

## Decolonizing the “state of nature” in political thought

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### Abstract

The study of coloniality as a “social imaginary” (Charles Taylor) from the perspective of decoloniality invites European scholars, to “think again”, to interrogate their own traditions, including their modern political philosophical tradition. In this article, I will discuss a powerful modern political imaginary, namely the democratic narrative of the “social contract”. Such narratives or “imaginings of our origin” (*Ursprungspantasien*: Philip Manow) give us answers to the enigma of our social and political existence: what does it mean to live in this political community? What does it give us, ask from us? In the modern narrative of the “social contract”, we are told that, to be a good citizen, we have/had to leave the “state of nature” (*status naturalis*), a state often described as a state of disorder, conflict, and war, and accept the status of citizenship (*status civilis*) and a powerful *state* as guarantee of peace and the rule of law. In this article, I will firstly give some examples of the use of this narrative in very diverse contexts: 1) in the context of the European religious civil wars in the 16th and 17th centuries (birth of the modern liberal political philosophy), 2) in the context of the transition of European nation-states to the European Union after WWII, 3) in the context of the transition of Apartheid South Africa to a non-racial democracy. Secondly, I will concentrate on one of the first philosophers who introduced the state of nature/civil state narrative, Thomas Hobbes (1588–1679), to discover that his political imagination is deeply influenced by the colonial experience in the “New World”, especially the meeting with the indigenous Indians in America. In several aspects, they are in Hobbes’ imagination the incarnation of the life in the “state of nature”. This raises the question, how the idea of a democratic social contract can be reformulated, without Eurocentric and racist premises, and without simply reversing the Hobbesian narrative: since the “colonizer” is the root of our conflict and controversies, to expel him will restore a durable peace.

### Keywords

*Social contract, Thomas Hobbes, status naturalis/status civilis, decoloniality, non-racial democracy*

Recently, there is an important discussion in the Netherlands and elsewhere in Europe about the colonialist and racist premises of our philosophical tradition, especially the dominant liberal political-philosophical tradition. Some of my colleagues discuss the position of Mogobe Ramose in his book *African Philosophy Through Ubuntu* (1999), who wrote that “Aristotle, Locke, Kant, Hume, Hegel belong to the great western philosophers who made a huge contribution to philosophical racism in the West.”<sup>1</sup> I think it’s important that western philosophers critically look at their own tradition in the light of the movement that often is described as “decoloniality”.

For now, I want to concentrate on one aspect of the modern, liberal political tradition, namely the powerful political imaginary of the “social contract” as the foundation of our modern political order. As recently defined in the *Stanford Encyclopaedia of Philosophy*, the aim of a social contract theory is “to show that members of some society have reason to endorse and comply with the fundamental social rules, laws, institutions, and/or principles of that society”. So, it is concerned with “public justification (...) of determining whether or not a given regime is legitimate and therefore worthy of loyalty.”<sup>2</sup>

## 1. A political imaginary: leaving the state of nature

Today, there is, as there was in the past, still a lot of discussion on this strain in political thought, about the merits and limits of the diverse variants of the theory and imaginary of the social contract, the meaning of its key terms, about the question, who can be the subjects of a social contract, when a contract is (un)just, etc.<sup>3</sup> I want to focus here on one of the earliest versions of this narrative, that makes use of a crucial distinction, namely

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- 1 See Cees Maris, “Filosofisch racisme en Ubuntu. Afrikaanse filosofie en westers racisme (1).” *Filosofie en Praktijk* 39, no. 2 (June 2018): 5–23; 5. See also Franciska Falk, *Eine gestische Geschichte der Grenze. Wie der Liberalismus an der Grenze an seine Grenzen kommt* (München: Fink Verlag, 2011).
  - 2 Fred D’Agostino, Gerald Gaus, and John Thrasher, “Contemporary Approaches to the Social Contract”, *The Stanford Encyclopedia of Philosophy* (Winter 2021 Edition), Edward N. Zalta (ed.), URL = <<https://plato.stanford.edu/archives/win2021/entries/contractarianism-contemporary/>>. See also Andrew Dicus, “Some man” and the savage. The protagonist and social experience in social contract theory.” *Prose Studies* 37, no. 2 (2015): 97–111.
  - 3 See for this last question for example Michael Sandel, *Justice: What’s the Right Thing to Do?* (London: Allen Lane, 2009), Chapter 6.

between a “state of nature” (*status naturalis*) and the “state of civility” (*status civilis*). The social contract, then, is described as a transition, or even an “exodus” from the state of nature to the state of civility. We must leave the state of nature! (*exeundum e statu naturali!*) is the maxim of this normative political thinking.<sup>4</sup> This exodus is necessary, in this narrative, because the state of nature is a state of disorder, conflict, and war. This narrative reminds us of the fact that each political imaginary is always at the same time an imaginary of order and disorder. The oldest variant of this narrative is at the same time the most crude, unpolished, raw one, and therefore the most famous, that of Thomas Hobbes (1588–1679). In his main work *Leviathan* (1651), he wrote one of the most quoted sentences in our western political philosophy. The state of nature is characterized by “continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish and short”.<sup>5</sup> It is a situation where a “war of every man against every man exist”, as Hobbes wrote already in the first chapter of his book *De Cive/On the citizen* in 1642: “One may easily see how incompatible perpetual War is with the preservation of the human race or of individual man. The present centuries present us an example of this in the Americas. Past centuries show us nations, now civilized and flourishing, whose inhabitants then were few, savage, short lived, poor, and mean, and lacked all the comforts and amenities of life which peace and society afford.”<sup>6</sup> I will return to these “past centuries” and “Americans” later.

Well, the whole rhetorical job for Hobbes, in *On the Citizen* as well as in *Leviathan*, is, as the reader can guess, to demonstrate how man can leave this state of nature or – perhaps as important – how we can prevent a fall

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- 4 See Rüdiger Bubner, “Voraussetzungen des Rechtsstaates”, in Rüdiger Bubner (ed.), *Drei Studien zur politischen Philosophie* (Heidelberg: Universitätsverlag C. Winter, 1999), 29–47; 33; Etienne Balibar, “Hegel, Hobbes and the Conversion of Violence”, in Etienne Balibar (ed.), *Violence and Civility. On the limits of Political Philosophy* (New York: Columbia University Press, 2016), 25–63; and Julian Nida-Rümelin, “Bellum omnium contra omnes. Konflikttheorie und Naturzustandskonzeption in 13. Kapitel des Leviathan”, in Wolfgang Kersting (ed.), *Thomas Hobbes, Leviathan oder Stoff, Form und Gewalt eines bürgerlichen und kirchlichen Staates* (Berlin: Akademie Verlag, 1996), 109–131.
- 5 Hobbes, *Leviathan*, ed. J.C.A.Gaskin (Oxford & New York: Oxford University Press, 1981), 84.
- 6 Thomas Hobbes, *On the Citizen*, ed. By Richard Tuck and Michael Silverthorne (Cambridge: Cambridge University Press, 1998), 30.

back into this state of war. And his answer, as we know, is that we must engage in a “covenant” (this is the word he mostly uses, beneath “contract”) to accept a sovereign *persona* (this can be a monarch, but also a body of representatives) who protects us in exchange for our obedience.

In recent research on Hobbes, we are advised to consider such narratives as “phantasies about our origin”, *Ursprungspantasien*, in the vocabulary of the German political theorist Philip Manow. In such narratives, he explains, societies give themselves answers to the mystery of their social or political existence. And particularly, such collective phantasies “give us valuable information about the societies that produce such phantasies”.<sup>7</sup> As said, I will return on Hobbes and on this question (what we can learn about Hobbes and his society when we analyse his master narrative), but first I will give two other examples of this powerful “exodus-narrative” in other contemporary political contexts.

## 2. The creation of Europe

The first one is in line with the consequences of Hobbesian thinking. After all, when we follow his advice to lay the monopoly of violence in the hands of one instance, the state, then one simple but serious problem remains unresolved, namely, that there are more states, that we live in a “pluriversum” of states, and that disorder, conflict and war between these states is still a possibility – think, for example, of the recent war of the Russian federation against Ukraine. In other words, the state of nature survives on a higher level, the level of international relations. Only after many wars between European states, and after two World Wars unleashed by them, many Europeans argue today that we must make a further transition, from the state of nature between sovereign states in Europe to the European Union where war between its members is excluded. For example, the Dutch political philosopher Luuk van Middelaar wrote in 2009 a thick book with the telling title *The passage to Europe* – so a new “transition” or exodus.<sup>8</sup> In a later article based on this book he immediately refers to the Hobbesian

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7 Philip Manow, *Politische Ursprungspantasien. Der Leviathan und seine Erbe* (Konstanz: Konstanz University Press, 2011), 11–12.

8 Luuk van Middelaar, *The Passage to Europe. How a Continent Became a Union* (New Haven: Yale University Press, 2014).

frame of thinking, when he asks himself: “How can we understand this political situation that lies between the “state of nature” of independent and mutually possible hostile European states and a European political order?”<sup>9</sup> Confronting himself with this task, he realizes that the “mystery” of the establishment or *creation* of a political order is, in contemporary political philosophy, a rather neglected field of thought. What dominates today is thinking about rights and representation in an existing state, and more generally, “normative thinking with universalist pretentions” – think of John Rawls and his school.<sup>10</sup> Here, he suggests, we must listen to thinkers in earlier times in European history, from the fifteenth to the seventeenth century, thinkers like Machiavelli, Hobbes, or Rousseau, who did reflect on the *creation* or establishment of a political order. What we can learn then is that the creation of a political order is something like a vicious circle, and this in more than one way.

First: how to demonstrate the advantages of a transition from freedom to committing oneself to a common set of rules and laws before people have experienced these advantages? Or, in the words of Rousseau: “For a nascent people to be capable of appreciating sound maxims of politics and of following the fundamental rules of reason of State, the effect would have to become the cause, the social spirit which is to be the work of the institution would have to preside over the institution itself, and men would have to be prior to laws what they ought to become by means of them.”<sup>11</sup> If we renounce the solution Rousseau himself proposes to the problem of this vicious circle (namely, the “miracle” of the intervention of a wise “Lawgiver”), what we need, then, according to Van Middelaar, is “a good story” about the birth of a political order, a story that is powerful and convincing – for example, long ago, the story of Romulus and Remus, fed by a wolf before the creation of Rome, or the storming of the Bastille during the French Revolution or – I will return to that example – the creation of a “non-racial democracy” in

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9 Luuk van Middelaar, “De stichting van Europa”, in Marin Terpstra (ed.), *Onenigheid en gemeenschap* (Amsterdam: Boom, 2012), 548–567; 548.

10 Van Middelaar, “De stichting van Europa,” 550.

11 Jean-Jacques Rousseau, *The Social Contract and other later political writings*, ed. Victor Gourevitch (Cambridge: Cambridge University Press, 2013), 71.

South Afrika.<sup>12</sup> Such a story must at the same time *explain* the transition from the state of nature to the civil state, and *legitimate* the new order.

Secondly, a further paradox: The jump out of the state of nature into the new order presupposes unanimity, while the same imperative of unanimity threatens the new order, once established. The paradox is that *everyone* must consent to the rule that the *majority* decides on as regards concrete laws and procedures, because a legal order is unworkable when we allow the right of veto. As we all know, the power of veto often is a disaster; it hinders real progress in political decision making. And: what this majority needs is visible *representation*; it must be incarnated. This problem with the power of veto and of representation still haunts the European Union, as van Middelaar shows extensively. And, concerning the representation, think of the well-known joke: can I make a phone call to the European Union, who is or can act in the name of the European Union? Therefore, he concludes, this whole transition is not a single event but a *process* from the old well-known European “concert of states” from the sixteenth century on to a stable European Union. The structure and problems, and the struggle for a good master narrative in this ongoing process, including the danger of a scenario “After Europe”<sup>13</sup>, the collapse of Europe, all this we can leave here aside; let’s just observe that the narrative of a social contract in the Hobbesian sense is very central in Van Middelaar’s history of the European Union.

In his account of the creation of Europe, Van Middelaar does not talk about the colonial history of the European states who were emerging, a history that resulted in the European “concert of states”, characterized by the pursuing of national self-interest, a certain balancing of power and a growing independence from the political-theological authorities of the churches, especially the authority of the church of Rome. But he *does* notice one important fact. The European concert of states, he observes, “behaved... differently towards each other than towards non-European states and people (as the colonies would experience).”<sup>14</sup> He does not elaborate on this

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12 Van Middelaar, “De stichting van Europa,” 550.

13 As the ominous title of a book by Ivan Krastev reads, *After Europe* (Philadelphia: University of Pennsylvania Press, 2017).

14 Van Middelaar, “De stichting van Europa,” 556.

subject, but we can complete his account here by establishing that the non-European world was considered mainly as a “free” domain where... a kind of state of nature continued to exist and the right of the stronger reigns.<sup>15</sup> For example, in his geopolitical historiography *Der Nomos der Erde im Völkerrecht des Ius Publicum Europaeum* (1950) the German jurist Carl Schmitt (who cannot be accused of political correctness) writes that, from the 16th to the 20th century, the (European) international law considered only the Christian European nations as creators and subjects of order, and “civilization” as identical with European civilization. These nations saw the appearing new world as “free space” (*freier Raum*) for European occupation and expansion.<sup>16</sup> In this free space (they distinguished “free land” and “free sea”) the European law ended and, Schmitt added, the struggle between the European powers for the occupation of new land “got unrestrained (*wurde hemmungslos*)” – a struggle in a state of nature.<sup>17</sup> So here we are entering our colonial history.

### 3. The creation of a new South Africa

My second example of the relevance of the paradigm of the social contract is South Africa, one of the European colonies where we find, recently, an interesting use of the narrative of the leaving of a state of nature. In his dissertation from 2001 entitled *African Philosophy and the Quest for Autonomy*, the South African philosopher Leonhard Praeg used this narrative to clarify what happened in his country in the transition from Apartheid-South Africa to the non-racial democracy of today from 1994 on.<sup>18</sup> In the introduction to his study, Praeg tells us that he will make use of the narrative framework or “magnifying glass” of the social contract theory in the Hobbesian version, on the assumption – just as Van Middelaar after him – of the continued relevance of this theory as an “heuristic tool”, especially in its narrative aspects, in contemporary South Africa. He

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15 Carl Schmitt, *Der Nomos der Erde* (Berlin: Duncker & Humblot, 1950).

16 Schmitt, *Der Nomos der Erde*, I, “Die Landnahme einer Neuen Welt,” 55.

17 Schmitt, *Der Nomos der Erde*, 62. Later (p. 64) Schmitt explicitly links this struggle to the Hobbesian topos of the state of nature.

18 Leonhard Praeg, *African philosophy and the quest for Autonomy. A Philosophical Investigation* (Amsterdam: Rodopi, 2001).

divides – more detailed as we did thus far – this narrative in four elements or “coins”: 1) a narrative about the pre-political (the state of nature), 2) a narrative about the “rupture” with or in(ter)vention in this existing condition, and so the attainment of self-consciousness, in Hegelian terms, 3) the social contract itself, and 4) a narrative of constant threats and possible collapse and breakdown of civil society– and thus about a possible return to the state of nature.<sup>19</sup>

Praeg uses the social contract narrative for analysing two discourses in South Africa: the post-colonial discourse and the discourse of the Truth and Reconciliation Commission (TRC) in the 1990s. According to him, you can find the four micro-narratives in the post-colonial discourse or meta-narrative about “Africa”, but with rather drastic differences in the meaning of it. First, the “natural state” in this discourse is traditional or pre-colonial Africa (1), the second phase is the invention or better colonial intervention (2) that resulted in the establishing, or better the imposing of, colonial order (3), accompanied – fourth phase – by a constant reference to the possible collapse of this order (4). This latest stage can be interpreted – “very crude”, Praeg admits – in two very different ways. The “liberal” and racist interpretation talks about a return to a Hobbesian state of nature, a state of misery in so-called “primitive Africa”. The second interpretation, from the side of what Praeg calls a “ethnophilosophical desire of Africanists”, considers the existing (colonial and post-colonial) order “contrary to nature” and alienating from a *positive* “natural condition”. This seems to be the meaning of the well-known statement of ex-president Jacob Zuma that “all the problems in South Africa began with Jan van Riebeeck” – a simple reversal of the narrative about the exodus of the state of nature in a civil state.

Praeg states – rightly, I think – that the whole division of Africa’s history into a pre- and post-colonial period is not a “natural given” but a meta-narrative political construct. This meta-narrative “serves to erect, for apparently noble political and ideological reasons, certain domains of knowledge that are then assumed to epitomize an equally apparent natural *progression* (in the case of the new-racist version) or *decline* (in the case of the Africanist

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19 Praeg, “Introduction”, XIX–XXII, and Chapter I, B: “Four narratives” in *African philosophy and the quest for Autonomy*, 4–41.



version) from an original state of freedom, (a decline) to oppression and finally, liberation conceived of as recovery of a lost freedom.”<sup>20</sup> Let’s say, a real post-colonial South Africa.

It is almost twenty years ago that Praeg wrote this. Against the background of his reflections on pre- and post-colonial Africa I can now pose one of the questions that I want to raise in this contribution. When we must begin a serious, even urgent dialogue, about the continued history of the impact of “coloniality” (many participants in this discussion talk about “exclusion” and “dehumanization”), the question arises (in the vocabulary of the social contract-narrative): do the people of South-Africa *really* live in a “non-racial democracy” worth of the name? Or do they live somewhere *between* an imposed colonial order and a free-chosen non-racial democracy? That would be in some sense comparable to the situation described by Van Middelaar in his account of the creation of Europe: according to this description, we also live in a situation of a “passage” or “transition”, where we can say that some are moving to a European Union, but others consider the whole European project as a kind of *fausse piste*, a wrong way destined to break down, so that we can return to the good old democratic nation state or – as a Hobbesian as van Middelaar fears – to the state of nature between European nations.

### 3.1 The TRC in the experience of aporia

At this point, Praeg’s analysis of the TRC can perhaps help us further. In the last, long chapter of his book, entitled “Truth and Reconciliation: a social contract”, he offers us an analysis of the TRC discourse in terms of the political imaginary of the social contract theory. I can limit myself to the critical kernel of this rich analysis which is, I think, possible because the TRC as an international (media-)event did receive worldwide attention so that we can suppose its history as more or less common knowledge. As we know, the TRC was based on the final clause of the Interim Constitution (1991). In this clause, a general contractarian division between the pre-political (a state of nature) and the civil can be perceived. “This constitution”, we read, “provides a historic bridge between the past of a deeply divided society characterized by strife, conflict, untold suffering and injustice, and a future

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20 Praeg, “Introduction,” XXVII.

founded on the recognition of human rights, democracy and peaceful co-existence and development of opportunities for all South African”<sup>21</sup> – here we find the promise of “inclusion” often mentioned by post-colonialists. So, the TRC had the important task to forge a transition between the “old” and the “new” South Africa; its stated objective was “to effect national reconciliation by mastering the past and in this way to construct a national memory for the new South African nation”.<sup>22</sup>

The South African condition of a low-key civil war approached the situation-without-opening described by the philosopher Jacques Derrida in 1990 as a situation where the “experience of the aporia” had become the experience of all parties in the conflict and the creation of a new order was something like a jump in the dark. In his text *Force of law* he describes the contradiction inherent in such a situation: “On the one hand, it appears *easier* to criticize the violence that founds since it cannot be justified by any pre-existing legality and so appears savage.” (As we remember, at the time, President De Klerk declared for example: “we don’t want to substitute one form of dictatorship by another”). But “on the other hand”, Derrida continues, “it is *more difficult*, more illegitimate to criticize this same violence since one cannot summon it to appear before the institution of any pre-existing law: it does not recognize existing law in the moment that it founds another.”<sup>23</sup> (the ANC considered the government in charge as an illegitimate form of dictatorship).

In a context of violence and contra-violence in 1992 I noticed a woman in Soweto (I was a guest there for one week) saying: “Perhaps God must kill us all tonight, so that there can be a new beginning with new people tomorrow morning.” So, in her religious vocabulary she referred to an origin, to a force and to a decision that would destroy all legitimacy and legality and all its protagonists in a sort of Judgment Day, to make a new beginning possible. Later, I suspected that the catastrophic fabric or web of guilt she was referring to, the “us” she was evoking, a “we” that included her

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21 *Interim Constitution*, in D. Omar, quoted by Praeg, African philosophy and the quest for Autonomy, 225–226.

22 Praeg, African philosophy and the quest for Autonomy, 222.

23 Jacques Derrida, “Force of Law. The ‘mystical Foundation of Authority.” *Cardoso Law Review* 11, no. 5–6 (July/August 1990): 921–1038; 1001.

friends *and* her enemies, was exactly the condition of possibility that made possible the TRC and the “transition” to a new South Africa. Praeg, for his part, analysed the post-colonial *Ubuntu*-vision of the desired social bond (*I am because we are*) extensively, beside the “Christian” and the “nationalist” vision. But, again, perhaps we must raise the question: is there something like a new South Africa, 25 years later?

Well, what Praeg showed in his chapter about the work of the TRC was, that its efforts and “method” were at the same time admirable *and* made the whole undertaking deeply problematic. How could the telling of unique, *singular* stories of victims at the same time serve as fuel for *collective* reconciliation, nation building and new regard for the law? How to forge a fair exchange between truth and amnesty, between acknowledgement of stories of suffering and forgiveness? After all, because the necessity of national reconciliation as a frame story was already decided beforehand (the alternative was falling back in the “state of nature” of a civil war), the unique, individual stories of victims and perpetrators were necessarily subordinated and instrumental to this outcome. As Praeg demonstrates in detail, due to this instrumentality, some stories we silently considered as more useful by the commission than others, while other stories (for example about inconceivable cruelties) were considered as inconvenient, so that these had to be buried in oblivion. Praeg does not report this to criticize the work of the TRC, he even thinks the “disfigurement of the victim” or the symbolic violence inherent in its method for the sake of the construction of a new national ideology was “inevitable”.<sup>24</sup> The notion of sacrifice is not far away here.<sup>25</sup> To be honest, I am, as a citizen of one of the powers who colonized South Africa, not in a position to judge in this case.

#### 4. Hobbes: liberty versus imperium

Let us now return to Hobbes and his conceptualization of the state of nature as an historical example. First: just as, as I argued, South Africans and, in another sense, Europeans today, Hobbes lived in a period of *transition*, a situation where he realized that the period of monarchy, or – more

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24 Praeg, African philosophy and the quest for Autonomy, 222.

25 See Balibar, “Hegel, Hobbes and the Conversion of Violence,” 46–48.

precise – the era of the “divine rights of kings”, was over; he was searching for a new, democratic legitimation of his political community. The English civil war and the execution of King Charles I in 1649 in London, two years before he published his *Leviathan*, made this dramatically clear. Therefore, many interpretations of his writings lay stress on the fact that his texts, especially *On the Citizen* and *Leviathan*, are “partisan political tracts” and “exercises in public persuasion”.<sup>26</sup> Secondly, I already noted incidentally that Hobbes, when he wrote about the state of nature, referred to colonial experiences of the British in America. Other readers of Hobbes – among them Leonhard Praeg<sup>27</sup> – consider the whole construction of a “state of nature” in Hobbes’ theory of the state as a thought experiment, a fiction we can imagine when we count the costs of our (dis)obedience to the existing political order. And others again point to the fact that Hobbes is referring to the English civil war as an example of the violent disorder of a state of nature. Remarkable enough, *all* these readers are right, because, as Francisca Falk observes: “In Hobbes’ writings, the status of the state of nature oscillates: his expositions are ambivalent in respect of the question, if the state of nature and the unrestricted violence resulting from it is a historical fact, a state that is still present or a hypothetical construct necessary for the analysis of the conditions of state order.”<sup>28</sup> For a reading that is attentive of (de)coloniality this ambivalence makes Hobbes’ texts more interesting, I think. Let us first concentrate on Hobbes’ interpretation of the characteristics of the new discovered continent, America. We can illustrate this very well by commenting on the way Hobbes was concerned with the visual representation of his political ideas, a concern he shared with classical humanism in which he was educated. In this rhetorical

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26 Quentin Skinner, “Hobbes on representation.” *European Journal of Philosophy* 13, no. 2 (2005): 155–184; 155. And Malcolm, quoted in Manow, *Politische Ursprungphantasien*, 13. See also Horst Bredekamp, *Thomas Hobbes, Der Leviathan. Das Urbild des modernen Staates und seine Gegenbilder, 1651–2001* (Berlin: Akademie Verlag, 2003).

27 Praeg, *African philosophy and the quest for Autonomy*, 224: “One needs to constantly bear in mind the profoundly fictitious nature of the Leviathan.” The Leviathan “departs from a methodological fiction, the state of nature, in order to execute a fictitious re-enactment of re-construction of civil society.”

28 Franciska Falk, *Eine gestische Geschichte der Grenze*, 52. See also Michiel Huyseune, “Hobbes, Volney en de Tocqueville. De natuurstaat, Amerikaanse indianen en theorievorming in de sociale wetenschappen,” in P. de Hert, M. Colet & A. Kinneging (ed.), *Thomas Hobbes. De ik-gerichtheid van de politieke filosofie* (Eindhoven: Damon, 2019).

tradition, it was very important “that your audience come to “see” what you are trying to describe”, to “turn your auditors into spectators’ and to offer a picture of an event so that it seems “painted in words”.<sup>29</sup> Hence the immense popularity in the late Renaissance of the genre of emblem-books and the use of *emblemata* and also comely frontispieces that were not only decorative but also symbolic and explanatory in character. So, let’s look at the frontispiece of *On the citizen*, in Latin the *Elementa Philosophiae, sectio tertia: De cive*, so *Philosophical Elements of Citizenship*.



Frontispiece for Thomas Hobbes, *De cive*<sup>30</sup>

29 See Quentin Skinner, “Hobbes and the Iconography of the State”, in Skinner, *Hobbes and the State* (Assen: Royal Van Gorcum, 2014), 41–87; 44–45.

30 Image courtesy of Wikidata; <https://www.wikidata.org/wiki/Q1149540>, accessed 3 July 2023.

The interpretation of this frontispiece is part of a research question that is relevant for each postcolonial research project: “What did the people (the Europeans, author) see, when they looked at America in the first half of the seventeenth century?”<sup>31</sup> The frontispiece gives us some sort of an answer:

- The image is divided horizontally into roughly equal halves, and vertically very apparent in a positive and a negative side. Above the so-called entablature on which the word “religion” is inscribed, we see a representation of the Last Judgment with a Jesus/God-like figure holding a crucifix. Here, a separation is being executed between the damned, who are sent to hell by devils with a trident, and the saved. We see angels who bring the resurrected to heaven. Hobbes’ suggestion is very clear: human life “takes place under religion, and we need to remember that we shall be judged by those above.”<sup>32</sup> In the lower section there is a corresponding separation or division, this time caused by a fringed cloth hanging from the entablature with the title and date of publication of Hobbes’ book – in a sense, it is this book that is performing the division. His book wants to comply with the book of proverbs (Salomo) 8:15: “Because of me kings are reigning, because of me rulers determine what is right”. On the left and on the right (or, seen from the position of the Son of God, the other way around) we see two armed figures standing on a pedestal – a conventional pose in comely frontispieces.
- On the pedestal on the left is inscribed “imperium” (or, in Latin: *summum potestas*), on the one on the right *libertas*, freedom. So, according to Hobbes, in human life we have two options. The first is a life of submission to a supreme power. In that case, we can hope for a life grounded on justice: the young, female figure is shown as a sovereign wearing a closed imperial crown, holding aloft the sword of penal justice in her left hand, while carrying the scales of distribute justice in her right. In this case, we can accept to gain security and prosperity, illustrated in the landscape within which the imperium is situated: we see a city on the hill, people busy harvesting fruitful fields. And, as Quentin Skinner adds, “there is a hint in the gesture

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31 Manow, Politische Ursprungphantasien, 23.

32 Skinner, “Hobbes and the Iconography of the State,” 53.

with which imperium points upwards with her sword that there is a connection between the pursuit of justice on earth and the attainment of salvation when we come to be judged.”<sup>33</sup> We can, however, also choose the state of nature, were *libertas* reigns, a life of natural freedom. The figure on the right is an American Indian dressed in a feather skirt and decorations on the arms. The Indian (a woman or a man?) looks degenerated and worn out, with a wrinkled brow, and a hogback. His/her arrow points to the ground and – remarkable detail – the pedestal seems to be affected by the ravages of time. The Indian is standing on shaky ground seems to be Hobbes’ message. In the background we see naked or semi-naked savages with bow and arrow and cannibals preparing human remains for dinner. In the background, not a city but a village protected by palisander. (See figure 2). Also, whoever opens the book finds that the three domains presented in the frontispiece – *Religion*, *Imperium* (Government) and *Liberty* also reflect the three parts of *On the Citizen*. So, the frontispiece summarizes the central ideas of the book.

I already quoted Hobbes’ statements about the state of nature in America in *On the Citizen*, but also in *Leviathan* we can find similar statements.<sup>34</sup> In recent research more is reported about Hobbes’ sources, especially the travel reports of Theodor de Brye between 1590 and 1634 with engravings based on the drawings of John White and Jacques Le Moyne de Morgues.<sup>35</sup> In these reports, transgressions of (European) symbolic boundaries are prominent, especially the boundaries between the sexes. There were, for example, reports about “man without growth of beard and no hair on their bodies, but with long plaits of hair and long nails, ornaments and

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33 Skinner, “Hobbes and the Iconography of the State,” 53. Also Falk, *Eine gestische Geschichte der Grenze*, 48.

34 Thomas Hobbes, *Leviathan*, 85. After his sketch of the state of nature as a “time of war”, a time were the “disposition to war” is “sufficiently known”, he writes: “It may peradventure be thought, there was never such a time, nor condition of war as this; and I believe it was never generally so, all over the world: but there are many places, where they live so now. For the savage people in many places of America, except the government of small families, the concord whereof dependeth of natural lust, have no government at all; and live at this day in that brutish manner, as I said before.”

35 See Manow, *Politische Ursprungphantasien*, 16 and II, “In the beginning, all the world was America”, 23–34; Falk, *Eine gestische Geschichte der Grenze*, 47–63, and Skinner, “Hobbes and the Iconography of the State.”

tattoos, man who at the same time were in an ostentatious way dedicated to a masculine-martial cult of warring.”<sup>36</sup> The travel reports, Manow summarizes, document practices of violent punishments and public sexual manipulation of enemies killed in action – scalp, castration, cutting off heads, limbs, genitals, committing sodomy with dead corpses, cannibalistic practices, etc.

But even more disturbing was that these reports seemed to erase or deconstruct the whole symbolic boundary between “civilized” Europe and “wild” natives. There were, for example, also reports on the atrocities of the Spanish occupying power. These reports “created doubts about the whole question of who can be considered the real barbarian here.”<sup>37</sup> Because the travel reports were weaved into the religious polemic between Catholics and Protestants in the context of the religious civil wars of the 16th and 17th century, the same doubts arose about reports about the struggle between Spanish Catholics and French Huguenots, for example the massacre of Florida in 1564. In short, the whole distinction between *we* (Christians) and *they* (heathens) was complicated because in Christian self-understanding; heretical Christians who were “not Christians anymore” were morally even lower ranked than heathens, the “not-yet-Christians”.<sup>38</sup> In this way, the reports could also be read as critical comments on the contemporary conditions. After the suppression of the revolts by Cromwell’s army in 1652, for example, there was a comment: ‘We have Indians at home – Indians in Cornwall, Indians in Wales, Indians in Ireland.’<sup>39</sup> Hobbes was very aware of that. Therefore, the frontispiece of *On the citizen* must, according to Hobbes, not only be read from left to right (as narrative of progress), but also from right to left, as warning for the regression to the state of nature.<sup>40</sup> At this point, Hobbes intervened in his own time as a critical voice who demythologized the dominant political genealogy of Britannia that equipped the British nation with a fantastic, legendary prehistory.

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36 Manow, *Politische Ursprungphantasien*, 24.

37 Manow, *Politische Ursprungphantasien*, 24

38 Manow, *Politische Ursprungphantasien*, 25, 85.

39 Manow, *Politische Ursprungphantasien*, 26.

40 Manow, *Politische Ursprungphantasien*, 86.



## Conclusions

If we interrogate the political imaginary of the social contract in the Hobbesian version, we discover its deep ambiguity. The whole idea of a state of nature that must be transcended can be used as a tool to legitimize colonial subjection of “primitives”, but also as critical mirror of contemporary society, haunted as this was, in Hobbes’ times, by political-religious strife and war. Bartolomé de Las Casas’ report *Brevisima Relación de la Destrucción de Las Indias* (1551) – the book got well-known in England in 1590 – made it clear once and for all that the cruelty of the Spaniards overruled Indian customs by far.<sup>41</sup>

The description of the people they met in America is clarifying as a source for the self-understanding of Europeans. In Hobbes’ writings, it is part of his partisan political tracts, and “not any less mythical and instrumental than any association of the state of nature with the deep, European past.”<sup>42</sup>

The structure of the whole narrative about the “natural” and the “civil” state leaves us with an important question that I raised already a few times: did we ever leave the state of nature as a state of (possible, threatening) violence – in the seventeenth century, in contemporary Europe and in South-Africa? For a contemporary post-colonial view on this Western political imaginary, a remark of Blaise Pascal, quoted by Carl Schmitt, can help us further. In his geopolitical work *Der Nomos der Erde* Schmitt explains that pacts, peace and political friendship were concepts and categories that were only valid on the “old” continent, Europe, on this side of the “lines of friendship” – *Freundschaftslinien*, in his vocabulary. Consequently, these categories were not relevant in the “New World”, on the other side of the line (geographically the so-called Zero-meridian, over the Canaries). And here, he cites Blaise Pascal (1623–1662), who wrote not without sarcasm: “Three degrees of elevation of the pole position, and the whole jurisdiction is subverted. A meridian decides on the truth, or some years of possession. The most fundamental laws change. The law has its date. A pleasant justice that is limited by a river or a mountain! It is

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41 Manow, *Politische Ursprungphantasien*, 85.

42 Dicus, ““Some man” and the savage,”109.

the truth on this side of the Pyrenees, an error on the other side.”<sup>43</sup> For a thinking man like (the Christian) Pascal, Schmitt writes, it was “a shocking fact, that Christian rulers and people had agreed that, for particular spaces the whole distinction between right and wrong was absent. (...)” In these spaces, Schmitt added, “the civil state was absent and a lawless state of nature” was the only reality.<sup>44</sup> Probably, Schmitt was right and honest when he described the creation of a huge domain where – in his words – “ruthless violence” (*rücksichtloser Gewaltanwendung*) was the rule as an “enormous relief” (*Entlastung*) of the problems inside Europe.<sup>45</sup> In other words, thanks to the rights of the stronger party in the domain *beyond the line*, the Christian princes and nations could, step by step, develop international law on this side of the line. So, civilization and barbarism went hand in hand in Europe.

*Un Méridien décide de la vérité* (A meridian decides on the truth), Pascal wrote. Can we consider that as a transcended condition today? Not really, I’m afraid. Consider the assassination of the Saudi journalist Jamal Khashoggi in 2018. It could be, the then president of the United States declared, that the king Salman and crown-prince Mohammed bin Salman knew about this tragic event – “perhaps he knew about it, perhaps not”. For Trump, it doesn’t matter, because “after my journey to Saudi-Arab, the kingdom declared to be willing to spend and to invest 450 billion in the United States.” So, almost 400 years after Pascal’s birth, “a meridian still decides on the truth”. Which means: the Saudi prince and his family still has the power that Hobbes associated both with the individual or family in his famous “state of nature” as with the sovereign who can punish us when he thinks it’s useful to do so.<sup>46</sup> European politics is not much better. While many of them today criticize the so-called “cultural relativism” of their “multicultural” opponents (“we must stick to our values”, is their motto), the same cultural relativism is dominant when they are trading with the non-European outside. So also in this area, the state of nature

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43 Schmitt, *Nomos der Erde*, 63.

44 Schmitt, *Der Nomos der Erde*, 64.

45 Schmitt, *Der Nomos der Erde*, 62.

46 See Reinhardt Brand, “Der Leviathan und das liberale Commonwealth. Staatsrecht und Strafrecht bei Hobbes und Locke.” *Deutsche Zeitschrift für Philosophie*, 56 (2008): 205–220.

survives. Perhaps we must conclude that “transcending the state of nature” or the law of the strongest is a permanent task for us, in Europe, in the US, in Saudi Arabia, and in South Africa.