases of the period. Although Europe and America stand as opposites, Hobbes's state of nature discourse entwined them in a complex relationship that went far beyond a simple contrast.

By positioning savage peoples within his state of nature, Hobbes located them both *before* sovereign states (in time) and *beyond* sovereign states in the anarchic periphery. Trapped in an analogy not of their own making, savage societies were said to enjoy absolute liberty as individuals (thereby discounting them as associations exercising state sovereignty). The key characteristic of statehood was the authorization of a sovereign able to provide security and order. Savage societies were placed outside the state system because they failed to establish political institutions that resembled those of Europe. Savage anarchy became seen as the only alternative to, the very *outside* of, civilized states. By adopting such a definition, a vast array of effective forms of social organization was erased. The social structures and institutions that savage societies did possess were deemed to be "natural," and thus prepolitical. Living by war and plunder, they were judged to be like pirates and outlaws. As a consequence, primitive societies never ranked as nations worthy of full recognition in the international arena.

At the time Hobbes wrote, Europe was emerging as a region of independent sovereign states whose common religion (despite the rift of the reformation), royal dynasties, shared legal heritage, intimate commerce, and intermittent conflicts bound them to each other. Outside that Old World, an astonishingly vast and rich New World lay open to those European states whose maritime capabilities allowed them to exploit those new resources through commerce and colonization. Hobbes is a foundational theorist of that modernity in both its international and domestic dimensions. Hobbes placed the state of nature, defined as a state of war, at the very heart of modern political discourse. He grounded the legitimacy of the civil power on a social contract that dissolved the state of nature. He also took it for granted that "the condition of Commonwealths between themselves is natural, that is, hostile" (Hobbes [1642] 1983b, 197). But this was a hostility and rivalry that could be managed among states that shared so much in common. The notion of anarchy that Hobbes bequeathed to international relations is that which is conventionally associated with the theory of structural realism. This

https://doi.org/10.1017/S0003055410000511 Published online by Cambridge University Press

article reveals a different notion of anarchy in Hobbes that influenced international jurisprudence. The specter of savage anarchy haunting the origin and the outside of states is Hobbes's other, and perhaps equally important, contribution to international political theory.

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