

Review - The Burdens of Empire: 1539 to the Present

Written by Ricardo Padrón

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RICARDO PADRÓN, DEC 22 2016

The Burdens of Empire: 1539 to the Present

By Anthony Pagden

Cambridge University Press, 2015

In this erudite and sophisticated volume, one of the world's leading historians of the early modern European imperial imagination brings together some of the best of his life's work on the intellectual history of empire. With the exception of chapter 6, which appears here for the first time, all the chapters of this book originally appeared as essays in a variety of journals and edited volumes published between 2000 and 2014, and will already be familiar to many readers. Nevertheless, the book merits attention from anyone interested in the way Europeans have conceptualized empire since the voyages of Christopher Columbus. As the author himself explains, he has revised his original material in order to incorporate recent scholarship and lend overall coherence to the volume (ix). In doing so, he has made it possible for even his most avid readers to more readily appreciate and assess the most salient themes of his scholarship.

In order to understand the nature of Pagden's contribution, we would do well to begin with chapter 3, "The Peopling of the New World: *Ethnos*, Race, and Empire in the Early-Modern World," where the author implicitly distances himself from the proposition so common to much of the contemporary scholarship on imperialism and colonialism, that empire must be understood primarily in terms of racism, and the structures of domination and exploitation that go with it. Pagden correctly points out that modern racism, the notion that humanity was divided into several subspecies whose physical, intellectual, and moral characteristics were passed down from one generation to the next, was a product of the nineteenth century, and did not figure prominently in the ways that early modern Europeans sorted human beings into distinct categories. Between 1500 and 1800, roughly, religion and environment or "climate" mattered much more than what we would call genetic inheritance. This is significant, because one cannot change one's race, but one can certainly convert to a different religion, or move to a climate more favorable to human flourishing. The differences among human beings, therefore, were ultimately superficial, insofar as they were amenable to change. Beneath the diverse appearances lay a single human nature, common to all.

This belief that human beings were all ultimately alike was essential to the philosophical and legal tradition that, according to Pagden, served as wellspring of early modern thinking about empire. That tradition held that there existed a universally binding natural law that governed human behavior, as well as a *ius gentium*, a sort of international law *avant la lettre*. Neither was explicitly enacted or codified, but both could supposedly be deduced by mature human beings anywhere, at anytime, through the exercise of reason. The tradition was crucial to the exercise of empire in the Atlantic world, where there was no shared legal tradition that could govern the encounter between Europe and America. It allowed Europeans to project a legal code onto situations where there was none, and thereby helped them convert might into right.

Pagden, however, does not put it quite so bluntly. Instead, he traces the uses and abuses of the natural law tradition through a series of Spanish, Italian, English, Dutch, Portuguese, French, and German thinkers who wrote between 1539 and 1820, more or less. His analyses are always astute, and quite often brilliant. They begin with Francisco de Vitoria, the sixteenth-century Spanish theologian who is often lumped together with Bartolomé de las Casas as a critic of the brutality of the Spanish conquest of the Americas, but who becomes, in Pagden's hands, a sophisticated

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theoretician of empire. Victoria rejects the papal encyclicals of 1493 as a legitimate legal basis for Spanish sovereignty in the New World, and instead attempts to ground imperial rule in the natural law and the *ius gentium*, emphasizing the right of the state to protect the people of another state from the tyranny of their own rulers, as well as the right of all human beings to circulate freely for the purpose of trade. Pagden ingeniously demonstrates how Vitoria interprets these rights in very tendentious ways, in order to convert them into something they had never been before, justifications for conquest.

These two rights in particular figure prominently in subsequent theories of empire, even when the arguments move in other directions. With the emergence of the Dutch and English imperial projects, the natural law tradition, and specifically the right to circulate freely for the purpose of trade, comes to be used against claims of conquest and possession. One chapter examines how the Dutchman Hugo Grotius appealed to this right to argue for the freedom of the seas, and compares his case with that of the Portuguese Serafim de Freitas, who appealed to the natural law tradition to argue for his country's sovereignty over the sea. Another explores a similar dichotomy within the British empire, where the crown uses natural law arguments to define the thirteen North American colonies as rightful conquests, while the colonists draw upon arguments related to the right to free circulation to define the same colonies as settlements in *terra nullius*, empty land that belonged to no one, enjoying certain rights *vis a vis* the monarchy. The discussion reaches its climax in the seventh and eighth chapters, where Enlightenment thinkers appeal to the right to free circulation in order to define empire against the Iberian model as a fundamentally commercial project, and Immanuel Kant finally gives up on empire, along with the whole notion of a natural law.

The book, however, does not end there. A final chapter leaps from the Spanish American wars for independence to the postwar world of the twentieth century in order to examine the debt of contemporary human rights discourse to the natural law tradition. This move is what justifies the subtitle, which promises that that book will convey us from 1539 to the present day. Very little gets said, however, about what happens to European imperial thought after 1820, beyond some brief allusions to the importance of nineteenth century nationalism. Nothing, more importantly, gets said about Marx and his successors, and their critique of imperialism as a function of capitalism. These silences are there for a very good reason: Pagden is a specialist in early modern European intellectual history whose expertise does not extend much beyond 1820. Nevertheless, the second silence is a particularly interesting one, given Pagden's tendency to keep the notion of ideology at arm's length. Pagden uses the word several times, but never in the sense bequeathed to us by the Marxists, which emphasizes the function of ideas in legitimating relations of power. What is the natural law or the *ius gentium*, in the hands of people like Vitoria, if not an ideology in this very sense, a sort of philosophical alchemy that transforms brute force into legal action and subjection into inclusion, that *naturalizes* what is in fact purely arbitrary and completely political? Pagden never discusses Marx, nor does he utilize any of Marxism's analytical tools, yet he leaves little room for doubt that early modern efforts to theorize empire by appealing to the natural law tradition were all politically laden enterprises whose partial interpretations and capacity for contradiction point to the ugly realities of empire that Pagden barely mentions—he never discusses African slavery—but that nevertheless haunt his discussion. Pagden simply loads the bases, and leaves it to the reader to hit the ball home.

About the author:

Ricardo Padrón is an Associate Professor of Spanish at the University of Virginia who specializes in the literature and culture of the early modern Hispanic world, with particular emphasis on the Spanish imperial imagination. His first book, *The Spacious Word: Cartography, Literature, and Empire in Early Modern Spain* (Chicago, 2004) makes a seminal contribution to the study of cartography and literature in the Spanish sixteenth century. His current research involves the role of the Pacific and East Asia in Spanish cartographies of the Indies.